

**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