



AGENDA
CITY OF BELTON
PLANNING COMMISSION MEETING
MONDAY, SEPTEMBER 20, 2021 - 6:00 P.M.
CITY HALL ANNEX, 520 MAIN STREET
www.belton.org/watch

- I. CALL MEETING TO ORDER**

- II. ROLL CALL**

- III. APPROVAL OF THE MINUTES OF THE AUGUST 16, 2021 PLANNING COMMISSION MEETING**

- IV. PUBLIC HEARINGS**
 - A.** Consideration of a Special Use Permit for an electronic message center on an existing billboard sign located at 16241 South Outer Road.

 - B.** Consideration of text amendments to the *Unified Development Code*, adopted as Ordinance No. 2011-3772, and as subsequently amended, said text amendments designed to create new regulations deemed necessary to improve the effectiveness of the Code, and to clarify existing standards.

- V. NON-PUBLIC HEARINGS**
 - A.** Consideration of a Final Plat for the Mills Subdivision located at 1402 East Cambridge Road.

- VI. DIRECTOR'S REPORT**

- VII. NEXT MEETING DATE: October 18, 2021**

- VIII. ADJOURNMENT**

**SECTION III.
MEETING MINUTES
AUGUST 16, 2021**

**Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
August 16, 2021**

<https://www.youtube.com/watch?v=w8Ek-M6sCo>

CALL TO ORDER

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

ATTENDANCE

Commission: Chairman MacPherson, Mayor Norman Larkey, Councilman Rob Powell, Commissioners Todd Christy, Tim McDonough, Marsha Vest, Kelly Monaghan-Bass and James Pryan

Absent: Commissioner Kara Anderson

Staff: Dave Clements, Planning and Building Director; Carolyn Yatsook, Economic Development Director; and Nikia Freiburger, Assistant City Engineer

Guests: Jennifer Powell, Lucky 1 LLC, PO BOX 25201, Shawnee Mission, KS 66225; and Edin Coralic, Coralic Architecture, 2643 Carousel Drive, St. Louis, MO 63125

MINUTES

Mayor Larkey moved to approve the July 19, 2021 Planning Commission meeting minutes. Commissioner Monaghan-Bass seconded the motion. All other members present voted in favor, and the motion carried.

PUBLIC HEARING – Consideration of a rezoning from the existing R-1 Single-Family Residential District to an R-2 Two-Family Residential District for the property located at 210 and 212 Mill Street.

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

The public hearing was opened at 6:02 p.m. Jennifer Powell, Lucky 1 LLC, PO BOX 25201, Shawnee Mission, KS 66225 was present to speak in favor of the rezoning. The applicant recently attempted to refinance a mortgage for the property. The refinance application was denied as the lender would not commit financing considering this non-conforming provision on rebuilding the structure in the event of damage more than 60 percent.

With no further input the public hearing was closed at 6:09 p.m.

Commissioner Monaghan-Bass moved to approve the consideration of a rezoning from the existing R-1 Single-Family Residential District to an R-2 Two-Family Residential District for the property located at 210 and 212 Mill Street.

The motion was seconded by Mayor Larkey. When a vote was taken, the following was recorded:

Ayes: 8 – Chairman MacPherson, Mayor Norman Larkey, Councilman Rob Powell, Commissioners Todd Christy, Tim McDonough, Marsha Vest, Kelly Monaghan-Bass and James Pryan

Noes: 0 – None

Absent: 1 – Commissioner Kara Anderson

The motion carried and will be forwarded to City Council.

NON-PUBLIC HEARING – Consideration of a Final Development Plan to permit the development of Dutch Bros Coffee on the property located at 1733 East North Avenue.

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

Edin Coralic, Coralic Architecture, 2643 Carousel Drive, St. Louis, MO 63125 was present to speak in favor of the project.

The Commission had concerns regarding the pedestrian crosswalk going through the drive thru stacking line.

Mayor Larkey moved to approve the consideration of a Final Development Plan to permit the development of Dutch Bros Coffee on the property located at 1733 East North Avenue. The recommendation is subject to the following conditions:

1. The Final Development Plan for Dutch Bros. Coffee is hereby approved, as shown on FDP drawings by Cole Engineering and Edin Coralic, Architect, dated 7/29/2021, subject to additional conditions.
2. Exceptions to code requirements for open space, pedestrian crosswalks and light levels at the trash enclosure are approved as shown on the Final Development Plan.
3. The parking area east of the building shall be seal-coated and striped as part of the development plan.
4. A speed bump shall be added before the PED XING shown in the site plan.

The motion was seconded by Commissioner Christy. When a vote was taken, the following was recorded:
Ayes: 8 – Chairman MacPherson, Mayor Norman Larkey, Councilman Rob Powell, Commissioners Todd Christy, Tim McDonough, Marsha Vest, Kelly Monaghan-Bass and James Pryan

Noes: 0 – None

Absent: 1 – Commissioner Kara Anderson

The motion carried.

OTHER BUSINESS – Initial discussion pertaining to upcoming Unified Development Code amendments. Public hearing to be scheduled for September.

The Commission discussed upcoming amendments to the Unified Development Code. The public hearing is to be scheduled for September.

ELECTION OF OFFICERS – UDC Sec. 2-137: At its first August meeting, the commission must annually elect one of its citizen members to act as chair, another of its members to act as vice-chair. The terms are for one year with eligibility for re-election.

Commissioner Monaghan-Bass nominated Tom MacPherson as Chairman. The motion was seconded by Mayor Larkey. All members present voted in favor, and Tom MacPherson was elected Chairman.

Mayor Larkey nominated James Pryan as Vice-Chairman. The motion was seconded by Commissioner Monaghan-Bass. All members present voted in favor, and James Pryan was elected Vice-Chairman.

DIRECTOR'S REPORT

- The ribbon cutting for Chewy and Building 3 at the Southview Commerce Center was held on August 11, 2021.
- The applicant Cozy Pet Hotel from the July 19, 2021 Planning Commission meeting did complete the additional requirements and the City Council approved the first reading on August 10, 2021.
- There was no update for the applicant Caliber Collision from the July 19, 2021 Planning Commission meeting

NEXT MEETING DATE: September 20, 2021

ADJOURNMENT

Commissioner McDonough moved to adjourn the meeting. The motion was seconded by Mayor Larkey. All voted in favor, and the meeting adjourned at 6:59 p.m.

EXHIBIT A
REZONING
210-212 MILL STREET
BELTON PLANNING COMMISSION
MONDAY, AUGUST 16, 2021 – 6:00 P.M.
CITY HALL ANNEX BUILDING – 520 MAIN STREET

APPLICATION

Applicant/Owner-Andrea Pautz/Lucky 1 LLC.

Location-The property is located at 210 and 212 Mill Street.

Request-The application was filed for approval of a Rezoning from the existing R-1 Single-Family Residence District to a R-2 Two-Family Residential District.

BACKGROUND

This application was filed for a rezoning from the existing R-1 Single-Family Residence District to a R-2 Two-Family Residential District.

The subject property is developed with an existing two-family duplex building. This structure is considered legal non-conforming in the existing R-1 zoning district. With this non-conforming designation, the property can be used and maintained as a duplex residence. However, Section 20-31 of the Unified Development Code (UDC) states that:

If a nonconforming building or structure is damaged or destroyed by fire, explosion, flood, or other means that is not within control of the property owner or tenant to an extent of more than 60 percent of the assessed value of the building or structure, it may not be reestablished except in conformance with the provisions of this Code, and any associated use must also comply with this Code.

It should be pointed out that this is standard non-conforming wording used in zoning administration.

The applicant recently attempted to refinance a mortgage for the property. The refinance application was denied as the lender would not commit financing considering this non-conforming provision on rebuilding the structure in the event of damage more than 60 percent.

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 properties along Mill Street are primarily single-family homes. There is a two-family duplex immediately west of the site. A church is south of the property. There is R-2 zoning 170 feet to the north, and R-3 zoning east of the site.

(2) Consistency with the goals and objectives of the Comprehensive Plan. The Future Land Use Map of the Comprehensive Plan designates this area as single-family residential.

(3) Suitability of the subject property for the uses permitted under the existing zoning district. The duplex use of the property is not permitted in the existing single-family classification. While the non-conforming provisions of the UDC allow the duplex to continue to be used, it cannot be rebuilt if damaged more than 60 percent of assessed valuation.

(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. There is no recent trend of development in this area. The immediate neighborhood includes single-family zoning areas, and there is R-2 zoning 170 feet north of the subject property. Also, there is an area of R-3 zoning 400 feet east of the site. This helps indicate that there are a variety of zoning classifications nearby and that the proposed R-2 zoning is not inappropriate for the area.

(5) The extent to which the zoning amendment may detrimentally affect nearby property. The proposed rezoning would only serve to make the existing duplex conforming. The rezoning would not provide for any new development of change in the neighborhood that would adversely affect nearby property.

STAFF RECOMMENDATION

The staff recommends approval of the request for a rezoning of the property at 210-212 Mill Street.

PLANNING COMMISSION ALTERNATIVES

1. Motion to **approve** a rezoning of 210-212 Mill Street.
2. Motion to **deny** a rezoning of 210-212 Mill Street.
3. Motion to continue the application for further information.

EXHIBIT B
FINAL DEVELOPMENT PLAN
DUTCH BROS COFFEE
BELTON PLANNING COMMISSION
MONDAY, AUGUST 16, 2021 – 6:00 P.M.
CITY HALL ANNEX BUILDING – 520 MAIN STREET

APPLICATION

Applicant: Coralic Architecture/Edin Coralic

Property Owner- North Cass Development, LLC. /John Evans

Architect- Coralic Architecture/Edin Coralic

Location- The property is located at 1733 East North Avenue, at the entrance of North Cass Shopping Center.

Request- **The application was filed for approval of a Final Development Plan to permit the development of Dutch Bros Coffee.**

BACKGROUND

This application was filed for a Final Development Plan for a Dutch Bros Coffee. Dutch Bros is the country's largest privately held, drive-thru coffee company, with over 450 locations and 10,000 employees in eleven states. The store is primarily a drive-thru facility, with a related walk-up window. Hours of operation are from 5:00am to 11:00pm, seven days a week. The company "is a fun-loving, mind-blowing company that makes a massive difference one cup at a time."

For additional information about the company, please see the website link below:

<https://www.dutchbros.com>

The property is zoned as C-2 General Commercial District. A drive through facility is a permitted use in this zoning district, with certain conditions pertaining to drive-through lanes and vehicle stacking.

FINAL DEVELOPMENT PLAN

The subject property is a .5-acre parcel on East North Avenue. The property is the former location of Sheridan's Custard. The existing building will be demolished to make way for construction of the proposed 950-square foot Dutch Bros.

Access to the site would be from existing private entrance driveways to the shopping center, no new access is proposed to East North Avenue.

Compliance with C-2 Standards of the Unified Development Code (UDC):

The plan generally meets all requirements of the C-2 General Commercial District, with requests for three code exceptions. The C-2 district is intended to provide mid-size retail and commercial businesses along commercial corridors.

Required Yards/Setbacks:

Front yard- 30-foot required setback. 76-foot setback proposed.

Rear yard- 20-foot setback required. 35-foot setback proposed.

Side yard- 10-foot setback required. The east and west side yards exceed requirements.

Maximum Building Height- 35-foot maximum. 10 feet to top of canopy, 24 feet to top of parapet.

Maximum Building Coverage- 25% maximum. 5% proposed building coverage.

Required Open Space- 20% of total land area required. 11.7% open space provided. The applicant is requesting an exception to this open space requirement.

Parking/Drive-Through requirements: The UDC requires that parking for a restaurant be calculated based on seating capacity and indoor customer service area. This drive-through coffee shop has no seating or customer service area. It should be noted that the final development plan includes 23 existing parking spaces east of the drive-through lanes. These parking spaces are part of the final development plan and are sufficient for the parking needs of walk-up customers.

Additionally, the UDC seeks to reduce conflicts between vehicle stacking lanes and pedestrian crosswalks. The site plan provides for a pedestrian crosswalk across the two stacking lanes, to provide walk-up access from the parking area to the east. To utilize these existing parking spaces for walk-up traffic, the conflict with the crosswalk cannot be avoided.

The applicant is requesting an exception for this vehicle stacking/crosswalk conflict.

Other site data can be found on Sheet C1.0.

Building Design: The UDC requires all new commercial buildings to include 50 percent masonry on the front and side elevations, with articulation and offsets to add architectural detail on all four sides. The primary materials on the building are brick veneer and cement board panel siding.

Building wall plane offsets, canopies, and variable the roof height provides the required building design features of the UDC.

This design and building materials meet the requirements of the Unified Development Code.

There is a trash enclosure on the plan. The enclosure will be constructed of masonry materials to match the building, with and appropriate screening/landscaping. All rooftop mechanical equipment is screened by the parapet walls.

Landscaping: A landscape plan was submitted with the Final Development Plan. The plan provides 11.7 percent open space, and this does not meet the required 20 percent total landscape area.

The applicant explains that the property owner would not permit additional site modifications to increase open space on the parcel.

The landscape plan provides the required shade trees, parking lot landscaping, and street trees.

Streets/access: As noted, access is provided to the site from existing private driveways. There is no new access proposed for East North Avenue.

Utilities: Staff has reviewed the utility plan and determined that the plan provides adequate public facilities.

Lighting/Photometric Plan: A revised photometric plan was submitted after review of the initial plan. This plan provides zero footcandles at the property line, meeting the lighting standards of the UDC. However, the applicant would like to consider a revised lighting plan that provides increased light levels at the rear trash enclosure. This can be done with the building permit submittal.

STAFF RECOMMENDATION

The staff recommends approval of the request for a Final Development Plan for Dutch Bros Coffee, as noted in the staff report and shown on the development plan. The recommendation is subject to the following conditions:

5. The Final Development Plan for Dutch Bros. Coffee is hereby approved, as shown on FDP drawings by Cole Engineering and Edin Coralic, Architect, dated 7/29/2021, subject to additional conditions.
6. Exceptions to code requirements for open space, pedestrian crosswalks and light levels at the trash enclosure are approved as shown on the Final Development Plan.
7. The parking area east of the building shall be seal-coated and striped as part of the development plan.

PLANNING COMMISSION ALTERNATIVES

1. Motion to **approve** a Final Development Plan for Dutch Bros Coffee.
2. Motion to **deny** a Final Development Plan for Dutch Bros Coffee
3. Motion to continue the application for further information.

SECTION IV.
**SPECIAL USE PERMIT – 16241 SOUTH OUTER
ROAD**

**SPECIAL USE PERMIT- ELECTRONIC MESSAGE CENTER
16241 SOUTH OUTER ROAD
BELTON PLANNING COMMISSION
MONDAY, SEPTEMBER 20, 2021 – 6:00 P.M.
CITY HALL ANNEX BUILDING – 520 MAIN STREET**

APPLICATION:

Applicant- Link Media Omaha, LLC. /Chad Hager

Location- The property is located at 16241 South Outer Road.

Request- The application was filed for approval of a Special Use Permit for an electronic message center on an existing billboard sign.

BACKGROUND:

The applicant has requested a Special Use permit to allow an electronic message center to be added to the south side of the existing billboard at 16241 South Outer Road, at the southeast corner of 162nd Street and South Outer Road. The south side of the billboard is leased by QuikTrip, the north side of the billboard has a variety of changeable electronic messages from different users.

The specific request is to add an electronic fuel price sign on the south face of the billboard, to provide QuikTrip gas pricing to northbound traffic on I-49 for the QT at 150 Highway. The south side of the billboard currently has location information about this QT facility. Please see the attached illustrations of the billboard.

SPECIAL USE DETAILS:

The existing billboard is 14' x 48' for a total sign area of 672 square feet. The proposed fuel price sign would be 9' x 12' for a total area of 108 square feet. This would be a new sign copy added to the existing billboard sign face, this would not be an increase to the overall billboard size.

The sign would be one digital price box that would rotate prices for diesel fuel and unleaded gasoline.

The Unified Development Code has certain standards for electronic message boards pertaining to duration of a message, lighting levels and safety. Those items are listed below by section number.

Staff initially requested that the billboard design be revised to reference the two QT locations in Belton. It seemed reasonable for the Special Use approval to include a greater benefit to the Belton stores. The applicant explained that it would not be possible to include any Belton reference with the new sign design.

REQUIRED SPECIAL USE STANDARDS FOR APPROVAL:

The Unified Development Code requires certain findings be made concerning a Special Use Permit application. The Planning Commission made the following findings:

Impact on the public welfare or convenience of the public: The fuel price signs will have no impact on the public welfare. The proposed price sign would not increase the size of the existing billboard, it is designed to provide additional information to motorist to promote information and convenience to the public.

Special Use Permit-16241 South Outer Road.

Impact on the value of other property in the neighborhood: The proposed addition of price information would not have any impact on values of property in the neighborhood. The billboard currently has information on the north and south elevations, and this additional information would be a minor change in the sign character.

Nature and intensity of the operation with respect to the immediate neighborhood: The general nature and intensity of the billboard will not change with the addition of the fuel signs. The immediate area is an interstate corridor characterized by commercial, industrial and distribution uses. The changes to the billboard would have any impact on the neighborhood.

STAFF RECOMMENDATION:

The staff recommends approval of a Special Use Permit for an electronic message center at 16241 South Outer Road. The recommendation is subject to the following conditions:

1. The Special Use Permit shall be valid for a period of five years after approval of City Council. Renewal shall be by the filing of a new Special Use application.
2. The Special Use permit is subject to all the standards of Section 40-2 Special Use provisions, including conditions, transferability, and revocations.
3. The electronic message board is subject to all the provisions of Section 30.9(h) of the Unified Development Code pertaining to message duration (8 seconds minimum), light levels and safety.

PLANNING COMMISSION ALTERNATIVES

1. Motion to **approve** a Special Use Permit at 16241 South Outer Road.
2. Motion to **deny** a Special Use Permit at 16241 South Outer Road.
3. Motion to continue the application for further information.

ATTACHMENTS

1. Location map
2. Billboard illustrations
3. Billboard easement document (labeled Exhibit C)

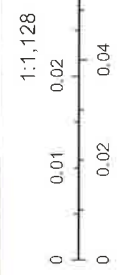
ArcGIS Web Map



9/17/2021, 8:15:01 AM

Aerial_MARC_2020_6in.tif — Streets

- Red: Band_1
 - Green: Band_2
 - Blue: Band_3
- Belton_Parcels



Esri, Community Maps Contributors, Kansas City, MO, County of Cass, MO, Missouri Dept. of Conservation, Missouri DNR, Esri, HERE, Garmin, © OpenStreetMap contributors, Microsoft, SafeGraph, INCREMENT P, METINASA, USGS, EPA, NPS, US

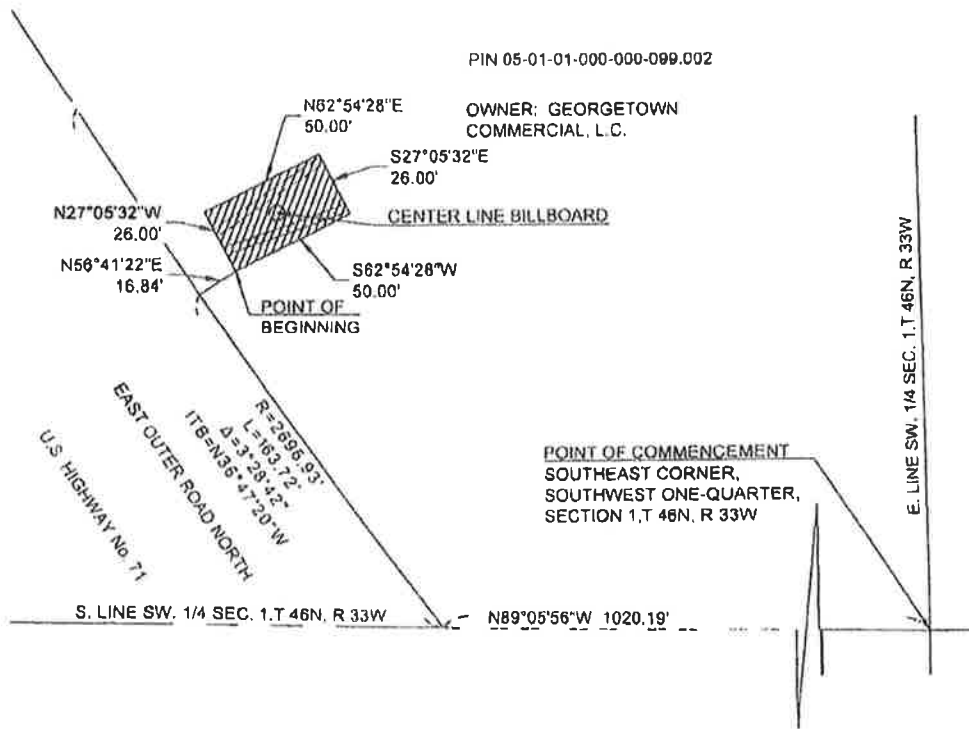


Billboard Size: 14'x48' Price Can Size: 8'9"h x11'9"w City: Belton Board#: KC351

FILE COPY

JAN 12 2016

EXHIBIT C



EASEMENT DESCRIPTION:

A tract of land in the Southwest One-Quarter of Section 1, Township 46 North, Range 33 West, in the City of Belton, Cass County, Missouri, said tract being more particularly described as follows;

Commencing at the Southeast corner of the Southwest One-Quarter of said Section 1; thence North 89 degrees 05 minutes 56 seconds West along the South line of said Southwest One-Quarter a distance of 1020.18 feet to a point on the Easterly right of way line of the East outer roadway of U.S. Highway 71 as now established; thence Northwesterly, along the Easterly right of way line of the East outer roadway of U.S. Highway 71 and along a curve to the right having a radius of 2698.93 feet, a central angle of 03 degrees 28 minutes 42 seconds, an initial tangent bearing of North 36 degrees 47 minutes 20 seconds West and an arc length of 183.72 feet to a point; thence North 58 degrees 41 minutes 22 seconds East a distance of 16.84 feet to the Point of Beginning; thence North 27 degrees 05 minutes 32 seconds West a distance of 26.00 feet to a point; thence North 62 degrees 54 minutes 28 seconds East a distance of 50.00 feet to a point; thence South 27 degrees 05 minutes 32 seconds East a distance of 26.00 feet to a point; thence South 62 degrees 54 minutes 28 seconds West a distance of 50.00 feet the Point of Beginning, subject to that part if any, in streets, roadways or other public right of ways and containing 1,300.00 square feet more or less.

I HEREBY CERTIFY THAT THIS EXHIBIT WAS PREPARED UNDER MY DIRECT SUPERVISION AND THE DETAILS SHOWN HEREON ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF



David Allen Rihne, P.L.S
MO# PLS-2014000198

DRAWN BY	AR
CHECKED BY	SCH
DATE	7-14-2015
PROJECT NO	15-121
SCALE	1" = 50'
SHEET	1 CF 1

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SIGN MAINTENANCE EASEMENT

SECTION IV.
UNIFIED DEVELOPMENT CODE – TEXT
AMENDMENTS

**AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE
BELTON PLANNING COMMISSION
MONDAY, SEPTEMBER 20, 2021 – 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.

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 provisions for Accessory Dwelling Units in residential zoning districts. (4-1)
2. Amend public hearing procedures to require posting of a “Public Hearing” sign as notification requirements for rezoning and special use applications. (20-2)
3. Revise language for sidewalk location and design. (various sections)
4. Consider adding a noise ordinance.
5. Amendments-Stormwater Management and Flood Protection

PROPOSED AMENDMENTS

1. Create provisions for Accessory Dwelling Units in residential zoning districts. (Section 4-1)

Accessory dwelling units (ADU) are defined by the American Planning Association (APA) as “ADU’s are small, self-contained living units that typically have their own kitchen, bedroom, and bathroom space. Often called granny flats, elder cottage housing, or secondary dwelling units. ADU’s are apartments that can be located within the walls of an existing or newly constructed single-family home or can be an addition to an existing home. They can also be freestanding structures on the same lot as the principal dwelling unit or a conversion of a garage or barn.”

The attached Quick Notes-Accessory Dwelling Units from APA provides additional information about accessory dwelling units.

It is recommended that Section 4-1 (c) (2) be amended as follows:

(2) No accessory structure shall be used for dwelling purposes except apartment garages and permitted accessory dwelling units.

It is recommended that Section XX be amended to create regulations as follows:

A. Applicability-

1. An ADU is a dwelling unit that is accessory to a principal single-family dwelling unit on the same lot. This includes a building or part of a building that provides complete independent living facilities for one or more people, including a kitchen, living room, bathroom and bedroom. The ADU may be attached to the principal dwelling or be a detached building on the same lot.

B. Where Allowed-

1. ADU's are permitted as accessory structures in the A Agricultural District, the R-1, R-1A, R-1B, and R-2 Residential Districts. Only ADU shall be permitted on a lot. The ADU may be constructed as a new accessory structure, an addition to an existing principal structure or conversion of a portion of an existing principal structure.

C. Standards-

1. The ADU shall meet all the regulations, setback and lot coverage requirements of Section 4-1.
2. The ADU shall not exceed a gross floor area of 1,000 square feet or more than 50 percent of the floor area of the principal structure, whichever is less.
3. The ADU shall not exceed the height of the principal structure.
4. The architectural style of the ADU shall be in keeping with the style, colors, and materials of the principal structure.
5. The ADU shall be constructed on a permanent foundation or slab and meet all requirements of the applicable building code.
6. A separate address shall be posted on the ADU for emergency services.
7. The ADU shall provide off-street parking or a driveway.

-
2. Amend public hearing procedures pertaining to required mailings, and require posting of a "Public Hearing" sign as notification requirements for rezoning and special use applications. (Section 20-2).
Please see attachment, example of public notice sign.

It is recommended that Section 20-2 (a) be amended as follows:

- (a) Planning commission public hearing. All proposed text and map amendments must be submitted to the planning commission for review and recommendation. The planning commission must hold a public hearing on the application. The public hearing must be held at the next regular meeting of the planning commission for which the application may be scheduled given public notice deadlines, unless the applicant has consented to an extension of this time period. The applicant shall **prepare** certified letters to the most recent property owner of record for all properties within 185 feet of the subject property. **At the applicant's expense, the City of Belton shall send the certified letters 15 days prior to the public hearing.**
1. In the case of rezonings and special use permits, the applicant shall place a sign on the property informing the general public that a public hearing will be held at a specific time and place concerning proposed changes in use.

2. The sign shall be placed at a property line abutting the street and be readily visible to the general public.
3. The sign shall be furnished by the City to the applicant.
4. The applicant shall maintain the sign for at least the twenty (20) days immediately preceding the date of the public hearing.
5. The applicant shall file an affidavit with the secretary of the Planning Commission at the time of the public hearing verifying that the sign has been maintained and posted as required by this ordinance and applicable resolutions.
6. Upon conclusion of the public hearing, the applicant shall remove the sign.

3. Consider amendments to various Sections pertaining to sidewalks. (various sections)
(changes/additions in bold)

- Section 28-5 – Site Design
Buildings shall connect to sidewalks and other pedestrian connections within the site and to adjacent **building** sites.
- Section 12-4 – Additional Regulations
(b)(1) d. On sidewalks if **pedestrian** accessibility is blocked;
- Section 34-161 (new) Sidewalks
All new construction shall construct 5-foot-wide sidewalks that connect their improvement to the nearest improved property.
- Section 36-108(2) Walks
Walks. Sidewalks shall be installed on both sides of all residential streets upon which houses face. Sidewalks shall be required on both sides of the street in any commercial or industrial district and on all collector and arterial streets. **Sidewalks from the new improvement (subdivision, building, factory, etc.) shall be constructed along arterial and collector streets to the meet existing sidewalks or to the next developed properties, whichever are closer.** All sidewalks shall not be less than four five feet in width along residential streets and not less than five feet in width along arterial streets and shall comply with the specifications of the city council.

4. Commissioner Powell would like to discuss adding a new chapter to the UDC pertaining to Noise.

5. Proposed amendments pertaining to Chapter 32 Stormwater Management and Flood Protection are summarized in the attached memo from the Department of Public Works.

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.

Amendments to the Unified Development Code

ATTACHMENTS

1. Quick Notes-Accessory Dwelling Units-American Planning Association
2. Example-Public Notice Sign
3. Memo-Amendments-Chapter 32 Stormwater Management/Flood Protection

QUICKNOTES

Accessory Dwelling Units

Accessory dwelling units (ADUs) are small, self-contained living units that typically have their own kitchen, bedroom(s), and bathroom space. Often called granny flats, elder cottage housing opportunities (ECHO), mother-daughter residences, or secondary dwelling units, ADUs are apartments that can be located within the walls of an existing or newly constructed single-family home or can be an addition to an existing home. They can also be freestanding cottages on the same lot as the principal dwelling unit or a conversion of a garage or barn.

The benefits to the home owner and the ADU occupant are many. For the home owner, ADUs provide the opportunity to offer an affordable and independent housing option to the owner's grown son or daughter just starting out or to an elderly parent or two who might need a helping hand nearby. The unit could also be leased to unrelated individuals or newly established families, which would provide the dual benefit of providing affordable housing to the ADU occupant and supplemental rental income to the owner. Supplemental income could offset the high cost of a home mortgage, utilities, and real estate taxes. Finally, leasing an ADU to a young person or family can provide an elderly home owner with a sense of security and an opportunity to exchange needed work around the house and yard for a discount on rent.

Despite the benefits, some communities resist allowing ADUs, or allow them only after time-consuming and costly review procedures and requirements. Public resistance to ADUs usually takes the form of a perceived concern that they might transform the character of the neighborhood, increase density, add to traffic, make parking on the street more difficult, increase school enrollment, and put additional pressure on fire and police service, parks, or water and wastewater. However, communities that have allowed ADUs find that these perceived fears are mostly unfounded or overstated when ADUs are actually built.

ADUs are a particularly desirable option for many communities today considering the current economic climate, changes in household size, increasing numbers of aging baby boomers, and the shortage of affordable housing choices. They provide a low-impact way for a community to expand its range of housing choices.

LOCALITIES AND STATES GET INTO THE ACT

Towns, cities, and counties across the country have done the right thing by proactively amending local zoning ordinances to allow ADUs. This is typically done either as a matter of right or as a special or conditional use. In either case, reasonable conditions may be imposed. Some states, including California, have enacted legislation that limits the ability of localities to zone out ADUs.

In 2001 AARP retained APA's Research Department to write a guidance report for citizens interested in convincing local and state officials of the benefits of allowing ADUs and showing them how to do it. Entitled *Accessory Dwelling Units: Model State Act and Model Local Ordinance*, the monograph provides alternative statute and ordinance language useful to implementing all forms of ADUs.

The Model Local Ordinance suggests recommendations for communities. Additionally, the intent of the ordinance describes the permitting process for eligibility and approval, and further outlines standards for ADU approval pertaining to lot size, occupancy, building standards, parking and traffic, public health, and how to deal with nonconforming ADUs. *The Model State Act* provides findings and policies encouraging the approval of ADUs and names local governments as the entities entitled to authorize

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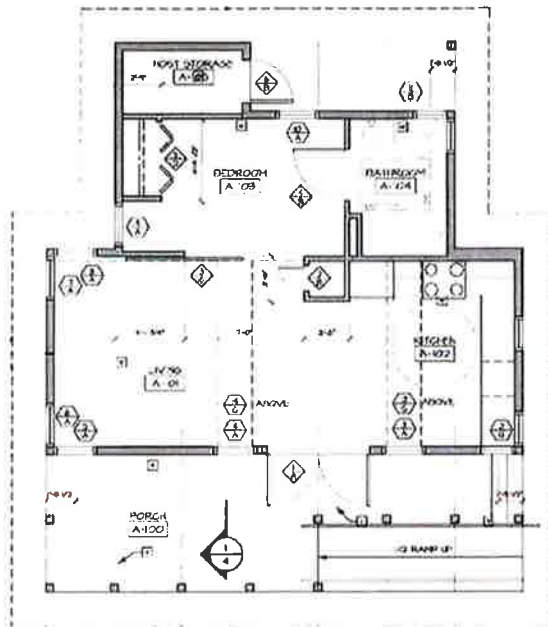
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adoption of an ADU statute. It specifies the limits to which local governments may prohibit ADUs and outlines default permitting provisions if a locality does not adopt an ADU ordinance. It details optional approaches for adopting ADU ordinances, certifying local ADU ordinances, gathering data on ADU efforts, preparing reports and recommendations, and forming a statewide board overseeing ADUs.

WHAT ISSUES ARISE WHEN A PROPOSED ADU ORDINANCE IS CONSIDERED?

ADU ordinances offer a variety of benefits to local communities but the road to implementation may not be an easy process. While ADUs are more widely accepted now than in years past, skeptics still remain and some still oppose ADU zoning. The following describes some issues or decision points that communities must address in order to successfully navigate the perilous waters of public acceptance. The approach that is right for your city or town will be unique, based on local physical, political, social, and economic conditions.



Single story ADU floor plan.

By-right Permitting. Should permits for ADUs be issued as a matter of right (with clear standards built into the ordinance) or should they be allowed by discretion as a special or conditional use after a public hearing?

Occupancy. Should ordinance language allow an ADU only on the condition that the owner of the property lives in one of the units?

Form of Ownership. Should the ordinance prohibit converting the ADU unit into a condominium?

Preexisting, nonconforming ADUs. How should the ordinance treat grandfathered ADUs? How do you treat illegal apartments that want to apply for an ADU permit?

Unit Size: Should the ordinance limit the square footage of the ADU to assure that the unit is truly accessory to the principal dwelling on the property?

Adequacy of Water and Sewer Services. How do you guarantee there is enough capacity in sewer lines, pumping stations, and treatment facilities to accommodate ADUs?

These are not easy issues. However, communities would do well to seriously consider adopting an approach that: allows ADUs by right with clear written conditions; does not require owner occupancy; prohibits condominium ownership on the basis that a condo could not be considered accessory; provides a simple procedure for legalizing preexisting or formerly illegal apartments provided the unit is inspected; provides a generous size standard; and provides a water and sewer adequacy standard.

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For a complete list of references visit <http://www.planning.org/pas/quicknotes/>

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For more information on this topic visit www.planning.org.

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PUBLIC NOTICE

**SUBDIVISION SKETCH PLAT FOR
THIS PROPERTY: CASE NO. 19637,
WILL BE REVIEWED BY THE
DEKALB COUNTY PLANNING COMMISSION
ON Feb 11, 2015 AT 6:30 P.M.**

MEETING LOCATION:

DEKALB COUNTY AUDITORIUM

1300 COMMERCE DRIVE

DECATUR, GA. 30030

FOR INFORMATION CALL (404) 371-2155

Briarlake Cove 43 Lots Single Family



CITY OF BELTON – PUBLIC WORKS DEPARTMENT
MEMORANDUM

Date: September 16, 2021
To: Greg Rokos, Public Works Director
cc: Dave Clements, Director of Planning and Building
From: Nikia Freiburger, City Engineer
Dept./Div.: Public Works / Engineering
Subject: Proposed Changes to the Unified Development Code

The following codes would benefit from updates. I have provided suggested changes to be workshopped with the City Council.

- **Chapter 26, Section 5. (4):** *All residential driveways except those in the A and R-1B districts must be paved with a permanent material such as asphalt, concrete, paving blocks or other approved material meeting the standards of the city.*

Proposed Revision: Add language specifying drive approach/right-of-way material requirements on all residential driveways regardless of lot type.

Explanation: Currently, Public Works Department's Standard Details requires that residential drive approaches must be constructed of concrete. Adding the proposed language would align the UDC with current Public Works requirements.

- **Chapter 32, Section 1. (6) a. 1.:** *Is on land covered by an approved unexpired final plat, preliminary plat, memorandum of understanding (MOU) or preliminary plan, where such approval was given prior to the effective date of the ordinance from which this section is derived.*
and
Chapter 32, Section 5. (i)(1) b.: *This subsection does not apply to any land development activity for which a preliminary plat or other phased development has been previously approved as of February 28, 2005 or to any land development activity which has been submitted for preliminary plat approval as of February 28, 2005.*

Proposed revision: Remove these subsections.

Explanation: There are multiple residential lots in Belton that were platted prior to the effective date of the above reference ordinances and are well within the floodplain/floodway and/or stream buffer. Currently this code allows residential structures to be built within stream buffers which fails to restrict uses that are dangerous to health, welfare, safety, and property in times of flooding. By removing these subsections of the code, parcels within the floodplain and/or stream buffer could only have residential structures constructed on them if they met one of the other three exceptions stated in the UDC provided below.

- "Is covered by an unexpired building permit issued prior to the effective date of this section, in accordance with the City Code, and platting was not required prior to issuance of a building permit;

- Is being used for agricultural operations; or
- If a development obtains a Federal Clean Water Act Individual 404 Permit allowing a stream to be relocated or otherwise altered, this section will apply to the new stream location and order. A copy of the approved 404 Permit shall be submitted with the buffer plan.
 - (i) No development shall be approved that proposes development on any parcel of land wholly or partially within the defined stream corridor unless the proposed development is in compliance with the applicable provisions of this section.
 - (ii) Except as otherwise provided by this section, the director of public works shall administer, implement and enforce the provisions of this section. The director may delegate any powers or duties granted by this Code to other city personnel or authorized representatives.
 - (iii) The city is authorized to develop administrative policies and guidelines to implement this section.
 - (iv) Stream buffers, as required by this section, are a part of the city's stormwater management program.”
- **Chapter 32, Section 1. (4) e.:** *In all regards, the Payment shall be calculated at a rate (the "Rate") of \$5,100.00 per impervious acre of development as set out in the approved Study. The Payment for the property being developed shall be made to the City before a building permit will be issued for the development. After March 1, 2015 the Rate shall be increased every March 1st using an escalator fact based upon the Consumer Price Index for Construction.*

Proposal: Update the rate to \$5,900.00 per impervious acre.

Explanation: The proposed updated price was calculated using the Consumer Price Index for Construction as specified in this section of code.

SECTION V.
FINAL PLAT – MILLS SUBDIVISION

**FINAL PLAT
MILLS SUBDIVISION
BELTON PLANNING COMMISSION
MONDAY, SEPTEMBER 20, 2021 – 6:00 P.M.
CITY HALL ANNEX BUILDING – 520 MAIN STREET**

APPLICANT

Property Owner- Belton-Cass Regional Transportation Development District

Surveyor- Wilson & Company

Location- The property is located at 1402 East Cambridge Road, at the northeast corner of Cambridge Road and Mullen Road.

Request- *The application was filed for approval of a Final Plat for the Mills Subdivision.*

BACKGROUND

This application was filed for a Final Plat for Mills Subdivision. The property is presently a 1.7-acre parcel that has not been platted. The proposed plat provides for a Lot 1 of 38,606 square feet (.886-acres) for the existing house. The remaining property is dedicated as additional right-of-way at the northeast corner of Cambridge Road and Mullen Road for road improvements at the intersection to be constructed by the Belton-Cass Regional Transportation Development District.

The property is zoned an A - Agricultural District, and this zoning district requires a 5-acre minimum lot size. The existing 1.7-acre parcel does not meet this minimum lot size. The proposed plat further reduces the lot size for the existing house to .886-acres. This lot size is a result of right-of-way dedication necessary for public improvements at the intersection.

PROPOSED FINAL PLAT

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

Access/Streets- The plat includes dedication of right-of-way necessary for intersection improvements to be done by the Belton-Cass Regional Transportation Development District. This right-of-way dedication is labeled on the plat.

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 Mills Subdivision. 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 Mills Subdivision, by Wilson and Company is approved as submitted.
2. Label Lot 1 on the Plat.
3. Provide a **legal description** for the land to be dedicated as additional right-of-way and designate as "Hereby Dedicated".
4. Provide an ownership certificate for signatures, as required for recording.
5. 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.

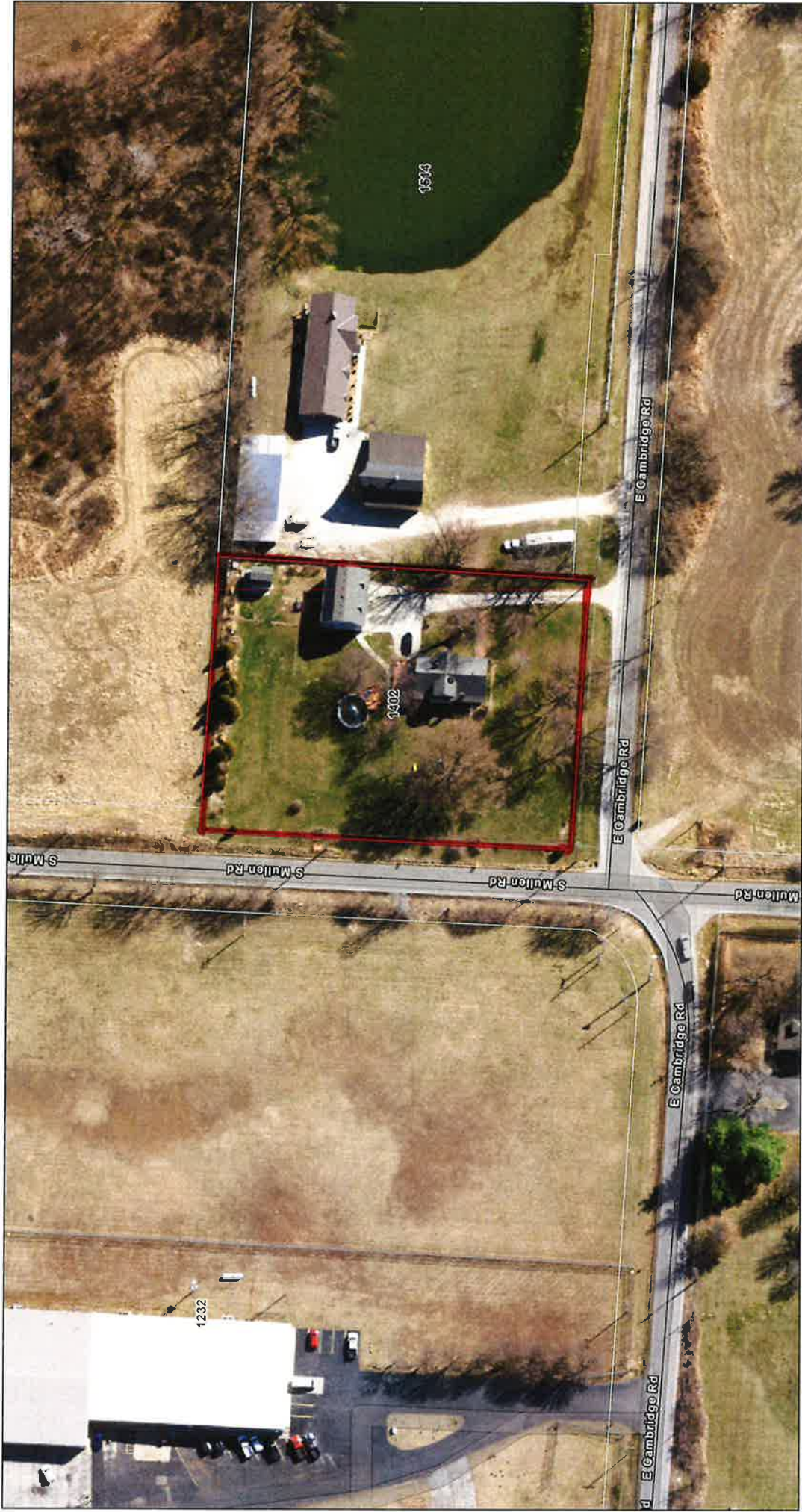
PLANNING COMMISSION ALTERNATIVES

1. Motion to **approve** a Final Plat for Mills Subdivision.
2. Motion to **deny** a Final Plat for Mills Subdivision.
3. Motion to continue the application pending additional information.

ATTACHMENTS

1. Location Map
2. Final Plat- Mills Subdivision

ArcGIS Web Map



9/17/2021, 7:58:47 AM

Aerial_MARC_2020_6in.tif — Streets

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Belton_Parcels

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