

Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Monday, November 20, 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, Dave Covington, Ben Pamplin, Michael Pressley, Lewis Simms, David Jarratt, Rae Schmuck, and David Fuller. The following member was absent: Joel Berryman. The following staff members were present: Director of Planning, Erin Smith, Planner, Kelly Trietsch, and Planning Clerk, Laura Livingston.

Pledge of Allegiance – Mr. Dave Covington led all present.

Invocation – Mr. Jarratt 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.

Ms. Schmuck made a motion to approve the minutes from October 17, 2017. Mr. Jarratt seconded the motion to approve the minutes with 8 ayes, 0 nays.

3. Z-17-16 Hold a public hearing and consider a zoning change from Planned Development Multiple Family for apartments to Planned Development Multiple Family for townhomes on a 6.285 acre tract of land, located on the northwest side of East Loop 121, just southwest of Holland Road.

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

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

Mr. Jarratt asked about the letter in protest and if that property owner was present to speak. Ms. Smith said the property owner did not speak during the public hearing. Chair Baggerly suggested the property owner did not know this property was zoned for apartments. Ms. Smith read the zoning change property owner notification form to the Commission. Mr. Jarratt said there was robust discussion already about the Future Land Use Map. Mr. Pamplin said it looked great and made the motion to approve Z-17-16, a zoning change from Planned Development Multiple Family for apartments to Planned Development Multiple Family for townhomes. Mr. Fuller seconded the motion, which was approved unanimously with 8 ayes, 0 nays.

4. P-17-24 Consider a final plat for Three Creeks, Phase IV, a 38.44 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 B).

Chair Baggerly asked for the length of Galveston Road? Mr. Tyler Freese, representing WB Development, 3000 Illinois Avenue, Killeen, said just over 1,200 linear feet. He added that is he here to answer any of the Commission's questions. Chair Baggerly asked if there have been any concerns about the proximity of the street intersection and the roundabout? Mr. Freese said they met with City and Bell County staff to discuss this concern. They had the roundabouts designed by a company whom provided them with the site triangles to ensure motorists can safely navigate the roundabouts. Through all phases of construction, WB Development will be monitoring the roundabouts to ensure they work well. Mr. Freese said he doesn't see a problem in being able to satisfy the concerns of City and Bell County staff.

Mr. Pamplin made the motion to conditionally approve item P-17-24, a final plat for Three Creeks, Phase IV, a 38.44 acre tract of land, as presented. Ms. Schmuck seconded the motion to approve. The item was approved 8 ayes, 0 nays.

5. P-17-25 Consider a final plat for Three Creeks, Phase V, a 21.89 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 C).

Chair Baggerly asked what the improved path material is proposed to be for access to the lift station site? Ms. Smith said staff initially recommended an asphalt path and the applicant expressed concerns with the cost, so staff recommended the developer propose an improved 12' wide path for staff review. Ms. Smith said the applicant can propose an alternative to asphalt, perhaps a gravel path that would be suitable and cost effective and also meaningful for the City to gain access.

Mr. Pamplin asked if there are off-site manholes in Three Creeks subdivision? Ms. Smith said yes, there are several. Before Three Creeks development began, off-site water and sewer was designed and constructed from the city limits around the Loop 121/Auction Barn area to the Three Creeks subdivision. There are off-site utilities within easements in several areas within this subdivision.

Mr. Freese said the off-site path was initially recommended by staff to be a 12-foot wide asphalt path, to which the developer balked because of the cost and it's not required by City ordinances. Mr. Freese referred to the slide showing the trail system. He stated that trails paved 6-8 feet wide will be constructed in this area, so the city trucks will have access via the trails. Mr. Freese said they didn't believe there would be any issue gaining access since the land is cleared within the 15-foot utility easement. He said they hope to come to an agreement somewhere in the middle of some of these comments as their discussions advance with City and Bell County staff. Mr. Freese said he understands there are some concerns with the proposed 9 percent slope of Three Creeks Boulevard, which he hopes can be negotiated since the applicant has concerns with a 5 percent slope in that area. He said he didn't believe there would be any problems coming to an agreement with everyone.

Mr. Fuller asked if the Commission is conditionally recommending this plat? Ms. Smith said that's correct. Ms. Smith said according to the Subdivision Ordinance, all staff comments are required to be addressed prior to bringing a plat forward to the Planning and Zoning Commission and City Council for consideration. If the applicant really wants the plat to move forward with outstanding staff comments, then we must recommend conditional approval.

Mr. Covington said conditional approval would give the Director of Public Works a little bit of leeway to reach a reasonable compromise regarding the improved path. Ms. Smith said that is correct.

Mr. Josh Welch, representing the developer WB Development, 3000 Illinois Avenue, Killeen, the reason they have asked staff to move forward with the plat is to avoid any hold-up during the holidays due to the P&ZC and Council meeting schedules. He said they have handled most of the comments with a few items still outstanding, so the suggestion was made to conditionally approve this plat as long as the comments were addressed. Mr. Welch requested to speak to the discussion of off-site sewer lines. There are gorgeous ravines that make the property very pretty and very marketable, and at the same time makes it tough to develop. To get all of the sewer to the lift station it has to be run down and around valleys, which is the reason there are so many off-site sewer lines. Since they have to bring in large equipment to build the sewer lines, there is a wide path wherever those sewer lines are built. Mr. Welch said what he would propose, just to make it clean and pretty simple, is for the plat to be conditionally approved. Then as long as the outstanding items are agreed upon with the staff, then it will be okay. That's what I would propose, he said. He believes it would be best if they can work with City staff to use their trail system regarding the access issue.

Ms. Smith asked the Commission if she could respond to the comments. Ms. Smith said after speaking with the Director of Public Works, using an unimproved path with that large of a sewer vac truck in a rain event has caused issues in the past. There have been off-site manholes the City has not been able to access during rain events due to soggy soils when the manholes had clogged. A 12' wide improved path is highly recommended to remain a condition of plat approval and if this cannot be worked out at the staff level, this plat can always come back to the Commission.

Mr. Covington said he trusts the Director of Public Works, Angellia Points, would know more about the improved path solution than he would. Chair Baggerly said he believed the language was general enough that they can come to a solution.

Mr. Covington made a motion conditionally approve P-17-25, a final plat for Three Creeks, Phase V, a 21.89 acre tract of land, as presented. Mr. Jarratt seconded the motion, which was approved 8 ayes, 0 nays.

6. P-17-26 Consider a final plat for Liberty Valley, Phase IV, a 6.945 acre tract of land, located on the west side of Connell Street and north of West Loop 121, in the vicinity of Mitchell Branch drainageway.

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

Chair Baggerly asked if Connell Street has bar ditches. Ms. Smith said yes, it's open drainage.

Mr. Simms made a motion approve P-17-26, a final plat for Liberty Valley IV, a 6.945 acre tract of land, located on the west side of Connell Street and north of West Loop 121, in the vicinity of Mitchell Branch drainageway. Ms. Schmuck seconded the motion, which was approved 8 ayes, 0 nays.

7. Hold a public hearing and consider an ordinance amending Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance by amending the definition of dwellings, single family, duplex, and multi-family.

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

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

Mr. Fuller said he feels this is long overdue and a good idea.

Mr. Jarratt made a motion approve an ordinance amending Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance by amending the definition of dwellings, single family, duplex, and multi-family. Mr. Fuller seconded the motion, which was approved 8 ayes, 0 nays.

8. Hold a public hearing and consider an ordinance amending Section 42, Definitions, of the Zoning Ordinance by amending the definition of personal service shop or custom personal services and adding definitions for cosmetic tattooing, tattooing and tattoo parlor.

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

Chair Baggerly opened the public hearing. Ms. Julie Waxler, Monarch Salon, 408 Lake Road, said that she hopes with this change she is able to offer permanent makeup at this salon located within Whimsies Boutique, which is currently under development.

Chair Baggerly asked about the 15 percent restriction for incidental uses. Ms. Smith said it's a way to limit the use to not solely offer cosmetic tattooing as a standalone business or main use. For example, when Monarch Salon submitted their floorplan to the City for review, they defined what is being done in each area of their business.

Chair Baggerly asked if permanent makeup is being done in Belton now? Ms. Smith said not that she's aware of. Ms. Waxler said there is a woman at the Salon at Tuscan Square on South 31st Street in Temple and she said there are several in Killeen who offer this service.

Mr. Pamplin said distinguishing the two in definitions is important. He didn't think there was any issue with it; he said it was well thought out with 15 percent. Mr. Covington asked if the 15 percent provision seemed reasonable to Ms. Waxler as a business owner? Ms. Waxler said yes, that is plenty of room. Mr. Covington said that it will make it easier for people to stay in Belton for this service, adding that if he wanted cosmetic tattooing, he would feel more comfortable in a place like Monarch Salon than a tattoo parlor.

Mr. Pressley Ms. Waxler if there are state regulations for cosmetic tattooing? Ms. Waxler said yes, she must receive a license just the same as a tattoo artist from the Department of Health Services.

Mr. Fuller made a motion approve an ordinance amending Section 42, Definitions, of the Zoning Ordinance by amending the definition of personal service shop or custom personal services and adding definitions for cosmetic tattooing, tattooing and tattoo parlor. Mr. Jarratt seconded the motion, which was approved 8 ayes, 0 nays.

9. 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 brewpub and winery.**
- b) **Section 21, Retail Zoning District and Section 22, Central Business District to allow a brewpub and winery as permitted uses.**

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

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

Ms. Smith said she was glad the City Council brought up the issue with microbreweries and microdistilleries because she did not want anyone to be confused regarding what is allowed. Mr. Simms said as a point of clarification, the limit to 10,000 barrels should be their own production, so they can sell as much other beverages as they would like. Ms. Smith said yes. Mr. Jarratt said the 10,000 square feet of floor space sounds like a lot, but it's not.

Chair Baggerly said he would entertain a motion. Mr. Covington said before they do that, would there be any consideration to increase the 10,000 square feet requirement? Ms. Smith said Ms. Trietsch researched this and found that many cities limit it to this size because when you get much bigger than that, it can affect the sewer system. Mr. Pressley asked what the square footage is of the proposed brewpub next door to Blends? Ms. Smith said about 2,600 square feet. Ms. Smith said a lot of businesses use their outdoor space for games and seating, and that outdoor space would not be included in the maximum square footage requirement. Mr. Covington said he didn't think 10,000 square feet of floor space would be a constraint, particularly in Belton. Ms. Smith said if they start seeing issues with the square footage, staff will bring it back to the Commission.

Mr. Simms made a motion approve an ordinance amending Section 42, Definitions by adding a definition for brewpub and winery; and Section 21, Retail Zoning District and Section 22, Central Business District to allow a brewpub and winery as permitted uses. Mr. Covington seconded the motion, which was approved 8 ayes, 0 nays.

With no further business, the meeting was adjourned at 6:44 P.M.

Chair, Planning and Zoning Commission

Staff Report – Planning & Zoning Item



Date: November 20, 2017
Case No.: Z-17-16
Request: PD MF (apartments) to PD MF (townhomes)
Applicant: Dana Tatum

Agenda Item

Z-17-16 Hold a public hearing and consider a zoning change from Planned Development Multiple Family for apartments to Planned Development Multiple Family for townhomes on a 6.285 acre tract of land, located on the northwest side of East Loop 121, just southwest of Holland Road.

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

The applicant has submitted this new zone change application to allow for townhomes. To the north and northwest are single family homes; to the east are Belton Lighthouse, T&T Automotive, and Longhorn Grocery; to the south are single family homes and vacant land; and to the west is a mini-storage business.

Current Zoning

Planned Development Multiple Family (apartments)

Proposed Zoning

Planned Development Multiple Family (townhomes)

Design Standards Type Area: 11

Recommended Type Area: 11

This property is in Type Area 11 in the Design Standards. If approved, a Multiple Family District use and in addition, a townhome, would be required to comply with all the Design Standards for Type Area 11.

Land Use Table/Allowable Uses

The Planned Development Multiple Family Zoning District will allow for townhomes. The uses allowed in the base Multiple Family Zoning District include:

- Multiple-Family Dwelling (apartment building)
- Two-Family Residence (duplex)
- Single-Family Detached Dwellings
- Public Schools
- Nursing Home
- Childcare Center

Project Analysis and Discussion

This property is currently zoned Planned Development Multiple Family for an apartment community. The applicant has submitted this zone change to Planned Development Multiple Family for townhomes in conjunction with the Future Land Use Plan which identifies this area as high density residential. According to Section 32, Planned Development District, of the Zoning Ordinance, single family attached dwellings (townhouses) are only permitted with a Planned Development zoning. According to Section 32.10, the area requirements for townhomes are as follows:

- a) One-family attached dwelling (townhome) defined as a dwelling unit on a separately platted lot which is joined to another dwelling unit on one or more sides by a party wall or abutting separate wall, served by separate utilities and not occupied by more than one family shall be permitted.
- b) One-family attached dwellings (townhomes) need not provide a side yard except that a minimum required side yard adjacent to a side street of ten feet (10') shall be provided at each one-family attached dwelling (townhome) complex so that the ends of any two adjacent building complexes shall be a least ten feet (10') apart. The required side yards of one-family attached dwellings (townhomes) may be designated upon a plat approved by the Planning and Zoning Commission. A complex of attached one-family dwellings shall have a minimum length of three (3) dwelling units and shall not exceed three hundred feet (300') in length or width of a cluster module.
- c) A townhome shall be located on a platted lot with a minimum width of twenty-five feet (25'), a minimum depth of ninety feet (90') and contain a minimum area of two thousand seven hundred (2,700) square feet.
- d) The minimum front and rear yard setbacks shall be twenty feet (20').

The applicant is proposing to construct a townhome community with 9 cluster modules containing a total of 55 dwelling units. The cluster modules range from 2 units to 12 dwelling units; however, the cluster modules do not exceed 300 feet in length. The Planned Development proposal would allow for a maximum of 12 dwelling units in a cluster module. The lot sizes in this development vary, with the minimum lot size at 25 feet in width and 90 in depth, a total of 2,250 square feet in area. The proposed lots comply with the lot width and depth requirements; however, some lots are smaller than the required lot area of 2,700 square feet. The applicant is requesting the Planned Development proposal allow for some of the lots to be 2,250 square feet in area. Since the applicant is proposing a zoning change to allow for townhomes instead of the previous request for apartments, the overall density is much less than previously approved, an estimate of 113 dwelling units; therefore, these requests appear to be reasonable. All of the dwelling units will consist of 90% masonry, in accordance with the Design Standards.

The applicant is proposing to construct two means of ingress/egress from Loop 121. According to Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance, two off-street parking spaces are required for each unit. The applicant has stated that both garages and a driveway will be provided for each residence. In addition to the parking requirements, the applicant is proposing to construct 4 parking areas within 200 feet of each residence with a total of 28 parking spaces. The parking areas will be owned and maintained by the Homeowner's Association. The applicant is also proposing to provide 0.543 acres of green space/parkland for this townhome community that will be owned and maintained by the Homeowner's Association. Fencing along Loop 121 is required to be constructed of wood with a capped topped rail and masonry columns spaced every 50 linear feet.

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 Planned Development Multiple Family for apartments to Planned Development Multiple Family for townhomes, with development regulated under the Design Standards for Type Area 11 standards as follows:

1. The allowable uses of the property shall conform to the Multiple Family Zoning District in all respects, except for the following:
 - a. Townhomes are a permitted use;
 - b. Minimum front yard setback of 20 feet for Lots 1-48, instead of the required 25 feet;
 - c. Minimum front yard setback of 15 feet for Lots 49-55, instead of the required 25 feet;
 - d. Minimum side yard setback of 10 feet between buildings with openings, instead of the required 15 feet;
 - e. Minimum rear yard setback of 15 feet, instead of the required 20 feet;
 - f. Minimum rear yard setback of 15 feet when the building is in excess of one story and adjacent to a Single Family Zoning District, instead of the required 60 feet;
 - g. Minimum lot area of 2,250 square feet, instead of the required 2,700 square feet; and
 - h. Maximum of 12 dwelling units in cluster module not exceeding 300 linear feet, instead of the required 3 dwelling units.
2. The development of the property shall conform to all applicable Type Area 11 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards discussed above (Exhibits B and C)
 - b. Building Design Standards (Exhibit D)
 - c. Landscape Design Standards
3. Sign Standards shall conform to Ordinance 2008-11.
4. A subdivision re-plat is required.

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. Proposed Re-plat
8. Site Plan
9. Elevations

Staff Report – Planning & Zoning Item



Date: November 20, 2017
Case No.: P-17-24
Request: Final Plat
Applicant: WB Development

Agenda Item

P-17-24 Consider a final plat for Three Creeks, Phase IV, a 38.44 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

This is a 156-lot subdivision proposed for single family homes.

Project Analysis and Discussion

This is a proposed single family subdivision, containing 156 lots, proposed as Three Creeks, Phase IV. All of the lots in each subdivision are a minimum of 50' in width, in compliance with the Development Agreement. This 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 and a 31' pavement width. The block lengths of Lavaca Drive, Baffin Lane, and Galveston Road exceed the maximum 1,200 linear feet block length permitted in the Subdivision Ordinance, but are providing improved circulation. The applicant is requesting a variance to the maximum block length permitted.

Phase IV also includes a portion of Three Creeks Boulevard, an arterial roadway, with 120' of right-of-way and a 37' pavement width. According to Section 1, Streets and Roadways, of the City's Design Manual, arterial roadways are required to have a maximum 5% slope. The construction plans currently identify a 9% slope for Three Creeks Boulevard and will need to be revised as a condition to final plat approval.

The Bell County Engineer and City staff have safety concerns regarding the proximity of the intersection of Baffin Lane and Copano Road being designed so close to the proposed roundabout, as stated in the Bell County Engineer's comments dated October 25, 2017. The previous phases approved in this subdivision include two roundabouts that have been constructed and do not contain street intersections close to the roundabouts. Recommend the applicant provide a response to this concern to address site distance and decrease risk of traffic backing up into the roundabout satisfactory to the Director of Public Works and Bell County Engineer.

Currently, this subdivision contains one entrance known as Three Creeks Boulevard with 120' of right-of-way (ROW) off FM 1670 with 730 lots total in Phases I-IV. 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. This phase includes a portion of Rocking M Lane that will extend from Three Creeks Boulevard to the northern plat boundary. This portion of Rocking M Lane located within the new plat boundary will contain 50' of right-of-way and a 31' pavement width. 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 satisfy the ingress/egress requirement 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.

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 730 lots in Phases I-IV and ultimately 1,500 lots for the entire Three Creeks subdivision; therefore, a total of 7.3 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, will be owned and maintained by the Homeowner's Association (HOA), 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 the conditions contained in the letter to the applicant's engineer; conditions contained in the Bell County Engineer's letter; and conditions discussed within this staff report regarding ensuring a 5% maximum slope of Three Creeks Boulevard, and addressing the safety concerns regarding the proximity of the intersection of Baffin Lane and Copano Road being designed so close to the proposed roundabout. Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and made comments. After favorable Council action, and only after all City staff and Bell County Engineer comments have been addressed, this plat will be taken to Bell County Commissioners Court for action.

Recommendation

Recommend conditional approval of the final plat for Three Creeks, Phase IV, a 38.44 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 October 30, 2017;
2. Conditions contained in the Bell County Engineer's letter dated October 25, 2017;
3. Revising the construction plans to provide a maximum 5% slope for Three Creeks Boulevard;
4. Addressing the safety concerns regarding the proximity of the intersection of Baffin Lane and Copano Road so close to the proposed roundabout to the satisfaction of the Director of Public Works and Bell County Engineer;

5. Lavaca Drive, Baffin Lane, and Galveston Road exceed the maximum 1,200 linear feet block length and we recommend a variance request; and
6. The terms of the development agreement.

Attachments

1. Final Plat Application
2. Final Plat
3. Location Map
4. Park and Trail System
5. Three Creeks Overall Plan (Phases I-VII)
6. City's Letter to Applicant's Engineer dated October 30, 2017
7. Bell County Engineer's letter dated October 25, 2017
8. Section 7.06 of the Development Agreement

Staff Report – Planning & Zoning Item



Date: November 20, 2017
Case No.: P-17-25
Request: Final Plat
Applicant: WB Development

Agenda Item

P-17-25 Consider a final plat for Three Creeks, Phase V, a 21.89 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

This is a 98-lot subdivision proposed for single family homes.

Project Analysis and Discussion

This is a proposed single family subdivision, containing 98 lots, proposed as Three Creeks, Phase V. All of the lots in each subdivision are a minimum of 50' in width, in compliance with the Development Agreement. This subdivision plat that proposes construction of Corpus Christi Court, Aransas Drive, and a portion of Dickinson Loop, each with 50' of right-of-way and a 31' pavement width. The plat also identifies Oso Bay extending from Aransas Drive to the northern plat boundary with 50' of right-of-way, but no pavement proposed. As a condition of final plat and construction plan approval, Oso Bay will need to be constructed with a 31' pavement width from Aransas Drive to the northern plat boundary. This revision will change the way drainage is handled on the right-of-way, so the applicant will need to submit revised drainage plans for City and Bell County Engineer staff review.

Currently, this subdivision contains one entrance known as Three Creeks Boulevard with 120' of right-of-way (ROW) off FM 1670 with 828 lots total in Phases I-IV. 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.

There is a proposed 15' utility easement running through Lots 19 and 20, Block 3 to off-site manholes very far south of this plat boundary. The 15' utility easement is currently proposed to remain unimproved. An unimproved path will not allow the City' sewer vacuum truck to access the manholes during or after rain events when sewer issues typically arise or when there is a clog the causes a sewer overflow. This is a public health issue for both TCEQ and the residents of Three Creeks subdivision. We recommend the developer construct an improved 12' wide path in conjunction with subdivision development and the Homeowner's Association (HOA) be responsible for maintenance of the path. The restrictive covenants will need to be revised to address HOA maintenance of this path. As a condition of final plat and construction plan approval, we recommend the developer submit plans for an improved 12' wide path within the 15' utility easement containing the off-site sewer lines and manholes for staff review and subject to the approval of the Director of Public Works. We also recommend the developer install concrete collars around all off-site manholes as a condition of final plat and construction plan approval.

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 828 lots in Phases I-V and ultimately 1,500 lots for the entire Three Creeks subdivision; therefore, a total of 8.28 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, will be owned and maintained by the Homeowner's Association (HOA), 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 the conditions contained in the letter to the applicant's engineer; conditions contained in the Bell County Engineer's letter; and conditions discussed within this staff report regarding construction of Oso Bay with a 31' pavement width from Aransas Drive to the northern plat boundary, submission of an improved 12' wide path within the 15' utility easement containing the off-site sewer lines and manholes, and concrete collars around all off-site manholes. Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and made comments. After favorable Council action, and only after all City staff and Bell County Engineer comments have been addressed, this plat will be taken to Bell County Commissioners Court for action.

Recommendation

Recommend conditional approval of the final plat for Three Creeks, Phase V, a 21.89 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 October 30, 2017;
2. Conditions contained in the Bell County Engineer's letter dated October 25, 2017;

3. Revising the construction plans to provide the construction of Oso Bay with a 31' pavement width from Aransas Drive to the northern plat boundary;
4. Revising the construction plans to show an improved 12' wide path within the 15' utility easement containing the off-site sewer lines and manholes subject to the approval of the Director of Public Works;
5. Installation of concrete collars around all off-site manholes; and
6. The terms of the development agreement.

Attachments

1. Final Plat Application
2. Final Plat
3. Park and Trail System
4. Three Creeks Overall Plan (Phases I-VII)
5. City's Letter to Applicant's Engineer dated October 30, 2017
6. Bell County Engineer's letter dated October 25, 2017
7. Section 7.06 of the Development Agreement

Staff Report – Planning & Zoning Item



Date: November 20, 2017
Case No.: P-17-26
Request: Final Plat
Applicant: Turley Associates/Colette Barnes

Agenda Item

P-17-26 Consider a final plat for Liberty Valley, Phase IV, a 6.945 acre tract of land, located on the west side of Connell Street and north of West Loop 121, in the vicinity of Mitchell Branch drainageway.

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

This is a 26-lot subdivision proposed for single family homes.

Project Analysis and Discussion

This is a proposed single family subdivision, containing 26 lots, proposed as Liberty Valley, Phase IV. A zone change to Single Family-2 was approved by Council on May 23, 2017. The size of the proposed lots is in conformance with the SF-2 Zoning District requirements in all respects. The applicant is proposing to construct Liberty Valley Drive with a 31 feet pavement width. Liberty Valley Drive will provide ingress and egress into the subdivision from Connell Street. Justice Drive will be constructed with a 31 feet pavement width extending south from Liberty Valley Drive and ending in a cul-de-sac.

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. When the developer submitted a final plat for Liberty Valley, Phase III, a total of 0.827 acres of unimproved parkland was dedicated to the City. To satisfy the parkland requirements for Liberty Park, the developer completed \$12,000 in enhancements by grading and filling the parkland to allow for a future playground structure. The proposed Liberty Valley, Phase IV subdivision requires parkland dedication of 0.26 acres or \$5,200 parkland fee (\$200 per lot). The developer is proposing to pay the park fees and clear the un-protected trees from the 0.827 acre park that was previously dedicated just north of this subdivision to satisfy the parkland requirements. We concur in this proposal.

Connell Street is a major collector street currently constructed as a rural street section with open drainage and no curb and gutter. 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 Connell Street adjacent to this property. This proposed subdivision has 583.47 linear feet of frontage along Connell Street. The City has completed extensive enhancements to the drainage system, and widened the street section of Connell

Street along the northern portion of this subdivision to a 37' pavement width. Since a portion of Connell Street has been widened, the developer is only responsible for widening the unimproved roadway section containing a 22' pavement width for approximately 414 linear feet of their Connell Street frontage. The applicant is proposing to construct 18.5 feet of roadway pavement without curb and gutter to satisfy the perimeter street improvement requirements. It is staff's judgment that curb and gutter is not required since other existing portions of this roadway are rural and do not contain curb and gutter. Connell Street is proposed to be reconstructed from Loop 121 to US190/IH14 Service Road in the future, and the final street section with stormwater and sidewalks will be determined at that time. For this platting requirement, the applicant will be responsible for reconstructing the roadway from the centerline of the existing pavement a total of 18.5 feet; therefore, this portion of Connell Street will contain a 29.5 feet pavement width after construction. The widened pavement will match the newly reconstructed section of Connell over Mitchell Branch. The widened section will provide a wider travel lane and a shoulder. The reconstruction of the roadway for 18.5 feet will improve the present condition of the roadway along Liberty Valley Phase IV, which will be part of the future reconstructed Connell Street. Since the developer is constructing the roadway, a street section will need to be submitted and approved by the Director of Public Works prior to construction. According to the City's sidewalk policy, a 5 feet wide sidewalk is required for the length of the property adjacent to Connell Street. Since the reconstruction of Connell Street does not include curb and gutter, sidewalk construction is not recommended at this time. We recommend the developer escrow \$8,280 for future sidewalk construction to be completed by the City.

After review of the final plat, we find it acceptable for approval at this time subject to the technical comments contained in the letter to the applicant's engineer dated November 17, 2017.

Recommendation

Recommend approval of the final plat for Liberty Valley, Phase IV, a 6.945 acre tract of land, located on the west side of Connell Street and north of West Loop 121, in the vicinity of Mitchell Branch drainageway, subject to conditions contained in the letter to the applicant's engineer dated November 17, 2017.

Attachments

1. Final Plat Application
2. Final Plat
3. Location Map
4. City's Letter to Applicant's Engineer dated November 17, 2017
5. Parkland Letter
6. Perimeter Street Improvement and Sidewalk Cost Estimate

Staff Report – Planning & Zoning Item



Agenda Item

Hold a public hearing and consider an ordinance amending Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance by amending the definition of dwellings, single family, duplex, and multi-family.

Originating Department

Planning – Erin Smith, Director of Planning

Summary Information

At the meeting on October 24, 2017, Council suggested/recommended additional requirements for duplex developments due to the amount of on-street parking that occurs and the need to ensure Fire and EMS can adequately reach each residence. Typically, all streets in these neighborhoods are 31 feet back of curb to back of curb and if there is on-street parking on both sides of the local roadways, there may not be sufficient space for a fire truck or ambulance to safely reach each residence. Staff has reviewed this request in depth and has developed a proposed zoning ordinance amendment regarding off-street parking requirements for duplex and multiple family developments. Multiple family developments have been included since this may include developments with three-plexes up to apartments, which could potentially have the same issues with on-street parking as duplex neighborhoods.

Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance currently requires the following:

- Dwellings, Single Family and Duplex: Two covered spaces for each unit, located behind the front building line.
- Dwellings, Multi-Family: Two (2) spaces per one and two bedroom units and two and a half (2 ½) spaces per three bedroom unit.

Staff recommends amending the Dwellings, Single Family and Duplex to no longer require covered spaces be provided behind the building line. In most new single family and duplex neighborhoods in Belton, garages are provided; however, infill development in existing neighborhoods may provide a driveway with two uncovered parking spaces. The new duplex neighborhoods typically provide a single parking garage for each unit and a driveway in the front. According to the Zoning Ordinance, garages and carports are required to be placed behind the building line; however, uncovered driveways are not permitted to be placed behind the building line and may be within the front yard setback. Staff is recommending that single family and duplex parking requirements be separated, since single family neighborhoods typically do not have on-street parking issues to the same extent as duplex and multiple family developments. Staff has developed the following amendments to Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance:

- Dwellings, Single Family: Two (2) spaces for each unit, located on the lot.

- Dwellings, Duplex:
 - a) Two (2) spaces for each unit, located on the lot.
 - b) One (1) additional space per five (5) units is required in parking areas located within 200 feet of each residence. The parking areas shall be located in a separate tract owned and maintained by the development.
- Dwellings, Multi-Family:
 - a) Two (2) spaces per one and two bedroom units and two and a half (2 ½) spaces per three bedroom unit.
 - b) One (1) additional space per five (5) units is required in parking areas located within 200 feet of each residence. When the development consists of separate lots for each building, the parking areas shall be located in a separate tract owned and maintained by the development.

Staff recommends that both duplex and multiple family developments have the same additional parking requirements of one additional space per five units. For example, if a new development contains 100 units, 20 additional spaces in parking areas within 200 feet of each residence will be required. The parking lots will be required in conjunction with the development of the neighborhood, prior to acceptance of the subdivision by Public Works. The 200 feet spacing recommendation is to ensure a single parking lot is not built for the entire development that could potentially be so far from some residences that it is not utilized by several areas farther away and on-street parking still occurs since most visitors and residences will choose to park closer to the residence. We feel this new parking requirement will achieve less on-street parking and will allow for the City to adequately enforce no on-street parking in the areas, if needed.

Fiscal Impact

None to the City. Additional development costs will be borne by the developer of the duplex subdivision.

Recommendation

Recommend approval of an ordinance amending Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance by amending the definition of dwellings, single family, duplex, and multi-family.

Attachments

Proposed Ordinance

Staff Report – Planning & Zoning Item



Agenda Item

Hold a public hearing and consider an ordinance amending Section 42, Definitions, of the Zoning Ordinance by amending the definition of personal service shop or custom personal services and adding definitions for cosmetic tattooing, tattooing and tattoo parlor.

Originating Department

Planning – Erin Smith, Director of Planning

Summary Information

Staff has received several requests for cosmetic tattooing (permanent makeup) to be permitted as an incidental use in beauty shops, day spas, and nail salons. Currently, tattoo parlors are only permitted within the Commercial Highway Zoning District with a Specific Use Permit and are therefore, not permitted at several of these personal service establishments zoned Central Business District and Retail Zoning District.

Cosmetic tattooing (permanent makeup) is a cosmetic procedure of tattooing makeup. Cosmetic tattooing (permanent makeup) is a process of implanting pigment into the upper layer of the skin - epidermis. The epidermis is the outer layer of skin that is visible to all and is constantly shedding and renewing itself. The process of cells turnover makes color fade. Cosmetic tattooing is done mainly on the face for applications such as eyeliner, lip liner, lip color, eyebrow enhancement, and beauty marks. Although cosmetic tattooing is often called permanent makeup, it does not truly last forever, as the machine with which permanent makeup is done is normally a rotary machine, a gentler method than what is used for tattooing. Permanent makeup lasts between 5 and 7 years again depending on a person's skin type. The tattooing process deposits the pigment into the second layer of the skin, dermis. The cells of the dermis are far more stable than the cells of the epidermis, so the tattoo's ink will stay in place, with minor fading and dispersion, for a person's entire life. Tattooing is done mainly on different parts of the body where the skin is more pliable. The machine that is used for tattooing is typically a coil machine.

The Zoning Ordinance does not currently define tattooing and tattoo parlors. We have developed the following amendment and additions to Section 42, Definitions, of the Zoning Ordinance:

RECOMMENDED DEFINITION AMENDMENT:

PERSONAL SERVICE SHOP OR CUSTOM PERSONAL SERVICES – Establishments primarily engaged in providing services generally involving the care of the person or his apparel including, but not limited to, barber and beauty shops, nail salons, dressmaking, shoe shining, dry-cleaning and laundry pickup stations, tailor or seamstress, and reducing salons/health clubs (no outside storage). Other services such as cosmetic tattooing may be offered as an incidental use to the primary use of a personal service shop.

RECOMMENDED DEFINITION ADDITIONS:

- COSMETIC TATTOOING – The practice commonly known as permanent makeup, in which an establishment where licensed personnel apply micropigmentation or intradermal cosmetics to permanently or semi-permanently simulate the appearance of common cosmetic applications such as eyeliner, lip liner, lip color, eyebrow enhancement, and beauty marks, or to otherwise permanently or semi-permanently restore or improve the appearance of damaged or disfigured skin and other bodily features to natural coloration and condition. This term does not include Tattooing and/or Tattoo Parlor.
- TATTOOING – The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.
- TATTOO PARLOR – An establishment or facility in which tattooing is performed. Tattoo parlors are permitted in the Commercial Highway Zoning District with a Specific Use Permit.

The proposed amendment to personal service shop or custom personal services will only allow cosmetic tattooing (permanent makeup) as an incidental use to the primary use of a personal service shop. The Zoning Ordinance defines an incidental use as any use different from the primary use but which compliments and/or supplements the primary use. Incidental shall mean an area which constitutes not more than fifteen percent (15%) of the main use. If this amendment is considered reasonable, cosmetic tattooing (permanent makeup) would not be permitted as a stand-alone business, and will only be permitted as an incidental use to a personal services shop. Personal service shops are permitted in the following zoning districts:

- Office-2
- University Campus-1
- University Campus -2
- Neighborhood Service
- Retail
- Commercial Highway
- Commercial-1
- Commercial-2
- Central Business District

Tattoo parlors will still only be permitted in the Commercial Highway Zoning District with a Specific Use Permit. There is currently one tattoo parlor in the Belton city limits along IH-35 near the IH-14/US 190 merge. We feel that adding a definition for cosmetic tattooing, tattooing, and tattoo parlor will provide a clear distinction between these uses.

Fiscal Impact

None.

Recommendation

Hold a public hearing and recommend approval of an ordinance amending Section 42, Definitions, of the Zoning Ordinance by amending the definition of personal service shop or custom personal services and adding definitions for cosmetic tattooing, tattooing and tattoo parlor.

Attachments

Proposed Ordinance

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 brewpub or winery.
- b) Section 21, Retail Zoning District and Section 22, Central Business District to allow a brewpub and 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 winery 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.

Staff presented a proposal to include a definition and zoning designation for microbreweries, microdistilleries, and wineries at the September 26, 2017 meeting. Council expressed a concern with creating a definition and zoning designation for microbreweries and microdistilleries, since current local option alcohol laws do not currently allow for these uses in Belton. Council recommended staff revise the proposal to include brewpubs and wineries, so it is consistent with current local option alcohol laws. Since the September 26th meeting, staff has completed research and met with local TABC staff. We are still researching the distilling process and recommend deferring the creation of a microdistillery definition and zoning designation to allow for more time to research the issue.

TABC defines a brewer's license as a permit that authorizes a holder to manufacture ale and malt liquor and sell the ale and malt liquor only to wholesale permit holders in this state or to qualified persons outside the state. If annual production of ale together with annual production of beer by the holder of a manufacturer's license at the same premise does not exceed a total of 225,000 barrels, the holder may sell ale produced on the brewer's premise under the permit to ultimate consumers on the brewer's premises. Combined sales of ale together with sales of beer to the ultimate consumer may not exceed 5,000 barrels annually.

TABC defines a brewpub license as a permit that authorizes the holder to manufacture, brew, bottle, can, package and label malt liquor, ale, and beer; sell or offer without charge, on the premises of the brewpub, to ultimate consumers for consumption on or off those premises, malt liquor, ale or beer produced by the holder in or from a lawful container, to the extent the sales or offers are allowed under the holder's other permits or licenses; must be held with permit or license authorizing on-premise consumption. Total production cannot exceed 10,000 barrels for each licensed brewpub. Permit holders who also hold a wine and beer retailer's permit and who

sell alcoholic beverages manufactured only on the brewpub's premises may sell malt liquor or ale produced under the license to retailers and private clubs and beer to distributors, retailers, and private clubs or to qualified persons for shipment and consumption outside the state.

The table below summarizes the major differences between breweries and brewpubs.

Breweries	Brewpubs
No major obstacle on production limits for their location (unless they go over 225k barrels/year, in which case, they cannot sell for on-site consumption).	Brewpubs are limited to 10k barrels a year in production.
Can sell beer on site at the brewery but NEVER leave the site (limited to 5k barrels/year on-site).	Can make and sell beer on site to sell off and on site. This means, your local brewpub can crowler, growler, can, and keg beers to sell from their brewery. Customers can also drink at their location. Can growler other brewery's beers on site ONLY IF they do NOT sell liquor on site. If they have a liquor license, they can ONLY sell their beer to go. They can still sell other people's beer for on site consumption, but only their own beer to go.
Can self-distribute or distribute through a distributor (if self-distributing, there is a limit of 40k barrels/year and does require another additional license).	Brewpubs can self-distribute to stores and bars.
Breweries can only sell their own beer on site (no other beers can be sold there).	Brewpubs can sell other brewery's beers at their location.

If alcohol sales exceed 50% in the Retail and Central Business Zoning District, a Specific Use Permit will still be required. As stated above, local option alcohol laws will still be enforced with this new zoning designation, and a local option election is required to change current laws.

Fiscal Impact

None.

Recommendation

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

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

Attachments

Proposed Ordinance