

**BELTON CITY COUNCIL MEETING
SEPTEMBER 24, 2013**

The Belton City Council met in regular session with the following members present: Mayor Pro Tem Marion Grayson, Councilmembers David K. Leigh, Craig Pearson, John Agan, Jerri Gauntt, and Dan Kirkley. Mayor Jim Covington was absent. Staff present were John Messer, Sam Listi, Connie Torres, Cristy Daniell, Gene Ellis, Francisco Corona, Mike Huber, Erin Newcomer, Kim Kroll, Sandy Slade, Charlotte Walker, Denny Lassetter, Paul Romer, and Aaron Harris.

The Pledge of Allegiance to the U.S. Flag was led by IT Director Denny Lassetter, the Pledge of Allegiance to the Texas Flag was led by Councilmember Dan Kirkley, and the Invocation was given by Jordan Hubbard of the Belton Church of Christ.

The Mayor Pro Tem called the meeting to order at 5:33 p.m.

Public comments.

Police Chief Gene Ellis reminded the audience about this year's National Night Out activities to be held throughout the community on October 1, 2013.

Tricia Scott (and Barry Scott), 2560 Curry Loop, read a letter regarding a renovation project at 603 E. 13th (which they own), where installation of a gravel driveway caused the City to withhold issuance of a Certificate of Occupancy. She expressed confusion and dismay over letters sent to neighbors associated with a variance request submitted to the Zoning Board of Adjustments (to request a variance to Section 34, Off Street Parking and Loading Requirements), as she believes the notices misrepresent the City ordinance and misinform recipients, by omitting the option to use a similar all weather surface. Mayor Pro Tem Grayson indicated her comments would be referred to City staff.

Presentations:

A. Proclamation for Fire Prevention Week

Fire Chief Corona accepted this proclamation on behalf of the Belton Fire Department, and reminded everyone to be mindful when cooking, to help prevent kitchen fires. He invited everyone to participate in the Fire Department's activities planned during Fire Prevention Week/Month, to include an Open House on October 12th at Fire Station #2.

B. Colonial Heritage Month

Mayor Pro Tem Grayson read the proclamation and presented it to Jane Debenport of the Governor Samuel Mathews Chapter, Colonial Dames Seventeenth Century.

Consent Agenda

Councilmember Gauntt requested items 6, 7, and 8 be removed from the consent agenda. Upon motion by Councilmember Leigh, seconded by Councilmember Pearson, the following items were approved unanimously:

Minutes of previous meetings: Both sets approved as presented.

A. September 10, 2013 regular meeting

B. September 17, 2013 special meeting

Consider appointments to the Public Property Finance Corporation Board of Directors.

Reappointed Bill Holmes, JoAn Dillard, and Joe Pirtle, for another three year term.

Removed from Consent Agenda

Consider an ordinance amending the FY 2013 budget.

Assistant City Manager Cristy Daniell explained the 2005 City Charter provides that budget amendments occur by ordinance, and the proposed ordinance includes all budget amendments for FY 2013. Most of the amendments were approved by City Council as they arose during the year, and the ordinance also includes other amendments not yet approved by Council that occurred in the course of operations during the year.

Councilmember Gauntt asked about the City's match for the K-9 grant, and Ms. Daniell indicated it was a 100% grant. Ms. Gauntt asked what property was damaged that needed repairs funded by insurance proceeds as identified in the ordinance, and Ms. Daniell explained City vehicles are involved in minor vehicle collisions during the year, which are covered by insurance.

Upon motion by Councilmember Gauntt, seconded by Councilmember Kirkley, the following captioned ordinance was unanimously approved:

ORDINANCE NO. 2013-31

AN ORDINANCE AMENDING THE ANNUAL BUDGET OF THE CITY OF BELTON FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013.

Consider authorizing a modification to the Façade Improvement Grant that was awarded to Larry Gaines, 104 East Central Avenue.

Planning Director Erin Newcomer explained Larry Gaines requested modification to a Façade Improvement Grant (FIG) he received last November, for renovations to his building located at 104 East Central Avenue. The original grant amount was \$8,494.45, but FIG guidelines state that no grants may be awarded for work that has already been initiated or completed. Ms. Newcomer explained the project is complete, and the scope of the project remains the same as approved in November 2012, but when the old windows were removed, the contractor discovered all of the wooden frames were rotted and had to be replaced immediately to secure the building. Since this property is in the Downtown Belton Commercial Historic District, the item was presented to the Historic Preservation Commission on September 12th, which recommended approval. Ms. Newcomer recommended approval of the request for additional funding in the amount of \$1,505.55, increasing the award to the maximum amount of \$10,000.

Councilmember Gauntt commented she thinks this is a great program. Councilmember Pearson made a motion to approve the item. Ms. Gauntt seconded the motion, which carried unanimously.

Consider authorizing a Façade Improvement Grant to Sylvia Copenhaver, 100 North Main Street.

Planning Director Erin Newcomer gave an overview of this request for a Façade Improvement Grant (FIG) from Sylvia Copenhaver, for renovations to this building located at 100 North Main Street, proposed as a future bridal shop. She presented existing photos and reviewed proposed improvements. Ms. Newcomer explained the Historic Preservation Commission recommended approval of the item 3-0-1, with one member abstaining, at its meeting on September 12th. The total projected cost in the application is \$78,913, and she recommended funding under the FIG program in the maximum amount of \$10,000.

Councilmember Leigh asked if the upstairs would be utilized, and Ms. Newcomer stated the applicant has discussed several ideas for the upstairs, but nothing has been finalized yet. Councilmember Leigh expressed appreciation for the proposed project, and recommended approval of the grant as requested. Councilmember Pearson concurred and seconded the motion which carried unanimously.

Planning & Zoning

Z-13-17 Hold a public hearing and consider an ordinance regarding a zoning change from Retail to a Planned Development Retail Zoning District for a proposed CVS Pharmacy at 2849 North Main Street, located on the northeast corner of North Main Street and Lake Road.

Planning Director Erin Newcomer gave an overview of this request to allow for a 13,325 sq. ft. CVS Pharmacy. She identified area zoning and reviewed details of the proposed development. Ms. Newcomer indicated the Planning & Zoning Commission (P&ZC) recommended approval by a vote of 8-0 at its meeting on September 17th, and she recommended approval of the zone change with the following conditions:

1. The use of this property must conform to the Retail Zoning District in all respects, except for the following:
 - a. Northern side yard setback shall be a minimum of 13.5', instead of the required 25' minimum side yard setback.
 - b. Total number of parking spaces provided shall be a minimum of 60 spaces.
 - c. One (1) electronic changeable copy sign no larger than 20 square feet is permitted on the freestanding monument sign.
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 1 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, except as indicated above, on the proposed signage plan pending TxDOT approval.

Based on comments received at a recent Council meeting regarding Estate Drive, Councilmember Leigh asked if the road potentially tying into Estate Drive will be sufficient for traffic associated with this development. Ms. Newcomer stated she thinks it will be, as she believes most people will utilize Estate Drive to go west toward Main Street. Mr. Leigh asked if the shared entrance would be "no left turn", and asked if a median will be built. Ms. Newcomer stated plans were just turned in for review. Councilmember Leigh commended staff for seeking internal circulation, and requested staff continue to work on shared entrances along Lake Road. Mr. Leigh also asked about the size of the proposed digital sign, and Ms. Newcomer clarified it will be 20 sq. ft. in size. Mr. Leigh stated he would prefer to not have the digital sign, and Councilmember Gauntt concurred, stating she thinks digital signs are very distracting, and she prefers it not be allowed.

The City Attorney reminded the Council to focus on the zoning request. The City Manager commented the Planned Development (PD) zoning was proposed to accommodate the reduced side yard setback, parking space reduction, and the digital sign. Following discussion regarding digital signs, Mr. Messer recommended the City develop a policy on these types of signs, since the subject has come up on several occasions.

Mayor Pro Tem Grayson opened the public hearing. Chase Helm, Winkelman & Associates, Dallas, on behalf of the engineering firm representing the project, was present to address any questions, and requested favorable consideration. There were no comments, therefore the public hearing was closed.

Councilmember Gauntt asked when the time is right to ask about the sign, and the City Manager stated the existing Sign Ordinance restricts these signs, but they are allowed with PD zoning or a Specific Use Permit. The change to PD zoning here, is a tool to try and address some equity issues, rather than a separate variance request, which could be presented to the Zoning Board of Adjustment. Mr. Listi indicated there could be some equity arguments with the existing sign across the street at Walgreen's. Councilmember Leigh reiterated his desire to not allow the sign, and Councilmember Gauntt agreed.

Councilmember Kirkley made a motion to approve the item as recommended, and the motion was seconded by Councilmember Agan. Councilmember Leigh

requested a digital sign ordinance be developed for consideration. A vote on the motion carried by a vote of 4-2, with Councilmembers Leigh and Gauntt voting in opposition. The following captioned ordinance was approved:

ORDINANCE NO. 2013-32

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM PLANNED DEVELOPMENT RETAIL ZONING DISTRICT TO PLANNED DEVELOPMENT RETAIL ZONING DISTRICT FOR A CVS PHARMACY, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 1 DESIGN STANDARDS.

Z-13-16 Hold a public hearing and consider an ordinance regarding a zoning change from Agricultural to a Single Family-2 Zoning District for 17.773 acres, located on the west side of Connell Street, north of West Loop 121, and east of the existing Liberty Valley Subdivision, Phase I and II.

Planning Director Erin Newcomer gave an overview of this request to allow for a 58-lot residential subdivision west of Connell Road in conjunction with a future subdivision plat. She identified area zoning and reviewed details of the proposed development. Ms. Newcomer indicated the P&ZC recommended approval by a vote of 8-0 at its meeting on September 17th, and she recommended approval with the following:

1. The allowable uses of the property shall conform to the Single Family-2 Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 11 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
3. Sign Standards shall conform to Ordinance 2008-11.
4. Subdivision plat is required.

The Mayor Pro Tem opened the public hearing. Victor Turley, 301 N. 3rd Street, Temple, engineer for the project, was present to answer any questions and requested favorable consideration. There were no comments regarding the request, therefore the public hearing was closed. Upon motion by Councilmember Agan, seconded by Councilmember Pearson, the following captioned ordinance was unanimously adopted:

ORDINANCE NO. 2013-33

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AN AGRICULTURAL ZONING DISTRICT TO SINGLE FAMILY-2 ZONING DISTRICT FOR A 58-LOT SUBDIVISION, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 11 DESIGN STANDARDS.

Z-13-22 Hold a public hearing and consider an ordinance regarding a zoning change from Agricultural to a Single Family-1 Zoning District for 30.794 acres, located west of the Dunn's Canyon Road and Lake Road intersection, north of the existing Dawson Ranch Subdivision, and south of the existing Red Rock Hills Subdivision, Phase I.

Planning Director Erin Newcomer gave an overview of this request to allow for a 58-lot residential subdivision on the west side of Dunn's Canyon Road in conjunction with a future subdivision plat. She identified area zoning and reviewed details of the proposed development. Ms. Newcomer indicated the P&ZC recommended approval 8-0 at its meeting, and she recommended approval with the following:

1. The allowable uses of the property shall conform to the Single Family-1 Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 1 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
3. Sign Standards shall conform to Ordinance 2008-11.
4. Subdivision plat is required.

Mayor Pro Tem Grayson opened the public hearing. John Kiella, 11122 White Rock, Temple, stated he looks forward to working with City staff on this project, and requested favorable consideration. There were no other comments regarding the request, therefore the public hearing was closed.

Councilmember Leigh asked if this development will be able to tie in to sewer at Red Rock Hills Subdivision, and Ms. Newcomer indicated it will. Mr. Leigh asked about ingress/egress for this development, and Ms. Newcomer stated staff will be looking at opportunities for ingress/egress during the platting process. Upon motion by Councilmember Leigh, seconded by Councilmember Pearson, the Council unanimously adopted the following captioned ordinance:

ORDINANCE NO. 2013-34

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AN AGRICULTURAL ZONING DISTRICT TO SINGLE FAMILY-1 ZONING DISTRICT FOR A 58-LOT SUBDIVISION, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 1 DESIGN STANDARDS.

Z-13-18 Hold a public hearing and consider an ordinance regarding a zoning change from Single Family-1 District to a Planned Development Single Family-1 Zoning District for the operation of an antique store on the north side of the existing home at 407 North Pearl Street, located on the east side of North Pearl Street and north of West 3rd Avenue.

Planning Director Erin Newcomer gave an overview of this request to allow for an antique store. She identified area zoning and reviewed details of the proposed development. Ms. Newcomer indicated the P&ZC recommended approval by a vote of 7-1 at its meeting on September 17th, and she recommended approval with the following:

1. The allowable uses of the property shall conform to the Single Family-1 District in all respects, and in addition a retail antique store is an allowed use.
2. All associated operations shall be conducted and contained within the primary structure.
3. At least 5 off-street all weather asphalt or concrete parking spaces must be provided.
4. Sprinkler system or firewall separation shall be required between the business and the house as required by City adopted building code.
5. A separate restroom shall be located within the store building.
6. A concrete ramp to the store entrance for ADA accessibility.
7. The development of the property shall conform to all applicable Type Area 6 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
8. Sign Standards shall conform to Ordinance 2008-11.

Councilmember Gauntt stated it appears this property is already a duplex. Ms. Newcomer stated she is uncertain when it was changed to a duplex, but it was originally a single family home. Ms. Gauntt (who indicated she is a property owner within 200' of this request) stated she doesn't see how this lot fronts on Main Street, which is what she understands to be included in Design Standards Type Area 6. Ms. Newcomer reviewed the boundaries of Type Area 6 which does include this property, and indicated she would provide Ms. Gauntt a better copy of the Type Area 6 boundary map.

Ms. Newcomer went on to explain staff found this request to be reasonable based on the move toward retail in this area and surrounding properties/uses (neighboring properties zoned for a day care center and a bed and breakfast). Councilmember Gauntt commented those activities aren't happening at either location, and Ms. Newcomer explained that they are permitted uses, however. The Planning Director explained the City received no letters in opposition to the zoning change, and given the low intensity for this request, staff considers it reasonable. Ms. Gauntt cited section 34.2(C) of the Zoning Ordinance regarding off-street parking requirements in residential districts (related to Agricultural and Residential Estate Zoning Districts). Ms. Newcomer indicated the applicable reference is to Section 34.2(B) related to Single

Family-2 zoning, and clarified the applicant is required to provide asphalt, concrete, or a similar all weather surface for parking (and gravel is not considered acceptable by the City in this zoning district).

Mayor Pro Tem Grayson opened the public hearing. There was no one to speak for or against the item, therefore the hearing was closed. Councilmember Leigh stated given the minimal traffic volume in this area, he doesn't think an antique shop will be very viable at this location; he thinks this looks more like spot zoning, and the site is small without much parking, which he thinks might be a challenge. Mayor Pro Tem Grayson asked what stops this location from being used as an office or another neighborhood service use, other than an antique shop. Ms. Newcomer explained the base zoning remains Single Family-1, with the Planned Development zoning allowing an antique store as the only business use. Ms. Grayson asked why zoning stays with properties that aren't being used as such (i.e. the day care and bed and breakfast), and the City Manager stated once a zoning change is approved, the rights of that change remain with the property in accordance with state law. Councilmember Agan asked if the property can remain a single family residence if the antique store doesn't succeed, and Ms. Newcomer stated it could.

Maria Riddle, 410 N. Main, stated she thinks it will be difficult to operate an antique store at this location; she thinks the entrance to 400 N. Main Street will get blocked and doesn't think there is adequate parking. Ms. Newcomer stated the applicant is required to add parking, and staff believes there is sufficient room for five or more parking spaces.

Councilmember Agan made a motion to approve the request as recommended. Councilmember Kirkley seconded the motion, which carried by a vote of 4-2, with Mayor Pro Tem Grayson and Councilmember Leigh voting in opposition. The following captioned ordinance was approved:

ORDINANCE NO. 2013-35

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM A SINGLE FAMILY-1 ZONING DISTRICT TO PLANNED DEVELOPMENT SINGLE FAMILY-1 ZONING DISTRICT FOR THE OPERATION OF AN ANTIQUE STORE, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 6 DESIGN STANDARDS.

Z-13-19 Hold a public hearing and consider an ordinance regarding a zoning change from Agricultural to Two Family Zoning District for the construction of duplexes on an 18.996 acre tract of land located on the west side of Connell Street, 0.35 miles south of West Highway 190.

Planning Director Erin Newcomer gave an overview of this request to allow for construction of duplexes in conjunction with the Future Land Use Plan. She identified area zoning and reviewed details of the proposed development. Ms. Newcomer indicated the P&ZC recommended approval 8-0 at its meeting on September 17th, and she recommended approval of the zone change with the following:

1. The use of this property must conform to the Two Family Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 11 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
3. Sign standards shall conform to Ordinance 2008-11

The Mayor Pro Tem opened the public hearing. There were no comments for or against the request, therefore the hearing was closed. Councilmember Leigh made a motion to approve the ordinance as presented. The motion was seconded by Councilmember Gauntt, and the following captioned ordinance was unanimously adopted:

ORDINANCE NO. 2013-36

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AN AGRICULTURAL ZONING DISTRICT TO TWO FAMILY

ZONING DISTRICT FOR CONSTRUCTION OF DUPLEXES, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 11 DESIGN STANDARDS.

Miscellaneous

Consider authorizing the City Manager to execute an agreement with Kasberg, Patrick & Associates for professional services related to construction of a 16" water line from Sparta Road to Chisholm Trail Parkway.

Mayor Pro Tem Grayson announced she needed to abstain from this item, and turned the meeting over to Councilmember Leigh. Ms. Grayson departed the meeting.

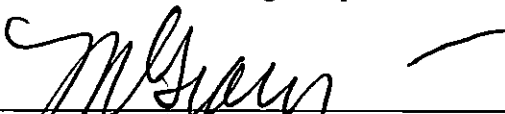
Public Works Director Mike Huber identified the project location and gave an overview of water service/pressure issues in this area. He explained this project is being proposed to alleviate water pressure and water volume issues in the Dawson Ranch and Red Rock Hills Subdivisions. KPA Engineers would provide engineering services needed to design and prepare specifications for an approximate 3,330' long, 16" diameter water main from Sparta Road to Chisholm Trail Parkway. Mr. Huber stated if approved, he anticipates KPA Engineers will complete their work by the end of November 2013, with the item being ready to bid by the end of December. He indicated he would like to have the project constructed by the end of June 2014. Mr. Huber recommended authorizing the City Manager to execute the contract with KPA Engineers for a lump sum fee of \$35,190.

Councilmember Agan asked about funding for this item, and the City Manager stated staff is recommending funding from Water & Sewer fund balance; he indicated this is a high priority project and staff would like to have the line in place by next summer. Councilmember Leigh asked if this project alignment is along the same easements the City has been working toward for the potential Lake-to-Lake Road, and if the City will have to acquire right-of-way for this project. Ginger Tolbert, KPA Engineers, confirmed easements may be needed in some areas, and a plat is forthcoming that may provide the dedication of those easements. If timing doesn't provide for dedication during the plat process, she indicated the City will then have to seek easements. Mr. Listi confirmed KPA Engineers' analysis will identify any potential easement locations; he commented TxDOT is planning a final alignment meeting for the Lake-to-Lake Road in the fall. Ms. Tolbert agreed it is important to keep alignment for the future road in mind during construction of this water line to avoid relocation, but they are relying on TxDOT for that information.

Given zoning items approved earlier at this meeting, Councilmember Pearson, asked if staff is satisfied the water line should stop now at Chisholm Trail Parkway, or extend over to Lake Road as reflected on the exhibit as "future water line". Mr. Huber stated he thinks the 16" line will handle development in the Red Rock Hills area, and he is confident this first phase (from Sparta Road to Chisholm Trail Parkway), is the right phase for now.


Councilmember Pearson made a motion to authorize the City Manager to execute the agreement as presented. The motion was seconded by Councilmember Kirkley and carried by a vote of 5-0-1, with Mayor Pro Tem Grayson abstaining.

There being no further business, Councilmember Leigh adjourned the meeting at 6:52 p.m.



Marion Grayson, Mayor Pro Tem

ATTEST:



Connie Torres, City Clerk