

**BELTON CITY COUNCIL MEETING**  
**JULY 22, 2008**

The Belton City Council met in regular session with the following members present: Mayor Jim Covington, Mayor Pro Tem Marion Grayson, Councilmembers Clifton Peters and John Agan. Councilmembers David K. Leigh, Joe B. Baisden, and Craig Pearson were absent. Staff present were John Messer, Sam Listi, Connie Torres, Cristy Daniell, Fred Morris, Jen Wesley, Roy Harmon, Jerri Gauntt, and Kim Kroll.

The Pledge of Allegiance to the U.S. Flag was led by Fire Chief Roy Harmon, the Pledge of Allegiance to the Texas Flag was led by Councilmember Clifton Peters, and the Invocation was given by Bruce Burlison.

The Mayor called the meeting to order at 5:32 p.m.

Public comments.

Joe Trevino, 3502 Village Hill, commented on behalf of Marjorie Easter, 704 Estate Drive. He indicated she was given two violation notices for a small patch of oak shoots at the base of an oak tree. He cited the City's Strategic Plan Item 7-D regarding limited resources for code enforcement, and asked what makes Mrs. Easter's violation a priority. He presented the Council with photos of her property, including pictures of City-owned property he feels is overgrown and not properly maintained. Mr. Trevino stated Mrs. Easter was given deadlines to abate the nuisance, but if the violation was issued in error, he would like it cleared and documented. He requested Councilmembers Agan and Pearson tour Mrs. Easter's property and determine if her violations are high priority code enforcement issues, compared to the priorities identified in the Strategic Plan, to ensure it's compassionate and consistent code enforcement. The Mayor stated the Council would take his comments under advisement and submit them to City staff.

Consent Agenda

Upon motion by Councilmember Peters, seconded by Councilmember Agan, the following items were unanimously approved:

Minutes of previous meetings. Both sets approved as presented.

A. June 24, 2008 Regular Meeting

B. July 15, 2008 Special Meeting

Consider appointments to the Housing Board of Adjustments & Appeals.

James Neeley and Woody Durbin were reappointed to an additional two-year term.

Miscellaneous

Hold a public hearing and consider amendments to the Zoning Ordinance relating to use and standards within the University Campus District, Section 19; Specific Use Permits, Section 33; Off Street Parking and Loading Requirements, Section 34; and Definitions, Section 42.

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Development Services Director Fred Morris stated that considerable dialogue and deliberation have occurred on these topics over the last several months. He explained the Planning & Zoning Commission (P&ZC) recommended unanimous adoption of code changes to the University Campus District (UCD) at its meeting on July 15, 2008, and reviewed the recommended changes as follows:

- (1) Section 19. University Campus:
  - 19.2 (16) Permitted Uses – Adds Student Living Units (SLU).
  - 19.4 (A) Student Living Unit – UMHB defined SLU as accommodation for individual resident in UCD. (Section 42 (66a) – Staff defined SLU as unit with common living/kitchen, with maximum 4 bed/bath combinations, but P&ZC did not concur.)
  - 19.35 Height Regulations – Staff recommended addition of requirement for a Specific Use Permit (SUP) for University-owned non-residential structures at a height of over 3 stories. Rest of definition remained unchanged.
  - 19.46 (D) Parking Regulations – 1.25 spaces per SLU.
- (2) Section 33. Specific Use Permits: Added item 13 dealing with height regulations and requirement for an SUP.
- (3) Section 34. Off-Street Parking and Loading Requirements: Created 40b which requires 1.25 parking spaces per SLU (resident).
- (4) Section 42. Definitions: Based on the City's Comprehensive Plan reference to medium density, staff's original recommendation for medium density was 12 units per acre, and a maximum 4 bed/bath combinations, resulting in a maximum density of 48 residents/occupants per acre. UMHB believes 48 is excessive, and the P&ZC concurred that a maximum of 36 residents/occupants per acre should reflect the maximum density of a SLUs in the UCD. Added 66b as follows:

66b. Dwelling, Allowable Density

- (1) Low Density: Maximum of six (6) units per acre
- (2) Medium Density in UCD: Thirty-six (36) SLUs per acre
- (3) Medium Density: All other Zoning Districts – Maximum of twelve (12) units per acre
- (4) High Density: Maximum of eighteen (18) units per acre

The Mayor opened the public hearing, and the following comments were provided:

- Mickey Wade, 412 E. Central, spoke on behalf of Marcel, Inc., who has an option to buy 8.64 acres of land in the University Campus District. He claimed UMHB had the opportunity to purchase this property, but chose not to do so. He stated he believes the University wants to impose restrictions that cannot be complied with by private developers, so they can be the only purchasers. He requested that the parking requirement be set at 1 parking space per bed, and that 3 story developments be allowed for private developers and not just UMHB.

The Mayor cautioned the audience to avoid describing motives of any party, then continued with the public hearing:

- John Cunningham, 18 S. Main, Temple, representing UMHB, thanked the City for allowing the University to be involved in review of the UC District, and requested the City Council approve 1.25 spaces per student living unit. He indicated the University strongly supports the ordinance and requested favorable consideration.
- Jamey Secrest, 3600 Birdcreek Plaza, Temple, representing property owners (Lynch family), stated he feels UMHB is trying to seek code amendments to render the Marcel, Inc. project useless. He stated he has not heard a good reason to change the parking ratio to 1.25 spaces per bed, as experts have determined 1 space per bed is adequate. Mr. Secrest stated the Lynches will have no choice but to hand the property over to the college, which he feels is arbitrary. He requested the Council consider the Lynch family and their right to sell their property to a willing buyer.
- Leslie Stengele, HDR-WHM, 504 Lavaca Street #1175, Austin, signed up but did not speak.

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- Kathleen Hornaday, HDR-WHM (Traffic Engineering consultants), 504 Lavaca Street #1175, Austin, indicated her company was hired to do an independent parking study. The firm looked at several college towns and found parking ratios between .5 and 1.0 spaces per bed for this housing type. She stated she believes 1.25 spaces per bed is excessive for the project proposed by Marcel, Inc. Since the property is located across from the University, she stated she would hope alternate modes of transportation would be encouraged, and suggested less parking spaces could aid in this regard.
- Ginger Richardson, 2202 Daisy, Killeen, stated she thinks the Marcel Group's proposal is a great project, and agrees 1.25 parking spaces per bed is excessive. She asked if UMHB has the same parking space standards for its current housing units, and requested her land be grandfathered from this proposed ordinance so her family can proceed with the sale.
- Rodney Deyoe, 3000 S. 31st Street, Temple, stated he manages about 900 residential housing units and about 2 million sq. ft. of commercial property, and he thinks 1.25 parking spaces per bed is not excessive.
- Bob Patte, 900 College Street (UMHB), indicated he was present to answer any questions about how the parking requirements were derived.
- Dr. Randy O'Rear, Executive Vice President/Chief Operating Officer, UMHB, 900 College Street, conveyed on behalf of Dr. Jerry Bawcom, President, the University's appreciation to be able to participate in this code review process. He indicated UMHB fully supports the recommended changes, and are not asking for anything that they aren't willing to do themselves. He stated the University currently has 1.35 parking spaces per student in apartment style living quarters, 1.89 parking spaces per student in dormitory style living quarters, and 1.29 parking spaces per student both resident and commuter.
- Corbett Finney, 1974B Auction Barn Road, stated he is in favor of the project (Marcel, Inc.) going through as it will provide the City with additional property tax, as opposed to tax exempt property like the University.

The Mayor closed the public hearing. Councilmember Agan asked about a parking survey conducted by staff, and Mr. Morris stated he surveyed smaller cities with smaller universities. The proposed change will now define student living unit as the accommodation for the student, whereas in the Multi-Family District (which the application was being considered), a living unit was defined as the living arrangements (kitchen/bedrooms, etc.). He clarified the survey numbers reflect "dwelling units". Mayor Pro Tem Grayson commented the 1.25 parking spaces should increase the amount of impervious cover and also increase traffic flow, and asked if the increase in runoff was considered. Mr. Morris stated the requirement will change the way properties in the UCD will deal with storm water, and design engineers will have to address the increases during project design.

The Mayor stated he thinks the 1.25 seems to make sense and concurs with the height recommendation since it's basically no change. Councilmember Agan thanked the staff and P&ZC for their work on this process, and stated he supports the amendments as he feels they are best for Belton. Mr. Agan made a motion to approve the amendments as presented, and Councilmember Peters seconded the motion. Mayor Pro Tem Grayson stated she is thankful for the proposed code changes, but at the same time she understands all parties have interests. At this time the City Council is not considering the Marcel project, but is considering changes to the Zoning Ordinance that are in Belton's best interest in the UCD. The motion carried unanimously with the following captioned ordinance adopted:

**ORDINANCE NO. 2008-23**

**AN ORDINANCE AMENDING SECTION 19, UNIVERSITY CAMPUS DISTRICT; SECTION 33, SPECIFIC USE PERMITS; SECTION 34, OFF-STREET PARKING AND LOADING REQUIREMENTS; AND SECTION 42, DEFINITIONS OF THE ZONING ORDINANCE OF THE CITY OF BELTON RELATING TO USE AND STANDARDS WITHIN THE UNIVERSITY CAMPUS DISTRICT AND TO PROVIDE FOR DEFINITIONS.**

Review and discuss the Potts' Tract Concept Plan and other area projects.

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Development Services Director Fred Morris gave an overview of the Concept Plan for approximately 30 acres of land generally surrounding the intersection of Commerce Street and Sparta Road. The Plan generally amended the guidelines presented by Area 5 of the Comprehensive Plan adopted in August 2006, with land uses consisting of the following:

<u>Land Use/Zoning</u>	<u>Acreage</u>	<u>% of Area</u>
PD Retail	11.43 ac.	39%
PD Multi Family	13.50 ac.	45%
PD Commercial	4.80 ac.	16%

He stated this item is being presented for review due to pending zoning requests, and to inform the Council of area developments and the possible needs for long term impact analysis and overall improvements. He indicated the two zoning cases that follow are contained within the boundaries of this Concept Plan and are consistent with the approved land use elements.

Mr. Morris added a proposal for an area-wide transportation impact analysis is being prepared to analyze the relationship of existing and anticipated land use development patterns to the existing roadway network. It is also important to study intersection capacity and design of the Sparta Road/Loop 121 area, as well as Sparta & Main, Industrial & Main, Loop 121 & FM 439, and in the future, Commerce Drive & FM 439. Access restrictions and roadway design concepts should help protect the road's primary function to move traffic. Detailed analysis of the entire area represents an important investment for the community. Staff anticipates the analysis will help develop recommendations on future capacity needs, possible costs, options for allocation/participation of improvement costs, and right-of-way needs to accommodate street expansion.

Councilmember Peters asked about the turning radius for vehicles entering the development, and Mr. Morris replied the idea is to provide access into the development, to serve it, then get vehicles back onto the main road. Mayor Pro Tem Grayson asked about the Fire Department's ability to maneuver vehicles with greater traffic generated, and Mr. Morris indicated emergency services and traffic generated by the school complex will have to be evaluated by traffic engineers, along with the entire Lake Road corridor.

No action was required, therefore the Council moved on to the next item.

Hold a public hearing and consider an ordinance amending the zoning for two tracts of land containing approximately 2.69 acres and .335 acres of the James Bennett Survey, Abstract 71, being a portion of Vol. 1261, Page 88 & Vol. 3609, Page 156, at the southeast corner of Commerce Drive and Sparta Road, from Agricultural to Planned Development Retail.

Mr. Morris explained this request is consistent with the Concept Plan for the Potts Tract approved in February 2007, which identified proposed zoning classifications for the entire area surrounding the intersection of Sparta Road/Commerce Street, and the Commerce Street extension north to Lake Road. He stated this area has the potential to develop as a primary retail, commercial and higher density residential mixed use neighborhood, and long-range planning efforts to protect this potential are now being implemented.

Mr. Morris stated the applicant has requested to change the corner to PD-R and defer site development specifics to a later date. This procedure has been allowed before with the condition that

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plans must be submitted to the Commission and Council for approval. At its meeting on July 15th, the Planning & Zoning Commission recommended approval of the zoning change subject to the conditions below, recognizing that Design Standards for the area may be adopted prior to development, which will serve as the guide for development in lieu of the following:

1. An access easement shall be provided and constructed along the entire southern property line, east from Commerce Street, and link to properties and access easements to the south and east (Taco Express property). The property owner is responsible for insuring all agreements related to cross access easements are in place prior to conveyance of the property to new ownership, in conjunction with an approved subdivision plat.
2. All structures shall incorporate 100% stone or masonry exteriors.
3. All site access shall occur from the adjoining access easement areas. No access to Sparta Road or Commerce Street will be allowed.
4. Structures may be oriented to the perimeter of the tract, with parking to the center, creating a self contained, internally-oriented development.
5. Street side setbacks may be reduced to accommodate site design elements.
6. Sidewalks shall be provided on all sides of the property.
7. Service area screening shall incorporate the same architectural components as the primary structure(s). Wooden privacy fence material will not be permitted.
8. Parking lot landscaping will include native hardwood trees, minimum 6” caliper, and at the ratio of 1 tree for each 10 required parking spaces, and designed into the parking areas so that canopy shading will occur within the development.
9. Perimeter landscaping will include native hardwood trees, minimum 6” caliper, at the ratio of 1 tree for each 50’ of frontage, including frontage along the private access easements.
10. Storm water drainage from the site must be directed to the south, to the Industrial/Commerce Detention Pond and be coordinated with the development of property to the south. The property owner is responsible for insuring all agreements related to storm water are present prior to conveyance of the property to new ownership, in conjunction with an approved subdivision plat.
11. All roof mounted equipment shall be screened from view at the property line through the use of architectural features such as parapet walls.
12. Design Guidelines or Standards, as adopted by the City Council and applied to the area, will be used to direct site design and architectural components of the project, if adopted prior to application for building permits. All other conditions not addressed by approved Design Guidelines and Standards shall apply.

The Mayor opened the public hearing. On behalf of the applicant, Mike Beevers, 5101 FM 439, indicated a conceptual site plan has been provided to give the City an idea of future development of the Potts property, and he requested approval of the zoning amendment. There were no other comments, therefore the hearing was closed. Upon motion by Councilmember Agan, seconded by Mayor Pro Tem Grayson, the following captioned ordinance was unanimously adopted:

**ORDINANCE NO. 2008-24**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT RETAIL DISTRICT AND MULTI-FAMILY FOR FUTURE RETAIL DEVELOPMENT.**

Hold a public hearing and consider an ordinance amending the zoning of approximately 13.10 acres of the James Bennett Survey, on the east side of Commerce Drive, beginning approximately 300’ south of the intersection of Commerce Drive and Sparta Road, from Agricultural to Planned Development Multi-Family, for the construction of a Multi-Family development.

Mr. Morris explained this 13.10 acre tract is proposed for Planned Development Multi-Family zoning, with 224 multi-family units proposed (density of 17.09 units/acre). The request is consistent with the Concept Plan for the Potts Tract approved in 2007. Since this area has the potential to

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develop into a primary retail, commercial and higher density residential mixed use neighborhood, long range planning efforts to include a transportation study, are being implemented to protect the character of the potential development.

Mr. Morris stated staff identified issues on the site plan regarding access and circulation, drainage, and general site design, and indicated the City will conduct a Traffic Impact Analysis study for the area generally bounded by Lake Road, Sparta Road, Commerce Street and Loop 121. Depending on the timing of future development, the City's soon to be developed "Design Standards" will provide guidance for the site and determine the manner in which approvals for site and structural elements will be addressed. Mr. Morris stated the Commission voted to recommend approval of the request subject to the items below being included in formal design and engineering plans submitted with platting and building permit applications, or subject to Design Standards for the area adopted by the City:

1. The site plan shall be revised to address all access and circulation issues to the satisfaction of the Development Services Director, including access easements, access to public roads, a west side internal drive & fire lane.
2. The site plan and construction documents shall indicate appropriate perimeter fencing design that enhances the streetscape through use of columns and decorative iron components; a landscape plan with streetscape coordination; internal and perimeter sidewalks; and, proposed dumpster locations.
3. The site plan and plat will recognize required drainage easements and conveyance systems.
4. The Developer shall provide a statement of intent that satisfies the Parkland Dedication requirements.
5. Approval of a subdivision plat and construction plans shall be required prior to start of any construction activities.
6. As an alternative, Design Guidelines or Standards, as adopted by the City Council and applied to the area, will be used to direct site design and architectural components of the project, if adopted prior to application for building permits. All other conditions not addressed by approved Design Guidelines or Standards shall apply.

Councilmember Peters asked if the drainage runs into the Industrial/Commerce drainage pond, and Mr. Morris indicated property south of Sparta Road is designed to go to that pond. The retail corner, Taco Express, and apartment complex will also have to convey water to that pond, and conveyance will be addressed during design.

The Mayor opened the public hearing. Applicant Ray Severn, 5338 E. Lakeshore Drive, gave an overview of the proposed \$16M development and requested approval. He stated he understands traffic is a major concern, and he intends to work closely with the City with regard to traffic, fencing, design standards, drainage, etc. There was no one else to speak regarding the request, therefore the public hearing was closed.

Councilmember Peters asked if the traffic study was going to be done in-house, and the City Manager indicated staff is currently soliciting proposals to outline study parameters and determine costs for the study. Mayor Pro Tem Grayson asked if it's appropriate to approve this zoning change prior to the study, and Mr. Morris replied Area 15 of the Comprehensive Plan identifies this area as expansion of the Belton Industrial Park, but after the Potts family presented their Concept Plan, staff agreed the Plan would work fine and is taking action to control traffic with access restrictions and design considerations. Mr. Listi added it would be difficult to recommend disapproval given approval of the Concept Plan. The zoning requests reflect this type of land use and are consistent with the Plan, and the amendments will outline the minimum conditions necessary for development and incorporate traffic control measures. Mayor Pro Tem Grayson made a motion to approve the ordinance. The

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motion was seconded by Councilmember Peters, and the following captioned ordinance was unanimously adopted:

**ORDINANCE NO. 2008-25**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT MULTI-FAMILY DISTRICT FOR CONSTRUCTION OF A MULTI-FAMILY DEVELOPMENT.**

At 6:56 p.m. the Mayor closed the meeting for the following Executive Session.

Executive Session pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.071 to consult with attorney.

The meeting was reopened at 7:07 p.m.

Consider authorizing the City Manager to take any necessary or appropriate action, to include settlement or filing of litigation documents, regarding moisture damage to Central Fire Station that occurred in Summer 2007.

Councilmember Peters made a motion to authorize the City Manager to take any necessary or appropriate action regarding moisture damage to the Central Fire Station that occurred in Summer 2007, in an amount not less than \$126,000 or to file litigation. The motion was seconded by Councilmember Agan and carried unanimously.

There being no further business, the meeting was adjourned at 7:10 p.m.