

Minutes of the  
**Planning and Zoning Commission (P&ZC)**  
City of Belton  
333 Water Street  
Tuesday, May 15, 2018

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The Planning and Zoning Commission met at 5:30 P.M. in the Kinchion 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, DJ Fuller and Dave Covington. Commission member Rae Schmuck was absent. The following staff members were present: Director of Planning Cheryl Maxwell, Planner Kelly Trietsch, IT Specialist Ryan Brown and Planning Clerk Laura Livingston.

**Pledge of Allegiance** – Chair Baggerly led all present.

**Invocation** – Ms. O'Banion gave the Invocation.

**1. Call To Order.**

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

**2. Minutes from the previous Planning and Zoning Commission meeting.**

Mr. Jarratt made a motion to approve the minutes from April 17, 2018, seconded by Mr. Simms. The motion passed unanimously with 8 ayes, 0 nays.

**3. Z-18-08 Hold a public hearing and consider the following City-initiated zoning changes on property located along Brenda Lane, south of I-14 (US 190) and east of FM 1670:**

- Tract 1: From Agricultural to Single Family-3 District on approximately 6.36 acres comprising Lots 1 – 10, Block 1, and Lots 1 – 10 Block 2, O.T. Tilley Addition; and**
- Tract 2: From Agricultural to Mobile Home District on approximately 3.22 acres comprising Lots 1 – 5, Block 1, Brenda Lane Extension.**

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

Chair Baggerly opened the public hearing. Mr. Tom Shuttleworth, 3684 Brenda Lane, said his home is directly southeast of the property proposed for the zoning change. He said he is in opposition of the Mobile Home District zoning. Mr. Shuttleworth read about Mobile Home District zoning and it allows for a 480-square-foot home up to whatever size, he said. He feels because he and all of his neighbors are in opposition and also sent in protest letters, it would be best to grant a Specific Use Permit instead so restrictions can be considered. All of the neighbors live in double-wide homes but if this proposed zoning is allowed, single-wide homes would be allowed. History shows that single-wide trailers are easy to move in and move out, he said. Once this is zoned as proposed, it's not going to allow the current neighborhood to preserve any nature that exists there today, Mr. Shuttleworth said. We have a wonderful little neighborhood in the back and we have no fences other than at the very back of the yards to contain our animals. The rest of our property is all open, he said. You can drive by and see that our yards share the beauty and the tranquility that we have. By you changing the zoning and allowing that, there is no telling what could happen three to five years down the road. We prefer a SUP or a variance to the Agricultural zoning. Mr. Shuttleworth said he loves his neighborhood right now. The City wants to come in and change to Single Family zoning, which includes rules on putting up your dogs, concrete driveways, asphalt driveways, curb cuts ... we're

against that. We're a little, quiet country – the Killeen donut hole – which is how we would love to remain. We barely receive any city services, which Mr. Shuttleworth said includes confusion among City of Belton Police and the Bell County Sheriff's Department over if their street is within city limits. His property line is actually the city limits. We have a drainage ditch that runs through there that floods. We have asked the City to do something; they just bat an eye and go on, he said. There is a mobile home park nearby and we would appreciate it if there is something the City could do about residents cleaning up their trash cans and taking care of the beauty of the place over there. There is a transient woman living near the trailer park, Mr. Shuttleworth said, no one has offered her any help. Then, the City wants to come into our neighborhood and allow one person to bring in a mobile home. When that land was sold, Mr. Shuttleworth said he would have thought he would understand there is no mobile home to be placed there. He said he's a good neighbor and willing to help, but to put an 80-foot single wide there is not conforming to the neighborhood that consists of smaller homes. He said he hopes the Commission does not approve this item.

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

Chair Baggerly said it needs to be clarified that any development of this lot is going to require a zoning change. Yes, Ms. Maxwell said, unless you build a site-built home but you would have to adhere to the Agricultural zoning requirements, which this lot does not meet the area requirements. A single family home is usually allowed but given the size of the lot, it would be considered nonconforming. Chair Baggerly referred to the SUP suggestion, which he did not have experience with in AG zoning, so is that an option? Ms. Maxwell said it is an option. You can allow a mobile home with a SUP, along the lines of a Planned Development that would consider restrictions. (Correction: In Single Family Zoning Districts, a modular home may be allowed with a SUP, but not a mobile home or manufactured home; neither are allowed in the Agricultural Zoning District.)

Ms. O'Banion asked what would be different about that than the rest of the lots? And is the purpose of the additional changes just to clean up the area's zoning to make it more reflective of what's already there? Ms. Maxwell said firstly, we have no personal interest in making anybody do anything. The applicant approached us wanting to rezone to place a mobile home and the City saw there were other mobile homes that are nonconforming use so we thought it would be beneficial to bring them into conformance with the current Zoning Ordinance. The same thing is seen farther down Brenda Lane, there are other site-built homes so the rezoning would bring it into conforming status so if any remodeling occurred or home replacement, they could do so. That's basically how it grew to what it is, Ms. Maxwell said. The Commission does not have to rezone all of the properties, she said. It is not our intent to force zoning on anyone's property. We wanted to put that option out there and obtain public input.

Ms. O'Banion asked what would be the "pro" and the "con" of cleaning up the zoning? Ms. Trietsch said right now nothing can be done without rezoning. If someone wanted a permit to do something, they cannot make changes without rezoning, she said. For example, if someone wanted to add on to their home they would have to pay the \$250 fee to rezone their lot and we're going to see this with every single lot so the City initiated the zoning change to try and match existing development with zoning. This will prevent residents from back-tracking when they want to move forward with a change, she said. Ms. O'Banion said, but what we're hearing is they don't want that. Mr. Pressley said have there been other "no's" as he received one in his update. Yes, several more, Ms. Maxwell said.

Mr. Sidney Blevins, operating partner for Solitaire Homes, 6119 South General Bruce Drive, Temple, stood before the Commission to answer questions. Chair Baggerly asked him to give an

overview of his plans. They will be putting a brand-new home in that location, he said, that has been vacant and surrounded by other manufactured homes. He said it will bring value and there will be a tax-paying consumer, homeowner living there in the City of Belton whereas right now it's just an empty lot. When he purchased that lot, he assumed it was zoned for this use because it was surrounded by other manufactured homes, he said. Of course, when he applied for the permit to get started that's where there was an issue. Adding a brand-new home to that lot could only be an enhancement, he said. The fear was how do we know what you will bring in? Mr. Blevins suggested they could zone it for a new home only. He did understand their fear of bringing in an older model after the rezoning is approved. He just knows he has a homeowner who wants to live there, who wants to be a part of the City of Belton. Mr. Blevins asked if the Commission had any specific questions about the home. Mr. Pressley said there were some concerns that it would be a long, single-wide home. Mr. Blevins said he has singles and multi-section homes so it depends on affordability. All of these homes will have a hardwood siding as opposed to vinyl siding and he's submitted the drawings and the paperwork. The length would be the same no matter the width, he said. Mr. Pressley asked would this home be in compliance or similar look to the other homes? It would, Mr. Blevins said and it would be an enhancement. He said he's worked with the City and Dog Ridge water supply which was the first hurdle to get past. Solitaire Homes builds more of a prefab design, with a residential look and feel, he said.

Chair Baggerly said he tends to lean toward the City's recommendation to do it now since it would benefit the community; however, he also hears the concerns of the community. He asked if there are stipulations being put on the zoning change as far as the square footage of the homes or the types of mobile homes? Ms. Maxwell said this is not proposed as a Planned Development District so it would just be a straight zoning change to MH District.

Mr. Simms asked if the request was approved, how would it affect the current residents? Ms. Maxwell said when a resident wants to remodel or add on, the zoning change would be beneficial. She said she has no basis to say how the change might hurt the current residents.

Mr. Covington said in the protest letters, there were a couple who were worried they might have to pay more in property taxes as a result of this. He asked Ms. Maxwell if in her opinion does she see that happening? Ms. Maxwell said according to the Bell County Tax Appraisal District it could possibly affect a resident if they had an Ag Exemption, and it was changing to a single family use, because that shows the Bell County Tax Appraisal District the zoning is no longer Agricultural. She said she did not know whether these properties have an Ag Exemption. We suggested each property owner contact the tax office directly to discuss their property, Ms. Maxwell said.

Mr. Covington said he's torn. It seems like a good idea to him, because taking care of this now will help all the homeowners there in the future, but Mr. Covington said he hears significant opposition so he wants to be sensitive to that. Ms. O'Banion said there is no harm to us, it's really for them. Ms. Maxwell said we call it "City-initiated" because we expanded it from the initial boundary. We had a request and we're trying to accommodate that request, she said, and thought it would be an opportunity to have these properties conform to the zoning districts so they could alleviate their nonconforming status.

Chair Baggerly said he thought it was important to talk about what would happen if those changes were occurring in that neighborhood and if each homeowner was responsible for initiating the zoning change, which could be burdensome.

Mr. Shuttleworth said reading the Zoning Ordinance, (he referenced Section 48-4) where it states a variance can be granted in the instance of a fire the home could be rebuilt and still retain the Agricultural zoning. Ms. Maxwell said there is a provision if the damage is less than 60 percent of the value of the nonconforming structure. Chair Baggerly said but if someone wants to take out an existing mobile home and put one in, then this will trigger rezoning again.

Chair Baggerly asked if there were any other questions from the Commission. Mr. Covington said what he sees presented are two full tracts but the original application was for one lot, so is it an option for the Commission to rezone the lot in question and not both tracts? Ms. Maxwell said yes. Mr. Simms said there were a lot of protests related to the single family rezoning. Ms. Maxwell said there was opposition to both tracts as well. Mr. Covington said he didn't know why you wouldn't want it rezoned to the proposed zoning. Ms. O'Banion asked Ms. Maxwell the impact to the City if they don't rezone per the recommendation? Ms. Maxwell said a homeowner would have to come to the City for rezoning for any changes made to the property. The Commission discussed rezoning one lot (Block 1, Lot 4). Ms. O'Banion asked Ms. Maxwell about the restrictions of the size of the home brought onto the lot. If zoned MH, the dwelling unit could be a double-wide or single-wide, she said. Ms. Maxwell said the land and mobile home are being sold together. Chair Baggerly said if the Commission preferred to rezone just the lot, he would entertain a motion.

Mr. Covington made a motion to approve Lot 1, Block 4 from AG to Mobile Home District. Ms. O'Banion seconded the motion. The item was approved with 8 ayes, 0 nays.

**4. Z-18-09 Hold a public hearing and consider a zoning change from Agricultural to Single Family -1 District on approximately 4.324 acres located the west side of Elmer King Road, just northwest of the intersection of Elmer King Road and Fox Road.**

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

Chair Baggerly opened the public hearing. Ms. Nancy Best, 282 Presa Drive, Bell County, said she is a Realtor with Coldwell Banker representing Robert Gill and working with the family who wants to purchase the home on the 2.7 acres and there was a variance request submitted by All County Surveying on behalf of Mr. Gill. Ms. Best asked if that is part of this meeting? Ms. Maxwell said yes, though with the next item on the agenda, which is the request to approve the final plat of Gill Estates. Ms. Best had no other comments.

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

Mr. Covington made a motion to approve Z-18-09, with Mr. Simms seconding the motion. Item Z-18-09 was approved with 8 ayes, 0 nays.

**5. P-18-09 Consider a final plat of Gill Estates, 15.694 acres located on the west side of Elmer King Road, just northwest of the intersection of Elmer King Road and Fox Road.**

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

Mr. Covington made a motion to approve P-18-09, with the proposed variances. Mr. Simms seconded the motion. Item P-18-09 was approved with 8 ayes, 0 nays.

**6. P-18-04 Hold a public hearing and consider a preliminary/final plat of Dawson Ridge Addition, 71.368 acres including a replat of Lots 1 through 5 of Amending Plat Dawson Ranch Regatta Oaks HOA Addition, located south of FM 439 and west of Dunn's Canyon Road in the city limits of Belton.**

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

Chair Baggerly opened the public hearing. Mr. Jared Bryan, representing Quadruple Bogey Development, LLC, said the variances requested are reasonable and in line with what's been previously requested. He said some may know the challenges they have faced with Dawson Ranch and the topography, with 50-foot drops and areas with caves and ravines. Mr. Bryan said it's a difficult piece of property to develop, especially with the downstream drainage concerns of the City. He said they believe they have worked out all of those issues with this plat and they are anxious to move forward.

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

Chair Baggerly said he knows there has been a lot of work put into this. He next asked for a motion by the Commission. Mr. Jarratt made a motion to approve P-18-04, with Ms. O'Banion seconded the motion. Item P-18-04 was approved with 8 ayes, 0 nays.

With no further business, the meeting was adjourned at 6:27 p.m.

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Chair, Planning and Zoning Commission



## Staff Report – Planning & Zoning Item

**Date:** May 15, 2018  
**Case No.:** Z-18-08  
**Request:** Agricultural to SF3 & MH  
**Applicant:** Solitaire Homes of Temple & City of Belton

### Agenda Item

Z-18-08 Hold a public hearing and consider the following City-initiated zoning changes on property located along Brenda Lane, south of I-14 (US 190) and east of FM 1670:

- Tract 1: From Agricultural to Single Family-3 District on approximately 6.36 acres comprising Lots 1 – 10, Block 1, and Lots 1 – 10 Block 2, O.T. Tilley Addition; and  
 Tract 2: From Agricultural to Mobile Home District on approximately 3.22 acres comprising Lots 1 – 5, Block 1, Brenda Lane Extension.

### Originating Department

Planning Department – Cheryl Maxwell, Director of Planning

**Current Zoning:** Agricultural

**Proposed Zoning:** Single Family-3 & Mobile Home

**Future Land Use Map (FLUM) Designation:** Residential

**Design Standards Type Area:** 4 – Gateway to other areas; nodes of commercial, retail, and neighborhood service uses with a higher standard. If approved, proposed uses would be required to comply with all the Design Standards for Type Area 4.

### Background:

These properties were annexed in 2004 and were brought into the city limits under the Agricultural Zoning District. The current uses are residential with a mix of detached single family homes at the western section of Brenda Lane and mobile homes at the eastern section where the cul-de-sac ends. The City received an application for a zoning change to allow a mobile home to be placed on one of the vacant cul-de-sac lots, since this use is not allowed in the current Agricultural Zoning District. Staff evaluated the area and determined that it would be appropriate to evaluate rezoning for all the properties along Brenda Lane and to reflect the current uses. Since the boundary of the proposed zoning change has been expanded by staff, the zoning change request is considered to be city-initiated.

The proposed rezoning appears to be beneficial to the property owners along Brenda Lane as it will alleviate their non-conforming status. A non-conforming use cannot be expanded, therefore, new home construction, remodeling, or building an addition is not allowed. Placing a new mobile home or replacing an existing mobile home with another is not allowed. The proposed SF3 and MH Zoning Districts will bring the existing and proposed uses in line with the zoning districts assigned to the properties.

### **Case Summary**

The properties along Brenda Lane are residentially developed with a few lots currently vacant. The road terminates in a cul-de-sac where the mobile home uses are located. The proposed zoning would match the existing use with an appropriate zoning district.

The surrounding properties are zoned Agricultural District and include Countryside Village Mobile Home Park on the north, single family homes with acreage to the south, west, and east; property to the east is outside the city limits.

### **Land Use/Area Regulations**

The Single Family-3 Zoning District limits residential uses to detached single family homes with the following minimum area regulations:

Lot Area: 5,000 sq. ft.  
Lot Width: 50'  
Lot Depth: 90'  
Front Yard: 25'  
Rear Yard: 20'  
Side Yard: 5'; 15' adjacent to side street

The Mobile Home Zoning District allows detached single family homes as well mobile homes and modular/industrialized housing with the following area regulations:

Lot Area: 4,500 sq. ft. for MH subdivision  
Lot Width: 35'  
Lot Depth: 100'  
Front Yard: 30'  
Rear Yard: 10'; 20' from any zoning district line  
Side Yard: 5'; 20' between units; 20' from any zoning district line

### **Project Analysis and Discussion**

These properties are already platted lots. Tract 1 was platted as O.T. Tilley Addition in 1974. Tract 2 was platted as Brenda Lane Extension in 2000. The lots in Tract 1 are generally 10,000 sq. ft. or more and meet or exceed the area requirements identified for SF3 zoning. The lots in Tract 2 are generally 27,000 sq. ft. (0.6 acre) and meet or exceed the area requirements identified for MH zoning. Sanitary sewer service is currently not available to this area so septic

systems are used, and allowed, subject to approval by the Bell County Public Health District, which requires a minimum area of 0.5 acre. Lots in Tract 1 are combined to create building sites that satisfy this acreage requirement; the individual lots in Tract 2 meet this requirement. Water service is provided by Dog Ridge Water Supply Corporation.

The FLUM identifies this area as residential which includes the requested SF3 and MH zoning districts. Any request for a building permit must be reviewed and approved by staff to ensure area requirements and design standards are observed. Placement of mobile homes must adhere to requirements identified in Chapter 16 of the Zoning Ordinance which limits placement of mobile homes to one per subdivision lot; anchorage and skirting is also required.

After review of surrounding conditions along Brenda Lane, this requested zone change appears to be reasonable.

### **Recommendation**

We recommend approval of the requested zoning change from Agricultural to Single Family-3 District for Tract 1, and Mobile Home District for Tract 2.

### **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:** May 15, 2018  
**Case No.:** Z-18-09  
**Request:** Agricultural to SF1  
**Applicant:** Robert Gill

### Agenda Item

Z-18-09 Hold a public hearing and consider a zoning change from Agricultural to Single Family -1 District on approximately 4.324 acres located the west side of Elmer King Road, just northwest of the intersection of Elmer King Road and Fox Road.

### Originating Department

Planning Department – Cheryl Maxwell, Director of Planning

**Current Zoning:** Agricultural                      **Proposed Zoning:** Single Family-1

**Future Land Use Map (FLUM) Designation:** Residential

**Design Standards Type Area:** 4 – Gateway to other areas; nodes of commercial, retail, and neighborhood service uses with a higher standard. If approved, proposed uses would be required to comply with all the Design Standards for Type Area 4.

### Background

This property was annexed in 2004 and was brought into the city limits under the Agricultural Zoning District. The 11.3 acre tract to the west was annexed in 2016 and also zoned Agricultural District. Both tracts of land are being platted as a three-lot subdivision for residential development. The 4.3 acre tract is being divided into two lots (Lot 1 & 2) which do not meet the area requirements for the Agricultural Zoning District, so the applicant is requesting this zoning change.

### Case Summary

A house is located on the southernmost portion of this tract which will be Lot 1. Proposed Lot 2 is undeveloped at this time. Proposed Lot 3 to the west has a residence on it as well and will retain the Agricultural Zoning District. The adjacent properties are zoned Agricultural District. A residence is located on the tract to the south, while the adjacent properties to the north and west are undeveloped in this vicinity.

**Land Use/Area Regulations**

The proposed lots satisfy area requirements for the Single Family-1 Zoning District as noted below:

Lot Area: 10,000 sq. ft.  
Lot Width: 70'  
Lot Depth: 100'  
Front Yard: 25'  
Rear Yard: 20'  
Side Yard: 7'; 15' adjacent to side street

**Project Analysis and Discussion**

Proposed Lot 1 will comprise 2.7 acres and Lot 2, 1.6 acres. Sanitary sewer service is currently not available to this area so septic systems are an alternative, subject to approval by the Bell County Public Health District, which requires a minimum area of 0.5 acre. This property is within the City's Water CCN; however, existing water lines for extension to this site are over 300 feet away; therefore, private water wells are allowed on these proposed lots. Private water wells are located on Lots 1 and 3, and Lot 2 has been approved for a future well by the Clearwater Underground Water Conservation District.

The FLUM identifies this area as residential which includes the requested SF1 zoning district. The proposed residential use is consistent with surrounding uses. Therefore, this requested zone change appears to be reasonable in this location.

**Recommendation**

We recommend approval of the requested zoning change from Agricultural to Single Family-1 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:** May 15, 2018  
**Case No.:** P-18-09 Gill Estates  
**Request:** Final Plat  
**Applicant:** All County Surveying  
**Owner:** Robert Gill

### Agenda Item

P-18-09 Consider a final plat of Gill Estates, 15.694 acres located on the west side of Elmer King Road, just northwest of the intersection of Elmer King Road and Fox Road.

### Originating Department

Planning – Cheryl Maxwell, Director of Planning

### Case Summary

This is a 3-lot subdivision proposed for residential use. The general area comprising Lots 1 & 2 was annexed into the city limits in 2004; the remainder in 2016. This property, and the surrounding properties, are zoned Agricultural District. Lots 1 (1.621 acres) and 2 (2.703 acres) do not meet the minimum area requirement of 3 acres for Agricultural zoning; therefore, the applicant has requested a zoning change for these lots to Single Family-1 District. These two lots satisfy all requirements for this zoning district. Lot 3 will remain zoned Agricultural and at 11.369 acres, meets the area requirement for this zoning district. Homes are currently located on Lots 1 and 3; Lot 2 is undeveloped at this time. Lots 1 and 2 have frontage on Elmer King Road. Lot 3 is located west of these two lots and is accessed via Elmer King Road by a 21' wide strip of land.

### Project Analysis and Discussion

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

Water: This property is located within Belton's water CCN; however, the nearest water line is approximately 4,500 feet away on the west side of I-35. City policy allows water wells inside the city limits under certain conditions related to tract size and distance from existing lines. Tracts over 10 acres may have a water well. Proposed Lot 3 meets this criteria. Tracts less than 5 acres may have a well if existing water lines are over 300' away. Lots 1 and 2 meet these criteria as well. Two water wells are currently located on the 15 acre tract, providing service to each of the residences located on proposed Lots 1 and 3. A third well has been approved by the Clearwater Underground Water Conservation District (CUWCD) for drilling in the vicinity of Lot 2. A minimum 2 acres is needed for a well site. With this tract being subdivided, the resulting Lot 2 at 1.6 acres will not meet this minimum area requirement; therefore, CUWCD has advised that in the future,

only a replacement well will be allowed conditioned on the existing well being plugged; no more than one well will be allowed on the lot. A note to this effect will be placed on the subdivision plat.

There is no water infrastructure in this vicinity to support fire hydrants and provide fire protection. In the event of a fire, water tanker trucks will be needed to suppress the fire. Therefore, a variance for the provision of fire hydrants is requested. A variance is also needed for fire truck access to Lot 3. An impervious surface is required. The applicant is requesting a variance to allow the existing gravel driveway. Staff supports the requested exception, given the long length of the driveway at approximately 1,000 feet.

Sewer: There is no sanitary sewer service available to this property. Septic systems are existing on Lots 1 and 3, and proposed for Lot 2, subject to approved by Bell County Public Health District.

Drainage: Portions of all three lots 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 for residential buildings are provided on the plat.

Streets: The Thoroughfare Plan identifies Elmer King Road as a minor arterial street with a required ROW width of 80' - 100'. Current ROW is approximately 62' leaving 38' needed to achieve the 100'. This would require a dedication of 19' from this applicant. They are requesting a variance to reduce the dedication to 10'. Staff has reviewed the ROW needs and believes the majority of ROW will be needed from the property on the east side of Elmer King Road to smooth out the current curve in the roadway. Therefore, staff supports the requested reduction in ROW dedication.

Regarding perimeter street improvements, the Subdivision Ordinance requires the developer to contribute one half the total cost of paving with curb and gutter for the portion of roadway adjacent to this plat, in this case, Elmer King Road. An exception to this requirement is requested. The Subdivision Ordinance allows waiver of this requirement for single family developments not exceeding 3 lots. Staff supports the requested variance.

Sidewalks: The Subdivision Ordinance requires the developer to construct and install a 6-foot wide sidewalk along the subdivision side of arterial streets. This requirement applies to Elmer King Road. A variance to this requirement is requested. Staff concurs with the variance request due to the following factors: this development consists of only three large lots with existing residential development on two, so there is minimal additional impact to the area; there are currently no sidewalks along this roadway and there does not appear to be a need given the rural nature of this area, until improvements to this roadway are implemented; and improvements are not scheduled at this time.

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. One acre for each 100 new dwelling units projected is required. With only three lots the dedication would be 0.3 acres, which is considerably short of the minimum two acres desired for dedication. The fee in lieu of dedication is \$200/lot which would be \$600 for this subdivision. A variance to the parkland dedication/fee is requested. Staff concurs with the variance request since there are no plans to develop a public park in this vicinity at this time and these three lots are large with ample open space available on each to satisfy the needs of the lot owners.

Conclusion: We have reviewed the final plat and find it acceptable, subject to conditions contained in the letter to the applicant dated May 7, 2018.

**Recommendation**

Recommend approval of the final plat of Gill Estates, subject to the following:

1. Variance for provision of fire hydrants and impervious access for fire protection (Recommended)
2. Variance to allow reduction in ROW for Elmer King Road from 19' to 10' (Recommended)
3. Variance for perimeter street improvements and sidewalk for Elmer King Road (Recommended)
4. Variance for parkland dedication/fee (Recommended)
5. City's Letter to Applicant dated May 7, 2018.

**Attachments**

1. Final Plat Application
2. Final Plat
3. Location Map
4. City's Letter to Applicant dated May 7, 2018
5. Variance Requests

## Staff Report – Planning & Zoning Item



**Date:** May 15, 2018  
**Case No.:** P-18-04 Dawson Ridge Addition  
**Request:** Preliminary/Final Plat  
**Applicant:** Quadruple Bogey Development, LLC  
**Owners:** City of Belton and Quadruple Bogey Development, LLC

### Agenda Item

P-18-04 Hold a public hearing and consider a preliminary/final plat of Dawson Ridge Addition, 71.368 acres including a replat of Lots 1 through 5 of Amending Plat Dawson Ranch Regatta Oaks HOA Addition, located south of FM 439 and west of Dunn's Canyon Road.

### Originating Department

Planning – Cheryl Maxwell, Director of Planning

**Current Zoning:** Single Family-2 and Patio Home

**Future Land Use Map (FLUM) Designation:** Primarily Residential

**Design Standards Type Area:** 14 – Primarily single lot residential developments with City sanitary sewer.

### Case Summary

A final plat of Dawson Ridge Addition was approved by the Belton City Council on January 24, 2017. This plat was never recorded. A final plat of Dawson Ranch Regatta Oaks HOA was approved by the Belton City Council on February 24, 2015, and was administratively amended on April 30, 2015. This new version of Dawson Ridge Addition consists of the same area previously platted under this name, plus a replat of lots 1 – 5 of Regatta Oaks HOA Addition. Since Regatta Oaks HOA addition was limited to single family residential use, a public hearing is required with the replat.

The City of Belton owns Lot 1 of Regatta Oaks HOA Addition which is being replatted as part of Dawson Ridge Addition. This tract was recently divided and is in the process of being sold with the City retaining 1.67 acres, proposed Tract I, for a future water tank site. The remaining portion is under contract to Quadruple Bogey Development and is incorporated into this subdivision for single family lots generally covering proposed Lots 7 – 10 Block 10, and northern portion of Lot 1, Block 11. The sales transaction must be completed before this plat is recorded.

This subdivision consists of 142 lots proposed for single family residential and townhome development, and 9 tracts proposed for public/common use to include ROW, easements, drainage infrastructure, city water tank site, and common areas (see summary table below).

<u>Tract</u>	<u>Purpose/Use</u>	<u>Owned By</u>	<u>Maintained By</u>
A	Drainage	City	City
B	Lift Station	City	City
C	Common Area	HOA	HOA
D	Drainage	City	City
E	Trail	City	HOA
F	Trail	City	HOA
G	Trail/Drainage	City	HOA/City
H	Future Trail	City	City
I	Water Tower	City	City

The property was rezoned in March 2018 to single Family-2 and Patio Home Zoning Districts to accommodate the revised lot configuration. The proposed lots meet the area requirements for the respective zoning districts.

### **Project Analysis and Discussion**

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

**Water:** This subdivision is located in the 439 Water Supply Corporation CCN and they have confirmed they are able to serve this subdivision. The applicant is required to extend 8" water lines throughout the subdivision to satisfy City of Belton Fire Code minimum flow requirements of 1,000 gpm following recent flow tests which indicated proposed 6" lines were inadequate.

**Sewer:** City of Belton sewer will serve this subdivision. The applicant proposes to extend 8" sewer lines throughout the subdivision. Tract B located on the west side of future Spring Canyon Road, is proposed to contain a lift station. Once the lift station is constructed and all inspections are approved, the City of Belton will be responsible for maintenance.

**Drainage:** A major change proposed in this subdivision is on site drainage detention ponds proposed and located on Tracts A, D, and G. The Drainage Report is under review and details are being worked out with the applicant's engineer. After construction and approval, the drainage infrastructure will be owned and maintained by the City.

**Streets and Sidewalks:** Currently, Chisholm Trail Parkway pavement ends at Spring Canyon Road. The developer is proposing to extend Chisholm Trail Parkway westward to Waggoner Drive and connect Canyon Heights Road to Chisholm Trail Parkway. The collector street portion of this Chisholm Trail Parkway will end at Spring Canyon Road and transition from a 37' wide collector street into a 31' wide local street with curb and gutter.

According to our subdivision ordinance, subdivisions with over 100 lots are required to have three entrances. This is applicable to this subdivision which proposes 142 lots. The subdivision as a whole is meeting this requirement with access provided by Chisholm Trail Parkway, Canyon Heights Road and Spring Canyon Road. The access requirement is intended to address concerns with traffic flow as well as emergency vehicle access. If between 51 and 100 lots, 2 access points are required. Due to the lot layout approved previously in 2017, the 61 lots located at the western end of this subdivision have only one access point. The possible extension of Chisholm Trail westward to the western property line was discussed with the applicant with this plat review, since a potential development is in the works along this western edge, and a connection could be made. This additional connection would provide an additional access point for these lots. The applicant does not wish to extend the roadway and is requesting a variance to the two-access points for these 61 lots. The applicant has pointed out that this layout was previously approved in 2017 with the one access point. Also, there is a gas easement approximately 65' wide that runs from Waggoner Drive to the western property line that the applicant feels could be used for emergency vehicle access to these lots if needed. Chisholm Trail Parkway is shown on our Thoroughfare Plan as terminating at Spring Canyon Road and the applicant has already extended the roadway farther westward than shown on the plan. Although it may be desirable to have this additional connection, Staff does not object to the variance request.

Spring Canyon Road is identified on our Thoroughfare Plan as a future minor collector running north/south, ultimately connecting between FM 439, Sparta Road, and I-14/US 190. A minor collector requires a minimum ROW width of 60' with 37' wide pavement, curb and gutter, and sidewalks along both sides. Under the Subdivision Ordinance, the applicant is responsible for extending this roadway from its current termination point at Chisholm Trail Parkway southward through this subdivision to the southern boundary. In contrast to the 2017 approved plat, the lots in this subdivision have been reconfigured so that they back onto this roadway; no access to these lots is proposed from Spring Canyon Road. Yet, it is the applicant's responsibility to extend the roadway since it lies within the plat boundary. The applicant is dedicating 80' ROW for future extension of the roadway and city water transmission line extending south from the water tank site, but is requesting a variance to the requirement to construct the roadway and sidewalks. The applicant proposes this variance due to a 50' drop in elevation at the southern boundary of this property which continues southward, making the feasibility of extending the roadway in this vicinity uncertain at this time. We discussed the possibility of escrowing the funds; however, the applicant has requested a variance. If escrowed, funds would have to be returned if not used in nine years. Staff does not object to the variance request due to the extreme changes in topography, the uncertain alignment of this roadway in the future, and the uncertain construction time frame.

With the prior subdivision plat submittal, a development agreement between the applicant, the City, and the HOA was approved by the City Council. A revised agreement is proposed with only slight modification since Spring Canyon Road is not being constructed. The revised agreement will be presented to the City Council at the May 22, 2018 meeting and provides for a 3-party agreement:

a. Developer

--convey tracts to City for trail (Tracts E, F, & G)

- install steel casing under Chisholm Trail Parkway
- design and construct trail across Tracts E, F, & G
- install grass/landscaping in gas easement (Tracts E, F, & G)
- b. HOA
  - maintain the landscaping in gas easement (Tracts E, F, & G)
- c. City.
  - reimburse developer for steel casing crossing under Chisholm Trail Parkway
  - maintain trail improvements across Tracts E, F, & G

Parkland Dedication/Fee: 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. This 142-lot subdivision would result in a 1.42 acre dedication or \$28,400. The applicant is requesting a variance to this requirement. Consistent with previous phases of the Dawson Ranch development, the applicant is proposing to construct a 6' wide concrete shared use path along the north side of Chisholm Trail Parkway to Waggoner Drive, and convey Tracts E, F, G and H to the City of Belton for current and future extension. The developer will construct a bulb-out turnaround on Tract G to allow for bike and pedestrians to turn around where the pathway ends at Waggoner Drive. Tract H will allow for a future extension to the west. This concrete shared use path extension will provide a substantial benefit to the Belton community. The shared use path will be maintained by the City and the landscaping along the path will be maintained by the HOA. In conjunction with the proposed shared use path, the developer is planning to provide a swimming pool and pavilion on Tract C, which will be maintained by the HOA. Staff finds the applicant's proposal to satisfy the parkland dedication/fee satisfactory and supports the requested variance.

Tree Preservation: The City's Design Standards include provisions to protect Belton Heritage Trees (BHT) to preserve the natural environment and beauty of the City. If a BHT must be removed, replacement is required on a 1:1 ratio based on the diameter of the removed tree. If a BHT with 36" diameter is removed, 36" of replacement tree(s) are required. The replacement tree(s) must have a minimum 3" caliper, 10' height, and 5' canopy spread at time of planting. Up to 50% of the inches to be replaced may be done through tree credits. The plans show removal of 2 BHTs that are in good condition with a total inch count of 61. Half of the required mitigation, 30.5", will be satisfied with existing tree credit. The applicant agrees to plant a minimum of eleven 3" caliper trees throughout the subdivision to satisfy the remaining requirement and the plans will be revised to reflect this.

We have reviewed the plat and find it acceptable, subject to conditions contained in the letter to the applicant's engineer dated May 11, 2018.

### **Recommendation**

Recommend approval of the preliminary plat of Dawson Ridge Addition, subject to the following:

1. Variance to allow one access point for 61 lots (Recommended).
2. Variance for construction of Spring Canyon Road (Recommended).

3. Variance for parkland dedication/fee (Recommended).
4. City's Letter to Applicant's Engineer dated May 11, 2018.
5. Approval of revised development agreement which will be presented to the City Council at the May 22, 2018 meeting.
6. Closing on sale of property from City to developer and payment of \$84,375 to City prior to final plat signatures and plat recordation.

**Attachments**

1. Preliminary/Final Plat Application
2. Preliminary/Final Plat
3. Property Location Map
4. Variance request letter
5. City's Letter to Applicant's Engineer dated May 11, 2018