

Minutes of the meeting of the  
**Planning and Zoning Commission (P&ZC)**  
City of Belton  
333 Water Street  
Tuesday, August 18, 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: Ben Pamplin, Joel Berryman, Rae Schmuck, John Holmes, Frank Minosky, Mat Naegele, Jason Morgan, and Brett Baggerly. The following Staff members were present: City Manager, Sam Listi, Director of Planning, Erin Smith, Public Information Officer, Paul Romer, and Planning Clerk, Laura Livingston. Absent was Commission member: Eloise Lundgren.

**Pledge of Allegiance** – Frank Minosky led all present.

**Invocation** – Rae Schmuck gave the Invocation.

**1. Call To Order.**

Chair Holmes called the meeting to order at 5:31 P.M..

**2. Consider minutes from the previous Planning and Zoning meeting.**

Ms. Schmuck made a motion to approve the minutes. Mr. Morgan seconded the motion and the minutes were approved unanimously with 8 ayes, 0 nays.

**Chair Holmes requested to make a change in the agenda by moving Item 3 to the bottom of the agenda. There was no opposition to this change.**

**3. Z-15-23 Hold a public hearing and consider a zoning change from Agricultural to Planned Development Commercial-1 Zoning District for a recreational vehicle park at 7400 Nolan Bluff Road, a 10.750 acre tract of land, located on the north side of Nolan Bluff Road, between Simmons Road and George Wilson Road, and north of U.S. Highway 190.**

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing on item Z-15-23 and asked if anyone would like to speak on this zoning request change.

Jim Koczka, 7450 Nolan Bluff Road, stated he lives right next this property to the west. Is the fence going to extend the length of the (western) property line? He has lived next door since the applicant has owned the property. The applicant has constructed illegal buildings and demolished buildings on this property without obtaining permits. Dog Ridge Water Supply does not have enough water to support this use. There is a 2” waterline extending across the property frontage. The waterline is servicing Ms. Randolph and himself, so he knows water is not available. The City annexed their properties and nothing has been done to the road (Nolan Bluff), it’s barely wide enough for two cars. The applicant said as soon as beer is permitted west of FM 1670, he is going to construct a convenience store there. What happens if the Commission approves this for commercial and then he does not construct the RV park and instead, constructs a convenience store? When he asks for an RV park, does the city make him stick with this use if this zoning change is approved? Does the Commission have any answers for him?

Chair Holmes stated the Commission will listen to all comments during the public hearing and the Commission appreciates the comments as well. The Commission or City Council may then ask staff or

anyone else specific questions. This is not a two-way interaction at this time. They will take note of comments and may address some of the questions after the public hearing is closed.

Mr. Koczka stated he has almost been hit because the applicant cannot keep the front of his property clean. He had to trim it up so he does not get hit by Messer or the cops driving down the road.

Ken Emery, 4602 Elf Trail, stated he is the owner of the property. He would like to respond to the previous comments. The Dog Ridge Water Supply situation is a Dog Ridge issue and not anyone else's issue. There is a 6" waterline across the front of his property. Nolan Bluff is not a City road; it is a state road and will have to be addressed with TXDOT. In regard to property maintenance, he would suggest that we look at Jim's place. There are buildings under construction at this time without obtaining permits. Code enforcement may need to address the junk cars at the back of his property. He would like to move ahead and make something good for the community and himself. He feels it will be an enhancement to Belton. The RV park will offer amenities, such as hospitality and recreation with the lake nearby. He thinks an RV park at this location will be great. It will not look like any other RV park that is in the City right now. It will far exceed anything that is on Interstate 35, FM 439, or the Expo site.

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

Chair Holmes asked if staff is concerned about the water. Ms. Smith stated that will be addressed with the plat to ensure the Dog Ridge waterline can handle the fire flows and other needed requirements.

Chair Holmes asked if there is any discussion about the City taking over some of the services for this project. Ms. Smith stated the property is far away from City of Belton waterlines. A CCN transfer or full certification from Dog Ridge Water Supply Corporation would be required to be accessed by the City Manager and Public Works Director. There have not been any discussions about service to this area at this time.

Mr. Berryman asked if this will be a short or long term stay RV Park. Mr. Emery stated the RV Park is designed to be both short and long term stay. People come to the community for contract work and they have an RV, so they may need to stay 2 to 3 months. He also foresees people traveling on IH-35 that will stay at his RV park just for the night.

Mr. Minosky asked if other uses will have to be approved through P&Z. Ms. Smith stated the base zoning district is Commercial-1, so this zoning will allow for all the uses in the Commercial-1 District, as well as an RV park.

Mr. Minosky asked if someone decides they want to build something different, would that request need to come before the Commission? Ms. Smith stated if it is a permitted use within Commercial-1, Retail, Neighborhood Service or Office districts, then it would not need to come before P&ZC again. If the proposed use is only permitted in Industrial and Commercial-2 districts, or requires an SUP in one of those districts, then the zoning change request will need to come forward again to P&ZC and Council.

Mr. Berryman asked if this zoning passes, will it be zoned correctly for a convenience store? Ms. Smith stated yes, a convenience store is allowed in Retail Zoning District, so it is allowed in the Commercial-1 District as well.

Mr. Berryman asked why we would not require a Specific Use Permit for an RV park, to where it would limit the use of the property. Ms. Smith stated there is an SUP section in the Zoning Ordinance that she references for zoning. An RV Park is not listed as a permitted use in any of the zoning districts or a use requiring an SUP in the Zoning Ordinance. The Zoning Ordinance SUP section would need to be amended to include an RV Park. RV Park is not listed in the Zoning Ordinance, but it is defined in the Zoning Ordinance. Since an RV park is not listed as a permitted use, or a use requiring a Specific Use Permit, a Planned Development District proposal will allow for the RV park. A PD is very similar to a SUP, both require a site plan in conjunction with a zoning change request.

Mr. Berryman asked what are the steps the applicant would have to take to build a convenience store? Ms. Smith stated the applicant would have to submit a plat and building plans to be reviewed by staff.

Mr. Morgan asked what is the zoning of the surrounding properties? Ms. Smith stated to the east is the recently approved gun range that was rezoned to Commercial Highway and to the west there is property zoned Agricultural.

Mr. Morgan asked about the screening requirements between commercial and residential properties. Ms. Smith stated there is a single family home on the property zoned Agricultural to the west, so screening will be required on the western property line.

Mr. Morgan asked if the screening will be required down the entire length of the property. Ms. Smith answered, yes, and the submitted site plan would need to be revised to show it.

Mr. Morgan stated this property is along a major highway and it is suitable for Commercial-1 zoning.

Mr. Morgan made a motion to approve the zoning change to City Council as proposed. Ms. Schmuck seconded the motion and it was approved unanimously with 8 ayes, 0 nays.

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**4. P-15-20 Consider a final plat for River Place Estates, Phase IX, Section 1, a 8.676 acre tract of land, located north of River Fair Boulevard, east of Red River Road, and west of North Main Street.**

Ms. Smith presented the staff report.

Chair Holmes asked if the 5’ wide (public access) easement throughout the development is proposed there in anticipation of the Sidewalk Standards amendment. Ms. Smith stated that staff recommended installation of a sidewalk along one side of Trinity Drive, since there is not a clear sidewalk policy in place at this time. The applicant has agreed to construct a sidewalk along the eastern side of Trinity Drive.

Chair Holmes asked if the easement went through the entire development, including the cul-de-sac. Ms. Smith stated it will only be along one side of the collector street, Trinity Drive.

Mr. Naegele made a motion to recommend the final plat to City Council as recommended. Mr. Baggerly seconded the motion and it was approved unanimously with 8 ayes, 0 nays.

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**5. Hold a public hearing and consider an amendment to Section 503, Sidewalk Standards and Policy, of the Subdivision Ordinance.**

Ms. Smith presented the staff report and the recommendation for approval following an extensive public input process.

Mr. Morgan asked for clarification regarding proposed Section 503.08 that includes the provision to place funds in an escrow account up to nine years. If no improvements have been made to the street, the developer gets the funds back and the sidewalk never gets built. Ms. Smith stated that is a possibility and it will be analyzed on a case by case basis. It is staff's judgment that this nine year time frame is sufficient to build a sidewalk, and if it looks like it will not be completed within that time frame, there is a possibility the funds would be returned.

Mr. Morgan asked if it was the City's discretion whether to approve the funds to be placed into an escrow account or not? Ms. Smith stated that is a Council decision. If a plat comes before the Commission and escrow is the recommended, both P&Z and Council have the ability to require sidewalk installation at that time or the alternate escrow provision.

Chair Holmes stated he served on the 2013 CIP committee, and participated in a bus tour that traveled around schools and parks, with limited or no sidewalks in the area. The City has been planning sidewalk installation in several areas of Belton. He was surprised to see that Killeen, Copperas Cove and Harker Heights all require sidewalks on both sides of the local/residential streets. Using the example of the Chisholm Trail West Subdivision, the only sidewalks in that subdivision will be along Digby Road (collector). Is that correct? Ms. Smith stated that is correct.

Chair Holmes stated he wishes he could recall the BISD requirement for busing, but he thinks if one lives within 5 miles of the school, the buses will not pick up the students. He is concerned about the amount of foot traffic created with kids walking to school. As density increases in these subdivisions, there is more parking on the street. Has staff thought about taking a firmer stance on the requirement for dense subdivisions? Ms. Smith asked if more dense means Single Family 2 or 3? If so, the Commission could recommend that in their motion.

Chair Holmes opened the public hearing and asked if anyone would like to speak on this amendment to Section 503, Sidewalk Standards and Policy, of the Subdivision Ordinance.

Susan Johnson, 2402 Twin Ridge Court, stated she is a big fan of sidewalks. She finds them to be much safer than street travel for pedestrians. Sidewalks offer encouragement for people to walk instead of drive, especially if there is something in their subdivision that they may want to go to such as a school, park or friends house. There's been progress made in the standards since she last attended the community meeting. She would like to urge the Commission to reject the proposed elimination of section 503.02, the original item in the Subdivision Ordinance (requiring sidewalks in residential areas) and the new one is 503.06 section (no sidewalk requirement along local/residential streets). In the original sidewalk section of the Subdivision Ordinance, it states that you should do this, but we will consider options to your doing it with regard to sidewalks. The new sidewalk section states you don't have to do this, but if you do it, it should be 4' wide. It's pretty close to the same thing, but the original language leaves you in a better position to really think about what you want sidewalks to do for the community. She is very concerned about kids in the street and it's just not that they might get hit by a car, if they are riding their bikes or scooters and someone in a parked car opens the door, the kids can hit the car. There are all kinds of ways in which this could be

improved and really made much safer for kids, moms with strollers and old people, who maybe would feel better about walking to the walking path or trail if they had a good clear pedestrian walkway leading to it. She knows there has been a lot of work done here, with a lot of clarification. As stated in her letter, she is shocked to see we are going for the lowest possible standard, as opposed to the higher standards. If we are going to change something, it seems we might want to go in a positive direction and not a negative one. She suggests that the Commission keep section 503.02 in place, the original section of the Subdivision Ordinance, and reject section 503.06 that is in the new proposed ordinance. The City's Comprehensive Plan is coming up for review, and this kind of issue can be addressed in that plan. You wouldn't necessarily say in a comprehensive plan that you are required to have sidewalks everywhere and wouldn't necessarily spell out things the way they are spelled out here, but you might say if there are attractions near a neighborhood like a park, school or pool, on the streets that are not cul-de-sacs, and give people a real decent path to get there, that you should have sidewalks in those areas. It's that kind of possible thinking that can go into a comprehensive plan and can influence what it says in the Subdivision Ordinance. Thank you for the chance to comment. Chair Holmes thanked Ms. Johnson for her comments.

Brad Wyrick, 3207 Purple Sage Drive, Temple Area Builders Association (TABA), stated he is here on behalf of the local builders association. He would like to thank Ms. Smith for taking the time for the presentation she made back on July 8, 2015 and thanks the City for allowing a public comment time period prior to bringing this ordinance forward. The exchange of dialogue certainly helped everyone learn about the intent behind the policy and how it might be interpreted or applied as we move forward in development. He hopes that staff found their comments useful, but they do have a few continuing observations and thoughts regarding the policy as proposed to the Commission.

It's great that staff looked at other area cities for ideas, but just because 3 out of 4 cities have done it a certain way, that does not mean that Belton should do it the same way. Also, just because 3 out of 4 cities did it a certain way, does not mean that the 1 out of 4 cities is wrong. Every city, including Belton, should look to develop in their own image and put in the kind of polices and sidewalk requirements that they feel is suitable for their city and citizens.

In regard to the provision requiring sidewalks on both sides of the collector streets, if people are going to use sidewalks in the way staff has described to reach their employment, transit location or shopping, they are going to have to cross multiple streets anyway; therefore, having the sidewalk along one side of the collector street isn't going to necessarily be a problem to folks trying to reach a park or other area. They are going to have to cross a street at some point; they are not going to walk a block and then circle around since they are trying to get somewhere. Having a sidewalk on one side is certainly something that should be considered. The more sidewalks created, the more of a maintenance issue that will present. Who is going to take care of all these sidewalks along collector streets where they don't exist now? Living in a residential area where there is a sidewalk along one side of the collector street, he barley sees it utilized. Most of the people run and ride their bikes in the street, they don't use the sidewalk on the side of the collector street and when it is being used, it is not overloaded with people, kids, walkers, joggers, making it appear that a sidewalk is needed on both sides of the street in a residential area.

In regard to the new 503.05 section that talks about sidewalks being required in conjunction with a building permit, they like the addition that has been added at the bottom about how it does not apply to collector or arterial streets with residential frontage. This might be more of a technical question, but does frontage also mean behind a house? If I live on a street and I back up to a collector or arterial, does that mean if I do something that requires one of these permits, am I then required construct a sidewalk behind me? I'm trying to understand a little more about the escrow sidewalk accounts. If it is determined that a sidewalk cannot be

built at that time, can the money that is put into an escrow account be used for anything else or is it specifically for that sidewalk at the specific location? We want that to be somewhat clarified. If it's going into an escrow account, those funds that cannot be used to repair sidewalks in other locations or provide other City services in another part of town. What scenarios would trigger the need for an escrow requirement, road widening in the future? The authority is placed with the City Engineer to make that determination on whether a sidewalk is required at that time. What are the scenarios where that might happen because trying to understand that might be useful? If the county or state determines they don't want a sidewalk along their frontage roads, is the City still going to collect those escrow funds? What is the triggering mechanism if the escrow determination is made? Lastly, providing a resolution or some sort of language exempting the presented subdivisions requiring sidewalks along one side of the collector street, they would like that to be clarified. Twenty years from now who knows where anyone is going to be, it would be great to have that somehow classified so that people can have clarity on their plans.

Thanks again for the opportunity to provide comments before today and at the meeting today. We appreciate the willingness of staff to come to them and discuss the policy. They hope that can continue this for anything in the future where there might be overlapping interest, Mr. Wyrick said.

Chair Holmes asked if anyone else would like to speak on this amendment. Hearing none, the public hearing was closed.

Chair Holmes asked if someone along Main Street is applying for a building permit, will they have to replace the sidewalk if it is cracked and uneven? Ms. Smith stated if the property is not residential, it will have to be replaced. Staff would evaluate the condition of the sidewalk in conjunction with the building permit.

Ms. Schmuck stated it's nice that staff looked at other area cities and what they do because it is always a good way to get a general idea. She just wanted to say thanks.

Mr. Morgan asked if additional language could be added to the sidewalk section? He doesn't think the intent is to have sidewalks at the rear of one's property. Ms. Smith stated that staff can review and possibly include language stating along all sides or something similar, if the Commission desires.

Mr. Morgan asked if the intent is to have sidewalks installed at the rear of their property. Ms. Smith stated there are no requirements for a residence, unless it is a brand new subdivision.

Mr. Baggerly asked if there was a way to specify how the escrow funds are used. Ms. Smith stated it is called a sidewalk escrow fund. This is very similar language to the perimeter street improvements portion of the Subdivision Ordinance referring to escrow funds. If the Commission feels it is an issue and needs to be clarified, she would be happy to look at that.

Mr. Morgan stated he thinks the question is more of how does escrow work. Ms. Smith stated for example, a recent development along Loop 121 is required to install sidewalks along that roadway, but we know that roadway will eventually be widened. It wouldn't make sense to install sidewalks in conjunction with this development, since the sidewalks would possibly need to be removed for the road widening. It would not be the time to construct sidewalks, but we know they are needed and we want them in this area. In conjunction with the plat approval, funds for the cost of a 5' wide sidewalk along that roadway will be put into an escrow account and will be used on the frontage of that property within a 9 year time frame. Sidewalk

installation could be done in conjunction with the roadway widening. If sidewalks are a requirement for that development, those sidewalk funds will be utilized in that area.

Mr. Morgan asked Mr. Listi to address a situation if, for example, \$100,000 is saved in an escrow account, earmarked and not touched until a sidewalk for that portion of Loop 121 is built, what will be done with those funds? Mr. Listi stated clearly it would be our commitment to do everything we can to use the funds in the area that contributed the sidewalks funds. This is similar to the parkland dedication fee. There is language in those ordinances that basically says for a neighborhood park, with funds generated from a subdivision, those funds should be used in that neighborhood park, not in the community park, or baseball field somewhere else, but serving that neighborhood. Within the realm of logic, it would certainly be our intent to use those funds in that area. He has spoken with the Finance Director about a spreadsheet that allocates and identifies where the money came from and where it is intended to be used. We will do everything we can to use the money in that area. We are certainly not going to take this money and spend it in a completely different part of town. The funds are intended to be used for a sidewalk in that particular vicinity, since it was generated by this subdivision. We are just trying to be prudent about the expenditure and not waste the public's money to use it now and have to tear it out, then come back and replace it later.

Mr. Morgan stated it's not productive or efficient to open up separate accounts for every single one in an escrow fund.

Mr. Baggerly stated there was some discussion about an exemption for some subdivisions. If that was to be done, wouldn't we have to include all subdivisions that were built before the sidewalk policy? Ms. Smith stated the sidewalk standards are a requirement for new subdivisions, not existing. Subdivisions such as River Place, Legend Oaks, for example, are still building new homes on lots and have existing streets, so they would not be required to install sidewalks within this policy. The subdivisions on the list do not have streets built yet, so we have made this list to ensure the developers and builders are only required to do what Council approved in conjunction with the plat. Plats have been submitted and approved for all of the subdivisions on this list, including both preliminary and final.

Mr. Morgan stated so we are referring to subdivisions where construction has not yet begun. Ms. Smith stated that is correct. Dawson Ranch, Phase V is the only subdivision on this list that was recently accepted by Public Works, about a week and half ago.

Chair Holmes asked for Ms. Smith to elaborate on sidewalks in Dawson Ranch. Ms. Smith stated there are no sidewalks within this subdivision; however, there is a 6' wide concrete hike and bike trail along the north side of Chisholm Trail Parkway, extending from Dunn's Canyon to Spring Canyon. In the new Dawson Ridge subdivision, the developer will be extending the trail from Spring Canyon to the western edge of this subdivision. Chair Holmes stated he did not think it currently goes all the way down Chisholm Trail Parkway. Is there something in the median where the trail stops? Mr. Morgan stated the trail extends through the middle of the median, in the boulevard, and then extends all the way down the street (north side).

Chair Holmes asked if there were any sidewalks in the other areas of Dawson Ranch. Ms. Smith stated none of the residential streets have sidewalks.

Ms. Smith stated she would like to address Mr. Baggerly's question once again. The way she has always thought about frontage of a property is any side of the property along a street, so frontage could be the back or sides. That is the way she has thought about it, but if the Commission needs clarification we can do that.

Mr. Berryman stated he recognizes that other cities have different sidewalk requirements and he doesn't live in any of the cities on that list for a reason, he prefers to live in Belton. He feels that Belton is more rural and a better community. He has lived in the Dallas and Austin areas where everybody has sidewalks and what happens is everyone parks their cars across the sidewalks and the sidewalk does not get used anyway. In his opinion, sidewalks should not be required on both sides of the collector streets; that does not work. In his mind what makes communities more desirable, especially to the younger generation, is to have routes and walkways that lead to open, recreational areas. A collector, like Chisholm Trail Parkway, is big and a 6' wide trail serves a much better purpose for most of the people that are using it for jogging, pushing baby strollers, something of that nature. The trail isn't used for walking to work. We all have cars and we drive to work. The percentage of the population we are talking about (using the trails to get to work) is miniscule when that involves spending hundreds of thousands of dollars in concrete. In his opinion, that does not make our neighborhoods look any better, it makes them look worse. Collector walkways that lead to an area where you desire to spend your leisure time is attracting people to new areas. In his opinion, collector streets with a sidewalk along one side are more than efficient. If you are walking through a neighborhood or you are going somewhere, you are going to have to cross a road regardless. If you throw a 4' wide sidewalk on the side, it doesn't do much good since only two people can walk side by side on it and you aren't accomplishing much. He does not want to be like all the other cities in our area. He wants us to be different and look outside the box. From his professional standpoint, developers state the more constraints we put on them, the less they are going to look to build in the City of Belton. They are looking to build in some of our neighboring cities. One particular neighboring city has the same school district that we do and they are focusing more on that city than they are on us right now.

Mr. Morgan stated he appreciates Mr. Berryman's comments, but he has an opposite opinion regarding collectors. He feels that sidewalks need to be on both sides of collectors because he does not want to walk through grass to get down to the crosswalk to walk on one side of the street where the sidewalk exists, on one side of the collector. His personal feelings regarding sidewalks on residential streets, he can take it or leave it. He does not like the look of a sidewalk in a residential area, but he can also appreciate the safety aspect of having sidewalks in a residential area. With that being said, he appreciates the work Ms. Smith and staff has done with this policy. He knows that what has been proposed tonight is not necessarily what everybody wants and desires, but it is a fantastic compromise. He likes what is written and thinks it is a great compromise.

Chair Holmes stated he agrees and if you look at major collectors, especially if they lead to schools, having those sidewalks on both sides of the street is a wise decision.

Mr. Berryman stated in regard to schools, he absolutely agrees. He's talking about a road like Chisholm Trail Parkway, for example. A neighborhood is built all around it and every street is designed by a developer to where there is not heavy traffic or high speed volume through there.

Chair Holmes stated collectors such as Digby Drive, Penelope Street, Beal Street, for example, have heavy traffic on these streets, as well as foot and bike traffic. He drives down Beal Street every morning and when school starts again, the kids walking and riding bikes to Leon Heights Elementary at 6:45 am in the morning on a 3' wide sidewalk is kind of scary.

Mr. Pamplin stated a concern he has with the collectors is that he has seen where the area outside that sidewalk is neglected in other cities for whatever reason. He sees it on FM 2305 where everything inside the jogging trail is taken care of and everything outside the trail is left to the City and becomes overgrown.

There are also state regulations to where anything lower than 4' requires sub drip irrigation. For the total overall look of the City, he would like to make sure that area is properly maintained. These collectors are busy streets and we want to make sure we keep our City looking nice. Ms. Smith stated that is a code enforcement issue and they would enforce overgrown grass.

Mr. Berryman asked who is responsible for long term maintenance of sidewalks. Ms. Smith stated if it is adjacent to their property, then it is the property owner's responsibility, according to the Code of Ordinances.

Mr. Berryman stated he knows we have a stressed budget as it is, and it would be a concern to him if the City was going to take on the maintenance of more concrete long term, because in 10 to 15 years some repairs will be required. Ms. Smith stated as of now the policy in place is that the property owner is required to maintain the sidewalk if it is adjacent to their property.

Mr. Naegele asked if it is code enforcement issue as well if a tree root comes up and becomes a hazard in which the property owner would be required to fix in a certain amount of time? Ms. Smith stated yes, we would expect that code enforcement would address that.

Mr. Morgan asked if there will be guidelines in place as to how the sidewalks would be constructed, so they don't crack and drop. Ms. Smith stated the City Engineer will review the plans and approve those to make sure they are in compliance with the Design Manual sidewalk construction requirements.

Mr. Morgan made a motion to recommend the amendment to Section 503, Sidewalk Standards and Policy, of the Subdivision Ordinance as reflected in exhibit II of the packet. Ms. Schmuck seconded the motion and it was approved unanimously with 8 ayes, 0 nays.

With no further business, the meeting was adjourned at 6:38 P.M.

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Chair, Planning and Zoning Commission