

Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, February 21, 2017

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, Jason Morgan, Joel Berryman, Ben Pamplin, Mat Naegele, Brett Baggerly, Rae Schmuck, Eloise Lundgren and Frank Minosky. The following staff members were present: Director of Planning, Erin Smith, Planning Clerk, Laura Livingston, and Grants and Special Projects Coordinator, Aaron Harris.

Pledge of Allegiance – Mr. Minosky led all present.

Invocation – Chair 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.

Mr. Minosky made a motion to approve the minutes from January 17, 2017. Ms. Schmuck seconded the motion to approve the minutes with 9 ayes, 0 nays.

3. Z-17-02 Hold a public hearing and consider a zoning change from Commercial-2 to Single Family-3 at 203 North Head Street, located on the east side of North Head Street, just north of East 2nd Avenue.

Ms. Smith presented the staff report (Exhibit A).

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

Mr. Berryman asked Ms. Smith which property sent in the property owner notification letter in protest? Ms. Smith stated the vacant property (Property ID 68980) within the 200' property owner notification boundary sent in the letter of protest.

Mr. Morgan commented on Ms. Smith's comments regarding maintaining the Commercial-2 zoning for the properties on the eastern side of this block. Mr. Morgan said he has a concern with this recommendation because it looks like spot zoning, with the idea that a maximum of three properties could be rezoned to Single Family-3 in the middle of a principally commercial area.

Mr. Naegele asked if a Single Family-3 zoning would restrict the other three properties zoned Commercial-2? Ms. Smith stated the properties on the eastern side of this block are currently zoned Commercial-2 and can remain zoned that way. The main reason for this request is that it is an existing home that has been at this location for several years. A developer could potentially buy all of these

properties and develop the eastern side of this block into commercial uses. The City is working with the applicant to demolish the current home and build a new home that will improve this area.

Chair Holmes asked if the properties located north of this property are single family homes? Ms. Smith said yes, they all appear to be single family homes.

Mr. Morgan said in 2010 notifications were sent out to residents along Lake Road, between SH 317 and Loop 121, informing them that the area was changing to retail and office uses. There are existing homes in this area, but the City's intent is for the area to transition to Retail, so if the Commission were to rezone one of those properties to Single Family, it would be counterproductive to the direction Belton is moving toward. Mr. Morgan said he's struggling with creating possibly five lots of Single Family-3 in the midst of what the City has already deemed as Commercial. Ms. Smith stated that the properties along Lake Road are different from this area. The Lake Road properties are currently zoned for single family uses and are permitted to remain single family until a change to retail or office uses is proposed.

Mr. Minosky asked what the City's vision is for this area, because if this block does become commercial, it would put a lot of strain on development opportunities. His concerns are the same as Mr. Morgan's. Ms. Smith stated that staff reviewed this request and felt the properties on the eastern side of this block could remain commercial due to the close proximity to commercial businesses and the western side may remain single family due to the close proximity to the institutional uses.

Mr. Baggerly said he's having a hard time with the request because if it were coming to them from Lake Road, the Commission would likely not approve it. He agrees with Mr. Morgan. Ms. Smith said the homes along Lake Road are still zoned for single family and can still exist as single family homes until a change occurs. The trend in this area, Chair Holmes said referring to the Head Street site, is Commercial/Retail. He said that with the traffic at Starbucks and the proximity to I-35, this area seems to be Retail/Commercial.

Mr. Aaron Harris, the City's Grants and Special Projects Coordinator, spoke to the Commission. Mr. Harris said he thought it may be helpful to bring a face to this application. This program is designed for extremely low-income property owners with deteriorating homes where rehabilitation is not an option. Mr. Harris said more than 30 homes have been a part of this program. The State contributes the remaining funding after the City funds \$5,000. The application is fairly extensive and requires years of tax statements and income records. This applicant has been in the pipeline for two years and the property owners were planning to move out in three weeks with construction planned for April.

Mr. Baggerly asked if there was a demolition order for the current structure? Mr. Harris stated no, it's occupied and would first need approval.

Mr. Minosky said someone should have stopped two years ago, and said it needs to be rezoned. Doesn't the City have another lot they can build a new home on? Two years ago, the City knew this was Commercial and they cannot do what you have been planning to do for two years. Mr. Minosky

said now here we are being presented with this zoning change request and having to feel sorry for the family and he does feel sorry for the family, but he believes the family should not build the new home on this piece of property and allow this area to move forward as commercial. Mr. Harris said he dropped the ball and he didn't realize it was zoned Commercial-2 at the time. Sometimes a homeowner is allowed to relocate in this program, and it has been done once in the past, when the land was unsuitable to build on in that location. Unfortunately, to our knowledge this location is not eligible to be moved and build on another lot. Mr. Harris stated the home must be located in a flood zone or have other extenuating circumstances to be moved.

Mr. Morgan said with much respect of the comments, he believed this needed to be looked at in regard to the appropriateness of the zoning requested, regardless of the homeowner and situation.

Mr. Morgan made the motion to disapprove Z-17-02. Mr. Berryman seconded the motion, which was denied unanimously with 9 ayes, 0 nays.

4. Hold a public hearing and consider amendments to Section 302, Subdivision Procedures, of the Subdivision Ordinance.

Ms. Smith presented the staff report (Exhibit B) and fielded questions from the Commission on each topic during the staff presentation.

1. Replacement of the Planning and Zoning Commission reference with City Council for final approval:

Mr. Morgan asked if she was suggesting to removing the Planning and Zoning Commission reference completely? Ms. Smith said yes, the Subdivision Ordinance currently states that the P&ZC is the final authority for plats; however, the City Council has always been the final authority. Mr. Morgan wondered if the removal of the P&ZC reference could create confusion since applicants will attend both P&Z and City Council meetings. Ms. Smith believes this amendment will ensure the process is clear to the applicants, so they understand that once they receive a favorable recommendation from the P&ZC, it would then move forward to the City Council for final approval. Mr. Morgan agreed with the change made by Ms. Smith to clarify that applicants should attend both meetings. He suggested not removing the P&ZC reference from the Subdivision Ordinance and include both the P&ZC and City Council for plat approval.

2. Preliminary and Final Plat Submission Deadline:

Ms. Smith stated the Subdivision Ordinance currently states that plats are due 14 days prior to public meetings; however, this does not provide adequate time for staff review, as well as the opportunity to meet with the applicant and engineer to discuss staff comments. Since November 2013, all applicants have understood the requirement to submit a plat to the City by the 15th day of the month prior to the next month's public meetings. There were no comments from the Commission.

3. Administrative Completeness:

Ms. Smith said there is currently no mechanism for staff to ensure that plats are administratively complete prior to P&ZC and Council consideration. In many instances there are still several comments remaining, so staff will present the plats to the P&ZC and Council with the condition that all staff comments are addressed. Ms. Smith said if an applicant submits by the 15th day of the month, the assumption is that the application will move forward to the P&ZC and Council for consideration, but often there are comments that have not been addressed. In some instances the P&ZC has asked questions about drainage, for example, and staff will often state that they are awaiting information from the applicant as stated in the letter to the applicant's engineer. Ms. Smith said the only available response if comments are remaining, is recommending disapproval or conditioning the plat on the comments contained in the letter to the applicant's engineer. Ms. Smith said she spoke with City of Temple staff regarding their process for administrative completeness and they stated that plats must be administratively complete by the Development Review Committee prior to moving forward to the P&ZC for action. Belton also has a DRC, consisting of the Director of Planning, City Engineer, Public Works Director, Building Official, GIS Analyst, Police Department, Fire Marshal, and consultant engineer. City staff would like to ensure plats brought forward to the P&ZC and Council are substantially complete.

Mr. Berryman said the wording "administratively complete" sounds ambiguous. He said the City of Temple has a checklist and recommended Ms. Smith review that checklist. Ms. Smith said the Temple Planning Director stated all staff comments are required to be addressed prior to moving forward to the P&ZC for consideration. Ms. Smith said the checklist wasn't mentioned and the City does have a checklist when submitting plats, but just because items are submitted, it doesn't mean they are complete or staff comments have been addressed. Ms. Smith said it could be several months to a year after Council approval when the plat is recorded due to the amount of remaining comments. Mr. Naegele asked if the wording could state deemed complete by the DRC and the word "administratively" be removed? The Commission recommended that the Development Review Committee (DRC) is defined in the definitions section of the Subdivision Ordinance. They also recommended revising the proposed section by deleting "administratively" and state the submission must be deemed complete by the DRC.

4. Preliminary Plat Validity:

Ms. Smith stated the preliminary plat validity time frame is presenting some challenges for both staff and the applicants. Staff would like to encourage applicants to submit a preliminary plat for several phases of a subdivision and then create final plats for each of these phases. It is Ms. Smith's interpretation that the 12 month validity discourages applicants from doing so because this does not provide adequate time for the applicant to create final plats within the 12 month time frame, so in most instances applicants will create a preliminary plat for one phase, then a final plat for that phase, instead of creating a preliminary plat for multiple

phases. This presents challenges for staff to determine an effective street circulation system, parkland location, and sidewalk network, for example. Ms. Smith stated a 24 month preliminary plat validity will hopefully encourage applicants to submit a preliminary plat for multiple phases without worrying about the preliminary plat validity expiring. The Commission agreed with this assessment and stated in many instances they have been presented with requests to extend the preliminary plat validity for the same issues Ms. Smith had described. Ms. Smith said she looked at Temple's wording and it appeared to be around 5 years, but once a plat is submitted it could increase an additional year, but it was unclear. Ms. Smith said the current deadline is contradictory to what it is trying to achieve. Chair Holmes recommended increasing the preliminary plat validity from 24 months to 36 months to provide more opportunities to include multiple phases with a preliminary plat and the Commission agreed.

5. Final Plat Recording Deadline:

Currently, there is no deadline for final plat recording in the Subdivision Ordinance. Ms. Smith said the P&ZC and City Council may approve a final plat and it could potentially not be recorded for several years. Ms. Smith said she looked at the City of Temple subdivision requirements which state it must be recorded within 120 days after P&ZC action. After P&ZC and Council approval the final plat, it should be ready to be recorded if no staff comments remain. Mr. Berryman asked from a developers' perspective, does anyone know if there is a benefit for waiting to record a final plat? There was discussion that the subdivision property could maintain an agricultural exemption to reduce taxes until the property is ready for development. Ms. Smith stated if this is an issue for some applicants, they could submit a special request to the P&ZC and Council to increase that time frame once it's been approved. Ms. Smith sent these proposed Subdivision Ordinance amendments to TABA, and the comment Ms. Smith received back was that administrative completeness should be defined.

Mr. Minosky said he didn't think the City would deal with exceptions to a 120-day rule as often as it might deal with extensions to preliminary plat validity. Ms. Smith said usually when staff informs the applicant there are no further comments, 5 sets of the final plat are immediately submitted to City Hall to be signed and be recorded; however, there is currently no deadline in the Subdivision Ordinance. The Commission agreed with the recommendation to amending Section 302 to state "an approved final plat must be recorded within 120 days after final approval," also allowing for an exception process.

6. Number of final plat revised prints:

The Commission agreed with the recommendation to amend the changing the number of final plat revised prints from 10 to a total of 5.

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

Mr. Naegele requested that staff review the City of Temple's plat checklist to see how applicable it is here. Mr. Morgan said a developer could complete the checklist but still have five pages of comments without any resolution. He doesn't think the checklist helps at all. Mr. Minosky said he agrees. Mr. Morgan said if the checklist is satisfied, but there are still staff comments, it still must come to the P&ZC for recommendation. Ms. Smith said she and Planning Clerk, Laura Livingston put together Belton's checklist to provide applicants with a list of what the City requires for preliminary and final plat submission, but it does not relate to the completeness of the contents of those plats. Ms. Smith said typically, if plats are submitted without a drainage report, for example, it will state in the comments "please submit a drainage report for staff review". Chair Holmes said the checklist wouldn't help, because the plat could still move forward to the P&ZC with comments outstanding from staff.

Mr. Naegele made the motion to table this item to the March P&ZC meeting so the Commission can review the revisions recommended at this meeting prior to moving forward to City Council. Ms. Lundgren seconded the motion and the item was approved to be tabled to the March P&ZC meeting unanimously with 9 ayes, 0 nays.

With no further business, the meeting was adjourned at 6:15 P.M.

Chair, Planning and Zoning Commission