

Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, April 17, 2018

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, Michael Pressley, David Jarratt, Ty Hendrick, Lewis Simms, Stephanie O’Banion, Rae Schmuck and Dave Covington. Commission member DJ Fuller was absent. The following staff members were present: City Manager Sam Listi, Director of Planning Cheryl Maxwell, Director of Public Works Angellia Points, Assistant Director of Public Works Jeremy Allamon, Planner Kelly Trietsch, IT Specialist Ryan Brown and Planning Clerk Laura Livingston.

Pledge of Allegiance – Chair Baggerly 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 March 20, 2018, seconded by Mr. Jarratt. The motion passed unanimously with 8 ayes, 0 nays.

3. Hold a public hearing and consider a recommendation on a revised Design Manual to include the following: Revised Transportation, Drainage, Water, Wastewater, and General Utility Details and Requirements.

Ms. Points presented the staff report.

Chair Baggerly opened the public hearing. Mr. Marty Janczak, 12 North 5th Street, Temple, representing Temple Area Builder’s Association, said this has been a very long process over 1.5 years. He said he appreciates the City Staff and the collegial attitude working with the stakeholders as they have gone through this process. Builders and developers never like increased requirements because that adds to cost and that means the cost of new homes and subdivisions goes up, Mr. Janczak said. However, we have worked our way through this process and Mr. Janczak said he would tell you that the people he represents can live with everything that has been proposed by City Staff. They, (builders and developers) did not get everything they wanted but it’s a document they can live with; it’s been well done and it’s been a very collegial engagement between the building/development community and City Staff, he added. They are certainly to be commended, he said. We would strongly recommend that the Commission approved the revised Design Manual and move it on to the City Council.

Mr. Scott Brooks, 3000 Illinois Avenue, Killeen, representing Yalgo Engineering, said “ditto” to what Mr. Janczak said. He said he very much appreciated the dialogue that took place to work toward a compromise that is good for the city and good for the development community. He thanked Ms. Points and Mr. Listi for the opportunity to sit down and work together. He said he believed this will be a good change for everybody.

Mr. Jared Bryan, 50 South Wheat Road, Belton, representing Carothers Executive Homes, said he wanted to echo the same sentiments. From his standpoint as a homebuilder, we want to be able to deliver a house as affordable as we can to our clients. We strive to do that every day, he said, by giving them a quality product at the best possible price. Any changes, as was mentioned, increase costs. We want to make sure we head unnecessary changes off as often and as much as possible. He thanked City Staff and said he knows this was a long, long process and sometimes they did not see eye-to-eye, but we did work through it and he said he thinks at the end of the day that's what is important for all of us here for both the city and the builder/development community as well as the citizens of Belton because it serves nobody if costs go through the roof and we're no longer able to build in town which hurts the existing homeowners too. He thanked Staff for their time and Ms. Points for her hard work.

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

Chair Baggerly said everyone appears to be happy, Ms. Points, so congratulations! Ms. Points said thank you. Mr. Covington said he thinks it is great. He sat in on the last stakeholder meeting with a lot of the developer community and said he really appreciates Ms. Points and the developers that were there who were working it out and getting down to the brass tacks. He believes it's a good agreement and good manual. If nobody is all the way happy, then we probably got something right, Mr. Covington said.

Mr. Covington made a motion to approve the revised Design Manual as presented. Mr. Simms seconded the motion. The item was approved with 8 ayes, 0 nays.

4. **Z-18-07 Hold a public hearing and consider a zoning change from Agricultural to Retail District on approximately 0.9 acre comprising lots 0009, 0008, 0007, and 0006, Block 2 of Belton Lake Estates at 3286, 3292, 3298, and 3304 Lake Road, located on the north side of Lake Road (FM439), east of Lake Ridge Drive.**

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

Chair Baggerly opened the public hearing. The applicant Mr. Robert Babcock, 4881 FM 439, read from the deed that stated that all lots shall be used for residential purposes, except for those running along 439 which can be used for commercial activity if desired. He said he just wanted to bring that to the Commission's attention.

Chair Baggerly told Mr. Babcock thank you for providing a copy of those documents to the City and Commission. He closed the public hearing and said it appeared to be a very straight-forward request in light of what is going on across the street. If there are no concerns, Chair Baggerly asked to entertain a motion. Mr. Simms made a motion to approve Z-18-07, with Ms. Schmuck seconding the motion. Item Z-18-07 was approved with 8 ayes, 0 nays.

5. **P-18-07 Consider a preliminary plat of South Wall Estates, comprising 6.749 acres located on the west side of S. Wall Street, generally north of E. Loop 121 and east of IH 35, in the vicinity of Colette Court.**

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

Mr. Covington asked the applicant Trey Gallaway, 202 Lake Road, if there is screening at the back of the properties. Mr. Gallaway said each backyard will have a privacy fence. Each home will be constructed to standards, each will be brick and stone combination, they will all have a water meter for the tenant, they will also have irrigation meters that will be kept by the landowner and all mowing and maintenance will be done by the property owner, therefore you're not relying on a tenant for the upkeep. All of the maintenance will be done by a professional landscape company, Mr. Gallaway said. Each backyard will have a privacy fence and there are a few that will have to be offset for manhole access, which are show on the plat, he said, because the City had noted they needed access to the manholes at the backyards. There will be a zig-zag in the backyard but other than that it will be completely fenced in with a 6-foot privacy fence, Mr. Gallaway said.

Mr. Covington asked about building the lots up that are in the floodplain so that they are out of the floodplain, what about access to those units? Will the roads be up out of the floodplain or just the buildings themselves? Mr. Gallaway said he would leave that to the engineer but obviously they will have to bring it all up. Ms. Jennifer Ryken, 301 North 3rd Street, Temple, representing Turley Associates said the floodplain areas are just a portion of that road in the floodplain but all those lots will need to be filled. She said it's probably more like a foot that is needed out there and not a drastic difference to get it up out of the base flood elevations. That area (as shown on the map) will just be cleaned up so it can function better as the floodway but we won't do any construction in there. Mr. Covington asked about the roadway at the northern cul-de-sac and if those were the lots in question. Ms. Ryken said yes. Mr. Covington asked, so the roadway there would not be raised? Ms. Ryken said it would probably be around 6 inches to 1 foot higher than the current state of the natural ground in that location. On Mitchell Branch, the creek way is in that dark gray area so it is kind of far away, she said, and this plat is located within the floodplain fringe. Ms. Ryken said there is a pretty defined creek within Mitchell Branch.

Mr. Covington asked if there were any concerns about that roadway. Ms. Ryken said all of this will go through FEMA as well. Mr. Covington said he's concerned about someone getting stuck out there in a flood though he didn't think it would keep a firetruck from getting out there but could keep a Honda Civic from getting out. Ms. Ryken said the majority of the water will be up in the gray area (of the map), and she showed the location of the bridge and a defined creek way to the Commission. She also talked about an existing home in that location, so the flood waters are concentrated and this is what we call the fringe. Ms. Ryken said they will fill those areas so they are higher than what FEMA calls the elevations here (using the map again). Chair Baggerly said the gray area is the actual floodplain. Ms. Ryken said this is called the flood way, while another area on the map is more of an overflow or over-bank but it can be filled in. She described an area that they won't touch so it remains natural. FEMA publishes base flood elevations along the flood way, Ms. Ryken said, so we will fill everything 18 inches above that.

Chair Baggerly entertained a motion. Mr. Simms made a motion to approve P-18-07, with Mr. Hendrick seconding the motion. Item P-18-07 was approved with 8 ayes, 0 nays.

- 6. P-18-08 Consider a Final Plat of Indian Ridge at Messer Ranch, Amending Plat #1, comprising 1.144 acres, being an amending replat of Lot 17, Indian Ridge at Messer Ranch, and a 0.084 acre tract, located on the northwest side of Indian Ridge Road, south of Paddy Hamilton Road, in Belton's ETJ.**

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

Chair Baggerly asked about the replat. Ms. Maxwell said from what she is told the property is for sale and the purchasers are wanting more width at the front. At the corner there is a fire hydrant and a water meter and she believed they want to place a driveway along that property line so if they move it over it will give them more room to work with since the property is wider in the back and narrower at the front.

Mr. Simms said it seems pretty straight-forward.

Chair Baggerly entertained a motion. Ms. O'Banion made a motion to approve P-18-08, with Mr. Jarratt seconding the motion. Item P-18-08 was approved with 7 ayes, 0 nays as Mr. Covington left the meeting before this vote was cast.

7. Staff briefing on upcoming items for P&ZC review.

Ms. Maxwell presented an update of items the Planning staff are working on and will be presenting to them in the near future (Exhibit D).

With no further business, the meeting was adjourned at 6:16 p.m.

Chair, Planning and Zoning Commission



Staff Report – Planning & Zoning Item

Date: April 17, 2018
Case No.: Z-18-07
Request: Agricultural to Retail
Applicant: Robert Babcock

Agenda Item

Z-18-07 Hold a public hearing and consider a zoning change from Agricultural to Retail District on approximately 0.9 acre comprising lots 0009, 0008, 0007, and 0006, Block 2 of Belton Lake Estates located at 3286, 3292, 3298, and 3304 Lake Road, on the north side of Lake Road (FM439), east of Lake Ridge Drive.

Originating Department

Planning Department – Cheryl Maxwell, Director of Planning

Current Zoning: Agricultural **Proposed Zoning:** Retail

Future Land Use Map (FLUM) Designation: Primarily Residential

Design Standards Type Area: 14 - Desired growth and development identified as primarily single lot residential developments. If approved, a retail use would be required to comply with all the Design Standards for Type Area 14.

Background:

This property is for sale and was under contract for purchase by Piyush Sharma, proposed for construction of a convenience store with gas pumps and beer/wine sales. Mr. Sharma requested a zoning change from Agricultural to Retail District to accommodate this proposed use and enable him to relocate his existing store, Nomads. Mr. Sharma pulled the contract and withdrew the rezoning request prior to the March 2018 Planning and Zoning Commission meeting. Now the property owner, Robert Babcock, is requesting a zoning change from Agricultural to Retail District for these lots.

Case Summary

This property was annexed in 2006 and was brought into the city limits under the Agricultural Zoning District. These lots are for sale and the applicant has submitted this request for a zoning change to enhance the marketability of these lots. Retail uses in general are proposed; there is currently no particular use anticipated.

On the north side of Lake Road, the majority of properties are outside the city limits and, therefore, have no zoning. Adjacent properties to the west are in the city limits zoned Planned Development-Office 1 District and are currently undeveloped. The adjacent properties to the east are outside the city limits; two seasonal fireworks stands are located here, currently not in use. East of this are two lots that are inside the city limits; these are undeveloped and zoned Multi-Family District.

Properties on the south side of Lake Road near this site are zoned Agricultural. The convenience store, Nomads, is located here. East of Nomads is Shady Meadows Mobile Home Park. Other properties in this area are currently undeveloped.

Land Use Table/Allowable Uses

The proposed Retail Zoning District will allow the following uses:

- Any use permitted in the NS District
- All alcoholic beverage sales with 50% or less revenue from alcohol
- Auto Parts Sales
- Clinic
- Convenience Store with Gas Pumps
- Discount, Variety or Department Store
- Food or Grocery Store
- Furniture and Appliance Store
- Gasoline or Service Station
- Home Improvement Center
- Laboratory
- Nursing Home
- Restaurant
- Shopping Center and other Retail Uses; Bakery; Clothing and Apparel Store; Fabric Store; Key Shop; Kiosk; Pet Shop; Sporting Goods Store
- Telephone or Utility Business Office
- Wholesale Clubs or Department Stores – no outside storage

Project Analysis and Discussion

The FLUM identifies this area as primarily residential. However, it also identifies Lake Road west of Loop 121 as a potential mixed-use corridor. The Comprehensive Plan describes Retail/Commercial development as containing shopping areas generally located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes. The proposed retail use along the frontage of Lake Road appears to be consistent with this development pattern.

A detailed site plan will be required when requesting a building permit and must address the following design standard requirements: building materials; tree preservation and landscaping requirements; screening; dumpster requirements; lighting; and signage. Water service to this

area is provided by 439 Water Supply Corporation. The north side of FM 439 is not in the City's sewer CCN; therefore, sewer service is not currently provided. The City is looking at possible expansion into this area in the future. The current lots meet minimum area requirements for the Retail Zoning District. However, if the new building envelope crosses a platted lot line, a replat of the property to consolidate lots is required.

After careful review of the applicability of retail use among surrounding properties, this requested zone change appears to be reasonable in this location.

Recommendation

We recommend approval of the requested zoning change from Agricultural to Retail District.

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. Owner notification list

Staff Report – Planning & Zoning Item



Date: April 17, 2018
Case No.: P-18-07 – South Wall Estates
Request: Preliminary Plat
Applicant: Trey Galloway
Owner: Belton Wall Street LLC

Agenda Item

P-18-07 Consider a preliminary plat of South Wall Estates, comprising 6.749 acres located on the west side of S. Wall Street, generally north of E. Loop 121 and east of IH 35, in the vicinity of Colette Court.

Originating Department

Planning – Cheryl Maxwell, Director of Planning

Current Zoning: Commercial Highway

Future Land Use Map (FLUM) Designation: Commercial Center

Design Standards Type Area: 2 - Primarily commercial highway frontage uses to include mixed uses, hotels, restaurants, new car dealerships, multi-story office, and other similar commercial uses.

Case Summary

This is a 20-lot subdivision proposed for two family (duplex) residential development. The property is zoned Commercial Highway (CH) District. A question came up regarding residential uses in the CH District. Legal staff was consulted and it is their opinion that the wording in the Zoning Ordinance allows residential uses in the CH District, to include single family, two family, and multi-family; therefore, rezoning was not required. Planning staff are evaluating whether an amendment to the Zoning Ordinance may be needed to clarify residential uses allowed in the CH district.

Project Analysis and Discussion

As discussed above, this property is located in the CH Zoning District. Although in the CH District, duplex developments must comply with area requirements detailed in the Two Family Zoning District. These requirements include a minimum lot area of 7,200 sq. ft, 8,000 sq. ft. for corner lots; minimum lot width of 65'; minimum lot depth of 100'; front yard setback of 25'; side yard setback of 8' with 15' on a corner lot adjacent to a street; and rear yard setback of 20'. All area requirements are satisfied. On-site parking requirements are 4 per residential unit, or 8

for each two-unit duplex. Parking within the garage and on the driveway count toward meeting this parking requirement.

There are several residential subdivisions on the east side of S. Wall Street in this vicinity, to include Mayfield Subdivision zoned Single Family 2 and Single Family 3, and Bella Rose Subdivision zoned Planned Development—Single Family 3. Single family residential uses are located to the north and south of this property, zoned CH. Properties to the west are zone CH and include Bell Pawn Shop, Ocean Quest Pools, Smoking Gun Bail Bonds, and Belton Stor-It Mini Storage.

Solid fencing/screening is required between residential and nonresidential zoning districts. Since the subdivision area and surrounding properties are both zoned CH, fencing is not required, but is strongly recommended to protect the residential neighborhood from adjacent uses that may not be compatible.

One entrance is proposed for this subdivision from S. Wall Street. Four lots will have frontage on S. Wall Street; two of these (Lots 19 & 20) will rely upon S. Wall for direct access. Lot 18 has an existing residence with current access via S. Wall Street but also has frontage on the entrance road, Arnold Drive. Lot 1 will have access restricted to Arnold Drive.

Following is a summary of the subdivision ordinance requirements as they apply to this subdivision plat.

Water: An existing 8-inch water line runs along the east side of S. Wall Street. The applicant proposes to tap this line and construct an 8-inch line throughout the subdivision with two-inch lines in the cul-de-sacs. The 8-inch line satisfies minimum requirements for fire protection.

A water well is located on Lot 18 where the existing residence is located. We are coordinating with the Clearwater Underground Water Conservation District regarding the status of this well.

Sewer: An existing 6" sewer line runs along the west side of S. Wall Street, and an existing 15" line runs east/west through the northern portion of this property. The applicant is tying into the 15" line and extending a 6" line throughout the subdivision.

Drainage: FEMA (Federal Emergency Management Agency) maps show a designated floodway bisecting this property along Mitchell Branch. No structures are allowed in a floodway. Portions or all of Lots 12 through 20 are located in the flood plain. Fill will be needed to raise the finished floor elevation of the building site on these lots 18" above the flood plain elevation. Minimum floor elevations will be provided on the plat for residential buildings. Pre and post-development storm water analysis will be provided with the final plat.

Streets: S. Wall Street is identified as a minor collector on our Thoroughfare Plan. The existing ROW varies from 53 feet at the southern end of the subdivision to 73.1 feet at the northern end. Although 60 feet of ROW is desired for minor collectors, no improvements are anticipated;

therefore, no additional ROW is needed. The pavement width of S. Wall Street is approximately 30', with curb and gutter provided; no perimeter street improvements are needed.

Two internal roadways will be constructed as local streets with a 31' pavement width and curb and gutter within a 50' wide ROW. Arnold Drive is the entrance road; the other street, Leroy Lane, terminates with a cul-de-sac on each end.

Sidewalks: There is an existing sidewalk along the east side of S. Wall Street, recently provided by the City of Belton. A sidewalk is only required along one side of collector streets; therefore, the developer is not required to construct one along the perimeter of the subdivision. Sidewalks are not required along local streets and are not proposed within this subdivision.

Parkland Dedication/Fees: No parkland or common areas are proposed within the subdivision. The parkland fee is \$200 per residential unit. For 20 lots, each with 2 residential units, the fee equates to \$8,000. These funds will be used at Miller Heights Community Park and S. Wall Street Tiger Splash Pad, both within a one-mile radius of the subdivision.

Conclusion: We have reviewed the plat and find it acceptable as a preliminary plat, subject to conditions contained in the letter to the applicant and engineer dated April 13, 2018.

Recommendation

Recommend approval of the preliminary plat of South Wall Estates subject to the City's Letter to the Applicant and Engineer dated April 13, 2018

Attachments

1. Preliminary Plat Application
2. Preliminary Plat
3. Location Map
4. City's Letter to Applicant's Engineer dated April 13, 2018

Staff Report – Planning & Zoning Item



Date: April 17, 2018
Case No.: P-18-08 – Indian Ridge at Messer Ranch, Amending Plat #1
Request: Final Plat
Applicant: All County Surveying
Owner: Bill and Ann Messer Family Limited Partnership

Agenda Item

P-18-08 Consider a final plat of Indian Ridge at Messer Ranch, Amending Plat #1, comprising 1.144 acres, being an amending replat of Lot 17, Indian Ridge at Messer Ranch, and a 0.084 acre tract, located on the northwest side of Indian Ridge Road, south of Paddy Hamilton Road, in Belton's ETJ.

Originating Department

Planning – Cheryl Maxwell, Director of Planning

Case Summary

This is a 1-lot subdivision proposed for residential use. This is Lot 17 of the original subdivision that was platted in 2004. At that time, this area was outside Belton's ETJ; therefore, only County approval was required. The original lot consists of 1.059 acres. The northern lot line is being adjusted to add a 0.085 acre strip of land, bringing the acreage to 1.144. No other changes are proposed. This amending replat would qualify for administrative approval, except a variance is needed to allow for water flows less than 1,000 gpm, which is the minimum requirement for fire hydrants.

Project Analysis and Discussion

This property is located in the ETJ of the City of Belton, so there is no zoning and the Future Land Use Map does not extend this far west. There is currently no development on this lot. The setbacks on the original plat will be carried forward to this plat and include a 30' front yard setback, 15' side yard setbacks, and 15' rear yard setback.

Following is a summary of the subdivision ordinance requirements as they apply to this subdivision plat. NOTE: This is an amending replat of one lot; therefore, application of infrastructure requirements appropriate for a new 17-lot subdivision may not be appropriate for this 1-lot subdivision which is part of an existing development approved in 2004.

Water: This property is located within the 439 Water Supply Corporation (WSC) CCN. There is an existing 6" line running along Indian Ridge Road. A fire hydrant is provided at the northeast corner

of this lot, but water flows do not satisfy the City of Belton Fire Code minimum requirement of 1,000 gpm. Staff supports a variance to this requirement since it represents conditions that were previously approved by Bell County with the original plat and no additional lots are being created.

Sewer: There is no sanitary sewer service available to this property. A septic system is proposed and tentatively approved; placement will be subject to review by the Bell County Public Health District.

Drainage: The city is not responsible for drainage along Indian Ridge Road since it is outside the city limits. No drainage improvements are needed.

Streets and Sidewalks: Indian Ridge Road is considered a local street; existing pavement width is 20' within a 50' ROW. No additional ROW or street improvements are needed. Sidewalks are not required along local streets.

Parkland Dedication/Fee: Residential subdivisions are required to dedicate suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland. The parkland fee is \$200/lot which would be \$200 for this subdivision. Staff supports a variance request since there are no plans to develop a public park in this vicinity at this time and no additional lots are being created.

Conclusion: We have reviewed the final plat and find it acceptable, subject to conditions contained in the letter to the applicant dated April 13, 2018. Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and provided comments which are being addressed. After Council action, this plat will be taken to Bell County Commissioners Court for approval.

Recommendation

Recommend approval of the final plat of Indian Ridge at Messer Ranch, Amending Plat #1, subject to the following:

1. Water pressure/flow variance for fire protection (Recommended)
2. Parkland dedication/fee variance (Recommended)
3. City's Letter to Applicant dated April 13, 2018.

Attachments

1. Final Plat Application
2. Final Plat
3. Location Map
4. City's Letter to Applicant dated April 13, 2018
5. Variance Requests

- City-Initiated rezoning: Brenda Lane (east side of FM 1670) – SF3 & MH
- Thoroughfare Plan amendment(s) –
 - Mesquite Rd alignment east of I-35
 - Toll Bridge Road Collector designation
- Zoning Ordinance amendments –
 - Residential use in CH Zoning District
 - Transitional shelter for victims of domestic abuse
 - Food trucks/vendors
- RV Ordinance – Update and standards regarding length of stay
- Subdivision Ordinance – Assessment of sidewalk requirements and perimeter street improvements
- Miscellaneous:
 - Shared access between adjacent lots
 - Joint Land Use Study (JLUS) recommendations – Comprehensive Plan amendments