

Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, June 16, 2015

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, Mat Naegele, Rae Schmuck, Frank Minosky, Eloise Lundgren, Jason Morgan, The following Staff members were present: City Manager, Sam Listi, Director of Planning, Erin Newcomer, and Planning Clerk, Laura Livingston. Absent were Commission members: Brett Baggerly and John Holmes.

Pledge of Allegiance – Frank Minosky led all present.

Invocation – Eloise Lundgren gave the Invocation.

1. Call To Order.

Ms. Lundgren called the meeting to order at 5:33 P.M. since the Chair and Vice Chair were absent.

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

Mr. Berryman made a motion to approve the minutes. Mr. Naegele seconded the motion and the minutes were approved unanimously with 5 ayes, 0 nays.

3. Administer Oath of Office to Planning and Zoning Commission appointees.

Planning Clerk, Laura Livingston administered the Oath of Office to appointees, Frank Minosky and Jason Morgan.

4. Selection of Chair and Vice Chair for the Planning and Zoning Commission.

Mr. Naegele asked if Vice Chair, Mr. Holmes, had expressed interest in the Chair position. Ms. Newcomer stated they have spoken about the possibility in the past, but have not spoken about it recently.

Mr. Naegele nominated Mr. Holmes as Chair for the Planning and Zoning Commission. Ms. Schmuck seconded the motion and the nomination was approved unanimously with 7 ayes, 0 nays.

Ms. Schmuck nominated Mr. Minosky as Vice Chair for the Planning and Zoning Commission. Mr. Pamplin seconded the motion and the nomination was approved unanimously with 7 ayes, 0 nays.

(Ms. Lundgren continued conducting the meeting.)

5. Z-15-16 Hold a public hearing and consider a zoning change from Agricultural to Commercial Highway Zoning District for an indoor firearms facility at 7300 Nolan Bluff Road, a 4.1 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. Newcomer presented the staff report.

Ms. Lundgren opened the public hearing on Z-15-16 and asked if anyone would like to speak on this zoning request change.

Stuart Mullen, 5605 77 Center Drive, Charlotte, North Carolina, stated he is the applicant and thanked the Commission for their time. He stated he is in attendance to answer any questions the Commission may have about the zoning change request.

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

Mr. Berryman asked if there is concern about the extension of Simmons Road with this proposal. Ms. Newcomer stated this will be reviewed during the platting phase, and will be required. It's impact on this property She has met with the applicant's engineer, Bob Mitchell with Mitchell and Associates in Killeen, and he is creating the preliminary design for the extension of Simmons Road. She and the applicant, Stuart Mullen, spoke prior to the meeting and they will have a recommendation when the plat is presented in the future.

Mr. Naegele stated the last shooting range applicant was restricted to 70 decibels, instead of 85 decibels. He asked if that will that have any bearing on this case. Ms. Newcomer stated the Police Chief has reviewed and approved the noise specifications provided by the applicant. The former case was a Planned Development zoning change request, this is a rezoning to Commercial Highway and does not require a Planned Development proposal, so cannot be limited in a similar way.

Mr. Pamplin asked if any property owner notification responses were received. Ms. Newcomer answered, no.

Mr. Naegele made a motion to approve the zoning change to City Council as proposed. Mr. Berryman seconded the motion and it was approved unanimously with 7 ayes, 0 nays.

6. P-15-18 Consider a preliminary plat for Buckanna Ranch Subdivision, an 11.244 acre tract, located on the east side of Connell Street, generally south of West Avenue O and west of IH35.

Ms. Newcomer presented the staff report. She also indicated a letter was submitted on June 15th requesting a variance to the perimeter street improvement requirement, which is not recommended.

Ms. Lundgren recognized David Mojica to speak.

David Mojica, Belton Engineering, 106 North East Street, stated he represents the owner of the property, Mr. Bailey. He asked for clarification regarding the City's recommendation. Ms. Newcomer stated staff is recommending all the conditions in the report, to include the owner contribute into escrow the required perimeter street improvements.

Mr. Mojica stated he would like to request an exception as stated in the letter the Commission has been provided. Belton Engineering has represented several clients which have decided to not develop in the City of Belton due to the perimeter street requirements. They are asking that the Commission alleviate some burden on the developer to increase development in the City of Belton. In this particular case, the developer is dedicating the right-of-way, extending Laila Lane toward IH35, paying parkland fees, and installing sidewalks, and in accordance with the Subdivision Ordinance, a tree survey and site clearing permit are required before any work is completed. He has not provided City staff with a cost estimate yet, but in his estimation just the basic items for this extension would be around \$65,000.00. That money will remain in escrow for 9 years before a refund can be requested. The developer would like the Commission to consider an exception to these requirements. The owner and the principal engineer are also here to answer any questions.

Mr. Berryman asked if the street is built, will the developer get their money back? Ms. Newcomer stated the money will be utilized to build the street. If the street is not built within 9 years, the developer will get the money back.

Mr. Berryman asked if there is any kind of time frame for the street improvement. Ms. Newcomer stated not at this time. The City is completing drainage improvements along Connell Street, but she does not know at this time when the road will be improved and widened. In some instances, street improvements are driven by development.

Ms. Schmuck asked if all of the required items need to be taken care of if the Commission approves the preliminary plat request based on the staff letter dated May 29th? Ms. Newcomer stated that is correct.

Mr. Naegele asked if this is a consistent requirements with other developers to contribute perimeter street improvement costs into an escrow account. Ms. Newcomer stated the Southwood Hills subdivision as well as other developers have complied with the perimeter street improvement requirements.

Ms. Lundgren recognized Ron Bailey to speak.

Ron Bailey, FMB Group, owner and developer, stated he doesn't have an issue with contributing money into escrow, but he thinks it should be a regressive percentage. The Southwood Hills subdivision probably has the same property length along Connell Street as his subdivision, but there are houses separating Connell Street and that subdivision, so the actual perimeter street length is much less. We are being punished for having perimeter frontage along Connell Street and being a land owner. At one time it was a good thing to have perimeter street frontage and now it's not such a good thing if you are trying to develop. Southwood Hills is adding more usage to the street than his subdivision ever will after they build 150 duplexes. The Southwood Hills developer's perimeter street improvement costs are minimal due to the small amount of frontage along Connell Street. He doesn't think this is fair that he is punished for having more frontage along Connell Street. He thinks the requirement should be regressive with more linear footage and decrease to 25%, instead of required 50% for perimeter street improvements. This expense will total \$50,000 to \$60,000. He doesn't know if any Commission members would want to put that much money into escrow for 9 years without interest and then wait to see if the City can widen the street. If the street is not widened, they will receive their money back, but without interest. He does not mind contributing 20% to 25% for perimeter street improvements, but 50% is too much when they don't know how much usage they will contribute to the roadway. He appreciates the Commission's consideration and time.

Mr. Minosky asked if Ms. Newcomer could respond to Mr. Bailey's comments. Ms. Newcomer stated there could be an option to require the perimeter street improvement costs with each phase. The applicant is proposing three different phases with this subdivision. The developer said they could help some.

Ms. Schmuck asked if this has been done in previous cases. Ms. Newcomer stated not in her experience. All of Southwood Hills, Phase I, is along Connell Street so the total amount was paid at one time. Liberty Valley was completed in phases and contributed as well.

Mr. Naegele asked Mr. Bailey if phasing would help at all. Mr. Bailey stated they have discussed phasing previously with City staff. It seems the more perimeter you own, then the more you pay and it's a big chunk of money sitting in an escrow account for 9 years. They are not a big company, a lot of out of pocket family

money will be utilized to develop this subdivision. Phasing it would be ok, but he thinks the 50% requirement is too much.

Mr. Mojica stated the Southwood Hill's perimeter street cost portion of Connell Street is small in comparison to this development.

Mr. Baily stated his concern is that Southwood Hills will create more usage on this roadway than his addition, but is paying less for street improvements because there is less property frontage along Connell Street.

Mr. Naegele asked who comes up with the percentages. Ms. Newcomer stated it has been a requirement in the Subdivision Ordinance for several years. Every development is different and may have different requirements depending on the location, size, etc. Southwood Hills will eventually be required to construct a portion of Southwest Parkway, which is a required collector street in the Thoroughfare Plan. Liberty Valley perimeter street improvement requirements were more than Southwood Hills as well. Southwood Hills is about 250 linear feet and this frontage will vary with each subdivision.

Mr. Berryman asked if Southwood Hills participated in this program? Ms. Newcomer answered yes, they contributed over \$26,000 into escrow for perimeter street improvements to Connell Street.

Mr. Berryman stated he does not feel it is fair to waive all perimeter street improvement requirements for a neighborhood that has two roads entering Connell Street.

Mr. Berryman asked what amount did Southwood Hills contribute and what is the cost for this developer. Ms. Newcomer stated over \$26,000 was contributed by Southwood Hills. She has not received a cost estimate from the applicant for Buckanna Ranch subdivision at this time.

Mr. Mojica stated the estimated cost for perimeter street improvements will be about \$65,000.

Ms. Newcomer stated every subdivision is different. Southwood Hills will be required to donate ROW and construct a portion of Southwest Parkway. Liberty Valley, Phase III contributed to escrow for Connell Street and they also constructed a portion of Southwest Parkway.

Mr. Minosky asked what the procedure is for phasing perimeter street contributions? Ms. Newcomer stated this is a preliminary plat, so the Planning and Zoning Commission will review a final plat for each phase.

Mr. Morgan stated the applicant understands the concerns and can make changes. All we have to do as a Commission is either recommend approval, disapproval, table, or make changes to the recommendation. This is a preliminary plat, everyone understands the concerns and he has complete confidence in staff and the applicant to work through those concerns prior to final plat consideration.

Mr. Berryman made a motion to recommend the preliminary plat to City Council as recommended by the City and without approval of the requested variance to the perimeter street improvement requirement. Mr. Pamplin seconded the motion and it was approved unanimously with 7 ayes, 0 nays.

With no further business, the meeting was adjourned at 6:05 P.M.

Chair, Planning and Zoning Commission