

Minutes of the meeting of the  
**Planning and Zoning Commission (P&ZC)**  
City of Belton  
333 Water Street  
Tuesday, September 19, 2017

---

The Planning and Zoning Commission met at 5:30 P.M. in the Evans Room at the Harris Community Center. The following members were present: Chair Brett Baggerly, Dave Covington, Ben Pamplin, Michael Pressley, Lewis Simms, David Jarratt and David Fuller. The following members were absent: Rae Schmuck and Joel Berryman. The following staff members were present: Director of Planning, Erin Smith, and Planning Clerk, Laura Livingston.

**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 Commission meeting.**

Mr. Pamplin made a motion to approve the minutes from August 15, 2017. Mr. Simms seconded the motion to approve the minutes with 7 ayes, 0 nays.

**3. Z-17-12 Hold a public hearing and consider a zoning change from Agricultural to Commercial-1 Zoning District for trailer rentals and repairs on a 1.26 acre tract of land, located south of US 190/I-14, north of Dogridge Road, and east of George Wilson Road.**

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

Chair Baggerly opened the public hearing and with no one requesting to speak, he closed the public hearing. Mr. Jarratt asked about a metal building shown in the aerial photograph. Mr. Billy Beard, 5431 Highway 190, said the building is no longer there.

Mr. Pamplin made the motion to approve Z-17-12. Mr. Covington seconded the motion, which was approved unanimously with 7 ayes, 0 nays.

**4. Z-17-13 Hold a public hearing and consider a zoning change from Single Family-1 to Planned Development Single Family-1 Zoning District for use as a multi-purpose building to include church offices, meeting space, and associated Christian fellowship in the existing structure at 315 East 24<sup>th</sup> Avenue, located on the southwest corner of East 24<sup>th</sup> Avenue and North Beal Street.**

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

Chair Baggerly opened the public hearing. Mr. Ron Robertson, 311 Lilly Drive, stated he came to the meeting last month. He wrote a letter that he read to the Commission. He said he respectfully requests that the Commission denies the zoning change request. At the meeting last month, the Commission voted to deny the request and he believes this new request is virtually the same thing. He understands the church has a need for more space and as neighbors of the church for over 10

years, he feels the church is a good neighbor. During that time, he has never objected to anything they have done and he doesn't believe they have any intention to use the space except for what they say, but he believes as time goes by the property could be used for other things. This house is intended to be a single-family home and nothing else. This neighborhood was built in the 1970s and was intended to be a residential neighborhood. The property extends from Main Street with some space still open. He feels the use would be better served on the existing property. He sees this change as what he would call "urban creep." The neighborhood south of 24<sup>th</sup> Avenue has been very well preserved the way it was intended when it was laid out by developers and approved by the City many years ago. There are some commercial uses along 317, including a gym and nursing home. Businesses are looking for space anywhere they can, giving an example of a doctor's office and financial business across the church from the sanctuary. The rezoning of this property is an intrusion into the neighborhood. We don't have room or any desire to have an office building in a neighborhood. A neighborhood is for people to live in, to worship, for schools and parks; not a place for an office building and this is essentially what this is intended to be. He doesn't mean the intention to harm them. He very much would like to see his neighborhood stay that way. He believes the zoning change could potentially have a negative effect on his property value. If this starts now, then 24<sup>th</sup> Avenue will start to look like 6<sup>th</sup> Avenue because of urban creep. Again, this house was built as a single family home in a neighborhood with other homes for the same purpose. It was not intended as an office building. He respectfully asked the Commission again to deny the zoning request and thanked them for hearing his concerns.

Mr. Jose Torres, 2222 North Beal, said a lot of young families are moving in with young children and the neighborhood is now populated with small children. Traffic on Beal Street has increased because most people on 317 found out going down Beal Street avoids the traffic lights on 317. If that house is converted to the proposed use, it will create more traffic. I have a young daughter who likes to ride her bike and he's concerned about traffic. He said he fully agrees with Mr. Robertson that it could affect property values and he believes it should remain a single family home.

Mr. Ken Valka, 431 Arrowhead Point Road, representing Christ the King Catholic Church, thanked the Commission for returning for the second time. He said they have worked hard since the first presentation and they were a little unsure of what to do and they were not clear on their plans. Christ the King Catholic Church has been in Belton since the 1960s has grown to almost 4,000 people. We started out as a small mission and grown into this. We have developed 20 different ministries from ladies Bible study to the Knights of Columbus, with about 5 people to 40-50 people in these ministries. We have a lot of folks from that very neighborhood coming to our popular fish fry and it impacts the parking lot. We are trying to find a place to grow and accommodate our smaller groups like youth groups, and in many instances, they are meeting on top of each other because of the lack of space. When this property became available, Christ the King purchased this property because it's not a typical residential house in a neighborhood. This property is surrounded by streets, it is an island, surrounded by Beal Street, 24<sup>th</sup> Avenue and Lilly Street. Mr. Robertson lives across the street, adjacent to this property on Lilly Street where there's a wooden fence at the back. The elevation of Lilly Street is very high, and Mr. Robertson's house is set very high. From the back fence of our property, the back of the neighborhood slopes down at a huge angle to where the house is. Due to the way the lot slopes, the people there wouldn't even be seen in the backyard with Lilly Street so much higher than this property. Ms. Tanya Reed and Mr. Rene Rodriguez have looked at the house, and laid out plans that identify potential meeting space and administrative space. To address Mr. Robertson's concerns, this building is not going to be an office building. The space is specific for Christian fellowship meetings as laid out in our zoning change request and some administrative work. He said he's sure if the home were to be turned into an office building, someone would have to come before the Commission again and make a zoning change request. We don't intend to change the

exterior, so it continues to look like a residential lot and home. They intend to remodel the interior and improve the landscaping and parking on the exterior. We do have space across the street in a parking lot, a field there that is ours to do with as we choose where more parking can be put in if necessary. Due to the traffic on 24<sup>th</sup> Avenue, it's not our intent to cause cross through traffic because most of the church members are not going to park on the street and we don't intend to cause a traffic jam there. We also do not intend to create a lot of noise in this place. As we drove to the meeting tonight, they looked at First Baptist Church and there are several homes around the church. We intend to maintain law and order so we don't cause a ruckus there. We intend to be good citizens and we don't intend to change that. We are looking for a low-cost way to fit our needs both inside and outside and won't be a disruption to the community because of the island aspect of this home. If we were proposing a zoning change for a property next to Mr. Robertson's house, I could see the objection. He pointed out the distance between 315 East 24<sup>th</sup> Avenue and Mr. Robertson's house. There is a great deal of room as to not bother any of the neighbors.

Chair Baggerly closed the public hearing.

Mr. Covington asked if this request is to change the zoning from Single Family-1 to Planned Development Single Family-1 Zoning District for use as a multi-purpose building to include church offices, meeting space, and associated Christian fellowship would limit this property to those uses only? Ms. Smith said the base zoning district will remain Single Family-1 and the Planned Development proposal will just allow for church offices, meeting space, and associated Christian fellowship, so if a dentist office or attorney office, for example, want to move there, it would not be permitted. They would be required to rezone the property before opening their business. This request is very specific to this use.

Mr. Simms asked Ms. Smith to articulate the difference between the previous zoning request for Single Family-1 with a SUP and this Planned Development proposal? Ms. Smith said the zoning change requests both have a base zoning district of Single Family-1. According to the Zoning Ordinance, a property zoned Single Family-1 can request a Specific Use Permit for a church ancillary use. The Commission expressed concern that the church ancillary use language was too broad and should be more specific to the request. The applicant and City staff developed the Planned Development proposal so it was more specific to their use and what they're trying to accomplish versus a broad term like "church ancillary use" that could allow drug and alcohol rehabilitation services, for example. Mr. Simms asked if the church decides to sell this property, can it still be utilized as church offices, church meeting space and associated Christian fellowship or an office use? Ms. Smith said if this zoning change request is approved, the property could only be utilized for church offices, church meeting space, and associated Christian fellowship, or a single-family home.

Mr. Covington asked if the property could still be utilized as a single family home? Ms. Smith said yes, the base zoning district will remain Single Family-1.

Mr. Jarratt asked to look at the proposed interior floorplan. The majority of the space appears to be meeting space. Is the intent for the office to be occupied on a full-time basis and the meeting space periodically? Mr. Valka said the intention is to first take care of the small groups meeting there. Chair Baggerly said to Mr. Valka that at the last meeting they asked whether or not there would be a resident in the home and his answer was no. Is that still the case? Mr. Valka said absolutely. Mr. Pressley asked what the average size of the smallest and largest groups would be meeting there? Mr. Valka said the average size is 10-15. He's not sure what the maximum occupancy might be.

Ms. Tanya Mikeska-Reed, 1708 Club Circle, Salado, Texas, said the garage would be the largest occupancy though the largest room in the house would hold 30 to 35 people and the other rooms will hold 20 to 22 people at the maximum allowable occupancy according to the Intentional Fire Code.

Mr. Valka said with the home being 3,000 square feet, it could hold 200 people, although it's not their intention to fill it up every day. Ms. Mikeska-Reed said it's not going to be a full-time occupied house and each room will be allocated for certain meeting spaces. The largest room will be used to serve meals once a week and once a month with catering and gathering for fellowship after Sunday lunch. Mr. Covington asked about the restroom capacity? Ms. Mikeska-Reed said one restroom is required per 150 people, so they are creating two unisex restrooms, one that will be ADA accessible. They must meet egress, fire code, parking requirements, etc. Parking is a little bit trickier because it's determined by the use and not the occupancy. It's Ms. Smith's desire and our desire to not construct a parking lot and continue to let them park in other places. The topography of the lot doesn't allow for parking anywhere except the portion of the property along 24<sup>th</sup> Avenue, close to Lilly Drive. Mr. Pressley said the church must have specific parking requirements, and if this property is zoned Planned Development, what is the parking requirement? Ms. Smith said other than the church parking requirements, the only parking requirement close to this request is the requirement for one parking space per 300 square feet for an office use, so essentially 10 spaces are required based on the square footage.

Mr. Pressley asked if 30-40 people could be in this building at one time? Ms. Mikeska-Reed said possibly, however this zoning change request will not allow for on-street parking. So, the only parking we have is off-street parking, which is a total of nine spaces and they're going to be using the church parking lot since parking is disallowed any other place. Ms. Smith stated that the parking can also be accommodated at the rectory across the street. Mr. Pressley said the parking on Sunday mornings and other times can be very dangerous, hectic, and crazy as cars pull out with cars parking the wrong direction on the street. Ms. Mikeska-Reed asked Mr. Valka if these services will ever be going on while there are church services? Mr. Valka said they will not have meetings at the same time as church services. There are three masses on Sunday morning, occupying the time of families that day each week. Chair Baggerly asked if the Commission members are concerned about enforceability of parking there, would the City consider placing "No Parking" signs by the street? Ms. Smith said she could speak with the Public Works and the Police Department about "No Parking" signage if desired by the Commission. The only concern she has with the installation of "No Parking" signage is that it would also not allow the neighbors to have any guests park there, though it could just be striped on the church side of the streets. Ms. Smith said "No Parking" signage is an option and it could be a provision in the request to include striping or signage. Mr. Jarratt said he's not hearing that there's any consternation from Mr. Robertson about the intent of the current use of what the church has presented, the future seems to be the bigger problem, essentially bookending that side of 24<sup>th</sup> Avenue with other than single-family homes. Not approving an alternative parking plan would encourage it's return to a single-family home. He mentioned ADA compliance parking to which Ms. Mikeska-Reed said it can be solved with the existing parking on the west side where the driveway is located. She asked if she's correct in saying that if Christ the King Church decided to no longer use the property, it would revert back to residential because it's a special use that goes along with the property? Ms. Smith said the zoning will remain in place until a zoning change request is proposed and approved by Council. Ms. Mikeska-Reed said they can't change the use without additional meetings. Chair Baggerly said they could go backwards and make it a Single Family-1 use once again. If anyone else wants to purchase the property and make it into an office use, they would have to come before P&Z Commission.

Mr. Pressley asked about the parking at the home, that people will have to double-park to fit that many cars in the driveway? Ms. Mikeska-Reed said that would be in the west end driveway, with one space open to allow for a ADA parking that must stay open. Four cars can park in the front from end-to-end. The standard City of Belton parking space size requirements will fit in there end-to-end.

Chair Baggerly asked Ms. Smith about the fence. Ms. Smith said they will replace the fence with a new 6-foot tall wooden privacy fence. Mr. Valka showed the photo of the current fence and explained their plans to replace it.

Chair Baggerly asked for any further discussion by the Commission. Hearing none, Mr. Pamplin made a motion to disapprove item Z-17-12. Mr. Pressley seconded the motion. Before the vote was cast, Chair Baggerly asked that the Commission make sure all questions have been addressed.

Mr. Covington said he doesn't think this zoning change is an unreasonable request and it limits the uses in a very agreeable fashion. This is proposed zoning is better than what was proposed to the Commission last month and falls in line with what other churches do in overlapping areas. Mr. Covington said he disagreed with the motion; the proposed zoning change and use is probably fine. Chair Baggerly said he agreed with Mr. Covington. He thanked the residents for voicing their concerns about this project. He said he would like to see parking requirements. Mr. Covington said if the Commission were to approve the item, would it be inclusive of additional parking on the northwest corner or without that? Ms. Smith said you can state as a provision of this zoning change request, "No Parking" signage must be installed. If you feel additional parking is needed, you can be specific to that as well in the motion.

Mr. Pressley said understanding that we have a balance to make between the church's needs and neighbors' needs. Since this was residential to begin with, unless there is a compelling reason to change it, the property should remain residential. If they don't have any other options because their property is limited in size, then we may make an exception. Mr. Pressley said the residential weight should weigh a little bit more than the church's plans.

Chair Baggerly asked Ms. Smith what will happen if the motion to deny passes? Ms. Smith said if it passes to deny the zoning change request as proposed, the applicant will have the opportunity to appeal the decision to the City Council which would require a three-quarter majority vote. That is the option if they want to move forward and appeal the Planning and Zoning Commission's decision.

Chair Baggerly asked for a vote on the motion on disapproval, which failed with 2 ayes (Pamplin and Pressley), 5 nays (Jarratt, Baggerly, Covington, Fuller and Lewis).

Mr. Covington asked if they want to discuss parking or no parking signage before a motion is made? Ms. Smith said it would be best to include any parking requirements in the motion. Mr. Covington said he doesn't agree with additional off-street parking adjacent to 24<sup>th</sup> Avenue because it won't maintain the look of a residential neighborhood. He said he's also not excited about requiring "No Parking" signage. Mr. Pamplin said the Commission should consider how many people will be in the area to drop off and pick up their children from a meeting at this property. Mr. Pamplin didn't believe there is an easy fix to this because it wasn't designed to be that way in the first place.

Mr. Simms asked Ms. Smith if they were to entertain a motion about requiring "No Parking" signage, could they extend just down that property? Ms. Smith said yes, it just needs to be clear in the motion. Mr. Simms asked for an example of what type of "No Parking" signs could be permitted there. Ms. Smith said a good example of this signage is on Beal Street just north of the railroad. If

there is an existing curb, it could be painted to state “No Parking” instead of signage. She doesn’t believe there is a curb on 24<sup>th</sup> Avenue so a pole sign would be needed there.

Mr. Covington asked if the Commission doesn’t include “No Parking” signage in their motion and parking becomes an issue later, are there steps that can be taken to add signage? Ms. Smith said most definitely, the staff recommendation is that there is no parking on-street parking allowed for this use. Mr. Pressley asked how that would be brought up. Ms. Smith said it could be citizen concerns, or from Public Works or the Police Department noticing it is an issue. It can be resolved on a staff level without Commission and Council approval. Mr. Jarratt said his concern is the more you make it look commercial, the more it will be facilitated so he would do everything possible to maintain the look of as a residential property.

Mr. Covington made the motion to approve item Z-17-13 without the optional parking on the northwest corner and with the recommendation that includes no on-street parking. Mr. Simms seconded the motion to approve. The item was approved 5 ayes, 2 nays (Pamplin and Pressley).

**5. P-17-19 Consider a preliminary plat for the Heart of Texas RV Resort Addition, a 12.0 acre tract of land, located on the east side of South Interstate Highway 35, extending to Toll Bridge Road and approximately 0.45 miles south of Shanklin Road.**

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

Mr. Victor Turley, 301 North 7<sup>th</sup> Street, Temple, said he wanted to go back in time because the Commission approved the project on December 20, 2016. He doesn’t know if the same Commission members that voted when the zoning was approved for a RV park are still on the Commission. Zoning is totally different from a subdivision plat. We were brought in just recently to prepare this preliminary plat because the owners had offered to do that for the City. All of these fees and utility requirements are covered in the recreational vehicle park section of the ordinance (Code of Ordinances). He read from it to the Commission, including what is needed, a site plan – that was done, he said. The Commission saw this on December 20<sup>th</sup>. Mr. Turley said the plans are then forwarded to the P&Z Commission for review, which happened. By this ordinance, this gentleman was done. The only thing not private within the RV Park is the waterline, and otherwise everything is part of the RV park ordinance which is specific to what you have to do and how you have to do it. This project has been expanded with this Commercial Highway zoning PD and there is so much difference between a Commercial Highway zoning and an RV park, they’re not similar at all in any way. Our part in this project, which just happened recently to plat, but this plat in my opinion is certainly not required. These additional extension fees and so forth; we meet the sewer requirement and there is no sewer because it’s planned for fall 2018 so we couldn’t connect to it. We’re talking \$300,000 to do the sewer for this project, the project for 100 RVs, estimated to be 40 gallons a day. We have 12 acres of land and it is very easy to build this project. The small amount we will produce on 12 acres will be very easy on the septic tank. This project is thought to be out in the rural area – we’re in the City and lucky to have the waterline. We can’t stand to pay \$500,000 on top of this project. Mr. Turley said he’s not seen owners as voracious about a project as the Fishers, as they have been working on this for a year now.

Mr. Jerry Fisher, 16 Verbena Street, Morgan’s Point Resort, said he and his wife started this project long before going to the P&ZC. They initially visited with City Manager, Sam Listi and Ms. Smith, and talked about constructing an RV park, a nice RV park in Belton. The RV Park will have sites 30 feet wide and 70 feet wide for big rigs coming through. Motorhomes are getting larger and larger and have a 50-amp requirement. If we don’t do this project, we have lost a lot of money in preparation

of this project and Belton is going to lose a lot of money not approving it. It's not feasible for us to spend \$400,000 to make the sewer work. We're just a husband and wife team, we're not Trump. We would ask for the Commission to approve this plat so we can move on. Ms. Bonnie Fisher said they're from here and would like to move back home. Mr. Fisher said he has a sign that says never quit because you never know how close you are to success.

Chair Baggerly asked Ms. Smith about the Zoning Ordinance. Ms. Smith said the City does not have a zoning for a recreational vehicle park within the Zoning Ordinance. Since this property is located along I-35, it's designated for commercial development. The opportunity for a zoning change request was a Planned Development for an RV park with Commercial Highway as the base zoning district. There are no issues with the zoning that Ms. Smith is aware of.

Mr. Pamplin asked about the curb and gutter on Tollbridge Road. Ms. Smith said it's a very narrow, collector roadway parallel to I-35. According to our Zoning Ordinance, creation of a building site requires a subdivision plat, so that's why this property is subject to platting. What comes with platting requirements are road and street improvement requirements, waterline and sewer line extensions. Tollbridge Road is an unimproved roadway without curb and gutter and open drainage. The Subdivision Ordinance requires the developer to construct 18.5 feet of pavement, including curb and gutter and a sidewalk for this roadway. Since Toll Bridge Road is a rural roadway without curb and gutter and sidewalks close by, we were cognizant of the applicant's cost and are recommending an alternative that is less costly and removes the requirements for curb and gutter and sidewalk installation. We recommend the applicant either provide the funding or construct perimeter street improvements for Tollbridge Road, which eliminates the requirement for curb and gutter and sidewalk, but would significantly widen and improve that roadway for adequate traffic circulation.

Mr. Covington said currently Toll Bridge Road has 18 feet of pavement. How much is required? Ms. Smith said 37 feet for a collector street. The perimeter street improvement requirements state the developer shall construct 18.5 feet, half of the roadway width, which includes curb and gutter; therefore, eliminating the curb and gutter removes 2 feet from that requirement. Ms. Smith said staff is recommending 16.5 feet of pavement to comply with the perimeter street improvement requirements. The City Engineer recommended to start at the center line of the road and reconstruct and add 16.5 feet that way. The road is in very poor condition. We feel the second entrance is needed with 100 RV park sites proposed. The perimeter street improvement requirements are required whether there is an entrance or not.

Mr. Pamplin asked about an entrance on Tollbridge Road. Ms. Smith said when the zoning change request was proposed to the P&ZC and Council, a second entrance onto Toll Bridge Road was proposed on the site plan. The applicant's engineers sent in a variance letter requesting a variance to the perimeter street improvement requirements and they would not provide an entrance. Chair Baggerly asked about the requirements for a second entrance. Ms. Smith said she would have to refer to the Fire Marshal in regard to Fire Code requirements. The Subdivision Ordinance states that subdivisions with more than 50 lots must provide two entrances. There are not separate lots within this development, but the proposal is to build 100 RV sites.

Mr. Fuller asked about the frontage along I-35 and the distance of the property from one end to the other? Mr. Turley said it's close to 750 feet, south to north. Mr. Fuller said if two entrances were put in along I-35, isn't 450 feet from one entrance to the next acceptable? The original layout shows one entrance on the front, and there was discussion of not coming out Tollbridge Road, so would there be an option to put two entrances along the I-35 frontage? Ms. Smith said that is a TxDOT decision, we can't speak for them. The issue with that is that all of the traffic is still dispersing onto one

roadway. Mr. Fuller said he believed the rule is 450 feet. Ms. Smith said she knows it depends on the speed limit as well, but yes there is a distance requirement between driveway entrances. Ms. Smith said she still feels Tollbridge is a better alternative. Also, perimeter street improvements are not required based on whether there is driveway off that road or not. Perimeter street improvements are required when a property has frontage adjacent to an unimproved street. Mr. Fuller asked about the width of the bridge getting closer to Shanklin Road? Mr. Fisher said it's 12 feet. Mr. Fuller said coming out of Tollbridge Road he guessed you would go the other way, but there's some limitation there because of that bridge. Mr. Fuller said in his opinion two entrances on I-35 frontage could work based on the speed limit and the ability to have 450 feet between the two entrances.

Mr. Covington said he was appointed to the Commission in July, so he doesn't have the history. He asked Ms. Smith if the project that was approved on December 20, 2016, was in opposition to the staff's recommendation, or something spurred by the Commission? Ms. Smith said platting requirements and zoning requirements are different. Ms. Smith said they did have a favorable recommendation for this zoning change request in December. After that meeting, staff met with the applicant to discuss the platting requirements and that's when the applicant expressed they would extend the waterline, but they would not like to have sewer extension requirements or perimeter street improvement requirements. Based on the applicant's proposal to not extend sewer and not complete the perimeter street improvement requirements, staff recommended disapproval of the zoning change at the May 9<sup>th</sup> Council meeting and the zoning change request was approved by the Council.

Mr. Turley read from Chapter 19 of the Code of Ordinances. Mr. Turley stated the ordinance is clear, this development does not require a subdivision plat and is not required to meet the Subdivision Ordinance requirements. The ordinance is very specific and addresses every item we've been talking about. Mr. Turley said while he wasn't here early on in the project, this ordinance allows this facility to be built where it's zoned and it is zoned for a Recreational Vehicle Park. He said he didn't think Ms. Smith had information that was sent to her about perimeter street fees. Ms. Smith said it was sent about another project and wasn't relative to that project. Mr. Turley said yes, it was about a different project, but the Texas Supreme Court ruled in 2004 regarding the City of Flower Mound which was pretty much making the developers in Flower Mound build roadways adjacent to their property and the ruling of the Supreme Court was that developer was responsible for the amount of traffic that you put on that property, so in this case no traffic will be put on this roadway. Mr. Turley said this has been addressed by the Texas Supreme Court, just FYI. Mr. Covington asked him what he was reading from? Mr. Turley said the City of Belton's ordinance. Ms. Smith said it's the Code of Ordinances. Mr. Turley said this is the RV Park ordinance, the ordinance we have all referred to over the last year, so I think we need to follow the ordinance. Ms. Smith said that ordinance does provide a guide for RV Parks, however there are other factors to consider other than just that ordinance. Ms. Smith said the Code of Ordinances is also very clear that all developments must be served by utilities. Also, the Zoning Ordinance states that creation of a building site requires a plat. The Subdivision Ordinance requirements still apply to this development. Since the zoning change was approved with an entrance at Toll Bridge and I-35, typically if the site plan is revised then that goes before the P&Z Commission and Council once again.

Mr. Covington said the current zoning is Planned Development, Commercial Highway for an RV Park. What bearing does that CH zoning have on this proposal? Ms. Smith said the maximum lot coverage, setbacks, minimum lots size, etc. Mr. Covington asked if the property would need to be rezoned if something other than an RV Park was proposed there? Mr. Smith said yes, because the Planned Development is specifically for the development of an RV Park.

Chair Baggerly said it sounds like we have a difference in opinion between the City and the developer about whether or not this is a subdivision and the platting requirements of a subdivision are required. Mr. Fisher said Mr. Turley prepared a plat, so that was in compliance. We have a letter from the Bell County Health Department approving the septic tank. We're trying to work with the City extend the waterline, which is an expensive component and we request a variance for the sewer line extension and the perimeter street requirements. All the sites will have sewer, cable TV, and internet. We're asking for a variance on those two items (sewer line extension and perimeter street improvements). Mr. Covington said the costs are quite expensive, however I also feel like the requirements in place are not there by accident. I'm torn, I really am. Mr. Covington said he understands the applicant's position and also understands the future development needs, so he certainly can see both sides of the issue. Mr. Fisher said another thing is that this property is now zoned for an RV Park, and someday someone like Buc-ee's is going to come and build something, so it's going to happen anyway. He said he wants to go ahead and pass this thing to start generating money for the City of Belton. We will pay school taxes and people will come from all over to spend money. There will be winter visitors coming in spending four to five months. On the way in, they will stop; on the way out, they will stop; so it's not only generating revenue for a private entity, but also for the City and that's why Belton incorporated all that land out there.

Mr. Covington said he understands that, but it's also putting a burden on taxpayers if we approve the plat with variances to the sewer line and perimeter street improvements that would typically fall to the developer; is that correct? Ms. Smith said yes. Ms. Fisher said when they started the project 1.5 years ago, they were told the sewer was already going to be there by now and the City hasn't even started building the sewer line extension yet. Mr. Fisher said they said we're going to have to wait another year or more to connect to sewer. They can't even tell us when.

Mr. Pamplin asked if there was a limit on how long people can stay at the park? Mr. Fisher said six months. Mr. Pamplin asked, six months? Ms. Smith said according to the ordinance, the maximum stay is 90 days. Mr. Fisher said he talked to City Manager, Sam Listi about that and he thought that would change because of people who will come and stay here for the winter, so that's supposed to be changed. Mr. Pamplin said, but currently it's 90 days? Ms. Smith said until Council approves an amendment, the requirement is 90 days. Mr. Fisher said this is an RV Park, it has wheels on it; it's not a place where the wheels are off and it will sit there. He had a very large park in Houston. Mr. Fisher said if we don't receive the variances, he's not sure where this property is going to go. We spent a ton of money trying to get this ready, but I can tell you one thing, we won't be paying for the sewer and we won't be paying for the streets, we just can't. We don't have the money. Ms. Fisher said not that we don't want to; we can't.

Chair Baggerly asked if there is an option to table this and maybe visit with the city attorney? Ms. Smith said the Commission has the option to table this item, but City staff have visited with the city attorney multiple times regarding this development and he concurs with staff recommendation. Mr. Pamplin said the discrepancies are that the applicant is not going to budge on what the City staff recommends, then what are we tabling? Mr. Fisher said it's not that we don't want to do it; we would be glad to do it if the funds were there to do it. Mr. Fisher said Mr. Listi asked in a meeting what it would cost install a septic tank? He told Mr. Listi probably \$50,000, and Mr. Listi said the City would prefer the developer's funds be spent on the public sewer line rather than an on-site septic system. Mr. Fisher said if the sewer line was right there, he'd pay that \$50,000. Ms. Fisher said they can't tell us when the sewer line is going to be there or when we can even start on this; so we're at a standstill.

Jerry Herrick, 13480 Blackberry Road, Salado, is the landowner. He said the last time we were at City Council and they were going to vote to change (rezone) the property to allow an RV Park and at that time there was much discussion about the possibility of variances. The Council voted 3-1 in favor of our position. On June 1<sup>st</sup>, he visited with one of the City Council members and asked him what were his thoughts on the variances, and he told Mr. Herrick that he specifically would vote for these variances because he called Tollbridge Road, a road to nowhere. The Councilmember stated in the meeting that these additional requirements were business killers. There were three things the City was asking for: water, sewer and Tollbridge Road. That is an enormous amount of money they are expecting him to have and supposedly water was going to be there, sewer was going to be there and all this was going to be done. They bit the bullet and said they would pay for the waterline, so there is movement on their part. They just don't have the money at this time. During his June 1<sup>st</sup> visit with a Councilmember, he asked Mr. Herrick if he intended to meet with the other City Council members? Mr. Herrick told him he wasn't sure and that he would wait until he gets a little bit closer to that date. The Councilmember asked Mr. Herrick if he would like for him to visit with the other Councilmembers? Mr. Herrick said if we can get past this hurdle, I think we can get this plat approved with these variances. This project is the first one out there. If they build it, other people will come. There's \$3.5 million put into this project and it's going to look good. He thanked the Commission for the opportunity to speak.

Mr. Fuller asked if staff is recommending the applicant upgrade the sewer line to a 12 inch? Ms. Smith said the zoning change was approved by Council with the condition that is subdivision plat is required that addresses the requirements for perimeter street improvements to Toll Bridge Road and waterline and sewer line extensions. Ms. Smith said staff is proposing the applicant provide funding for an 8-inch sewer line adjacent to their property, 800 feet of frontage, with the idea that the City will oversize in the future. The cost for 800' of sewer line is \$131,000, according to the applicant's cost estimate. Mr. Fuller asked if they would install the sewer line and not tie in? Ms. Smith said no, City staff is not recommending the applicant install a sewer line. City staff are recommending the applicant contribute funding in escrow and the City would use those funds in the future for trunk sewer line extensions adjacent to this property. From the City staff's perspective, Ms. Smith described how each property owner is responsible for extending the sewer line to and through their property, so if the line isn't extended by each property owner, this will fall to the City to extend or one property owner will be responsible for a sewer line extension from where it stops to their property. Mr. Fuller said they do need the sewer line and being the first guy is sometimes not fun. If they're starting at one end, do they stub it out? Ms. Smith said they would not recommend they install the sewer line without any connections. City staff recommends the applicant provide the funding recommended in escrow and the City will utilize those funds for a sewer line extension. Mr. Fuller asked about the cost estimate. Ms. Smith said the cost estimate was provided by the applicant's engineer, which includes everything that encompasses installation of a sewer line. Mr. Fuller asked if the sewer line would be on the east or west side of Toll Bridge Road? Ms. Smith said the west side. Mr. Fuller asked if there is not an opportunity to have two entrances off the interstate and omitting the entrance off Toll Bridge Road? Ms. Smith said staff hasn't received a revised site plan to review an alternate driveway location, though she believes the second entrance to Toll Bridge Road is needed to disperse the traffic versus dispersing all traffic to the I-35 frontage road. Mr. Pamplin asked about the maximum stay according to the ordinance? Ms. Smith said it would take Council approval to revise that.

Mr. Pamplin made a motion disapprove P-17-19. Mr. Covington seconded the motion, which was approved with 6 ayes, 1 nay (Fuller).

6. **Hold a public hearing and consider an ordinance amending the following sections of the Zoning Ordinance:**
  - a) **Section 42, Definitions by adding a definition for microbrewery, microdistillery, or winery.**
  - b) **Section 21, Retail Zoning District and Section 22, Central Business District to allow a microbrewery, microdistillery, or winery as a permitted use.**

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

Chair Baggerly opened the public hearing. John Patrick Hodges, 12900 Canyon Trail, the owner of Bold Republic Brewing Company, thanked staff for their work on this. His vision for microbreweries in this City and surrounding cities is community of consumption. When he lived in Virginia Beach, there were over 30 microbreweries on every corner. Some think that might be a problem, but what these microbreweries did was unique and cool. Instead of competing with each other or outdoing each other, they would build each other up, they would have events. It was not a place to get drunk; it was for families and coworkers with food trucks and all types of events and fundraisers. Coming back here, I thought it would be a really cool thing for this city. I like beer, but I love my family. I'm a family man, I have four kids. Our brewery is going to be a place that if you did have your little one with you, or if you're meeting co-workers after work, it's going to be a comfortable place. My vision is not to have a sports bar. This is a place for people to get together, a cool place to come talk, hang out, have food and have community. Back in the day when he was making beer in his garage, he would have loved something like this. He is going to invite the community to come in and work on beer batches we make, so they can get a hands-on experience. So, when the beer is served, they will have their names on the wall to show how they helped make the beer. It's going to be attraction for Belton and job-creator in Belton. It will hopefully be a boost for Belton. In Salado or Georgetown, they can't keep up with the demand. It's going to be a good thing for Belton. Please come over in February and have a beer with me.

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

Mr. Pamplin asked if an election is needed to allow these uses? Ms. Smith said the applicant, for example, can still open his business, but is currently required to have 40% food sales in accordance with TABC laws that are currently in place. Mr. Hodges added that it will be 40/60, so technically he will be a restaurant allowed to produce the beer with a food menu with 40% gross sales being food and 60% alcohol. Mr. Covington said the principal practice of staff's recommendation is to create definition for what it is and under what zoning districts it is permitted. Ms. Smith said if a local option election is held that allows for microbreweries and doesn't require the 40% food sales, they would not be required to do have food sales, but this amendment doesn't change that.

Chair Baggerly said one of the reasons they are discussing this is because it's a fairly confusing issue in the City. Were variances made for Blends wine bar or the other wine bar? Ms. Smith said the Zoning Ordinance does not have a specific listing, but because restaurants and retail are allowed in the Central Business District, there is a provision in place for alcohol sales with a Specific Use Permit. If an establishment has over 50% alcohol sales, a Specific Use Permit is required in the Retail and Central Business District. Blends wine bar and Nolan Creek Winery are both zoned CBD with the SUP to allow over 50% alcohol sales. Mr. Pamplin made a motion to approve the amendment. Mr. Covington seconded the motion, which was approved unanimously with 7 ayes, 0 nays.

7. **Hold a public hearing and consider adoption of the updated Comprehensive Plan and Future Land Use Map.**

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

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

Chair Baggerly thanked City staff and all the volunteers on the project. Mr. Covington asked how the Future Land Use Map amendment process will differ from a normal zoning process? Ms. Smith said staff will not notify property owners within 200 feet. The amendment process will include two public hearings and a website listing. Mr. Covington thanked City staff for their creativity and time spent putting the plan together.

Mr. Covington made the motion to adopt the Comprehensive Plan and Future Land Use Map. Mr. Simms seconded the motion, which was approved unanimously with 7 ayes, 0 nays.

With no further business, the meeting was adjourned at 7:45 P.M.

---

Chair, Planning and Zoning Commission

# Staff Report – Planning & Zoning Item



**Date:** September 19, 2017  
**Case No.:** Z-17-12  
**Request:** AG to C-1  
**Applicant:** Doug Bragg

## Agenda Item

Z-17-12 Hold a public hearing and consider a zoning change from Agricultural to Commercial-1 Zoning District for trailer rentals and repairs on a 1.26 acre tract of land, located south of US 190/I-14, north of Dogridge Road, and east of George Wilson Road.

## Originating Department

Planning – Erin Smith, Director of Planning

## Case Summary

The applicant has submitted this request for a zone change to Commercial-1 to allow for an expansion of the trailer storage space for the existing Bragg Trailers business. To the north is US 190/IH-14; to the east is Crotty Funeral Home; to the south are single family homes; and to the west BK Small Engine Repair.

## Current Zoning

Agricultural

## Proposed Zoning

Commercial-1

**Design Standards Type Area:** 4      **Recommended Type Area:** 4

This property is in the identified Type Area 4 in the Design Standards. If approved, a Commercial-1 District use would be required to comply with all the Design Standards for Type Area 4.

## Land Use Table/Allowable Uses

The Commercial-1 Zoning District allows the following land uses, and would accommodate this request:

- Any use permitted in the Retail District (i.e. Gasoline or service station)
- Auto sales
- Consumer repair services
- Food sales
- Home improvement Center with outside storage
- Hotel or motel
- Pawn Shop
- Trailer Rental
- Tool and Light Equipment Rental

- Wholesale club or department store

### **Project Analysis and Discussion**

The applicant has purchased 1.26 acres from the adjacent property owner to the west to provide additional trailer storage space for their growing business, Bragg Trailer. The applicant has submitted this zone change to Commercial-1 in conjunction with the Future Land Use Plan which identifies this area as Commercial.

The trailer storage area will be constructed with 4 inches of road base and 3 inches of recycled asphalt, similar to the existing site. The applicant will fence the property boundary with chain link fence materials. No buildings are proposed to be constructed on this site. If this zoning change request is approved, the applicant will submit a plat for review.

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 Agricultural to Commercial-1 Zoning District for trailer rentals and repairs, with development regulated under the Design Standards for Type Area 4 standards as follows:

1. The allowable uses of the property shall conform to the Commercial-1 Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 4 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
  - a. Site Development Standards
  - 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. Zoning notice to owner's
5. Property owner's list

# Staff Report – Planning & Zoning Item



**Date:** September 19, 2017  
**Case No.:** Z-17-13  
**Request:** SF-1 to PD SF-1  
**Applicant:** Catholic Diocese of Austin

## Agenda Item

Z-17-13 Hold a public hearing and consider a zoning change from Single Family-1 to Planned Development Single Family-1 Zoning District for use as a multi-purpose building to include church offices, meeting space, and associated Christian fellowship in the existing structure at 315 East 24<sup>th</sup> Avenue, located on the southwest corner of East 24<sup>th</sup> Avenue and North Beal Street.

## Originating Department

Planning – Erin Smith, Director of Planning

## Case Summary

The applicant has submitted this new zone change application to allow for church offices, meeting space, and associated Christian fellowship 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

Planned Development Single Family-1

**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 and rectory located on the north side of 24<sup>th</sup> Avenue. The applicant has submitted this zone change to Planned Development Single Family-1 for church offices, meeting space, and associated Christian fellowship 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 multi-purpose building for these uses. 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 already two platted lots.

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 24<sup>th</sup> 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 24<sup>th</sup> Avenue at the church rectory property. No on-street parking along Beal Street, 24<sup>th</sup> Avenue, and Lilly Drive will be permitted for this use.

At the August 15, 2017 meeting, the previous application for a Specific Use Permit for a church ancillary use was evaluated by the Planning and Zoning Commission. The P&ZC recommended denial of this zoning change by a vote of 7-1. Concerns were raised at the meeting regarding the lack of use limitation identified, including the potential that drug and alcohol rehabilitation services could be provided at this site. Increased noise levels from activities in this building were another concern. The Planned Development zoning proposed is more detailed than the previous zoning change request for a Specific Use Permit for a church ancillary use. In an effort to address concerns raised at the Planning and Zoning Commission meeting, we have included a provision that no drug or alcohol rehabilitation services will be provided on-site. The signage for this property will be limited to one 2-foot x 3-foot sign. According to Chapter 13, Noise, of the Code of Ordinances, it shall be unlawful for any person to knowingly make, cause to be made or allow any loud, disturbing and unnecessary noise in the city which interferes with the public peace and comfort. This property will be subject to the requirement not to exceed a maximum limit of 85 decibels, the standard noise limitation.

The applicant has stated that the structure exterior will maintain the appearance of a single family home. The applicant has provided a floorplan that identifies how this multi-purpose building will be utilized. The applicant is proposing to renovate the building interior to provide fellowship and office space. The existing garage is proposed to be converted into a fellowship

space. Exterior elevations submitted of the west side that identifies removal of a garage door and the addition of a pedestrian door and two windows with a brick wall to match the existing brick on the building. The applicant has submitted a site plan showing 4 off street parking spaces in the existing circular driveway along East 24<sup>th</sup> Avenue and 4 off-street parking spaces and 1 handicap accessible parking space in the large driveway along Lilly Drive, a total of 9 off-street parking spaces. In an effort to maintain the exterior appearance of a single family home, additional parking is not proposed. However, if additional off-street parking is desired by the Planning and Zoning Commission and City Council, the applicant has submitted an alternative site plan that identifies 6 additional parking spaces adjacent to 24<sup>th</sup> Avenue.

This property is adjacent to the Christ the King property, located across 24<sup>th</sup> Avenue to the west where several church services are held. This zoning change request to Planned Development Single Family-1 for church offices, meeting space, and associated Christian fellowship in the existing structure 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 Planned Development Single Family-1 for church offices, meeting space, and associated Christian fellowship, 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 church offices, meeting space, and associated Christian fellowship are 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 (Exhibit B)
  - b. Building Design Standards (Exhibit C)
  - c. Landscape Design Standards
3. A maximum of one 2-foot x 3-foot sign will be permitted on this site. Sign Standards shall conform to Ordinance 2008-11.
4. No on-street parking along Beal Street, 24<sup>th</sup> Avenue, and Lilly Drive is permitted for this use.
5. No alcohol or drug rehabilitation services are permitted on this site.
6. The use shall not exceed a maximum noise level of 85 decibels measured at the property line.

**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
7. Existing Floorplan
8. Proposed Floorplan
9. Site Plan
10. Alternate Site Plan

# Staff Report – Planning & Zoning Item



**Date:** September 19, 2017  
**Case No.:** P-17-19  
**Request:** Preliminary Plat  
**Applicant:** Jerry Fisher/Turley and Associates

## Agenda Item

P-17-19 Consider a preliminary plat for the Heart of Texas RV Resort Addition, a 12.0 acre tract of land, located on the east side of South Interstate Highway 35, extending to Toll Bridge Road and approximately 0.45 miles south of Shanklin Road.

## Originating Department

Planning – Erin Smith, Director of Planning

## Case Summary

This is a 1-lot subdivision proposed for a Recreational Vehicle (RV) park.

## Project Analysis and Discussion

This is a 1-lot subdivision plat proposed as the Heart of Texas RV Resort Addition. This property is zoned Planned Development Commercial Highway Zoning District for a Recreational Vehicle (RV) park, approved on May 9, 2017. This property is directly adjacent to both IH-35 (west) and Toll Bridge Road (east). The Commercial Highway Zoning District requires a minimum lot area of 7,200 square feet and a minimum lot width of 60 feet. The proposed lot complies with the Commercial Highway Zoning District area requirements in all respects.

The principal issues associated with this plat involve subdivision ordinance requirements for orderly extension of public improvements – water, sewer, and streets.

The applicant's engineer, Victor Turley, submitted a cost estimate for a waterline extension, sewer line extension, and perimeter street improvements for Toll Bridge Road. According to Section 23-38, Extension of Utility Mains, of the Code of Ordinances:

- a. If the existing utilities are inadequate to properly serve proposed development, it will be the responsibility of the developer to extend water and sewer mains of the minimum size required or defined as necessary to serve the development. The city may at its discretion participate in up to fifty (50) percent of the cost of off-site extension where it is deemed beneficial to existing development.
- b. If the city determines that oversizing of mains is necessary to achieve overall system goals or needs, the city shall pay for the cost of oversizing. Nothing herein shall be construed to obligate the city to participate.

- c. If the development site is not served by existing utilities, it shall be the responsibility of the developer to construct the offsite extensions as well as the onsite. Size shall be that necessary to properly serve the development consistent with the overall utility system.
- d. The city at its discretion may require oversizing and will pay for oversizing. The city may at its discretion participate for up to fifty (50) percent of the offsite extension cost. If the city participates, the developer shall not be entitled to recover any pro rata charges from any subsequent connections to the utility. If the city does not participate, the developer shall be allowed to recover pro rata charges from subsequent connections to the extension in accordance with the city's cost recovery policy.

There is a 14" waterline that stubs out onto this property According to the City's water and wastewater extension policy, the developer is required to extend the utilities to and through their property. The applicant has agreed to extend a 14" waterline from the existing 14" waterline stub-out just south of his property along IH-35 to his northern property boundary. An 8" waterline is required to serve this property. In order to facilitate future connections, we will recommend a development agreement to the City Council proposing to utilize City funds, to oversize the waterline from an 8" to a 14". According to the cost estimate completed by the applicant's engineer, the cost difference between an 8" and 14" waterline is \$37,390.

The City's IH-35 sewer line extension project is proposed to extend a 12" sewer line approximately 1,000 linear feet away from the northern property line. City staff are recommending the developer extend an 8" sewer line to serve this proposed development and the City would fund the cost to oversize the sewer line to from an 8" to a 14". The applicant's engineer submitted a letter requesting a variance to the sewer extension requirements. The variance is based on Section 19-79 - Sanitary Waste, of the Code of Ordinances, which states the following:

- a. Any RV park boundary line located within two hundred (200) feet of a sanitary sewer main will be required to tap onto the main.
- b. It is recommended, but not mandatory, that each RV site be provided with a sewer connection.
- c. It is mandatory that an acceptable sanitary waste station, approved by the building official, shall be provided for each one hundred (100) RV sites or parts thereof not equipped with individual sewer connections. The sanitary waste station must be connected to the city's sanitary sewer line if distance requirements as set forth in (a) above are in effect.

The applicant is proposing to install an on-site disposal system – septic tank to serve the RV, park and has stated the development will connect into the sewer system when it is constructed adjacent to their property in the future. The Heart of Texas RV Resort is proposed to contain 100 RV sites, and it is staff's judgment that connection to public sanitary sewer is preferable to serve this large development. The proposal to serve this development with a septic tank does not appear to be in the public interest. Since the sewer line will not be constructed within 200 feet of the proposed development, we recommend the applicant escrow the cost to construct an 8" sewer line along his 800' property frontage. According to the cost estimate completed by the applicant's engineer, the cost to extend an 8" sewer line 1,800 linear feet is \$296,786, so 800 linear feet is estimated to be \$131,905. We recommend a development agreement that includes a developer obligation to provide \$131,905 in funding to the City for a future sewer extension along 800' of this property's frontage. The development agreement should also include a provision that requires the developer

to connect into the City's wastewater system within 90 days upon construction of a sewer line adjacent to this property.

Toll Bridge Road functions as a collector street and requires a total of 60 feet of ROW. Toll Bridge Road ROW ranges from 40 to 48 feet in width adjacent to this proposed subdivision. We recommend a ROW dedication of 30 feet from the center of the ROW, which will result in a ROW dedication of approximately 2 feet on the north side, 10 feet in the middle, and 4 feet on the south side.

Toll Bridge Road is a rural street section with open drainage and no curb and gutter. Toll Bridge Road is functioning as a collector roadway parallel to Interstate 35 with only an 18' asphalt pavement width. According to the Subdivision Ordinance, the developer is required to contribute one half the total cost of paving and installing curb and gutter for the portion of Toll Bridge Road adjacent to this property. The applicant's engineer submitted a letter requesting a variance to the perimeter street improvement requirements, and has stated that no access will be provided from this development to Toll Bridge Road. The perimeter street improvements to Toll Bridge Road are necessary to develop this property adequately and provide circulation for this development without causing a burden on adjacent properties or the public. The applicant's engineer has submitted a perimeter street cost estimate for the property frontage of 800 linear feet along Toll Bridge Road that identifies a cost of \$187,073.95. Staff recommends an alternative to eliminate the sidewalk and curb and gutter in effort to reach a compromise and reduce the cost burden on the applicant. The alternative cost estimate without sidewalks and curb and gutter is \$119,960. We recommend the applicant upgrade the street as recommended or contribute funding for the alternate perimeter street improvement requirements. If the developer does not contribute to perimeter street improvements, the cost to widen this roadway will fall to the taxpayers in the future.

In summary, the applicant agrees to extend the waterline in accordance with City policy, but has requested a variance to the perimeter street improvement requirements and extension of the sewer line to serve this property. Proper and timely urban development of this property requires developer participation in all infrastructure elements – water, sewer, and street improvements. Due to the variance requests to provide these important development-related items, we recommend disapproval of the proposed preliminary plat.

### **Recommendation**

Recommend disapproval of preliminary plat for the Heart of Texas RV Resort Addition, a 12.0 acre tract of land, located on the east side of South Interstate Highway 35, extending to Toll Bridge Road and approximately 0.45 miles south of Shanklin Road.

### **Attachments**

1. Preliminary Plat Application
2. Preliminary Plat
3. Location Map
4. Variance Letter
5. Utility and Street Cost Estimate
6. Letter to the Applicant's Engineer dated September 1, 2017

# Staff Report – Planning & Zoning Item



## **Agenda Item**

Hold a public hearing and consider an ordinance amending the following sections of the Zoning Ordinance:

- a) Section 42, Definitions by adding a definition for microbrewery, microdistillery, or winery.
- b) Section 21, Retail Zoning District and Section 22, Central Business District to allow a microbrewery, microdistillery, or winery as a permitted use.

## **Originating Department**

Planning – Erin Smith, Director of Planning

## **Summary Information**

The City has received several inquiries and requests regarding the ability to have microbrewery and microdistillery businesses in Belton. However, there is currently no zoning designation or listing for microbrewery, microdistillery, or winery in the Zoning Ordinance. There are two wineries zoned Central Business District that are permitted with a Specific Use Permit for alcohol sales exceeding 50%. Staff would like to encourage these uses, and create a zoning designation in the Retail and Central Business District.

If alcohol sales exceed 50% in the Retail and Central Business Zoning District, a Specific Use Permit will still be required. Texas Alcoholic Beverage Commission (TABC) laws will still be enforced with this new zoning designation. The zoning designation does not supersede TABC laws, since a local option election is required to change current laws. Based on the local option alcohol laws in place at this time, a microbrewery or microdistillery is required to have food sales similar to a restaurant. TABC interprets wineries to not be required to have food sales.

## **Fiscal Impact**

None.

## **Recommendation**

Recommend approval of an ordinance amending the following sections of the Zoning Ordinance:

- a) Section 42, Definitions, by adding a definition for microbrewery, microdistillery, or winery.
- b) Section 21, Retail Zoning District and Section 22, Central Business District to designate a microbrewery, microdistillery, or winery as a permitted use.

## **Attachments**

Proposed Ordinance

**AN ORDINANCE OF THE CITY OF BELTON, TEXAS, AMENDING THE ZONING ORDINANCE BY AMENDING SECTION 42, DEFINITIONS, BY ADDING A DEFINITION FOR MICROBREWERY, MICRODISTILLERY, OR WINERY, AND BY AMENDING SECTION 21, RETAIL ZONING DISTRICT AND SECTION 22, CENTRAL BUSINESS DISTRICT, TO ALLOW MICROBREWERY, MICRODISTILLERY, OR WINERY AS PERMITTED USES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the amendments proposed herein have been presented to the Planning and Zoning Commission and due notice of said amendments and hearing on said amendments has been given as required by the City Zoning Ordinances and as required by law, and a hearing on said amendments before the City Planning and Zoning Commission of the City of Belton was set for the 19th day of September, 2017, at 5:30 p.m. for hearing and adoption.

**WHEREAS**, said amendments were duly recommended by the said City Planning and Zoning Commission and the date, time and place of the hearing on said amendments by the City Council of the City of Belton was set for the 26th day of September, 2017, at 5:30 p.m. at the Harris Community Center and due notice of said hearing was given as required by ordinances and by law; and

**WHEREAS**, a hearing was held upon the amendments by the City Council of the City of Belton of the time, place and date herein before set forth and no valid objection to said amendments was presented.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Belton, Texas, that:

**PART 1.** Section 42, Definitions, of the Zoning Ordinance of the City of Belton, Texas, is hereby amended as follows:

Added:

**MICROBREWERY, MICRODISTILLERY, OR WINERY**

An establishment for the manufacture, blending, fermentation, processing, and packaging of alcoholic beverages with a floor area of 10,000 square feet or less that takes place wholly inside a building. A facility that only provides tasting or retail sale of alcoholic beverages is not a microbrewery, microdistillery, or winery.

**PART 2.** Section 21, Retail Zoning District and Section 22, Central Business District of the Zoning Ordinance of the City of Belton, Texas, is hereby amended as follows:

Added:

**SECTION 21.2 – PERMITTED USES:**

Microbrewery, microdistillery, or winery

**SECTION 22.2 – PERMITTED USES:**

Microbrewery, microdistillery, or winery

**PART 3:** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the

ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**PART 4:** This ordinance shall take effect immediately after its passage in accordance with the provisions of the Charter of the City of Belton, Texas, and it is accordingly so ordained.

**PART 5:** The Zoning Ordinance of the City of Belton, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**PART 6:** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

This ordinance was presented at the stated meeting of the City Council of the City of Belton and upon reading was passed and adopted by the City Council on the 26th day of September, 2017, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

**PASSED AND APPROVED** on this the 26th day of September, 2017.

\_\_\_\_\_  
Marion Grayson, Mayor

ATTEST:

\_\_\_\_\_  
Amy Casey, City Clerk

# Staff Report – Planning & Zoning Item



## Agenda Item

Hold a public hearing and consider adoption of the updated Comprehensive Plan and Future Land Use Map.

## Originating Department

Planning – Erin Smith, Director of Planning

## Summary Information

Staff began working with Studio 16:19 and Vista Planning in January 2016 to update the Comprehensive Plan and Future Land Use Map. We began the process by reaching out to the public to determine the needs of the community. We completed an online survey in conjunction with the Parks Master Plan and received 398 responses. We also completed a survey where we handed out postcards at events and festivals and received 26 responses. We then held 7 meetings over the course of 3 days with community stakeholders to receive feedback. The stakeholder groups consisted of Builders, Developers and Realtors; Chamber of Commerce and Bell County; Civic Clubs; Major Employers and Healthcare; Education; City Boards; and EMS, Fire Department, and Police. We then combined all of the feedback received from the surveys and stakeholder meetings to develop an outline of the Comprehensive Plan.

A Comprehensive Plan Advisory Board was created that included City staff; BEDC Executive Director; an HPC, P&ZC, and Council representative; and a local business owner. A total of 4 meetings were held with the Comprehensive Advisory Board to develop the Comprehensive Plan and Future Land Use Map. Once the Draft Comprehensive Plan and FLUM were complete, we made the text and map available to the public during a public comment period from May 19, 2017 to June 19, 2017. During the public comment period we held two public workshops on June 7, 2017, from 5:30 p.m. to 7:30 p.m. and June 19, 2017, from 3:30 p.m. to 5:00 p.m.

The Comprehensive Plan includes the following chapters:

- Chapter 1 – Vision
- Chapter 2 – Government Facilities and Services
- Chapter 3 – Existing Land Use and Trends
- Chapter 4 – Future Land Use Plan
- Chapter 5 – City Systems
- Chapter 6 – City Process and Procedures
- Chapter 7 – Special Places and District Identity
- Chapter 8 – Historic Preservation Plan
- Chapter 9 – Future Vision and Implementation

The Comprehensive Plan begins with an introduction that discusses Belton growth, as well as the Comprehensive Plan and FLUM update process. Chapter 1 includes a vision statement and mission statement. This chapter also discusses the overall goals of the Comprehensive Plan and ties in elements of the Strategic Plan. Chapter 2 provides an overview of City of Belton departments and facilities. Chapter 3 provides an overview of existing land uses, such as commercial, residential, industrial, institutional, and school facilities and services. Chapter 4 contains the Future Land Use Plan and Future Land Use Map. The FLUM has been updated and includes revised land use categories; existing and future roadways; nodes, such as a mixed-use center, lifestyle center, commercial center, and neighborhood center; and a commercial corridor overlay. The Future Land Use Plan also includes an amendment process with evaluation criteria that will facilitate revisions and ensure the map is up to date with development activity. Chapter 5 discusses several elements related to city systems – transportation, water, wastewater, waste/disposal, utilities, and many other elements that are essential for the City to function. Chapter 6 focuses on city process and procedures relating to boards and Planning Department elements such as the Design Standards, GIS mapping, building codes, and growth management. Chapter 7 provides an overview of special places such as Nolan Creek; parks and trails; courthouse square and downtown district; and a potential arts district. There are several amazing amenities in Belton and this chapter discusses how to build upon these great resources. Chapter 8 is the Historic Preservation Plan that provides an overview of historic preservation elements in Belton. We have also developed goals and objectives for the Historic Preservation Plan that are included in Chapter 9. The Historic Preservation Plan was presented to the Historic Preservation Commission on June 22, 2017 and there were a couple minor comments, and staff made those changes. Chapter 9 includes action items for the Comprehensive Plan, Vision, Special Places and District Identity, and the Historic Preservation Plan.

On August 15, 2017, we held a joint P&ZC and Council workshop to discuss the proposed Comprehensive Plan and Future Land Use Map. Staff received some comments at this workshop regarding changing the node at FM 1670 and US 190 to a Lifestyle Node, and to include a language in the commercial corridor stating that light industrial uses should also be considered in this area based on compatibility with nearby uses. Staff has made those revisions and the Comprehensive Plan and FLUM are ready for P&ZC and Council consideration.

### **Fiscal Impact**

None for the City. Applicants will incur a \$100 application fee for proposed Future Land Use Map amendments.

### **Recommendation**

Recommend approval of the updated Comprehensive Plan and Future Land Use Map.

### **Attachments**

Comprehensive Plan