

Minutes of the  
**Planning and Zoning Commission (P&ZC)**  
City of Belton  
333 Water Street  
Tuesday, June 18, 2019

The Planning and Zoning Commission met at 5:30 P.M. in the Wright Room at the Harris Community Center. The following members were present: Chair Brett Baggerly, Stephanie O'Banion, Zach Krueger, Luke Potts, Ty Hendrick, David Jarratt and Quinton Locklin. Commission members Allison Turner and Dave Covington were absent. The following staff members were present: City Manager Sam Listi, Director of Planning Cheryl Maxwell, Planning Clerk Laura Livingston, Planner Kelly Atkinson, and IT Specialist Ryan Brown.

**Pledge of Allegiance** – Chair Baggerly led all present.

**Invocation** – Mr. Jarratt gave the Invocation.

**1. Call To Order.**

Chair Baggerly called the meeting to order at 5:30 P.M.

**2. Swear in voting members.**

The following members were sworn in for a two-year term: David Jarratt, Quinton Locklin, and Zach Krueger.

**3. Consider approval of minutes from previous meeting.**

Ms. O'Banion made a motion to approve the minutes from May 21, 2019, seconded by Mr. Hendrick. The motion passed unanimously with 7 ayes, 0 nays.

**4. Z-19-10 Hold a public hearing and consider a zoning change from University Campus 2 District to Planned Development—Office 2 District on approximately 35.6 acres at 1308 West Martin Luther King Jr. Avenue and 1010 North Loop 121, at the northeast corner of West Martin Luther King Jr. Avenue and North Loop 121.**

Ms. Maxwell presented the staff report (Exhibit A).

Chair Baggerly opened the public hearing. Mr. Randy Anderson, 2500 Hester Way in Salado, is an elected elder at First Baptist Church Belton, member and property management chairman. He said they have spent years battling failing infrastructure at the current location, rising costs, and land locked by four active streets. Increased safety measures for members is needed because of the traffic congestion. They finalized the land swap in January 2018 with the idea of building a new church at that location for First Baptist Church Belton. They are still within the city limits in that location, and 1.1 miles from their current location, and they still intend to be a community church. Moving to that location will allow the church to be more accessible to their senior members and for their special needs members. Because most of the population is settling on the west side, it will accommodate the growing population of Belton. It also puts them a bit closer to their members who live in the Fort Hood area. He asked that the Commission consider the rezoning, and the materials they have identified for the new church campus. The materials were selected because of their ease of

maintenance and also because they blend in with the hill country landscape, which is a beautiful location and they asked for the Commission's favorable consideration.

Mr. Michael Ratliff, 2722 North Beal Street, said he served on the Planning and Zoning Commission, and he appreciates their service and the city staff. He referenced the move by the Church of Christ out of downtown and the growth they experienced--he anticipates the same for First Baptist Church Belton. With no one else requesting to speak, Chair Baggerly closed the public hearing.

Mr. Potts asked Mr. Anderson regarding the current city requirements, if the laws were changed would they change to less expensive materials? Mr. Anderson said he understood the current legislation. They do not have any intention in changing the materials they have chosen to use. If they do find a better material that looks similar or that is more durable, we would like to be able to change the item, but it's nothing that would be a drastic change. Mr. Locklin asked if he had a sample of it? Mr. Anderson said he believed so. RBDR Architects are here with us tonight, he said, and he passed a sample of the materials to the Commission explaining that this is the cladding that would go on some of the sides, what he called the metal cladding, and then corrected that it is the sintered stone. The Commission comments that it looked a lot like masonry. Chair Baggerly said this is something to consider when updating the Design Standards because that looks like a material that will be used a lot going forward.

Ms. O'Banion asked Ms. Maxwell about the FLUM and the Planned Development O-2 may or may not stick with the law, is that correct? Let's just say this project doesn't happen maybe due to lack of funding or something, what will this zoning change look like going down the road, should this project not take place? Ms. Maxwell said it will be PD-O-2 with these conditions, and possibly the design standards for materials may not really be applicable. The use and development will have to comply to the zoning district, and anything applicable in the Design Standards will be valid; now, if that exterior material condition is no longer applicable, then it is no longer a requirement. We specifically added the statement about the site plan requirements will no longer be applicable either so there's nothing tying anybody down, so if someone were to open an office, the conditions that are in the PD are really nothing other than what is normally required by the zoning district.

Ms. O'Banion inquired if we feel good about this particular zoning for this particular church use; we feel like this is a good use for this property? Ms. Maxwell said yes, that's what we're bringing before you. Ms. Maxwell showed the list of zoning and uses. The University Campus allows for some of these uses but it's geared toward university type uses. Ms. Maxwell said most of the uses they are proposing would be allowed except for the child care and elementary school. Ms. O'Banion asked if the child care is operationally included in the Phase I. Mr. Anderson said currently no. Providence Preparatory School right now will not be moving with us and they will remain where they are located currently. First Baptist has a 10-year option on their current church to stay there and use that facility until they have raised the money to move to the new location so Providence Prep will remain in its location as they are planning right now, Mr. Anderson said. The area is being designed that it could move out there at some point, he said. Ms. O'Banion asked if the daycare at First Baptist would move to the new location? Not in Phase I, he said.

Chair Baggerly said he had one concern with the recommendation for future buildings. It may be a nonissue with the new House bill he said. We might want to get tighter on what we are talking about there like we did with the main structure because that might open us up more than we want, should we be allowed to enforce our Design Standards. Ms. O'Banion asked if they are allowed to enforce between the different phases? Ms. Maxwell said yes. She asked what the Commission was not comfortable with? Is it the 70 percent/30 percent? Chair Baggerly and Ms. O'Banion said it was the

30 percent "other." Ms. O'Banion asked if it could come back to the P&ZC when it was more defined? Ms. Maxwell said as it is stated now, the other material could be comprised of metal wall panels for instance. Ms. O'Banion said right, but we don't know. Chair Baggerly said it could be 70 percent metal wall panels. Ms. Maxwell said yes it could. Chair Baggerly said that's probably the part where they want to get a little tighter.

Keith Bailey, 913 Franklin Avenue in Waco, represents RBDR Architects. He said this is one thing that comes up often when we start talking about metal on the exterior. They understand why it can be objectionable at times, he said. In Waco there are some pretty strict ordinances in the downtown zoning related to metal buildings and metal panels. They are not talking about R-panels or metal panels that you might see on a standard metal building, he said. We are talking about architectural metal panels, Mr. Bailey said, and there is a great deal of difference in how they are constructed and their appearance. There are buildings in Austin and Dallas that when you look at them you wouldn't even think about the same kind of metal panel material that you probably had in mind when you wrote your ordinance, Mr. Bailey said. What they are using are sometimes insulated architectural metal, with architectural being the key word and not an industrial metal panel. Architectural metal panel can have patterns or be multi-colored and we use them on banks and hotels and major office buildings in major cities. They are not the metal panel that most people will have an objection to, he said. This is a true architectural panel that is higher end and more expensive and has a distinctively different look than what you might normally see.

Mr. Potts said his view is he would like to see as many churches as they can get up at the very cheapest cost and he thinks his community is better the more churches we have. Ms. O'Banion said this is not a new church. Mr. Potts said but it's going to be a new building and more people we can show love to and bring them to God the better. Mr. Potts said he would like it to be as easy as possible.

Mr. Hendrick said the current conditions do not allow for prefab metal. Chair Baggerly said he's not so much concerned with that but for future buildings they will need to come to us for approval; a lot could change in 10 years. Ms. O'Banion said this is part of Phase II anyway.

Mr. Jarratt said one thing that was discussed was whether the application was appropriate to the general use so he did not think it would be a radical departure in architectural style. His experience in the Church of Christ is that when they expanded no one thought they would fill it up but they had no room. Mr. Jarratt said he tends to agree with the wording that specifically says about the industrial metal and he doesn't think it would come to that in the first place because there would be no incentive to building something that's not integrated into the look and feel of the campus. Mr. Anderson said when they get to the new location, they could expect to grow pretty quickly and even still they will not be launching into a building campaign. There are leaks because of how the buildings were not put together contiguously at the old campus. When they do expand, they would want to grow and match the new buildings to the old buildings. He asked if that answered the questions that some may have concerns about?

Ms. O'Banion said they have to be very cautious about setting a precedent. She has sat up here multiple times denying one thing after another and this to Chair Baggerly's point is still pretty open-ended and we don't want to appear to give leniency to one developer and not another. We have been pretty strict. So, I want you all to be considerate about a precedent being set and if there is a way to address this and not hinder their project, I think we should take advantage of it and for not setting a precedent for anyone. Mr. Potts asked if there was a specific type of material you are worried about? Ms. O'Banion said when other projects come before them they know exactly what is being used and they can see but this is all open-ended. To set a precedent and open up this box of worms and do

things that we have not done in the past for others is concerning, and as long as it doesn't hinder them we can ask for a little more tightening up once Phase II comes. Ms. Maxwell asked if they would like some wording regarding use of exterior materials for future buildings would require site plan review? Ms. O'Banion asked can we have them bring back, when they get to Phase II? Can we go through what we just went through with Phase I? Ms. Maxwell said she's not quite sure how to put that in as a condition because it's a rezoning for entire phases and includes both phases. You have to have some sort of condition so when Phase II comes around for future buildings there is an opportunity to review exterior materials. Mr. Jarratt said can that be a consideration in the permitting process? By the time we get to the permitting process we will already be on the other side of the House bill and understand the effects of that. Ms. Maxwell said right, with every building permit review there is a detailed site plan. Right now, we would hold them to the 90 percent masonry, again we don't know if that's going to be applicable in the future. Regardless of what happens to the Design Standards we would always review the materials. If they are in compliance with the regulations, there is no issue, Ms. Maxwell said. Mr. Jarratt said he didn't think the concern is in this project but the opportunity for other projects.

Chair Baggerly asked if they could look at Condition Letter A. If we are comfortable approving that condition, I think we can be comfortable approving the very same condition for future buildings. Ms. Maxwell said it would be 35/55 instead of 30/70? Chair Baggerly said that is my opinion, yes. Mr. Jarratt asked if the staff discussion with First Baptist Church Belton was there a rationale of having the future conditions different from Phase I? Ms. Maxwell said they wanted some flexibility and they wanted to match. It would be several years down the road and who knows what the product would be there down the road. Ms. O'Banion said to not tie them to something tonight they should approve Letter A and ask to see the materials before Phase II is finalized. Mr. Jarratt said that doesn't change the nature of the rezoning? Ms. O'Banion said right, it would just bring those site plans back. Ms. Maxwell said they bring things to the P&ZC if there is a concern. Staff will review as staff always reviews, then we would bring it before you if there is something that is not consistent with the ordinance. Typically, we would not bring this issue before you, but because it's so visible and doesn't meet the 90 percent masonry requirement we felt it was best, Ms. Maxwell said. This would also eliminate having to bring this before the P&ZC because you're basically blessing it now for the future.

Mr. Potts asked if the whole project falls through, and if some other business comes in would any of these Design Standards be tied to the new business? No, Ms. O'Banion said. Ms. Maxwell said the use for that zoning district would apply and everyone will have to comply with the Design Standards; this just allows them this site plan and design. We're in this limbo land because we're not sure what will happen because of the bill.

Mr. Listi answered that there was a lot of discussion about the percentages of building materials. This drawing shows you the future phases on the east side of the property that would be governed by that 70/30 percentage and the main reason for that, the relaxation in the standards, was the lack of visibility at the rear of the property. You could establish a condition for the future buildings that indicated future site plan reviews of that development, which would be a simple statement. It's pretty clear what's proposed in the Phase I, based on the building materials they have gone into great details. Whether it is something to be enforceable is still to be determined. Chair Baggerly said he thinks that is a great idea, the part of requiring site review for Phase II.

Ms. Maxwell asked for clarification. Mr. Jarratt said it would be site plan review regardless of the exterior materials and it would give First Baptist some latitude in taking advantage of new materials possibly, regardless of when that occurs.

Mr. Listi said if that is the direction we are heading, then the recommendation for future buildings would be relying on that site plan that shows what is Future. The site plan review process would be shown for any Future building phases that are shown on that drawing, and that would involve the public process of P&ZC and City Council review and owner notification, and not just the staff review.

Chair Baggerly entertained a motion. Mr. Jarratt made a motion to approve Z-19-10 as presented except for Future buildings would require review as described by City Manager Mr. Listi. Mr. Locklin seconded the motion. The motion was approved with 7 ayes, 0 nays.

5. **Z-19-11 Hold a public hearing and consider a zoning change from Agricultural District to Single Family One District on approximately 1.03 acres at 1420 East Central Avenue, east of Nolan Creek, on the north side of Central Avenue where the road terminates at the City of Belton property.**

Ms. Maxwell presented the staff report (Exhibit B).

Chair Baggerly opened the public hearing, with no one requesting to speak the public hearing was closed.

Mr. Hendrick said to Chair Baggerly that it seemed like a reasonable request. Chair Baggerly agreed.

Mr. Locklin asked if this was where the gun range was located and if they would be shooting in the opposite direction. Mr. Jarratt said yes.

Mr. Hendrick made a motion to approve Z-19-11. Mr. Krueger seconded the motion. The motion was approved with 7 ayes, 0 nays.

**6. NOTE: ACTION ON ITEM BELOW HAS BEEN TABLED**

**Z-19-12 Hold a public hearing and consider a zoning change from Commercial Highway District to Commercial Highway District with a Specific Use Permit to allow Used Car Sales 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).**

7. **Hold a public hearing and consider amendments to various sections of the Subdivision Ordinance related to sidewalks, street standards/improvements, parkland dedication, fire protection, and administrative plats.**

Ms. Maxwell presented the staff report (Exhibit C) and stated this item would need to be tabled since the public notice did not include all sections of the Subdivision Ordinance that are proposed for revision.

Chair Baggerly opened the public hearing. Marty Janczak, representing Temple Area Builders Association, 12 North 5<sup>th</sup> Street in Temple, said they have been part of this process since the first of the year and they appreciated being included and working with staff on modifying this document. As you have heard there have been events that have occurred that may change things, but overall he has personally been part of conversations about affordable housing and developmental cost for commercial and industrial properties. This is increasing those costs. It is not helping your effort or

any efforts for affordable housing because these costs obviously get passed on to the end-consumer. An example would be sidewalks on both sides of the street; a sidewalk included on the perimeter street requirements and three acres versus two acres, all of these little things compounded increase these costs. Anecdotaly, two major builders tell him that in the past two years, the same home plan in the same size has increased \$30,000 and it's basically due to cost of materials, cost of labor and cost of government regulations. That drives the cost of housing up. There is a provision that developers are required to pay for 50 percent of perimeter street fees. He said it may be better to negotiate this in a contract... it might be negotiated that the developer pays for 80 percent of the perimeter street fees within a contract between two entities, and that's OK. I'm suggesting you may not want to write that down and put that in the ordinance because there have been multiple court cases that say it's wrong and we can provide that if you want, but I just wanted to point that out. The rules change Sept. 1 and all of those laws, if they were passed in the Legislature, they become law Aug. 16. You have new rules regarding permit cost and specific use materials and the approval of plats and that process. Instead of going through this process now, you may want to consider other issues as we approach Sept. 1 and deal with those as well. We appreciate the staff, and there have been a lot of emerging events that have occurred in the last six months, but we appreciate being a part of the process.

Cynthia Hernandez, representing the Belton Economic Development Corporation, 2180 North Main Street, she said she is compelled to comment since her memo was included in the packet and to advocate on behalf of their industry as well. She wanted to request that the Commission consider excluding industrial areas from the sidewalk ordinance, for the purposes stated in the memo. Although the development cost is a concern, there are other factors that are a concern as well. The perception of having the public close to their facilities in regards to vandalism is a concern. They are investing millions of dollars in equipment and supplies, so, to make it easier for the public to access these properties is a concern. Additionally, there is a perceived liability to encourage pedestrian traffic through industrial areas. Some of our industries have large amounts of fleet and supplies and have 18-wheelers going in and out, and then with sidewalks they would have to be careful that there might be additional pedestrian traffic through those areas. We have the Belton Business Park but there are three or four other areas that are designed for industry and so to locate in an area that was developed for them and now have to be careful because of additional pedestrian traffic, it is a perceived liability for these industries. Often these areas are not designed for the public and it's not an area where the public is going to purchase items or receive some type of service. We do recognize that wellness initiatives are being encouraged and not all industries lend itself to taking a break and taking steps and going to exercise outside of their facility. We instead ask people to use amenities that the City has invested in, such as our parks, and hike and bike trails. Sidewalks in industrial areas might not be a one size fits all. Ms. Hernandez said she appreciated the opportunity to comment and to comment in her memo as well.

Seeing that no one else was requesting to speak, Chair Baggerly closed the public hearing.

Mr. Potts thanked Ms. Hernandez for being at the meeting and writing the memo. He attended the listening session and we didn't have anyone from the industrial side to make comments, except Ms. Hernandez. One of the things that stuck out to him is proposed Section 503.04 requiring that sidewalks shall be required and installed in-conjunction with the building permit for all new Multi-Family, Office, Retail, Commercial and Industrial properties; when he saw that he could not think of any reason to increase the traffic into the industrial parks. He can think of multiple reasons to rip up sidewalks and get traffic out of there but not to increase the number of sidewalks. He does not deal with industrial properties much, which is why Ms. Hernandez is a great resource. The reason he loves hearing Ms. Hernandez talk is because she knows what she is talking about. If you look at Belton

and pointed to one person who has done the most to increase our tax base, salaries of our industrial labor, and jobs in our community, it would be Cynthia Hernandez. She has done so much recruiting businesses here... Tru Homes, CGI, First Texas Rental ... if you had to have anyone advocate on the behalf of the industrial business it would be Cynthia Hernandez and she has credibility based on all of her success, and we appreciate everything she does for our community. He asked Ms. Hernandez is there any reason to increase traffic into an industrial park? Because he can't think of one. Ms. Hernandez said not pedestrian traffic. She said she can list four industries that are looking at expanding and they have concerns about sidewalks being so close to them. In terms of pedestrian traffic, we have a HOP bus stop in the Belton Business Park next to Scott & White and not in the area zoned Light Industrial. She has not heard of a request or a need to facilitate pedestrian traffic through their properties.

Mr. Potts asked Ms. Hernandez who was on the BEDC board of directors. Ms. Hernandez listed Joe Shepperd, Griff Lord, Barry Harper, Steve Jones and Stevie Spradley.

Chair Baggerly said the issue of sidewalks in the industrial area has been discussed fairly recently. Ms. Maxwell said it came up in discussion of the area at Grove Road and Interstate 35. Ms. Maxwell said in the Belton Business Park there was a plat that was done when they realigned one of the roads and a sidewalk was required on one of the roads. Chair Baggerly said he is torn because he doesn't think that's the best place to have people walking around but he works in that park and he sees people from the rehabilitation center in wheelchairs. He asked Ms. Hernandez if the new rental business will bring in people to transact in the park? Yes, she said, but they are renting heavy equipment so she did not think any of them would be on foot. To your point about the rehab center, that is within the area that is a PUD, she said.

Mr. Krueger asked if a sidewalk generates more traffic, versus just moving people who were on the street to the sidewalk? Ms. Hernandez said the sidewalk would certainly invite pedestrian traffic and our position is that if you can provide another means of connectivity we would hope that you would exclude sidewalks from an industrial area. She thinks there are ways to encourage connectivity in Belton but she believes there are ways to do that without every road being connected by a sidewalk. Ms. Hernandez said her perception is that it does invite pedestrian traffic.

Mr. Potts said it would be his recommendation to add to industrial areas to the list of areas excluded from installing sidewalks. Chair Baggerly said he believes the item needs more discussion. If we look at the other industrial park in Belton, we had a runner who was killed, but if she were on a sidewalk would that have happened? Mr. Jarratt said as someone who has spent decades running, concrete is the worst possible surface to run on and anyone who is running on a regular basis would avoid a sidewalk in the first place. Ms. O'Banion said she does not run every day but she supports a lot more discussion about the industrial parks. She said she had concerns about that when they looked at the sidewalk on Grove Road and the cross traffic.

Mr. Hendrick commented on the presentation about the administrative approval for plats on a variety of issues. He said he doesn't mind listening to them in P&ZC so he thinks having a lot of these issues doesn't really hurt them at all. Chair Baggerly said the fire requirements don't need to come forward because they can't do anything about the fire line.

Mr. Hendrick said he is concerned about increased development cost. First-time home buyers, \$30,000, that's a lot of money. Do we want to push these people out to Salado, Temple, Troy, or do you want to keep them in Belton? It is going to drive a lot of the developers out of here and he hears it all of the time, Mr. Hendrick said.

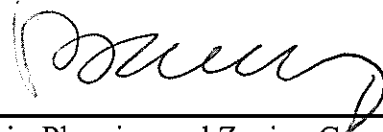
Ms. O'Banion asked Mr. Janczak to return to the podium. She asked about the \$30,000 and what primarily is driving that cost? Is it the sidewalk? Or the materials we're requiring them to use that we may no longer have to? He said it was anecdotal – two different people, two different times – and it was the developmental cost going from the developer to the builder. It includes the cost of materials, he said, such as the lumber and concrete prices, which is not under the purview here. The availability of labor was the second item and the third primary issue are governmental regulation. He said not just local laws, but also the changing residential codes. As an example, the latest residential code requires a blower door test; it's only \$350. But who pays that \$350? The end-user does of course. Do you really need that? Maybe. Maybe not. But it's in the 2015 IRC and so that's an example of government regulation driving up the cost of housing. Mr. Hendrick asked about case law regarding perimeter street improvements. Mr. Jancszak said it's actually pretty old and there have been multiple court cases but the notable one is Town of Flower Mound vs. Stafford Estates, L.P. It went through lower court, appellate court, state Supreme Court and in general terms what was found was that developers are responsible proportionally for perimeter street fees of what they are going to contribute to the perimeter street. He made up an example: so, if the traffic study shows 1,000 cars go down that street and the new development is going to add 180 cars a day, which is roughly 18 percent, the developer is responsible for 18 percent of any improvements made to that street, and not 50 percent. The city negotiates development agreements all of the time. The position is, do you really want to write that down? I don't know that you do. That was the point he was trying to make; he doesn't know that the city wants to put that in an ordinance and that could open it up to problems.

Chair Baggerly said they have not been in litigation and he believes the city's legal team feels very comfortable putting that in writing. It can be changed as they see fit, he said, not tonight he added, but at some point.

Mr. Potts said he supported what Mr. Hendricks said and he often hears the cost of building and developers who use the term "Belton is closed for business" because of the extra cost of developing here. If we can deregulate this in anyway, he thinks it would be a positive and not a negative, he said.

Chair Baggerly said they would table this item and move on.

With no further business, the meeting was adjourned at 6:47 p.m.



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Chair, Planning and Zoning Commission



# Staff Report – Planning & Zoning Item



**Date:** June 18, 2019  
**Case No.:** Z-19-10  
**Request:** University Campus 2 (UC2) to  
Planned Development (PD) –  
Office 2 District  
**Applicant:** RBDR Architects  
**Owner:** First Baptist Belton (FBB)

## Agenda Item

Z-19-10 Hold a public hearing and consider a zoning change from University Campus 2 District to Planned Development—Office 2 District on approximately 35.6 acres at 1308 West Martin Luther King Jr. Avenue and 1010 North Loop 121, at the northeast corner of West Martin Luther King (MLK) Jr. Avenue and North Loop 121.

**Originating Department:** Planning – Cheryl Maxwell, Director of Planning

**Current Zoning:** University Campus 2      **Proposed Zoning:** PD—Office 2

**Future Land Use Map (FLUM) Designation:** Institutional Use

**Design Standards Type Area 3:** Area defined by Crusader Way to the north, Nolan Creek to the south, SH317/Main Street to the east, and Loop 121 to the west. Projected primarily for UMHB growth and urban infill creating pedestrian environments with tree lines streetscapes, and new projects developing contextually with their surroundings.

## Case Summary

This property consists of two tracts. One tract that runs adjacent to Nolan Creek is 10.6 acres in size, and the other is 25.0 acres. UMHB and First Baptist Belton have an agreement for a “land swap” of existing land ownership in town. As a result, this property will be developed by FBB to accommodate a church and related uses, to include a sanctuary, administration/offices, pre-school, grade school, and classrooms for youth/college and adult education. The overall structure will comprise approximately 80,000 sq. ft. These uses are planned on the larger 25 acre tract. Most of these uses are allowed in the existing UC2 Zoning District except for the day care, pre-school and grade school. The requested Office 2 Zoning District allows all of these uses. A Planned Development (PD) District is proposed to address variations in our Design Standards with regard to exterior building materials. Other variations are proposed in roof pitch and landscaping requirements, and are being handled via an Alternate Compliant Design application that may be approved administratively by the Planning Director. A subdivision plat is required prior to issuing any building permits.

## Project Analysis and Discussion

This property was zoned UC2 in 2015 at UMHB's request and is undeveloped except for a residence on site and a UMHB nature hiking trail. The adjacent property on the north side of Nolan Creek is zoned Agricultural District and is undeveloped except for a single family residence. Properties on the south side of MLK Avenue are zoned Agricultural District along the Loop 121 frontage and Single Family 1 along Cliff Drive where the Cliffs of Nolan Creek Subdivision is located with single family homes. Properties on the west side of Loop 121 are zoned Agricultural District and are residentially developed.

## Land Use Table/Allowable Uses

The current UC2 Zoning District is intended to accommodate a university or college campus and uses normally associated or related to a university campus. The proposed Office – 2 (O2) Zoning District allows the following land uses:

- Any use allowed in Office -1 Zoning District
- Auto parking lot or garage
- Bank or other financial institution
- Child care center, private or public school, college or university
- Church
- Civic center
- Clinic or medical office
- Offices
- Incidental retail or personal services
- Scientific and research laboratory
- Indoor theater
- Nursing home
- Photography studio

## Zoning Ordinance Area Requirements:

Below is a comparison of area requirements for the requested O2 Zoning District and existing UC2 District:

	<u>Office 2</u>	<u>University Campus 2</u>
Minimum Lot Area:	10,000 sq ft	5,000 sq ft
Minimum Lot Width:	n/a	50'
Minimum Lot Depth:	n/a	100'
Front Yard Setback:	50 ft	25'
Side Yard Setback:	25'; none interior; 50 ft on corner lot	15'; 20' adjacent to street
Rear Yard Setback:	20 ft	15'
Maximum Height:	None except when next to residential uses	None but increased setback required when over 3 stories

The two tracts satisfy all area requirements for the requested O2 Zoning District and there is adequate room to meet the required setbacks.



## Exhibit A

### Design Standards:

Exterior Building Materials: The Design Standards require non-residential and institutional buildings to have a minimum 90% masonry exterior for the first floor and minimum 75% for any story above one. *Masonry Construction* is defined in our Design Standards Section IV.C.3.a. as the following: *That form of construction composed of brick, stone, decorative concrete block or tile, or other similar building units or materials (or combination of these materials) laid up unit by unit and set in mortar, and shall exclude wall area devoted to doors and windows.* The term includes hard fired brick, stone, decorative concrete blocks, concrete pre-cast or tilt-wall panel, glass blocks or tiles, and three step hard coat stucco/EIFS.

FBB is proposing to use a sintered stone product (Neolith) which is a combination of granite, silica/glass, clay materials and natural pigments processed into a finely finished architectural panel, installed as a thin-set veneer. They propose that this product comprise 60% of the 90% masonry requirement, or 54% overall. See below:

Requirement:	90% Masonry	10% Other
Proposal:	54% Neolith overall/36% Masonry overall	10% Other

Therefore, instead of 90% masonry, the proposed structure will have 36% masonry overall. Generally, variations in the Design Standards may be addressed administratively by the Planning Director through an application for Alternate Compliant Design. However, given the degree of variation from the standards, staff felt it appropriate to bring this forward as part of the PD zoning conditions. Glazing material described as translucent polycarbonate structural sandwich panels are also proposed and give a "window" type look. Architectural metal wall panels are proposed as part of future construction and would be considered part of the "10% other" overall exterior material. These products are not currently listed in our design standards as an option for alternative exterior materials, yet are attractive and provide a variety in building material surfaces. A more detailed description of these proposed alternative products is provided as an attachment to this report.

Future buildings are anticipated on the north and east sides of the main structure and will not be highly visible from the public streets. The applicant is requesting a variance for the exterior materials for these future buildings to allow a minimum 30% masonry and maximum 70% other material (to include other masonry material such as the sintered stone or architectural metal panels described above). Again, since visibility is reduced here, the PD may reasonably accommodate the proposal.

When requesting alternative exterior materials, per Section IV.C.4.c.vi. of the Design Standards, consideration for exceptions shall be based upon the following:

1. Architectural design, creativity and innovation;
2. Compatibility with surrounding structures;
3. Relative ease of maintenance of the materials,
4. Long-term durability and weather-resistance of the materials.



## **Exhibit A**

We have met with the applicant on several occasions and have reviewed their site plan, elevations, and samples of the proposed materials. We believe their request for variations from the Design Standards are reasonable and satisfy the parameters stated above.

It should be noted that both Houses of the Texas State Legislature passed a bill this session that prohibits municipalities from requiring certain exterior building materials. This bill (HB 2439) is awaiting the Governor's signature or veto. If the Governor takes no action within 20 days, it automatically becomes law. Therefore, the city's masonry requirement may not be enforceable, in which case, inclusion of certain building materials in the PD conditions may not be necessary. We will monitor the progress of this bill and provide an update at the Planning Commission meeting.

### **Future Land Use:**

The FLUM identifies this area as Institutional use. The proposed PD with a base zoning of O2 appears to be consistent with anticipated future land uses in this vicinity, and compatible with existing uses. Therefore, the requested PD-O2 Zoning District appears to be reasonable in this location.

### **Recommendation**

Recommend approval of zoning change from UC2 to PD-O2 District as follows:

1. The use and development of the property shall conform to the O2 Zoning District in all respects.
2. The development of the property shall generally conform to the site plan and all applicable Type Area 3 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance with the following exceptions:
  - a. Exterior building materials may consist of the following:
    - i. Minimum 35% masonry overall;
    - ii. Maximum 55% sintered stone architectural panel (Neolith) overall; and
    - iii. Glazing material (translucent polycarbonate structural sandwich panels) may be allowed and considered as windows in the calculations.
  - b. Future buildings that are not highly visible from the public streets may consist of the following exterior materials:
    - i. Minimum 30% masonry; and
    - ii. Maximum 70% other material, which may include other masonry material such as the sintered stone architectural panels or architectural metal wall panels described as flush profile concealed fastener lap seam metal wall panel, metal composite material wall panel, and interlocking metal plate wall panel. Industrial metal sidings are not permitted.
    - iii. Glazing material (translucent polycarbonate structural sandwich panels) may be allowed and considered as windows in the calculations.

## **Exhibit A**

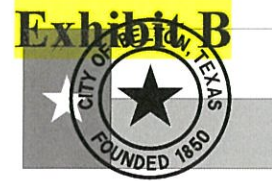
3. These PD conditions on building materials shall be considered null and void should legislation be enacted that prohibits municipalities from regulating the type of exterior building materials that may be used. Should this occur, the zoning of this property shall be considered PD Office – 2 with all Office – 2 standards otherwise in effect.
4. Subdivision plat is required.

### **Attachments:**

1. Zoning application
2. Property Location Map
3. Zoning map
4. Aerial map
5. Map with zoning notice boundary (200')
6. Zoning notice to owners
7. Property owner's list
8. Field notes
9. Site plan and building elevation renderings
10. Product description



# Staff Report – Planning & Zoning Item



**Date:** June 18, 2019  
**Case No.:** Z-19-11  
**Request:** Agricultural to SF - 1  
**Owner/Applicant:** Reyes Jimenez

## Agenda Item

Z-19-11 Hold a public hearing and consider a zoning change from Agricultural District to Single Family One District on approximately 1.03 acres at 1420 East Central Avenue, east of Nolan Creek, on the north side of Central Avenue where the road terminates at the City of Belton property.

**Originating Department:** Planning – Cheryl Maxwell, Director of Planning

**Current Zoning:** Agricultural District

**Proposed Zoning:** Single Family – 1 District

**Future Land Use Map (FLUM) Designation:** Flood plain

**Design Standards Type Area 11:** Area defined by Nolan Creek to the North, city limits to the south and east, and Wall Street to the west. Projected to be the southeast residential core of the city; primarily single family residential development with opportunities for retail and commercial areas along Holland Road (FM 436).

## Case Summary

This property is zoned Agricultural District and is proposed for single family use. The tract is undeveloped and consists of approximately one acre, which does not satisfy the minimum area requirements in the Agricultural Zoning District. A zoning change is requested to Single Family -1 District. The existing tract satisfies all area requirements for the SF1 Zoning District.

## Project Analysis and Discussion

The applicant recently acquired this property and wishes to construct a site-built home for single family use. He anticipates selling the property after the home is constructed. This area contains a mixture of residential use (site built homes and mobile homes) as well as vacant land and non-residential uses. Adjacent property to the east is zoned Heavy Industrial (HI) and is currently undeveloped in this vicinity. Property to the south is zoned a Planned Development—HI District for a Regional Firearms Training Facility and is owned by the City of Belton. Also to the south is a tract zoned SF1 with a Specific Use Permit (SUP) for a Mobile Home, currently undeveloped; a tract zoned SF1 with a Conservation/Revitalization Overlay with an existing mobile home on site; and a tract zoned Agricultural District with a site built

## **Exhibit B**

home. Adjacent property to the east is zoned Mobile Home District with a mobile home on site, and Agricultural District, currently undeveloped.

Area requirements for the requested SF-1 Zoning District are as follows:

Minimum Lot Area: 10,000 sq ft	Front Yard Setback: 25 ft
Minimum Lot Width: 70 ft	Side Yard Setback: 7 ft
Minimum Lot Depth: 100 ft	Rear Yard Setback: 20 ft

The current one acre tract satisfies these minimum area requirements and has adequate room to meet the setback requirements.

The FLUM does not specifically identify future uses in this area since it lies within the flood plain. Houses may be constructed in the flood plain but the finished floor elevation must be at least 18" above the base flood elevation. Outside the flood plain, this area is shown as primarily residential. This is consistent with the Design Standards Type Area 11 assigned to this general area which projects single family residential use.

The existing HI Zoning District assigned to the property to the east and the close proximity of the Firearms Training Facility raise some concerns regarding appropriateness of the requested residential use. However, the requested residential zoning district is compatible with the existing residential zoning and residential uses in this area. The HI zoning and the Firearms Training Facility represent existing conditions and future purchasers would have the opportunity to evaluate these conditions prior to purchase. Therefore, the proposed SF-1 zoning appears to be reasonable in this location, building on residential zoning and uses to the southeast and west.

### **Recommendation**

Recommend approval of zoning change from Agricultural District to Single Family – 1 District.

### **Attachments:**

1. Zoning application
2. Property Location Map
3. Zoning map
4. Aerial map
5. Map with zoning notice boundary (200')
6. Zoning notice to owners
7. Property owner's list





## **Staff Report – Planning & Zoning Item**

### **Agenda Item**

Hold a public hearing and consider amendments to various sections of the Subdivision Ordinance related to sidewalks, street standards/improvements, parkland dedication, fire protection, and administrative plats.

### **Originating Department**

Planning – Cheryl Maxwell, Director of Planning

### **Background**

The city approved a Sidewalk Standards and Policy ordinance in 2015 (Ordinance No. 2015-43—Attachment A). This policy, located in the Subdivision Ordinance, Section 503, is undergoing a 3 year sunset review, as required by the adopted ordinance. As part of the sidewalk sunset review, staff also looked at Street Standards and Policy (Section 502) and Requirements for Parkland (Section 517). Initially, staff looked at all subdivision plats that were approved during FY 2016 – FY2018 and compiled a table summarizing when requirements for sidewalks, perimeter street improvements (PSI), and parkland dedication/fees were applied or waived via a variance (Attachment B). Upon review of this information, it appears that most variances that were granted are related to replats or plats in our ETJ. Therefore, a common goal is to simplify the processing of plats to allow those that qualify for administrative approval to be processed as such even if variances to certain requirements are requested.

Staff proposed changes to these Subdivision Ordinance sections and sent them out to Temple Area Builders Association (TABA) for review in January/February. Comments from TABA (Attachment C) included desire for sidewalks only along one side of collector/arterial streets; removing requirement that certificate of occupancy be held until sidewalk is installed; PSI requirement is not legal; escrowed funds for PSI and parkland should be returned within 5 years (instead of 9); recommend another sunset review in 2 or 3 years.

A stakeholder meeting was held on April 16<sup>th</sup> to allow another opportunity for stakeholders to comment on proposed changes. Comments received at the stakeholder meeting are included as Attachment D. In addition, Belton Economic Development Corporation (BEDC) provided comments discouraging sidewalks in industrial areas (Attachment E).

Proposed amendments to the Subdivision Ordinance are provided in Attachment F. A summary of proposed changes to various sections of the Subdivision Ordinance is provided below.



**Proposed Amendments****Section 503: Sidewalk Standards and Policy****Current Requirements:**

Sidewalks are required along both sides of collector and arterial streets. They are not required along local streets unless the street is adjacent to a school. They are also not required for streets with residential frontage.

Prior to acceptance of the subdivision, the developer is required to install sidewalks along streets that do not have driveway access. The sidewalk requirement may be deferred to the builder for streets that have driveway access.

**Proposed Changes:**

Sections reworded for clarification. For property being platted, the sidewalk requirement may be deferred to the builder, provided this is noted on the plat.

Staff may waive sidewalk requirement for plats in the ETJ, since there is no party assuming maintenance responsibility, and for plats that qualify for administrative approval.

**Section 502: Street Standards and Policy****Current Requirements:**

Perimeter street improvements (PSI) required along unimproved streets, excluding State or Federal highways—developer shall bear half the total cost of paving (up to 18.5 feet width) and installing curb and gutter for all such unimproved perimeter streets.

**Proposed Changes:**

Delete "Street Design Standards" table and replace with reference to City of Belton 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. Reference to "Planning & Zoning Commission" replaced with "City Council".

**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:**

Minimum land dedication changed to 3 acres instead of 2 acres. Staff may approve variance to the parkland/fee requirement for plats that otherwise qualify for administrative approval.

### **Fire Protection:**

ETJ plats are frequently located outside the city's water CCN, and water pressure/flow for fire protection is frequently at a level below 1,000 gpm, which is the minimum flow required by the city's fire code. Subdivision Ordinance amendments are proposed to address this; however, the notice of public hearing did not include these additional sections that are proposed for revision. The following amendments are proposed to address fire protection in the ETJ and allow staff to approve plats in the ETJ that would otherwise qualify for administrative approval.

### **Section 403: Construction Plans for Subdivisions in City's ETJ Areas**

Proposed Changes: Staff may waive the requirement for fire protection (1,000 gpm flow) for plats in the ETJ that otherwise qualify for administrative approval.

### **Section 505: Water and Sewer Utilities Standards**

Proposed Changes: Staff may waive the requirement for fire protection (1,000 gpm flow) for plats in the ETJ that otherwise qualify for administrative approval.

### **Section 514: Fire Lanes**

Proposed Changes: Clarify requirements for fire lanes to reference the adopted Fire Code. Staff may waive the requirement for fire lanes for plats in the ETJ that otherwise qualify for administrative approval.

### **Section 304: Administrative Plat Approvals**

Proposed Changes: Clarify that replats reducing the number of lots are eligible for administrative plat approval.

### **Summary**

Since notice of public hearing did not include all sections proposed for amendment, the P&ZC cannot take action on this item at the June 18<sup>th</sup> meeting. However, we recommend holding the public hearing, discussing proposed changes, and providing input to staff as we prepare for P&ZC action at the July meeting.

### **Recommendation**

Hold a public hearing and table item to the July 16, 2019 meeting.

### **Attachments**

- A. Ordinance No. 2015-43
- B. Summary Table FY 2016 – 2018
- C. TABA Comments, February 28, 2019
- D. Workshop Notes April 16, 2019
- E. BEDC Comments, May 13, 2019
- F. Proposed Subdivision Ordinance Amendments