

**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.

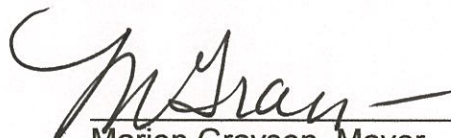
Councilmember O'Banion added that perhaps the City should review the definition of a collector street to determine when sidewalks should be required.

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.

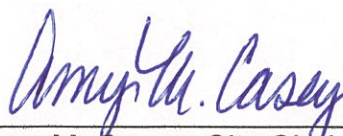
Commissioner Covington recommended that the parkland requirement be left at a minimum of two acres.

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

EXHIBIT "A"

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&ZC/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

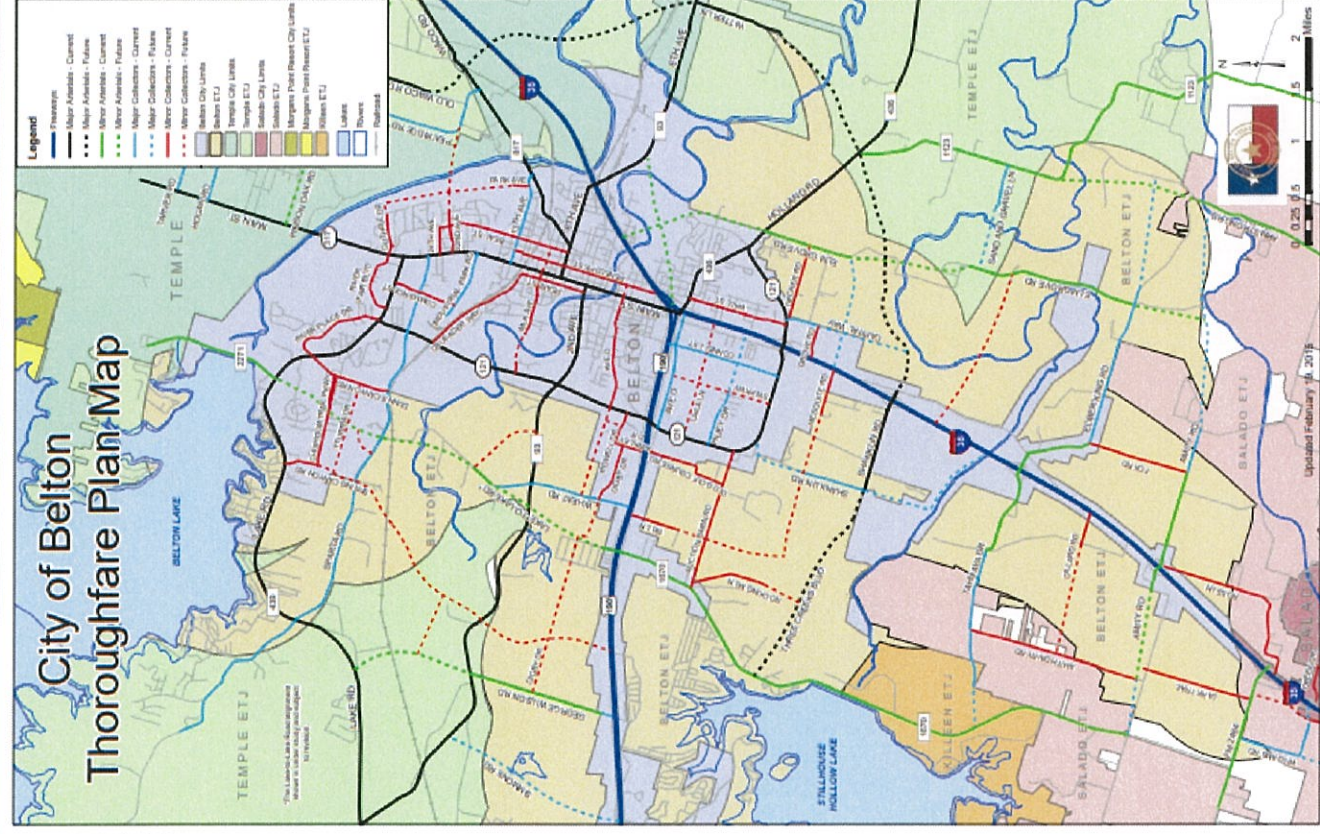
- Loop 121
- Lake Rd/FM 439
- Holland Rd/FM 436
- 6th & 2nd Ave/FM 93
- Main St/SH 317
- Waco Rd
- FM 1670 (minor)
- L2LR (minor)

Major Collectors

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

Minor Collectors

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





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.