

Minutes of the Meeting of the
Planning and Zoning Commission

City of Belton

333 Water Street

Tuesday, June 17, 2008

The Planning and Zoning Commission met at 5:00 P.M. in the Conference Room at City Hall. The following members were present: Larry Montgomery, Dan Kirkley, Jason Morgan, Chris Moore, Justin Scott and Mike Miller, Chair. Staff members present were Fred Morris, Director of Development Services, and Janelle Driver, Clerk.

1. Call to Order

Justin Scott led all present in the Pledge of Allegiance.

Chris Moore led all present in prayer.

2. Minutes of the Previous Meeting

Mr. Moore made a motion to accept the minutes of the meeting as written; Mr. Kirkley seconded the motion and the minutes were approved unanimously.

Mr. Scott made a motion to accept the minutes of the workshop as written; Mr. Kirkley seconded the motion and the minutes were approved unanimously.

3. Hold a Public Hearing and consider recommending to the City Council an amendment to Ordinance No. 94-17, for addition of 0.27 acre of land, more or less, out of the M.F. Connell survey, also known as 1900 South Pearl, to allow expansion of the existing used car sales lot.

Mr. Morris presented the Staff report and recommendation.

In July of 1994, the City Council approved a zoning change to allow used car sales on property addressed as 1901 S. IH-35. Approval of a Specific Use Permit for Digby Auto Sales covered a tract of land containing 0.8 ac.

The request presented for consideration today involves amending the original action to include an additional 0.27 ac. that adjoins the Digby property. The applicant, Mr. Oscar Palomino, proposes to rezone his property, the 0.8 ac. tract, to permit uses car sales, and then purchase the Digby property. Mr. Palomino will then continue the car sales business, including the additional property.

The inclusion of the 0.27 ac. Palomino tract into the 0.8 ac. Digby SUP does not represent a significant land use or zoning change for the area. The land north and south of this property, between the IH-35 service road and S. Pearl Street, is zoned CH, and the SUP for used car sales was approved in the change to C-1 in 1994.

Staff recommends approval of the request, subject to the original conditions outlined in Ordinance 94-17, which are recommended and amended as follows:

1. Lighting will conform to City Performance Standards.
2. No work on vehicles will be performed on site other than basic maintenance, such as battery charging and tire work.
3. No vehicle displayed will have damage in excess of \$300.
4. The SUP is applicable to the property and not to a specific owner.

There were no immediate questions from the Commission.

Chairman Miller opened the public hearing.

Mr. Dwayne Digby, who is one of the current property owners, spoke on behalf of Mr. Palomino, also one of the applicants. He stated that he wanted to amend the special use permit so that it would square off the property for a new owner.

Chair Miller asked Mr. Digby if he was selling the property to Mr. Palomino; Mr. Digby stated that there was another buyer for the two properties, and that the land was going to be combined.

No one else was present to speak for or against the proposal; the public hearing was closed.

Mr. Moore made a motion to recommend to City Council the request for the zoning change; Mr. Morgan seconded the motion, and it was approved unanimously.

4. Hold a Public Hearing and consider recommending to the City Council amendments to the Zoning Ordinance relating to the uses and standards within the University Campus District.

Mr. Morris presented the Staff report and recommendation.

Recent changes in housing types and leasing arrangements for multi-family properties suggest an update is needed in the City Zoning regulations. Examination of the changing trends in student housing, and potential property impacts on nearby neighborhoods, have identified shortcomings in our current Zoning Ordinance, and the need for amendment. Following Planning & Zoning Commission and City Council input, a number of code amendments have been developed to address what is understood to be the need in this regard.

In regards to the topics discussed, the resulting recommendations include:

1. Disallow PD Districts in the UC District. *No action recommended.*
2. **Define Student Living Unit. See proposed amendment below.**
3. **Revise required parking standards. See proposed amendment below.**
4. Revise Height restrictions. *No action recommended.*
5. **Revise “Density” by:**
 - a. **Defining SLU.**
 - b. **Defining SLU density.**
 - c. **Defining allowable maximum density-low, medium, and high-in relation to the Comprehensive Plan.**

See proposed amendment below.

6. Add additional UC District use restrictions. *No action recommended.*
7. Change University Drive to Thoroughfare designation. *No action recommended.*

At the recent Commission meeting, there was also discussion related to the definition of “Family”, yet no action is recommended at this time. Belton’s current definition provides for no more than 4 unrelated individuals occupying a dwelling unit and living as a single housekeeping unit. This definition appears adequate to address issues that may arise within neighborhoods at this time.

The University Campus District (UC) is a logical district within which to develop student oriented housing projects. The current regulations, however, fail to provide adequate definitions needed to meet Belton’s community standard for density and parking, and fails to recognize the emerging “Student Living Unit” (SLU) multi-family product. The SLU product is not a typical multi-family development and the following recommended UCD amendments are intended to address these code deficiencies.

The amendments proposed will address the four (4) areas recommended by the Commission and the Council and are presented below as they would appear within the Zoning Ordinance, if ultimately recommended by the Commission and approved by City Council.

The Commission should keep in mind that these code amendments, if adopted, would be incorporated into the Zoning Ordinance and apply only to properties zoned UC. These code amendments do not change the current zoning for any property at this time.

Chairman Miller asked if the Commission had any questions for Mr. Morris.

Mr. Scott asked Mr. Morris if Item 66b, in Section 42, Definitions were for the UC District; Mr. Morris stated that 66b is applicable to the entire Zoning Ordinance.

Chairman Miller asked Mr. Morris if under 19.5, Other Regulations, Section 19, how the recommendation of 48 residents per acre compared to what the University requested. Mr. Morris stated that the 48 residents per acre is a calculation carry through based on the density that was proposed. Chair Miller stated 66a spoke of a dwelling student living four (4) bedroom and that item C spoke of 12 units per acre, he asked if that was how it was calculated; Mr. Morris stated that is how the density was calculated.

Mr. Scott asked if the definition of a dwelling unit in a high density area would apply to any district within the City of Belton, and asked if they would be maximizing the high density area. Mr. Morris stated that it is the maximum at this time, and that Multi-Family dwellings are allowed at a maximum of eighteen per acre. Mr. Moore asked if this density was adopted into the Ordinance from the Comprehensive Plan, Mr. Morris stated that it was not, it was prior to the development of the Comprehensive Plan. Mr. Scott asked if there was a need for change; Mr. Morris stated that it could be a request handled by Planned Development, depending on the specific project.

Chairman Miller opened the Public Hearing.

Dr. Jerry Bawcom, President of UMHB, stated that the Commission, at their last meeting, had directed the Staff that UMHB needed to meet with the City, and that they both should be able to consider these changes together; He stated that the Commission has the Staff recommendations, but the University has not had the opportunity to review these recommendations as directed. He stated that he had lunch with the City Manager, and was given a copy of the recommendations; but he hasn’t had time to review the recommendations as he and his Staff members have recently been out of the office. He feels that in the best interest of fairness for the University, to follow the Commission’s recommendation, for UMHB to have a meeting with the City to discuss the rationale they presented, and to see if they can come to an agreement on what is being presented. Dr. Bawcom is requesting that the meeting be tabled, and believes that the City Manager would agree, until the University and City Staff have had time to discuss. Chair Miller asked the Commission for their opinion; Mr. Moore said that he whole heartedly agrees that the meeting should be tabled, stating that he thought that they had added an item to the agenda at the workshop for discussion on a joint effort, some sort of collaboration through this process.

Mr. Listi stated that he had met with Dr. Bawcom personally and also discussed changes on the phone, and

he would like to have the opportunity to receive a response from the University, he stated that it is a code change, which has other implications and that there are other interests that the University has commented on. Mr. Listi stated that he did not oppose tabling the meeting to allow more time as there are specific changes to the code.

Mr. Mickey Wade, representing Marcel Inc., stated that this affects his client. He does not feel that UMHB is in a partnership with the Commission, he feels that the Commission wants their input. He stated that it is n't the Commission's role to do the University's bidding. He asked the Commission why they would not want everybody that has an interest involved in the meeting; and stated that he would also like to attend the meeting to express the views of his client, and to give more time to study the recommended changes. He stated that the main concern is the parking regulations He hopes that nobody would object to him being included in the meetings.

Ms. Sandra Eveleigh, who owns property that would be directly affected by these changes, stated that she would also like to be involved in the meeting. She stated that four generations of family have lived on this property; and that Marcel has made an offer to purchase her land. She feels that the changes were requested as UMHB received notice of the pending sale.

Ms. Ginger Richardson, who spoke on behalf of the Lynch family by power of attorney, stated that the sale of property is pending due to the outcome of the changes being presented. She believes that all of this started when UMHB wanted to buy the property from the owners, but Marcel offered a better price. She feels that the property owners have angered UMHB, and that they have done everything they can to stop the sell, including purchasing property right next to the property, and feels that they sped up the closing because they knew that the meeting was going to happen. She stated that the property is valuable, but fears that if the ordinance changes go through, the property will become useless and valueless. She believes that Marcel's proposals are very thought out. She feels that UMHB is requesting these changes because they are angry.

Chair Miller closed the public hearing.

Mr. Kirkley made the motion to table the UC District Zoning changes until the next meeting; Mr. Scott seconded the motion.

Mr. Listi asked to leave the public hearing open until the next meeting, to give the opportunity for discussion with the surrounding property owners. The Commission agreed. There was discussion on notification to property owners. Mr. Listi stated that since it wasn't property specific, there would not be any notification other than what is posted in the newspaper.

Mr. Wade stated that Jamie Seacrest, a Temple attorney, represents the Lynch family and, if there is going to be a meeting; Mr. Seacrest should be there as well.

Mr. Scott addressed the audience, stating that the Commission is simply recommending changes, not scheduling or organizing any meetings that will take place between The City, UMHB and the property owners.

Mr. Wade stated that Dr. Bawcom has requested a meeting with Mr. Listi, and that he would like to have a meeting with Mr. Listi as well. Mr. Scott stated that outside of tabling the meeting, the Commission doesn't have anything further to do with scheduling the meetings. Mr. Moore stated that they are talking about appropriate land use pertaining to the UC District, and that specific properties are not being pin-pointed, it is a bigger picture for a mutual relationship between the City and UMHB. Mr. Wade stated that the purpose of the meeting is to squelch this one project; Dr. Bawcom stated that was not correct, and that UMHB was asked to respond to the code and the ordinances within UC District.

Chairman Miller stated that the interested parties need to have a meeting with Mr. Listi to resolve the issues, so that they could be brought back to the Commission.

There were no further questions from the Commission.

The motion to table was approved unanimously.

With no further business, the meeting was adjourned.

Chair, Planning & Zoning Commission