

**Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
April 15, 2013**

CALL TO ORDER

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

ATTENDANCE

Commission: Chairman Girgin, Mayor Pro Tem Scott Von Behren, Commissioners Tim McDonough, Chris Christensen, Larry Thompson and Chuck Crate.

Staff: Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary

Absent: Commissioner Sally Davila

MINUTES

Commissioner Thompson moved to approve the minutes of the April 1, 2013, Commission meeting. Mayor Pro Tem Von Behren seconded the motion. All members present voted in favor and the motion carried.

PUBLIC HEARING - Special Use Permit - Digital Signs at Belton Regional Medical Center

Mr. Cooper informed the Commission that Belton Regional Medical Center has applied for a Special Use Permit (SUP) for two digital signs - a one-sided monument sign and a double-sided pole sign. He reported on the sizes of the proposed signs and pointed out the Board of Zoning Adjustment approved variances for the height and size of the signs on April 8, 2013. The sign locations were identified by Mr. Cooper as well as the zoning of surrounding property. He indicated that it appears the signs should not create an adverse impact on any area residential properties. The benefits of the digital signs as suggested by the applicant were noted by Mr. Cooper. He recommended approval with two conditions.

Chairman Girgin opened the public hearing at 7:09 p.m. The hearing was held to receive public input regarding an application for an SUP to allow two digital signs for Belton Regional Medical Center. Dan Motush with Acme Sign stated that he is the applicant and is available to answer any technical questions about the signs.

Todd Krass, CEO of Belton Regional Medical Center, spoke in favor of the SUP application. Mr. Krass expressed his pleasure at nearing the conclusion of the medical center's addition and renovation project. He reported the digital component of the signs will comply with all of the codes in section 30.9 of the City's Unified Development Code (UDC). The brightness requirements will be preprogrammed into the sign for daylight / nighttime conditions, and the nighttime brightness will be below what is cited in the code according to Mr. Krass. He indicated the sign would be utilized for civic messages and he provided examples of those messages. He stressed that the sign would be owned and controlled by the hospital and will not be used to sell ads to outside agencies. There was no further input and Chairman Girgin closed the public

hearing at 7:12 p.m.

It was reiterated the signs will be used for the hospital and public service announcements only. Mayor Pro Tem Von Behren made a motion to recommend approval of a Special Use Permit to allow digital signs for Belton Regional Medical Center, located at 17065 S. Outer Road with the following conditions: 1) The applicant shall comply with all the requirements as outlined in Section 30-9 of the UDC; 2) The digital signs shall not be increased in size. Commissioner Thompson seconded the motion. When a vote was taken, the following was recorded, Ayes: 6 - Chairman Girgin, Mayor Pro Tem Von Behren, Commissioners McDonough, Christensen, Thompson and Crate. Noes: none. Absent: 1 - Commissioner Davila. The motion carried.

PUBLIC HEARING - Extension of a SUP for 122 Lillard, Heart-n-Hand Ministries

Mr. Cooper reported Heart-n-Hand Ministries is requesting an extension of SUP#09-22 to allow a community outreach program to continue operating in an R-2 district at 122 Lillard, until they relocate to 200 B Street. He provided detailed information about the new location on B Street including the legal description, zoning, and property size. In the staff report, Mr. Cooper stated the ministry is expected to start moving in May and should take three / four months to conclude. Building layout changes, cleaning and maintenance issues that will be done by the ministry were listed by Mr. Cooper. The staff recommendation was to approve the extension of the SUP for four months with a possible one-time administrative extension, not to exceed an additional two months.

Chairman Girgin opened the public hearing at 7:20 p.m. The hearing was held to receive public input regarding a request for an extension of SUP#09-22 for Heart-n-Hand Ministry, 122 Lillard. Don Johnson, 126 Lillard, referred to and read from a document dated April 16, 2010, about the conditions of approval for the original SUP which included establishing a two-year sunset agreement to phase out and cease operations for Heart-n-Hand from 122 Lillard, and the removal of nuisance code violations. He showed Commission members pictures taken April 14, 2013, showing debris, trash and brush on the Lillard property. He voiced concerns that the house will not be returned to its original residential condition when the ministry moves away. He asked for the Commission to set a deadline date for the move and end commercial use on the property. Mr. Johnson suggested an occupation license should not be issued for the new site on B Street until the 122 Lillard site has been cleaned up and returned to a residential appearance.

There was discussion about whether the ministry relocation was ever a condition of approval of the SUP, subsequent SUP extensions, or a goal of the ministry. Mr. Cooper answered the SUP was granted to allow the ministry to remain in the residential zoning district, and he gave a brief explanation of the federal guidelines that regulate faith based organizations that are exempt from zoning districts.

Rick Dawson, Director of Heart-n-Hand, spoke in favor of the SUP extension and he explained that Heart-n-Hand will not be leasing the building at 200 B Street, but will own the building. He reported the ministry is assisting the Assembly of God Church youth group move out of the building on B Street so Heart-n-Hand can move in. He stated the Assembly of God Church owns the house on Lillard. Mr. Dawson went on to mention the fence surrounding the dumpster on

Lillard will be removed and the dumpster will move to the B Street location. He reported the church may hold Sunday school classes on Sunday and Wednesday nights at the Lillard location after the ministry moves out. He requested the Commission approve the SUP extension.

Wilma Johnson, 126 Lillard, asked if the facade of the house on Lillard will be returned to a residential appearance when the ministry vacates. She categorized the current appearance as a “mess” and compared it to a warehouse. Mr. Cooper stated staff will work to address any outstanding issues through code enforcement and the property maintenance code.

There was no further input and Chairman Girgin closed the public hearing at 7:35 p.m. There was discussion regarding the staff recommendation of a four-month extension with the possibility of an additional two months resulting in a maximum extension deadline date of six months. Staff was questioned about the legality of churches being able to use residential properties for any type of use. Mr. Cooper went into additional details about federal laws allowing faith-based organizations to move into residential areas, but the City may impose conditions on the property to safeguard surrounding property owners.

Mr. Johnson requested the Commission consider approving a deadline date for the ministry to be out of the Lillard site and a penalty if the deadline is not met. Mr. Cooper answered that any property in violation of City codes is subject to action by the code enforcement division including failing to meet the conditions of the SUP extension. Mayor Pro Tem Von Behren moved to recommend approval of the extension of the SUP for Heart-n-Hand Ministries at 122 Lillard with an expiration date of October 16, 2013. The motion was seconded by Commissioner Christensen. Chairman Girgin made clear the motion includes the possible two month administrative extension. After discussion about a possible amendment to the motion, the Commission chose to retain the main motion and second. When a vote was taken, the following was recorded, Ayes: 6 - Chairman Girgin, Mayor Pro Tem Von Behren, Commissioners McDonough, Christensen, Thompson and Crate. Noes: none. Absent: 1 - Commissioner Davila. The motion carried.

Chairman Girgin welcomed Commissioner Crate to the Commission.

ADJOURNMENT

Mayor Pro Tem Von Behren 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.

Ann Keeton
Community Development Secretary