

**Belton City Council Meeting
November 28, 2017 – 5:30 P.M.**

The Belton City Council met in regular session in the Wright Room at the Harris Community Center with the following members present: Mayor Marion Grayson, Mayor Pro Tem Craig Pearson and Councilmembers David K. Leigh, Guy O'Banion, Paul Sanderford, Dan Kirkley and John R. Holmes, Sr. Staff present included Sam Listi, John Messer, Gene Ellis, Amy Casey, Brandon Bozon, Erin Smith, Chris Brown, Matt Bates, Paul Romer, Bob van Til, Angellia Points, Charlotte Walker, Bruce Pritchard, Kelly Trietsch and Judy Garrett.

The Pledge of Allegiance to the U.S. Flag was led by Director of Planning Erin Smith, the Pledge of Allegiance to the Texas Flag was led by Councilmember Dan Kirkley, and the Invocation was given by Justin Childers, Pastor of Miller Heights Baptist Church.

1. **Call to order.** Mayor Marion Grayson called the meeting to order at 5:33 p.m.
2. **Public Comments.**

Mayor Grayson and City Manager Sam Listi presented a proclamation honoring Director of Planning Erin Smith for her years of service to the City of Belton. This is Erin's last Council meeting.

Christy Monroe, 2520 Shanklin Road: Mrs. Monroe read John 3:17 and shared a story about a young boy she knew. She said that she would always share truth and knowledge especially within her community.

Michelle Ciccariello, 511 Mesquite Road: Mrs. Ciccariello asked if there is a flood risk assessment other than what is available on the website, and to whom does she address inquiries. The Mayor directed Mrs. Ciccariello to PIO Paul Romer and the mapping department.

Consent Agenda

Items 3-6 under this section are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

Councilmember John Holmes pulled Items 4 and 5 for discussion.

3. **Consider appointments/reappointments to the following Boards/Commissions**
 - A. **Belton Economic Development Corporation Board of Directors** (Lord/Spradley)
 - B. **Zoning Board of Adjustment Board of Directors** (O'Banion/Corsi)
 - C. **Housing Board of Adjustment and Appeals Board of Directors** (Corsi)

4. **Consider authorizing a Façade Improvement Grant to Gunter Real Estate Holdings, 204 North Penelope Street.**
5. **Consider authorizing a Façade Improvement Grant to Gunter Real Estate Holdings, 206 North Penelope Street.**
6. **Consider authorizing the purchase of an aerial lift bucket truck for the Street Department through the BuyBoard purchasing cooperative.**

Upon a motion by Councilmember David Leigh, and a second by Mayor Pro Tem Craig Pearson, Items 3 and 6 were unanimously approved upon a vote of 7-0.

Items 4 and 5

Director of Planning Erin Smith explained that Gunter Real Estate Holdings has purchased and is going to renovate buildings located at 204 N. Penelope Street and 206 N. Penelope Street. They have applied for Façade Improvement Grants for both properties.

Mrs. Smith explained that the applicant has requested both the eastern and southern facades of 204 N. Penelope Street be included for a total grant of \$20,000. Renovations include:

Eastern Façade (facing North Penelope Street):

- Remove existing wood awning and replace with horizontal metal suspended awning;
- Repair and repurpose back-lit signage;
- Replace doors and windows at the main front entrance with new commercial doors, sidelights, and transom windows;
- Install new secondary entrance door with transom;
- Replace existing windows with dark bronze aluminum framed windows; and
- Repair and paint existing wood attic vent.

Southern Façade (facing East 1st Avenue):

- Replace existing windows with dark bronze aluminum framed windows;
- Expose windows that have been enclosed and install dark bronze aluminum framed windows;
- Replace the existing overhead doors with new commercial swinging doors, sidelights and transom windows constructed of dark bronze color aluminum frames; and
- Install horizontal metal awnings over new commercial swinging doors to match the front (east) suspended metal awning.

Mrs. Smith explained that the applicant has requested \$7,421.50 in grant funds to complete the following renovations to 206 N. Penelope Street:

- Steam clean and paint the brick exterior;
- Paint the existing overhang, paneling above windows, and parapet cap;

- Repair and clean the existing doors and windows on the primary facade;
- Install three sconce light fixtures; and
- Install wall signage.

Smith said both Façade Improvement Grant applications were presented to the Historic Preservation Commission on November 20, 2017, and both were unanimously recommended for approval.

Upon a motion by Councilmember John Holmes, and a second by Mayor Pro Tem Craig Pearson, Items 4 and 5 were unanimously approved upon a vote of 7-0.

Growth Management

Mayor Grayson thanked those residents in the growth management study areas who have recently sent her emails. She said that although they still had points to make, the tone was much kinder, and she appreciates it.

7. Consider the following alternative annexation ordinances for Annexation Area 1:

- A. An annexation ordinance on second and final reading approving annexation in 2017 Annexation Study Area 1, approximately 10.96 acres located on the east side of Toll Bridge Road, generally between Shanklin Road and the Lampasas River, in the 5000 block of Toll Bridge Road; or**
- B. An annexation ordinance on second and final reading approving annexation in 2017 Annexation Study Area 1, approximately 7.77 acres located on the east side of Toll Bridge Road, generally between Shanklin Road and the Lampasas River, in the 5000 block of Toll Bridge Road; or**
- C. An annexation ordinance on second and final reading approving annexation in 2017 Annexation Study Area 1, approximately 5.312 acres located on the east side of Toll Bridge Road, generally between Shanklin Road and the Lampasas River, in the 5000 block of Toll Bridge Road.**

City Manager Sam Listi briefly summarized the growth management study and the process that has been followed to this point (see Exhibit "A"). He said there has been extensive participation in the Non-Annexation Development Agreements which has helped to define the recommended annexation boundaries. A total 73 of 93 eligible property owners have signed the agreements.

Mr. Listi said there are three (3) parcels included for annexation consideration in Area 1 – properties owned by the Kincaids, the Markhams, and the Alfords. These properties are all subject to the conditions of Development Agreements signed by the Kincaids and the Alfords last year (2016). When their Development Agreement was signed in 2016, the Kincaids owned 7.7 acres, comprising the southern and middle tracts of Annexation Study Area 1.

- The Kincaids conveyed the 2.4 acre middle parcel to the Markhams in 2017, in conflict with Section 2(c) and 2(e) of the Agreement (division less than 20 acres, no plat, lost ag exemption status per Tax Appraisal District).
- This action triggers a voluntary annexation petition in Section 3(a), with no action required by the owner. Yet, recognizing this, the Kincaids took the additional step of submitting an annexation petition in May 2017 for their property, the southernmost 5.312 acres, for Council consideration. The Kincaid property is currently vacant.

The Alford's divided the western 2.88 acres from a larger tract that extends east.

- The larger adjacent Alford tract totals over 40 acres.
- This division in 2016 conflicts with Section 2(c) and 2(e) of the Agreement (division less than 20 acres, no plat, lost ag exemption status).
- This action triggers a voluntary annexation petition in Section 3(a), with no action required by the Alford's.

Mr. Listi explained that there are three ordinances for Council consideration. The first ordinance (7A) is a consideration to annex all three parcels, a total of 10.96 acres. He said the reasons to consider this include:

- Respect for previously executed and recently signed Development Agreements, which trigger annexation consideration based on Agreement terms;
- Location of parcels along Toll Bridge Road, just east of the City limits;
- The Kincaid property is outside the City, vacant, and not subject to building permits;
- Belton water/sewer CCN service areas;
- Proposed extension of sewer and water in the immediate vicinity;
- IH-35/Shanklin Road interchange just to the north, with projection eastward on Thoroughfare Plan;
- Shanklin Crossing Mixed Use Development zoning located to the north at Shanklin Road; and
- Recent rezoning for RV Park immediately opposite this Study Area, on west side of Toll Bridge Road, between Toll Bridge and IH-35.

The second ordinance (7B) eliminates the Alford property from annexation consideration. Listi said the reasons for annexation are the same as for 7A. This gives the Council the opportunity to delete the Alford tract if deemed appropriate, since it is part of a larger tract to the east.

Ordinance 7C would include just the Kincaid tract as a voluntary annexation. This option would leave the Markham and Alford properties unaddressed. Mr. Listi said there have been discussions with the Alford's who have indicated that they are willing to acknowledge that their property is part of a larger tract and is still subject to the development agreement signed in 2016.

Listi explained the Staff recommendation is to adopt Ordinance 7A which includes the entire 10.96 acres.

Mayor Pro Tem Pearson said that since the City began using development agreements, he feels the intent was to allow families to break off pieces of the property for their children and other family members without triggering annexation. Mr. Pearson stated, "While the 20-acre minimum is not in play here, I think our intent is, so I would like to recommend that we go with 7B, which will leave the Alford property intact and still under the original annexation agreement, while taking the other two [properties] in under annexation."

Councilmember O'Banion asked if the Alford property would still be under the development agreement if it is not included in the annexation. Mr. Listi said that the City Attorney has suggested a written acknowledgment by the Alfords that the property with the house on it, and the remaining 40+ acres, would still be subject to the development agreement. The Alfords have agreed to sign the acknowledgment.

Councilmember Leigh asked if the Alfords sign the agreement, and then end up selling the property, will the sale trigger a notification to the City. Mr. Listi responded that the sale would not trigger a notification to the City at least to his knowledge. City Attorney John Messer said the development agreement will be in effect for the entire time, and if there is a breach, the Council can act on that breach at any time during the term of the agreement. Mr. Leigh said that as long as the property stays in the ownership of a family member, he is fine with it. However, if it is sold to anyone else, then it is ultimately a subdivision in violation of the agreement, making it subject to annexation consideration.

Mayor Pro Tem Pearson asked the Staff to look at allowing the sale of property of less than 20 acres to family members in any future development agreements considered.

Upon a motion by Councilmember Leigh and a second by Mayor Pro Tem Pearson, the following captioned ordinance (7B) was approved on second and final reading by a vote of 7-0. Properties included in the annexation are: Property ID 420157 (Map ID 113) and Property ID 475240 (Map ID 226) (see Exhibit "B").

ORDINANCE NO. 2017-32

AN ORDINANCE EXTENDING THE MUNICIPAL AND CORPORATE LIMITS OF THE CITY OF BELTON, TEXAS, 7.77 ACRES LOCATED ON THE EAST SIDE OF TOLL BRIDGE ROAD, GENERALLY BETWEEN SHANKLIN ROAD AND THE LAMPASAS RIVER, IN THE 5000 BLOCK OF TOLL BRIDGE ROAD; MAKING FINDINGS OF FACTS; AND PROVIDING FOR RELATED MATTERS.

8. A. Consider approval and recordation of non-annexation Development Agreements in 2017 Annexation Study Area 2, including the following

properties, as well as any additional agreements received prior to the November 28th City Council meeting:

	PROPERTY OWNER(S)	PROPERTY ID	MAP ID
1	ALLAMON, JAMES	1754	27
2	ALLAMON, JAMES	1756	14
3	FORD, ROBERT	56788	86
4	FORD, ROBERT	433925	85
5	THOMPSON, MICHAEL	25708	6
6	THOMPSON, MICHAEL	232919	30
7	THOMPSON, MICHAEL	233087	43
8	THOMPSON, MICHAEL	232920	59
9	THOMPSON, MICHAEL	167834	84

City Manager Sam Listi said there are nine additional Non-Annexation Development Agreements for Council consideration. He said these are very large properties that would be prime for development at whatever time the owners feel it is appropriate. Staff recommends Council approve the agreements and authorize recordation.

Councilmember Leigh said that Staff and Council need to do a more proactive job of educating those in Belton's ETJ about development agreements, and allowing those to go forward with or without annexation proceedings. He heard from some that they felt the ten-year timeframe was too short. From a City standpoint, he feels that 20-30 year terms are too long. He would like Staff to consider adding language that allows the agreements to automatically renew for an additional ten-year term if the property is not being subdivided, the properties in the vicinity are not being subdivided, or if no significant infrastructure has been put in place near the property. He feels the automatic renewal is in the best interests of the City and the land owners.

Councilmember Sanderford said he is glad that additional property owners were able to take advantage of development agreements. However, he will not vote for them to be approved.

Upon a motion by Councilmember Dan Kirkley and a second by Councilmember O'Banion, the additional Non-Annexation Development Agreements for Area 2 were approved by a vote of 5-2 with Councilmembers Sanderford and Holmes providing the dissenting votes.

Mayor Pro Tem Pearson read a statement about Non-Annexation Development Agreements (see Exhibit "C"). Councilmember Holmes said that he appreciates the opportunity that was discussed. Councilmember Leigh said it is the intent of the Council to allow for property owners who apply for and receive an

agriculture, timber or wildlife management exemption to request a Non-Annexation Development Agreement and disannexation of his or her property.

B. Consider the following alternative annexation ordinances on Area 2 in two parts: Shanklin Road and Mesquite Road areas.

Shanklin Road Area

- (1) An annexation ordinance on second and final reading approving annexation in 2017 Annexation Study Area 2, approximately 152.46 acres located generally along N/S Shanklin Road south of Loop 121, extending generally south to the intersection of N/S Shanklin Road and E/W Shanklin Road; or**
- (2) An annexation ordinance on second and final reading approving annexation in 2017 Annexation Study Area 2, approximately 112.50 acres located generally along N/S Shanklin Road south of Loop 121, extending approximately one-quarter mile south of the BISD site; or**
- (3) An annexation ordinance on second and final reading approving annexation in 2017 Annexation Study Area 2, approximately 47.57 acres located generally along N/S Shanklin Road south of Loop 121, extending generally south to the intersection of E/W Shanklin Road.**

City Manager Sam Listi explained Study Area 2 is important to Belton's future planning and development. Belton city limits currently surround the Study Area on three sides, making annexation a reasonable consideration at this time. In addition, Loop 121 is located to the north, and IH-35 to the east, with a new interchange at Shanklin Road, and the future school site. He added that the executed development agreements have limited the boundary proposed for annexation substantially.

The ordinance adopted on first reading for Area 2, contained 284.46 acres, which includes all properties that were not in development agreements. Mr. Listi reviewed each of the alternative Ordinances for annexation as follows:

Ordinance 8B(1) includes approximately 152.46 acres and includes all properties within the Shanklin corridor approved by Council on first reading on November 21st, reduced by additional Development Agreement commitments received Wednesday, November 22, 2017, on properties owned by Allamon, Thompson, and Ford. This ordinance is recommended by the Staff.

Ordinance 8B(2) contains a smaller boundary of 112.50 acres, and includes property adjacent and in close proximity to the BISD school site, as well as the Shanklin Road corridor extending south about a quarter mile. The terminus is the location where the E/W water/sewer easements from the Three Creeks MUD intersects and turns north along Shanklin, and represents an important element of future City infrastructure that needs to be protected within the City limits.

Listi explained that the additional Development Agreements received from Thompson and Allamon support this reduced boundary to some extent, but it leaves the balance of Shanklin Road to the south, to Shanklin Road E/W, unaddressed for City land use zoning and development standards. He said this is a deficiency in his opinion, and he does not recommend this boundary.

Ordinance 8B(3) contains the smallest boundary, 47.57 acres, and includes the BISD school site, and N/S Shanklin Road right of way only, from north to south, ending at Shanklin Road E/W. This is a very limited and narrow annexation boundary, that would shift the entire Shanklin Road street responsibility to the City, without the opportunity for City land use zoning and development standards for adjacent properties. This boundary is not recommended.

Councilmember Kirkley said, "One of the things that we have discussed in the past as far as control, and I know as a Texan, sometimes I have a sense that I don't want my land controlled. However, I would like, sometimes, for my neighbor's land to be controlled." He mentioned there can be issues when land is uncontrolled, and the Council is responsible for planning for years into the future. He said that the Temple Daily Telegram ran a story about KTMPO's five alternatives for the IH 14/US 190 route from Belton to Rogers, and one possibility includes coming off of US 190 onto Shanklin Road. He believes the odds of that seem slim to him, but it emphasizes that Belton is growing and this corridor is important.

Councilmember Leigh said that he appreciates the Staff allowing development agreements to be turned in after the first reading. He believes that the boundary should go down to where the utility lines cross over Shanklin Road from Three Creeks since that is City infrastructure (Option 8B2). It limits the amount of properties annexed, and he believes that a few of them may become eligible for development agreements/disannexation in the future.

Councilmember Sanderford said he wanted to point out a couple of things for consideration. He relayed a story about a bill pending in 1785 before the Virginia House. The bill was for a general assessment tax to be collected by the Commonwealth of Virginia to pay for religious teaching. After the second reading, but before the third reading, James Madison and a group Virginia Baptists thought it wasn't a good idea. They thought the State needed to get out of the religion business. They put the bill on hiatus to ask the people of Virginia about passage of the bill. The people resoundingly said no. When the legislature reconvened, they didn't go through with the third reading. It was at this time that James Madison slid in Thomas Jefferson's alternative bill for religious freedoms which passed and became the precursor to the Establishment Clause in the U.S. Constitution. Sanderford said, "It may not have happened, but someone stood up after the second reading, but before the third, and said, 'This is not a good idea.' So, in the spirit of Madison... there's a lesson there for us tonight. Just because we've had the first reading doesn't mean we can't change our minds." He said, "There are two philosophical reasons why the Council may

want to consider passing on annexation and let the thing play out into the next year. (1) Passing on forced annexation could be considered an act of humility – giving respect to our fellow legislators and deliberators at the State house, and respecting the fact that they changed the law; and (2) ‘The fecundity of the unknown far outweighs the statement’s prudence.’ There are far more unknowns than we can really consider, although we really try. We think that we need to act now to get this property under control. I think it will be an act of humility to say that we don’t know how the new law is going to play out. We may still have the ability to annex this property if Bell County doesn’t gain the signatures it needs, or pass the law, and then we are right back here with the tool of forced annexation.” He added that when he was reading the booklet put out by the Texas Municipal League General Counsel, it identified another reason to get away from forced annexation by stating that Texas is growing rapidly, and this bill will “curtail the ability of cities to manage that incredible growth.” He said the author noted that if cities cannot use forced annexation, then they must get creative and innovative. “If governments are allowed to take something by force, that’s what they normally do. If the City of Belton can look forward, and be innovative and creative in the use of development agreements and voluntary annexation, I think we will blaze a new trail that will take us away from forced annexation, regardless of whether Bell County passes the law or not.”

Councilmember O’Banion said that Ordinance 8B2 is the bare bones minimum of what can be annexed and still protect the future of Belton and development. He feels Ordinance 8B1 gives the City the best protection down the road. He is very happy about the development agreements/disannexation proposal that Mayor Pro Tem Pearson shared.

Councilmember Holmes asked if there has been any communication with the property owners who are not eligible for development agreements. Mr. Listi said that Staff has only contacted those property owners who are eligible.

Mayor Pro Tem Pearson reviewed growth in Belton over the years. He does not believe that one way in and out of the area will work. He thinks an east-west road can go on County property and school property with minimal impact to private property. He said as long as he is on Council, he will make it a priority to figure that out.

Upon a motion by Councilmember Leigh for annexation of 112.50 acres (Ordinance 8B2) and a second by Mayor Pro Tem Pearson, the following captioned ordinance was approved on second and final reading by a vote of 5-2. Councilmembers Sanderford and Holmes provided the dissenting votes. Properties included in the annexation are: Property ID 132133 (Map ID 32), Property ID 127501 (Map ID 57), Property ID 374 (Map ID 58), Property ID 389841 (Map ID 66), Property ID 58575 (Map ID 67), Property ID 58530 (Map ID 68), Property ID 33529 (Ma ID 77), Property ID 130349 (Map ID 93), and

Property 58580 (Map ID 109). This also includes Shanklin Road to the crossing of the utility lines from Three Creeks.

ORDINANCE NO. 2017-33

AN ORDINANCE EXTENDING THE MUNICIPAL AND CORPORATE LIMITS OF THE CITY OF BELTON, TEXAS, 112.50 ACRES LOCATED GENERALLY ALONG N/S SHANKLIN ROAD SOUTH OF LOOP 121, EXTENDING APPROXIMATELY ONE-QUARTER MILE SOUTH OF THE BISD SITE; MAKING FINDINGS OF FACTS; AND PROVIDING FOR RELATED MATTERS.

Mesquite Road Area

- (1) An annexation ordinance on second and final reading approving annexation in 2017 Annexation Study Area 2, approximately 10.16 acres located generally along and north of E/W Mesquite Lane, extending approximately 1,530 feet west of the Belton city limits; or
- (2) An annexation ordinance on second and final reading approving annexation in 2017 Annexation Study Area 2, approximately 2.10 acres located generally along E/W Mesquite Lane, extending approximately 1,530 feet west of the Belton city limits.

City Manager Listi said there are two options for the Mesquite Road area. He said the first option would provide land use zoning and development review on the existing properties, and would also provide the most flexibility for future planning for Mesquite Road. The con to this option is there are three residences which would be included in the annexation boundary.

Listi said that the second option is including just the Mesquite Lane corridor which is projected to be 60 feet of right-of-way beginning at the City limit line to the western edge of the DeHolliz property. This would not preserve the maximum flexibility for future planning since it would only allow for a projection of the street as currently envisioned. This option also provides no land use zoning or development review.

Staff's recommendation is the first option because it gives Council the most flexibility in planning for the future.

Councilmember Leigh said he has struggled with this one. He thinks it is critical that there is a road from Shanklin Road to IH-35 to allow an outlet for school buses, but he is not sure that Mesquite Lane is the right road to accomplish this. "Mesquite Lane is not the best road in the world, and to build on that would require destruction and rebuilding that road anyway." He said the least impact would be for a road to run south of the 93 property due east along the back of these properties. He recommended that none of the Mesquite area be annexed at this time, and suggested that Staff come back with a plan to put the road on

the back of the properties thereby impacting only the County and Belton ISD properties.

Mayor Pro Tem Pearson said, "I don't think we know enough on this site. It is different from Shanklin. I'm not convinced that Mesquite will be the east-west corridor. I think this is a good one to pass on."

Mayor Grayson agreed. She said this area has given her the most heartache. She believes that putting the road on County land behind the properties on Mesquite is the better plan. The Mayor reiterated that the residents of the area are surrounded by the City limits, and neighboring residences may receive the services of Belton Fire/EMS, while others will have to wait for Salado or others to respond.

Councilmember O'Banion said he believes there is a better route in the north instead of Mesquite. He cautioned, "If the property in this area develops like we all feel it will, and if we have to put in a road north of there, then more than likely, this will come be back before us. All of those houses, which we have chosen to leave out of this, will be in the City limits at some point. Anybody can see that the City limits will surround that little pocket of houses. So just be aware of that... this probably isn't going to go away forever. It will continue to be an issue. We are just trying to be as conservative and compassionate as we can in this process."

Councilmember Leigh made a motion that no property in Area 2 – Mesquite Road area be annexed. The motion was seconded by Councilmember Holmes and passed unanimously upon a vote of 7-0.

9. **Consider an annexation ordinance on second and final reading approving annexation in 2017 Annexation Study Area 3, approximately 51.48 acres located generally along Old Golf Course Road and the eastern portion of Auction Barn Road west of the existing City limit.**

City Manager Sam Listi said Area 3 contains 51.48 acres. It is comprised of the eastern most portion of Auction Barn Road and Old Golf Course Road. He said this area is important to the City's future planning and development, and annexation should be considered for these reasons:

- Close proximity to the City Limits on three sides
- Anticipated nearby development – Expo, BISD, Loop 121 Expansion
- Belton Water and Sewer CCN
- Extension of city services and opportunity for enhanced services to property owners – Police, Fire, EMS, Water
- Thoroughfare Plan importance of Auction Barn Road (minor collector between Loop 121 and FM 1670/Lake to Lake Road) and Old Golf Course Road (minor collector between IH-14/US-190 and Auction Barn Road)

- Preservation of the Auction Barn/Hellums Road corridor for future street circulation to future development
- Development Agreements on large nearby tracts will facilitate future planning

Councilmember O'Banion said this is an example of what he said about Area 2. The area is close to the city limits on three sides, and annexation is appropriate.

Councilmember Leigh said that Area 3 is definitely urban development, and not rural development. He believes this area will be in the City limits at some point. He added that the infrastructure needs to be improved to City standards, especially since it is in Belton's CCN, and it should include fire hydrants to protect the homes in the area. He said the infrastructure improvements should be done first, and then annexation. There is a risk by spending the money on infrastructure without the guarantee that this area will be annexed in the future. He said he is okay with waiting 6-9 months to do the annexation in this area following infrastructure improvements. He said the new school and improvements to Loop 121 will affect this area, but he has a problem with annexation at this time.

Mayor Pro Tem Pearson said his concern is the distance from Fire/EMS services for these residences outside of the City limits. He added that it could be a life or death situation, but since these property owners can request voluntary annexation if they want Belton service, he is okay with waiting to annex until another time.

Councilmember John Holmes made a motion to delay annexation in Area 3. Councilmember Leigh seconded the motion which passed upon a vote of 5-2 with Councilmembers O'Banion and Kirkley providing the dissenting votes.

Mayor Pro Tem Pearson reiterated that Staff needs to bring improvement plans for Areas 1-3 to Council by the last Council meeting in February.

Planning and Zoning

10. Hold a public hearing and consider a zoning change from Planned Development Multiple Family for apartments to Planned Development Multiple Family for townhomes on a 6.285 acre tract of land, located on the northwest side of East Loop 121, just southwest of Holland Road.

Director of Planning Erin Smith said this property is currently zoned Planned Development Multiple Family for an apartment community. The applicant has submitted this zone change to Planned Development Multiple Family for townhomes in conjunction with the Future Land Use Plan which identifies this area as high density residential.

Mrs. Smith explained that the applicant is proposing to construct a townhome community with nine cluster modules containing a total of 55 dwelling units. The cluster modules range from 2 to 12 dwelling units; however, the cluster modules do

not exceed 300 feet in length. The lot sizes in this development vary, with the minimum lot size at 25 feet in width and 90 feet in depth, a total of 2,250 square feet in area. The proposed lots comply with the lot width and depth requirements; however, some lots are smaller than the required lot area of 2,700 square feet. The applicant is requesting the Planned Development proposal to allow for some of the lots to be 2,250 square feet in area. Since the applicant is proposing a zoning change to allow for townhomes instead of the previous request for apartments, the overall density is much less than previously approved. All of the dwelling units will consist of 90% masonry, in accordance with the Design Standards.

The applicant is proposing to construct two entrances off Loop 121. The applicant has stated that both garages and a driveway will be provided for each residence. Additionally, the applicant is proposing to construct four parking areas within 200 feet of each residence with a total of 28 parking spaces. The parking areas will be owned and maintained by the Homeowner's Association. The applicant is also proposing to provide 0.543 acres of green space/parkland for this townhome community that will be owned and maintained by the Homeowner's Association. If provided, fencing along Loop 121 is required to be constructed of wood with a capped topped rail and masonry columns spaced every 50 linear feet.

At its meeting on November 20, 2017, the Planning and Zoning Commission unanimously recommended approval of this item, and Staff concurs in the recommendation.

Mayor Grayson opened the public hearing on Item 10. The applicant's engineer Ace Reneau of Mitchell Associates said he was available to answer any questions.

Councilmember Leigh said the concept is similar to apartments which are built all at once, but it is built more like houses with spacing between. He asked, "How do you plan to phase the construction?" Mr. Reneau said that the infrastructure will be built at one time, and the housing units would be phased in starting in the rear of the property and working toward the front so the construction traffic is separated from the residences. Mr. Leigh asked if the landscaping and parking lots will be completed at the beginning. Mr. Reneau said they will be done at the beginning. Mr. Leigh clarified that the units will be sold and not leased. Mr. Reneau said it is his understanding that all the units will be for sale.

Seeing no one else wishing to speak, the Mayor closed the public hearing.

Councilmember Holmes said this type of housing is definitely needed.

Upon a motion by Councilmember Holmes and a second by Councilmember Leigh, the following captioned ordinance was unanimously approved by a vote of 7-0.

ORDINANCE NO. 2017-41

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF

BELTON BY CHANGING THE DESCRIBED DISTRICT FROM PLANNED DEVELOPMENT MULTIPLE FAMILY FOR APARTMENTS TO PLANNED DEVELOPMENT MULTIPLE FAMILY FOR TOWNHOMES ON A 6.285 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 11 DESIGN STANDARDS.

11. Hold a public hearing and consider an ordinance amending Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance by amending the definition of dwellings, single family, duplex, and multi-family.

Director of Planning Erin Smith explained that, at its meeting on October 24, 2017, Council suggested/recommended additional requirements for duplex developments due to the amount of on-street parking that occurs, and the need to ensure Fire and EMS can adequately reach each residence. She said that Staff has reviewed this request and developed a proposed zoning ordinance amendment regarding off-street parking requirements for duplex/multiple family developments. Multiple family developments have been included since this includes triplexes up to apartments, which could potentially have the same issues with on-street parking as duplex neighborhoods.

Smith explained that in most new single family and duplex neighborhoods in Belton, garages are provided; however, infill development in existing neighborhoods may provide a driveway with two uncovered parking spaces. The new duplex neighborhoods typically provide a single parking garage for each unit and a driveway in the front. According to the Zoning Ordinance, garages and carports are required to be placed behind the building line; however, uncovered driveways are not permitted to be placed behind the building line and may be within the front yard setback. Staff is recommending that single family and duplex parking requirements be separated, since single family neighborhoods typically do not have on-street parking issues to the same extent as duplex and multiple family developments. Smith said Staff has developed the following amendments to Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance:

- Dwellings, Single Family: Two (2) spaces for each unit, located on the lot.
- Dwellings, Duplex:
 - a) Two (2) spaces for each unit, located on the lot.
 - b) One (1) additional space per five (5) units is required in parking areas located within 200 feet of each residence. The parking areas shall be located in a separate tract owned and maintained by the development.
- Dwellings, Multi-Family:
 - a) Two (2) spaces per one and two bedroom units and two and a half (2 ½) spaces per three bedroom unit.
 - b) One (1) additional space per five (5) units is required in parking areas located within 200 feet of each residence. When the development consists of

separate lots for each building, the parking areas shall be located in a separate tract owned and maintained by the development.

Staff recommends that both duplex and multiple family developments have the same additional parking requirements of one additional space per five units. She believes that this new parking requirement will achieve less on-street parking and will allow for the City to adequately enforce no on-street parking in the areas, if needed.

Mayor Grayson asked if Staff was recommending eliminating covered parking just in infill developments or entirely. Mrs. Smith said, "Omit it entirely." She said that new subdivisions always have garages. Mayor Grayson said, "But they could build it without *[a garage]*." Mrs. Smith said, "They could, but they would still have to provide two off-street parking spaces with an improved driveway." Councilmember O'Banion said, "We don't know why anybody would do that, but it's a little worrisome that they could do that." Mrs. Smith said the market will drive developments with garages since most home owners want a garage.

At its meeting on November 20, 2017, the Planning and Zoning Commission unanimously recommended approval of this item, and Staff concurs in the recommendation.

Mayor Grayson opened the public hearing on Item 11. Seeing no one wishing to speak, she closed the public hearing.

Councilmember Leigh asked about the wording "parking areas must be within 200 feet of each residence." He said he takes legal wording very literal, and this wording could be misunderstood. Mr. Listi suggested that "residence" could be changed to "dwelling unit." Mr. Leigh said he believes the intent to be "200 feet from a structure that includes residences, but not 200 feet from each residence." Mayor Pro Tem Pearson said he agreed that it needs to be reworded. Mr. Leigh said that it may be helpful to include illustrations.

Councilmember O'Banion asked how the City has been allowing for the infill development to not have two covered parking spaces. He said he would be more comfortable keeping the requirement for covered parking and making an exception where it makes sense. Mrs. Smith suggested eliminated the requirement for "behind the building line." Mr. O'Banion said the City should not be weakening the ordinance.

Councilmember Kirkley recommended that covered parking be eliminated for some affordable housing developments.

City Attorney John Messer suggested that the wording say "in any new subdivision, two covered spaces are required."

Councilmember Holmes made a motion to table this item. The motion was seconded by Mayor Pro Tem Pearson and approved by a vote of 7-0.

12. Hold a public hearing and consider an ordinance amending Section 42, Definitions, of the Zoning Ordinance by amending the definition of personal service shop or custom personal services and adding definitions for cosmetic tattooing, tattooing and tattoo parlor.

Director of Planning Erin Smith explained that Staff has received several requests for cosmetic tattooing (permanent makeup) to be permitted as an incidental use in beauty shops, day spas, and nail salons. Currently, tattoo parlors are only permitted within the Commercial Highway Zoning District with a Specific Use Permit and are not permitted at several of these personal service shops.

Cosmetic tattooing (permanent makeup) is a cosmetic procedure of tattooing makeup. Cosmetic tattooing (permanent makeup) is a process of implanting pigment into the upper layer of the skin - epidermis. The epidermis is the outer layer of skin that is visible to all and is constantly shedding and renewing itself. The process of cells turnover makes color fade. Cosmetic tattooing is done mainly on the face for applications such as eyeliner, lip liner, lip color, eyebrow enhancement, and beauty marks. Although cosmetic tattooing is often called permanent makeup, it does not truly last forever, as the machine with which permanent makeup is done is normally a rotary machine, a gentler method than what is used for tattooing. Permanent makeup lasts between 5 and 7 years again depending on a person's skin type. The tattooing process deposits the pigment into the second layer of the skin, dermis. The cells of the dermis are far more stable than the cells of the epidermis, so the tattoo's ink will stay in place, with minor fading and dispersion, for a person's entire life. Tattooing is done mainly on different parts of the body where the skin is more pliable. The machine that is used for tattooing is typically a coil machine.

Mrs. Smith said the Zoning Ordinance does not currently define tattooing and tattoo parlors. Staff has developed the following amendment and additions to Section 42, Definitions, of the Zoning Ordinance:

RECOMMENDED DEFINITION AMENDMENT:

PERSONAL SERVICE SHOP OR CUSTOM PERSONAL SERVICES – Establishments primarily engaged in providing services generally involving the care of the person or his apparel including, but not limited to, barber and beauty shops, nail salons, dressmaking, shoe shining, dry-cleaning and laundry pickup stations, tailor or seamstress, and reducing salons/health clubs (no outside storage). Other services such as cosmetic tattooing may be offered as an incidental use to the primary use of a personal service shop.

RECOMMENDED DEFINITION ADDITIONS:

COSMETIC TATTOOING – The practice commonly known as permanent makeup, in which an establishment where licensed personnel apply micropigmentation or intradermal cosmetics to permanently or semi-permanently simulate the appearance of common cosmetic applications such as eyeliner, lip liner, lip color, eyebrow

enhancement, and beauty marks, or to otherwise permanently or semi-permanently restore or improve the appearance of damaged or disfigured skin and other bodily features to natural coloration and condition. This term does not include Tattooing and/or Tattoo Parlor.

TATTOOING – The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

TATTOO PARLOR – An establishment or facility in which tattooing is performed. Tattoo parlors are permitted in the Commercial Highway Zoning District with a Specific Use Permit.

Mrs. Smith explained that the proposed amendment to personal service shop or custom personal services will only allow cosmetic tattooing (permanent makeup) as an incidental use to the primary use of a personal service shop. The Zoning Ordinance defines an incidental use as any use different from the primary use but which compliments and/or supplements the primary use. Incidental shall mean an area which constitutes not more than fifteen percent (15%) of the main use. If this amendment is considered reasonable, cosmetic tattooing (permanent makeup) would not be permitted as a stand-alone business, and will only be permitted as an incidental use to a personal services shop. Personal service shops are permitted in the following zoning districts:

- Office-2
- University Campus-1
- University Campus -2
- Neighborhood Service
- Retail
- Commercial Highway
- Commercial-1
- Commercial-2
- Central Business District

Tattoo parlors will still only be permitted in the Commercial Highway Zoning District with a Specific Use Permit. There is currently one tattoo parlor in the Belton city limits along IH-35 near the IH-14/US 190 merge. We feel that adding a definition for cosmetic tattooing, tattooing, and tattoo parlor will provide a clear distinction between these uses.

At its meeting on November 20, 2017, the Planning and Zoning Commission unanimously recommended approval of this item, and Staff concurs in the recommendation.

Mayor Grayson opened the public hearing on Item 12. Julie Wexler of Monarch Salon and Marie Craig of BeYoutiful Salon both spoke in favor of the ordinance. Seeing no one else wishing to speak, the Mayor closed the public hearing.

Upon a motion by Councilmember Sanderford, and a second by Councilmember Holmes, the following captioned ordinance was approved by a vote of 7-0.

ORDINANCE 2017-43

AN ORDINANCE OF THE CITY OF BELTON, TEXAS, AMENDING THE ZONING ORDINANCE BY AMENDING SECTION 42, DEFINITIONS, BY AMENDING THE DEFINITION FOR PERSONAL SERVICE SHOP OR CUSTOM PERSONAL SERVICES, AND ADDING A DEFINITION FOR COSMETIC TATTOOING, TATTOOING, AND TATTOO PARLOR; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

13. 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 brewpub and winery.**
- B. Section 21, Retail Zoning District and Section 22, Central Business District to allow a brewpub and winery as permitted uses.**

Director of Planning Erin Smith explained that the City has received several inquiries and requests regarding the ability to have microbrewery and winery businesses in Belton. However, there is currently no zoning designation or listing for microbrewery, microdistillery, or winery in the Zoning Ordinance. There are two wineries zoned Central Business District that are permitted with a Specific Use Permit for alcohol sales exceeding 50%. Staff would like to encourage these uses, and create a zoning designation in the Retail and Central Business District.

Staff presented a proposal to include a definition and zoning designation for microbreweries, microdistilleries, and wineries at the September 26, 2017, City Council meeting. Council expressed a concern with creating a definition and zoning designation for microbreweries and microdistilleries, since current local option alcohol laws do not allow for these uses in Belton. Council recommended Staff revise the proposal to include brewpubs and wineries, so it is consistent with current local option alcohol laws. Since the September 26th meeting, Staff has completed research and met with local TABC Staff. Mrs. Smith added that Staff is still researching the distilling process, and recommends deferring the creation of a microdistillery definition and zoning designation to allow for more time to research the issue.

TABC defines a brewer's license as a permit that authorizes a holder to manufacture ale and malt liquor, and sell the ale and malt liquor only to wholesale permit holders in this state or to qualified persons outside the state. If annual production of ale,

together with annual production of beer, by the holder of a manufacturer's license at the same premise does not exceed a total of 225,000 barrels, the holder may sell ale produced on the brewer's premise under the permit to ultimate consumers on the brewer's premises. Combined sales of ale together with sales of beer to the ultimate consumer may not exceed 5,000 barrels annually.

TABC defines a brewpub license as a permit that authorizes the holder to manufacture, brew, bottle, can, package and label malt liquor, ale, and beer; sell or offer without charge, on the premises of the brewpub, to ultimate consumers for consumption on or off those premises, malt liquor, ale or beer produced by the holder in or from a lawful container, to the extent the sales or offers are allowed under the holder's other permits or licenses; must be held with permit or license authorizing on-premise consumption. Total production cannot exceed 10,000 barrels for each licensed brewpub. Permit holders who also hold a wine and beer retailer's permit, and who sell alcoholic beverages manufactured only on the brewpub's premises, may sell malt liquor or ale produced under the license to retailers and private clubs and beer to distributors, retailers, and private clubs or to qualified persons for shipment and consumption outside the state.

The table below summarizes major differences between breweries and brewpubs.

Breweries	Brewpubs
No major obstacle on production limits for their location (unless they go over 225k barrels/year, in which case, they cannot sell for on-site consumption).	Brewpubs are limited to 10k barrels a year in production.
Can sell beer on site at the brewery but NEVER leave the site (limited to 5k barrels/year on-site).	Can make and sell beer on site to sell off and on site. This means, your local brewpub can crowler, growler, can, and keg beers to sell from their brewery. Customers can also drink at their location. Can growler other brewery's beers on site ONLY IF they do NOT sell liquor on site. If they have a liquor license, they can ONLY sell their beer to go. They can still sell other people's beer for on site consumption, but only their own beer to go.
Can self-distribute or distribute through a distributor (if self-distributing, there is a limit of 40k barrels/year and does require another additional license).	Brewpubs can self-distribute to stores and bars.
Breweries can only sell their own beer on site (no other beers can be sold there).	Brewpubs can sell other brewery's beers at their location.

If alcohol sales exceed 50% in the Retail and Central Business Zoning District, a Specific Use Permit will still be required. As stated above, local option alcohol laws will still be enforced with this new zoning designation, and a local option election is required to change current laws.

At its meeting on November 20, 2017, the Planning and Zoning Commission unanimously recommended approval of this item, and Staff concurs in the recommendation.

Mayor Grayson opened the public hearing on Item 13. Seeing no one wishing to speak, she closed the public hearing.

Councilmember Leigh thanked the Staff for aligning the wording for this ordinance with the local option alcohol laws currently in place in Belton.

Upon a motion by Councilmember Leigh and a second by Councilmember O'Banion, the following captioned ordinance was approved by a unanimous vote of 7-0.

ORDINANCE 2017-44

AN ORDINANCE OF THE CITY OF BELTON, TEXAS, AMENDING THE ZONING ORDINANCE BY AMENDING SECTION 42, DEFINITIONS, BY ADDING A DEFINITION FOR BREWPUB OR WINERY, AND BY AMENDING SECTION 21, RETAIL ZONING DISTRICT AND SECTION 22, CENTRAL BUSINESS DISTRICT, TO ALLOW BREWPUB AND WINERY AS PERMITTED USES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

- 14. Consider a final plat for Three Creeks, Phase IV, a 38.44 acre tract of land, located generally east of FM 1670 and south of U.S. 190, and adjacent to the north bank of the Lampasas River, in Belton's Extra Territorial Jurisdiction (ETJ).**

Director of Planning Erin Smith said this is a single family subdivision, containing 156 lots, proposed as Three Creeks, Phase IV. All of the lots are a minimum of 50' in width, in compliance with the Development Agreement. This subdivision plat proposes construction of Galveston Road, Baffin Lane, and Lavaca Drive, and a portion of Copano Road, Guadalupe Drive, and Rocking M Lane, each with 50' of right-of-way and a 31' pavement width. The block lengths of Lavaca Drive, Baffin Lane, and Galveston Road exceed the maximum 1,200 linear feet block length permitted in the Subdivision Ordinance, but they are providing improved circulation. She said that the applicant is requesting a variance to the maximum block length.

Mrs. Smith said that Phase IV also includes a portion of Three Creeks Boulevard, an arterial roadway, with 120' of right-of-way and a 37' pavement width. According to Section 1, Streets and Roadways, of the City's Design Manual, arterial roadways are required to have a maximum 5% slope. She added that the construction plans

currently identify a 9% slope for Three Creeks Boulevard, and this will need to be revised as a condition to final plat approval.

Mrs. Smith added that the Bell County Engineer and City Staff have safety concerns regarding the proximity of the intersection of Baffin Lane and Copano Road being designed so close to the proposed roundabout, as stated in the Bell County Engineer's comments dated October 25, 2017. The previous phases approved in this subdivision include two roundabouts that have been constructed and do not contain street intersections close to the roundabouts. Staff recommends that the applicant provide a response to this concern to address site distance and decrease risk of traffic backing up into the roundabout satisfactory to the Director of Public Works and Bell County Engineer.

Smith stated that this subdivision contains one entrance known as Three Creeks Boulevard off of FM 1670. She explained that the Development Agreement specifies the Developer must dedicate 50' of right-of-way, and grade and prepare with crushed limestone base 27' wide and provide a 25-foot double penetration/seal coat travel surface of Rocking M Lane from Auction Barn Road to the Municipal Utility District's northern property line within two years from the completion and acceptance of the first roundabout on the arterial roadway known as Three Creeks Boulevard. This requirement will be due May 1, 2019. This phase includes a portion of Rocking M Lane that will extend from Three Creeks Boulevard to the northern plat boundary. This portion of Rocking M Lane will be located within the new plat boundary and will contain 50' of right-of-way and a 31' pavement width. According to the Subdivision Ordinance, any single family residential subdivision within the City of Belton or the City's ETJ shall provide three entrances/access streets for subdivisions with more than 101 lots. The development agreement approved by City Council in 2010 included a master plan of the proposed subdivision that identified two points of access, and this should satisfy the ingress/egress requirement for this subdivision until a connection is made from Three Creeks Boulevard to Shanklin Road in the future, as shown on the City's Thoroughfare Plan.

Mrs. Smith explained that according to the Subdivision Ordinance, each residential subdivision is required to dedicate sufficient and suitable parkland and/or payment of fees-in-lieu of required parkland. There are a total of 730 lots in Phases I-IV and ultimately 1,500 lots for the entire Three Creeks subdivision; therefore, a total of 7.3 acres of parkland is required at this time and ultimately 15 acres for the entire 1,500 lots in this subdivision. The developer has provided a total of 127.34 acres of private parkland that contains several trail networks and pavilions for the residents. This private parkland exceeds the Subdivision Ordinance requirements, will be owned and maintained by the Homeowner's Association (HOA), and is consistent with the master plan in the development agreement.

The lots in this subdivision are served by City of Belton water and sewer, and Bell County is responsible for the streets and drainage.

Mrs. Smith stated that Staff has reviewed the plat and find it acceptable, subject to the conditions contained in the letter to the applicant's engineer; conditions contained in the Bell County Engineer's letter; and other conditions including a 5% maximum slope of Three Creeks Boulevard, and addressing the safety concerns regarding the proximity of the intersection of Baffin Lane and Copano Road being designed so close to the proposed roundabout. Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and made comments. After favorable Council action, and only after all City Staff and Bell County Engineer comments have been addressed, this plat will be taken to Bell County Commissioners Court for action.

At its meeting on November 20, 2017, the Planning and Zoning Commission unanimously recommended conditional approval of this item, and Staff concurs in the recommendation including the variance to allow for roadways exceeding the 1,200 linear feet block maximum.

Councilmember Holmes asked about the single point of access for 156 lots. Mrs. Smith said that the Subdivision Ordinance requires three points of ingress/egress if there are more than 101 lots. However, this subdivision was approved under the terms of a development agreement approved in 2010, and the developer is following those terms. They have a single point of access currently, but will be required to have the second point of access by May 1, 2019. Ultimately there will be three access points when Rocking M Lane is extended to Shanklin Road.

Mayor Pro Tem Pearson asked if Rocking M Lane is passable for emergency vehicles. Fire Chief Bruce Pritchard stated that an ambulance could use it, but a fire engine/truck does not go off the pavement. Mr. Listi clarified that it is not a paved road at this time. It will be a 27' wide road with a double seal coat finish by May 2019. Mr. Pearson asked if the developer and HOA will be required to maintain the road. Mrs. Smith explained that it will be a City maintained road per the development agreement. Mr. Listi added that the City is in discussions with the County about a possible maintenance agreement since it is located at the outer edge of the city limits.

Mayor Pro Tem Pearson said that the conditions are very important. City Attorney John Messer stated that Mrs. Smith is recommending approval only after the conditions have been met, and Staff needs to know that the Council will back the Staff in requiring that the conditions be met. Mr. Pearson replied, "Yes." Mr. Listi explained that Staff will be meeting with the developer the next day to discuss the plat conditions.

Mayor Pro Tem Pearson made a motion for conditional approval, and he emphasized that the conditions are essential and are non-negotiable beyond what is in writing. Councilmember O'Banion seconded the motion, and Item 14 was unanimously approved vote of 7-0.

15. Consider a final plat for Three Creeks, Phase V, a 21.89 acre tract of land, located generally east of FM 1670 and south of U.S. 190, and adjacent to the north bank of the Lampasas River, in Belton's Extra Territorial Jurisdiction (ETJ).

Director of Planning Erin Smith said this is a single family subdivision, containing 98 lots, proposed as Three Creeks, Phase V. This subdivision plat proposes construction of Corpus Christi Court, Aransas Drive, and a portion of Dickinson Loop, each with 50' of right-of-way and a 31' pavement width. The plat also identifies Oso Bay extending from Aransas Drive to the northern plat boundary with 50' of right-of-way, but no pavement proposed. She said that, as a condition of final plat and construction plan approval, Oso Bay will need to be constructed with a 31' pavement width from Aransas Drive to the northern plat boundary. This revision will change the way drainage is handled on the right-of-way, so the applicant will also need to submit revised drainage plans to the City and Bell County Engineer Staff for review.

Smith explained that there is a proposed 15' utility easement running through Lots 19 and 20, Block 3, to off-site manholes very far south of this plat boundary. The 15' utility easement is currently proposed to remain unimproved. An unimproved path will not allow the City's sewer vacuum truck to access the manholes during or after rain events when sewer issues typically arise or when there is a clog that causes a sewer overflow. This is a public health issue for both TCEQ and the residents of Three Creeks subdivision. Staff recommends the developer construct an improved 12' wide path in conjunction with subdivision development, and make the Homeowner's Association (HOA) be responsible for maintenance of the path. The restrictive covenants will need to be revised to address HOA maintenance of this path. As a condition of final plat and construction plan approval, Staff recommends the developer submit plans for an improved 12' wide path within the 15' utility easement containing the off-site sewer lines and manholes for Staff review and subject to the approval of the Director of Public Works. Staff also recommends the developer install concrete collars around all off-site manholes as a condition of final plat and construction plan approval.

According to the Subdivision Ordinance, each residential subdivision is required to dedicate sufficient and suitable parkland and/or payment of fees-in-lieu of required parkland. A total of 8.28 acres of parkland is required at this time and ultimately 15 acres for the entire 1,500 lots in this subdivision. The developer has provided a total of 127.34 acres of private parkland that contains several trail networks and pavilions for the residents. This private parkland exceeds the Subdivision Ordinance requirements, will be owned and maintained by the Homeowner's Association (HOA), and is consistent with the master plan in the development agreement.

The lots in this subdivision are served by City of Belton water and sewer, and Bell County is responsible for the streets and drainage.

Staff has reviewed the plat and finds it acceptable, subject to the conditions contained in the letter to the applicant's engineer; conditions contained in the Bell County Engineer's letter; and other conditions including construction of Oso Bay with a 31' pavement width from Aransas Drive to the northern plat boundary, submission of an improved 12' wide path within the 15' utility easement containing the off-site sewer lines and manholes, and concrete collars around all off-site manholes. Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and made comments. After favorable Council action, and only after all City Staff and Bell County Engineer comments have been addressed, this plat will be taken to Bell County Commissioners Court for action.

At its meeting on November 20, 2017, the Planning and Zoning Commission unanimously recommended conditional approval of this item, and Staff concurs in the recommendation.

Councilmember Leigh said that since this area is served by Belton water and sewer, the conditions were imperative.

Director of Public Works Angellia Points clarified that the access drive to the offsite manholes should include 1.5 inches of asphalt over 6 inches of base at a minimum.

Upon a motion for conditional approval by Councilmember Leigh and a second by Councilmember Kirkley, Item 15 was approved by a unanimous vote of 7-0.

16. Consider a final plat for Liberty Valley, Phase IV, a 6.945 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.

Director of Planning Erin Smith said this is a single family subdivision, containing 26 lots, proposed as Liberty Valley, Phase IV. A zone change to Single Family-2 was approved by Council on May 23, 2017. The applicant is proposing to construct Liberty Valley Drive with a 31 feet pavement width which will provide ingress and egress into the subdivision from Connell Street. Justice Drive will be constructed with a 31 feet pavement width extending south from Liberty Valley Drive and ending in a cul-de-sac.

Mrs. Smith explained that when the developer submitted a final plat for Liberty Valley, Phase III, a total of 0.827 acres of unimproved parkland was dedicated to the City. To satisfy the parkland requirements for Liberty Park, the developer completed \$12,000 in enhancements by grading and filling the parkland to allow for a future playground structure. The proposed Liberty Valley, Phase IV subdivision requires parkland dedication of 0.26 acres or \$5,200 parkland fee (\$200 per lot). The developer is proposing to pay the park fees and clear the unprotected trees from the 0.827 acre park that was previously dedicated just north of this subdivision to satisfy the parkland requirements, which is acceptable to Staff.

Smith explained that Connell Street is a major collector street currently constructed as a rural street section with open drainage and no curb and gutter. According to the Subdivision Ordinance, the developer is required to contribute one half the total cost of paving and installing curb and gutter for the portion of Connell Street adjacent to this property. This proposed subdivision has 583.47 linear feet of frontage along Connell Street. The City has completed extensive enhancements to the drainage system, and widened the street section of Connell Street along the northern portion of this subdivision to a 37' pavement width. Since a portion of Connell Street has been widened, the developer is only responsible for widening the unimproved roadway section containing a 22' pavement width for approximately 414 linear feet of their Connell Street frontage. Mrs. Smith said the applicant is proposing to construct 18.5 feet of roadway pavement without curb and gutter to satisfy the perimeter street improvement requirements. It is Staff's judgment that curb and gutter is not required since other existing portions of this roadway are rural and do not contain curb and gutter. The applicant will be responsible for reconstructing the roadway from the centerline of the existing pavement a total of 18.5 feet; therefore, this portion of Connell Street will contain a 29.5 feet pavement width after construction. The widened pavement will match the newly reconstructed section of Connell over Mitchell Branch. The widened section will provide a wider travel lane and a shoulder. The reconstruction of the roadway for 18.5 feet will improve the present condition of the roadway along Liberty Valley Phase IV, which will be part of the future reconstructed Connell Street. Since the developer is constructing the roadway, a street section will need to be submitted and approved by the Director of Public Works prior to construction. According to the City's sidewalk policy, a 5 feet wide sidewalk is required for the length of the property adjacent to Connell Street. However, since the reconstruction of Connell Street does not include curb and gutter, sidewalk construction is not recommended at this time. Staff recommends the developer escrow \$8,280 for future sidewalk construction to be completed by the City.

At its meeting on November 20, 2017, the Planning and Zoning Commission unanimously recommended approval of this item, and Staff concurs in the recommendation.

Councilmember Leigh asked what is the trigger to use the money that is in escrow. Mr. Listi stated that the money must be used within nine years. Director of Finance Brandon Bozon said that the Finance Department maintains a log detailing money that has been escrowed. Mr. Bozon asked for a clarification if the money can be utilized for any sidewalk project or just for Connell only. Mr. Listi stated, "Connell only."

Upon a motion by Councilmember Holmes and a second by Mayor Pro Tem Pearson, Item 16 was approved by a vote of 6-1 with Councilmember Leigh providing the dissenting vote.

Since this is Mrs. Smith's last Council meeting, she expressed her appreciation to Sam Listi for the mentoring he has provided her over the last several years.

Miscellaneous

17. Consider an ordinance amending the FY2018 Fee and Rate Schedule as follows:

- A. Amending Sec. 8-71 and Sec. 8-72 Solid Waste Rates**
- B. Adding Sec. 20-153 Small Cell Nodes**

Mayor Grayson asked if the Council had any questions. There were none.

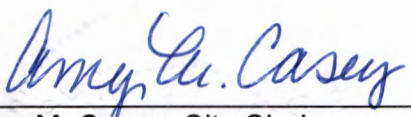
Upon a motion by Councilmember Leigh and a second by Mayor Pro Tem Pearson, the following captioned ordinance was unanimously approved by a vote of 7-0.

There being no further business, the Mayor adjourned the meeting at 8:11 p.m.



Marion Grayson, Mayor

ATTEST:



Amy M. Casey, City Clerk



City Council Meeting Growth Management

NOVEMBER 28, 2017

EXHIBIT "A"



City of Belton Strategic Plan Goal
Action Plan
FY 2018

Goal Category:	Governance	
Goal 1b:	Implement Growth Management Strategy	
Applicable Outcome Statement(s):	Belton's governance is fair, transparent, and fiscally responsible	
Project Year:	FY 2018	
Team Leader:		Assisted By:
City Manager		Director of Planning, Director of Public Works
Outcome Description(s):	<ul style="list-style-type: none">Develop and implement orderly future annexation planning in south and west Belton	
Performance Indicator(s):	<ul style="list-style-type: none">Identify total acres of land annexed into the City limitsProject increase in total populationPursue MOU with Temple on ETJPublic infrastructure extensions to newly annexed areas anticipatedLinkage to Updated Comprehensive PlanAnticipate new BISD site and opportunity to serve new residential development through infrastructure extensionsCouncil reaches consensus and draws urban service boundary	
Challenges/Barriers:	<ul style="list-style-type: none">Reaching consensus on growth boundaryCost for serving growth – infrastructure, staff, etc.Legislative challenges to City annexation completed in 2017 Session are effective 12/01/17	
Partners:	N/A	
Timeline for Implementation		Expected Completion Date
FY 2018		Fall 2017
Cost		Funding Source(s)
Staff Resources and \$10,000 in Boundary Mapping		General Fund

Key influences that guided the Growth Management Study boundaries included:

- Completed IH-35 widening and City's planned utility extensions along IH-35
- Near term widening of Loop 121 – within 5 years
- Acquisition of BLS D school site on Shanklin Road and Voluntary Annexation Petition
- Bell County Expo Center expansion – Equestrian Center underway
- Three Creeks Subdivision Development
- Need to protect major street corridors to accommodate future traffic
- Non-Annexation Development Agreements with Property Owners
- Municipal Service Plan Obligations and extension of City services

City of Belton

2017 Growth Management Study

Municipal Services Plan Overview

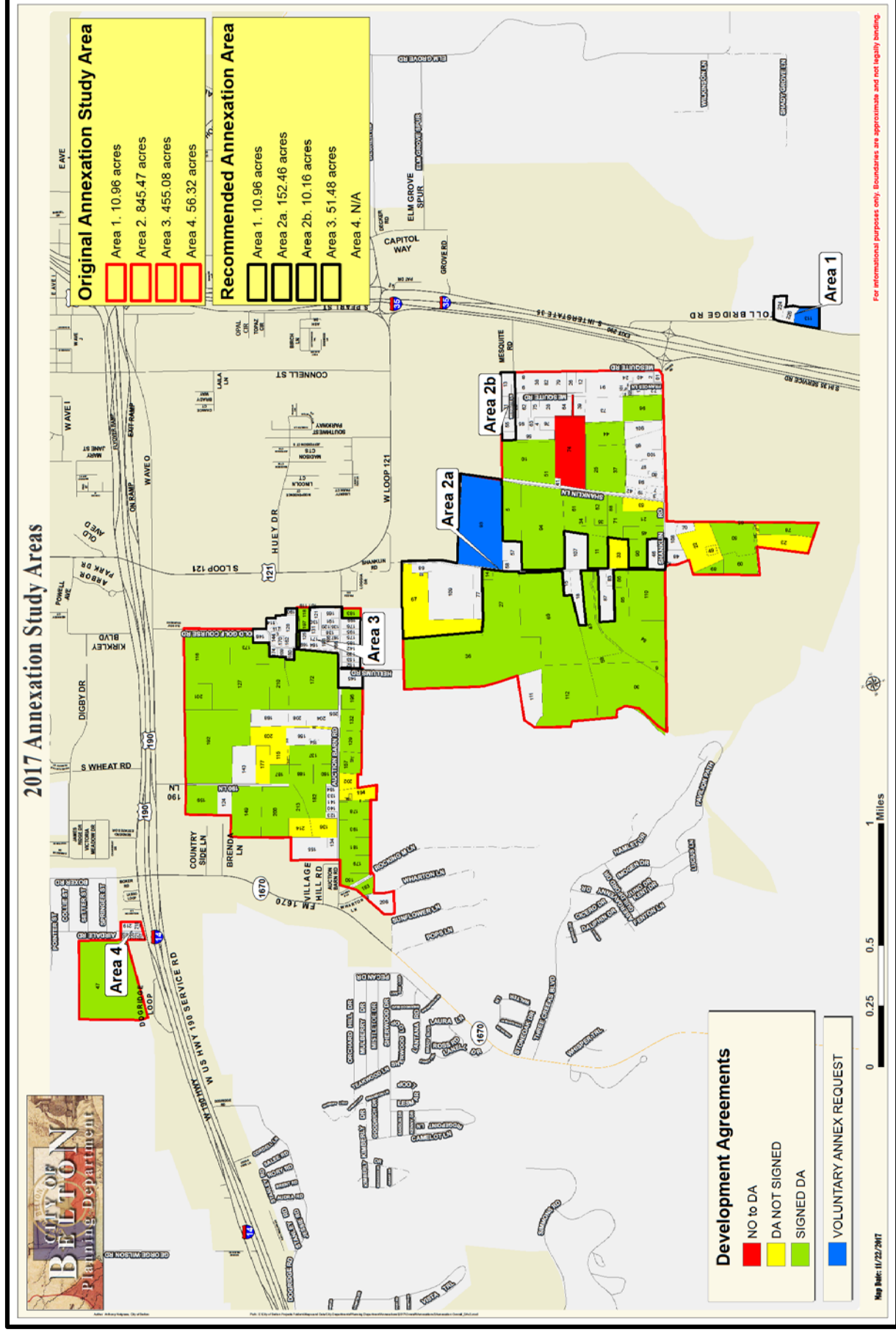
Provision of Services to Annexed Areas is required (43.056 LGC) in three parts. City must develop, and make available, a Municipal Services Plan that provides services that are equal or superior to services provided in the area prior to annexation:

- A. Basic Services – Police, Fire, EMS, Street Maintenance, Public Park Maintenance, if any, and extension of currently provided services.
- B. Full Municipal Services – Extension of all city services, but a uniform level of services is not required based on existing topography, land use, and population density.
- C. Capital Improvement Plan (CIP) project listing based on known commitments, as well as inclusion in CIP planning for future capital needs. The City of Belton will provide the following services immediately upon the effective date of annexation. All services will be provided at a service level equal or superior to the level of service provided prior to annexation.

POLICE PROTECTION, SERVICES	ANIMAL CONTROL SERVICES
FIRE AND EMERGENCY SERVICES (EMS)	FIRE PREVENTION SERVICES
PLANNING, ZONING AND DEVELOPMENT REVIEW	CODE ENFORCEMENT SERVICES
LIBRARY SERVICES	PARKS/RECREATION SERVICES, FACILITIES, PROGRAMMING
STREETS & STORM DRAINAGE MAINTENANCE	SANITATION
BRUSH COLLECTION	RECYCLING COLLECTION
ENVIRONMENTAL HEALTH	UTILITIES (WATER DISTRIBUTION/WASTEWATER COLLECTION)
SERVICES, FUNDING AND CITY POLICIES	

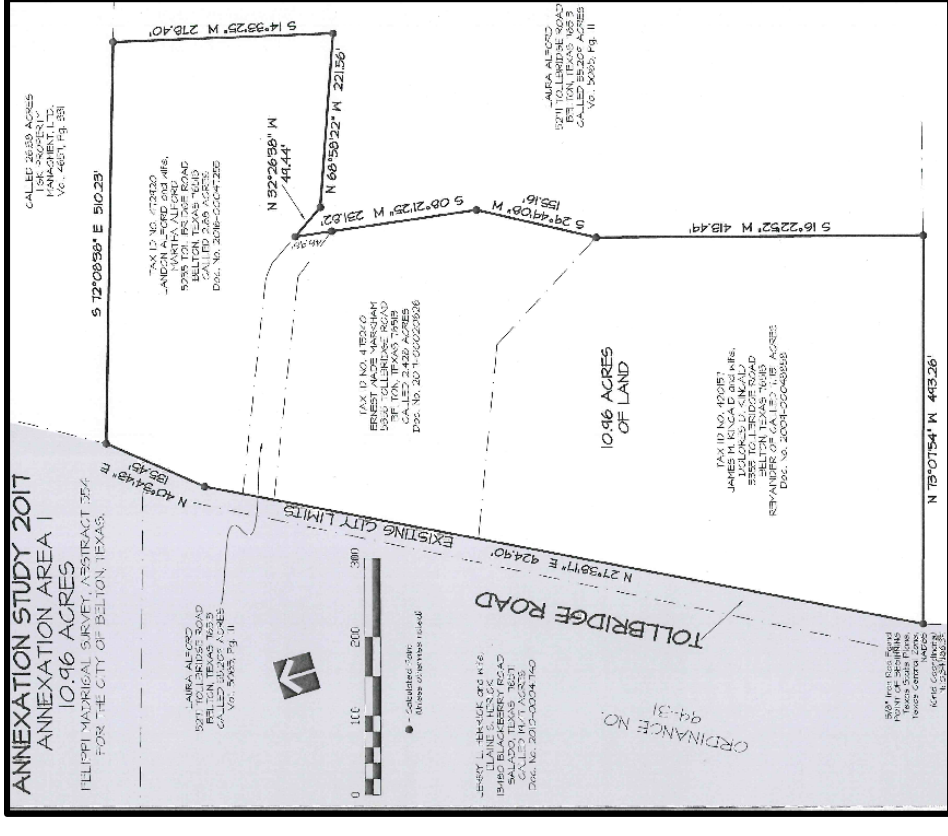
Updated Development Agreement Participation 11/28/17

73 Signed
19 Not Signed
1 Declined
93 Total Eligible



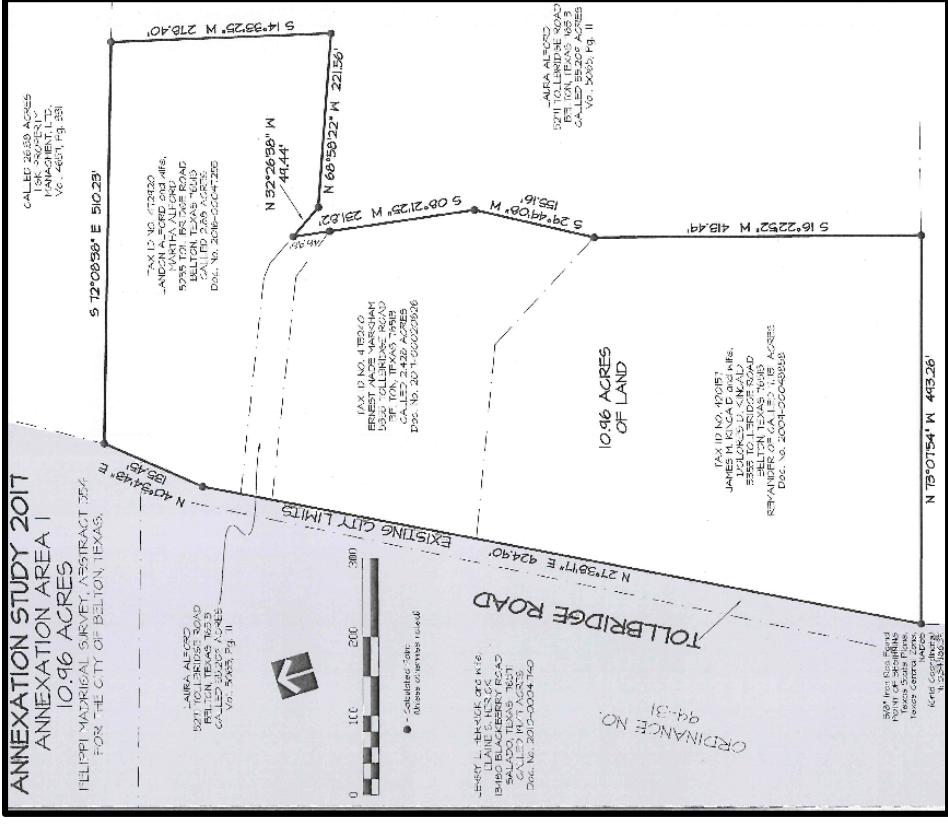
Growth Management Study Area 1 - Agenda Items 7A, 7B, & 7C
City Council Meeting
November 28, 2017

- Study Area 1 comprises three parcels subject to Development Agreements signed in 2016 by the Kincaids and Alford's.
- Kincaids owned 7.7 acres comprising Tracts 1 and 2 in 2016 and conveyed the middle tract to Mr. Markham. These divisions conflict with Development Agreement – (division less than 20 acres, no plat submitted, and loss of the ag exemption).
- Kincaids submitted a Voluntary Annexation Petition on Tract 1, 5.312 acres.
- Alford's divided Tract 3 out of 40+ acre tract to east, in conflict with Development Agreement on maintaining 20 acre minimum, no plat and lost ag exemption. Mr. Alford has agreed to acknowledge the Alford property remains subject to the Development Agreement term.
- These actions result in annexation review by Council.



Growth Management Study Area 1 - Agenda Items 7A, 7B, & 7C

- ✓ Respect for previously executed, and recent Development Agreements, which trigger annexation consideration based on Agreement terms
- ✓ Location of parcels along Toll Bridge Road, just east of the City limits
- ✓ The Kincaid property is outside the City, vacant, and not subject to building permits
- ✓ Property in Belton water/sewer CCN service areas
- ✓ Proposed extension of sewer and water in the immediate vicinity
- ✓ IH-35/Shanklin Road interchange just to north, with projection eastward on Thoroughfare Plan
- ✓ Shanklin Crossing Mixed Use Development zoning located to the north at Shanklin Road
- ✓ Recent rezoning for RV Park immediately opposite this Study Area, on west side of Toll Bridge Road, between Toll Bridge and IH-35



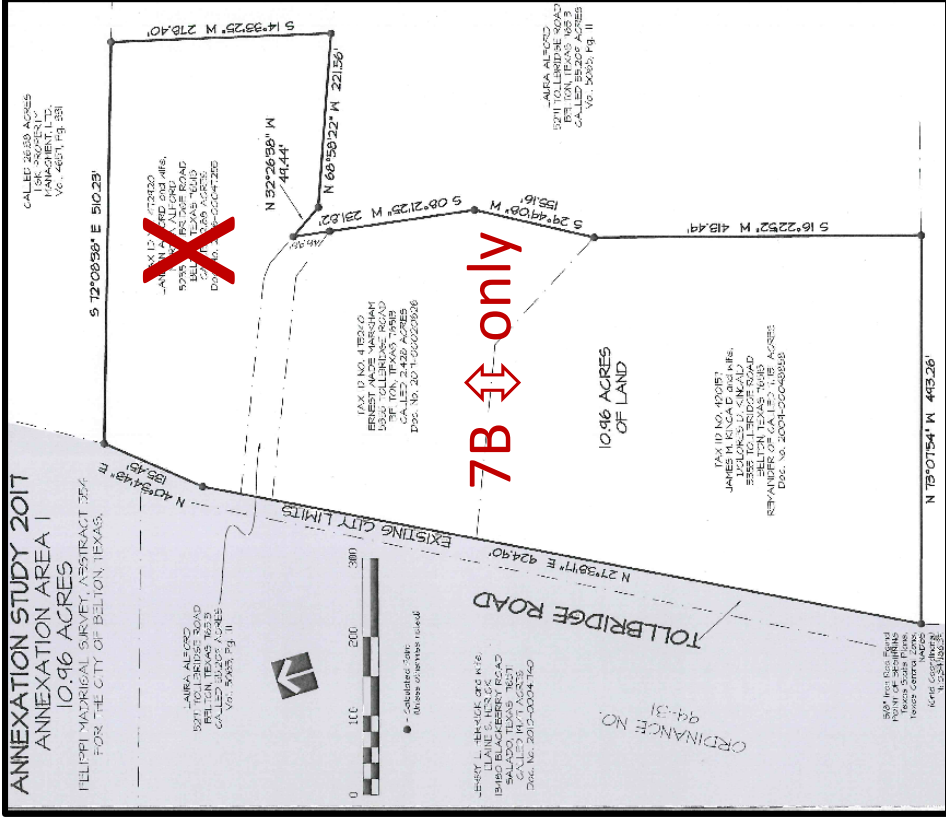
Ord. 7A consists of all 3 tracts of land.

Growth Management Study Area 1 - Agenda Items 7A, 7B, & 7C
City Council Meeting
November 28, 2017

- Reasons to consider Ordinance 7B, Annexation of entire 7.77 acres, Tract 1 and 2 only, (Markham and Kincaid):

Same as above:

- ✓ Respect for previously executed, and recent Development Agreements, which trigger annexation consideration based on Agreement terms
- ✓ Location of parcels along Toll Bridge Road, just east of the City limits
- ✓ The Kincaid property is outside the City, vacant, and not subject to building permits
- ✓ Property in Belton water/sewer CCN service areas
- ✓ Proposed extension of sewer and water in the immediate vicinity
- ✓ IH-35/Shanklin Road interchange just to north, with projection eastward on Thoroughfare Plan
- ✓ Shanklin Crossing Mixed Use Development zoning located to the north at Shanklin Road
- ✓ Recent rezoning for RV Park immediately opposite this Study Area, on west side of Toll Bridge Road, between Toll Bridge and IH-35



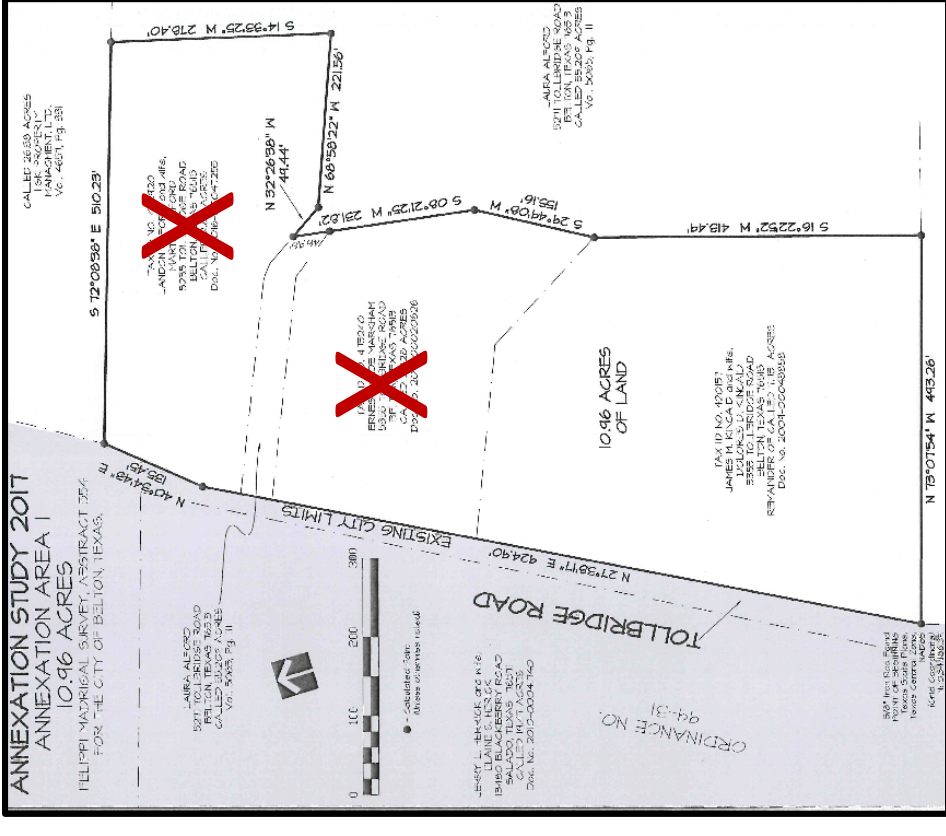
Ord. 7B consists of middle/bottom tracts only.

Growth Management Study Area 1 - Agenda Items 7A, 7B, & 7C
City Council Meeting
November 28, 2017

- Reasons to consider Ordinance 7C, Annexation of 5.312 acres, Tract 1 only, (Kincaid):

Same as above, plus:

- ✓ Respect for previously executed, and recent Development Agreements, which trigger annexation consideration based on Agreement terms
- ✓ Location of parcels along Toll Bridge Road, just east of the City limits
- ✓ The Kincaid property is outside the City, vacant, and not subject to building permits
- ✓ Property in Belton water/sewer CCN service areas
- ✓ Proposed extension of sewer and water in the immediate vicinity
- ✓ IH-35/Shanklin Road interchange just to north, with projection eastward on Thoroughfare Plan
- ✓ Shanklin Crossing Mixed Use Development zoning located to the north at Shanklin Road
- ✓ Recent rezoning for RV Park immediately opposite this Study Area, on west side of Toll Bridge Road, between Toll Bridge and IH-35
- ✓ Voluntary annexation petition by Kincaids
- ✓ Leaves Markham property unaddressed



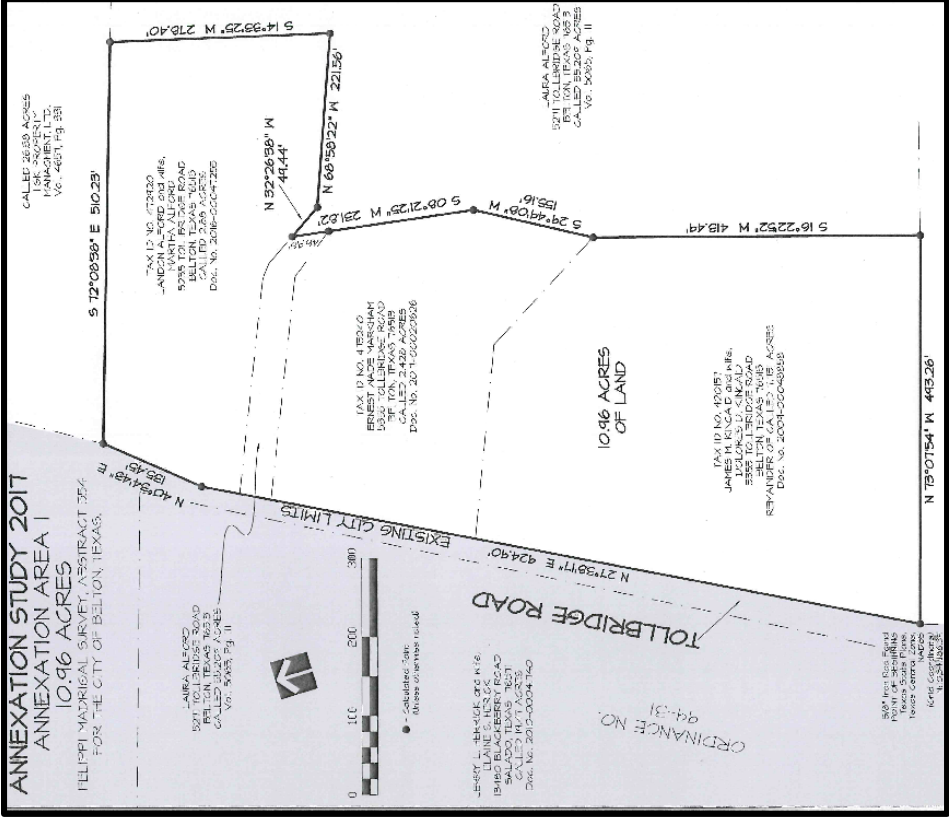
Ord. 7C consists of bottom parcel only.

Growth Management Study Area 1 - Agenda Items 7A, 7B, & 7C

- Council may consider annexation of all, some, or none of this Study Area.
- Three Ordinances provided for your consideration:
 - 7A: All of Study Area 1 – 10.96 acres – Recommended
 - 7B: Tracts 1 and 2 only of Study Area 1 – 7.77 acres – Alternate Recommendation
 - 7C: Kincaid Portion - Tract 1 only of Study Area 1 - 5.312 acres – Not Recommended

Recommendation:

Recommend Ordinance 7A on 2nd and Final Reading.



Growth Management Study Area 2 - Agenda Items 8A

City Council Meeting

November 28, 2017

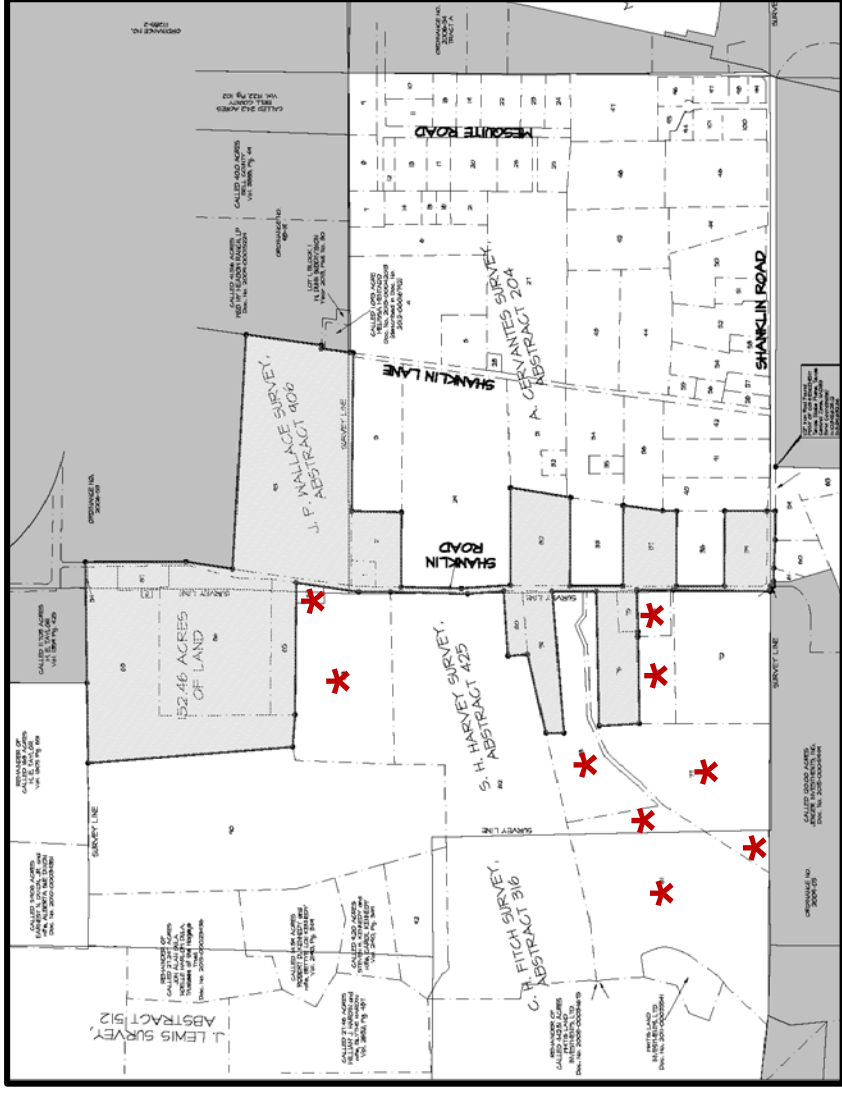
- Development Agreements have helped us limit the annexation recommendation in Area 2, and should be approved for recording for Allamon, Thompson, and Ford since they are:

- ✓ Legally required
- ✓ Facilitate long range planning
- ✓ Protect current and future development
- ✓ Avoid establishment of incompatible land uses
- ✓ Avoid premature annexation and need to extend city services

- Nine (9) more submissions through November 27, 2017 are presented for Council action.

Recommendation:

Recommend approval of executed Development Agreements and recordation.



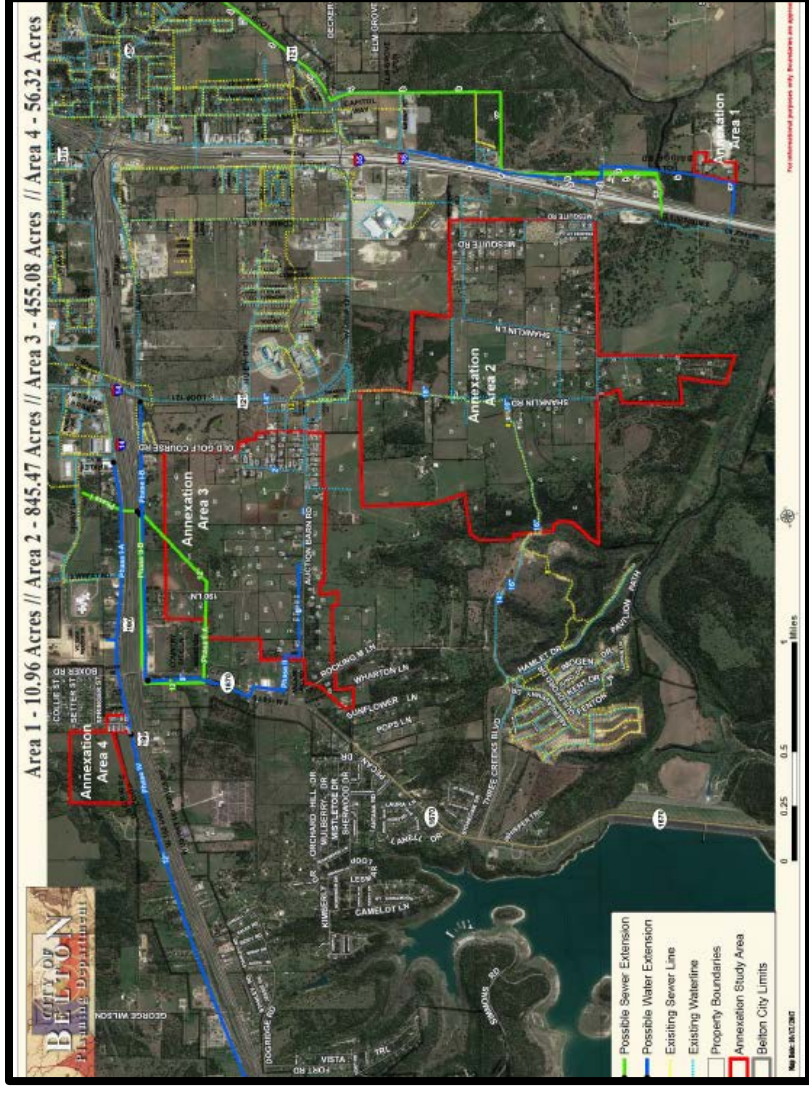
* New Development Agreements

Growth Management Study Area 2 - Agenda Items 8B

City Council Meeting

November 28, 2017

- Consider Alternate Annexation Ordinances on Area 2.
- Area 2 is important to the City's future growth and development for a number of reasons:
 - ✓ Belton city limits surrounds Study Area 2 on 3 sides
 - ✓ Loop 121 to the north, IH-35 to east, with new interchange at IH-35/Shanklin
 - ✓ Future BISD school campus site located on Shanklin Road at its north end, and Bell County Expo Equestrian Center located adjacent to the north
 - ✓ Three Creeks Subdivision with projected 1,500 homes, located to the west
 - ✓ Planning critical for future infrastructure needs – roads, water, sewer, drainage in this southwest Belton quadrant
 - ✓ Property in Belton's water and sewer service area
 - ✓ Thoroughfare Plan projects Shanklin Road (N/S) and Mesquite Road/Lane (E/W), for future extension between IH-35 and Shanklin (N/S)
 - ✓ Annexation appropriate consideration to preserve corridors like Shanklin and Mesquite
 - ✓ Balance of properties NOT subject to Development Agreement, may be considered for Annexation by Council

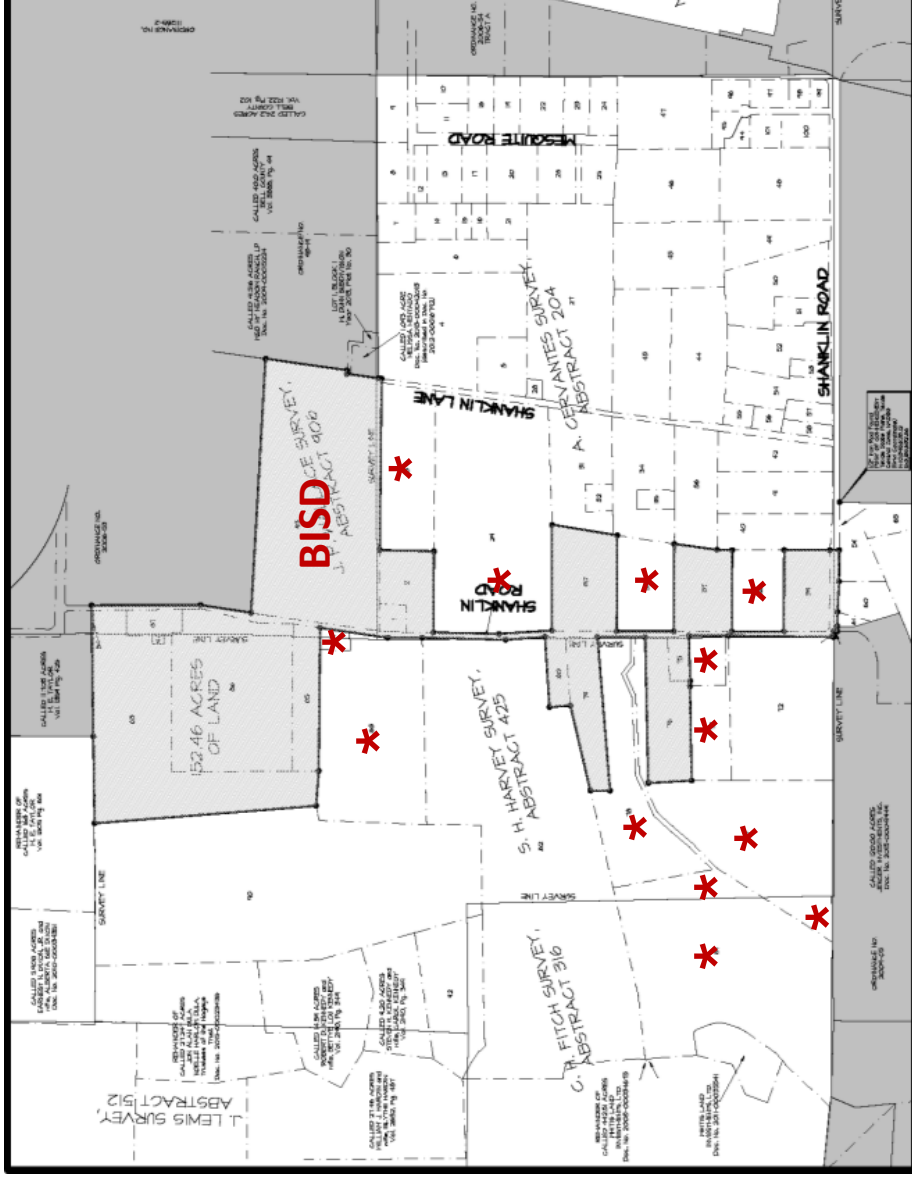


Growth Management Study Area 2 - Agenda Items 8B(1)

City Council Meeting

November 28, 2017

- Executed Development Agreements suggest a limited boundary, focused on Shanklin Road (N/S).
- All adjacent properties either included in Development Agreement or recommended for annexation.
- Addresses City's planning objectives for future including Shanklin Road (N/S) corridor, important collector street between BISD school site and Shanklin Road (E/W).
- Recommendation is limited, focused, and provides for essential land use zoning and development review along corridor.



* All Development Agreements

Growth Management Study Area 2 - Agenda Items 8B(1)

City Council Meeting

November 28, 2017

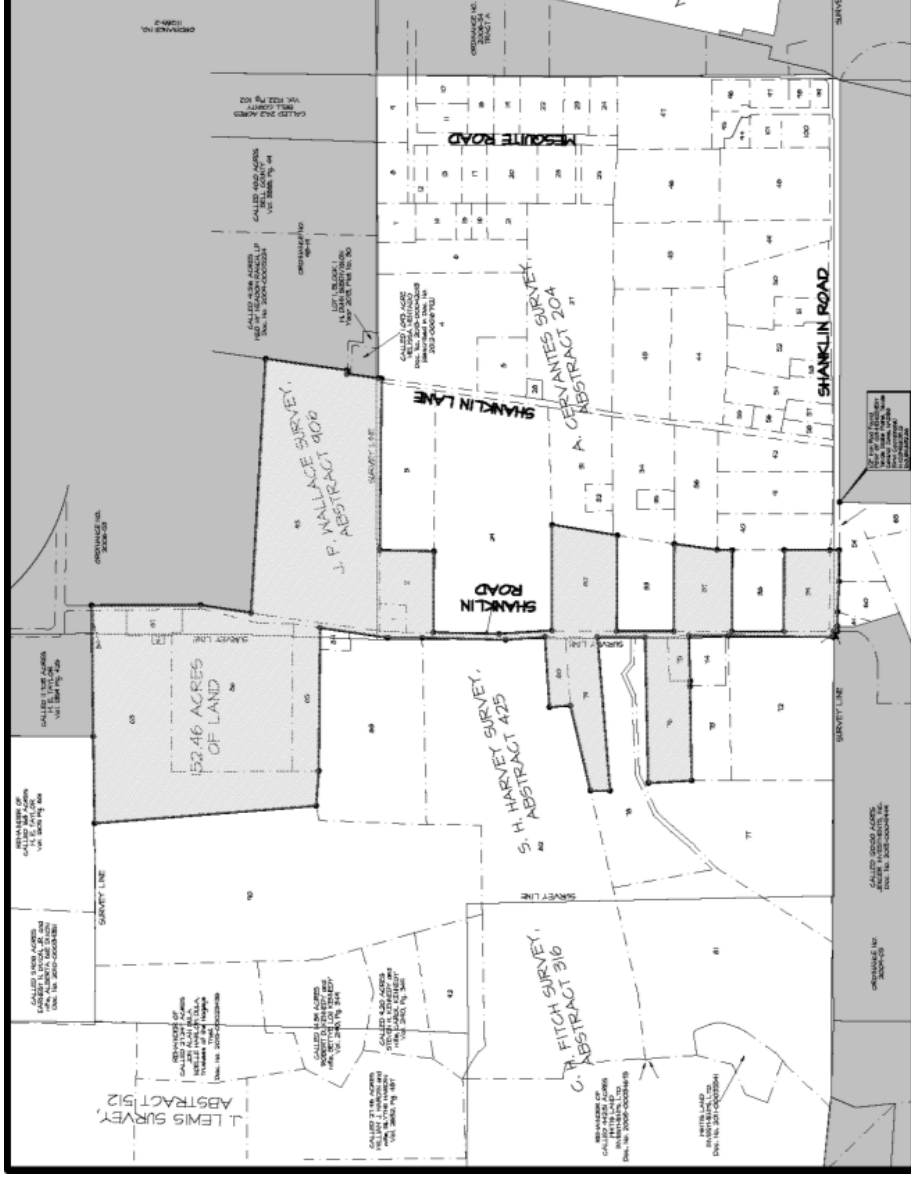
Ordinance 8B(1) – 152.46 acres

Pros:

- Includes all properties in Shanklin Rd. corridor N/S – either Development Agreement or recommend for annexation
- Substantial number of Development Agreements on large tracts will facilitate future planning

Cons:

- Includes the most privately owned properties of three alternatives



RECOMMENDED

Growth Management Study Area 2 - Agenda Items 8B(2)

City Council Meeting

November 28, 2017

Ordinance 8B(2) – 112.50 acres

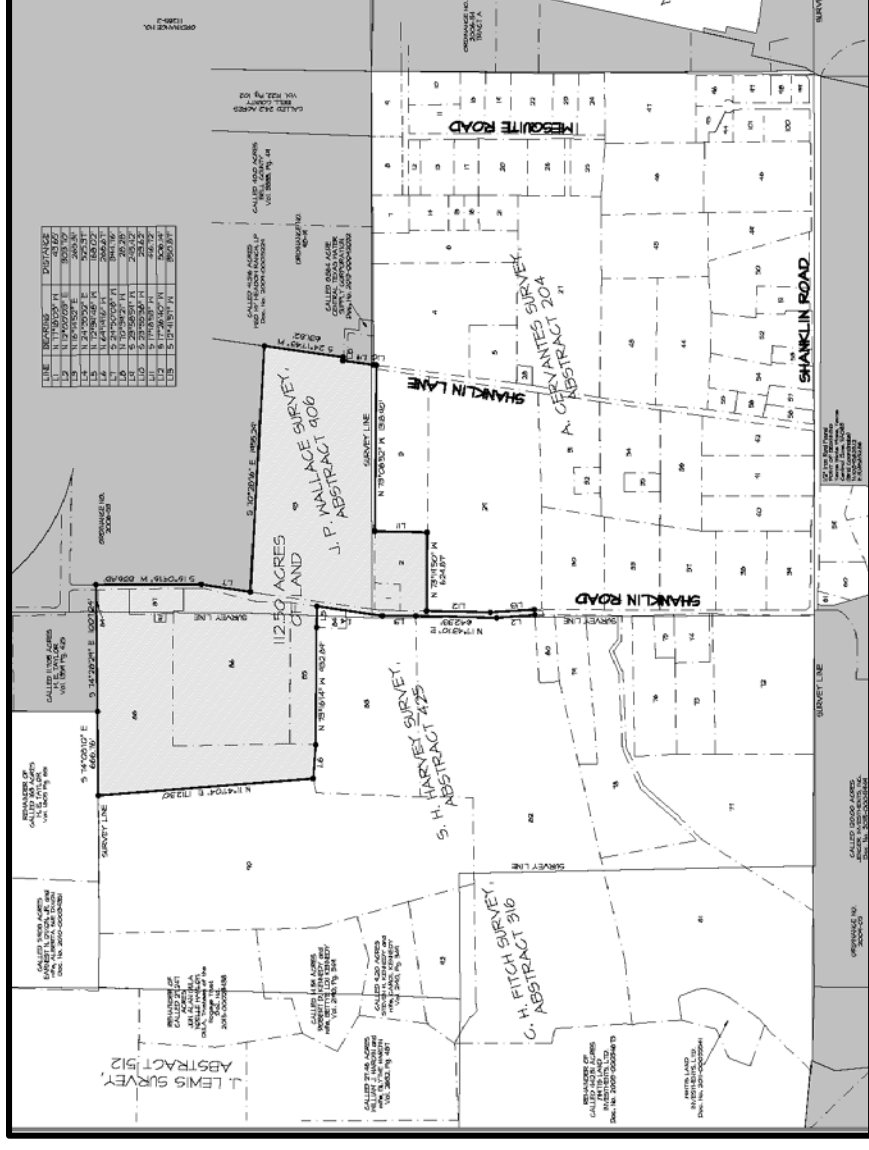
Pros:

- Contains smaller boundary, focused on north end of Study Area 2, in vicinity of BSD school site
- Contains Shanklin Road corridor extended south about one quarter mile south of BSD property, to Three Creeks utility location

Cons:

- Does not include Shanklin Road corridor N/S, south to Shanklin Road E/W
- Several developable properties would be located outside City, without Development Agreements, and may develop incompatibly without land use zoning review

NOT RECOMMENDED



Growth Management Study Area 2 - Agenda Items 8B(3)

City Council Meeting

November 28, 2017

Ordinance 8B(3) – 47.57 acres

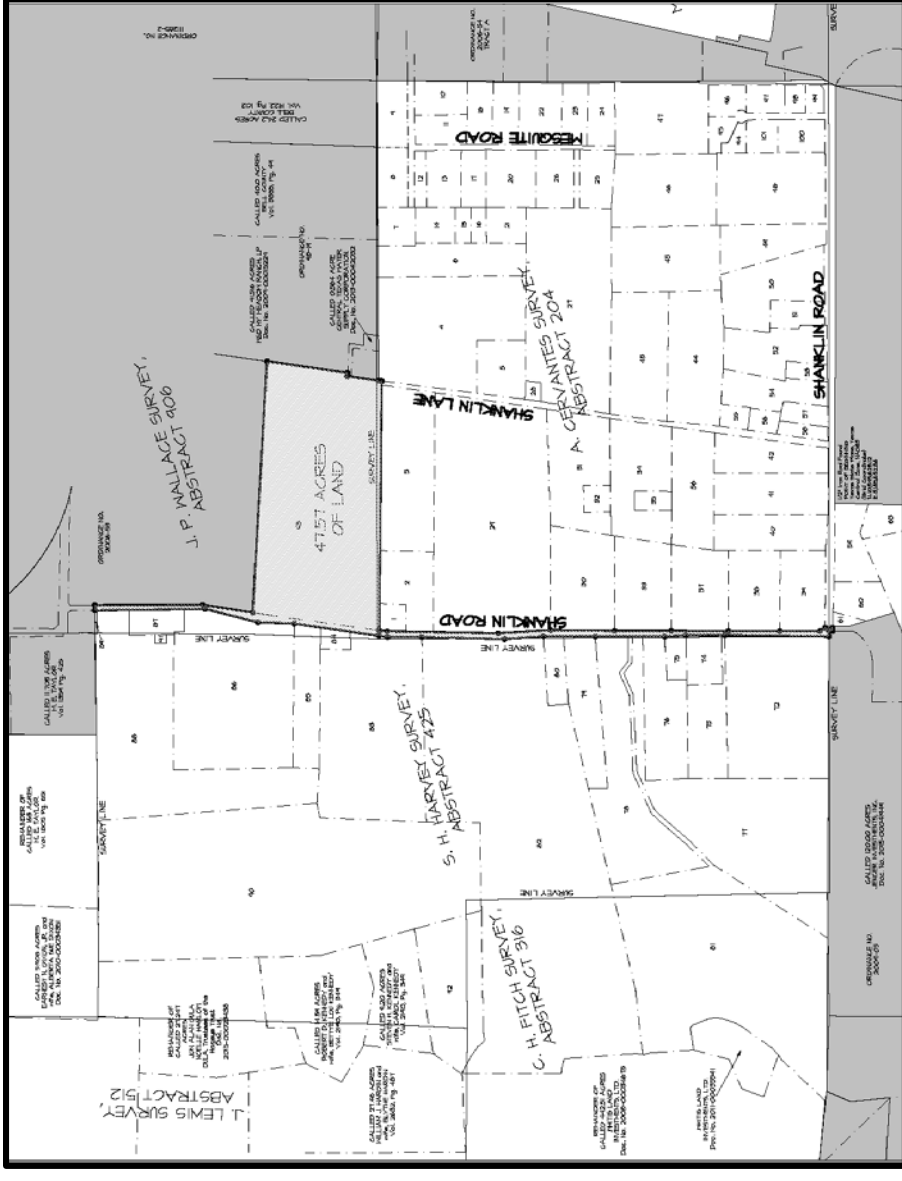
Pros:

- Contains smallest overall portion of Study Area 2
- Includes BISD school site only, and Shanklin Road N/S, to Shanklin Road E/W
- Excludes all other private property from annexation

Cons:

- No land use zoning/development review where needed along corridor
- Shifts entire Shanklin Road N/S ROW to City responsibility without adjoining development review

NOT RECOMMENDED



**Growth Management Study Area 2 - Agenda Items 8B(4)
City Council Meeting
November 28, 2017**

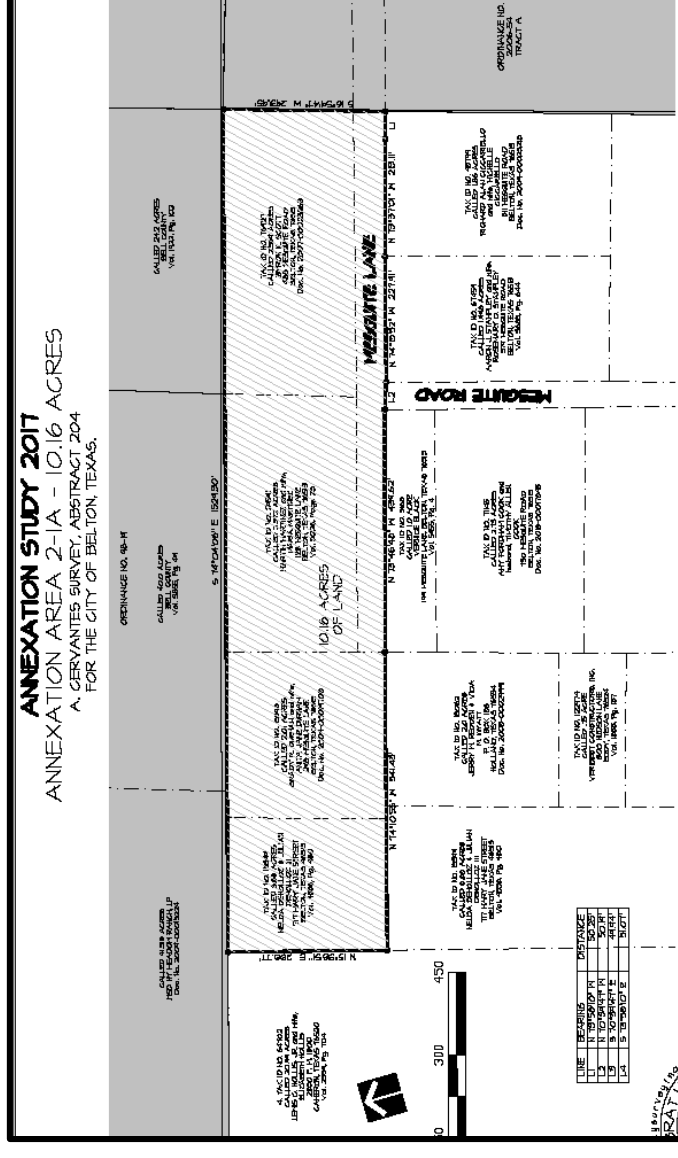
Ordinance 8B(4) – 10.16 acres – Mesquite Road Area

Pros:

- Includes direct Mesquite Road projection westward from city limits to Hollis Development Agreement boundary on west side of Deholloz property
- Provides land use zoning/development review on existing properties in boundary
- Preserves the most flexibility for future Mesquite Road planning, recognizing existing IH-35 intersection at IH-35 to east and Bell County ownership to north

Cons:

- Includes 3 residences in annexation recommendation and part of vacant tract on west end proposed for new home



Growth Management Study Area 2 - Agenda Items 8B(5)

Ordinance 8B(5) – 2.10 acres – Mesquite Road Area

Pros:

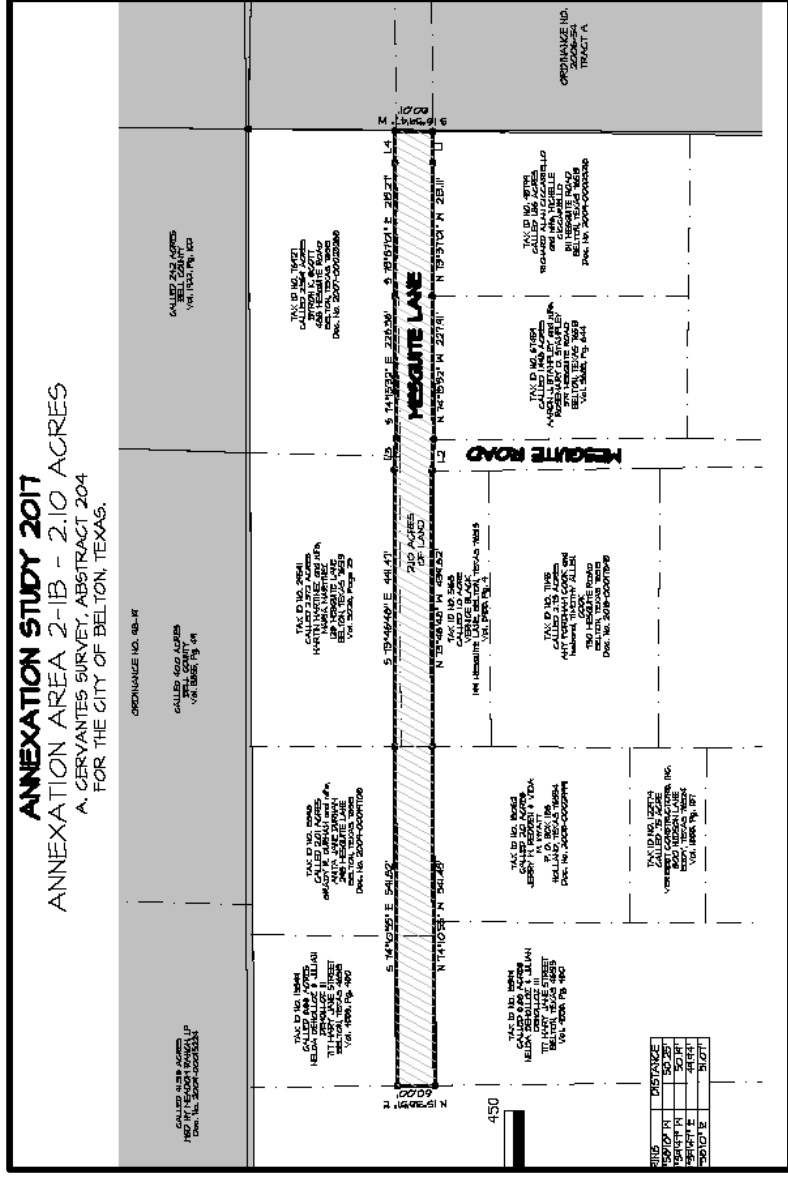
- Includes direct Mesquite Road projection to the west
- Preserves a 60' ROW for road extension

Cons:

- Proposal would not preserve maximum flexibility for road planning, since only 60' ROW included in city limits
- Provides no City land use zoning/development review on adjoining property, some of which is vacant and could block direct road extension with development

Mesquite Road Recommendation:

Recommend adoption of Ordinance 8B(4), 10.16 acres



Growth Management Study Area 2 - Agenda Items 8B

City Council Meeting

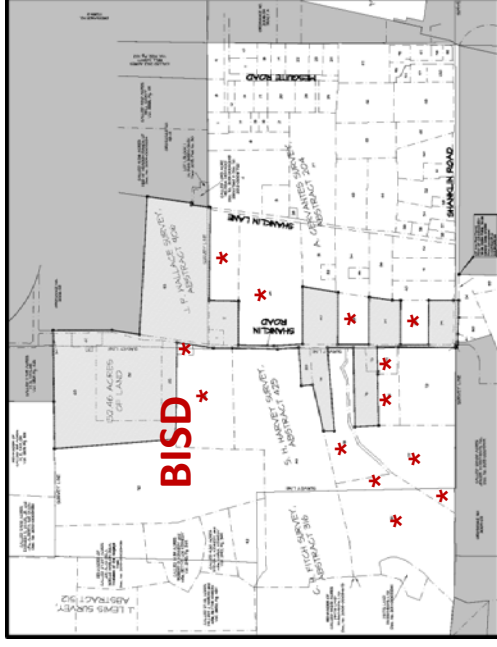
November 28, 2017

Recommendation:

Council may consider annexation of all or any portion of the properties not covered by a Development Agreement.

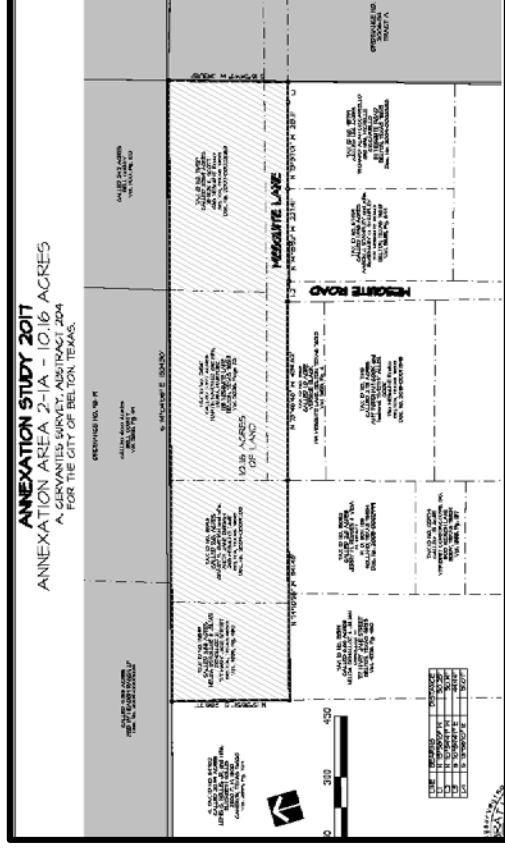
Shanklin Road Area

Ordinance 8B(1) would annex all 152.46 acres and is recommended on 2nd and Final Reading.



Mesquite Road Area

Ordinance 8B(4) would annex 10.16 acres and is recommended on 2nd and Final Reading.

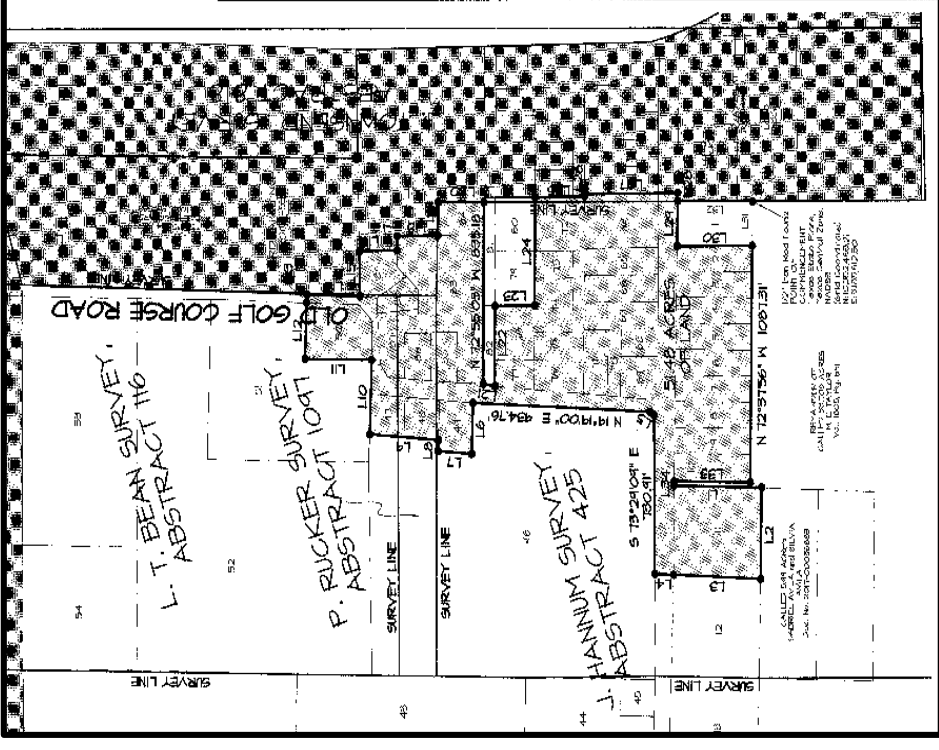


Growth Management Study Area 3 - Agenda Items 9

City Council Meeting

November 28, 2017

- Consider Annexation Ordinance on Area 3, comprising 51.48 acres.
- Area 3 is important to the City's future growth and development for a number of reasons:
 - ✓ Close relationship to city limits and developing city
 - ✓ East, Loop 121 and Old Golf Course Road
 - ✓ North, IH-14/US-190
 - ✓ West, FM 1670 (Lake to Lake Road)
 - ✓ FM 1670/Rocking M Lane are outlets to Auction Barn Road for Three Creeks Subdivision
 - ✓ Preservation of Auction Barn/Hellums Road corridor for future circulation to south
 - ✓ Development Agreements on large nearby tracts will facilitate future planning
 - ✓ BISD campus site and Bell County Expo Center expansion will impact this area significantly
 - ✓ Water service does bisect area north/south in vicinity of 190 Lane, with DRWSC to west, City to east, with opportunity for City water line upgrade



Growth Management Study Area 3 - Agenda Items 9

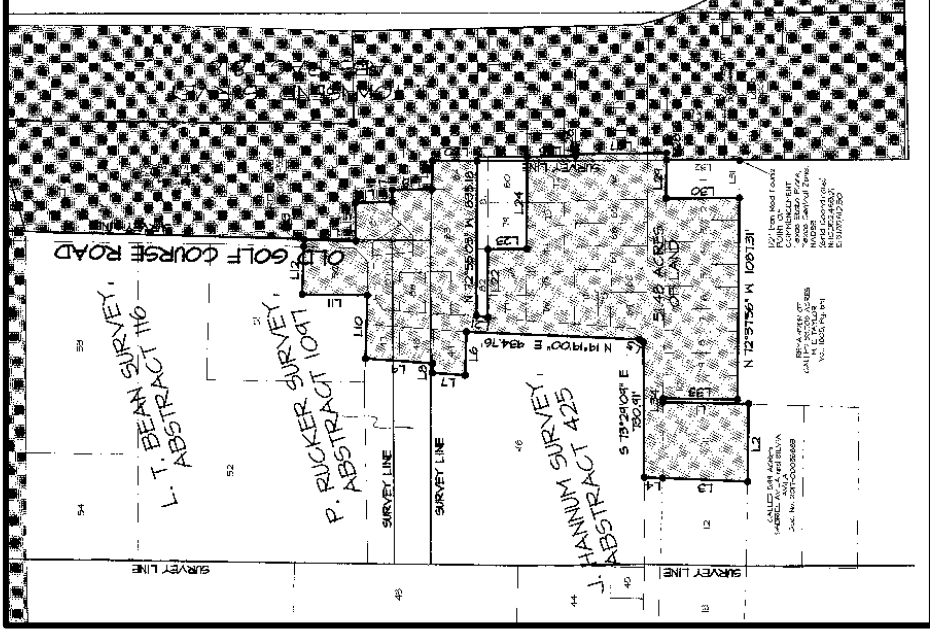
City Council Meeting

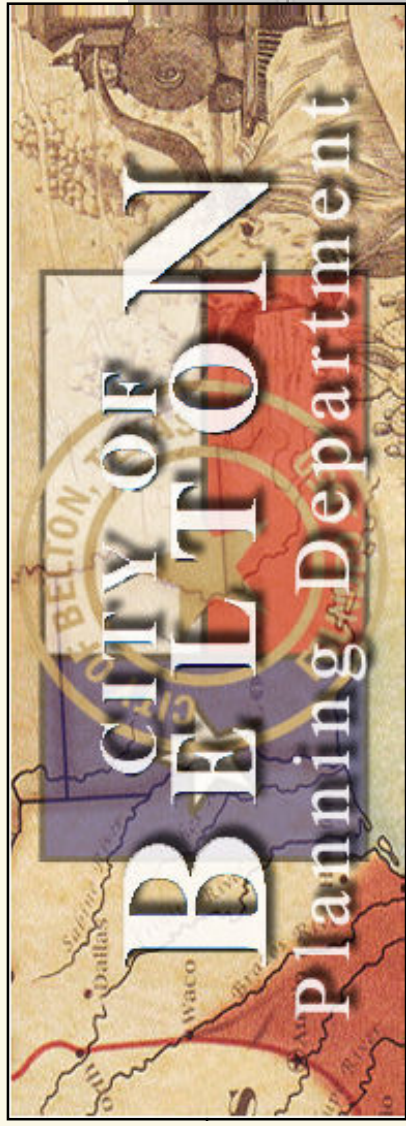
November 28, 2017

Recommendation:

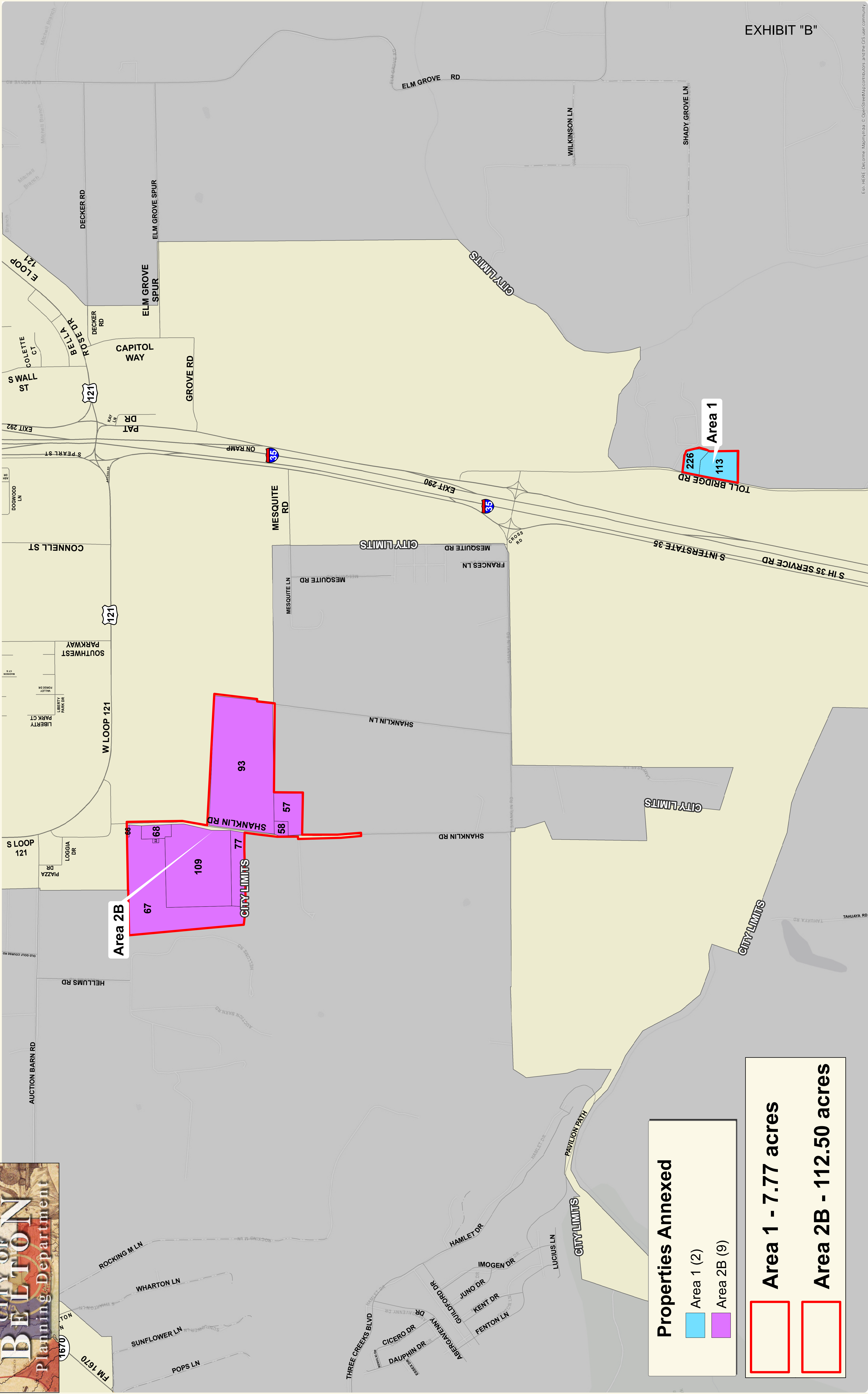
Council may consider annexation of all or any portion of 51.48 acres not covered by Development Agreements.

Recommend adoption of Ordinance 9 annexing all 51.48 acres on 2nd and Final Reading.





Final 2017 Annexation Boundaries



Properties Annexed

Area 1 (2)

Area 2B (9)

Area 1 - 7.77 acres

Area 2B - 112.50 acres

