

Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, August 15, 2017

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, Rae Schmuck, Dave Covington, Joel Berryman, Ben Pamplin, Michael Pressley, Lewis Simms and David Fuller. The following member was absent: David Jarratt. The following staff members were present: Director of Planning, Erin Smith, Planning Clerk, Laura Livingston and Assistant City Manager and Police Chief, Gene Ellis.

Pledge of Allegiance – Chair Baggerly led all present.

Invocation – Mr. Covington gave the Invocation.

1. Call To Order.

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

2. Minutes from the previous Planning and Zoning meeting.

Ms. Schmuck made a motion to approve the minutes from July 18, 2017. Mr. Covington seconded the motion to approve the minutes with 8 ayes, 0 nays.

3. Administer Oath of Office to Planning and Zoning Commission appointees.

Michael Pressley and Lewis Simms were sworn in as Planning and Zoning Commission members.

4. Consider the following requests:

- a. **Z-17-10 Hold a public hearing and consider a zoning change from Single Family-2 to Single Family-3 Zoning District for the construction of a single family home at 407 and 410 West 3rd Avenue, located on the northeast corner of West 3rd Avenue and North Smith Street.**
- b. **P-17-14 Hold a public hearing and consider a replat for Sylvia's Addition, a 0.311 acre tract of land, located on the northeast corner of North Smith Street and West 3rd Avenue.**

Ms. Smith presented the staff reports (Exhibits A and B).

Chair Baggerly opened the public hearing for Z-17-10, with no one requesting to speak he closed the public hearing.

Mr. Berryman made the motion to approve Z-17-10. Mr. Pamplin seconded the motion, which was approved unanimously with 8 ayes, 0 nays.

Chair Baggerly opened the public hearing for P-17-14, with no one requesting to speak he closed the public hearing.

Mr. Pamplin made the motion to approve P-17-14. Mr. Covington seconded the motion, which was approved unanimously with 8 ayes, 0 nays.

5. Z-17-11 Hold a public hearing and consider a zoning change from Single Family-1 to Single Family-1 with a Specific Use Permit for a church ancillary use in the existing structure at 315 East 24th Avenue, located on the southwest corner of East 24th Avenue and North Beal Street.

Ms. Smith presented the staff report (Exhibit C).

Ken Valka, 431 Arrowhead Point, representing Christ the King Catholic Church, said he was there to answer questions.

Ron Robertson, 311 Lilly Drive, said he and his wife have lived there 10 years. He thanked the Commission for their service. He said he was there to speak against the zoning change for the following reasons: The property has been zoned for single family and it's always been used for that purpose. Mr. Robertson said this change will open the door to make this an office building, a meeting house, conference location or a good place for a drug rehab that the owner might propose. These things are not bad by any means, but not appropriate for a family oriented neighborhood. Mr. Robertson said he believes it will have a negative effect on their property values. A reason they decided to move there was because the neighborhood was occupied by families and children and surrounded by parks. He observed the traffic and was satisfied that the traffic wasn't abnormal. Mr. Robertson said after living there for 10 years, Christ the King have been good neighbors and respectful when they host special events with hundreds of guests and hundreds of cars. That being said, he and his wife oppose the zoning change for the neighborhood.

Mr. Jeff Loudin, 2323 North Penelope Street, said he wanted to discuss noise. Occasionally the church will have a dance in their fellowship hall, which is at the other end of their property and he has had to call the police on several occasions. When the music can be heard at 11-11:30 p.m., it is disruptive. He has no objection to the use of the building, but he wants the noise problem to be considered.

With no one else requesting to speak, Chair Baggerly closed the public hearing.

Chair Baggerly asked Ms. Smith to explain what types of uses are allowed with the Specific Use Permit. Ms. Smith said it would allow ancillary uses to the church, such as church offices or group meetings. It cannot be used as a commercial property, but mainly serving the church and its needs. After speaking with church members, they are in need of more space for the youth members. Mr. Covington asked if a drug rehab center would fit within this Specific Use Permit? Ms. Smith said no. Mr. Pressley asked if a meeting such as Alcoholics Anonymous would be allowed? Ms. Smith said if it's a meeting associated with the church, then yes. Mr. Covington said but it would not be a large group of people who could stay overnight? Ms. Smith said the gatherings are expected to be comprised of about 30 people and the only time people may spend the night there would be during a youth lock-in.

Mr. Berryman asked if there are any parking restrictions? Ms. Smith said the zoning includes a provision that no on-street parking is permitted on 24th Avenue, Lilly Drive and Beal Street for this use. Chair Baggerly asked if No Parking signs have been considered. Ms. Smith said that could be discussed with the City Manager. Mr. Pressley asked how is on-street parking prevented? Ms. Smith

said it's been stated that there can be no on-street parking for this use, but if the Commission is asking about no on-street parking signage be placed along on 24th Avenue, City Staff can review that. Mr. Pressley asked how is no on-street parking required? Ms. Smith said through enforcement; it's a matter of working with them. There was no intention to install no on-street parking signage because if surrounding residents have visitors, they would want the ability for visitors to park on the street. She does not want to make this change in use effectively change the character of the neighborhood. Ms. Smith said they asked the church that their visitors park in their parking areas and not on the street.

Chair Baggerly asked if the church will be allowed to put up a sign in front? Ms. Smith said yes; Single Family-1 would allow for that if they would like to put up a sign. Ms. Smith asked Mr. Valka if there was any intention to put up a sign, because it was her understanding they wanted it to appear as a single-family residence? Mr. Valka said yes, we do not want to make it appear commercial at all. He doesn't want to say they will never put a sign there, but it's not their intention at this time. They do have a very small sign that says the house is part of their parish and they would work with the City so they don't offend anyone. Mr. Valka said they have been good neighbors and it's not their intention to offend the neighbors or to have dances that make a lot of noise. Ms. Schmuck said that if the church vacated the building, then it would remain Single Family-1, is that correct? Ms. Smith said yes. Ms. Smith said the base zoning district will remain Single Family-1 and in addition, a church ancillary use would be permitted with a Specific Use Permit.

Mr. Pressley asked about a lock-in and what type of activities are allowed? Mr. Valka said it's a gathering of the youth in a prayerful time and there is music, but the music will not be loud enough to hear from anywhere other than inside of the house. Obviously when youth get together, they like to play music. The purpose of this building is for small group meetings. Mr. Valka said the church has several large buildings, but there aren't any small meeting spaces. They're trying to create some intimate meeting space so that the youth can feel comfortable getting together, having conversation and dialogue, and feel welcomed among each other.

Chair Baggerly asked if anyone would be living in the home, such as a youth minister? Mr. Valka said it's not intended that anyone lives there permanently and he believes that the diocese and rules right now state there should not be anyone living in a space where there are group meetings.

Mr. Covington asked if this change would change anything in regards to noise regulations? Ms. Smith said no, the maximum noise level will remain 85 decibels at the property line. If there is a noise violation, the Police Department can address it.

Mr. Pamplin made the motion to disapprove Z-17-11. Mr. Berryman seconded the motion to deny, which was approved with 7 ayes, 1 nays.

Ms. Smith explained that the applicant has two options: they can resubmit their application, which would require property owner notification to be sent once again, or the applicant may appeal the Planning and Zoning Commission decision to City Council. If the applicant decides to appeal the P&ZC decision to City Council, property owner notifications would not be sent out again. If you would like to attend the meeting, please look at the City Council agenda next week to see if this case will move forward. An appeal to Council will require a $\frac{3}{4}$ majority vote by City Council.

6. P-17-04 Hold a public hearing and consider a replat for UMHB Main Campus 2017 Addition, a 75.927 acre tract of land, located north of West Martin Luther King Jr. Avenue, east of University Drive, south of Crusader Way, and west of College Street.

Ms. Smith presented the staff report (Exhibit D).

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

Chair Baggerly said he assumes the reason the subdivision plat boundary doesn't extend all the way to Main Street is because of private property ownership? Ms. Smith said the request didn't include that information. She believes there may be some private ownership, but she couldn't recall. There are some private properties around the UMHB campus zoned University Campus, but not owned by UMHB..

Mr. Pamplin asked if the City and UMHB were working together or is it something they approached the City with. Ms. Smith said they had a meeting with UMHB several months ago and when they spoke about a new development, they asked if the City would require a plat for new development like the Performing Arts Center. Ms. Smith said yes, all new development will require a plat. UMHB then asked if they could plat the entire campus, so the City has the ability to look at it all at once and Ms. Smith said that will be optimal. UMHB worked with the engineer on their own and brought it to the City for review. City Staff spent several months looking at utilities, circulation, fire lanes, amongst several other plat elements. It is also very beneficial to the City to be able to review a plat of a large area and be able look at all elements at one time. It's similar to how Staff prefers to look at preliminary plats with multiple phases, so Staff can see the big picture.

Mr. Berryman asked if abandonment of the roadway would open up the university at any time to stop city traffic going through campus. Ms. Smith said the fire lanes cannot be blocked, but they could potentially block the other streets if they chose to since they will be private, if approved. Mr. Pamplin asked about parking on the private streets? Ms. Smith said she didn't know how that would be done. Mr. Covington asked if Police Chief Ellis had any input. Chief Ellis said it's private property so they could make the private streets inaccessible and allow emergency access only. Mr. Berryman said apartments do it all the time. Chief Ellis said they do; it's probably not real likely, but it's possible and they certainly can enforce it.

Mr. Covington confirmed the streets surrounding the blue lines on the map, College Street, Crusader Way, University Drive and Martin Luther King Jr. Avenue would all still be public streets, the replat would start inside of there. Ms. Smith said yes, they would all remain public. Mr. Berryman said he isn't interested in cruising through campus, but he's thinking about the immediate neighbors and maybe that's their easiest route through campus to get somewhere else and we inadvertently cut them off. Ms. Smith said it is very similar to other university campuses with private streets. Mr. Pamplin said this will probably make it safer for the students too since there is a lot of pedestrian activity around there all day long, all year long. Chair Baggerly said

he ventured a guess that a lot of people think they are private streets already because they have purple street signs. Mr. Berryman said the other thing that stood out were the easements for power and water. Ms. Smith said Oncor and Atmos have existing easements and with this plat they will be creating easements for all of the water and sewer.

Mr. Pamplin made the motion to approve P-17-04. Mr. Fuller seconded the motion, which was approved with 8 ayes, 0 nays.

7. P-17-10 Hold a public hearing and consider a replat for Kelley Trust Addition, a 1.617 acre tract of land, located north of Kenny Drive, south of Sandlin Drive, and east and west of Camelot Lane, in Belton's Extra Territorial Jurisdiction (ETJ).

Ms. Smith presented the staff report (Exhibit E).

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

Mr. Berryman said there is an area between the two lots that Ms. Smith pointed out that was called "non-ownership." Ms. Smith said the applicant is not the owner of those two lots, so the plat boundary does not include those two lots. Mr. Pamplin asked why the fire marshal say it was OK to re-plat these properties without fire protection? Ms. Smith said there are no fire hydrants in this area and it's an existing subdivision that's already been platted several years ago. Mr. Pressley said this subdivision wouldn't necessarily be able to be built today, but now the City and County must deal with it. Ms. Smith said that's right and they are improving the situation by making larger lots, so instead of 14 homes there will be seven.

Ms. Schmuck made the motion to approve P-17-10. Mr. Simms seconded the motion, which was approved with 8 ayes, 0 nays.

8. P-17-15 Hold a public hearing and consider a replat for Dora Addition, a 0.468 acre tract of land, located on the northeast corner of Lesmar Loop and Sherwood Drive, in Belton's Extra Territorial Jurisdiction (ETJ).

Ms. Smith presented the staff report (Exhibit F).

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

Mr. Berryman asked if their current septic system would be allowed to remain in place? Ms. Smith said no, Bell County Health Department has stated the septic system will need to be upgraded. Mr. Covington said that's the reason for the replat. Until this is replatted into one single lot, an upgraded septic tank will not be permitted. Mr. Covington said it seems pretty expensive to get your property replatted to make a septic tank work on there. Are there any better options

than having someone go through the replatting process to get their septic system fixed? Ms. Smith said the Bell County Health Department is looking into that right now. She added that the Texas Commission on Environmental Quality establishes the minimum requirement for the lot size and there are state law requirements to plat when combining properties. Ms. Smith said she received a call from a Bell County Commissioner stating since they are seeing this a lot, they want to figure out a way to encourage this rather than discourage it as it can be a financial burden. Bel County Health Department is working with TCEQ to determine what other methods could be done without requiring a re-plat. Mr. Covington said there has to be a better solution that doesn't cost thousands of dollars to the property owner.

Mr. Covington made the motion to approve P-17-15. Ms. Schmuck seconded the motion, which was approved with 8 ayes, 0 nays.

9. P-17-16 Consider preliminary plats for Three Creeks Subdivision, Phases IV, V, VI, and VII, a 146.09 acre tract of land, located generally east of FM 1670 and south of U.S. 190, and adjacent to the north bank of the Lampasas River, in Belton's Extra Territorial Jurisdiction (ETJ).

Ms. Smith presented the staff report (Exhibit G).

Mr. Covington said if this is approved, one of the conditions is extending Three Creeks Boulevard all the way to the eastern property boundary. Chair Baggerly asked why it wasn't extended on the plat? Ms. Smith said she didn't know, she asked the applicant to address the questions. Mr. Tyler Freese, 2512 Hector Drive, Killeen, is one of the engineers on the project. Mr. Freese said the piece that's not platted has topography issues, it's very steep and its alignment to the creek wouldn't be ideal for a crossing. They know the City is looking at extending this roadway east at some time in the future, so they were going to leave it off and have discussions with the City. Mr. Freese said they came up with a new solution to adjust Three Creeks Boulevard that will fix all of the issues with crossing the creek. Chair Baggerly asked about the existing portion of Rocking M Lane and whether Whitis Land Investments owns it, mentioning it's a gravel road. Mr. Freese said yes. Ms. Smith said even though Rocking M Lane is located in Bell County, the Development Agreement is written that they will dedicate 50 feet of ROW and build a 27-foot wide street that will be dedicated to the City of Belton.

Mr. Pamplin made the motion to approve P-17-16. Mr. Berryman seconded the motion, which was approved with 8 ayes, 0 nays.

With no further business, the meeting was adjourned at 6:24 P.M.

Chair, Planning and Zoning Commission

Staff Report – Planning & Zoning Item



Date: August 15, 2017
Case No.: Z-17-10
Request: SF-2 to SF-3
Applicant: All County Surveying

Agenda Item

Z-17-10 Hold a public hearing and consider a zoning change from Single Family-2 to Single Family-3 Zoning District for the construction of a single family home at 407 and 410 West 3rd Avenue, located on the northeast corner of West 3rd Avenue and North Smith Street.

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

The applicant is proposing a zone change to allow for the construction of a new single family home. To the north is the Harris Community Center; and to the east, south, and west are single family homes zoned Single Family-2.

Current Zoning

Single Family-2

Proposed Zoning

Single Family-3

Design Standards Type Area: 8

Recommended Type Area: 8

This property is in the identified Type Area 8 in the Design Standards. If approved, a Single Family-3 District use would be required to comply with all the Design Standards for Type Area 8.

Land Use Table/Allowable Uses

The Single Family-3 Zoning District allows the following land uses, and would accommodate this request:

- Single-family detached dwellings and accessory buildings
- Greenhouses and gardens
- Family Home

Project Analysis and Discussion

This property is located north side of West 3rd Avenue amongst single family homes. The applicant is proposing this zone change to Single Family-3 to construct a new single family home in accordance with the Future Land Use Plan identifies this area as medium density residential/mixed use.

Currently, this property is zoned Single Family-2, and a zoning change to Single Family-3 is required to allow for the construction of a new single family home on a slightly smaller lot than required in the SF-2 Zoning District. The applicant is platting this property into two lots in conjunction with the zoning change request. This property is shown as two separate properties with two separate addresses and two Bell County Tax Appraisal District property identification numbers. There is an existing single family home at 407 West 3rd Avenue and the applicant would like to construct a new single family home at 410 West 3rd Avenue. When the applicant submitted the re-plat for review, staff stated that the proposed lots do not meet the minimum area requirements for the SF-2 Zoning District. The SF-3 Zoning District requires a minimum lot size of 5,000 square feet, minimum lot width of 50 feet, and a minimum lot depth of 90 feet. The proposed lot sizes comply with the Single Family-3 Zoning District area requirements in all respects. A zoning change SF-3 is needed to re-plat this property into two lots.

This area contains properties zoned Single Family-2; however, several lots do not meet the minimum SF-2 District area requirements. This is an established neighborhood with various lot sizes, similar in size to 407 and 410 West 3rd Avenue. After careful review of the City's Design Standards and the applicability of this use among surrounding properties, this requested zone change appears to be reasonable in this location.

Recommendation

Recommend approval of a Single Family-3 Zoning District with development regulated under the Design Standards for Type Area 8 standards as follows:

1. The use of this property must conform to the Single Family-3 Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 7 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards discussed above
 - b. Building Design Standards
 - c. Landscape Design Standards
3. Sign standards shall conform to Ordinance 2008-11

Attachments:

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

Staff Report – Planning & Zoning Item



Date: August 15, 2017
Case No.: P-17-14
Request: Replat
Applicant: All County Surveying

Agenda Item

P-17-14 Hold a public hearing and consider a replat for Sylvia's Addition, a 0.311 acre tract of land, located on the northeast corner of North Smith Street and West 3rd Avenue.

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

This is a 2-lot subdivision with an existing single family home on Lot 1A and Lot 1B is currently vacant.

Project Analysis and Discussion

This is a 2-lot subdivision plat proposed as Sylvia's Addition. This property is currently a portion of Block 7, Lot 1 of the McFarland Addition and the applicant is proposing to replat this 0.311 acre property into two separate lots. This property is currently zoned Single Family-2 Zoning District and the applicant has submitted a zoning change request to Single Family-3 Zoning District in conjunction with this plat request. The applicant is proposing to replat this property to allow for an additional single family home. There is an existing single family home on Lot 1A and the applicant would like to construct a new single family home Lot 1B. The Public Works Department has confirmed that the additional lot can be served by existing water and sewer lines.

When the applicant submitted the replat for review, staff stated that the proposed lots do not meet the minimum area requirements for the SF-2 Zoning District. The SF-2 Zoning District requires a minimum lot size of 7,500 square feet, minimum lot width of 60 feet, and a minimum lot depth of 100 feet. Lot 1A is 6,621 square feet in area, 64 feet in width, 100 feet in depth along the western lot line, and 90 feet in depth along the eastern property line. Lot 1B is 6,926 square feet in area, 80 feet in width, and 90 feet in depth. The SF-3 Zoning District requires a minimum lot size of 5,000 square feet, minimum lot width of 50 feet, and a minimum lot depth of 90 feet. The proposed lot sizes comply with the SF-3 Zoning District area requirements. The SF-3 Zoning District requires a minimum front yard setback of 25 feet, minimum interior side yard setback of 6 feet; minimum street side yard setback of 15 feet, and minimum rear yard setback of 20 feet. The applicant has submitted a survey that identifies the main building and

accessory building locations. The main structure extends slightly into the front yard setback and the accessory building is located within the 15 feet street side yard setback; however, these structures do not appear to cause any visibility issues for the neighborhood. The main structure has a similar setback to surrounding residences and the accessory building is setback a suitable distance from the street intersection. These minor setback encroachments are existing and this replat does not propose any new lot lines that do not comply with the minimum SF-3 District requirements.

North Smith Street contains 40 feet of right-of-way with an approximate 28 feet pavement width and curb and gutter. The existing North Smith Street right-of-way and street pavement width appear to be sufficient and function well for this residential area. West 3rd Avenue contains 50 feet of right-of-way with an approximate 20 feet pavement width without curb and gutter. According to the Subdivision Ordinance, the developer is required to contribute into escrow half the total cost of paving (up to 18.5 feet) and install curb and gutter, for the portion of West 3rd Avenue adjacent to this subdivision. The applicant submitted a variance letter requesting to waive the perimeter street improvement requirements. It is staff's judgment that one additional single family home will not generate an increase in traffic on West 3rd Avenue; therefore, staff recommends waiving the perimeter street requirement for this two-lot residential subdivision. Since this is a proposal for one additional residential lot, this variance request seems reasonable.

According to the Subdivision Ordinance, any residential subdivision within the City of Belton, or within the City's extraterritorial jurisdiction, is required to set aside and dedicate to the public sufficient and suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland. These requirements may be satisfied through parkland dedication or payment of fees-in-lieu of required parkland or a combination of the two. This subdivision requires parkland dedication of 0.01 acres or \$200 parkland fee for the additional lot. Since this property currently has two separate addresses and Bell County Tax Appraisal District property identification numbers, this change is an improvement to the area by creating legal lots. Due to these factors, staff recommends a variance to parkland dedication or fee-in-lieu requirements.

We have reviewed the replat and find it acceptable.

Recommendation

Recommend approval of the replat for Sylvia's Addition, a 0.311 acre tract of land, located on the northeast corner of North Smith Street and West 3rd Avenue, subject to:

1. South Burnet Street perimeter street improvements variance. (Recommended)
2. Parkland dedication or fee-in-lieu requirements. (Recommended)

Attachments

1. Final Plat Application
2. Final Plat
3. Property Location Map
4. Perimeter Street Improvement Variance Request

Staff Report – Planning & Zoning Item



Date: August 15, 2017
Case No.: Z-17-11
Request: SF-1 to SF-1 w/SUP
Applicant: Catholic Diocese of Austin

Agenda Item

Z-17-11 Hold a public hearing and consider a zoning change from Single Family-1 to Single Family-1 with a Specific Use Permit for a church ancillary use in the existing structure at 315 East 24th Avenue, located on the southwest corner of East 24th Avenue and North Beal Street.

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

The applicant has submitted this request for a zone change to allow for a church ancillary use in the existing structure. To the north are Christ the King church and rectory building and the HEB property; and to the east, south, and west are single family homes.

Current Zoning

Single Family-1

Proposed Zoning

Single Family-1 with Specific Use Permit for church ancillary use

Design Standards Type Area: 14

Recommended Type Area: 14

This property is in Type Area 14 in the Design Standards. If approved, a Single Family-1 District use and in addition, a church ancillary use, would be required to comply with all the Design Standards for Type Area 14.

Land Use Table/Allowable Uses

The Single Family-1 Zoning District with the Specific Use Permit will allow for a church ancillary use. The uses allowed in the base Single Family-1 Zoning District include:

- Single-family detached dwellings and accessory buildings
- Greenhouses and gardens
- Family Home

Project Analysis and Discussion

This property is located amidst single family homes and Christ the King Catholic Church. The applicant has submitted this zone change to Single Family-1 with a Specific Use Permit for church ancillary use in conjunction with the Future Land Use Plan which identifies this area as low density residential. The applicant is proposing to utilize the existing structure as a meeting and office space for Christ the King services. The existing structure is 2,360 square feet and the applicant is proposing to enclose the 884 square feet garage to allow additional meeting space; therefore, the total square footage will be 3,244 square feet. A subdivision plat will not be required since this is a platted lot.

According to Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance, a church, rectory, or other place of worship shall provide one parking space for each three seats in the main auditorium. There is a circular driveway along East 24th Avenue that will provide 4 off-street parking spaces and a large driveway along Lilly Drive that will provide 4 off-street parking spaces and 1 handicap accessible parking space, a total of 9 off-street parking spaces. City staff met with the applicant to discuss the zoning change request on July 20, 2017 and on-site with the Fire Marshal and Building Official on August 4, 2017 to discuss the proposal. The applicant stated that the building will mainly be utilized for small gatherings for the youth groups, so there will not be much parking needed since parents will pick-up and drop-off the children. The applicant also stated that if additional parking is needed for this use, additional parking is available directly across the 24th Avenue at the rectory property. No on-street parking will be permitted for this use.

The applicant stated that the structure exterior will remain the same and look like a single family home. This property is adjacent to the Christ the King property across 24th Avenue where several church services are held. This zoning change request to Single Family-1 with a Specific Use Permit for a church ancillary use is compatible with the surrounding neighborhood.

After careful review of the City's Design Standards and the applicability of this use among surrounding properties, this requested zone change appears to be reasonable in this location.

Recommendation

Recommend approval of zone change from Single Family-1 to Single Family-1 with a Specific Use Permit for a church ancillary use, with development regulated under the Design Standards for Type Area 9 standards as follows:

1. The allowable uses of the property shall conform to the Single Family-1 Zoning District in all respects, and in addition a church ancillary use is permitted.
2. The development of the property shall conform to all applicable Type Area 14 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:

- a. Site Development Standards discussed above
 - b. Building Design Standards
 - c. Landscape Design Standards
3. Sign Standards shall conform to Ordinance 2008-11.
 4. No on-street parking is permitted.

Attachments:

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

Staff Report – Planning & Zoning Item



Date: August 15, 2017
Case No.: P-17-04
Request: Replat
Applicant: Turley and Associates

Agenda Item

P-17-04 Hold a public hearing and consider a replat for UMHB Main Campus 2017 Addition, a 75.927 acre tract of land, located north of West Martin Luther King Jr. Avenue, east of University Drive, south of Crusader Way, and west of College Street.

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

This is a 1-lot subdivision plat for the University of Mary Hardin-Baylor main campus.

Project Analysis and Discussion

This is a 1-lot subdivision plat proposed as UMHB Main Campus 2017 Addition. UMHB has submitted this plat request for the main campus to allow for both development and re-development of areas within this boundary without the need to create a re-plat for each individual project. This property is currently zoned University Campus-1 Zoning District. The University Campus-1 Zoning District requires a minimum lot area of 5,000 square feet, minimum lot width of 50 feet, and minimum lot depth of 100 feet. This proposed plat complies with the University Campus-1 District area requirements in all respects.

There are existing public water and sewer lines traversing this property to serve UMHB and surrounding properties. The water and sewer lines will remain public. Turley and Associates has created an easement document that will be recorded with the plat to ensure the City of Belton has access to the public water and sewer lines on this property for maintenance and repairs. There are also existing Atmos and Oncor lines traversing this property that will remain in existing easements. Turley and Associates has provided an exhibit that identifies the locations of the Atmos gas and Oncor electric lines on this property.

Turley and Associates has identified several right-of-ways within this plat boundary that do not contain paved streets; however, the right-of-ways were never abandoned. In some instances, buildings have been constructed over existing right-of-ways. There are also some streets within this plat boundary that were not constructed in the right-of-ways and are located on UMHB private property. UMHB is proposing to abandon all of the existing public street right-

Exhibit D

of-ways within this plat boundary. If this plat is recommended for approval by the Planning and Zoning Commission, the street abandonment request will be presented to Council for separate consideration. City staff has reviewed this request and finds it acceptable given 26' wide fire lanes are maintained as shown on the attached exhibit. The Fire Marshal has reviewed the fire access exhibit and finds it acceptable to serve the main UMHB campus area within this plat boundary. The fire lane exhibit will be recorded with the plat. Turley and Associates has included a note on the plat that states the following:

26' wide fire access lanes are to be maintained as shown on the attached exhibit. The City of Belton and University of Mary Hardin-Baylor may agree to review the fire lane exhibit in the future as may be needed to accommodate the location of future improvements to the campus.

UMHB will be responsible for all maintenance and re-construction of the interior private streets and fire lanes, pending Council approval of the plat and street abandonments. West Martin Luther King Jr. Avenue, University Drive, Crusader Way, and College Street will remain public streets, and the City of Belton will continue to maintain these roadways.

We have reviewed the replat and find it acceptable.

Recommendation

Recommend approval of the replat for UMHB Main Campus 2017 Addition, a 75.927 acre tract of land, located north of West Martin Luther King Jr. Avenue, east of University Drive, south of Crusader Way, and west of College Street.

Attachments

1. Final Plat Application
2. Property Location Map
3. Final Plat
4. Right-of-Ways Exhibit
5. Aerial Exhibit
6. Easement Exhibit
7. Water and Wastewater Utility Exhibit
8. Atmos and Oncor Utility Exhibit
9. Fire Access Exhibit

Staff Report – Planning & Zoning Item



Date: August 15, 2017
Case No.: P-17-10
Request: Final Plat
Applicant: All County Surveying

Agenda

P-17-10 Hold a public hearing and consider a replat for Kelley Trust Addition, a 1.617 acre tract of land, located north of Kenny Drive, south of Sandlin Drive, and east and west of Camelot Lane, in Belton's Extra Territorial Jurisdiction (ETJ).

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

This is a replat from 14 lots to 7 lots to allow for the construction of 7 single family homes.

Project Analysis and Discussion

This is a 7-lot subdivision plat, located in Belton's ETJ, proposed as Kelley Trust Addition. The applicant is proposing to replat this property from 14-lots into a 7-lot subdivision. The applicant met with Bell County Health Department (BCHD) to discuss the required on-site septic system for the lots prior to submitting the replat for City and County staff review. BCHD staff requested the applicant combine the lots to allow for on-site septic systems. The existing lots are 5,000 square feet in area and this proposed replat will increase the lot sizes to 10,000 square feet in area. The minimum lot size requirement is 0.50 acres for on-site septic systems. Bell County stated this replat will allow for on-site septic systems based on combining small lots legally platted prior to 1988. BCHD has reviewed the on-site septic system for each lot proposed in this replat and specified that a 3-bedroom home may be built with a maximum square footage of 2,500 square feet. The builder is required to contact BCHD to approve home placement prior to construction and that will determine if an on-site septic system can be installed.

The Subdivision Ordinance requires subdivisions in the City and the City's ETJ to construct a water distribution system with appropriate appurtenances for fire protection. There are no existing fire hydrants within this neighborhood. This property is served with domestic water by Dog Ridge Water Supply Corporation. The waterline sizes and pressure in this area does not support a fire distribution system. Since this replat is located within a mature neighborhood, a variance appears to be reasonable given a fire distribution system is not available.

Exhibit E

We have reviewed the final plat and find it acceptable. Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and made comments. After Council action, this plat will be taken to Bell County Commissioners Court for approval.

Recommendation

Recommend approval of the replat for Kelley Trust Addition, a 1.617 acre tract of land, located north of Kenny Drive, south of Sandlin Drive, and east and west of Camelot Lane, in Belton's Extra Territorial Jurisdiction (ETJ), subject to:

1. Fire distribution system variance. (Recommended)
2. Minimum lot size requirement for on-site septic systems. (Recommended)

Attachments

1. Final Plat Application
2. Final Plat
3. Location Map
4. Fire Distribution System Variance Letter

Staff Report – Planning & Zoning Item



Date: August 15, 2017
Case No.: P-17-15
Request: Final Plat
Applicant: All County Surveying

Agenda

P-17-15 Hold a public hearing and consider a replat for Dora Addition, a 0.468 acre tract of land, located on the northeast corner of Lesmar Loop and Sherwood Drive, in Belton's Extra Territorial Jurisdiction (ETJ).

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

This is a replat from 4 lots to 1 lot for an existing single family home.

Project Analysis and Discussion

This is a 1-lot subdivision plat, located in Belton's ETJ, proposed as Dora Addition. This property is currently Lots 760, 761, 762, and 763 of Sherwood Shores, Phase VII addition and the applicant is proposing to replat this property into a single lot. The applicant has stated that the septic system needs to be upgraded. Bell County Health Department reviewed the septic system and stated it is not in compliance with current requirements and an upgrade is required. This proposed replat will increase the lot size to 0.468 acres, slightly less than the required 0.50 acre lot size for on-site septic systems. Bell County stated this replat will allow for an upgraded septic system.

The Subdivision Ordinance requires subdivisions in the City and the City's ETJ to construct a water distribution system with appropriate appurtenances for fire protection. There are no existing fire hydrants within this neighborhood. This property is served with domestic water by Dog Ridge Water Supply Corporation. The waterline sizes and pressure in this area does not support a fire distribution system. Since this replat is for an existing single family home within a mature neighborhood, a variance appears to be reasonable given a fire distribution system is not available.

We have reviewed the final plat and find it acceptable. Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and made

comments. After Council action, this plat will be taken to Bell County Commissioners Court for approval.

Recommendation

Recommend approval of the replat for Dora Addition, a 0.468 acre tract of land, located on the northeast corner of Lesmar Loop and Sherwood Drive, in Belton's Extra Territorial Jurisdiction (ETJ), subject to:

1. Fire distribution system variance. (Recommended)
2. Minimum lot size requirement for on-site septic systems. (Recommended)

Attachments

1. Final Plat Application
2. Final Plat
3. Location Map
4. Fire Distribution System Variance Letter



Staff Report – Planning & Zoning Item

Date: August 15, 2017
Case No.: P-17-16
Request: Final Plat
Applicant: WB Development

Agenda Item

P-17-16 Consider preliminary plats for Three Creeks Subdivision, Phases IV, V, VI, and VII, a 146.09 acre tract of land, located generally east of FM 1670 and south of U.S. 190, and adjacent to the north bank of the Lampasas River, in Belton's Extra Territorial Jurisdiction (ETJ).

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

- Phase IV – 151-lot subdivision proposed for single family residential development
- Phase V – 98-lot subdivision proposed for single family residential development
- Phase VI – 131-lot subdivision proposed for single family residential development
- Phase VII – 79-lot subdivision proposed for single family residential development
- Total of 1,033 lots in 7 phases

Project Analysis and Discussion

This is a series of residential subdivision plats proposed as Three Creeks Subdivision, Phases IV, V, VI, and VII. All of the lots in each subdivision are a minimum of 50' in width, in compliance with the Development Agreement. Currently, this subdivision contains one entrance known as Three Creeks Boulevard with 120' of right-of-way (ROW) off FM 1670 with 1,033 lots total in Phases I-VII. The Development Agreement states that the developer will dedicate 50' of right-of-way and grade and prepare with crushed limestone base 27' wide and provide a 25 foot double penetration/seal coat travel surface of Rocking M Lane from Auction Barn Road to the Municipal Utility District's northern property line within two years from the completion and acceptance of the first roundabout on the arterial roadway known as Three Creeks Boulevard. Therefore, this requirement will be due May 1, 2019. According to the Subdivision Ordinance, any single family residential subdivision within the City of Belton or the City's ETJ shall provide 3 entrances/access streets for subdivisions with more than 101 lots. The development agreement approved by City Council in 2010 included a master plan of the proposed subdivision that identified two points of access, and this should be adequate for this subdivision

until a connection is made from Three Creeks Boulevard to Shanklin Road in the future, as shown on the City's Thoroughfare Plan.

Phase IV is a 151-lot subdivision plat that proposes construction of Galveston Road, Baffin Lane, and Lavaca Drive, and a portion of Copano Road, Guadalupe Drive, and Rocking M Lane, each with 50' of right-of-way. Phase IV also includes a portion of Three Creeks Boulevard with 120' of right-of-way.

Phase V is a 98-lot subdivision plat that proposes construction of Corpus Christi Court, Aransas Drive, and a portion of Dickinson Loop, each with 50' of right-of-way.

Phase VI is a 131-lot subdivision plat that proposes construction of St. Charles Court, Matagorda Road, and a portion Copano Loop, each with 50' of right-of-way. Phase VI also includes private parkland shown as Tract B.

Phase VII is a 79-lot subdivision plat that proposes construction of Redfish Court and Nueces Way, and a portion of Aransas Drive, Dickinson Loop, and St. Charles Court, each with 50' of right-of-way. The eastern portion of Three Creeks Boulevard is also proposed within Phase VII; however, right-of-way is not shown to the eastern property boundary. There is a portion of the Whitis property not included in the plat boundary. Three Creeks Boulevard right-of-way and street pavement is required to extend to the eastern property boundary, in accordance with Section 7.06 of the Development Agreement. This property will need to be included in the final plat for Phase VII.

According to the Subdivision Ordinance, each residential subdivision is required to dedicate sufficient and suitable parkland and/or payment of fees-in-lieu of required parkland. There are a total of 1,033 lots in Phases I-VII and ultimately 1,500 lots for the entire Three Creeks subdivision; therefore, a total of 10.33 acres of parkland is required at this time and ultimately 15 acres for the entire 1,500 lots in this subdivision. The developer has provided a total of 127.34 acres of private parkland that contains several trail networks and pavilions for the residents. This private parkland exceeds the Subdivision Ordinance requirements and is consistent with the master plan in the development agreement.

The lots in this subdivision are served by City of Belton water and sewer, and Bell County is responsible for the streets and drainage.

We have reviewed the plat and find it acceptable, subject to conditions contained in the letter to the applicant's engineer. Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and made comments. After Council action, this plat will be taken to Bell County Commissioners Court for action.

Recommendation

Recommend approval of the preliminary plats for Three Creeks Subdivision, Phases IV, V, VI, and VII, a 146.09 acre tract of land, located generally east of FM 1670 and south of U.S. 190,

and adjacent to the north bank of the Lampasas River, in Belton's Extra Territorial Jurisdiction (ETJ), subject to:

1. Conditions contained in the letter to the applicant's engineer dated August 4, 2017
2. The terms of the development agreement.

Attachments

1. Preliminary Plat Applications
2. Preliminary Plats – Phases IV, V, VI, and VII
3. Overall Plan of Phases I-VII
4. Trail Plan
5. Thoroughfare Plan
6. City's Letter to Applicant's Engineer dated August 4, 2017
7. Section 7.06 of the Development Agreement