



PLANNING & ZONING COMMISSION
Tuesday, February 27, 2024, 6:00 PM

MARY RUTH BRIGGS LIBRARY 8 MORGAN'S POINT BLVD

Call to Order

Announcements and Citizens Comments

Presentations

1. Approval of Minutes

- a. Discuss and Consider - Approval of January 23, 2024 Minutes

2. Regular Agenda

- a. Discuss and Consider - Adding stop signs at the intersection of Bending Branch and Wills Point Way/Quitman Court, changing it from a 2-way stop to a 4-way stop
- b. Discuss and Consider - Comprehensive Plan
- c. Discuss and Consider - Appendix B, Sections 1, 2, 23, & 24

3. MPR Master Plan Update

4. Items for Future Agendas

5. P & Z Commission Updates & Comments

6. City Manager Updates & Comments

7. Adjournment

I certify that a copy of the 2/27/2024 agenda of items to be considered by the Morgan's Point Resort was posted and could be seen on the City Hall bulletin board on the 2/23/2024 at 4:00PM and remained posted continuously for at least 72 hours proceeding the scheduled time of the meeting. I further certify that the following news media were properly notified of the above stated meeting: Belton Journal. The meeting facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 254 742-3206 for further information

Camille Bowser, City Secretary



PLANNING & ZONING COMMISSION

Tuesday, January 23, 2024, 6:00 PM

EVENT CENTER 60 MORGAN'S POINT BOULEVARD

To View the meeting go to: www.MorgansPointResortTX.com/YouTube

Call to Order

Vice Chairperson Ken Hobbs called meeting to order at 6:00 PM.

PRESENT

Eric Seeliger

Justin Strawn

Louis Guillaud

Ken Hobbs

Thomas Westmoreland

Chairperson Rebecca Cooley resumed presiding over meeting at 6:08 PM.

Announcements and Citizens Comments

N/A

Presentations

N/A

1. Approval of Minutes

- a. Discuss and Consider - Approving December 5, 2023 Minutes

Motion made to approve minutes

Motion made by Westmoreland, Seconded by Guillaud.

Voting Yea: Seeliger, Strawn, Hobbs

Motion Passed

2. Regular Agenda

- a. Discuss and Consider - Appointing Leslie Minor as a member of Planning and Zoning

Motion made to approve Leslie Minor as Planning and Zoning Member and move forward to City Council for appointment.

Motion made by Westmoreland, Seconded by Seeliger.

Voting Yea: Strawn, Guillaud, Hobbs

Motion Passed

- b. Discuss and Consider - Responsibility of the Upkeep to Easements and ROW

Interim City Manager, Uryan Nelson, informed the Commission that it is the City of Morgan's Point Resorts' responsibility to take care of the upkeep to city easements and ROWs.

- c. Discuss and Consider - Options to have ADA Implemented into the city.

Backyard Barbeque has changed a couple of there parking spaces to handicap parking spots with signage. There will be a closer look to see if the signs are ADA compliant.

- d. Discuss and Consider - Timeline for Updating City Ordinances

The reviewing of City ordinances will begin and a progress update will be given at next Planning and Zoning meeting.

3. MPR Master Plan Update

There will be a steering Committee meeting on 1/30/2024 at 5:30PM in Library.

4. Items for Future Agendas

None Requested

P & Z Commission Updates & Comments

None

City Manager Updates & Comments

None

5. Adjournment

6:30 PM

I certify that a copy of the __1-23-2024__ agenda of items to be considered by the Morgan’s Point Resort was posted and could be seen on the City Hall bulletin board on the __1-19-2024__ at 4:00PM and remained posted continuously for at least 72 hours proceeding the scheduled time of the meeting. I further certify that the following news media were properly notified of the above stated meeting: Belton Journal. The meeting facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary’s office at 254 742-3206 for further information

Rebecca Cooley, Chairperson
City of Morgan’s Point Resort TX

Attest:

Camille Bowser, City Secretary
City of Morgan’s Point Resort TX

Section 1. Enacting Clause.

THAT ZONING ORDINANCES 4-1(a)(1), 4-2, 4-4, 4-5, 4-6, 4-7, 4-8, 4-9, 4-13, 4-14, 4-15, 4-16, 4-17, 4-18, 4-19, 4-21, 4-22, and 14-13, OF THE CITY OF MORGAN'S POINT RESORT, TEXAS, TOGETHER WITH ALL AMENDMENTS THERETO BE HEREBY REPEALED AND THAT THERE BE ENACTED IN LIEU THEREOF ORDINANCE NUMBER 4-32, A COMPREHENSIVE ZONING ORDINANCE, TOGETHER WITH A MAP CREATING AND DELINEATING SPECIFIC ZONING DISTRICTS, IN WHICH THE OFFICIAL ZONING MAP DEFINES THE BOUNDARIES OF EACH USE DISTRICT.

Section 2. Purpose.

The zoning regulations and Districts as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to insure adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, parks, and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

(Ord. No. 4-32, 10-9-03)

Section 23. Zoning Commission.

23.1 Created; Membership. There is hereby created a Zoning Commission in accordance with V.T.C.A., Local Government Code § 211.007, the Zoning Commission shall consist of five (5) members, each of whom shall be a resident of the City, who are at least eighteen years old and shall be selected for their unselfish interest in the City's affairs. Members shall be appointed by the City Council. Of the five (5) members, three (3) shall serve a period of one (1) year from the date of initial appointment and two (2) shall serve for a period of two (2) years from the date of initial appointment. Thereafter, all five (5) members shall serve for a period of two (2) years from the date of appointment. Vacancies shall be filled by appointments for unexpired terms only. For potential members to be considered for appointment, each must complete the City's application for employment as it exists at the time, and may attach a cover letter and resume, which shall be filed with the City Secretary for processing. Members may be removed from office at any time by a majority vote of the City Council for neglect of duty, malfeasance in office or for any action the City Council deems detrimental to the best interest of the City. All members shall serve without pay. Members shall be present for seventy-five percent (75%) of the scheduled meetings of their current, appointed term or shall be subject to removal from the Commission. In the event a Commission member fails to attend the required percentage of meetings, the Zoning Commission Chairman shall notify the City Council of the failure to meet attendance requirements. The city-provided Secretary shall keep minutes of all meetings held by the Commission and full record of all recommendations to be made by the Zoning Commission to the City Council. A Chairman and Vice-chairman shall be elected by the Zoning Commission from its membership.

23.2 Quorum; Voting. Three members of the Zoning Commission shall constitute a quorum, and all members, including the presiding chairman, shall have the right of one vote each, a quorum being present. All actions by the Zoning Commission shall be by a majority vote of those members present. If any member has a conflict of interest in review of any item on the Commission's agenda, he or she shall remove themselves from the room and refrain from voting only on the item for which a conflict exists.

23.3 Meetings. The Zoning Commission shall meet at such times in the City Hall as may be designated by the Chairman or Vice-Chairman in the absence of the Chairman, and at such intervals as may be necessary to orderly and properly transact the business of the Commission.

23.4 Duties and Zoning Responsibilities. As a minimum, the functions and responsibilities of the Zoning Commission should be as follows:

1. Responsible for updating of zoning ordinances in coordination with the Planning Commission. Where such updates impact the Master Plan, as determined by the Planning Commission, approval of the Planning Commission must be obtained before submitting changes to the City Council for approval.
2. Responsible for updating the subdivision regulations as needed.
3. Verify all property owners and residents within 200 feet of the property for which change in zoning is proposed have been notified by City Staff.
4. Every five years, review all zoning regulations and propose in coordination with the Planning Commission to the City Council any needed changes resulting from the review.
5. Receive all requests for changes in zoning or variances from zoning regulations and make appropriate recommendations to the City Council.
6. Provide advice to City Staff and the public as needed to assist then in administration of the zoning or subdivision of property.
7. Be guided by the Master Plan in deliberation on proposals for change in zoning or subdivision regulations.
8. Review and propose action of City Council all proposals for subdividing property in the City and in the ETJ of the City.

23.5 Procedure on Zoning Hearings. The procedure and process for zoning changes and/or amendments shall be in accordance with Section 24.

(Ord. No. 2019-10, § 5, 8-20-19)

State law reference(s)—Authority of municipality to establish planning and zoning Commission, V.T.C.A., Local Government Code § 211.007.

Section 24. Changes and Amendments to All Zoning Ordinances and Districts and Administrative Procedures.

24.1 Declaration of Policy. The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

1. To correct any error in the regulation or map
2. To recognize changed or changing conditions or circumstances in a particular locality
3. To recognize changes in technology, the style of living, or manner of conducting business

24.2 Authority to Amend Ordinance.

- A. The City Council may from time to time, after receiving a final report thereon by the Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning Map. Any ordinances, regulations or Zoning District boundary amendment may be considered for consideration by the City Council, be initiated by the Zoning Commission, or be requested by the owner of real property, or the authorized representative of an owner of real property. In no case shall the City Council act upon any zoning request prior to action by the Zoning Commission.

- B. Consideration for a change in any district boundary line or special zoning regulation may be initiated only with written consent of the property owner, or by the Zoning Commission or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown on the City records are different, the applicant shall submit proof or [of] ownership.
- C. Each application for zoning or for an amendment or change to the existing provisions of this Zoning Ordinance shall be made in writing on a form suitable to the Zoning Commission and shall be filed with the City and shall be accompanied by payment of the appropriate fees as established by the City of Morgan's Point Resort, Texas, and on file with the City Secretary.

24.3 Public Hearing and Notice. Prior to making its report to the City Council, the Zoning Commission shall hold at least one public hearing on each application. Written notice of all public hearings on proposed changes in district boundaries or other changes to district zoning regulations shall be sent to all owners of property or to the person rendering the same for the City taxes, affected by the application and within two hundred feet (200') of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed in the latest approved tax roll and depositing the notice, postage paid, in the United States mail. Notices for the public hearing for changes to the ordinance before the City Council will also be sent to affected property owners at the same time notice of the Zoning Commission hearing is sent.

24.4 Failure to Appear. Failure of the applicant or his representative to appear before the Zoning Commission or City Council for more than one hearing within an approved delay shall constitute sufficient grounds for the Zoning Commission to terminate or deny the application.

24.5 Commission Consideration and Report. The Zoning Commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Plan. The Zoning Commission may defer its report for not more than ninety (90) days from the time it is posted on the agenda until it has had the opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the Zoning Commission shall consider the following factors:

- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
- B. Whether the proposed change is in accord with any existing or proposed plans for providing streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.
- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- E. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.
- F. Any other factors which will substantially affect the health, safety, morals, or general welfare.

24.6 City Council Consideration.

- A. Proposed [Proposal] Recommended for Approval by the Commission: Every proposal which is recommended favorable by the Zoning Commission shall be automatically forwarded to the City Council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

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- B. Proposal Recommended for Denial by the Commission: When the Zoning Commission determines that a proposal should be denied, it shall so report and recommend to the City Council and notify the applicant. If the proposal is denied by the Commission, the request shall not be forwarded to the City Council unless the applicant requests an appeal to the City Council or the request is sent for review by the Commission by simple majority vote. When a proposed zoning request is heard by the City Council that has been denied by the Zoning Commission, a three-fourths ($\frac{3}{4}$) majority vote by the City Council shall be required for approval. A request which has been denied by the Zoning Commission and/or City Council may be resubmitted at any time for reconsideration by the City, accompanied by a new filing fee. The City Council may deny any request with prejudice. If a request has been denied with prejudice, the same or similar request may not be resubmitted to the City for six (6) months from the original date of denial.
- C. City Council Hearing and Notice: Notice of City Council hearing shall be given by publication at the same time notice is given for the Zoning Commission public hearing in the official newspaper of the City, stating the time and place of such hearing, which shall be at least fifteen (15) days after the date of publication.
- D. Three-fourths Vote: A favorable vote of three-fourths ($\frac{3}{4}$) of all members of the City Council shall be required to approve any change in zoning when written objections are received from twenty percent (20%) of the area of the adjacent landowners which comply with the provisions of the State laws commonly referred to as the "twenty percent (20%) rule." If a protest against such proposed amendments, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the lots included in such a proposed change or those immediately adjacent to the area thereof extending two hundred feet (200') therefrom or of those directly opposite thereto extending two hundred feet (200') from the street frontage of such opposite lots, such amendments shall not become effective except by a three-fourths ($\frac{3}{4}$) vote of the City Council.
- E. Final Approval and Ordinance Adoption: Upon submittal of the zoning request to the City Council, the applicant shall submit a metes and bounds description to the City for the preparation of the amending ordinance. The amending ordinance shall be approved at the time the City Council makes a decision to approve the request as submitted or with certain conditions. The amending ordinance will not be approved until a correct description has been prepared for the amending ordinance.