

Minutes of the  
**Planning and Zoning Commission (P&ZC)**  
City of Belton  
333 Water Street  
Tuesday, November 20, 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, David Jarratt, Lewis Simms, Ty Hendrick, Dave Covington, Stephanie O'Banion and Michael Pressley. The following staff members were present: Director of Planning Cheryl Maxwell, Planner Kelly Atkinson, IT Ryan Brown and Planning Clerk Laura Livingston. Board members DJ Fuller and Allison Turner were absent.

**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. Covington made a motion to approve the minutes from October 16, 2018, seconded by Mr. Jarratt. The motion passed unanimously with 7 ayes, 0 nays.

**3. Z-18-15 Hold a public hearing and consider a zoning change from Agricultural District to Single Family – 3 District on a 6.22 acre tract located on the west side of Connell Street, north of Liberty Valley Drive, beginning on the north side of the Mitchell Branch crossing.**

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

Chair Baggerly opened the public hearing and with no one requesting to speak, he closed the public hearing.

Mr. Hendrick made a motion to approve Z-18-15, a zoning change from AG to SF-3 on a 6.22 acre tract located on the west side of Connell Street, north of Liberty Valley Drive, beginning on the north side of the Mitchell Branch crossing. Mr. Covington seconded the motion. The motion was approved with 7 ayes, 0 nays.

**4. P-18-24 Consider a final plat of Heine Addition, comprising 3.33 acres, located on the east side of FM 1670, near its intersection with Lanell Drive, in Belton's ETJ.**

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

Chair Baggerly asked about Ms. Maxwell's discussion of a compromise over the fire hydrant. Does the developer agree with that compromise? Ms. Maxwell said she doesn't believe so, but he is present at the meeting so she invited him to speak to the Commission.

Mr. Darwin Heine, 3545 Water Lane, said he is purchasing this property. He showed the Commission where he lives on the map. He said he and his wife enjoy their back porch, and along the frontage road there are three unattractive duplexes; there are trees behind the lot that block the view from the

porch. They have said, 'who owns this land? They would hate to see someone come in and cut down those trees, and build something ugly out there that we would have to stare at it.' Mr. Heine said it would depreciate the value of their house. He contacted his neighbor, Mr. Peterson, and told him he did not want to build anything. He just wants to make sure no one else goes in there and ruins the value of their land, he said. The proposal is to turn it into four lots and zone it Residential, yet he has no intention of building anything back there, he said. This came about because Mr. Peterson wants to keep Lot 4 since his house is next to it. The law is if you have less than 10 acres and you want to subdivide then you must plat, so Mr. Heine joked that in his infinite wisdom, he would draw in four lots and then Mr. Peterson would keep one, so that's what he did and jumped through all the hurdles. The only access will be through Mr. Peterson's lot. The only improvement he will make is to plant trees back behind the duplexes. He said he certainly understands safety but he doesn't understand why the hydrant is required if he does not plan to build anything. The cost is very high, he said, to plat and install the fire hydrant. He asked if there was any way to postpone the fire hydrant until the day comes when someone wants to building something? It would make sense if someone is building something, but as long as nothing is changing... except for adding a few trees, it doesn't make sense, he said.

Chair Baggerly said the quandary they have is that once they make this alteration, then we don't know what happens after that, say if he wants to sell the property tomorrow and someone wants to build. Ms. Maxwell said that is correct and to clarify, this property is located in Belton's ETJ so there is not a requirement for building permits. If it were inside city limits, the building permits would be an acceptable way to catch it and require a fire hydrant at that time, but in the ETJ we don't have that leverage. Ms. Maxwell said she does not know how they would become aware if someone is building on that property and to then require a fire hydrant, or what authority the City would have. If you moved forward, then the fire hydrant would have to be in place before they signed off on the plat because that is the only leverage we have to ensure the fire hydrant is installed.

Mr. Covington asked the location of the duplexes? Mr. Heine described the location. Mr. Hendrick asked about the Stillhouse Volunteer Fire Department location, which is nearby. Ms. Maxwell said they are no longer a functioning department. Mr. Pressley said they have shut down. Ms. Maxwell checked with Belton's Fire Department staff and they confirmed they have disbanded. There was a conversation between Ms. Maxwell and Mr. Heine about who would respond to a fire call and it would likely be the Nolanville Fire Department or Belton, whoever arrived first.

Ms. Maxwell asked Mr. Heine, if he is only needing to subdivide the one lot to his neighbor, why not keep the other property as its own lot (two lots in all)? The concern for fire protection is greater when the property was proposed to be divided into four lots; also the fact that the lines are available to support a hydrant, Ms. Maxwell said.

Mr. Heine said he did not have any reason to make it four lots and that he would make it two lots just as well. He said he truly will not build, but he knows there is concern about that and the future of that land. Mr. Covington said yes, and that's what the Commission must consider. Mr. Covington said he understands his approach and he is sympathetic to that. The Commission must consider if it was sold tomorrow and someone slaps a bunch of houses in there; that's just part of their job on the Commission. Mr. Covington asked if he was willing to make Lot 4, which your neighbor wants to retain, and combine Lots 1, 2 and 3 into a single lot that Mr. Heine would keep?

Sure, Mr. Heine said.

We just came to a solution, Chair Baggerly said. And then you don't need a fire hydrant, Mr. Covington said. Great, I'm good with that, Mr. Heine said. Ms. Maxwell said it would still be a variance you would have to approve, with two homes at risk instead of four homes.

Mr. Heine asked if his children wants to sell the lots, does it then have to be re-platted? Chair Baggerly said yes, if they want four lots.

Mr. Fuller asked about the division of the property and if the platting is necessary. Mr. Covington explained all four lots are one at this point in time, so a parcel must be broken off for Mr. Heine's neighbor to retain.

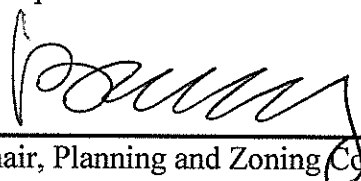
Ms. Maxwell said any division that is less than 5 acres must be included in a plat so no parcel could be left outside of the boundaries.

Chair Baggerly asked, in this situation do we table this item, or do we take a vote on this item?

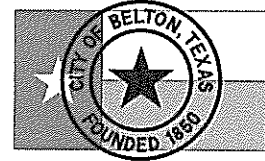
Ms. Maxwell said she wasn't sure how much is involved to change it from a four-lot subdivision to a two-lot subdivision, though she did believe it could be fairly simple, so the Commission could recommend approval without the fire hydrant subject to this being redrawn to a two-lot subdivision.

Ms. O'Banion made a motion to approve P-18-24 pending the change from a four-lot subdivision to a two-lot subdivision with the variance for the fire hydrant/minimum water flow and the parkland fee, which would decrease to \$400, Ms. Maxwell added. Mr. Covington seconded the motion. The motion was approved with 7 ayes, 0 nays.

With no further business, the meeting was adjourned at 5:56 p.m.

  
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Chair, Planning and Zoning Commission

# Staff Report – Planning & Zoning Item



**Date:** November 20, 2018  
**Case No.:** Z-18-15  
**Request:** Agricultural to SF - 3  
**Owner:** LWG Associates, LLC  
**Applicant:** Belton Engineering, Inc.

## Agenda Item

Z-18-15 Hold a public hearing and consider a zoning change from Agricultural District to Single Family – 3 District on a 6.22 acre tract located on the west side of Connell Street, north of Liberty Valley Drive, beginning on the north side of the Mitchell Branch crossing.

## Originating Department

Planning – Cheryl Maxwell, Director of Planning

## Current Zoning

Agricultural District

## Proposed Zoning

Single Family – 3 District

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

**Design Standards Type Area:** 9 – Projected to be a mixture of uses with the understanding of context and Loop 121 corridor.

## Case Summary

This property is proposed for a single family residential development with 26 lots. An extension of Huey Drive will be constructed as part of this development.

## Project Analysis and Discussion

This property is the site of a proposed detached single family residential development. This property is currently undeveloped. Adjacent property to the north is zoned Agricultural District, annexed in 1998, and is used residentially or undeveloped. Adjacent properties to the south and west are zoned primarily Single Family – 2 District and are undergoing development for detached single family homes as part of the Liberty Valley Subdivision, Phases III and IV. One tract to the south is zoned Single Family – 1, dedicated to the city for parkland as part of the Liberty Valley, Phase III development. This SFI zoning is a remainder of the original SF1 zoning assigned in 2010 and revised in May 2017. Mitchell Branch is also located to the south and is a conduit for transporting area drainage. Property on the east side of Connell is the site

of the Star Mobile Home Park, zoned a Planned Development District for mixed uses to allow retail, mobile homes, and RV's.

The owner is proposing to develop 26 residential lots. Area requirements for the requested SF-3 Zoning District are as follows:

Minimum Lot Area: 5,000 sq ft	Front Yard Setback: 25 ft
Minimum Lot Width: 50 ft	Side Yard Setback: 5 ft
Minimum Lot Depth: 90 ft	Rear Yard Setback: 20 ft

A concept plan of the proposed development has been provided and the proposed lots satisfy these area requirements. Subdivision plat approval is required prior to issuing any building permits.

The FLUM identifies this area as residential. There are a variety of residential uses in this general area to include duplexes, detached single family homes, and mobile homes. The requested SF-3 Zoning District is consistent with the FLUM and compatible with existing uses. Area requirements for the adjacent SF-2 Zoning District promote less density with a minimum area of 7,500 sq. ft.; however, given the mixture of housing types in this area, to include duplex developments and mobile homes, the proposed SF-3 zoning appears to be reasonable in this location.

### **Recommendation**

Recommend approval of zoning change from Agricultural District to Single Family – 3 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. Property owner's list
8. Field notes

## Staff Report – Planning & Zoning Item



**Date:** October 16, 2018  
**Case No.:** P-18-24 Heine Addition  
**Request:** Final Plat  
**Applicant:** Chuck Lucko, All County Surveying  
**Owner/Developer:** Bruce Peterson

### Agenda Item

P-18-24 Consider a final plat of Heine Addition, comprising 3.33 acres, located on the east side of FM 1670, near its intersection with Lanell Drive, in Belton's ETJ.

### Originating Department

Planning – Cheryl Maxwell, Director of Planning

### Case Summary

This is a four-lot subdivision proposed for residential development. Three lots will have frontage on FM 1670, and one lot will front on Walter Lane, part of the Stoneoak Subdivision, Phase 2, platted in 1993. This property is currently undeveloped.

### Project Analysis and Discussion

This property is located in Belton's ETJ so there is no zoning. The proposed lots range in size from 0.51 acre to 1.56 acre.

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

**Water:** This property is located within the Dog Ridge Water Supply Corporation (DRWSC) CCN. They have an existing 6" water line along FM 1670 that transitions to an 8" line approximately 400' north of this subdivision, and a 4" line along Corliss Circle. These water lines will provide domestic service to these lots. A letter has been provided from DRWSC confirming their ability and willingness to serve this subdivision with domestic service.

The City of Belton Fire Code requires a minimum water flow of 1,000 gpm for fire hydrants. The existing water lines do not meet this flow requirement and cannot support fire hydrants for fire protection purposes. Per DRWSC, estimated flow on the 6" line is 300 – 400 gpm, while flow on the 8" line is estimated at 800+ gpm. The developer is requesting a variance to this requirement.

Staff has concerns with approving multi-lot developments that do not meet the City's Fire Code and is consulting with our Fire Marshal regarding future policy. In this case, a fire hydrant may be placed on the 6" or 8" line but may only be used to fill a tanker truck and not for drafting purposes. Estimated cost for the hydrant plus installation is approximately \$6,000. Staff has evaluated the benefits of placing a hydrant for tank filling purposes on the existing 8" line approximately 400' away and feels it is warranted for this four lot residential subdivision. Therefore, staff supports the requested variance to the 1,000 gpm water flow requirement, subject to installation of a fire hydrant on the existing 8" water line.

On-site water tanks may be an option in the future for providing fire protection for developments with limited water service. Staff is researching this and will provide an update as more information is obtained.

**Sewer:** No sanitary sewer is available to serve this subdivision. The lots are over 0.50 acre in size and individual septic systems are proposed on the lots, subject to approval by the Bell County Public Health District.

**Drainage:** Since this property lies in Belton's ETJ, the city is not responsible for drainage and will defer to Bell County and their requirements.

**Streets:** Lots 1, 3 & 4 will have frontage on FM 1670. FM 1670 is a TxDOT roadway; therefore, the requirement for perimeter street improvements is not applicable. There is currently 120' ROW available; no additional ROW is requested by TxDOT. Only one access point for the three lots is allowed by TxDOT and the proposed location has met their approval. A 50' joint access easement is being provided on the plat to facilitate access to, and circulation within, the three lots. Lot 2 will be accessed via Walter Lane. Walter Lane is an existing local roadway with 50' ROW and 22' pavement width.

**Sidewalks:** The Subdivision Ordinance requires the developer to construct and install a 6-foot wide sidewalk along the subdivision side of arterial roadways, which would apply to FM 1670, a minor arterial. This requirement is waived since the plat is in Belton's ETJ and no entities have assumed responsibility for maintenance.

**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 four lots, the dedication would be 0.04 acre, which is considerably short of the minimum two acres desired for dedication. The fee in lieu of dedication is \$200/lot, which would be \$800 for this subdivision. A variance to the parkland dedication/fee is requested. Staff supports the variance request since there are no plans to develop a public park in this vicinity at this time and the lots are all over 0.5 acre which provides open space to satisfy the needs of the lot owners.

**Conclusion:** Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and provided comments which are being addressed. After Council action, this plat will be taken to Bell County Commissioners Court for approval.

We have reviewed the plat and find it acceptable as a final plat, subject to conditions contained in the letter to the applicant and owner dated November 16, 2018.

**Recommendation**

Recommend approval of the final plat of Heine Addition subject to the following:

1. Approval of variance to the water pressure requirement for fire protection, provided a fire hydrant is installed on the existing 8" water line for tank filling purposes;
2. Approval of variance to the parkland dedication/fee requirement; and
3. City's Letter to the applicant and owner dated November 16, 2018.

**Attachments**

1. Final Plat Application
2. Final Plat
3. Location Map
4. Variance Requests
5. Letter from DRWSC
6. City's Letter to applicant and owner dated November 16, 2018