

**BELTON CITY COUNCIL MEETING  
JULY 27, 2010**

The Belton City Council met in regular session with the following members present: Mayor Jim Covington, Mayor Pro Tem Marion Grayson, Councilmembers Clifton Peters, David K. Leigh, Wayne Carpenter, Craig Pearson, and John Agan. There were no members absent. Staff present were John Messer, Sam Listi, Connie Torres, Cristy Daniell, Fred Morris, Les Hallbauer, Gene Ellis, Roy Harmon, and Jerri Gauntt.

The Pledge of Allegiance to the U.S. Flag was led by Police Chief Gene Ellis, the Pledge of Allegiance to the Texas Flag was led by City Clerk Connie Torres, and the Invocation was given by Dr. Bill Muske, Director of Church Relations for the University of Mary Hardin-Baylor.

The Mayor called the meeting to order at 5:32 p.m.

Public comments. There were no public comments.

Presentation of Officer of the Quarter, 2nd Quarter 2010.

Police Chief Gene Ellis presented the award to Officer Tommaso Priori for his lifesaving actions in response to a subject attempting to commit suicide.

Consent Agenda

Councilmember Leigh made a motion to approve the consent agenda as presented. The motion was seconded by Mayor Pro Tem Grayson, and the following items were unanimously approved:

Minutes of the previous meeting. Approved as presented.

Consider an ordinance establishing speed zones along Loop 121, between FM 439 and FM 436.

Approved the ordinance captioned below, providing for changes in speed zones based on a traffic study conducted by the Texas Department of Transportation. The principal change will be to lengthen the school zone and reduce the speed limit along Loop 121, between FM 93 and FM 439, in the vicinity of the railroad overpass and Belton High School.

**ORDINANCE NO. 2010-28**

**ORDINANCE REGULATING THE RATE AND SPEED OF MOTOR VEHICLES.**

Planning & Development

Z-10-20: Hold a public hearing and consider an ordinance amending the zoning of approximately 6.948 acres of land out of the M. F. Connell Survey, Abstract No. 6, located generally east of IH-35 in the vicinity of East Central Avenue and Spring Street, from Commercial Highway to Commercial-2, for the construction of a heavy equipment sales, service and leasing operation.

Development Services Director Fred Morris indicated this change was requested to create a development site for a heavy equipment, sales, service and leasing operation. He identified the area on a map and gave an overview of the request. Mr. Morris stated staff recommended approval of the request, and the Planning & Zoning Commission (P&ZC) recommended approval 6-0 at its meeting on July 20th.

The Mayor opened the public hearing. Kirby Carpenter, Area Manager for ASCO Central Texas, 16723 Turkey Point Road, San Antonio, gave an overview of the company and indicated they look forward to expanding their operation in Belton. There were no other comments, therefore the hearing was closed.

Councilmember Peters asked if the entire tract would be fenced, and Mr. Morris explained the area to be fenced is generally in the front and along the sides; about ¼ of the property to the rear of the main development will be surrounded by existing trees. They intend to utilize decorative iron fencing along the most visible areas along the IH-35 frontage road, and security fencing along the other, less public areas. Upon motion by Councilmember Pearson, seconded by Councilmember Carpenter, the following captioned ordinance was unanimously approved:

**ORDINANCE NO. 2010-29**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM COMMERCIAL HIGHWAY ZONING DISTRICT TO COMMERCIAL-2 ZONING DISTRICT FOR CONSTRUCTION OF A HEAVY EQUIPMENT SALES, SERVICE AND LEASING OPERATION.**

P-10-10: Consider a Final Subdivision Plat for ASCO Gateway Commercial Subdivision, a 6.948 acre tract of land out of the M. F. Connell Survey, located at East Central Avenue and Spring Street.

Mr. Morris stated ASCO Gateway Commercial Subdivision is a 6.948 acre subdivision located east of IH-35. This irregularly shaped tract of land consolidates several tracts acquired by Automotive Properties, LP and rights-of-way from E. Central Avenue, Mays Street and an undeveloped/undedicated street and alley (which were abandoned by the City on July 13, 2010). Mr. Morris explained this plat consolidates the property for development of the proposed ASCO equipment sales and service center, and the P&ZC recommended approval of the plat 6-0, subject to the revisions noted below:

1. Revise to include the correct signature blocks
2. Provide the tax certification
3. Construction plan approval is deferred
4. Change the identified 10' utility easement along the IH-35 frontage to 15'
5. Change the identified 20' utility easement, shown within the abandoned E. Central Avenue right-of-way, to 25', with the additional 5' added on the north side of the proposed 20'.

Councilmember Agan asked how Item 3 (above) will be handled, and Mr. Morris explained there are some gas and water lines that will have to be moved, which will be addressed when building plans are submitted. Councilmember Agan made a motion to approve the plat as recommended. The motion was seconded by Councilmember Peters and carried unanimously.

Consider authorizing a development agreement with Associated Supply Company, Inc. (ASCO) for a redevelopment project in Downtown Belton.

The City Manager stated this item involves a Development Agreement between the City and ASCO, concerning their major Redevelopment Project on the east side of IH-35, at Central Avenue. The developer proposes to establish a new 10,000 sq. ft. full service sales, parts, service, and equipment rental facility in the same area previously identified for an automobile dealership by Fisher-Vincent Ford, who have gone out of business. Mr. Listi reviewed the following obligations of the City and Developer:

**Obligations of the City**

- a. The City agrees that it will provide for a relocated Spring Avenue from Central Avenue to its intersection with existing Spring Avenue. The City will coordinate improvements in the most cost efficient manner available and in a time frame suitable to serve the surrounding area and this Redevelopment project.
- b. The City confirms that it has, by separate instrument (Ordinance No. 2010-26), abandoned portions of E. Central Avenue, Mays Street, Whitsett Street, and an alley between E. Central Avenue and Mays Street, as illustrated in Attachment "B".
- c. The City agrees that it will waive all building permit fees for the Redevelopment Project in conjunction with this Development Agreement, regardless of cost, a current estimated value of approximately \$1,000.
- d. The City agrees to act in a timely and diligent manner to review and approve submissions by the Developer in order to achieve review and approval of right-of-way dedications for street and utility needs and review and approval of building and construction plans.

**Obligations of the Developer**

The Developer agrees to invest a minimum \$1,000,000 in this Redevelopment Project in order to establish a new full service sales, parts, service, and equipment rental facility in Downtown Belton.

- a. The Developer acknowledges dedication by the previous property owner to the City of approximately 1.5 acres of land along Nolan Creek for park land or other greenbelt improvements, and a 50' public street dedication for a relocated Spring Avenue, as illustrated in Attachment "C".
- b. The Developer agrees to provide construction plans for all public and private improvements related to the facility.
- c. The Developer agrees that building construction plans shall be in conformance with all local building codes and with the City's Design Standards.
- d. The Developer agrees the building shall provide a minimum of 10,000 sq. ft. in initial building area, and will be in conformance with the City's Flood Prevention Ordinance.

- e. Following approval and execution of the Development Agreement, the Developer shall act in a timely and diligent manner to prepare and submit items identified above, with building permit issuance anticipated within six (6) months and building occupancy anticipated within eighteen (18) months from the date of approval of this Development Agreement.

The City Manager stated he believes this project will be good for Downtown Belton, and may serve as a catalyst for other redevelopment efforts, and recommended approval.

A motion to approve the agreement as presented was made by Councilmember Peters. The motion was seconded by Councilmember Pearson and carried unanimously. Mr. Carpenter thanked the City for their cooperation.

Z-10-19: Hold a public hearing and consider an ordinance amending the zoning of approximately 33.762 acres of land out of the remainder H. A. Dawson Family Trust Tract, Christopher Cruise Survey, Abstract #166 and 5.716 acres of land out of the remainder Regatta Ridge Limited Partnership Tract, Christopher Cruise Survey, Abstract #166, from Agricultural and Planned Development 40 to Planned Development Single Family-1, for the construction of new single family homes.

Mr. Morris explained Jason Carothers has purchased (under contract) this portion of the Smith-Dawson Ranch development, and has requested rezoning of approximately 33.762 acres of property currently zoned Agricultural, and approximately 5.716 acres out of PD-40 (Single Family-1 and Patio Homes). The new development, Dawson Ranch, Phase II, is proposed to be similar to Dawson Ranch, Phase I, with lot sizes approximately 75' x 130' being the norm. Exact development layout is addressed in the subdivision plat (next item). Staff requested approval of the change to PD-SF-1, subject to application of the Design Standards, and the P&ZC recommended approval 6-0.

The Mayor opened the public hearing. Applicant Jason Carothers, 922 Crescent, stated this will be a continuation of development similar to Phase I. This property has more trees, so lots will be more expensive – in the \$200,000-\$225,000 range. Mr. Carothers gave a brief over-view of the proposed development, and stated this area has maintained its growth and they are eager to get started. The Mayor asked about trees, and Mr. Carothers indicated they intend to keep every hard wood tree they can. They will shred cedar trees and smaller brush, and the only others to be removed are those directly in street rights-of-way or actual pad sites. There were no other comments for or against the request, therefore the hearing was closed.

Upon motion by Councilmember Leigh, seconded by Mayor Pro Tem Grayson, the following captioned ordinance was unanimously adopted:

**ORDINANCE NO. 2010-30**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL AND PLANNED DEVELOPMENT 40 ZONING DISTRICT TO PLANNED DEVELOPMENT SINGLE FAMILY-1 ZONING DISTRICT FOR CONSTRUCTION OF NEW SINGLE FAMILY HOMES.**

P-10-09: Consider a Preliminary Subdivision Plat for Dawson Ranch, Phase II, a 39.478 acre tract of land out of the Christopher Cruise Survey, Abstract #166.

Mr. Morris gave an overview of the proposed Dawson Ranch, Phase II, a 39.498 acre development generally west of Dawson Ranch, Phase I, Section II and southeast of Regatta Oaks Section III, Phase I. This phase contains 119 lots in five blocks and development is proposed in three sections. The project will involve the extension of Chisholm Trail Parkway, and the neighborhood hike and bike trail to the west, and the plat proposes a change in the overall alignment/design of Chisholm Trail Parkway. Mr. Morris explained previous sections of Phase I proved costly due to construction requirements where the gas pipeline easement was crossed. Phase II proposes to shift the roadway to the south side of the easement, paralleling the easement, with the hike and bike trail following the easement.

Mr. Morris indicated the P&ZC unanimously recommended approval of the preliminary plat 6-0, subject to the items shown below:

1. The proposed sewer line on Thunder Hill Loop may be shortened by 100', with a manhole set at the end, at Lots 14 & 15. The same reduction applies to the line on Dancing Oaks Drive, at Lots 16 & 17. This is a cost saving at construction, but longer private service lines will be required.

2. Extend sewer line between lots 12 & 13, Block 2, to a point in the Lake-to-Lake Road right-of-way. This line shall be in an appropriate casement and easement, and construction of fences, etc., must be controlled.
3. Check and verify 500' fire hydrant spacing.
4. Provide 18" casement pipe and easement between Lots 18 & 19, Block II, Section II, and Lots 16 & 17, Block IV, Section III, for future water line extensions to the south. No water line is required however.
5. West portions of Thunder Hill Loop and Dancing Oaks Drive shall be 8" water line. These will be the lines that extend to the south in the future.
6. Connection/extension of line along Chisholm Trail Parkway will involve coordination with 439 Water Supply Corporation.
7. Drainage plans must address cross-lot stormwater runoff. Section construction plans must provide lot grading requirements or other means to prevent future runoff to adjacent properties or, at a minimum, provide plat notes identifying the responsibility of homebuilders to prepare engineered grading and drainage plans at the time of individual home/lot permitting. Stormwater runoff must be directed to the streets.
8. Clarify how stormwater runoff will reach the detention pond north of Chisholm Trail Parkway and the gas line easement.
9. Chisholm Trail Parkway shall include islands or partial medians to preserve existing vegetation and provide traffic calming/speed reduction.

Councilmember Agan asked about the street realignment, and Mr. Morris replied design engineering is not yet complete, but the transition will basically occur within the area of the Lake-to-Lake Road ROW moving down to the south side of the gas easement. Mr. Agan agreed the addition of a curve or turn helps avoid long straight residential streets, and Mr. Morris pointed out that item #9 was also included for that purpose. Mr. Agan asked the City's preference whether the developer or homebuilder should address item #7, and Mr. Morris stated the City prefers the developer's Design Engineer address the issue during design of each section.

The Mayor asked if the hike and bike trail will be on the pipeline ROW when the boulevard crosses the proposed Lake-to-Lake Road, and Mr. Morris indicated that is correct – it will be on the north side of the road.

A motion to approve the preliminary plat as presented was made by Councilmember Agan. The motion was seconded by Councilmember Peters, and carried unanimously.

Z-10-18: Hold a public hearing and consider an ordinance amending the zoning of an approximate 1.626 acre tract situated in the M. F. Connell Survey, Abstract 6, located generally at the northwest corner of East 13th Avenue and Park Avenue, from Multi-Family to Commercial-2, for the construction of a putt-putt entertainment center.

Councilmember Agan indicated he would have to abstain from this item, and left the meeting room.

Mr. Morris gave an overview of the request for rezoning for development of an outdoor commercial amusement center (putt-putt golf course). The applicant requested C-2 zoning which allows the proposed use, but staff was concerned with other uses allowed in that classification, such as major auto repair, welding shops and mobile home sales. For this reason, staff recommended changing the zoning to Planned Development-Retail, with an outdoor amusement center permitted, consistent with the Development Standards applicable for Type Area 8. The P&ZC concurred and recommended approval of changing the zoning to Retail, by a vote of 6-0.

The Mayor opened the public hearing. Applicant Belinda Manzella, 427 E. 14th Avenue, stated the P&ZC expressed concern about noise and lighting, and she learned the only noise associated with miniature golf is mainly human voices and laughter, consistent with what's already in the area (City park and water park). Ms. Manzella indicated down-lighting will be used, so adjacent properties will not be illuminated.

Councilmember Leigh asked about the entrance to the entertainment center, and Ms. Manzella indicated the entrance will likely be along Park Avenue, but will not be along 13th Avenue. Councilmember Peters asked about landscaping and the sloping terrain, and Mr. Morris stated they intend to design the course using existing topography, vegetation, and water features as best they can. Given the drop-off of the terrain, the lighting should be well below the finished floor elevation of the adjacent nursing home, and attention to these details will be included in the design in order to address the nursing home director's concerns.

There were no other comments, therefore the hearing was closed. Upon motion by Councilmember Carpenter, seconded by Councilmember Leigh, the following captioned ordinance was approved by a vote of 6-0-1, with Councilmember Agan abstaining:

**ORDINANCE NO. 2010-31**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM MULTI-FAMILY ZONING DISTRICT TO RETAIL ZONING DISTRICT FOR CONSTRUCTION OF A PUTT-PUTT ENTERTAINMENT CENTER.**

Councilmember Agan returned to the meeting.

Z-10-16: Hold a public hearing and consider an ordinance amending the zoning of approximately 0.92 acre of land in the W. M. Head Survey, locally known as 5103 W. US Highway 190, from Agricultural to Commercial-1, for the operation of a carpet and flooring store.

Mr. Morris stated Floors & More Carpet Center has been in a business location that is being taken for the IH-35 expansion. The owners are interested in moving to an existing building at 5103 W. US Highway 190, that formerly housed tattoo businesses. This property was annexed into the city limits with the protective annexations along Highway 190, and is currently zoned Agricultural. The P&ZC recommended approval of the request by a vote of 6-0, and he recommended approval.

The Mayor opened the public hearing. Applicant Debbie Trbulo, 120 W. Avenue J, stated they are ready to grow with Belton and requested favorable consideration. Business partner Pat Jackson also requested favorable consideration. There were no other comments, therefore the hearing was closed. Upon motion by Mayor Pro Tem Grayson, seconded by Councilmember Peters, the following captioned ordinance was unanimously approved:

**ORDINANCE NO. 2010-32**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL ZONING DISTRICT TO COMMERCIAL-1 ZONING DISTRICT FOR THE OPERATION OF A CARPET AND FLOORING STORE.**

Z-10-17: Hold a public hearing and consider an ordinance amending the zoning of approximately 0.52 acre of land in the Peter Conrad Survey, located generally at the southwest corner of West Avenue O and Connell Street, from Commercial Highway to Commercial-2, for the operation of a used car sales lot.

The Mayor announced he would abstain from this item, turned the meeting over to the Mayor Pro Tem, and left the meeting room.

Mr. Morris gave an overview of the request and current neighboring zoning patterns. The change will allow operation of a used car sales lot and associated activities typical of the business. He indicated the P&ZC voted to recommend approval 6-0, noting the application of Design Standards during development to ensure an attractive appeal, as Connell Street is likely to become more important in the City's circulation patterns given the realignment of IH-35.

Councilmember Agan asked about the basic difference between CH and C-2, and Mr. Morris indicated CH does not allow outside storage, and used car sales need to fall under C-2.

Mayor Pro Tem Grayson opened the public hearing. Applicant Carlton Richardson, #8 Cliffside Drive, Morgan's Point Resort, stated he is basically moving his business across the street and requested favorable consideration. There were no other comments for or against the request, therefore the hearing was closed. Councilmember Peters made a motion to approve the ordinance as presented. The motion was seconded by Councilmember Carpenter, and the following captioned ordinance was approved by a vote of 6-0-1, with Mayor Covington abstaining:

**ORDINANCE NO. 2010-33**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM COMMERCIAL HIGHWAY ZONING DISTRICT TO COMMERCIAL-2 ZONING DISTRICT FOR THE OPERATION OF A USED CAR SALES LOT.**

At 6:20 p.m., the Mayor Pro Tem recessed the meeting to the Smith Room. The Mayor reconvened the meeting at 6:31 p.m. for the following item:

Conduct a workshop to review the Sunset Provision of the Design Standards.

Development Services Director Fred Morris gave a brief presentation of how the Design Standards have functioned in comparison to previous regulations; reviewed actual application of the Standards in zoning cases/development projects since adoption; and presented a list of points compiled by staff and the City's consultant, HNTB Corporation.

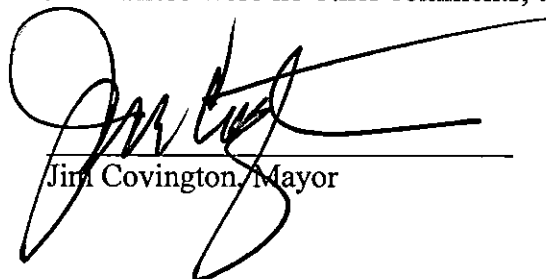
The following general comments were provided by the City Council:

- Mayor Covington and Councilmember requested staff look at alternatives to strengthen the tree ordinance, suggesting that perhaps trees smaller than the current 30" size should be required to be preserved. They requested development of alternate proposals between 30" and 8". Councilmember Leigh also requested a pre-development "scorched earth" policy be developed.
- Councilmember Carpenter stated he believes the Standards have streamlined the development process and improved the quality of development.
- Councilmember Leigh noted that the City's Land Use Plan can change, and stated he believes the City needs to continue to work on locking land use in at time of zoning and find ways to make proposed changes clearer to surrounding property owners, to include addition of a map further clarifying zoning change requests. (The City Manager indicated one of HNTB's recommendations includes addition of a land use area map for proposals seeking multiple zoning districts on a large parcel for inclusion with the ordinance, and any revision would require P&ZC/Council approval.)
- Several agreed the Design Standards have been helpful for the City's new and infill development; complaints have been minimal, and some developers have actually expressed appreciation.
- Several concurred the Comprehensive Plan needs to be updated, to include identification of "type areas" for all parts of the City.
- Councilmember Agan expressed full support for the existing Sign Ordinance.

Troy Glasson, Temple Area Builders Association, thanked the City for allowing the organization's input. He believes there has been a decline in development since adoption of the Standards, due to the economy. Mr. Glasson expressed concern in increasing the tree standards and indicated TABA would not be supportive of this.

The City's Consulting Engineer, Mack Parker of KPA Engineers, suggested the City conduct a seminar to present Belton's regulations to builders, contractors, engineers, etc., to give them a better understanding and reduce misconceptions. Mr. Glasson indicated the TABA would be willing to help in this regard. Several suggested that those businesses displaced by the IH-35 expansion project and representatives from the Belton Economic Development Corporation be included in the presentation. The Council agreed a seminar was a good idea.

The City Manager indicated staff plans to incorporate the changes recommended by HNTB and Council for presentation and consideration in the future. There were no other comments, therefore the Mayor adjourned the meeting at 7:45 p.m.

  
Jim Covington, Mayor

ATTEST:

  
Connie Torres, City Clerk