

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

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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, David Jarratt, Ty Hendrick, Stephanie O'Banion, Dave Covington, Michael Pressley, and DJ Fuller. Commission member Lewis Simms was not present. The following staff members were present: Director of Planning Cheryl Maxwell, Planner Kelly Trietsch, City Manager Sam Listi, IT Ryan Brown and Planning Clerk Laura Livingston. Commission member Rae Schmuck arrived at 7:22pm.

**Pledge of Allegiance** – Ms. O'Banion 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.**

Ms. O'Banion made a motion to approve the minutes from June 19, 2018, seconded by Mr. Jarratt. The motion passed unanimously with 7 ayes, 0 nays.

**3. 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 powersport vehicle, all-terrain vehicle, personal watercraft, snowmobile, and powersport vehicle sales and service.**
- b) **Section 21, Retail Zoning District and Section 22, Central Business District to allow powersport vehicle sales and service as a permitted use.**

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

Chair Baggerly opened the public hearing.

Jim Foster, 702 East Mary Jane Drive, Killeen stated he is in support of this change.

Chair Baggerly closed the public hearing.

The commission recommended making some revisions to include changing the definition for powersport vehicles to include vehicles such as golf carts and mules, removing reference to handlebars and removing reference to the rider mounting the machine. The commission recommended allowing powersport vehicle sales in the retail zoning district with a SUP.

This item was tabled. Staff will take the commission recommendations and come back with a revised amendment.

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

**c) Section 23, Commercial Highway Zoning District to allow a truck stop and truck parking lot as permitted uses.**

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

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

Mr. Covington made a motion to approve amending Section 23, Commercial Highway Zoning District to allow a truck stop and truck parking lot as permitted uses. Ms. O'Banion seconded the motion. The item was approved with 7 ayes, 0 nays.

**5. Z-18-11 Hold a public hearing and consider a zoning change from Agricultural to Commercial Highway District on a 3.283 acre tract of land located at 3555 W. Hwy 190 Service Road, on the southeast corner of I-14/US 190 and FM 1670, west of I-35.**

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

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

Mr. Hendrick made a motion to approve Z-18-11 for a zoning change from Agricultural to Commercial Highway District on a 3.283 acre tract of land located at 3555 W. Hwy 190 Service Road, on the southeast corner of I-14/US 190 and FM 1670, west of I-35. Mr. Jarratt seconded the motion. The item was approved with 7 ayes, 0 nays.

**6. Hold a public hearing and consider an ordinance amending the Thoroughfare Plan Map for possible relocation of Mesquite Road east of I-35.**

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

Chair Baggerly opened the public hearing.

BJ Truitt, 3500 South IH 35, Belton stated that he has concerns with the amount of property Cedar Crest Hospital will have to provide for ROW and utility easements. They have recently conveyed a utility easement to the city, and now they will have to dedicate more property. They need more information on how this proposed alignment will affect their property.

Ben Burnett, 15 North Main Street, Temple, stated he was there on behalf of ERIS LLC and Ellen Breaux Morris. They are not opposed to this but they are not ready to go forward either. There needs to be more information. There is not enough information at this time to determine what kind of economic impact this is going to have on ERIS LLC to the south and Shanklin Crossing Development.

Ellen Breaux Morris, P O Box 769, Belton, stated she is the owner of the 168-acre tract and she has many concerns about moving the location of the proposed Mesquite Road. These would include the number and location of accesses to the development, the speed limit on the proposed road, the saving of numerous large heritage trees and the future of the proposed hike and bike trail for the development. Ms. Morris feels she needs more time to review the two proposals before being able to make a reasonable decision.

Sumil Lavani, 679 Bridge Hill Cove, Austin, stated he is the developer for the future RV park, he would like to see the proposed Mesquite Road relocated to the south. He feels that it would fit better with the Shanklin Crossing project at Shanklin Road. They are opposed to the current location, but support the relocation southward (Option 2). If the road is to remain in the current location it will be not allow them to move forward with the RV Park. Timing is a concern as they are still under contact and they really cannot move forward until a decision is made.

Faye Butler, 3320 Elm Grove Road, asked if any of this will affect her property. Ms. Maxwell said we are not proposing any changes for the section that is close to her (near Elm Grove Road), and the alignment of Mesquite Road is just conceptual at this time and will be finalized when development occurs in that area.

Chair Baggerly closed the public hearing.

The commission discussed the two options and asked that staff meet with the property owners to address their concerns and come back to the next Planning and Zoning meeting on August 21 with a recommendation.

This item was tabled to the August 21, 2018 Planning and Zoning meeting.

**7. P-18-10 Consider a final plat of Hollow Ranch Subdivision, comprising 34.535 acres on the east side of FM 1670, south of West Amity Road in the ETJ of the City of Belton.**

Ms. Maxwell presented the staff report (Exhibit E). Ms. Maxwell informed the P&ZC members that staff was working with the applicant regarding placement of driveways with access to Hollow Drive for the two commercial lots. The proposal is to locate each driveway 125' from the west property line. Ms. Maxwell also informed the members that staff's recommendation for the sidewalk along FM 1670 was being withdrawn, due to maintenance issues. Neither Bell County nor TxDOT are willing to maintain the sidewalk in the ETJ, and the city cannot justify spending tax dollars generated by residents inside the city limits on sidewalks located outside the city limits where the residents do not pay city taxes.

Mr. Simms made a motion to approve P-18-10 final plat of Hollow Ranch Subdivision, as recommended by staff, with the recommendation to approve the variance to the sidewalk requirement. Mr. Hendrick seconded the motion.

Mr. Covington asked for clarification regarding the two commercial lots and access to FM 1670 and Hollow Drive. Ms. Maxwell confirmed the south commercial lot will have access onto FM 1670 and Hollow Drive, and the north commercial lot will have access onto Hollow Drive but not FM 1670. Mr. Covington asked if the Hollow Drive access will be at least 125' from FM 1670. Ms. Maxwell said yes and that places the drives about midway of the lots. This length will allow stacking for an estimated 6-7 cars. Mr. Covington stated he feels good with the proposed 125' distance and can support the motion.

Chair Baggerly asked for a vote. The item was approved with 7 ayes, 0 nays.

**8. Discussion Item: Discuss a draft policy establishing provisions for joint access easements and determine process for consideration.**

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

Mr. Hendrick asked if this came about because of the car wash item and the neighboring property. Ms. Maxwell said it has been an issue of concern for a while, at least since she has been here since January 2018.

7:22pm Ms. Schmuck arrived at the meeting.

Mr. Listi stated that P&ZC and City Council have dealt with this item a number of times, primarily with redeveloping properties along FM 439. When you have an existing residence in the middle of a block, what's going to happen on the other two sides regarding access to FM 439? TXDOT is trying to limit driveways. Sometimes those properties have circle drives or two accesses. We want the arterial street to continue to function well. If there are too many driveways, that defeats the purpose of the road as an arterial road. We have worked with TXDOT to try to encourage shared drives. We have not always done a good job of remembering this as the properties are redeveloped. So, you have examples that don't reflect this access easement. The Art Place is an example where the property was platted and the drainage ditch prevented the installation of the driveway, and the paving was expensive, so an exception was granted. It's a progressive pattern, but you have to do it consistently in order for it to be effective. We would like this policy in our tool box to make sure we always ask the question about an access easement. We may not always get it, but primarily along state roads, arterial, and major collectors it is really important. We try to do that to encourage shared driveways and keep the road functional. The council has asked for a policy, so that is what staff has tried to draft.

Mr. Baggerly thanked staff for their work.

Mr. Covington asked would the policy be limited to properties with certain zonings or properties with certain locations, or along certain classified streets. Ms. Maxwell said the proposal is for non-residentially zoned or developing properties along state highways, arterial streets, major collector streets.

Mr. Jarratt said, based on discussions during his brief time on the commission, it would be good to have a policy just so we have the conversation every single time something comes up, whether it gets action or not.

Mr. Fuller stated on Loop 121 there is an Exxon gas station. This property would be similar to what we are discussing, where each property connects at the property line. The gas station would have their access at that point limiting the number of driveways on the highway. Then, when the next property came in later to develop, would there be any issues with connectivity of the initial access point? Later on, would there be any disputes, about tying into the access next door? Ms. Maxwell said in a perfect world with a policy in place there would not be any disputes and we would try to work it out.

Mr. Covington said, for example the area along Lake Road from Today's Car Wash down to Bushes Chicken, it looks like a joint vehicular access easement would run naturally along the front of those driveways, but it wouldn't necessarily have to be across the front; it could be across the back, depending on who develops first. Is that correct? Ms. Maxwell said yes.

Mr. Baggerly said this is often a bone of contention. This policy can only help and he supports it.

Ms. Maxwell said please feel free to submit any comments to her as soon as possible as this item is proposed to be on the agenda for August 21, 2018 for final action.

With no further business, the meeting was adjourned at 7:30 p.m.

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Chair, Planning and Zoning Commission