

Minutes of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, June 19, 2018

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, and Rae Schmuck. Commission members DJ Fuller and Dave Covington were absent. The following staff members were present: Director of Planning Cheryl Maxwell, Director of IT Chris Brown and Planning Clerk Laura Livingston.

Pledge of Allegiance – Chair Baggerly led all present.

Invocation – Ms. Schmuck 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 May 15, 2018, seconded by Mr. Jarratt. The motion passed unanimously with 7 ayes, 0 nays.

3. Z-18-10 Hold a public hearing and consider a zoning change from Planned Development-Retail to Amended Planned Development-Retail District to allow a reduction in the eastern side yard building setback 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.

Tyler Furney, 123 Lake Road, Belton, spoke in favor of the zoning change. This setback change would provide a better passage for cars, and due to the fact that they cannot have access on Lake Road, this will allow better flow through to the multiple businesses within the area. The vacuum stalls are very wide with wide striping around it, making it easier to pull in and out, Mr. Furney said. To prevent cars from backing into one another, the wider that area is the better, he added. Their reasoning behind this decision also considers the traffic flow to the neighboring businesses. It is a few extra feet that will make a big difference, Mr. Furney said.

Dr. Aleta Bonner, owns a small medical research facility located at 121 Lake Road. She said they are fairly incognito with no signage and a lot of people have no idea what is inside the building. Dr. Bonner assured that it is nothing dangerous; mainly a lot of paperwork. They have been next door to Bush's Chicken since she purchased the property in 2007. There is a fair amount of noise during Bush's business hours, the nonstop aroma of frying chicken and trash issue. In spite of an 8-foot privacy fence, people still find a way to throw bags and trash from the restaurant into their property, Dr. Bonner said. She is left with trash duty before the lawn can be mowed, Dr. Bonner said. She's not sure if she will keep the property long term or not because if someone walks up and offers her the right amount of money she could be persuaded to part with the building. At this point, her biggest

concern is getting squeezed in that space. Dr. Bonner said she doesn't mind the concept and she did not attend the meeting to oppose the project when it was initially proposed. She did say she is surprised to learn a curb cut will be taken away if she ever sells the property, so maybe she will just keep it. Her biggest concerns are trash and noise, Dr. Bonner said. She has seen the conceptual drawings which show small bushes for landscaping but she would appreciate more detail as far as the height and type of landscape choices as the buffer. Those are her concerns and she would like the Commission to consider her small business interests.

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

Ms. Schmuck asked the hours of the carwash business. Mr. Furney said their hours during the summer months are 8 a.m. to 8 p.m. Monday through Saturday and 10 a.m. to 8 p.m. on Sundays. After Daylight Savings, they close at 7 p.m.

Chair Baggerly asked Ms. Maxwell about the screening at the adjacent property and if she could remind the Commission of the requirements. Ms. Maxwell said there is not a requirement because it is not zoned Residential. If it was a Residential zoning district there would be a requirement of a solid, 6-foot fence, she said. In this case, there is no requirement because they are both non-residentially zoned, nor are they used as residences, she added.

Ms. O'Banion asked about the landscaping requirements and if that would address the issue of type and size. Ms. Maxwell said there are landscaping requirements, considering a certain number of trees, bushes and shrubs. There is flexibility as to where to place it and they will work with the applicant to perhaps have additional landscaping along that side, Ms. Maxwell said. Perhaps taller bushes can be added to provide a more solid screening, she said. Ms. O'Banion asked if there was a piece in the Zoning Ordinance that would require that? Ms. Maxwell said no, not related to the screening between properties for this situation. There are some minimum requirements for the size of the shrubs and the trees at the time of planting and when they come to fruition.

Mr. Jarratt said as a general observation, he has looked at other businesses of this type of carwash and he drives by one every day, so he has formed two general observations. Mr. Jarratt said they are exceptionally well-maintained and regularly maintained. His other observation is that the business is able to make some considerations for their final layout. He used other examples in the area describing the locations of their vacuum stations. His sense of this carwash layout is that the vast majority of activity will be on the westside of the building as the traffic flow shows, Mr. Jarratt said.

Mr. Simms said he thinks this is a good plan and the request is reasonable and congruent with the future use of this area. He's also a resident of Lake Road and he's happy to see something like this come to the area. He doesn't see any reason to not support the request.

Mr. Simms made a motion to approve Z-18-10 to consider a zoning change from Planned Development-Retail to Amended Planned Development-Retail District to allow reduction in the eastern side yard building setback at 123 Lake Road. Mr. Hendrick seconded the motion. The item was approved with 7 ayes, 0 nays.

With no further business, the meeting was adjourned at 5:45 p.m.

Chair, Planning and Zoning Commission



Staff Report – Planning & Zoning Item

Date: June 19, 2018
Case No.: Z-18-10
Request: PD-R to Amended PD-R for
Setback Reduction
Applicant: Tyler Furney, Tunnel Wash Mgmt. LLC

Agenda Item

Z-18-10 Hold a public hearing and consider a zoning change from Planned Development-Retail District to Amended Planned Development-Retail District to allow a reduction in the eastern side yard setback on a 1.773 acre tract of land at 123 Lake Road, located at the southeast corner of Lake Road (FM 439) and Commerce Street, west of Main Street (SH 317).

Originating Department

Planning Department – Cheryl Maxwell, Director of Planning

Case Summary

This property was rezoned to a Planned Development-Retail District in January 2018 to allow for construction of a “tunnel” style car wash facility. A conceptual site plan was provided at that time. Upon developing the detailed site plan, the applicant noted difficulty in meeting all required setbacks and desires a reduction in the eastern side yard setback from 25’ to 17’. Existing surrounding uses in this vicinity include a single family structure to the east on property rezoned to PD-Retail in 2006; 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, zoned PD-Retail; a three-story office/retail center recently completed on the west side of Commerce Street zoned PD-Retail; the Chappell Oaks Apartments zoned Multi-Family District and That Art Place zoned Retail District, both on the north side of Lake Road.

Current Zoning

Planned Development Retail

Proposed Zoning

Amended 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. The Planned Development-Retail District use is required to comply with all Design Standards for Type Area 5.

Land Use Table/Allowable Uses

The PD-Retail zoning assigned to this property allows all uses allowed in the Retail District with the additional use of a car wash. 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 was rezoned in January 2018 from Single Family-1 District to Planned Development-Retail with the additional use of a car wash. A conceptual site plan was provided at that time with the requirement of a detailed site plan to follow with the subdivision plat and building permit application.

A subdivision plat has been submitted and is under review for administrative approval. The applicant is developing a detailed site plan and requesting a reduction in the eastern side yard setback for the main structure. A 25' side yard setback is required in the Retail Zoning District, which is the base zoning district for this PD. A reduction in the side yard setback to 17' is requested to accommodate a 30' wide passage easement located west of the car wash tunnel. The passage easement provides a connection to the property to the east, providing needed circulation since this lot is limited to one access point via Commerce Street and no access via Lake Road. Even with the proposed reduction, staff believes the 17' setback provides adequate separation between this property and the property to the east. The eastern side of the building houses equipment and consists of a predominantly solid wall with a single door that will only be used by staff to access the equipment. Therefore, very little activity will occur near the joint property line and landscaping will be provided, enhancing the overall appearance.

After review of the detailed site plan, existing and proposed uses on this tract and the adjacent tract to the east, the requested amendment to the PD appears to be reasonable in this location.

Recommendation

We recommend approval of the amended Planned Development-Retail Zoning District with development regulated under the Design Standards for Type Area 5 as shown below:

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 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.
 - e. *A reduction in the eastern side yard setback requirement from 25' to 17' is allowed for the main car wash structure.*

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