

**Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
September 20, 2021**

<https://www.youtube.com/watch?v=qmm1QNZeB5s>

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, and James Pryan

Absent: Commissioner Kara Anderson and Kelly Monaghan-Bass

Staff: Dave Clements, Planning and Building Director; and Haden Mattke, Engineer I

Guests: Chad Hager, Link Media Omaha, 614 NW Platte Valley Dr, Riverside, MO 64150

MINUTES

Mayor Larkey moved to approve the August 16, 2021 Planning Commission meeting minutes. Commissioner Christy seconded the motion. All other members present voted in favor, and the motion carried.

PUBLIC HEARING – Consideration of a Special Use Permit for an electronic message center on an existing billboard sign located at 16241 South Outer Road.

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

The public hearing was opened at 6:01 p.m.

Chad Hager, Link Media Omaha, LLC; 614 NW Platte Valley Dr, Riverside, MO 64150 was present to speak in favor of the electronic message center. Mr. Hager stated they would not be able to mention the Belton QuikTrip due to possible differences in gas prices.

With no further input the public hearing was closed at 6:13 p.m.

Mayor Larkey moved to approve the consideration of a Special Use Permit for an electronic message center on an existing billboard sign located 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.

The motion was seconded by Commissioner Vest. When a vote was taken, the following was recorded:
Ayes: 7 – Chairman MacPherson, Mayor Norman Larkey, Councilman Rob Powell, Commissioners Todd Christy, Tim McDonough, Marsha Vest and James Pryan
Noes: 0 – None
Absent: 2 – Commissioner Kara Anderson and Kelly Monaghan-Bass

The motion carried and will be forwarded to City Council.

PUBLIC HEARING – 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.

Mr. Clements gave a summary of the staff report. The staff report is attached as **Exhibit B**. The public hearing was opened at 6:14 p.m.

The Commission had concerns to the amendments and made the following changes:

1. Create provisions for Accessory Dwelling Units in residential zoning districts. (Section 4-1)
 - 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 **and has spaces that function as** 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.
 - C. Standards-
 1. The ADU shall meet all the regulations, setbacks, 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 **be larger than the original structure.**
 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 **constructed of building materials compatible with the main 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.
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** site **sidewalks**.

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

The Commission recommended this item be sent to City Council to look into funding a noise study.

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

Public Works requested to remove item **Chapter 32, Section 5(i)(1) b.** from the public hearing tonight and the item will be brought back at a later date.

With no further input the public hearing was closed at 7:28 p.m.

Mayor Larkey moved to approve the consideration of the 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. The recommendation is subject to the changes made during the public hearing discussion.

The motion was seconded by Councilman Powell. When a vote was taken, the following was recorded:
Ayes: 6 – Chairman MacPherson, Mayor Norman Larkey, Councilman Rob Powell, Commissioners Tim McDonough, Marsha Vest and James Pryan
Abstain: 1 – Commissioner Todd Christy
Noes: 0 – None
Absent: 2 – Commissioner Kara Anderson and Kelly Monaghan-Bass

The motion carried and will be forwarded to City Council.

NON-PUBLIC HEARING – Consideration of a Final Plat for the Mills Subdivision located at 1402 East Cambridge Road.

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

Mayor Larkey moved to approve the consideration of a Final Plat for the Mills Subdivision located at 1402 East Cambridge Road. 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.

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

Ayes: 7 – Chairman MacPherson, Mayor Norman Larkey, Councilman Rob Powell, Commissioners Todd Christy, Tim McDonough, Marsha Vest and James Pryan

Noes: 0 – None

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

The motion carried and will be forwarded to City Council.

DIRECTOR'S REPORT

- No report

NEXT MEETING DATE: October 18, 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 7:36 p.m.

EXHIBIT A

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.

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:

4. 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.
5. The Special Use permit is subject to all the standards of Section 40-2 Special Use provisions, including conditions, transferability, and revocations.
6. 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.

EXHIBIT B

**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

2. 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-

6. 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.

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7. *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 rezoning's 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.

8. 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.

9. Councilman 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.



CITY OF BELTON – PUBLIC WORKS DEPARTMENT
MEMORANDUM

Date: October 19, 2021
To: Greg Rokos, Public Works Director
cc: Dave Clements, Director of Planning and Building
From: Nikia Freiberger, 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.

EXHIBIT C
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:

6. The Final Plat for the Mills Subdivision, by Wilson and Company is approved as submitted.
7. Label Lot 1 on the Plat.

8. Provide a ***legal description*** for the land to be dedicated as additional right-of-way and designate as “Hereby Dedicated”.
9. Provide an ownership certificate for signatures, as required for recording.
10. 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.