

Minutes of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, August 21, 2018

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, David Jarratt, Stephanie O'Banion, Lewis Simms, Dave Covington, Michael Pressley, and DJ Fuller. The following staff members were present: Director of Planning Cheryl Maxwell, Planner Kelly Trietsch, City Manager Sam Listi, IT Chris Brown, IT Ryan Brown and Planning Clerk Laura Livingston. Mr. Hendrick arrived at 5:33pm.

Pledge of Allegiance – Ms. O'Banion led all present.

Invocation – Mr. Jarratt gave the Invocation.

1. Call To Order.

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

2. Minutes from the previous Planning and Zoning Commission meeting.

Ms. O'Banion made a motion to approve the minutes from July 17, 2018, seconded by Mr. Covington. The motion passed unanimously with 7 ayes, 0 nays.

3. Hold a public hearing and consider an ordinance amending the following sections of the Zoning Ordinance:

- a) **Section 42, Definitions by adding a definition for off-road vehicle, all-terrain vehicle, personal watercraft, snowmobile, and off-road vehicle sales and service; and amending definition of motorcycle.**
- b) **Section 21, Retail Zoning District and Section 22, Central Business District to allow the following as uses permitted by right or by Specific Use Permit: off-road vehicle sales and service; motorcycle sales and service.**

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

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

Mr. Covington stated it looked good to him. He thinks last month's concerns have been addressed.

Mr. Fuller stated that under the category of mule or off road, that some of those can be registered and made street legal. Would this cause it to not be able to be sold?

Ms. Maxwell said the intent is for off road. The commission has the ability to craft the proposal however they wish. The initial feeling is if a person can get a license and drive it, that's different from off road vehicles. Staff is open to the commission for thoughts on that as well.

Mr. Simms said he is in favor of moving forward as is and propose an amendment if that becomes a problem. He feels off road vehicle is sufficient for the purpose of this document.

Ms. O'Banion asked if there would be an opportunity for a variance should that ever come up? Ms. Maxell answered there would be a process for that.

Mr. Simms made a motion to approve the proposed code amendments as recommended by staff as follows:

- a) Amending Section 42, Definitions by adding a definition for off-road vehicle, all-terrain vehicle, personal watercraft, snowmobile, and off-road vehicle sales and service; and amending the definition of motorcycle.
- b) Amending Section 21, Retail Zoning District to allow off-road vehicle sales and service as permitted uses; this would also allow sales/service in the CH, C-1 and C-2 zoning districts.
- c) Amending Section 22, Central Business District to allow off-road vehicle service as a permitted use, and allow off-road vehicle sales with a SUP.

Mr. Hendrick seconded the motion. The item was approved with 8 ayes, 0 nays.

4. Hold a public hearing and consider an ordinance amending the Thoroughfare Plan Map for possible relocation of Mesquite Road east of I-35.

Ms. Maxwell presented the staff report (Exhibit B).

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

Chair Baggerly asked Ms. Morris if she felt confident about Option 2 (Mesquite Road relocated between Cedar Crest property and Ms. Morris' property—proposed Shanklin Crossing). Ms. Morris answered yes, sir.

Ms. O'Banion stated she felt the biggest obstacle last time was just having time to visit with the property owners, to ensure this was something they could work with as well.

Ms. O'Banion made a motion to approve an ordinance amending the Thoroughfare Plan Map for relocation of Mesquite Road east of I-35 as proposed in Option 2. Mr. Jarratt seconded the motion. The item was approved with 8 ayes, 0 nays.

5. P-18-12 Consider a final plat of Lot 1 Cedar Crest Subdivision, comprising 28.124 acres, located on the east side of I-35, south of Grove Road.

Ms. Maxwell presented the staff report (Exhibit C).

Chair Baggerly opened the public hearing.

Mr. Covington asked the owner if they could tell the commission a little about the cottage being built. Mr. BJ Truitt, 3500 South IH 35, Belton, stated they are adding one more cottage. Presently they have 4 units/cottages. They are experiencing growth and adding one more unit. It will be a 36-bed unit that will be placed on the northern end of the property. It will be the same type of construction as the existing buildings.

Mr. Covington stated he sees nothing wrong with the plat but he is inclined to support the variance of the \$69,000.00. He does not feel like this is the same type of development that we are seeing in

other areas. The property is already set as to what it is going to be, and they are just adding a building to it.

Chair Baggerly stated he feels it is a fair variance.

Mr. Covington stated he is always hesitant to approve a variance because that means the taxpayers are picking up the burden down the road but this just seems like a different type of development.

Mr. Simms asked why the variance for this type of development is different vs a Pro Star Rental type of development. Mr. Covington responded because it's more commercial in nature than this. This is a residential cottage and seems different.

Mr. Jarratt stated staff is agreeing to the variance request on the Mesquite side. He questioned if the logic of disapproving this for Capital Way is because sidewalks are already under construction on the north side of the Cedar Crest property; that money from another property owner is in escrow already based on a previous decision. Ms. Maxwell stated that's part of it. Capital Way is different from Mesquite Road in that it has been on the plans for a long time and is something the public should be aware of; this is a roadway we anticipate going through. Some properties are in the process of being developed and others are planned for development. This is something that will be needed and will be built. Sometimes you have roadways that could be years out. You don't see that much activity and even then, it might make sense to escrow the funds. In this case, staff feels like it is going to happen, that's why we support requiring the perimeter streets improvements. Mesquite Road relocation still has to be approved by the city council.

Mr. Jarratt stated he believes that Mr. Covington's point is that it has to be to a sidewalk to somewhere. Anyone who travels south of the RV park is not likely to be going anywhere on foot. If development proved it is necessary right now, it's justified; otherwise, it's a burden on the applicant.

Mr. Covington stated that he agrees that the street is coming relatively soon. If the 28 acres was being developed as a whole, with a neighborhood or commercial use, it might be different. We are using the term development because it is being platted but it does not seem like a significant development. They are just adding a cottage to the back of what is already there. That's where his hang up is. The road is coming, there's not something to connect the sidewalk to now, and that's why we have the escrow account planned for folks that are in this situation. Pro Star Rental and the RV Park seem more like developments that would require roads and sidewalks.

Ms. O'Banion stated that under the subdivision ordinance, this is why they are needing to ask for a variance because the way we see the request it falls under this subdivision ordinance. Is that right? Ms. Maxwell answered those requirements come into play when property is being platted and one of the requirements is perimeter street improvements.

Ms. O'Banion stated this cottage is for patients who have checked in. It's not a residence where a family is moving in and it's a normal situation. She tends to agree with Mr. Covington that this requirement was probably developed around a single or multi family usage. These are not people who have bought a home or are renting. These are people who have checked into a facility and this is where they are staying.

Mr. Simms stated we may be getting stuck on the term subdivision. The subdivision ordinance doesn't just require sidewalks. There are perimeter street improvements which are pretty critical. If the commission starts approving variances based on the nature of a business, then we are discounting

the actions we have already taken on three other businesses, on the same thoroughfare. It is a part of the development of this area which has clearly begun rapidly filling up. We have addressed Pro Star Rental and the RV park within the last 12 months. This is part of the nature of doing development in this area as Belton grows. He agrees with the variance to Mesquite Road. Obviously, that roadway location has not been approved. He does not foresee this as an undue burden on this applicant more so than has been placed on any other applicant right here in this area.

Ms. O'Banion does not see this as a subdivision as it is being called. This is a medical facility for patients and this is how it has operated for 30-40 years. We are not adding new homes to a residential area, where people will come and go, play and walk and connect. What is being called a subdivision is not a subdivision under the same definition.

Ms. Maxwell stated whenever you apply for building permit, if the property has not been platted, then that triggers a subdivision plat, like you would do for a housing development. When the applicant applied for a building permit that triggered the platting process. Ms. Maxwell stated she is not sure of the previous situation. There are a lot of structures on the property. She does not know the history or why they have not had to plat before now. It has come up this time with the request for the building permit.

Mr. Baggerly stated that Mr. Simms made some valid points, that really speak to consistency on how we apply these types of plats.

Mr. Simms made a motion to approve P-18-12 the final plat of Lot 1 Cedar Crest Subdivision, with disapproval of the variance request to Capital Way sidewalk and street improvements and approval of the variance to the perimeter street improvements and sidewalk for Mesquite Road and adherence to the city letter to the applicant dated August 17, 2018. Mr. Jarratt seconded the motion. Mr. Covington asked for a hand vote. The motion was approved with 5 ayes, and 3 nays, with Ms. O'Banion, Mr. Covington and Mr. Fuller casting the dissenting votes.

6. P-18-13 Consider a final plat of South Wall Estates, comprising 6.749 acres, located on the west side of S. Wall Street, generally north of E. Loop 121 and east of IH 35, in the vicinity of Colette Court.

Ms. Maxwell present the staff report (Exhibit D).

Mr. Baggerly stated there was lots of discussion the first time this plat was submitted.

Mr. Covington stated the plat looks alright to him.

Mr. Covington made a motion to approve P-18-13 final plat of South Wall Estates. Mr. Hendrick seconded the motion. The motion was approved with 8 ayes, 0 nays.

7. P-18-14 Consider a preliminary plat of Royal Heights Addition, Replat No. One, comprising 6.293 acres, located on the northwest side of Loop 121, west of its intersection with FM 436.

Ms. Maxwell presented the staff report (Exhibit E).

Mr. Baggerly said off street parking was talked about the first time this was presented. Has anything changed since the last presentation? Ms. Maxell answered she is not aware of any changes. The site plan that was approved is still the same site plan.

Mr. Covington stated there was some discussion about creating some kind of parking lots to serve the neighborhood as a whole. He does remember talking about parking as a result of this item. Ms. Maxwell stated there will be two parking spaces required for each residential unit but they are also adding 28 additional parking spaces through out the complex.

Mr. Jarratt made a motion to approve P-18-14 a preliminary plat of Royal Heights Addition, Replat No. One. Mr. Covington seconded the motion. The motion was approved with 8 ayes, 0 nays.

- 8. P-18-15 Consider a final plat of Belton Business Park Phase Three, 16.985 acres, comprising 0.056 acres and a replat of Lot 1, Block 1, Amended Plat of DCOB Northeast Addition; Lot 1, Block 1, Harvest Technologies Subdivision; and a portion of Block 2, Belton Business Park, Phase I; located on the west side of Loop 121 near its intersection with West Avenue D, in the Belton Business Park.**

Ms. Maxwell presented the staff report (Exhibit F).

Mr. Jarratt asked what type of trees are the 8 heritage trees that will be removed. Ms. Maxwell answered she believes they are primarily live oak trees.

Chair Baggerly stated the shared use path is a great idea.

Mr. Hendrick stated he is not as familiar with this area as some people, and questioned no sidewalks along Jones Road and Powell Avenue. Does this area get a lot of foot traffic? Chair Baggerly answered it does not, other than office workers walking every day.

Mr. Covington said the business park's whole design is more for trucks going in and out, than pedestrians going in and out. He thinks it looks good.

Chair Baggerly stated he thinks it looks good and the traffic light at Avenue D will be a real benefit to the area. He takes that left every day.

Mr. Covington stated he does not take that left that often but he would be glad to have a traffic light instead of just praying and punching the gas when he comes out of there.

Mr. Hendrick made a motion to approve P-18-15 a final plat of Belton Business Park Phase Three. Mr. Covington seconded the motion. The motion was approved with 8 ayes, 0 nays.

Ms. O'Banion asked if the state is involved with the proposed light at Loop 121 and Avenue D? Ms. Maxwell answered that there is coordination with TxDOT. Mr. Mack Parker added the traffic signal has already been designed and approved by the State of Texas.

- 9. P-18-16 Consider a final plat of Second Replat of Lot 4, Block 2 of Belton Industrial Park, comprising 5.22 acres, being a replat of a portion of Lot 4, Block 2 of Replat of Lot 4, Block 2, Belton Industrial Park, located on the west side of Commerce Street, near its intersection with Industrial Boulevard.**

Mr. Covington recused himself from this item.

Ms. Maxwell presented the staff report (Exhibit G).

Chair Baggerly asked will the shared use path have any negative impact on the drainage? Ms. Maxwell answered that public works has reviewed this and feels there is adequate room to place it without affecting any of the detention pond and drainage. There is a proposal to place a curb along the outer edge to provide some protection for the pedestrian traffic from the roadway.

Ms. O'Banion asked if the KTMPO proposal has been approved? Ms. Maxwell answered no. We are in the project call right now. The application has not been submitted. The deadline is August 31, 2018. The city council did approve it along with 6-7 other projects at last week's meeting. There is a resolution with the council supporting the projects. Now it is a matter of getting them submitted before the deadline. They will go through a scoring process at the MPO. The technical advisory committee will score the projects to establish a ranking. When funding becomes available they will go through and fund projects. At this point we don't know where it is going to fall in the rank and if it is ranked fairly high, still not sure when funding will be provided.

Ms. O'Banion questioned once we vote on this with the variance, we can't come back if all that falls through? Ms. Maxwell answered no, unless the plat comes before you again.

Mr. Simms made a motion to approve P-18-16 the final plat of Second Replat of Lot 4, Block 2 of Belton Industrial Park. Ms. O'Banion seconded the motion. The motion passed with 7 ayes, 0 nays.

10. P-18-17 Consider a final plat of Hall Addition, comprising 4.1 acres, located on the east side of FM 1670, south of West Amity Road, in Belton's ETJ.

Ms. Maxwell presented the staff report (Exhibit H).

Chair Baggerly stated there was a previous project in the same area where the P&Z commission approved a variance on the sidewalk and city council did not. How close are these two projects? Ms. Maxwell answered you may be referring to Hollow Ranch. At the P&Z meeting we withdrew the recommendation to require sidewalks because there was no entity to maintain the sidewalks. TXDOT or Bell County would not maintain the sidewalks. Staff did not feel it would be appropriate to use tax dollars in the ETJ to maintain the sidewalk. If she remembers correctly, the P&Z commission went along with staff recommendation to not require the sidewalk and city council agreed with that as well.

Mr. Listi stated that city council wanted it determined in advance there was plenty of room to place the sidewalk, and the engineer had gone through the process to determine that the available ROW provided adequate room. That was reiterated in the plat file with a note. City Council was frustrated with it, as was P&ZC. The city council wanted that condition verified so perhaps at some point in the future, if a TxDOT project widens FM 1670, or a trail project comes along, that a sidewalk could be provided at that point in time. Accommodation can be made for future placement of a sidewalk, but there's no developer obligation to provide it in conjunction with the plat.

Chair Baggerly stated he does understand the sidewalk to nowhere but he also thinks this area is going to continue to develop and at some point, it would be a benefit.

Mr. Simms asked Ms. Maxwell if the city would not be assuming responsibly for maintenance of this? Ms. Maxwell answered that is correct.

Mr. Simms stated it's hard to place a requirement, when the city is not assuming responsibility to take care of it once it's been built. In terms of longevity, he's not sure how fruitful that would be.

Mr. Hendrick asked if there was a Montessori school nearby? Ms. Maxwell answered that school is located close to the intersection of FM 2484.

Mr. Hendrick made a motion to approve P-18-17 a final plat of Hall Addition. Mr. Jarratt seconded the motion. The motion passed with 8 ayes, 0 nays.

11. Consider a policy establishing provisions for joint access easements

Ms. Maxwell presented the staff report (Exhibit I)

Ms. Maxwell added that this issue came up with some of the recent plats, for instance the car wash on Lake Road, which only has access on Commerce Street. There is no access onto Lake Road. An access easement was required anticipating some of the other properties developing and wanting to limit or reduce the number of access points for traffic that would be exiting onto Lake Road. This area is a good example of where some joint access has already been provided between some of the properties. It also came up with Pro Star Rental. We were not able to required it with that particular property. They provided the easement but were not willing to pave it and we did not have a policy in place at that time.

Mr. Jarratt stated the conversation was more about the property owner next to the car wash, than the car wash itself, because dumping out onto Commerce Street is not a bad deal. What happens to the people who get this imposed on after they get the property? Ms. Maxwell stated she believes the primary purpose of the policy is to ensure that the need is looked at. It may not be appropriate to have an access easement in every situation. This will put a policy in place so you can check off that it has been looked at and determine if it is necessary or not, to make sure it's not overlooked.

Mr. Covington stated this policy will change over time the more it's looked at and more properties and plats that are reviewed. You have to start somewhere and this is a great starting point.

Chair Baggerly stated he did not see anything that raised any red flags or concerns.

Mr. Listi stated staff has looked at other cities and tried to figure out something, trying to find a good balance of what might be appropriate and trying not to miss this going forward. There have been extensive discussions with legal about it and certainly it's not perfect, and may change over time. Originally, staff evaluated bringing this to you as an ordinance, an absolute rule, subject to a variance process. We have softened that a bit to address it as a policy as to not be faced with variances. If we are not successful in securing an access easement, we will discuss that in the staff report that comes to you and explain why. As Ms. Maxwell stated, we will try not to miss it going forward. We will evaluate it and if the opportunity presents itself and it makes good sense, we will certainly recommend it and try to work with the property owner to secure it. The improvements

issue is an important one too. Do you build to the property line? Does that impose that on the next property? There are a lot of issues but we are trying to satisfy the fact that staff looks at it, evaluates it every time and try not to miss it going forward, and give you that opportunity to recommend it or not, as it goes forward to city council.

Mr. Covington asked with this being a policy and not an ordinance, if someone comes with a plat, but does not want a joint access easement, can they just say no? Mr. Listi answered they can take issue with that but the commission can still recommend it to city council.

Mr. Hendrick stated with the car wash plat, it was a TxDOT requirement that they could not have access onto Lake Road. The joint access is a benefit to them because it's not the City of Belton restricting that access.

Mr. Covington stated where people may take issue with it is when they are the first one on the strip to develop, or the second.

Mr. Listi said it is hard to write something perfect for every circumstance, but we need to start and have something in place. If it does not hold up, it can be changed or done away with, but it's a starting point.

Chair Baggerly said he agrees with Mr. Listi and that something is better than nothing.

Mr. Simms made a motion to approve the policy establishing provisions for joint access easements. Mr. Covington seconded the motion. The motion was approved with 8 ayes, 0 nays.

With no further business, the meeting was adjourned at 6:42 p.m.

Chair, Planning and Zoning Commission