

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
May 2, 2016

CALL TO ORDER

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

ATTENDANCE

Commission: Chairman Holly Girgin, Mayor Jeff Davis, Councilman Chet Trutzel, Commissioners Sally Davila, Tim McDonough, Chris Christensen, Ryan Finn.

Staff: Jay Leipzig, Community and Economic Development Director; Megan McGuire, City Attorney; Robert Cooper, City Planner; Ashley Scherer, Community Development Administrative Assistant; and Ann Keeton, Interim Community Development Administrative Assistant.

Absent: Commissioners Chuck Crate and Larry Thompson

MINUTES

Commissioner Christensen moved to approve the April 18, 2016 Planning Commission meeting minutes. The motion was seconded by Councilman Trutzel. All members present voted in favor and the motion carried.

PUBLIC HEARING-Special Use Permit to allow a 60-foot Pole Sign for Freddy's Frozen Custard and Steaks, Inc.

Mr. Cooper presented the staff report regarding a Special Use Permit (SUP) to allow a 60-foot mono-pole sign to be located at 1822 E. North Avenue. The sign will be located on the west side of Interstate 49, just north of 58-Highway, adjacent to the Cedar Tree shopping center. Details about area zoning, the applicant, Infinity Sign Systems, and sign dimensions (60-feet high, 260-square foot sign face), were provided by Mr. Cooper. He went on to report that notices were sent to surrounding property owners announcing the public hearing date. The city staff has not received any public comment, either in favor of or opposed to, the requested special use permit allowing a 60-foot pole sign. Mr. Cooper reported that the projected view of the elevated sign will be a north-south orientation...to be viewed by motorist on Interstate-49 with the projected view of the sign to run perpendicular to the Interstate. Currently, nearby existing pole signs located within a half-mile radius of the Freddy's restaurant are at least forty-feet in height. It appears to staff; the proposed pole sign will not detract or encroach upon the welfare or convenience of the public. The Freddy's pole sign is designed to enhance good aesthetics and preserve the property values. Mr. Cooper presented the Commission with an aerial photo, site plan and a photo of the proposed sign. Mr. Cooper went on to inform the Commission that staff recommends approval of the SUP as presented, but would also invite the applicant to explain why 60-feet was chosen.

Chairman Girgin opened the public hearing at 6:07 p.m. The hearing was being held to receive public input regarding an SUP application to allow a 60-foot mono-pole sign for Freddy's Frozen Custard and Steaks, Inc. to be located on property addressed as 1822 E. North Avenue.

Eric Pickett, representing Infinity Sign Systems, 4900 Lister Ave, Kansas City, MO 64130 was present to answer questions and speak in favor of the application.

Chairman Girgin asked the question, why a 60-foot mono-pole sign? Mr. Pickett, explained as a starting point, they knew McDonald's pole sign is at 76-feet, and used that as a point of reference to get the height for their sign. They also wanted to insure that potential customers would be able to see the sign from Interstate-49, and would be able to safely exit the interstate. Mr. Pickett stated that insuring that customers can see the sign, will help the business gain customers who are traveling along Interstate-49 and generate sales tax for the city. Pickett also believes that his sign is architecturally and aesthetically pleasing; it is pleasing to the eye and contains a nice soothing imagine. He stated that it is more of a branded image, than a sign. They are aware that an engineer will be required to design the footing, and his company is prepared to do so.

Councilman Trutzel stated, that the height of the sign at 60-feet concerns him. He stated that the McDonald's sign is at 76-feet, but it has been there for 25-30 years. The rest of the signs in the area, fall into the prescribed general height area and he would prefer that the Freddy's sign stay in the 40-foot area, also. He added that there are plans to take more trees out from behind Cedar Tree shopping center and that would provide more visibility to the sign in the future.

Commissioner Christensen questioned if anyone has done the elevations, he assumed if you were driving northbound you would not be able to see a 40-foot sign. Chairman Girgin and Commissioner Christensen both agreed, that this area sinks down much lower than where the McDonald's sign is placed. Mr. Cooper stated that the sign would be placed at the east, right up against where the highway right-of-way, generally is, and that grade is slightly higher than where the actually Freddy's building will be sitting. It was agreed upon, that the Freddy's sign grade would be approximately 10-15 foot lower than the McDonald's sign grade and following logic, the Freddy's sign would be substantially lower than the McDonald's sign.

Mr. Pickett stated that they did a flag test at 60-feet and drove in both directions to get a line of sight. Mr. Cooper agreed that a flag test is commonly done when trying to decide at what height a sign should be. It was also pointed out, that the sign would be a regular back lite sign and would not be an LED sign.

Mr. Leipzig pointed out that historically one of the problems with the site that Freddy's will be located at , has been the elevation and the low visibility of the site. The pole sign allows Freddy's to increase their visibility along the interstate.

Mr. Pickett pointed out in his notes that initially his clients wanted an 80-foot sign, based on McDonald's 76-foot sign. They then conducted a flag test at 50-feet and at 60-feet. They believed a 60-feet height was acceptable. Mr. Pickett pointed out that as long as the height of the sign is satisfactory, the higher the sign is in the air then the smaller it appears to the viewer.

Commissioner McDonough questioned Mr. Pickett if he was the one who personally did the flag test. To which, Mr. Pickett stated he did not personally do the flag test, so he does not know personally how the sign looks compared to the McDonald's sign. He also did not know how high the sign would be when you compare the highway grade of the McDonald's sign, to the highway grade of the Freddy's sign.

Commissioner McDonough pointed out that the highway grade at the McDonald's sign is a lot higher than the highway grade at the Freddy's sign. Commissioner McDonough went on to state that because of the highway grade, the Freddy's sign could actually be 30-feet shorter than the McDonald's sign, and Chairman Girgin agreed. Mr. Pickett said Infinity Sign Systems was hired by Tri City Signs, the company that sold the sign to Freddy's, and most of the work, including the flag test was done by a third party company.

Councilman Trutzel said he did not take into account the elevation changes when you compare the McDonald's pole sign with the Freddy's pole sign, and can now support the 60-foot sign. Everyone agreed that the lower elevation at the Freddy's location, is reason to require a sign at 60-foot in height.

Chairman Girgin closed the public hearing at 6:38 p.m. Commissioner Finn moved to approve an SUP application submitted by Infinity Sign Systems to allow a 60-foot Pole Sign for Freddy's Frozen Custard to be located at 1822 E. North Avenue. The sign will be located on the west side of Interstate 49, just north of 58-Highway, adjacent to the Cedar Tree shopping center. When a vote was taken, the following was recorded: Ayes, 7 – Chairman Girgin, Mayor Davis, Councilman Trutzel, Commissioners Davila, McDonough, Christensen, and Finn. Noes, 0. Absent, 2 – Commissioner Thompson and Crate. The motion carried.

CONTINUATION OF SPECIAL USE PERMIT #15-18 – Applicant is asking for an extension

Chairman Girgin introduced the next item of business regarding SUP permit #15-18. The applicant is asking for an extension request for a Special Use Permit to allow a home child care operation of property zoned R -1 (Single – Family Residential) zoning district and addressed as 307 Apple Valley Parkway.

Mr. Leipzig pointed out that this is an SUP that was previous reviewed and approved by the City Council on October 27, 2015 and expired on April 30, 2016. Mr. Cooper indicated that the applicant and business owner, Dana and Doug Gaston, are here requesting an extension for their Special Use Permit that would allow them to continue to provide home daycare services from their residence for an additional six months, until October 31, 2016. This is a home daycare located at 307 Apple Valley Parkway and a public hearing was held October 19, 2015. At the public hearing, the applicant's neighbors did come to the hearing and had complaints and concerns. Mr. Cooper also noted that since the Special Use Permit was last approved, the city staff has not received any complaints from the neighbors, including zoning and code enforcement. The previous staff report was also provided for reference.

The staff recommended one of three options:

1. Approve the extension as requested
2. Approve the extension, as a 90-day extension
3. Deny the extension request

Mr. Cooper pointed out that the applicant's City of Belton business license expired on April 30, 2016 for the home business with ten children. Currently, they do not have a business license with the City of Belton, so they would need to work with the City Clerk to get an extension, if the Planning Commission votes in favor of the extension. The State of Missouri license is set to expire on July 3, 2016, so that would need to be extended also if the Planning Commission votes to approve the extension of the SUP. If the Planning Commission denies the request tonight, then the applicants would be limited to no more

than four unrelated children, in their home if they choose to have a basic in-home daycare. This would still require the applicants to obtain a valid City of Belton business license. Mr. Cooper pointed out that Dana and Doug Gaston are present in the audience tonight.

Chairman Girgin noted that this is not a public hearing however, the Commission can direct questions to the applicants. Commissioner Christensen asked if the neighbors will be notified of the six-month extension. Mr. Cooper explained that the City would have to notify them, but they have not yet been notified. The neighbors were not officially aware that Dana and Doug Gaston are asking for an extension. The Gaston's stated that they personally informed their neighbors of the extension and the neighbors did not have a problem with the SUP being extended as long as they were gone from the current location by October 2016. Mr. Cooper asked if they had the neighbors sign anything stating that they were informed of the extension and were okay with extending it until October. The Gaston's stated that they did not have their neighbors sign anything. Chairman Girgin pointed out that the neighbors agreed in the public meeting and hearing in October that they were okay with them staying until the agreed upon date of April 30, 2016. Mr. Gaston stated they could get the neighbors to sign something so that they could stay until October 31, 2016. Chairman Girgin acknowledged that they could do that, if the Commission would like to continue the matter. Mr. Cooper stated that we do not need to have the neighbor's permission. We are not required to send out notices for an extension of a Special Use Permit. It is the job of the Commission to use their discretion and knowledge of the history of the case to come up with a decision. Chairman Girgin stated from the public hearing in October, the neighbors agreed that they were okay with April 30, 2016 and no further.

Commissioner Finn moved to deny the extension request for a SUP to allow a daycare to operate on property zoned R -1 (Single – Family Residential) zoning district, and addressed as 307 Apple Valley Parkway. The motion was seconded by Commissioner Davila. When a vote was taken, the following was recorded: Ayes, 7 – Chairman Girgin, Mayor Davis, Councilman Trutzel, Commissioners Davila, McDonough, Christensen, and Finn. Noes, 0. Absent, 2 – Commissioner Thompson and Crate. The motion to deny the Special Use Permit extension carried.

DIRECTOR'S REPORT

Mr. Leipzig reported that on June 6, 2016 there will be a review of draft ordinance on poultry.

Commissioner Christensen brought up that there are some zoning changes on Cunningham that are on our radar. Currently, there are some M-1 areas that are going to need to be discussed.

ADJOURNMENT

Commissioner McDonough moved to adjourn the meeting. The motion was seconded by Commissioner Christensen. All voted in favor and the meeting adjourned at 7:01 p.m.

Ashley Scherer
Community Development Administrative Assistant