

Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, November 15, 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, Joel Berryman, Ben Pamplin, Jason Morgan, Mat Naegele, Brett Baggerly, Rae Schmuck and Frank Minosky. The following staff members were present: Director of Planning, Erin Smith and Planning Clerk, Laura Livingston. Members Eloise Lundgren was absent.

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

Invocation – Chair John Holmes gave the Invocation.

1. Call To Order.

Chair Holmes called the meeting to order at 5:32 P.M.

2. Minutes from the previous Planning and Zoning meeting.

Mr. Frank Minosky made a motion to approve the minutes from October 18, 2016. Ms. Rae Schmuck seconded the motion and the minutes were approved unanimously with 7 ayes, 0 nays. Mr. Pamplin arrived just after the vote to approve the previous minutes was taken.

3. Z-16-17 Hold a public hearing and consider a zoning change request from Single Family-1 to Neighborhood Service Zoning District at 408 Lake Road, located on the south side of Lake Road, east of Neese Drive and west of Commerce Street.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing. Mr. Roger DeWeese, 404 Lake Road, said he and his wife Lisa DeWeese have some serious questions. There is an old drainage ditch that goes into a culvert before it comes out to the back of the property, he said. Will the ditch be covered? He's concerned about the runoff water and flooding that may occur. Will a privacy fence be added? Ms. Lisa DeWeese asked what does Neighborhood Services include and what are the hours of operation? She said she's not against it but wanted to know about headlights and cars and parking.

With no one else requesting to speak, Chair Holmes closed the public hearing.

Mr. Naegele asked if the City could respond to the question about drainage. Ms. Smith said the post-development drainage cannot exceed the pre-development drainage. The applicant will submit a topography plan and drainage plan. Ms. Smith said she and the applicant have been discussing the cross-access easements as these properties develop. The City does require some separation of Single Family and Retail uses so the applicant will install a 6-foot tall privacy fence. The applicant does not intend to take a large number of trees, Ms. Smith said.

Mr. Berryman asked are there limitations to hours of operation for retail services? Ms. Smith said the City does not limit the hours of operation but it is proposed to be a boutique so she did not believe the applicant's hours would be very late.

Chair Holmes said parking lot lighting can be hard to regulate, especially in an area of transition, which can be considered light pollution to the existing homeowners. Ms. Smith said the City does have luminance standards in regard to that and she will ask the applicant to point the lights down to the parking lot when it is reviewed at a later date.

Mr. Naegele made the motion to approve a Z-16-17. Mr. Pamplin seconded the motion, which was approved unanimously with 8 ayes, 0 nays.

- 4. Z-16-18 Hold a public hearing and consider a zoning change from Agricultural to Commercial-1 with a Specific Use Permit for used auto sales at 4451 West Highway 190, a 5.552 acre tract of land, located on the south side of U.S. Highway 190, west of FM 1670, and east of Dogridge Road.**

Ms. Smith presented the staff report.

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

Chair Holmes wanted to understand what the City controls, saying the City does not control the building but the City does control the pavement and the lot in front of the building. Ms. Smith said yes. When Ms. Smith told the applicant that they could not display cars in the city limits because it's not zoned properly, they were moved to the back area but they want to bring them back to the frontage road to display them. Chair Holmes asked the display area needs to the standards? Ms. Smith said yes; they are meeting the standards on pavement and landscaping.

Mr. Minosky made the motion to approve Z-16-18. Mr. Morgan seconded the motion, adding that he appreciated the applicant being compliant and responsible in a timely manner. The motion was approved unanimously with 8 ayes, 0 nays.

- 5. P-16-30 Consider a revised final plat for Sendero Estates Subdivision, a 63.38 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. Morgan counted all the lots and could not see any change but since they are compliant as the boundaries are not changing only shrinking some lots to fit more homes into the subdivision, Mr. Morgan said he is fine with this request.

Mr. Morgan made the motion to approve P-16-30. Ms. Schmuck seconded the motion, which was approved unanimously with 8 ayes, 0 nays.

6. P-16-31 Consider a final plat for the Meadows subdivision, a 28.474 acre tract of land, located on the east side of FM 1670 and south of Amity Road, located partially in Belton's Extra Territorial Jurisdiction (ETJ).

Ms. Smith presented the staff report, saying that the applicant requested the final plat to be tabled as they further review water pressure for fire standards.

Mr. Morgan made the motion to table P-16-31 until the Dec. 20, 2016 Planning and Zoning Commission meeting. Mr. Baggerly seconded the motion, which was approved unanimously with 8 ayes, 0 nays.

7. Hold a public hearing and consider an amendment to Section 38.16, Sign Area and Area Regulations, and Section 38.18, Design Requirements, of the Sign Ordinance, regarding the maximum height and cladding of pole signs along the Interstate 35 corridor, from the Leon River to just southwest of Central Avenue.

Ms. Smith presented the staff report.

During the staff report, Mr. Morgan asked if McDonald's sign stands at 95 feet. Ms. Smith said because McDonald's property is 20 feet lower than the road, essentially the sign is 95 feet tall, or 75 feet taller than I-35.

Mr. Pamplin asked about exit signs for fast food restaurants. Ms. Smith said Belton does have those types of TxDOT signs on I-35 and at last discussion those signs were full.

Chair Holmes opened the public hearing. Mr. Steve Hancock, representing H&H Sign Co., Inc the sign installer for Arby's, 110 North Head Street, said Ms. Smith did a really nice job and there was nothing he could add to the presentation; he hoped the City would give those businesses an even playing ground in that area. With no one else requesting to speak, Chair Holmes closed the public hearing.

Mr. Morgan asked if the list presented was a comprehensive list of all signs in the corridor? Ms. Smith said she believed so, including McCoy's and ASCO on the list as well. Mr. Morgan said in the existing Sign Ordinance, what specifically does it say about above-road grade because 20 feet is allowed. Ms. Smith referred to the packets and read from the Sign Ordinance. Mr. Morgan wanted to make sure it was written specifically referencing I-35. The highlighted corridor is identified as the I-35 corridor and is that documented? Mr. Morgan asked. Ms. Smith said it's documented in this recommendation. Mr. Morgan replied so this is a new label for this area? Ms. Smith said yes. Chair Holmes asked if Sonic was located within that corridor? Ms. Smith said yes. There is concern because Sonic doesn't have what some would consider I-35 frontage, Mr. Holmes said. Ms. Smith said technically Arby's is not on the frontage road, but because it is so close to I-35 that the City believed it made sense to include that area in the corridor.

Mr. Naegele said he appreciates the City taking a look at this when the sign is on-premise due to the trees and road elevations, whereas there are more options for off-premise signs.

Mr. Morgan asked if there were any changes coming to I-35. Ms. Smith said she didn't believe so and she believed it is mentioned in the Metropolitan Transportation Plan, but she has not seen any design plans.

Mr. Baggerly asked if the proposed corridor includes the top of the hill, north of Sixth Avenue? Ms. Smith said she did struggle with drawing the boundaries because if it goes Sixth Avenue-south, or if it extends to Leon River since there is quite a bit of elevation in that area. Ms. Smith said it was drawn this way to stay consistent all the way through city limits. The City of Temple mandates that signs along its I-35 frontage are limited to 75 feet as well, Ms. Smith said. She added that if the Commission is uncomfortable with the boundaries they can make a recommendation to change the corridor boundaries.

Chair Holmes said he does worry a bit about Subway, as an example. Ms. Smith added that the hotel on Sixth Avenue and 1414 Thai would be included. Mr. Morgan said reviewing the data it would seem consistent to make a recommendation of 75-foot signs though he struggles with not taking into account the topography of the elevation changes of I-35. He said he believes that's why the Sign Ordinance was written that way in 2008 and he's uncomfortable with changing with it at this point, or to add some modifications with regard to elevations. Ms. Smith gave an example and asked Mr. Morgan to clarify. He said the properties where McDonald's and Subway are located have a higher elevation and so he would not want it to be 75 feet, but perhaps 55 feet, Mr. Morgan said. He said but if it were located in the valley area it may be best at 75 feet, but Mr. Morgan said he didn't know what those numbers look like and the height should be relative to the height of I-35. Mr. Morgan said he absolutely agrees that a 25-foot sign at I-35 doesn't meet the height of existing signs. Ms. Smith that's what she has battled with in granting variances depending on the ground elevation. She used Popeye's: It is located 25 feet below the roadway which would make it a different height for Arby's.

Mr. Morgan asked if the idea behind this is if a drone is flying down I-35 all of the tops of the signs in Belton would be even in this corridor? Ms. Smith said not necessarily; it's more about consistency and compatibility because a majority of the signs are 75-feet tall they would be compatible. Mr. Naegele said most of the corridor, the elevation is lower so how many opportunities are there for what's going to appear to be an enormously large sign? Mr. Baggerly said if areas with higher elevations that are not retail someday turn into retail areas, the allowable sign height would be far higher than other areas of the proposed corridor.

Ms. Smith said it can be reevaluated when the Sign Ordinance is reviewed. Mr. Berryman asked if the Sign Ordinance is being reevaluated next year, what prompts this; the pending application? Mr. Minosky said because the Zoning Board of Adjustments denied it. Ms. Smith said they do have two pending requests, so that is partially the reason. Ms. Smith expressed to the ZBA that she would like to first reevaluate the entire Sign Ordinance but given the denial it would not be adequate time for the active applications. It's one reason why she did not suggest the entire I-35 corridor after

driving it quite a few times looking at the elevations and Ms. Smith said she did not find any other area of difficulty except for this particular corridor, which is an area with existing restaurants with signs that are 60- to 80-feet tall.

Mr. Minosky said every time a new business comes to town, this comes before the ZBA and they say, wait a minute if you want to change the regulation then change the regulation but don't continue to bring these requests in front of ZBA.

Mr. Baggerly said they have to be safe when they assume their forbearers made the right decision when dictating the Sign Ordinance.

Mr. Morgan said at the mid-point of the proposed corridor is where the elevation changes and the frontage roads become equal with I-35. He would like to see the corridor start there and not at the city limit because there's such a drastic topography change. If the corridor encompassed just the valley area, Mr. Morgan said he's more inclined to agree in the interim because Ms. Smith will eventually review the Sign Ordinance as whole. Ms. Smith suggested if it would be where Cori Drive intersects with Second Avenue and to this area south. Ms. Smith said she would need a detailed motion to draw it and make those changes.

Mr. Morgan said in his motion, he wants to change the corridor to include everything located in the picture Ms. Smith highlighted, reducing the size of the corridor. Chair Holmes discussed with Mr. Morgan his proposal and if he's considering including the approach to that area. Mr. Morgan showed on the map what he's suggesting for the motion to change the corridor. Ms. Smith clarified it's because that area is lower in elevation.

Mr. Morgan made a motion to approve an amendment to Section 38.16, Sign Area and Area Regulations, and Section 38.18, Design Requirements, of the Sign Ordinance to be defined from Cori Drive and Second Avenue just southwest of Central Avenue. Mr. Baggerly seconded the motion.

Mr. Morgan said anyone outside the corridor will still have the opportunity to request a variance? Ms. Smith said yes. The motion passed with 6 ayes, 2 nays (Ms. Schmuck and Chair Holmes voting against).

With no further business, the meeting was adjourned at 6:30 P.M.

Chair, Planning and Zoning Commission