

Minutes of the meeting of the  
**Planning and Zoning Commission (P&ZC)**  
City of Belton  
333 Water Street  
Tuesday, April 21, 2015

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The Planning and Zoning Commission met at 5:30 P.M. in the Wright Room at the Harris Community Center. The following members were present: Chair Larry Guess, John Holmes, Brett Baggerly, Rae Schmuck, Mat Naegele, Joel Berryman, The following Staff members were present: Police Chief/Assistant City Manager, Gene Ellis, Planning Director, Erin Newcomer, Public Information Officer, Paul Romer, and Planning Clerk, Laura Livingston.

**Pledge of Allegiance** – Brett Baggerly led all present.

**Invocation** – Larry Guess gave the Invocation.

**1. Call To Order.**

Chair Guess called the meeting to order at 5:30 P.M.

**2. Minutes from the previous Planning and Zoning meeting.**

Mr. Holmes made a motion to approve the minutes. Ms. Schmuck seconded the motion and the minutes were approved unanimously with 6 ayes, 0 nays.

**3. Consider the following requests:**

- a) **Hold a public hearing and consider an amendment to Belton’s Thoroughfare Plan regarding a proposed north-south street, shown connecting North Estate Drive and Guthrie Drive.**
- b) **Z-15-11 Hold a public hearing and consider a zoning change from Retail to Planned Development Retail District on a 1.976 acre tract of land, located on the east side of North Main Street, between North Estate Drive and Guthrie Drive.**
- c) **P-15-13 Consider a final plat for Estate Drive Commercial Subdivision 2, a 1.976 acre tract of land, located on the east side of North Main Street, between North Estate Drive and Guthrie Drive**

Ms. Newcomer presented the staff reports.

Chair Guess opened the public hearing on amending Belton’s Thoroughfare Plan and asked if anyone would like to speak on this request change. Hearing none, the public hearing was closed.

Chair Guess asked for a motion on amending Belton’s Thoroughfare Plan.

Mr. Holmes made a motion to amend Belton’s Thoroughfare Plan to City Council as proposed. Mr. Naegele seconded the motion and it was approved unanimously with 6 ayes, 0 nays.

Chair Guess opened the public hearing on Z-15-11 and asked if anyone would like to speak on this zoning request change. Hearing none, the public hearing was closed.

Mr. Holmes asked if this zoning change request is from existing Retail to Planned Development Retail because of the sign and the reduced setback. Ms. Newcomer answered that is correct.

Mr. Holmes stated he is concerned about the size of the sign. There are monument style signs along Main Street. He thought this was the City's interest to require monument signs along Main Street. He is concerned about a 65 square feet sign at the entrance of our City.

Mr. Baggerly stated he agrees with Mr. Holmes. The Sign Ordinance is in place for a reason and it may not be in the best interest to move away from those requirements.

Ms. Newcomer stated if the applicant was willing, they could extend the masonry across the bottom to create a masonry base.

Mr. Holmes stated he was under the impression that was the emphasis of the City to require monument signs along Main Street and avoid pole signs.

Mr. Berryman asked if this would be a case for the Zoning Board of Adjustment. Ms. Newcomer answered this is not a variance request; it is a proposal included in the Planned Development zoning change request.

Mr. Berryman asked Ms. Newcomer to verify that the proposed sign is 12 feet tall. Ms. Newcomer stated that is correct, the requirement would be a 5 feet tall monument sign in the Retail district.

Mr. Guess asked if the sign issue could be resolved at a later date. Ms. Newcomer recommended the Commission consider it today since it is a component of the zoning change request.

Mr. Berryman asked the applicant what is his justification to ask for the larger sign than permitted in the Sign Ordinance.

Michael Beevers, 15101 FM439, stated they have met 3-4 times with City staff on various components of the project and our desire is to get as much as we can out of the property and still stay within the spirit of the ordinance and the spirit of the development on the north side of town. This sign is actually patterned after the existing HEB gas price sign that is 15 feet tall. The concept for this particular use is a gasoline/convenience store environment. This proposed sign was selected to maintain consistency with the height and style of the signs in that area. He doesn't want to construct a sign that does not look out of the ordinary for that stretch of land. Another option was to put the gas price signage on the canopy which technically is out of the scope of the monument sign ordinance, but within the scope of the square footage ordinance. Cefco's particular canopy signage uses a back lighted fabric canopy and it is not conducive to put this signage on the canopy. All of those factors were discussed with City staff at length and they went through several iterations of the site plan, building elevations, and sign. The City staff and his company, on behalf of the client, are trying to maximize the development of the land. North Belton land is in fairly limited supply. They have a potential tenant, but do not have a concrete commitment in writing, so they are cautious about releasing names. It is an attractive tenant and would be a good addition. We have talked about taking this sign and modifying it to a monument style by constructing a base and rocking the columns to make a more decorative sign. We decided to bring it forward in this fashion, get the input from the Commission and the City Council, and make those modifications. He is equipped and has the authority to accept changes, if the Commission desires. The increase in height and sign area is needed to accommodate the amount of signage proposed, and it is the desire to communicate as much as you can to the public.

Mr. Holmes stated he did drive by the HEB sign and he was hoping it was a monument style sign; however, it is a pole sign.

Mr. Beevers stated that in all fairness the HEB was entitled to larger signage with a PD back in 2006 prior to this ordinance. The HEB sign was grandfathered, as was River Place master planned development. Currently these two freestanding retail lots are entitled to a sign and this proposed sign is smaller than both the entitlements combined, as far as total square footage, but it is taller than the 5 feet minimum.

Mr. Holmes stated 5' is short, but CVS and other new businesses have complied with that requirement.

Mr. Beevers stated the Walgreens sign was constructed before the ordinance was adopted and is 8 feet tall, but Mr. Holmes is correct stating these signs are smaller than what we are asking for.

Mr. Holmes asked how important is it to the City to maintain that height standard for signs, since the City is recommending approval of this sign tonight. Ms. Newcomer stated when developing a recommendation, she considered that this developer could potentially request a multi-tenant sign that incorporates the retail building in the back, in compliance with the current Sign Ordinance requirements. A multi-tenant sign allows a maximum area of 64 square feet, one square foot less than what they are requesting. A property zoned Planned Development allows a pole sign with a maximum height of 8 feet. Instead of requesting multiple pole signs, the developer is proposing one pole sign for the Cefco and adjoining retail space, and the retail building proposed in the rear portion of the lot will only have wall signage. If the proposed sign is disapproved, the developer may build an 8 feet tall clad multi-tenant pole sign with a similar style of the sign that is proposed, with a maximum area of 64 square feet. There are only two tenants shown on this proposed sign, and the Sign Ordinance requires 4 tenants to constitute as a multi-tenant sign. If they include the retail spaces proposed in the rear portion of the lot, the sign will then constitute as a multi-tenant sign.

Mr. Naegele asked if the industry is regulated to where they have to advertise the gas prices. Mr. Beevers stated that he does not believe so, but they all have them. He does not think there is a regulation that one has to post the gas prices, and he has been in the industry a majority of his life in one way or another. They want to be straight forward and put their best effort into what the sign would look like. They are not attempting to deviate from the Sign Ordinance requirements on a technicality or upset anyone because they built something the Commission didn't think they could build and then I show you a technicality.

Mr. Naegele asked for clarification about the future tenant information shown on this proposed sign. Mr. Beevers stated the tenant space is a national branded food product that requires, as part of their national trade, street level signage and that is very common for a national brand. They have elected to not include ground signage for the retail tenants proposed in the rear portion of the lot. Those will not be national brands; they will be lesser impact, mom and pop type retail, and will have to live with just the building front signage. They tried to find a balance that would fit into the neighborhood.

Mr. Berryman asked about sign placement on the corner since this is area has a large amount of traffic goes. Ms. Newcomer stated that staff requires signage on corners be out of a 25 feet visibility triangle so in her opinion, there will be adequate visibility at this intersection.

Chair Guess asked for a motion on item Z-15-11.

Mr. Berryman made a motion to approve the zoning change to City Council as proposed. Mr. Naegele seconded the motion and it was approved unanimously with 6 ayes, 0 nays.

Mr. Holmes stated he would like the minutes to note he is concerned about the signage.

Chair Guess asked if the commission had any questions about item P-15-13. Hearing none, Chair Guess asked for a motion on item P-15-13.

Mr. Neagele made a motion to recommend the plat to City Council as proposed. Mr. Baggerly seconded the motion and it was approved unanimously with 6 ayes, 0 nays.

**4. Z-15-09 Hold a public hearing and consider a zoning change from Single Family-1 to Retail Zoning District at 108 Lake Road, a 1.006 acre tract of land, located on the north side of Lake Road, east of Commerce Street and west of Oakmark Drive.**

Ms. Newcomer presented the staff report.

Chair Guess opened the public hearing on Z-15-09 and asked if anyone would like to speak on this zoning request change. Hearing none, the public hearing was closed.

Mr. Holmes asked if the letter in opposition was received from the apartment complex (Chappell Oaks). Ms. Newcomer answered yes, the opposition letter received is from Chappell Hill Equity (adjoining property owner).

Mr. Berryman asked if screening will be required between this proposed retail lot and the adjacent single family lot. Ms. Newcomer stated screening is required between Retail and a single family use, similar to McGuire Tire and Bush's Chicken.

Mr. Berryman asked how the city would regulate the use of the storage building in the future. Ms. Newcomer stated if the zoning change is approved, staff will meet with the applicant and their builder to review site plan requirements. At that time we will have more information about what use will be on this site, and if the storage building will be utilized and what it will be utilized for. Both staff and the applicant have met on site to discuss the proposed development and cross access requirements. TXDOT will require that one the entrances are eliminated so there is a single driveway to this site.

Mr. Holmes asked if the cross access from lot to lot will go the apartment complex? Ms. Newcomer stated staff is evaluating that now. There is a one-way entrance leading to the apartment complex and a one-way exit from the apartment complex, so she is uncertain if it is feasible to have cross access leading to the west, but they will evaluate that to see if it is possible. There is a large drainage structure on this lot to the east and City staff and the applicant will evaluate how to safely cross this drainage channel. Staff will look at the entire surrounding area when evaluating the site to ensure cross access can be achieved once the lot to the east develops into a retail use.

Chair Guess asked for a motion on item Z-15-09.

Mr. Holmes made a motion to approve the zoning change to City Council as proposed. Ms. Schmuck seconded the motion and it was approved unanimously with 6 ayes, 0 nays.

**5. Z-15-10 Hold a public hearing and consider a zoning change from Agricultural to Planned Development Multiple Family District on a 7.997 acre tract of land, located on the west side of North Main Street, north of River Fair Boulevard and River Springs, Phase I apartments.**

Ms. Newcomer presented the staff report.

Chair Guess opened the public hearing on Z-15-10 and asked if anyone would like to speak on this zoning request change. Hearing none, the public hearing was closed.

Chair Guess asked for a motion on item Z-15-10.

Ms. Schmuck made a motion to approve the zoning change to City Council as proposed. Mr. Holmes seconded the motion and it was approved unanimously with 6 ayes, 0 nays.

**6. Z-15-12 Hold a public hearing and consider a zoning change from Agricultural to Single Family-2 on a 59.56 acre tract of land, located on the west side of Wheat Road, east of Boxer Road, and north of the US Highway 190. (Chisholm Trail West Subdivision)**

Ms. Newcomer presented the staff report.

Chair Guess opened the public hearing on Z-15-12 and asked if anyone would like to speak on this zoning request change.

James Arnold, 1231 Boxer Road, stated that his objection to the subdivision is because they have decided to construct a highway through and down the back of Wheat Road, which will require his property to be completely demolished. They are taking 60% of his property for the highway that is going to go through there. The highway wouldn't have gone through there unless the City Council hadn't approved it and was given that land by the developer for them to build the property. He has the original alignment of the highway that was set in there. We're getting blank, you know what I mean in the situation. We have property owners on Boxer Road that are going to have a 4 lane road on one side and a 2 lane on the other side. When you walk out to the front yard, there will be a highway road there and when you walk out to the rear, there will be traffic because they changed the roadway that was proposed by TXDOT to go down beside our property lines, instead of going through the original plan. He does not think this is right. He realizes that there are not rich people in this area, but it doesn't make sense to create an unfair advantage for them.

Mr. Holmes asked for Mr. Arnold's address. Chair Guess stated it is Boxer Road.

Jane Pugliese, 5511 Gun Club Road, Temple, stated she owns land adjacent to this property. She has some questions about the zoning. It's confusing and does not compute in her mind. Single Family-2 requires 7,500 square feet, but the minimum lot size is 60' x 100', equaling 6,000 square feet.

Ms. Newcomer stated those are minimum requirements. For example, if the minimum lot width is 60 feet then a minimum lot depth of 130 feet is required to meet the 7,500 square feet minimum lot size requirement. If the minimum lot depth is 100 feet, then a minimum lot width of 75' is required to meet the 7,500 square feet minimum lot size requirement. The minimum width is 60', and if a developer wants to create lots in compliance with Single Family-2 District requirements, the lot depth must be longer than the minimum requirement. If the developer would like to have 100 feet lot depths, the lot will need to be wider than the minimum requirement. The minimum requirements are in place to ensure there are not long and skinny lots, for example, such as a 40 feet wide by 200 feet long lot that would meet the minimum 7,500 square feet lot size.

Ms. Pugliese asked since this property is now in the city limits, what are the requirements for roads and parks? Currently this area contains all estate size lots with lots of room and there is only a two lane road in this area. The proposed 181 homes will increase traffic. The elementary school out there now has significantly increased the traffic in this area. The other concern she has is the listed owner of that land, McLean Commercial. She looked them up to find out who the owners were and they have forfeited their right to do business in Texas since they have not filed franchise taxes. They are not keeping up with what

they should do. She is concerned that since the developer is doing that at their entity level, what are they going to do within the subdivision?

Chair Guess asked if anyone else would like to speak on this zoning request change. Hearing none, the public hearing was closed.

Mr. Baggerly asked for further information in regard to the parkland requirements. Ms. Newcomer stated this is typically discussed in conjunction with the plat and apologized for not having the plat available at this meet to illustrate what has been discussed. Digby Drive will extend north from Wheat Road and there will be a sidewalk constructed along one side leading down to the trail on Wheat Road that is currently there. The park area will be adjacent to the school site with basketball courts and a playground structure. The parkland requirement is one acre per 100 lots, so this development requires a 1.82 acre park. We have talked about parkland and when the final plat comes before the Commission, there will be another opportunity to review the proposed parkland and determine if this is a feasible area.

Chair Guess stated the commission is dealing only with the zoning change here. All these issues will surface when we see the plat.

Mr. Berryman asked Ms. Newcomer to address Mr. Arnolds question about the Thoroughfare Plan. Ms. Newcomer stated staff spent several months meeting with TXDOT, several years for other staff members, and coordinating with TXDOT to determine a feasible alignment for Lake to Lake Road. It was our goal to determine a feasible alignment so we are able to inform the public of the requirement. We now have a feasible alignment that we will follow for ROW acquisition. A majority of the Lake to Lake Road has been dedicated from FM 439 to Sparta. A majority of the ROW needed is from Sparta to Highway 190. When determining the preferred alignment in conjunction with the Chisholm Trail West plat, the City diligently worked to determine a route with the least amount of impact to the houses along Boxer Road. In her opinion, the roadway will most likely be 45 mph since this area will most likely be urban when the roadway is constructed. The TXDOT portion of the roadway will extend from 2<sup>nd</sup> Avenue/FM 93 to FM 439 and the City/County will be constructing and obtaining ROW from Highway 190 to FM 93. The City and County are required to follow certain procedures when obtaining ROW for this roadway project.

Mr. Holmes asked if the majority of that ROW is inside this property. Ms. Newcomer answered that is correct.

Chair Guess stated the developers are not connected with TXDOT's proposal for the Lake to Lake Road ROW. They merely accommodated the City's request for ROW because that is the preferred location for the roadway to minimize the impact on the existing subdivision.

Ms. Newcomer stated that maintaining the alignment extending from FM 1670 is very important to ensure this roadway will ultimately provide a north-south extension from Morgan's Point to Salado.

Chair Guess asked for a motion on item Z-15-12.

Mr. Holmes made a motion to approve the zoning change to City Council as proposed. Mr. Naegele seconded the motion and it was approved unanimously with 6 ayes, 0 nays.

**7. P-15-10 Consider a preliminary plat for River Place Estates, Phase VII, a 14.871 acre tract of land, located north of River Fair Boulevard, east of Red River Road, and west of North Main Street.**

Ms. Newcomer presented the staff report.

Mr. Berryman asked about the Public Access Easement along the lots. Ms. Newcomer stated the 5 feet wide public access easement will contain a 5 feet wide sidewalk and will allow for public access.

Mr. Baggerly made a motion to recommend the preliminary plat to City Council as proposed. Ms. Schmuck seconded the motion and it was approved unanimously with 6 ayes, 0 nays.

With no further business, the meeting was adjourned at 6:22 P.M.

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Chair, Planning and Zoning Commission