

Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Wednesday, March 11, 2015

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 Larry Guess, John Holmes, Nicholas Rabroker, Eloise Lundgren, Brett Baggerly, Rae Schmuck, Mat Naegele, and Ben Pamplin. The following Staff members were present: Planning Director, Erin Newcomer, and Planning Clerk, Laura Livingston. Nicholas Rabroker arrived at 5:33 P.M.

Pledge of Allegiance – Ben Pamplin led all present.

Invocation – Eloise Lundgren gave the Invocation.

1. Call To Order.

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

2. Minutes from the previous Planning and Zoning meeting.

Ms. Lundgren asked for the following corrections to the minutes; page 3, 5th paragraph, last word in paragraph should read as “residents”, and page 3, paragraph 7, line 4, the word should read as “minute”.

Mr. Holmes made a motion to approve the minutes with the corrections. Mr. Baggerly seconded the motion and the minutes were approved unanimously with 8 ayes, 0 nays.

3. Z-15-07 Hold a public hearing and consider a zoning change from Agricultural to Commercial-1 Zoning District at 7587 West Highway 190, a 0.629 acre tract of land, located west of Simmons Road, between US Highway 190 and FM 2410.

Ms. Newcomer presented the staff report.

Chair Guess opened the public hearing on Z-15-07 and asked if anyone would like to speak on this zoning request change. Hearing none, the public hearing was closed.

Chair Guess asked if the Commission had any questions. Hearing none, Chair Guess asked for a motion on item Z-15-07.

Mr. Naegele made a motion to recommend the zoning change to City Council as proposed. Mr. Holmes seconded the motion and it was approved unanimously with 8 ayes, 0 nays.

4. Z-15-08 Hold a public hearing and consider a zoning change from Agricultural to Single Family-3 Zoning District on a 133.421 acre tract of land proposed as Hubbard Branch subdivision, located east of Loop 121 along the north side of FM 436.

Ms. Newcomer presented the staff report.

Chair Guess opened the public hearing on Z-15-08 and asked if anyone would like to speak on this zoning request change.

Lloyd Charping, 1607 Charping Lane, stated he objects to this residential zoning change request. He owns 111 acres and has been there for over 30 years. He has cattle and several other animals on his land. Rocky Creek was deeded to him with the Spanish Land Grant. Three surveyors have stated that the center of the creek is his property and he does not want runoff water from the subdivision entering the creek because it could be dangerous

to his cattle, horses, and livestock. He has a plat that states his portion of the creek has never been in the 100 year floodplain. The runoff from five-hundred 2,500 square foot homes will result in over a million square feet of water runoff on concrete surfaces. We get 35 to 36 inches of annual rain fall in this area, according to the airport on South Highway 317, the City of Killeen and the City of Temple. Half of Rocky Creek cannot handle that amount of rainfall and the additional drainage from the subdivision. If they build 500 homes, there will be drainage problems, rodent problems, car washing, and sewer problems. There will probably be an average of 4-5 people living in each home. This subdivision is going to increase the burden on the sewer system, and there is already a problem with the sewer in that area. The sewer plant is straight across from this land and does flood from time to time. The water runoff into Rocky Creek runs down to Nolan Creek, then down to the river that separates Temple from Belton (Leon River), then down to Little River. He is worried about the aquifer and the people that get water out of it. He does not get water out of the aquifer, but there are people that do, so he thinks will be a problem for them and certainly the people downstream will have issues due to the existing environmental problems they have. As a Bell County taxpayer he would like to know what additional cost this is going to be on him. As a taxpayer of the City of Belton, he already pays \$1,700 on some of his property. He knows Belton does not receive all of those tax dollars, but the problem is that this subdivision is going to cost money to construct the roads and sewer. He read in today's paper that the City of Belton is requesting a bond for sewer improvements, and he imagines some of it is going out to this area. He requests that the Council look closely at this request due to the dangers caused by the runoff from the cars, the gas, and the antifreeze. There is no cure for antifreeze if people don't take care of it. If antifreeze is spilled into the creek, it may end up going down to the bottom. With this area being paved with concrete or asphalt streets, there will be no runoff into the ground. He is concerned about the effect that the drainage will have on the people downstream. Control of trespassers is another concern of his. His property directly abuts this property and he currently has problems with trespassers. He has caught 22 people trespassing. He has had 2 cows, a white guinea and a white peacock killed out there, and with all the crime occurring, it's not going to get any better. We can't protect ourselves. He knows about crime because he was a Constable in this area and it is difficult to protect yourself. If a fire breaks out in the floodplain, where those houses are built, how are they going to control it? They are certainly not going to install fire hydrants in a floodplain, and a fire truck is not going to be able to take care of it. He will have more questions next time and he appreciates having the opportunity to speak tonight.

Jennifer Rose, FM 436, she stated she is representing herself, her parents, and her neighbors, the Sheds and the Fosters. Her parents live on one side of her and the Fosters live on the other side of her. Their main concern is the increase in traffic caused by the residences. Right now there is a large amount of traffic on FM 436, especially on the weekends when people travel to Academy. Her major concern is the increase in traffic.

Pedro Quintero, 9911 Diana Drive, Killeen, Texas, stated he represents the owner of the development. They are excited about the annexation, platting and rezoning of this property. While this subdivision not only complements the City's future land use plan, it also provides a neighborhood for the new elementary school proposed in this area. They have been working closely with BISSD who has stated in meetings and conversations that they are really excited about the proposed project. In regard to traffic, they are currently performing a traffic impact analysis and working closely with TXDOT to determine average daily traffic generated by this subdivision. Based on the engineering analysis the drainage will not result in an adverse impact to adjacent and downstream properties. They will file permits through FEMA to ensure they are in compliance with all drainage requirements that the City has. This subdivision will be developed in phases, as they go along and coordinate with BISSD and City in all aspects. He appreciates the Commission's time.

Lois Shed, 9077 FM 436, stated the traffic speeding down FM 436 on Friday nights and the large trucks in this area are currently a concern. She is concerned because FM 436 is a busy street and the fire trucks won't service this area since they stop at the City limits. If one of the homes catches fire as close as they are to one another, there will be major issues. She prefers to leave this area as it is because they are happy out there. There is going

to be more trouble in this area with this subdivision. There are existing theft issues in this area and their office has been set on fire.

Chair Guess asked if anyone else would like to speak in regard to this zoning request change. Hearing none, the public hearing was closed.

Chair Guess asked if the Commission had any questions.

Mr. Rabroker asked if Single Family-3 zoning is consistent with low density residential? Ms. Newcomer answered yes, all of the single family zoning districts would be considered low density.

Mr. Rabroker asked if it was correct to say that since this area has been annexed, City services will be provided to the area. Ms. Newcomer stated that upon approval of the annexation on February 24th, all City services such as fire protection and law enforcement will be provided to this property. Once the subdivision is complete, the City will accept maintenance and ownership of the streets and drainage system.

Mr. Holmes asked what type of school will be located on the interior site? Ms. Newcomer stated she believes it will be an elementary school. The BISD property is slightly under 16 acres in size.

Ms. Schmuck stated in regard to the gentleman saying the fire department would not be able to get there, is there any concern about that, and is it laid out such that it would be hard to get to the back of this property? Ms. Newcomer stated they will be able to. She does not know if they were referring to the creek area.

Chair Guess asked if the Commission had further questions. Hearing none, Chair Guess asked for a motion on item Z-15-08.

Ms. Lundgren made a motion to recommend the zoning change to City Council as proposed. Mr. Pamplin seconded the motion and it was approved unanimously with 8 ayes, 0 nays.

5. P-15-11 Hold a public hearing and consider a replat for the Urubek and Morris Addition, a 0.449 acre tract, located on the southwest corner of East 2nd Avenue and Head Street.

Ms. Newcomer presented the staff report.

Chair Guess opened the public hearing on P-15-11 and asked if anyone would like to speak on this re-plat. Hearing none, the public hearing was closed.

Chair Guess asked if the Commission had any questions. Hearing none, Chair Guess asked for a motion on item P-15-11.

Mr. Schmuck made a motion to recommend the final plat to City Council as proposed. Mr. Holmes seconded the motion and it was approved unanimously with 8 ayes, 0 nays.

With no further business, the meeting was adjourned at 6:00 P.M.

Chair, Planning and Zoning Commission