

Minutes of the meeting of the  
**Planning and Zoning Commission (P&ZC)**  
City of Belton  
333 Water Street  
Tuesday, January 16, 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, Michael Pressley, David Jarratt, Rae Schmuck, Ty Hendrick and David Fuller. The following members were absent: Lewis Simms and Dave Covington. The following staff members were present: City Manager Sam Listi, Director of Planning Cheryl Maxwell, Planner Kelly Trietsch, Director of IT Chris Brown, Director of Public Works Angellia Points, and Planning Clerk Laura Livingston.

**Pledge of Allegiance** – Ms. Rae Schmuck 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. Introduce Director of Planning Cheryl Maxwell.**

City Manager Sam Listi introduced Cheryl Maxwell as the new Director of Planning for the City of Belton.

**3. Swear-in new voting members.**

Ty Hendrick was sworn-in as a new member on the Planning and Zoning Commission.

**4. Select Vice Chair.**

Former Vice Chair Ben Pamplin has resigned from the Commission. Michael Pressley made a motion to recommend Dave Covington as Vice Chair, seconded by Ms. Schmuck. The motion passed with 6 ayes, 0 nays.

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

Ms. Schmuck made a motion to approve the minutes from November 20, 2017, seconded by Mr. Fuller. The motion passed unanimously with 6 ayes, 0 nays.

**6. Z-18-01 Hold a public hearing and consider a zoning change from Single Family-1 to Planned Development Retail to allow for a car wash on a 1.773 acre tract of land at 123 Lake Road, located at the southeast corner of Lake Road (FM439) and Commerce Street, west of Main Street (SH317).**

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

Chair Baggerly opened the public hearing. Mr. Tyler Furney, 1304 Overlook Ridge, is the owner and developer of the property under consideration of Z-18-01; he thanked the Commission for their

consideration and said he would be happy to answer any questions. With no one else requesting to speak, Chair Baggerly closed the public hearing.

Mr. Fuller asked if the 10-foot setback at the side property should be 15 feet, or is 15 feet only for Residential? Ms. Maxwell said they were looking at the property and discussing whether or not it had two front yards, or if the front yard is on Lake Road and the side yard on Commerce Street. Ms. Maxwell stated the requirement for this use was not clear, but staff interpretation was 10' for the vacuum stations along Commerce Street. She stated that since this is a Planned Development, if the Commission felt 15 feet would be better for this location, it could be included as a requirement. Mr. Fuller said it was just a thought.

Mr. Jarratt asked about Ms. Maxwell's comment that an adjacent single-family home is being transitioned into a Retail space. Ms. Maxwell said yes, she believed it had already been rezoned in 2005. Ms. Maxwell said it is our understanding that the structure is no longer being used as a residence.

Mr. Hendrick asked is there going to be a privacy fence around the property buffering the neighbors? Ms. Maxwell said it's not required, if Mr. Hendrick is referring to the property directly to the east, because that property is no longer zoned Residential, so it is not a code requirement.

Mr. Jarratt made a motion to recommend approval of Z-18-01, seconded by Ms. Schmuck. The zoning change from Single Family-1 to Planned Development Retail to allow for a car wash on a 1.773 acre tract at 123 Lake Road was approved unanimously with 6 ayes, 0 nays.

**7. P-18-01 Consider a final plat for Pro Star Rental, a 11.549 acre tract of land located east of IH-35 and south of Grove Road, generally north of Shanklin Road in the city limits of Belton.**

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

Chair Baggerly asked if the applicant gave an idea of how many people would be on-site daily? Ms. Maxwell said she wasn't sure. Mr. Listi said, as he recalled, it would be approximately five people. Chair Baggerly questioned if the septic system would be adequate. Ms. Maxwell responded yes, since it has been approved by the Bell County Public Health District.

Ms. Schmuck made a motion to approved P-18-01, a final plat for Pro Star Rental, an 11.549 acre tract of land, seconded by Mr. Pressley. The motion passed unanimously with 6 ayes, 0 nays.

**8. Receive a presentation on the City's revised Design Manual from the Public Works Director, Angellia Points, and consider a recommendation to the City Council.**

City Manager Sam Listi introduced the topic saying that the City Council requested input from the Planning & Zoning Commission after the item was presented to them at a recent meeting. The revision of the Design Manual has been in the works for a couple years now, with input provided from the development community, and Council did want some feedback from the P&ZC. If the Commission is satisfied with the presentation, the Commission may make a recommendation to the Council. Another option could be to have a joint City Council-P&ZC meeting with a second public hearing. The third option could be scheduling a public hearing before the PZ&C, acting on the recommendation, then sending it to Council for a public hearing and vote.

Director of Public Works Angellia Points presented the revisions to the current Design Manual that has not been changed since 2002. The City contracted with KPA to revise the manual over the last two years. Ms. Points went over the changes to the manual.

Chair Baggerly thanked Ms. Points, and commented that he agreed the revised Design Manual is overdue, and that the Commission appreciated how thorough this review has been. Chair Baggerly asked Ms. Points to pick out the biggest hot button issue that she heard over the course of this process. Ms. Points said it would be the thickness of the hot mix and the minimum size of the wastewater line. Chair Baggerly said some of those things, when they spoke earlier, are things neighboring cities already have as requirements. Ms. Points said on the hot mix, yes; not so much on the sewer line. She said she received a lot of pushback on the water line requirement as well, so they added the provision that they could reduce to the 6 inch line, subject to engineer's recommendation.

Mr. Listi said the Council asked for input from P&ZC, so it's at your discretion how you would like to handle that. He said these are fairly technical items that come through when reviewing subdivision plats considered by P&ZC. Staff has received input from TABA (Temple Area Builders Association) and the wider community of developers. Mr. Listi went over the options as explained before Ms. Points' presentation.

Mr. Fuller thanked Ms. Points for her presentation. He believed from a buy-in standpoint, we might save the Council some work by having a workshop and addressing any issues. Mr. Jarratt said he agrees, and that it also sends a message to the development community that we are taking this seriously and trying to get as much input as possible. The more voices talking about it the better, Mr. Jarratt said.

Chair Baggerly asked if the Commission is in agreement, can we proceed with a public hearing at the next P&ZC meeting on February 20? Mr. Listi agreed and said the next step would be to conduct a public hearing on the Design Manual at the PZ&C's meeting on February 20, to be followed by a recommendation to the City Council. He said we will notify stakeholders and advertise for this public hearing.

With no further business, the meeting was adjourned at 6:17 P.M.

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Chair, Planning and Zoning Commission

# Staff Report – Planning & Zoning Item



**Date:** January 16, 2018  
**Case No.:** Z-18-01  
**Request:** SF-1 to PD-R  
**Applicant:** Tyler Furney, Tunnel Wash  
 Mgmt. LLC

## Agenda Item

Z-18-01 Hold a public hearing and consider a zoning change from Single Family-1 to Planned Development Retail to allow for a car wash on a 1.773 acre tract of land at 123 Lake Road, located at the southeast corner of Lake Road (FM439) and Commerce Street, west of Main Street (SH317).

## Originating Department

Planning Department – Cheryl Maxwell, Director of Planning

## Case Summary

The applicant has submitted this request for a zone change to allow for construction of a “tunnel” style car wash facility. A house is currently located on this property and is in use as a residence. Sale of this property is contingent on approval of this zone change request. The house will be removed to accommodate the new development plan. Existing surrounding uses in this vicinity include the Chappell Oaks Apartments, and That Art Place on the north side of Lake Road; a single family structure to the east on property rezoned to PD-Retail in 2005; a large tract of land to the south (Walmart property) which is undeveloped adjacent to this tract, except for large transmission lines running east/west; and a 3 story office/ retail center recently completed on the west side of Commerce Street.

## Current Zoning

Single Family-1

## Proposed Zoning

Planned Development Retail

**Design Standards Type Area: 5**

**Recommended Type Area: 5**

This property is located within Type Area 5 in the Design Standards and is projected for business uses with higher development standards applied. If approved, a Planned Development- Retail District use would be required to comply with all the Design Standards for Type Area 5.

### **Land Use Table/Allowable Uses**

The proposed car wash is an allowed use in Type Area 5 with proper zoning. A car wash requires a Commercial or less restrictive zoning district. Instead of Commercial zoning, a Planned Development Retail Zoning District is proposed with a car wash as an additional use. This zone change will allow the car wash, but protect the area from other commercial uses that may not be compatible in this area such as open outdoor storage, trailer rental, or pawn shop. The uses allowed in the base Retail Zoning District include:

- Any use permitted in the NS District
- Clothing and Apparel
- Convenience Store with Gasoline Sales
- Discount, Variety or Department Store
- Furniture and Appliance Store
- Home Improvement Center
- Restaurant

### **Project Analysis and Discussion**

This 1.773 acre property is currently used as a residence and the applicant is proposing this zone change to Planned Development Retail to allow for a tunnel car wash facility. This property is zoned Single Family-1 and a zoning change to Planned Development Retail is proposed with provisions to allow for a car wash. As discussed above, a car wash requires a commercial or less restrictive zoning district. Instead of commercial zoning, a Planned Development Retail Zoning District is proposed with a car wash as an additional use. The PD zoning also allows the opportunity for site plan approval. A residential structure is in place on the lot to the east, but that property is zoned PD Retail and apparently is in use as a business, so there is no code requirement to provide screening/fencing along the east property line.

Parking requirements based on use are identified in Section 34 of the Zoning Ordinance (Off-Street Parking and Loading Requirements). Some uses require parking based on square footage of the main building, assuming customers will park and go into the building. Others are based on the number of employees. An auto laundry or car wash (self-serve) use is identified with parking based on the square footage of the building; however, this facility does not quite fit the self-serve description, but is automated. Given the nature of the business, it seems more appropriate to base the parking on the number of employees. There will be 3 to 5 employees on site; therefore, one parking place per employee (5 minimum) is proposed as the requirement and is shown on the conceptual site plan.

The entrance to the facility will be the location off Commerce Street. No direct access to Lake Road will be allowed in this location. This property will provide a shared access point with the adjacent property to the east. In addition to the car wash, several covered parking and vacuum stations are proposed, as well as a 10' landscaped area between the Commerce Street property line and the parking/vacuum stations.

The applicant will provide a detailed site plan addressing the following requirements in the Design Standards with the building permit: Building Materials; Tree Preservation and Landscaping Requirements; Screening; Dumpster Requirements; Lighting; and Signage. A subdivision plat will also be required prior to a building permit.

After discussion of the City's Design Standards with the applicant and careful review of the applicability of this use among surrounding properties, this requested zone change appears to be reasonable in this location.

### **Recommendation**

We recommend approval of a zone change from Single Family-1 to a Planned Development Retail Zoning District, with development regulated under the Design Standards for Type Area 5 as follows:

1. The use of this property shall conform to the Retail Zoning District in all respects, and in addition, a car wash is a permitted use.
2. The development of the property shall conform to the all applicable Type Area 5 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, and the conceptual site plan including:
  - a. Building Design Standards—minimum 90% masonry construction required (Section IV of the Design Standards);
  - b. Landscape Design Standards and Tree Preservation requirements—Sections V and VI of the Design Standards;
  - c. Screening/Fencing, Dumpster, Lighting Requirements per Section III of the Design Standards.
  - d. Covered parking/vacuum stations shall observe a minimum 10' setback to Commerce Street, and this 10' private property area shall be included in the landscape plan.

A detailed site plan is required addressing items identified above with the building permit.

3. Sign Standards shall conform to Ordinance 2008-11.
4. Parking Requirements—a minimum of 5 dedicated parking spaces shall be provided for employees.
5. Approval of a final subdivision plat is required prior to issuance of a building permit.

### **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
8. Conceptual Site Plan and elevation renderings
9. Photos of existing car wash facilities

## Staff Report – Planning & Zoning Item



**Date:** January 16, 2018  
**Case No.:** P-18-01  
**Request:** Final Plat  
**Applicant:** Lay Construction, LLC—  
 Ashley Malone for Drake Capital  
 Income Fund GP, LP

### Agenda Item

P-18-01 Consider a final plat for Pro Star Rental, an 11.549 acre tract of land located east of IH-35 and south of Grove Road, generally north of Shanklin Road in the city limits of Belton.

### Originating Department

Planning – Cheryl Maxwell, Director of Planning

### Case Summary

This is a 1-lot subdivision proposed for light and heavy equipment rentals.

### Project Analysis and Discussion

This is a 1-lot subdivision plat proposed as the Pro Star Rental Addition. This property is located within Design Standards Area Type 2 and was recently rezoned to Commercial-2 District in October, 2017. The west side of this property is directly adjacent to the IH-35 northbound frontage road. The Commercial-2 Zoning District requires a minimum lot area of 5,000 square feet, minimum lot width of 50 feet, and minimum lot depth of 100 feet. The proposed lot complies with the Commercial-2 Zoning District area requirements in all respects.

The principal issues associated with this plat involve subdivision ordinance requirements for orderly extension of public improvements – water, sewer, drainage and streets.

**Water:** This property will be served by the existing 12” water line on the east side of the tract. No extension is required by the applicant.

**Sewer:** The proposed South Belton Sewer Project sewer lines are located on the far eastern edge of the property. However, due to topography, the sewer line along the eastern edge of the property is a force main. A service line, especially unpressurized, cannot tie into the force main. There is a gravity sewer line 1,300 feet northeast of the proposed building on this property, but the fall between the building and the gravity line is not great enough to allow for gravity flow. Therefore, the applicant must either install a septic system or install a grinder pump and private force main to connect to the gravity line approximately 1,300 feet away. Because the limited number of bathrooms and sinks will have a minimal contribution to sewer flows, Staff determined

a septic tank for this application and location is acceptable and a letter to this effect has been provided by the Bell County Public Health District.

**Drainage:** Drainage calculations have been reviewed and a detention pond will be needed. The location and details of the detention pond will be provided with the building plans and can be accommodated on site.

**Streets:** Access from the IH-35 frontage road is proposed on the north side of the property. The Thoroughfare Plan identifies a future southern roadway extension of Capital Way along the eastern perimeter of this proposed plat. Capital Way is shown as a major collector which requires 80 feet of ROW. The applicant is required to dedicate half of this (40') for the length of this subdivision. The original property owner, Bell County Joint Venture, is dedicating a strip of ROW +/- 60' wide along the eastern edge of the property (1.549 acres) for the future extension of Capital Way. The applicant is providing an additional 8.5' wide strip (0.027 acre) adjacent to Lot 1. Of the 11.549 acres in this subdivision, 1.576 acres are proposed for the ROW dedication, leaving Lot 1 at 9.973 acres.

According to the Subdivision Ordinance, the developer is required to contribute one half the total cost of paving (18.5 feet), curb and gutter, and a 5' wide sidewalk for the portion of Capital Way adjacent to this plat. The estimated cost of the applicant's contribution is \$21,900.90 for the 140' of frontage. (See attached calculations). City staff finds the estimate acceptable and recommends the applicant escrow the cost of construction for the required perimeter street improvements. When other properties are submitted for final platting, perimeter street improvement obligations will apply.

### **Recommendation**

Recommend approval of the final plat for Pro Star Rental, a 11.549 acre tract of land located east of IH-35 and south of Grove Road, generally north of Shanklin Road in the city limits of Belton.

### **Attachments**

1. Final Plat Application
2. Final Plat
3. Location Map
4. Capital Way Perimeter Street Improvements Cost Estimate