

Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, June 21, 2016

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 John Holmes, Ben Pamplin, Joel Berryman, Eloise Lundgren, Mat Naegele, Brett Baggerly, Rae Schmuck, Jason Morgan and Frank Minosky. The following staff members were present: City Manager, Sam Listi, Director of Planning, Erin Smith, Parks and Recreation Director, Matt Bates, and Planning Clerk, Laura Livingston.

Pledge of Allegiance – John Holmes led all present.

Invocation – Frank Minosky gave the Invocation.

1. Call To Order.

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

2. Minutes from the previous Planning and Zoning meeting.

Ms. Eloise Lundgren made a motion to approve the minutes from May 17, 2016. Mr. Joel Berryman seconded the motion and the minutes were approved unanimously with 9 ayes, 0 nays.

3. Z-16-07 Hold a public hearing and consider a zoning change from Commercial Highway to Commercial-1 Zoning District for a minor auto repair shop at 501 East Avenue I, a 0.33 acre tract of land, located on the southeast corner of South Beal Street and East Avenue I.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing.

Nettie Regian, 504 E. Avenue I, asked the Commission to take into consideration the potential for increased traffic into the area. She also stated the noise of the vehicles could be an issue. She's lived on that street for almost 30 years. With no one else requesting to speak, Chair Holmes closed the public hearing.

Mr. Minosky asked the difference between the Commercial Highway and Commercial-1 Zoning District. Ms. Smith said a car repair shop making minor repairs is not permitted for Commercial Highway zoning and Commercial-1 will allow for this proposed use. Ms. Smith said a 6-foot tall fence will be constructed along the eastern property line to provide screening between this proposed use and the adjacent residents. Also, all outdoor storage of vehicles will be screened. Chair Holmes asked for clarification. Ms. Smith said the eastern side of the property will be fenced-in. Chair Holmes suggested screening on the northern side as well. The applicant Neil Bufkin, 1020 S. Wall St., said he intends to construct a fence along the southern property line, but he would like to have a driveway along East Avenue I and South Beal Street for circulation. Mr. Naegele asked about the noise concern. Mr. Bufkin said he didn't believe the extra work would

create more noise, adding that the highway noise will be more dominant than the shop's noise. He will not be soliciting public work and it will not expand into a large operation. Mr. Pamplin asked if the change is to mostly include overflow work. Mr. Bufkin said yes, and then spoke to Ms. Regian and said if she has any concerns, she can come to him.

Mr. Naegele made the motion to approve item Z-16-07 a zoning change from Commercial Highway to Commercial-1 Zoning District for a minor auto repair shop at 501 East Avenue I, a 0.33 acre tract of land, located on the southeast corner of South Beal Street and East Avenue I. Mr. Pamplin seconded the motion, which was approved unanimously with 9 ayes, 0 nays.

4. Z-16-08 Hold a public hearing and consider a zoning change from Heavy Industrial to Light Industrial Zoning District on a 36.326 acre tract of land, located on the north side of East 6th Avenue/FM 93, south of Taylors Valley Road, and east of Interstate Highway 35.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing and with no one requesting to speak, closed the public hearing.

Mr. Morgan asked about acquiring acreage for a parking lot addition. Cynthia Hernandez, Executive Director of Economic Development, said she cannot sell the property until that's been acquired by BEDC, but that is in process. She said once BEDC acquires the property, she will market the property for a minimum of 30-days, and then she may entertain offers. Mr. Morgan asked if it would need to be rezoned for the intended use. Ms. Smith answered no, since this expansion is a parking lot addition.

Mr. Minosky made the motion to approve item Z-16-08 a zoning change from Heavy Industrial to Light Industrial Zoning District on a 36.326 acre tract of land, located on the north side of East 6th Avenue/FM 93, south of Taylors Valley Road, and east of Interstate Highway 35. Mr. Morgan seconded the motion, which was approved unanimously with 9 ayes, 0 nays.

5. P-16-18 Hold a public hearing and consider a re-plat for 93 Quarters Place, a 0.576 acre tract of land, located on the southwest corner of West 2nd Avenue and Alexander Street.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing and with no one requesting to speak closed the public hearing.

Chair Holmes asked if there is ample parking for the duplexes. Ms. Smith said they are required to provide a minimum of two off-street parking spaces per unit, a total of four spaces.

Mr. Minosky made the motion to approve the item P-16-18 a re-plat for 93 Quarters Place, a 0.576 acre tract of land, located on the southwest corner of West 2nd Avenue and Alexander Street. Ms. Schmuck seconded the motion, which was approved unanimously with 9 ayes, 0 nays, subject to the letter to the applicant's engineer and parkland fee.

6. P-16-19 Consider a preliminary/final plat for the Eddy Tanner Addition, a 3.689 acre tract of land, located on the north side of East 6th Avenue, east of Waco Road, at the intersection of East 6th Avenue and Cori Drive.

Ms. Smith said after the meeting packets were delivered to the Commission, the applicant submitted a letter to allow cross access, which means the plat can now be handled administratively.

Chair Holmes struck Item 6 from the agenda and it was withdrawn.

7. Hold a public hearing and consider an amendment to Section VI, Tree Protection, Preservation, and Mitigation, of the Design Standards in the Zoning Ordinance, regarding the heritage tree replacement fee and ratio inches.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing and with no one requesting to speak, closed the public hearing.

Mr. Pamplin said Ms. Smith is correct, replacing 120 inches of trees is much more expensive than paying a \$2,000 fee. The objective is that the City is encouraging people to replace the trees rather than pay a fee. Chair Holmes commented that park funding would go to the park fund. Ms. Smith stated that the funds are utilized for landscaping in parks and other public spaces., as allowed

Mr. Pamplin said he believed this to be an improvement to the plan currently in place. This amendment will increase the tree replacement fee, when triggered, from \$50 to \$100 per diameter inch and reduce the tree replacement ratio when triggered from 3:1 to 1:1.

Chair Holmes asked if anyone in the public reviewed it because he did not want to send it to the City Council to receive criticism from people who aren't aware of the proposed changes. Ms. Smith answered that she conducted a public workshop at the March 8th Council meeting, the amendments were posted in the local newspaper, and the agenda was emailed to the Temple Area Builder's Association (TABA).

Ms. Schmuck made the motion to approve the amendment to Section VI, Tree Protection, Preservation, and Mitigation, of the Design Standards in the Zoning Ordinance, regarding the heritage tree replacement fee and ratio inches. Mr. Minosky seconded the motion, which was approved unanimously with 9 ayes, 0 nays.

8. Hold a public hearing and consider an amendment to Section 41, Screening, Fence and Wall Standards, of the Zoning Ordinance, regarding the maximum height of a fence within the front yard of a single family- duplex or patio home.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing and with no one requesting to speak closed the public hearing.

Chair Holmes asked if he could put a 4-foot-tall chain link fence in his front yard. Ms. Smith said yes, if this amendment is approved by Council. Chair Holmes suggested changing the language to “decorative fence” adding that a 4-foot-tall chain link fence in his neighborhood would not be very attractive.

Mr. Pamplin said that many HOAs restrict front yard fences. Ms. Smith said this is also taking into consideration the standpoint of affordability for Belton residents.

Ms. Lundgren asked about the color requirements of the chain link fence. Ms. Smith said the Design Standards require black chain link fences along local roadways.

Chair Holmes asked about setback requirements for fences. Ms. Smith said fences are permitted to be placed along the property line. Mr. Morgan and Mr. Minosky discussed that the grade elevation between neighbors may cause an issue by allowing fences much taller than 4 feet above the property grade if the adjacent grade is much higher. Ms. Smith said the intent is for uniformity and design. Mr. Morgan said he’s concerned with the potential loophole to install a taller fence. Mr. Morgan asked about the enforcement when the black coating of a chain link fence falls apart. Ms. Smith said it would be a code enforcement issue at that point.

Ms. Smith said she’s been told by residents that a 3-foot tall fence is more decorative than it is effective. Ms. Smith added if a property requires a 1-foot-tall retaining wall, the fence may only be 3-foot high; therefore, a combination of a berm and fence cannot exceed 4-foot high.

Mr. Berryman made the motion to approve the amendment to Section 41, Screening, Fence and Wall Standards, of the Zoning Ordinance, regarding the maximum height of a fence within the front yard of a single family- duplex or patio home. Mr. Pamplin seconded the motion, which was approved with 6 ayes, 3 nays by Ms. Schmuck, Chair Holmes and Mr. Baggerly.

9. Hold a public hearing and consider an amendment to Section 502, Street Standards and Policy, of the Subdivision Ordinance, regarding the maximum cul-de-sac length and means of access into a subdivision.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing and with no one requesting to speak closed the public hearing.

Mr. Minosky asked if the cul-de-sac that was approved for Mystic River, Phase II would be required to provide a turnaround. Ms. Smith said if it was approved by P&Z and City Council, an intermediate turnaround would be required for a cul-de-sac of that length. Mr. Morgan asked if a cul-de-sac extending from the primary cul-de-sac would meet the turnaround requirements for cul-

deOsac exceeding 1,000 feet, like existing Cliff Drive and Legend Oaks Blvd. Ms. Smith stated that each proposal will be evaluated by staff members to determine if it achieves adequate traffic circulation and emergency access needs.

Chair Holmes asked for the requirement for the radius. Ms. Smith answered 40 feet. Chair Holmes asked if it's possible that homes would be built along a turnaround. Ms. Smith answered yes.

Mr. Morgan asked about entrances into existing subdivisions. Ms. Smith stated the 2009 International Fire Code addresses access to multi-family projects. According to the Fire Code, a minimum of two separate and approved fire apparatus access roads are required for multi-family developments containing more than 100 units. Chair Holmes said it's not very clear the requirements when it comes to a permanent road or a graded road for an emergency vehicle.

Mr. Baggerly said there have been a lot of variances requested on this topic, so he believed this amendment is needed to reduce the number of variances requested.

Mr. Naegele asked about the differences between multi-family and single-family residences in relation to means of access. The Commission discussed the means of access for an apartment complex. Ms. Smith said the Fire Marshal makes the final decision regarding the required number of access driveways, according to the Fire Code. This change is intended for single family homes, she said, since apartments are covered elsewhere.

Mr. Baggerly made the motion to approve the amendment to Section 502, Street Standards and Policy, of the Subdivision Ordinance, regarding the maximum cul-de-sac length and means of access into a subdivision. Ms. Lundgren seconded the motion, which was approved unanimously with 9 ayes, 0 nays.

10. Hold a public hearing and consider an amendment to Section 517, Requirements for Parkland of the Subdivision Ordinance, regarding required parkland.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing and with no one requesting to speak, closed the public hearing.

Mr. Pamplin said it could leave no choice in the matter for developers since the language would give the Council "exclusive right." Ms. Smith said Council does have the right to require parkland, but the amended language makes this clear for this particular policy. Mr. Pamplin thinks it would be great to say "the City built this park here" instead of collecting park fees. Ms. Smith said the fee must be used within a one-mile radius of the subdivision and the City has 10 years to use the funds or it goes back to the developer. Ms. Smith said it would be better to have the parkland dedicated because buying land can end up costing more than is collected in fees.

Mr. Morgan said this provides the City Council with a clear ability to require parkland in close proximity to new residences.

Mr. Berryman asked about comparisons between other cities. Ms. Smith said the fees are consistent. He asked about the lots comparison, which Ms. Smith stated she would have to research other area cities' land dedication requirements.

Mr. Pamplin asked if memos will show that City Council is requiring parkland. Ms. Smith stated yes, she will provide that information in the monthly P&ZC memos.

Mr. Berryman asked if the developers are informed of the parkland requirements prior to plat submission. Ms. Smith said in most instances, subdivision developers do not come in to meet with her prior to plat submission. She stated that she includes parkland requirement comments in the initial and all letters to the applicant's engineer. Mr. Berryman said it should be very clear to them what's expected when building in Belton. He added that this information should be sent out to the public, so when preliminary plats are looked at there is no question.

Mr. Morgan said the Commission has the ability to disapprove plats that don't meet the parkland requirements. Ms. Smith said she believes the City has been developer-friendly, but must determine if the proposed parkland is adequate at the preliminary plat phase. Mr. Pamplin said if the information is out there and spread through the right channels, then it should be effective.

Mr. Morgan said the goal is that developers are asking the right questions and getting clarification before they invest the time and money. Mr. Berryman said that's why he asked about neighboring cities and it cannot be black and white every time, but the rules should match up with Belton's neighbors.

Ms. Schmuck commented that she would like to see the parkland with the preliminary plat submission.

Mr. Pamplin made the motion to approve the amendment to Section 517, Requirements for Parkland of the Subdivision Ordinance, regarding required parkland. Chair Holmes seconded the motion, which was approved unanimously with 9 ayes, 0 nays.

With no further business, the meeting was adjourned at 7:00 P.M.

Chair, Planning and Zoning Commission