



**AGENDA  
CITY OF BELTON  
PLANNING COMMISSION  
MEETING & PUBLIC HEARING  
MONDAY, AUGUST 17, 2015 - 6:00 P.M.  
CITY HALL ANNEX, 520 MAIN STREET**

---

- I. CALL MEETING TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF THE MINUTES OF THE AUGUST 3, 2015 PLANNING COMMISSION MEETING**
- IV. PUBLIC HEARING**
  - A. Consideration of a text amendment to the Unified Development Code regarding Right of Way Permits.
- V. CONSIDERATION**
  - A. Consideration of a Final Plat approval for Texas Roadhouse.
  - B. Consideration for a Final Development Plan approval for Texas Roadhouse.
- VI. DIRECTOR'S REPORT**
- VII. NEXT MEETING DATE: SEPTEMBER 21, 2015**
- VIII. ADJOURNMENT**

# **MEETING MINUTES**

**AUGUST 3, 2015**

**Minutes of Meeting**  
**Belton Planning Commission**  
**City Hall Annex, 520 Main Street**  
**August 3, 2015**

**CALL TO ORDER**

Chairman Holly Girgin called the meeting to order at 7:00 p.m.

**ATTENDANCE**

*Commission:* Chairman Holly Girgin, Commissioners Sally Davila, Tim McDonough, Chris Christensen, Ryan Finn, Chuck Crate, Councilman Tim Savage and Mayor Jeff Davis.

*Staff:* Jay Leipzig, Community & Economic Director, Jennifer Dutcher, Community Development Secretary.

*Absent:* Commissioner Larry Thompson and Robert Cooper, City Planner

**ELECTION OF OFFICERS**

Chairman Girgin opened the nomination for the position of the Planning Commission Vice Chairman. Commissioner Davila nominated Commissioner Christensen, with a second by Mayor Davis. With no other nominations given, Chairman Girgin announced the closing of the nomination and a vote was taken. All members present voted in favor and Chris Christensen was elected as Vice Chairman.

Chairman Girgin opened the nomination for the position of Planning Commission Chairman. Mayor Davis nominated Chairman Girgin with a second by Commissioner Christensen. With no other nominations given, Chairman Girgin announced the closing of the nomination and a vote was taken. All members present voted in favor and Holly Girgin was elected as Chairman.

**MINUTES**

Commissioner Davila moved to approve the minutes of the July 20, 2015 Planning Commission meeting. Commissioner Christensen seconded the motion. All members present voted in favor and the motion carried.

**DISCUSSION**

Mr. Leipzig presented the staff report for the Special Use Permit submitted on behalf of Transwest Trucks, Trailers and Rv. Mr. Leipzig indicated the Special Use Permit is to allow a new digital monument sign, to be located in a C-2 (General Commercial) district, and addressed as 17327. S. Outer Rd. The site consists of 16 acres, 696,960 square feet and has the surrounding zoning of M1 (Light Manufacturing) to the North and the West, with the City of Raymore located to the East and South sides of the site. The applicant is asking the Planning Commission to allow a monument sign to exceed the maximum height of 6-feet and exceed the maximum size of 32 square feet. including a double-sided digital face, to be installed at the main entrance into the facility from the Outer Road. The proposed sign is 40-feet in height, with a 21-foot by 16-foot / 336-square foot digital sign face. Section 30-8 of the Unified Development Code lists the sign types permitted in a C-2 zoning district. Section 30-9 of the Unified Development Code lists Electronic Message Center signs are permitted subject to review by Special Use Permits. The proposed use will not detract or encroach upon welfare or convenience of the public. Currently there are four existing pole signs, all of which are located within a half-mile radius of the Transwest facility which is at least forty-feet in height. McDonald's restaurant has a 76- foot pole sign; Ad Tend Advertising has two 45-foot billboard signs; and Belton Regional Hospital has a 40-foot pole sign at their facility. Staff

recommends approval of the Special Use Permit 15-23, to allow a digital monument sign for Transwest. Mr. Leipzig acknowledged applicant Dave Bowe, General Manager for Transwest and Tim Hays, President of Digital Resolutions were present at the meeting. Mayor Davis questioned if the sign would look the same on both sides. Mr. Leipzig replied, yes it will. Mayor Davis stated Transwest certainly has been a great partner and I think they are doing a great job bringing a lot of business into Belton.

Chairman Girgin opened the public hearing at 7:07 p.m. for anyone to speak for or against the Special Use Permit for LED signage at 17327 S. Outer Road. Dave Bowe, General Manager for Transwest, wished to thank the Commission for their consideration and stated they are very happy with their location in Belton, adding they are working on an expansion to increase an additional 40,000 square feet which will add approximately 40-50 more jobs and allow them to add more RV lines. Commissioner McDonough questioned if a sign of this nature can be leased out or is it business specific. Mr. Leipzig stated per the Unified Development Code it is to be business specific. With no one present to speak for or against the item, the public hearing was closed at 7:10 p.m. Commissioner Christensen questioned how does this fall into our billboard area. Mr. Leipzig indicated limitations are present for billboards and this is a monument sign. We will probably be seeing more of these LED sign requests. Requiring a Special Use Permit gives us the ability to review each application. Commissioner Christensen expressed concern for having signs right next to the highway exit. Dave Bowe explained the sign will be located on the south side of the parcel located at the entrance of the building. Commissioner Crate then questioned the longevity or life span of a Special Use Permit, asking what might happen with a merge or sale of the business. Mr. Leipzig indicated the Special Use Permit is restricted to that property. If Transwest is sold or bought out, the Special Use Permit will go with the sale. The Commission can put a time frame on the Special Use Permit, however historically we have not done that with a business such as Transwest. Commissioner Crate questioned if the Special Use Permit could be worded in such a fashion that if the ownership of the business changes then the special use permit becomes null and void. Mr. Leipzig stated he believes so, although that is something that would need a legal opinion.

Chairman Girgin acknowledged the valid points stating Special Use Permits are specific to a business and applicant. Councilman Savage stated possibly the review of each case for who it is may be necessary. This type of signage presented is better than the old type of signs that require painting and repairs. Transwest has done amazing things with an old place, has millions of dollars of inventory and they would not do anything to harm or hurt Belton or themselves. Chairman Girgin stated she sees no harm in putting some restrictions on the approval in the event of a property transfer.

Commissioner Crate moved to approve the application for the Special Use Permit with the stipulation, if ownership of the property or the business changes; the Special Use Permit would be null and void. Commissioner Davila asked for verification that this verbiage would be pending a discussion with legal. Mr. Leipzig indicated that is correct, if null and void is unofficial then new verbiage could be considered.

Councilman Savage stated verbiage needs to be in place, leaving an option for review based on any ownership change, giving the Commission more options rather than just voiding the Special Use permit. Mr. Leipzig addressed the concerns by indicating any new owners would have to comply with all the conditions of the Special Use Permit for the property during the business license application process. Councilman Savage indicated ordinances are in place to protect for these types of issues – the tools are available.

Chairman Girgin stated we do have a motion on the floor, is a restatement needed for a second or is someone prepared to second the motion. After silence, Chairman Girgin then chose to restate the motion, motion to approve the application subject to a specified condition in the event of a change of property the Special Use Permit would become null and void pending legal interpretation. Seconded by Commissioner Davila.

When a vote was taken, the following was recorded, **Ayes: 8** –Chairman Holly Girgin, Commissioners Chris Christensen, Sally Davila, Tim McDonough, Ryan Finn, Chuck Crate, Councilman Tim Savage and Mayor Jeff Davis.

**Absent: 1** – Commissioner Larry Thompson.

The motion carried.

Mr. Leipzig acknowledged a Special Use Permit to allow Heart n Hand Ministries, a faith-based community outreach facility, to operate a seasonal concessions stand, on property zoned C-2 (General Commercial) District noting the location as being located at the southeast corner of B Street and 58 Highway. Mr. Leipzig indicated the applicant has constructed a deck on the front of the property. There has been a misunderstanding with the building inspections department and the applicant in terms of the building inspection permit versus the Special Use Permit application. Mr. Leipzig recommended a continuance of the request until the Sept 21<sup>st</sup> Planning Commission meeting giving staff additional time to work through issues with building inspections of the deck and stipulate conditions for the concession stand. Mr. Leipzig stated staff has questions at this point; there is a lot of additional information needed thus making it difficult to move forward with the process. Commissioner McDonough questioned if they have building permit. Mr. Leipzig indicated there is a general repairs permit for that location but we are looking for a permit for the deck and they are also doing construction in the basement. There are 3 permits that are required based off of the work they are doing. One permit is needed for the Special Use Permit for the concession stand, one for the deck and one for the basement.

Chairman Girgin opened the public hearing at 7:28 p.m. for anyone to speak for or against the Special Use Permit to operate a seasonal concession stand. With no additional persons present to speak for or against the item, the public hearing was closed at 7:29 p.m. Chairman Girgin noted this item has been continued to the September 21<sup>st</sup> Planning Commission meeting.

Mr. Leipzig addressed the Commission with the request for a change to the meeting times of the Planning Commission. Mr. Leipzig stated the Unified Development Code stipulates the meetings are to be held the first and third Mondays of each month, however, no time is specified. The benefits of an earlier meeting time include an ease on staffs work day as well as this fall will be busy and the meetings may last longer. Chairman Girgin acknowledged she is in favor of an earlier time. Councilman Savage indicated he would not be available if the time changed and they would need to fill his seat.

Commissioner Christensen moved to approve a 6 p.m. meeting time on the 1<sup>st</sup> and 3<sup>rd</sup> Monday of each month, seconded by Commissioner Finn.

When a vote was taken, the following was recorded, **Ayes: 7** –Chairman Holly Girgin, Commissioners Chris Christensen, Sally Davila, Tim McDonough, Ryan Finn, Chuck Crate and Mayor Jeff Davis.

**Noes: 1** - Councilman Tim Savage

**Absent: 1** – Commissioner Larry Thompson.

The motion carried.

Chairman Girgin acknowledged the time for Planning Commission meetings to be held on the 1<sup>st</sup> & 3<sup>rd</sup> Mondays each month at 6 p.m. beginning at the next meeting set for August 17, 2015.

Mr. Leipzig presented the Directors Report stating the next meeting will be held on August 17<sup>th</sup>. At that meeting staff plans to present the commission with the Final Plat for Carnegie Village, Final Plat and Final Development Plan Review for Texas Roadhouse. Mr. Leipzig continued his report bringing into discussion the Future Land Use Map which has a current expiration date of December 2016. He indicated M1 (Light Industrial) parcels need to be looked at closely. At the previous meeting, Chairman Girgin, Commissioners Christensen, Crate and Mayor Davis expressed an interest in meeting to discuss the

Future Land Use map. These meetings will be held on the 4<sup>th</sup> Monday of each month beginning August 24<sup>th</sup> during the lunch hour running roughly an hour to an hour and a half. The department will be sending formal meeting requests. Mr. Leipzig continued by stating the September 21<sup>st</sup> Planning Commission meeting will relook at the Special Use Permit presented on behalf of Heart n Hand and will also continue the hearing on the enforcement amendment to the UDC concerning liens by the City. Mr. Leipzig also stated an application has been received from Lane 4 for the Cedar Tree shopping center remodel and a TIF hearing is scheduled for September 16<sup>th</sup>. The site plan review for the Planning Commission will be presented on September 21<sup>st</sup> concerning the remodel of the shopping center. This remodel will be approximately a \$15 million dollar renovation. TIF will make a recommendation on Sept 16<sup>th</sup>; site plan gets presented to the Planning Commission on September 21<sup>st</sup> then goes to the Council the first week of October. Councilman Savage questioned if the original build was done with some sort of TIF. Mr. Leipzig indicated, No it was not.

#### **ADJORNMENT**

Commissioner McDonough moved to adjourn the meeting. The motion was seconded by Commissioner Christensen. All members present voted in favor and the meeting adjourned at 7:45 p.m.

Jennifer Dutcher  
Community Development Secretary

**Consideration of a text amendment to the Unified  
Development Code regarding Right of Way Permits.**



**CITY OF BELTON – PUBLIC WORKS  
MEMORANDUM**

---

**Date:** August 12, 2015  
**To:** Jay Leipzig – Director of Community and Economic Development  
**From:** Kate Glowacki – Assistant City Engineer  
**Subject:** Right-of-Way Driveway/Sidewalk Permit – Text Amendments to the Unified Development Code

---

At the March 3, 2014 Planning Commission meeting changes to the right-of-way permitting process, defined in the Unified Development Code in Chapter 34 Streets and Sidewalks, Article III. Excavations, were approved. Changes included removing the requirement of a \$5,000 surety bond and \$200 cash bond for excavations less than or equal to 12” in depth below the existing ground or hard surface in order to ease the burden for the residents and contractors. This created two right-of-way permits: Right-of-Way Excavation Permit (greater than 12”) and Right-of-Way Driveway/ Sidewalk Permit (less than or equal to 12”).

Since the code change, residents and contractors excavating less than or equal to 12” in depth below the existing ground in the right-of-way (ex: replacing a driveway approach) have only been required to complete the application for the Right-of-Way Driveway/Sidewalk Permit and pay a \$5.00 fee. While staff still requires inspections before work is complete (ex: before the concrete is poured) within the right-of-way, there has been a significant decrease in the number of calls received to complete inspections. This creates an issue of inconsistency with inspections for residents and contractors and possible inconsistencies of the City’s standards within the City’s right-of-way. It appears that without the \$200 cash bond, residents and contractors have no incentive to follow up with staff after obtaining the Right-of-Way Permit.

Staff is proposing to add the \$200 cash bond back into the Right-of-Way Driveway/Sidewalk Permit in order to encourage residents and contractors to contact the Engineering Department before completing their work within the right-of-way. The \$5,000 surety bond will still be waived for excavations less than or equal to 12”.

The proposed changes will amend Chapter 34 Streets and Sidewalks, Article I. Section 34-5 to include right-of-way permitting procedure language into the code and to remove the specific details pertaining to driveway culverts. These details were instead included into the City of Belton’s Design and Construction Manual.

The proposed addition to Chapter 34 Streets and Sidewalks, Article III. Excavations Section 34-65 will refer to Section 34-5 for excavations less than 12”. The code changes are attached.

The proposed changes were presented to, and supported by, the Public Works Committee at the July 16, 2015 meeting and will be presented at a public hearing during the August 17, 2015 Planning Commission meeting. Upon approval, these code changes will be brought to City Council at the August 25, 2015 regular City Council meeting for approval.

## Chapter 34 - STREETS AND SIDEWALKS

### ARTICLE I. - IN GENERAL

#### Sec. 34-5. - Requirements for private driveways along roads and streets.

- (a) Supervision of public works department. The public works director, city engineer, or other employee designated by the city manager shall inspect the construction of all driveways and driveway culverts to ensure compliance with the latest revision of the City's Design and Construction Manual. Before improvements are complete within the public right-of-way, a right-of-way permit must be issued by the Engineering Division. All persons and contractors who are engaged in the business of work in the right-of-way shall be required to post a \$200.00 cash bond. All right-of-way permits require a \$5.00 application fee. Additional excavation requirements are outlined in the Unified Development Code, Chapter 34, Article III. ~~following criteria:~~
- ~~(1) All storm drainage pipe shall be the size and at a grade and location as required by the public works department.~~
  - ~~(2) The minimum size of storm drainage pipe shall be 12 inches in diameter and be either Class III reinforced concrete pipe (RCP) or 16-gauge corrugated metal pipe (CMP). The actual diameter shall be a size directed by the public works department.~~
  - ~~(3) The pipe shall be of such a length that the side slope from the edge of the drive to the ditch line can be maintained on a 3:1 ratio. Flared end sections manufactured for such purpose and approved by the public works department shall be installed on the ends of driveway storm drainage pipe. A drive opening shall not exceed 25 feet in a residential zone and shall not exceed 35 feet in a commercial zone. The pipe shall extend at least five feet beyond the drive openings in addition to the flared end sections.~~
  - ~~(4) There shall be maintained a minimum of six inches of fill over the top of the drainage pipe.~~
- (b) Maintenance. The owner of the property served by a driveway is responsible for the maintenance and safekeeping of the driveway within the public right-of-way. Any such driveway or entrance conduit that collapses, clogs or otherwise fails in its purpose, shall be repaired or replaced within a reasonable time after such failure by the property owner or other responsible person.
- (c) Violation; abatement. The violation of this section is declared to be a public nuisance subject to abatement as provided in chapter 14 of the Code of Ordinances.

(UDC 2010, § 9.5; Ord. No. 85-1550, §§ 1, 2, 6-13-1985; Ord. No. 89-1952, § 1, 12-19-1989)

Editor's note— Inasmuch as Ord. No. 85-1550, §§ 1, 2, adopted June 13, 1985, did not specify manner of codification, such provisions have been designated by the editor as § 9.5.

## **Chapter 34 - STREETS AND SIDEWALKS**

### **ARTICLE III. – EXCAVATIONS**

#### **Sec. 34-65. - Bond required for excavation of right-of-way.**

All persons and contractors who are engaged in the business of excavating in the right-of-way more than 12 inches in depth below existing ground or hard surface shall be required to post a bond in the amount of \$5,000.00 with sufficient surety to insure compliance with the requirements of this article, and a \$200.00 cash bond. All persons and contractors who are engaged in the business of excavating in the right-of-way less than or equal to 12 inches in depth below existing ground or hard surface, including driveways and sidewalks within the right-of-way, shall be required to post a \$200.00 cash bond. Any contractor who consistently produces faulty backfill may be refused permits at the discretion of the public works director or city manager. When in the opinion of the public works director the volume of the cuts exceeds the city's ability to properly make repairs, the bond requirements may be increased.

## **Consideration of a Final Plat approval for Texas Roadhouse.**



**BELTON CITY PLANNING COMMISSION  
MONDAY, AUGUST 17, 2015 – 6:00 P.M.**

**CITY HALL ANNEX, 520 MAIN STREET  
A Resurvey of Lot 2, Block 4, Dean-Co Development Park  
Final Plat of the Texas Roadhouse-Belton Plat**

---

Robert G. Cooper, City Planner

**CASE #FP15-13**

Consideration of a Final Plat approval for Texas Roadhouse, a 2.28-acre, dine-in restaurant development, located on the west side of Peculiar Drive, directly north of Cunningham Industrial Parkway.

**BACKGROUND**

The city's development review committee has convened on several occasions and met with the developer to discuss and review the elements of the plat and the general layout of the site. The Planning Commission approved their request for a zone change for this site from M-1 to C-2 on May 13, 2015 with final acceptance by the City Council anticipated during their August 25<sup>th</sup> meeting.

The developer is now prepared to move forward in the development process and has submitted a final plat in conjunction with a final development plan for this dine-in restaurant project.

**REVIEW**

The site will consist of a 7,163-square foot dine-in restaurant with a lounge and dining area.

The City's future land use map identifies this area as commercial/retail, with restaurants as a permitted use by-right within this high density corridor.

Ingress and egress to the development will be from Peculiar Drive.

**STAFF RECOMMENDATION**

Staff finds the final plat to be in accordance with Section 35-36 of the Belton Unified Development Code, therefore, supports a recommendation to approve the Final Plat of the Texas Roadhouse-Belton Plat.

**NOTE:** Pursuant to Section 36-37 of the Unified Development Code, if a final plat is not recorded within one year of the date of the Planning Commission's approval of the final plat, the approval shall become null and void and a new final plat must be submitted to the commission and the governing body for their consideration. No building shall be occupied until the final plat has been recorded with the Cass County Recorder's Office.

### **PLANNING COMMISSION ACTION**

1. Motion to recommend approval of the Final Plat of the Texas Roadhouse-Belton Plat.
2. Motion to recommend denial of the Final Plat of the Texas Roadhouse-Belton Plat.
3. Motion to continue the case pending additional information.

### **ATTACHMENTS**

1. Final Plat
2. Site Plan

# FINAL PLAT

## TEXAS ROADHOUSE-BELTON

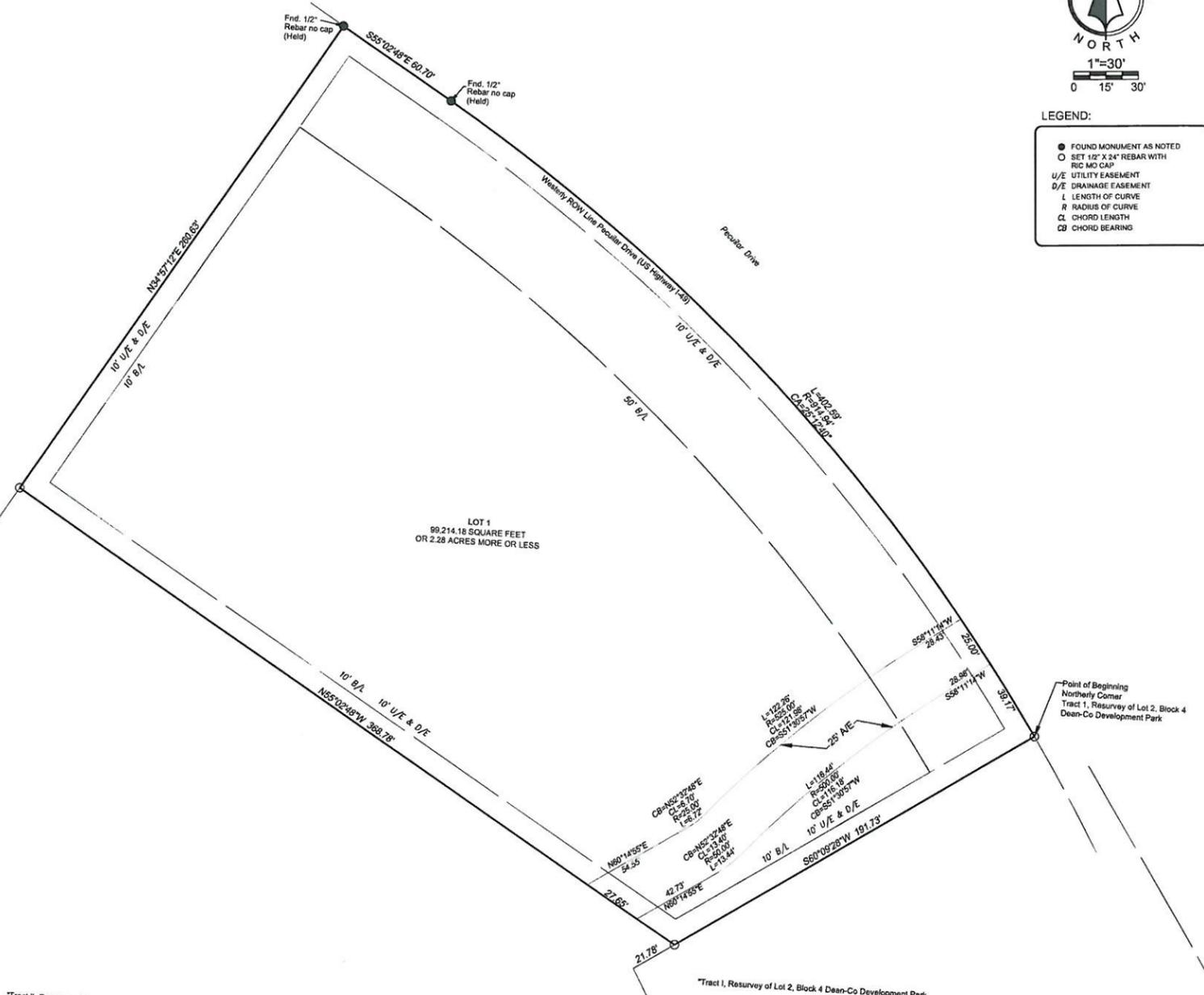
### PART OF "TRACT II, RESURVEY OF LOT TWO, BLOCK FOUR DEAN-CO DEVELOPMENT PARK"

Mapcheck 1: Texas Roadhouse Belton  
 Closure Summary  
 Precision: 1 part in 302501.65'  
 Error distance: 0.00'  
 Error direction: N51°11'16"W  
 Area: 2.28 acres  
 Square area: 99214.18  
 Perimeter: 1284.43'  
 Point of Beginning  
 Easting: 2789469.27  
 Northing: 961717.31  
 Side 1: Line  
 Direction: S56°34'46"W  
 Angle: [056°34'46"]  
 Deflection angle: [-123°25'14"]  
 Distance: 191.73'  
 Easting: 2789309.24'  
 Northing: 961811.71'  
 Side 2: Line  
 Direction: N58°37'30"W  
 Angle: [-115°12'16"]  
 Deflection angle: [064°47'44"]  
 Distance: 398.78'  
 Easting: 2789994.39'  
 Northing: 961803.71'  
 Side 3: Line  
 Direction: N31°22'30"E  
 Angle: [-090°00'00"]  
 Deflection angle: [090°00'00"]  
 Distance: 280.63'  
 Easting: 2789130.08'  
 Northing: 962026.23'  
 Side 4: Line  
 Direction: S58°37'30"E  
 Angle: [-090°00'00"]  
 Deflection angle: [090°00'00"]  
 Distance: 60.70'  
 Easting: 2789181.81'  
 Northing: 961994.63'  
 Side 5: Curve  
 Curve direction: Counter-clockwise  
 Radius: [914.94']  
 Arc length: 402.59'  
 Delta angle: [334°47'20"]  
 Tangent: [204.61']  
 Chord direction: S48°01'10"E  
 Chord angle: [-167°23'40"]  
 Deflection angle: [012°36'20"]  
 Chord distance: 399.35'  
 Easting: 2789469.27'  
 Northing: 961717.31'



**LEGEND:**

- FOUND MONUMENT AS NOTED
- SET 1/2" X 3/4" REBAR WITH RIC NO CAP
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- L LENGTH OF CURVE
- R RADIUS OF CURVE
- CL CHORD LENGTH
- CB CHORD BEARING



Tract I, Resurvey of Lot 2, Block 4 Dean-Co Development Park

Tract I, Resurvey of Lot 2, Block 4 Dean-Co Development Park

Tract II, Resurvey of Lot 2, Block 4 Dean-Co Development Park



**NOTES:**  
 Basis of Bearings: RESURVEY OF LOT TWO, BLOCK FOUR DEAN-CO DEVELOPMENT PARK  
 All bearings and distances shown on this plat are measured in feet unless otherwise noted.  
 Flood Plain Note: According to "FEMA" Map Number 29037C0017F, revised 01-02-2013, this tract is located in (Flood Zone "X", areas determined to be outside the 0.2% annual chance flood.) (Flood Zone "X" (Future Base Flood), areas of 1% annual chance flood based on future conditions hydrology. No Base Flood Elevations determined.)

I further certify that I, BRYAN F. HILL, MISSOURI No. 2008016658, have during APRIL, 2015, by order of Belton TXR LLC on behalf of Dean Co. Farms Inc., made a survey as shown hereon, and the results of said survey are shown on this survey and are in accordance with the current minimum standards for property boundary surveys of the Missouri Department of Natural Resources, Division of Geology and Land Survey and that said survey meets the minimum requirements of an urban class survey.



BRYAN F. HILL, MISSOURI LS 2008016658

**DEDICATION**

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "TEXAS ROADHOUSE-BELTON"

The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, parkways and avenues not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby absolves and agrees to indemnify the City of BELTON, MISSOURI, from any expense incident to the relocation of any such existing utility installations within said prior easement.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "U/E" is hereby granted to the City of BELTON, MISSOURI with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. Utility easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of public utilities located within the easement.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction, maintenance or use of conduits, surface drainage facilities, subsurface drainage facilities, and similar facilities, upon, over, under and through those areas outlined and designated on this plat as "Drainage Easement" or "D/E" is hereby granted to the City of BELTON, MISSOURI. Drainage easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities.

A perpetual easement of access over, across and upon all areas designated on the plat as "Cross Access Easement" or "A/E", is hereby granted for ingress and egress of all owners and occupants of Lot 1, their guests and invitees.

The perimeter landscaped areas, the previous areas within the Peculiar Drive right of way adjacent to the property, the onsite underground stormwater detention system and the stormwater treatment inserts within the onsite stormwater catch basins are hereby defined as "STORMWATER MANAGEMENT AREAS". All STORMWATER MANAGEMENT AREAS shall be maintained in perpetuity by the property owner. Maintenance of STORMWATER MANAGEMENT AREAS shall not be the responsibility of the City.

Belton TXR LLC on behalf of Dean Co Farms Inc.  
 Randi Lefko, Member

ON THIS \_\_\_ DAY OF \_\_\_\_\_, 2015.

J.W. DAVIS, MAYOR OF THE CITY OF BELTON

**NOTARY CERTIFICATE**

BE IT REMEMBERED THAT ON THIS \_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE CAME \_\_\_\_\_ TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF SAME, IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC \_\_\_\_\_ COMMISSION EXPIRES \_\_\_\_\_

**LEGAL DESCRIPTION:**

All that part of the Northeast Quarter of the Northwest Quarter of Section 18, Township 46, Range 32, in the City of Belton, Cass County, Missouri, more particularly described as follows:  
 Beginning at the most northerly corner of Tract I, RESURVEY OF LOT TWO, BLOCK FOUR "DEAN-CO DEVELOPMENT PARK, a subdivision of land in said City of Belton, in said Northwest Quarter, thence South 60°09'28" West, along the Northwesterly line of said Tract I and its Southwesterly extension, a distance of 191.73 feet; thence North 55°02'48" West, a distance of 398.78 feet; to the Southeastern line of CORRECTED REPLAT NO. 1 & NO. 2, KANSAS CITY - BELTON COMMERCIAL - INDUSTRIAL PARK, a subdivision of land in said City of Belton, in said North-west Quarter, thence North 34°57'12" East, along said Southeastern line a distance of 260.63 feet, to the Northeast corner of said CORRECTED REPLAT NO. 1 & NO. 2, KANSAS CITY - BELTON COMMERCIAL - INDUSTRIAL PARK and to the Westerly right-of-way line of said U.S. Interstate Highway I-49; thence South 55°02'47" East, along said Westerly right-of-way line, a distance of 60.70 feet to a point of curvature; thence Southeastern, a long curve to the right having a radius of 914.94 feet and a central angle of 25°12'40"; an arc distance of 402.59 feet to the Point of Beginning. Containing 125,252 square feet or 2.875 acres, more or less.

**PLANNING COMMISSION**

STATE OF MISSOURI }  
 COUNTY OF CASS }  
 THIS PLAT OF \_\_\_\_\_ TEXAS ROADHOUSE-BELTON INCLUDING EASEMENTS AND RIGHTS-OF-WAY ACCEPTED BY THE CITY COUNCIL HAS BEEN SUBMITTED TO AND APPROVED BY THE MAYOR OF THE CITY OF BELTON, MISSOURI BY ORDINANCE NO. \_\_\_\_\_ DULY PASSED AND APPROVED BY THE MAYOR OF BELTON, MISSOURI ON THIS \_\_\_ DAY OF \_\_\_\_\_.

MAYOR: J.W. DAVIS \_\_\_\_\_ ATTEST: \_\_\_\_\_ CITY CLERK: PATRICIA A. LEDFORD

CITY ENGINEER \_\_\_\_\_

ENTERED ON TRANSFER RECORD THIS \_\_\_ DAY OF \_\_\_\_\_, 2015.

**TEXAS ROADHOUSE-BELTON**

Prepared For:  
 Belton TXR LLC on behalf of  
 Dean Co. Farms Inc.  
 4520 Madison Ave.  
 Suite 300  
 Kansas City, Mo. 64111

Date of Preparation:  
 JUNE 16, 2015

**Renaissance  
Infrastructure  
Consulting**

1138 West Cambridge Circle Drive  
 Kansas City, Kansas 66103  
 913.317.9500  
 www.ri-consult.com



**Consideration of a Final Development Plan approval for  
Texas Roadhouse.**



**PLANNING COMMISSION REGULAR MEETING  
CITY HALL ANNEX, CITY COUNCIL ROOM  
520 MAIN STREET  
MONDAY, AUGUST 17, 2015 – 6:00 P.M.**

---

Robert G. Cooper, City Planner

**CASE #FDP15-13** Final Development Plan review of a Texas Roadhouse restaurant, to be located on the west side of Peculiar Drive, directly north of Cunningham Industrial Parkway.

**Property Description:** Resurvey of Lot 2, Block 4, Dean-Co Development Park

**Size of Site:** 99,214-sq. ft. / 2.28-acre

**Existing Zoning / Land Use:** C-2 / General Commercial

**Proposed Use:** Commercial / Restaurant

**Surrounding Zoning / Land Use:**

North: C-2 Commercial-Retail  
East: --- I-49  
South: M-1 Industrial  
West: M-1 Industrial

**Comprehensive Plan:** Commercial / Retail

**Background**

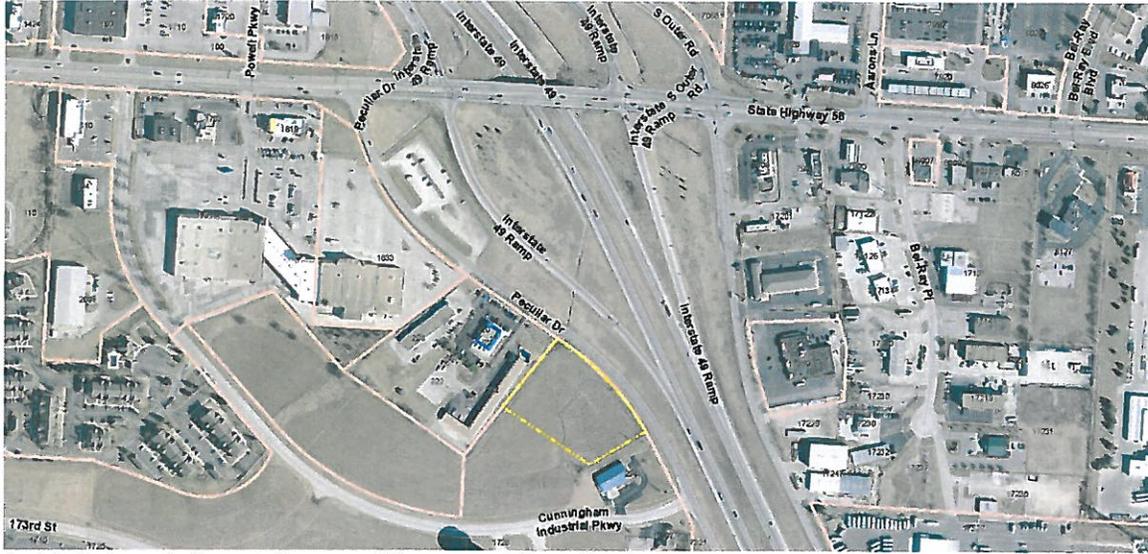
The city's development review committee has convened on several occasions and met with the developer to discuss and review the elements of the plat and the general layout of the site. The Planning Commission approved their request for a zone change for this site from M-1 to C-2 on May 13, 2015 with final acceptance by the City Council anticipated during their August 25<sup>th</sup> meeting.

The developer is now prepared to move forward in the development process and has submitted a final development plan for this dine-in restaurant project.

Upon Planning Commission acceptance of the development plan, the developer is ready to submit construction documents and begin moving dirt.

## REVIEW

Renaissance Infrastructure Consulting, on behalf of Texas Roadhouse have submitted development plans for this project. Staff has reviewed the following key elements of the site plan:



Aerial photograph: Surrounding area of the proposed Texas Roadhouse restaurant

Lot 2 Dimension: 99,214-sq. ft. or 2.28-acre.

Intended Use: Restaurant

Building Size: 7,163- square feet

Land Use Map: The subject site is located within one of the city's major commercial/retail corridors.

Access: There will be direct access from Peculiar Drive. The site is designed to control the traffic flow with two ingress/egress access points.

Parking: The parking ratio for this project is 1:50-sq. ft. (gfl), which equates to no less than 143-parking spaces. The site will provide for 172 parking spaces including six (6) handicap stalls.

Signage: The restaurant will utilize three (3) wall signs which will be visible from Cunningham, Peculiar Drive and I-49.

Landscaping: The project will have an assortment of shrubs and trees ...all meeting or exceeding the minimum caliper size of 2½ inches at planting. All disturbed land areas not landscaped will be sodded (tall fescue/bluegrass) mixture with an irrigation system, complete with a back-flow preventer. Rain-gardens and other storm water BMP's have been integrated within the landscaping to help mitigate storm-water run-off.

## **STAFF'S COMMENTS / RESPONSES**

### **Planning/Zoning:**

Plans are accepted as submitted.

### **Fire Department:**

1. All turning radius will need to meet the minimum turning radius of the Belton Fire Departments largest apparatus. A spec sheet is available from the Belton Fire Marshal's office.
2. Due to the distance from the road and its location accessibility to the fire hydrant may be an issue. Depending on elevation changes and the final grading on the ditch in front of the building. The hydrant may have to be accessed from the building side of the parking lot. This may require a no parking area in front of the hydrant. Further review will be done during the review of construction plans.

### **Building Inspections:**

Plans are accepted as submitted.

### **Engineering Department:**

1. Connection of 6" fire line to 16" public main along Peculiar will require a cut-in tee and 3 valve cluster.
2. Provide concurrence from USACE that stream on site is not jurisdictional as stated in the report prepared by Habitat Architects submitted to staff.
3. Connection to public sanitary sewer manhole to be completed with a kor-n-seal boot or approved equal per City standard detail SAN-013.
4. Ensure 18" vertical separation between water and sewer with water above. If this cannot be met encasement of the sewer will be required.
5. 3% review and inspection fee for storm-water management elements and sediment and erosion control measures apply.
6. Submit state of Missouri land disturbance permit and submit application for City Land Disturbance Permit.
7. Per City ordinance if construction cost of sediment and erosion control exceeds \$2,000 a performance bond or letter of credit is required.
8. Street impact, water impact, water tap and sanitary impact fees apply.

### **Staff's Recommendation**

Approve #FDP15-13, final development plan approval for the Teas Roadhouse restaurant, located on the west side of Peculiar Drive and directly north of Cunningham Parkway.

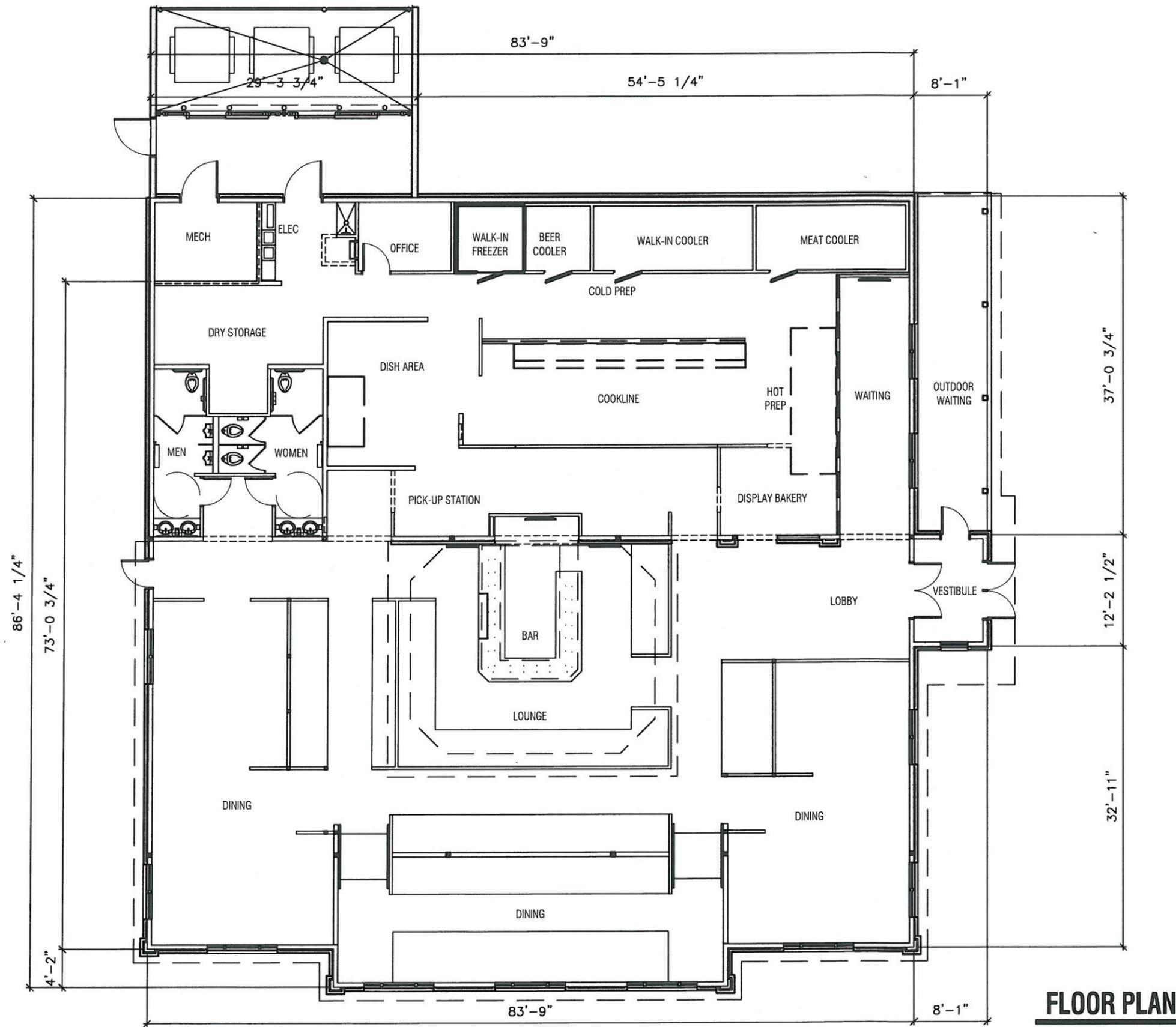
### **Planning Commission Alternatives**

The Planning Commission has the following options available in the consideration of this application:

1. Approve the application as submitted upon finding that the requirements of the Unified Development Code have been satisfied.
2. Approve the application subject to specified conditions.
3. Table the application if additional information is needed, such as time of use or other related factors.
4. Deny the application if the required findings cannot be made or if the proposed use is found to be incompatible with the neighborhood.

### **Attachments:**

- 1) Site Plan
- 2) Floor Plan
- 3) Building Elevations



**FLOOR PLAN**







160 W. Carmel Drive, Suite 236 Carmel, IN 46032  
 (317) 581-7790 Fax (317) 581-7783

Manufacturing Facilities:  
 Oceanside - Euless - Jacksonville - Columbus  
 Office Locations:  
 Oceanside - Las Vegas - Laughlin - Idaho Falls  
 Euless - Jacksonville - Houston - San Antonio  
 Corpus Christi - Grafton - Milwaukee  
 Willowbrook - Louisville - Indianapolis - Columbus  
 Cincinnati - Westerville - Knoxville - Tunica  
 Atlanta - Tampa - Daytona Beach - Winter Park  
**Building Quality Signage Since 1901**

Revisions:

Colors Depicted In This Rendering May Not Match Actual Finished Materials Refer To Product Samples For Exact Color Match

Client Approval/Date: \_\_\_\_\_

Landlord Approval/Date: \_\_\_\_\_

Account Rep: **Randy Cearlock**

Project Manager: **S. Maeser**

Drawn By: **S. Maeser**

Underwriters Laboratories Inc. ELECTRICAL TO USE U.L. 48 LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS

Project / Location:

**VARIOUS LOCATIONS**

Job Number: **23-**

Date: **OCTOBER\_2012**

Sheet Number: **1** Of **6**

Design Number: **23-**

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Federal Heath Sign Company, LLC or its authorized agent. © 2008