

Minutes of the meeting of the  
**Planning and Zoning Commission (P&ZC)**  
City of Belton  
333 Water Street  
Tuesday, January 19, 2016

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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 John Holmes, Rae Schmuck, Frank Minosky, Mat Naegele, Brett Baggerly, Joel Berryman, Ben Pamplin, and Eloise Lundgren. The following staff members were present: Director of Planning, Erin Smith, Planning Clerk, Laura Livingston, City Manager, Sam Listi and Director of Recreation and Events, Matt Bates. Commission member Jason Morgan was absent.

**Pledge of Allegiance** – Frank Minosky led all present.

**Invocation** – John Holmes gave the Invocation.

**1. Call To Order.**

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

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

Mr. Minosky made a motion to approve the minutes from December 15, 2015 with a correction to the attendance listing. Mr. Joel Berryman seconded the motion and the minutes were approved unanimously with 8 ayes, 0 nays.

**3. Z-16-01 Hold a public hearing and consider a zoning change from Commercial Highway to Planned Development Commercial-2 Zoning District for a vehicle impound lot on an 0.753 acre tract of land at 1400 South Interstate Highway 35, located on the northeast corner of South Interstate Highway 35 and East Avenue P.**

Ms. Smith presented the staff report and recommended disapproval of the zoning change request. Ms. Smith stated if the Commission considers this use reasonable, she requests the item to be tabled to give the applicant time to submit a site plan that meets the requirements of the Planned Development Zoning District.

Chair Holmes opened the public hearing. Business owner Keith Campbell with Belton Collision, 1400 South Interstate Highway 35, said he zoned the property in 2006 when he first opened his business. The zoning was approved in 2006, and in 2007 he shared the tract with a car dealer and rezoned the property to allow for used car sales. Mr. Campbell said people were worried about junk cars in public view, but the requirements of the zoning change states that wrecked vehicles would be stored within a fenced area. He said he knew he would eventually need a wrecker business at this location. He said for three months he's been trying to get this impound lot approved. The zoning change from years ago states it was approved for C-2 with the provision of no outside storage, Mr. Campbell said. He said the vote was unanimous because the Commission then loved how he took that junk section and cleaned it up. Mr. Campbell described the changes to that tract of land when it was changed to a Planned Development zoning for the section requested now. He said the vehicle impound lot will be for the City of Belton and Bell County only. He said he will not be

open to the public. He said he has his license with the TDLR as approved by them, and is working on two other lots in Harker Heights. TDLR says if there is a weed growing through your lot, they can take your license since vehicles could have hot catalytic converters or something similar, Mr. Campbell said.

With no one else requesting to speak, Chair Holmes closed the public hearing and opened it to the Commission for comments.

Mr. Mat Naegele asked Ms. Smith how the City defines temporary storage; however Ms. Smith said the request is for outside storage and will not be temporary. Mr. Naegele asked why a sufficient site plan was not submitted for the Commission to review now? Is it because the applicant assumed Ms. Smith would disapprove of it? Ms. Smith said she did ask for a site plan after a lot of discussion with the applicant and research of the property. In 2006 the property was rezoned to allow for a paint and body shop with no outside displays of damaged cars, Ms. Smith said. In 2007, the Planned Development zoning was amended for the northern portion of the property (same as in 2006) to allow for used car sales. Ms. Smith said she reviewed the site plans for both of these zoning requests and neither of the zoning changes included this area that is now proposed for rezoning to allow for a vehicle impound lot. She said she reviewed with the applicant that only the northern portion of the property was rezoned, reading the ordinance from 2007. A rezoning would be necessary to allow for an impound lot, Ms. Smith said. She requested a site plan from the applicant and provided paper instructions of site plan requirements.

Chair Holmes asked if the City does not receive a site plan, how does that proceed to the Commission? Ms. Smith said it is difficult for the Commission to make a decision when there is not a complete application and details that are provided in a site plan are necessary.

Mr. Berryman asked where it goes from here, if the Commission disapproves this request. Ms. Smith said her recommendation for disapproval is based on the use and maintaining Commercial Highway uses in this area, but if the Commission feels it's a reasonable request Ms. Smith requested that it be tabled so Mr. Campbell has sufficient time to complete a site plan. The applicant always has the option to appeal the Planning & Zoning Commission's recommendation to City Council.

Ms. Eloise Lundgren asked what would happen to the vehicles already being stored in the fenced area if the Commission disapproves this request? Ms. Smith said the Commercial Highway District does not allow for vehicle storage. The City has not received a permit for the fence or the parking surface, so the City would most likely request for that fence to be taken down and vehicle storage will not be permitted.

Mr. Ben Pamplin asked if this zoning change request is tabled, would they wait on the site plan? Ms. Smith answered that she would suggest tabling it to a specific future meeting. Staff will need to re-evaluate whether to send out property owner notices again prior to that meeting that would include the applicant's site plan.

Mr. Berryman said he's not a fan of kicking the can down the road, but in his opinion they need to review a true and complete application before they make someone tear down a fence after they poured money into the facility.

Chair Holmes asked if this zoning change request is denied, does it hinder Mr. Campbell from reapplying for a zoning change? Ms. Smith answered no, he may reapply at any time.

Mr. Minosky made a motion to recommend disapproval of Z-16-01 a request to change from Commercial Highway to Planned Development Commercial-2 Zoning District for a vehicle impound lot on an 0.753 acre tract of land at 1400 South Interstate Highway 35, located on the northeast corner of South Interstate Highway 35 and East Avenue P, with Ms. Lundgren seconding the motion. The motion for denial was approved with a vote of 6-2. Commission members: Chair Holmes, Ms. Lundgren, Ms. Schmuck, Mr. Naegele and Mr. Baggerly voted aye. Commission members: Mr. Pamplin and Mr. Berryman voted nay.

**4. P-16-03 Hold a public hearing and consider a replat for Jimenez Estates subdivision, a 0.605 acre tract, located on the west side of North Sparks Street and south of West 2<sup>nd</sup> Avenue.**

Ms. Smith presented the staff report.

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

Mr. Pamplin recommended approval for the replat for Jimenez Estates subdivision, a 0.605 acre tract, located on the west side of North Sparks Street and south of West 2<sup>nd</sup> Avenue subject to the recommendations by City Staff as stated in the staff report. Mr. Berryman seconded the motion. P-16-03 was unanimously approved 8 ayes, 0 nays.

**5. P-16-02 Consider a final plat for Liberty Park, a 16.933 acre tract, located north of West Loop 121 and south of the existing Liberty Valley Subdivision, Phase I and II.**

Ms. Smith presented the staff report.

Mr. Berryman asked who determines the \$12,000 in grading work? Ms. Smith said she will work with the Public Works Department to review the grading plan. Public Works will review the cost estimate and compare it to other recent cost estimates to ensure the pricing is accurate and the grading work that will be completed totals \$12,000.

Chair Holmes asked if there is a lot of work involved with expanding streets from 31 feet wide to 37 feet wide. Ms. Smith stated curb and gutter will need to be removed on one side and then the roadway may be expanded to the east or west. This street (Southwest parkway) will most likely provide access to the adjacent properties since TxDOT doesn't typically allow two points of ingress/egress so close to one another. Ms. Smith said her assumption is that there will need to be a driveway from Southwest Parkway, which will require curb cuts. She believes that future development in this area may require future widening of Southwest Parkway.

Mr. Minosky asked if they had a Memorandum of Understanding from the church to support the street stub out from this subdivision leading to the Hope Community Church property. Ms. Smith said the City will have site plan approval and she does not believe that area is rezoned, so it will need to go through the rezoning process prior to development activity. Mr. Minosky asked about the dirt work and the park for that neighborhood. Ms. Smith said there are a lot of possibilities for development in that area and someone may want to install a playground structure at some point. This could be City initiated or it could be developer initiated. The grading is necessary in order to install playground equipment, Ms. Smith said. Currently the City is completing drainage improvements at Connell Street, so there is a lot of grading that will occur in that area, Ms. Smith said. Mr. Minosky said that everyone's intent is to have a park, but when it is all said and done all of those people who live there still do not have a park. Chair Holmes said the City should have some parkland funds in escrow set aside to move forward with that. Ms. Smith said the City does, and when parkland funds are put into escrow, the City must ensure those park enhancements are going to serve the residents in that subdivision and not an area farther away.

Mr. Baggerly moved to approve the final plat for Liberty Park, a 16.933 acre tract, located north of West Loop 121 and south of the existing Liberty Valley Subdivision, Phase I and II subject to the recommendations by City Staff as stated in the staff report. Mr. Minosky seconded the motion. P-16-02 was unanimously approved with 8 ayes, 0 nays.

**6. P-16-04 Hold a public hearing and consider a preliminary plat for Highland Estates, Phase II, a 15.23 acre tract of land, located north of Sparta Road, west of Dunn's Canyon Road, and east of the existing Highland Estates Subdivision, Phase I and recently developed Highland Estates, Phase II.**

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing. Mr. John Bandas, 415 Cottingham Drive, Temple, Texas, said he is the engineer for this project. He said they have put a lot of work into this and sought to obtain secondary access to this subdivision, but it's been impossible due to topography and different surrounding property ownership.

With no one else wishing to speak, Chair Holmes closed the public hearing.

City Manager, Sam Listi addressed the Commission. He said the Commission is reviewing two important subdivisions tonight that will set the tone for parkland serving this area for quite some time. Staff has looked at the plans very closely, Mr. Listi said, to ensure the parkland satisfies the Subdivision Ordinance requirements. The Subdivision Ordinance does require escrow funds or land, or some combination of those, to ensure parkland is provided for residents. Mr. Listi said while it would be nice to have a park there already for the subdivision, it is a function of the how the lots are developed incrementally. There's not enough money or land generated for parkland until there's been quite a bit of development. In this case the purpose is to serve the need for a park space for two different subdivisions. Mr. Listi said the City believes it can work with some grading. The City Manager, Director of Planning, and Director of Recreation and Events have walked the site and, as Ms. Smith has said, it is challenging, but they do believe it can work. Mr. Listi said they are working hard to ensure there is adequate parkland in the area. In terms of

development and equipment, playground structures start in the \$20,000 to \$25,000 price range, mentioning the equipment going in at Beall Park was in this price range, so that is a future component of capital improvement that the City will have to do. If we can get the land and get it graded, we're much closer to our objective of trying to achieve it. It rarely occurs on the front-end of development, Mr. Listi said.

Chair Holmes asked if the dedication exceeds the requirement. Ms. Smith said the amount of acreage proposed for dedication is 1.60 acres and the requirement would be 0.90 acres of parkland for the three subdivisions (Highland Estates, Phase II – 0.33 acres; Highland Estates, Phase III – 0.34 acres; and Dawson Ranch, Phase VI – 0.23 acres), so the developer is exceeding the parkland requirements by 0.70 acres.

Mr. Naegele made the motion to approve a preliminary plat for Highland Estates, Phase II, a 15.23 acre tract of land, located north of Sparta Road, west of Dunn's Canyon Road, and east of the existing Highland Estates Subdivision, Phase I and recently developed Highland Estates, Phase II subject to the recommendations by City Staff as stated in the staff report. Mr. Pamplin seconded the motion. Item P-16-04 was unanimously passed 8 ayes, 0 nays.

**7. P-16-05 Consider a final plat for Dawson Ranch, Phase VI, a 8.175 acre tract of land, located south of Chisholm Trail Parkway and Dawson Ranch, Phase V and west of the future Lake to Lake Road.**

Ms. Smith presented the staff report.

Chair Holmes asked Ms. Smith if Lots 1 and 13 in Dawson Ranch, Phase V meet the previous lot requirements of 7,500 square feet. Ms. Smith stated yes, those lots meet the Single Family-2 minimum area requirements.

Chair Holmes said the Lake to Lake Road right-of-way appears to shrink in this area. Ms. Smith said there is 200 feet of ROW to the Dawson Ranch, Phase V and Highland Estates, Phase II subdivision boundaries. The 200 feet wide ROW is needed due to the angle of the roadway. They were able to transition into 150-foot wide ROW to accommodate the future roadway in that area because the ROW is straighter in this area. Ms. Smith said there is lake to Lake Road ROW from Sparta Road north to Lake Road, except the portion that is owned by the Corps of Engineers.

Ms. Schmuck made the motion to consider a final plat for Dawson Ranch, Phase VI, a 8.175 acre tract of land, located south of Chisholm Trail Parkway and Dawson Ranch, Phase V and west of the future Lake to Lake Road subject to recommendations by City Staff as stated in the staff report. Mr. Naegele seconded the motion to which P-16-05 was unanimously approved 8 ayes, 0 nays.

**8. Consider a request from Carothers Development LLC to extend the Preliminary Subdivision Plat validity six (6) months for Dawson Ridge Subdivision, a 59.033 acre tract, located north of Sparta Road, south of Lake Road/FM 439, and west of the existing Dawson Ranch subdivision.**

Ms. Smith presented the staff report.

Mr. Minosky made the motion to approve the request from Carothers Development LLC to extend the Preliminary Subdivision Plat validity six (6) months for Dawson Ridge Subdivision, a 59.033 acre tract, located north of Sparta Road, south of Lake Road/FM 439, and west of the existing Dawson Ranch subdivision to August 25, 2016. Mr. Baggerly seconded the motion to which the request was unanimously approved 8 ayes, 0 nays.

With no further business, the meeting was adjourned at 6:40 P.M.

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Chair, Planning and Zoning Commission