

**Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
November 2, 2020**

CALL TO ORDER

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

ATTENDANCE

Commission: Chairman MacPherson, Mayor Jeff Davis, Councilman Chet Trutzel, Commissioners Tim McDonough, Marsha Vest, Todd Christy and RJ Warren

Absent: Commissioners Kelly Monaghan-Bass and Kara Anderson

Staff: Dave Clements, Planning and Building Director; Alexa Barton, City Manager; Carolyn Yatsook, Economic Development Director; Padraic Corcoran, City Attorney; and Nikia Freiberger, Assistant City Engineer

Guests: Tyler Sallee, Sallee Development, 3730 NE Troon Drive, Lee’s Summit, Missouri 64064; and Ryan McGinnis, Schlagel & Associates, 14920 W 107th St, Lenexa, KS 66215

MINUTES

Commissioner McDonough moved to approve the September 21, 2020, Planning Commission meeting minutes. Councilman Trutzel seconded the motion. All members present voted in favor, and the motion carried.

PUBLIC HEARING – Consideration of text amendments to the Unified Development Code (UDC) for Chapter 1 Definitions, Chapter 28 Performance Standards- Fences, and Chapter 30 Signs.

Mr. Clements gave a summary of the staff report and reviewed each of the text amendment changes. The staff report is attached as **Exhibit A**.

Mr. Clements would like to amend Section 28-8 (f) table of fence regulations in the staff report regarding security fences from Decorative Wrought Iron to Decorative Metal. The table should be amended as follows:

Amend Section 28-8 (f) table of fence regulations:

Security Fences (Decorative Wrought Iron) (Decorative Metal)	6 feet max height	In Commercial and Industrial districts, properties larger than 10-acres may have security fences in front of the front corner of the structure
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The Commission had several questions regarding the maintenance of the murals, the location of the murals, murals being used as advertisements, mural that are offensive, if murals will require a sign permit, and the duration a political sign is allowed to be up.

- In regards to maintenance of the murals, Section 30-9(t)(4) states “Murals shall be kept in good condition and preserved in the manner in which they were originally created.”
- Murals will only be allowed in the Old Town Belton Overlay District.
 - Section 30-9(t) Murals may be painted on walls, fences or structures in the area defined as the Old Town Belton Overlay District— provided the design is permitted by the property owner and subject to approval of a sign permit.
- Padraic Corcoran, City Attorney stated City’s cannot ban murals being used as advertising. The most Cities can do is not encourage it.
- In regards to murals that are offensive, Section 30-9(t)(3) is the standard for federal regulations. Item Section 30-9(t)(3) reads as follows:
 - (3) Murals shall not contain vulgar, obscene or offensive material, including offensive material of a sexual nature. This includes material that when taken as a whole:
 - (1) applying contemporary community standards, its predominant appeal is to prurient interest in sex; and
 - (2) the average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and
 - (3) a reasonable person would find the material lacks serious literary, artistic, political or scientific value.
- Per Section 30-9(t) murals will need a sign permit. Murals will also have to follow the sign code. The Planning and Building Department staff approves or denies sign permits. If Planning or Building Department feels they are unable to approve or deny the sign they will refer the sign permit application to Padraic Corcoran, City Attorney.
 - Section 30-9(t) Murals may be painted on walls, fences or structures in the area defined as the Old Town Belton Overlay District— provided the design is permitted by the property owner and subject to approval of a sign permit.
- A political sign is considered a federal sign and therefore cannot be regulated in regards to the duration they are up. However, federal signs are not allowed in the right-of-way.

The public hearing was opened at 6:23 p.m.

No one was present to speak in favor or opposition of the request, therefore the public hearing closed at 6:24 p.m.

Councilman Trutzel moved to approve the text amendments to the Unified Development Code (UDC) for Chapter 1 Definitions, Chapter 28 Performance Standards- Fences, and Chapter 30 Signs with the following amendment:

Section 28-8 (f) table of fence regulations:

Security Fences (Decorative Wrought Iron) (Decorative Metal)	6 feet max height	In Commercial and Industrial districts, properties larger than 10-acres may have security fences in front of the front corner of the structure
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The motion was seconded by Commissioner McDonough. When a vote was taken, the following was recorded:

Ayes: 7 – Chairman MacPherson, Mayor Jeff Davis, Councilman Chet Trutzel, Commissioners RJ Warren, Todd Christy, Tim McDonough and Marsha Vest

Noes: 0

Absent: 2 – Commissioners Kelly Monaghan-Bass and Kara Anderson

The motion passed and will be forwarded to City Council.

NON-PUBLIC HEARING – Consideration of a Final Development Plan for Traditions 3rd Plat located East of Emily Lane in the Traditions Planned Unit Development.

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

The Commission had questions regarding overflow parking and maintenance of the overflow parking.

- Each unit has one parking space inside the garage and one parking space on the driveway. Additional parking will be provided in the overflow parking. The overflow parking area is maintained by the Homeowner's Association.

Commissioner McDonough moved to approve the Final Development Plan for Traditions 3rd Plat as the final plan is consistent with the revised preliminary PUD for Traditions with the following conditions:

1. The Final Development Plan for Traditions 3rd Plat, dated August 26, 2020, by Schlagel and Associates, P.A., is approved as submitted.
2. Revise the landscape plan to provide perimeter plantings around the guest parking lot on Tract R.
3. At the time of building permit application, provide a screen-wall method on the elevations for screening of trash-carts.
4. Revise the detention design on Tract R to better meet the requirements of Section 36-69 (b) (4) Stormwater conveyance.
5. Revise the typical street section graphic to meet Belton standards for residential streets.

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

Ayes: 7 – Chairman MacPherson, Mayor Jeff Davis, Councilman Chet Trutzel, Commissioners RJ Warren, Todd Christy, Tim McDonough and Marsha Vest

Noes: 0

Absent: 2 – Commissioners Kelly Monaghan-Bass and Kara Anderson

The motion carried.

NON-PUBLIC HEARING – Consideration of a Final Plat for Traditions 3rd Plat located East of Emily Lane in the Traditions Planned Unit Development.

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

Commissioner Warren moved to approve the Final Plat for Traditions 3rd Plat located East of Emily Lane in the Traditions Planned Unit Development subject to the following conditions:

1. The final plat for Traditions 3rd Plat, dated 8/26/2020, by Schlagel & Associates is approved as submitted.

2. A copy of the applicable homeowner's association documents shall be submitted prior to recording of the final plat.
3. Label the appropriate street name for the north/south street after staff determination.
4. 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 MacPherson, Mayor Jeff Davis, Councilman Chet Trutzel, Commissioners RJ Warren, Todd Christy, Tim McDonough and Marsha Vest

Noes: 0

Absent: 2 – Commissioners Kelly Monaghan-Bass and Kara Anderson

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

NON-PUBLIC HEARING – Consideration of a Final Plat for Traditions 4th Plat located on South Mullen Road, South of Sycamore Drive and East of Traditions Parkway.

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

The Commission had questions regarding the school district the homes are located in, the cost of the homes, if the Sallee's are selling the lots, and if there is an active Homeowner's Association in the neighborhood.

- The subdivision is located in the Raymore-Peculiar School District.
- The cost of the homes will be in the \$250,000 - \$350,000 range and will have two or three car garages.
- The Sallee's will sell lots to builders who are building both spec homes and homes that are being built for a specific customer. Before a home can be built, the Sallee's must approve the house design and plans.
- The subdivision has a current, active Homeowner's Association. All homes in the neighborhood, including the single-family homes and the multi-family homes are included in the Homeowner's Association.

Councilman Trutzel moved to approve the Final Plat for Traditions 4th Plat located on South Mullen Road, South of Sycamore Drive and East of Traditions Parkway subject to the following conditions:

1. The Final Plat for Traditions 4th Plat, dated 9/10/2020, by Schlagel & Associates is approved as submitted.
2. Construct an 8-foot mixed use trail with asphalt surface adjoining the 4th Plat from the existing swimming pool to Tract W at Shane Lane, as required with the revised plan. The trail is to be completed before additional phases commence.
3. A copy of the applicable homeowner's association documents shall be submitted prior to recording of the final plat.
4. 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 Commissioner Warren. When a vote was taken, the following was recorded:

Ayes: 7 – Chairman MacPherson, Mayor Jeff Davis, Councilman Chet Trutzel, Commissioners RJ Warren, Todd Christy, Tim McDonough and Marsha Vest

Noes: 0

Absent: 2 – Commissioners Kelly Monaghan-Bass and Kara Anderson

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

PLANNING COMMISSION TRAINING

- Padraic Corcoran, City Attorney conducted a training session for the Planning Commission members regarding Land Use Law & Legal Issues.

DIRECTOR'S REPORT

- Building 3 at Southview Commerce Center is currently under construction. Building 3 will be home of Chewy.
- The new construction of Casey's General Store is coming along nicely.
- Chairman MacPherson added that the residential development is coming along nicely, as well as commercial development.

NEXT MEETING DATE: January 4, 2021

ADJOURNMENT

Commissioner McDonough moved to adjourn the meeting. The motion was seconded by Councilman Trutzel. All voted in favor, and the meeting adjourned at 7:34 p.m.

EXHIBIT A

**AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE
BELTON PLANNING COMMISSION
MONDAY, NOVEMBER 2, 2020 – 6:00 P.M.
CITY HALL ANNEX BUILDING – 520 MAIN STREET**

APPLICATION

Applicant- City of Belton/David Clements, Director of Planning and Building.

Request- The application was filed to consider certain amendments to the Unified Development Code; Chapter 1 Definitions, Chapter 28 Performance Standards- fences, and Chapter 30 Signs.

BACKGROUND

From time-to-time, amendments are proposed to the Unified Development Code (UDC), to advance new regulations/land-use techniques, address conflicts, and revise wording to help with administrative situations that arise through use of the code.

The following is a summary of items are items for Planning Commission consideration:

1. Create new definitions for “murals” as permitted wall signs. Create new definition for “abandoned signs” in Chapter 1.
2. Consider amending the provisions of Chapter 28-Fencing, to allow security fencing in front of the front line of a building in commercial and industrial districts for employee parking areas.
3. Consider amendments to Chapter 30-Signs to list abandoned signs as prohibited signs and create standards for painted wall murals. Consider eliminating the duration that a political sign can be displayed.

PROPOSED AMENDMENTS

Create new definitions for “murals” as permitted wall signs. Create new definition for “abandoned signs” in Chapter 1.

Presently, the definition of “signs” includes *paintings*. As such, paintings are signs and are limited to 10 percent of a wall area. There has been interest in the community to allow painted murals on walls in downtown. The following language is proposed to create a definition for murals:

Mural: Any painting, fresco, decoration, mosaic or similar art form intended for décor/commemoration applied to the wall or side of a building or structure.

Add new definition for abandoned signs, to help with enforcement activities:

Abandoned sign: A sign that depicts or refers to a product, business, service, activity, condition or occupation which has changed in such a manner that the sign no longer properly or appropriately identifies or describes said product, business, service, activity, condition or occupation, which no longer exists at the location referred to in the sign, or no longer exists or operates at any location.

Consider amending the provisions of Chapter 28-Fencing, to allow security fencing in front of the front line of a building in commercial and industrial districts for employee parking areas.

This section of the UDC limits locations and heights of fences. In commercial and industrial districts, “no portion of a fence may extend closer to the front property line than the front corner of the structure”. Two large commercial and industrial users, TransWest Truck and Trailer and the QuikTrip Distribution Center have expressed interest in erecting fences around the parking lots in front of the buildings for security purposes. Such fences would be in front of the front corner of the structures and would not be permitted.

Amend Section 28-8 (f) table of fence regulations:

Security Fences (Decorative Wrought Iron)	6 feet max height	In Commercial and Industrial districts, properties larger than 10-acres may have security fences in front of the front corner of the structure
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Consider amendments to Chapter 30-Signs to list abandoned signs as prohibited signs, and to create standards for painted wall murals. Consider eliminating the duration that a political sign can be displayed.

Add abandoned signs to list of prohibited signs and specify removal procedures.

Section 30-6 Prohibited signs

(10) Abandoned signs

Section 30-9 (r) Maintenance

(5) After any business has abandoned its location or tenant space, the owner, agent or person having beneficial use of the building, structure or lot where such business was located shall remove all signs relating to such business.

Additional standards for specific sign types, add standards for murals.

Section 30-9(t)-Murals may be painted on walls, fences or structures in the area defined as the Old Town Belton Overlay District— provided the design is permitted by the property owner and subject to approval of a sign permit.

(1) Murals deemed advertising signs, billboards or graffiti are not encouraged.

(2) Murals shall not imitate or appear to imitate any official traffic sign or device which appears to regulate or direct the movement of traffic or which interferes with the proper operation of any traffic sign or signal, or which obstructs or physically interferes with a motor vehicle operator’s view of approaching, merging, or intersecting traffic.

(3) Murals shall not contain vulgar, obscene or offensive material, including offensive material of a sexual nature. This includes material that when taken as a whole: (1) applying contemporary community standards, its predominant appeal is to prurient interest in sex; and (2) the average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and (3) a reasonable person would find the material lacks serious literary, artistic, political or scientific value.

(4) Murals shall be kept in good condition and preserved in the manner in which they were originally created.

Political signs shall not be erected more than 30 days prior to the election and shall be removed within seven days following the election. Remove time limitations with the following suggested wording:

Remove subsection 30-9(l)(2) in its entirety and renumber the remaining provisions to read as follows: (l) Political signs. Political signs may be erected on private property as follows:

- (1) One political sign per candidate or ballot issue is permitted per street frontage on a lot with permission of the property owner.
- (2) The maximum size of any political sign shall be 32 square feet in a commercial or industrial zoning district.
- (3) The maximum size of any political sign shall be six square feet in a residential zoning district.
- (4) No political sign shall be installed within the right-of-way.

STAFF RECOMMENDATION

The staff recommends approval of the proposed amendments to the Unified Development Code.

PLANNING COMMISSION ALTERNATIVES

1. Motion to **approve** Amendments to the UDC.
2. Motion to **deny** amendments to the UDC.
3. Motion to continue the application pending additional information.

EXHIBIT B
FINAL DEVELOPMENT PLAN
TRADITIONS 3rd PLAT
BELTON PLANNING COMMISSION
MONDAY, NOVEMBER 2, 2020 – 6:00 P.M.
CITY HALL ANNEX BUILDING – 520 MAIN STREET

APPLICATION

Property Owner-Sallee Real Estate Investments, LLC.

Engineer-Schlagel & Associates/Ryan McGinnis, P.E.

Location-The property is located east of Emily Lane in the Traditions PUD.

*Request-The application was filed for approval of a **Final Development Plan** for Traditions 3rd Plat. This plan will provide for the third phase of construction of the four-unit multi-family buildings in the Traditions Planned Unit Development.*

BACKGROUND

The Traditions is a mixed-use Planned Unit Development initially approved in 2006. A revised preliminary plat for Traditions was approved by the City Council in May of 2018. The original plan and the 2018 revision provided for multi-family units in the area of the proposed 3rd Plat.

There are 23 four-unit buildings in the first phase, and all units are occupied. The second phase is substantially underway, and that phase consists of 25 four-unit buildings. This final plan for the third phase will allow continued construction of 12 four-unit buildings with the same architecture and building materials.

PROPOSED FINAL DEVELOPMENT PLAN

The Final Development Plan is consistent with the revised preliminary plat as approved by the City Council.

Density-The plan provides for 12 new four-unit multi-family buildings on the seven-acre site. This is a total of 48 new units, with a density of 6.85 units per acre. This is the same overall density that was allocated with the preliminary plan.

Building Design-The plan includes elevations and floorplans for the proposed buildings. The four-unit buildings are to be the same design and materials as the first two phases. Materials include low-maintenance siding and decorative stone on the front elevations.

These are all two-bedroom units with one car garages.

Landscaping-A landscape plan was submitted with the final plan. The plan indicates locations of street-trees and plantings around the perimeter of the units. It is recommended that additional landscaping be located at around the perimeter of the parking lot on Tract R to provide better screening.

Streets-Right-of-way for the extension of Emily Lane is dedicated with the plat. There is also a new north/south street that will be part of a collector street system north to Cunningham Parkway, and south to Cambridge Street with future development.

Tracts/Open Space-The plat includes the dedication of Tracts R, S, and T for open space. Tract R includes an eight space overflow/auxiliary parking lot for residents and guests. These tracts will be maintained by the homeowners association.

Detention-Stormwater detention is provided for in area-wide basins located on Tracts in Phase I, just west of the subject property.

STAFF RECOMMENDATION

The staff recommends approval of the application for a Final Development Plan for Traditions 3rd Plat as the final plan is consistent with the revised preliminary PUD for Traditions.

The recommendation is subject to the following conditions:

1. The Final Development Plan for Traditions 3rd Plat, dated August 26, 2020, by Schlagel and Associates, P.A., is approved as submitted.
2. Revise the landscape plan to provide perimeter plantings around the guest parking lot on Tract R.
3. At the time of building permit application, provide a screen-wall method on the elevations for screening of trash-carts.
4. Revise the detention design on Tract R to better meet the requirements of Section 36-69 (b) (4) Stormwater conveyance.
5. Revise the typical street section graphic to meet Belton standards for residential streets.

PLANNING COMMISSION ALTERNATIVES

1. Motion to **approve** a Final Development Plan for Traditions 3rd Plat.
2. Motion to **deny** a Final Development Plan for Traditions 3rd Plat.
3. Motion to continue the application pending additional information.

EXHIBIT C

FINAL PLAT

TRADITIONS 3rd PLAT

BELTON PLANNING COMMISSION

MONDAY, NOVEMBER 2, 2020 – 6:00 P.M.

CITY HALL ANNEX BUILDING – 520 MAIN STREET

Application

Property Owner-Sallee Real Estate Investments, LLC.

Engineer-Schlagel & Associates/David Rinne, PS

Location-The property is located east of Emily Lane in the Traditions Planned Unit Development.

Request-The application was filed for approval of a **Final Plat** for Traditions 3rd Plat. This plat will provide for the third phase of construction of the four-unit multi-family buildings in the Traditions Planned Unit Development.

BACKGROUND

The Traditions is a mixed-use Planned Unit Development initially approved in 2006. A revised preliminary plat for Traditions was approved by the City Council in May of 2018. The original plan and the recent revision provided for multi-family units in the area of the proposed 3rd Plat.

The first phase is complete, and all units are occupied. The second phase of the multi-family buildings is substantially underway. This Final Plat for the third phase will allow continued construction of the four-unit buildings with the same architecture and building materials.

PROPOSED FINAL PLAT

The Final Plat is consistent with the revised preliminary plat as approved by the City Council.

Density-The plat provides for 12 lots to allow the construction of additional four-unit multi-family buildings. This is a total of 48 new units, which provides the same density that was allocated with the preliminary plat.

Streets- Right-of-way for the extension of Emily Lane is dedicated with the plat. There is also a new north/south street that will be part of a collector street system north to Cunningham Parkway, and south to Cambridge Street with future development.

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

Tracts/Open Space- Tracts/Open Space-The plat includes the dedication of Tracts R, S, and T for open space. Tract R includes an eight-space overflow/auxiliary parking lot for residents and guests. These tracts will be maintained by the homeowner's association.

Detention-Stormwater detention is provided for in area-wide basins located on Tracts in Phase I, just south of the plat area.

STAFF RECOMMENDATION

The staff recommends approval of the application for a Final Plat for Traditions 3rd Plat as the final plat is consistent with the revised preliminary plat. 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 Traditions 3rd Plat, dated 8/26/2020, by Schlagel & Associates is approved as submitted.
2. A copy of the applicable homeowner's association documents shall be submitted prior to recording of the final plat.
3. Label the appropriate street name for the north/south street after staff determination.
4. 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 Traditions 3rd Plat.
2. Motion to **deny** a Final Plat for Traditions 3rd Plat.
3. Motion to continue the application pending additional information.

EXHIBIT D
FINAL PLAT
TRADITIONS 4th PLAT
BELTON PLANNING COMMISSION
MONDAY, NOVEMBER 2, 2020 – 6:00 P.M.
CITY HALL ANNEX BUILDING – 520 MAIN STREET

Application

Property Owner-Sallee Real Estate Investments, LLC.

Engineer-Schlagel & Associates/David Rinne, PS

Location-The property is located on South Mullen Road, south of Sycamore Drive and east of Traditions Parkway, in the Traditions Planned Unit Development.

Request-The application was filed for approval of a **Final Plat** for Traditions 4th Plat. This plat will provide for the construction of an additional phase of single-family homes in the Traditions Planned Unit Development.

BACKGROUND

The Traditions is a R-3 mixed-use Planned Unit Development initially approved in 2006. A revised preliminary plat for Traditions was approved by the City Council in May of 2018. The original plan and the 2018 revision provided for new single-family homes in the area of the proposed 4th Plat.

There are 50 single-family lots in Traditions 1st Plat. These lots have all been developed with new single-family homes. This application will provide 47 new lots for future construction, adding to the new home inventory of the subdivision.

PROPOSED FINAL PLAT

The Final Plat is consistent with the revised preliminary plat as approved by the City Council.

Lots and Blocks-The plat provides for 47 lots and four tracts, to allow the construction of additional single-family homes in the planned unit development. The lots range in size from 6,000 square feet to 10,000 square feet. All the lots meet the minimum lot sizes specified in the revised Planned Unit Development from 2018.

Streets- The plat includes the dedication of right-of-way for Connor Street, Shane Lane, and Samantha Lane. These new streets will provide access to the lots, and the proposed streets meet the local residential right-of-way requirements of the Unified Development Code.

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

Tracts/Open Space- The plat includes the dedication of Tracts U, V, W, X and Y for open space in the subdivision. Tracts U and V are designated open space for the existing Missouri Public Service easement. These tracts will be maintained by the homeowner's association.

The revised PUD also included a trail to be constructed adjoining this 4th Plat. The trail connects the existing swimming pool to Shane Lane at Tract W. This trail is to be constructed with this plat and completed before additional phases commence.

Detention-Stormwater detention is provided for in area-wide basins located on Tracts in Phase I, just west of the plat area.

STAFF RECOMMENDATION

The staff recommends approval of the application for a Final Plat for Traditions 4th Plat as the final plat is consistent with the revised preliminary plat. 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 Traditions 4th Plat, dated 9/10/2020, by Schlagel & Associates is approved as submitted.
2. Construct an 8-foot mixed use trail with asphalt surface adjoining the 4th Plat from the existing swimming pool to Tract W at Shane Lane, as required with the revised plan. The trail is to be completed before additional phases commence.
3. A copy of the applicable homeowner's association documents shall be submitted prior to recording of the final plat.
4. 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 Traditions 4th Plat.
2. Motion to **deny** a Final Plat for Traditions 4th Plat.
3. Motion to continue the application pending additional information.