

**Minutes of Meeting**  
**Belton Planning Commission**  
**City Hall Annex, 520 Main Street**  
**July 20, 2015**

**CALL TO ORDER**

Vice Chairman Chris Christensen called the meeting to order at 7:00 p.m.

**ATTENDANCE**

*Commission:* Vice Chairman Chris Christensen, Commissioners Ryan Finn, Larry Thompson, Councilman Tim Savage and Mayor Jeff Davis.

*Staff:* Jay Leipzig, Community & Economic Director, Robert Cooper, City Planner, Jennifer Dutcher, Community Development Secretary, Jeff Fisher, Public Works Director.

*Absent:* Chairman Holly Girgin, Commissioners Sally Davila, Tim McDonough, and Chuck Crate.

**MINUTES**

Commissioner Thompson moved to approve the minutes of the July 6, 2015 Planning Commission meeting. Commissioner Finn seconded the motion. All members present voted in favor and the motion carried.

**DISCUSSION**

Mr. Cooper presented the staff report for the consideration of a zone change from R-1 (Single-Family Residential) District to R-3 (Multi-Family Residential) District for a 1.00-acre tract of land, addressed as 600 Minnie Avenue. The development has been owned by the Tutera Group since 2006, owning a minority share until 2010 then assumed full ownership and management control over the development. At the present time, Tutera plans to build and manage a 60-bed facility immediately west of the current development. This allows for additional services to the elderly and the population segment needing physical rehabilitation and other services. In addition, the new facility will need additional staff, most being skilled workers, providing job opportunities within the community. This area consists of a mixture of zoning classifications. The predominate zoning along 58-Highway is C-2 (General Commercial), while the zoning along and south of Minnie Avenue is primarily R-1 (Single-Family Residential) with higher density R-2 and R-3 located on the west side of Cedar (Y-Highway) and south of E. North Avenue. The characteristics and predominate land use in the immediate area is commercial/retail with store frontage along 58-Highway. However, the interior properties just south of the commercial corridor are residential in characteristic and design. The city's future land-use map designates this area as multi-family mixed use zoning. The rezoning to multi-family would be consistent with the City's Future Land Use Map and future plans for this area of the city. The proposed zone change to R-3 (Multi-Family Residential) for the one-acre parcel would be consistent with the existing zoning of the entire tract of Carnegie Village. In addition, the change to multi-family residential zoning would serve as a buffer between the commercial uses along E. North Avenue and the single-family houses south of Minnie Avenue. This zoning buffer approach is consistent with national planning standards and is a common planning practice. The rezoning of the property to multi-family as proposed does not appear to pose an increase in environmental impacts than what is currently found within the existing R-3 multi-family zoned area of Carnegie Village. The zone change will not have an adverse impact on the surrounding properties due to similar zoning and uses in the immediate area.

Vice Chairman Christensen opened the public hearing at 7:04 p.m. for anyone to speak for or against the rezoning application. Leo Harris with Tutera Group addressed the Commission indicating the newest addition will be 50 units, housing 60 beds pending the approval of the plans and financing. The addition will be a skilled nursing facility as a continuum of care with approximately 52,000 square feet. He continued to say they wish to begin work by November.

Commissioner Sally Davila arrived at the meeting at 7:06 p.m.

Councilman Savage questioned the status of the house that is currently sitting on corner of the land in question. Mr. Cooper indicated the house will be totally demolished. With no one else present to speak for or against the item, Vice Chairman Christensen closed the Public Hearing at 7:09 p.m. Mr. Savage stated he supports the rezoning as everything seems to be a right fit for that location.

Mayor Davis moved to approve, the zone change from R-1 (Single-Family Residential) District to R-3 (Multi-Family Residential) seconded by Councilman Savage.

When a vote was taken, the following was recorded, **Ayes: 6** – Vice Chairman Chris Christensen, Commissioners Ryan Finn, Larry Thompson, Sally Davila, Councilman Tim Savage and Mayor Jeff Davis.

**Absent: 3** – Chairman Holly Girgin, Commissioners Tim McDonough and Chuck Crate.  
The motion carried.

Mr. Leipzig acknowledged a request to allow a home childcare business on behalf of the applicants, Zakariah and Courtney Berislavich residents of 311 Manor Drive. Mr. Cooper presented the staff report for the request of a Special Use Permit to allow a home child care business to operate on property zoned R-1 (Single-Family Residential). The proposed use will be for home child care with surrounding zonings of R-1. Pursuant to Section 40-3(6) of the Unified Development Code, 'Day care homes and centers' with more than four (4) children must have a special use permit and must meet the following requirements:

- a. Day care homes and centers must be licensed by and in compliance with all state and local laws governing such facilities;
- b. Any outdoor areas used by the facility as recreational areas must be enclosed by a fence no less than 42-inches in height;
- c. Day care homes and centers must include a designated safe unloading (drop-off) and loading (pick-up) areas for children.

Mr. Cooper stated Manor Drive is a quiet street, the driveway of the property has been added onto, therefore, it will hold 2 additional vehicles as well as the parking spaces in front of the home. Vice Chairman Christensen opened the public hearing at 7:15 p.m. for anyone to speak for or against the Special Use Permit for 311 Manor Drive. Applicants, Zakariah and Courtney Berislavich of 311 Manor Drive were present to answer questions from the Commission. Mr. Savage questioned if Courtney would have a problem for the Commission to indicate no signage on the property and to limit the hours of operation. Mrs. Berislavich indicated she did not have any problems with that request. Mayor Davis questioned the number of children care will be provided for. Mrs. Berislavich indicated she is licensed for 10; however wishes to only have 6. Mayor Davis also brought up the limbs on the side of the house, asking her to have them removed. He also stated he spoke with a few of the neighbors and they had no problem with a childcare business at that location. Mr. Finn questioned if she will be hiring anyone to

help. Mrs. Berislavich stated she will hire an assistant for emergencies only. With no one else present to speak for or against the item, Vice Chairman Christensen closed the Public Hearing at 7:19 p.m.

Councilman Savage moved to approve as amended, the Special Use Permit for 311 Manor Drive indicating no outdoor storage, no signage and hours of operation being 6:30 a.m. – 8 p.m. seconded by Commissioner Thompson.

When a vote was taken, the following was recorded, **Ayes: 6** – Vice Chairman Chris Christensen, Commissioners Ryan Finn, Larry Thompson, Sally Davila, Councilman Tim Savage and Mayor Jeff Davis. **Absent: 3** – Chairman Holly Girgin, Commissioners Tim McDonough and Chuck Crate. The motion carried.

Mr. Leipzig continued with the consideration of a text amendment to the UDC Section 2-1 Enforcement, stating staff has been working with the attorney to clarify language while keeping the same intent. The amendment would provide language for liens and nuisance abatement and any outstanding financial obligations.

Vice Chairman Christensen opened the public hearing at 7:22 p.m. for anyone to speak for or against the text amendment to the UDC Section 2-1 Enforcement. With no one present to speak for or against the amendment, the public hearing was closed at 7:23 p.m. Mr. Savage made note of his support for the amendment however, questioned the wording within the changes. Mr. Leipzig stated this amendment was prepared by Shannon Marcano and will go thru a review process with Aaron March. Mayor Davis questioned if this language will be pertinent to current cases. Mr. Leipzig stated this change will not be grandfathered. Mayor Davis clarified the need to have the ability to deny permits for unsavory characters. Vice Chairman Christensen agreed with Mr. Savage, that the language needs to include some verbiage stating “including but not limited to”. Mr. Savage requested the item have a relook prior to being sent forward with approval. Mr. Leipzig stated staff will be willing to review the verbiage and re-present at a future date.

Councilman Savage moved to postpone to a date uncertain, the text amendment to the UDC Section 2-1 Enforcement, seconded by Commissioner Thompson.

When a vote was taken, the following was recorded, **Ayes: 6** – Vice Chairman Chris Christensen, Commissioners Ryan Finn, Larry Thompson, Sally Davila, Councilman Tim Savage and Mayor Jeff Davis. **Absent: 3** – Chairman Holly Girgin, Commissioners Tim McDonough and Chuck Crate. The motion to postpone to a date uncertain carried.

Mr. Cooper presented the staff report for the Preliminary Plat for Carnegie Village citing it as a 13.4-acre, senior and assisted living facility, located on the south side of 58-Highway, east of Y-Highway, addressed as 107 Bernard Drive. The City’s future land use map identifies this as high density residential, with a senior assisted living facility as a permitted use by-right. Primary access to the facility will continue to be from East North Avenue with additional access points from the south along Minnie Avenue and from the west along Lillard Avenue. The preliminary plat indicates the project involves the realignment of the existing interior roadway system, the creation of new carports, and new parking areas, in addition to the new 60-bed facility. Mr. Cooper made note staff recommends the approval of the preliminary plat; however, the approval by the Planning Commission does not constitute an acceptance of the subdivision, but is merely deemed to be an authorization to proceed with the preparation of the final plat which requires Planning Commission and City Council approval. The approval of the preliminary plat shall be effective for two-years. If the final plat for any part of the area covered by the preliminary plat has not been submitted for approval within this specified period, a preliminary plat must be resubmitted to the

Planning Commission for approval. Discussion of the road conditions were addressed as Mr. Fisher stated Lillard Avenue is in poor condition and the engineering comment stands on having the flat ribbon curb on both streets (Lillard and Minnie). Mr. Savage stated he cannot support having a development pay for all the necessary repairs. Mr. Fisher indicated code requires the repairs, and for asks the Commission to remember the presentation on street conditions, stating the city currently has 8 miles of failed curb, 5 miles of failed sidewalks and 20 miles of poor or failed street segments totaling about 19.6 million dollars' worth of needed improvements that the annual transportation budget cannot support. Mr. Fisher continued to say a new surface not including the curb on Lillard Avenue would cost the developer roughly \$25k at City cost and possibly less in the private sector. Mr. Savage again stated he was not sure about putting that cost onto the backs of the developers. Mayor Davis questioned if this falls under the arterial street impact fees. Mr. Fisher stated they will be charged with the arterial street impact fee but then will not get a credit because it is not an arterial street improvement.

Mayor Davis moved to approve the Preliminary Plat for Carnegie Village, with a second by Commissioner Finn.

When a vote was taken, the following was recorded, **Ayes: 6** – Vice Chairman Chris Christensen, Commissioners Ryan Finn, Larry Thompson, Sally Davila, Councilman Tim Savage and Mayor Jeff Davis.

**Absent: 3** – Chairman Holly Girgin, Commissioners Tim McDonough and Chuck Crate. The motion carried.

Mr. Leipzig presented the Directors Report stating the City went thru an extensive hiring process and the new City Attorney will start mid-August. Mr. Leipzig continued on to say the following items will be presented at the next Planning Commission meeting on August 3rd.

- 1.) Special Use Permit for Heart and Hand located on Chestnut.
- 2.) Special Use Permit for a digital sign for Transwest expansion.
- 3.) Election of Planning Commission Officers for the positions of Chairman and Vice Chairman.

Mr. Leipzig stated Texas Roadhouse may be on the August 17<sup>th</sup> agenda, they are handling some issues with the parcel. Mr. Leipzig requested some feedback as he presented the proposal of earlier meeting times for the Planning Commission. Mr. Leipzig indicated the benefits of a 6 p.m. start time would include shorter work days for staff and applicants, adding the convenience of typical meetings ending around 7 p.m. Mr. Savage stated he is in agreement for staff and respects the purpose however, that time frame will not work for him. Flexibility to the time change was favorably acknowledged by remaining members present at the meeting. Mr. Leipzig stated this will be something to look into again when all members are present; he was just looking for some feedback. The next meeting date will be August 3, 2015.

## **ADJORNMENT**

Commissioner Thompson moved to adjourn the meeting. The motion was seconded by Mayor Davis. All members present voted in favor and the meeting adjourned at 7:46 p.m.

Jennifer Dutcher  
Community Development Secretary