

**Minutes of Meeting**  
**Belton Planning Commission**  
**City Hall Annex, 520 Main Street**  
**October 5, 2015**

**CALL TO ORDER**

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

**ATTENDANCE**

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

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

*Absent:* None

**MINUTES**

Commissioner Christensen, moved to approve the minutes of the September 21, 2015 Planning Commission meeting. Commissioner Crate seconded the motion. All members present voted in favor and the motion carried.

**DISCUSSION**

Mr. Leipzig welcomed City Attorney, Megan McGuire to the Planning Commission, stating Mrs. McGuire has been on staff roughly five weeks and has already made a huge impact.

Mr. Leipzig addressed the Commission for the consideration to continue a Special Use Permit public hearing for a home daycare at 307 Apple Valley Parkway. Mr. Leipzig stated the applicant has retained legal representation which has requested to postpone the public hearing until October 19<sup>th</sup>.

Commissioner Crate moved to approve the continuation of the Special Use Permit public hearing for a home daycare at 307 Apple Valley Parkway until October 19th, seconded by Commissioner Christensen.

When a vote was taken, the following was recorded, **Ayes: 9** –Chairman Holly Girgin, Commissioners Sally Davila, Tim McDonough, Chris Christensen, Ryan Finn, Chuck Crate, Larry Thompson, Councilman Chet Trutzel and Mayor Jeff Davis.

**Noes: 0** – None

**Absent: 0** – None

The motion carried.

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 Carnegie Village. Mr. Cooper continued the staff report by citing Carnegie Village is a development that has been owned by the Tutera Group since 2006. Although the Tutera Group owned a minority share until 2010 when they assumed full ownership and management control, they have worked to improve the operation of the facility and brought the assisted living component to the project. Tutera Group is requesting that the property located

at 600 Minnie Avenue be rezoned from R-1 to R-3 which is the current zoning for the senior housing development known as Carnegie Village. The property is currently owned by JCT Belton Senior Living, LLC. The State of Missouri has granted them a Skilled Nursing Certificate of Need to construct a development next to Carnegie Village. At the present time the plan is to build and manage a 60-bed facility immediately west of the current development. As a part of the development, the house will be razed and converted into parking for the Skilled Nursing Facility as well as the adjacent senior housing facility. 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. 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 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. Mr. Cooper continued to state there will be no new access; only what is currently present. The City and Tutera wish to preserve the surrounding residential areas with landscaping and maintain the existing tree line. The developer will be adding additional ribbons of landscaping in addition to new trees. Mr. Cooper indicated staff's recommendation is to approve the request for the zone change. Mr. Leipzig stated this rezoning was originally presented in July 2015 and received a unanimous approval, however due to a software automated process 5 to 6 residence were inadvertently excluded from the notification process. After a review of the events, it was best determined to re-notify and redo the entire rezoning public hearing.

Chairman Girgin opened the public hearing at 6:18 p.m. to receive public input concerning the rezoning.

Cheryl Pardoe, daughter of Theresa Bellm of 514 Minnie Ave, addressed the commission with concerns pertaining to the development. Mrs. Pardoe stated she appreciates the renderings of this evening; a lot of questions have been answered. She asked if the new addition will be a one level unit, as we wouldn't want to see a three level building behind us, a parking lot is fine. We have no problems with Carnegie but wish to verify if the wrought iron fence will stay and wish to verify there will be no additional entrances. She would like to see the very big pin oak tree remain.

Mr. Cooper introduced Leo Harris of the Tutera Group. Mr. Harris addressed Mrs. Pardoe's concerns by stating there are currently three entrances and only three will remain. Our intent is to keep as much of the landscaping as we can. The structure will be a single story building; the elevated buildings are existing structures. The fence will remain a buffer for residents on Lillard Avenue.

Chairman Girgin asked for any additional public input, having none, the public hearing was closed at 6:24 p.m.

Commissioner Christensen moved to approve the zone change from R-1 (single-family residential) to R-3 (multi-family residential) for a 1.00-acre tract of land, located at 600 Minnie Avenue, seconded by Councilman Chet Trutzel.

When a vote was taken, the following was recorded, **Ayes: 9** –Chairman Holly Girgin, Commissioners Sally Davila, Tim McDonough, Chris Christensen, Ryan Finn, Chuck Crate, Larry Thompson, Councilman Chet Trutzel and Mayor Jeff Davis.

**Noes: 0** – None

**Absent: 0** – None

The motion carried.

Mr. Cooper presented the staff report for the consideration of a special use permit to allow a 30-foot pole sign to be located in a C-2 (General Commercial) district on behalf of Texas Roadhouse restaurant. Mr. Cooper noted the site location as the west side of Interstate-49, just south of the 58-Highway Interchange with a physical street address of 228 Peculiar Drive. The site is a 2.28 acre General Commercial site, with the proposed use as a restaurant. The surrounding zonings are North: C-2 Commercial-Retail; East: I-49; South and West: M-1 Industrial. The proposal is for a single-pole sign base, elevated to 30-feet, with a 150-square foot sign face. The property sits adjacent to I-49 near the 171<sup>st</sup> Street interchange. The Texas Roadhouse restaurant will serve the local area with dining amenities. The proposed pole sign will be situated at the main entrance to the site, clearly visible from the Interstate and area roads, making it an easily identifiable landmark, thus adding to the convenience of the general public. The surrounding area is zoned for commercial and industrial use. The projected view of the elevated sign will be north-south orientation...to be viewed by motorist on Interstate-49 with the projected view of the sign to run parallel with the Outer Road. This property is bordered by Interstate-49 to the east with commercial property to the north along 171<sup>st</sup> Street. The proposed pole sign with an elevation of 30-feet and with a sign face of only 150-square feet will blend in with the surrounding area and the existing elevated signs. This property has frontage on the Peculiar Drive (Outer Road), with commercial users and commercially zoned properties, which encompass the adjoining area. The applicant believes no adjacent property owner will be negatively affected by the special use request. The applicant also believes the sign will have an opposite affect by increasing public awareness of the location of the newest restaurant. Mr. Cooper stated, the owner of the Econo Lodge, located at 222 Peculiar Drive has stated to city staff, he is in favor of the pole sign adjacent to the motel's property. Currently, there are existing pole signs, all of which are located within a half-mile radius of the Texas Roadhouse restaurant, which are at least forty-feet in height. McDonald's restaurant has a 76-foot pole sign; Ad Trend Advertising has two 45-foot billboard signs; and Belton Regional Hospital has a 40-foot pole sign at their facility. It appears the proposed use will not detract or encroach upon the welfare or convenience of the public. The Texas Roadhouse sign is designed to enhance good aesthetics and preserve property values by preventing a potentially unsightly and chaotic development that would have a blighting influence upon the community. The sign structure will be required to meet city code as it relates to design, setback, and landscaping. Mr. Cooper finalized by stating, staff recommends an approval of the Special Use Permit 15-19, to allow a 30-foot pole sign for the Texas Roadhouse restaurant, as presented.

Chairman Girgin opened the public hearing at 6:32 p.m. to receive public input concerning a special use permit to allow a 30-foot pole sign on behalf of Texas Roadhouse restaurant.

Marissa Coleman, of Greenberg Farrow, Architectural Consultants addressed the commission indicating she was present to answer any questions. Mrs. Coleman stated Texas Roadhouse does not use printed

advertising or commercials, they rely on their signage. Mr. Leipzig stated he believes this signage appears to be the standard sign package identical to the Blue Springs and Liberty restaurants. City Attorney, Megan McGuire questioned the type of illumination of the sign, whether it is back lit. Mrs. Coleman indicated yes the sign is back lit. Mrs. McGuire wished to verify the sign will not have any flashing or scrolling signage. Mrs. Coleman indicated that is correct, the sign will not flash or scroll.

Chairman Girgin asked for any additional public input, having none, she closed the public hearing at 6:35 p.m.

Councilman Trutzel moved to approve the special use permit for Texas Roadhouse as presented, seconded by Commissioner Crate.

When a vote was taken, the following was recorded, **Ayes: 9** –Chairman Holly Girgin, Commissioners Sally Davila, Tim McDonough, Chris Christensen, Ryan Finn, Chuck Crate, Larry Thompson, Councilman Chet Trutzel and Mayor Jeff Davis.

**Noes: 0** – None

**Absent: 0** – None

The motion carried.

Mr. Leipzig gave the Directors Report, reminding the commission of the Capital Improvement Program, indicating Public Works Director; Jeff Fisher is present to answer questions. Mr. Fisher touched base on a few of the projects and stated a formal presentation will be presented at the next meeting, October 19<sup>th</sup>. A recommendation from the Planning Commission will be made at the November 2<sup>nd</sup> meeting. General discussion was given for a few of the Capital Improvement projects citing some which are eligible for Federal Funding. Chairman Girgin inquired as to the need of any future preparation for the rescheduled /continued hearing regarding the daycare facility. Mr. Leipzig stated he did not believe any further preparation is required, now that staff has heard from the neighbors, those concerns will be a part of the ongoing discussion at the next meeting.

#### **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 7:03 p.m.

Jennifer Dutcher  
Community Development Secretary