

Minutes of the Meeting of the  
**Planning and Zoning Commission**

City of Belton

333 Water Street

Tuesday, July 15, 2008

The Planning and Zoning Commission met at 5:00 P.M. in the Conference Room at City Hall. The following members were present: Bruce Burleson, Dan Kirkley, Jason Morgan, Chris Moore, Guy O'Banion, Justin Scott and Mike Miller, Chair. Staff Members present were Fred Morris, Director of Development Services and Janelle Driver, Clerk.

**1. Call to Order**

Guy O'Banion led all present in the Pledge of Allegiance.

Justin Scott led all present in prayer.

**2. Minutes of the Previous Meeting**

Mr. Burleson made a motion to accept the minutes of the meeting as written; Mr. Kirkley seconded the motion and the minutes were approved unanimously.

**3. Hold a Public Hearing and consider recommending to the City Council amendments to the Zoning Ordinance relating to use and standards within the University Campus District, Section 19; Off Street Parking and Loading Requirements, Section 34; and Definitions, Section 42.**

**Please review the attached Outline of Exhibits, and Exhibits 1-7.**

Development Services Director, Fred Morris, referenced the Staff recommendation, repeated below.

Considerable dialogue and deliberation has occurred on these topics over the last several months. Exhibit 1 provides a Chronology of Events. Exhibit 2 describes the staff's original proposal for code amendments presented at the P&ZC meeting June 17, 2008. Following that meeting, City Manager Sam Listi sent a letter to interested parties inviting comments. Exhibit 4 was a letter submitted in response by Mickey Wade, taking issue with the staff-proposed 1.25 parking spaces per bed, and providing a Parking Study recommending a range of between 0.88 and 1.10 spaces per bed. Jamey Secrest provided a letter, Exhibit 5, concurring in Mr. Wade's opposition to increasing the parking standard to 1.25 spaces per bed. Exhibit 6 reflects revised recommendations from UMHB, and includes the entire text of Section 19, University

Campus District, an excerpt from the Zoning Ordinance. In Exhibit 6, UMHB recommendations are shown in ~~strike through~~ indicating proposed deletion of text and **bold/underline** as proposed new text. Exhibit 7, the staff's original proposal, is included as the last exhibit to facilitate comparison with UMHB's proposal, Exhibit 6.

### **Code Change Recommendations**

- (1) 19.2 (16) Permitted Uses – Adds Student Living Units. **Concur.**
- (2) 19.4 (A) Student Living Unit – UMHB defined SLU as accommodation for individual resident in UCD.

42 (66a) Staff defined SLU as unit with common living/kitchen, with maximum 4 bed/bath combinations.

**Concur** with recommendation for SLU definition based on resident.

- (3) 19.35 Height Regulations – Staff recommended, and UMHB concurred in, addition of opportunity for specific use permit for University owned non-residential structures at a height of over 3 stories. Rest of definition remains unchanged. **Concur.**
- (4) 19.46 (D) Parking Regulations – 1.25 spaces per SLU. While Mickey Wade and Jamey Secrest objected, this unique type of dwelling unit and occupancy justifies an increased amount of parking spaces. **Concur.**
- (5) Density of SLU's in UCD: Based on the City Comprehensive Plan reference to Medium Density in the UCD, the original staff recommendation for medium density as 12 units per acre, and a maximum 4 bed/bath combinations originally proposed, the result was a maximum density of 48 residents/occupants per acre. We have come to the conclusion this is an excessive density for Belton, and concur that a maximum of 36 residents/occupants per acre should reflect the maximum density of an SLU in the University Campus District. **Concur in maximum 36 residents per acre in UCD.**

The Comprehensive Plan and Zoning Ordinance will need to reflect the following refinement in density:

#### 66b. Dwelling, Allowable Density

- (1) Low Density: Maximum of six (6) units per acre

- (2) Medium Density in University Campus District; Nine (9) dwelling units and thirty-six (36) residents per acre
- (3) Medium Density: All other Zoning Districts – Maximum of twelve (12) units per acre
- (4) High Density: Maximum of eighteen (18) units per acre

One code change recommended by UMHB is not recommended for adoption. It involves a further restriction to density based on “buildable acres”, and would deduct all property within the 100 year flood plain from buildable acreage in the UCD. References in these sections are not recommended for two reasons: first, in our opinion, they appear to be in conflict with Federal, State, and City Flood Plan Management regulations that give consideration to, and allow modification of, a flood plain for possible development. Second, to establish this standard exclusively in the UCD, when nothing unique about a flood plain in the UCD appears to justify the restriction, could subject the City to a legal challenge that this Zoning Ordinance provision is arbitrary.

The Staff recommendation is to conduct a public hearing and for adoption of items 1-5, but not items related to flood plain regulations.

Chair Miller asked Mr. Morris about the highlighted yellow sections in the handout that was passed out. Mr. Morris stated that on the second and third pages of the handout, there were some considerations to some changes for calculations of FEMA Flood Plain areas. Mr. Morris stated that Staff does not support these changes to the Flood plain regulations without a very careful evaluation of the impact. Mr. Moore asked about parking regulations, and how Mr. Morris came to the definition of a unit living area. Mr. Morris stated that the definition of a unit living area, was based on the occupant, and that assuming those persons would have a vehicle, the 1.25 spaces proposed would give a little over the minimum to accommodate visitors to the complex.

Chairman Miller opened the public hearing.

Dr. Jerry Bawcom, President of UMHB, stated that he appreciated the opportunity to meet with the City Staff, and feels that they are passionate about ensuring what is built around the University is consistent with what they expect of themselves and the University Campus District. He feels that the City recommendation is consistent with what they would like to see, and how they handle the UMHB campus. They are committed to protecting the environment around the University as well as the City. He stated that UMHB is supportive of what is being recommended.

Mr. Miller asked Dr. Bawcom if the campus dormitories have their own meal service or if it came from another building. Dr. Bawcom stated that the residents hall have meal service in Hardy Dining Hall, including Beal. He stated that the other apartment style housing units have the opportunity to eat in the dining hall, but they have their own facilities to eat in their apartments.

Mr. Miller asked Dr. Bawcom how many parking spaces were available on campus per dormitory unit; Dr. Bawcom stated that he feels they are consistent with the 1.25 density discussed. Mr. Miller asked if there were additional parking spaces by the dining hall; Dr. Bawcom stated that there were. Mr. Miller asked if the parking spaces were available for the dorms as well, Dr. Bawcom stated that they were, and that they had adequate parking units for their own housing, but they also had adequate parking as required by the City.

Mr. Mickey Wade, who represents Marcel, Inc., stated that Marcel has the opportunity to purchase 8.25 acres in the University Campus District, and they are proposing to build a student oriented housing complex. He stated that the property is currently owned by the family of J.F. Lynch, and UMHB would like to own it but they are not willing to pay fair market value for the property. In his opinion, most of the regulations that are being proposed are for the purpose of creating impediments to the development, and the property owners, so that UMHB can ultimately buy the property from the Lynch's after nobody else is willing to buy it, because a developer would not be able to build a feasible project on the property.

Mr. Wade stated that he wanted to go through some of the proposals, some of which he agrees with and some he does not. He stated that this is the first time that he has heard that the Universities parking regulations conforming to 1.25 per resident; He stated that as far as he knew, this was a figure pulled from the air, because it is not in line with anyone else they can find as far as the nature of this concern. He stated that when Marcel first brought their plan forward, they put together a great plan that would have been a benefit to the City, UMHB and the students. He stated that they had proposed 280 spaces for this 300 bed development, which was 42% above what the City required, so they were in excess of what the City was saying they needed. He stated that there has been a parking study done, by Professional Engineers, and they have considered adding 300 parking spaces, and this should be plenty for this development. He asked that the ordinance be amended to provide for 1 space per bed, he stated that Austin requires .5 spaces per bed.

Mr. Wade spoke of the second proposal, he understood that Staff was proposing 48 beds per acre, instead of 36 spaces per acre, he stated that there is no basis for this as they have not determined any other locale that uses this. He feels that 48 units per acre is acceptable for this type of project.

Mr. Wade spoke of the third proposal, where UMHB wants to limit density based upon buildable acres, excluding floodplains. He stated that there has not been a study done that this type of practice is engaged in in any other locality or any other type of development like this. He believes that a buildable acre is a term that UMHB has come up with, and it is not in line with any laws that he knows of. He asked what is reasonable for a private developer for this type of development. He stated that the first time this project was brought to Planning and Zoning; Staff did not see any problems with this development and supported it. He stated that 36 beds is less than what is currently in the Zoning Ordinance.

Mr. Wade addressed the last item being proposed, height regulations. He stated that UMHB wants to be able to build a three story high building, but they want a private developer to only be able to build a 2 ½ story building. He believes that this is a way for UMHB to squelch a private developer's project.

Jamie Secrest, an attorney in Temple, is representing the Lynch family. He stated that all the property owners want to do is sell their land; he feels that UMHB is trying to keep the Lynch family from selling their property. He feels that the parking regulation changes are unreasonable, and it is an attempt to keep the project from being built. He states that the Lynch family has owned this property for three generations, and that it is no secret that UMHB wants to buy this property. He feels that the 1.25 parking spaces is another mechanism UMHB has proposed to squelch the sale, and that Marcel wouldn't be able to build this project with this type of ratio. He asked Mr. Morris what the current ratio was. Mr. Morris stated that Multi-Family is two parking spaces per dwelling unit. Mr. Secrest feels that this is a great project, and every time that Marcel tries to move forward with the project, it gets shot down. He stated that Austin is at .5, and he doesn't understand why Belton has to be at such a high ratio. He states that he knows UMHB is telling the Commission what to do on this issue, and he wishes that they would look at it from all sides, as the property

owners simply want to sell their property.

Mr. O' Banion stated that he doesn't feel that UMHB is referring to one particular project, he feels that they are referring to a single living unit situation, and clarifying what a unique situation within a UC Zoning, more than a specific project. Mr. Secrest stated that it is ironic that this is coming up at the time that the sale is about to take place. Mr. Moore stated that in relation to the parking and comparing the proposed parking as compared to other cities, he noted that he appreciates the parking study that was done, he added that the comparison between the recommendation and the actual parking study, that it was anywhere between .88 and 1.1 spaces, and what he finds interesting is that the .88 or less is dorm specific and residence halls. He wants to point out that this is different than other cities. He stated that in our UC District there may not only be dorm and residence halls and that there are other dwellings within the UC Zoning District. He stated that if you compare the same cities to Multi-Family Zoning, it is more along the lines of 1.25 parking spaces, and feels that this project is more in line with a Multi-Family project. Mr. Secrest stated that Mr. Wade had the study prepared, and that the end result was 1 space per bed. He stated that this was a specific study done for this specific project, and 1 space per bed is adequate. Mr. Moore stated that in College Station, the parking is 1.25 or 1.5 spaces per bed; he stated that this it is important to keep in mind that this is not a residence hall or dorm, it is an apartment complex. He stated that they are having these conversations not necessarily project specific, but when the project was brought before the Commission, they recognized a significant deficiency in the UC ordinance, and that is what invited these discussions. Mr. Wade stated that there is a difference between a dwelling unit and a bed. Chair Miller asked if a dwelling unit is specific; Mr. Moore stated that they do not know what the definition of a dwelling unit is for other cities. Mr. Wade stated that a dwelling unit could be a four bedroom unit according to the current Zoning; He stated that the engineers who did the study, looked at campuses that have University campus types of student living units, have concluded that one unit per bed is plenty. Mr. Moore stated that there needs to be more clarification.

Ms. Ginger Richardson, who represents the Lynch family by Power of Attorney, asked that the Commission consider the Marcel project, and when the parking regulations were brought before the Commission in the fall, it was acceptable. She stated that she was very displeased at the last meeting when Dr. Bawcom stated that he thought the University was in partnership with the Commission. Ms. Richardson stated that not many college students hang out in their dorm rooms, or invite guests to their dorm, and she feels that 1 space per dorm is sufficient. She asked that the Commission consider the survey that was presented in regards to College Station and parking, because not all students have vehicles. She wants to be able to move forward with the sale of her land.

With no one else present to speak, Chair Miller closed the public hearing.

Mr. Scott asked Mr. Morris what the purpose of University District Zoning was. Mr. Morris stated that it was intended to provide setbacks, uses and area requirements for land that contained the University and the surrounding area, but not exclusively University owned property; for the general vicinity to identify uses that would complement an academic type environment. Mr. Scott asked if it was designed for the betterment of the University. Mr. Morris stated that it was intended to identify uses that are appropriate for the area. Mr. Scott stated that they might be stifling the project in question, but it might benefit future growth of the University. Mr. Kirkley read aloud definition 19.1; Mr. Scott believes that the recommendations that have been put forward are in light of what the UCD has been set up for, for long term growth. Mr. Scott stated that he wants to do what is best for long term growth. Mr. O'Banion stated that the Commission is there to plan for future planning and developments, and believes that their duty is to plan developments for various areas; he stated that on this particular code amendment item, the project is irrelevant, but the original request

brought to light issues that were not well defined and needed attention. Mr. O' Banion stated that is the only relevance that the proposed project has to the issues at hand. He stated that this is to strictly clarify and clean up some of the Zoning issues. Mr. Moore asked if the supplemental sheet passed out were the proposed changes, Mr. Morris stated that it was and that the yellow highlighted items were not being recommended.

Mr. Moore made a motion to recommend the proposed changes to City Council with the exception of the highlighted yellow items in the supplemental handout; Mr. Scott seconded the motion and it was approved unanimously.

**4. Review and Discuss the Potts' Tract Concept Plan and other area projects.**

In February 2007, a conceptual land use plan was reviewed by the Commission and approved by City Council. The plan presented a zoning and land use plan for approximately 30 ac. of land generally surrounding the intersection of Commerce Street and Sparta Road. This Concept plan generally amended the guidelines presented by the Comprehensive Plan, Area 5, as adopted by Resolution in August 2006.

In the Concept Plan, the land uses consisted of:

<u>Land Use/Zoning</u>	<u>Acreage</u>	<u>% of Area</u>
PD Retail	11.43 ac.	39%
PD Multi Family	13.50 ac.	45%
PD Commercial	4.80 ac.	16%

The two zoning cases that follow are contained within the boundaries of this Plan and are consistent with the approved land use elements.

Additional plan elements included areas of restricted access at this important street intersection, provision of public access easements and drainage easement areas. The plan also illustrated a proposed "Future Collector Street", as well as utility extensions.

Incremental, individual zoning decisions could ultimately combine to present impacts to the area street system. Individually, they may not justify special considerations or actions at this time. But, when evaluated in aggregate, potential impacts if these individual decisions may warrant longer range consideration.

In anticipation of the future Commerce Drive extension project, and the opportunity for development of a vibrant, mixed use area, the City is investigating conducting an area wide Transportation Analysis. The Potts' Concept Plan area is only a part of the "Big Picture", and gathering as much data as possible may be necessary to accurately gauge future capacity and mobility needs.

This study would analyze the relationship of the existing and anticipated land use development patterns to the existing roadway network. The access restrictions and roadway design concepts should help protect the roadway's primary function, to move traffic, but detailed analysis of the entire area appears to represent an

important investment for the community.

Currently, Commerce Street has 70' of right of way and a 30' roadway section. The existing roadway surface lacks curb and gutter or an alternative edge treatment, and capacity questions have been raised related to currently proposed developments, potential developments that could occur in the future, and the impacts associated with existing operations such as the nearby retail centers and schools.

The intersection capacity and design of the Sparta Road/Loop 121 area is also be an important area for study, as well as Sparta & Main, Industrial & Main, Loop 121 & FM 439 and, in the future, Commerce & FM 439.

From this analysis, recommendations on future capacity needs could be developed, as well as possible costs and allocation/participation options. Right of way needs to accommodate roadway expansion may also be recommended and these requirements could be secured during platting of the properties under re-zoning consideration today.

This item has been presented for review in light of pending zoning requests and to inform the Commission of area developments and the possible needs for long term impact analysis and overall improvements. A proposal for a transportation impact analysis is currently being prepared and funding could be recommended within 2009 budget process currently underway.

Mr. Morris advised the Commission that this was an informational item only.

Mr. Kirkley asked Mr. Morris if there was consideration for the HEB project. Mr. Morris stated that Staff would make the Consultants aware of the HEB project as well as the River Fair area growth. Mr. Morris stated that with the approval of this concept plan that was presented by Mike Beevers, that change was recognized in the area, from what was originally envisioned in the Comprehensive Plan.

With no further discussion, Chair Miller moved to the next items.

5. **Hold a Public Hearing and consider recommending to the City Council a zoning change for two tracts of land containing approximately 2.69 acres and .335 acres of the James Bennett Survey, Abstract 71, being a portion of Vol. 1261, Page 88 & Vol. 3609, Page 156, at the southeast corner of Commerce Drive and Sparta Road, from Agriculture to Planned Development Retail.**

The Planned Development Retail- PD-R -request is consistent with the Concept Plan for the Pott's Tract, as approved by City Council in February 2007. The Concept Plan identified proposed zoning classifications for the entire area surrounding the intersection of Sparta Road and Commerce Street, as well as the Commerce Street extension north to Lake Road. The Commerce extension project is currently under final design by Clark & Fuller Engineers.

This area of the City has the potential to develop as a primary retail, commercial and higher density residential mixed use neighborhood and long range planning efforts to protect this potential are now being implemented. This development scenario differs from that envisioned during the 2006 Comprehensive Planning process. Yet, surrounding development projects have influenced a change in the character of the area and retail, commercial and multi-family development character is now recognized as more realistic than light industrial.

Key elements of the approved concept plan for the area included areas of restricted access, general locations for public access easements and necessary drainage easements. These features were identified at the Concept Plan phase of consideration to insure that future development plans include more specific accommodations for these important elements.

This PD-R application does not include a site plan. The applicants are simply requesting to officially change the corner to PD-R and defer site development specifics to a later date. This procedure is not typical, but has been allowed in the past under condition that the plans must be submitted to the Commission and the Council for approval. This, in effect, creates a 2-step development review process, should the Commission concur.

It is possible however, that, depending on the timing of future development of this site, the soon to be developed "Design Standards" will provide the development guidance necessary to bypass return to the Commission and the Council. The development timing will determine the manner in which approvals for site and structural elements associated with this site will be addressed.

Basic elements that should be incorporated into this project include the following:

1. An access easement shall be constructed along the entire southern property line, east from Commerce Street, and link to properties and access easements to the south and east (Taco Express property). The property owner is responsible for insuring all agreements related to cross access easements are in place prior to conveyance of the property to new ownership.
2. All structures shall incorporate 100% stone or masonry exteriors.
3. All site access shall occur from the adjoining access easement areas. No access to Sparta Road or Commerce Street will be allowed.
4. Structures may be oriented to the perimeter of the tract, with parking to the center, creating a self contained, internally-oriented development.
5. Street side setbacks may be reduced to accommodate site design elements.
6. Sidewalks shall be provided on all sides of the property.
7. Service area screening shall incorporate the same architectural components as the primary structure(s). Wooden privacy fence material will not be permitted.
8. Parking lot landscaping will include native hardwood trees, minimum 6" caliper, and at the ratio of 1 tree for each 10 required parking spaces, and designed into the parking areas so that canopy shading will occur within the development.
9. Perimeter landscaping will include native hardwood trees, minimum 6" caliper, at the ratio of 1 tree for each 50' of frontage, including frontage along the private access easements.
10. Storm water drainage from the site must be directed to the south, to the Industrial/Commerce Detention Pond and be coordinated with the development of property to the south. The property owner is responsible for insuring all agreements related to storm water are present prior to conveyance of the property to new ownership.

11. All roof mounted equipment shall be screened from view at the property line through the use of architectural features such as parapet walls.

12. Design Guidelines or Standards, as adopted by the City Council and applied to the area, will be used to direct site design and architectural components of the project, if adopted prior to application for building permits.

Staff recommends approval of the requested change from Ag to PD-R, subject to the above stated conditions, and recognizing that Design Standards for the area may be adopted prior to development, and that these Standards will serve as the guide for development in lieu of Items 1 – 11 listed above.

Chair Miller opened the public hearing.

Mr. Mike Beevers, who represents the Potts' family, stated that he got the City involved as early in the process as possible. Mr. Beevers stated that this is a land use question and the use is appropriate and consistent with the plan that was brought before the Commission in February 2007. He stated that there are a lot of things that have yet to be determined, because it has not been engineered and the land has not been platted. He stated that he advised the Potts family to submit for current zoning the southeast quadrant. He stated that they are asking for the .33 acres to be mirrored to Item 6, meaning Multi-Family. He stated that the .33 acres would probably be developed into a city street, but it is still in the early stages of planning. Mr. Kirkley asked Mr. Beevers how wide the .33 strip of land was. Mr. Beevers stated that it was proposed 60', like right of way, which is consistent with City specifications. He stated that the City has not agreed to take it, nor have developers proposed to build it. He clarified that this is simply a conceptual plan at this point. He stated that this area is an appropriate use for PD Retail development, and that it is consistent with what they have been advancing for a number of years. He stated that if Mr. Severn's project develops, they are aware that the apartment complex will face other homeowners' yards, and they will use all Planned Development requirements needed.

With no one else present to speak, Chair Miller closed the Public Hearing.

Mr. Morris stated that he agrees with everything that Mr. Beevers has spoke of, he stated that this is a conceptual plan, and Staff is trying to put specifics in place. Mr. Beevers stated that the design of the apartment complex is simply a drawing, building footprints, not necessarily exactly what will be built. Adjustments will be needed as design and engineering are done.

Mr. Kirkley made a motion to recommend to City Council the request for the Zoning change; Mr. Morgan seconded the motion and it was approved unanimously.

**6. Hold a Public Hearing and consider recommending to the City Council a zoning change for approximately 13.10 acres of the James Bennett Survey, on the east side of Commerce Drive, beginning approximately 300' south of the intersection of Commerce Drive and Sparta Road, from Agriculture to Planned Development Multi-Family, for the construction of a Multi-Family development.**

This 13.10 ac tract is proposed for Planned Development Multi Family- PD-MF- zoning, and proposes 224 multi-family units. This is a density of 17.09 units per acre. Typical allowable, maximum density for the MF District is 18 units per acre. The property is currently zoned Agricultural.

The PD-MF request is consistent with the Concept Plan for the Pott's Tract, as approved by City Council in February 2007. The Concept Plan identified proposed zoning classifications for the entire area surrounding the intersection of Sparta Road and Commerce Street, as well as the Commerce Street extension north to Lake Road. The Commerce extension project is currently under final design by Clark & Fuller Engineers.

This area of the City has the potential to develop as a primary retail, commercial and higher density residential mixed use neighborhood. Long range planning efforts to protect the potential development character are now being implemented. This development scenario differs from that envisioned during the Comprehensive Planning process. Yet, surrounding development projects have influenced a change in the character of the area, and retail, commercial and multi-family is now recognized as more realistic than light industrial, as indicated by the Comprehensive Plan update. Approval of the Concept Plan recognized changes within Area 5 of the Comprehensive Plan, and that new development standards were warranted.

Key elements of the approved concept plan for this site, and the Commerce/Sparta area, included restricted access, general locations for public access easements and necessary drainage easements. These features were identified at the Concept Plan phase of consideration to insure that future development plans include more specific accommodations for these important elements and are discussed in detail below:

**Access and Circulation:** Primary access to the project is provided via an access easement from Sparta Road. This easement will be private (not a public street) and will serve not only the PD-MF project, but the Taco Express site, an undeveloped portion to the rear of the Taco Express (approx. .4 ac.), and the 2.65 ac. corner tract. This is the only access point that will be allowable for these properties from Sparta Road. Taco Express has a driveway to Sparta Road, but was designed to connect to this access drive when it developed.

This primary access point should include a single lane into the project area and left and right turn lanes at Sparta. It appears that this access easement may align with the rear truck entrance of Wal-Mart and this must be carefully evaluated at the engineering analysis and design phase. Overall existing and projected traffic will dictate design requirements.

A second driveway is proposed at the far south end of the project, connecting to Commerce Street. This connection may require right and left turn options, similar to the Sparta situation.

A general calculation of traffic demands for this development indicates approximately 127.806 peak hour trips, based on the ITE Trip Generation Manual equation for multi-family developments. Staff is of the opinion that an additional access point is needed, approximately 480' north of the proposed southern Commerce connection, this allows an addition opportunity to disperse traffic to alternative drives. By spreading the traffic out in a controlled manner, severe peak hour congestion may be avoided and existing roadway function extended over time.

Additionally, as the retail site to the north is developed, another ingress/egress point will be established with construction of the required public access point from Commerce Street (See recommendations for following item).

**Drainage:** The Industrial/Commerce Detention Pond, south of this site, was designed and sized to handle storm water runoff from this property and the other properties on the south side of Sparta Road. A gentle swale conveys existing water toward the pond and future development must be aware of the ultimate storm water issues.

The Concept Plan identified drainage easement areas south of Taco Express and along the south property line adjacent to the detention pond property. This developer will need to design a conveyance system to carry storm water generated from the fully developed properties to the pond.

The site plan as presented provides no detail or recognition of this critical drainage element of the Concept Plan, nor does it propose a conveyance mechanism. We envision a grass lined channel, designed by an

engineer and appropriately sized based on projected flows, passing through the complex. This scenario could include landscaping and recreational amenities and provide valuable and attractive open space. An underground, piped storm drainage system is another available option to satisfy conveyance needs. The final drainage system design would be presented with plat and construction plan documents at a later date.

**Site Design:** The aesthetic appearance of the apartment complex, from the Commerce Street viewpoint, should be considered carefully. As the area develops, it will be important to develop an attractive streetscape along the perimeter of the development. Although no security fencing proposal is presented on the site plan, it may be appropriate to require masonry columns and decorative iron fencing with dense landscape planting areas interspersed. This will provide a much softer edge than a solid, unbroken wooden privacy fence. This suggestion is not intended to dictate design, but is to encourage attractive and enhanced edge treatments along Commerce Street and in this important development area.

Also along the Commerce Street side of the project, the site plan proposes dead end access drives between buildings. It appears that a connecting perimeter driveway will allow for better internal site circulation along the west perimeter of the property. This connector drive will also double as a fire lane. Appropriate curve radii will need to be incorporated into the ultimate design.

The plan needs to locate dumpsters as well. These locations are important so ease of access for the hauler and the resident is provided. A landscape plan is typically required as part of the site plan process also, as well as a proposal recognizing the requirements of the Parkland Dedication Ordinance.

At this time, the City of Belton is considering a Traffic Impact Analysis study for the area generally bounded by Lake Road, Sparta Road, Commerce Street and Loop 121.

Additionally, it is possible that, depending on the timing of future development of this site, the soon to be developed "Design Standards" will provide the development guidance for this site. The development timing will determine the manner in which approvals for site and structural elements associated with this site will be addressed.

Staff recommends approval of the zoning change request from Ag to PD-MF, subject to the items presented below being included in the formal design and engineering plans submitted in association with platting and building permit applications or subject to the Design Standards adopted by the City of Belton for the area.

1. The site plan shall address all access and circulation issues discussed in the body of this report, including access easements, access to public roads, a west side internal drive & fire lane.
2. The site plan documents shall indicate appropriate perimeter fencing design; a landscape plan; internal and perimeter sidewalks; and, proposed dumpster locations.
3. The site plan will recognize required drainage easements and conveyance systems.
4. The Developer shall provide a statement of intent relative to Parkland Dedication requirements.
5. Approval of a subdivision plat and construction plans shall be required prior to start of any construction activities.
6. As an alternative, Design Guidelines or Standards, as adopted by the City Council and applied to the area, will be used to direct site design and architectural components of the project, if adopted prior to application for building permits.

Mr. Kirkley questioned Mr. Morris about a letter of opposition received from Diane Ferrell, Mr. Morris stated that the concern of the resident was not justified as there would not be an increase in traffic on her street.

Chair Miller asked Mr. Morris about the density. Mr. Morris stated that in Multi-Family, maximum density is 18 units per acre, this specific project is 17 units, which is within the standards of the Multi-Family classifications. No increased density is proposed.

Mr. Morgan also asked Mr. Morris about Ms. Ferrell's letter, asking if there are any plans to make access to Montrose Place, and if the Commission needed to specifically state that there wouldn't be access to Montrose Place upon approval of the Zoning change. Mr. Morris stated that he did not believe they needed to based on the conceptual site plan that has been submitted. He stated that as they submit their formal plans, Mr. Severn may choose to submit a study similar to what was presented for Item 5.

Mr. Morgan asked Mr. Morris if they approved the request, would this item come back to the Commission based on the Design Manual. Mr. Morris stated that it hasn't been determined; Staff would need to get a proposal on how to handle design guidelines. He stated that the intent of the Design Manual is to lay the standards and guidelines out so that a designer can work directly with the developer, and not have to go before the Commission and City Council. But, he said an exact procedure had not been developed.

Mr. Miller asked Mr. Morris about the .33 acres of land referred to in Item 1, if it would be an easement or a public street. Mr. Morris stated that it has been envisioned by Staff as a private access easement. Mr. Moore asked if this .33 acres of land does not become available, would this project still be developed. Mr. Morris stated that this project would use this .33 acres of land for Sparta Road and Commerce Street access.

Mr. Kirkley asked Mr. Morris what Mr. Severn, his Engineers and the City would have to do to determine what would happen with this .33 acres of land. Mr. Morris stated that they would have to review the engineering plans for the Multi-Unit project, to make sure all of the drainage and traffic plans are tied together, with consideration of the retail project as well and dedication done with a plat.

Mr. Morgan asked if this .33 acres of land does not become available, will this project still move forward; Mr. Morris stated that this tract of land is critical in this project, providing access.

Mr. Kirkley asked if the .33 acres of land is included in the Zoning change; Mr. Morris stated that it was included.

Chair Miller opened the public hearing.

Mike Beevers, stated that Mr. Severn has control of the .33 acres of land.

Mr. Morris advised the Commission that items 5 and 6 were tied together as Planned Development Retail/ Multi-Family, as they are adjacent and under single ownership.

Mr. Ray Severn, the applicant, stated that this is going to be a nice Multi-Family project and advised the Commission that he is working closely with Staff. He stated that he would like the .33 acres of land to be a public street as there will be several users. He stated that the drainage system would be worked out with the Engineers. He said that this would be a rock and stucco complex, emphasizing that this is still in the early development stages.

With no one else present to speak, Chair Miller closed the public hearing.

Mr. Kirkley made a motion to recommend to City Council the request for the Zoning change; Mr. Morgan seconded the motion and it was approved unanimously.

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Chair, Planning & Zoning Commission

