

Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, October 20, 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: Chair John Holmes, Ben Pamplin, Joel Berryman, Eloise Lundgren, Rae Schmuck, Frank Minosky, and Mat Naegele. The following Staff members were present: Planning Director, Erin Smith and Planning Clerk, Laura Livingston. Absent were commission members, Jason Morgan and Brett Baggerly.

Pledge of Allegiance – Frank Minosky led all present.

Invocation – John Holmes 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. Schmuck made a motion to approve the minutes. Mr. Pamplin seconded the motion and the minutes were approved unanimously with 7 ayes, 0 nays.

3. Consider the following requests:

- a) **Z-15-25 Hold a public hearing and consider a zoning change from Agricultural and Single Family-1 to Single Family-2 Zoning District for 8.175 acres, Dawson Ranch, Phase VI, located south of Chisholm Trail Parkway and Dawson Ranch, Phase V and west of the future Lake to Lake Road.**
- b) **P-15-23 Consider a preliminary plat for Dawson Ranch, Phase VI, a 8.175 acre tract of land, located south of Chisholm Trail Parkway and Dawson Ranch, Phase V and west of the future Lake to Lake Road.**

Ms. Smith presented the staff reports for both items.

Chair Holmes opened the public hearing on item Z-15-25 and asked if anyone would like to speak on this zoning request change. With no one requesting to speak, the public hearing was closed.

Mr. Minosky made the motion to approve Z-15-25 with Mr. Naegele seconding the motion and the zoning change was approved unanimously with 7 ayes, 0 nays.

Commission moved on to item P-15-23.

Mr. Pamplin asked how the Highland Estates subdivision is associated and if they are connected with the Dawson Ranch HOA? Ms. Smith answered Dawson Ranch and Highland Estates have the same HOA. Mr. Pamplin asked if that was why the lot would be set aside for a future pool, and asked if that proposal was theoretical. Mr. Jared Bryan, 11783 Bonnie Lane, Morgan's Point, TX stated the pool area is indeed going to happen. Ms. Smith said the master plan also identifies a park in Highland Estates, Phase III.

Chair Holmes asked if the recent inclusion of a detention pond met some of Mr. and Mrs. Burns' concerns. Ms. Smith answered she was glad Chair Holmes brought that up because initially the developer was

proposing to direct the drainage off-site through a drainage tract that appears to go toward the Burns' property. City staff met with the developer and they would now like to detain drainage on-site in a detention pond, so Ms. Smith said she believes that may alleviate the Burns' concerns.

Mr. Berryman asked whether there was already property secured for a future pool, tennis courts and other amenities the HOA plans to construct, if all Dawson Ranch phases are connected to that area as well, are they all a part of the same neighborhood? Ms. Smith answered yes.

Chair Holmes asked if there were existing parks in the area. Ms. Smith answered no, there is a trail along Chisholm Trail Parkway. Chair Holmes asked if the trail was constructed in an (Atmos) easement. Ms. Smith answered yes.

Mr. Pamplin said the walking trails and areas set aside are larger than 0.23 acres. He said he didn't know what one could do with 0.23 acres for a park anyway with facilities and houses. He said he didn't think it would really be worth it.

Chair Holmes said he understands the 0.23 acres is small, but he feels the fee is important and should be required. The parkland requirement has been established and paid by everyone else who has completed small developments like this. He said there is a recent subdivision with 22 lots (Creekside Estates) that has set aside land and also paid the tree mitigation fee.

Mr. Berryman posed a question about how much money was expended for concrete to construct a walking trail, compared to \$4,600 that is being asked of this developer to develop this entire area. Ms. Smith said she was not aware, but the Dawson Ranch subdivision contains more than 300 lots. Mr. Berryman posed the question to the audience, saying he would just like to know how much money has already been put in to improving the public area.

Ms. Smith said one reason she is recommending compliance with the parkland requirements is because all parties signed the development agreement that stated any future phases in Dawson Ranch will dedicate parkland or pay a fee-in-lieu. Mr. Bryan, representing Carothers Development LLC, addressed the Commission. He firstly thanked them for their time this evening. He then said that as the Commission could tell from the staff report, they have been working with City staff regarding drainage and some of the questions in the letter to the applicant's engineer, dated September 28, 2015. He said the items they are asking for tonight, that are in conflict with City staff's recommendation, are the parkland requirements and the tree mitigation fee. The proximity of the lots to the trail that they have already built, the trail that they are building, and to City parks seems to be sufficient for these homeowners and future homeowners to have adequate access to these parks and open land, which is the goal of the parkland requirement. That is the reason you have an ordinance that says set aside parkland, open space and facilities for the citizens to enjoy. We feel that they have enough of that, Mr. Bryan said. The trail along Chisholm Trail Parkway and the Highland Estates park, as well as the new trail (along lake to Lake Road) connects Chisholm Trail Parkway to Sparta Road. Mr. Bryan said there are four parks within a half-mile radius and that increases to a mile, there is even more than that, including the lake which is accessible with roads that connect it. Due to these factors, they don't feel the City's justified in opposing the conditions that don't have a legitimate public purpose and are not proportionate to the impacts being sought to avoid or mitigate. While the fees can certainly be legitimate for some of the subdivisions you mentioned, they don't feel the requirement should affect this subdivision. Mr. Bryan said he does see Ms. Smith's point in regard to the development agreement, but that was when they created that development agreement. Ms. Smith presented to you the overall master plan, it was not their intention to not seek the same relief on this part of Dawson Ranch

(Phase VI). Mr. Bryan said they were trying to connect everything together, that's the point of the trail system and that's one of the parks for the HOA. Mr. Bryan stated as far as the trees, it should be abundantly clear from their past developments through that area that they have saved every tree they can. What isn't on the tree survey shown earlier are trees over 8 inches in size that they will save because as the end user of these lots, they are planting trees to replace the ones they removed. It is kind of conflicting because the tree ordinance replacement requirements are meant for the developer and it doesn't take into account when the developer is the end user (builder) as well. They are asking for an exception on those two items.

Chair Holmes asked Mr. Bryan to explain the last part of his statement about the tree mitigation. Mr. Bryan said they are required to identify every (protected) tree over 20 inches to be mitigated, which doesn't take into account all of the 8-inch trees. Mr. Bryan asked Ms. Smith to show the aerial view of this subdivision to the Commission and said that you can see the density of the trees throughout this development and there are other large trees that they are saving. They would like to save this one tree and they talked about saving it. They talked about widening the road around it, but the City Engineer is not in favor of trees in the right-of-way where utilities are proposed. They (the City) see it as a future hazard and Mr. Bryan said he totally understood that. He said he loved the idea of saving a tree in the middle of the road; it sounds really good. Even where we split the Avenue D roadway for a tree, that tree didn't make it and a roadway puts a lot of stress on a large, mature tree. What they try to do as a developer and a builder, is protect as many trees as they can, and replace or plant new trees in as many places as possible. He believes they have been successful and that can be seen in their other subdivisions. Those reasons are why they are asking for an exemption. Mr. Bryan said because they are the developer and the builder, they feel their requests are a viable exception, at least worth considering.

Chair Holmes asked whether a detention pond has ever been used as green space or park. Mr. Bryan answered that there are several areas where that has been done, such as the subdivision across from the high school that contains a regional detention pond and has park facilities in it. He commented that it is one of the nicer parks in the City. He added that there are certain requirements with slopes and it's too early to know if this proposed detention pond will be viable parkland. The detention pond that they are setting aside for public use is 0.28 acres.

Mr. Berryman referred to the neighborhood on FM 93 in Temple where they have a huge issue due to a fenced-in detention pond. Mr. Berryman asked if that is going to be a problem here? Mr. Bryan said that's not an issue here (Dawson Ranch, Phase VI). As mentioned earlier, open space is the goal and that parkland and the natural area is preserved in the City, state and nation that will be seen from the future.

Mr. Minsky asked when the development agreement was signed. Ms. Smith stated in November 2014. Mr. Bryan said that there was some misinterpretation there. He said they believed they were clear on their position that they were trying to look at the whole development (to be satisfied with the existing trail along Chisholm Trail Parkway). That's why when they submitted that request they included this phase of Dawson to include the trail. They also included sidewalks on certain streets. They did everything they could do to work both ways. Mr. Bryan said they're just asking for a little help on this one. He acknowledged that it doesn't look good when they sign the development agreement, then say they read it one way and the City reads it another way.

Ms. Schmuck said perhaps she is just picky, but she considers a hike and bike trail a trail and a park is a park, so in her opinion, it can't be substituted. Mr. Bryan said that if you read the park requirements for subdivisions, it (Subdivision Ordinance) talks about open space and preserving the natural beauty. In his

opinion, a hike and bike trail does do that as an accessible feature for people to use recreationally, which is the goal.

Chair Holmes said that trail is also within an (ATMOS) easement, correct? Mr. Bryan answered not all of it.

Mr. Berryman asked about the cost of concrete to construct the trail. To which Mr. Bryan answered over \$100,000 was expended. Mr. Berryman said that was the point of the conversation and now they are fighting over \$4,600 in lieu and \$2,000 for a tree, yet we have a developer here who put in tens of thousands of dollars in concrete alone to open up the area and make it useful for all the neighbors who are living in this subdivision. Mr. Berryman said he just didn't understand why we would do this to somebody at this point.

Chair Holmes said he would hope that next time the parkland requirement comes up, if you're (developer) frustrated with it or unhappy with it, or don't feel as though it works then maybe we can look at changing or reevaluating those requirements. He said that it's tough and frustrating when a request for an exception comes before him and it's something that has been signed in a development agreement. Mr. Bryan said he didn't think they intended or understood the development agreement that way.

Chair Holmes said there are other things to look at, whether it is stucco, or other items, they may need to review the standards. Mr. Bryan answered that he thought that would be great. He said he would be open to serving on a task force to go through all of those items. He said some ordinances are outdated and City staff has been working to update some of them.

Chair Holmes said it was difficult for him because other subdivisions of similar in size have either provided park space or paid the fee-in-lieu, and paid the tree mitigation fee. Mr. Bryan said he thought those were isolated subdivisions, not part of a master plan development such as this, to which Chair Holmes said such as River Place, Phase IX (part of a larger development).

Ms. Schmuck asked if other subdivisions have complied with these requirements. Ms. Smith answered yes, other subdivisions of this size, and subdivision phases that part of a larger subdivision have met this requirement. In her opinion, the development agreement is very clear. The development agreement states: Parkland obligation considered satisfied for Dawson Ranch, Phase V in previously provided contribution to trail development along Chisholm Trail Parkway. Any future phases will be required to set aside and dedicate to the public sufficient and suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland.

Mr. Berryman made a motion to approve P-15-21 without any conditions. Ms. Lundgren seconded the motion. The motion passed with a vote of 5-2. Commission members: Mr. Pamplin, Mr. Berryman, Ms. Lundgren, Mr. Minosky and Mr. Naegele voting aye. Commission members: Ms. Schmuck and Chair Holmes voting nay.

- 4. P-15-21 Consider a final plat for the Nolan Bluff Addition, a 3.254 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.**

The item was withdrawn and no action was taken.

- 5. Consider a request from McLean Group LLC, to extend the Preliminary Subdivision Plat validity six (6) months for Chisholm Trail West Subdivision, a 59.56 acre tract, located on the west side of Wheat Road, east of Boxer Road, and north of U.S. Highway 190.**

Ms. Smith presented the staff report.

Mr. Berryman made a motion to approve the request from McLean Group LLC for an extension. Ms. Lundgren seconded the motion and it was approved unanimously with 7 ayes, 0 nays.

With no further business, the meeting was adjourned at 6:02 P.M.

Chair, Planning and Zoning Commission