

**BELTON CITY COUNCIL MEETING  
NOVEMBER 27, 2012**

The Belton City Council met in regular session with the following members present: Mayor Jim Covington, Mayor Pro Tem Marion Grayson, Councilmembers Clifton Peters, Wayne Carpenter and Craig Pears. Councilmembers David K. Leigh and John Agan were absent. Staff present were John Messer, Sam Listi, Connie Torres, Cristy Daniell, Les Hallbauer, Gene Ellis, Francisco Corona (6:20 p.m.), Byron Sinclair, Erin Newcomer, Kim Kroll, Charlotte Walker, Chris Brown and Paul Romer.

The Pledge of Allegiance to the U.S. Flag was led by Public Information Officer Paul Romer, the Pledge of Allegiance to the Texas Flag was led by Councilmember Clifton Peters, and the Invocation was given by Pastor Andy Davis of the First Baptist Church.

The Mayor called the meeting to order at 5:43 p.m.

Public comments. There were no public comments.

Consent Agenda

Upon motion by Councilmember Pearson, seconded by Councilmember Carpenter, the following items were unanimously approved:

Minutes of the previous meeting. Approved as presented.

Consider an ordinance providing for the abandonment of former Crusader Way street right-of-way (ROW), located generally between University Drive and College Street, and consider accepting a deed conveying ROW for new Crusader Way alignment, located generally between University Drive and College Street.

Approved the ordinance captioned below abandoning existing Crusader Way street ROW (generally between University Drive and College Street), in exchange for a deed conveying land for the new ROW alignment, and relocated street improvements meeting all public needs including collector street pavement width, curb and gutter, bike lanes and sidewalk:

**ORDINANCE NO. 2012-43**

**AN ORDINANCE PROVIDING THAT A 6.070 ACRE PORTION OF CRUSADER WAY PUBLIC STREET RIGHT-OF-WAY, LOCATED GENERALLY BETWEEN UNIVERSITY DRIVE AND COLLEGE STREET, CITY OF BELTON, IS HEREBY CLOSED, ABANDONED AND VACATED FOR ALL PUBLIC PURPOSES.**

Consider authorizing the Belton Economic Development Corporation to enter into a Development Agreement with Belltec Industries, Inc., to support their capital investment and job creation expansion.

Approved the Development Agreement between the BEDC and Belltec Industries as indicated in the agenda staff report. (Approved by the BEDC Board at its meeting on November 19, 2012.)

Consider authorizing the Belton Economic Development Corporation to execute a contract with Killeen Healthcare Realty, LLC, for the purchase of property in the Belton Business Park.

Approved the BEDC's sale of 6.8 acres in the Belton Business Park to Killeen Healthcare Realty for the expansion of Crestview Manor Nursing Home, as indicated in the agenda staff report. (Approved by the BEDC Board at its meeting on November 19, 2012.)

Consider authorizing a Façade Improvement Grant (FIG) to Larry Gaines, 104 East Central Avenue.

Approved a FIG to Larry Gaines for property at 104 East Central Avenue, in the amount of \$8,494.45. (FIG funds are dispersed as a 50/50 match, with a maximum amount of the grant set at \$10,000 for any project.)

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

Approved the transfer of City funds into the Employee Benefits Trust to pay for employee insurance premiums, in accordance with the City's Trust document and State Comptroller advice that Trust and City funds be kept separate, with insurance premiums being paid by the Trust. (The Trust Board, comprised of the City Council, met prior to this meeting to award employee insurance contracts.)

Planning & Development

Z-12-32: Hold a public hearing and consider an ordinance regarding a zoning change from Agricultural to Multiple Family-1 Planned Development and Retail Zoning District for a senior living rental community and a retail center on a 9.736 acre tract located at the southwest corner of Sparta Road and Commerce Drive.

Planning Director Erin Newcomer reviewed the staff report for this request from Prestwick Development for development of 88 senior housing units (Lot 1) and a retail center (Lot 2). The site plan for the senior housing proposes 42 one-bedroom units (ranging from 700-750 sq. ft.) and 46 two-bedroom units (ranging from 900-950 sq. ft.). The two-story buildings will consist of 90% masonry and include a variety of amenities. Ms. Newcomer explained the Planned Development proposal would allow for a reduction from the current parking ratio of two spaces per unit to 1.59 per unit for 88 units (140 total) based on reduced driving tendencies of seniors 55 and older who will occupy this development. The applicant proposes to commit to a site plan that arranges the units in a manner compatible with surrounding land uses, and will need to extend the sewer line to the northern most property lines, and the water line off Sparta Road to each lot through the platting process.

The Planning Director stated the Planning & Zoning Commission (P&ZC) recommended approval at its meeting on November 21st, by a vote of 8-0, with the conditions below. She concurred and recommended approval.

1. The use of this property must conform to the Multiple-Family and Retail Zoning District in all respects, except the total number of parking spaces provided on Lot 1 shall be a minimum of 140 spaces.
2. Landscaping/fencing plan providing suitable transition subject to detailed site plan review at building permit.
3. The development of the property shall conform to all applicable Type Area 5 Design Standards, as identified in Ordinance 2009-31, Section 7.1 of the Zoning Ordinance, including:
  - a. Site Development Standards discussed above
  - b. Building Design Standards
  - c. Landscape Design Standards
4. Sign standards shall conform to Ordinance 2008-11.
5. Applicant/owner agree that two parking spaces per unit will be required if tax credits are not awarded for the senior housing project proposed in 2013.

The Mayor opened the public hearing. On behalf of the applicant, Mike Beevers, 5101 FM 439, gave a brief overview of the request and asked for favorable consideration. Rae Schmuck, 616 N. Beal Street, spoke in favor of the request, stating she thinks this type of development is needed in Belton for its senior citizens. There were no other comments, therefore the hearing was closed.

Councilmember Peters asked if the water system will be looped, and Assistant Public Works Director Byron Sinclair indicated plans have not yet been submitted. Upon motion by Mayor Pro Tem Grayson, seconded by Councilmember Peters, the following captioned ordinance was unanimously approved:

**ORDINANCE NO. 2012-44**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL ZONING DISTRICT TO MULTIPLE FAMILY-1 PLANNED DEVELOPMENT AND RETAIL ZONING DISTRICT FOR A SENIOR LIVING RENTAL COMMUNITY ON A 5.00 ACRE TRACT, AND A PROPOSED RETAIL CENTER ON A 4.736 ACRE TRACT ON THE SOUTHWEST CORNER OF SPARTA ROAD AND COMMERCE DRIVE, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 5 DESIGN STANDARDS.**

P-12-32: Consider a Preliminary Plat for Potts Commercial Southwest, a 9.736 acre, two-lot subdivision, located on the southwest corner of Sparta Road and Commerce Drive.

Ms. Newcomer gave an overview of the plat and indicated the Commission recommended approval (8-0) and staff concurs. She recommended approval of the preliminary plat, subject to conditions contained in the letter to the applicant's engineer dated November 13, 2012.

Councilmember Peters asked if the future widening of Sparta Road would affect this property, and the City Manager indicated the project has been accommodated for in the plat recommendation. Councilmember Pearson made a motion to approve the plat as presented. The motion was seconded by Councilmember Carpenter and carried unanimously.

Z-12-23: Hold a public hearing and consider an ordinance regarding a zone change from a Single Family-2 with Conservation and Revitalization Overlay Zoning District to a Planned Development Multiple Family-1 Zoning District, to construct a triplex on Lot 2, Block 22, Original Town of Belton, located on South Davis Street, south of Yettie Polk Park.

The Planning Director reviewed the staff report for this request from Todd Scott for development of a one-story triplex. The Planned Development proposal will allow a 14' setback on the east property line, in contrast to the required 20' rear yard setback. The applicant will install a 6' wooden privacy fence along the property line to create a buffer between the triplex and existing single family homes. The two end units will be 1,350 square feet, 3 bedrooms/2 baths, and the interior unit will be 1,100 square feet, 2 bedrooms/2 baths. The applicant is proposing to provide six on-site parking spaces, two per unit; exterior construction will be composed of hardi plank with a 4' brick wainscot for compatibility with surrounding structures, and staff will have the opportunity for site plan approval. Ms. Newcomer indicated this item was recommended for approval 8-0 by the P&ZC, and she recommended approval with the following conditions:

1. The allowable uses of the property shall conform to the Multi-Family Zoning District in all respects, except with a 14' rear yard building setback to the east.
2. Landscaping plan providing suitable transition subject to detailed site plan review.
3. The development of the property shall conform to all applicable Type Area 10 Design Standards, as identified in Ordinance 2009-31, Section 7.1 of the Zoning Ordinance, including:
  - a. Site Development Standards including:
    - i. 6' wooden privacy fence along the property line
    - ii. Six on-site parking spaces, two per unit
  - b. Building Design Standards
    - i. On site storage directly off back porch
    - ii. Exterior constructed of hardi plank and 4' brick wainscot
  - c. Landscape Design Standards
4. Sign Standards shall conform to Ordinance 2008-11.

The Mayor opened the public hearing. There were no comments for or against the request, therefore the hearing was closed. Mayor Pro Tem Grayson expressed appreciation to Ms. Newcomer for her thorough description of activity at this location, and for working with the existing neighborhood. Ms. Grayson made a motion to approve the request as presented, which was seconded by Councilmember Carpenter. The motion carried unanimously and the following ordinance was adopted:

**ORDINANCE NO. 2012-45**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM A SINGLE FAMILY-2 WITH CONSERVATION AND REVITALIZATION OVERLAY ZONING DISTRICT TO A PLANNED DEVELOPMENT MULTIPLE FAMILY-1 ZONING DISTRICT FOR THE CONSTRUCTION OF A TRIPLEX, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 10 DESIGN STANDARDS.**

Z-12-31: Hold a public hearing and consider an ordinance regarding a zone change from Retail to Office-2 District with a Specific Use Permit for the operation of a bail bond business and lawyer's office in the existing structure at 609 East 6th Avenue, located on the north side of East 6th Avenue, west of IH-35.

Planning Director Erin Newcomer gave an overview of this request from Latesia Ganos for the operation of a bail bond business and lawyer's office to be located in the existing 600 sq. ft. building. Staff has determined existing paved parking is adequate for a bail bond business and lawyer's office. The applicant requested a Certificate of Occupancy which cannot be issued until a zoning change is approved. While the lawyer's office is permitted under current zoning, a zone change is required for a bail bond business. Ms. Newcomer indicated the P&ZC recommended unanimous approval at its meeting, and she concurred. She recommended approval of the proposed ordinance with the following conditions:

1. The allowable uses of the property shall conform to the Office-2 District in all respects.
2. All associated operations shall be conducted and contained within the primary structure.
3. The development of the property shall conform to all applicable Type Area 7 Design Standards, as identified in Ordinance 2009-31, Section 7.1 of the Zoning Ordinance, including:
  - a. Site Development Standards discussed above
  - b. Building Design Standards
  - c. Landscape Design Standards
4. Sign Standards shall conform to Ordinance 2008-11.
5. Business hours will be conducted Monday to Friday from 8:00 a.m. to 5:00 p.m.

The Mayor opened the public hearing. Applicant Latesia Ganos, 1584 Monorail Salute, Round Rock, gave an overview of her business and requested favorable consideration. Councilmember Pearson asked how bail bond operations would occur after hours. Ms. Ganos stated her employees conduct administrative duties during the day, but with cell phones and call forwarding, after-hours jail calls are handled from home. There were no other comments, therefore the hearing was closed.

Upon motion by Councilmember Peters, seconded by Mayor Pro Tem Grayson, the amendment was unanimously approved, and the following captioned ordinance was adopted:

**ORDINANCE NO. 2012-46**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM A RETAIL ZONING DISTRICT TO OFFICE-2 ZONING DISTRICT WITH A SPECIFIC USE PERMIT FOR THE OPERATION OF A BAIL BOND BUSINESS AND LAWYER'S OFFICE, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 7 DESIGN STANDARDS.**

Z-12-33: Hold a public hearing and consider an ordinance regarding a zoning change from Agricultural to Commercial-1 with a Specific Use Permit for the placement of a 20' tall pole sign with electronic changeable copy at 7180 US Highway 190, a 4.7 acre tract located on the north side of Highway 190, approximately 0.7 mile west of George Wilson Road.

Planning Director Erin Newcomer gave an overview of this request from CF Supply. The applicant contacted the City to obtain a sign permit, but a change in zoning is required to allow a 20' pole sign and electronic changeable copy sign (allowed only in Commercial-1, Commercial-2, Light Industrial, Heavy Industrial, and Planned Development districts and only on properties fronting on IH-35 and US Highway 190). The proposed sign must have a minimum 5' setback from the property line. The previous sign was a mono-pole, 22.5' high, and the applicant is proposing to a two-pole

sign 20' in height, with a 72 sq. ft. face and an 18.56 sq. ft. electronic changeable copy. Ms. Newcomer indicated the P&ZC recommended approval 8-0, and she recommended approval with the conditions included in the ordinance.

Councilmember Peters asked about the maximum height for this sign, and Ms. Newcomer indicated the maximum height is 20'. The Mayor opened the public hearing. Jerri Gauntt, 332 N. Pearl, expressed concern with the changeable copy sign and it's her understanding these signs are not allowed unless for a public or civic use. She expressed safety concerns as she thinks these signs are distracting, and also expressed concern with the sign as it relates to the City's Scenic Certification. In response to one of Ms. Gauntt's questions, Ms. Newcomer cited pages 128-129 of the Sign Ordinance which states that electronic changeable copy signs are allowed for non-public or non-civic uses with a Specific Use Permit, and reiterated the zoning districts that these signs are permitted with an SUP. Ms. Newcomer added though a 5' setback is required, this sign which is replacing an existing sign at the same location, will be set back farther than 5'.

Councilmember Carpenter clarified only the lower portion of the sign will be changed, and Ms. Newcomer confirmed just the bottom 18.5 sq. ft. will be changed. Councilmember Pearson asked how this will affect the City's Scenic City Certification, and the City Manager stated this is an existing component permitted in the City's sign regulations with a Specific Use Permit. He stated he thinks if the request was made for the entire sign it might be different, but he believes it won't jeopardize the City's Certification since this a small portion of an existing sign being replaced. The Mayor concurred, and stated he doesn't think this size sign will be derogatory or cause problems. Indicating she doesn't have a problem with this sign, Mayor Pro Tem Grayson expressed concern with approving this request which could spawn additional requests along Highway 190, as she doesn't want to see that corridor lit up with signs. Councilmember Carpenter concurred with Ms. Grayson's point, but indicated he doesn't have a problem with this request to replace an existing sign, and understands future requests have to come before the Council for consideration. The City Manager indicated staff will take the Council's comments into consideration when future requests for SUP's come forward, and suggested development of a policy if necessary. The City Attorney recommended a policy or set of guidelines be developed if the Council wants to deny requests such as this; the policy could include a limit by number, square footage, ratio of main sign to changeable copy sign, distance between signs, etc. The Mayor concurred and directed staff to develop a policy for consideration in the future.

Councilmember Pearson made a motion to approve this request as recommended. The motion was seconded by Councilmember Carpenter, and carried by a vote of 4-1, with Mayor Pro Tem Grayson voting in opposition. The following captioned ordinance was approved:

**ORDINANCE NO. 2012-47**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AN AGRICULTURAL ZONING DISTRICT TO COMMERCIAL-1 ZONING DISTRICT WITH A SPECIFIC USE PERMIT FOR THE PLACEMENT OF A 20' TALL POLE SIGN WITH ELECTRONIC CHANGEABLE COPY, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 2 DESIGN STANDARDS.**

**Z-12-27: Hold a public hearing and consider an ordinance designating the Lower West Belton Historic District, located generally between Nolan Creek and Main Street and south of 5th Avenue.**

Planning Director Erin Newcomer gave an overview and chronology of events leading up to the designation of the historic districts identified in the next five agenda items. She reviewed the criteria used for evaluation of significance for properties, and showed samples of contributing vs. non-contributing structures. Ms. Newcomer indicated the Historic Preservation Commission (HPC) and the P&ZC recommended approval of all five district designations.

With regard to the Lower West Belton Historic District, Ms. Newcomer presented a boundary map, and reviewed a summary of the district, to include the criteria used, the number of parcels within, and photos of representative properties in the district. She recommended approval of designation of the Lower West Belton Historic District as presented.

The Mayor opened the public hearing. Richard Westlake, 317 N. Pearl, asked how this designation would affect his non-contributing house. Ms. Newcomer indicated he can review the guidelines or contact her for guidance if he wants to make repairs/changes to his home. There were no others to speak regarding this item, therefore the hearing was closed.

Councilmember Pearson asked the City Attorney if he should abstain since his employer (First Baptist Church) has property included within this district. Mr. Messer replied it would be best to abstain, and Mr. Pearson stepped out of the meeting room.

Upon motion by Councilmember Carpenter, seconded by Mayor Pro Tem Grayson, the following captioned ordinance was approved by a vote of 4-0-1, with Councilmember Pearson abstaining:

**ORDINANCE NO. 2012-48**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY DESIGNATING THE LOWER WEST BELTON HISTORIC DISTRICT, LOCATED GENERALLY BETWEEN NOLAN CREEK AND MAIN STREET AND SOUTH OF 5TH AVENUE.**

Z-12-26: Hold a public hearing and consider an ordinance designating the South Main Historic District, located along the west side of South Main Street, generally between Avenue D and Avenue H.

The Planning Director presented a boundary map, and reviewed a summary of this district, to include the criteria used, the number of parcels within, and photos of representative properties within the district. She recommended approval.

The Mayor opened the public hearing. There were no comments, therefore the hearing was closed. Upon motion by Mayor Pro Tem Grayson, seconded by Councilmember Carpenter, the Council unanimously approved the designation. The following captioned ordinance was unanimously approved:

**ORDINANCE NO. 2012-49**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY DESIGNATING THE SOUTH MAIN HISTORIC DISTRICT, LOCATED ALONG THE WEST SIDE OF SOUTH MAIN STREET, GENERALLY BETWEEN AVENUE D AND AVENUE H.**

Z-12-28: Hold a public hearing and consider an ordinance designating the Downtown Belton Commercial Historic District, located generally between 2nd Avenue and Nolan Creek and Pearl Street and Penelope Street.

Ms. Newcomer presented a boundary map, and reviewed a summary of this district, to include the criteria used, the number of parcels within, and photos of representative properties within the district. She recommended approval of the ordinance designating the district.

The Mayor opened the public hearing. There were no comments, therefore the public hearing was closed. The Mayor confirmed the ordinance should be corrected to read Downtown Belton Commercial Historic District, inserting the word Commercial. Upon motion by Mayor Pro Tem Grayson, seconded by Councilmember Pearson, the Council unanimously approved the designation of the Downtown Belton Commercial Historic District as presented. The following captioned ordinance was unanimously approved:

**ORDINANCE NO. 2012-50**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY DESIGNATING THE DOWNTOWN BELTON COMMERCIAL HISTORIC DISTRICT, LOCATED GENERALLY BETWEEN 2ND AVENUE AND NOLAN CREEK AND PEARL STREET AND PENELOPE STREET.**

Z-12-29: Hold a public hearing and consider an ordinance designating the Central Belton Historic District, located generally between 2nd Avenue and 6th Avenue and between Main Street and Blair Street.

The Planning Director presented a boundary map, and reviewed a summary of this district, to include the criteria used, the number of parcels within, and photos of representative properties located within the district. She recommended approval.

The Mayor opened the public hearing. There were no comments, therefore the hearing was closed. Upon motion by Councilmember Pearson, seconded by Mayor Pro Tem Grayson, the Council unanimously approved the following captioned ordinance:

**ORDINANCE NO. 2012-51**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY DESIGNATING THE CENTRAL BELTON HISTORIC DISTRICT, LOCATED GENERALLY BETWEEN 2ND AVENUE AND 6TH AVENUE AND BETWEEN MAIN STREET AND BLAIR STREET.**

Z-12-30: Hold a public hearing and consider an ordinance designating the North Central Belton Historic District, located generally between Main Street and Blair Street and 6th Avenue and 11th Avenue.

Ms. Newcomer presented a boundary map, and reviewed a summary of this district, to include the criteria used, the number of parcels within, and photos of representative properties located within the district. She recommended approval.

Councilmember Carpenter asked if names of the builders were obtained during the research process. Steph McDougal, McDoux Preservation (consultant who prepared the historical survey update), replied her scope of work during this update was limited to cataloging changes made to buildings since the 2006 survey was completed. In some cases, builder information was captured in the 1985 survey, and is available and accessible by the City.

The Mayor opened the public hearing. Samuel Meek, 707 N. Blair, stated he owns three properties within this district – two are non-contributing and one that is contributing, but the one that is contributing (707 N. Blair) has nothing but a foundation remaining. Ms. McDougal identified the properties on a map, and indicated historic district boundaries will often include properties that face each other across the street. Ms. McDougal stated she thinks it's appropriate to want to manage this area for the benefit of the people on both sides of the street. Mayor Pro Tem Grayson clarified that if Mr. Meek ever wanted to rebuild on the vacant property or the lot with just the foundation, the new structures would have to be appropriate for the neighborhood in order to protect the district, and Ms. McDougal concurred. Mr. Meek showed photos of his property, and Ms. McDougal identified the contributing properties surrounding his properties, and stated it makes sense to include the entire strip instead of having some properties in, and some out. Ms. Grayson stated she thinks this neighborhood is a testament to long-term sustainability as far as houses built in that period of time, and this will protect the area and remaining structures. Ms. McDougal stated one of the most challenging tasks for the City will be to manage its infill construction in historic districts, to ensure new structures will be compatible with the neighborhood in terms of size, materials, etc. There were no other comments.

Upon motion by Councilmember Pearson, seconded by Mayor Pro Tem Grayson, the Council unanimously approved the designation as recommended. The following captioned ordinance was unanimously approved:

**ORDINANCE NO. 2012-52**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY DESIGNATING THE NORTH CENTRAL BELTON HISTORIC DISTRICT, LOCATED GENERALLY BETWEEN MAIN STREET AND BLAIR STREET AND 6TH AVENUE AND 11TH AVENUE.**

Councilmember Carpenter expressed thanks to Ms. McDougal for her hard work on this project, and several Councilmembers echoed his thanks. The Mayor recognized members of the City's Youth Advisory Commission in attendance.

At 6:55 p.m. the Mayor announced the Council would go into executive session and closed the meeting.


Executive Session pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.072, to discuss a real estate transaction.

At 7:00 p.m., the Mayor reopened the meeting, and there being no further business, the meeting was adjourned.



Jim Covington, Mayor

ATTEST:



Connie Torres, City Clerk