

Minutes of the meeting of the  
**Planning and Zoning Commission (P&ZC)**  
City of Belton  
333 Water Street  
Tuesday, January 20, 2015

---

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 Larry Guess, Nick Rabroker, Brett Baggerly, Rae Schmuck, Mat Naegele, Joel Berryman, and Ben Pamplin. The following Staff members were present: Planning Director, Erin Newcomer, City Manager, Sam Listi, Public Information Officer, Paul Romer, and Planning Clerk, Laura Livingston.

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

**Invocation** – Rae Schmuck gave the Invocation.

**1. Call To Order.**

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

Ms. Newcomer stated there is a memo in the front of the Planning and Zoning packets. This memo is in reference to the Better Belton Foundation One plat that was disapproved by the P&ZC in December 2014. The plat is compliant with the current Single Family-2 Zoning District. State law requires a public hearing so citizens have the opportunity to be heard. As the Commission knows there weren't any public comments at that P&ZC meeting. At this meeting, the P&ZC expressed concerns about increased traffic and density in the area. Section 212, Standards for Approval, of the Local Government Code states the municipal authority responsible for approving plats shall approve a plat if it conforms to the general plan of the municipality. Since this plat is consistent with the current zoning and mirrors the lots directly across the street, staff would recommend favorable action this evening.

Chair Guess stated there is a request to move item P-15-03 to the beginning of the agenda and asked if the Commission has any opposition to the change. Hearing none, the agenda is modified to reflect the change.

**2. Minutes from the previous Planning and Zoning meeting.**

Ms. Schmuck made a motion to approve the minutes. Mr. Baggerly seconded the motion and the minutes were approved unanimously with 7 ayes, 0 nays.

**3. P-15-03 Consider a final plat for the Dawson Ranch-Regatta Oaks HOA Addition, a 13.855 acre tract, located on the south side of FM439/Lake Road, between Spring Canyon Road and Canyon Heights Road.**

Ms. Newcomer presented the staff report.

Mr. Berryman asked if the large electrical substation located at the south end of Canyon Heights Road will be placed underground.

Ms. Newcomer stated that is a lift station. It was initially installed as a temporary lift station and is still needed at this time. As future development occurs, the lift station will be abandoned, and once that is complete the forced main and wastewater easement will be abandoned as well.

Chair Guess asked if the Commission had any further questions. Hearing none, Chair Guess asked for a motion on item P-15-03.

Mr. Berryman made a motion to recommend the final plat to City Council as proposed. Ms. Schmuck seconded the motion and it was approved unanimously with 7 ayes, 0 nays.

**4. Z-15-01 Hold a public hearing and consider a zone change from Agricultural to Office-2 District with a Specific Use Permit for the operation of a bail bond business in the existing structure at 1902 South Loop 121, located on the east side of South Loop 121, north of Huey Road, and south of Highway 190.**

Ms. Newcomer presented the staff report.

Chair Guess opened the public hearing on Z-15-01 and asked if anyone would like to speak on this zoning request change. Hearing none, the public hearing was closed.

Chair Guess asked if the Commission had any questions. Hearing none, Chair Guess asked for a motion on item Z-15-01.

Ms. Schmuck made a motion to recommend the zoning change to City Council as proposed. Mr. Pamplin seconded the motion and it was approved unanimously with 7 ayes, 0 nays.

**5. Z-15-02 Hold a public hearing and consider a zoning change from Agricultural to a Commercial-2 Zoning District on a 2.903 acre tract of land, located adjacent and south of 1220 North Main Street, on the west side of North Main Street, directly north of the railroad and south of East 13th Avenue.**

Ms. Newcomer presented the staff report.

Chair Guess opened the public hearing on Z-15-02 and asked if anyone would like to speak on this zoning request change. Hearing none, the public hearing was closed.

Mr. Pamplin asked if the railroad had any concerns or required easements. Ms. Newcomer stated this property was formally owned by the railroad and they sold it to Mr. Gallaway.

Trey Gallaway, 1220 North Main Street, stated the railroad did reserve an easement. He is setting his fence on the inside of his property so the railroad easement is outside of the fence.

Ms. Newcomer stated staff is reviewing the recently submitted plat for this property and it will identify the railroad easement.

Mr. Gallaway stated the railroad easement is 20' wide.

Mr. Berryman asked if College Street was bought as well. Ms. Newcomer stated a portion of College Street was within the property boundaries and Mr. Gallaway is dedicating that portion of College Street with 50' of right-of-way on the plat.

Chair Guess asked if the Commission had any further questions. Hearing none, Chair Guess asked for a motion on item Z-15-02.

Mr. Pamplin made a motion to recommend the zoning change to City Council as proposed. Mr. Naegele seconded the motion and it was approved unanimously with 7 ayes, 0 nays.

**6. Z-15-03 Hold a public hearing and consider a zoning change from Agricultural, Planned Development Single Family-2, and Planned Development Office-2 and Townhomes to a Planned Development Single Family-2 Zoning District on an 14.871 acre tract of land proposed as River Place Estates, Phase VII, located north of River Fair Boulevard, east of Red River Road, and west of North Main Street.**

Ms. Newcomer presented the staff report.

Chair Guess opened the public hearing on Z-15-03 and asked if anyone would like to speak on this zoning request change. Hearing none, the public hearing was closed.

Mr. Berryman asked if the Commission has recently reviewed an expansion of Stoney Brook Assisted Living on the adjacent property. Ms. Newcomer answered Stoney Brook has completed the addition.

Chair Guess asked if the Commission had any further questions. Hearing none, Chair Guess asked for a motion on item Z-15-03.

Mr. Baggerly made a motion to recommend the zoning change to City Council as proposed. Mr. Rabroker seconded the motion and it was approved unanimously with 7 ayes, 0 nays.

**7. Z-15-04 Hold a public hearing and consider a zoning change from Office-1 to a Retail Zoning District at 118 East 6th Avenue, located north of East 6th Avenue, east of North Main Street, and west of North Penelope Street.**

Ms. Newcomer presented the staff report.

Chair Guess opened the public hearing on Z-15-04 and asked if anyone would like to speak on this zoning request change. Hearing none, the public hearing was closed.

Mr. Rabroker asked if the Commission were to deny the zoning change, will the applicant have to move all of their merchandise out of the building? Ms. Newcomer stated the Certificate of Occupancy is contingent upon approval of the zoning change request, but if the request is denied by the P&ZC, the applicant has the option to appeal to City Council.

Mr. Berryman asked what type of retail the applicant proposing to have? Ms. Newcomer stated she believes the applicant stated the business will be antiques and retail items.

Mr. Rabroker stated he noticed on the property owner notifications a concern expressed about outside storage on this property. He asked if outside storage is allowed. Ms. Newcomer stated no outside storage is allowed. The property owner response letters were received in the mail today and staff has not had the opportunity to address this issue. The Building Official will address this concern.

Chair Guess asked if the Commission had any further questions. Hearing none, Chair Guess asked for a motion on item Z-15-04.

Mr. Rabroker made a motion to recommend the zoning change to City Council as proposed. Mr. Naegele seconded the motion and it was approved unanimously with 7 ayes, 0 nays.

**8. Z-15-05 Hold a public hearing and consider a zoning change from Retail to Planned Development Retail Zoning District for a proposed addition to Mi Pueblo restaurant at 500 South Main Street, located on the southwest corner of South Main Street and West Avenue D.**

Ms. Newcomer presented the staff report.

Chair Guess opened the public hearing on Z-15-05 and asked if anyone would like to speak on this zoning request change. Hearing none, the public hearing was closed.

Mr. Rabroker asked to see the street views from the presentation. Ms. Newcomer switched the presentation to the street views.

Chair Guess asked Mr. Bill Barge if he remembers the name of the building when it was a drive-in. Mr. Barge answered yes, it was K-Dons Drive-In.

Chair Guess asked if the Commission had any further questions. Hearing none, Chair Guess asked for a motion on item Z-15-05.

Ms. Schmuck made a motion to recommend the zoning change to City Council as proposed. Mr. Pamplin seconded the motion and it was approved unanimously with 7 ayes, 0 nays.

**9. P-15-09 Hold a public hearing and consider a re-plat for Better Belton Foundation One, a 0.620 acre tract of land located on the west side of North Beal Street, north of the railroad, and south of Austin Avenue.**

Chair Guess and Ms. Schmuck requested to abstain from action on item P-15-03 and excused themselves from the dais.

Ms. Newcomer presented the staff report.

Mr. Berryman opened the public hearing on P-15-09 and asked if anyone would like to address the Commission. Hearing none, he closed the public hearing.

Mr. Berryman asked if the Commission had any questions. Hearing none, Mr. Berryman asked for a motion on item P-15-09.

Mr. Pamplin made a motion to recommend the final plat to City Council as proposed. Mr. Naegele seconded the motion and it was approved with 4 ayes, 1 nay, and 2 abstentions with Mr. Baggerly voting in opposition. Chair Guess and Ms. Schmuck abstained from voting.

**10. Conduct a work session to inform the P&ZC regarding Proposition 1 funds awarded to the Killeen-Temple Metropolitan Planning Organization (KTMPO) to widen TX317 from just north of FM439 to FM2305 from two to four lanes.**

Ms. Newcomer stated Proposition 1 was approved by voters on November 4, 2014 and she has been informed by the Killeen Temple Metropolitan Planning Organization (KTMPO) that they will receive around \$14 million dollars to construct the remainder of TX 317, from River Springs apartments to FM 2305. The total project cost is \$18.9 million and TXDOT will pay for the remainder. This is TXDOT's sole project for our region. Tomorrow at the KTMPO policy board meeting, the board will have the opportunity

to approve an amendment to the Transportation Improvement Program (TIP) to allocate the funding for the TX 317 improvements this year.

Chair Guess and Ms. Schmuck returned to the meeting.

With no further business, the meeting was adjourned at 6:03 P.M.

---

Chair, Planning and Zoning Commission