



City of Belton, Texas

City Council Meeting Agenda
Tuesday, November 26, 2019 - 5:30 p.m.
Wright Room, Harris Community Center
401 N. Alexander, Belton, Texas

Pledge of Allegiance. The Pledge of Allegiance to the U.S. Flag will be led by Mayor Marion Grayson.

Texas Pledge. The Pledge of Allegiance to the Texas Flag will be led by Director of Library Services Kim Kroll.

"Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible."

Invocation. The Invocation will be given by Bruce Lovesmith, Associate Pastor of Fellowship Baptist Church.

1. Call to order.
2. Public Comments.

Citizens who desire to address the Council on any matter may register to do so prior to this meeting and speak during this item. Forms are located on the table outside of the south side entry to the meeting room. Please state your name and address for the record, and limit your comments to three minutes. Also, please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda.

Miscellaneous

3. Consider minutes of previous meetings:
 - A. November 12, 2019, City Council/Planning and Zoning Commission Joint Workshop Meeting;

B. November 12, 2019, City Council Meeting.

4. Hold a public hearing and consider a resolution supporting the City's grant application to the Texas Parks and Wildlife Department for the development of Heritage Park at the Leon River.

Planning and Zoning

5. Hold a public hearing and consider a zoning change from Office-2 District with a Specific Use Permit for a Bail Bonds Business to Retail Zoning District on property located at 609 E. 6th Avenue, on the north side of 6th Avenue, east of Waco Road.

The City Council reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.



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OFFICE OF THE CITY MANAGER

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Miscellaneous

3. **Consider minutes of previous meetings:**
 - A. **November 12, 2019, City Council/Planning and Zoning Commission Joint Workshop Meeting;**

B. **November 12, 2019, City Council Meeting.**

Copies of the minutes are attached. Recommend approval.

4. **Hold a public hearing and consider a resolution supporting the City's grant application to the Texas Parks and Wildlife Department for the development of Heritage Park at the Leon River.**

See Staff Report from Grants and Special Projects Coordinator Bob van Til. Recommend holding the public hearing followed by adoption of the resolution authorizing the grant application for the Heritage Park Expansion as presented.

Planning and Zoning

5. **Hold a public hearing and consider a zoning change from Office-2 District with a Specific Use Permit for a Bail Bonds Business to Retail Zoning District on property located at 609 E. 6th Avenue, on the north side of 6th Avenue, east of Waco Road.**

See Staff Report from Director of Planning Cheryl Maxwell. At its meeting on November 19, 2019, the Planning and Zoning Commission recommended approval of this zoning change, and Staff concurs in their recommendation.

**Belton City Council/Planning and Zoning Commission
Joint Workshop Meeting
November 12, 2019 – 4:00 P.M.**

The Belton City Council and the Planning and Zoning Commission met in a joint workshop session in the Kinchion Room at the Harris Community Center with the following members present: Mayor Marion Grayson, Mayor Pro Tem Wayne Carpenter and Councilmembers David K. Leigh, John R. Holmes, Sr., Craig Pearson, Guy O'Banion and Dan Kirkley. Planning and Zoning Commission Members present include: Chair Brett Baggerly, Vice Chair Dave Covington and Commission Members Zachary Krueger, Luke Potts, Ty Hendrick, David Jarratt and Allison Turner. Planning and Zoning Commission Members Quinton Locklin and Stephanie O'Banion were absent. Staff present included Sam Listi, Gene Ellis, Amy Casey, Susan Allamon, Chris Brown, Angellia Points, Wes Gilbreath, Jeff Booker, Cynthia Hernandez, Judy Garrett and Kim Kroll.

1. **Call to order.** Mayor Grayson called the Council meeting to order at 4:00 p.m. and Chair Brett Baggerly called the Planning and Zoning Commission to order at 4:00 p.m
2. **Receive a presentation and discuss possible amendments to various sections of the Subdivision Ordinance related to sidewalks, street standards/improvements, parkland dedication, fire protection, and administrative plats.** *(Audio 0:09)*

Director of Planning Cheryl Maxwell presented Exhibit "A."

Commissioner Potts presented two areas which he feels need to be changed or addressed:

- (1) Perimeter street improvements should be proportional to the impact of the development.
- (2) Sidewalks should not be required on both sides of a collector street.

City Manager Sam Listi discussed the possibility of impact fees as an alternative to perimeter street improvements.

Councilmember Kirkley requested Staff provide for a variance appeal process. Councilmember O'Banion agreed.

Councilmember O'Banion said he is a little disappointed that more solutions haven't been proposed for the sidewalk issue after Council has said it needs to be addressed. He said Staff is proposing to basically change nothing although the Planning and Zoning Commission disagrees. He said nothing has been proposed for change, although Staff has received input from several interest groups.

Mr. O'Banion said he does not think sidewalks should be required in the Business Park. Councilmember Leigh said that some of the "industrial park" areas are more mixed use, so sometimes sidewalks should be required.

Councilmember O'Banion added that perhaps the City should review the definition of a collector street to determine when sidewalks should be required.

Councilmember Pearson said the Thoroughfare Plan needs to be updated to a Multi-Modal Plan.

Commissioner Covington said the Planning and Zoning Commission has regularly come to the consensus that sidewalks should not be required on both sides of minor collector streets. City Manager Sam Listi said that the Thoroughfare Plan should be reviewed to ensure that minor collector streets are identified correctly.

Commissioner Covington recommended that the parkland requirement be left at a minimum of two acres.

3. **Adjourn.** Chair Baggerly adjourned the Planning and Zoning Commission meeting at 5:14 p.m. and Mayor Grayson adjourned the Council meeting at 5:14 p.m.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

Joint Workshop Planning and Zoning Commission & City Council November 12, 2019

Subdivision Ordinance Amendments



Workshop Outline:

- Discuss proposed amendments to Subdivision Ordinance regarding sidewalk policy
- Overview of other amendments:
 - Perimeter Street Improvements
 - Parkland Dedication Requirement
 - Fire Protection
 - Administrative Approval
- Summary of when P&ZC/CC review site plans

Background

- Sidewalk Standards and Policy, Section 503, approved in 2015--3 year sunset review underway.
- Also looking at Street Standards and Policy (Section 502) and Requirements for Parkland (Section 517).
- Plats approved during FY 2016 – FY2018 reviewed to determine when requirements for sidewalks, perimeter street improvements (PSI), and parkland dedication/fees were applied or waived by variance.

Background

- Most variances related to replats or to plats in ETJ.
- **Goal of Review: Simplify the processing of plats to allow those that would otherwise qualify for administrative approval to be processed administratively even with variance request.**

304.01 Eligible Administrative Minor Plat

1. involve four (4) or fewer lots;
2. front onto an existing street, and;
3. do not require the creation of any new street or the extension of municipal facilities.

Background

- Staff proposed changes to Subdivision Ordinance sections and sent to TABA for review in January/February.
- Stakeholder meeting held April 16th.
- Public hearing held at P&ZC meeting June 18th.
- Public hearing held at P&ZC meeting July 16th—Item tabled due to concerns with sidewalk policy.
- Joint workshop with P&ZC/CC scheduled—Primary discussion focused on sidewalk policy.
- Attached input from TABA, BEDC (Cynthia Hernandez), and P&ZC Member Luke Potts.

Discussion/Purpose of Current Standard

Sidewalks on both sides of collector and arterial streets.

- Collector streets and arterial streets carry a larger volume of traffic at a higher rate of speed.
- For pedestrian safety, sidewalks needed on both sides of these streets.
- If only on one side, pedestrians forced to cross mid block or walk on unimproved surface or roadway.
Difficulty for wheelchair bound.

Discussion/Purpose of Current Standard

Sidewalks in Industrial Areas—Safety Concerns.

- Sidewalks provide safe route for internal pedestrian traffic.
- Sidewalks in industrial areas will not generate additional pedestrian traffic, but take existing pedestrian traffic off busy roadways.
- Sidewalks along both sides of arterial and collector streets, even in industrial areas, appears to have merit.
- Alternative off-road hike/bike route may be considered in industrial park; may be evaluated with subdivision plat.

Sidewalks in Industrial Areas—Security Concerns.

- Pedestrian traffic on sidewalk is unlikely to pose a security threat to the industry's property.

Discussion/Purpose of Current Standard

Increased cost associated with sidewalks.

- Sidewalk cost modest when all development costs considered.
- Sidewalk cost currently estimated at \$54/sq. yd. = \$3,000 for 5' wide sidewalk on 100' frontage.

Quality of Life

- Belton's Strategic Plan Vision: Be the “*community of choice in Central Texas, providing an exceptional quality of life.*”
- City's development standards important in balancing cost and quality of life.

Proposed Amendments: Section 503-Sidewalk Standards

Current Requirements:

Sidewalks required along both sides of collector and arterial streets - not required along local streets unless street is adjacent to a school; not required for streets with residential frontage.

Developer required to install sidewalks along streets that do not have driveway access; sidewalk requirement may be deferred to the builder for streets that have driveway access.

Proposed Changes:

- No major changes proposed; sections reworded for clarity.
- For property being platted, the sidewalk requirement may be deferred to builder, provided this is noted on the plat.
- Variances available if warranted.
- **Staff may waive sidewalk requirement for plats in the ETJ and for plats qualifying for administrative approval.**

OTHER AMENDMENTS

Section 502: Street Standards and Policy

Current Requirements:

Perimeter street improvements (PSI) required along unimproved streets, excluding State or Federal highways – developers/owners bear half the total cost of paving (up to 18.5 feet width) and installing curb and gutter.

Proposed Changes:

- Reference to “Planning & Zoning Commission” replaced with “City Council”.
- Delete “Street Design Standards” table. Replace with reference to City’s Design Manual and Thoroughfare Plan.
- Clarify the term “unimproved street”.
- Discretion given to Staff to determine when PSI are needed.
- **Staff may approve variance to PSI requirement for plats that otherwise qualify for administrative approval.**

Section 517: Requirements for Parkland

Current Requirements:

Parkland dedication required for new residential subdivisions in an amount equal to 1 acre/100 new dwelling units. Minimum land dedication is 2 acres. Fee may be paid in lieu of land dedication at rate of \$200/dwelling unit.

Proposed Changes:

- **No change proposed to fee/land dedication.**
- However, when scale of development requires it, recommend accepting park site no smaller than 3 acres (currently 2 acres).
- **Staff may approve variance to the parkland/fee requirement for plats that otherwise qualify for administrative approval.**

Fire Protection:

- ETJ plats frequently located outside City's water CCN, and water pressure/flow for fire protection frequently below 1,000 gpm, which is minimum flow required by City's fire code.
- Following amendments proposed to address fire protection in ETJ and allow staff to approve plats in ETJ that would otherwise qualify for administrative approval.

Section 403: Construction Plans for Subdivisions in City's ETJ Areas

Proposed Changes: Staff may waive requirement for fire protection (1,000 gpm flow) for plats in ETJ that otherwise qualify for administrative approval.

Section 505: Water and Sewer Utilities Standards

Proposed Changes: Staff may waive requirement for fire protection (1,000 gpm flow) for plats in ETJ that otherwise qualify for administrative approval.

Section 514: Fire Lanes

Proposed Changes: Clarify requirements for fire lanes to reference adopted Fire Code. Staff may waive requirement for fire lanes for plats in ETJ that otherwise qualify for administrative approval.

Section 304: Administrative Plat Approvals

Proposed Changes: Clarify replats reducing the number of lots are eligible for administrative plat approval.

Section 304: Administrative Plat Approvals

304.01 Administrative Minor Plat (Amendment 2003-12)

A. In accordance with the Texas Local Government Code, Section 212.0065, the City of Belton delegates to the City Manager or his designee the authority to approve minor plats and amendments to minor plats, **including replats that reduce the number of lots**, which:

1. involve four (4) or fewer lots, and;
2. front onto an existing street, and;
3. do not require the creation of any new street or the extension of municipal facilities.

Site Plan Reviews by P&ZC/CC

- Detailed site plan required with SUP or PD zoning.
- Straight rezoning and plat reviews do not require a site plan, but rely on adopted standards.
 - Helpful if conceptual site plan provided, so staff can identify potential issues, but not required.
 - Compliance not required.
- Legislative changes on required exterior building material (90% masonry) still being evaluated.

Input by P&Z/CC Desired on Following:

- Additional flexibility for Admin approval for plats in the ETJ.
- Parkland dedication requirement – no less than 3 acres.
- **Sidewalk Standards**
 - **Sidewalks on both sides of collector/arterial streets**
 - **Sidewalks along collector/arterial streets in industrial areas**

Arterials

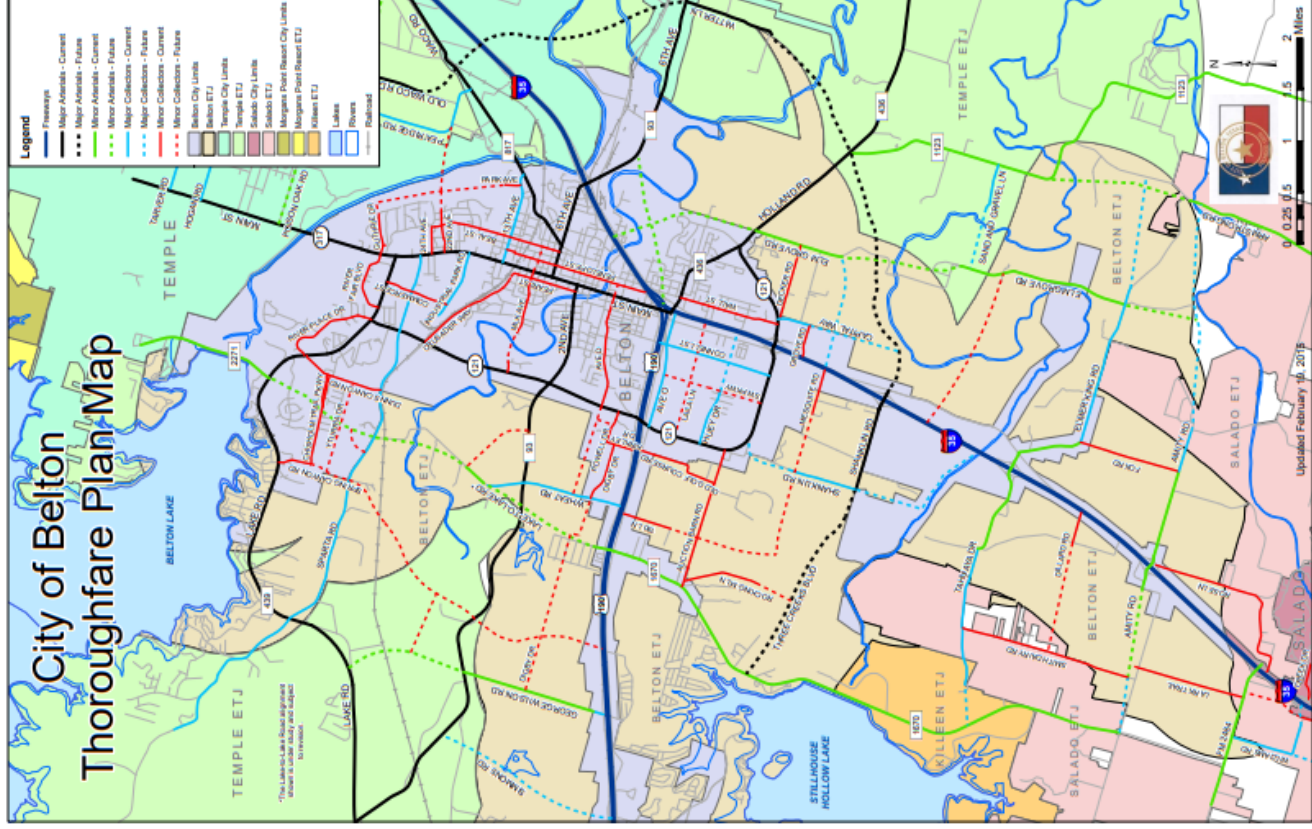
- Loop 121
- Lake Rd/FM 439
- Holland Rd/FM 436
- 6th & 2nd Ave/FM 93
- Main St/SH 317
- Waco Rd
- FM 1670 (minor)
- L2LR (minor)


Minor Collectors

- MLK
- Beal
- Penelope
- Wall St
- Laila Ln
- SW Parkway
- 24/22 Ave
- Commerce
- Digby/Powell
- Chisholm Tr Pkwy

Major Collectors

- Sparta Rd
- Industrial
- 13th Ave
- Connell
- Ave O
- Huey
- Wheat Rd





Background Info

Perimeter Street Improvement Requirement

Legality Question

Perimeter Street Improvement Requirements

- Question raised about legality for City to impose perimeter street improvement requirements.
- Reviewed current requirements with COB's Legal Staff, and consensus by John Messer and Neale Potts is the City's Ordinance is valid.
- City's have sought to establish ways to pay for the impact of development. Perimeter Street Improvement Requirements have been used in Belton to address adjacent street improvement costs resulting from development.
- Various Courts have addressed this issue and their evaluation has been, by necessity, on the facts of each case.

Perimeter Street Improvement Requirements (Cont.)

- The Texas State Legislature has addressed the issue by prescribing standards for Impact Fees – a means to cost share offsite public improvements (sewer plant, arterial streets).
- The U.S. Supreme Court also weighed in on issue of fairness. Street Improvement Requirements must be related to the burden to the City resulting from new development. Two-pronged test:
 1. “Nexus” - reasonable relationship
 2. “Proportionality” relationship - fairness

Perimeter Street Improvement Requirements (Cont.)

- “The requirement to construct off site public improvements is acceptable only when an individualized determination has been made as to the impact of the new development, and the landowner is assessed its proportional share”. (Flower Mound vs. Stafford Estates)
- We recommend, and P&ZC/Council often grant, variances, and can again in future if one or both of tests – nexus or proportionality not met.
- Staff recommendation would be to retain current language in Ordinance. Eliminating requirement would shift entire cost burden to general public raising concerns of fairness and straining City budget.

**Belton City Council Meeting
November 12, 2019 – 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 Wayne Carpenter and Councilmembers David K. Leigh, John R. Holmes, Sr., Craig Pearson, Guy O'Banion and Dan Kirkley. Staff present included Sam Listi, Gene Ellis, John Messer, Amy Casey, Susan Allamon, Charlotte Walker, Cheryl Maxwell, Matt Bates, Chris Brown, Angellia Points, Wes Gilbreath, Cynthia Hernandez, Judy Garrett and Kim Kroll.

The Pledge of Allegiance to the U.S. Flag was led by Councilmember John R. Holmes, Sr., and the Pledge of Allegiance to the Texas Flag was led by Director of Public Works Angellia Points. The Invocation was given by Councilmember Leigh.

1. **Call to order.** Mayor Grayson called the meeting to order at 5:32 p.m.

2. **Public Comments.** *(Audio 1:55)*

Woody Durbin, 308 E. 20th Avenue, told the Council about a disc golf tournament that will be coming to the Belton and Temple area in March 2020.

3. **Recognize Court Clerk LaCretia Van de Plas for obtaining her Level III Court Clerk certification.** *(Audio 3:20)*

Consent Agenda *(Audio 8:24)*

Items 4-7 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.

4. **Consider minutes of October 22, 2019, City Council meeting.**

5. **Consider a resolution appointing Barry Harper to the Tax Appraisal District Board of Directors.**

6. **Consider Appointments to the following Boards/Commissions:**

A. **Library Board of Directors** – Janice Pustka

B. **Belton Economic Development Corporation Board of Directors** – Steve Jones and Brandon Bozon

7. **Confirm appointment of Interim Fire Chief Wesley Gilbreath.**

Upon a motion for approval of the Consent Agenda by Councilmember Kirkley, and a second by Councilmember Holmes, Consent Agenda Items 4-7 were unanimously approved by a vote of 7-0.

Miscellaneous

8. **Hold a public hearing and consider a tax abatement agreement request by Todd Mantz, on property owned by CSC Group, LP, located in Tax Abatement Reinvestment Zone Number 13, on the east side of IH 35, South of Loop 121, along Grove Road, to build a 50,000 square foot warehouse at an estimated cost of \$1,750,000 (206 E. Grove Road).** *(Audio 9:33)*

Public Hearing:

- Todd Mantz, applicant, spoke in favor of the tax abatement agreement.
- Cynthia Hernandez, Executive Director of the Belton Economic Development Corporation, spoke in favor of the tax abatement agreement.

Upon a motion by Mayor Pro Tem Carpenter, and a second by Councilmember Kirkey, the tax abatement agreement with Todd Mantz was unanimously approved upon a vote of 7-0.

9. **Hold a public hearing and consider an ordinance amending Chapter 22, Article VI, Section 22-106, Schedule A of the Code of Ordinances regarding traffic schedules and speed limit regulations.** *(Audio 23:15)*

Public Hearing: no one spoke for or against.

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

ORDINANCE NO. 2019-53

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 22, ARTICLE VI, SECTION 22 OF THE CODE OF ORDINANCES, AMENDING SCHEDULE A REGARDING TRAFFIC CONTROL SIGNS IN CITY STREETS; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

10. **Consider an ordinance reducing the speed limit from 75 MPH to 65 MPH on US190/IH-14 in Belton City Limits during construction of the US190/IH-14 Widening Project.** *(Audio 25:54)*

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

ORDINANCE NO. 2019-54

AN ORDINANCE REGULATING THE RATE AND SPEED OF MOTOR VEHICLES ON US190/IH-14; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

11. Consider an ordinance: *(Audio 29:34)*

- A. amending Sec. 8-71 and Sec. 8-72 of the City of Belton Fee and Rate Schedule related to solid waste collection rates for 2020.**
- B. adding Sec. 12-1 to the City of Belton Fee and Rate Schedule related to the registration and inspection of mobile home parks.**

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

ORDINANCE NO. 2019-55

AN ORDINANCE AMENDING THE FEE SCHEDULE ESTABLISHING RATES AND FEES FOR CERTAIN ITEMS, SERVICES AND PERMITS PROVIDED FOR IN THE CODE OF ORDINANCES OF THE CITY OF BELTON, TEXAS.

12. Consider an ordinance authorizing an amendment to the FY2019 budget. *(Audio 35:27)*

Upon a motion by Councilmember Pearson, and a second by Mayor Pro Tem Carpenter, the following captioned ordinance was approved upon a vote of 6-1 with Councilmember Holmes providing the dissenting vote.

ORDINANCE NO. 2019-56

AN ORDINANCE AMENDING THE ANNUAL BUDGET OF THE CITY OF BELTON FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019.

The Belton City Council will recess the Regular City Council Meeting and convene a meeting of the Belton Employee Benefits Trust.

City of Belton Employee Benefits Trust Agenda

1. Call to Order. *(Audio 37:49)*

Chair Grayson called the meeting to order at 6:08 p.m.

2. Consider minutes of the City of Belton Employee Benefits Trust meeting dated November 27, 2018. *(Audio 38:03)*

Upon a motion for approval by Trustee Leigh, and a second by Trustee Carpenter, the minutes were unanimously approved upon a vote of 7-0.

3. Consider action awarding contracts for employee insurance products.
(Audio 38:35)

Upon a motion for approval of the contracts by Trustee Kirkley, and a second by Trustee Carpenter, the contracts were unanimously approved upon a vote of 7-0.

4. Adjourn. (Audio 48:58) Chair Grayson adjourned the meeting at 6:19 p.m.

The Employee Benefits Trust will adjourn the City of Belton Employee Benefits Trust Meeting and reconvene the Belton City Council Meeting.

13. Consider approval of funding for employee insurance contracts awarded by the Board of the Employee Benefits Trust, and authorizing the transfer of funds from the City's operating funds to the Employee Benefits Trust account.
(Audio 49:17)

Upon a motion for approval by Councilmember Kirkley, and a second by Mayor Pro Tem Carpenter, transfer of funding was unanimously approved upon a vote of 7-0.

14. Receive a presentation and consider adopting the proposed Parks Master Plan for the expansion of Heritage Park. (Audio 50:05)

Upon a motion for adoption by Councilmember Holmes, and a second by Councilmember O'Banion, the Parks Master Plan for the expansion of Heritage Park was unanimously approved upon a vote of 7-0.

The City Council went into Executive Session at 6:56 p.m. for the following item:

Executive Session

15. Executive Session pursuant to the provision of the Open Meetings Law, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.074, Personnel Matter.

The Mayor reopened the meeting at 7:05 p.m., and there being no further business, the meeting was adjourned.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk



Staff Report – City Council Agenda Item

Agenda Item #4

Hold a public hearing and consider a resolution supporting the City's grant application to the Texas Parks and Wildlife Department for the development of Heritage Park at the Leon River.

Originating Department

Administration – Bob van Til, Grants and Special Projects Coordinator.

Summary Information

The City Council adopted the Master Plan for Heritage Park at the Leon River on November 12, 2019. This action identified Phase I of the Plan. Phase I is the focus of the grant application.

The purpose of this Council Item is to conduct a public hearing and consider adopting a resolution approving the submittal of a grant application to the Texas Parks and Wildlife Department for a \$750,000 grant from the Local Parks Non-Urban Outdoor Recreation Grants Program.

The public hearing is required because there are floodplains on the property. The public hearing is intended to obtain input about the improvements proposed in the floodplains. The comments will be submitted along with the grant application.

The proposed improvements in the floodplain include Park Lane, trails, retention ponds, floating river dock and fish camp, and a kayak launch, each of which will be developed in accordance with all applicable standards.

The floodplain improvements in Phase I are Park Lane, the floating river dock and fish camp, and the kayak launch. The other items will be provided in future phases.

The resolution designates the local official eligible to represent the City in all matters pertaining to this grant (City Manager); certifies that the City is eligible to apply for the grant; indicates that the City's local match is readily available (satisfied with the property purchase); and affirms that the site will be dedicated as a permanent public park.

Phase I of the project is estimated to cost \$4.3 million, including Park Lane. Any funding expended over the \$750,000 grant is considered an 'over-match' as far as the grant program is concerned. The over-match is budgeted in the Tax Increment Reinvestment Zone (TIRZ) Fund.

Fiscal Impact

Funding Source(s): The local match is the value of the parkland, which exceeds the required local match.

Grant Amount: \$750,000

Budgeted: ☒ Yes ☐ No ☐ Capital Project Funds

Budget Comment: Over-match funds for the project are budgeted in the TIRZ fund for the next three years (2020- 2022).

If not budgeted: ☐ Budget Transfer ☐ Contingency ☐ Amendment Needed

Recommendation

Recommend approval of the resolution.

Attachments

Resolution
Floodplain Map
Site Plan – Phase I – Heritage Park at the Leon River
Presentation



Local Park Grant Program Resolution Authorizing Application

A resolution of the City Council of the City of Belton as hereinafter referred to as "Applicant," designating certain officials as being responsible for, acting for, and on behalf of the Applicant in dealing with the Texas Parks & Wildlife Department, hereinafter referred to as "Department," for the purpose of participating in the Local Park Grant Program, hereinafter referred to as the "Program"; certifying that the Applicant is eligible to receive program assistance; certifying that the Applicant matching share is readily available; and dedicating the proposed site for permanent (or for the term of the lease for leased property) public park and recreational uses.

WHEREAS, the Applicant is fully eligible to receive assistance under the Program; and

WHEREAS, the Applicant is desirous of authorizing an official to represent and act for the Applicant in dealing with the Department concerning the Program;

BE IT RESOLVED BY THE APPLICANT:

SECTION 1: That the Applicant hereby certifies that they are eligible to receive assistance under the Program, and that notice of the application has been posted according to local public hearing requirements.

SECTION 2: That the Applicant hereby certifies that the matching share for this application is readily available at this time.

SECTION 3: That the Applicant hereby authorizes and directs the City Manager to act for the Applicant in dealing with the Department for the purposes of the Program, and that City Manager is hereby officially designated as the representative in this regard.

SECTION 4: The Applicant hereby specifically authorizes the official to make application to the Department concerning the site to be known as Belton's Heritage Park at the Leon River in the City of Belton or use as a park site and is hereby dedicated (or will be dedicated upon completion of the proposed acquisition) for public park and recreation purposes in perpetuity (or for the lease term, if legal control is through a lease). Projects with federal monies may have differing requirements.

Introduced, read and passed by an affirmative vote of the "Applicant" on this 26th day of November, 2019.

Signature of Local Government Official

Marion Grayson, Mayor

Typed Name and Title

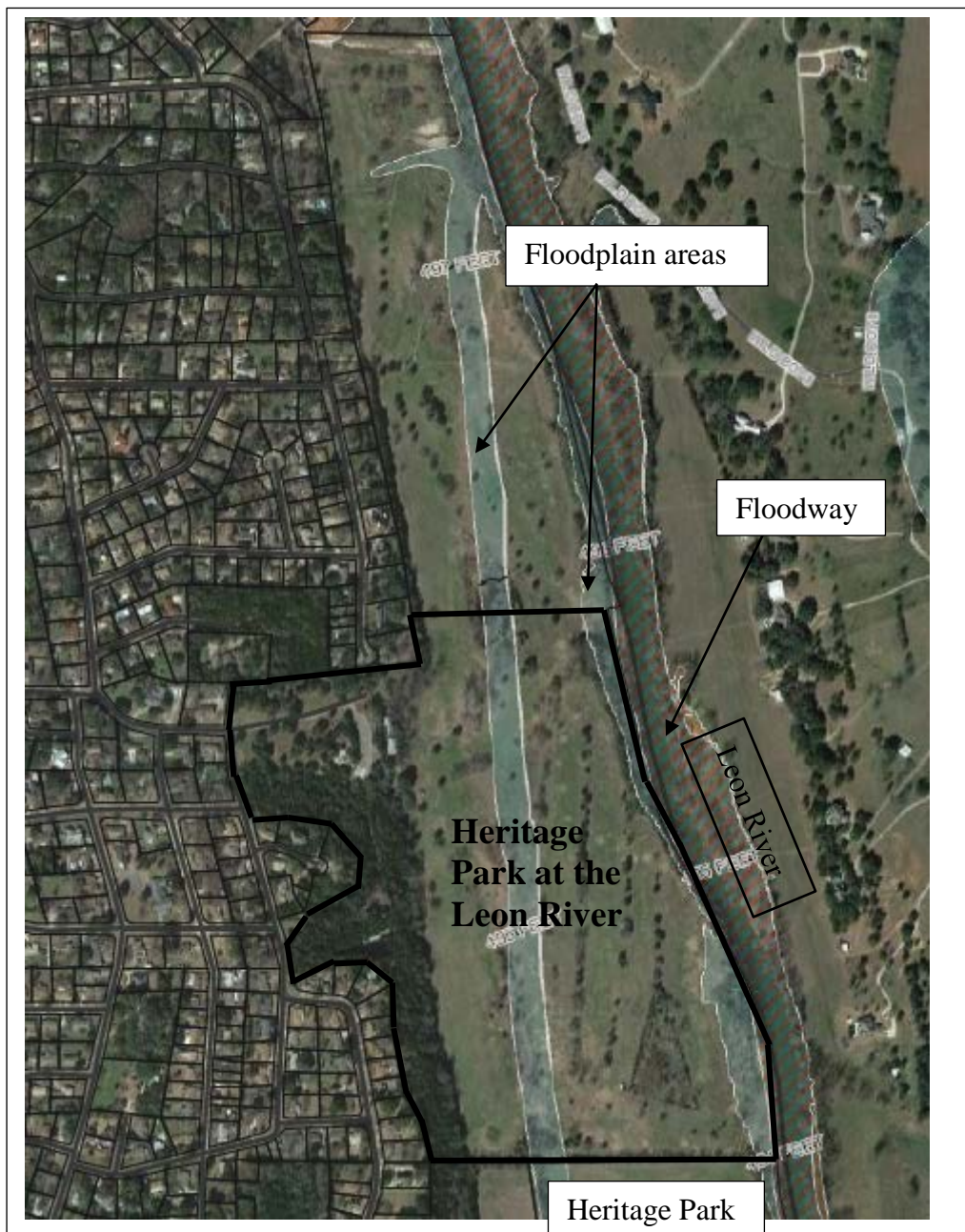
ATTEST:

Signature

Michelle Garcia, TRMC, Executive Assistant to the City Manager

Typed Name and Title

Heritage Park at the Leon River, Belton Texas



Heritage Park Phase One Elements:

- 01 -Multi-Use Rec Field
- 02 -8' Wide Circuit Trail
- 03 -New Parking Lot
- 04 -5' Sidewalks
- 05 -Refurbish Cart Barn to Family Pavilion
- 06 -Permanent Dog Park
- 07 -Restroom and Open Air Pavilion
- 08 -Floating River Dock
- 09 -Fish Camp- Covered Pier and Streamside Retaining Wall
- 10 -Wildflower overseeding
- 11 -Native Grass overseeding
- 12 -Hiking Trails
- 13 -Kayak Launch
- 14 -Neighborhood Connection



Heritage Park at the Leon River

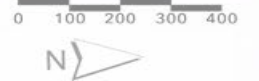
Heritage Park Phase One Elements:

- 01 -Multi-Use Ball Field
- 02 -8' Wide Circuit Trail
- 03 -New Parking Lot
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- 14 -Neighborhood Connection

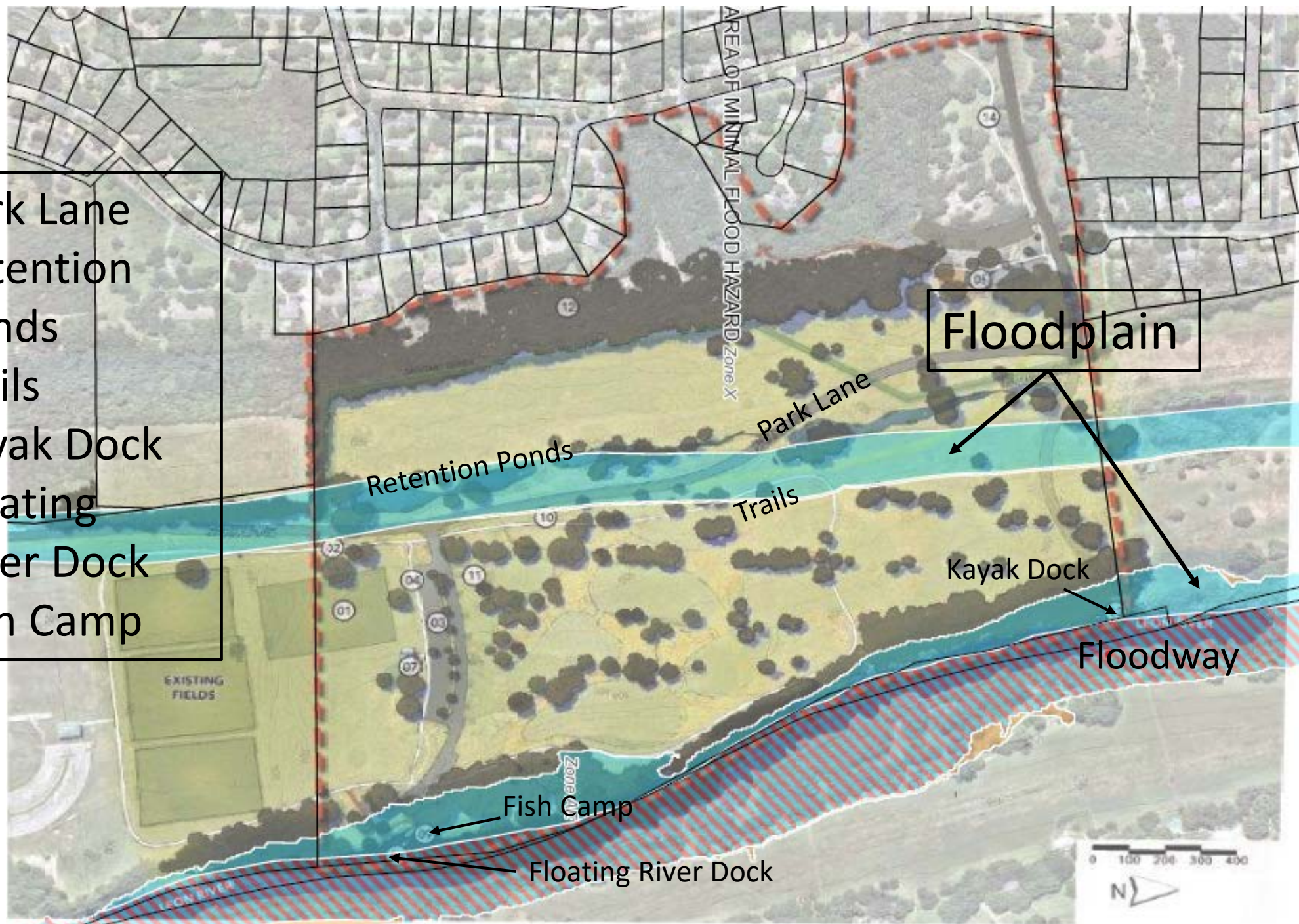
November 26, 2019

PUBLIC HEARING and RESOLUTION

Texas Parks and Wildlife Grant Application



- Park Lane
- Retention Ponds
- Trails
- Kayak Dock
- Floating River Dock
- Fish Camp



Heritage Park Phase One Elements:

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- 12 -Hiking Trails
- 13 -Kayak Launch
- 14 -Neighborhood Connection



Recommendations

Conduct the Public Hearing

Approve the Resolution





Staff Report – City Council Agenda Item

Date: November 26, 2019
Case No.: Z-19-23
Request: Office - 2 with SUP for Bail Bonds to Retail District
Applicant: Gloria Jaimes
Owner: Michael & Kimberly McMahon

Agenda Item #5

Hold a public hearing and consider a zoning change from Office-2 District with a Specific Use Permit for a Bail Bond Business to Retail Zoning District on property located at 609 E. 6th Avenue, on the north side of 6th Avenue, between Waco Road and Birdwell Street.

Originating Department: Planning – Cheryl Maxwell, Director of Planning

Current Zoning: O-2 with SUP for Bail Bonds Business **Proposed Zoning:** Retail District

Future Land Use Map (FLUM) Designation: Commercial Corridor Overlay

Design Standards Type Area 7: Projected growth for this area is primarily commercial, mixed use developments and urban residential infill, focusing on compatible uses.

Case Summary

The applicant plans to lease this property and is requesting a zoning change to Retail District to allow development of a Mexican Taqueria Restaurant. An office building is currently located on this site. In 2012, this property was rezoned from Retail District to Office-2 District with a Specific Use Permit for a Bail Bond Business.

The adjacent properties to the east and west are zoned Retail District with a commercial/retail building to the east, currently not in use, and an undeveloped tract to the west. The adjacent property to the north is zoned Single Family-2 District and is residentially developed. Belton ISD property is located across from this site on the south side of 6th Avenue and is zoned Multi Family District. The former administration office is located here and is used for training in the health science field.

Land Use Table/Allowable Uses

The proposed Retail Zoning District allows the following land uses:

- Any use permitted in the Office -1, Office – 2, and Neighborhood Service Districts
- Alcoholic beverages for on-premise consumption

- Brewpub and winery
- Clinic
- Convenience store with gasoline sales
- Gasoline or service station
- Various retail stores: auto parts; bakery; clothing and apparel; furniture and appliances; discount, variety or department store; food or grocery store; hardware store, sporting goods, etc.
- Laboratory with all operations conducted indoors and no residual waste products generated
- Nursing home or residence home for aged
- Nursery or plant sales
- Pet shop
- Restaurant or cafeteria

Project Analysis and Discussion

The applicant plans to convert the existing structure to a taqueria restaurant with drive-thru service, and limited on-site seating. No exterior expansion is proposed, only interior remodeling. This property was previously zoned Retail District, and the adjacent properties with 6th Avenue frontage are currently zoned Retail District. The FLUM identifies this area with 6th Avenue frontage as a Commercial Corridor Overlay. The proposed Retail Zoning District is consistent with the FLUM and existing zoning in this vicinity, and appears to be reasonable in this location.

Recommendation

The Planning and Zoning Commission met on November 19, 2019, and with a vote of 6 – 0, unanimously recommended approval of this zoning change from Office-2 District with SUP for Bail Bond Business to Retail District.

Attachments

Zoning application
 Property Location Map
 Zoning map
 Aerial photo
 Map with zoning notice boundary (200')
 Zoning notice to owners
 Property owner list
 P&Z Minutes Excerpt
 Ordinance

City of Belton
Request for a Zoning Change

**To the City Council and the
Planning & Zoning Commission**

Fee: \$250.00

Date Received: _____ Date Due: _____ (All plans are to be returned to the Planning Department within 5 working days)

Applicant: Gloria James Phone Number: 512.591.5247
Mailing Address: 2212 W Ave M City: Temple State: TX
Email Address: gloryJay20@gmail.com

Owners Name: McMahon, Michael & Kimberly Phone Number: 512.826.4432
Mailing Address: 30410 Berry Creek Drive City: Georgetown State: TX
Email Address: Kim_McMahon@hotmail.com

Applicant's Interest in Property:
Leasing property to convert to a Mexican Taquiers Restaurant

Legal Description of Property:
Belton Original, Block 069, Lot PT Blk (75'x137'.7") .236 Acres

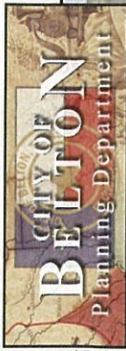
Is this property being simultaneously platted? No

Street Address: 609 E 6th Street
Zoning Change From O-2 w/ SUP Bail Bond to Retail
Signature of Applicant: [Signature] Date: 10/21/19
Signature of Owner (if not applicant): [Signature] Date: 10/18/19

Checklist for Zoning Items to be submitted with application:

- ☐ Signed Application
- ☐ Fees Paid
- ☐ Complete Legal Description of the property to be re-zoned
- ☐ Site Plans per Section 32, Planned Development, of the Zoning Ordinance. Please see the back for specific guidelines.
- ☐ In the event the request involves more than one lot or irregular tracts or acreage, a drawing of the property must be submitted.

Zoning Case # Z-19-23 Location



ZONING CHANGE:

O-2 W/ SUP BAIL BOND
TO
RETAIL

LEGAL DESCRIPTION:

BELTON ORIGINAL, BLOCK 069,
LOT PT BLK. (75' X 137.7')
ACRES .236

PROPERTY OWNER:

MICHAEL & KIMBERLY MCMAHON

ADDRESS/LOCATION:

609 E. 6TH ST

LEGEND

- ☐ Current_TaxParcels_Joined
- ☒ Z_19_23

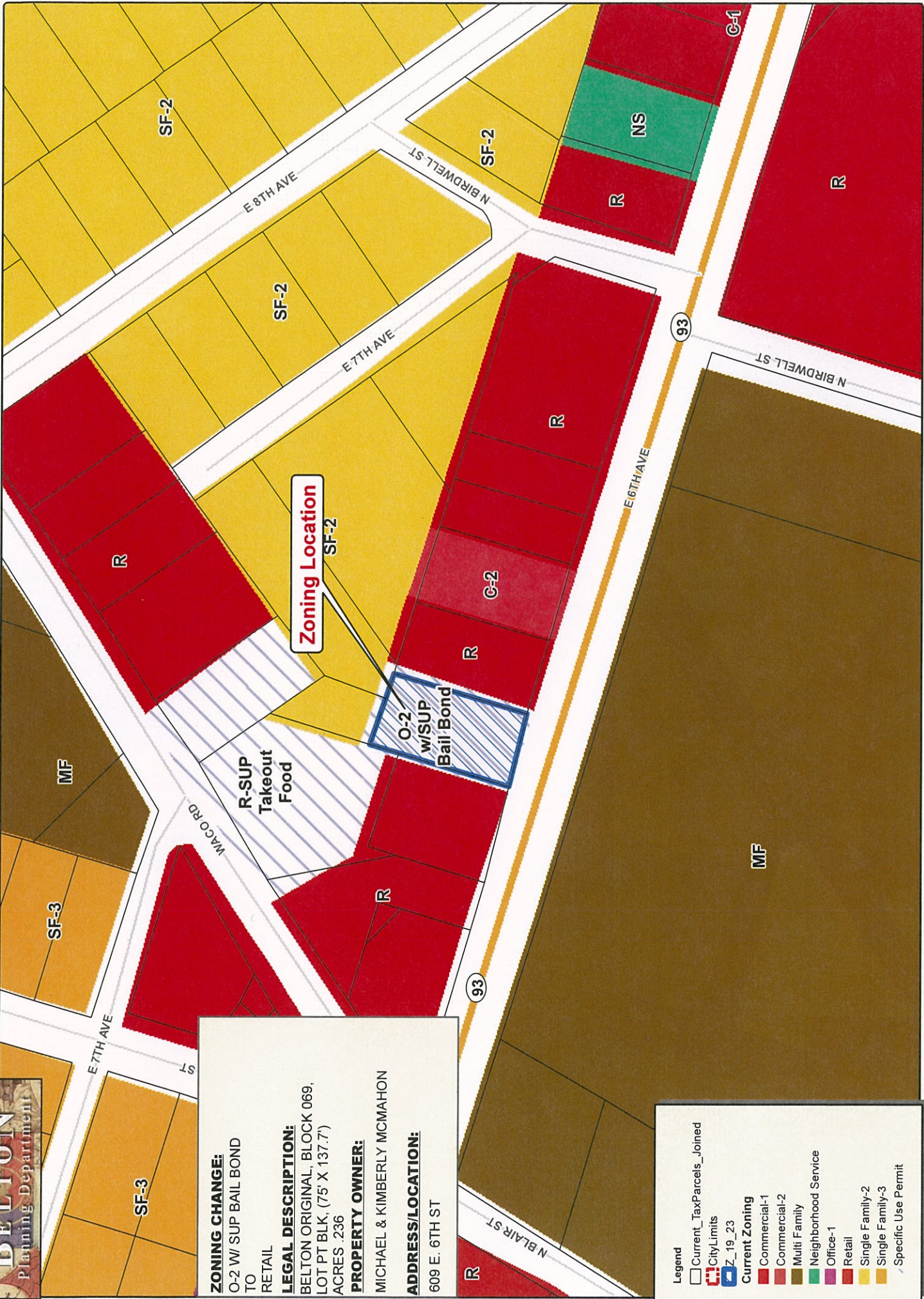
Map Date: 10/25/2019 Aerial Imagery Date: 2018

0 25 50 100 Feet



Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.

Zoning Case # Z-19-23 Zoning



ZONING CHANGE:
O-2 W/ SUP BAIL BOND
TO
RETAIL

LEGAL DESCRIPTION:
BELTON ORIGINAL, BLOCK 069,
LOT PT BLK. (75' X 137.7')
ACRES .236

PROPERTY OWNER:
MICHAEL & KIMBERLY MCMAHON

ADDRESS/LOCATION:
609 E. 6TH ST

Legend

- ☐ Current_TaxParcels_Joined
- ☒ CityLimits
- ☒ Z_19_23
- Current Zoning**
- ☒ Commercial-1
- ☒ Commercial-2
- ☒ Multi Family
- ☒ Neighborhood Service
- ☒ Office-1
- ☒ Retail
- ☒ Single Family-2
- ☒ Single Family-3
- ☒ Specific Use Permit



Zoning Case # Z-19-23 Aerial

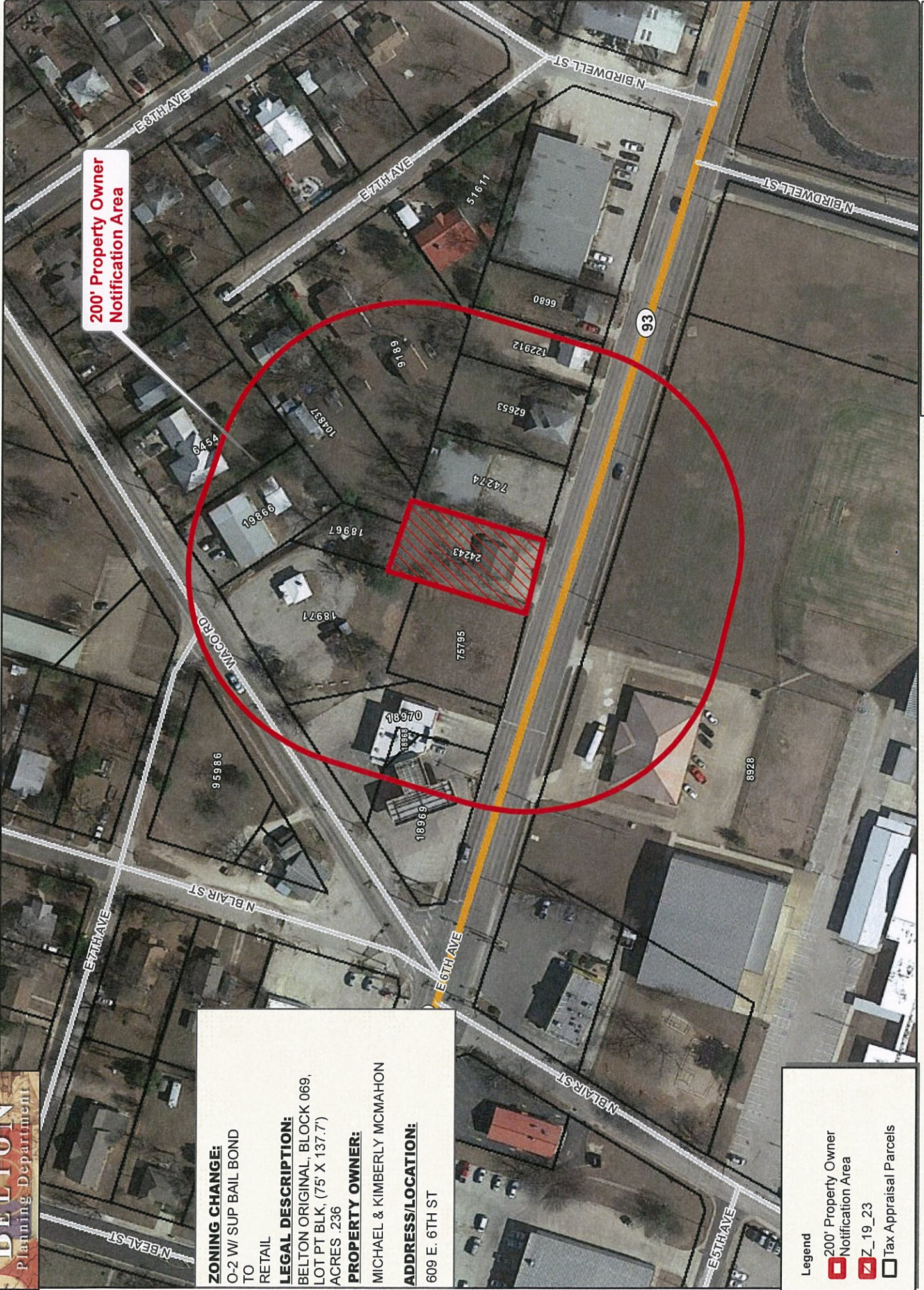
ZONING CHANGE:
O-2 W/ SUP BAIL BOND
TO
RETAIL
LEGAL DESCRIPTION:
BELTON ORIGINAL, BLOCK 069,
LOT PT BLK, (75' X 137.7')
ACRES .236
PROPERTY OWNER:
MICHAEL & KIMBERLY MCMAHON
ADDRESS/LOCATION:
609 E. 6TH ST

LEGEND

☐ Current_TaxParcels_Joined

☒ Z_19_23

Zoning Case # Z-19-23



200' Property Owner Notification Area

ZONING CHANGE:
O-2 W/ SUP BAIL BOND
TO
RETAIL

LEGAL DESCRIPTION:
BELTON ORIGINAL, BLOCK 069,
LOT PT BLK. (75' X 137.7')
ACRES .236

PROPERTY OWNER:
MICHAEL & KIMBERLY MCMAHON

ADDRESS/LOCATION:
609 E. 6TH ST

- Legend**
- 200' Property Owner Notification Area
 - ▨ Z_19_23
 - Tax Appraisal Parcels

Map Date: 10/25/2019 Aerial Imagery Date: 2018



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**NOTICE OF APPLICATION
FOR AN
AMENDMENT TO THE ZONING ORDINANCE
OF THE
CITY OF BELTON**

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: GLORIA JAIMES,
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 609 EAST 6TH AVENUE,
FROM A(N) OFFICE-2 WITH SUP FOR BAIL BONDS ZONING DISTRICT,
TO A(N) RETAIL ZONING DISTRICT.

THE PLANNING & ZONING COMMISSION OF THE CITY OF BELTON, TEXAS WILL HOLD A PUBLIC HEARING PURSUANT TO THIS REQUEST AT **5:30 P.M., Tuesday, November 19, 2019**, AT THE T.B. HARRIS CENTER, 401 N. ALEXANDER, BELTON, TEXAS.

IF APPROVED BY THE PLANNING & ZONING COMMISSION, THIS ITEM WILL BE PLACED ON THE AGENDA FOR A PUBLIC HEARING BY THE CITY COUNCIL. THAT MEETING WILL BE AT **5:30 P.M., Tuesday, November 26, 2019**, AT THE T. B. HARRIS COMMUNITY CENTER, 401 ALEXANDER STREET, BELTON, TEXAS.

AS AN INTERESTED PROPERTY OWNER, THE CITY OF BELTON INVITES YOU TO MAKE YOUR VIEWS KNOWN BY ATTENDING THESE HEARINGS. YOU MAY SUBMIT WRITTEN COMMENTS ABOUT THIS ZONING CHANGE BY COMPLETING THIS FORM AND RETURNING IT TO THE ADDRESS BELOW.

IF YOU REQUIRE INTERPRETER SERVICES FOR THE DEAF OR HEARING IMPAIRED, PLEASE CONTACT THE CITY CLERK AT CITY HALL AT LEAST 48 HOURS BEFORE THESE MEETINGS.

circle one

AS AN INTERESTED PROPERTY OWNER, I (PROTEST) (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. _____
2. _____
3. _____

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: _____ SIGNATURE: _____

**PLANNING DEPARTMENT
CITY OF BELTON
P. O. BOX 120
BELTON, TEXAS 76513
254-933-5812**

6454

BARRIENTOS, MAURO
711 WACO RD
BELTON, TX 76513-2759

9189

BENNETT, TERRY LEE ETUX LORNA KATHLEEN
705 E 7TH AVE
BELTON, TX 76513

18969

FIKES WHOLESale INC
PO BOX 1287
TEMPLE, TX 76503-1287

19866

STRICKLAND, DANIEL S
6418 SACHSE ST
GARLAND, TX 75048

62653

SUEOKA, PHILLIP
8899 SMITH DAIRY RD
BELTON, TX 76513-8009

95986

MONTOYA, JACINTO & SAN JUANITA
500 SAGE BRUSH
BELTON, TX 76513

SUPERINTENDENT
BELTON I.S.D.
P O BOX 269
BELTON TEXAS 76513

6680

KLY INDUSTRIES LLC
8152 JERICHO BLUFF
BELTON, TX 76513

18967

MARTINEZ, KAREN
2306 HORSESHOE BND
TEMPLE, TX 76502

18970

FIKES WHOLESale INC
PO BOX 1287
TEMPLE, TX 76503-1287

24243

MCMAHON, MICHAEL ETUX KIMBERLY
30410 BERRY CREEK DR
GEORGETOWN, TX 78628

74274

COWAN, M H III
PO BOX 513
SALADO, TX 76571-0513

104837

SEITER, RICHARD ERNEST
703 E 7TH AVE
BELTON, TX 76513-2717

8928

BELTON IND SCHOOL DISTRICT
PO BOX 269
BELTON, TX 76513-0269

18968

FIKES WHOLESale INC
PO BOX 1287
TEMPLE, TX 76503-1287

18971

MARTINEZ, KAREN
2306 HORSESHOE BND
TEMPLE, TX 76502

51611

LAMBERT-HOOKS, CAROL J
709 E 7TH AVE
BELTON, TX 76513

75795

FIKES WHOLESale INC
PO BOX 1287
TEMPLE, TX 76503-1287

122912

RAVEN2 LLC
8152 JERICHO BLUFF
BELTON, TX 76513

**NOTICE OF APPLICATION
FOR AN
AMENDMENT TO THE ZONING ORDINANCE
OF THE
CITY OF BELTON**

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IF YOU REQUIRE INTERPRETER SERVICES FOR THE DEAF OR HEARING IMPAIRED, PLEASE CONTACT THE CITY CLERK AT CITY HALL AT LEAST 48 HOURS BEFORE THESE MEETINGS.

circle one

AS AN INTERESTED PROPERTY OWNER, I (PROTEST) (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. We support this rezoning request.
2. _____
3. _____

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: 11/14/2019 SIGNATURE: [Signature]

**PLANNING DEPARTMENT
CITY OF BELTON
P. O. Box 120
BELTON, TEXAS 76513
254-933-5812**

24243

MCMAHON, MICHAEL ETUX KIMBERLY

30410 BERRY CREEK DR

GEORGETOWN, TX 78628

Minutes of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, November 19, 2019

Z-19-23 Hold a public hearing and consider a zoning change from Office – 2 District with a Specific Use Permit for a Bail Bond Business to Retail Zoning District on property located at 609 E. 6th Avenue, on the north side of 6th Avenue, between Waco Road and Birdwell Street. (Audio 1:07)

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

Chair Baggerly opened the public hearing; with no one requesting to speak, the public hearing was closed.

Mr. Hendrick made a motion to approve Z-19-23, a zoning change on a property located at 609 East 6th Avenue. Mr. Jarratt seconded the motion. The motion was approved with 6 ayes, 0 nays.

ORDINANCE NO. 2019-57

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM OFFICE-2 DISTRICT WITH A SPECIFIC USE PERMIT FOR A BAIL BOND BUSINESS TO RETAIL DISTRICT ON APPROXIMATELY 0.236 ACRE, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 7 DESIGN STANDARDS.

WHEREAS, Michael and Kimberly McMahon, owners of the following described property has presented a petition duly signed, to the City Planning & Zoning Commission and filed said petition with the City Clerk of the City of Belton, and due notice of filing of said petition and hearing on said petition has been given as required by the City Zoning Ordinance and by law, and a hearing on said petition before the City Planning & Zoning Commission of the City of Belton was set for the 19th day of November, at 5:30 p.m. for hearing and adoption, said district being described as follows:

609 E. 6th Avenue, Belton, Texas
(location map attached as Exhibit "A")

WHEREAS, said application for such amendment was duly recommended by the said City Planning & Zoning Commission and the date, time and place of the hearing on said application by the City Council of the City of Belton was set for the 26th day of November, at 5:30 p.m. at the Harris Community Center and due notice of said hearing was given as required by ordinances and by law; and

WHEREAS, a hearing was held upon the application by the City Council of the City of Belton at the time, place and date herein before set forth and no valid objection to said amendments was presented.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Belton, Texas, that the said district located on tracts of land as more fully and completely described above, be and is hereby changed from Office-2 District with a Specific Use Permit for a Bail Bond Business to Retail District, in accordance with Section 21 – Retail District, and the Design Standards in Ordinance No. 2014-17, Section 7.1 of the Zoning Ordinance.

The Zoning Ordinance of the City of Belton is hereby amended, subject to the following conditions:

1. The use of the property shall conform to the Retail Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 7 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance
3. Sign Standards shall conform to Ordinance 2008-11.

This ordinance was presented at the stated meeting of the City Council of the City of

Belton and upon reading was passed and adopted by the City Council on the 26th day of November, 2019, by a vote of _____ ayes and _____ nays.

SIGNED AND APPROVED by the Mayor and attested by the City Clerk on this the 26th day of November, 2019.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

Zoning Case # Z-19-23 Location



ZONING CHANGE:
O-2 W/ SUP BAIL BOND
TO
RETAIL

LEGAL DESCRIPTION:
BELTON ORIGINAL, BLOCK 069,
LOT PT BLK, (75' X 137.7')
ACRES .236

PROPERTY OWNER:
MICHAEL & KIMBERLY MCMAHON

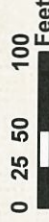
ADDRESS/LOCATION:
609 E. 6TH ST

LEGEND

☐ Current_TaxParcels_Joined

☒ Z_19_23

Map Date: 10/25/2019 Aerial Imagery Date: 2018



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EXHIBIT "A"