

Belton City Council Meeting
July 23, 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, Craig Pearson, Guy O'Banion, Dan Kirkley and John R. Holmes, Sr. Staff present included Sam Listi, Gene Ellis, John Messer, Amy Casey, Susan Allamon, Chris Brown, Paul Romer, Bob van Til, Angellia Points, Charlotte Walker, Bruce Pritchard, Judy Garrett, Cynthia Hernandez, Ana Borchardt, Kelly Atkinson and Cheryl Maxwell.

The Pledge of Allegiance to the U.S. Flag was led by Mayor Pro Tem Wayne Carpenter, and the Pledge of Allegiance to the Texas Flag was led by City Manager Sam Listi. The Invocation was given by Bruce Lovesmith, Associate Pastor of Fellowship Baptist Church.

1. **Call to order.** Mayor Grayson called the meeting to order at 5:30 p.m.
2. **Public Comments.**

Consent Agenda

Items 3-8 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.

3. **Consider minutes of July 9, 2019, City Council meeting.**
4. **Consider a resolution seeking State legislation that eliminates the age limit entirely for civil service fire employees or makes it match the age requirement for police civil service employees.**
5. **Consider appointments to the following Boards and Commissions:**
 - A. **Zoning Board of Adjustment** – reappointment of Amanda Hendrick, Robin Alaniz, John Gillette, Judy Owens (alternate) and Garrett Smith (alternate).
 - B. **Housing Board of Adjustment** – reappointment of Jack Meredith.
6. **Consider authorizing the purchase of six (6) AEDs, replacement batteries and accessories, through the BuyBoard Purchasing Cooperative, to be funded through the Greathouse Trust Fund.**
7. **Consider authorizing the City Manager to execute interlocal agreements with the Salado Volunteer Fire Department and Central Bell County Fire Rescue for automatic assistance response (automatic aid).**

8. **Consider a resolution suspending for 45 days the effective date proposed by Atmos Energy, Corporation – MidTex Division ("Atmos Energy") in its application filed on or about March 28, 2019, pursuant to section 104.301 of the Gas Utility Regulatory Act, sometimes also referred to as the "GRIP" statute.**

Upon a motion by Mayor Pro Tem Carpenter, and a second by Councilmember Holmes, the Consent Agenda, including the following captioned resolutions, was unanimously approved by a vote of 7-0.

RESOLUTION NO. 2019-17-R

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, SEEKING INTRODUCTION AND PASSAGE OF LEGISLATION THAT WOULD MODIFY OR ELIMINATE THE HIRING AGE RESTRICTION ON CIVIL SERVICE FIREFIGHTERS.

RESOLUTION NO. 2019-18-R

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, ("CITY") RESPONDING TO THE APPLICATION OF ATMOS ENERGY CORPORATION – MIDTEX DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY TO CONTINUE TO PARTICIPATE IN A COALITION OF CITIES KNOWN AS THE "ATMOS TEXAS MUNICIPALITIES;" DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Planning and Zoning

9. **Hold a public hearing and consider a zoning change from Commercial Highway District to Commercial Two District on approximately 0.45 acre at 1402-B South IH 35 Service Road, at the northeast corner of E. Avenue P and the IH-35 Service Road, south of Holland Road (FM 436).**

Director of Planning Cheryl Maxwell said the applicant wishes to open a used car lot on this tract by rezoning the property to Commercial Two Zoning District. She explained that the requested C-2 zoning is for the southern portion of the owner's property, which has several structures currently located onsite to include a body shop/garage, office building, and a two-pole canopy. A screened area with outdoor storage is located at the rear of the property. The northern portion of the owner's property is not included in this request and is zoned a Planned Development District with Commercial 2 as the base zoning district, to allow used car sales and is the site of Belton Collision Center Body Shop. The adjacent property to the east is zoned CH

District and is residentially developed. A mini storage warehouse facility is located on the south side of Avenue P on property zoned Commercial 2 District. The body shop/garage and outdoor storage area are not allowed in the current CH Zoning District. These uses are considered grandfathered and cannot be expanded or rebuilt if destroyed. However, the requested C-2 Zoning District will allow these uses by right.

Mrs. Maxwell said this area has a mixture of residential and commercial uses. The CH Zoning District does not allow residential uses, other than multi-family; however, there are homes in this area under the CH zoning that are considered grandfathered. It is anticipated these residential uses will transition to commercial uses over time. Solid screening is currently provided between this property and the residential property to the east. Screening is not required based on the zoning district, but is a requirement if outside storage is occurring onsite.

The Future Land Use Map (FLUM) identifies this area as a mixed use center/commercial corridor. The adjacent property to the north is zoned a Planned Development C-2 District with a body shop operation, and the property on the south side of Avenue P is zoned C-2 with a mini-storage warehouse facility. The requested C-2 Zoning District is consistent with existing zoning and uses in this vicinity along IH-35. The C-2 Zoning District will legitimize existing uses on site. It is also consistent with the FLUM and commercial uses expected along a major corridor, and appears to be reasonable in this location.

The Planning and Zoning Commission met on July 16, 2019, and unanimously recommended approval of this zoning change from CH to C-2 District, and Staff concurs with their recommendation.

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

Upon a motion by Councilmember Leigh, and a second by Councilmember Pearson, Item #9, including the following captioned ordinance was unanimously approved by a vote of 7-0.

ORDINANCE NO. 2019-34

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM COMMERCIAL HIGHWAY TO COMMERCIAL TWO DISTRICT ON A 0.45 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 2 DESIGN STANDARDS.

10. **Hold a public hearing and consider a zoning change from Single Family Two District to Single Family Two District with a Specific Use Permit for an Accessory Dwelling Unit on approximately 4.615 acres described as Charlie**

Miller Addition, Block 7, remaining portion of Lot 6, at 1708 S. Wall Street, on the east side of S. Wall Street, between Savage Avenue and E. Avenue S.

Director of Planning Cheryl Maxwell said this property, as well as the adjacent properties to the north and south, are zoned Single Family Two (SF2) District, and are residentially developed except for City-owned property to the south where South Wall Tiger Park is located. Adjacent properties to the east are zoned Agricultural District and are currently undeveloped. Properties on the west side of Wall Street are zoned Commercial Highway District and are undeveloped directly across from this site.

Mrs. Maxwell explained that the applicant wishes to construct an ADU for an elderly parent. The proposed ADU will be constructed approximately 60' south of the main residence. Our Zoning Ordinance was amended in October 2018 to allow ADUs in certain zoning districts and established basic standards for this use. An ADU with a kitchen is allowed in the SF2 Zoning District as an incidental use on the same lot as the main dwelling unit, subject to approval of a Specific Use Permit. The following standards apply:

- a. Lot must be zoned AG, RE, SF-1, SF-2, SF-3;
- b. Limit to ONE ADU per lot;
- c. Minimum lot size is 5000 square feet;
- d. Maximum square feet allowed shall be 800 square feet or no more than 60% of the square footage of the main building, whichever is greater;
- e. Maximum Height: must be compatible with surrounding structures, not to exceed 2 ½ stories;
- f. Building setbacks – ADU must be constructed to the rear of the main building and observe the same side yard setbacks as required for the main building. An ADU shall have a rear yard setback of no less than 10 feet and if detached from the main structure, must be separated from the main structure by a minimum distance of 10 feet;
- g. One additional parking space is required for the addition of an ADU unless the parking requirement is already satisfied on the lot;
- h. Maximum lot coverage shall be no more than 60% with the addition of an ADU, including the main building and any other accessory buildings;
- i. Building materials shall be compatible with the main building and comply with the City of Belton Design Standards;
- j. Water and sewer utilities must share meters with the main building;
- k. Lot must be platted or exempt from platting per Section 45, Creation of Building Site;
- l. The ADU may not be sold separately from sale of the entire property, including the main dwelling unit.

Mrs. Maxwell added that the applicant's property consists of approximately 4.6 acres with the building envelope of the main structure comprising approximately 3,380 sf. The proposed ADU will be a one-story structure comprising a building envelope of 960 sf (living space and covered patio/porch). This is approximately 28% the size of

the main structure. The ADU will have a kitchen, one bathroom, one bedroom, living room, utility room, and covered patio/porch area. Per the proposed site plan, all required setbacks are satisfied – the ADU will observe a front yard setback from Wall Street of approximately 120', side yard setbacks over 80' on the south side and over 200' on the north side, a rear yard setback over 400', and approximately 60' separation from the main structure. The ADU will be accessed via the existing driveway, and a sidewalk will be constructed from the driveway to the ADU. There is currently a 2-car garage onsite and parking for approximately seven vehicles on the paved driveway, so no additional parking spaces are needed. The main structure was built in 1918 and is constructed of wood. Horizontal lap siding with fiber-cement plank construction is proposed for the ADU, which is compatible with the main building. With the addition of the ADU, lot coverage is estimated at approximately 3.4%.

Mrs. Maxwell said the proposed development plan meets all standards for an ADU. The applicant's property consists of 4.6 acres so there is ample room to construct an ADU, and the existing driveway exceeds parking requirements. It appears the addition of the ADU will have little, if any, impact to the neighborhood. The Future Land Use Map (FLUM) identifies this area primarily as residential use, and no change to this is proposed.

The Planning and Zoning Commission met on July 16, 2019, and unanimously recommended approval of this zoning change from SF2 to SF2 with an SUP for an ADU, subject to the conditions below. Staff concurs with their recommendation.

1. The use and development of the property shall conform to the SF2 Zoning District in all respects.
2. In addition, a specific use permit is authorized for an accessory dwelling unit with a kitchen, subject to standards identified in Ordinance 2018-36 and the attached site plan, elevations, and flexibility on the interior floor plan.
3. The development of the property shall conform to all applicable Design Standards per Ordinance 2014-17.

Mayor Grayson said there are known drainage issues in the area, and asked if there will be a problem with drainage in this location. Director of Public Works Angellia Points said, "Not necessarily on this property."

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

Councilmember Leigh asked if an ADU can be zoned without an SUP. Mrs. Maxwell said an SUP is only required if a kitchen is proposed. Mr. Leigh said Staff should consider allowing kitchens with an ADU so that an SUP is not always required.

City Manager Sam Listi said Staff will take whatever guidance the Council offers. He added that Councilmember Leigh's suggested change would make a kitchen in an ADU allowed by right. Mr. Leigh said that every requirement is being reviewed, and having a kitchen should not require an SUP. He added that if almost every ADU includes a kitchen, then a kitchen should be a standard part of the ADU zoning without the use of an SUP.

Mrs. Maxwell said when the original ADU ordinance was being drafted, Staff wanted to distinguish an ADU from a pool house. She didn't want someone who was putting in a pool house to have to go through this process. She said an ADU with a kitchen is basically another house, so there are two houses on one lot, and the use of an SUP allows Council to determine if two houses are appropriate for the area. Mayor Grayson said she prefers the additional review by the Council since this ordinance is still so new.

Councilmember Holmes asked how Staff is calculating the square footage of the house and the proposed ADU. Mrs. Maxwell said the building envelope is anything that is under a roof (including porch, deck, covered garage). Staff believes that the entire size of the structure should be considered when determining the allowable square footage of the ADU. Mr. Holmes said when the ordinance was being crafted, he assumed the square footage would be the HVAC conditioned square footage of the house. Mr. Listi said that this issue came up at the P&Z meeting, and Staff told P&Z that the calculation methodology will be reviewed. He added that there were also concerns that the square footage percentage may be too large. It is currently 60% of the main structure.

Councilmember O'Banion said that this particular property is large. He asked if this property was eligible to be subdivided at some point in the future. Mrs. Maxwell said the property can be subdivided, but the ADU cannot be split from the main structure.

Upon a motion by Councilmember Holmes, and a second by Councilmember Pearson, Item #10, including the following captioned ordinance was unanimously approved by a vote of 7-0.

ORDINANCE NO. 2019-35

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM SINGLE FAMILY TWO DISTRICT TO SINGLE FAMILY TWO WITH A SPECIFIC USE PERMIT FOR AN ACCESSORY DWELLING UNIT WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 11 DESIGN STANDARDS.

11. Hold a public hearing and consider a zoning change from Single Family Two District to Single Family Two District with a Specific Use Permit for an Accessory Dwelling Unit on Lot 4, Block 9, Alexander's Addition, located at 619 N. Penelope Street, at the southeast corner of N. Penelope Street and E. 7th Avenue.

Director of Planning Cheryl Maxwell said that this property, and the surrounding properties directly to the north, east and west, are zoned Single Family Two (SF2) District and are developed with detached single family homes. The adjacent property to the south is zoned Retail District and is the site of Sixth Street Office Plaza with a mix of office and retail use. Property to the southeast is zoned Office-1 District and is used for a law office. Property to the northwest is zoned PD (SF2) for a Tea Room. This property is located in the North Central Belton Historic District.

The applicant wishes to construct an ADU for an elderly family member. The proposed ADU will be constructed in place of an existing wooden shed that was recently approved for removal by the Historic Preservation Commission (HPC). Plans for the new ADU were approved by the HPC at their July 11, 2019, meeting.

Our Zoning Ordinance was amended in October 2018 to allow ADUs in certain zoning districts and established basic standards for this use. An ADU with a kitchen is allowed in the SF2 Zoning District as an incidental use on the same lot as the main dwelling unit, subject to approval of a Specific Use Permit. The following standards apply:

- a. Lot must be zoned AG, RE, SF-1, SF-2, SF-3;
- b. Limit to ONE ADU per lot;
- c. Minimum lot size is 5000 square feet;
- d. Maximum square feet allowed shall be 800 square feet or no more than 60% of the square footage of the main building, whichever is greater;
- e. Maximum Height: must be compatible with surrounding structures, not to exceed 2 ½ stories;
- f. Building setbacks – ADU must be constructed to the rear of the main building and observe the same side yard setbacks as required for the main building. An ADU shall have a rear yard setback of no less than 10 feet and if detached from the main structure, must be separated from the main structure by a minimum distance of 10 feet;
- g. One additional parking space is required for the addition of an ADU unless the parking requirement is already satisfied on the lot;
- h. Maximum lot coverage shall be no more than 60% with the addition of an ADU, including the main building and any other accessory buildings;
- i. Building materials shall be compatible with the main building and comply with the City of Belton Design Standards;
- j. Water and sewer utilities must share meters with the main building;
- k. Lot must be platted or exempt from platting per Section 45, Creation of Building Site;
- l. The ADU may not be sold separately from sale of the entire property, including the main dwelling unit.

Mrs. Maxwell explained that the applicant's property consists of approximately 0.52 acre (25,500 sf) with the building envelope of the main structure comprising approximately 2,890 sf. The proposed ADU will be one story comprising a building envelope of 1,440 sf (living space and covered patio). This is approximately 50% the

size of the main structure. The ADU will have a kitchen, one bathroom, two bedrooms, living room/dining area, office, laundry room, and covered patio. Per the attached site plan, all required setbacks are satisfied—the ADU will observe a 10' rear yard setback, a 24' side yard setback from 7th Avenue, and a 28' separation from the main structure. The existing concrete drive will be resurfaced and widened to accommodate two vehicles (approximately 20' x 24') and will provide additional parking onsite. The main structure is predominantly brick with some vertical fiber-cement plank construction on the back side where the garage has been enclosed. Horizontal lap siding with fiber-cement plank construction is proposed for the ADU, which is compatible with the main building as well as other buildings in this historic district. With the addition of the ADU, lot coverage is estimated at approximately 17%. All required standards appear to be satisfied.

Mrs. Maxwell said that Staff believes the proposed development plan meets all standards for an ADU. The applicant is providing two additional parking areas on site to accommodate parking needs and minimize any impact to the neighborhood. The Future Land Use Map (FLUM) identifies this area primarily as residential use, and no change to this is proposed.

At the Planning and Zoning Commission meeting on July 16, 2019, the applicant questioned the methodology used to calculate the square footage of the structures. The Planning Commission members asked Staff to review the methodology, and then proceeded to unanimously recommend approval of this zoning change from SF2 to SF2 with a SUP for an ADU, subject to the conditions below. Staff concurs with their recommendation.

1. The use and development of the property shall conform to the SF2 Zoning District in all respects.
2. In addition, a specific use permit is authorized for an accessory dwelling unit with a kitchen, subject to standards identified in Ordinance 2018-36 and the attached site plan, elevations, and flexibility on the interior floor plan.
3. The development of the property shall conform to all applicable Design Standards per Ordinance 2014-17.

Councilmember Holmes asked if Staff took into account the outlying building that exists on the property now. Mrs. Maxwell said that the wooden shed that is proposed to be removed was not counted as part of the envelope square footage.

Mayor Grayson asked if Staff makes it clear to the property owner when the permit is requested that the ADU must be sold with the main dwelling unit and cannot be sold separately. Mrs. Maxwell said that Staff gives the property owner that information. Mrs. Grayson said that the property may be overdeveloped for the neighborhood, and the property owner may not receive the value that they are anticipating.

Councilmember Leigh asked if there are deed restrictions outlining that the ADU cannot be sold separately. He wondered how the City would know that a property which contains an ADU is being sold. Mr. Listi said that cities are not allowed to enforce deed restrictions. He said if the properties were to be divided, a replat would be required which would be reviewed by the City. A second meter would also be required for water services, so a review mechanism is in place there as well.

Mr. O'Banion said that the square footage calculation methodology seems confusing, and he suggested that Staff use the same square footage calculations as the Tax Appraisal District. He also suggested lowering the percentage allowed to 40% or 50%. Councilmember Carpenter agreed that the ADU percentage needed to be reviewed.

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

Upon a motion by Councilmember Holmes, and a second by Councilmember O'Banion, Item #11, including the following captioned ordinance was unanimously approved by a vote of 7-0.

ORDINANCE NO. 2019-36

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM SINGLE FAMILY TWO DISTRICT TO SINGLE FAMILY TWO WITH A SPECIFIC USE PERMIT FOR AN ACCESSORY DWELLING UNIT WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREAS 6 & 7 DESIGN STANDARDS.

12. **Hold a public hearing and consider a zoning change from Planned Development Single Family One District with a Specific Use Permit for an Accessory Dwelling Unit to Planned Development Single Family One District with an Amended Specific Use Permit for an Accessory Dwelling Unit on Lot 5, Block 3, Dawson Ranch Subdivision, Section I, Phase I, at 3209 Loving Cove, west of Dunns Canyon Road and north of Chisholm Trail Parkway.**

Director of Planning Cheryl Maxwell reminded Council that a request for an SUP to allow an ADU on this property was favorably recommended by the Planning Commission, and approved by the City Council at the May 28, 2019, meeting. The applicant proposed an ADU that comprised 1,284 ft, and the SUP conditions limited the ADU to that size. The applicant wishes to enlarge the size of the ADU to 1,946 sf, and the revised request is still within the standards set by the ADU Ordinance No. 2018-36.

Mrs. Maxwell said this property, and the surrounding properties to the south, east and west, are developed with detached single family homes and were rezoned to a Planned Development District with a Single Family One base zoning district in 2004, as part of the Dawson Ranch Section One development. The adjacent properties to

the north are zoned SF1 and are part of The Bluffs at Dunns Hollow Subdivision Phases I and II, currently undergoing development with detached single family homes; homes are located on the lots backing to the applicant's property.

In May, the applicant received approval to construct a 1,284 sf ADU for an elderly parent to reside onsite. Mrs. Maxwell explained that the applicant now wishes to enlarge the ADU to 1,946 sf. Our Zoning Ordinance was amended in October 2018 to allow ADUs in certain zoning districts and established basic standards for this use. An ADU with a kitchen is allowed in the SF1 Zoning District as an incidental use on the same lot as the main dwelling unit, subject to approval of a Specific Use Permit. The following standards apply:

- a. Lot must be zoned AG, RE, SF-1, SF-2, SF-3;
- b. Limit to ONE ADU per lot;
- c. Minimum lot size is 5000 square feet;
- d. Maximum square feet allowed shall be 800 square feet or no more than 60% of the square footage of the main building, whichever is greater;
- e. Maximum Height: must be compatible with surrounding structures, not to exceed 2 ½ stories;
- f. Building setbacks – ADU must be constructed to the rear of the main building and observe the same side yard setbacks as required for the main building. An ADU shall have a rear yard setback of no less than 10 feet and if detached from the main structure, must be separated from the main structure by a minimum distance of 10 feet;
- g. One additional parking space is required for the addition of an ADU unless the parking requirement is already satisfied on the lot;
- h. Maximum lot coverage shall be no more than 60% with the addition of an ADU, including the main building and any other accessory buildings;
- i. Building materials shall be compatible with the main building and comply with the City of Belton Design Standards;
- j. Water and sewer utilities must share meters with the main building;
- k. Lot must be platted or exempt from platting per Section 45, Creation of Building Site;
- l. The ADU may not be sold separately from sale of the entire property, including the main dwelling unit.

The applicant's property consists of 0.57 acre (25,082 sq. ft.) with the main structure comprising 3,464 sf (house and garage). The proposed ADU will be one story. Below is a comparison of the previous request and the new request.

Previous Request

Area: 1,284 sq. ft.
% of Main Structure: 37%
Lot Coverage: 20%
Setback/Side Yard: 20'
Setback/Rear Yard: 20'
Setback from House: 15'

New Request

1,946 sq. ft.
56%
22%
8'
20'
17.5'

Mrs. Maxwell said the new ADU will be similar to the previous ADU. It will have a living room, kitchen, one bedroom, one bathroom, one car garage, and porch, but now will include a laundry room. The kitchen and bedroom are also larger to accommodate a wheelchair.

Per the attached site plan, all required setbacks are satisfied. The ADU will observe a 20' rear yard setback, 8' side yard setback, and 17.5' separation from the main structure. The existing concrete drive will be extended to provide access to the new garage and will provide additional parking. Masonry (brick/stone) construction is proposed and will be similar to the existing structure.

Mrs. Maxwell said it was previously determined that an ADU would be appropriate on this property. The size of the ADU has changed, but it still meets all standards for an ADU. The ADU will be located closer to the western property line, observing an 8' setback instead of the 20' that was originally proposed; however, this revision still exceeds the minimum 7' side yard setback required for the SF1 Zoning District. The applicant is providing three additional parking areas onsite to accommodate parking needs and minimize any impact to the neighborhood. The Future Land Use Map (FLUM) identifies this area primarily as residential use, and no change to this is proposed.

While the Staff has some concerns with the large size of the ADU at 1,946 sf, it is within the standards established by the approved ordinance, which limits the area of the ADU to 60% of the main structure. Some members of the P&ZC also expressed concern about the proposed size of the ADU at the July 16th Planning Commission meeting. Mrs. Maxwell explained that the SUP provides an opportunity to review each ADU request and determine if it is appropriate in a particular location. The applicant has certainly demonstrated the need for an ADU on the property; however, we also need to be mindful of the size of the ADU to ensure it is a "good fit" for the neighborhood.

Based on information provided, the request to amend the SUP to allow a larger ADU appears to be reasonable in this location.

At the Planning and Zoning Commission meeting on July 16, 2019, there was discussion regarding the size of the proposed ADU. The adjacent property owner to the west expressed opposition to the request and concern that the ADU ordinance was too lenient. However, the Planning and Zoning Commission unanimously recommended approval of this zoning change from PD (SF1) with a SUP for an ADU to PD (SF1) with an AMENDED SUP for an ADU, subject to the conditions below. Staff concurs with their recommendation.

1. The use and development of the property shall conform to the SF1 Zoning District in all respects.

2. In addition, a specific use permit is authorized for an accessory dwelling unit with a kitchen, subject to standards identified in Ordinance 2018-36 and the attached site plan, elevations, and flexibility on the interior floor plan.
3. The development of the property shall conform to all applicable Design Standards per Ordinance 2014-17.

Councilmember Kirkley asked if there is screening between this property and the neighboring property. Mrs. Maxwell said there is a privacy fence that she estimates is 6' high.

Councilmember Holmes asked if the pool and the patio were included in the square footage calculation of the building envelope. Mrs. Maxwell said the pool was excluded, but the patio was included since it is a covered patio. He asked what the square footage is of the main structure. Mrs. Maxwell said it is 3,464 sf.

Councilmember O'Banion asked if the main structure is two stories. Mrs. Maxwell said it is a single story.

Mayor Grayson opened the public hearing.

- Jim Airhart, 3207 Loving Cove, expressed concern about a 1946 sf house being built between two existing homes in a cul-de-sac. He and his family have lived in their house for nearly 12 years and don't like having a public disagreement with the neighbors, but he has real concerns that he hopes will be taken into consideration.
- Maria Hall, 3209 Loving Cove, explained that when the original ADU plans were approved by Council, her father was using a walker. He is now transitioning to a wheelchair, and his doctor advised that the house needs to be wheelchair accessible with a 5-foot turning radius in each room. Additionally, her mother requested that a laundry room be added. She said the conditioned living space for the new floorplan is 1276 sf. She added that the fence between the Hall's house and the Airhart's house is an 8' wooden privacy fence.

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

Councilmember Leigh said he has empathy for both sides. However, the ADU meets all the requirements that have been set out, so he believes that Council has no basis to reject the zoning request. He added that the side yard setbacks may need to be reviewed to allow for a little more space between houses.

Mayor Grayson said that the request may not be ideal for the neighbors, but at the current time, the ordinance is being followed. She cautioned the Halls and others that are considering an ADU that adding another large dwelling unit to their property may make it difficult to sell in the future.

Councilmember O'Banion expressed concern over the size of the ADU, and said it is difficult to craft a one-size-fits-all ordinance. He feels that it is important to keep the SUP requirement at least a little longer so the Council has the ability to review them. He said that just because the request meets the criteria does not mean that the Council has to approve the SUP. He added that the ordinance needs to be reviewed regarding the size ADU that is allowed before more ADUs come to Council. Mr. O'Banion said he believes this will be a very nice structure, and while he is empathetic to the neighbors' concerns, he doesn't think the increase in size will have much more impact to the neighbor than the smaller ADU would have.

Mayor Grayson suggested that the Halls check their deed restrictions to ensure that there isn't a size limitation on outside structures.

Mayor Pro Tem Carpenter said that the request does meet the requirements, but he is concerned about the close proximity to the neighbor. He agreed that the ordinance needs to be reviewed before making decisions on any additional ADUs.

Mrs. Maxwell said that this request is an SUP which allows the Council to review all parts of it. Council is not required to approve it just because it meets the requirements.

Councilmember O'Banion said he would like to see a middle ground on this request. He said the ordinance is not perfect, and the Council doesn't have to approve something just because it meets the requirements of an Ordinance that the Council has all agreed is not perfect.

Councilmember Kirkley said he has an 8' privacy fence at his house. He said that he is unable to see very far into his neighbor's yard because of it, nor can the neighbor see into Mr. Kirkley's yard. He said the additional 700 sf will not make a difference behind an 8' privacy fence.

Mr. Carpenter stated the side yard setback was originally 20', and now it will be 8'.

Councilmember Pearson said it appears that the ADU will back up to the rear of the neighbors' pool house behind the 8' fence. Mayor Grayson asked to see an aerial view of the properties. Once the aerial view was put on the screen, Councilmember Leigh said the neighbors' pool house is just as close to the fence as the ADU will be, and he doesn't really see much difference between the two structures.

Councilmember O'Banion said that a future discussion needs to include the review of garages in relation to an ADU. He believes that most ADUs will not add a garage, but the ordinance needs to address if the square footage of a garage is included in the calculation or not.

City Attorney John Messer stated that the Council needs to let Staff know if there is a desire to put a moratorium on ADU zoning requests until the ordinance is revised.

Upon a motion by Councilmember Leigh, and a second by Councilmember Kirkley, Item #12, including the following captioned ordinance, was approved by a vote of 5-2 with Councilmembers Holmes and O'Banion providing the dissenting votes.

ORDINANCE NO. 2019-37

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM PLANNED DEVELOPMENT-SINGLE FAMILY 1 DISTRICT WITH A SPECIFIC USE PERMIT FOR AN ACCESSORY DWELLING UNIT TO PLANNED DEVELOPMENT-SINGLE FAMILY 1 DISTRICT WITH AN AMENDED SPECIFIC USE PERMIT FOR AN ACCESSORY DWELLING UNIT WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 14 DESIGN STANDARDS.

13. **Hold a public hearing and consider a final plat of Dean's Beal Street Addition, a replat of Belton Original Town, Block H, northern 180', comprising 0.688 acre, to create two lots at 1123 N. Beal Street, at the southeast corner of N. Beal Street and E. 12th Avenue, in the city limits of Belton.**

Director of Planning Cheryl Maxwell explained that this property was originally described as part of Belton Original Town, Block H. In 2004, the southern portion of Block H was replatted as Beal Street Addition, leaving the northern 180' as a remainder parcel. The owner is proposing to divide this remainder parcel into two lots. This property is listed on the National Register of Historic Places, but is not located within any of Belton's Historic Districts. There is an existing residence on the property that will remain on Lot 1, and an existing detached garage/apartment that will remain on Lot 2. The property is zoned SF2 District, so this division of land is a residential replat which requires public notice and a public hearing. Each lot satisfies all area requirements for the SF2 Zoning District as noted below:

Minimum lot area: 7,500 sf

Minimum lot width: 60'

Minimum lot depth: 100'

Front yard setback: 25'

Side yard setback: 6' with 15' on a corner lot adjacent to a street; 20' if garage entry

Rear yard setback: 20'.

Mrs. Maxwell said the garage/apartment is located approximately 5' from the north property line and is oriented to front on 12th Avenue. This structure is considered a legal non-conforming structure. Its status as such will not be affected by the 20' setback on the plat; it will remain a legal non-conforming structure. Future development on this lot will be required to observe the noted setbacks.

Maxwell provided a summary of the subdivision ordinance requirements as they apply to this subdivision plat.

Water/Sewer: An existing 6-inch water line runs along Ellis Street and an existing 6-inch sewer line runs along Beal Street. Both structures on this property are currently serviced via a single utility account. With the division of property, a second meter and tap fees are required. The existing fire hydrant location satisfies minimum requirements for fire protection.

Drainage: No additional structures are proposed on site. No drainage easements or infrastructure is needed.

Streets: Beal Street is identified as a minor collector on the City's Thoroughfare Plan and requires a minimum ROW width of 60' with 37' pavement width measured back-of-curb to back-of-curb (BOC). There is currently 60' ROW with a 34' pavement width (BOC), with curb and gutter. The applicant is dedicating an additional 5' ROW along Beal Street to facilitate future widening and sidewalk needs. The Director of Public Works has determined that no perimeter street improvements (PSI) are needed for Beal Street. The other perimeter streets, Ellis Street and 12th Avenue, are local streets. Local streets are required to have a minimum ROW width of 50' and pavement width of 31' (BOC). Ellis Street has 40' ROW with 23' pavement width (BOC) with curb and gutter provided. The Director of Public Works has determined that no additional ROW or PSI are needed for Ellis Street. 12th Avenue has 50' ROW with variable pavement width of approximately 20', there is no curb/gutter.

The applicant is requesting a variance to the perimeter street improvement requirement (Subdivision Ordinance Section 502.01.H.) for 12th Avenue, and Staff supports the variance request as provided in Subdivision Ordinance, Section 502.01.H.2.b.1.a., since this is a single family development not exceeding 3 acres in size or 3 lots. This is also a replat with existing development in place; no additional homes may be constructed with the current SF2 zoning.

Sidewalks: Per Subdivision Ordinance Section 503, sidewalks are required along both sides of collector streets, in this case, Beal Street. Through the Killeen-Temple Metropolitan Planning Organization (KTMPO), Belton has a sidewalk project in the Metropolitan Transportation Plan (MTP) that will provide a 5' sidewalk along sections of Beal Street from 24th to 6th Avenue. The project, B45-04, includes a 5' sidewalk along both sides of Beal Street from 13th Avenue to 6th Avenue. This project is ranked #12 in the long range funding section of the MTP. The applicant is requesting a variance to this requirement and Staff supports the request, given this pending project, since this is residential replat, with existing development in place and no additional development is proposed. Sidewalks are not required along Ellis Street and 12th Avenue, since they are both local streets.

Parkland Dedication/Fees: The parkland fee is \$200 per residential unit, or \$400 for this two lot subdivision. These funds may be used in Beall Park, across from this subdivision, or Heritage Park, within ½ mile of the subdivision. These funds are due at the time of plat signatures.

Mrs. Maxwell said Staff has reviewed the replat and finds it acceptable as a final plat. All conditions have been satisfied.

The Planning and Zoning Commission met on July 16, 2019, and unanimously recommended approval of the final plat of Dean's Beal Street Addition, subject to the conditions below. Staff concurs with their recommendation.

- Approval of variance to the perimeter street improvement requirement for 12th Avenue; and
- Approval of variance to the sidewalk requirement along Beal Street.

Councilmember O'Banion asked what the square footage is for the original building. Mrs. Maxwell said she didn't know.

Mayor Grayson asked if the property was on the historic register. Mr. Listi responded that it is on the historic register, but it is not located within an historic district.

Councilmember Pearson asked what the secondary building on the site was originally used for. Mrs. Maxwell said she was not sure what the original use was, but within the last 10-20 years it was converted to a living space similar to a garage apartment.

Councilmember O'Banion asked if the property owner intends to demolish the main structure. Mr. Listi said that is not the intent. He explained that the main structure could not be rebuilt in its current location if it is destroyed by fire, etc. The property owner will have to conform to current setback requirements. Mr. O'Banion asked, if the main structure is demolished, is the resulting lot a developable, standalone, lot. Mr. Listi replied, "It is."

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

Upon a motion by Councilmember O'Banion, and a second by Councilmember Kirkley, Item #13 was unanimously approved by a vote of 7-0.

FY 2020 Budget

14. Presentation of Belton Economic Development Corporation Annual Report and Budget for FY2020.

Cynthia Hernandez, Executive Director of the Belton Economic Development Corporation, presented the BEDC Annual Report as shown in Exhibit "A." Mayor Grayson thanked Mrs. Hernandez and her Staff on a great year at BEDC.

Interim Director of Finance Susan Allamon presented the BEDC's FY2020 budget as shown in Exhibit "B."

No action was required of the Council on this item.

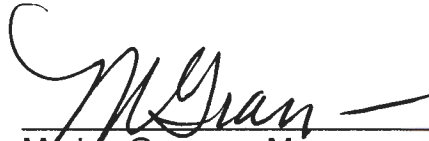
Mayor Grayson recognized Planner Kelly Atkinson for her contributions to Historic Preservation in Belton and wished her well as she has accepted a position with another entity.

At 7:11 p.m., the Mayor announced the Council would go into Executive Session for the following items:

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.
16. 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 551.087, Deliberation of Economic Development Negotiations.

The Mayor reopened the meeting at 7:44 p.m., and there being no further business, the meeting was adjourned.



Marion Grayson, Mayor

ATTEST:



Amy M. Casey, City Clerk

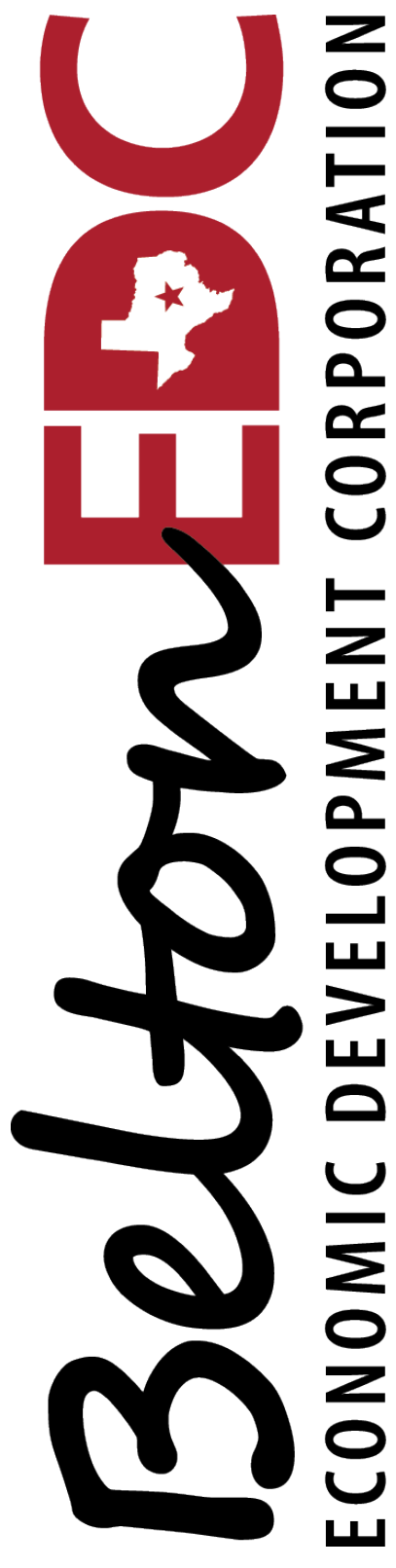
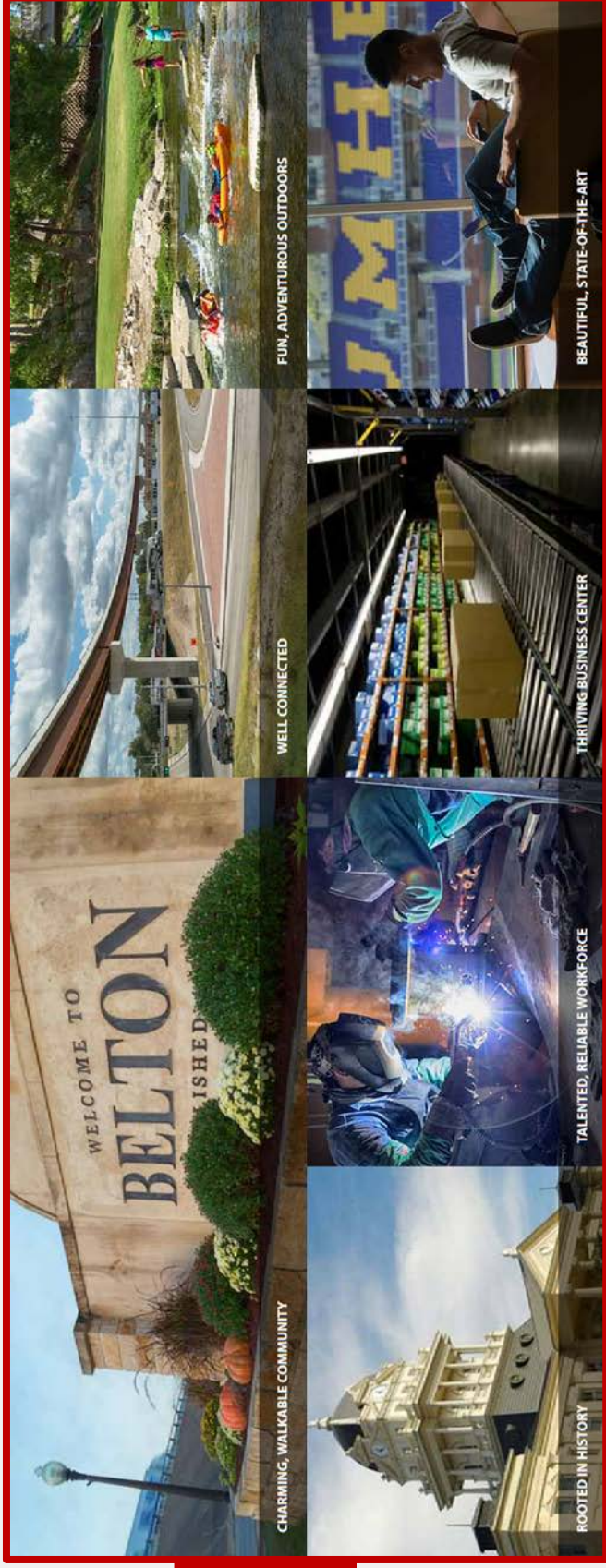


EXHIBIT "A"

BEDC | Belton City Council
Annual Report | July 23, 2019

Mission

To promote, assist and enhance economic development activities within the City of Belton with special emphasis on job retention, job creation, and capital investment.



Board of Directors



Joe
Shepperd
Board President



Griff
Lord
Board Vice-President



Barry
Harper
Board Secretary



Steve
Jones
Board Member



Stevie
Spradley
Board Member

BEDC Team



Cynthia
Hernandez
Executive Director



Ana
Borchardt
Director of Business
Retention & Expansion



Karina
Trevino
Project Assistant

FY 2019 Accomplishments & FY 2020 Projects



Programs

- Business Recruitment & Marketing
- Business Retention & Expansion
- Workforce Development
- Small Business Assistance

Business Recruitment & Marketing

- LoopNet
- Website
- Grand Central Texas Partnerships
 - 1 Trade Show
 - 1 Site Selectors Trip
 - 1 Business Mission (upcoming)
- Go Big In Texas
 - Investors Lunch
 - SXSW Reception & Christmas Reception
 - State Property Website
- Retail Attraction
 - Marketing Brochure
 - EMSI & Retail Coach Data
 - Maintain website segment for Retail



Proposed for 2020

- Website Update
- Digital Media Campaign

Belton Business Park

[illegible]

Texas First Rentals (4.8 acres)

Highway 93 Industrial Park



Business Retention & Expansion

- Industry Round Table Meetings
- Chamber Partnership
- CHERMA Partnership
- Site visits
 - Two companies working through a skills for small business application
 - 4 companies expressed interest in expanding
 - 2 considering capital improvements

Ag - Meier	Southwestern Foam Technologies
Age Industries	Frito Lay
Air Gas Southwest	IER
American Spincast	Micro Distributing
Belco Manufacturing	Milo Technologies
Belltec Industries	National Athletic Supply
Bridon Bekaert	Stratasys Direct Manufacturing
CGI	Tarco of Texas
Covan/Coleman American	Tru Homes
Custom Printing	USA Capitol
ECS	UPS
Fikes Wholesale	Southern Shingles
Friend Tire Co.	

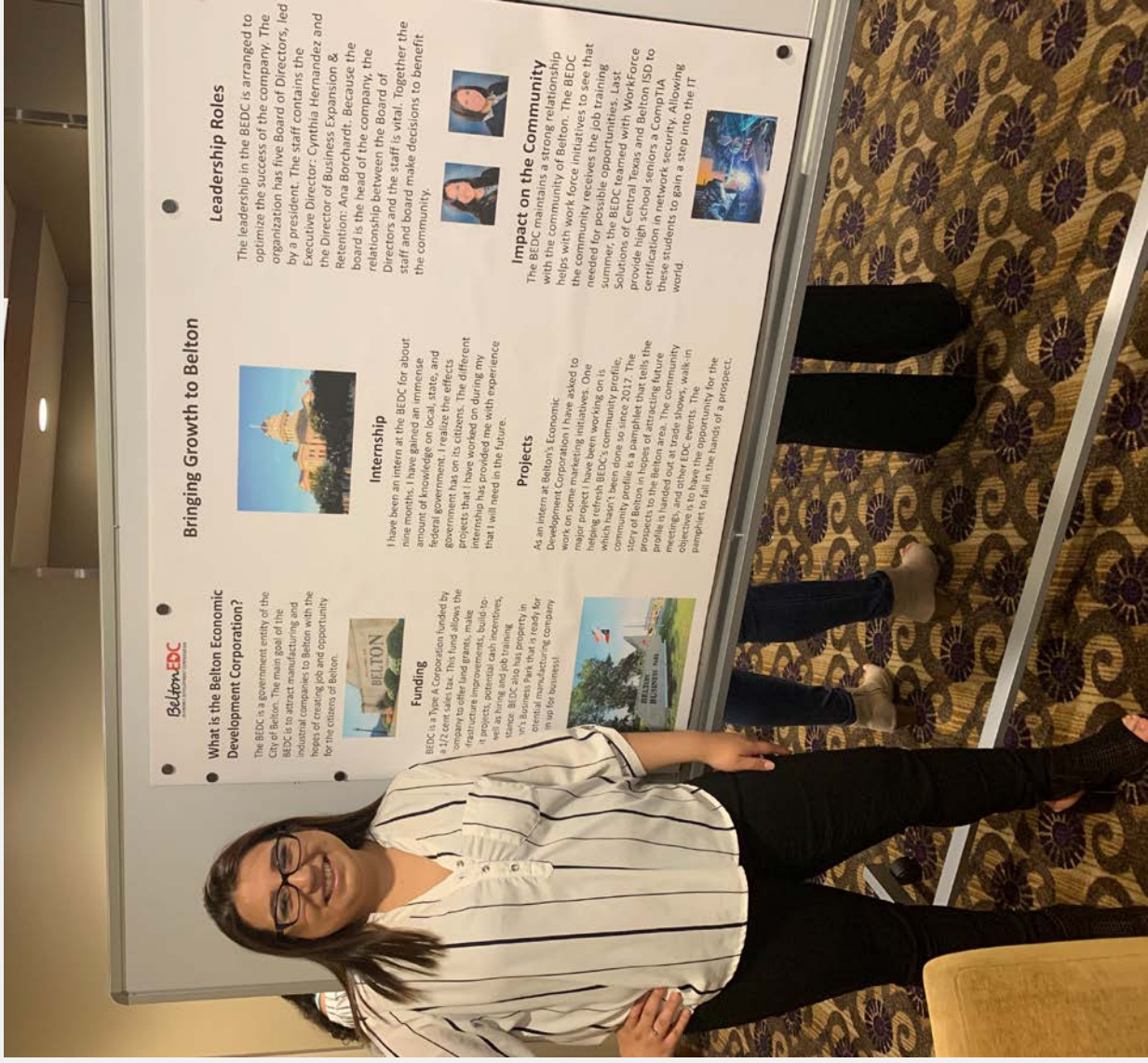


#HeroesMAKEAmerica

 MANUFACTURING
Institute

Workforce Development

- Heroes make America
 - Monthly P20 – Industry Partnerships
 - Teacher Externship
 - BISD CTE Advisory Board
 - TC Advisory Committee
- ## Proposed for 2020
- CTE Initiatives
 - Talent Attraction Initiatives



All other functions...

- Small Business Assistance - connect to SBDC
- Market Reports – EMSI and Retail Coach Data to brokers and developers
- Development Assistance – advocating and working with the City on behalf of a business
- Listing all commercial sites for local brokers

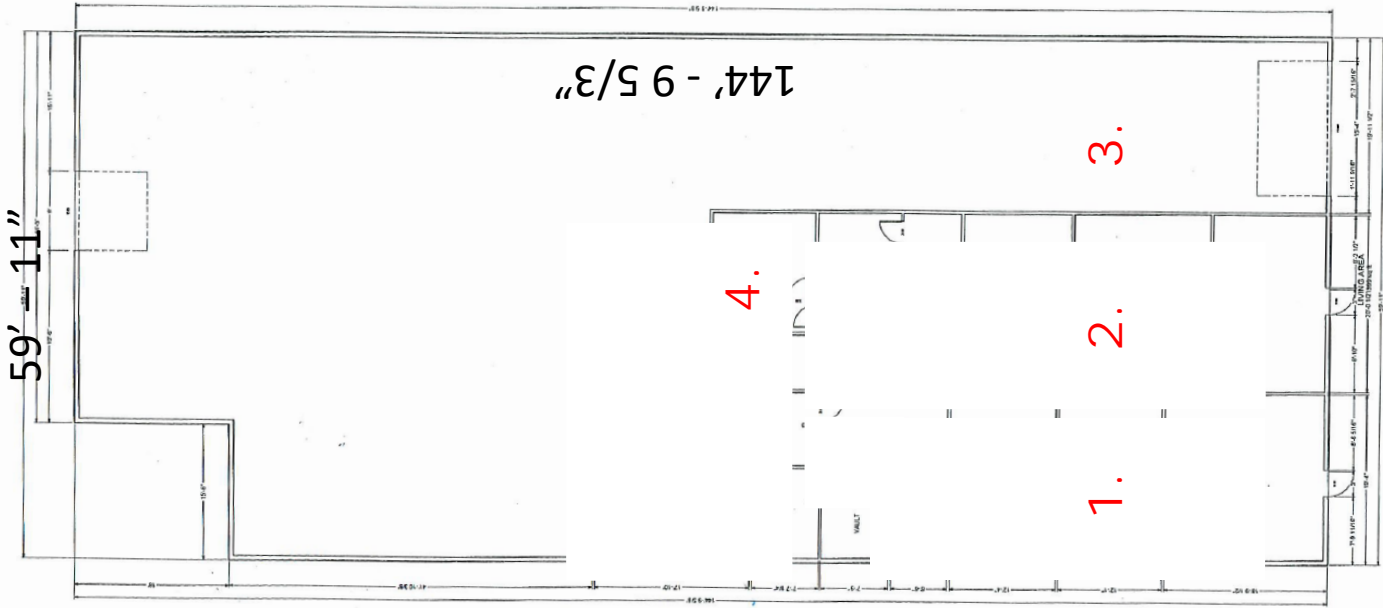
Projects

- BEDC office building
- Infrastructure
- Land sales

BEDC Offices



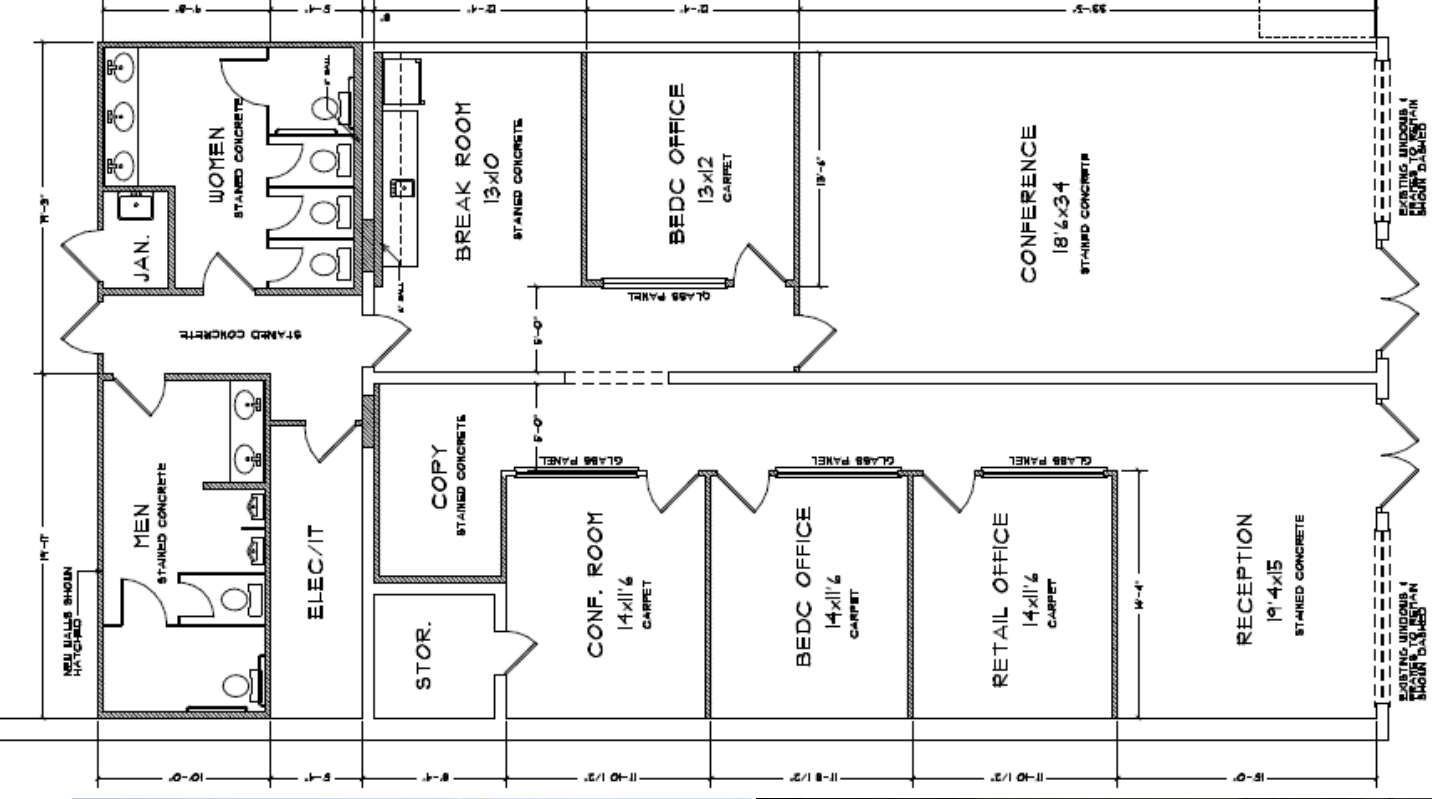
117 N East Street



Bay #1



Bay #2



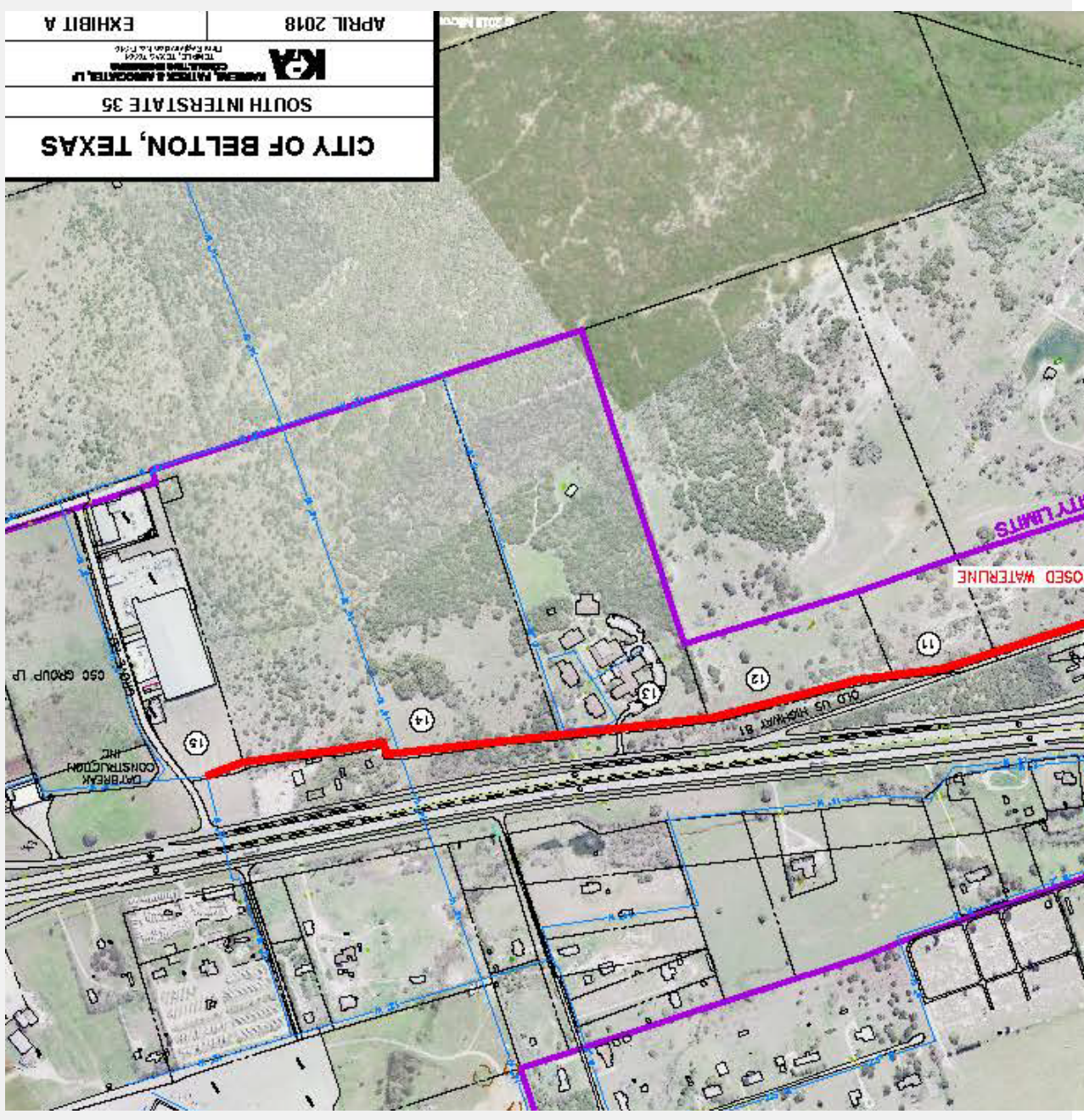


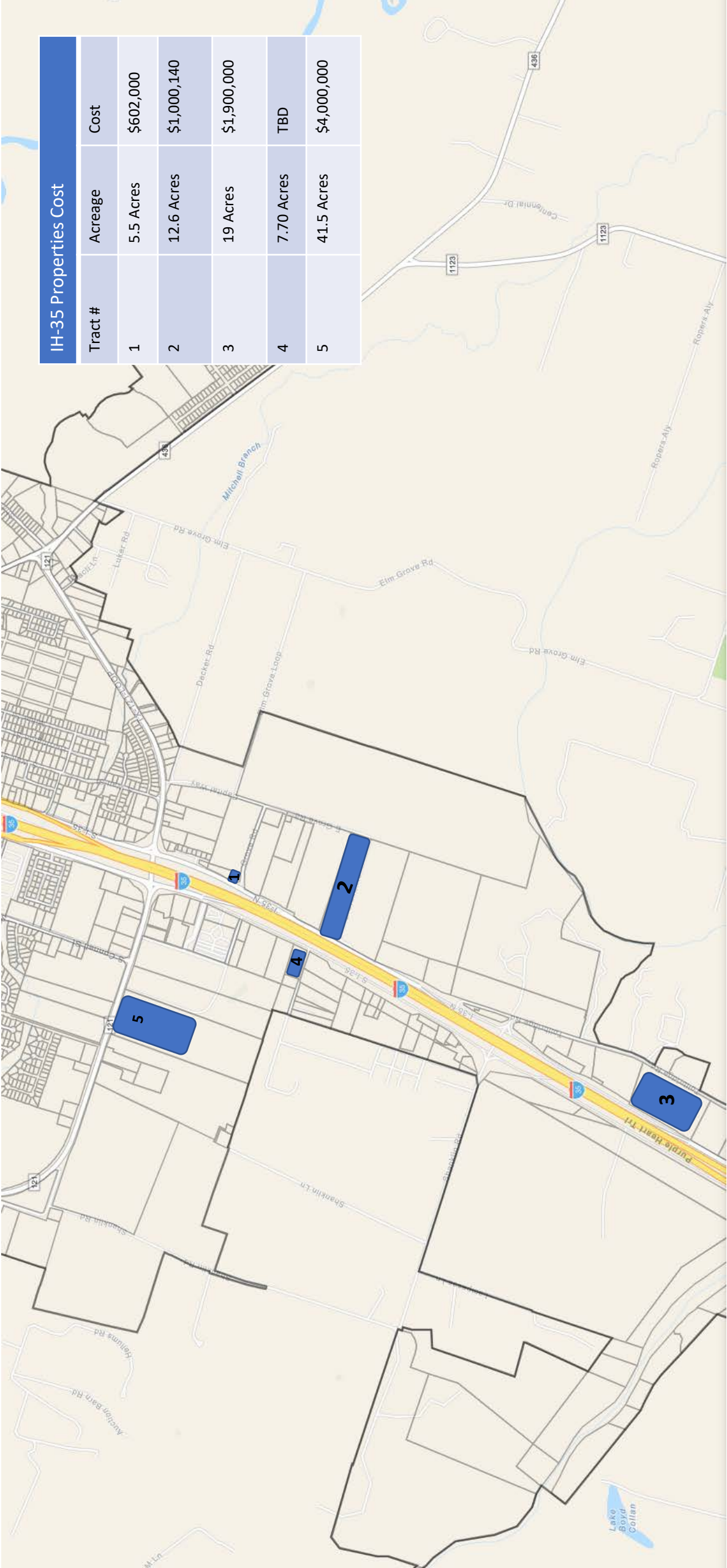


I-35 Waterline

- 60% Design complete
- KPA to release work for environmental and archeological
- ROW easements to be procured
- Could advertise bids for construction first part of 2020

Budget Notes: \$295,000 Engineering / \$1.5 Million Construction

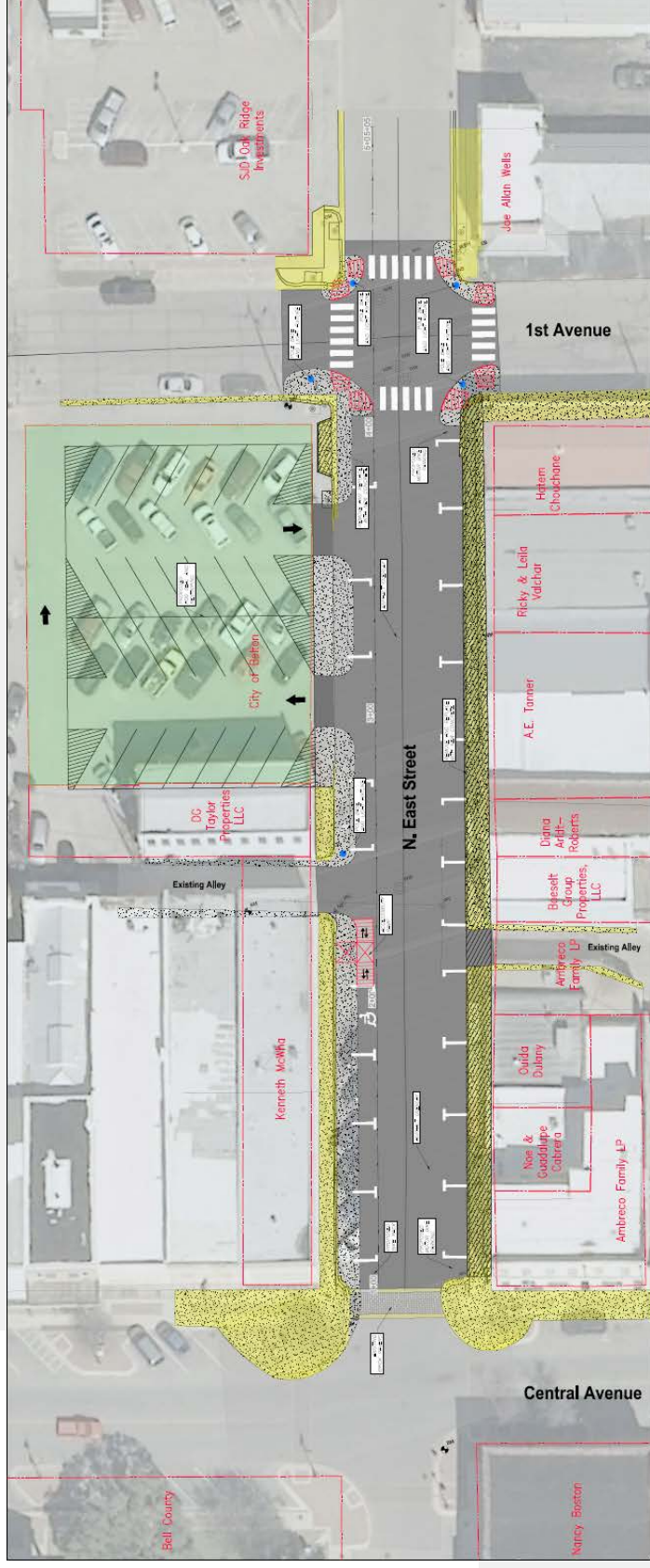




IH-35 Properties Cost			
Tract #	Acreage	Cost	
1	5.5 Acres	\$602,000	
2	12.6 Acres	\$1,000,140	
3	19 Acres	\$1,900,000	
4	7.70 Acres	TBD	
5	41.5 Acres	\$4,000,000	

East Street

- Final design 85% complete
- Bid project in the Fall 2019
- Begin construction Jan 2020
 - East sidewalk - 3 parts
 - West-sidewalk - 2 parts



Budget Notes: \$38,500 Engineering/ \$270,800 Construction

Avenue D Extension

- ROW to be secured by Dec 2019
- TxDOT design team to give direction on where tie into the intersection
- Replat to be submitted to the City
- Bid project March 2020



Budget Notes: \$310,000 Engineering / \$1.6 Million Construction

1-14 Infrastructure

Water and Wastewater

Waterline

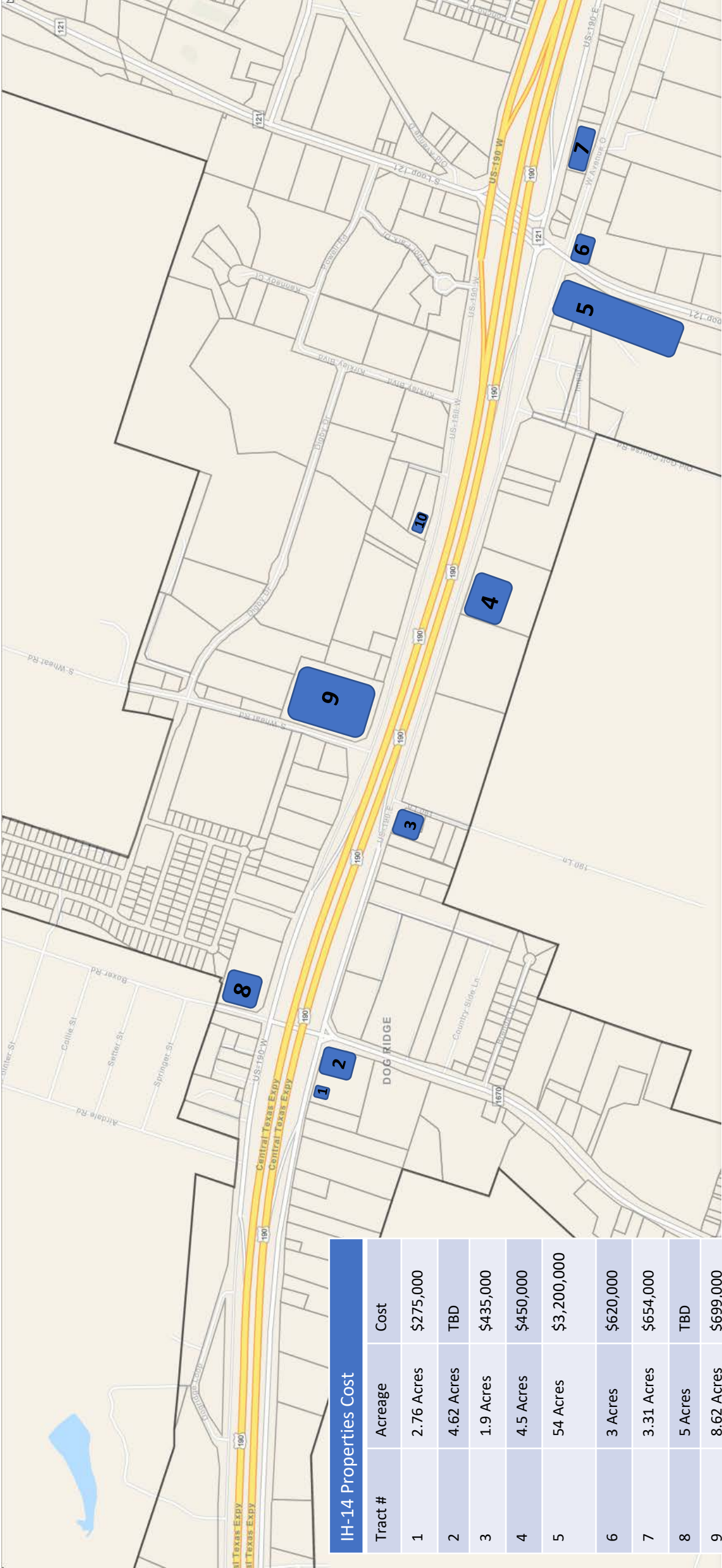
- No reimbursements to DRWSC for design to date.
- All ROEs have been secured.
- Surveying is complete.
- Engineers processing survey for alignment

Budget Notes: \$500,000 Construction

Wastewater line

- All ROEs have been secured.
- Engineers processing survey for alignment.
- 30% Design planned for completion in mid-July
- 60% Design planned for completion by Sept. 2019
- Potential advertisement for BIDS first part of 2020

Budget Notes: \$225,170 Eng. / \$1.1 Million Construction

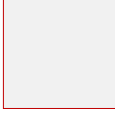


IH-14 Properties Cost

Tract #	Acreage	Cost
1	2.76 Acres	\$275,000
2	4.62 Acres	TBD
3	1.9 Acres	\$435,000
4	4.5 Acres	\$450,000
5	54 Acres	\$3,200,000
6	3 Acres	\$620,000
7	3.31 Acres	\$654,000
8	5 Acres	TBD
9	8.62 Acres	\$699,000
10	1.3 Acres	\$825,000

Goals FY 2020

- Complete BEDC office renovation
- Enhance marketing initiatives to include talent attraction initiatives and digital marketing
- Continue workforce initiatives
- Continue to serve our existing industries
- Maintain partnership with COB retail in initiatives
- Complete East Street Sidewalk Improvement Project
- Bid Avenue D extension
- Complete IH-14 infrastructure design
- Complete design for IH-35 and bid

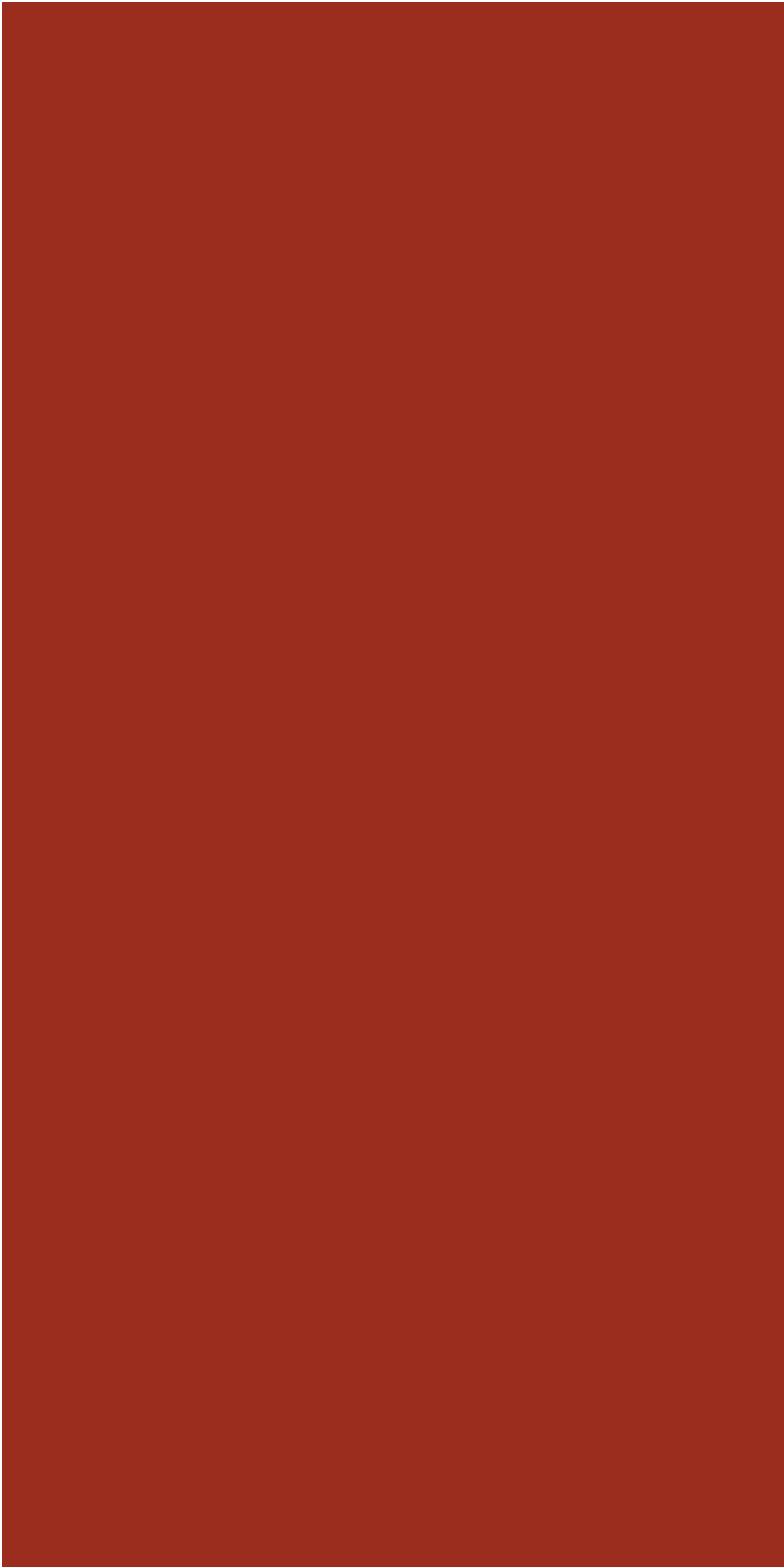




BEDC BUDGET

Thank You!

Cynthia Hernandez
Executive Director



BEDC FUND

Fiscal Year 2020



CAPITAL PROJECTS FUND

Project	Budget	Spent to Date	Budget Remaining
Avenue D	\$ 2,070,000	\$ 310,000	\$ 1,760,000
Rockwool	\$ 80,000	\$ -	\$ 80,000
East Street	\$ 419,500	\$ 38,500	\$ 381,000
I-35 Water	\$ 1,895,174	\$ 199,364	\$ 1,695,810
I-14 Water	\$ 500,000	\$ -	\$ 500,000
I-14 Sewer	\$ 1,295,810	\$ 195,810	\$ 1,100,000
Loop 121	\$ 848,339	\$ 848,339	\$ -
Total	\$ 7,108,823	\$ 1,592,013	\$ 5,516,810

Project Funding

- \$4,100,000 funded in FY 2017
- \$1,694,500 funded in FY 2018
- \$1,450,000 funded in FY 2019
- Total Funding + Interest Earnings = \$7,410,000
- Approximately \$400,000 for new projects or existing project contingency

OPERATING FUND

- BEDC FY 2019 -	
Beginning Fund Balance	\$549,804
Projected Revenues	\$2,253,305
Projected Expenditures	<u>(\$1,965,018)</u>
Net Impact of Projected Budget	<u>\$288,287</u>
Projected Ending Fund Balance	<u>\$ 838,091</u>

Fund Balance represents current assets less current liabilities; commonly referred to as working capital in the private sector

OPERATING FUND

- BEDC FY 2020 -		
Estimated Beginning Fund Balance		\$838,091
Projected Revenues	\$ 1,949,760	
Proposed Expenditures	<u>(\$849,489)</u>	
Net Impact of Proposed Budget		<u>\$1,100,271</u>
Projected Ending Fund Balance		<u><u>\$ 1,938,362</u></u>

OPERATING FUND

Description	FY 2018 Actual	FY 2019 Budget	FY 2019 Projected	FY 2020 Proposed	Change from 2019 Budget	
					Amount	%
Sales Tax	\$1,755,053	\$1,816,000	\$1,809,191	\$1,881,560	\$65,560	3.61%
Rental Income	\$44,216	\$43,200	\$44,354	\$43,200	\$0	0.00%
Sale of Property	\$0	\$392,040	\$372,260	\$0	(\$392,040)	-
Contributions/Misc	\$7,940	\$0	\$10,000	\$0	\$0	0.00%
Interest Income	\$21,859	\$14,500	\$17,500	\$25,000	\$10,500	72.41%
Total Revenues	\$1,829,068	\$2,265,740	\$2,253,305	\$1,949,760	(\$315,980)	-13.95%

OPERATING FUND

Description	FY 2018 Actual	FY 2019 Budget	FY 2019 Projected	FY 2020 Proposed	Change from 2019 Budget	
					Amount	%
Personnel	\$181,657	\$200,013	\$200,013	\$205,373	\$5,360	2.68%
Supplies	\$4,476	\$4,300	\$4,600	\$5,800	\$1,500	34.88%
Repairs & Maint	\$38,085	\$39,150	\$34,150	\$72,785	\$33,635	85.91%
Services	<u>\$126,578</u>	<u>\$206,676</u>	<u>\$156,255</u>	<u>\$230,531</u>	<u>\$23,855</u>	<u>11.54%</u>
Total O&M Expend	\$350,796	\$450,139	\$395,018	\$514,489	\$64,350	14.30%
Debt Service	\$92	\$0	\$0	\$0	\$0	
Capital	\$42,842	\$290,000	\$50,000	\$335,000	\$45,000	15.52%
Incentive Transfer	\$95,000	\$70,000	\$70,000	\$0	(\$70,000)	-100.00%
Infrastructure Transfer	\$0	\$0	\$0	\$0	\$0	
Capital Projects Transfer	\$1,694,500	\$1,450,000	\$1,450,000	\$0	(\$1,450,000)	-100.00%
Total Expenditures	\$2,183,231	\$2,260,139	\$1,965,018	\$849,489	(\$1,410,650)	-62.41%

INCENTIVES FUND

5/31/19 projected cash balance: \$1,814,500

Total commitments outstanding: \$1,954,500

Cash less long term commitments is (\$140,000)

Interest earnings are projected to make up the difference between current cash and long term commitments

No transfer to the Incentive Fund is proposed in FY 2020 budget

CASH FLOW PROJECTIONS AND NOTES

Anticipate a combined fund balance of \$8,544,857 at 9/30/19

- \$838,091 in the Operating Fund
- \$1,744,101 in the Incentive Fund
- \$5,962,005 in Capital Projects Fund

Anticipate a combined fund balance of \$5,158,970 at 9/30/20

- \$1,938,362 in the Operating Fund
- \$1,701,983 in the Incentive Fund
- \$1,518,625 in Capital Projects Fund