

**Minutes of Meeting  
Belton Planning Commission  
City Hall Annex, 520 Main Street  
June 8, 2020**

**CALL TO ORDER**

Chairman Girgin called the meeting to order at 6:00 p.m.

**ATTENDANCE**

*Commission:* Chairman Girgin, Mayor Jeff Davis, Councilman Chet Trutzel, Commissioners Tim McDonough, Tom MacPherson, Kara Anderson, and RJ Warren

*Absent:* Commissioners Sally Davila and Kelly Monaghan-Bass

*Staff:* Dave Clements, Planning and Building Director; Madison Smith, Development Technician; Carolyn Yatsook, Economic Development Director; and Nikia Freiberger, Asst. City Engineer

*Guests:* Brad Haymond, NorthPoint Development, 4825 NW 41<sup>st</sup> St, Suite 500, Riverside, Missouri 64150; Gabe Vogl, Rosemann & Associates, 1526 Grand Boulevard, Kansas City, MO 64108; Mick Slutter, Renaissance Infrastructure Consulting, 1815 McGee Street, Suite 200, Kansas City, MO 64108; Diane Huckshorn, Belton Chamber of Commerce, 517 Main St, Belton, Missouri 64012; Kathy Morton, 408 Bradford Lane, Belton, Missouri 64012; Todd Christy, 412 Bradford Lane, Belton, Missouri 64012; Connie Davis, 407 Bradford Lane, Belton, Missouri 64012; Bret White, 608 Mallory Drive, Belton, Missouri 64012; Lori Inouye, 310 Apple Blossom Lane, Belton, Missouri 64012; Mary Hays, 603 Givan Avenue, Belton, Missouri 64012; and Larry Favand, 804 Givan Avenue, Belton, Missouri 64012

**MINUTES**

Chairman Girgin had a correction to the May 4, 2020 meeting minutes. Commissioner Tom MacPherson was not listed in attendance. Councilman Trutzel moved to approve the May 4, 2020, Planning Commission meeting minutes. Commissioner Anderson seconded the motion. All members present voted in favor, and the motion carried.

**PUBLIC HEARING** – Rezoning from the existing C-2 General Commercial District to a R-3A Planned Unit Development District, and a Preliminary Development Plan to permit the development of the Northpoint Apartments, consisting of 322 units in six buildings on 11.64 acres. The property is located on the South side of 163rd Street, midway between Markey Parkway and Givan Avenue, at the intersection of Turner Road and 163rd Street.

Mr. Clements gave a summary of the staff report. The applicant, architect and engineer were present to answer questions. Staff recommends approval of the rezoning with the conditions noted in the staff report. The staff report is attached as Exhibit A.

The public hearing was opened at 6:14 p.m.

Brad Haymond with NorthPoint Development was present to give an overview of the project. He stated the following:

- They have developed about 3500 units across the KC Metro in the past 8.5 years
- Proposing 6 apartment buildings and independent clubhouse with pool and other amenities
- Walking trail and dog park would be available for private and public use
- Masonry brick or stone used on buildings
- Proposed units to have tuck under garages, as well as detached garages and carports
- Stainless steel appliances and quartz countertops to be used inside the units
- Variety of bedroom mix, ranging from about 550 to 1600 square feet
- Variety of income level and employment fields

Diane Huckshorn, Director of Belton, MO Chamber of Commerce, 517 Main Street, Belton, MO was present to speak in favor of the development. Mrs. Huckshorn provided the following:

- NorthPoint is a valuable member of the Chamber of Commerce
- Previous projects they have done look wonderful and seeing the 163<sup>rd</sup> St corridor developed would be amazing for Belton and its residents
- The City of Belton has a lack of high-quality rental units
- Its important for our community to have options for rentals as we continue to grow and attract new residents and businesses
- Not having the maintenance and being close to so many businesses is a hot spot for apartments

Kathy Morton, 408 Bradford Lane, Belton, MO was present to speak and ask some questions regarding the proposed development. She stated the following:

- Her house would back up to the complex
- Would also like to have a nice place to live if she ever decided to sell her house
- Would like to assurance that the trees are staying to act as a buffer between the apartments and the single-family homes

Ms. Morton also had questions regarding previous properties; if they have all been leased, and if any have changed to low income housing. The applicant stated their occupancy generally sits around 93% and has increased to 95% over the past few months.

Todd Christy, 412 Bradford Lane, Belton, MO was present to speak and ask some questions regarding the proposed development. He stated the following:

- His house would be adjacent to the complex
- Was originally concerned about commercial development being right behind his property when he first bought it a few years back, so changing it to a residential use would put him more at ease
- Walking trail and dog park would be a great benefit to the City and its residents
- Would also like assurance that the existing trees would be staying
- Requested more evergreens to be planted if possible, to have a natural and visible barrier

Mr. Christy had a question regarding the construction times for the proposed development. The applicant stated they would have normal construction times during normal business hours, starting about 7 or 8 o'clock in the morning until about 4 p.m. No construction would be taking place during the night.

Connie Davis, 407 Bradford Lane, Belton, MO was present to speak against the proposed development. She stated the following:

- She received a letter, but her neighbor did not

- She has owned her house since it was built in 2000 and it is paid off
- She has put a lot of time and money into her house and she does not want her property value to decrease
- She does not want to move nor can she afford to
- Doesn't believe that there is room for that many people in such a small area
- This would create a noisy and even more congested area with traffic and people

Ms. Davis also had a question regarding if this would be a TIF district. Mr. Clements, Director of Planning and Building stated that this is not a TIF district, and no application has been filed for a tax increment financing district.

Bret White, 608 Mallory Drive, Belton, MO was present to speak and ask questions regarding the proposed development. He stated the following:

- He would not have known about this meeting if it wasn't for social media and neighbors because he did not receive a letter
- The traffic increase would be passing right by his house
- Belton needs something to help it grow and make it worth staying and living here
- Believes there should be a better notification process to notify residents about proposed projects like this

Mr. White had questions regarding the anticipation of traffic patterns and how the proposed development would help with water and sewer rates for residents. The developer stated a traffic study has not been done yet. He would assume the increase in people and more residents paying into it, would help with water and sewer rates. The developer also stated that the development company would be paying for all of the new infrastructure that would need to be installed to support this development.

Mr. White was also confused by the use of the terms "generally meets" and "exceeds" standards when Mr. Clements was giving his staff report. Mr. Clements stated that the proposed development exceeds most requirements of the R-3A residential district, however, the applicant has requested a few exceptions. He referred Mr. White to the staff report so he can further inquire about the requirements and standards and the exceptions that the applicant is asking for.

Lori Inouye, 310 Apple Blossom Lane, Belton, MO was present to speak and ask questions regarding the proposed development. She stated the following:

- She also found out about this meeting from social media
- She is concerned about traffic congestion with adding more people to the area
- She is concerned about properties flooding due to being in a lower plain
- Would like to change the notification process for notifying property owners and residents about proposed projects
- Will need more police and fire since we will be increasing people
- Hopes this development is kept upscale and does not end up as section 8 housing

The Director stated that Ms. Inouye could ask the City Council to make an amendment to the Code if she wishes to change the notification requirements. He also explained to Ms. Inouye that this development has proposed adequate water and sewer facilities.

Ms. Inouye had questions regarding the number of entries/exits for the development. The applicant and Director stated that there are 2 entries/exits, and the Fire Marshall has reviewed the plans and has agreed that entries and exits are adequate for fire access and egress.

Ms. Inouye also had a question regarding schooling and if a new school would need to be built due to the amount of kids that would move to Belton to live in the apartments. The applicant stated that most of their apartment communities do not have many school age children. For example, the first phase of Summit Square apartments had a total of 8 school age children, out of 308 units that were added to the school district when the apartments were leased.

Mary Hays, 603 Givan Avenue, Belton, MO was present to speak and ask questions regarding the proposed development. She stated the following:

- A better location would have been off Markey Parkway behind Home Depot
- Believes that the storm water management is not adequate enough and that it poses risk on the houses in Bradford Estates
- Concerned about dust during construction and how it will be controlled
- Concerned about the increased need of police and fire services and if the City will be raising sales tax again to contribute to that increased need

Ms. Hays asked the applicant why they would choose this specific location for a proposed apartment complex. The applicant stated to Ms. Hays that the location of this property is a good buffer between the single-family residential houses that sit behind it and the commercial properties that surround it. The property also has adequate access, visibility and infrastructure.

Ms. Hays also inquired about whether or not the developer has already purchased the property. The applicant stated the purchase is contingent on the approval of the rezoning and development plan. The developer also stated that they will have measures in place for dust control and anyone who has problems or concerns, can contact them or the City directly.

Larry Favand, 804 Givan Avenue, Belton, MO was present to speak about the proposed development. He stated the following:

- Has lived in his home since 2001
- Thinks the applicant could have chose a different and better location
- Concerned about the risk of crime increasing in his neighborhood
- Hopes this development does not have a negative impact on his property value
- Does not feel that residents have had the opportunity to learn more about this proposed project
- Will there be on-site 24-hour management? Who will be policing this complex?

With no further input, the public hearing closed at 7:07 p.m.

Councilman Trutzel stated that this developer produces a quality product. He wanted to remind everyone that the choice of property comes from the developer. If you go to surrounding cities, you will see its very common to have residential and commercial properties in close proximity to each other. Generating more people means you are generating more sales tax for your own City.

Commissioner MacPherson had some questions regarding the housing study that had taken place a few years ago and the findings of that study. Carolyn Yatsook, Economic Development Director, was the liaison

to that study that took place in 2017. Mrs. Yatsook stated one of the major findings was the lack of contemporary, high quality rental and apartment development in the face of increased generational demand. Members of the local hospital have stated they have had problems recruiting young professionals due to the lack of rental units in Belton. The Economic impact from having an apartment complex of this caliber at the gateway to our City would be huge for our community.

Commissioner Warren thanked NorthPoint for choosing Belton and believes this will be a great addition to the City of Belton.

Commissioner MacPherson wanted to inquire about storm shelter space. Has the developer thought of any plans for that? The applicant stated that they have not completed the preliminary design for a storm shelter and plans of such depend on the municipality and their code requirements.

Mayor Davis wanted to make a few statements regarding concerns and questions he heard during the public hearing. Mayor Davis stated that there will be no access to the apartments off of Givan Avenue. Cass County does not pay an earnings tax which is a big factor for bringing in business. The opportunities and economic stimulation that this developer is going to bring to our City is astronomical. It's okay to have concerns, we want people to be happy and want to live and stay here.

Chairman Girgin stated that the Commission is very fortunate that NorthPoint has selected Belton. They have brought a phenomenal commercial development to our City that is going to create thousands of local wage jobs. We hope everyone knows that these projects are not undertaken lightly or dismissively. We do welcome your concerns, and we want to assure you that there is no better developer for this project.

Commissioner Anderson asked the applicant when they built their first property and if it is currently still owned by NorthPoint. The applicant stated they built their first property about 8 years ago and it is not still currently owned.

Councilman Trutzel moved to approve the plan with the following conditions:

1. The Preliminary Development Plan for Northpoint Belton Apartments is hereby approved, as shown on Site Development Plan by Renaissance Infrastructure Consulting, dated 5/22/2020.
2. Building elevations and building perspective drawings for Northpoint Belton Apartments are hereby approved, as shown on plan set by Rosemann & Associates, dated 4/10/2020.
3. The PUD includes exceptions for building height, and the front yard setback.
4. The Final Development Plan shall include architecture and building materials for the clubhouse.
5. Trash enclosures shall be masonry construction to match the buildings with a gate, additional landscaping shall be provided the enclosures.
6. The Final Development Plan shall include details of the proposed carports and surface garages. Exterior materials on the structures shall match the buildings.
7. The trail design shall be revised to address staff comments. The pedestrian trail shall be a 5-foot width, with asphalt surface.
8. The Final Development Plan shall include a final landscape plan sealed by a registered Landscape Architect.
9. The Final Development Plan shall include a photometric plan for parking lot and building lighting.
10. The Final Plat shall include a shared access easement for the south entrance.

11. The Final Development Plan shall include a revised water line to eliminate a dead-end line for fire safety.
12. Retaining walls shall include a safety rail
13. The Final Development Plan shall include a Development Agreement to be executed between the applicant and the City of Belton.

The motion was seconded by Commissioner Warren. When a vote was taken, the following was recorded:  
Ayes: 6 – Chairman Girgin, Mayor Jeff Davis, Councilman Chet Trutzel, Commissioners Tom MacPherson, Tim McDonough and RJ Warren

Noes: 1 – Commissioner Anderson

Absent: 2 – Commissioners Sally Davila and Kelly Monaghan-Bass

The motion passes. The application for the rezoning will be forwarded to City Council on June 16, 2020 for approval.

**PUBLIC HEARING** – Rezoning from the existing A Agricultural Zoning District to a R-1 Single-Family Residential District for the property located on the North side of Cambridge Road, approximately 236 feet East of Mullen Road.

Mr. Clements gave a summary of the staff report. The applicants, Christopher and Micah Whorton were present to answer any questions. The Whorton family own the property and is commonly known as Whorton Farms. The staff report is attached as Exhibit B.

The public hearing was opened at 7:36 p.m.

Councilman Trutzel had a question about the easements for this property and asked if this would create any problems for the work that is supposed to take place on Cambridge Road. Mr. Clements stated the easement issues have been resolved.

The public hearing was closed at 7:37 p.m.

Councilman Trutzel moved to approve the plan with the following condition:

1. The rezoning for Whorton Farms is hereby approved, in order to implement the Final Plat prepared by Michael J. Huffman, dated 5/01/20.

The motion was seconded by Commissioner MacPherson. When a vote was taken, the following was recorded:

Ayes: 7 – Chairman Girgin, Mayor Jeff Davis, Councilman Chet Trutzel, Commissioners Kara Anderson, Tom MacPherson, Tim McDonough and RJ Warren

Noes: 0 – None

Absent: 2 – Commissioners Sally Davila and Kelly Monaghan-Bass

**NON-PUBLIC HEARINGS** – Approval of a Final Plat for the Replat of Whorton Farms, located on the North side of Cambridge Road, approximately 236 feet East of Mullen Road.

Mr. Clements gave a summary of the staff report. The staff report is attached as Exhibit C.

With no input, Commissioner Warren moved to approve the Final Plat for the Replat of Whorton Farms with the following conditions:

1. The final plat for the Replat of Whorton Farms, dated May 1, 2020, by Michael J. Huffman is approved as submitted.
2. The final plat shall be recorded within one year of City Council approval or the approval of the plat shall be considered null and void.

The motion was seconded by Councilman Trutzel. When a vote was taken, the following was recorded:  
Ayes: 7 – Chairman Girgin, Mayor Jeff Davis, Councilman Chet Trutzel, Commissioners RJ Warren, Tom MacPherson, Kara Anderson, and Tim McDonough

Noes: 0 – None

Absent: 1 – Commissioner Sally Davila and Kelly Monaghan-Bass

The motion carried and will be forwarded to the City Council for final approval.

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

- At the next meeting, we will be looking at the revision for the 3<sup>rd</sup> Plat and preliminary plan for the Southview Commerce Center.

**NEXT MEETING DATE:** July 6, 2020

#### **ADJOURNMENT**

Commissioner McDonough moved to adjourn the meeting. The motion was seconded by Commissioner MacPherson. All voted in favor, and the meeting adjourned at 7:49 p.m.

## **EXHIBIT A**

**REZONING AND PRELIMINARY DEVELOPMENT PLAN  
NORTHPOINT APARTMENTS  
BELTON PLANNING COMMISSION  
MONDAY, JUNE 8, 2020 – 6:00 P.M.  
CITY HALL ANNEX BUILDING – 520 MAIN STREET**

### **APPLICATION**

*Property Owner*-Prime Site II, LLC. /Michael Hales

*Applicant*-Northpoint Development, LLC. /Nathaniel Hagedorn, Brad Haymond

*Engineer*-Renaissance Infrastructure Consulting/Mick Slutter

*Architect*-Rosemann and Associates/Gabe Vogl

*Location*-The property is located on the south side of 163<sup>rd</sup> Street, midway between Markey Parkway and Givan Avenue.

***Request-The application was filed for approval of a Rezoning from the existing C-2 General Commercial District to a R-3A Planned Unit Development District, and a Preliminary Development Plan to permit the development of the Northpoint Apartments, consisting of 322 units in six buildings on 11.64 acres.***

### **BACKGROUND**

This application was filed for a rezoning from the existing C-2 General Commercial District to a R-3A Planned Unit Development, and a related preliminary development plan.

Northpoint Development is an experienced and accomplished developer of rental apartments throughout the Kansas City market. The company has developed 3500 apartments throughout metropolitan area in the last eight years. Apartments similar in quality and design to the proposed plan can be viewed with the following links:

*Summit Square Apartments/Lee's Summit* <https://www.summitsquarekc.com/>

*Residences at New Longview/Lee's Summit* <https://www.liveatresidencesnlv.com/>

*Retreat at Tiffany Woods/Kansas City* <https://www.theretreatattiffanywoods.com/>

The preliminary development plan provides for 322 apartments on the 11.64-acre site. There are six, four-story buildings on the plan, a pool and clubhouse, a walking trail around the perimeter of the development with a dog park and a trail connection to Markey Parkway. Three of the buildings provide first floor garage spaces for residents, and there are carports, garages and surface parking to further meet resident and guest parking needs. The four-story buildings will all have elevators and interior corridors, the buildings are not walk-up apartments.



The bedroom mix of the apartments is as follows:

- 30 studio units
- 148 one bedroom/one bath units
- 38 one bedroom/one bath + den
- 84 two bedroom/two bath
- 22 two bedroom/two bath + den

These will be luxury apartments, the applicant states that rental rates will range from approximately \$850.00 for studio units to \$1600.00 for the larger two-bedroom homes, depending on phasing and time of construction and actual market conditions.

The applicant has provided the attached interior photographs of the units to depict the quality and finishes of the homes.

The clubhouse serves as a gathering and community resource for residents and includes a kitchen with coffee bar, fitness room, cycling studio, massage studio, conference room, screening/TV room, and an outdoor patio and grilling area. The swimming pool will be a heated salt-water pool with a sun deck.

The applicant believes the property is well suited for multi-family development. The development will provide luxury rental units that will offer new housing choices for residents of Belton and surrounding communities. The location is on an arterial street with nearby highway access. The site is not directly adjacent to any existing single-family homes, a stream buffer and wooded area separate the property from nearby homes in Bradford Place. Development of the site will help support existing retail and nearby employment centers.

#### **PRELIMINARY DEVELOPMENT PLAN**

The subject property is an 11.6-acre site located on the south side of 163<sup>rd</sup> Street, at the intersection with Turner Road. The site is midway between Markey Parkway and Given Drive. The signalized intersection of Turner Road and 163<sup>rd</sup> Street will be the main entrance to the community.

*Compliance with R-3A Standards and Planned Unit Development (PUD) Requirements of the Unified Development Code (UDC):*

The plan generally meets all requirements of the R-3A Community Residential District. The R-3A district is intended for multiple-family residential development adjacent to arterial streets, to and serve as a transition from commercial development to lower density residential development.

Parking: 1.5 parking spaces per unit for multi-family development or 483 spaces are required for the 322 units. There are 515 parking spaces proposed, including 122 attached and detached garages, 95 carport spaces and surface parking. The parking spaces meet all dimensional requirements for length, width and maneuvering.

Required Yards/setbacks:

- Front yard- 30-foot setback required. 20-foot setback proposed.
- Rear yard-20-foot setback required. 30-foot setback proposed.
- Side yard-5-foot setback required. Varies, exceeds minimum requirement.

Maximum Building Height-35-foot maximum. 41'-6" proposed height. To be measured at average height of gable.

Maximum Building Coverage-25% maximum. 18% proposed building coverage.

Required Open Space-30% of total land area required. 40% open space provided.

A land-use analysis and site data table is found on Sheet CO-3, General Layout, for other project specifics.

Planned Unit Development Criteria-The *UDC* includes provisions for the approval of a PUD designation for certain types of development. A PUD is intended to encourage creative development with unified design, features and amenities. A PUD provides for flexibility in the design of buildings, yards, and other regulations in a manner that cannot be provided in other zoning districts.

A PUD also requires a Development Agreement be entered approved between the developer and the City Council. The agreement provides a basis for requiring all improvements as shown on the development plan, specifics for timing of development, and other important milestones and commitments.

*Building Design:* There are no specific building design requirements for the R-3A Multiple-Family Residence District. The building design proposed by the developer provides a quality mix of building materials and an attractive architectural design. The ground floor is differentiated from other the upper stories by changes in building materials, columns, balconies, offsets and other methods of articulation that provide a variety of design. The buildings are designed to have a visually distinct top, middle and first floor.

Primary materials are full masonry brick, cement siding and transparent glass.

The clubhouse will be of an architectural style with materials to match the apartments buildings. Final designs for the clubhouse will be required with the final development plan. Also, designs for the carports and surface garages will also be required as part of the final development plan.

There are locations of shared trash enclosures on the plan. These enclosures will be constructed of masonry materials to match the buildings, with and appropriate screening/landscaping.

*Landscaping:* A landscape plan was submitted with the Preliminary Development Plan. The landscape plan meets the requirements of the UDC. The plan exceeds the required 30 percent total landscape area, and provides the required shade trees, parking lot landscaping, and street trees.

*Streets/access:* Access to the site would be from the signalized intersection at Turner Road and 163<sup>rd</sup> Street. A second entrance is located at the south property line.

*Utilities:* The plan includes a utility plan for water and sanitary sewer to serve the site. Staff has reviewed the utility plan and determined that the plan provides adequate public facilities.

*Detention:* The property is in the Markey Regional Detention Watershed. Payment of a fee in lieu of providing on-site detention is provided in the UDC. The site plan also provides areas of stormwater best management practices (BMP) to lessen run-off and filter storm drainage.

*Trails and sidewalks:* A perimeter trail is proposed around the apartment community, with an extension to the dog park, and southeast to Markey Parkway. The trail design should be revised to connect to the sidewalk/trail on 163<sup>rd</sup> Street south of Building 3. Also, it is recommended that a trail extension be added from the pool/clubhouse, north of Building 4 to the main trail/dog park area.

*Compliance with Comprehensive Plan:* The Future Land Use Map of the Comprehensive Plan designates this site, and all the property along 163<sup>rd</sup> Street/Cedar Street as Commercial. Apartments at this specific location do not meet the guidelines of the Land Use Map. However, the Comprehensive Plan also has a housing goal of encouraging high quality residential development and locating medium and high-density residential development near employment centers along major arterials.

*Economic Development Considerations:* It has been stated by constituents that Belton lacks a high-quality product for those who choose to rent. Often, children grow up and decide to move to a nearby community within the Kansas City metro because there is currently not a product that they desire. Belton also has many residents who are aging out of their homes but are not ready for a retirement community. These seniors want an option where they can have an active retirement with no maintenance, but they want to remain in their own community, near family and friends. This high-end housing option will help us to retain our families in Belton.

Additionally, Belton is a growing and thriving community, attracting the young professionals from the metropolitan area. This is occurring for many reasons. Quick access to most of the Kansas City region within 20 minutes via I-49 is certainly one of them. Contemporary market preferences suggest greater interest in high-quality, connectivity, public space, and mixed uses, which this project affords. Our existing employers will benefit in their efforts to attract workers as most young professionals love a short commute, or better yet a walk or bike ride. The all new Southview Commerce Center is anticipated to bring 2,000 new jobs to Belton and with it, potential new residents who may not be ready to buy a home, just yet.

Today's renter-by-choice desire walkability to shopping and dining and access to trails. They also tend to have disposable income. If you look at other nearby cities such as Lee's Summit and Overland Park's 135th St., mixed use developments are embraced. The three shopping centers along the 163rd St. will benefit from infusing new shoppers into the neighborhood. Having new residents along the corridor will spur new commercial growth. Retailers and restaurateurs see the value of proximity to patrons.

The City of Belton conducted a housing study in 2017. It states that one of our housing challenges is "lack in diversity of housing choices". An astute statement was also made, "lack of contemporary high-quality rental and apartment development in the face of increased generational demand can lead to the conversion of single-family homes into rental property instead of home ownership". It is most desirable to have single family homes be occupied with homeowners.

### **REZONING CRITERIA/FINDINGS OF FACT**

The Unified Development Code, Section 20-3, provides certain approval criteria that must be addressed with a rezoning application. These criteria are summarized below, with analysis for consideration of the Planning Commission:

(1) The character of the surrounding neighborhood, including the existing uses and zoning classification of properties near the subject property. The 163<sup>rd</sup> Street corridor in the vicinity of the subject site is primarily zoned a C-2 General Commercial District and is characterized by retail development. East of the site is a stream corridor and wooded natural area. Southeast of the property is Bradford Place, an existing single-family neighborhood zoned R-1.

(2) Consistency with the goals and objectives of the Comprehensive Plan. The Future Land Use Map of the Comprehensive Plan designates this area as commercial. The proposed rezoning is not consistent with the Future Land Use Map. While the proposed plan is not consistent with the Future Land Use Map, staff would note that the proposed apartment community meets the housing goals and objectives of the Comprehensive Plan.

(3) Suitability of the subject property for the uses permitted under the existing zoning district. The property is suited for development with the existing C-2 District. However, there are numerous vacant commercial areas in the 163<sup>rd</sup> Street corridor such as Belton Gateway that have a higher likelihood of development. Apartments on the subject property would not have an adverse impact nor impede the potential of future commercial/retail development. New residential density in the area would serve as an incentive for further new development.

(4) The trend of development near the subject property, including changes that have taken place in the area since the subject property was placed in its current zoning district. The area near the subject property has experienced recent commercial development. The retail center of Belton Gateway and Menard's are examples of new commercial development.

(5) The extent to which the zoning amendment may detrimentally affect nearby property. The proposed rezoning and PUD designation will create an attractive, well designed apartment community. Northpoint Belton Apartments will be developed by an experienced builder and managed under single ownership and unified control. The PUD approval will assure that the project will be constructed as proposed to the Planning Commission, without substantial changes. These factors all contribute to the apartment community not having any detrimental impact on nearby property.

(6) Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment. All required public infrastructure and services are available to serve the development. Existing utilities and public streets are sufficient for the proposed development.

(7) The length of time the property has remained vacant as zoned. The property has been vacant since it was originally zoned C-2 in 1995. The staff has not had any inquiries for commercial development at the site in recent years.

### **STAFF RECOMMENDATION**

The staff recommends approval of the request for a rezoning and Preliminary Development Plan for Northpoint Belton Apartments, as noted in the staff report and shown on the development plan. The recommendation is subject to the following conditions:

1. The Preliminary Development Plan for Northpoint Belton Apartments is hereby approved, as shown on Site Development Plan by Renaissance Infrastructure Consulting, dated 5/22/2020.
2. Building elevations and building perspective drawings for Northpoint Belton Apartments are hereby approved, as shown on plan set by Rosemann & Associates, dated 4/10/2020.

3. The PUD includes exceptions for building height, and the front yard setback.
4. The Final Development Plan shall include architecture and building materials for the clubhouse.
5. Trash enclosures shall be masonry construction to match the buildings with a gate, additional landscaping shall be provided the enclosures.
6. The Final Development Plan shall include details of the proposed carports and surface garages. Exterior materials on the structures shall match the buildings.
7. The trail design shall be revised to address staff comments. The pedestrian trail shall be a 5-foot width, with asphalt surface.
8. The Final Development Plan shall include a final landscape plan sealed by a registered Landscape Architect.
9. The Final Development Plan shall include a photometric plan for parking lot and building lighting.
10. The Final Plat shall include a shared access easement for the south entrance.
11. The Final Development Plan shall include a revised water line to eliminate a dead-end line for fire safety.
12. Retaining walls shall include a safety rail
13. The Final Development Plan shall include a Development Agreement to be executed between the applicant and the City of Belton.

#### **PLANNING COMMISSION ALTERNATIVES**

1. Motion to **approve** a rezoning and Preliminary Development Plan for Northpoint Belton Apartments.
2. Motion to **deny** a rezoning and Preliminary Development Plan for Northpoint Belton Apartments.
3. Motion to continue the application for further information.

#### **ATTACHMENTS**

1. Preliminary Development Plan-13 pages
2. Exterior elevations/building perspective-4 pages
3. Interior photographs.
4. Area Map.

**EXHIBIT B**  
**REZONING**  
**WHORTON FARMS**  
**BELTON PLANNING COMMISSION**  
**MONDAY, JUNE 8, 2020 – 6:00 P.M.**  
**CITY HALL ANNEX BUILDING – 520 MAIN STREET**

**APPLICATION**

*Property Owner/Applicant*-Christopher P. Whorton and Micah Whorton

*Surveyor*-Michael J. Huffman

*Location*-The property is located on the north side of Cambridge Road, approximately 236 feet east of Mullen Road.

*Request*-The application was filed for a rezoning from the existing A Agricultural Zoning District to a R-1 Single-Family Residential District.

**BACKGROUND**

The Whorton family owns property on the north side of Cambridge Road, east of Mullen Road, platted and commonly known as Whorton Farms. The property is zoned an A Agricultural District. This zoning classification has a 5-acre minimum lot size. The applicant would like to rezone the property to permit a replat of the existing two lots to allow three lots. This replat would create a third lot for construction of a new home for the Whorton family.

The proposed R-1 zoning district has an 8,400 square foot minimum lot size, or approximately .25 acres. The three proposed lots are described in the related Final Plat application. Lot 1 is 3.78 acres, Lot 2 is 1.63 acres, and Lot 3 is 3.32 acres.

**REZONING CRITERIA/FINDINGS OF FACT**

The Unified Development Code, Section 20-3, provides certain approval criteria that must be addressed with a rezoning application. These criteria are summarized below, with staff analysis for consideration of the Planning Commission:

*(1) The character of the surrounding neighborhood, including the existing uses and zoning classification of properties near the subject property.* North of the subject property are single-family residential areas of The Traditions. This area is zoned a R-3 Planned Unit Development, however there is a wide range of lot sizes within the PUD. South of the site is an area zoned A Agricultural but designated as single-family residential on the Future Land Use Map. North along Mullen Road are several other residential neighborhoods, primarily zoned R-1.

*(2) Consistency with the goals and objectives of the Comprehensive Plan.* The Future Land Use Map of the Comprehensive Plan designates this property as **residential**. The proposed rezoning is consistent with the Future Land Use Map.

*(3) Suitability of the subject property for the uses permitted under the existing zoning district.* The property is not ideally suited for development with the existing A Agricultural zoning district. The applicants have two single-family homes on the property, and there is sufficient room for an additional lot.

*(4) The trend of development near the subject property, including changes that have taken place in the area since the subject property was placed in its current zoning district.* The area near the subject property is characterized by residential development and single-family homes. This indicates a trend towards residential development in the area.

*(5) The extent to which the zoning amendment may detrimentally affect nearby property.* The proposed rezoning will allow a new lot and an additional single-family home that is in character with the two existing homes at Whorton Farms. The rezoning and final plat will not have any detrimental impact on nearby property.

*(6) Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment.* All required public infrastructure and services are available to serve Whorton Farms. Existing utilities and public streets are sufficient for the area subject to the rezoning.

#### **STAFF RECOMMENDATION**

The staff recommends approval of the request for a rezoning from A Agricultural to an R-1 Single-Family Residence District for Whorton Farms. The recommendation is subject to the following conditions:

1. The rezoning for Whorton Farms is hereby approved, in order to implement the Final Plat prepared by Michael J. Huffman, dated 5/01/20.

#### **PLANNING COMMISSION ALTERNATIVES**

1. Motion to **approve** a rezoning for Whorton Farms.
2. Motion to **deny** a rezoning for Whorton Farms.
3. Motion to continue the application for further information.

#### **ATTACHMENTS**

1. Final Plat-Whorton Farms
2. Area Map.

**EXHIBIT C**  
**FINAL PLAT**  
**REPLAT OF WHORTON FARMS**  
**BELTON PLANNING COMMISSION**  
**MONDAY, JUNE 8, 2020 – 6:00 P.M.**  
**CITY HALL ANNEX BUILDING – 520 MAIN STREET**

**CASE #FP20-02**

Property Owner-Christopher P. Whorton

Surveyor-Michael J. Huffman

Location- The property is located on the north side of Cambridge Road, just east of Mullen Road.

Request-The application was filed for approval of a **Final Plat** for the Replat of Whorton Farms.

**BACKGROUND**

Whorton Farms is an existing subdivision on the north side of Cambridge Road, just east of Mullen Road. The subdivision consists of **two lots** and has a total land area of 8.73 acres. There are two single-family homes on the lots, owned and occupied by the Whorton family. The replat application was filed to create a **three-lot** subdivision, and results in the following lot sizes:

Lot 1-3.78 acres

Lot 2-1.63 acres

Lot 3-3.32 acres

A related rezoning application was filed along with the Replat. This application seeks to rezone the property from the existing A Agricultural District, to a R-1 Single-Family Residence District.

The existing A Agricultural District requires a 5-acre minimum lot size. The proposed replat could not be processed with the existing A zoning, so the rezoning was necessary to provide an appropriate zoning classification for the new lot sizes. The proposed lots exceed the 8,400 square foot minimum lot size of the R-1 District.

**PROPOSED FINAL PLAT**

The Final Plat meets all requirements of the Unified Development Code (UDC).

*Access/Streets*-No new right-of-way is dedicated with the final plat. The new Lot 2 will require driveway access to Cambridge Road. This will be reviewed and approved with the building permit application.

*Easements*-The final plat includes appropriate language for public utility easements.

*General Plat Information*-The plat includes all required general information including the legal description, lot numbers and dimensions, right-of-way designation, signature certificates, and surveyor credentials.



### **STAFF RECOMMENDATION**

The staff recommends approval of the application for the Replat of Whorton Farms. The plat meets all final plat requirements of Section 36.35 of Unified Development Code.

The recommendation is subject to the following conditions:

1. The final plat for the Replat of Whorton Farms, dated May 1, 2020, by Michael J. Huffman is approved as submitted.
2. The final plat shall be recorded within one year of City Council approval or the approval of the plat shall be considered null and void.

### **PLANNING COMMISSION ALTERNATIVES**

1. Motion to **approve** a Final Plat for the Replat of Whorton Farms.
2. Motion to **deny** a Final Plat for the Replat of Whorton Farms.
3. Motion to continue the application pending additional information.

### **ATTACHMENTS**

1. Final Plat-Replat of Whorton Farms
2. Location Map