

Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, May 16, 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 Brett Baggerly, Jason Morgan, Rae Schmuck, Eloise Lundgren, Dave Covington, Joel Berryman and Ben Pamplin. The following staff members were present: Director of Planning, Erin Smith, Planner, Kelly Trietsch, and Planning Clerk, Laura Livingston. The following members were absent: Mat Naegele and Frank Minosky.

Pledge of Allegiance – Mr. Morgan led all present.

Invocation – Mr. Baggerly gave the Invocation.

1. Call To Order.

Ms. Schmuck, acting as chair until the selection was made of chair and vice chair, called the meeting to order at 5:30 P.M.

2. Minutes from the previous Planning and Zoning meeting.

Mr. Morgan made a motion to approve the minutes from March 21, 2017. Mr. Baggerly seconded the motion to approve the minutes with 6 ayes, 0 nays.

3. Administer the Oath of Office to the Planning and Zoning Commission appointee.

The Oath of Office was taken by new Commission member Dave Covington.

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

With a motion by Mr. Morgan and a second by Ms. Schmuck, Brett Baggerly was selected as chair of the Commission with a unanimous vote of 7-0. With a motion by Ms. Schmuck and a second by Mr. Morgan, Ben Pamplin was selected as vice chair with a unanimous vote of 7-0.

5. Z-17-06 Hold a public hearing and consider a zoning change from Single Family-1 to Single Family-2 Zoning District on a 9.753 acre tract of land, located on the west side of Connell Street and north of West Loop 121, in the vicinity of Mitchell Branch drainageway.

Ms. Smith presented the staff report.

Chair Baggerly opened the public hearing.

Mr. Avery Creacy, 1025 Franklin Circle, Belton, said the zoning change will adversely affect his property value by building on smaller lots and he is opposed to the request. With no one else requesting to speak, Chair Baggerly closed the public hearing.

Mr. Morgan asked Ms. Smith if the applicant is the same developer who developed the Liberty Valley subdivision? Ms. Smith said yes. Mr. Morgan asked if he believed it would be an extension of that

subdivision? Ms. Smith said yes. Mr. Morgan asked about ingress and egress off Connell Street. Ms. Smith said there will be ingress and egress off Connell Street, adding that the request is compatible with the development to the west. The zoning of Franklin Circle is the same zoning as the proposed change, Ms. Smith answered. Mr. Berryman asked if there are plans to connect to Franklin Circle. Ms. Smith responded she is not aware of such a plan, but it could be proposed at the platting stage; however, this request is for a zoning change. Mr. Berryman asked if the zoning is the same for the neighborhood it is adjacent to. Ms. Smith said yes.

Mr. Morgan made the motion to approve Z-17-06. Mr. Berryman seconded the motion, which was approved unanimously with 7 ayes, 0 nays.

6. Z-17-07 Hold a public hearing and consider a zoning change from Office-1 to Neighborhood Service Zoning District on a 5.09 acre tract of land, located on the north side of Huey Drive and east of South Loop 121, in the vicinity of Independence Court and Lincoln Court.

Ms. Smith presented the staff report.

Chair Baggerly opened the public hearing.

Mr. Nathan Franklin, 2108 Independence Court, said one of the reasons they purchased a home in that neighborhood was the fact there is limited access to the neighborhood except along one street (Huey Drive). Mr. Franklin asked what uses are permitted in the Office-1 District. Mr. Franklin said BISD drops off children along Huey Drive and initially BISD would not drive into the neighborhood, but now the buses are dropping off children in the neighborhood. Mr. Franklin is concerned with the idea of a strip center being constructed there, and while he is glad it has limited use possibilities, this will bring a major influx of traffic. Even when the streets connect in the future, there is still limited access to this neighborhood. Mr. Franklin objects since this location, will be close to where children are picked up and dropped off for school, as it will increase traffic and potentially make it unsafe. Mr. Franklin asked if the zoning is limited and does not allow a smoke shop or a liquor store? Mr. Franklin said the zoning for any commercial use of any kind would not make sense here because it's in the middle of a neighborhood with limited access.

Mr. Chris Hans, 2111 Lincoln Court, said Huey Drive is where school buses currently pick up and drop off several children in the neighborhood. Even a small store, such as a bakery, with the Bell County Jail nearby the location, could draw people into the area. Also, as prisoners are released, it's close enough to walk to. Mr. Hans said this is a safety concern and, in the future it could discourage people buying homes in the area because their children won't be safe enough to walk down to the little store a block or two away in fear of people getting out of jail and going to the store.

Mr. Clinton Hans, 2111 Lincoln Court, doesn't see the point of having a business there. All of the people who work at the Courthouse will be coming into their neighborhood now. The reason he likes the neighborhood is because there are no businesses nearby. Mr. Hans said he would rather see the lot turned into something useful for the children, such as a park. He said the neighborhood kids play

on the street all day because there is limited traffic in the neighborhood. Mr. Hans said there are stores close enough in town, a business is not needed there, and he is against the request.

Mr. Rodney Ross, 2006 Madison Court North, said the property is behind his home. Mr. Ross said like the other gentlemen who spoke earlier, he is concerned with inmates being released and walking into their neighborhood. Mr. Ross said he has watched inmates walk to the Valero from the Justice Center and sit and wait for someone to pick them up. In some instances, the inmates ask for a ride and this effects the safety of the neighborhood. After the inmates are released, they often wait for someone to pick them up at nearby stores. If the request was for a park, he would be fine with this, but Mr. Ross said he does not want a business right behind his house.

Ms. Rosemary Hans, 2111 Lincoln Court, said she and other moms walk with their children up and down Huey Drive because there aren't many other places to walk. She has been asked by inmates to use her cell phone, to go to her home and for a ride. They don't know which way to go, so Ms. Hans has to reroute them to the highway. Ms. Hans said it scares her and she fears for her safety when taking a walk near her home. She would love for the lot to be a park. There is no other place for children to play except in the street.

Ms. Catherine Nieves, 2105 Madison Court South, said she did not receive a letter because her property is not within the notification boundary. She has four children and the yards are not very big, so the children always play in the street and she would love it if there was a park. At 5 p.m. there is already a lot of traffic, so she can just imagine with businesses there how bad traffic could be, adding that sometimes it takes 10 minutes to get off of Huey Drive due to the traffic at the courthouse. Ms. Nieves said she is against any businesses going into the neighborhood. The reason Ms. Nieves purchased a home there is because it was a friendly and safe neighborhood.

Mr. Luis Martinez, 2114 Hamilton Lane, has two children and they are picked up and dropped off by the buses on Huey Drive, so safety is an issue. What attracted him and his wife to the neighborhood is that it is a small, tucked-away neighborhood. After returning from deployment they wanted to live in a smaller community and they found it in this neighborhood. Mr. Martinez said several stores are within 5 minutes of their neighborhood and he doesn't see the need for any businesses within the neighborhood. He said he's assuming the owner is investing to appeal to those who live in the neighborhood and if the neighbors do not want it there, he asks that is considered.

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

Mr. Morgan asked Ms. Smith to explain the differences between Office-1 and Neighborhood Service uses according to the Zoning Ordinance. Ms. Smith named some of the uses allowed in the Office-1 District such as an attorney's office, photography studio and professional offices. Neighborhood Service allows uses such as an antique shop, bank, convenience store without gasoline sales, church, barber shop, and pharmacy. Mr. Morgan said he wanted to make a comment to the general public; he appreciates everyone's comments and would like to explain how zoning works. Currently the property is zoned Office-1, so the office uses that Ms. Smith read are allowed now, and the developer could come in and build a business under the current Office-1 zoning that increases the amount of

traffic. In that case, there would not be a zoning meeting about that because it's currently zoned for Office-1 uses. What this developer is wanting to do is change the zoning to Neighborhood Service, which some would think would reduce the amount of traffic, some would think would increase the amount, he doesn't know. Is it appropriate to change the zoning from Office-1 to Neighborhood Service? That is what we are here to discuss. Mr. Morgan said he's not fortunate enough to live in this neighborhood, but he sympathizes with each person who spoke concerned about the security of their children and other things. Mr. Morgan said he is inclined to consider the amount of traffic, but in his opinion there is an opportunity to limit the amount of foot traffic to this area by rezoning it to Neighborhood Service.

Mr. Berryman asked how the property to the west on the map is zoned? Ms. Smith said it is zoned Commercial-2. Mr. Berryman asked if lawyer's offices, bail bond offices, amongst other uses would all be allowed there? Ms. Smith said yes. Mr. Berryman said this is part of the City's master plan to build out the justice complex and get all the supporting businesses to move in around it. Ms. Smith said there are not many nearby businesses for people that work at the Justice Center.

Ms. Smith said when the applicant came to her and asked if the City would support a rezoning to Neighborhood Service, she said. The Neighborhood Services zoning was created to be right outside neighborhoods and serve the needs of the neighborhood. It typically will provide a buffer from other commercial uses. The Commercial-2 zoning nearby allows higher intensity uses, so Neighborhood Service uses will be an appropriate between the property zoned Commercial-2 and the neighborhood.

Mr. Baggerly asked Ms. Smith to clarify what types uses are permitted in the Commercial-2 Zoning District. Ms. Smith said Commercial-2 allows major automobile repair, commercial amusement, heavy equipment sales, flea markets, furniture refinishing shop, tractor sales, uses with outside storage, amongst other uses.

Ms. Schmuck asked where the school bus stops in this neighborhood? As the area grows there will be more children. Ms. Smith said BISD picks up students on Huey Drive because they can't turnaround in the cul-de-sacs. Huey Drive will connect to Connell Street one day, proving two points of ingress/egress for this neighborhood. Ms. Smith said she has had several discussions with the school district about traffic patterns, and they will assist her in future subdivision plat reviews to address this need. On the City's Thoroughfare Plan, Huey Drive shows a future connection to Connell Street, allowing for through traffic.

Mr. Morgan made the motion to approve Z-17-07, adding that he believes this zoning change will limit the amount of traffic to that area which is a major concern of his and of the people who spoke before the Commission this evening. Ms. Schmuck seconded the motion, which was approved unanimously with 7 ayes, 0 nays.

Mr. Morgan said the City Council will meet next Tuesday to review this zoning change request and he urges those who are concerned to attend and speak to the Council. The Commission makes recommendations for the Council to decide upon; the Council ultimately approves or denies these requests.

7. Z-17-08 Hold a public hearing and consider a zoning change from Single Family-2 to Planned Development Retail Zoning District for proposed mini-storage on a 3.277 acre tract of land, and from Single Family-2 to Retail Zoning District on a 1.510 acre tract of land, located on the northwest corner of West Loop 121 and Southwest Parkway.

Ms. Smith presented the staff report.

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

Mr. Morgan asked Ms. Smith if in the Retail District allows open storage? Ms. Smith said no. Mr. Morgan asked if a mini-storage or warehouse allows for open storage, or will all of the RVs be covered and enclosed? Colette Marshal, the applicant, stated that the boat and RV storage will be enclosed on three sides, with just the south side will be open for access.

Mr. Morgan made the motion to approve Z-17-08. Mr. Berryman seconded the motion, which was approved unanimously with 7 ayes, 0 nays.

8. Hold a public hearing and consider amendments to Section 503, Sidewalk Standards and Policy, of the Subdivision Ordinance.

Ms. Smith presented the staff report.

Mr. Berryman asked if the current regulations would require funds put in escrow for a sidewalk to be reimbursed to the developer within a certain time frame? Ms. Smith said yes. Mr. Berryman said basically the developer will pay a fee in-lieu of building a sidewalk and the City will turn around and use those funds to build the sidewalk at any location within the city limits of Belton, but it must to be spent on sidewalks. Ms. Smith said yes, it must to be spent on sidewalks.

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

Mr. Berryman said if he were a developer and sidewalk installation is expensive, would the fee in-lieu of construction be a flat rate per linear foot? Ms. Smith said the developer would complete a cost estimate for sidewalk installation and City staff will review the estimate based on current bids and ultimately determine the required fee. This has been our practice when sidewalk escrow is requested. She said if the developer does not want to pay the fee, they will have the option to construct the sidewalk. Mr. Berryman said if he's a developer and figures out it's cheaper to pay the fee in lieu of construction, he would pay the fee. Ms. Smith said yes that may be true, but that is why the City requires a cost estimate of what it would actually cost to build a sidewalk at that location. Mr. Morgan asked if the City prefers that the estimate be completed by a certified engineer? Ms. Smith said it's best if an engineer completes the estimate and if staff receives an estimate that is low, the City will request that the applicant revise the estimate to reflect true cost. Mr. Morgan said he believes what Mr. Berryman is saying is that there should be some control over the fee, though he isn't sure what

that looks like or if they need to come up with something right now, but he recommends that if we're requiring the developer to provide an estimate then it needs to be a legitimate estimate.

Ms. Smith said the proposed amendment includes a statement that says the sidewalk fee will ultimately be determined by the City. Mr. Morgan asked if there is a way to protect the developer also, for example if the City comes back and says the sidewalk is going to be \$2 million? It's a protection both ways, he said. Ms. Smith said if the developer does not agree with their cost estimate and feels it could be constructed at a lower cost, the developer has the option to construct the sidewalk. Mr. Berryman said if he were a subcontractor the bid would be much higher for City projects. Ms. Smith said initially when she wrote the amendment, it included that the sidewalk fee would be based on the City's latest infrastructure bid, but after conversations the City Attorney we revised the amendment to allow the developer to submit a cost estimate. Mr. Morgan gave an example of a developer who has 500 feet of frontage that requires a sidewalk between two sidewalk endcaps, making total sense to construct that sidewalk as written; could they decide not to build the sidewalk and pay a fee instead? Ms. Smith said the amendment includes a statement that a sidewalk fee in-lieu of construction is at the sole discretion of the City. If this is recommended by the Commission and approved by Council, you may see situations where staff recommends a fee and the developer is requesting a variance. This is a step forward to see if something such as this will work in Belton in situations where sidewalk construction is not feasible or timely. Mr. Morgan said this needs to be in place, but he is still concerned about the cost.

Mr. Morgan made the motion to approve amendments to Section 503, Sidewalk Standards. Mr. Pamplin seconded the motion, which was approved unanimously with 7 ayes, 0 nays.

With no further business, the meeting was adjourned at 6:20 P.M.

Chair, Planning and Zoning Commission