



# City of Belton, Texas

City Council Meeting Agenda  
Tuesday, February 26, 2019 - 5:30 p.m.  
Wright Room, Harris Community Center  
401 N. Alexander, Belton, Texas

**Councilmember David K. Leigh will participate in the meeting via video conference from Mammoth Lakes, California.**

Pledge of Allegiance. The Pledge of Allegiance to the U.S. Flag will be led by Boy Scout Troop 177.

Texas Pledge. The Pledge of Allegiance to the Texas Flag will be led by Boy Scout Troop 177.

*"Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible."*

Invocation. The Invocation will be given by Jeff Miller, Pastor of First United Methodist Church.

1. Call to order.
2. Public Comments.

***Citizens who desire to address the Council on any matter may register to do so prior to this meeting and speak during this item. Forms are located on the table outside of the south side entry to the meeting room. Please state your name and address for the record, and limit your comments to three minutes. Also, please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda.***

## **Consent Agenda**

Items 3-6 under this section are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

3. Consider minutes of February 12, 2019, City Council meeting.
4. Consider approval of a revised employment agreement for the City Manager.
5. Consider a resolution authorizing the submission of an application for Community Development Block Grant funds that proposes to replace the water line on N. East Street and E. 5th Street.
6. Consider authorizing a Façade Improvement Grant to Fadil Thaqi, 112 East Central Avenue.

### **Planning and Zoning**

7. Hold a public hearing and consider a zoning change from Agricultural to Multi Family District on 2.24 acres comprising Lot 2, Block 1, Brentham Addition, located at 406 N. Loop 121, near the northeast corner of W. 2<sup>nd</sup> Avenue and N. Loop 121.
8. Hold a public hearing and consider a zoning change from Commercial-1 to Planned Development Office-2 District with a Specific Use Permit for the operation of a bail bond business on a 0.18 acre tract located at 795 E. Central Avenue, at the southeast corner of E. Central Avenue and S. Birdwell Street.
9. Consider a final plat of Three Creeks Phase VI, a 65.05 acre tract located generally east of FM 1670 and south of US 190, along the south side of an extension of Three Creeks Blvd., in Belton's ETJ.
10. Consider a final plat of Three Creeks Phase VII, a 21.56 acre tract located generally east of FM 1670 and south of US 190, along the north side of an extension of Three Creeks Blvd., in Belton's ETJ.
11. Consider a final plat of Eagles Bend Subdivision, comprising 23.186 acres, located along the north side of Sparta Road, beginning approximately 300' east of Sparta Lane, and along the south side of Eagle Point West, beginning approximately 200' west of Summit Circle, in Belton's ETJ.
12. Consider a final plat of Sherwood Shores IX, a replat of Sherwood Shores VII, Camelot Section, Lots 591 and 592, comprising 0.23 acres located south of I-14 and west of FM 1670, on the north side of Goodrich Drive, west of Swanson Lane, in Belton's ETJ.
13. Consider a final plat of Lopez Addition, a replat of Sherwood Shores VII, Camelot Section, Lots 567 and 568, comprising 0.23 acres located south of I-14 and west of FM 1670, on the south side of Kimberly Drive, west of Swanson Lane, in Belton's ETJ.



## **Miscellaneous**

14. Hold a public hearing and consider an ordinance on second and final reading granting a franchise to Atmos Energy.
15. Consider the following:
  - A. Authorizing a Façade Improvement Grant to Jo Mapel, 106 West Central Avenue (North façade); and
  - B. An appeal to the City Council by Jo Mapel regarding the decision of the Historic Preservation Commission to disapprove the Certificate of Appropriateness application for the South façade (front) of the building at 106 W. Central Avenue.
16. Consider an amendment to the professional services agreement with Halff Associates to allow for additional survey work for the South Belton Sewer Phase II.
17. Consider a request to settle outstanding liens on 915 South Pearl Street, Belton, TX (BellCad Property ID 37060)
18. Consider a resolution supporting 2019 Texas Legislative Priorities.

*The City Council reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.*



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## OFFICE OF THE CITY MANAGER

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removed from the Consent Agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

3. **Consider minutes of February 12, 2019, City Council meeting.**

A copy of the minutes is attached. Recommend approval.

4. **Consider approval of a revised employment agreement for the City Manager.**

A copy of the revised agreement is attached. Recommend approval.

5. **Consider a resolution authorizing the submission of an application for Community Development Block Grant funds that proposes to replace the water line on N. East Street and E. 5th Street.**

See Staff Report from Grants and Special Projects Coordinator Bob van Til. Recommend approval of the resolution in support of the grant application.

6. **Consider authorizing a Façade Improvement Grant to Fadil Thaqi, 112 East Central Avenue.**

See Staff Report from Planner Kelly Atkinson. The Historic Preservation Commission met on February 7, 2019, and unanimously recommended approval. Staff concurs with their recommendation.

**Planning and Zoning**

7. **Hold a public hearing and consider a zoning change from Agricultural to Multi Family District on 2.24 acres comprising Lot 2, Block 1, Brentham Addition, located at 406 N. Loop 121, near the northeast corner of W. 2<sup>nd</sup> Avenue and N. Loop 121.**

See Staff Report from Director of Planning Cheryl Maxwell. The Planning and Zoning Commission met on February 19, 2019, and recommended approval. Staff concurs with their recommendation.

8. **Hold a public hearing and consider a zoning change from Commercial-1 to Planned Development Office-2 District with a Specific Use Permit for the operation of a bail bond business on a 0.18 acre tract located at 795 E. Central Avenue, at the southeast corner of E. Central Avenue and S. Birdwell Street.**

See Staff Report from Director of Planning Cheryl Maxwell. The Planning and Zoning Commission met on February 19, 2019, and recommended disapproval. Staff concurs with their recommendation. Since the P&ZC recommendation was for denial, a  $\frac{3}{4}$  majority vote (6 votes) of the Council is required for approval.

9. **Consider a final plat of Three Creeks Phase VI, a 65.05 acre tract located generally east of FM 1670 and south of US 190, along the south side of an extension of Three Creeks Blvd., in Belton's ETJ.**

See Staff Report from Director of Planning Cheryl Maxwell. The Planning and Zoning Commission met on February 19, 2019, and unanimously recommended approval. Staff concurs with their recommendation.

10. **Consider a final plat of Three Creeks Phase VII, a 21.56 acre tract located generally east of FM 1670 and south of US 190, along the north side of an extension of Three Creeks Blvd., in Belton's ETJ.**

See Staff Report from Director of Planning Cheryl Maxwell. The Planning and Zoning Commission met on February 19, 2019, and unanimously recommended approval. Staff concurs with their recommendation.

11. **Consider a final plat of Eagles Bend Subdivision, comprising 23.186 acres, located along the north side of Sparta Road, beginning approximately 300' east of Sparta Lane, and along the south side of Eagle Point West, beginning approximately 200' west of Summit Circle, in Belton's ETJ.**

See Staff Report from Director of Planning Cheryl Maxwell. The Planning and Zoning Commission met on February 19, 2019, and unanimously recommended approval. Staff concurs with their recommendation.

12. **Consider a final plat of Sherwood Shores IX, a replat of Sherwood Shores VII, Camelot Section, Lots 591 and 592, comprising 0.23 acres located south of I-14 and west of FM 1670, on the north side of Goodrich Drive, west of Swanson Lane, in Belton's ETJ.**

See Staff Report from Director of Planning Cheryl Maxwell. The Planning and Zoning Commission met on February 19, 2019, and unanimously recommended approval. Staff concurs with their recommendation.

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See Staff Report from Director of Planning Cheryl Maxwell. The Planning and Zoning Commission met on February 19, 2019, and unanimously recommended approval. Staff concurs with their recommendation.

## **Miscellaneous**

### **14. Hold a public hearing and consider an ordinance on second and final reading granting a franchise to Atmos Energy.**

See Staff Report from City Clerk Amy Casey. Recommend holding the public hearing and adopting the ordinance on second and final reading as presented.

### **15. Consider the following:**

- A. **Authorizing a Façade Improvement Grant to Jo Mapel, 106 West Central Avenue (North façade); and**
- B. **An appeal to the City Council by Jo Mapel regarding the decision of the Historic Preservation Commission to disapprove the Certificate of Appropriateness application for the South façade (front) of the building at 106 W. Central Avenue.**

See Staff Reports from Planner Kelly Atkinson.

- A. Recommend approval of the North façade Façade Improvement Grant as presented.
- B. Recommend denial of the appeal by Jo Mapel, upholding the decision by the Historic Preservation Commission regarding the South façade.

### **16. Consider an amendment to the professional services agreement with Halff Associates to allow for additional survey work for the South Belton Sewer Phase II.**

See Staff Report from Director of Public Works Angellia Points. Recommend approval of the amendment as recommended.

### **17. Consider a request to settle outstanding liens on 915 South Pearl Street, Belton, TX (BellCad Property ID 37060)**

See Staff Report from Director of Finance Brandon Bozon. Recommend authorizing Staff to settle the liens for not less than the City's hard costs.

### **18. Consider a resolution supporting 2019 Texas Legislative Priorities.**

See Staff Report from City Manager Sam Listi. Recommend adoption of the resolution as presented.

*The City Council reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.*

**Belton City Council Meeting  
February 12, 2019 – 5:30 P.M.**

The Belton City Council met in regular session in the Wright Room at the Harris Community Center with the following members present: Mayor Marion Grayson, Mayor Pro Tem Craig Pearson and Councilmembers David K. Leigh, Dan Kirkley, Guy O'Banion, John R. Holmes, Sr. and Wayne Carpenter. Staff present included Sam Listi, Gene Ellis, John Messer, Amy Casey, Brandon Bozon, Chris Brown, Matt Bates, Paul Romer, Bob van Til, Bruce Pritchard, Kim Kroll, Judy Garrett, Angellia Points and Cheryl Maxwell, and Cynthia Hernandez.

The Pledge of Allegiance to the U.S. Flag and the Pledge of Allegiance to the Texas Flag were led by Cub Scout Troop #117, and the Invocation was given by Matt Thrasher, Pastor of Crossroads Church.

1. **Call to order.** Mayor Grayson called the meeting to order at 5:32 p.m.

Mayor Grayson recognized Councilmember David K. Leigh for obtaining his doctorate from the University of Texas. His dissertation is titled, "Improved Process Stability and Ductility in Laser Sintered Polyamide."

2. **Public Comments.** There were none.

3. **Presentation of Police Department Annual Report including Annual Racial Profiling Report.**

Assistant City Manager/Chief of Police Gene Ellis presented the Police Department Annual Report, including the Racial Profiling Report for 2018. Councilmember Leigh asked how "incidents" are defined. Chief Ellis replied that it includes thefts, criminal mischief, alcohol offenses and drug offenses among other Part 1 UCR crimes as the FBI defines them.

Mayor Pro Tem Pearson asked how many officers were injured in the line of duty in 2018. Chief Ellis said that he has that information, but he does not have it with him. He said there were a few, mainly knees and elbows, and the latest was a car accident.

Chief Ellis concluded by thanking the Council for their support. No action was required by the Council.

**Consent Agenda**

Items 4-8 under this section are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

4. **Consider minutes of previous meetings:**
  - A. **January 22, 2019, City Council Meeting**
  - B. **January 31, 2019, City Council Special Called Meeting**
5. **Receive a report on the annual review of the City's Ethics Ordinance, No. 2018-03, by the Ethics Commission.**
6. **Consider a resolution ordering the General Election to be held on May 4, 2019.**
7. **Consider a resolution authorizing the submittal of a grant application to the US Department of Justice, Bureau of Justice Assistance, for an Edward Byrne Memorial Justice Assistance Grant (JAG).**
8. **Consider an ordinance on first reading granting a franchise to Atmos Energy, and set a public hearing and second reading for February 26, 2019.**

Upon a motion by Councilmember Holmes and a second by Councilmember Carpenter, the Consent Agenda, including the following captioned resolutions and ordinance, was unanimously approved by a vote of 7-0.

**RESOLUTION NO. 2019-05-R**

**A RESOLUTION CALLING AND ORDERING A GENERAL ELECTION TO BE HELD ON MAY 4, 2019, AND ESTABLISHING PROCEDURES THEREOF.**

**RESOLUCIÓN NO. 2019-05-R**

**RESOLUCIÓN CONVOCANDO ELECCIONES GENERALES A REALIZARSE EL 4 DE MAYO DEL 2019 Y LOS PROCESOS A CUMPLIRSE.**

**RESOLUTION NO. 2019-06-R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE US DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, FOR AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT, DESIGNATING AN AUTHORIZED OFFICIAL.**

**ORDINANCE NO. 2019-13**

**AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF BELTON, BELL COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID**

**CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.**

**Miscellaneous**

**9. Hold a public hearing regarding an application for Community Development Block Grant funds that proposes to replace the water line on N. East Street and E. 5<sup>th</sup> Street.**

Grants and Special Projects Coordinator Bob van Til thanked several Staff members for their help in compiling the data for this project. He explained that Staff is in the process of applying for a grant from the Texas Department of Agriculture (TDA) to replace a 6-inch diameter deteriorated water line with an 8-inch diameter water line that will run from E. 2nd Street north on N. East Street, east on E. 5th Street, and ending at the east side of N. Penelope Street. He said the grant source is the Texas Community Development Block Grant (TxCDBG) Program, and the funding originates from the US Housing and Urban Development (HUD).

Mr. van Til explained that, as part of the application process, the City must conduct a public hearing to allow the public adequate opportunity to comment on the pending application as well as provide comment on overall community needs.

Mayor Grayson opened the public hearing. Seeing no one wishing to speak, she closed the public hearing. There was no other action required of the Council as the resolution of support will be presented at the meeting on February 26, 2019.

**10. Hold a public hearing and consider ordinances on second and final reading granting one year extensions to commercial solid waste collection franchises with the following companies:**

**A. Waste Management, Inc.**

**B. Waste Connections (formerly IESI and Progressive Waste Solutions)**

**C. Eagle Disposal**

**D. Temple Iron & Metal**

City Clerk Amy Casey said that in January 2016, Council authorized commercial solid waste franchises with Waste Management, Progressive Waste Solutions (now Waste Connections), Eagle Disposal and Temple Iron & Metal. The original term of the franchises expired on January 26, 2019. The four service providers desire an extension to the franchise agreement which is allowed under the original terms of the agreements. The original term of the agreements is for three years with two (2) optional one-year extensions. The City currently has commercial solid waste franchise agreements with these four service providers, as well as Sunbright



Disposal Services. She added that the Sunbright franchise will be up for renewal later in the year.

Casey explained that the City receives 5% of the companies' total gross receipts from customers as a franchise fee. FY2019 Budget for this franchise fee is \$110,900 from all commercial haulers.

Mrs. Casey stated that franchises require two readings of the ordinance, as well as a public hearing.

Mayor Grayson opened the public hearing. Seeing no one wishing to speak, she closed the public hearing.

Councilmember Leigh asked when the City's bulky waste collections are held. Director of Public Works Angellia Points replied that they are held quarterly, and the last one was held this past Saturday. Mr. Leigh recommended that this information be published for the citizens' benefit.

Upon a motion by Mayor Pro Tem Pearson, and a second by Councilmember Holmes, Item #10, including the following captioned ordinances, was unanimously approved on second reading by a vote of 7-0.

**ORDINANCE NO. 2019-04**

**AN ORDINANCE AMENDING A FRANCHISE AGREEMENT WITH WASTE MANAGEMENT INC., TO PROVIDE COMMERCIAL SOLID WASTE COLLECTION SERVICES WITHIN THE CITY OF BELTON; AND MAKING OTHER PROVISIONS.**

**ORDINANCE NO. 2019-05**

**AN ORDINANCE AMENDING A FRANCHISE AGREEMENT WITH WASTE CONNECTIONS (FORMERLY PROGRESSIVE WASTE SOLUTIONS), TO PROVIDE COMMERCIAL SOLID WASTE COLLECTION SERVICES WITHIN THE CITY OF BELTON; AND MAKING OTHER PROVISIONS.**

**ORDINANCE NO. 2019-06**

**AN ORDINANCE AMENDING A FRANCHISE AGREEMENT WITH EAGLE DISPOSAL, TO PROVIDE COMMERCIAL SOLID WASTE COLLECTION SERVICES WITHIN THE CITY OF BELTON; AND MAKING OTHER PROVISIONS.**

**ORDINANCE NO. 2019-07**

**AN ORDINANCE AMENDING A FRANCHISE AGREEMENT WITH TEMPLE IRON & METAL, TO PROVIDE COMMERCIAL SOLID WASTE COLLECTION SERVICES WITHIN THE CITY OF BELTON; AND MAKING OTHER PROVISIONS.**

**11. Hold a public hearing and consider adopting the City of Belton's Drought Contingency and Water Conservation Plan.**

Director of Public Works Angellia Points explained that in 2004, TCEQ required potable water providers to develop and adopt a Drought Contingency Plan. In 2007, the 80th Texas Legislature amended the Texas Water Code to require each retail public utility that provides potable water service to 3,300 or more connections to submit a water conservation plan to the State for review and acceptance. Therefore, she said a 2009 combined Drought Contingency and Water Conservation Plan was developed and adopted by the City of Belton. The code also requires the plan to be reviewed and updated once every five years thereafter, and for the entity to report annually on the progress of program implementation. The current 2014 – 2019 Drought Contingency and Water Conservation Plan needs to be updated and a new 2019 – 2023 Plan needs to be adopted.

Mrs. Points explained that Staff has updated the Plan to meet the current TCEQ and TWDB requirements. The significant changes to the updated 2019-2023 Plan including the following:

1. Modified layout of the Plan to have Drought Stage information in one location. The Drought Stage triggers, goals, best management practices for supply management, water use restrictions, and termination requirements are all under each Stage.
2. Removed references for the City to provide wholesale of water. These sections did not apply.
3. The best management practices for supply management will always be one Stage ahead of the general public's Drought Stage.
4. Lessened the burden on master meters and multi-family water users by increasing the base water rationing amount to match the City's base rate allocation.
5. Changed the water rationing amounts to be the same for residents inside and outside of the City limits. The only difference will be the volumetric rate charge, which is 1.25 times more for those outside of the City limits.
6. Updated the water rates to match the City's current fee schedule.
7. Updated the Water Conservation Plan to include population, water use, sewer flow, water loss, and water supply data.
8. A new enforcement paragraph was added to allow for violators of the Plan to appear in municipal court. Failure to appear in court may result in a warrant for arrest. A summons to appear may be issued in lieu of an arrest warrant.
9. Included the updated Fee and Rate Schedule.

She added that the deadline to submit the Plan to TCEQ is May 1, 2019.

Mayor Grayson opened the public hearing. Seeing no one wishing to speak, she closed the public hearing.

Councilmember Kirkley said that Belton has had problems in the past with water, so this is very important plan. He thanked Mrs. Points and her Staff for their work on updating the Plan. Mayor Grayson agreed, and said she only remembers once during her tenure on the City Council that the Plan had to be implemented.

Upon a motion by Councilmember Holmes, and a second by Councilmember Kirkley, Item #11, including the following captioned ordinance, was unanimously approved by a vote of 7-0.

#### **ORDINANCE NO. 2019-12**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING THE CITY'S DROUGHT CONTINGENCY AND WATER CONSERVATION PLAN WHICH ESTABLISHES CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSES STAGES; RESTRICTIONS ON CERTAIN WATER USES; PENALTIES FOR THE VIOLATIONS OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.**

12. **Consider authorizing the City Manager to execute a contract with Bell Contractors for construction of the North Belton 16-inch Transmission Main project, and any change orders associated with the contract, not to exceed the amount authorized under state law.**

Director of Public Works Angellia Points stated that on October 11, 2016, the City Council awarded a professional services contract to Kasberg, Patrick and Associates (KPA) to design Belton's third elevated storage tank and corresponding waterline to supply water to the proposed tank. The driver for the project was to address the City's required storage capacity per TCEQ requirements.

While the project was being evaluated and designed, the property for the tank site was acquired. The alignment for the waterline was also negotiated with the affected property owners.

Mrs. Points said that on May 8, 2018, the City Council authorized the City Manager to execute a Second Amendment with Bell County Water Control Improvement District No. 1 (BCWCID No. 1) to allow the City of Belton to count 95% of the water stored in the 3 million gallon tank owned and maintained by BCWCID No. 1. This contractual agreement boosted the City's storage capacity, meeting the TCEQ requirements as stated in the previous triennial inspection. However, the need for the tank still remains, though the need is not as immediate. Although the tank requirement can be delayed a few years, the need for the supply waterline is still a priority in order to boost pressures in the Dawson Ranch/Highland Estates subdivisions. Staff continued to work on the alignment of the waterline in order to prepare for the future third elevated storage tank.

On November 13, 2018, Staff presented a non-annexation development agreement for the Dickson Ranch properties. The request for a non-annexation development agreement was a condition for providing a waterline easement to the City of Belton for the waterline project that will connect the proposed third elevated storage tank to the transmission line from BCWCID No. 1, which lies in an easement on the Dickson Ranch properties. The agreement was approved at the November 13, 2018 Council meeting, and the easement for the waterline was subsequently provided.

Points said that another driver for the water transmission project was the stipulation in the utility easement agreements on the Dickson Ranch properties. The following are the timelines agreed upon with the granting of the easement agreements.

- If the pipeline is not constructed by January 1, 2021, the easement shall terminate.
- Once construction commences, the installation of the water pipeline shall be completed within 183 calendar days.
- If the City ceases to use the easement for water pipeline purposes for a period of 24 consecutive months, the easement shall terminate and any pipeline installed shall be removed.
- The City shall restore the property to pre-construction conditions within 30 days of finishing the waterline construction.

Mrs. Points explained that the waterline is planned to be a 16-inch ductile iron pipe, connecting to the 21-inch transmission line. The new 16-inch waterline is shown to be placed in the utility easement on the Dickson Ranch property and the dedicated, recorded, right-of-way for Dawson Ridge. The line would also extend to the property proposed for the third elevated water storage tank. The waterline plans also include a connection to the existing 8-inch waterline along Chisolm Trail Parkway that serves the Dawson Ranch subdivision.

Dawson Ridge is currently under construction. Mrs. Points explained that the bid did account for boring under the new Dawson Ridge roadways, if the construction of the subdivision was farther along. However, that bid alternative will not be needed as the construction in Dawson Ridge will allow the City's contractor to open cut the waterline before the roads are constructed.

Also, the contract documents were developed to show the price difference between plastic pipe (PVC) and ductile iron pipe. For a 16-inch waterline under such pressures, ductile iron is the preferred and recommended pipe material. However, the documents were developed to give the City as much flexibility as possible, knowing the timeline requirements and funding considerations for this waterline. Between the eleven (11) qualified bids received for the PVC and ductile iron prices, Staff recommends proceeding with the ductile iron pipe. To compare, the 16-inch waterline in the Lake-to-Lake ROW is ductile iron, and ductile iron is known to be more durable than PVC.

Mayor Grayson asked if we typically use ductile iron on waterlines. Mrs. Points said that larger waterlines are usually ductile iron pipe.

KPA completed the design in December 2018, and bids were opened on January 22, 2019. Eleven (11) qualified bids were received for the project for the 16-inch ductile iron pipe. The Director of Public Works/City Engineer, the Assistant Director of Public Works, and the Project Engineer at KPA evaluated the bids received. The low bidder, Bell Contractors of Belton, has successfully worked with the City of Belton in the past on projects such as the Nolan Creek Trunk Sewer Project.

Points added that the construction is anticipated to take approximately 8 months at a cost of \$804,121.75. The funding for the project is the 2016 Water and Sewer Bond Fund.

Upon a motion by Councilmember Leigh, and a second by Councilmember Carpenter, Item #12 was unanimously approved by a vote of 7-0.

**13. Consider authorizing the City Manager to enter into a professional services agreement with Kasberg, Patrick and Associates for Construction Administration services for the North Belton 16-inch Transmission Main project.**

Director of Public Works Angellia Points explained that Kasberg, Patrick and Associates (KPA) is the design engineer for the third elevated storage tank and corresponding waterline to supply water to the proposed tank. The scope awarded to KPA in October 2016 included the design and bid phases for the waterline and tank project, but it did not include construction administration services. Staff recommends awarding a contract to KPA for construction administration services on the North Belton Waterline Project. The scope includes review of submittals, attending and coordinating monthly progress meetings, reviewing and approving pay applications, general site visits, every other week construction staking, and development of the record drawings.

The cost for these construction administration services is \$35,120, which is to be funded by the 2016 Water and Sewer Bond Fund.

Upon a motion by Councilmember Holmes, and a second by Councilmember Leigh, Item #12 was unanimously approved by a vote of 7-0.

**Executive Session**

At 6:15 p.m., the Mayor announced the Council would move to the Smith Room and go into Executive Session for the following item:

**14. Executive Session pursuant to the provision of the Open Meetings Law, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance**

**with the authority contained in Section 551.074, Personnel - conduct an evaluation of the City Manager's performance.**

The Mayor reopened the meeting at 7:55 p.m., and there being no further business, the meeting was adjourned.

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Marion Grayson, Mayor

ATTEST:

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Amy M. Casey, City Clerk

## **CITY MANAGER AGREEMENT**

City of Belton, Texas  
City Manager Agreement

THE STATE OF TEXAS   §  
                                  §     KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF BELL       §

This Agreement, superseding the Agreement entered into on February 27, 2018, by the following parties, is made and entered into on this 26th day of February, 2019, by and between the City of Belton, Texas, a municipal corporation, (hereinafter called "City") and Sam Anthony Listi, (hereinafter called "Manager").

### **WITNESSETH:**

WHEREAS, the City Council of the City of Belton (the "Council") and the Manager believe that an employment agreement negotiated between the Council, on behalf of the City, and the Manager can be mutually beneficial to the City, the Manager, and the community they serve;

WHEREAS, when appropriately structured, the Council and the Manager believe an employment agreement can strengthen the Council-Manager relationship by enhancing the excellence and continuity of the management of the City for the benefit of its citizens;

WHEREAS, the Council, on behalf of the City, desires to employ the services of the Manager, as the City Manager of the City ("City Manager"), pursuant to the terms, conditions and provisions of this Agreement;

WHEREAS, the Manager has agreed to accept employment as the City Manager, and to serve at the pleasure of the City Council, subject to the terms, conditions and provisions of this Agreement.

NOW, THEREFORE, the City and the Manager, for and in consideration of the terms, conditions and provisions hereinafter established have agreed, and do hereby agree as follows:

## **TABLE OF CONTENTS**

<b>Section 1: Term</b>	<b>P. 1</b>
<b>Section 2: Duties and Authority</b>	<b>P. 1</b>
<b>Section 3: Compensation</b>	<b>P. 1</b>
<b>Section 4: Health, Dental and Life Insurance Benefits</b>	<b>P. 1</b>
<b>Section 5: Vacation and Sick Leave</b>	<b>P. 1</b>
<b>Section 6: Vehicle Allowance</b>	<b>P. 2</b>
<b>Section 7: Retirement</b>	<b>P. 2</b>
<b>Section 8: General Business Expenses</b>	<b>P. 2</b>
<b>Section 9: Termination</b>	<b>P. 3</b>
<b>Section 10: Severance</b>	<b>P. 3</b>
<b>Section 11: Resignation</b>	<b>P. 4</b>
<b>Section 12: Performance Evaluation</b>	<b>P. 4</b>
<b>Section 13: Hours of Work</b>	<b>P. 4</b>
<b>Section 14: Outside Activities</b>	<b>P. 4</b>
<b>Section 15: Residency</b>	<b>P. 5</b>
<b>Section 16: Indemnification</b>	<b>P. 5</b>
<b>Section 17: Bonding</b>	<b>P. 5</b>
<b>Section 18: Other Terms and Conditions of Employment</b>	<b>P. 5</b>
<b>Section 19: Notices</b>	<b>P. 5</b>
<b>Section 20: General Provisions</b>	<b>P. 6</b>



## **Section 1: Term**

This Agreement shall be indefinite and remain in full force in effect from the Effective Date, until terminated by the City or the Manager as provided in Section 9, 10 or 11 of this agreement.

## **Section 2: Duties and Authority**

City agrees to employ Sam Anthony Listi as City Manager to perform the functions and duties specified in the Charter and Ordinances of the City of Belton, and to perform such other legally permissible and proper duties and functions as authorized and directed by the Council.

## **Section 3: Compensation**

A. Base Salary: City agrees to pay Manager an annual base salary of \$159,135, payable in installments in accordance with the City's usual payroll schedule.

B. Consideration shall be given on an annual basis to an increase in compensation, and increases in compensation shall be dependent upon the results of a performance evaluation conducted pursuant to the provisions of Section 12 of this Agreement. Increased compensation may take the form of a salary increase and/or an increase in fringe benefits.

C. This Agreement shall be automatically amended to reflect any salary adjustments that are authorized by the Council.

## **Section 4: Health, Disability and Life Insurance Benefits**

A. The City agrees to provide for medical insurance benefits for the Manager equal to that which is provided to all other employees of the City.

B. The City agrees to provide for life insurance benefits for the Manager equal to that which is provided to all other employees of the City.

C. The Manager may elect to submit once per calendar year to a complete physical examination, including a cardiovascular examination, by a qualified physician selected by the Manager, the cost of which shall be paid by the City.

D. The Manager is automatically entitled to any other standard benefits available to employees of the City as may now exist or be made available during the term of this Agreement.

## **Section 5: Vacation and Sick Leave**

A. The Manager shall accrue vacation and sick leave in accordance with other non-civil service employees.

B. The Manager shall accrue five days of vacation leave per year in addition to the vacation leave provided by section 5A.

C. The Manager is entitled to accrue unused sick and vacation leave up to the maximum accruals set forth in the City's personnel policy.

D. Manager is automatically entitled to any other standard leave available to non-civil service employees of the City as may now exist or be made available during the term of this contract.

### **Section 6: Vehicle Allowance**

The City agrees to pay to the Manager, during the term of this Agreement and in addition to other salary and benefits herein provided, the sum of \$7,500 per year as a vehicle allowance to be used to purchase, lease, or own, operate and maintain a personal vehicle. The vehicle allowance shall be paid in equal payments on a monthly basis. The Manager shall be responsible for paying for liability, property damage, and comprehensive insurance coverage upon such vehicle and shall further be responsible for gas, oil and all expenses attendant to the purchase, operation, maintenance, repair, and regular replacement of said vehicle. The City shall reimburse the Manager at the established mileage rate for any business use of the vehicle beyond 140 round-trip miles.

### **Section 7: Retirement**

A. The City agrees to maintain the Manager's enrollment in the Texas Municipal Retirement System (TMRS), and to make all the appropriate City contributions on the Manager's behalf.

B. In addition to the City's payment to the state retirement system referenced above, City agrees to execute all necessary agreements provided by the ICMA Retirement Corporation (ICMA-RC) deferred compensation plan for Manager's continued participation in said supplementary retirement plan and, in addition to the base salary paid by the City to Manager, City agrees to pay an amount equal to eight percent (8%) of Manager's base annual salary, in equal proportionate amounts each pay period.

C. Manager is automatically entitled to any other standard retirement benefits available to employees of the City as may now exist or be made available during the term of this contract.

### **Section 8: General Business Expenses**

A. City agrees to pay for professional dues and subscriptions of the Manager necessary for full participation in national, regional, state and local associations and organizations necessary for the Manager's continued professional growth and advancement, and for the good of the City.

B. City agrees to pay for travel and subsistence expenses of Manager for professional and official travel, meetings, and occasions to adequately continue the professional development of Manager and to pursue necessary official functions for City, including but not limited to conferences hosted by ICMA, American Planning Association, and such other national, regional, state, and local governmental groups and committees in which Manager serves as a member.

C. City agrees to pay for tuition, registration fees, and travel and subsistence expenses of Manager for short courses, institutes, and seminars that are necessary for the Manager's professional development and for the good of the City.

D. City acknowledges the value of having Manager participate and be directly involved in local civic clubs and organizations. Accordingly, City agrees to pay for the reasonable membership fees and/or dues to enable the Manager to become an active member in local/regional civic clubs and organizations.

E. Technology: The City shall provide Manager with the use of a computer and a cell phone required for the Manager to perform the job and to maintain communication with the Council and City staff.

### **Section 9: Termination**

For the purpose of this agreement, termination shall occur if:

A. A majority of the governing body votes to terminate the Manager at a duly authorized public meeting.

B. The Manager resigns following a request to resign made by representatives of the majority of the Council.

C. The City, citizens or state legislature acts to amend any provisions of the Charter of the City of Belton or Belton Codified Ordinances pertaining to the role, powers, duties, authority, or responsibilities of the Manager's position that substantially changes the form of government.

D. The City reduces the base salary, compensation or any other financial benefit of the Manager, unless it is applied in no greater percentage than the average reduction of all department heads.

E. Breach of contract is declared by either party with a 30-day cure period for either Manager or City. Written notice of a breach of contract shall be provided in accordance with the provisions of Section 19.

### **Section 10: Severance**

Severance shall be paid to the Manager when employment is terminated as defined in Section 9.

If the Manager is terminated, the City shall provide a minimum severance payment equal to twelve months' salary at the current rate of pay. This severance shall be paid in a lump sum unless otherwise agreed to by the City and the Manager.

The Manager shall also be compensated for accrued earned vacation time and all paid holidays.

For a period of three months following the date of termination, the City shall pay the costs to continue the following benefits:

1. Health insurance for the Manager as provided in Section 4A;
2. Life insurance as provided in Section 4B;
3. Car allowance as provided in Section 6;
4. Any other standard benefits available to employees of the City as provided in Section 4D.

If the Manager is terminated because of a conviction of a misdemeanor involving moral turpitude or personal gain or a felony, then the City is not obligated to pay severance under this section.

### **Section 11: Resignation**

In the event that the Manager voluntarily resigns his position with the City, the Manager shall provide the City with not less than 30 days' advance written notice of his resignation, unless the parties agree otherwise.

### **Section 12: Performance Evaluation**

City shall annually review the performance of the Manager following the conclusion of the City's fiscal year. The evaluation process, at a minimum, shall include the opportunity for both parties to: (1) prepare a written evaluation, (2) meet and discuss the evaluation, (3) present a written summary of the evaluation results, and (4) conduct a goal setting session. The final written evaluation should be completed and delivered to the Manager within 30 days of the evaluation meeting.

Adjustments to the Manager's compensation package based on the results of the performance evaluation shall be effective on the first day of the fiscal year following the review period. Illustrated: Manager is reviewed by the Council on February 15, 20X2 for the fiscal year ended September 30, 20X1. Therefore, any adjustments to the Manager's compensation will be effective as of October 1, 20X1.

### **Section 13: Hours of Work**

It is expected that the Manager will typically work during normal City Hall office hours. However, it is recognized that the Manager must devote a great deal of time outside those normal office hours on business for the City. Accordingly, and to that end,

Manager may establish his own work schedule, subject to reasonable direction by City. Manager is not eligible for overtime nor will be paid compensatory hours.

#### **Section 14: Outside Activities**

The employment provided for by this Agreement shall be the Manager's sole employment. Recognizing that certain outside consulting or teaching opportunities provide indirect benefits to the City and the community, the Manager may elect to accept limited teaching, consulting or other business opportunities as long as such arrangements do not interfere with, or cause a conflict of interest with, Manager's responsibilities pursuant to this Agreement.

#### **Section 15: Residency**

Manager agrees to maintain his residence within the corporate boundaries of the City during his employment with the City.

#### **Section 16: Indemnification**

City shall defend, save harmless and indemnify Manager against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of and arising out of the course and scope of Manager's duties as City Manager, or resulting from the exercise of judgment or discretion in connection with the performance of the duties or responsibilities of the City Manager, unless the act or omission involved willful or wanton conduct. Legal representation, provided by City for Manager, shall extend until a final determination of the legal action including any appeals brought by either party. The City shall indemnify Manager against any and all losses, damages, judgments, interest, settlements, fines, court costs and other reasonable costs and expenses of legal proceedings including attorneys fees, and any other liabilities incurred by, imposed upon, or suffered by such Manager in connection with or resulting from any claim, action, suit, or proceeding, actual or threatened, arising out of or in connection with the performance of his duties and occurring within the course and scope of his employment. Any settlement of any claim must be made with prior approval of the City in order for indemnification, as provided in this Section, to be available.

City agrees to pay Manager's reasonable litigation expenses, including travel expense, throughout the pendency of any litigation to which the Manager is a party or witness. Such expense payments shall continue beyond Manager's service to the City as long as the litigation is pending.

#### **Section 17: Bonding**

City shall bear the full cost of any fidelity or other bonds required of the Manager under any law or ordinance, and professional liability insurance.

## **Section 18: Other Terms and Conditions of Employment**

The City, upon agreement with Manager, may provide for such other terms and conditions of employment as it may determine from time to time relating to the performance and duties of the Manager, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Charter of the City of Belton, or applicable law.

## **Section 19: Notices**

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service, postage prepaid, addressed as follows:

CITY:  
City of Belton  
PO Box 120, 333 Water Street  
Belton, TX 76513

MANAGER:  
Sam Anthony Listi  
311 Oak Street  
Belton, TX 76513

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the course of transmission in the United States Postal Service.

## **Section 20: General Provisions**

A. Integration. This Agreement sets forth and establishes the entire understanding between the City and the Manager relating to the employment of the Manager by the City. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this agreement during the life of the agreement. Such amendments shall be incorporated and made a part of this agreement.

B. Binding Effect. This Agreement shall be binding on the City and the Manager as well as his heirs, assigns, executors, personal representatives and successors in interest.

C. Effective Date. This Agreement shall become effective on October 1, 2017.

D. Severability. The invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

Adopted and approved by the Belton City Council on this 26th day of February, 2019.

CITY OF BELTON, TEXAS

ATTEST:

\_\_\_\_\_  
Marion Grayson, Mayor

\_\_\_\_\_  
Amy M. Casey, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
John Messer, City Attorney

AGREED AND ACCEPTED this 26<sup>th</sup> day of February 2019

\_\_\_\_\_  
Sam Anthony Listi, City Manager

**Addendum to  
CITY MANAGER AGREEMENT  
between  
The City of Belton, Texas  
and  
Sam Anthony Listi**

The City of Belton (hereinafter called "City") wishes to resolve the balance of vacation hours duly earned and accrued by Sam Anthony Listi (hereinafter called "Manager") which are in excess of the allowable carryover amount set forth in Section 322 of the City's Personnel Policy.

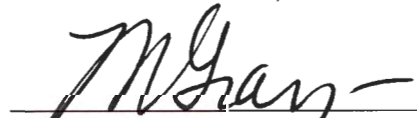
The Manager agrees to forgo all leave in excess of the allowable carryover amount by the Manager as of March 1, 2018. Further, the Manager agrees that carryover leave in excess of the amount set forth in the City's Personnel Policy will be allowable only with the consent of the City Council.

In exchange for the forgoing of the aforementioned leave, the City will compensate the Manager for the value of excess leave. The calculation of the compensation shall be based on the Manager's hourly rate as of March 1, 2018 multiplied by the vacation accrued in excess of the allowable carryover amount on that date. The City will deposit the calculated compensation into the Manager's ICMA Retirement Corporation account in equal amounts over seventy-two, biweekly payrolls, beginning with the first payroll following March 1, 2018.

Should the Employment Agreement between the City and the Manager end as a result of Termination or Resignation as defined by Sections 9 or 11 of the Manager's Employment Agreement executed February 27, 2018 or any successor employment agreement, prior to the payment of all compensation owed under this Addendum, any unpaid balance under this Addendum will be paid to the Manager within 30 days of the Manager's final date of employment with the City. Should the Manager become deceased prior to the payment of all compensation owed under this Addendum, any unpaid balance under this Addendum will be paid to the Manager's estate.

Adopted and approved by the Belton City Council on this 27th day of February, 2018.

CITY OF BELTON, TEXAS


  
\_\_\_\_\_  
Marion Grayson, Mayor

ATTEST:

  
\_\_\_\_\_  
Amy Casey, City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
John Messer, City Attorney

AGREED AND ACCEPTED this 27<sup>th</sup> day of February 2018

  
\_\_\_\_\_  
Sam Anthony Listi, City Manager

# Staff Report – City Council Agenda Item



## **Agenda Item #5**

Consider a resolution approving the submittal of an application to the Texas Department of Agriculture for a Texas Community Development Block Grant (TxCDBG).

### **Originating Department**

Public Works/Engineering – Angellia Points, P.E., Director of Public Works/City Engineer  
Administration – Bob van Til, Grants and Special Projects Coordinator

### **Summary Information**

Staff is in the process of applying for a grant from the Texas Department of Agriculture (TDA) to replace a six-inch diameter deteriorated water line with an eight-inch diameter water line that will run from E. 2nd Street north on N. East Street, east on E. 5th Street, and ending at the east side of N. Penelope Street. The grant source is the Texas Community Development Block Grant (TxCDBG) Program. The funding originates from the US Housing and Urban Development (HUD).

As part of the application process, the City held a public hearing on February 12, 2019. The purpose of the public hearing was to allow the public adequate opportunity to comment on the pending application as well as provide comment on overall community needs.

During the public hearing, Staff accomplished three objectives:

1. A review of the background and scope of the project;
2. Discussed the mandatory topics outlined by the State, including:
  - The development of housing and community development needs.
  - The amount of funding available.
  - All eligible activities under the TxCDBG Program
  - The applicant's past use of TxCDBG contract funds, if applicable.
  - The estimated amount of funds proposed for activities that will meet the national objective of benefit to low-to-moderate income persons.
  - The plans of the locality to minimize displacement of persons and to assist persons actually displaced as a result of activities assisted with TxCDBG funds, if applicable.
3. Received public input on the application. A sign in and survey instrument was available to fill out prior to the meeting. Only two people signed the survey and noted that affordable housing is a priority to them.

In accordance with Federal and State criteria, as well as the City's *Citizen Participation Plan*, Staff published a notice in the Temple Daily Telegram prior to the public hearing. Staff also posted notices at the Library, City Hall, and other locations such as the Central Texas Housing Consortium (Belton Housing Authority), Department of Aging and Disability Services, Central Texas Council of Governments, Belton ISD, US Post Office, USDA Regional Office, Workforce Solutions, etc.

The TxCDBG program reflects the Federal National Planning Objectives (NPO). The NPO's focus on three objectives:

1. Principally benefit low to moderate income (LMI) persons,
2. Eliminate or prevent slums and blight, or
3. Address imminent health and safety problems (i.e. disasters).

The TxCDBG CD grant must address one of the three National Planning Objectives. Belton's current application focused on the low-to-moderate income objective. This was confirmed by completing a door-to-door survey. In the area there are 98 beneficiaries, 75% of whom are low to moderate income (LMI), meaning they earn less than 80% of the Area median income.

Proposed improvements include the replacement of approximately 1,430 linear feet of 6-inch diameter deteriorated asbestos cement and cast iron water line with an 8-inch diameter water line (C-900 SDR 18 pipe) and service lines. Following the installation of the new water line, the pipe trench will be backfilled, compacted, and the entire street will be milled and overlaid with a minimum 2-inch thick Type "D" or "C" hot mix asphalt concrete (HMAC). The two old fire hydrants will be removed and five new hydrants will be installed at the appropriate intervals, expanding fire protection capabilities.

The estimated project cost is \$451,365. The pending application will request \$275,000 from the TxCDBG program. The remaining \$176,365 will come from the City's Capital Utility Projects Fund.

The existing water line is at least 50 years old and is a 6-inch diameter asbestos cement and cast-iron line. The line is undersized and often lacks adequate volume and pressure. The existing 6-inch diameter water line has deteriorated significantly and the neighborhood has experienced a minimum of four substantial breaks per year over the last three to four years. These line breaks have left the residents without water, and required them to boil water when necessary to avoid the possibility of ingesting contaminated water. The water line has been patched and repaired so many times, it is difficult to place a repair clamp on it any more. Water outages in the area can last from two hours up to 12 hours at a time, depending on the nature and extent of the repair and the number of cracks in the pipeline and service lines. The most common repair is a pipe clamp to seal a crack in a pipe or replacing 5-foot segments of pipe each time. The second most common type of leak is on the water service lines between the water meter and the City's waterline. The service lines are older, shallow, and are made of brittle, non-flexible pipe. Due to the nature and condition

of this waterline, the City is reluctant to allow any more water service taps from the water main. Any new taps may cause the pipe to break more often. This prevents new or even re-development in the neighborhood.

There are only two fire hydrants on these portions of N. East Street and E. 5th Street. The hydrants on this waterline are also almost 50 years old. They need to be replaced in order to achieve current fire flow requirements. The existing fire hydrants and their spacing fail to provide adequate fire protection for homes and businesses in the neighborhood. At least four fire hydrants are needed in this area to meet the minimum fire hydrant spacing and fire safety requirements. The average age of the homes in the service area is approximately 80 years. The construction methods and fire resistant technologies were not as good as they are today placing them at greater risk if the additional fire hydrants are not installed. The fire protection aspect of the project is as critical to the neighborhood as is reliable and safe drinking water.

Next Step:

March 13, 2019 – submittal due date for the application.

**Fiscal Impact**

Amount:

Budgeted: ☒ Yes ☐ No ☒ Capital Utility Project Funds

If not budgeted: ☐ Budget Transfer ☐ Contingency ☐ Amendment Needed

Local Funding Source(s): City's Capital Utility Projects Fund

**Recommendation**

Approve the Resolution

**Attachments**

Resolution

## **RESOLUTION 2019-07-R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, BELL COUNTY, TEXAS AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

**WHEREAS**, the City Council of the City of Belton, Bell County, Texas desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income, and

**WHEREAS**, certain conditions exist which represent a threat to the public health and safety; and

**WHEREAS**, it is necessary and in the best interest of the City of Belton, Bell County, Texas to apply for funding under the Texas Community Development Block Grant Program;

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELTON, BELL COUNTY, TEXAS:**

1. That the Texas Community Development Block Grant Program application for the Community Development Fund is hereby authorized to be filed on behalf of the City with the Texas Department of Agriculture.
2. That the City's application be placed in competition for funding under the Community Development Fund.
3. That the City Council conducted a public hearing in accordance with the requirements of the grant application on February 12, 2019.
4. That the application be for \$275,000 of grant funds to provide for a water line replacement on N. East and E. 5<sup>th</sup> Streets.
5. That the City Council directs and designates the City Manager as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City's participation in the Texas Community Development Block Grant Program.
6. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement,

environmental review, labor standards, real property acquisition, and civil rights requirements.

7. That it further be stated that the City of Belton is committing \$176,365 from its Capital Utility Projects Fund as a cash contribution toward the administration, engineering, and construction activities of this water line replacement project.

Passed and approved this 26<sup>th</sup> day of February, 2019.

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Marion Grayson, Mayor  
City of Belton, Texas

Attest:

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Amy M. Casey, City Clerk  
City of Belton, Texas

# Staff Report – City Council Agenda Item



**Date:** February 26, 2019  
**Case No.:** H-19-02  
**Request:** FIG  
**Address:** 112 E. Central Avenue  
**Applicant:** Fadil Thaqi/Spiro Vasili

## **Agenda Item #6**

Consider authorizing a Façade Improvement Grant to Fadil Thaqi, 112 East Central Avenue.

## **Originating Department**

Planning – Kelly T. Atkinson, Planner/HPO

## **Historic District**

Downtown Belton Commercial Historic District

## **Background**

This present building at 112 East Central Avenue was built in 1900 with alterations in 1955 and is located in the Downtown Belton Commercial Historic District. The Downtown Belton Commercial Historic District contains an excellent range of buildings constructed between 1870 and 1959. Forty-six percent of the buildings in this district are Contributing historic structures. Most of the buildings that are Non-Contributing have been classified that way due to inappropriate alterations that have covered or removed historic building materials and details. The 2012 City of Belton Historic Resources Survey states that the architectural style associated with this structure is two-part commercial block originally constructed for a pharmacy. This building is listed as a low priority due to major and inappropriate alterations to the main façade.

## **Summary Information**

Fadil Thaqi has submitted a Façade Improvement Grant (FIG) application to install a balcony, new windows and doors, and apply brick, stone and stucco to the front façade of the building, proposed as the future location of Italian Garden Restaurant with a separate game room on the first floor and apartments on the second floor, located at 112 East Central Avenue.

The proposal involves the following items, also included in the attached summary proposal from Park Cities Contractors, LTD:

- Balcony – Install a balcony to extend over the sidewalk, uniform with balconies on Central.
- Doors and Windows – Install all new doors and windows.
- Stone, Brick and Stucco façade – Austin stone, beige stucco and red brick.

This building was previously occupied by Britt Drug Pharmacy and briefly by Patriot Coney Island. Mr. Thaqi has purchased this building and is completing significant interior renovations to open a proposed restaurant and multi-family residential. The upper level of the building is under renovation and will have seven apartments available for rent. The addition of the balcony will serve the two apartments facing south and located at the front of the building. 112 East Central Avenue is currently configured as one large building. The applicant is reconfiguring the layout to restore the arrangement back to two separate buildings, serving two separate businesses, with living units upstairs of both buildings, which qualifies this project for two façades on the application for a maximum total of \$20,000 in grant funds.

Exterior work is scheduled to occur upon approval of the grant request. This would represent another excellent example of the value of targeted public investment in Downtown Belton funded by the TIRZ. Other examples of TIRZ funded façade improvement grants in the vicinity include Bold Republic Brewing Company, Main Street Bridal, and the project underway at 204 North Penelope (Gunter Financial Building).

### **Fiscal Impact**

Total projected cost on the application is \$82,750. The FIG application requests the maximum match amount of \$20,000, for two facades, which is consistent with application guidelines.

Amount: \$20,000

Budgeted: ☒ Yes ☐ No

If not budgeted: ☐ Budget Transfer ☐ Contingency ☐ Amendment Needed ☐  
Capital Project Funds

Funding Source(s): \$50,000 was included in the TIRZ FY2019 budget for FIG funding. To date, no other Façade Improvement Grants have been funded in FY2019.

### **Recommendation**

Recommend approval of proposed work outlined in the COA application and the Façade Improvement Grant to Fadil Thaqi for renovations at 112 East Central Avenue, for a total grant award of \$20,000, for two facades.



## **Attachments**

FIG Applications  
Certificate of Appropriateness application  
Location Map  
Proposal – Park Cities Contractors, LTD  
Renderings of proposed façade and floorplan  
HPC Minutes Excerpt



Planning Department

Date \_\_\_\_\_

Recommended \_\_\_\_\_

Rejected \_\_\_\_\_

## FACADE IMPROVEMENT GRANT PROGRAM APPLICATION

Applicant's Name: Fadil Thaji Date: 01-7-19  
Business Name: ITALIAN GARDEN Restaurant  
Contact Person: ~~112 E central ave #A~~  
Mailing Address: 112 E. central ave #A Belton TX 76513  
Phone: 254 / 231 / 9498 Fax: \_\_\_\_\_  
E-mail: fadil.25@hotmail.com

Details of Planned Improvements (attach additional paper if necessary).

Renovation of the storefront of the building  
install balconies for the upstairs apt units  
replace doors and windows stone brick and stucco facade

If you are using a contractor (not required), please list the names of contractors from whom you have received proposals (list in order of preference):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Bids shall be submitted on the contractor's letterhead and shall contain the contractor's name, address, telephone number, and shall itemize the bid in a manner that allows city staff to determine the authenticity of the bid. If you are doing the work yourself, please have costs or bids prepared for materials and labor.

Total cost of improvement project: \$ 41,375<sup>00</sup>

Amount of Grant requested: \$ 10,000<sup>00</sup>

Amount to be paid by the applicant: \$ 31,375<sup>00</sup>

Anticipated completion date: end of March 2019

  
Applicant's signature

01-7-19  
Date



## FACADE IMPROVEMENT GRANT PROGRAM AGREEMENT

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I have met with the Planning Department, and I fully understand the Facade & Sign Reimbursement Grant Procedures and Details established by the Belton City Council.

I intend to use this Grant program for the aforementioned renovation projects to forward the efforts of the downtown revitalization and historic preservation program.

I have read the Facade Grant Application Procedures and Guidelines.

I understand that, if I am awarded a Facade Improvement Incentive Grant by the City of Belton, any deviation from the approved project may result in the partial or total withdrawal of the Facade Improvement Grant. Upon completion, the facade must be maintained for a period of 3 years from the time of construction. If the facade is altered for any reason within 3 years of construction, I will be required to reimburse the City of Belton immediately for the full amount of the Facade Improvement Grant.

Itain Garden Restaurant / Fadel Thagi  
Business/Organization Name

[Signature] 1-7-17  
Applicant's Signature Date

[Signature] 1-7-19  
Building Owner's Signature Date

-----

\_\_\_\_\_  
Planning Director Recommendation Date

\_\_\_\_\_  
Mayor Approval Date



*Please review the enclosed checklist to ensure all necessary materials are included.*

## **FACADE IMPROVEMENT GRANT PROGRAM CHECKLIST**

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- ☒ Meet with the Planning Director to determine eligibility and review Façade Improvement Incentive Grant Instructions.
- ☐ Complete the Facade Improvement Grant Application form and sign Agreement form. (Include all required attachments: contractor estimates, if applicable; photographs of building exterior and project plans.
- ☐ Return completed application and agreement with required attachments to the Planning Department for inclusion in next City Council agenda.
- ☐ Attend Historic Preservation Commission and City Council meeting to respond to any questions.
- ☐ Once approved, facade improvement work must commence within sixty (60) days of approval by the Belton City Council and completed within one (1) year).
- ☐ Obtain all applicable City permits and City approvals prior to the starting any work on the approved project.
- ☐ Upon completion of facade improvement project, furnish photographs of the bulding's exterior; copies of all paid invoices, including copies of canceled checks and/or credit card receipts to receive a single payment reimbursement of the approved funding.



**Planning Department**

Date \_\_\_\_\_

Recommended \_\_\_\_\_

Rejected \_\_\_\_\_

## FACADE IMPROVEMENT GRANT PROGRAM APPLICATION

Applicant's Name: Fadil Thagi Date: 01-7-19Business Name: Game Room

Contact Person: \_\_\_\_\_

Mailing Address: 112. E. Central Ave # B Belton tx 76513Phone: 254 231 9498 Fax: \_\_\_\_\_E-mail: fadil.25@hotmail.com**Details of Planned Improvements (attach additional paper if necessary).**

Renovation of the store front of the Building  
Install Balconie for the upstairs apt. unit  
Replace doors and windows stone brick and stucco

If you are using a contractor (not required), please list the names of contractors from whom you have received proposals (list in order of preference):

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

Bids shall be submitted on the contractor's letterhead and shall contain the contractor's name, address, telephone number, and shall itemize the bid in a manner that allows city staff to determine the authenticity of the bid. If you are doing the work yourself, please have costs or bids prepared for materials and labor.

Total cost of improvement project: \$ ~~41,375~~ 41,375 =Amount of Grant requested: \$ 10,000 =Amount to be paid by the applicant: \$ 31,375 =Anticipated completion date: end of march 2019

Applicant's signature

Date



## FACADE IMPROVEMENT GRANT PROGRAM AGREEMENT

---

I have met with the Planning Department, and I fully understand the Facade & Sign Reimbursement Grant Procedures and Details established by the Belton City Council.

I intend to use this Grant program for the aforementioned renovation projects to forward the efforts of the downtown revitalization and historic preservation program.

I have read the Facade Grant Application Procedures and Guidelines.

I understand that, if I am awarded a Facade Improvement Incentive Grant by the City of Belton, any deviation from the approved project may result in the partial or total withdrawal of the Facade Improvement Grant. Upon completion, the facade must be maintained for a period of 3 years from the time of construction. If the facade is altered for any reason within 3 years of construction, I will be required to reimburse the City of Belton immediately for the full amount of the Facade Improvement Grant.

Garcia / Paul Hays  
Business/Organization Name

[Signature] 1-7-19  
Applicant's Signature Date

[Signature] 1-7-19  
Building Owner's Signature Date

-----

\_\_\_\_\_  
Planning Director Recommendation Date

\_\_\_\_\_  
Mayor Approval Date



## Certificate of Appropriateness Application

### Historic Preservation Commission

#### Applicant contact information

Name: SPIRO VASILII

Address: 815 Nandina Way #4 Waxahatchie TX

Phone: 214 727 9947 Fax: \_\_\_\_\_ Email: advasili@yahoo.com

Role: ☐ Owner ☒ Architect/contractor ☐ Other: \_\_\_\_\_

Property Address: 112 East Central Ave B

1. In the space below, briefly describe the work proposed (*use separate page(s) if necessary*).
2. Please refer to the attachment checklist for additional materials necessary to evaluate the proposed work.

Description of proposed work:

Exterior Renovation of the Front of the  
building, Balconies and Windows  
Front Doors For both suites  
Store front Finish out  
Covers for balconies  
Brick tile & stone applications.

Signature

Date

12-11-18

Submit this form and all necessary attachments (see checklist) at least 14 days before the Historic Preservation Commission meeting to the City of Belton Planning Department, 333 Water Street, P. O. Box 120, Belton, Texas 76513; ph. 254-933-5812.



## Request

EXTERIOR RENOVATION  
ADDITION OF BALCONY

## LEGAL DESCRIPTION:

BELTON ORIGINAL,  
BLOCK 008, LOT PT 5, 6,  
(E 1/2 OF 5 & W 25' OF 6),  
ACRES .174

## PROPERTY OWNER:

FT RENTAL LLC

## ADDRESS/LOCATION:

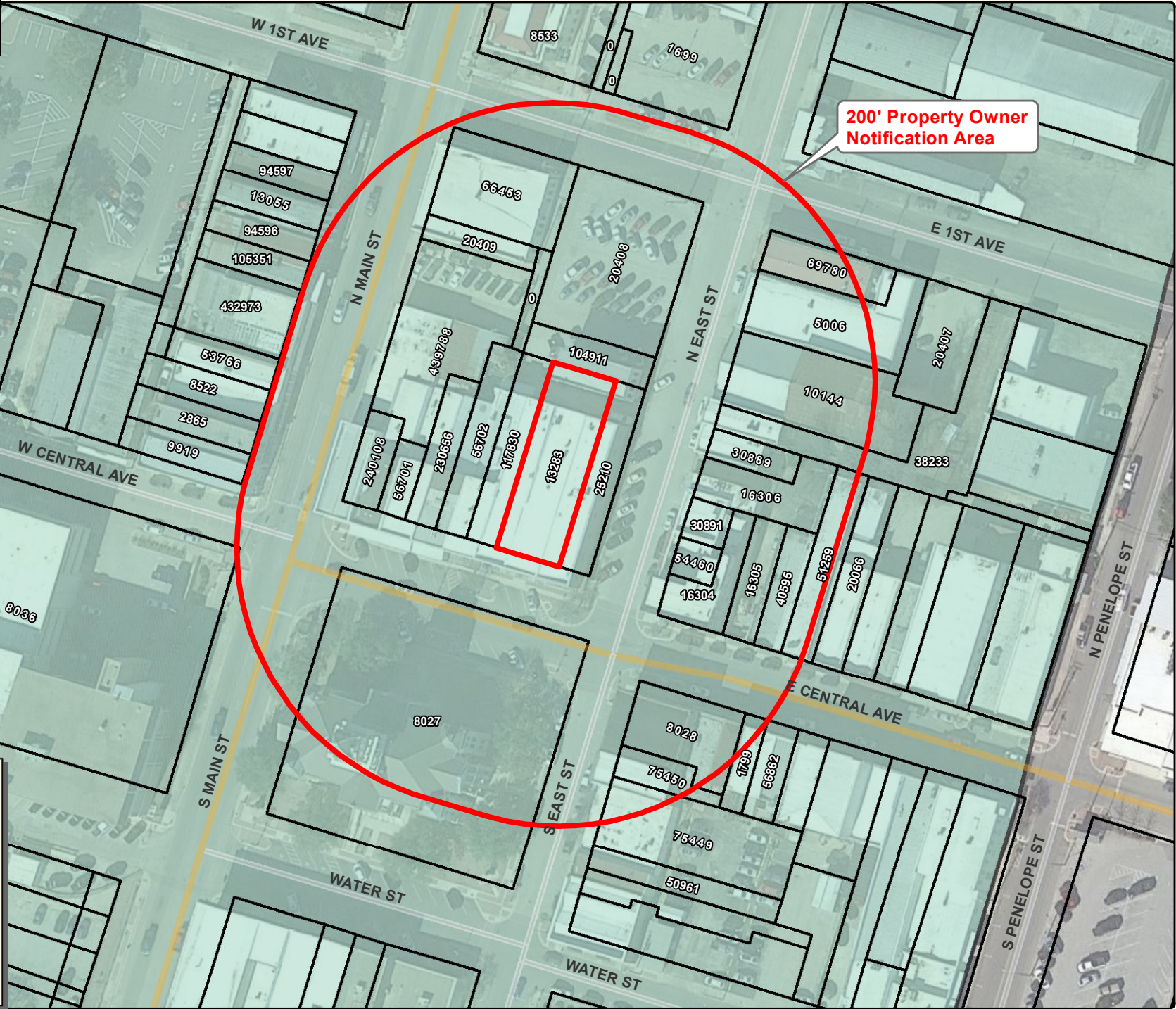
112 EAST CENTRAL AVE.

## Legend

- 200' Property Owner Notification Area
- H\_19\_02
- Tax Appraisal Parcels

## Historic District

- Downtown Belton
- Commercial Historic District





Company Name park cities contractors

Phone 214 7279947

CUSTOMER

italian garden

ESTIMATE NO

A003

DATE

01/24/2019

ADDRESS

112 east central ave

CITY/STATE/ZIP

belton tx

PHONE

214-727-9947

E-MAIL

advasili@yahoo.com

SALESPERSON

spiro vasilis

## PROJECT

## Façade improvement

PREPARED BY:

spiro vasilis

## ATTENTION

*italian garden*

## PAYMENT TERMS

DUE DATE

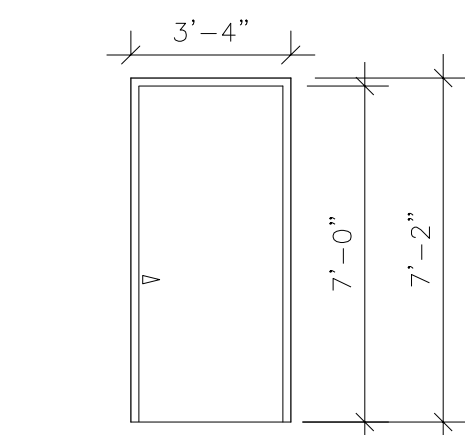
*up on completion*

Authorized Rep

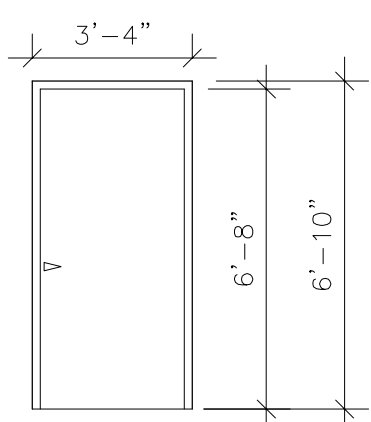
Date \_\_\_\_\_



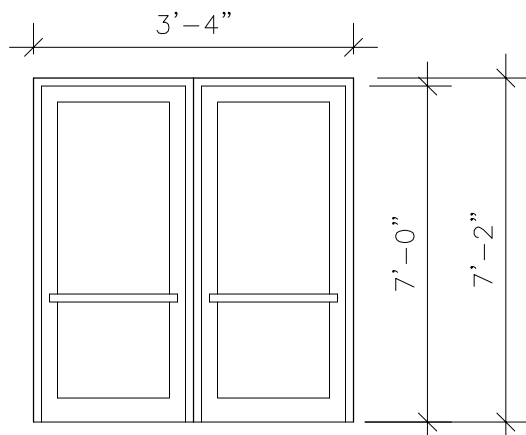
WINDOWS-INSULATED LOW "E" GLASS IN  
METAL FRAME (COLOR PER OWNER)  
SOLAR HEAT GAIN COEFFICIENT (AHGC) OF NOT GREATER THAN.51  
E-STAR SAVING CALCULATED R VALUE OF NOT LESS THAN 3.13, U VALUE OF .319



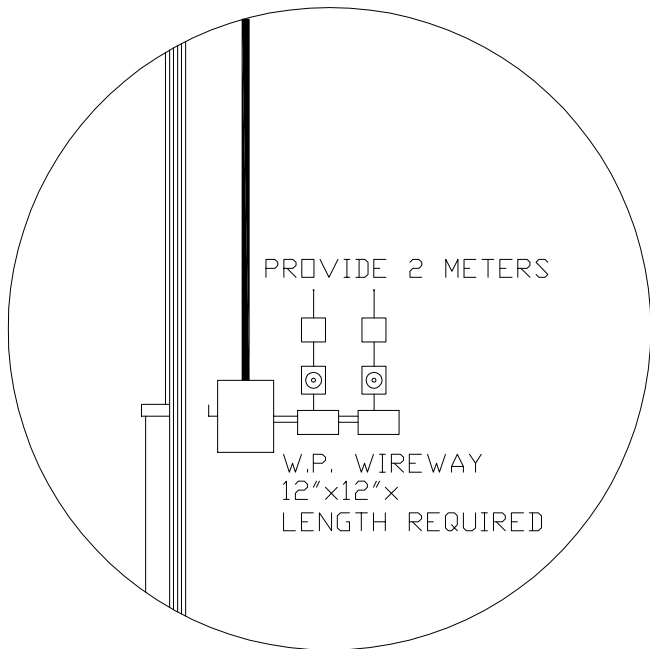
DR #101-3'x7' SOLID CORE WD DR  
IN MTL FRAME, SOLID FACE  
LEVER HARDWARE EA SIDE, MODESTY  
LOCKSET INTERIOR, 1-1/2" PR BUTTS,  
DR BUMP



DR #102-3'x7' SOLID CORE WD DR  
IN MTL FRAME, SOLID FACE  
LEVER HARDWARE EA SIDE, MODESTY  
LOCKSET INTERIOR, 1-1/2" PR BUTTS,  
DR BUMP



DR #100 PR-3'x7' MTL DR IN MTL FRAME  
PAINT DR AND FRAME W/ PAINT GRIP  
TWO COATS, LEVER HARDWARE EXTERIOR  
INTERIOR PANIC EXIT.  
KEY CYLINDER LOCKSET, WEATHER-STRIP  
ALL AROUND, ALUM THRESHOLD (MAX  
1/2" WATER STOP), CLOSER-NORTON,  
8100 BF SURFACE SLOCER,  
BACK CHECK & HOLD OPEN FEATURE,  
1-1/2" PR BUTTS PER DR, DR BUMP



DWG# 600-901

A.02

SHEET NO.

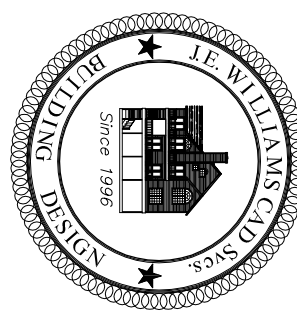


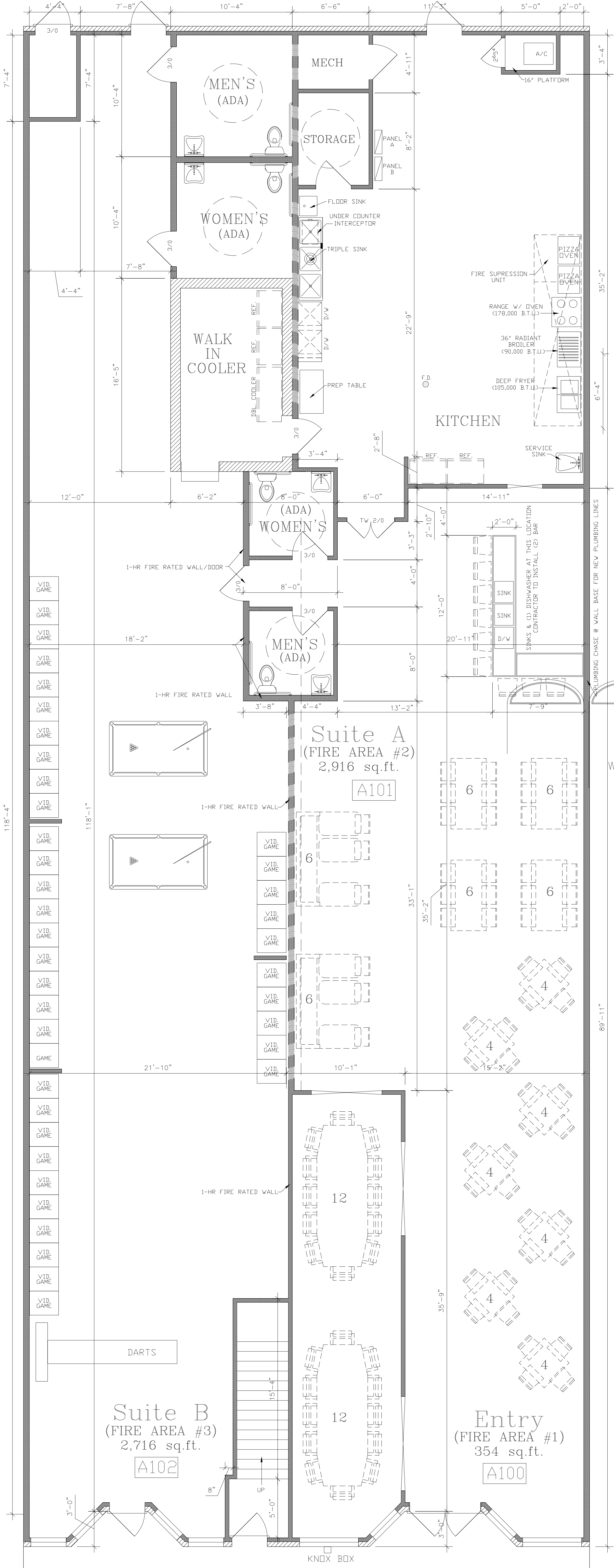
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JOB NAME: EAST CENTRAL RESTAURANT  
TYPE WORK: REMODEL  
ADDRESS: 112 EAST CENTRAL AVE, BELTON TEXAS  
LEGAL DESCRIPTION: LOT-NO:0000 BLOCK-NO: 000

REVISION DATE:  
05/30/18  
01/15/19  
01/23/19

2700 Zephyr Rd. Killeen, Texas 76543  
(254) 813-6798 / Fax: (254) 690-6546





DESIGN ANALYSIS (PER 2015 INTERNATIONAL BLDG CODE):

- BUILDING CLASSIFICATION: GROUP A-3 (ASSEMBLY)
- TYPE OF CONSTRUCTION:  
TYPE II
- ALLOWABLE HEIGHTS & AREA:  
ALLOWABLE AREA = 9,000 SF  
ACTUAL AREA = 5,986 SF  
ALLOWABLE HEIGHT = 2 STORIES  
ACTUAL HEIGHTS = 2 STORY
- REQUIRED SEPARATION OF OCCUPANCIES:  
FIRE SEPARATIONS ARE REQUIRED BETWEEN USES --> (2015 IBC, SECTION 709, PARA 709.4)
- OCCUPANT LOADS (2015 IBC, SECTION 1004, TABLE 1004.1.1, 1004.7):  
A-3 ASSEMBLY SF/5,986/100 = 60 OCCUPANTS,  
TOTAL OCCUPANT LOAD = 60
- MINIMUM 2 EXITS REQUIRED (2015 IBC SECTION 1020, TABLE 1021.1)
- COMMON PATH OF EGRESS TRAVEL <=75' (2015 IBC SECTION 1016 TABLE 1016.1)
- FIRE SPRINKLER NOT REQUIRED --> IBC 2015, PARA 903.1
- MANUAL FIRE ALARM SYSTEM NOT REQUIRED SINCE O.L. < 3(GROUP A) --> 907.2.2
- PLUMBING REQUIREMENTS (2015 INTERNATIONAL PLUMBING CODE)  
EWC REQUIRED - ELECTRIC WATER FOUNTAIN FURNISHED

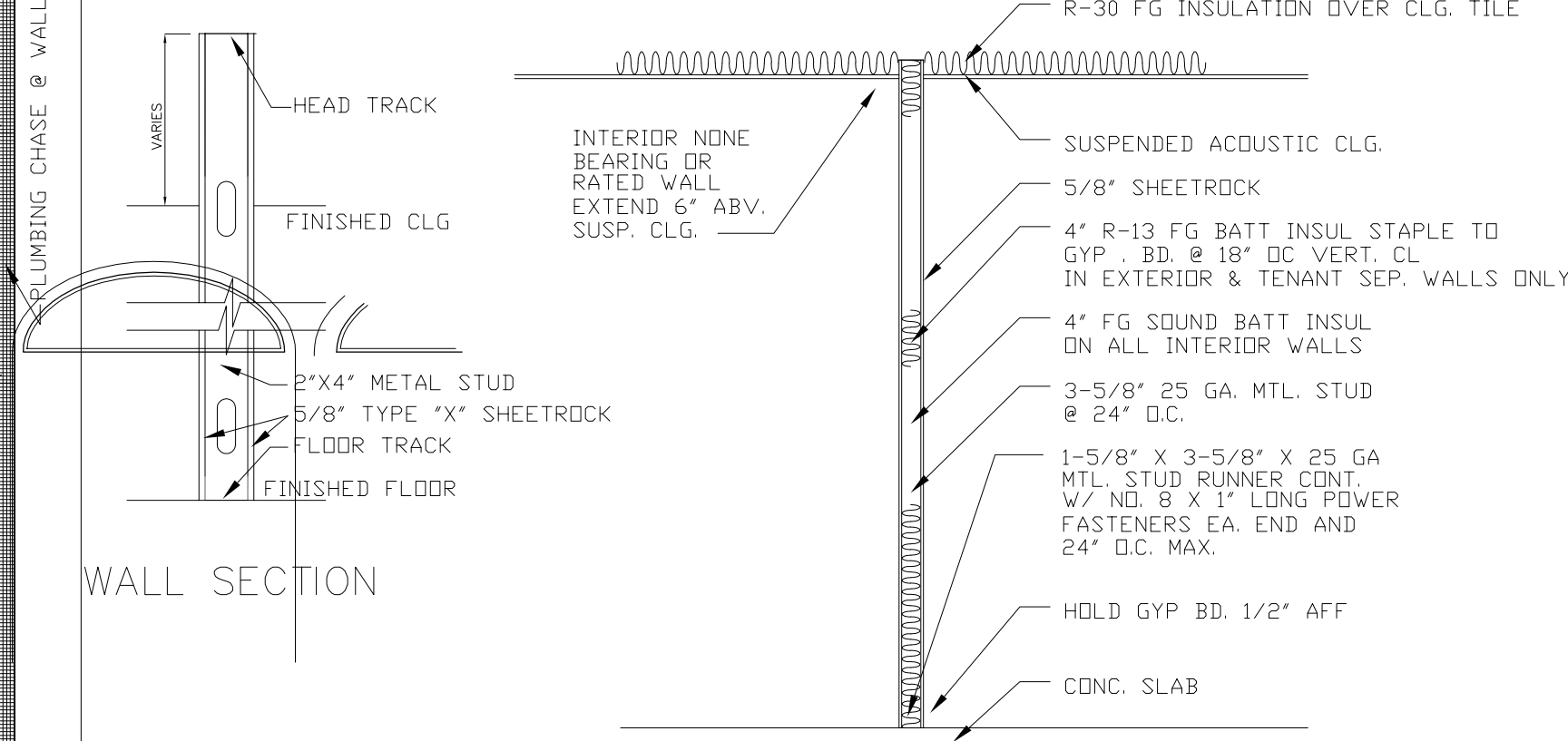
ALL DUCT SHALL BE INSULATED FLEXIBLE AIR DUCT  
8" DIAM, R VALUE - 6.0 PER ASTM C-518  
WOVEN FIBERGLASS FABRIC CORE

THE DRAWINGS SHOWN HEREON ARE FOR CONSTRUCTION.  
THE CONTRACTOR SHALL VERIFY THAT  
THE ELECTRIC, AIR CONDITIONING, AND PLUMBING AS  
SHOWN HEREON ARE ADEQUATE FOR THE USE INTENDED  
FOR EACH BUILDING SPACE AND EACH COMPLIES WITH  
CURRENT CODES AND ORDANCES ACCORDINGLY.

PLANS HAVE BEEN DRAWN IN ACCORDANCE  
WITH 2015 IBC, IPC, IMC, IECC, IF, 2014 NEC  
60K ORINANCES AND AMENDMENTS.

NO THRU-WALL TENANT TO TENANT WALL  
PENETRATIONS SHALL BE PERMITTED.  
WALL DUPLEX BOXES IN COMMON TENANT  
WALLS SHALL BE PROTECTED WITH HILTI  
CP 617L FIRESTOP PUTTY PAD IN ORDER  
TO MAINTAIN FIRE WALL INTEGRITY.

36"  
42"  
ADA APPROVED  
ONE HIGH/ONE LOW  
W/WHEELCHAIR  
ACCESS

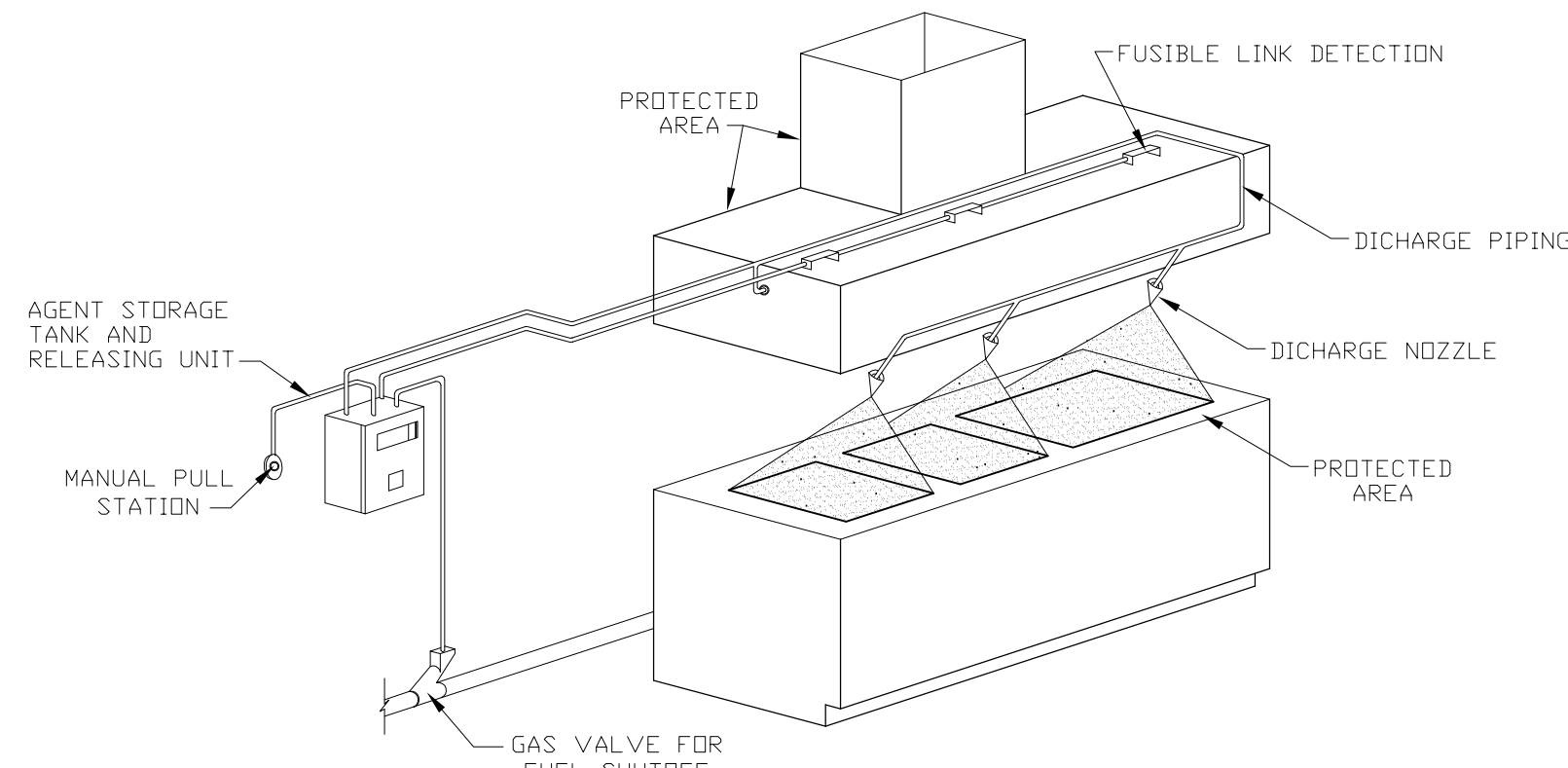


TYPICAL WALL SECTION  
SCALE: 3/8" = 1'-0"

FLOOR ONE  
SC 1/4" = 1'-0"

NOTE: 11'-0" CEILING UNLESS  
NOTED OTHERWISE.  
WINDOW HEADERS @ 7'-0" A.F.F.  
UNLESS NOTED OTHERWISE.  
SF FIRE AREA #1 = 354  
SF FIRE AREA #2 = 2,916  
SF FIRE AREA #3 = 2,716  
TOTAL FIRE AREAS SQ.FT. = 5,986

PATRIOT CONEY ISLAND  
112 EAST CENTRAL  
BELTON, TEXAS 76513  
AREA 48'-0" x 130'-0"  
6,240 TOTAL SQ. FT.



Typical Layout for Restaurant  
Fire Suppression Unit

DWG# 2007-0001-901

A.01

SHEET NO.

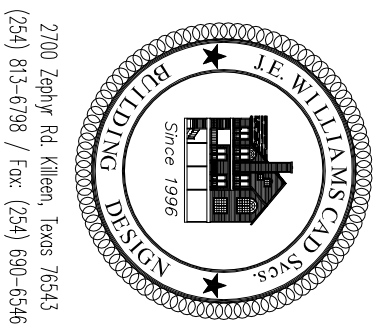


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JOB NAME: EAST CENTRAL RESTAURANT

TYPE WORK: REMODEL  
ADDRESS: 112 EAST CENTRAL AVE, BELTON TEXAS  
LEGAL DESCRIPTION: LOT-NO:0000 BLOCK-NO: 000

REVISION DATE:  
05/30/18  
01/15/19  
01/23/19



Minutes of the  
**Historic Preservation Commission (HPC)**  
City of Belton  
333 Water Street  
Thursday, February 7, 2019

---

The Historic Preservation Commission met at 5:00 P.M. in the Wright Room at the Harris Community Center. The following members were present: Chair Sheila Donahue, Dorothy Coppin, Barrett Covington, Tammie Baggerly and Ann Carpenter. The following staff members were present: Director of Planning Cheryl Maxwell, Planner and HPC Officer Kelly Atkinson, Director of IT Chris Brown and Planning Clerk Laura Livingston.

**3. H-19-02 Consider a request for a Façade Improvement Grant to Fadil Thaqui for renovations to the primary façade at 112 East Central Avenue, located in Downtown Belton Commercial Historic District, on the north side of East Central Avenue, east of North Main Street, and west of North East Street.**

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

Chair Donahue asked if anyone wants to speak on this item.

Spiro Vasili, the contractor working on 112 East Central Avenue, said if there were any concerns, he would answer to the best of his ability.

Ms. Baggerly asked about lighting. She did not see any fixtures on the exterior plan. Mr. Vasili said there will be wall sconces on the sides of the doors and below the balcony will be recessed can lights. Ms. Baggerly asked for examples of what the sconces will look like. Mr. Vasili said it will just be the cylinder commercial LED that lights up and down and is weatherproofed so this way the entire wall is lit. They have not purchased the sconces; they have just looked at them. He said they are basic, commercial grade sconces - the type you see in shopping centers. Ms. Baggerly asked if those sconces would fit within the guidelines of historic preservation? Ms. Atkinson said usually she would have all of that information available and the HPC gets to review that information. At the staff level they make sure it is appropriate for the architecture and it can be approved administratively. That will be listed in your next packet, Ms. Atkinson said. Ms. Atkinson said she can bring a sample then.

Mr. Vasili said if that is a problem for the downstairs for the walkway, we would not use those sconces, and the lighting from the balcony would suffice. Ms. Baggerly said no, she didn't think there was a problem with having sconces, but that typically we see them, then staff makes a recommendation and then we approve it. If (Ms. Atkinson) can approve it administratively, then that is fine, Ms. Baggerly said.

Chair Donahue said her question, in the same vein, is about the choice of doors for the apartments leading out to the balcony and asked, is that the door? Yes, Mr. Vasili said. He said those are very common because he has French style windows and they will not be white. We are going to have to paint it and most likely it is going to be painted black. Chair Donahue asked if Ms. Atkinson will

monitor that. Mr. Vasili said they will have a metal rail that will be black, and the door will be black, and the trim around it black.

Ms. Baggerly asked if the balcony will be the same height as Sarsaparilla (next door)? No, he said, their balcony is lower than the balcony next door. Ms. Baggerly asked, is that OK? Ms. Atkinson said it looks a little lower because it's two buildings so to make it look even on the front, they have had to do some adjustments. Mr. Vasili said their balcony looks as if it is all one elevation. Between one balcony and the other it is a 13-inch drop but it will not be visible to the public. It's not a problem, he said, because those two balconies are going to be privately separated with a divider in the middle so there's not going to be a safety issue of people falling down or anything like that. Ms. Baggerly asked if there will be a ladder from that balcony like other buildings use, for fire escape? Ms. Atkinson said no, not on this development. This already went through fire code review, she said, and the Fire Marshal approved the exits that they do have. She referred to an image and said the stairwell is coming down from the apartment units with a landing and a door that swings inside. The 3-foot setback on those storefronts is intended for inside swinging doors instead of a door swinging outward to the sidewalk and hitting a pedestrian, Ms. Atkinson said. The access to the apartments meets fire code with an occupancy of fewer than 50 people, she added.

Mr. Covington asked if there was any signage plan for the two businesses? Mr. Vasili said he did not know what kind of criteria they require here, if they allow lit signs in the Downtown Belton Commercial Historic District. I don't know, Mr. Vasili said, and he doesn't do signs so (the owner) has to deal with a sign contractor. Ms. Atkinson said again, this is an item that is a deferred submittal. That is something our Sign Ordinance addresses in the downtown areas, so we will make sure their sign is within the requirements. Mr. Vasili said whomever the sign maker is, will have to go through the City for approval and then they will have recommendations and so he has to follow those.

Ms. Baggerly asked if this building was approved and awarded a Façade Improvement Grant years ago? Ms. Atkinson said it was, and the grant was for minor renovations to the storefront. Ms. Atkinson said she thinks they changed out a window and put in a new commercial door, which is the aluminum door that is there right now. Ms. Atkinson said because it's a new building owner and it's been three years, it meets the criteria for eligibility for a FIG.

Chair Donahue entertained a motion. Ms. Baggerly made a motion to approve H-19-02. Ms. Coppin seconded the motion. The item was approved with 5 ayes, 0 nays.

# Staff Report – City Council Agenda Item



**Date:** February 26, 2019  
**Case No.:** Z-19-03  
**Request:** Agricultural to Multi Family District  
**Owner/Applicant:** Shine Branch, LLC/  
David K. Leigh

## **Agenda Item #7**

Hold a public hearing and consider a zoning change from Agricultural to Multi Family District on 2.24 acres comprising Lot 2, Block 1, Brentham Addition, located at 406 N. Loop 121, near the northeast corner of W. 2<sup>nd</sup> Avenue and N. Loop 121.

## **Originating Department**

Planning – Cheryl Maxwell, Director of Planning

## **Current Zoning**

Agricultural District

## **Proposed Zoning**

Multi Family (Zoning Ordinance Section 15)

**Future Land Use Map (FLUM) Designation:** Commercial Center at intersection with Residential farther out from intersection

**Design Standards Type Area:** 8 - Projected growth for this area is single family residential with various multi-family housing located within this area.

## **Case Summary**

There are currently two duplex units on this property. The applicant wishes to construct covered carports for each unit and has requested a building permit. Upon review of the requested permit, it became apparent that the current Agricultural Zoning District does not allow the existing duplexes. Therefore, the purpose of this zoning change is to bring the property and use into compliance with the Zoning Ordinance and allow the carports. This property is part of a three lot subdivision (Brentham Addition) that was platted in 1993. Access to these duplexes is via the adjacent lot to the south. The applicant has indicated there is an agreement with this property owner regarding access.

The adjacent property to the south is currently undeveloped and zoned Retail District. Adjacent properties to the east and north are zoned Agricultural District and are either used residentially or undeveloped. Properties on the west side of Loop 121 are zoned Retail at the intersection with FM 93/West 2<sup>nd</sup> Avenue and Agricultural District along the Loop 121 frontage. These tracts are also used residentially or are undeveloped.

## **Project Analysis and Discussion**

The requested Multi Family Zoning District allows the proposed duplex use, as well as a traditional apartment complex. The applicant has indicated there are no plans to expand either duplexes or to build apartments on this lot at this time.

Area requirements for the requested Multi Family Zoning District are listed below:

Minimum Lot Area: 2,420 sq. ft/dwelling unit or 10,000 sq. ft.  
Minimum Lot Width: 80' Minimum Lot Depth: 120'  
Minimum Front Yard: 25' Minimum Side Yard: 8'; 15' between buildings with openings  
Minimum Rear Yard: 20'  
Maximum density of 18 dwelling units per acre Maximum Lot Coverage: 40%  
Parking Requirement: 2 spaces per unit

All area requirements are satisfied.

The FLUM identifies a Commercial Center at the intersection of Loop 121 and W. 2<sup>nd</sup> Avenue. The Commercial Center allows for commercial and retail uses as well as multi family. Therefore, the requested Multi Family Zoning District is consistent with the FLUM. Residential uses are projected north of this site along the Loop 121 frontage, which is consistent with current use. The requested Multi Family zoning and duplex use will provide a transition between the residential uses to the north and the commercial uses anticipated at the Loop 121/W. 2<sup>nd</sup> Avenue intersection to the south.

After careful review of this zoning change request, the proposed Multi Family Zoning District appears to be reasonable in this location.

## **Recommendation**

The Planning and Zoning Commission met on February 19, 2019 and recommended approval of this zoning change from Agricultural District to Multi Family District. Staff concurs with their recommendation.

## **Attachments:**

Zoning application  
Property Location Map  
Zoning map  
Aerial map  
Map with zoning notice boundary (200')  
Zoning notice to owners  
Property owners' list  
Site plan  
P&Z Minutes Excerpt  
Ordinance



**City of Belton**  
**Request for a Zoning Change**

**To the City Council and the  
Planning & Zoning Commission**

Fee: \$250.00

Date Received: 1/24/19 Date Due: 01-15-19 (All plans are to be returned to the Planning Department within 5 working days)

Applicant: David K. Leigh Phone Number: 254-718-2081  
Mailing Address: 500 N Loop 121 City: Belton State: TX  
Email Address: dkleigh@shinebranch.com

Owners Name: Shine Branch LLC Phone Number: 254-718-2081  
Mailing Address: 500 N Loop 121 City: Belton State: TX  
Email Address: dkleigh@shinebranch.com

Applicant's Interest in Property:

Update zoning to current use.

Legal Description of Property:

Brentham Edition, Block 1, Lot 2, Acres 2.24

Is this property being simultaneously platted? No

Street Address: 406 N Loop 121

Zoning Change From Agricultural to Multi Family

Signature of Applicant: David K. Leigh Date: 1/24/19

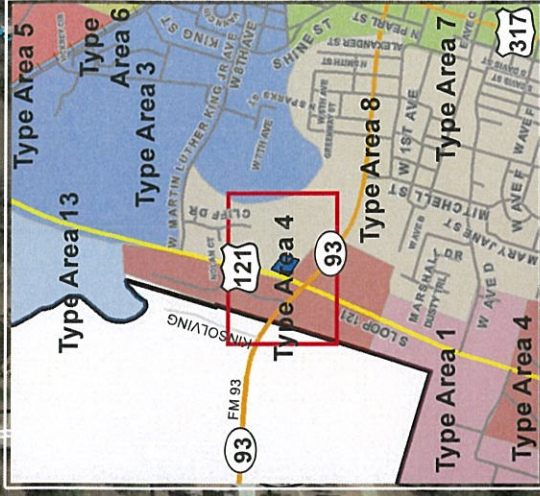
Signature of Owner (if not applicant): David K. Leigh Date: 1/24/19

Checklist for Zoning Items to be submitted with application:

- ☐ Signed Application
- ☐ Fees Paid
- ☐ Complete Legal Description of the property to be re-zoned
- ☐ Site Plans per Section 32, Planned Development, of the Zoning Ordinance. Please see the back for specific guidelines.
- ☐ In the event the request involves more than one lot or irregular tracts or acreage, a drawing of the property must be submitted.



# Zoning Case # Z-19-03 Location



## ZONING CHANGE:

AG  
to  
MF

## LEGAL DESCRIPTION:

BRENTHAM ADDITION, BLOCK 001,  
LOT 0002, ACRES 2.24

## PROPERTY OWNER:

Shine Branch LLC

## ADDRESS/LOCATION:

406 N Loop 121

## LEGEND

Tax Appraisal Parcels

Z\_19\_03

Map Date: 2/7/2019 Aerial Imagery Date: 2018

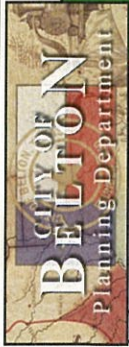
0 100 200 400 Feet



Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.



# Zoning Case # Z-19-03 Zoning



Author: Anthony Rodriguez, City of Belton

Path: E:\City of Belton Projects, Folders\Maps and Data\Zoning Cases\2019\Zoning Change Cases\Z-19-03\Z-19-03 Zoning.mxd

## ZONING CHANGE:

AG  
to  
MF

## LEGAL DESCRIPTION:

BRENTHAM ADDITION, BLOCK 001,  
LOT 0002, ACRES 2.24

## PROPERTY OWNER:

Shine Branch LLC

## ADDRESS/LOCATION:

406 N Loop 121

**Zoning Location**

## Legend

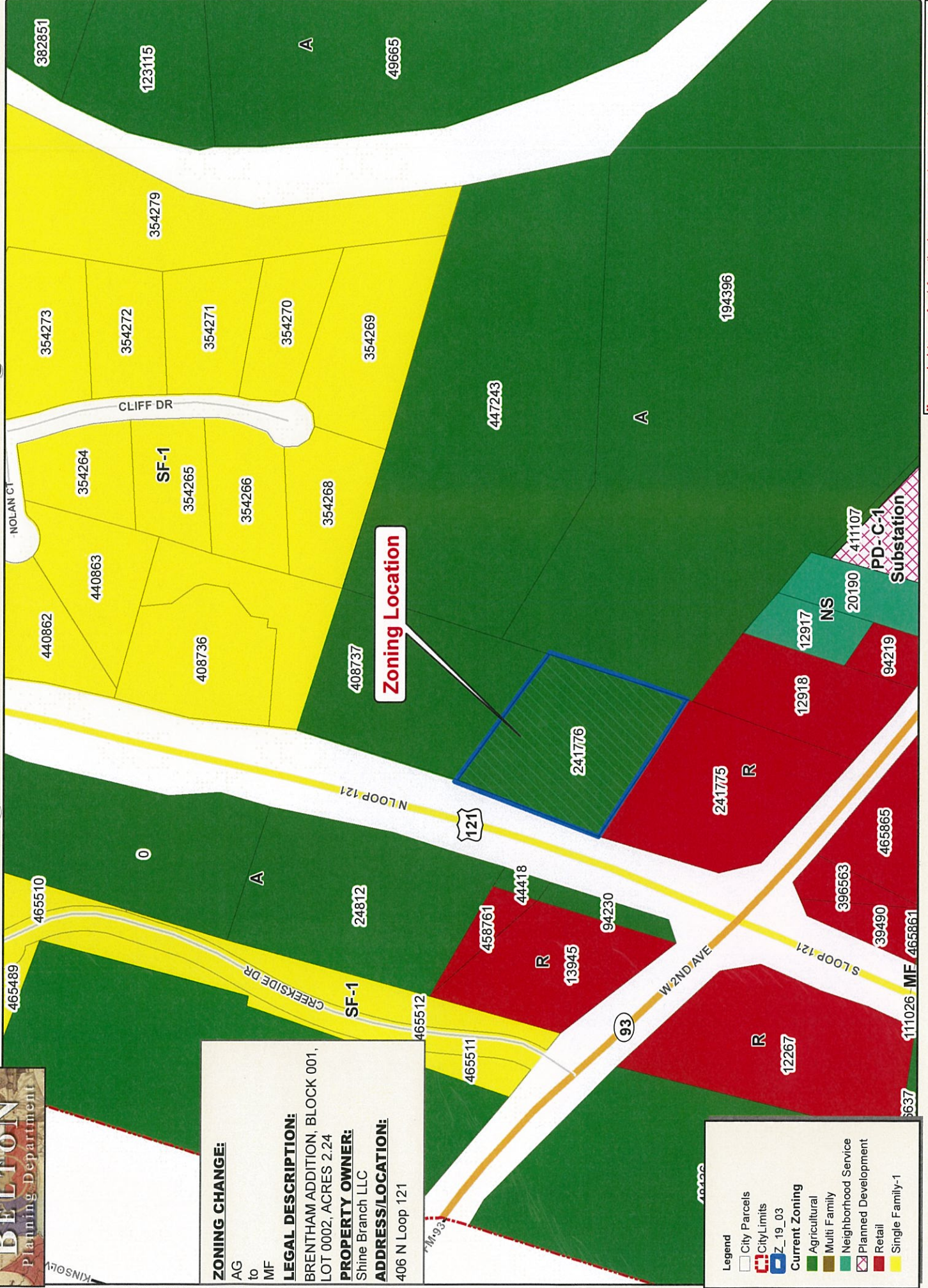
- City Limits
- City Parcels
- Z\_19\_03
- Current Zoning
- Agricultural
- Multi Family
- Neighborhood Service
- Planned Development
- Retail
- Single Family-1

Map Date: 2/8/2019



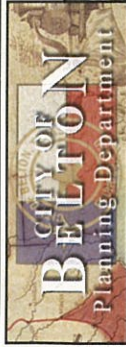
0 100 200 400 Feet

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# Zoning Case # Z-19-03 Aerial



**ZONING CHANGE:**  
AG  
to  
MF

**LEGAL DESCRIPTION:**  
BRENTHAM ADDITION, BLOCK 001,  
LOT 0002, ACRES 2.24

**PROPERTY OWNER:**  
Shine Branch LLC

**ADDRESS/LOCATION:**  
406 N Loop 121

**LEGEND**

☒ Z\_19\_03

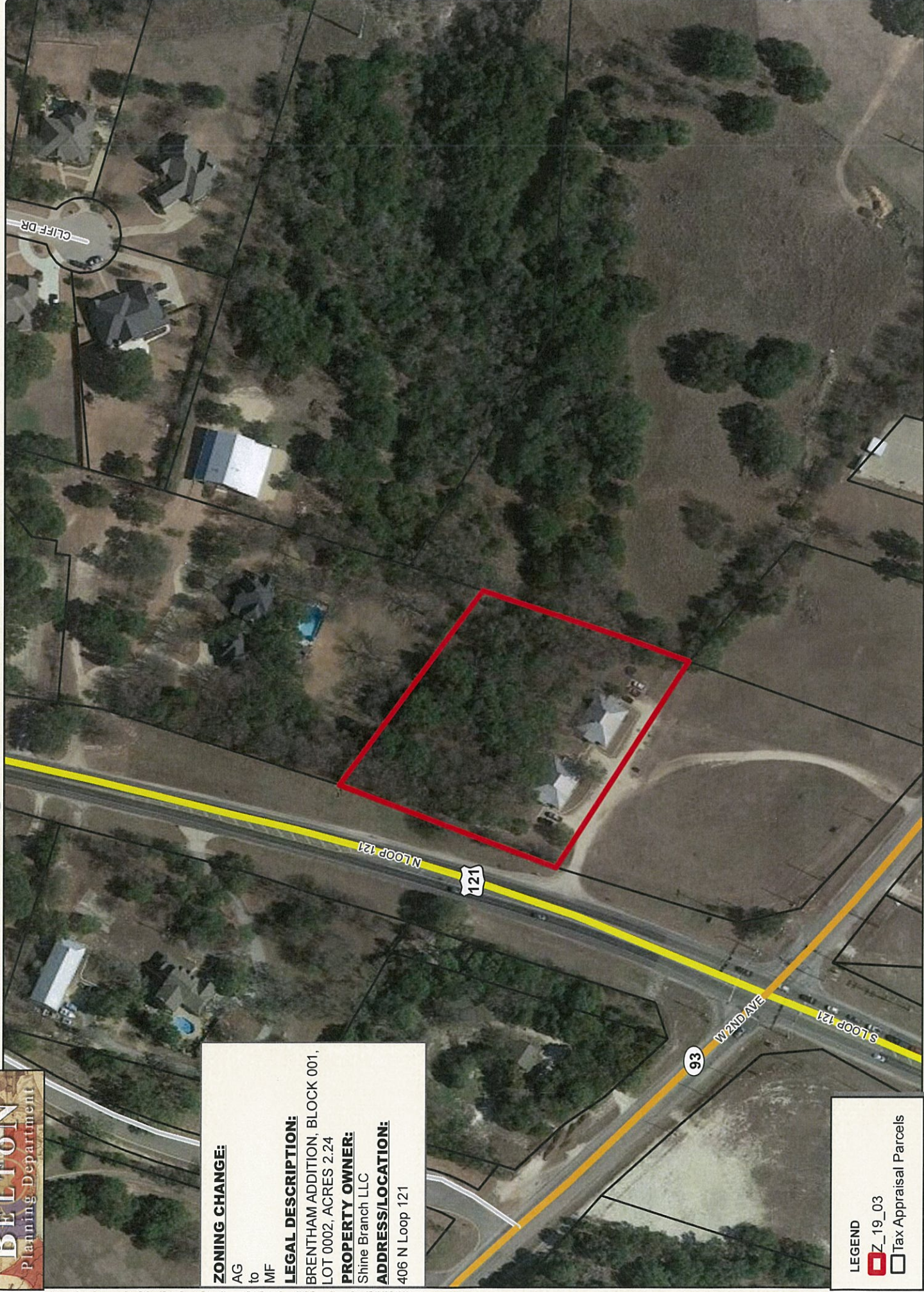
☐ Tax Appraisal Parcels

Map Date: 2/7/2019 Actual Imagery Date: 2018

0 62.5 125 250 Feet



Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.





# Zoning Case # Z-19-03



## ZONING CHANGE:

AG  
to  
MF

## LEGAL DESCRIPTION:

BRENTHAM ADDITION, BLOCK 001,  
LOT 0002, ACRES 2.24

## PROPERTY OWNER:

Shine Branch LLC

## ADDRESS/LOCATION:

406 N Loop 121

200' Property Owner  
Notification Area

## Legend

- 200' Property Owner Notification Area
- Z\_19\_03
- Tax Appraisal Parcels

Map Date: 1/31/2019 Aerial Imagery Date: 2018



0 75 150 300 Feet

Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.



**NOTICE OF APPLICATION  
FOR AN  
AMENDMENT TO THE ZONING ORDINANCE  
OF THE  
CITY OF BELTON**

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: DAVID K. LEIGH,  
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 2.24 ACRES, 406 NORTH LOOP 121,  
FROM A(N) AGRICULTURAL ZONING DISTRICT,  
TO A(N) MULTI FAMILY ZONING DISTRICT.

THE PLANNING & ZONING COMMISSION OF THE CITY OF BELTON, TEXAS WILL HOLD A PUBLIC HEARING PURSUANT TO THIS REQUEST AT **5:30 P.M., Tuesday, February 19, 2019**, AT THE T.B. HARRIS CENTER, 401 N. ALEXANDER, BELTON, TEXAS.

IF APPROVED BY THE PLANNING & ZONING COMMISSION, THIS ITEM WILL BE PLACED ON THE AGENDA FOR A PUBLIC HEARING BY THE CITY COUNCIL. THAT MEETING WILL BE AT **5:30 P.M., Tuesday, February 26, 2019**, AT THE T. B. HARRIS COMMUNITY CENTER, 401 ALEXANDER STREET, BELTON, TEXAS.

AS AN INTERESTED PROPERTY OWNER, THE CITY OF BELTON INVITES YOU TO MAKE YOUR VIEWS KNOWN BY ATTENDING THESE HEARINGS. YOU MAY SUBMIT WRITTEN COMMENTS ABOUT THIS ZONING CHANGE BY COMPLETING THIS FORM AND RETURNING IT TO THE ADDRESS BELOW.

IF YOU REQUIRE INTERPRETER SERVICES FOR THE DEAF OR HEARING IMPAIRED, PLEASE CONTACT THE CITY CLERK AT CITY HALL AT LEAST 48 HOURS BEFORE THESE MEETINGS.

---

circle one

AS AN INTERESTED PROPERTY OWNER, I (PROTEST) (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

**PLANNING DEPARTMENT  
CITY OF BELTON  
P. O. Box 120  
BELTON, TEXAS 76513  
254-933-5812**

13945  
ALONZO, JAVIER  
2608 N MAIN STE 282  
BELTON, TX 7651313945

12917  
BELTON IND SCHOOL DISTRICT  
PO BOX 269  
BELTON, TX 76513-0269

408737  
LEIGH, DAVID K ETUX JANET  
500 N LOOP 121  
BELTON, TX 76513-2423

447243  
SHINE BRANCH LLC  
500 N LOOP 121  
BELTON, TX 76513

12918  
BELTON HWY 93/LOOP 121 PARTNERSHIP LTD  
PO BOX 170639  
AUSTIN, TX 78717

24812  
BISHOP, AARON VAN III & ANGELA MAE  
501 N LOOP 121  
BELTON, TX 76513-4866

44418  
LITTLE MCPROPERTIES LLC  
PO BOX 570  
SALADO, TX 76571

SUPERINTENDENT  
DR. SUSAN KINCANNON  
BELTON I.S.D.  
P O Box 269  
BELTON TEXAS 76513

241775  
BELTON HWY 93/LOOP 121 PARTNERSHIP LTD  
PO BOX 170639  
AUSTIN, TX 78717

94230  
BISHOP, AARON VAN III & ANGELA MAE  
501 N LOOP 121  
BELTON, TX 76513-4866

241776  
SHINE BRANCH LLC  
500 N LOOP 121  
BELTON, TX 76513



**NOTICE OF APPLICATION  
FOR AN  
AMENDMENT TO THE ZONING ORDINANCE  
OF THE  
CITY OF BELTON**

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: DAVID K. LEIGH,  
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 2.24 ACRES, 406 NORTH LOOP 121,  
FROM A(N) AGRICULTURAL ZONING DISTRICT,  
TO A(N) MULTI FAMILY ZONING DISTRICT.

THE PLANNING & ZONING COMMISSION OF THE CITY OF BELTON, TEXAS WILL HOLD A PUBLIC HEARING PURSUANT TO THIS REQUEST AT **5:30 P.M., Tuesday, February 19, 2019**, AT THE T.B. HARRIS CENTER, 401 N. ALEXANDER, BELTON, TEXAS.

IF APPROVED BY THE PLANNING & ZONING COMMISSION, THIS ITEM WILL BE PLACED ON THE AGENDA FOR A PUBLIC HEARING BY THE CITY COUNCIL. THAT MEETING WILL BE AT **5:30 P.M., Tuesday, February 26, 2019**, AT THE T. B. HARRIS COMMUNITY CENTER, 401 ALEXANDER STREET, BELTON, TEXAS.

AS AN INTERESTED PROPERTY OWNER, THE CITY OF BELTON INVITES YOU TO MAKE YOUR VIEWS KNOWN BY ATTENDING THESE HEARINGS. YOU MAY SUBMIT WRITTEN COMMENTS ABOUT THIS ZONING CHANGE BY COMPLETING THIS FORM AND RETURNING IT TO THE ADDRESS BELOW.

IF YOU REQUIRE INTERPRETER SERVICES FOR THE DEAF OR HEARING IMPAIRED, PLEASE CONTACT THE CITY CLERK AT CITY HALL AT LEAST 48 HOURS BEFORE THESE MEETINGS.

circle one

AS AN INTERESTED PROPERTY OWNER, I (PROTEST) (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. THE longtime (and current) USE of the SUBJECT property has been
2. DUPLEXES/MULTIFAMILY - and this ZONING change merely reflects
3. what actually is already there.
- Also, multifamily seems an appropriate use for this property.

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: February 12, 2019 SIGNATURE: Michael B. Elliott  
Managing Member of Belton  
Hwy. 93/Loop 121 Management,  
LLC

PLANNING DEPARTMENT  
CITY OF BELTON  
P. O. Box 120  
BELTON, TEXAS 76513  
254-933-5812

12918	241775
BELTON HWY 93/LOOP 121 PARTNERSHIP LTD	BELTON HWY 93/LOOP 121 PARTNERSHIP LTD
PO BOX 170639	PO BOX 170639
AUSTIN, TX 78717	AUSTIN, TX 78717

NOTICE OF APPLICATION  
FOR AN  
AMENDMENT TO THE ZONING ORDINANCE  
OF THE  
CITY OF BELTON

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: DAVID K. LEIGH,  
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circle one

AS AN INTERESTED PROPERTY OWNER, I (PROTEST) (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: 2-18-19 SIGNATURE: Jx Javier Alonzo

PLANNING DEPARTMENT  
CITY OF BELTON  
P. O. Box 120  
BELTON, TEXAS 76513  
254-933-5812

13945

ALONZO, JAVIER

2608 N MAIN STE 282

BELTON, TX 7651313945



Minutes of the  
**Planning and Zoning Commission (P&ZC)**  
City of Belton  
333 Water Street  
Tuesday, February 19, 2019

---

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, Ty Hendrick, Dave Covington, Stephanie O'Banion, Zach Krueger, Luke Potts, Quinton Locklin and Allison Turner. The following staff members were present: Director of Planning Cheryl Maxwell, IT Ryan Brown and Planning Clerk Laura Livingston. Commission member David Jarratt was absent.

**4. Z-19-03     Hold a public hearing and consider a zoning change from Agricultural to Multi Family District on 2.24 acres comprising Lot 2, Block 1, Brentham Addition, located at 406 N. Loop 121, near the northeast corner of W. 2nd Avenue and N. Loop 121.**

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

Mr. Covington recused himself from voting on the item. Chair Baggerly opened the public hearing and with no one requesting to speak, he closed the public hearing.

Mr. Hendrick said it seems reasonable to him and a natural transition.

Mr. Hendrick made a motion to approve Z-19-03. Ms. Turner seconded the motion. The motion was approved with 7 ayes, 0 nays, 1 abstention.

## **ORDINANCE NO. 2019-14**

### **AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL TO MULTI FAMILY DISTRICT ON A 2.24 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 8 DESIGN STANDARDS.**

**WHEREAS**, Shine Branch, LLC, owner of the following described property has presented a petition duly signed, to the City Planning & Zoning Commission and filed said petition with the City Clerk of the City of Belton, and due notice of filing of said petition and hearing on said petition has been given as required by the City Zoning Ordinance and by law, and a hearing on said petition before the City Planning & Zoning Commission of the City of Belton was set for the 19<sup>th</sup> day of February, 2019, at 5:30 p.m. for hearing and adoption, said district being described as follows:

2.24 acres at 406 N. Loop 121, Belton, Texas  
(location map attached as Exhibit "A")

**WHEREAS**, said application for such amendment was duly recommended by the said City Planning & Zoning Commission and the date, time and place of the hearing on said application by the City Council of the City of Belton was set for the 26<sup>th</sup> day of February, 2019, at 5:30 p.m. at the Harris Community Center and due notice of said hearing was given as required by ordinances and by law; and

**WHEREAS**, a hearing was held upon the application by the City Council of the City of Belton at the time, place and date herein before set forth and no valid objection to said amendments was presented.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Belton, Texas, that the said district located on a tract of land as more fully and completely described above, be and is hereby changed from Agricultural Zoning District to Multi Family District, in accordance with Section 15 –Multiple Family Zoning District, and the Design Standards in Ordinance No. 2014-17, Section 7.1 of the Zoning Ordinance. The Zoning Ordinance of the City of Belton is hereby amended, subject to the following conditions:

1. The use of this property must conform to the Multi Family Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 8 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
  - a. Site Development Standards
  - b. Building Design Standards

This ordinance was presented at the stated meeting of the City Council of the City of Belton and upon reading was passed and adopted by the City Council on the 26<sup>th</sup> day of February, 2019, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

**SIGNED AND APPROVED** by the Mayor and attested by the City Clerk on this the 26<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
Marion Grayson, Mayor

ATTEST:

\_\_\_\_\_  
Amy M. Casey, City Clerk



**ZONING CHANGE:**

AG  
to  
MF

**LEGAL DESCRIPTION:**

BRENTHAM ADDITION, BLOCK 001,  
LOT 0002, ACRES 2.24

**PROPERTY OWNER:**



Shine Branch LLC

**ADDRESS/LOCATION:**

406 N Loop 121



**LEGEND**

-  Tax Appraisal Parcels
-  Z\_19\_03





# Staff Report – City Council Agenda Item



**Date:** February 26, 2019  
**Case No.:** Z-19-04  
**Request:** Commercial – 1 to PD Office –  
2 District with a SUP for a Bail  
Bond Business  
**Owner/Applicant:** Thomas Renschler/  
Chase Chapman

## **Agenda Item #8**

Hold a public hearing and consider a zoning change from Commercial-1 to Planned Development Office-2 District with a Specific Use Permit (SUP) for the operation of a bail bond business on a 0.18 acre tract located at 795 E. Central Avenue, at the southeast corner of E. Central Avenue and S. Birdwell Street.

## **Originating Department**

Planning – Cheryl Maxwell, Director of Planning

## **Current Zoning**

Commercial-1 District

## **Proposed Zoning**

PD – Office-2 with SUP for Bail Bond Business  
(Zoning Ordinance Sections 18, 32, & 33)

**Future Land Use Map (FLUM) Designation:** Commercial/Retail

**Design Standards Type Area:** 7 - Projected growth for this area is primarily commercial, mixed use developments and urban residential infill, focusing on compatible uses.

## **Case Summary**

The applicant is leasing this property and wishes to open a bail bonds office at this location. There is an existing residential structure on site that has been converted to office use and was recently used as a security firm office. Per Resolution #2007-14-R, passed by the City Council on February 27, 2007, Bail Bonding Agents and Services are only permitted in the Office-2 District with a Specific Use Permit. Therefore, the applicant is requesting this zoning change and SUP to accommodate the use. The PD is proposed since the lot sizes do not meet the Office-2 District minimums, but Office-2 with a SUP is the vehicle in the Zoning Ordinance for a bail bonds business.

This property, and the surrounding properties to the east and south, are zoned Commercial-1 District. Properties to the north and west are zoned Retail District. Auto Zone is located on the

adjacent property to the east, while residential uses are located to the south. Uses along the north side of Central Avenue near this site include Eagle Auto Parts and Schoepf's BBQ, while uses on the south side include a parking area and O'Reilly's Auto Parts.

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

The proposed PD with an Office-2 Base Zoning District allows the following land uses:

- Any use permitted in the Office-1 District
- Auto parking lot or garage
- Bank, savings and loan, credit union or other financial institution
- Child care center; school, college or university
- Church
- Civic Center
- Clinic or medical office; scientific or research lab
- Motels and hotels
- Offices
- Personal service shop
- Theater (indoor)

It should be noted that the current Commercial-1 Zoning District permits uses that are allowed in the Office-1, Office-2, Neighborhood Services, Retail, and Commercial-1 Zoning Districts. The proposed PD with Office-2 base zoning will result in a reduction of uses that are allowed by right. In addition, open storage is prohibited in the Office-2 Zoning District, but allowed in the Commercial-1 District.

### **Area Requirements**

Area requirements for the Office-2 District are listed below:

Minimum Lot Area: 10,000 sq. ft.

Minimum Lot Width: n/a Minimum Lot Depth: n/a

Minimum Front Yard: 50' Minimum Rear Yard: 20'

Minimum Side Yard: 25' on adjacent die property line; 50' on corner lot

Maximum Lot Coverage: 50%

Parking Requirement: 1 space per 300 sq. ft. For this office building of 861 sq. ft. the requirement is 3 paved parking spaces.

This lot is only 42 feet wide and 191 feet long; therefore, at approximately 8,050 sq. ft., it does not meet the minimum area requirement of 10,000 sq. ft. It is not possible to meet the 50' and 25' side yard setback requirements with only 42' in width. Nor does the existing structure meet the 50' front yard setback requirement. Therefore, a PD is proposed to address reductions needed in these setbacks and area requirements.

## **Project Analysis and Discussion**

A site plan is required by both the Planned Development District and the Specific Use Permit provisions. The site plan that has been provided shows the existing structure and carport, and the area that will be paved for parking. No expansion of the structure will occur, and all activities will occur inside the structure. If the requested zoning change is approved, any use allowed in the Office-1 or Office-2 Zoning Districts would be allowed, plus a bail bonds office would be allowed, per the submitted site plan. If the building is enlarged or the site plan changes significantly, a zoning code amendment would be needed. Since the adjacent residential uses to the south are zoned Commercial-1, fencing or screening is not required by the Zoning Ordinance; however, screening may be required as a condition of the SUP/PD if deemed necessary.

Per Zoning Ordinance Section 33.2, in the spirit of determining the validity of the SUP request for a bail bonds business, the following criteria should be considered:

1. Is the use harmonious and compatible with surrounding existing uses or proposed uses?
2. Are the activities requested by the applicant normally associated with the requested use?
3. Is the nature of the use reasonable?
4. Has any impact on the surrounding area been mitigated?

The applicant currently has another bail bonds office in Waco, *Break 'Em Out Bail Bonds*, that has been in operation since 1994, so he has several years of experience with this type of business. The Belton office will function the same as the Waco office. Although 24 hour service will be provided via phone, the applicant has indicated the office hours will generally be limited to 8 to 5 Monday through Friday, and 10 to 2 on Saturday. Customers and employees will only be on-site during these hours of operation. Initially there will be two employees, with possibly a third in the future. The applicant has been advised that no parking will be allowed in the street right-of-way or on an unimproved surface; therefore, additional paved parking may be needed in the future.

The requested zoning change and SUP appears to satisfy the criteria above. Fencing may be provided to separate the residential property to the south; however, the uses allowed with the zoning change to Office-2 are more limited than those currently allowed with the Commercial-1 zoning, and no outside storage is permitted in the Office-2 zoning; therefore, the need for fencing may be minimal.

The FLUM identifies this area as generally Commercial and Retail. The Commercial and Retail Zoning Districts also allow office use, so the requested PD Office-2 Zoning District is a bit more limiting, but is not in conflict with the FLUM. The existing commercial/retail uses next to residential uses is not desirable; however, that is the current condition. It is anticipated that the residential uses will eventually transition to non-residential. The office use is generally considered more compatible with residential uses; therefore, the requested PD Office-2 may actually be considered a more compatible zoning district given the current use in the area.

**P&ZC Update:** At the P&ZC meeting on February 19, 2019, the members discussed this case and concerns were expressed regarding the proposed “downzoning” of this property, given the location along a major retail corridor—Patriot Way—providing entry to Belton’s downtown area. Concerns were also expressed regarding the close proximity of this property to Belton’s Historic Downtown, and past action that was taken to limit the number of bail bond offices in that area. A motion to approve this zoning change and SUP failed with a vote of 2 in favor and 6 in opposition.

The applicant has appealed the P&ZC decision and has indicated willingness to forego signage along the Central Avenue frontage to minimize their visibility along this important gateway to the city. A condition to this effect has been added to the draft ordinance. Since the P&ZC recommendation was for denial, a  $\frac{3}{4}$  majority vote (6 votes) of the Council is required for approval.

### **Recommendation**

The Planning and Zoning Commission met on February 19, 2019, and a motion to approve the requested zoning change and SUP failed. Although staff recommended approval of the applicant’s request, we understand the Planning Commission recommendation and do not take issue with it.

If the Council feels approval is warranted, an ordinance has been prepared with the following conditions:

1. The use and development of the property shall conform to the Office-2 Zoning District in all respects.
2. In addition, a specific use permit is authorized for a bail bond business, subject to the attached site plan and conditions below:
  - a. All activities shall be conducted inside the building.
  - b. Hours of operation shall typically be limited to normal daytime business hours and shall not exceed Monday through Saturday, 8 a.m to 5 p.m., except office may stay open until 6:00 p.m. on Fridays.
3. The development of the property shall conform to all applicable Design Standards per Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, except where allowances have been made for area and setback requirements for the existing structure.
4. A minimum of 3 paved parking spaces must be provided on site. Parking in the ROW or on an unimproved surface is not allowed.
5. No signage shall be placed on the front of the building or in the observed front yard of the lot.

A motion to approve the zoning change will require six (6) affirmative votes.



**Attachments:**

Zoning application  
Property Location Map  
Zoning map  
Aerial map  
Map with zoning notice boundary (200')  
Zoning notice to owners  
Property owners' list  
Site plan  
Resolution #2007-14  
P&Z Minutes Excerpt  
Ordinance

**City of Belton**  
**Request for a Zoning Change**

**To the City Council and the**  
**Planning & Zoning Commission**

Fee: \$250.00

Date Received: 01-28 Date Due: 01-15 (All plans are to be returned to the Planning Department within 5 working days)

Applicant: Chase Chapman Phone Number: 254 733 7441  
Mailing Address: 700 E Waco Dr City: Waco State: TX  
Email Address: Chapmansbail@yahoo.com

Owners Name: Thomas Renschler Phone Number: 254 709 1599  
Mailing Address: 600 S Valley Mill Dr City: Waco State: TX  
Email Address: \_\_\_\_\_

Applicant's Interest in Property:

Bail Bonds Office

Legal Description of Property:

Belton original, Block 087, Lot PT 1, (NW 42'x192' of 1)

Is this property being simultaneously platted? \_\_\_\_\_

Street Address: 795 E Central ave Belton TX 76513

Zoning Change From C1 to O2

Signature of Applicant: [Signature] Date: 1/23/19

Signature of Owner (if not applicant): [Signature] Date: 1-28-19

Checklist for Zoning Items to be submitted with application:

- ☐ Signed Application
- ☐ Fees Paid
- ☐ Complete Legal Description of the property to be re-zoned
- ☐ Site Plans per Section 32, Planned Development, of the Zoning Ordinance. Please see the back for specific guidelines.
- ☐ In the event the request involves more than one lot or irregular tracts or acreage, a drawing of the property must be submitted.



# Zoning Case # Z-19-04 Location



**ZONING CHANGE:**  
C-1  
to  
PD-O2 w/SUP  
for Bail Bond Office

**LEGAL DESCRIPTION:**  
BELTON ORIGINAL, BLOCK 087,  
LOT PT 1, (NW 42' X 192' OF 1),  
A.S.T INC. SECURITY

**PROPERTY OWNER:**  
RENSCHLER, RICHARD J & THOMAS W

**ADDRESS/LOCATION:**  
795 E CENTRAL AVE

**LEGEND**

☒ Z\_19\_04

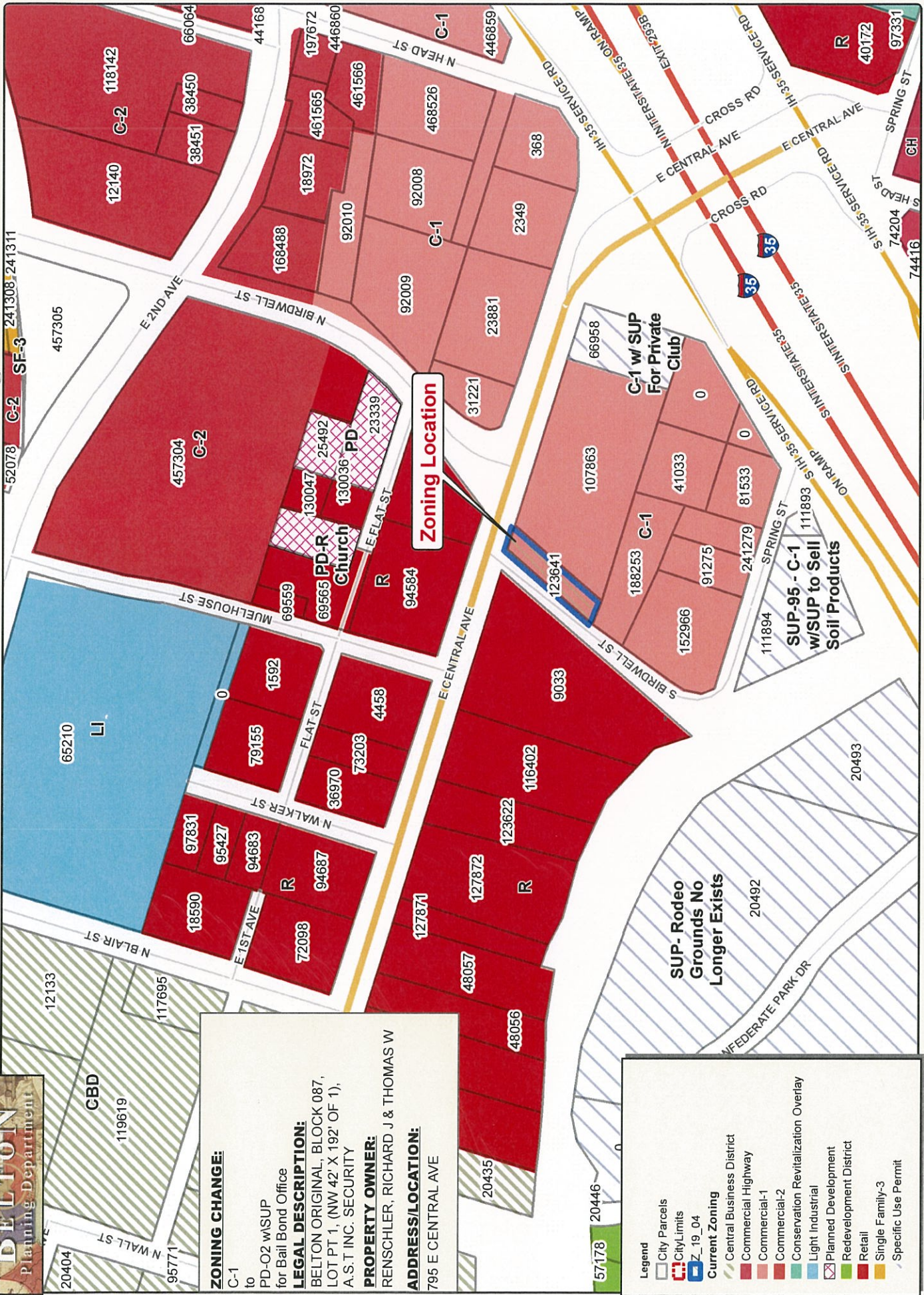
☐ Tax Appraisal Parcels





# Zoning Case # Z-19-04 Zoning

52078 C-2 SF-3 241308 241311



**ZONING CHANGE:**  
C-1 to PD-O2 w/SUP for Bail Bond Office

**LEGAL DESCRIPTION:**  
BELTON ORIGINAL, BLOCK 087, LOT PT 1, (NW 42' X 192' OF 1), A.S.T INC. SECURITY

**PROPERTY OWNER:**  
RENSCHLER, RICHARD J & THOMAS W

**ADDRESS/LOCATION:**  
795 E CENTRAL AVE

**Legend**

- City Parcels
- City Limits
- Z\_19\_04
- Current Zoning
- Central Business District
- Commercial Highway
- Commercial-1
- Commercial-2
- Conservation Revitalization Overlay
- Light Industrial
- Planned Development
- Redevelopment District
- Retail
- Single Family-3
- Specific Use Permit

**SUP- Rodeo Grounds No Longer Exists**

**SUP-95 - C-1 w/SUP to Sell Soil Products**

**C-1 w/ SUP For Private Club**



# Zoning Case # Z-19-04 Aerial



**ZONING CHANGE:**

C-1

to

PD-O2 w/SUP

for Bail Bond Office

**LEGAL DESCRIPTION:**

BELTON ORIGINAL, BLOCK 087,

LOT PT 1, (NW 42' X 192' OF 1),

A.S.T INC. SECURITY


**PROPERTY OWNER:**


RENSCHLER, RICHARD J & THOMAS W

**ADDRESS/LOCATION:**

795 E CENTRAL AVE

**LEGEND**

 Z\_19\_04

 Tax Appraisal Parcels

Map Date: 2/7/2019 Aerial Imagery Date: 2018

0 25 50 100 Feet



Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.



# Zoning Case # Z-19-04



## ZONING CHANGE:

C-1

to

PD-O2 w/SUP

for Bail Bond Office

## LEGAL DESCRIPTION:

BELTON ORIGINAL, BLOCK 087,

LOT PT 1, (NW 42' X 192' OF 1),

A.S.T INC. SECURITY

## PROPERTY OWNER:

RENSCHLER, RICHARD J & THOMAS W

## ADDRESS/LOCATION:

795 E CENTRAL AVE

200' Property Owner  
Notification Area

## Legend

200' Property Owner  
Notification Area

Z\_19\_04

Tax Appraisal Parcels

Map Date: 2/7/2019 Aerial Imagery Date: 2018

0 80 160 320 Feet



Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.



**NOTICE OF APPLICATION  
FOR AN  
AMENDMENT TO THE ZONING ORDINANCE  
OF THE  
CITY OF BELTON**

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: CHASE CHAPMAN,  
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 795 EAST CENTRAL AVENUE,  
FROM A(N) COMMERCIAL-1 ZONING DISTRICT,  
TO A(N) PLANNED DEVELOPMENT OFFICE-2 ZONING DISTRICT WITH SPECIFIC USE PERMIT FOR BAIL BONDS  
BUSINESS.

THE PLANNING & ZONING COMMISSION OF THE CITY OF BELTON, TEXAS WILL HOLD A PUBLIC HEARING  
PURSUANT TO THIS REQUEST AT **5:30 P.M., Tuesday, February 19, 2019**, AT THE T.B. HARRIS CENTER, 401 N.  
ALEXANDER, BELTON, TEXAS.

IF APPROVED BY THE PLANNING & ZONING COMMISSION, THIS ITEM WILL BE PLACED ON THE AGENDA FOR  
A PUBLIC HEARING BY THE CITY COUNCIL. THAT MEETING WILL BE AT **5:30 P.M., Tuesday, February 26, 2019**,  
AT THE T. B. HARRIS COMMUNITY CENTER, 401 ALEXANDER STREET, BELTON, TEXAS.

AS AN INTERESTED PROPERTY OWNER, THE CITY OF BELTON INVITES YOU TO MAKE YOUR VIEWS KNOWN  
BY ATTENDING THESE HEARINGS. YOU MAY SUBMIT WRITTEN COMMENTS ABOUT THIS ZONING CHANGE BY  
COMPLETING THIS FORM AND RETURNING IT TO THE ADDRESS BELOW.

IF YOU REQUIRE INTERPRETER SERVICES FOR THE DEAF OR HEARING IMPAIRED, PLEASE CONTACT THE CITY  
CLERK AT CITY HALL AT LEAST 48 HOURS BEFORE THESE MEETINGS.

---

circle one

AS AN INTERESTED PROPERTY OWNER, I (PROTEST) (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN  
THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

**PLANNING DEPARTMENT  
CITY OF BELTON  
P. O. Box 120  
BELTON, TEXAS 76513  
254-933-5812**

107863  
AUTOZONE INC  
PO BOX 2198  
MEMPHIS, TN 38101-2198107863

152966  
FARR, ROBERT  
9546 BREWER LN  
SALADO, TX 76571-5128

123641  
RENSCHLER, RICHARD J & THOMAS W  
600 S VALLEY MILLS DR  
WACO, TX 76711-1156

94584  
SCHOEPF'S PROPERTIES LLC  
5454 FM 1123  
BELTON, TX 76513-7717

37538  
CHILDRESS, WILLIAM A ETUX DONNA  
4016 SUNFLOWER LN  
TEMPLE, TX 76502-4822

41033  
LEON, JUAN LUIS  
3108 BONHAM AVE  
TEMPLE, TX 76502-1555

31221  
RICHARDSON, VIRGIL L ETUX  
PO BOX 2323  
PONCA CITY, OK 74602-2323

241279  
VASQUEZ, JESSE  
814 SPRING ST 1/2  
BELTON, TX 76513

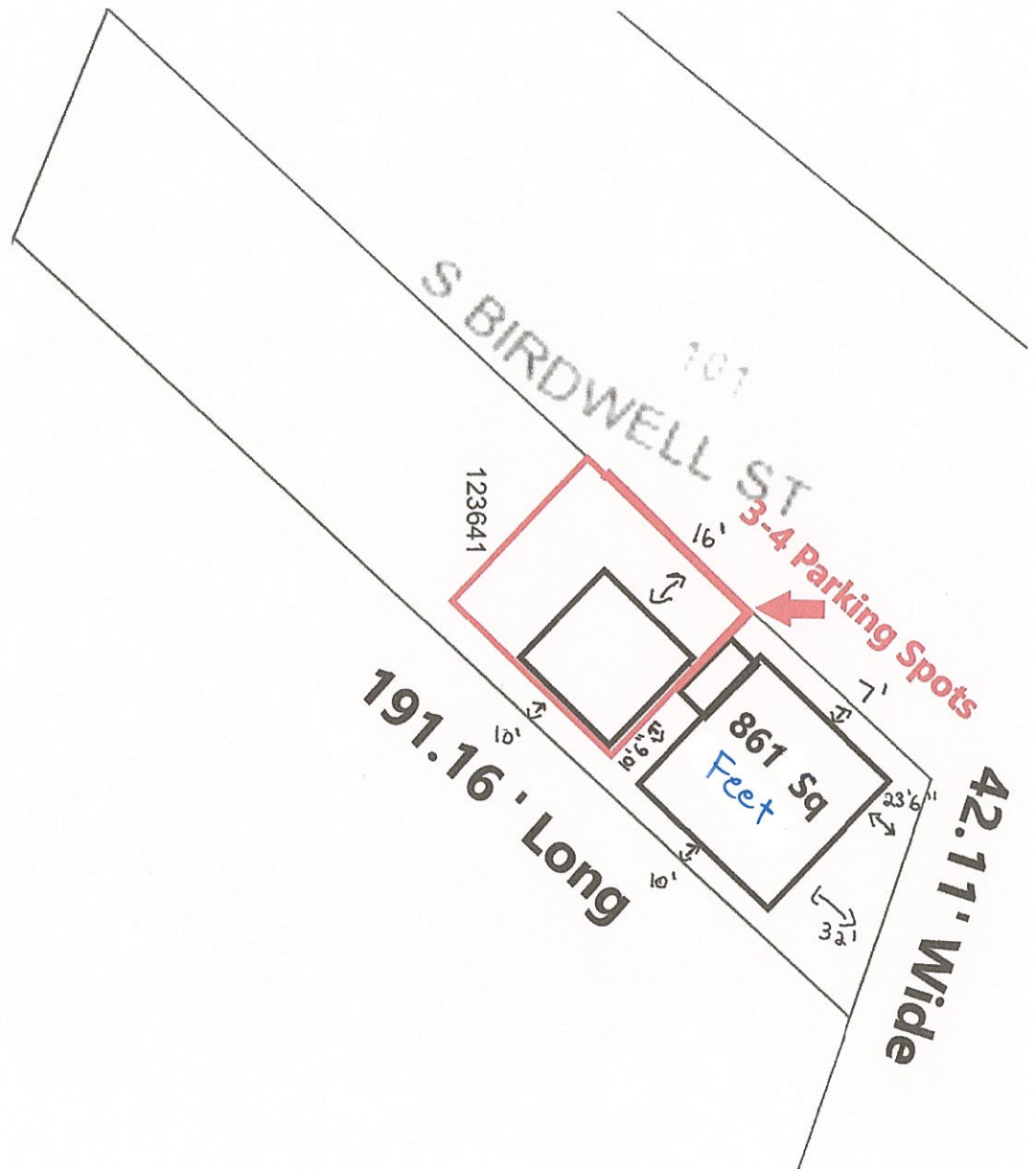
9033  
EL RIO VERDE PROPERTIES LLC  
2855 SAND AND GRAVEL LN  
BELTON, TX 76513-7750

91275  
PEREZ, JUAN  
812 SPRING ST  
BELTON, TX 76513-3273

188253  
ROBLES, MARIA C  
131 S BIRDWELL ST  
BELTON, TX 76513-3234

SUPERINTENDENT  
DR. SUSAN KINCANNON  
BELTON I.S.D.  
P O BOX 269  
BELTON TEXAS 76513





**RESOLUTION NO. 2007-14**

**A RESOLUTION AMENDING SECTION 24 OF THE ZONING ORDINANCE OF THE CITY OF BELTON; ADDING SECTION 24.2.38 PERMITTING BAIL BONDING AGENTS AND SERVICES AS AN ALLOWED USE IN THE OFFICE-2 DISTRICT, SUBJECT TO A SPECIFIC USE PERMIT.**

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**WHEREAS**, under the current Zoning Ordinance, Bail Bonding Agents and Services was not a listed land use, therefore in accordance with Section 44 of the Zoning Ordinance (Classification of New and Unlisted Uses), the Building Official referred the question to the Planning and Zoning Commission for determination of appropriate zoning classification;

**WHEREAS**, the Planning & Zoning Commission, at their meeting on February 15, 2007, recommended to the City Council, the classifications of Bail Bonding Agents and Services as an allowable use in the Office-2 District subject to a special use permit.

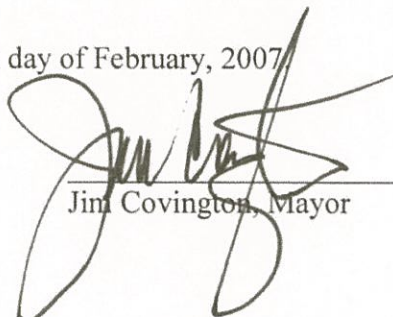
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, THAT:**

Bail Bonding Agents and Services are permitted in Office-2 Districts with the following requirements:

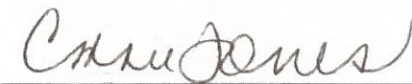
- a. A Specific Use Permit (SUP) is required.
- b. All associated operations shall be conducted and contained within the primary structure.

This resolution shall take effect and be in full force and effect from and after the date of its passage.

**PASSED AND APPROVED** this 27th day of February, 2007

  
\_\_\_\_\_  
Jim Covington, Mayor

ATTEST:

  
\_\_\_\_\_  
Connie Torres, City Clerk

Minutes of the  
**Planning and Zoning Commission (P&ZC)**  
City of Belton  
333 Water Street  
Tuesday, February 19, 2019

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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, Ty Hendrick, Dave Covington, Stephanie O'Banion, Zach Krueger, Luke Potts, Quinton Locklin and Allison Turner. The following staff members were present: Director of Planning Cheryl Maxwell, IT Ryan Brown and Planning Clerk Laura Livingston. Commission member David Jarratt was absent.

**5. Z-19-04 Hold a public hearing and consider a zoning change from Commercial-1 to Planned Development Office-2 District with a Specific Use Permit for the operation of a bail bond business on a 0.18 acre tract located at 795 E. Central Avenue, at the southeast corner of E. Central Avenue and S. Birdwell Street.**

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

Chair Baggerly opened the public hearing. Mr. Chase Chapman, 795 East Central Avenue, said he is the applicant for this zoning change. Chair Baggerly said questions would be fielded after the public hearing. Mr. Tom Renschler, 2625 New Wood Lane in Waco, said he is the owner of the building at 795 East Central Avenue.

Mr. Hendrick said the obvious question is about the parking spaces. With three employees and you have three parking places, where is the public going to park? You can't park in the ROW on Central Avenue... Is there room for more parking spaces? Mr. Chapman said there is more room. We may add more parking spots, Mr. Chapman said, but at the moment we feel we will have room because of the number of employees and we won't have more than one client at a time.

Mr. Potts asked where is the closest public parking? No other close public parking was identified.

Ms. O'Banion said she has a few concerns. A few years ago, there was an effort to clean up zoning around Downtown Belton and around our Central Avenue gateway, and we worked hard for the commercial zoning and retail zoning as we develop and enhance Downtown, starting with the Patriot Plaza and along the Patriot Brick Walkway (Central Avenue). Changing this zoning to Office-2 would certainly be a big step back from those efforts, and those efforts are still continuing along Central Avenue as the gateway to Belton. She said she has a concern with changing that zoning at all. Mr. Covington said he shares that concern. He said he would need to see value added to change the zoning. He would want to see something specifically targeting tourism. Mr. Covington said he's not really excited about the zoning request as being appropriate here.

Mr. Potts said anytime a business is added or jobs are added is a great thing for our city. It is hard to imagine something else there that will go in that business, Mr. Potts said. Chair Baggerly said it's currently a security firm? Correct, Ms. O'Banion said. Mr. Potts said if you're bringing business to our city, then we appreciate it. Chair Baggerly said he remembers the '90s and the 2000s, and I know what happened to our Downtown, and it was a sad place to be. He didn't know what percentage of the businesses were bail bonds offices, but it was a lot, he said. Chair Baggerly said we did work very hard to turn that around, so his initial reaction is that he's not excited to hear about this proposed change.

Ms. O'Banion said she wanted to support what Mr. Potts said. Absolutely we welcome businesses to our community, she said, and there are other O-2 properties that she thinks might be available, but we worked really hard in those days to enhance this gateway and zone it appropriately so that it would develop. It's been part of a longtime strategic plan for the City and she thinks to change this with a Specific Use Permit, we are just taking a step back to undo all the work that the City has worked on for all of these years to enhance this particular gateway. Chair Baggerly said he agrees. He said it's about a block-and-a-half into the "Welcome to Belton" sign. This may not be the best face we want visitors to see, Chair Baggerly said.

Mr. Potts asked Ms. Maxwell where are the closest O-2 zoned properties. He said, are there any on this stretch? Ms. Maxwell said she did not think so along Central Avenue. It is Retail and then comes the Central Business District, which does allow a mix of uses. Specifically, Office-2, in this corridor there is not any, Ms. Maxwell said. Ms. O'Banion said that was designed that way. Mr. Potts said isn't there a bail bond place just down the street? Ms. O'Banion said during those times if there was a bail bondsman doing business in a downtown location they could remain but once that particular business moved out another one cannot come back in, she said. Mr. Covington said that ordinance passed in 2007.

Ms. O'Banion said she does support the business being in Belton, but it would be better served in a different location. Chair Baggerly said the vote we make tonight will go to City Council for approval, so this is not the final vote. Ms. Maxwell said she wanted to clarify; if the majority of the vote is disapproval, it will not automatically move forward. The applicant will have to appeal the decision for it to be heard by the City Council, she said.

Mr. Potts asked the applicant his plans if this zoning change is not approved? Mr. Chapman said at the moment they don't have a plan. He is friends with the building owner who is willing to let them use the property. Mr. Chapman said the property is in pretty bad shape and has been an eyesore for a while and we are going to put a substantial amount of money into the property to make it look better. Going from gravel to paved parking; it needs a new roof; we had to cut down a dangerous tree that was hanging in the powerlines. He believed he still needed the SUP regardless of where they do business in Belton. The neighboring businesses are fine with it, he said. Mr. Chapman said he didn't see the problem with that location.

Mr. Renschler said a security company is there now, and he believes Mr. Chapman's business will actually improve the look of the property. He did not think it would hurt the appearance of that area and would improve the appearance of the city. Mr. Renschler said he leased some of that property to the City of Belton for use of underground electrical work and he was very nice to do that and it cleaned up that back portion. It is in a floodplain and there is no control over that area when the creek floods. He did not believe it would hurt the appearance of Belton, and it would add another business in Belton.

Mr. Krueger said we asked Mr. Chapman what his options would be if this isn't approved, what would your options be? Mr. Renschler said he would put his office back in there. He has offices in every major city in Texas and his business is the largest security company in Texas. He gave Mr. Chapman access to this location and he has done so many improvements, it's unbelievable, Mr. Renschler said. It's nothing but an asset, he said. There is not one liability, one negative idea, that could become of this, he said. Chair Baggerly thanked Mr. Renschler.

Mr. Potts said he owns a business downtown. When he looks at Belton he thinks we have too many bail bonds, too many auto stores and too many Mexican food restaurants. But at the same time when you see old buildings and someone willing to invest their money to bring it up to a better standard, he wants to support those people because I think Belton has really gotten a reputation as being closed to business. He hears people saying that a lot. If someone is willing to invest money there, and yes, it's a bail bonds and it's not an ideal choice, but it is the choice that we have, Mr. Potts said. He would love to see someone willing to invest money into our downtown and cleaning up our buildings so he will vote in favor of that.

Chair Baggerly entertained a motion. Mr. Potts made a motion to approve Z-19-04. Mr. Hendrick seconded the motion. The motion was disapproved. The vote was 2 ayes in favor and 6 nays against the zoning change Z-19-04.

## **ORDINANCE NO. 2019-15**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM COMMERCIAL – 1 TO PLANNED DEVELOPMENT OFFICE – 2 DISTRICT WITH A SPECIFIC USE PERMIT FOR THE OPERATION OF A BAIL BOND BUSINESS ON A 0.18 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 7 DESIGN STANDARDS.**

**WHEREAS**, Thomas Renschler, owner of the following described property has presented a petition duly signed, to the City Planning & Zoning Commission and filed said petition with the City Clerk of the City of Belton, and due notice of filing of said petition and hearing on said petition has been given as required by the City Zoning Ordinance and by law, and a hearing on said petition before the City Planning & Zoning Commission of the City of Belton was set for the 19<sup>th</sup> day of February, 2019, at 5:30 p.m. for hearing and adoption, said district being described as follows:

0.18 acre at 795 E. Central Avenue, Belton, Texas  
(location map attached as Exhibit “A”)

**WHEREAS**, said application for such amendment was not favorably recommended by the said City Planning & Zoning Commission, which decision was appealed by the applicant, and the date, time and place of the hearing on said application by the City Council of the City of Belton was set for the 26<sup>th</sup> day of February, 2019, at 5:30 p.m. at the Harris Community Center and due notice of said hearing was given as required by ordinances and by law;

**WHEREAS**, a hearing was held upon the application by the City Council of the City of Belton at the time, place and date herein before set forth and no valid objection to said amendments was presented; and

**WHEREAS**, the City Council of the City of Belton at the time, place and date herein before set forth approved the application with a  $\frac{3}{4}$  majority vote.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Belton, Texas, that the said district located on a tract of land as more fully and completely described above, be and is hereby changed from Commercial – 1 District to Planned Development Office – 2 District with a Specific Use Permit, in accordance with Section 18 – Office – 2 Zoning District, and the Design Standards in Ordinance No. 2014-17, Section 7.1 of the Zoning Ordinance. The Zoning Ordinance of the City of Belton is hereby amended, subject to the following conditions:

1. The use and development of the property shall conform to the Office-2 Zoning District in all respects.
2. In addition, a specific use permit is authorized for a bail bond business, subject to the attached site plan and conditions below:

- a. All activities shall be conducted inside the building.
  - b. Hours of operation shall typically be limited to normal daytime business hours and shall not exceed Monday through Saturday, 8 a.m to 5 p.m., except office may stay open until 6:00 p.m. on Fridays.
3. The development of the property shall conform to all applicable Design Standards per Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, except where allowances have been made for area and setback requirements for the existing structure.
4. A minimum of 3 paved parking spaces must be provided on site. Parking in the ROW or on an unimproved surface is not allowed.
5. No signage shall be placed on the front of the building or in the observed front yard of the lot.

This ordinance was presented at the stated meeting of the City Council of the City of Belton and upon reading was passed and adopted by the City Council on the 26<sup>th</sup> day of February, 2019, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

**SIGNED AND APPROVED** by the Mayor and attested by the City Clerk on this the 26<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
Marion Grayson, Mayor

ATTEST:

\_\_\_\_\_  
Amy M. Casey, City Clerk



### ZONING CHANGE:

C-1  
to  
PD-02 w\SUP  
for Bail Bond Office

### LEGAL DESCRIPTION:

BELTON ORIGINAL, BLOCK 087,  
LOT PT 1, (NW 42' X 192' OF 1),  
A.S.T INC. SECURITY

### PROPERTY OWNER:

RENSCHLER, RICHARD J & THOMAS W

### ADDRESS/LOCATION:

795 E CENTRAL AVE



### LEGEND

Z\_19\_04

Tax Appraisal Parcels



# Staff Report – City Council Agenda Item



**Date:** February 26, 2019  
**Case No.:** P-19-05 Three Creeks Phase VI  
**Request:** Final Plat  
**Applicant:** Yalgo Engineering  
**Owner/Developer:** Whitis Land Investments, LTD

## **Agenda Item #9**

Consider a final plat of Three Creeks Phase VI, a 65.05 acre tract located generally east of FM 1670 and south of US 190, along the south side of an extension of Three Creeks Blvd., in Belton's ETJ.

## **Originating Department**

Planning – Cheryl Maxwell, Director of Planning

## **Case Summary**

The preliminary plat for phases IV through VII of the Three Creeks residential development was approved in August 2017. Phase VI proposes 138 lots and two common areas. The 7 phases combined consist of a total 1,044 lots, a slight increase from the 1,033 that was originally proposed.

This final plat is generally consistent with the approved preliminary plat. Minor changes are noted below:

- One additional lot is included in this phase; was originally to be included in Phase IV.
- Lots 75 – 80, Block 3 have been reconfigured.
- Tract C has been merged with Lot 80, so there are only two tracts in the final plat.
- The boundary of Tract A has been shifted slightly.

## **Project Analysis and Discussion**

This property is located in Belton's ETJ so there is no zoning. All of the lots in each subdivision, including this phase, are a minimum of 50' in width, 100' in depth, and 5,000 sq. ft. in area. This is in compliance with the Development Agreement Section 5.02.b., executed in December 2010. Setbacks include the following:

Front Yard: 25'  
Rear Yard: 20'  
Side Yard: 5' interior; 15' adjacent to a street; 25' if garage entry from side street

Per the Development Agreement approved in 2010, Bell County Municipal Utility District (MUD) No. 1 was created to finance infrastructure in, and to, this subdivision. This infrastructure includes water, sewer, drainage, and roadways.

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

**Water/Sewer:** This phase lies within Belton's water and sewer CCN. Six inch water and sewer lines are being extended throughout the subdivision. Fire hydrant flows and locations meet the City's Fire Code. The City will be responsible for maintaining the water and sewer lines after construction.

**Access:** The development agreement approved by the City Council in 2010 included a master plan of the proposed subdivision that identified two points of access: one via Three Creeks Boulevard, and a second via the extension of Rocking M Lane. For Rocking M Lane, the approved Development Agreement Section 6.06 states that the developer will grade and prepare with crushed limestone base 27' wide and provide a 25 foot double penetration/seal coat travel surface of Rocking M Lane from Auction Barn Road to the Municipal Utility District's northern property line within two years from the completion and acceptance of the first roundabout on the arterial roadway known as Three Creeks Boulevard. The developer will also dedicate 50' of right-of-way within this subdivision for the road extension. This requirement will be due May 1, 2019 and is currently underway.

In 2016, the Subdivision Ordinance was amended (Section 502.01.J) to require, any single family residential subdivision within the City of Belton or the City's ETJ to provide 3 entrances/access streets for subdivisions with more than 101 lots. The City's Thoroughfare Plan anticipates the future extension of Three Creeks Boulevard eastward to Shanklin Road, which will provide the 3<sup>rd</sup> connection, although it is not a requirement for this subdivision.

**Streets/Drainage:** All of the streets in this phase are local streets and will be constructed with a 50' ROW, 31' pavement width, and curb/gutter. After construction, Bell County will be responsible for maintenance of the streets. Drainage plans and calculations have been provided and reviewed. Since this property lies in Belton's ETJ, the City is not responsible for drainage and will defer to Bell County and their requirements. Drainage easements are being dedicated and will be owned and maintained by MUD #1.

**Sidewalks:** Since the streets in this phase are all local streets, no sidewalks are required, or proposed. However, this phase will include an extension of the existing trail system, both nature trails as well as a 10' wide improved surface with compacted crushed limestone base.

**Parkland Dedication/Fee:** According to the Subdivision Ordinance Section 517, each residential subdivision is required to dedicate sufficient and suitable parkland and/or payment of fees-in-lieu of required parkland. There are a total of 1,044 lots in Phases I-VII and ultimately 1,500 lots for the entire Three Creeks subdivision; therefore, a total of 10 acres of parkland is required for the 7 phases, and ultimately 15 acres for the entire 1,500 lots in this subdivision. The developer has provided a total of 127.34 acres of private parkland that contains several

trail networks and pavilions for the residents. This private parkland exceeds the Subdivision Ordinance requirements and is consistent with the master plan in the development agreement. The parkland facilities, greenspaces, and trails will be maintained by the HOA. This phase proposes two tracts, or greenspace areas. Tract A comprises 0.5 acre, and Tract B comprises 31.18 acres.

**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 identified in the City letter dated February 14, 2019.

### **Recommendation**

The Planning and Zoning Commission met on February 19, 2019 and unanimously recommended approval of this final plat, subject to the conditions below, and Staff concurs with their recommendation.

1. City letter of conditions dated February 14, 2019.
2. The terms of the development agreement.

### **Attachments**

Final Plat Application  
Final Plat  
Location Map  
Three Creeks Overall Layout  
Parkland Trails Concept Plan  
City letter of conditions dated February 14, 2019  
P&Z Minutes Excerpt

**City of Belton**  
Request for Subdivision Plat  
to the City Council and the  
Planning and Zoning Commission

Application is hereby made to the City Council for the following:

- ☐ Preliminary Subdivision                      Fees due \$ \_\_\_\_\_
- ☒ Final Subdivision
- ☐ Administrative Plat
- ☐ Replat
- ☐ ETJ
- ☐ City Limits

Date Received: \_\_\_\_\_ Date Due: \_\_\_\_\_ **(All plans are to be returned to the Planning Department by the 15<sup>th</sup> day of the month ahead of the next month's P&Z meeting.)**

Applicant: Yalgo Engineering Phone: 254-953-5353  
Mailing Address: 3000 Illinois Ave. Ste 100 Killeen, TX 76543  
Email Address: tfreese@yalgoengineering.com

Owner: Whitis Land Investments, LTD Phone: 254-953-5353  
Mailing Address: 3000 Illinois Ave. Ste 100 Killeen, TX 76543  
Email Address: tfreese@yalgoengineering.com

Current Description of Property:

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
Acres: \_\_\_\_\_ Survey: C.H. Fitch  
Abstract #: 316 Street Address: FM 1670  
Frontage in Feet: \_\_\_\_\_ Depth in Feet: \_\_\_\_\_

Does Zoning comply with proposed use? Yes Current Zoning: ETJ  
Name of proposed subdivision: Three Creeks Phase VII  
Number of Lots: 78 Fee: \$ 484

Signature of Applicant: \_\_\_\_\_ Date: 1/14/19  
Signature of Owner: \_\_\_\_\_ Date: 1/14/19



CURVE TABLE

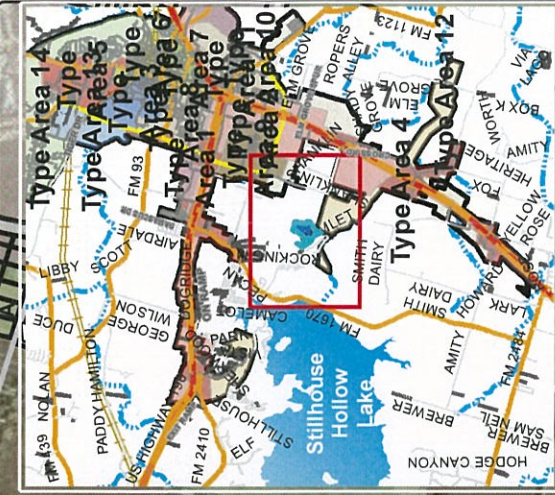
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4.00	3.9320	4.0841	4.50	3.9163	4.1888	5.00	3.9008	4.2935	5.50	3.8854	4.3982
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14.00	13.8588	14.4319	14.50	13.8433	14.5366	15.00	13.8279	14.6413	15.50	13.8125	14.7460
16.00	15.9040	16.4977	16.50	15.8885	16.6024	17.00	15.8731	16.7071	17.50	15.8577	16.8118
18.00	17.9492	18.5635	18.50	17.9337	18.6682	19.00	17.9183	18.7729	19.50	17.9029	18.8776
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28.00	28.1752	28.8425	28.50	28.1597	28.9472	29.00	28.1443	29.0519	29.50	28.1289	29.1566
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36.00	36.3560	36.0657	36.50	36.3405	36.1704	37.00	36.3251	36.2751	37.50	36.3097	36.3798
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44.00	44.5368	44.2889	44.50	44.5213	44.3928	45.00	44.5059	44.4975	45.50	44.4905	44.6022
46.00	46.5820	46.3447	46.50	46.5665	46.4976	47.00	46.5511	46.6023	47.50	46.5357	46.7070
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58.00	58.8532	58.6795	58.50	58.8377	58.7804	59.00	58.8223	58.8851	59.50	58.8069	58.9898
60.00	60.8984	60.7353	60.50	60.8829	60.8362	61.00	60.8675	60.9409	61.50	60.8521	61.0456
62.00	62.9436	62.7911	62.50	62.9281	62.8420	63.00	62.9127	62.9467	63.50	62.8973	63.0514
64.00	64.9888	64.8469	64.50	64.9733	64.9478	65.00	64.9579	65.0525	65.50	64.9425	65.1572
66.00	67.0340	66.9027	66.50	67.0185	67.0036	67.00	67.0031	67.1083	67.50	66.9877	67.2130
68.00	69.0792	68.9585	68.50	69.0637	69.0044	69.00	69.0483	69.1091	69.50	69.0329	69.2138
70.00	71.1244	71.0143	70.50	71.1089	71.1152	71.00	71.0935	71.2199	71.50	71.0781	71.3246
72.00	73.1696	73.0701	72.50	73.1541	73.1710	73.00	73.1387	73.2757	73.50	73.1233	73.3804
74.00	75.2148	75.1259	74.50	75.1993	75.2268	75.00	75.1839	75.3315	75.50	75.1685	75.4362
76.00	77.2600	77.1817	76.50	77.2445	77.2326	77.00	77.2291	77.3373	77.50	77.2137	77.4420
78.00	79.3052	79.2375	78.50	79.2897	79.2884	79.00	79.2743	79.3921	79.50	79.2589	79.4968
80.00	81.3504	81.2933	80.50	81.3349	81.3392	81.00	81.3195	81.4439	81.50	81.3041	81.5486
82.00	83.3956	83.3491	82.50	83.3801	83.3900	83.00	83.3647	83.4947	83.50	83.3493	83.5994
84.00	85.4408	85.4049	84.50	85.4253	85.4158	85.00	85.4099	85.5205	85.50	85.3945	85.6252
86.00	87.4860	87.4607	86.50	87.4705	87.4716	87.00	87.4551	87.5763	87.50	87.4397	87.6809
88.00	89.5312	89.5165	88.50	89.5157	89.5176	89.00	89.5003	89.6213	89.50	89.4849	89.7256
90.00	91.5764	91.5723	90.50	91.5609	91.5742	91.00	91.5455	91.6789	91.50	91.5301	91.7803
92.00	93.6216	93.6281	92.50	93.6061	93.6300	93.00	93.5907	93.7337	93.50	93.5753	93.8350
94.00	95.6668	95.6839	94.50	95.6513	95.6858	95.00	95.6359	95.7885	95.50	95.6205	95.8907
96.00	97.7120	97.7397	96.50	97.6965	97.7416	97.00	97.6811	97.8923	97.50	97.6657	97.9954
98.00	99.7572	99.7955	98.50	99.7417	99.7974	99.00	99.7263	99.8971	99.50	99.7109	99.9990
100.00	101.8024	101.8513	100.50	101.7869	101.8532	101.00	101.7715	101.9579	101.50	101.7561	102.0626
102.00	103.8476	103.9071	102.50	103.8321	103.9090	103.00	103.8167	104.0127	103.50	103.8013	104.1174
104.00	105.8928	105.9629	104.50	105.8773	105.9648	105.00	105.8619	106.0175	105.50	105.8465	106.1222
106.00	107.9380	108.0187	106.50	107.9225	108.0206	107.00	107.9071	108.1223	107.50	107.8917	108.2270
108.00	109.9832	110.0745	108.50	109.9677	110.0764	109.00	109.9523	110.1291	109.50	109.9369	110.2338
110.00	112.0284	112.1303	110.50	112.0129	112.1322	111.00	112.0001	112.2349	111.50	111.9847	112.3396
112.00	114.0736	114.1861	112.50	114.0581	114.1880	113.00	114.0437	114.2917	113.50	114.0283	114.3964
114.00	116.1188	116.2419	114.50	116.1033	116.2438	115.00	116.0889	116.3465	115.50	116.0735	116.4512
116.00	118.1640	118.2977	116.50	118.1485	118.2996	117.00	118.1341	118.4493	117.50	118.1187	118.5540
118.00	120.2092	120.3535	118.50	120.1937	120.3554	119.00	120.1793	120.5521	119.50	120.1639	120.6568
120.00	122.2544	122.4093	120.50	122.2389	122.4112	121.00	122.2245	122.6549	121.50	122.2091	122.7596
122.00	124.2996	124.4651	122.50	124.2841	124.4670	123.00	124.2697	124.7577	123.50	124.2543	124.8624
124.00	126.3448	126.5209	124.50	126.3293	126.5228	125.00	126.3149	126.8605	125.50	126.2995	126.9652
126.00	128.3900	128.5767	126.50	128.3745	128.5786	127.00	128.3601	129.0033	127.50	128.3447	129.1080
128.00	130.4352	130.6325	128.50	130.4197	130.6344	129.00	130.4053	130.1461	129.50	130.3899	130.2508
130.00	132.4804	132.6883	130.50	132.4649	132.6902	131.00	132.4505	132.2489	131.50	132.4351	132.3536
132.00	134.5256	134.7441	132.50	134.5101	134.7460	133.00	134.4957	134.3517	133.50	134.4803	134.4564
134.00	136.5708	136.7999	134.50	136.5553	136.8018	135.00	136.5409	136.4545	135.50	136.5255	136.5592
136.00	138.6160	138.8557	136.50	138.6005	138.8576	137.00	138.5861	138.5573	137.50	138.5707	138.6620
138.00	140.6612	140.9115	138.50	140.6457	140.9134	139.00	140.6313	140.6601	139.50	140.6159	140.7648
140.00	142.7064	142.9673	140.50	142.6909	142.9692	141.00	142.6765	142.7629	141.50	142.6611	142.8676
142.00	144.7516	145.0231	142.50	144.7361	145.0250	143.00	144.7217	144.8657	143.50	144.7063	144.9724
144.00	146.7968	147.0789	144.50	146.7813	147.0808	145.00	146.7669	146.9685	145.50	146.7515	147.0732
146.00	148.8420	149.1347	146.50	148.8265	149.1366	147.00	148.8121	149.0713	147.50	148.7967	149.1760
148.00	150.8872	151.1905	148.50	150.8717	151.1924	149.00	150.8573	151.1741	149.50	150.8419	151.2788
150.00	152.9324	153.2463	150.50	152.9169	153.2482	151.00	152.9025	153.1769	151.50	152.8871	153.2816
152.00	154.9776	155.3021	152.50	154.9621	155.3040	153.00	154.9477	155.1007	153.50	154.9323	155.2844
154.00	157.0228	157.3579	154.50	157.0073	157.3598	155.00	156.9929	157.0035	155.50	156.9775	157.1082
156.00	159.0680	159.4137	156.50	159.0525	159.4156	157.00	159.0381	159.1063	157.50	159.0227	159.2110
158.00	161.1132	161.4695	158.50	161.0977	161.4714	159.00	161.0833	161.2091	159.50	161.0679	161.3158
160.00	163.1584	163.5253	160.50	163.1429	163.5272	161.00	163.1285	163.3119	161.50	163.1131	163.4186
162.00	165.2036	165.5811	162.50	165.1881	165.5830	163.00	165.1737	165.4067	163.50	165.1583	165.5134
164.00	167.2488	167.6369	164.50	167.2333	167.6388	165.00	167.2189	167.5005	165.50	167.2035	167.6062
166.00	169.2940	169.6927	166.50	169.2785	169.6946	167.00	169.2641	169.3933	167.50	169.2487	169.7090
168.00	171.3392	171.7485	168.50	171.3237	171.7504	169.00	171.3097	171.4961	169.50	171.2943	







# P-19-05 LOCATION - THREE CREEKS PHASE VI



**Proposed Three Creeks Phase VI**

**PROPOSED PLAT:**  
Final Plat  
Three Creeks Phase VI  
65.05 Acres

**PROPERTY OWNER:**  
WHITIS LAND INVESTMENTS, LTD

- LEGEND**
- P-19-05
  - City Limits
  - Zoning**
  - Agricultural
  - Planned Development
  - Single Family-2

Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.



Map Date: 2/11/2019 Aerial Imagery Date: 2018



# P-19-05 - THREE CREEKS PHASE VI



## PROPOSED PLAT:

Final Plat  
Three Creeks Phase VI  
65.05 Acres

## PROPERTY OWNER:

WHITIS LAND INVESTMENTS, LTD

Proposed Three Creeks Phase VI

ACCESS ROAD

HAMLET DR

PAVILION PATH

JUNO DR

KENT DR

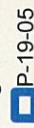
FENTON LN

IMOGEN DR

LUCIUS LN

BENVILIO DR  
CICERO  
DAUPH

Legend



P-19-05



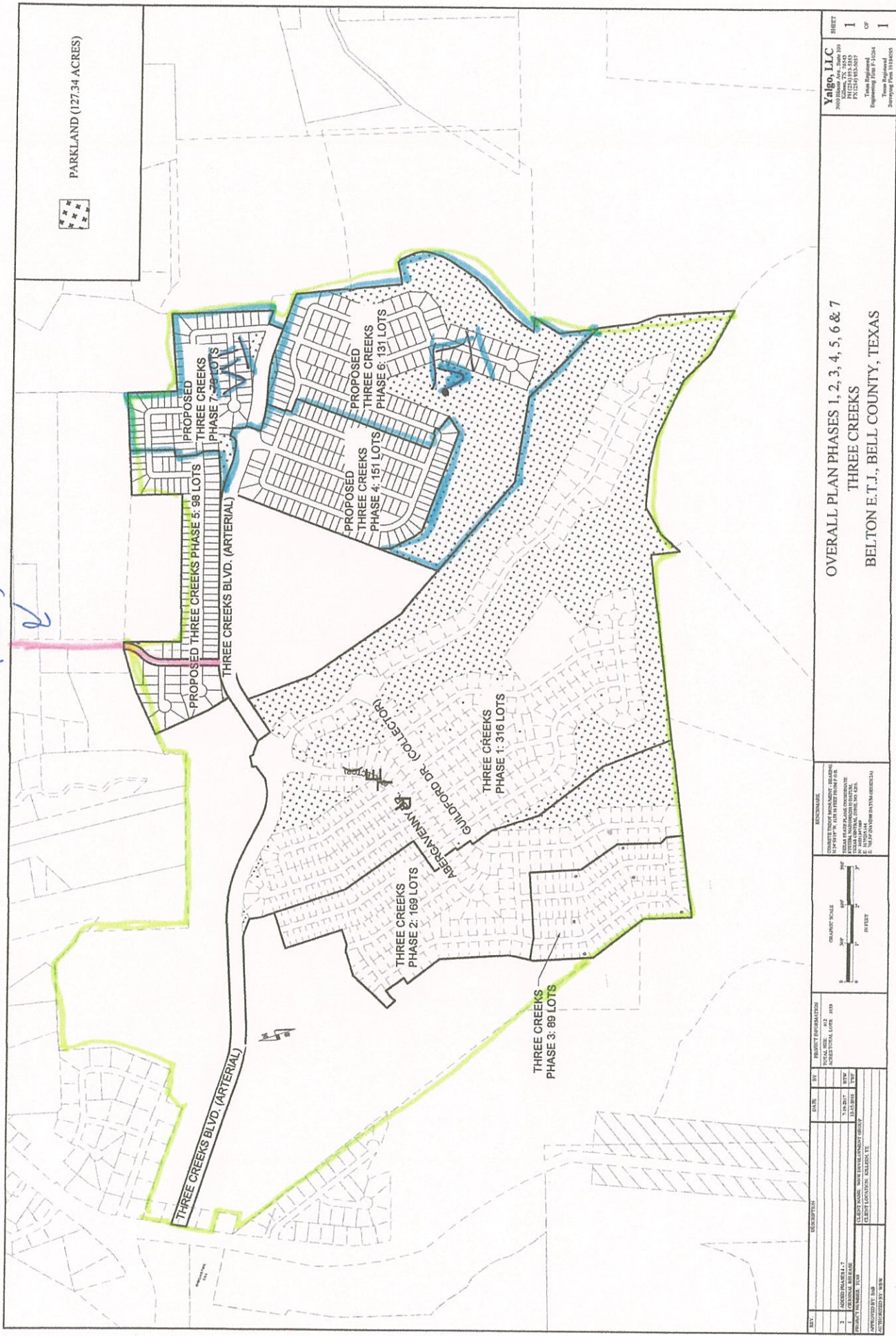
0 250 500 1,000 Feet

Map Date: 2/11/2019 Aerial Imagery Date: 2018

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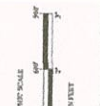


Rocking M



OVERALL PLAN PHASES 1, 2, 3, 4, 5, 6 & 7  
THREE CREEKS  
BELTON E.T.J., BELL COUNTY, TEXAS

REMARKS:  
CONCRETE DRIVE MONUMENT - BEARING  
150° 10' 10" W, 125' 14" FROM T.O.B.  
EXISTING MONUMENT - BEARING  
150° 10' 10" W, 125' 14" FROM T.O.B.  
TO MONUMENT - BEARING  
150° 10' 10" W, 125' 14" FROM T.O.B.  
TO MONUMENT - BEARING  
150° 10' 10" W, 125' 14" FROM T.O.B.

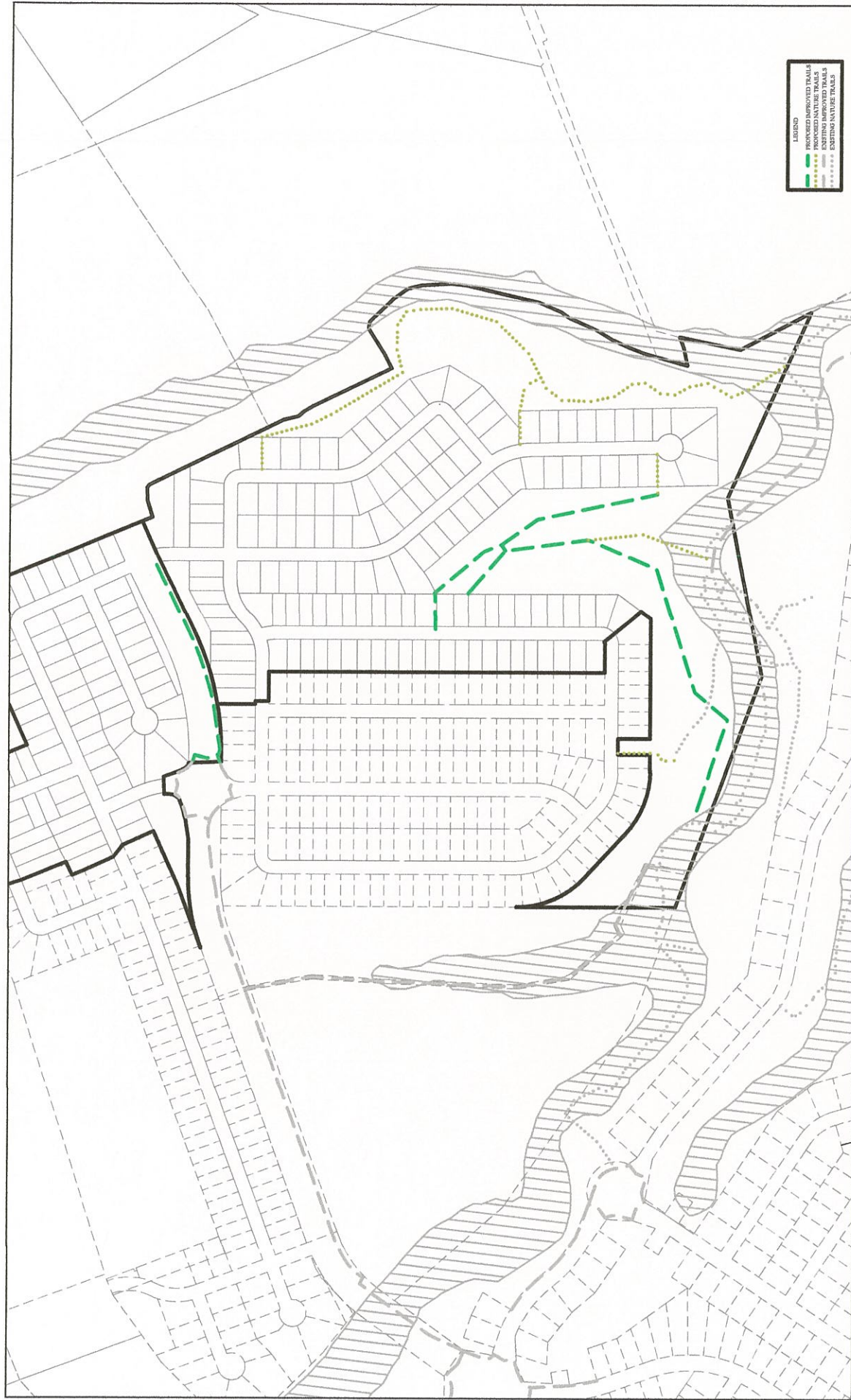


PROPERTY INFORMATION		DATE	BY
PROJECT NAME	THREE CREEKS	7-12-2017	WJ
PROJECT NUMBER	1518	12-12-2014	WJ
CLIENT NAME	WILLIAMS ENTERPRISE GROUP		
CLIENT LOCATION	GALVESTON, TEXAS		
APPROVED BY	WJ		
DATE	7-12-2017		
BY	WJ		
PROJECT TOTAL LOTS	1518		

Valgo, LLC  
3000 Main Ave., Suite 200  
Belton, TX 77916  
P: (254) 934-3333  
F: (254) 934-3337  
E: info@valgo.com  
Surveying Firm F-1204  
Texas Registered  
Surveying Firm 33184005

SHEET	1
OF	1





<b>Valgo, LLC</b> 3008 W. 10th St. Belton, TX 76705 P: 254-955-5351 F: 254-955-5352 www.valgo.com Texas Registered Engineering Firm F-12044 Surveying Firm S-15605		<b>SHEET</b> 1 OF 1	
<b>PARKLAND TRAILS CONCEPT PLAN THREE CREEKS PHASES VI &amp; VII BELTON E.T.J., BELL COUNTY, TEXAS</b>			
<b>DISCLAIMER</b> THIS PLAN IS A PRELIMINARY DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER DESIGN. THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THE USER OF THIS PLAN ASSUMES ALL LIABILITY FOR ANY SUCH ERRORS OR OMISSIONS.		<b>GRAPHIC SCALE</b> 0 10 20 30 40 50 60 70 80 90 100 Feet 0 1 2 3 4 5 6 7 8 9 10 Meters	
<b>PROJECT INFORMATION</b> TOTAL SIZE: 84.61 ACRES TOTAL LOTS: 214 TOTAL TRACTS: 4		<b>DATE</b> 12/15/2019	
<b>CLIENT INFORMATION</b> CLIENT NAME: WATKINS DEVELOPMENT GROUP, L.P. CLIENT LOCATION: BELTON, TX		<b>DESIGNED BY</b> 1. VALGO, LLC 2. WATKINS DEVELOPMENT GROUP, L.P.	
<b>APPROVED BY</b> 1. VALGO, LLC 2. WATKINS DEVELOPMENT GROUP, L.P.		<b>DATE</b> 12/15/2019	





# City of Belton

Planning Department

February 14, 2019

**Applicant: YALGO ENGINEERING – TYLER FREESE**

**Date Submitted: 01-15-19**

**2<sup>nd</sup> Submittal: 02-08-19**

**Project: THREE CREEKS PHASE VI AND VII ETJ**

**Location: PHASE VI – 65.05 ACRES / PHASE VII – 21.56 ACRES (FM 1670 ETJ)**

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**\*\*\*Please comment back in red under the comments submitted on this sheet.\*\*\***

**PLANNING – Cheryl Maxwell – CMaxwell@BeltonTexas.gov:**

**Phase VI**

1. Prior to plat signatures, delete references to plat being preliminary and under review.

**Phase VII**

1. Prior to plat signatures, delete references to plat being preliminary and under review.

**PUBLIC WORKS/KPA – Angellia Points, APoints@BeltonTexas.gov:**

**Construction Plans Phases VI and VII**

1. In order to determine if Lot 1 of Block 2 can be platted, please prepare a general sketch of the crossing over the drainage way.
2. A valve needs to be added on the line north of St. Charles at Copano Loop between the intersection and the flush assembly.
3. Repeat comment for the record: Submit the geotechnical report after rough grading the site.
4. There is only 6" clearance between pipe and inlets/culverts at Sta 17+25 on Sheet 23, Sta 4+25 on Sheet 26, Sta 7+25 on Sheet 27, and Sta 32+50 and 33+25 on Sheet 36. With such close clearances, it has been very difficult and costly, in the past, to replace either the utility or stormwater infrastructure without damaging or demolishing other infrastructure like inlets and culverts. The City has encased water lines when the clearances get smaller than 12" and sometimes as close as 24". The main concern is the clearance around water lines. How can these clearances be increased to at least 12"? If not possible, please call out encasements. In the end, deeper waterlines in an easement is preferable to shallower water lines that are difficult to repair with infrastructure 6" on top of it.
5. Regarding the vertical curves, the City agrees that is not always possible to meet the Design Manual criteria. However, there are some vertical curves shown that do not meet the AASHTO design speed requirements.

**Phase VI - Drainage Report**

The revised Drainage Report was not included in this review to verify responses. Please submit.

**Phase VII – Drainage Report**

No comments.

**BUILDING OFFICIAL – Bruce Ebbert, BEbbert@BeltonTexas.gov:**

No comments at this time.

**FIRE DEPT – Jeff Booker, JBooker@BeltonTexas.gov:**

No comments.

**POLICE DEPT – Chief Gene Ellis, GEllis@BeltonTexas.gov:**

No comments.

**GIS – James Gibson, JGibson@BeltonTexas.gov:**

All comments addressed.

**BELL COUNTY ENGINEER – Stephen Eubanks**

See attached comments for Phases VI and VII.

**Outside Utility Provider Comments**

- ☐ **Oncor:**
- ☒ **AT&T:** In agreement with proposed plat.
- ☒ **Atmos Energy:** In agreement with proposed plat.
- ☐ **Charter Communications:**
- ☐ **Grande Communications:**
- ☐ **Spectrum (Time Warner):**
- ☒ **USPS:** Not reviewed. Requesting mailed plat at bigger scale. Install CBU for delivery.
- ☐ **Clearwater UCD:**
- ☐ **TXDOT:**

**Note: Acceptance by the City of Belton of a plat, zoning change, conceptual drawing, construction drawing, or other development submittal complying with City of Belton minimum standards for drainage does not provide approval beyond what the City may authorize. Approval is limited, and this approval does not limit any obligations you may have under applicable state statutes, such as the Texas Water Code, or federal statutes. You should consult with your own professionals as you continue to pursue this development project.**





# County Engineer

P. O. Box 264 • Belton, Texas 76513 • (254) 933-5275 • Fax (254) 933-5276

BRYAN NEAVES, P. E.

February 14, 2019

Mr. Scott Brooks P.E.  
Yalco Engineering LLC  
3000 Illinois Ave. Ste.100  
Killeen, Texas 776543

Re: Three Creeks Phase VI- City of Belton ETJ

Mr. Brooks,

After reviewing the Phase VI Final plat/ plans submitted to this office by the City of Belton, the following are the County's comments:

## Subdivision Regulations:

- 204.2- Dedication- The plat dedication states the wrong acreage. Please revise. Include field notes.
- 203.5- Street Names- 911 approval of the proposed street names is required.
- 204.15- Acreage & Length- An acreage & length statement for the proposed streets & right-of-way's is required on the plat. Please breakdown the statement by street.
- 204.16- Compliance- Letter of Compliance is required.
- Include a plat note stating who is responsible for the installation and maintenance of the following: a) special or oversized street signs required for the roundabouts, b) pavement markings and sidewalks at the roundabouts, c) and street lighting throughout the proposed subdivision. Bell County is not responsible for these items.
- Address all City of Belton comments.

## Construction Plans:

- 203.5-Street Names- 911 approval of the proposed street names is required.
- Please explain why certain utilities are within in the right-of-way and not in the 10' PUE easement.
- Please include the following notes within the construction Plans:
  - 1) The contractor shall provide the Bell County Engineer's Office with copies of the SWPPP, CSN and the NOI.
  - 2) Bell County shall be responsible for roadway construction inspections.



3) The contractor shall be responsible for scheduling and costs of all materials testing and retesting. The contractor shall notify the Bell County Engineer's Office of any material testing with a 24-hour notice.

Sheets 44, 46, & 47- please note that Bell County does not maintain a run of HDPE pipe should the become clogged or collapse.

- Place a note on the plat stating who will be responsible for the maintenance of the drainage easements.
- Sheets 44, 46, & 47- The plans indicate the use of HDPE drainage pipe within the drainage easements shown. Bell County will not maintain these runs of HDPE pipe should they become clogged or collapse.
- Place a note on the plat (and within the restrictions) stating no buildings, fences or other obstructions shall be placed within the drainage easements shown.
- Place a note on the plat stating who will be responsible for the installation and maintenance of specialty signs at the roundabouts. Speed Limits and Stop signs are regulatory sign need court approval upon before installation.
- Plat/Plans- Place a note stating that Bell County is not responsible for the cost, installation or maintenance of the proposed street lights.

Floodplain Comments:

- All structures proposed to be placed within a floodplain area are subject to the acquisition of a Floodplain Permit. The proposed box culvert DA-2 shown under Three Creeks Blvd. is located within a designated floodplain area and will require a floodplain permit. This zone prohibits altering the land in any way that could adversely impact the water surface elevation. Placing fill will impact surrounding properties. Accordingly, proper documentation including hydraulic calculations prepared by a licensed engineer will be required.
- Environmental Notes- As per the Bell County Certified Flood Plain Manager, all environmental documents shall be provided prior to commencement of construction.

Sincerely,

Steve Eubanks  
Engineering Technician  
Bell County Engineers Office

Minutes of the  
**Planning and Zoning Commission (P&ZC)**  
City of Belton  
333 Water Street  
Tuesday, February 19, 2019

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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, Ty Hendrick, Dave Covington, Stephanie O'Banion, Zach Krueger, Luke Potts, Quinton Locklin and Allison Turner. The following staff members were present: Director of Planning Cheryl Maxwell, IT Ryan Brown and Planning Clerk Laura Livingston. Commission member David Jarratt was absent.

**Pledge of Allegiance** – Chair Baggerly led all present.

**Invocation** – Mr. Covington gave the Invocation.

6. **P-19-05** Consider a final plat of Three Creeks Phase VI, a 65.05 acre tract located generally east of FM 1670 and south of US 190, along the south side of an extension of Three Creeks Blvd., in Belton's ETJ.
7. **P-19-06** Consider a final plat of Three Creeks Phase VII, a 21.56 acre tract located generally east of FM 1670 and south of US 190, along the north side of an extension of Three Creeks Blvd., in Belton's ETJ.

Ms. Maxwell presented a staff report for both items (Exhibit C).

Chair Baggerly said he knew a lot of work went into the development agreement and we dotted a lot of I's and crossed a lot of T's to get to where we are today. Mr. Covington asked if Rocking M Lane is not coming through Phase VII correct? Ms. Maxwell said she believed it was in Phase V, which was confirmed by the project engineer, Mr. Freese.

Mr. Tyler Freese, representing WB Development located at 3000 Illinois Avenue, Killeen, is the design engineer for everything after Phase III, he said. We brought Phases IV and V together, like Phases VI and VII, so whichever gets recorded first then Rocking M Lane needs to be done with it as well for access. He believed it was on schedule for the May 1 deadline.

Mr. Hendrick made a motion to approve P-19-05. Ms. O'Banion seconded the motion. The motion was approved with 8 ayes, 0 nays. Ms. O'Banion then made the motion to approve P-19-06. Mr. Hendrick seconded the motion which was approved with 8 ayes, 0 nays.

# Staff Report – City Council Agenda Item



**Date:** February 26, 2019  
**Case No.:** P-19-06 Three Creeks Phase VII  
**Request:** Final Plat  
**Applicant:** Yalgo Engineering  
**Owner/Developer:** Whitis Land Investments, LTD

## **Agenda Item #10**

Consider a final plat of Three Creeks Phase VII, a 21.56 acre tract located generally east of FM 1670 and south of US 190, along the north side of an extension of Three Creeks Blvd., in Belton's ETJ.

## **Originating Department**

Planning – Cheryl Maxwell, Director of Planning

## **Case Summary**

The preliminary plat for phases IV through VII of the Three Creeks residential development was approved in August 2017. Phase VII proposes 78 lots and two common areas. The 7 phases combined consist of a total 1,044 lots, a slight increase from the 1,033 that was originally proposed. Three Creeks Boulevard will be extended to the eastern boundary of this subdivision as part of this phase and available for future extension eastward and connection to Shanklin Road, as identified on the City's Thoroughfare Plan.

This final plat is generally consistent with the approved preliminary plat. Minor changes are noted below:

- Redfish Court shortened and lots slightly reconfigured in cul-de-sac.
- Tract B boundary slightly adjusted.

## **Project Analysis and Discussion**

This property is located in Belton's ETJ so there is no zoning. All of the lots in each subdivision, including this phase, are a minimum of 50' in width, 100' in depth, and 5,000 sq. ft. in area. This is in compliance with the Development Agreement Section 5.02.b., executed in December 2010. Setbacks include the following:

Front Yard: 25'  
Rear Yard: 20'  
Side Yard: 5' interior; 15' adjacent to a street; 25' if garage entry from side street



Per the Development Agreement approved in 2010, Bell County Municipal Utility District (MUD) No. 1 was created to finance infrastructure in, and to, this subdivision. This infrastructure includes water, sewer, drainage, and roadways.

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

**Water/Sewer:** This phase lies within Belton's water and sewer CCN. Six inch water and sewer lines are being extended throughout the subdivision. Fire hydrant flows and locations meet the City's Fire Code. The City will be responsible for maintaining the water and sewer lines after construction.

**Access:** The development agreement approved by the City Council in 2010 included a master plan of the proposed subdivision that identified two points of access: one via Three Creeks Boulevard, and a second via the extension of Rocking M Lane. For Rocking M Lane, the approved Development Agreement Section 6.06 states that the developer will grade and prepare with crushed limestone base 27' wide and provide a 25 foot double penetration/seal coat travel surface of Rocking M Lane from Auction Barn Road to the Municipal Utility District's northern property line within two years from the completion and acceptance of the first roundabout on the arterial roadway known as Three Creeks Boulevard. The developer will also dedicate 50' of right-of-way within this subdivision for the road extension. This requirement will be due May 1, 2019 and is currently underway.

In 2016, the Subdivision Ordinance was amended (Section 502.01.J) to require, any single family residential subdivision within the City of Belton or the City's ETJ to provide 3 entrances/access streets for subdivisions with more than 101 lots. The City's Thoroughfare Plan anticipates the future extension of Three Creeks Boulevard eastward to Shanklin Road, which will provide the 3<sup>rd</sup> connection, although it is not a requirement for this subdivision.

**Streets/Drainage:** The streets in this phase are local streets except for Three Creeks Boulevard, which is a major collector on the City's Thoroughfare Plan. The local streets will be constructed with a 50' ROW, 31' pavement width, and curb/gutter. Three Creeks Boulevard will be constructed with a 120' ROW, 37' pavement width, but no curb/gutter. This is consistent with previous phases and the approved Development Agreement. After construction, Bell County will be responsible for maintenance of the streets.

Drainage calculations have been provided and reviewed. Since this property lies in Belton's ETJ, the city is not responsible for drainage and will defer to Bell County and their requirements. Drainage easements are being dedicated and will be owned and maintained by MUD #1.

**Sidewalks:** No sidewalks are required, or proposed along the local streets; however, 6' wide sidewalks are required along both sides of arterial streets, per Subdivision Ordinance Section 503. This would apply for Three Creeks Boulevard; however, per the Development Agreement, Section 7.08, the developer may install and maintain trails along arterial and collection streets in lieu of installing sidewalks. The existing 6' wide hike/bike trail along the south side of Three Creeks Boulevard will be extended as part of this phase.

**Parkland Dedication/Fee:** According to the Subdivision Ordinance Section 517, each residential subdivision is required to dedicate sufficient and suitable parkland and/or payment of fees-in-lieu of required parkland. There are a total of 1,044 lots in Phases I-VII and ultimately 1,500 lots for the entire Three Creeks subdivision; therefore, a total of 10 acres of parkland is required for the 7 phases, and ultimately 15 acres for the entire 1,500 lots in this subdivision. The developer has provided a total of 127.34 acres of private parkland that contains several trail networks and pavilions for the residents. This private parkland exceeds the Subdivision Ordinance requirements and is consistent with the master plan in the development agreement. The parkland facilities, greenspaces, and trails will be maintained by the HOA. This phase proposes two tracts, or greenspace areas. Tract A comprises 0.89 acre, and Tract B comprises 0.32 acre.

**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 identified in the city letter dated February 14, 2019.

### **Recommendation**

The Planning and Zoning Commission met on February 19, 2019 and unanimously recommended approval of this final plat, subject to the conditions below, and Staff concurs with their recommendation.

1. City letter of conditions dated February 14, 2019.
2. The terms of the development agreement.

### **Attachments**

Final Plat Application  
Final Plat  
Location Map  
Three Creeks Overall Layout  
Parkland Trails Concept Plan  
City letter of conditions dated February 14, 2019  
P&Z Minutes Excerpt

**City of Belton**  
Request for Subdivision Plat  
to the City Council and the  
Planning and Zoning Commission

Application is hereby made to the City Council for the following:

- ☐ Preliminary Subdivision                      Fees due \$ \_\_\_\_\_
- ☒ Final Subdivision
- ☐ Administrative Plat
- ☐ Replat
- ☐ ETJ
- ☐ City Limits

Date Received: \_\_\_\_\_ Date Due: \_\_\_\_\_ (All plans are to be returned to the Planning Department by the 15<sup>th</sup> day of the month ahead of the next month's P&Z meeting.)

Applicant: Yalgo Engineering Phone: 254-953-5353  
Mailing Address: 3000 Illinois Ave. Ste 100 Killeen, TX 76543  
Email Address: tfreese@yalgoengineering.com

Owner: Whitis Land Investments, LTD Phone: 254-953-5353  
Mailing Address: 3000 Illinois Ave. Ste 100 Killeen, TX 76543  
Email Address: tfreese@yalgoengineering.com

Current Description of Property:

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
Acres: \_\_\_\_\_ Survey: C.H. Fitch  
Abstract #: 316 Street Address: FM 1670  
Frontage in Feet: \_\_\_\_\_ Depth in Feet: \_\_\_\_\_

Does Zoning comply with proposed use? Yes Current Zoning: ETJ  
Name of proposed subdivision: Three Creeks Phase VII  
Number of Lots: 78 Fee: \$ 484

Signature of Applicant:  Date: 1/14/19  
Signature of Owner: \_\_\_\_\_ Date: 1/14/19



[illegible]

herby certify this plat was approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Bell County Commissioners, and may be filed for record in the Deed Records of Bell County in the Canada Clerk's Office.

County Judge \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

266

STILLON

- [illegible]

No portions of this tract are within a Special Flood Hazard Area per FEMA's Flood Insurance Rate Map (FIRM) issued for Bell County, Texas dated September 26, 2008, panel number 48027C02428. The Surveyor does not warrant as to the accuracy or inadequacy of said information and does not warrant, or imply, that structures placed within the Special Flood Hazard Area shown herein, or any of the platted area, will be free from flooding or flood damage.

ACCESS EASEMENT  
BENCH MARK  
DRAINAGE AREA  
DRAINAGE EASEMENT  
LIMITED MAINTENANCE DRAIN  
ELEVATION  
AND SCAP EASEMENT  
NOT TO SCALE  
NUMBER  
REFERENCE  
LEVEL BORN  
TEMPORARY BENCH MARK  
TYPICAL  
UNDERHEAD EASEMENT  
PUBLIC UNDERGROUND UTILITY  
IRON ROD FOUND, UNLESS OTHERWISE NOTED  
IRON ROD BY CAP MARKED "X"  
CHANGE IN BEARING

The bearings and distances recited herein are grid bearings and grid distances referenced to the Texas State Plane Coordinate System, NAD83 (2011) datum, Texas Central Zone No. 4203, as derived from GPS observations. The Combined Correction Factor (CCF) for this project is 0.99983548. Ground Distance = Grid Distance / CCF

**TAX CERTIFICATE**

Dated this the \_\_\_\_\_ day of \_\_\_\_\_, 20 A.D.

by \_\_\_\_\_

**Yalvo, LLC**  
1000 Illinois Ave., Suite 100  
Killeen, TX 76543  
PH (254) 953-3353  
FX (254) 953-5057

Texas Registered  
Engineering Firm F-10264

Texas Registered  
Professional Engineer 10164095

SHEET  
1 OF 2

STATE OF TEXAS  
KNOW ALL MEN BY THESE PRESENTS,  
COUNTY OF BELL

[illegible]

WBW DEVELOPMENT GROUP, LLC-SERIES 040  
A Texas Series Limited Liability Company

By \_\_\_\_\_  
Bruce Whitia, President

STATE OF TEXAS

This instrument was acknowledged before me on \_\_\_\_\_ by Brace White, in his capacity as President of WBW Development Group, LLC-Series 009, a separate entity of WBW Development Group, LLC, a Texas real estate limited liability company, on behalf of said entity.

Notary Public, State of Texas

### SURVEYOR'S CERTIFICATE

STATE OF TEXAS  
COUNTY OF BELL

- Luther Fritsch, Registered Professional Land Surveyor No. 6200 in the State of Texas, hereby certifies that this plat is true and correct to the best of my knowledge and was prepared from an actual survey of the property and that property markers and monuments were placed under my supervision on the ground, and that the notes and bounds describing said subdivision will describe a closed geometric form.

LUTHER FROBISH  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6200

## ENGINEER'S CERTIFICATE

—NOW ALL MEN BY THESE PRESENTS:

that I, Tyler W. Frense, do hereby certify that I prepared all drainage calculations and designed all drains, streets roads and appurtenances in accordance with the Bell County Subdivision

THIS DOCUMENT IS RELEASED FOR THE  
PURPOSE OF REVIEW UNDER THE  
AUTHORITY OF TYLER W. FREESE, P.E.  
12/13% ON 02/06/2019. IT IS NOT TO BE  
USED FOR CONSTRUCTION PURPOSES

TYLER W. FREESE  
REGISTERED PROFESSIONAL  
ENGINEER NO. 127576

I hereby certify that the above and foregoing Plat of the Three Creeks Phase VII addition to the City of Belton was approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Planning and Zoning Commission of the City of Belton, Texas.

Author	Classification
Adelman	Classroom

I hereby certify that the above and foregoing Map of the Three Creeks Phase VII addition to the City of Dalton was approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the City Council of the City of Dalton, Georgia.

Secretary

and addition shall be subject to all requirements of the Subdivision Ordinance of the City of Nelson.

I witness my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

by Clark

FILED FOR RECORD this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in Cabinet \_\_\_\_\_, Slide \_\_\_\_\_, Flat Records of Bell County, Texas.

COUNTY CLERK

<sup>14</sup>Clearwater Underground Water Conservation District (CUWCD) District Rules based on Chapter 36 "Texas Groundwater Code" require the drilling of Earnest Wells for "domestic use on tracts of land platted to less than 10 acres after March 1<sup>st</sup>, 1904. Permittings of Wells on tracts less than 10 acres and greater than or equal to 2 acres is possible under direct rules for purposes of the well meets the definition of beneficial use. Per District Rules and Chapter 36 all drilling of wells on tracts of land platted to less than 2 acres after March 1<sup>st</sup>, 1904, is not possible." At current and future well must meet the 100 ft setback requirement of all the well systems, unless the well is constructed in an approved sanitary use.

## FRESHWATER UNDERGROUND WATER CONSERVATION DISTRICT CUM/CD/CERTIFICATE

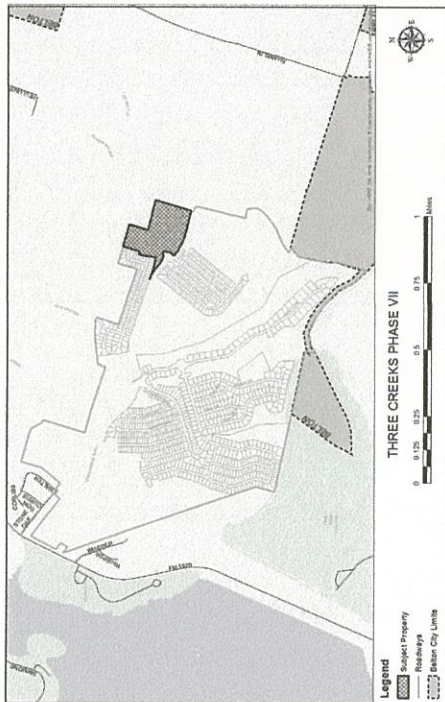
UNWTD is the regulatory authority for groundwater wells in Bell County and hereby certifies that this proposed subdivision has been evaluated for on-site groundwater production wells. In current conditions, the proposed subdivision meets our expectations described by District Policy and affirmed by District Staff.

\_\_\_\_\_ Date \_\_\_\_\_

FINAL PLAT OF  
THREE CREEKS PHASE VII  
BELTON E.T.J., BELL COUNTY, TEXAS

CURVE	RAIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	100.00	51.547	32.935	N 83°54'34" E	28°10'12"
C2	100.00	46.818	29.683	N 83°54'34" E	28°10'12"
C3	940.00	469.83	664.68	N 83°54'34" E	28°10'12"
C4	78.83	18.782	18.307	N 83°54'34" E	28°10'12"
C5	22.13	5.292	5.207	N 83°54'34" E	28°10'12"
C6	322.90	22.14	22.13	N 83°54'34" E	28°10'12"
C7	48.34	31.64	31.58	S 17°22'26" W	37°19'39"
C8	338.54	33.57	33.57	N 83°54'34" E	28°10'12"
C9	338.54	33.57	33.57	N 83°54'34" E	28°10'12"
C10	340.00	5.78	5.78	N 84°10'07" W	6°55'18"
C11	150.00	31.71	31.71	N 84°10'07" W	6°55'18"
C12	33.57	55.76	55.76	S 17°01'07" E	60°00'00"
C13	51.54	55.76	55.76	S 17°01'07" E	60°00'00"
C14	400.00	100.67	100.68	S 17°01'07" E	60°00'00"
C15	400.00	100.67	100.68	S 17°01'07" E	60°00'00"
C16	400.00	100.67	100.68	S 17°01'07" E	60°00'00"
C17	400.00	100.67	100.68	S 17°01'07" E	60°00'00"
C18	400.00	100.67	100.68	S 17°01'07" E	60°00'00"
C19	50.00	9.870	9.870	N 83°54'34" E	28°10'12"
C20	50.00	9.870	9.870	N 83°54'34" E	28°10'12"
C21	50.00	41.19	40.64	S 12°36'40" E	47°01'21"
C22	50.00	41.19	40.64	S 12°36'40" E	47°01'21"
C23	50.00	41.19	40.64	S 12°36'40" E	47°01'21"
C24	50.00	36.07	35.18	S 43°39'14" E	64°14'54"
C25	50.00	36.07	35.18	S 43°39'14" E	64°14'54"
C26	50.00	15.31	15.44	N 83°54'34" E	17°46'08"
C27	50.00	15.31	15.44	N 83°54'34" E	17°46'08"
C28	65.97	38.97	38.91	N 42°21'30" E	50°30'58"
C29	65.97	38.97	38.91	N 42°21'30" E	50°30'58"
C30	65.97	41.07	40.29	S 12°36'40" E	38°53'54"
C31	10.00	16.81	16.33	S 28°12'01" E	90°37'47"
C32	62.50	16.81	16.33	S 28°12'01" E	90°37'47"
C33	62.50	16.81	16.33	S 28°12'01" E	90°37'47"
C34	62.50	16.81	16.33	S 28°12'01" E	90°37'47"
C35	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C36	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C37	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C38	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C39	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C40	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C41	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C42	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C43	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C44	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C45	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C46	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C47	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C48	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C49	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C50	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C51	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C52	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C53	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C54	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C55	375.00	3.11	3.11	N 14°50'58" E	33°07'11"
C56	375.00	3.11	3.11	N 14°50'58" E	33°07'11"

STREET SIZES		
STREET NAME	LENGTH IN FEET	AREA IN ACRES
ARANSAS	943	1.08
DICKINSON	679	0.75
NUCES	256	0.27
REDFISH	548	0.73
ST CHARLES	572	0.52
THREE CREEK	931	2.56

VICINITY MAP  
NTS

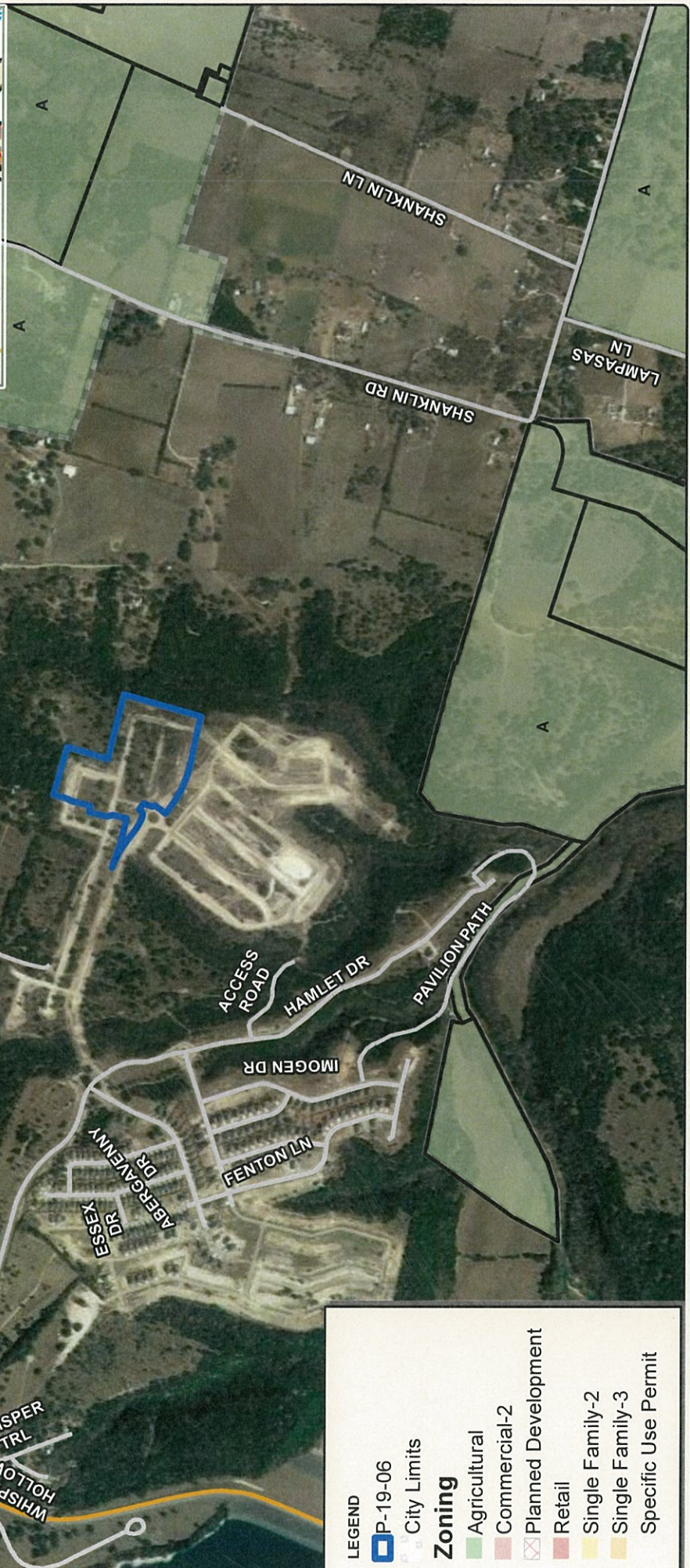
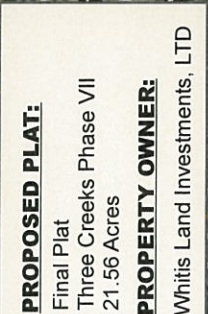
REV	DESCRIPTION	DATE	BY	PROJECT INFORMATION
1	REVISIONS FOR CITY COMMENTS			TOTAL SHEET: 23, 34, 42, 48, 52
2				TOTAL BLOCKS: 4
3		06/12/2014	NSMP	TOTAL TRACTS: 2
4	REVISIONS AFTER SIGNING THE BLOCK, A VINCENT MAP FOR CITY COMMENTS			
5	REVISIONS AFTER SIGNING THE BLOCK, A VINCENT MAP FOR CITY COMMENTS			
6	ORIGINAL RELEASE	07/14/2017	BTW	
PROJECT NUMBER: 2527				
CLIENT NAME: WEST DEVELOPMENT GROUP, LLC-SERIES 029				
CLIENT LOCATION: MILWAUKEE, WI				
MGR. AND ENGINEER'S SEAL				
AT				



<b>Yalco, LLC</b> 3000 Blinn Ave., Suite 100 Houston, Texas 77055-5535 Tel: (281) 955-5535 Fax: (281) 955-5537 Email: info@yalco.com Registered Professional Engineer State of Texas License No. 10194095		Preliminary: this document shall not be recorded for any purpose and shall not be used as evidence of title or interest in land or as a final survey document.	
<b>FINAL PLAT OF THREE CREEKS PHASE VII BELTON E.T.J., BELL COUNTY, TEXAS</b>		<b>INSET SCALE: 1:100</b>	
<b>GRAPHIC SCALE</b> 0 100 200 300 FEET		<b>REMARKS</b> THIS PLAT WAS PREPARED BY THE ENGINEER BASED ON THE SURVEY DATA PROVIDED BY THE CLIENT. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE PLAT AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS SURVEYING ACT. THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE PLAT.	
<b>PROJECT INFORMATION</b>		<b>DATE</b>	
TOTAL ACRES: 11.44 TOTAL LOTS: 7 TOTAL TRACTS: 2		DATE: 05/05/2019	
<b>REVISIONS</b>		<b>DATE</b>	
1. REVISED FOR CITY COMMENTS 2. REVISED FOR CITY COMMENTS 3. REVISED FOR CITY COMMENTS		05/05/2019 05/05/2019 05/05/2019	
<b>APPROVED BY:</b>		<b>DATE:</b>	
APPROVED BY: TWP		DATE: 05/05/2019	



CITY OF  
**BELTON**  
Planning Department



Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy completeness.





# P-19-06 - THREE CREEKS PHASE VII



## PROPOSED PLAT:

Final Plat  
Three Creeks Phase VII  
21.56 Acres

## PROPERTY OWNER:

Whitis Land Investments, LTD

Three Creeks Phase VII

ROCKING M LN

ACCESS ROAD  
HAMLET DR

PAVILION  
PATH

CICERO DR  
ABERGAVENNY DR

GILDFORD DR

JUNO DR

KENT DR

FENTON

Legend

P-19-06

Map Date: 2/12/2019 Aerial Imagery Date: 2018

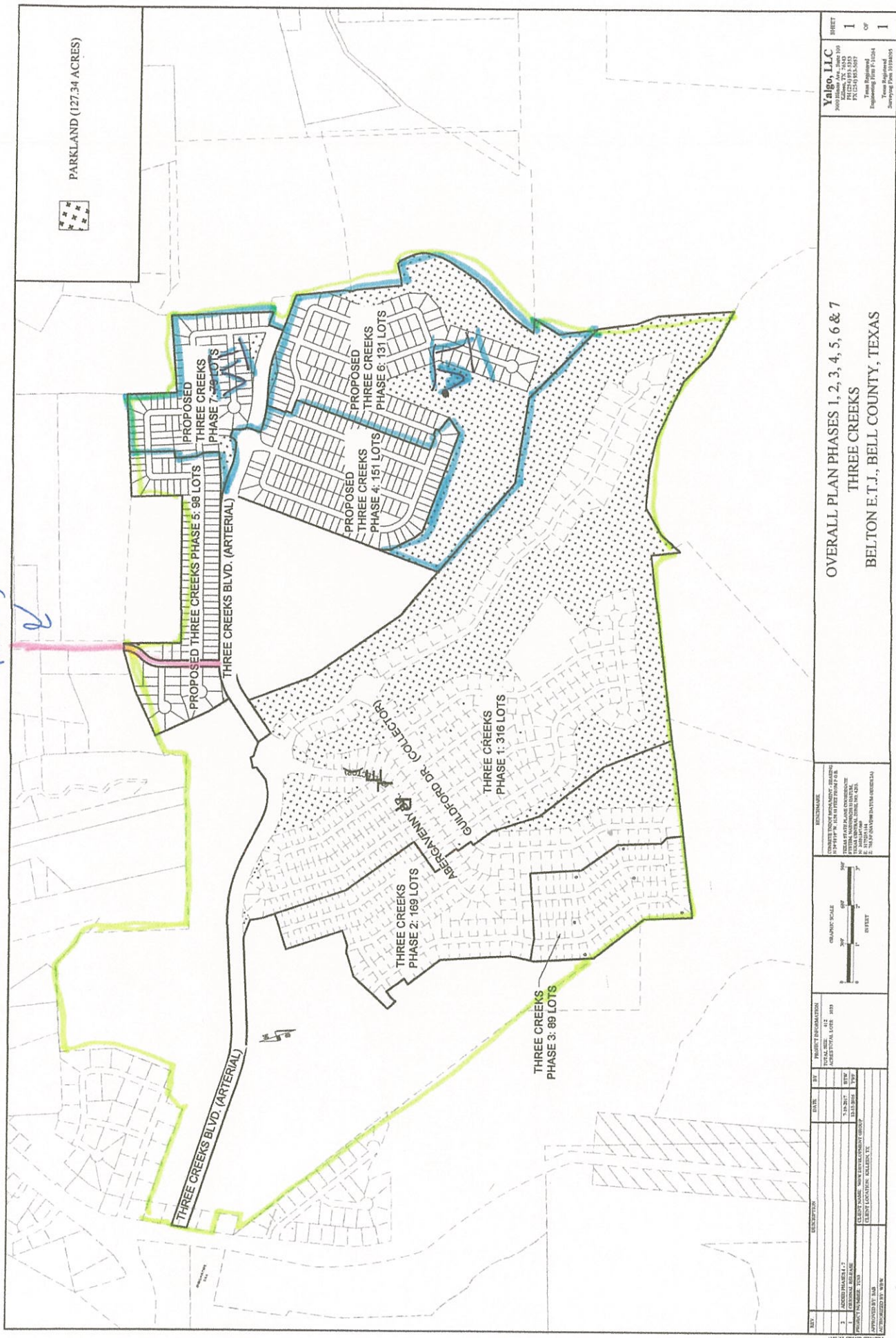
0 500 1,000 Feet



Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.



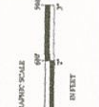
Rocking M



**Valgo, LLC**  
 2000 Dallas Ave., Suite 300  
 Dallas, TX 75210  
 Tel: (214) 634-1234  
 Fax: (214) 634-1235  
 Email: info@valgo.com  
 Engineering Firm #12345  
 Texas Registered  
 Surveying Firm #12345

**OVERALL PLAN PHASES 1, 2, 3, 4, 5, 6 & 7**  
**THREE CREEKS**  
 BELTON E.T.J., BELL COUNTY, TEXAS

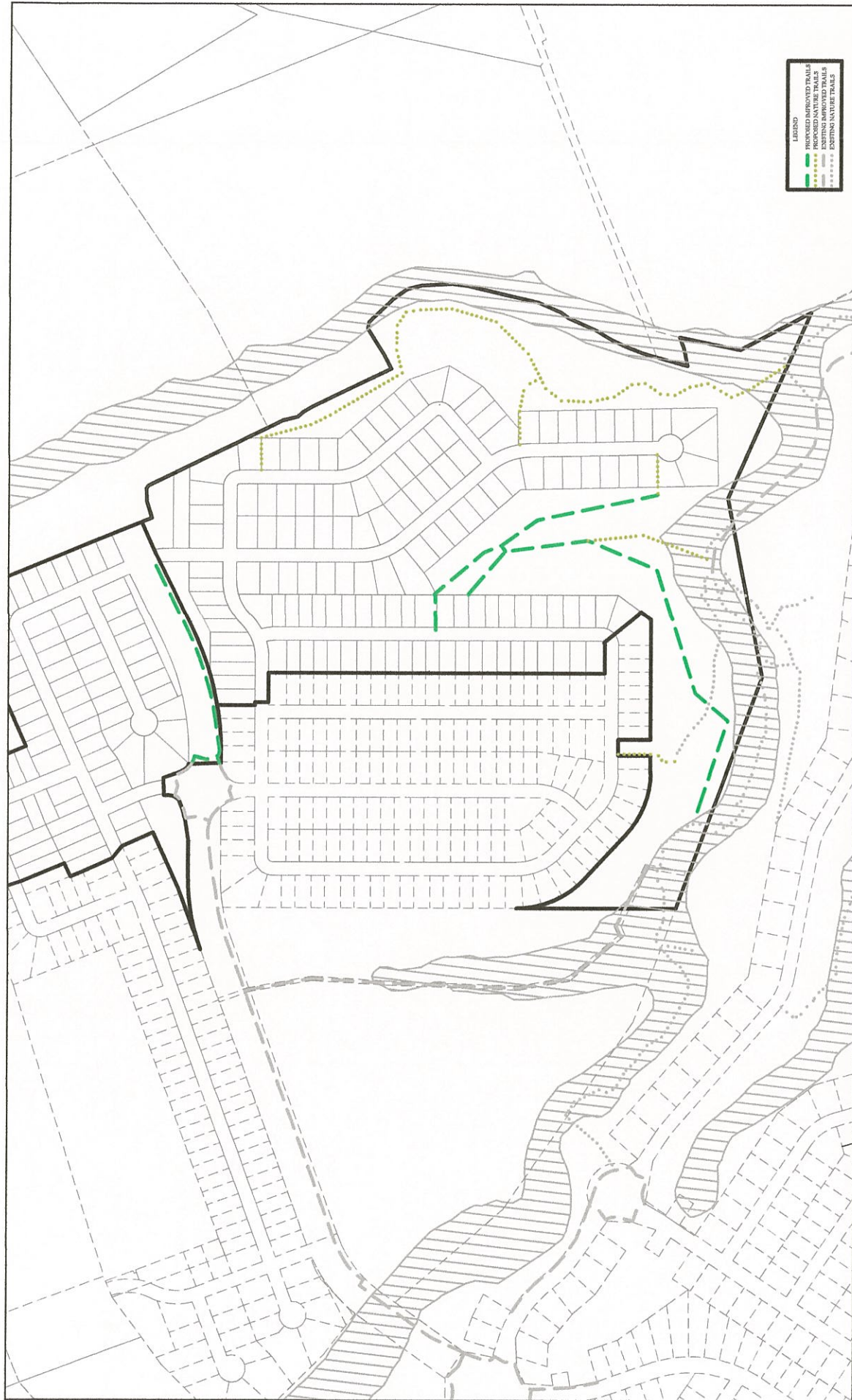
**REVISIONS**  
 1. COMPLETE DRAFT PRELIMINARY - REVISION  
 2. 10' PER 1" = 120' IN STREET FROM T.O.B.  
 3. 10' PER 1" = 120' IN STREET FROM T.O.B.  
 4. 10' PER 1" = 120' IN STREET FROM T.O.B.  
 5. 10' PER 1" = 120' IN STREET FROM T.O.B.  
 6. 10' PER 1" = 120' IN STREET FROM T.O.B.  
 7. 10' PER 1" = 120' IN STREET FROM T.O.B.



PROJECT INFORMATION	
TOTAL SHEETS	12
TOTAL LOTS	1000

REV.	DESCRIPTION	DATE	BY
1	ORIGINAL	12-12-2012	WV
2	REVISION	03-11-2014	WV
CLIENT NAME: WATKINS DEVELOPMENT GROUP			
CLIENT LOCATION: KALISSE, TX			
APPROVED BY: WATKINS			





**LEGEND**

- PROPOSED IMPROVED TRAILS
- PROPOSED NATURAL TRAILS
- EXISTING IMPROVED TRAILS
- EXISTING NATURAL TRAILS

<b>Yalco, LLC</b> 3000 West 10th Street Suite 100 Irving, TX 75039 Tel: (972) 951-5571 Fax: (972) 951-5572 Email: info@yalco.com Website: www.yalco.com		SHEET <b>1</b> OF <b>1</b>
<b>PARKLAND TRAILS CONCEPT PLAN</b> <b>THREE CREEKS PHASES VI &amp; VII</b> <b>BELTON E.T.J., BELL COUNTY, TEXAS</b>		
<b>DISCLAIMER</b> THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CLIENT AGREES TO HOLD YALCO, LLC HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS PLAN.		<b>GRAPHIC SCALE</b> 0 10 20 30 40 50 FEET 0 1 2 3 4 5 IN FEET
<b>PROJECT INFORMATION</b> TOTAL SIZE: 84.0 ACRES TOTAL LOTS: 214 TOTAL TRACTS: 4		<b>DATE</b> 10/1/2019
<b>CLIENT NAME:</b> WWW DEVELOPMENT GROUP, L.P. <b>CLIENT ADDRESS:</b> 10000 N. MCKINNEY, SUITE 100, DALLAS, TX 75244 <b>CLIENT PHONE:</b> (214) 343-1000 <b>CLIENT FAX:</b> (214) 343-1001 <b>CLIENT EMAIL:</b> info@wwwdevelopmentgroup.com		<b>DATE</b> 10/1/2019
<b>PROJECT NAME:</b> PARKLAND TRAILS <b>PROJECT ADDRESS:</b> 10000 N. MCKINNEY, SUITE 100, DALLAS, TX 75244 <b>PROJECT PHONE:</b> (214) 343-1000 <b>PROJECT FAX:</b> (214) 343-1001 <b>PROJECT EMAIL:</b> info@parklandtrails.com		<b>DATE</b> 10/1/2019





# City of Belton

Planning Department

February 14, 2019

**Applicant: YALGO ENGINEERING – TYLER FREESE**

**Date Submitted: 01-15-19**

**2<sup>nd</sup> Submittal: 02-08-19**

**Project: THREE CREEKS PHASE VI AND VII ETJ**

**Location: PHASE VI – 65.05 ACRES / PHASE VII – 21.56 ACRES (FM 1670 ETJ)**

---

**\*\*\*Please comment back in red under the comments submitted on this sheet.\*\*\***

**PLANNING – Cheryl Maxwell – CMaxwell@BeltonTexas.gov:**

**Phase VI**

1. Prior to plat signatures, delete references to plat being preliminary and under review.

**Phase VII**

1. Prior to plat signatures, delete references to plat being preliminary and under review.

**PUBLIC WORKS/KPA – Angellia Points, APoints@BeltonTexas.gov:**

**Construction Plans Phases VI and VII**

1. In order to determine if Lot 1 of Block 2 can be platted, please prepare a general sketch of the crossing over the drainage way.
2. A valve needs to be added on the line north of St. Charles at Copano Loop between the intersection and the flush assembly.
3. Repeat comment for the record: Submit the geotechnical report after rough grading the site.
4. There is only 6" clearance between pipe and inlets/culverts at Sta 17+25 on Sheet 23, Sta 4+25 on Sheet 26, Sta 7+25 on Sheet 27, and Sta 32+50 and 33+25 on Sheet 36. With such close clearances, it has been very difficult and costly, in the past, to replace either the utility or stormwater infrastructure without damaging or demolishing other infrastructure like inlets and culverts. The City has encased water lines when the clearances get smaller than 12" and sometimes as close as 24". The main concern is the clearance around water lines. How can these clearances be increased to at least 12"? If not possible, please call out encasements. In the end, deeper waterlines in an easement is preferable to shallower water lines that are difficult to repair with infrastructure 6" on top of it.
5. Regarding the vertical curves, the City agrees that is not always possible to meet the Design Manual criteria. However, there are some vertical curves shown that do not meet the AASHTO design speed requirements.

**Phase VI - Drainage Report**

The revised Drainage Report was not included in this review to verify responses. Please submit.

**Phase VII – Drainage Report**

No comments.

**BUILDING OFFICIAL – Bruce Ebbert, BEbbert@BeltonTexas.gov:**

No comments at this time.

**FIRE DEPT – Jeff Booker, JBooker@BeltonTexas.gov:**

No comments.

**POLICE DEPT – Chief Gene Ellis, GEllis@BeltonTexas.gov:**

No comments.

**GIS – James Gibson, JGibson@BeltonTexas.gov:**

All comments addressed.

**BELL COUNTY ENGINEER – Stephen Eubanks**

See attached comments for Phases VI and VII.

**Outside Utility Provider Comments**

- ☐ **Oncor:**
- ☒ **AT&T:** In agreement with proposed plat.
- ☒ **Atmos Energy:** In agreement with proposed plat.
- ☐ **Charter Communications:**
- ☐ **Grande Communications:**
- ☐ **Spectrum (Time Warner):**
- ☒ **USPS:** Not reviewed. Requesting mailed plat at bigger scale. Install CBU for delivery.
- ☐ **Clearwater UCD:**
- ☐ **TXDOT:**

**Note:** Acceptance by the City of Belton of a plat, zoning change, conceptual drawing, construction drawing, or other development submittal complying with City of Belton minimum standards for drainage does not provide approval beyond what the City may authorize. Approval is limited, and this approval does not limit any obligations you may have under applicable state statutes, such as the Texas Water Code, or federal statutes. You should consult with your own professionals as you continue to pursue this development project.





# County Engineer

P. O. Box 264 • Belton, Texas 76513 • (254) 933-5275 • Fax (254) 933-5276

BRYAN NEAVES, P. E.

February 14, 2019

Mr. Scott Brooks P.E.  
Yalco Engineering LLC  
3000 Illinois Ave. Ste.100  
Killeen, Texas 776543

Re: Three Creeks Phase VII- City of Belton ETJ

Mr. Brooks,

After reviewing the Phase VII Final plat/ plans submitted to this office by the City of Belton, the following are the County's comments:

## Subdivision Regulations:

- 204.2- Dedication- The plat dedication states the wrong acreage. Please revise. Include field notes.
- 203.5- Street Names- 911 approval of the proposed street names is required.
- 204.15- Acreage & Length- An acreage & length statement for the proposed streets & right-of-way's is required on the plat. Please breakdown the statement by street.
- 204.16- Compliance- Letter of Compliance is required.
- Include a plat note stating who is responsible for the installation and maintenance of the following: a) special or oversized street signs required for the roundabouts, b) pavement markings and sidewalks at the roundabouts, c) and street lighting throughout the proposed subdivision. Bell County is not responsible for these items.
- Address all City of Belton comments.

## Construction Plans:

- 203.5-Street Names- 911 approval of the proposed street names is required.
- Please explain why certain utilities are within in the right-of-way and not in the 10' PUE easement.
- Please include the following notes within the construction Plans:
  - 1) The contractor shall provide the Bell County Engineer's Office with copies of the SWPPP, CSN and the NOI.
  - 2) Bell County shall be responsible for roadway construction inspections.



3) The contractor shall be responsible for scheduling and costs of all materials testing and retesting. The contractor shall notify the Bell County Engineer's Office of any material testing with a 24-hour notice.

Sheets 44, 46, & 47- please note that Bell County does not maintain a run of HDPE pipe should the become clogged or collapse.

- Place a note on the plat stating who will be responsible for the maintenance of the drainage easements.
- Sheets 44, 46, & 47- The plans indicate the use of HDPE drainage pipe within the drainage easements shown. Bell County will not maintain these runs of HDPE pipe should they become clogged or collapse.
- Place a note on the plat (and within the restrictions) stating no buildings, fences or other obstructions shall be placed within the drainage easements shown.
- Place a note on the plat stating who will be responsible for the installation and maintenance of specialty signs at the roundabouts. Speed Limits and Stop signs are regulatory sign need court approval upon before installation.
- Plat/Plans- Place a note stating that Bell County is not responsible for the cost, installation or maintenance of the proposed street lights.

Floodplain Comments:

- All structures proposed to be placed within a floodplain area are subject to the acquisition of a Floodplain Permit. The proposed box culvert DA-2 shown under Three Creeks Blvd. is located within a designated floodplain area and will require a floodplain permit. This zone prohibits altering the land in any way that could adversely impact the water surface elevation. Placing fill will impact surrounding properties. Accordingly, proper documentation including hydraulic calculations prepared by a licensed engineer will be required.
- Environmental Notes- As per the Bell County Certified Flood Plain Manager, all environmental documents shall be provided prior to commencement of construction.

Sincerely,

Steve Eubanks  
Engineering Technician  
Bell County Engineers Office

Minutes of the  
**Planning and Zoning Commission (P&ZC)**  
City of Belton  
333 Water Street  
Tuesday, February 19, 2019

---

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, Ty Hendrick, Dave Covington, Stephanie O'Banion, Zach Krueger, Luke Potts, Quinton Locklin and Allison Turner. The following staff members were present: Director of Planning Cheryl Maxwell, IT Ryan Brown and Planning Clerk Laura Livingston. Commission member David Jarratt was absent.

**Pledge of Allegiance** – Chair Baggerly led all present.

**Invocation** – Mr. Covington gave the Invocation.

6. **P-19-05** Consider a final plat of Three Creeks Phase VI, a 65.05 acre tract located generally east of FM 1670 and south of US 190, along the south side of an extension of Three Creeks Blvd., in Belton's ETJ.
7. **P-19-06** Consider a final plat of Three Creeks Phase VII, a 21.56 acre tract located generally east of FM 1670 and south of US 190, along the north side of an extension of Three Creeks Blvd., in Belton's ETJ.

Ms. Maxwell presented a staff report for both items (Exhibit C).

Chair Baggerly said he knew a lot of work went into the development agreement and we dotted a lot of I's and crossed a lot of T's to get to where we are today. Mr. Covington asked if Rocking M Lane is not coming through Phase VII correct? Ms. Maxwell said she believed it was in Phase V, which was confirmed by the project engineer, Mr. Freese.

Mr. Tyler Freese, representing WB Development located at 3000 Illinois Avenue, Killeen, is the design engineer for everything after Phase III, he said. We brought Phases IV and V together, like Phases VI and VII, so whichever gets recorded first then Rocking M Lane needs to be done with it as well for access. He believed it was on schedule for the May 1 deadline.

Mr. Hendrick made a motion to approve P-19-05. Ms. O'Banion seconded the motion. The motion was approved with 8 ayes, 0 nays. Ms. O'Banion then made the motion to approve P-19-06. Mr. Hendrick seconded the motion which was approved with 8 ayes, 0 nays.

# Staff Report – City Council Agenda Item



**Date:** February 26, 2019  
**Case No.:** P-19-02 Eagles Bend Subdivision  
**Request:** Final Plat  
**Applicant:** All County Surveying, Inc.  
**Owner/Developer:** JRBC Investments, LLC

## **Agenda Item #11**

Consider a final plat of Eagles Bend Subdivision, comprising 23.186 acres, located along the north side of Sparta Road, beginning approximately 300' east of Sparta Lane, and along the south side of Eagle Point West, beginning approximately 200' west of Summit Circle, in Belton's ETJ.

## **Originating Department**

Planning – Cheryl Maxwell, Director of Planning

## **Case Summary**

This subdivision is proposed for a residential development consisting of 10 lots. Five of the lots will front on Sparta Road and 5 lots will front on Eagle Point West and be accessed via a 25' cross access easement. One single family residence is currently located on Lot 3.

## **Project Analysis and Discussion**

This property is located in Belton's ETJ so there is no zoning. The lots range in size from 0.942 acre to 4.981 acres in size. The 5 lots fronting on Sparta Road have a 50' front yard setback, while the lots fronting on Eagle Point West have a 25' front yard setback.

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

**Water:** This property is located within the 439 Water Supply Corporation (WSC) CCN. They have provided a letter confirming their ability to serve this subdivision. There is a 12" water line along Eagle Point West and a 10" water line along Sparta Road. No extensions are necessary; these lines will be tapped to provide service to these lots.

The City of Belton Fire Code requires a minimum water flow of 1,000 gpm for fire hydrants. 439 WSC cannot confirm this flow rate can be sustained; therefore, the developer is requesting a variance to this requirement, and staff supports this request. The existing fire hydrant locations are satisfactory.



**Sewer:** No sanitary sewer is available to serve this subdivision. Septic systems are proposed, subject to approval by the Bell County Public Health District. The lots exceeds the minimum 0.5 acres required for a septic system.

**Drainage:** Drainage calculations have been provided and reviewed. 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:** The Thoroughfare Plan identifies Sparta Road as a major collector roadway with a required ROW width of 80'. Current ROW is approximately 60' so an additional 20' is needed. The applicant is responsible for providing ½ of the needed ROW, or 10', and is dedicating this portion on the plat.

Eagle Point West is a local street which currently has approximately 50' ROW. Bell County is requesting 60' ROW total, so the applicant is responsible for providing additional ROW as needed to achieve 30' of ROW from the centerline of the street to their property line. Based on the applicant's measurements, no additional dedication is needed. Bell County Engineer's office has confirmed the applicant has met their requirement.

Regarding perimeter street improvements, both Sparta Road and Eagle Point West have 24' wide pavement with a bar ditch drainage system. The Subdivision Ordinance (Section 502.01.H) requires the developer to contribute one-half the total cost of paving with curb and gutter for the portion of roadway adjacent to this plat. The developer is requesting a variance to this requirement. Staff supports this request since this property is in Belton's ETJ in an area that is mostly developed already with no curb/gutter or other improvements. This area is far outside the city limits, and the County is satisfied with the current facilities, which are under their maintenance.

**Access:** The Subdivision Ordinance (Section 511.02) requires all lots to have "adequate access to an existing or proposed public street" by frontage of not less than 20'. The configuration of ROW for Eagle Point West is unconventional along the frontage of Lots 1 & 2. Although it does appear that each lot has at least 20' of frontage along a public ROW, Lots 1 & 2 do not have frontage along an improved street. Access to all lots is proposed via a 25' cross access easement on Lot 3, where there is an existing paved driveway. Extensions east and west are proposed across Lots 2 and 4 to provide access to Lots 1 & 5.

The proposed access easement will also function as a fire lane. Section 514.01 of the Subdivision Ordinance requires fire lanes to be paved with either asphalt or concrete for a minimum width of 16'. The fire code also states the following: Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg). The existing driveway on Lot 3 appears to meet this requirement; however, the applicant is requesting a variance to allow the paving/improvement requirement for the access easement running east/west across lots 2, 3 & 4 to be deferred to the time of development.

The applicant proposes to place this obligation on the lot owners at the time they are building their homes, to ensure the easement is in a location that meets the lot owners' needs. Staff is generally supportive of this request, and the variance to public street access; however, there is no mechanism in place to ensure this requirement is upheld at a later date. If this property was inside the city limits, this requirement could be enforced through the building permit process. However, in the ETJ, there are no building permits, so there are limited opportunities to enforce this provision if it is not required with the plat. A note is provided on the plat and a provision included in the restrictive covenants for Lots 1 - 5 in Article XIX to document this requirement, and to put future purchasers on notice regarding this obligation.

**Sidewalks:** The Subdivision Ordinance requires the developer to construct and install a 5-foot wide sidewalk along the subdivision side of collector streets, which would apply to Sparta Road. This requirement is waived since the plat is in Belton's ETJ and no entities have assumed responsibility for sidewalk 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 10 lots, the dedication would be 0.1 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 \$2,000 for this subdivision. A variance to the parkland dedication/fee requirement is requested. Staff supports the variance request since there are no plans to develop a public park in this vicinity at this time and these lots are large with ample open space available 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 identified in the city letter dated February 14, 2019.

### **Recommendation**

The Planning and Zoning Commission met on February 19, 2019 and unanimously recommended approval of this final plat, subject to the conditions below, and Staff concurs with their recommendation.

1. Approval of variance to water flow (1,000 gpm) requirement for fire protection;
2. Approval of variance to perimeter street improvements and sidewalk requirement for Sparta Road;
3. Approval of variance to requirement that lots have frontage on a public street to allow access via a 25' cross access easement; and deferral of requirement to provide an access easement for a fire lane with a paved or improved driving surface that can support a minimum weight of 75,000 pounds to such time as the lots are developed.
4. Approval of variance to the parkland dedication/fee requirement;

5. City letter of conditions dated February 14, 2019.

**Attachments**

Final Plat Application

Final Plat

Location Map

Variance Request

City letter of conditions dated February 14, 2019

P&Z Minutes Excerpt



**City of Belton**  
Request for Subdivision Plat  
to the City Council and the  
Planning and Zoning Commission

Application is hereby made to the City Council for the following:

- ☐ Preliminary Subdivision                      Fees due \$ 280.00  
☒ Final Subdivision  
☐ Administrative Plat  
☐ Replat  
☐ ETJ  
☐ City Limits

Date Received: \_\_\_\_\_ Date Due: \_\_\_\_\_ (All plans are to be returned to the Planning Department by the 15<sup>th</sup> day of the month ahead of the next month's P&Z meeting.)

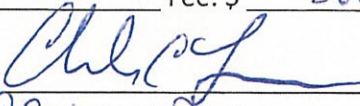
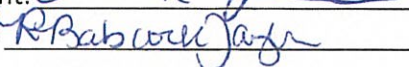
Applicant: ALL COUNTY SURVEYING, INC. Phone: 254-778-2272  
Mailing Address: 4330 SOUTH 5th STREET, TEMPLE, TEXAS 76502  
Email Address: shane@allcountysurveying.com, chuck@allcountysurveying.com

Owner: JRBC INVESTMENTS, LLC Phone: \_\_\_\_\_  
Mailing Address: 3700 SOUTHLAKE DRIVE, BELTON, TEXAS 76513  
Email Address: beckiet23@aol.com

Current Description of Property:

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
Acres: 23.186 Survey: W. L. NORVELL SURVEY  
Abstract #: 627 Street Address: 3296 EAGLE POINT WEST  
Frontage in Feet: 525' & 808' Depth in Feet: +/- 1000'

Does Zoning comply with proposed use? NA Current Zoning: NA  
Name of proposed subdivision: EAGLES BEND  
Number of Lots: 10 Fee: \$ 280.00

Signature of Applicant:  Date: 12.17.2018  
Signature of Owner:  Date: 12/17/18

Being 23.186 ACRES situated in the W. L. NORVELL SURVEY, ABSTRACT 627, Bell County, Texas.

[illegible]

Alfred

dated this the \_\_\_\_\_ day of \_\_\_\_\_, 2014 A. D.

In approving the plan, the Commissioners' Court of El Paso County, Texas, is understood to be the building of all streets, roads, and other public thoroughfares and bridges or covers necessary to be constructed or placed in the responsibility of the owners of the tract of land covered by the plan. The plan also provides that the owners of the tract of land covered by the plan shall be responsible for the maintenance of the streets, roads, and other public thoroughfares and bridges or covers shown on the plan or of constructing any of the bridges or drainage improvements in connection therewith. The County will assume no responsibility for drainage work or maintenance in the plan area, except in the case of any drainage or flood control project or plan in the plan area, or for the construction or maintenance of any levee or flood control project in the plan. Flood plain data, in particular, may change depending on subsequent developments.

This project is for the City of Dallas Coordinate System, NAD 83, Texas Central Zone. All distances are referenced to surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 50004 (B-004). The tie/s angle is City Monument No. 50004 to C-0017279. The computed correction factor (CF) is 0.0440004. Grid distance = Surface distance x CF. Grids north = grid north + theta angle. Reference tie from City monument No. 50004 to the project corner of this tract is grid north = 86712.44' - W 4205523.1 feet. Platted City coordinates for project reference point 23.56 Acre tract is N 86712.44' - W 4205523.1 feet.

Based upon what can be deduced from the graphics above on Federal Insurance Rate Map (FIRM), Connecticut, File No. 402374-03/2256, dated April 16, 2003, the above information does not depend upon the "Special Flood Hazard Area" and appears to be situated in Zone X. This flood-statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of the surveyor or company.

Downloaded from <http://ajphaphysiol.org/> at University of California, San Diego on June 11, 2015

[illegible]

LINE	BEARING	DISTANCE
L1	5.44333° E	55.44
L2	5.59233° N	123.40
L3	5.54067° N	60.48
L4	5.54067° N	208.27
L5	5.55933° N	26.90
L6	5.54067° N	224.42
L7	5.54067° N	124
L8	5.63467° N	56.20
L9	5.63467° N	202.00
L10	5.63467° N	21.80
L11	5.41444° E	112.18
L12	5.63467° N	33.22
L13	5.54067° E	90.14
L14	5.63467° E	96.97

CURVE	LOCUS	ARC LENGTH	CORDED LENGTH	CORDED PERIMETER	DELTA ANGLE
21	D40.00	75.31'	15.31'	N 41°24'13" W	4°04'31"
22	D40.00	67.47'	10.31'	N 41°20'32" W	2°50'43"
23	D40.00	50.83'	50.74'	N 53°39'52" W	3°04'40"

RECORDATION INFORMATION:  
FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.  
IN PLAT YEAR \_\_\_\_\_ NO. \_\_\_\_\_, PLAT RECORDS OF BELL COUNTY,  
TEXAS  
DELEGATION INSTRUMENT NO. \_\_\_\_\_, OFFICIAL PUBLIC RECORDS OF

[illegible]

**QUESTIONS INVOLVED IN THE CONSERVATION DISTRICT CONCEPT**

By: Eric Aaron DATE: \_\_\_\_\_

Print Date:	02-07-2018
Survey completed	12-13-2018
Scale:	1" = 100'
Job No.	102005
Dwg No.	102005P
Drawn by	SLH
Surveyor	CLL B&B

Copyright 2018 All County Surveying



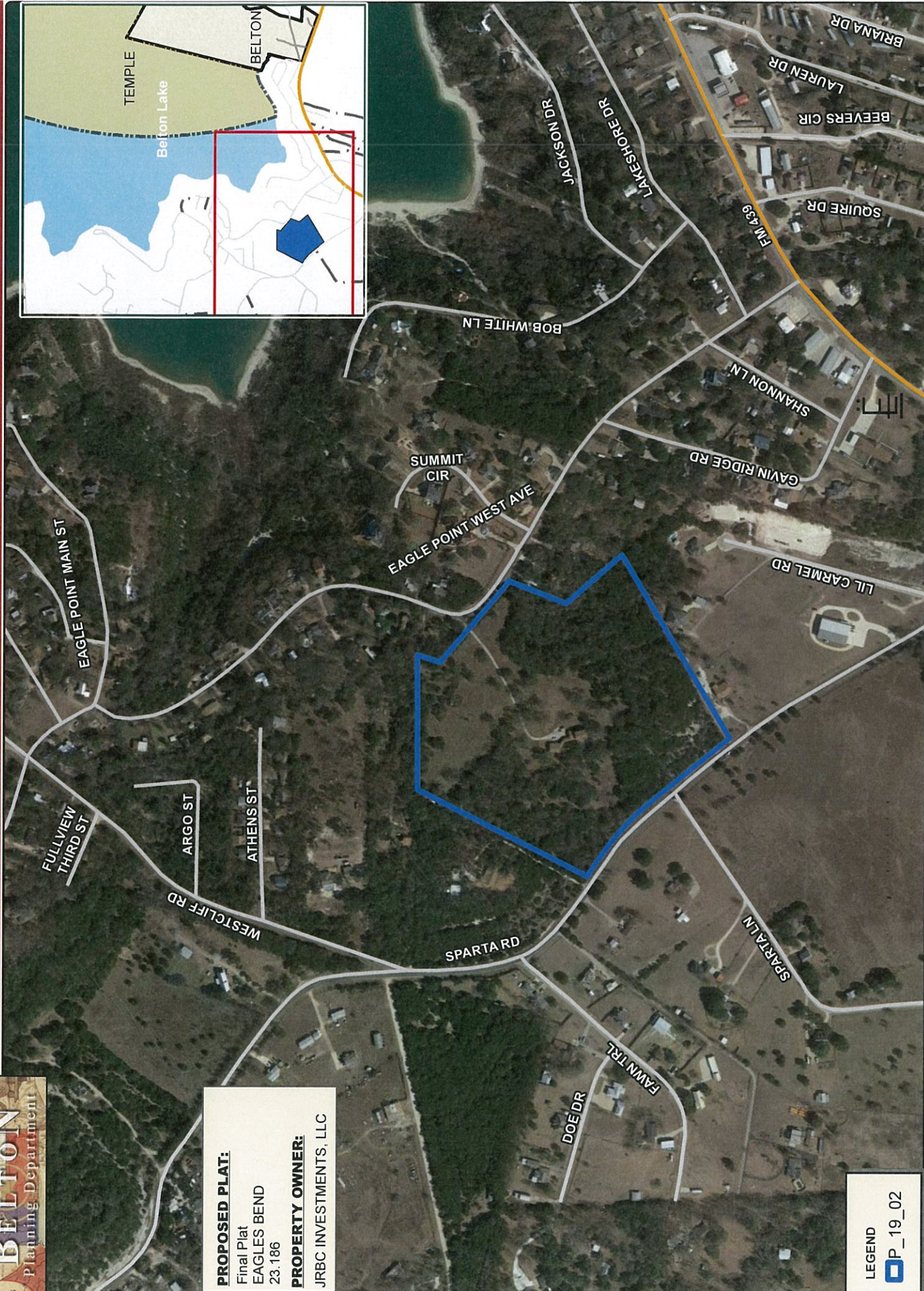
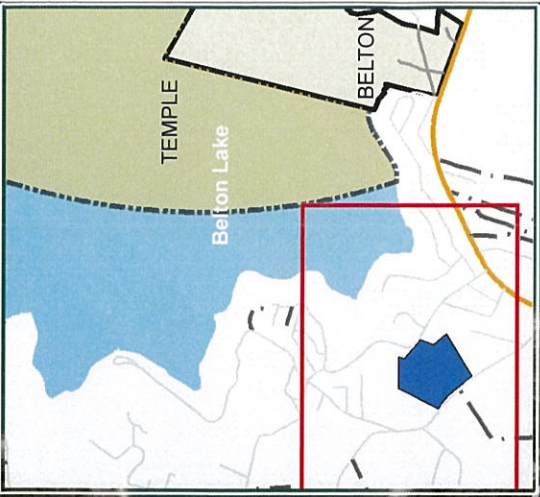


# P-19-02 LOCATION - EAGLES BEND



**PROPOSED PLAT:**  
Final Plat  
EAGLES BEND  
23.186

**PROPERTY OWNER:**  
JRBC INVESTMENTS, LLC



**LEGEND**  
P\_19\_02

Map Date: 1/9/2019 Aerial Imagery Date: 2018

0 1,250 2,500 5,000 Feet

Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.



# P-19-02 - EAGLES BEND



Proposed Eagles Bend

**PROPOSED PLAT:**

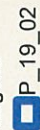
Final Plat  
EAGLES BEND  
23.186 Acres

**PROPERTY OWNER:**

JRBC INVESTMENTS, LLC



Legend

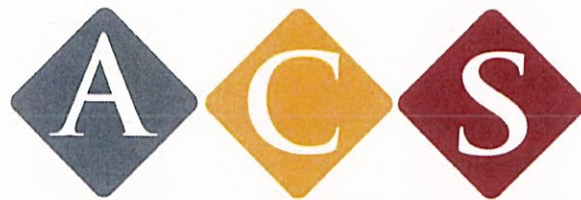


Map Date: 1/9/2019 Aerial Imagery Date: 2018



Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.





ALL COUNTY SURVEYING, INC

January 4, 2019

City of Belton  
333 Water Street  
Belton, Texas 76513  
ATTN: Cheryl Maxwell, Planning Director

**Re: Request for Variance/Exceptions – EAGLES BEND**

Dear Ms. MAXWELL:

This letter is in response to comments dated January 2, 2019.

At this time, we would like to respectfully request the following variances/exceptions to the subdivision/platting requirements referenced in your comments.

Item 13 states that Sparta Road requires 80' of ROW. There is currently 60 or more feet of dedicated county right-of-way. This is all that Bell County is asking for at this time. It seems unlikely that Sparta Road will be widened in the foreseeable future, and as such we request that no ROW be dedicated by this platting exercise. *Withdrawn by Applicant 2-6-19*

Item 14 states that perimeter street improvements may be required, but that staff would support a variance. At this time, we would like to request an exception to this requirement.

Item 20 states that \$2000 is required for "Parkland Dedication/Fee". We would like to request a variance to this requirement. This development is in close proximity to Lake Belton and the recreational areas located thereon, and as such, would be utilizing those facilities rather than those located inside the City of Belton.

Thanks for granting the requested variances/exceptions, and as applicant, I wish to thank you in advance.

Respectfully,

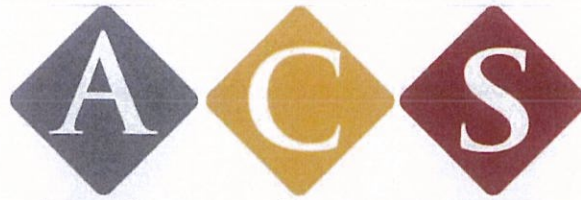
Charles C. Lucko, RPLS  
President, All County Surveying, Inc.



4330 South 5th Street  
254-778-2272

Temple, TX 76504  
(fax) 254-774-7608

allcountysurveying.com



ALL COUNTY SURVEYING, INC

January 8, 2019

City of Belton  
333 Water Street  
Belton, Texas 76513  
ATTN: Cheryl Maxwell, Planning Director

**Re: Request for Variance/Exception– EAGLES BEND**

Dear Ms. MAXWELL:

This letter is in response to comments dated January 2, 2019.

At this time, we would like to respectfully request an exception to the subdivision/platting requirements involving Fire Hydrants and Fire Protection requirements.

This property is currently served by 439 Water Supply Corporation. As provided to the City of Belton, 439 WSC can provide the requested meters for these proposed lots, but cannot confirm the required 1,000 gpm needed to meet Belton's Fire Code.

Also, 439 WSC has provided a map showing the existing location of their fire hydrants. We hope that those locations are sufficient, since 439 WSC cannot meet the requirements on flow rates to facilitate additional hydrants.

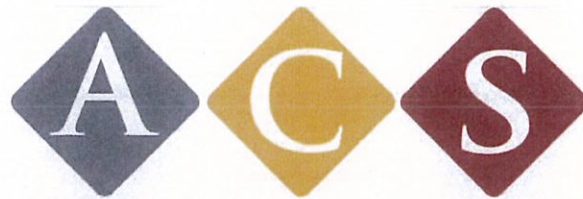
Thanks for granting the requested exception, and as applicant, I wish to thank you in advance.

Respectfully,

Charles C. Lucko, RPLS  
President, All County Surveying, Inc.

4330 South 5th Street      Temple, TX 76504  
254-778-2272      -      (fax) 254-774-7608  
allcountysurveying.com





ALL COUNTY SURVEYING, INC

February 12, 2019

City of Belton  
333 Water Street  
Belton, Texas 76513  
ATTN: Cheryl Maxwell, Planning Director

**Re: Request for Variance/Exception– EAGLES BEND**

Dear Ms. MAXWELL:

This letter is in response to your e-mail dated February 12, 2019.

At this time, we would like to respectfully request exceptions to the subdivision/platting requirements involving access to a public street.

While all of the lots located in the subdivision have frontage on a "Public ROW", the frontage on Lots 1 and 2 do not meet the width requirements, nor is there an improved roadway at that location (see exhibit). The owner of this land desires to have one access point on Eagle Point West giving access to Lots 1-5 from one common entryway drive. We respectfully request that the City of Belton grant a variance to the access requirements, and also grant the ability to construct an improved surface on the "25' Cross Access Easement" at the time of lot development.

Thank you in advance for supporting the requested exceptions,

Respectfully,

Charles C. Lucko, RPLS  
President, All County Surveying, Inc.

4330 South 5th Street      Temple, TX 76504  
254-778-2272      -      (fax)254-774-7608  
allcountysurveying.com



# City of Belton

Planning Department

February 14, 2019

**Applicant:** ALL COUNTY – CHUCK LUCKO / JRBC INVESTMENTS, LLC  
**Date Submitted:** 12-18-18  
01-04-19  
02-08-19 / 02-11-19 revised drainage  
**Project:** EAGLES BEND SUBDIVISION (ETJ)  
**Location:** 3296 EAGLE POINT WEST / 23.186 ACRES

---

**\*\*\*Please comment back in red under the comments submitted on this sheet.\*\*\***

**PLANNING – Cheryl Maxwell – CMaxwell@BeltonTexas.gov:**

1. Show alignment of pavement in the ROW on the plat, along with centerline dimensions and ROW dimensions.
2. Show width of ROW dedication along Sparta Road.
3. Provide letter from 439 WSC specifying their sustainable flow rates for the 10" and 12" water lines.

**PUBLIC WORKS/KPA – Angellia Points, APoints@BeltonTexas.gov:**

1. Label contour lines on the topo sheet.

**BUILDING OFFICIAL – Bruce Ebbert, BEbbert@BeltonTexas.gov:**

No comments.

**FIRE DEPT – Jeff Booker, JBooker@BeltonTexas.gov:**

No additional comments.

**POLICE DEPT – Chief Gene Ellis, GEllis@BeltonTexas.gov:**

No comments.

**GIS – James Gibson, JGibson@BeltonTexas.gov:**

All comments addressed.

**Bell County Comments:**

The County will allow the driveways off Sparta Road for lots 6- 10, however any special end treatments or concrete headwalls for the culverts called for by the City Engineer or the developers Design Engineer will be the responsibility of the developer or lot owner. Bell County requests this be noted on the plat and within the restrictions/ covenants for the subdivision.

**Outside Utility Provider Comments**

- ☐ **Oncor:**
- ☒ **AT&T:** In agreement with the proposed plat.
- ☒ **Atmos Energy:** In agreement with proposed plat.
- ☐ **Charter Communications:**
- ☒ **Grande Communications:** In agreement with the proposed plat.
- ☐ **Spectrum (Time Warner):**
- ☐ **USPS:**
- ☐ **Clearwater UCD:**
- ☐ **TXDOT:**

**Note: Acceptance by the City of Belton of a plat, zoning change, conceptual drawing, construction drawing, or other development submittal complying with City of Belton minimum standards for drainage does not provide approval beyond what the City may authorize. Approval is limited, and this approval does not limit any obligations you may have under applicable state statutes, such as the Texas Water Code, or federal statutes. You should consult with your own professionals as you continue to pursue this development project.**



Minutes of the  
**Planning and Zoning Commission (P&ZC)**  
City of Belton  
333 Water Street  
Tuesday, February 19, 2019

---

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, Ty Hendrick, Dave Covington, Stephanie O'Banion, Zach Krueger, Luke Potts, Quinton Locklin and Allison Turner. The following staff members were present: Director of Planning Cheryl Maxwell, IT Ryan Brown and Planning Clerk Laura Livingston. Commission member David Jarratt was absent.

- 8. P-19-02 Consider a final plat of Eagles Bend Subdivision, comprising 23.186 acres, located along the north side of Sparta Road, beginning approximately 300' east of Sparta Lane, and along the south side of Eagle Point West, beginning approximately 200' west of Summit Circle, in Belton's ETJ.**

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

Chair Baggerly said it seems like all elements are in order. Ms. O'Banion said it seems like another good one.

Mr. Hendrick made a motion to approve P-19-02. Ms. O'Banion seconded the motion. The motion was approved with 8 ayes, 0 nays.

# Staff Report – City Council Agenda Item



**Date:** February 26, 2019  
**Case No.:** P-19-07 Sherwood Shores Phase IX  
**Request:** Replat  
**Applicant:** All County Surveying  
**Owner:** Elizabeth Balderas

## **Agenda Item #12**

Consider a final plat of Sherwood Shores IX, a replat of Sherwood Shores VII, Camelot Section, Lots 591 and 592, comprising 0.23 acres located south of I-14 and west of FM 1670, on the north side of Goodrich Drive, west of Swanson Lane, in Belton's ETJ.

## **Originating Department**

Planning – Cheryl Maxwell, Director of Planning

## **Case Summary**

This is a one-lot subdivision proposed for residential development. There are currently no structures located on this tract; however, it is proposed for a residence and is under review for a septic system by Bell County Public Health District. The proposed lot has frontage on Goodrich Drive and has a 25' front yard setback.

## **Project Analysis and Discussion**

This property is located in Belton's ETJ so there is no zoning. This plat combines two lots into one, comprising 0.23 acres. The original plat was approved in 1967.

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 (WSC) CCN. They have provided a letter confirming their ability to serve this subdivision. There is a 2" water line running along the north side of this lot that will be tapped to provide service.

The City of Belton Fire Code requires a minimum water flow of 1,000 gpm for fire hydrants. The existing water pressure is estimated at 92 gpm. The developer is requesting a variance to this requirement. Staff supports a variance to this requirement since it represents conditions that were previously approved by Bell County with the original plat and no additional lots are being created. Dog Ridge WSC water system is limited in this location and a fire hydrant cannot be placed on the existing 2" water line. In the event of a fire, water tanker trucks will be needed to suppress the fire.

**Sewer:** No sanitary sewer is available to serve this subdivision. A septic system is proposed, subject to approval by the Bell County Public Health District (BCPHD). The lot does not meet the minimum 0.5 acre typically required for a septic system; however, this requirement does not apply to subdivisions platted before 1988.

**Drainage:** With just one single family residence proposed on this site, and two lots being consolidated into one, minimal impact, if any, is anticipated regarding 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/Access:** The adjacent street, Goodrich Drive is an unimproved street, in public ROW. 60' ROW exists, so no additional ROW is needed. The original plat, Sherwood Shores VII Camelot Section was platted in 1967. Roadways were dedicated to the public; however improvements to Goodrich, Kimberly, and Swanson Lane were never constructed, and roadways were never accepted by the County. As a result, the ROW is considered public, but the streets are considered private, and under private maintenance. The applicant is requesting a variance to allow lot frontage on a private street (Section 511.02). A variance is also requested to the perimeter street improvement requirement for Goodrich Drive (Section 502.01.H).

Regarding Subdivision Ordinance Section 514.01, Fire Lanes, a 16' paved surface is required to provide access for fire vehicles. The fire code also states the following: Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg). The distance to the nearest improved street is approximately 550' (Sherwood Drive). The applicant is uncertain whether the existing unimproved road will meet this requirement, and is therefore, requesting a variance.

In order for the County to accept these streets as public and assume public maintenance, the County would require the property owners to pay for the materials to pave the street, then the County would absorb the cost to construct the roadways and would then accept them and maintain them. They would require a minimum 22' pavement with 4' shoulder on each side. They currently have no plans to do so but would consider if requested by all of the affected property owners and funds provided.

The roads in this portion of the subdivision are below city and county standards; however, we recognize that this is a replat. The lots in the original subdivision are already legally existing (since 1967) and available for purchase. The replat combines two lots into one, thereby reducing the lot density. Staff supports the variances requested regarding access, perimeter street improvements, and fire lanes, only because this is a replat. These variances would not be supported for a new subdivision.

Regarding sidewalks, we have determined this requirement is not applicable in the ETJ due to no entity accepting 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. The fee in lieu of dedication is \$200/lot which would be \$200 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 this is a replat proposing a reduction in density from two lots to one.

**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 have been 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 below.

### **Recommendation**

The Planning and Zoning Commission met on February 19, 2019 and unanimously recommended approval of this final plat, subject to the conditions below, and Staff concurs with their recommendation.

1. Approval of variance to water flow (1,000 gpm) requirement for fire protection;
2. Approval of variance to perimeter street improvements and sidewalk requirement for Goodrich Drive;
3. Approval of variance to requirement that lots have frontage on a public street and requirement to provide an access easement for a fire lane with a paved or improved driving surface that can support a minimum weight of 75,000 pounds;
4. Approval of variance to the parkland dedication/fee requirement.

### **Attachments**

Final Plat Application  
Final Plat  
Location Map  
Variance Request  
P&Z Minutes Excerpt

**City of Belton**  
Request for Subdivision Plat  
to the City Council and the  
Planning and Zoning Commission

Application is hereby made to the City Council for the following:

- |   |                   |
|---|-------------------|
| <input type="checkbox"/> Preliminary Subdivision      | Fees due \$ _____ |
| <input checked="" type="checkbox"/> Final Subdivision |                   |
| <input type="checkbox"/> Administrative Plat          |                   |
| <input checked="" type="checkbox"/> Replat            |                   |
| <input checked="" type="checkbox"/> ETJ               |                   |
| <input type="checkbox"/> City Limits                  |                   |

Date Received: \_\_\_\_\_ Date Due: \_\_\_\_\_ (All plans are to be returned to the Planning Department by the 15<sup>th</sup> day of the month ahead of the next month's P&Z meeting.)

Applicant: Charles C. Lucko Phone: 254-778-2272  
Mailing Address: 4330 South 5<sup>th</sup> Street Temple, Texas 76502  
Email Address: chuck@allcountysurveying.com

Owner: Feliza Bern Balderas Phone: 254-544-5779  
Mailing Address: 4416 Goodrich Dr Belton TX 76513  
Email Address: F.Balderas@sw.org

Current Description of Property:

Lot: 591 and 592 Block: N/A Subdivision: Sherwood Shores VII, Camelot Section  
Acres: N/A Survey: John Beal  
Abstract #: 70 Street Address: 4416 Goodrich Drive  
Frontage in Feet: 99.87' Depth in Feet: 100.00'

Does Zoning comply with proposed use? N/A Current Zoning: N/A

Name of proposed subdivision: Sherwood Shores IX

Number of Lots: 1 Fee: \$ \_\_\_\_\_

Signature of Applicant: [Signature] Date: 11.15.2018

Signature of Owner: [Signature] Date: 11-15-16





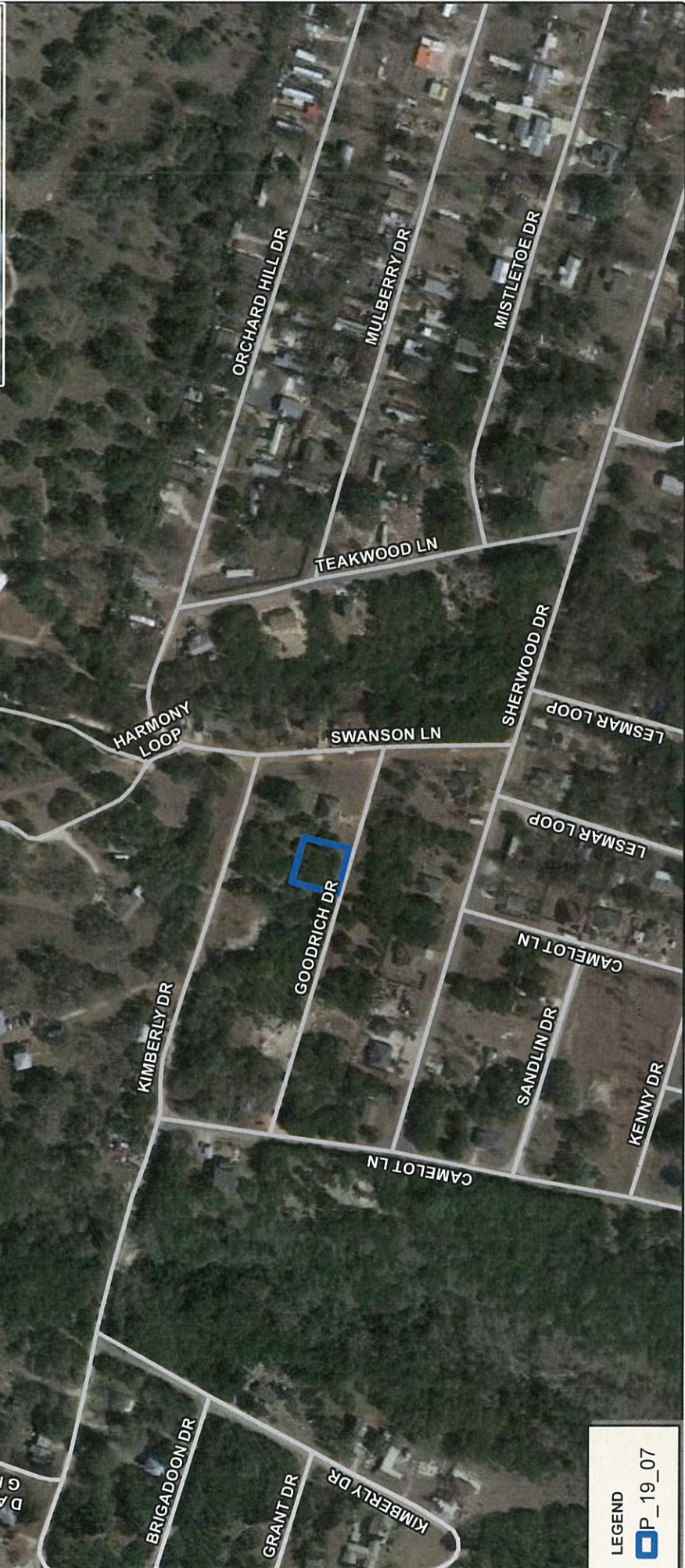
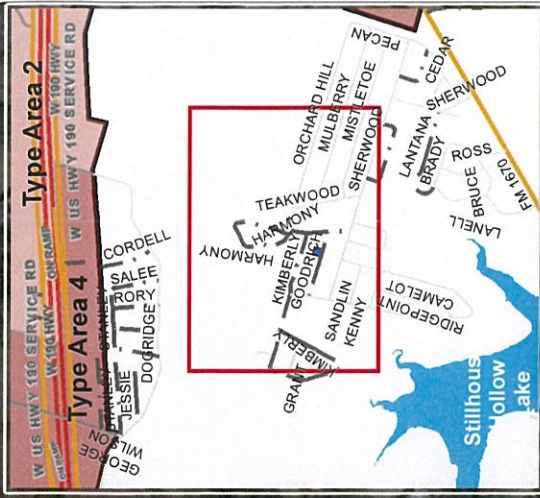


# P-19-07 LOCATION - SHERWOOD SHORES IX



**PROPOSED PLAT:**  
Final Plat  
Sherwood Shores IX  
0.23 Acres

**PROPERTY OWNER:**  
BALDERAS, MARTIN & ELIZABETH



**LEGEND**  
[Blue Box] P\_19\_07



# P-19-07 - SHERWOOD SHORES IX



## PROPOSED PLAT:

Final Plat  
Sherwood Shores IX  
0.23 Acres

## PROPERTY OWNER:

BALDERAS, MARTIN & ELIZABETH

Proposed Sherwood Shores IX

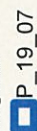
KIMBERLY DR

GOODRICH DR

SWANSON LN

SHERWOOD DR

Legend



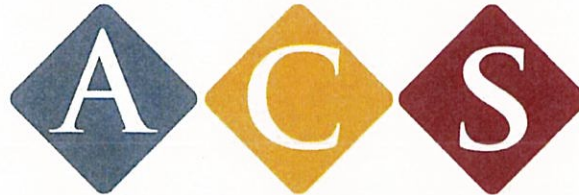
Map Date: 2/11/2019 Aerial Imagery Date: 2018

0 25 50 100 Feet



Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.





ALL COUNTY SURVEYING, INC

December 7, 2018

City of Belton  
Planning Department  
333 Water Street  
Belton, Texas 76513  
ATTN: Cheryl Maxwell, Planning Director

**Re: Request for "Fire Protection Waiver" – Sherwood Shores IX (ETJ)**

Dear Ms. Maxwell:

This letter is in response to your comments dated November 30, 2018.

We are working through the comments, and under the category of "Planning": Fire flows must meet 1000 gpm per the Fire Code, it is hereby desired by applicant to be allowed a "Fire Protection Waiver".

Dog Ridge Water Supply Corporation supplies the water for this area and does not have the capability to provide the required 1000 gallon per minute flow to meet the City of Belton's fire flow ordinance. There are no existing fire hydrants in the area and to update the water system to obtain the required flow would be very costly.

Thanks for granting this waiver, and as applicant, I wish to thank you in advance.

Respectfully,

Regards,

Charles C. Lucko, RPLS  
Pres, All County Surveying, Inc.





ALL COUNTY SURVEYING, INC

February 05, 2019

City of Belton  
Planning Department  
333 Water Street  
Belton, Texas 76513  
ATTN: Cheryl Maxwell, Planning Director

**Re: Request for "Fire Apparatus Waiver" – Sherwood Shores IX (ETJ)**

Dear Ms. Maxwell:

This letter is in response to Mr. Booker's comments dated February 01, 2019.

We are working through the comments, and under the category of "Fire Dept.": it is hereby desired by applicant to be allowed a "Fire Apparatus Waiver".

It is unknown if Goodrich Drive meets or does not meet the fire apparatus access road requirements to support the imposed load of fire apparatus weighing at least 75,000 pounds, but if not we wish to request a variance of said requirement.

Thanks for granting this waiver, and as applicant, I wish to thank you in advance.

Respectfully,

Regards,

Charles C. Lucko, RPLS  
Pres, All County Surveying, Inc.



ALL COUNTY SURVEYING, INC

February 05, 2019

City of Belton  
Planning Department  
333 Water Street  
Belton, Texas 76513  
ATTN: Cheryl Maxwell, Planning Director

**Re: Request for "Street Improvement Waiver" – Sherwood Shores IX (ETJ)**

Dear Ms. Maxwell:

This letter is in response to your comments dated February 01, 2019.

We are working through the comments, and under the category of "Planning": Variance needed to perimeter street improvement, it is hereby desired by applicant to be allowed a "Street Improvement Waiver".

Goodrich Drive is an "unimproved street" in Sherwood Shores Phase VII, Camelot Section, that has no curb or gutter throughout the entire subdivision, and does not receive a substantial amount of vehicular or pedestrian traffic. Development in the area has been minimal and is not foreseen to increase by a considerable amount in the near future.

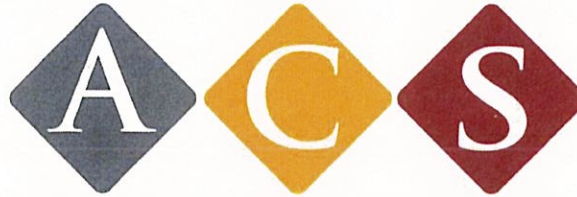
Thanks for granting this waiver, and as applicant, I wish to thank you in advance.

Respectfully,

Regards,

Charles C. Lucko, RPLS  
Pres, All County Surveying, Inc.





ALL COUNTY SURVEYING, INC

February 05, 2019

City of Belton  
Planning Department  
333 Water Street  
Belton, Texas 76513  
ATTN: Cheryl Maxwell, Planning Director

**Re: Request for "Access to Street Waiver" – Sherwood Shores IX (ETJ)**

Dear Ms. Maxwell:

This letter is in response to your comments dated February 01, 2019.

We are working through the comments, and under the category of "Planning": Variance needed to allow lot frontage on a private street, it is hereby desired by applicant to be allowed an "Access to Street Waiver".

Sherwood Shores IX has the required lot frontage of "twenty (20) feet" through Goodrich Drive, which is an "unimproved" privately maintained roadway, which connects to Camelot Lane, a publicly maintained roadway. Sherwood Shores IX is not zoned Planned Development because of it being in the Extraterritorial Jurisdiction of the City of Belton, but all other lots on Goodrich Drive, Swanson Lane, and Kimberly Drive, receive right of way access through the "unimproved" privately maintained roadways to a publicly maintained roadway.

Thanks for granting this waiver, and as applicant, I wish to thank you in advance.

Respectfully,

Regards,

Charles C. Lucko, RPLS  
Pres, All County Surveying, Inc.



Minutes of the  
**Planning and Zoning Commission (P&ZC)**  
City of Belton  
333 Water Street  
Tuesday, February 19, 2019

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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, Ty Hendrick, Dave Covington, Stephanie O'Banion, Zach Krueger, Luke Potts, Quinton Locklin and Allison Turner. The following staff members were present: Director of Planning Cheryl Maxwell, IT Ryan Brown and Planning Clerk Laura Livingston. Commission member David Jarratt was absent.

- 9. P-19-07 Consider a final plat of Sherwood Shores IX, a replat of Sherwood Shores VII, Camelot Section, Lots 591 and 592, comprising 0.23 acres located south of I-14 and west of FM 1670, on the north side of Goodrich Drive, west of Swanson Lane, in Belton's ETJ.**
- 10. P-19-08 Consider a final plat of Lopez Addition, a replat of Sherwood Shores VII, Camelot Section, Lots 567 and 568, comprising 0.23 acres located south of I-14 and west of FM 1670, on the south side of Kimberly Drive, west of Swanson Lane, in Belton's ETJ.**

Ms. Maxwell presented a staff report for both items P-19-07 and P-19-08 (Exhibit F).

Mr. Hendrick said he didn't have a problem with the request.

Mr. Covington said every time they consider a plat in Sherwood Shores, he wants to go on the record saying he thinks it is an undue burden on the property owner to have to go through the replat process. He realizes what we're up against. He wishes that the county and the state and TCEQ could come up with an alternative that does not require an expensive replat to do this. He said he knows that's not Ms. Maxwell's problem but he wanted to say his peace before he votes yes. Noted, Chair Baggerly said. Thank you, Mr. Covington, he added.

Mr. Covington made a motion to approve P-19-07. Mr. Hendrick seconded the motion. The motion was approved with 8 ayes, 0 nays. Mr. Covington made a motion to approve P-19-08. Mr. Hendrick seconded the motion, which was approved 8 ayes, 0 nays.

# Staff Report – City Council Agenda Item



**Date:** February 26, 2019  
**Case No.:** P-19-08 Lopez Addition  
**Request:** Replat  
**Applicant:** All County Surveying  
**Owner:** Jose Lopez and Kimberly Olivarez

## **Agenda Item #13**

Consider a final plat of Lopez Addition, a replat of Sherwood Shores VII, Camelot Section, Lots 567 and 568, comprising 0.23 acres located south of I-14 and west of FM 1670, on the south side of Kimberly Drive, west of Swanson Lane, in Belton's ETJ.

## **Originating Department**

Planning – Cheryl Maxwell, Director of Planning

## **Case Summary**

This is a one-lot subdivision proposed for residential development. There is an existing mobile home on site that is in need of a new septic system. This is under review by the Bell County Public Health District. The proposed lot has frontage on Kimberly Drive and has a 25' front yard setback.

## **Project Analysis and Discussion**

This property is located in Belton's ETJ so there is no zoning. This plat combines two lots into one, comprising 0.23 acres. The original plat was approved in 1967.

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 (WSC) CCN. They have provided a letter confirming their ability to serve this subdivision. There is a 2" water line running along the south side of this lot that will be tapped to provide service.

The City of Belton Fire Code requires a minimum water flow of 1,000 gpm for fire hydrants. The existing water pressure is estimated at 92 gpm. The developer is requesting a variance to this requirement. Staff supports a variance to this requirement since it represents conditions that were previously approved by Bell County with the original plat and no additional lots are being created. Dog Ridge WSC water system is limited in this location and a fire hydrant cannot be placed on the existing 2" water line. In the event of a fire, water tanker trucks will be needed to suppress the fire.

**Sewer:** No sanitary sewer is available to serve this subdivision. A septic system is proposed, subject to approval by the Bell County Public Health District (BCPHD). The lot does not meet the minimum 0.5 acre typically required for a septic system; however, this requirement does not apply to subdivisions platted before 1988.

**Drainage:** With just one single family residence proposed on this site, and two lots being consolidated into one, minimal impact, if any, is anticipated regarding 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/Access:** The adjacent street, Kimberly Drive is an unimproved street, in public ROW. 60' ROW exists, so no additional ROW is needed. The original plat, Sherwood Shores VII Camelot Section was platted in 1967. Roadways were dedicated to the public; however improvements to Goodrich, Kimberly, and Swanson Lane were never constructed, and roadways were never accepted by the County. As a result, the ROW is considered public, but the streets are considered private, and under private maintenance. The applicant is requesting a variance to allow lot frontage on a private street (Section 511.02). A variance is also requested to the perimeter street improvement requirement for Kimberly Drive (Section 502.01.H).

Regarding Subdivision Ordinance Section 514.01, Fire Lanes, a 16' paved surface is required to provide access for fire vehicles. The fire code also states the following: Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg). The distance to the nearest improved street is approximately 600' (Camelot Lane). The applicant is uncertain whether the existing unimproved road will meet this requirement, and is therefore, requesting a variance.

In order for the County to accept these streets as public and assume public maintenance, the County would require the property owners to pay for the materials to pave the street, then the County would absorb the cost to construct the roadways and would then accept them and maintain them. They would require a minimum 22' pavement with 4' shoulder on each side. They currently have no plans to do so but would consider if requested by all of the affected property owners and funds provided.

The roads in this portion of the subdivision are below city and county standards; however, we recognize that this is a replat. The lots in the original subdivision are already legally existing (since 1967) and available for purchase. The replat combines two lots into one, thereby reducing the lot density. Staff supports the variances requested regarding access, perimeter street improvements, and fire lanes, only because this is a replat. These variances would not be supported for a new subdivision.

Regarding sidewalks, we have determined this requirement is not applicable in the ETJ due to no entity accepting 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. The fee in lieu of dedication is \$200/lot which would be \$200 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 this is a replat proposing a reduction in density from two lots to one.

**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 have been 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 below.

### **Recommendation**

The Planning and Zoning Commission met on February 19, 2019 and unanimously recommended approval of this final plat, subject to the conditions below, and Staff concurs with their recommendation.

1. Approval of variance to water flow (1,000 gpm) requirement for fire protection;
2. Approval of variance to perimeter street improvements and sidewalk requirement for Kimberly Drive;
3. Approval of variance to requirement that lots have frontage on a public street and requirement to provide an access easement for a fire lane with a paved or improved driving surface that can support a minimum weight of 75,000 pounds;
4. Approval of variance to the parkland dedication/fee requirement.

### **Attachments**

Final Plat Application  
Final Plat  
Location Map  
Variance Request  
P&Z Minutes Excerpt

**City of Belton**  
Request for Subdivision Plat  
to the City Council and the  
Planning and Zoning Commission

Application is hereby made to the City Council for the following:

- ☐ Preliminary Subdivision                      Fees due \$ \_\_\_\_\_  
☐ Final Subdivision  
☐ Administrative Plat  
☐ Replat  
☒ ETJ  
☐ City Limits

Date Received: \_\_\_\_\_ Date Due: \_\_\_\_\_ (All plans are to be returned to the Planning Department by the 15<sup>th</sup> day of the month ahead of the next month's P&Z meeting.)

Applicant: Charles C. Lucko Phone: (254) 778-2272  
Mailing Address: 4330 South 5<sup>th</sup> Street Temple, TX 76502  
Email Address: chuck@allcounty surveying.com

Owner: Jose Manuel Lopez and Kimberly <sup>Olivera</sup> olivarez Phone: \_\_\_\_\_  
Mailing Address: 2527 Wilshire Dr. Temple, TX 76502  
Email Address: \_\_\_\_\_

Current Description of Property:

Lot: 568 and 567 Block: N/A Subdivision: Sherwood Shores VII, Camelot section  
Acres: 0.230 Survey: John Beal and John Lewis  
Abstract #: 70 and 512 Street Address: \_\_\_\_\_  
Frontage in Feet: 100.06' Depth in Feet: 100.00'

Does Zoning comply with proposed use? yes Current Zoning: N/A  
Name of proposed subdivision: Lopez Addition  
Number of Lots: 1 Fee: \$ \_\_\_\_\_

Signature of Applicant: Ch. C. Lucko Date: 1.8.2019  
Signature of Owner: Kimberly Lopez Date: 1/13/19





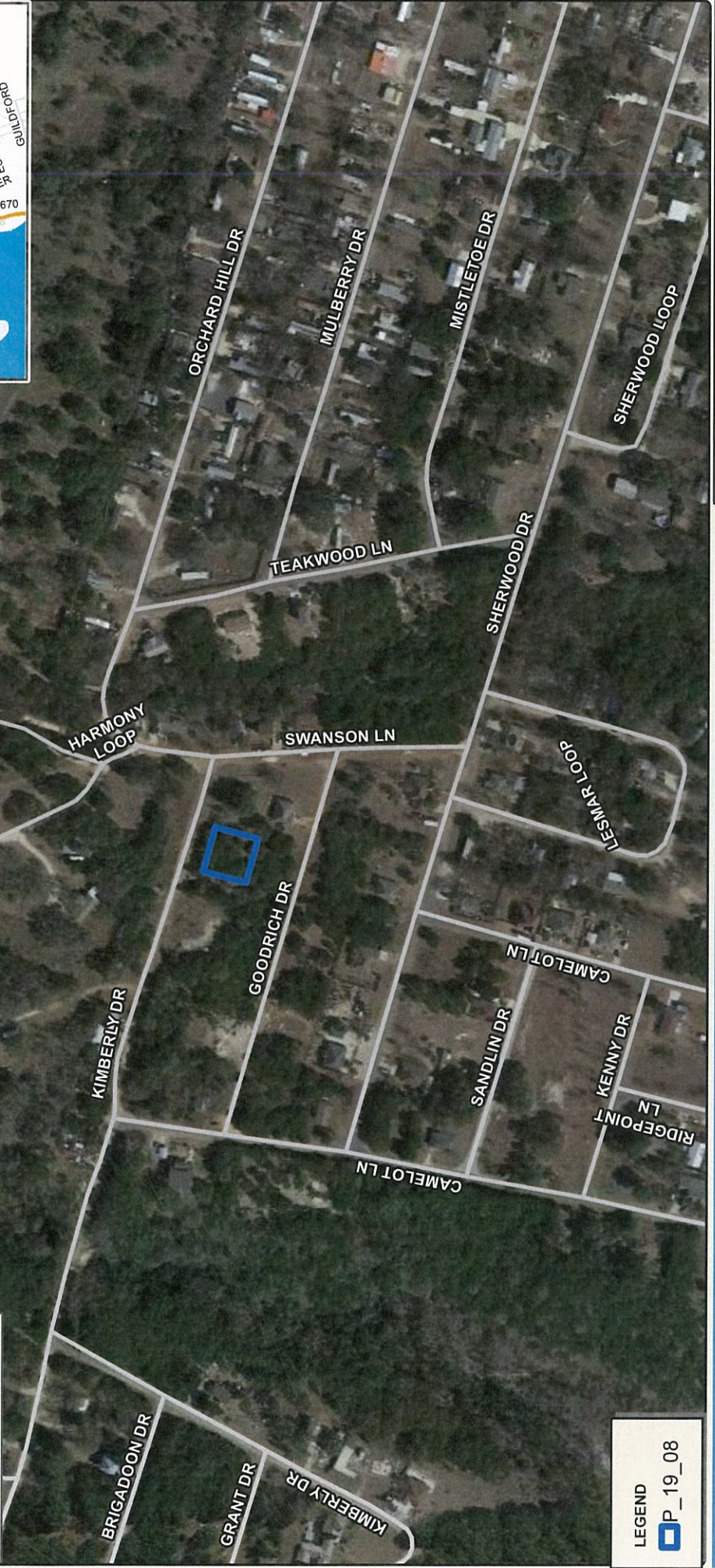
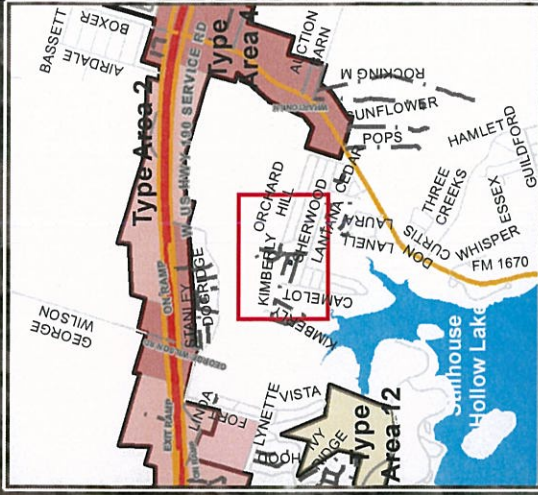


# P-19-08 LOCATION - LOPEZ ADDITION



**PROPOSED PLAT:**  
Final Plat  
Lopez Addition  
0.23 Acres

**PROPERTY OWNER:**  
LOPEZ, JOSE MANUEL &  
KIMBERLY OLIVAREZ



**LEGEND**  
■ P\_19\_08



# P-19-08 - LOPEZ ADDITION



Proposed Lopez Addition

**PROPOSED PLAT:**

Final Plat  
Lopez Addition  
0.23 Acres

**PROPERTY OWNER:**

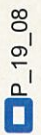
LOPEZ, JOSE MANUEL &  
KIMBERLY OLIVAREZ

KIMBERLY DR

SWANSON LN

GOODRICH DR

Legend



P\_19\_08



100 Feet

50

25

0

Map Date: 2/11/2019 Aerial Imagery Date: 2018

Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.





ALL COUNTY SURVEYING, INC

February 05, 2019

City of Belton  
Planning Department  
333 Water Street  
Belton, Texas 76513  
ATTN: Cheryl Maxwell, Planning Director

**Re: Request for "Street Improvement Waiver" – Lopez Addition (ETJ)**

Dear Ms. Maxwell:

This letter is in response to your comments dated February 01, 2019.

We are working through the comments, and under the category of "Planning": Variance needed to perimeter street improvement, it is hereby desired by applicant to be allowed a "Street Improvement Waiver".

Kimberly Drive is an "unimproved street" in Sherwood Shores Phase VII, Camelot Section, that has no curb or gutter throughout the entire subdivision, and does not receive a substantial amount of vehicular or pedestrian traffic. Development in the area has been minimal and is not foreseen to increase by a considerable amount in the near future.

Thanks for granting this waiver, and as applicant, I wish to thank you in advance.

Respectfully,

Regards,

Charles C. Lucko, RPLS  
Pres, All County Surveying, Inc.





February 05, 2019

City of Belton  
Planning Department  
333 Water Street  
Belton, Texas 76513  
ATTN: Cheryl Maxwell, Planning Director

**Re: Request for "Access to Street Waiver" – Lopez Addition (ETJ)**

Dear Ms. Maxwell:

This letter is in response to your comments dated February 01, 2019.

We are working through the comments, and under the category of "Planning": Variance needed to allow lot frontage on a private street, it is hereby desired by applicant to be allowed an "Access to Street Waiver".

Lopez Addition has the required lot frontage of "twenty (20) feet" through Kimberly Drive, which is an "unimproved" privately maintained roadway, which connects to Camelot Lane, a publicly maintained roadway. Lopez Addition is not zoned Planned Development because of it being in the Extraterritorial Jurisdiction of the City of Belton, but all other lots on Goodrich Drive, Swanson Lane, and Kimberly Drive, receive right of way access through the "unimproved" privately maintained roadways to a publicly maintained roadway.

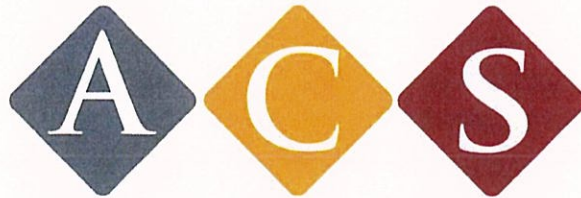
Thanks for granting this waiver, and as applicant, I wish to thank you in advance.

Respectfully,

Regards,

A handwritten signature in blue ink, appearing to read 'Charles C. Lucko', is written over a horizontal line.

Charles C. Lucko, RPLS  
Pres, All County Surveying, Inc.



ALL COUNTY SURVEYING, INC

February 05, 2019

City of Belton  
Planning Department  
333 Water Street  
Belton, Texas 76513  
ATTN: Cheryl Maxwell, Planning Director

**Re: Request for "Fire Protection Waiver" – Lopez Addition (ETJ)**

Dear Ms. Maxwell:

This letter is in response to your comments dated February 01, 2019.

We are working through the comments, and under the category of "Planning": Fire flows must meet 1000 gpm per the Fire Code, it is hereby desired by applicant to be allowed a "Fire Protection Waiver".

Dog Ridge Water Supply Corporation supplies the water for this area and does not have the capability to provide the required 1000 gallon per minute flow to meet the City of Belton's fire flow ordinance. There are no existing fire hydrants in the area and to update the water system to obtain the required flow would be very costly.

Thanks for granting this waiver, and as applicant, I wish to thank you in advance.

Respectfully,

Regards,

Charles C. Lucko, RPLS  
Pres, All County Surveying, Inc.





ALL COUNTY SURVEYING, INC

February 05, 2019

City of Belton  
Planning Department  
333 Water Street  
Belton, Texas 76513  
ATTN: Cheryl Maxwell, Planning Director

**Re: Request for "Fire Apparatus Waiver" – Lopez Addition (ETJ)**

Dear Ms. Maxwell:

This letter is in response to Mr. Booker's comments dated February 01, 2019.

We are working through the comments, and under the category of "Fire Dept.": it is hereby desired by applicant to be allowed a "Fire Apparatus Waiver".

It is unknown if Kimberly Drive meets or does not meet the fire apparatus access road requirements to support the imposed load of fire apparatus weighing at least 75,000 pounds, but if not we wish to request a variance of said requirement.

Thanks for granting this waiver, and as applicant, I wish to thank you in advance.

Respectfully,

Regards,

Charles C. Lucko, RPLS  
Pres, All County Surveying, Inc.



ALL COUNTY SURVEYING, INC

February 05, 2019

City of Belton  
Planning Department  
333 Water Street  
Belton, Texas 76513  
ATTN: Cheryl Maxwell, Planning Director

**Re: Request for "Parkland Dedication Waiver" – Lopez Addition (ETJ)**

Dear Ms. Maxwell:

This letter is in response to your comments dated February 01, 2019.

We are working through the comments, and under the category of "Planning": it is hereby desired by applicant to be allowed a "Parkland Dedication Waiver".

There is no Parkland in the close proximity of this residential subdivision.

Thanks for granting this waiver, and as applicant, I wish to thank you in advance.

Respectfully,

Regards,

Charles C. Lucko, RPLS  
Pres, All County Surveying, Inc.



Minutes of the  
**Planning and Zoning Commission (P&ZC)**  
City of Belton  
333 Water Street  
Tuesday, February 19, 2019

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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, Ty Hendrick, Dave Covington, Stephanie O'Banion, Zach Krueger, Luke Potts, Quinton Locklin and Allison Turner. The following staff members were present: Director of Planning Cheryl Maxwell, IT Ryan Brown and Planning Clerk Laura Livingston. Commission member David Jarratt was absent.

- 9. P-19-07 Consider a final plat of Sherwood Shores IX, a replat of Sherwood Shores VII, Camelot Section, Lots 591 and 592, comprising 0.23 acres located south of I-14 and west of FM 1670, on the north side of Goodrich Drive, west of Swanson Lane, in Belton's ETJ.**
- 10. P-19-08 Consider a final plat of Lopez Addition, a replat of Sherwood Shores VII, Camelot Section, Lots 567 and 568, comprising 0.23 acres located south of I-14 and west of FM 1670, on the south side of Kimberly Drive, west of Swanson Lane, in Belton's ETJ.**

Ms. Maxwell presented a staff report for both items P-19-07 and P-19-08 (Exhibit F).

Mr. Hendrick said he didn't have a problem with the request.

Mr. Covington said every time they consider a plat in Sherwood Shores, he wants to go on the record saying he thinks it is an undue burden on the property owner to have to go through the replat process. He realizes what we're up against. He wishes that the county and the state and TCEQ could come up with an alternative that does not require an expensive replat to do this. He said he knows that's not Ms. Maxwell's problem but he wanted to say his peace before he votes yes. Noted, Chair Baggerly said. Thank you, Mr. Covington, he added.

Mr. Covington made a motion to approve P-19-07. Mr. Hendrick seconded the motion. The motion was approved with 8 ayes, 0 nays. Mr. Covington made a motion to approve P-19-08. Mr. Hendrick seconded the motion, which was approved 8 ayes, 0 nays.

# Staff Report – City Council Agenda Item



## **Agenda Item #14**

Hold a public hearing and consider an ordinance on second and final reading granting a franchise to Atmos Energy.

### **Originating Department**

Administration – Amy M. Casey, City Clerk

### **Summary Information**

In 1977, the City of Belton authorized a franchise agreement with Lone Star Gas for a period of 25 years. The franchise agreement was amended in 1979 and 1981.

In 2003, the City of Belton authorized a franchise agreement with TXU Gas, the successor company to Lone Star Gas, for a period of 15 years. The original franchise fee of 4% was amended to 5% in 2008, along with the recognition that the company name was now Atmos Energy.

The current franchise ends in late 2019, and a new 25 year franchise has been proposed. There are no significant changes to the terms and conditions, therefore Staff recommends approval of the franchise agreement.

In accordance with the City Charter, franchise ordinances require two readings and a public hearing. The franchise ordinance was approved on first reading at the February 12, 2019, City Council meeting.

### **Fiscal Impact**

The City receives 5% of the total gross receipts from customers as a franchise fee. FY2019 Budget for this franchise fee is \$111,100.

### **Recommendation**

Hold public hearing and approve ordinance on second and final reading.

### **Attachments**

**Proposed Franchise Agreement  
Presentation**



## **ORDINANCE NO. 2019-13**

**AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF BELTON, BELL COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.**

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS:**

SECTION 1. GRANT OF AUTHORITY: The City of Belton, Texas, hereinafter called "City," hereby grants to Atmos Energy Corporation, Mid-Tex Division, hereinafter called "Atmos Energy," its successors and assigns, consent to use and occupy the present and future streets, alleys, highways, public utility easements, public ways and other public places ("Public Rights-of-Way"), for the purpose of laying, maintaining, constructing, protecting, operating, and replacing therein and thereon pipelines and all other appurtenant equipment (the "System") to deliver, transport, and distribute gas in, out of, and through City for persons, firms, and corporations, including all the general public, and to sell gas to persons, firms, and corporations, including all the general public, within the City corporate limits, as such limits may be amended from time to time during the term of this franchise, said consent being granted for a term ending December 31, 2044.

### SECTION 2. CONSTRUCTION, MAINTENANCE, OPERATION & RELOCATION OF ATMOS ENERGY FACILITIES:

- A. Atmos Energy shall lay, maintain, construct, operate, and replace its pipes, mains, laterals, and other equipment to minimize interference with traffic, place or cause to be placed appropriate barriers to mark excavations or obstructions, and restore to approximate original condition all Public Rights-of-Way that it may

disturb. In determining the location of the facilities of the City and other users of Public Right-of-Way within City, City shall minimize interference with then existing facilities of Atmos Energy and shall require other users of Public Rights-of-Way to minimize interference with existing facilities of Atmos Energy. In the event of a conflict between the location of the proposed facilities of Atmos Energy and the location of the existing facilities of City or other users of Public Rights-of-Way within Public Rights-of-Way that cannot otherwise be resolved, City or an authorized agent of City shall resolve the conflict and determine the location of the respective facilities within the Public Rights-of-Way.

Atmos Energy or contractors working on behalf of Atmos Energy shall not be required to pay for street cutting, street excavation or other special permits related to excavations in Public Rights-of-Way in connection with Atmos Energy's operations in Public Rights-of-Way. City shall provide Atmos Energy with its annual capital improvements plan as well as any updates or changes as soon as the plan, update, or change becomes available. City shall notify Atmos Energy as soon as reasonably possible of any projects that will affect Atmos Energy's facilities located in the Public Rights-of-Way. When required by City to remove or relocate its mains, laterals, and/or other facilities lying within Public Rights-of-Way, Atmos Energy shall do so as soon as practically possible with respect to the scope of the project. In no event shall Atmos Energy be required to remove or relocate its facilities in less than thirty (30) days from the time notice is given to Atmos Energy by City.

- B. If City, in constructing its sewers, drainage, water lines, streets, or utilities, should request that Atmos Energy remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way, Atmos Energy shall do so at its own expense for facilities that are in conflict, unless such work is for the primary purpose of beautification or to accommodate a private developer. Facilities are deemed to be in conflict to the extent that the proposed City facilities are determined by Atmos Energy to be inconsistent with gas distribution industry



standard safe operating practices for existing facilities. Atmos Energy shall not be required to relocate facilities to a depth of greater than four (4) feet unless prior agreement is obtained from Atmos Energy.

When Atmos Energy is required by City to remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way to accommodate a request by City, and costs of utility removals or relocations are eligible under federal, state, county, local or other programs for reimbursement of costs and expenses incurred by Atmos Energy as a result of such removal or relocation, and such reimbursement is required to be handled through City, Atmos Energy costs and expenses shall be included in any application by City for reimbursement if Atmos Energy submits its cost and expense documentation to City prior to the filing of the application. City shall provide reasonable written notice to Atmos Energy of the deadline for Atmos Energy to submit documentation of the costs and expenses of such relocation to City. In the event that the City does not provide sufficient written notice to Atmos Energy as set forth in this paragraph, the City shall be responsible for fifty percent (50%) of the cost of the removal or relocation of Atmos Energy's facilities.

If Atmos Energy is required by City to remove or relocate its mains, laterals, or other facilities lying within Public Rights-of-Way for any reason other than the construction or reconstruction of sewers, drainage, water lines, streets or utilities by City, Atmos Energy shall be entitled to reimbursement from City or others of the cost and expense of such removal or relocation.

- C. When Atmos Energy is required to remove or relocate its mains, laterals or other facilities to accommodate construction by City without reimbursement from City, Atmos Energy shall have the right to seek recovery of relocation costs as provided for in applicable state and/or federal law. Nothing herein shall be construed to prohibit, alter, or modify in any way the right of Atmos Energy to seek or recover a surcharge from customers for the cost of relocation pursuant to

applicable state and/or federal law. City shall not oppose recovery of relocation costs when Company is required by City to perform relocation. City shall not require that Company document request for reimbursement as a pre-condition to recovery of such relocation costs.

- D. If City abandons any Public Rights-of-Way in which Atmos Energy has facilities, such abandonment shall be conditioned on Atmos Energy's right to maintain its use of the former Public Right-of-Way and on the obligation of the party to whom the Public Right-of-Way is abandoned to reimburse Atmos Energy for all removal or relocation expenses if Atmos Energy agrees to the removal or relocation of its facilities following abandonment of the Public Right-of-Way. If the party to whom the Public Right-of-Way is abandoned requests Atmos Energy to remove or relocate its facilities and Atmos Energy agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another Public Right-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

SECTION 3. INDEMNITY & INSURANCE: In the event of injury to any person or damage to any property by reason of Atmos Energy's construction, operation, maintenance, or replacement of Atmos Energy's pipeline system within Public Rights-of-Way, Atmos Energy shall indemnify and keep harmless City from any and all liability in connection therewith, except to the extent such injury or damage is attributable to the fault of the City, including, without limitation, the City's negligent or intentional acts or omissions. Atmos Energy's insurance of its obligations and risks undertaken pursuant to this franchise may be in the form of self-insurance to the extent permitted by applicable law, under an Atmos Energy plan of self-insurance maintained in accordance with sound accounting and risk-management practices.

SECTION 4. NON-EXCLUSIVE FRANCHISE: The rights, privileges, and franchises granted by this ordinance are not to be considered exclusive, and City hereby expressly reserves the right to grant, at any time, like privileges, rights, and franchises as it may see fit to any other person or corporation for the purpose of transporting, delivering, distributing, or selling gas to and for City and the inhabitants thereof.

SECTION 5. PAYMENTS TO CITY:

- A. Atmos Energy, its successors and assigns, agrees to pay and City agrees to accept, on or before the 15th day of November, 2020, and on or before the same day of each succeeding year during the term of this franchise the last payment being made on the 15th day of November, 2044, a sum of money which shall be equivalent to five percent (5%) of the Gross Revenues, as defined in 5.B below, received by Atmos Energy during the preceding calendar year.
- B. "Gross Revenues" shall mean:
  - (1) all revenues received by Atmos Energy from the sale of gas to all classes of customers (excluding gas sold to another gas utility in the City for resale to its customers within City) within the City;
  - (2) all revenues received by Atmos Energy from the transportation of gas through the System of Atmos Energy within the City to customers located within the City (excluding any gas transported to another gas utility in City for resale to its customers within City);
  - (3) the value of gas transported by Atmos Energy for Transport Customers through the System of Atmos Energy within the City ("Third Party Sales")(excluding the value of any gas transported to another gas utility in City for resale to its customers within City), with the value of such gas to be established by utilizing Atmos Energy's monthly Weighted Average



Cost of Gas charged to industrial customers in the Mid-Tex division, as reasonably near the time as the transportation service is performed; and

(4) "Gross Revenues" shall also include fees collected pursuant to this agreement and the following "miscellaneous charges": charges to connect, disconnect, or reconnect gas and charges to handle returned checks from consumers within the City.

(5) "Gross Revenues" shall not include:

- (a) revenues billed but not ultimately collected or received by Atmos Energy;
- (b) contributions in aid of construction;
- (c) the revenue of any affiliate or subsidiary of Atmos Energy;
- (d) sales tax paid to the City;
- (e) interest or investment income earned by Atmos Energy; and
- (f) monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the City's right of way.

C. The initial payment for the rights and privileges herein provided shall be for the privilege period January 1 through December 31, 2020, and each succeeding payment shall be for the privilege period of the calendar year in which the payment is made.

It is also expressly agreed that the aforesaid payments shall be in lieu of any and all other and additional occupation taxes, easement, franchise taxes or charges (whether levied as an ad valorem, special, or other character of tax or charge), municipal license, permit, and inspection fees, bonds, street taxes, and street or alley rentals or charges, and all other and additional municipal taxes, charges, levies, fees, and rentals of whatsoever kind and character that City may now

impose or hereafter levy and collect from Atmos Energy or Atmos Energy's agents, excepting only the usual general or special ad valorem taxes that City is authorized to levy and impose upon real and personal property. If the City does not have the legal power to agree that the payment of the foregoing sums of money shall be in lieu of taxes, licenses, fees, street or alley rentals or charges, easement or franchise taxes or charges aforesaid, then City agrees that it will apply so much of said sums of money paid as may be necessary to satisfy Atmos Energy's obligations, if any, to pay any such taxes, licenses, charges, fees, rentals, easement or franchise taxes or charges aforesaid.

D. Effect of Other Municipal Franchise Ordinance Fees Accepted and Paid by Atmos Energy

If Atmos Energy should at any time after the effective date of this Ordinance agree to a new municipal franchise ordinance, or renew an existing municipal franchise ordinance, with another municipality in Atmos Energy's Mid-Tex Division, which municipal franchise ordinance determines the franchise fee owed to that municipality for the use of its public rights-of-way in a manner that, if applied to the City, would result in a franchise fee greater than the amount otherwise due City under this Ordinance, then the franchise fee to be paid by Atmos Energy to City pursuant to this Ordinance may, at the election of the City, be increased so that the amount due and to be paid is equal to the amount that would be due and payable to City were the franchise fee provisions of that other franchise ordinance applied to City. The City acknowledges that the exercise of this right is conditioned upon the City's acceptance of all terms and conditions of the other municipal franchise *in toto*. The City may request waiver of certain terms and Company may grant, in its sole reasonable discretion, such waiver.

E. Atmos Energy Franchise Fee Recovery Tariff

- (1) Atmos Energy may file with the City a tariff or tariff amendment(s) to provide for the recovery of the franchise fees under this agreement.

- (2) City agrees that (i) as regulatory authority, it will adopt and approve the ordinance, rates or tariff which provide for 100% recovery of such franchise fees as part of Atmos Energy's rates; (ii) if the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of Atmos Energy's franchise fees is an issue, the City will take an affirmative position supporting 100% recovery of such franchise fees by Atmos Energy and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such appeals in support of the 100% recovery of such franchise fees by Atmos Energy.
- (3) City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Atmos Energy.

F. Lease of Facilities Within City's Rights-of-Way. Atmos Energy shall have the right to lease, license or otherwise grant to a party other than Atmos Energy the use of its facilities within the City's public rights-of-way provided: (i) Atmos Energy first notifies the City of the name of the lessee, licensee or user; the type of service(s) intended to be provided through the facilities; and the name and telephone number of a contact person associated with such lessee, licensee or user and (ii) Atmos Energy makes the franchise fee payment due on the revenues from such lease pursuant to Section 5 of this Ordinance. This authority to Lease Facilities within City's Rights-of-Way shall not affect any such lessee, licensee or user's obligation, if any, to pay franchise fees.

SECTION 6. ACCEPTANCE OF FRANCHISE: In order to accept this franchise, Atmos Energy must file with the City Secretary its written acceptance of this franchise ordinance within sixty (60) days after its final passage and approval by City. If such written acceptance of this franchise ordinance is not filed by Atmos Energy, the franchise ordinance shall be rendered null and void.



When this franchise ordinance becomes effective, all previous ordinances of City granting franchises for gas delivery purposes that were held by Atmos Energy shall be automatically canceled and annulled, and shall be of no further force and effect.

SECTION 7. PARAGRAPH HEADINGS. CONSTRUCTION: The paragraph headings contained in this ordinance are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the preparation of this ordinance and this ordinance shall not be construed either more or less strongly against or for either party.

SECTION 8. EFFECTIVE DATE: If Atmos Energy accepts this ordinance, it becomes effective as of January 1, 2020.

PASSED AND APPROVED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

\_\_\_\_\_  
Amy M. Casey, TRMC, City Clerk

\_\_\_\_\_  
Marion Grayson, Mayor  
City of Belton, Texas

STATE OF TEXAS                   §  
COUNTY OF BELL               §  
CITY OF BELTON               §

I, Amy M. Casey, City Clerk of the City of Belton, Bell County, Texas, do hereby certify that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of the City of Belton, Texas, at City Council meetings, held on the 12<sup>th</sup> and 26<sup>th</sup> days of February, 2019, as it appears of record in the Minutes for those meetings.

WITNESS MY HAND AND SEAL OF SAID CITY, this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Amy M. Casey, TRMC, City Clerk  
City of Belton, Texas



# Franchise Agreement

City Council Meeting  
February 26, 2019



# History

- 1977 – Franchise awarded to Lone Star Gas for 25 years (1978-2003)
- 1979 and 1981 – Minor amendments
- 2003 – Franchise awarded to TXU Gas (formerly Lone Star Gas) for 15 years – 4% franchise fee (2004-2019)
- 2008 – Amended to 5% franchise fee and recognized name change to Atmos Energy
- 2019 – New Franchise proposed with Atmos Energy for 25 years (2019-2044) 5% franchise fee

# Recommendation

- Hold public hearing
- Approve ordinance on second and final reading

# Staff Report – City Council Agenda Item



**Date:** February 26, 2019  
**Case No.:** H-19-03  
**Request:** FIG  
**Address:** 106 W. Central Avenue  
**Applicant:** Jo Mapel

## **Agenda Item #15A**

Consider authorizing a Façade Improvement Grant to Jo Mapel, 106 West Central Avenue.

### **Originating Department**

Planning – Kelly T. Atkinson, Planner/HPO

### **Historic District**

Downtown Belton Commercial Historic District

### **Background**

This present building at 106 West Central Avenue was built in 1956 – with some elements of a previous building (footer wall on east alley-side) still in existence and incorporated into the structure – although this is not a character-defining element of the current building. This building is located in the Downtown Belton Commercial Historic District, which contains a range of buildings constructed between 1870 and 1959. Nearly half of the buildings in this District are Contributing historic structures. Most of the buildings that are Non-Contributing have been classified that way due to inappropriate alterations that have covered or removed historic building materials and details. This building is characteristic of typical 1950s commercial architecture, and retains nearly all of its original fabric that is now over 60 years old. The National Register of Historic Places lists this building as Contributing to the Belton Commercial Historic District, which is based on the integrity of design where principal character-defining architectural elements survive. This building has substantially retained its original appearance with overall form and exterior materials, including window and door opening size and location.

The applicant provided a history of this location through Sanborn Fire Insurance maps documenting the various structures that previously occupied this site. The last available map of 1921 identifies ruins and no roof. This lot sat vacant for decades before it was once again developed to house the Belton Journal/Bell County Democrat newspaper. It is evident in the Sanborn map of 1912 that a previous building on this site housed the newspaper and type



room, complete with an electric motor presumably to unload the reams of paper for print. There is evidence that this location served many years as the home to the local newspaper through a number of acquisitions and mergers. Because this building is in a National Register District, and maintains its original integrity, the owner can apply for state and federal tax credits, which could return up to a total of 45% (25% state and 20% federal) of their qualifying rehab costs on exterior and interior work.

In summary, this building is a prime example of a mid-century commercial building built with the specific purpose of housing the local newspaper and print shop.

### **Summary Information**

Jo Mapel has submitted a Certificate of Appropriateness application to the Historic Preservation Commission for the complete reconstruction of the primary façade, addition of a faux balcony, and reconfiguration of door and window openings on the side and rear facades, located at 106 West Central Avenue.

The proposal involves the following items, also included in the attached summary proposal from Edwards Construction:

- Remove the front façade facing Central Avenue.
- Construct a new front façade of stone with decorative brick headers.
- Install new windows and a new door on front façade.
- Install 2'0" stone parapet with smooth stone parapet cap.
- Install faux balcony with decorative railing on front façade.
- Clean and repaint east side of building.
- Add door and window opening to east side of building near the rear of the building.
- Enclose overhead door opening on east side
- Install a faux carriage-style overhead door and a functioning carriage-style overhead door on the north side (back of building)
- Install CMU block to top of north side wall to match height of building next door.
- Stucco the north side of building.
- Enclose an overhead door on the west side.
- Build CMU wall for courtyard area on the west side of the building.
- Install gooseneck light fixtures on all three sides of building as identified on elevations.
- Install gutters.

This building was most recently occupied by a bail bond agency and lawyer office. Ms. Mapel has purchased this building and is completing significant interior renovations for several professional offices.

The proposed work is scheduled to occur upon approval of a COA (Certificate of Appropriateness) and façade grant as requested with an estimated completion within 120 days.

The Façade Improvement Grant (FIG) application only applies to the proposed renovations to the south and north façades.

### **Proposal Evaluation**

Staff has evaluated the proposed work and has determined, through research and consultation with the historic preservation consultant and the Texas Historical Commission, the following:

- The proposed renovation items for the east, north, and west façades will not detract from the character-defining elements of the building.
- The northernmost section of the building is a later addition with no historic value and shows signs of several previous alterations.

#### **However:**

- The proposed reconstruction of the front façade (south) along Central Avenue will eliminate the character-defining elements of the building and render it as Non-Contributing to the National Register Belton Commercial Historic District and to the local Downtown Belton Commercial Historic District.
- The proposed reconstruction of the front façade (south) along Central Avenue will create a false sense of history, contradicting the Secretary of Interior Standards for the Treatment of Historic Properties.

These determinations are based on the Secretary of Interior's Standards incorporated into the Façade Improvement Grant application as follows:

- #2 – The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features will disqualify any building from this program.
- #3 – All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged and may disqualify any building from this program.
- #7 – Contemporary design for alteration and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical architectural or cultural materials, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

### **Fiscal Impact**

Total projected cost on the application is \$134,410. The FIG application requests the maximum match amount of \$20,000, which is consistent with application guidelines. This building fronts two public right-of-ways (north façade facing First Avenue and south/primary façade facing Central Avenue), therefore, the applicant may apply for the maximum of \$20,000 - \$10,000 per façade.

Amount: \$20,000

Budgeted: ☒ Yes ☐ No

If not budgeted: ☐ Budget Transfer ☐ Contingency ☐ Amendment Needed ☐  
Capital Project Funds

Funding Source(s): \$50,000 was included in the TIRZ FY2019 budget for FIG funding. As of the printing of this staff report, no other Façade Improvement Grants have been funded in FY2019.

### **Recommendation**

What follows is HPC's actions; consideration of the Appeal follows in the next Staff Report (Item #15B).

At the February 7, 2019, Historic Preservation Commission (HPC) meeting, the Commission voted unanimously on the following:

1. Recommend APPROVAL of the proposed work as outlined in the COA application AND the Façade Improvement Grant to Jo Mapel for renovations to the north façade, **for a total grant award of \$10,000.**
2. DISAPPROVAL of the proposed work as outlined in the COA application AND the Façade Improvement Grant to Jo Mapel for the renovations to the south (primary) façade.

The Commission denied the COA application for the proposed reconstruction of the south (primary) façade facing Central Avenue, in turn, deeming this portion of the project as ineligible for the FIG program.

Staff concurs with the Commission's recommendation for approval of the single Façade Improvement Grant for the north façade only.



### **Attachments**

Certificate of Appropriateness application

Location Map

Plans and facades of proposed faux balcony, windows and doors, stone and brick

FIG Application

Proposal – Edwards Construction

Minutes from the February 7, 2019 HPC meeting



## Certificate of Appropriateness Application

### Historic Preservation Commission

#### Applicant contact information

Name: Jo MAPEL Central Avenue LLC

Address: 501 BEIT BAILEY BLVD ANGLETON, TX 77515

Phone: 979-285-7946 Fax: — Email: jmapel@gmail.com

Role: ☒ Owner ☐ Architect/contractor ☐ Other:                     

Property Address: 106 W. CENTRAL BELTON, TX

1. In the space below, briefly describe the work proposed (*use separate page(s) if necessary*).
2. Please refer to the attachment checklist for additional materials necessary to evaluate the proposed work.

Description of proposed work:

SEE ATTACHED DOCUMENTS

Signature

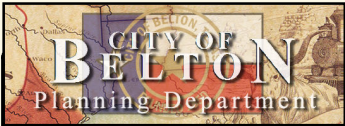
Mapel

Date

1/24/2019

*Submit this form and all necessary attachments (see checklist) at least 14 days before the Historic Preservation Commission meeting to the City of Belton Planning Department, 333 Water Street, P. O. Box 120, Belton, Texas 76513; ph. 254-933-5812.*





# HPC CASE # H-19-03

**Request**  
Reconstruct facade,  
Add Balcony, Reconfigure  
doors and windows

**LEGAL DESCRIPTION:**  
BELTON ORIGINAL  
BLOCK 110, LOT PT A,  
(E PT OF LT A, AKA 1B), ACRES 1.359 20422

**PROPERTY OWNER:**  
CENTRAL AVENUE LLC

**ADDRESS/LOCATION:**  
106 W. Central Ave

200' Property Owner  
Notification Area

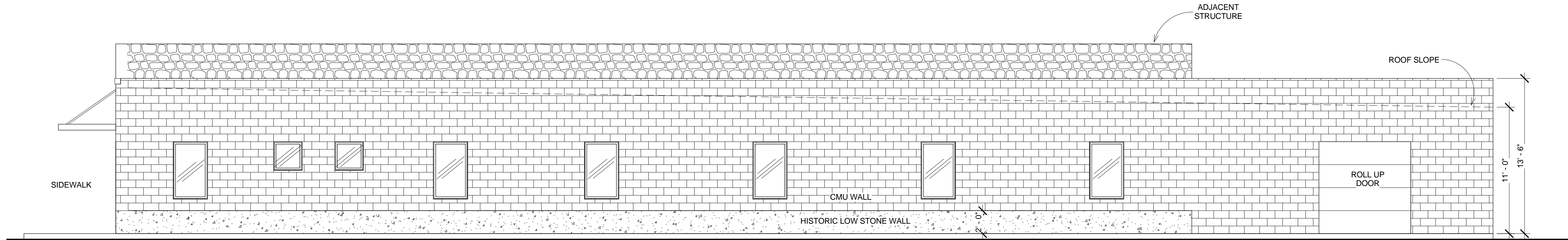
**Legend**

- 200' Property Owner Notification Area
- H\_19\_03
- Tax Appraisal Parcels

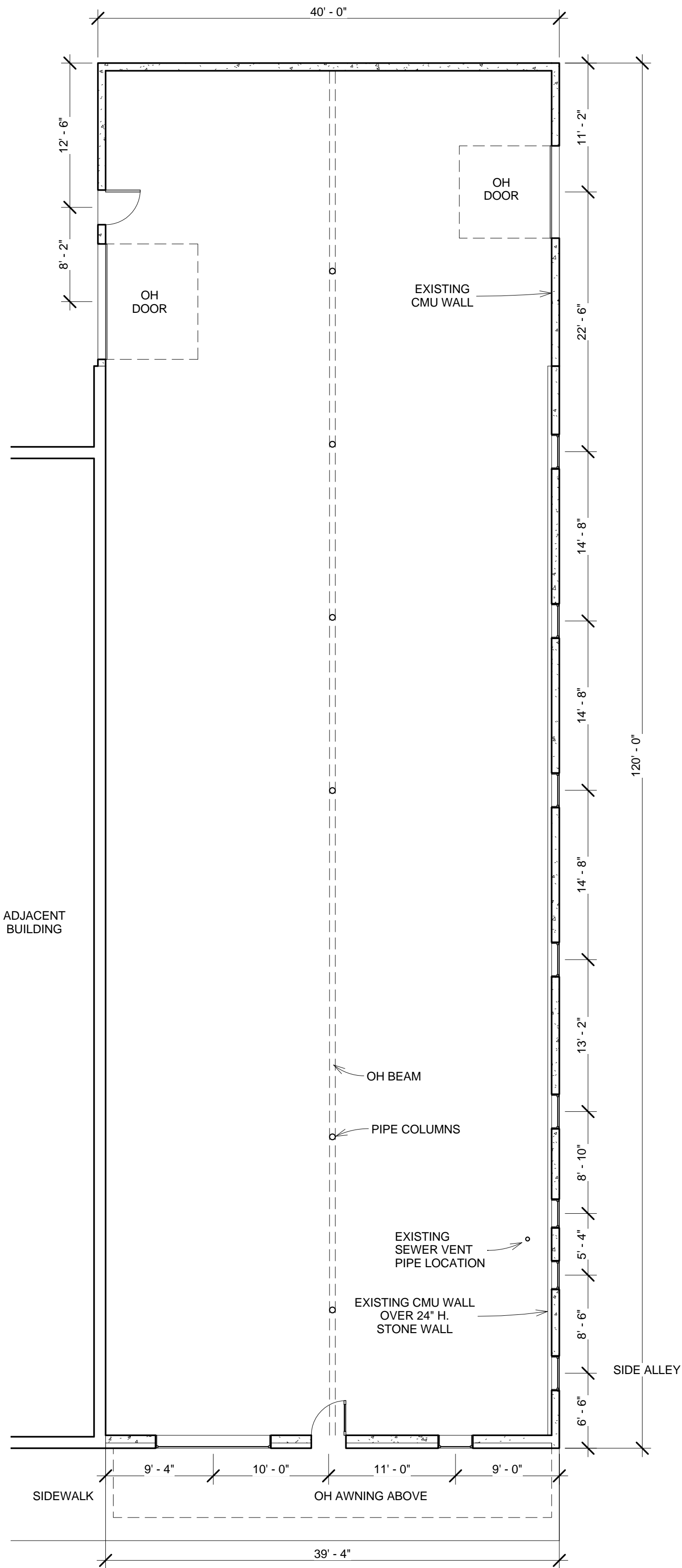
**Historic District**

- Downtown Belton
- Commercial Historic District

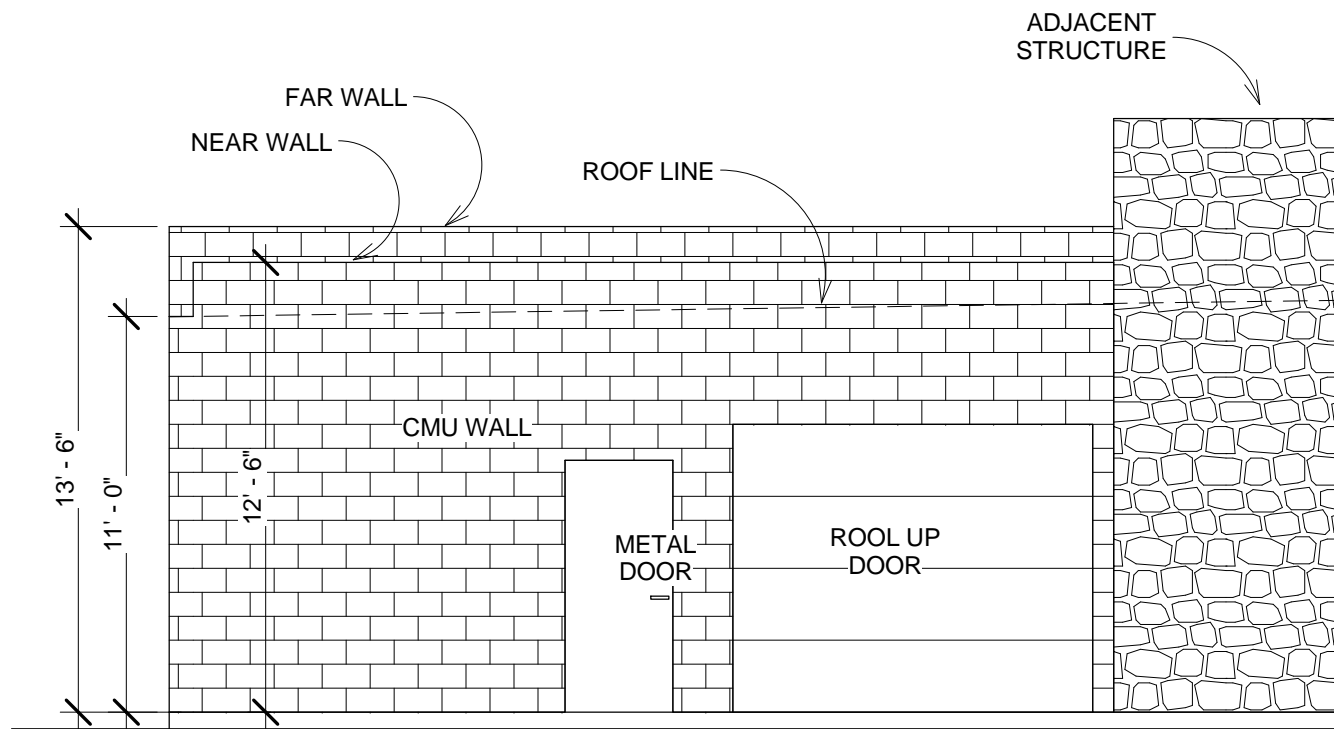




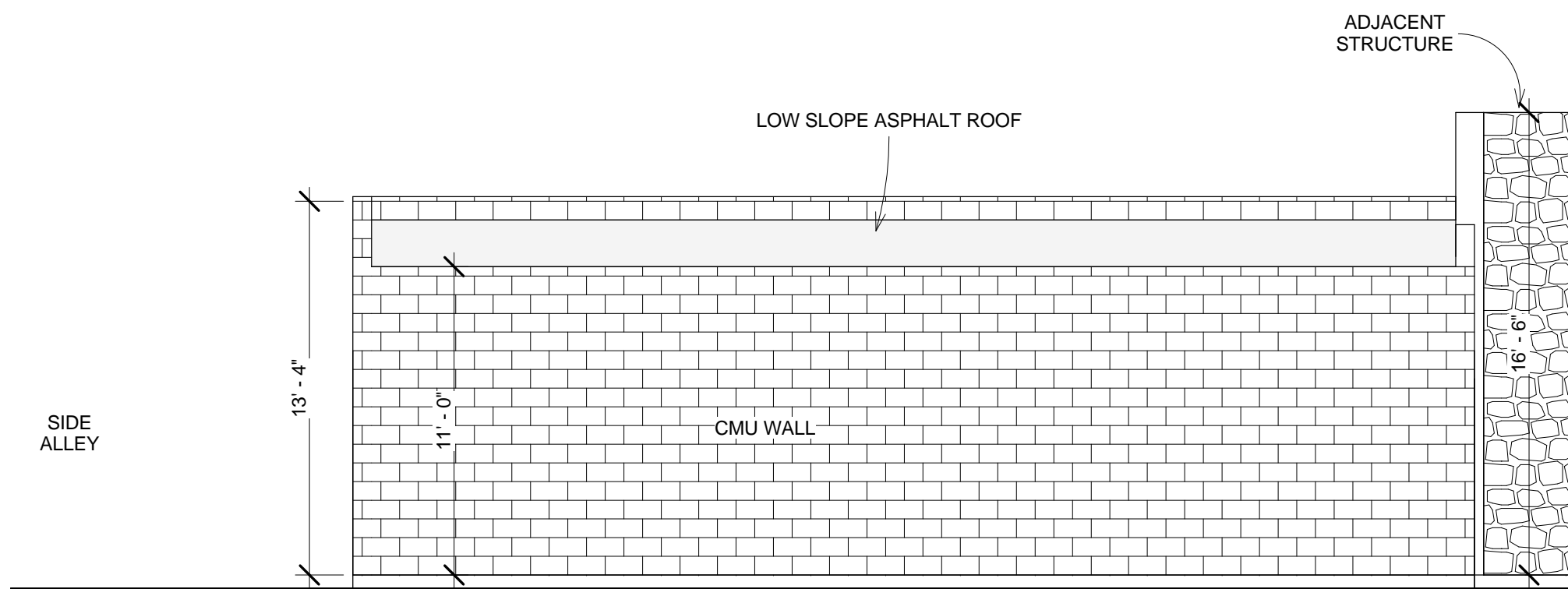
5 RIGHT ELEVATION - EXISTING  
3/16" = 1'-0"



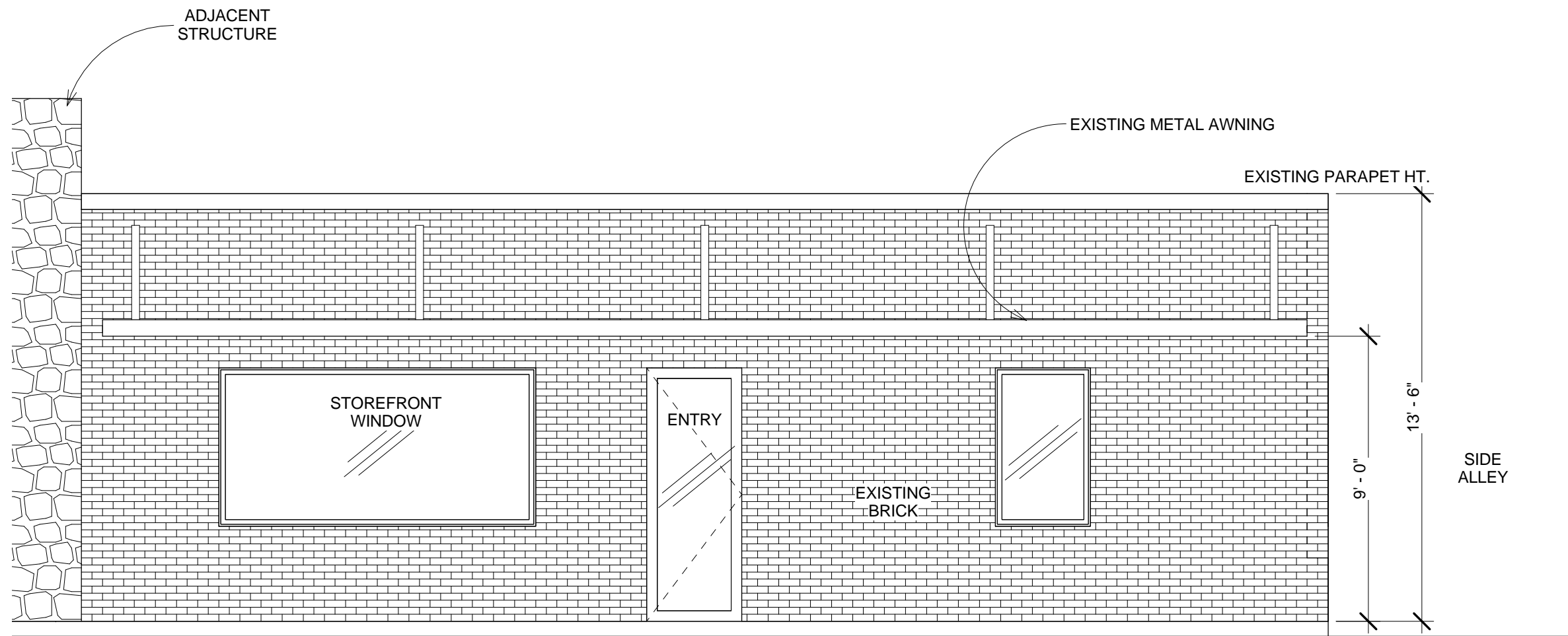
1 FLOOR PLAN - EXISTING  
1/8" = 1'-0"



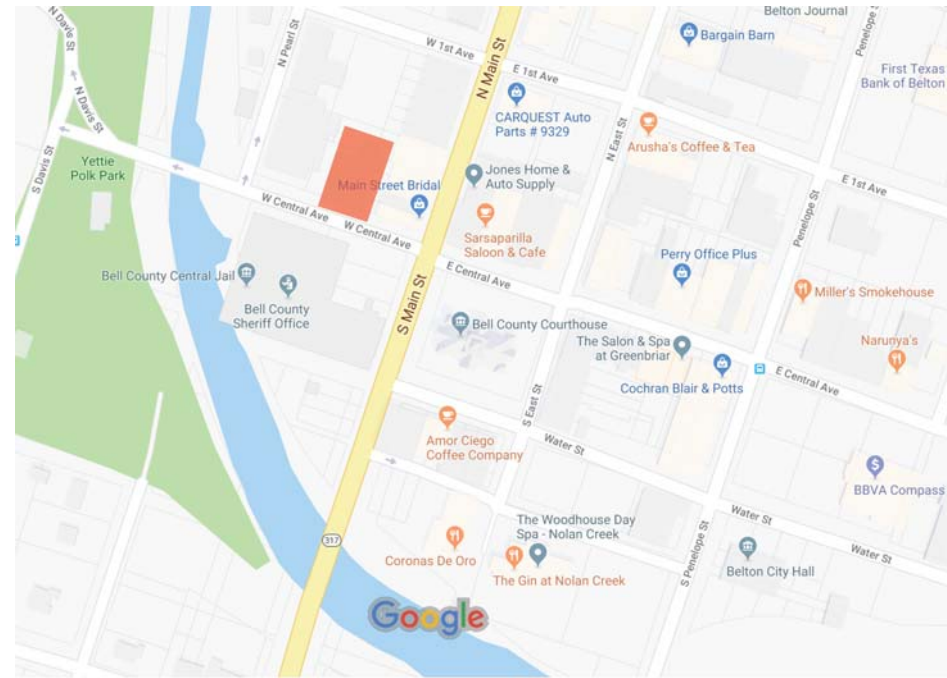
3 LEFT ELEVATION - EXISTING  
3/16" = 1'-0"



4 REAR ELEVATION - EXISTING  
3/16" = 1'-0"



2 FRONT ELEVATION - EXISTING  
1/4" = 1'-0"



DOWNTOWN BELTON AREA MAP -  
BUILDING LOCATION HIGHLIGHTED IN RED



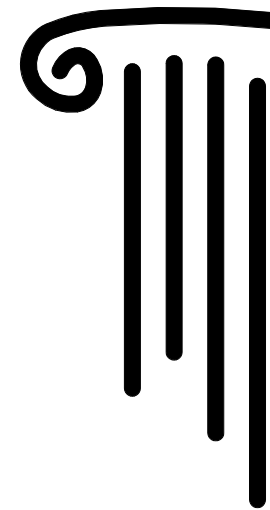
EXISTING BACK LEFT SIDE ELEVATION



EXISTING REAR & ALLEY SIDE ELEVATIONS



EXISTING FRONT ELEVATION, ADJACENT STRUCTURE & SIDE ALLEY



Bob Thomas, NCARB  
Registered Architect

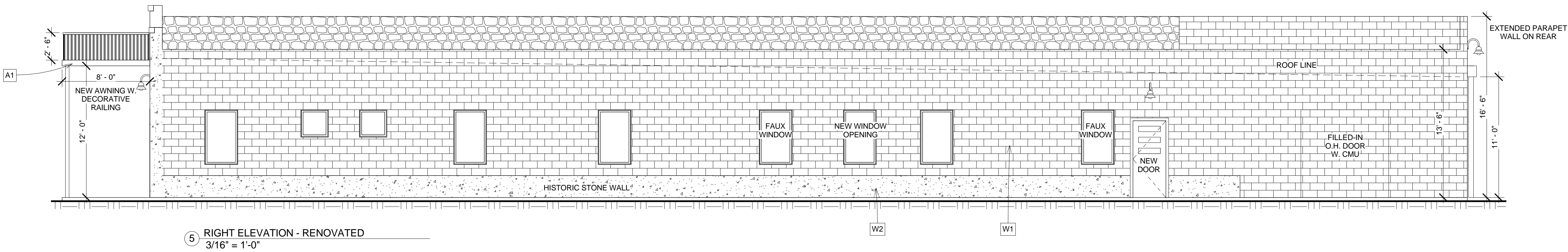
30418 Briarcrest Dr.  
Georgetown, TX 78628  
512-635-0621  
btncarb@yahoo.com

"REVIEW ONLY"  
NOT FOR REGULATORY  
APPROVAL, PERMITTING  
OR CONSTRUCTION

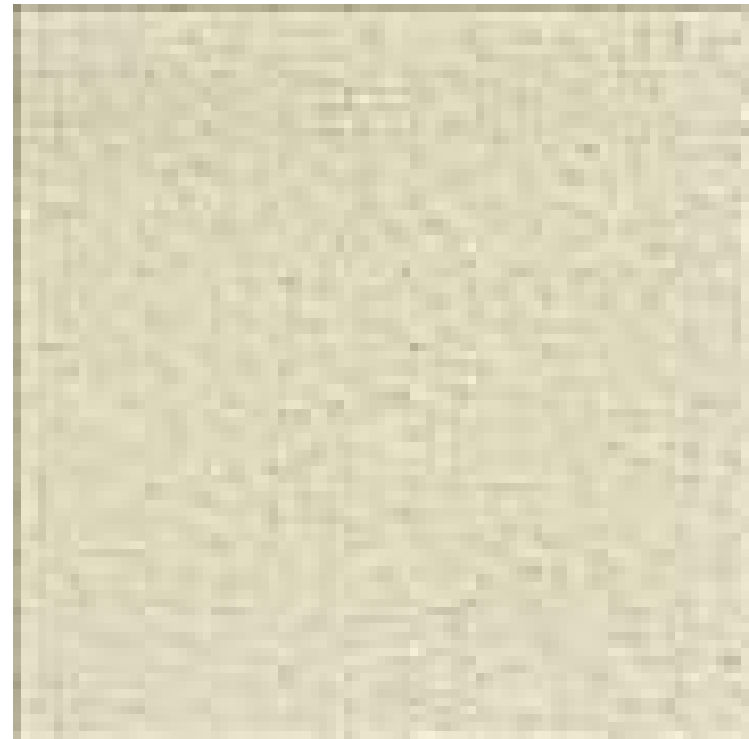
ESQUIRE BUILDING  
REMODEL  
106 W. CENTRAL AVE.  
BELTON, TX

Revisions		
No.	Date	Description
1		
2		
3		
4		
File:		ME 01
Scale:		As indicated
By:		SRE
Date:		1-16-19
Sheet Name EXISTING CONDITIONS		
Sheet No. A1		

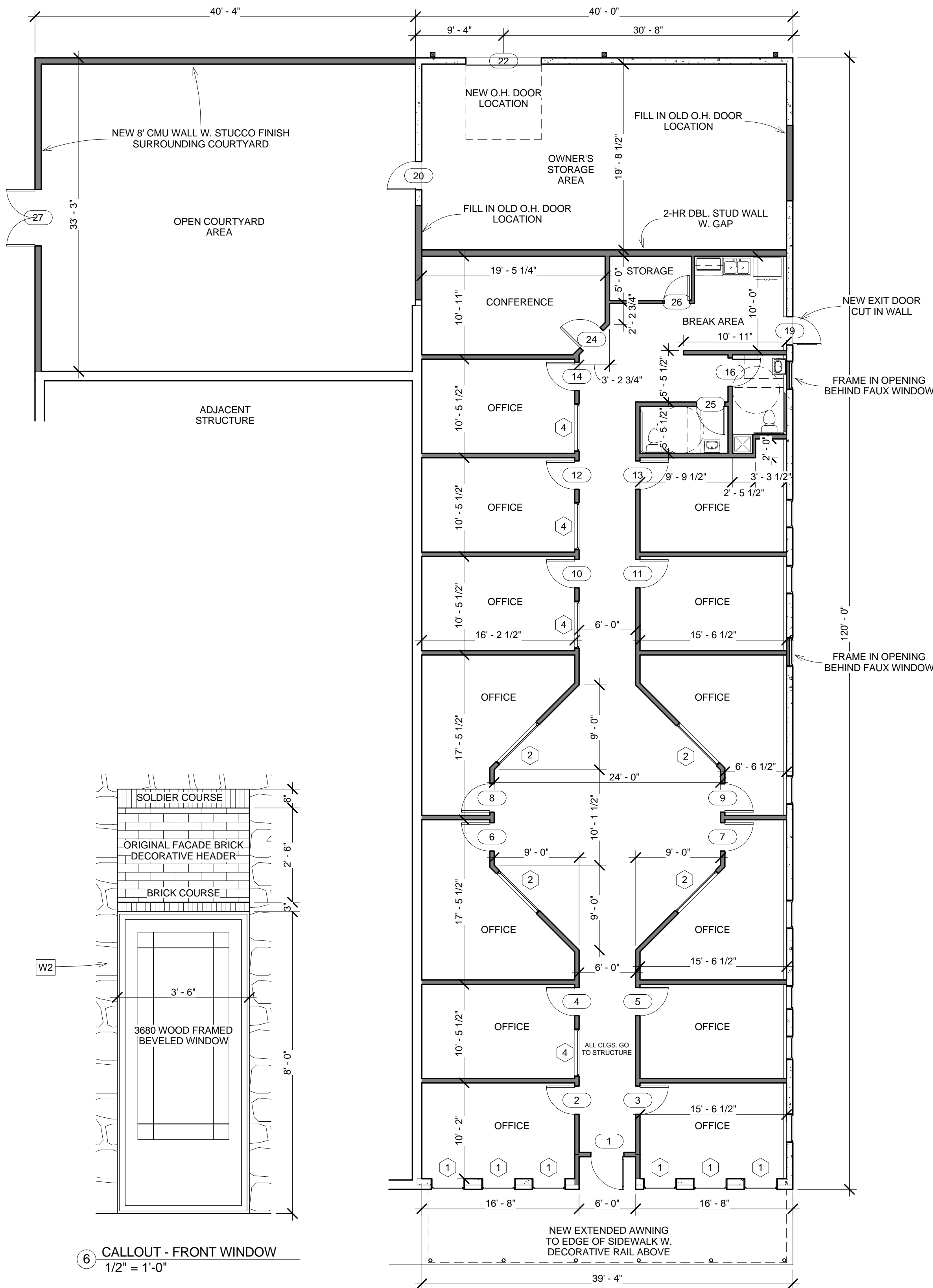




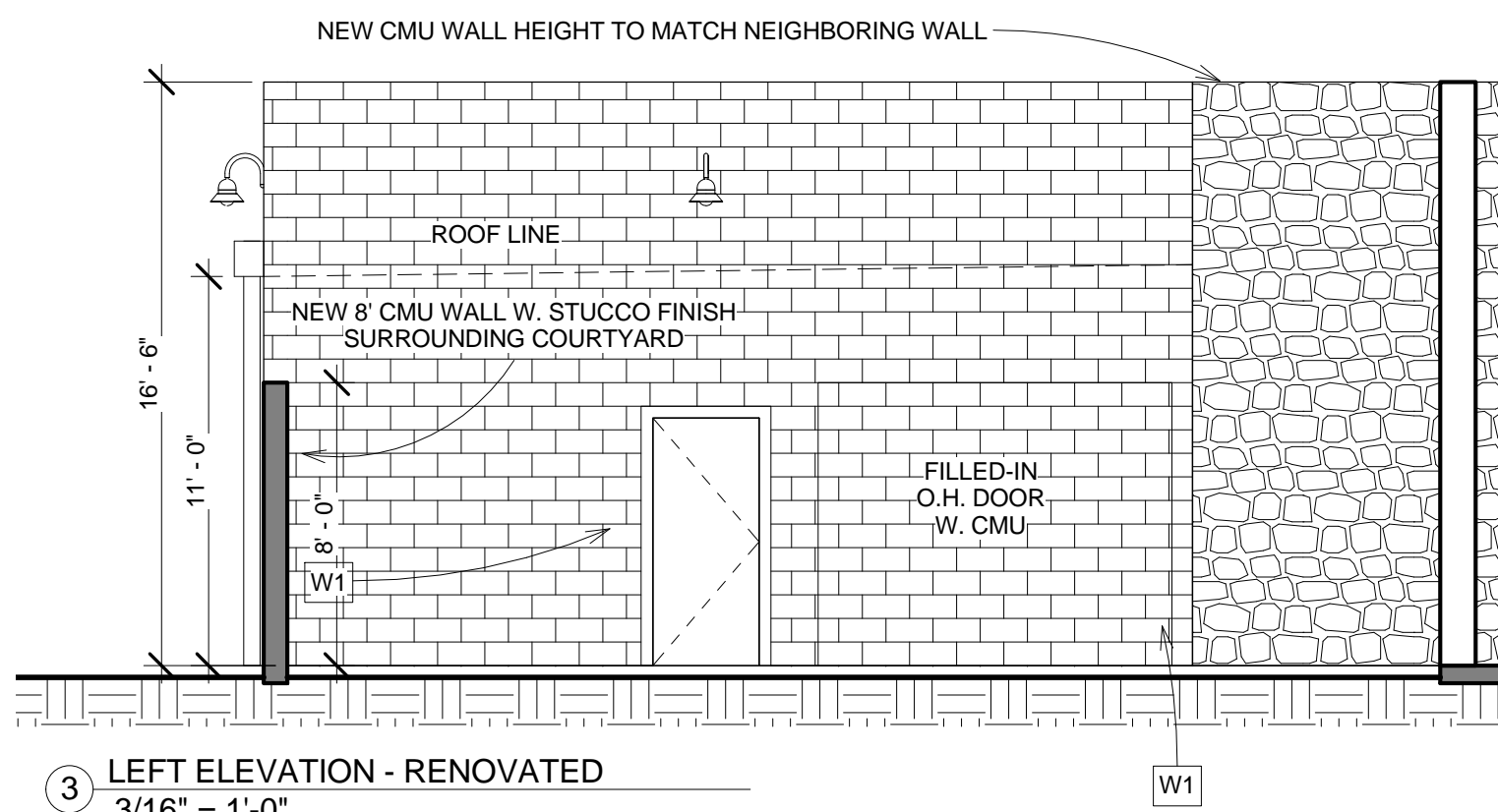
5 RIGHT ELEVATION - RENOVATED  
3/16" = 1'-0"



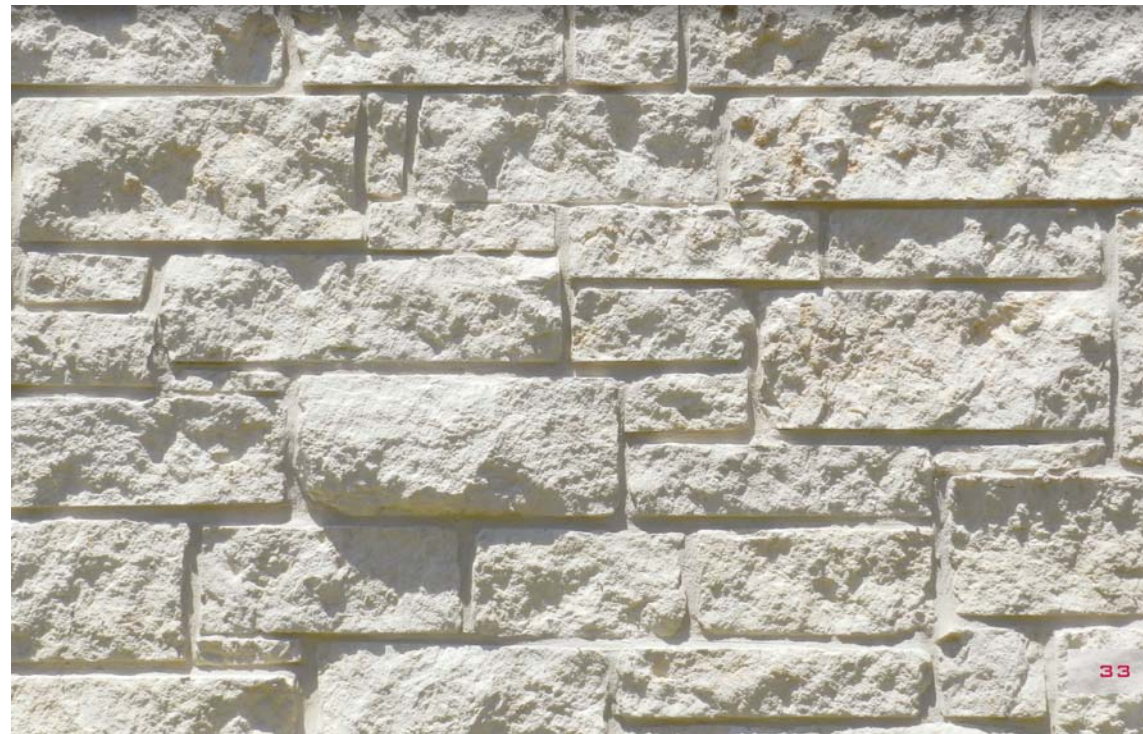
(W3) STUCCO - TONY TAUPE SW 7038



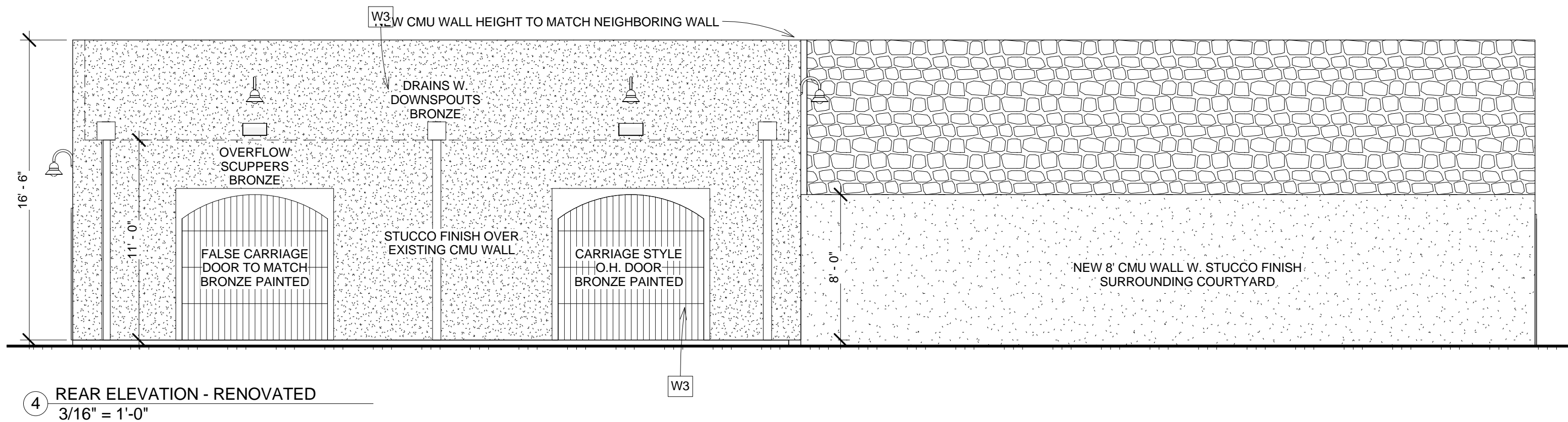
1 FLOOR PLAN - RENOVATED  
1/8" = 1'-0"



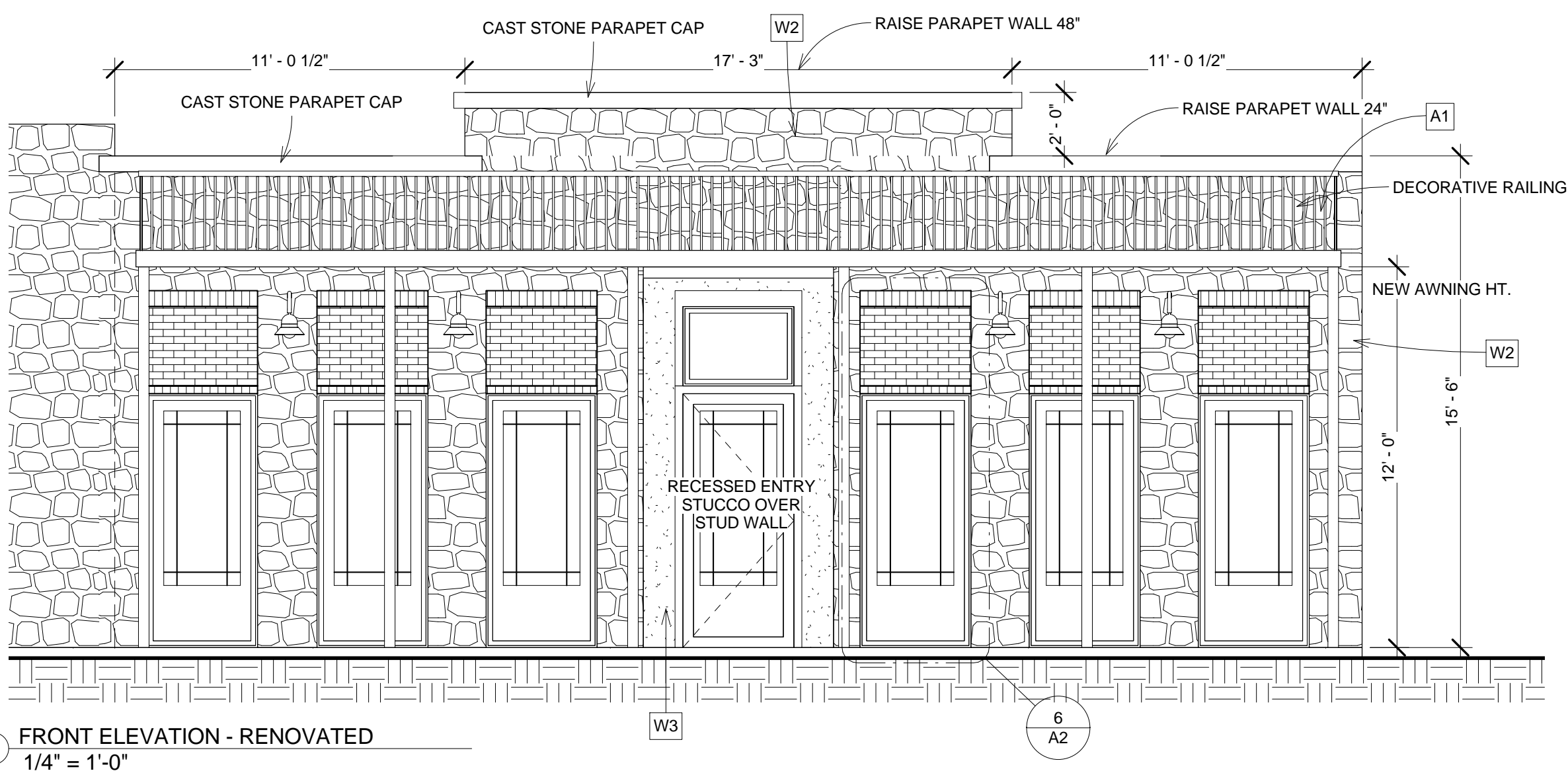
3 LEFT ELEVATION - RENOVATED  
3/16" = 1'-0"



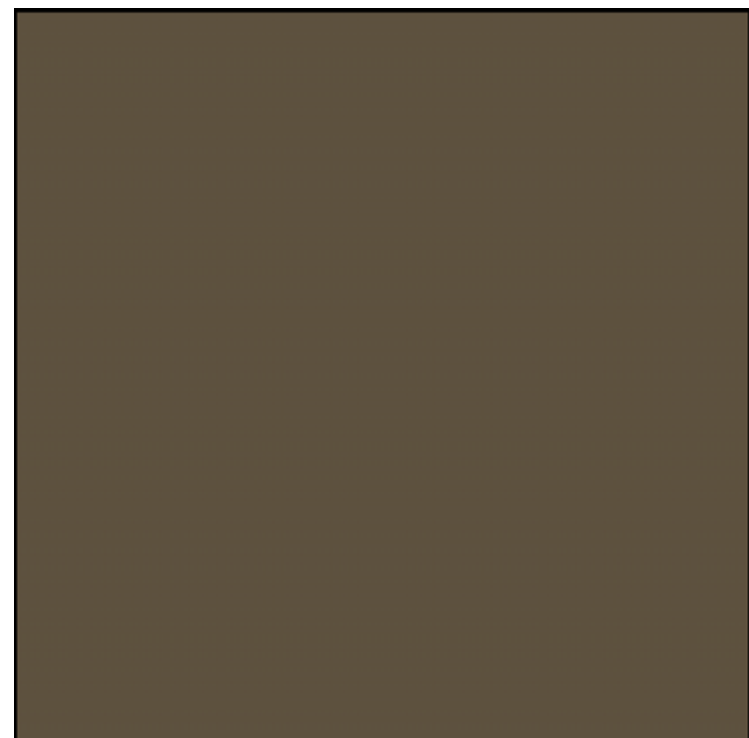
(W2) STONE - MERIDIAN - CHOP BLOCK



4 REAR ELEVATION - RENOVATED  
3/16" = 1'-0"

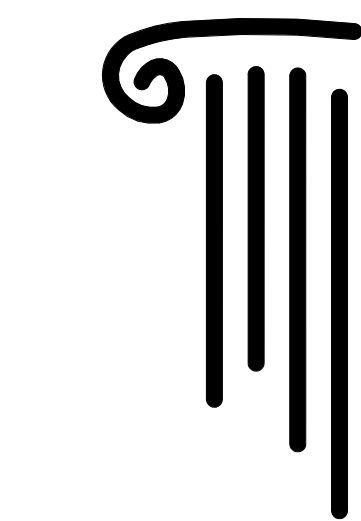


2 FRONT ELEVATION - RENOVATED  
1/4" = 1'-0"



WINDOW TRIM - BEST BRONZE - SW6160

EXTERIOR FINISHES	
NAME	DESCRIPTION
W1	CMU - PAINTED - TONY TAUPE SW7038
W2	STONE - MERIDIAN - CHOP BLOCK LESTONE
W3	STUCCO FINISH - TONY TAUPE SW7038
A1	METAL AWNING - BEST BRONZE SW6160
	WINDOW & DOOR TRIM - BEST BRONZE SW6160



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ESQUIRE BUILDING  
REMODEL  
106 W. CENTRAL AVE.  
BELTON, TX

Revisions		
No.	Date	Description
1		
2		
3		
4		
File:		ME 01
Scale:		As indicated
By:		SRE
Date:		1-16-19

Sheet Name  
RENOVATED  
PLANS

Sheet No.

A2





Planning Department

Date

Recommended

Rejected

## FACADE IMPROVEMENT GRANT PROGRAM APPLICATION

Applicant's Name: Jo MAPEL Date: 1-22-2019  
Business Name: CENTRAL AVENUE LLC  
Contact Person: Jo Mapel & T.C. LIPE  
Mailing Address: 501 BRIT BAILEY BLVD, ANGLETON, TX 77515  
Phone: 979-285-7946 / 281-802-1394 Fax: N/A  
E-mail: jmapel@gmail.com / TC@TCLipe.com

Details of Planned Improvements (attach additional paper if necessary).

See prior submissions

If you are using a contractor (not required), please list the names of contractors from whom you have received proposals (list in order of preference):

1. EDWARDS CONSTRUCTION
2. \_\_\_\_\_
3. \_\_\_\_\_

Bids shall be submitted on the contractor's letterhead and shall contain the contractor's name, address, telephone number, and shall itemize the bid in a manner that allows city staff to determine the authenticity of the bid. If you are doing the work yourself, please have costs or bids prepared for materials and labor.

Total cost of improvement project: \$ 134,410

Amount of Grant requested: \$ 20,000

Amount to be paid by the applicant: \$ 114,410

Anticipated completion date: 120 days after plan approval

Mapel

Applicant's signature

1-24-2019

Date







01/24/2019

Mr. TC Lipe  
Central Avenue, LLC  
501 Brit Bailey Blvd  
Angleton, TX 77515

RE: The Esquire Exterior Renovation  
106 W. Central Ave  
Belton, TX

Dear TC:

We appreciate the opportunity of presenting you with a bid in the amount of **one hundred thirty four thousand four hundred ten & 00/XX Dollars (\$134,410.00)** for the The Esquire Exterior Renovations project. See attached for schedule of values.

Please see below for qualifications/clarifications regarding our proposal:

1. We exclude engineering.
2. We exclude architect and engineer's design fees.
3. We exclude utility impact fees.
4. We exclude plan review fees.
5. We exclude building permit fees.
6. We exclude performance and payment bond.
7. ***We include renovation sales tax.***
8. We exclude contaminated and hazardous materials and work related with them.
9. We exclude materials testing and inspection cost.
10. We exclude unforeseeable subsurface concealed conditions.
11. ***We have assumed being able to shut down public access and utilize the front sidewalk along Central Avenue throughout construction. We exclude city fees, rehabilitation and/or repair of sidewalk.***
12. We exclude all site work. This includes but not limited to erosion control, grading, site utilities, storm drainage, paving, landscaping, site amenities, site electric, site gas, etc.
13. We assume the canopy and deck to be painted.
14. We have included a Roof Patch/Repair, Scuppers & Downspouts Allowance of \$5,000.
15. We exclude exterior insulation. To be provided in TI construction
16. We have assumed a 2" x 4.5" clear anodized or dark bronze aluminum storefront windows using 1" OA Solarban 60 glass.
17. We exclude all interior work.
18. We exclude all signage including exterior address & tenant signage.
19. We exclude all electrical lighting. To be provided in TI construction.

Please do not hesitate to call me if you have questions in regard to our proposal. We're excited about this project and look forward to working with you!



Sincerely,

**Edwards Construction**

A handwritten signature in black ink, appearing to be "ME", is positioned above a long, horizontal black line that extends to the right.

Marcus Edwards



# Edwards Construction

## The Esquire - Exterior Renovations Schedule of Values

01/24/19

S.F. : 4,800

SPEC #	ITEM NO.	DESCRIPTION	COST	COST PSF
		TRAFFIC CONTROL, PEDESTRIAN CONTROL & TEMP FENCE	\$2,700	\$0.56
		DUMPSTERS & HAULOFF	\$4,000	\$0.83
		SCREEN WALL FOOTING	\$5,427	\$1.13
		SCREEN WALL CMU & STUCCO	\$9,460	\$1.97
		SCREEN WALL GATE	\$3,500	\$0.73
		FRONT FAÇADE DEMO	\$3,245	\$0.68
		WOOD FRAME, SHEATH & WRAP FRONT ELEVATION	\$7,250	\$1.51
		MISC. WATERPROOFING, DAMPROOFING & JOINT SEALANTS	\$900	\$0.19
		BRICK, STONE & STUCCO AT FRONT ELEVATION	\$5,400	\$1.13
		CMU AT INFILLED OPENINGS & PARAPET CAPS	\$4,703	\$0.98
		STUCCO AT REAR	\$3,163	\$0.66
		ROOF PATCH/REPAIR, SCUPPERS, DOWNSPOUTS - ALLOWANCE	\$5,000	\$1.04
		METAL CANOPY & RAILING	\$14,500	\$3.02
		EXTERIOR HM DOORS	\$1,760	\$0.37
		STOREFRONT WINDOWS	\$6,310	\$1.31
		GARAGE DOORS	\$4,510	\$0.94
		EXTERIOR PAINTING	\$11,166	\$2.33
		TRADE REQUIREMENTS	\$3,950	\$0.82
SUBTOTAL			\$96,943	\$20.20
		GENERAL CONDITIONS	\$19,713	\$4.11
		INSURANCE	\$1,598	\$0.33
		OVERHEAD & PROFIT	\$5,913	\$1.23
		RENOVATION TAX	\$10,244	\$2.13
GRAND TOTAL:			\$134,410	\$28.00

Minutes of the  
**Historic Preservation Commission (HPC)**  
City of Belton  
333 Water Street  
Thursday, February 7, 2019

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The Historic Preservation Commission met at 5:00 P.M. in the Wright Room at the Harris Community Center. The following members were present: Chair Sheila Donahue, Dorothy Coppin, Barrett Covington, Tammie Baggerly and Ann Carpenter. The following staff members were present: Director of Planning Cheryl Maxwell, Planner and HPC Officer Kelly Atkinson, Director of IT Chris Brown and Planning Clerk Laura Livingston.

- 4. H-19-03 Consider a request for a Façade Improvement Grant to Jo Mapel for reconstruction of the primary façade, addition of a faux balcony, and reconfiguration of door and window openings on the side and rear façades at 106 West Central Avenue, located in Downtown Belton Commercial Historic district, on the north side of West Central Avenue, east of North Pearl Street, and west of North Main Street.**

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

Chair Donahue asked if the Secretary of Interior standards will be OK with the addition of that door? Do you feel secure with the choice of the location for the door? Ms. Atkinson said she does, and again that area is right on the edge of where there have been alterations and it really is not detracting from the building and in line with the existing windows and doors and flows nicely and again with fire safety we would recommend having the door. Chair Donahue said her second question, is there a requirement for another Certificate of Appropriateness or can it be amended and approved as staff recommends? Ms. Atkinson said you can make amendments to the recommendation and it can move forward that way. Those are staff recommendations and after discussion amongst each other and with the applicant, if you would like to revise that we can, Ms. Atkinson said.

Chair Donahue asked if there was anyone who would like to speak, they may. Mr. T.C. Lipe said that Ms. Atkinson said the building was built in 1956. He said their information contradicts that and the building was built between 1891 and 1896 and the building burned in the 1920s and remained that way for decades. Saying the building was built in '56... the front façade was put on in 1956; we don't know if that's accurate but we will go with that, Mr. Lipe said. The building was constructed in the 1800s. Just because a front façade and CMU was put on in the 1950s does not mean this was a new building in the '50s, he said. The original two walls of the building still stand, which would be the east and west walls. The front did not stand because it was probably wood; all indications of that time period indicate that it was wood, and therefore, it burned and it was left as rubble. So, then someone came and repaired it, and put this façade that you see now out of brick in the '50s, not the 1800s; we still have the walls from the 1800s. That's what we are wanting to match, Mr. Lipe said. We are not wanting to recreate, but return to a building reflecting the 1890's, he said.

Ms. Baggerly asked, so the front façade (south side) does not qualify for the Façade Improvement Grant? The north side does qualify, but because of the changes to the south side, the south side is

not being considered? Mr. Lipe said yes. Ms. Baggerly asked about the garage doors, and the HPC and Ms. Atkinson discussed the changes to the garage doors.

Chair Donahue asked if this structure is currently on the National Register of Historic Places? Ms. Atkinson said yes. Chair Donahue asked, it was placed on the National Register based on information provided at the time? Ms. Atkinson said correct. She said another example would be the Central Belton Fire Station, which is actually Mid-Century Modern. Belton Fire Chief Bruce Pritchard has come to her asking the same exact question, if renovations to the current building could reflect the arched garage doors from a previous fire station in that location, Ms. Atkinson said. Ms. Atkinson said the building as it is now is the architecture that is recognized and contributing to the District. Chair Donahue said based on that, changing it would disqualify it completely from the program. She said her home is on the National Register of Historic Places and she cannot make any significant changes to the exterior of her property, so she said she does understand how critical it is that those things are maintained. She sympathizes with Mr. Lipe. Mr. Lipe thanked her for that. His contention is that it is a case of mistaken identity, although this façade existed in 1956, the building was not built in 1956. Chair Donahue said the criteria that was provided to place it on the National Register of Historic Places is the criteria that we have to go by. We're bound to it, she said. Mr. Lipe said he understands.

Chair Donahue asked for a motion. Ms. Atkinson said the item can either be recommended as shown or you can revise your recommendation. Ms. Baggerly asked if they make the changes to the south façade, then this building will no longer be on the National Register. Ms. Atkinson clarified that it is actually part of a National Register District, so it's contributing to the National District as a whole. It's not individually listed and that is not actually providing the protection; the protection of the building is because it is part of a local district. Ms. Baggerly thanked Ms. Atkinson for the clarification.

Chair Donahue called for a motion. Ms. Baggerly made a motion to approve H-19-03, as recommended by staff, which included approval of the proposed work as outlined in the COA application and the Façade Improvement Grant for the proposed renovations to the north side, but disapproval of the proposed work as outlined in the COA application and the Façade Improvement Grant for the renovations of the south (primary) façade. Mr. Covington seconded the motion. The item was approved with 5 ayes, 0 nays.



# Staff Report – City Council Agenda Item



**Date:** February 26, 2019  
**Case No.:** H-19-03  
**Request:** APPEAL COA  
Determination  
**Address:** 106 W. Central Avenue  
**Applicant:** Jo Mapel

## **Agenda Item #15B**

Consider an appeal to the City Council by Jo Mapel regarding the decision of the Historic Preservation Commission to disapprove the Certificate of Appropriateness application for the front (South) façade of the building at 106 West Central Avenue.

## **Originating Department**

Planning – Kelly T. Atkinson, Planner/HPO

## **Background**

### **Building Significance:**

This present building at 106 West Central Avenue was built in 1956 with some elements of a previous building, such as a footer wall on east alley-side still in existence and incorporated into the structure, although this is not a character-defining element of the current building. This building is located in the Downtown Belton Commercial Historic District, which contains a range of buildings constructed between 1870 and 1959. Nearly half of the buildings in this district are Contributing historic structures. Most of the buildings that are Non-Contributing have been classified that way due to inappropriate alterations that have covered or removed historic building materials and details. This building is characteristic of typical 1950's commercial architecture and retains nearly all of its original fabric that is now over 60 years old. The National Register of Historic Places lists this building as Contributing to the Belton Commercial Historic District, which is based on the integrity of design where principal character-defining architectural elements survive. This building has substantially retained its original appearance with overall form and exterior materials, including window and door opening size and location.

The applicant provided a history of this location through Sanborn Fire Insurance maps documenting the various structures that previously occupied this site. The last available map of 1921 identifies ruins and no roof. This lot sat vacant for decades before it was once again developed to house the Belton Journal / Bell County Democrat newspaper. It is evident in

the Sanborn map of 1912 that a previous building on this site housed the newspaper and type room, complete with an electric motor presumably to unload the reams of paper for print. There is evidence that this location served many years as the home to the local newspaper through a number of acquisitions and mergers. Because this building is in a National Register district and maintains its original integrity, the owner can apply for state and federal tax credits, which could return up to a total of 45% (25% state and 20% federal) of their qualifying rehab costs on exterior and interior work.

In summary, this building is a prime example of a mid-century commercial building built with the specific purpose of housing the local newspaper and print shop.

*COA Application – Front Façade Proposal:*

Jo Mapel submitted a Certificate of Appropriateness application to the Historic Preservation Commission for the complete reconstruction of the primary façade and the addition of a faux balcony, located at 106 West Central Avenue.

The proposal for the front (south) façade involves the following items, also included in the attached summary proposal from Edwards Construction:

- Remove the front façade.
- Construct a new front façade of stone with decorative brick headers.
- Install new windows and a new door.
- Install 2'0" stone parapet with smooth stone parapet cap.
- Install faux balcony with decorative railing on front façade.
- Install gooseneck light fixtures on the building as identified on elevations.
- Install gutters.

This building was most recently occupied by a bail bond agency and lawyer office. Ms. Mapel has purchased this building and is completing significant interior renovations for several professional offices.

The proposed work was scheduled to occur upon approval of a COA (Certificate of Appropriateness) as requested with an estimated completion within 120 days.

*Staff Evaluation of Proposal on the COA Application:*

Staff evaluated the proposed work and determined through research and consultation with the historic preservation consultant and the Texas Historical Commission the following:

- The proposed reconstruction of the front façade (south) will eliminate the character-defining elements of the building and render it as Non-Contributing to the National Register Belton Commercial Historic District and to the local Downtown Belton Commercial Historic District.

- The proposed reconstruction of the front façade (south) will create a false sense of history, contradicting the Secretary of Interior's Standards for the Treatment of Historic Properties.

These determinations are based on the Secretary of Interior's (SOI's) Standards incorporated into the City of Belton Historic Preservation Ordinance (2012-18) and the COA review process as follows:

- #2 – The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features will disqualify any building from this program.
- #3 – All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged and may disqualify any building from this program.
- #7 – Contemporary design for alteration and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical architectural or cultural materials, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

Although the applicant's proposal is not in line with the SOI's Standards, this building may still undergo renovations. The applicant may resubmit a COA outlining renovation activities that are in line with the SOI's Standards including, but not limited to the following:

1. Repaint the brick;
2. Install a new awning;
3. Replace the windows and doors with compatible, energy-efficient alternates;
4. Install new light fixtures;
5. Install new signage; and
6. Install gutters.

None of the items listed above would destroy the distinguishing original qualities or character of the building and would keep the original and distinctive 1950's architectural features and materials intact and, therefore, still qualify this building for a local Façade Improvement Grant as well as state and federal tax credit programs.

Staff Recommendation to HPC:

After careful review of the Secretary of the Interior's (SOI's) Standards for Rehabilitation, the proposal appeared to be inconsistent with the Downtown Belton Commercial Historic District. Staff recommended disapproval of the proposed work as outline in the COA application for the renovations to the south (primary) façade.



### HPC Evaluation of Proposal on the COA Application:

After discussion amongst the Commission, resolving additional questions for staff, and dialogue with the applicant's representative, the Commission determined that this building is a Contributing structure to the local District and the National Register District and is representative of mid-century modern architecture. The Commission determined that the proposed reconstruction of the front façade of this building is inconsistent with the SOI's Standards and the Historic Preservation overlay zoning of this building.

### HPC Determination:

At the February 7, 2019 Historic Preservation Commission (HPC) meeting, the Commission voted unanimously on the following:

DISAPPROVAL of the proposed work as outline in the COA application.

The Commission denied the COA application for the proposed reconstruction of the south (primary) façade, in turn, deeming this portion of the project as ineligible for the FIG program.

### Request for Appeal:

The Historic Preservation Ordinance (2012-18) outlines a process for an applicant adversely affected by a determination of the Commission to appeal the decision to City Council (Sec. 29.8). An appeal request shall be filed with the Historic Preservation Officer (HPO) within seven (7) days of the Commission's decision and scheduled for the next available regularly scheduled City Council meeting. Appeals to the City Council shall be considered only on the record made before the Commission, and may only allege that the commission's decision was arbitrary, capricious, or illegal.

The applicant requested the appeal within the seven (7) days via letter delivered to the HPO and City Clerk.

### Summary Information

#### Appeal HPC Determination as Arbitrary and Capricious:

The applicant submitted a request to appeal the Commission's decision on the basis that it is arbitrary or capricious.

#### COA Review Process / HPC Determination:

The Commission reviews all COA applications by the same guidelines as outlined in the Historic Preservation Ordinance. This review process is applicable to both Contributing and Non-Contributing buildings. Each case is different and each building varies in the amount

appropriate and inappropriate alterations that have taken place over time, but the overall goal is to maintain what exists and appropriately alter and adapt existing building stock for current uses. The Commission's review process is guided by the SOL's Standards and outlined in the Historic Preservation Ordinance. Staff trusts that the Commission's review process and COA determination is sound.

*Council Options Available for Consideration:*

1. Deny the appeal and confirm the HPC determination;
2. Accept the appeal and reverse the HPC determination; or
3. Table the appeal for more information including:
  - a. Consider altering District Boundaries (Review the validity of the District boundaries and the implications of altering the boundaries – which would require HPC and P&Z evaluation and recommendation to Council);
  - b. Assess Building Significance (1890's versus 1950's – Historic consultant and THC determination and recommendation to Council).

**Staff Recommendation**

Based on available information and available City ordinances, Staff concurs with the Historic Preservation Commission's determination on the significance of the building and the disapproval of the COA application. We recommend denial of the appeal.

**Attachments**

Certificate of Appropriateness application  
Location Map  
Plans and facades of proposed faux balcony, windows and doors, stone and brick  
FIG Application  
Proposal – Edwards Construction  
Applicant's document – History of 106 W Central, Belton, TX  
Ordinance 2012-50  
1966 newspaper article  
Secretary of the Interior's Standards for Rehabilitation in FIG Application  
HPC determination letter to applicant  
Tax credit program – fact sheet  
Applicant's appeal request letter  
Minutes from the February 7, 2019 HPC meeting



## Certificate of Appropriateness Application

### Historic Preservation Commission

#### Applicant contact information

Name: Jo MAPEL Central Avenue LLC

Address: 501 BEIT BAILEY BLVD ANGLETON, TX 77515

Phone: 979-285-7946 Fax: — Email: jmapel@gmail.com

Role: ☒ Owner ☐ Architect/contractor ☐ Other:                     

Property Address: 106 W. CENTRAL BELTON, TX

1. In the space below, briefly describe the work proposed (*use separate page(s) if necessary*).
2. Please refer to the attachment checklist for additional materials necessary to evaluate the proposed work.

Description of proposed work:

SEE ATTACHED DOCUMENTS

Signature

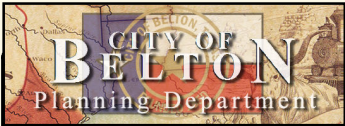
Jo Mapel

Date

1/24/2019

*Submit this form and all necessary attachments (see checklist) at least 14 days before the Historic Preservation Commission meeting to the City of Belton Planning Department, 333 Water Street, P. O. Box 120, Belton, Texas 76513; ph. 254-933-5812.*





# HPC CASE # H-19-03

**Request**  
Reconstruct facade,  
Add Balcony, Reconfigure  
doors and windows

**LEGAL DESCRIPTION:**  
BELTON ORIGINAL  
BLOCK 110, LOT PT A,  
(E PT OF LT A, AKA 1B), ACRES 1.359 20422

**PROPERTY OWNER:**  
CENTRAL AVENUE LLC

**ADDRESS/LOCATION:**  
106 W. Central Ave

200' Property Owner  
Notification Area

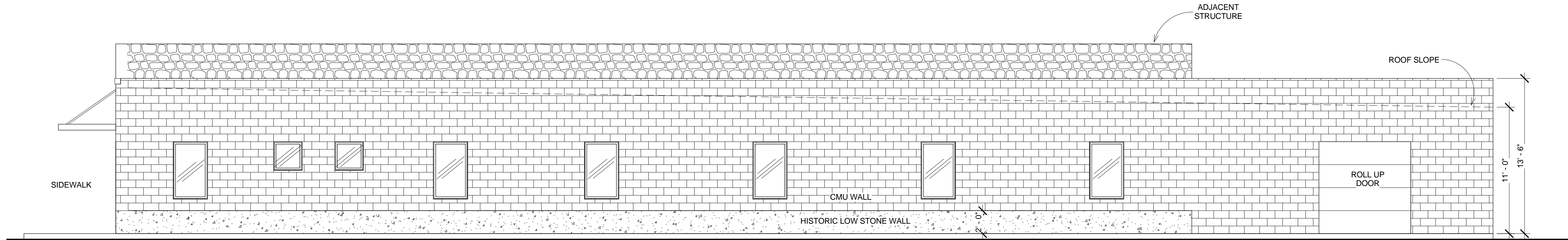
**Legend**

- 200' Property Owner Notification Area
- H\_19\_03
- Tax Appraisal Parcels

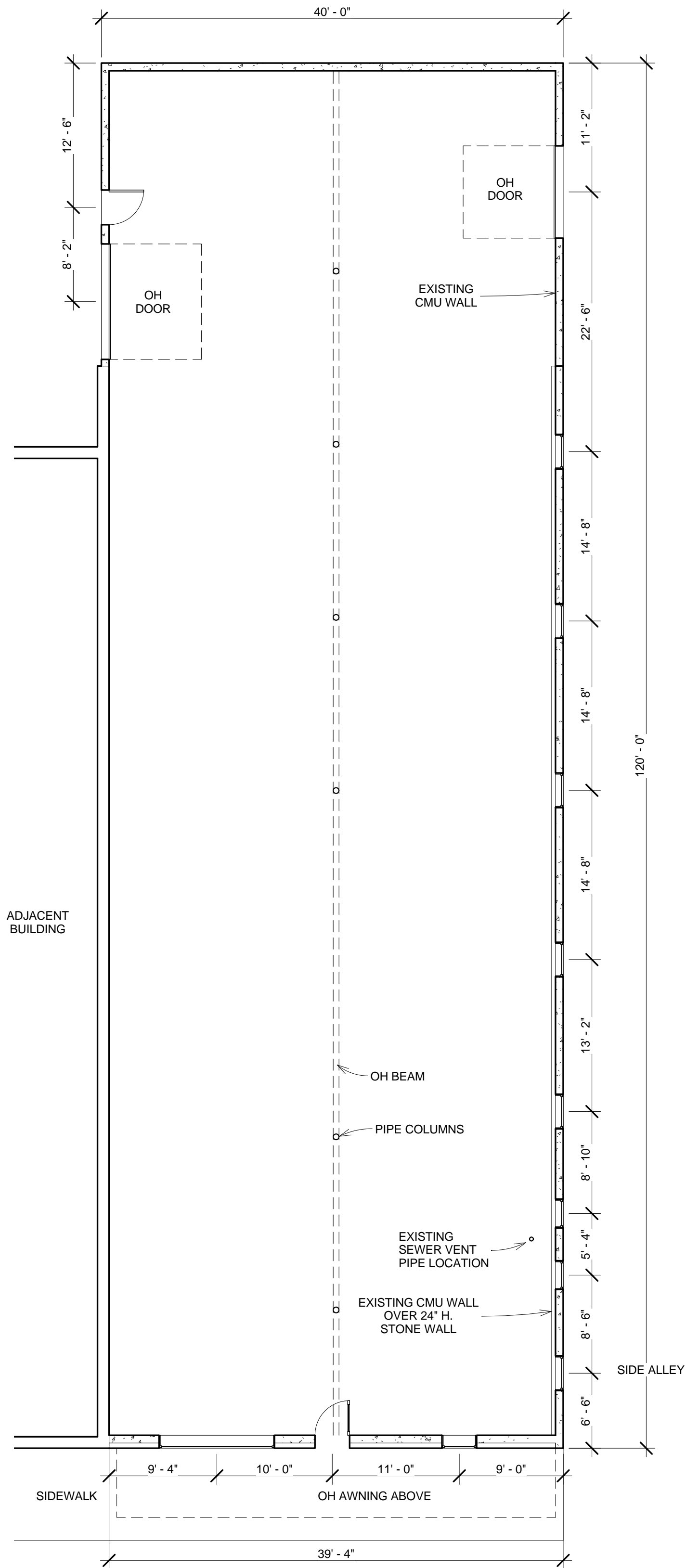
**Historic District**

- Downtown Belton
- Commercial Historic District

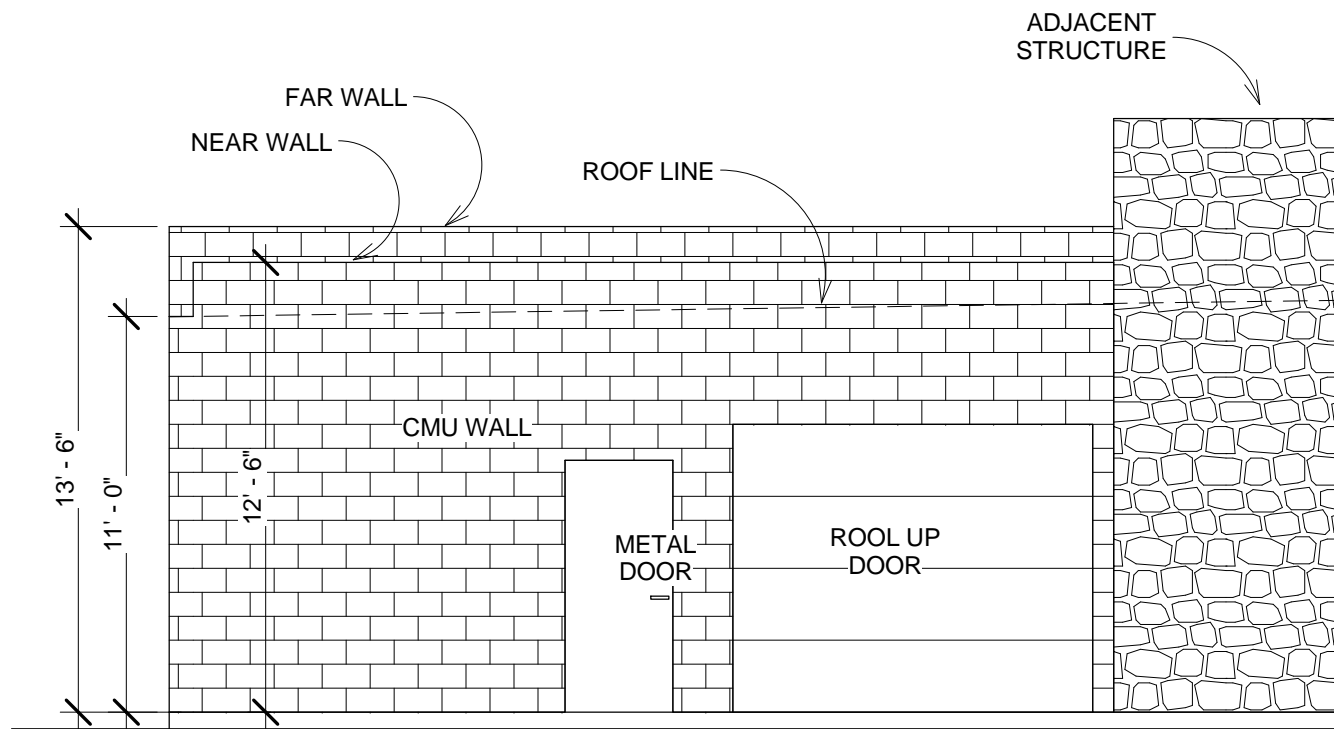




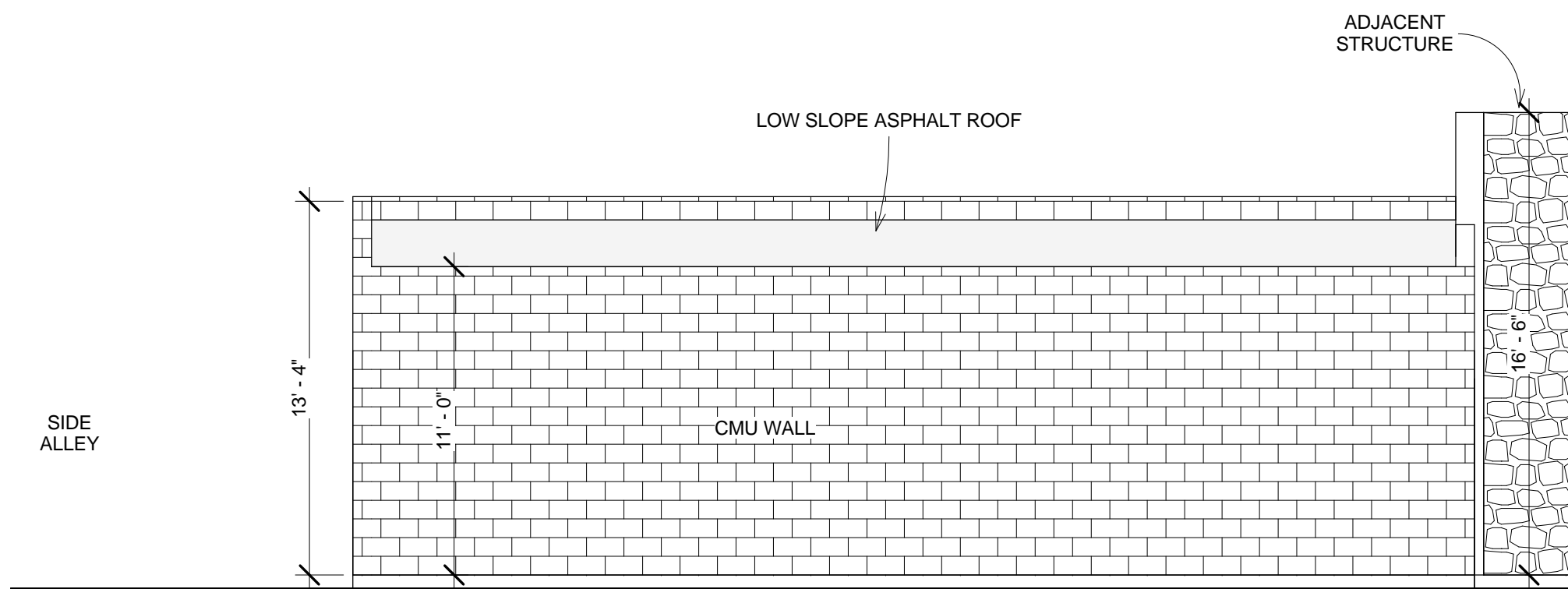
5 RIGHT ELEVATION - EXISTING  
3/16" = 1'-0"



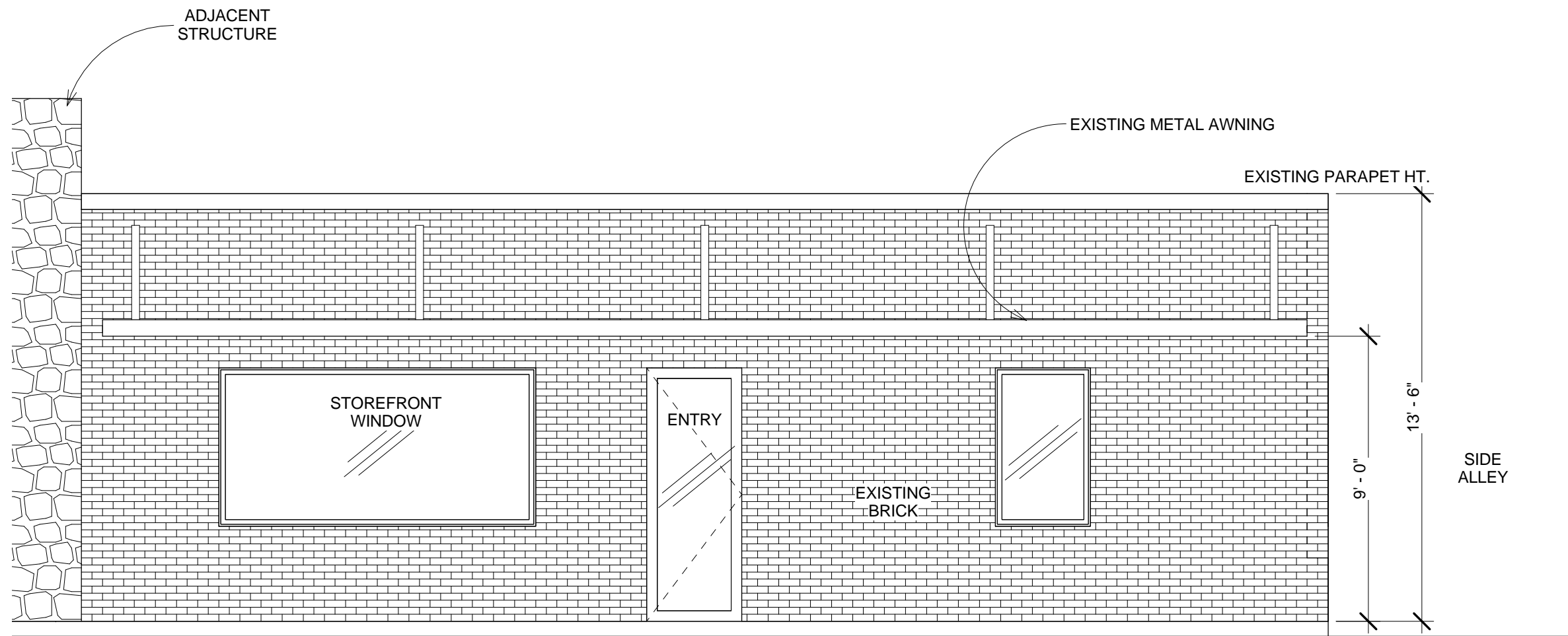
1 FLOOR PLAN - EXISTING  
1/8" = 1'-0"



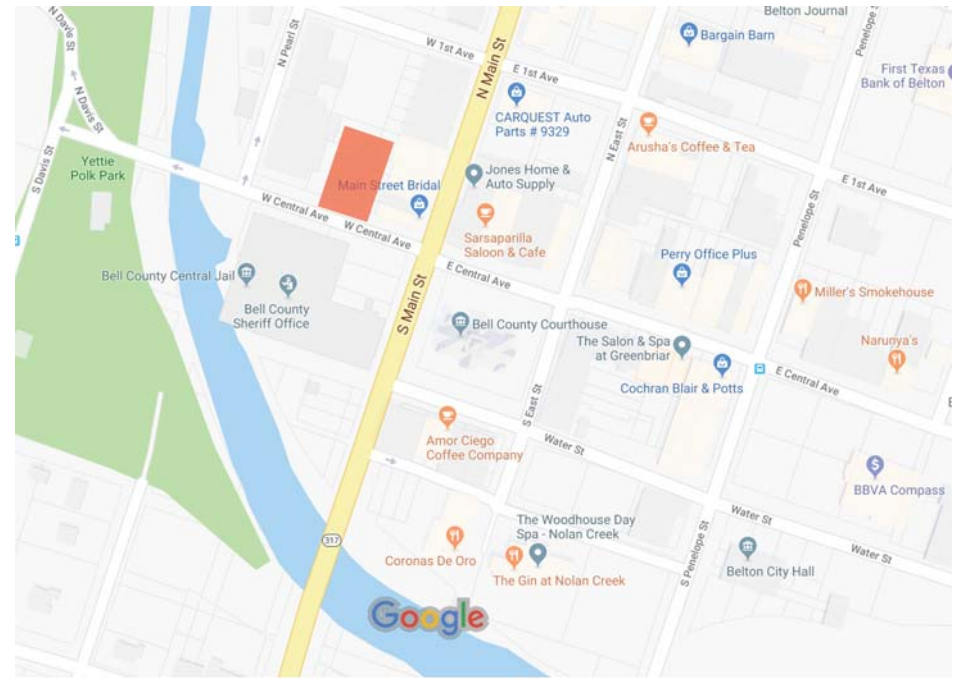
3 LEFT ELEVATION - EXISTING  
3/16" = 1'-0"



4 REAR ELEVATION - EXISTING  
3/16" = 1'-0"



2 FRONT ELEVATION - EXISTING  
1/4" = 1'-0"



DOWNTOWN BELTON AREA MAP -  
BUILDING LOCATION HIGHLIGHTED IN RED



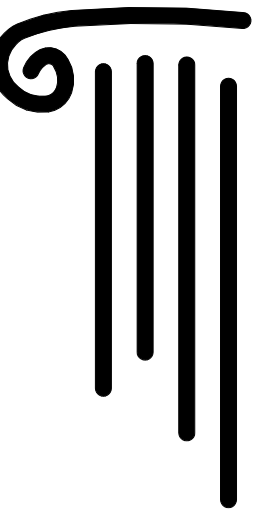
EXISTING BACK LEFT SIDE ELEVATION



EXISTING REAR & ALLEY SIDE ELEVATIONS



EXISTING FRONT ELEVATION, ADJACENT STRUCTURE & SIDE ALLEY



Bob Thomas, NCARB  
Registered Architect

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File: ME 01

Scale: As indicated

By: SRE

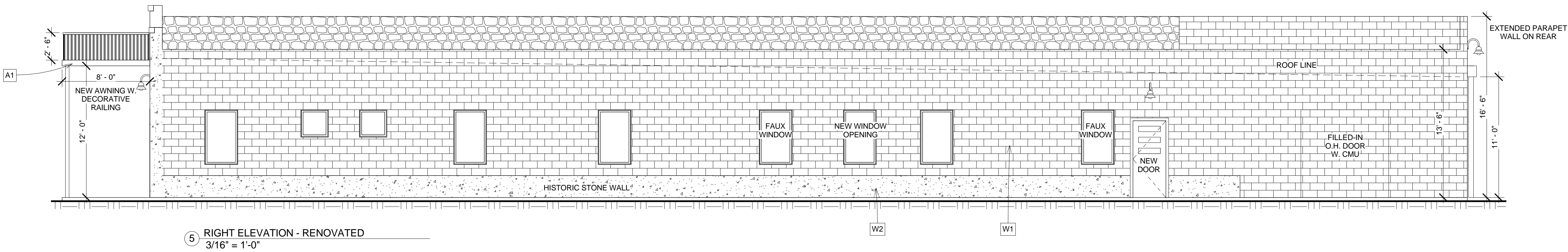
Date: 1-16-19

Sheet Name  
EXISTING  
CONDITIONS

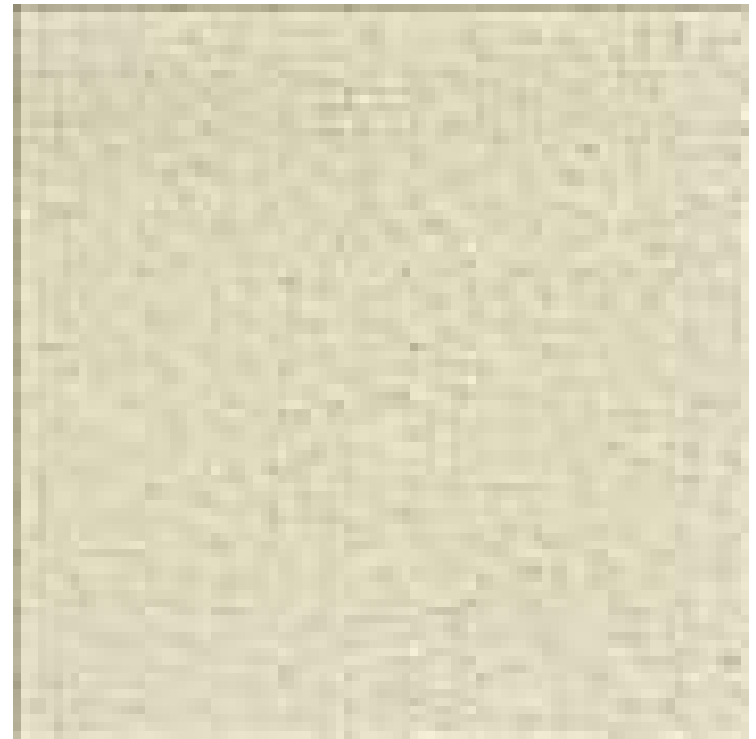
Sheet No.

A1

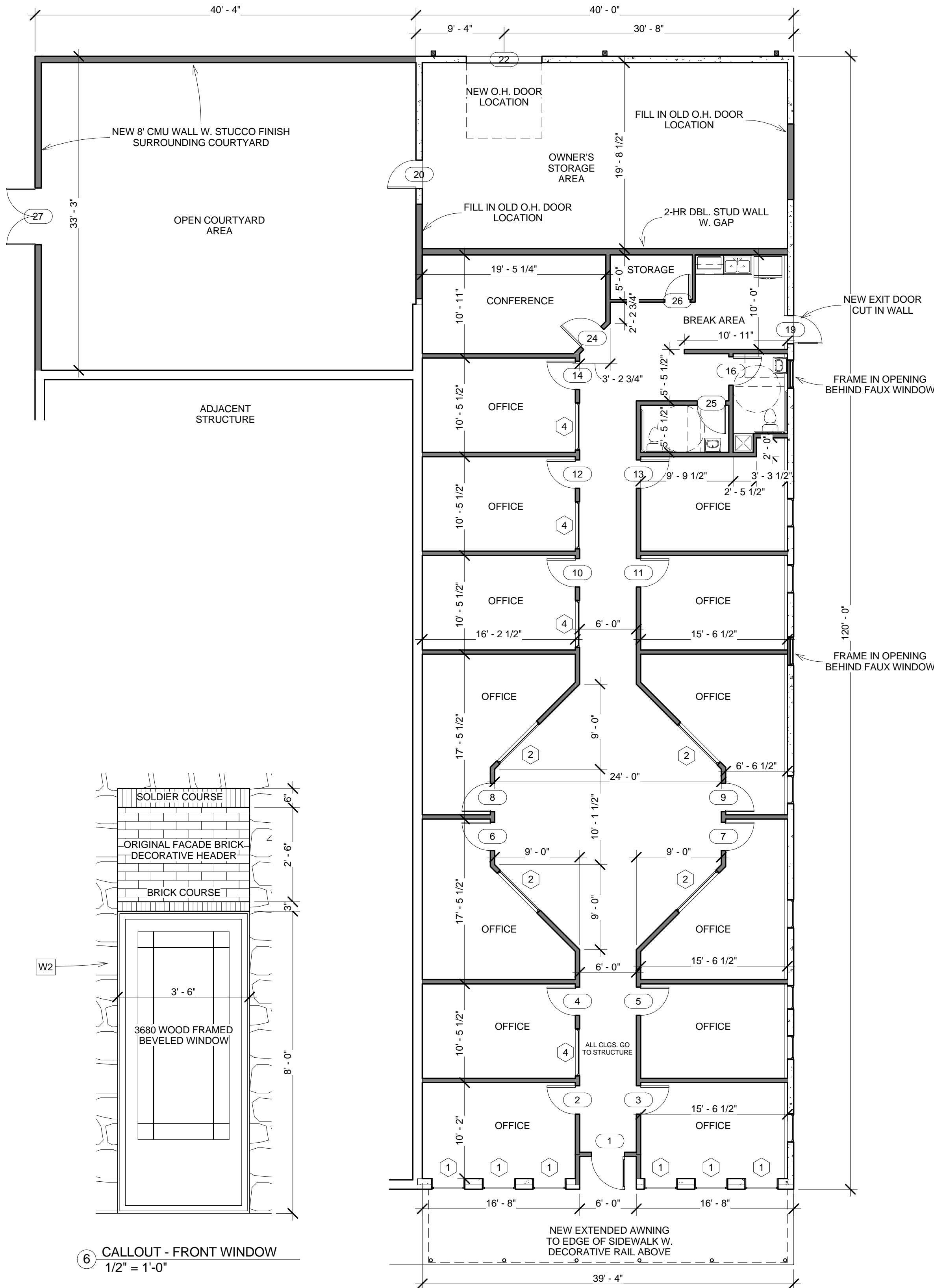




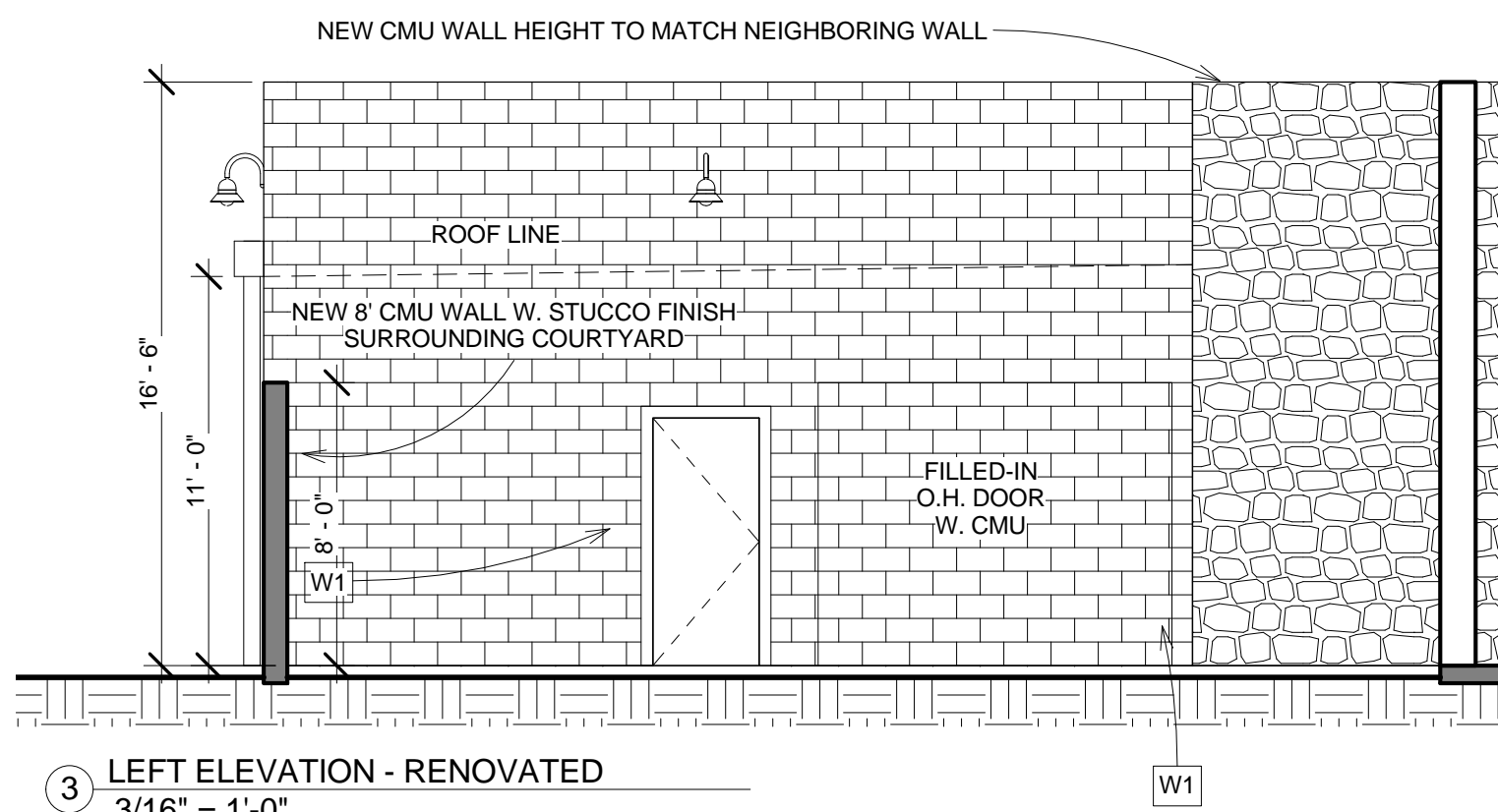
5 RIGHT ELEVATION - RENOVATED  
3/16" = 1'-0"



(W3) STUCCO - TONY TAUPE SW 7038



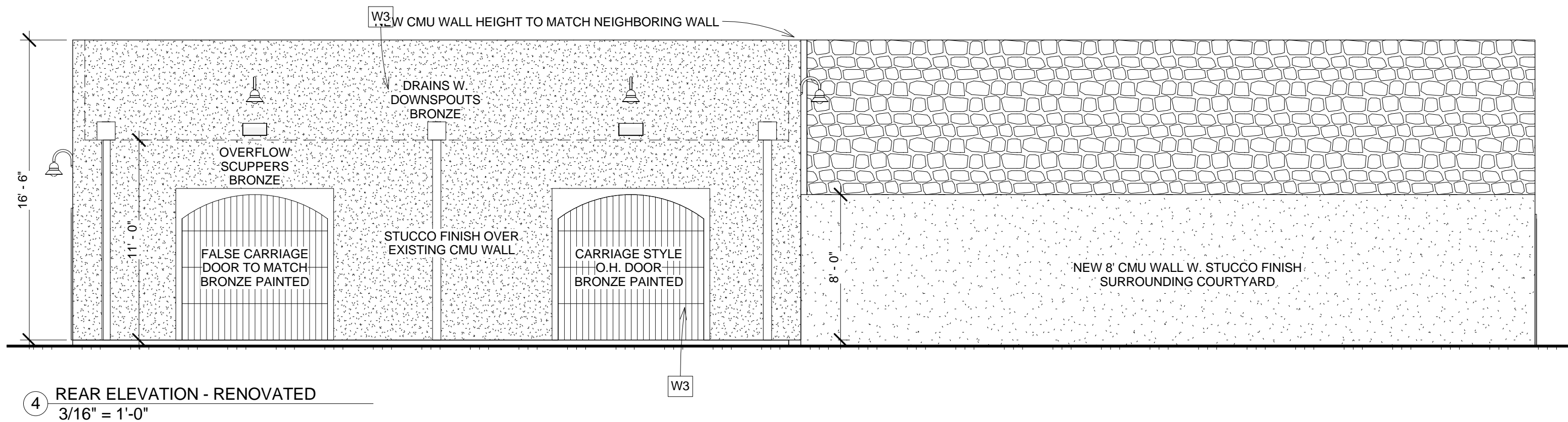
1 FLOOR PLAN - RENOVATED  
1/8" = 1'-0"



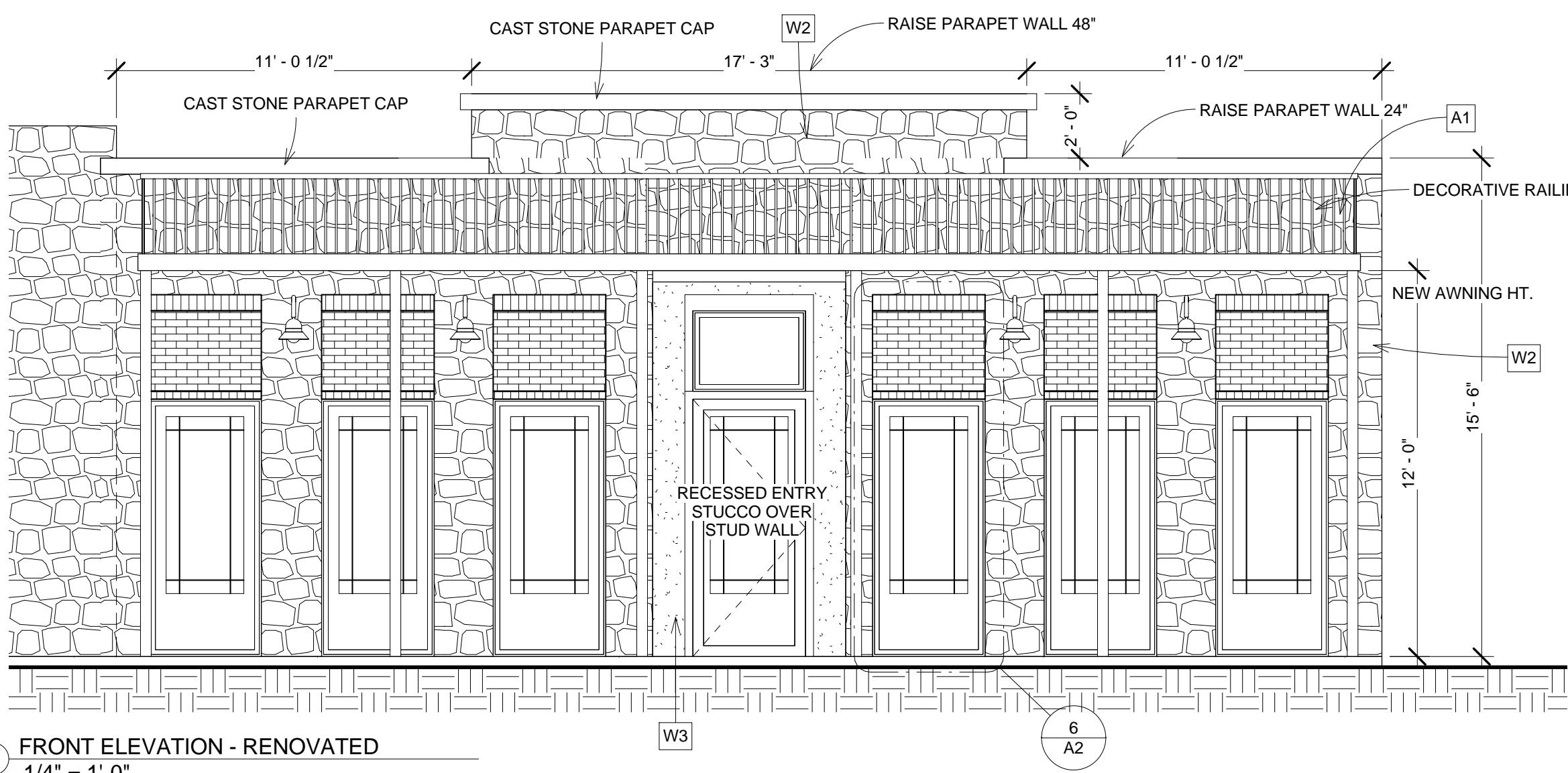
3 LEFT ELEVATION - RENOVATED  
3/16" = 1'-0"



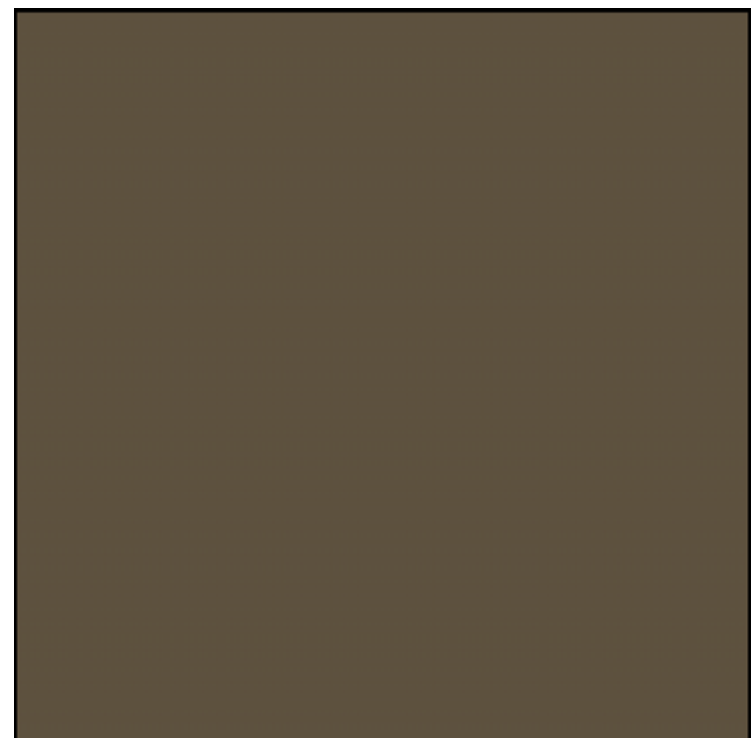
(W2) STONE - MERIDIAN - CHOP BLOCK



4 REAR ELEVATION - RENOVATED  
3/16" = 1'-0"

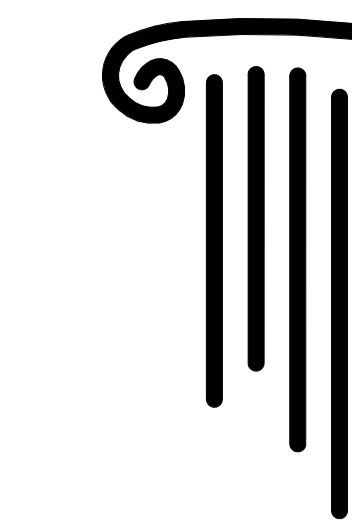


2 FRONT ELEVATION - RENOVATED  
1/4" = 1'-0"



WINDOW TRIM - BEST BRONZE - SW6160

EXTERIOR FINISHES	
NAME	DESCRIPTION
W1	CMU - PAINTED - TONY TAUPE SW7038
W2	STONE - MERIDIAN - CHOP BLOCK LESTONE
W3	STUCCO FINISH - TONY TAUPE SW7038
A1	METAL AWNING - BEST BRONZE SW6160
	WINDOW & DOOR TRIM - BEST BRONZE SW6160



Bob Thomas, NCARB  
Registered Architect

30418 Briarcrest Dr.  
Georgetown, TX 78628  
512-635-0621  
btncarb@yahoo.com

"REVIEW ONLY"  
NOT FOR REGULATORY  
APPROVAL, PERMITTING  
OR CONSTRUCTION

ESQUIRE BUILDING  
REMODEL  
106 W. CENTRAL AVE.  
BELTON, TX

Revisions		
No.	Date	Description
1		
2		
3		
4		
File:		ME 01
Scale:		As indicated
By:		SRE
Date:		1-16-19

Sheet Name  
RENOVATED  
PLANS

Sheet No.

A2





Planning Department

Date

Recommended

Rejected

## FACADE IMPROVEMENT GRANT PROGRAM APPLICATION

Applicant's Name: Jo MAPEL Date: 1-22-2019  
Business Name: CENTRAL AVENUE LLC  
Contact Person: Jo Mapel & T.C. LIPE  
Mailing Address: 501 BRIT BAILEY BLVD, ANGLETON, TX 77515  
Phone: 979-285-7946 / 281-802-1394 Fax: N/A  
E-mail: jmapel@gmail.com / TC@TCLipe.com

Details of Planned Improvements (attach additional paper if necessary).

See prior submissions

If you are using a contractor (not required), please list the names of contractors from whom you have received proposals (list in order of preference):

1. EDWARDS CONSTRUCTION
2. \_\_\_\_\_
3. \_\_\_\_\_

Bids shall be submitted on the contractor's letterhead and shall contain the contractor's name, address, telephone number, and shall itemize the bid in a manner that allows city staff to determine the authenticity of the bid. If you are doing the work yourself, please have costs or bids prepared for materials and labor.

Total cost of improvement project: \$ 134,410

Amount of Grant requested: \$ 20,000

Amount to be paid by the applicant: \$ 114,410

Anticipated completion date: 120 days after plan approval

Mapel

Applicant's signature

1-24-2019

Date



I understand that, if I am awarded a Facade Improvement Incentive Grant by the City of Belton, any deviation from the approved project may result in the partial or total withdrawal of the Facade Improvement Grant. Upon completion, the facade must be maintained for a period of 3 years from the time of construction. If the facade is altered for any reason within 3 years of construction, I will be required to reimburse the City of Belton immediately for the full amount of the Facade Improvement Grant.

*Mayor Approval* *Date*



01/24/2019

Mr. TC Lipe  
Central Avenue, LLC  
501 Brit Bailey Blvd  
Angleton, TX 77515

RE: The Esquire Exterior Renovation  
106 W. Central Ave  
Belton, TX

Dear TC:

We appreciate the opportunity of presenting you with a bid in the amount of **one hundred thirty four thousand four hundred ten & 00/XX Dollars (\$134,410.00)** for the The Esquire Exterior Renovations project. See attached for schedule of values.

Please see below for qualifications/clarifications regarding our proposal:

1. We exclude engineering.
2. We exclude architect and engineer's design fees.
3. We exclude utility impact fees.
4. We exclude plan review fees.
5. We exclude building permit fees.
6. We exclude performance and payment bond.
7. ***We include renovation sales tax.***
8. We exclude contaminated and hazardous materials and work related with them.
9. We exclude materials testing and inspection cost.
10. We exclude unforeseeable subsurface concealed conditions.
11. ***We have assumed being able to shut down public access and utilize the front sidewalk along Central Avenue throughout construction. We exclude city fees, rehabilitation and/or repair of sidewalk.***
12. We exclude all site work. This includes but not limited to erosion control, grading, site utilities, storm drainage, paving, landscaping, site amenities, site electric, site gas, etc.
13. We assume the canopy and deck to be painted.
14. We have included a Roof Patch/Repair, Scuppers & Downspouts Allowance of \$5,000.
15. We exclude exterior insulation. To be provided in TI construction
16. We have assumed a 2" x 4.5" clear anodized or dark bronze aluminum storefront windows using 1" OA Solarban 60 glass.
17. We exclude all interior work.
18. We exclude all signage including exterior address & tenant signage.
19. We exclude all electrical lighting. To be provided in TI construction.

Please do not hesitate to call me if you have questions in regard to our proposal. We're excited about this project and look forward to working with you!





Sincerely,

**Edwards Construction**

A handwritten signature in black ink, appearing to be "ME", is positioned above a long, horizontal black line that extends to the right.

Marcus Edwards

# Edwards Construction

## The Esquire - Exterior Renovations Schedule of Values

01/24/19

S.F. : 4,800

SPEC #	ITEM NO.	DESCRIPTION	COST	COST PSF
		TRAFFIC CONTROL, PEDESTRIAN CONTROL & TEMP FENCE	\$2,700	\$0.56
		DUMPSTERS & HAULOFF	\$4,000	\$0.83
		SCREEN WALL FOOTING	\$5,427	\$1.13
		SCREEN WALL CMU & STUCCO	\$9,460	\$1.97
		SCREEN WALL GATE	\$3,500	\$0.73
		FRONT FAÇADE DEMO	\$3,245	\$0.68
		WOOD FRAME, SHEATH & WRAP FRONT ELEVATION	\$7,250	\$1.51
		MISC. WATERPROOFING, DAMPROOFING & JOINT SEALANTS	\$900	\$0.19
		BRICK, STONE & STUCCO AT FRONT ELEVATION	\$5,400	\$1.13
		CMU AT INFILLED OPENINGS & PARAPET CAPS	\$4,703	\$0.98
		STUCCO AT REAR	\$3,163	\$0.66
		ROOF PATCH/REPAIR, SCUPPERS, DOWNSPOUTS - ALLOWANCE	\$5,000	\$1.04
		METAL CANOPY & RAILING	\$14,500	\$3.02
		EXTERIOR HM DOORS	\$1,760	\$0.37
		STOREFRONT WINDOWS	\$6,310	\$1.31
		GARAGE DOORS	\$4,510	\$0.94
		EXTERIOR PAINTING	\$11,166	\$2.33
		TRADE REQUIREMENTS	\$3,950	\$0.82
SUBTOTAL			\$96,943	\$20.20
		GENERAL CONDITIONS	\$19,713	\$4.11
		INSURANCE	\$1,598	\$0.33
		OVERHEAD & PROFIT	\$5,913	\$1.23
		RENOVATION TAX	\$10,244	\$2.13
GRAND TOTAL:			\$134,410	\$28.00

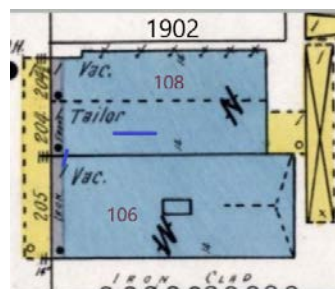
## HISTORY OF 106 W. CENTRAL, BELTON, TX

The Sanborn Fire Insurance map of Belton, TX in 1885 shows a small frame structure at the location of 106 W. Central, (at that time the street was named Cross). The structure is labeled Tailor. Link to Sanborn map of 1885: <http://www.historicmapworks.com/Map/US/1596251/>

The Sanborn Fire Insurance map of Belton, TX in **August 1891** identifies two small frame structures, but it is unclear from the map if the structures are on 106 or 108 W. Cross Avenue (Central Avenue). There is no identification as to the purpose of the buildings / sheds. Link to Sanborn map of 1891: [https://www.loc.gov/resource/g4034bm.g4034bm\\_g084281891/?sp=3&r=-0.084,0.166,0.542,0.938,0](https://www.loc.gov/resource/g4034bm.g4034bm_g084281891/?sp=3&r=-0.084,0.166,0.542,0.938,0)

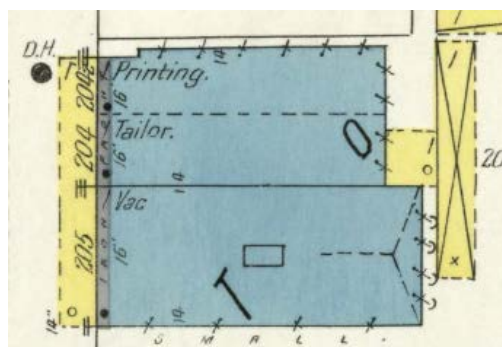
The Sanborn Fire Insurance map of Belton, TX in **January 1896** identifies the current structure as a stone building on the site of 106 W. Cross Avenue (Central Avenue). The building at 106 shares a common stone wall with 108 W. Central. The symbols on the map indicate the front of the building has a metal fence (or gate) with an awning extending out from the front of the building. The map indicates the building was used for dry goods (D.G.) and Clothing (Clo). Adjacent to the rear of the building was a "Wagon Yard". Link to Sanborn map of 1896: [https://www.loc.gov/resource/g4034bm.g4034bm\\_g084281896/?sp=2&r=0.491,0.316,0.257,0.133,0](https://www.loc.gov/resource/g4034bm.g4034bm_g084281896/?sp=2&r=0.491,0.316,0.257,0.133,0)

The Sanborn Fire Insurance map of Belton, TX in **1902** shows the current structure at 106 W. Cross Avenue (Central Avenue) with 14 foot height of the walls from the ground to the roof on the west and east side. It does not indicate any windows on the rear or east side. No mention is made of the wood floors since in ordinary construction floors are assumed to be of wood unless specifically noted. There is a setback from the sides of the building with a notation "IRON FRONT" that extends across both the building at 106 and 108 W. Cross Avenue (Central Avenue). Extending from the 1st story on the front of the building is an awning indicated by the broken line. The roof is wood covered with a composition roofing paper, as indicated by the small black dot in the southeast corner. There is a 14" parapet above the roof indicated by the two hash-marks on the yellow awning. Link to Sanborn map of 1902: <http://www.historicmapworks.com/Map/US/1596260/Plate+002/Belton+1902/Texas/>

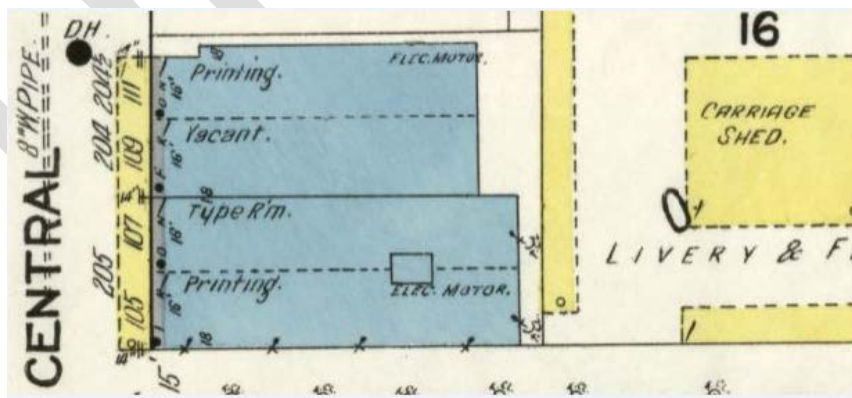




The **October 1907** Sanborn Fire Insurance map of Belton, TX shows a stone building with 14' height from the ground to the roofline on the interior wall and alley side. There are no openings in the wall between the buildings. The map shows 4 window openings on the first floor along the alley. The notation "small" on the map may apply. The map shows four windows in the rear of the building with tin clad shutters. The building is listed as vacant. Link to Sanborn map of 1907: <https://www.loc.gov/resource/g4034bm.g08428005/?sp=2>

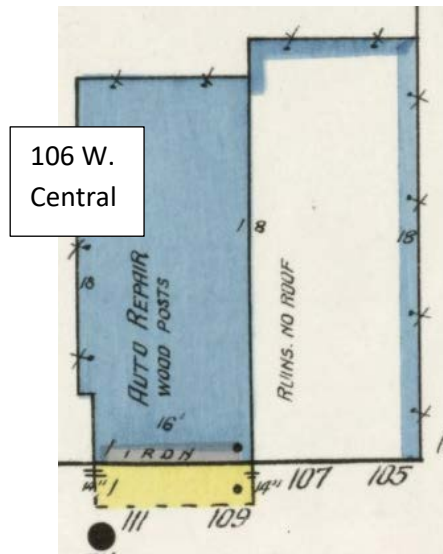


The Sanborn Fire Insurance map of Belton, TX in 1912 shows the building very similar to the map of 1907, but it provides more information. There is an 18 foot thick party wall on the west and an 18 foot thick stone wall with 4 windows on the alley side. The map also shows 2 iron clad windows in the rear wall. The height of the front wall is noted as 16 feet from the ground to the roof a parapet extending 14" past the roof level. The map continues to indicate an iron fence for the front of the building, possibly an iron "gate." Two businesses occupy the building. The west side was used as a type room, the other printing with a wall between.



The Sanborn Fire Insurance map of Belton, TX in 1921 shows a damaged structure labeled “Ruins No Roof.” There is an existing west stone party wall 18 feet wide and it appears a stone wall 18 inches wide on the east wall and the north wall of the structure. The Sanborn maps indicated width of walls by splitting the numbers indicating the thickness on either side of the wall. Link to the Sanborn Map of 1921:

<http://www.historicmapworks.com/Map/US/1596281/Plate+002/Belton+1921/Texas/>



There are no Sanborn Fire Insurance maps of Belton after 1921. This photo of the 1913 Nolan Creek flood shows the building in the background, however it is not clear enough to identify details.



Interpretations of symbols on Sanborn Maps were from these sources:

[http://www.dahp.wa.gov/sites/default/files/SanbornMapGuide\\_1942.pdf](http://www.dahp.wa.gov/sites/default/files/SanbornMapGuide_1942.pdf)

<http://www.historicalinfo.com/fimo-interpret-sanborn-maps/>

<https://www.loc.gov/rr/geogmap/sanborn/san2a.html>

[http://web.mit.edu/thecity/resources/abbreviations\\_for\\_sanborn\\_maps.pdf](http://web.mit.edu/thecity/resources/abbreviations_for_sanborn_maps.pdf)

Photos taken in 1996.





**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY DESIGNATING THE DOWNTOWN BELTON COMMERCIAL HISTORIC DISTRICT, LOCATED GENERALLY BETWEEN 2ND AVENUE AND NOLAN CREEK AND PEARL STREET AND PENELOPE STREET.**

**WHEREAS**, the Belton City Council adopted Ordinance No. 2012-18 which created an Historic Preservation Commission and established procedures for designating historic districts and landmarks in the City of Belton; and

**WHEREAS**, the Commission's recommendation to the City Council for this historic district comes after a survey of local historic properties having the potential for designation was developed, and study of the historic characteristics of the area recommended for designation; and

**WHEREAS**, a designation application for this historic district setting forth the physical description, a statement of significance, a map of the proposed boundary, and representative photographs thereof have been prepared, and a copy of the Statement of Significance for this historic district is attached as Exhibit "A"; and

**WHEREAS**, the City conducted City-wide and area-specific information meetings outlining the intent of an historic district designation, providing an opportunity for residents and property owners to explore issues of renovation, demolition, new construction, and associated review processes; and

**WHEREAS**, the Historic Preservation Commission held a public hearing on November 5, 2012, followed by a public hearing held by the Planning & Zoning Commission on November 20, 2012, for the purpose of allowing discussion and public comment on this proposed historic district designation; and both Commissions found that the historic and architectural significance of this district merits the protection of the properties located within the district; and

**WHEREAS**, based upon consideration of the recommendation and the Statement of Significance, the City Council finds that the proposed historic district does constitute a geographically definable area, urban or rural, which contains places, sites, buildings, structures, or works of art, or a combination thereof, which have special character or special historical or cultural interest or value, or represent one or more periods or styles of architecture typical of one or more eras in the history of the City of Belton, Texas.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, THAT:**

**SECTION I.** The boundary setting forth the proposed Downtown Belton Commercial Historic District, located generally between 2nd Avenue and Nolan Creek and Pearl Street and Penelope Street, is designated by the Belton City Council, and said historic district is hereby established. A copy of the historic district and possible landmarks within the district is included in Exhibit "A" attached to this ordinance and incorporated herein.

**SECTION II.** Section 29 of the Zoning Ordinance, entitled Historic Preservation Overlay District, is hereby amended to include the Downtown Belton Commercial Historic District; and

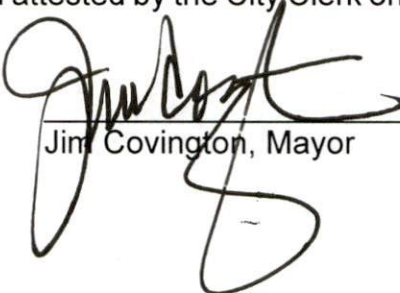
83

**SECTION III.** If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

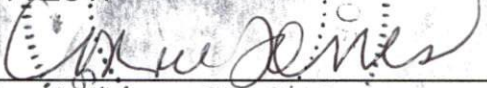
**SECTION IV.** This ordinance shall be in full force and effect from and after its passage by the Belton City Council.

This ordinance was presented at the stated meeting of the City Council of the City of Belton and upon reading was passed and adopted by the City Council on the 27th day of November, 2012, by a vote of 5 ayes and 0 nays.

**SIGNED AND APPROVED** by the Mayor and attested by the City Clerk on this the 27th day of November, 2012.

  
\_\_\_\_\_  
Jim Covington, Mayor

ATTEST:

  
\_\_\_\_\_  
Connie Torres, City Clerk





**Downtown Belton Commercial Historic District  
Designation Application  
November 2012**

**Statement of Significance**

Basis for Designation

The Downtown Belton Commercial Historic District was listed on the National Register of Historic Places, and is nominated for local designation, under Criterion C: "Embodiment of the distinctive characteristics that represent a significant and distinguishable entity whose components may lack individual distinction."

The Downtown Belton Commercial Historic District is further nominated for designation under Criterion A, "Association with events that have made a significant contribution to the broad patterns of our history," on the basis of its association with the commercial development of the city as a governmental, banking, trading, and cotton processing center. The earliest downtown buildings still extant were built in 1870, and the latest historic government buildings were constructed in the 1950s; therefore, the period of significance for this district is 1870-1959.

This designation is to be based on the general character of the proposed historic district.

The district contains 120 parcels; 23 are parking lots. In total, 97 parcels contain buildings, and 45 of those (46.4%) are Contributing.

The Origin/Founding of the Area

The City of Belton, Texas, is the county seat of Bell County. Belton is located about halfway between Austin, the state capitol, and Waco on Interstate 35, the major north-south highway in central Texas.

Until the 19th century, this region was home to a number of Native American peoples, including the Tonkawa, Lipan Apache, Waco, Anaderkoe, Kiowa, and Comanche tribes. English-speaking settlers began to arrive in the 1830s, and by the time Bell County was established in 1850, both white settlers and black slaves made their home in the area.

The settlement of Nolansville (originally Nolan Springs) was designated as the county seat, and Matilda Connell and her third husband, Thomas J. Allen, donated 120 acres out of the Matilda F. Connell League for the town. Nolansville was platted in a generally north-south/east-west grid pattern, with a large central courthouse square, and lots for sale were advertised in the Galveston newspaper. A post office was established, and the town's name changed to Belton, in 1851.



## Historical Development

During the 1850s, merchants and tradespeople began to construct buildings — first made of wood — around the main square. The original log courthouse was replaced by a two-story limestone structure in 1859. The cattle boom that followed the Civil War resulted in an economic boost for Belton, as it was located along the Chisholm Trail, a major cattle-driving route between southern Texas and the stockyards in Kansas and Missouri. Sheep ranches were also plentiful in Bell County during the 1870s, and cotton was the primary cash crop. Belton became a banking center, as well as a cotton processing and shipping center.

These improving economic conditions enabled Belton merchants to replace their original log and clapboard buildings with more substantial structures made of brick and locally quarried limestone. The current Renaissance Revival-style courthouse was built in 1876 out of local limestone, designed by architect J. N. Preston. Many large homes were also built in Belton around this time. A fire in 1879 swept through the businesses on Central Avenue, north of the courthouse square, destroying the remaining wooden commercial buildings.

By the mid-1880s, Belton was booming. Served by feeder lines of two railroads — the Gulf, Colorado & Santa Fe, which connected Galveston with Dallas and points beyond, and the Missouri, Kansas & Texas (MKT) — Belton expanded to the north and east. The main railroad lines, however, ran through Temple (eight miles to the northeast) and by 1890, that town had surpassed Belton to become the largest in the county, as well as the major commercial, shipping, and banking center.

Belton continued to grow, supported largely by the cotton trade and in spite of a continuing problem with the flooding of Nolan Creek, which wraps around the downtown area to the west and south. Between 1880 and 1920, many high-style homes were built for Beltonians who had become wealthy from the cotton trade. The Baylor Female College relocated from independence, Texas, to Belton and established its campus on the west side of the city, north of Nolan Creek. The area south and west of the creek was settled predominantly by the black community.

During the Great Depression in the 1930s, the cotton industry in Bell County was greatly reduced — the result of a declining population, an unusually large proportion of financially unsustainable tenant-farming operations, and the conversion of cotton fields to livestock production. Belton's economic dependence on cotton, coupled with the general effects of the Depression, had a substantial impact on the city. Businesses closed or reduced their workforce, and many residents moved away in search of work. By 1941, the population of Belton had dropped from a high of 6,500 in 1928 to only 3,572.

Construction of new homes and businesses, which had ground to a near halt during the 1930s, began again in earnest after the opening of the Camp Hood (now Fort Hood) military base in nearby Killeen in 1942. A severe shortage of housing during World War II led to a new building boom in Belton throughout the 1940s and 1950s, particularly in the north and west parts of the city, and the population had rebounded completely by the mid-1950s. Belton's continuing growth was supported throughout the 1960s by the construction of Interstate 35 to the east of downtown.

## Architecture in the District

According to the National Register of Historic Places nomination for this district, dated 1990, most of the historic commercial buildings in Belton are located downtown, near the courthouse square. They are generally long, narrow, and rectangular in plan, although some buildings occupy more than one lot and the depths of buildings vary. In some cases, multiple storefronts are contained within a single building.

These buildings are mostly constructed of load-bearing masonry (limestone or brick); some have been covered with stucco. They feature slightly pitched roofs behind parapets. Decorative detailing includes arched window openings, pilasters, brickwork, pressed metal cornices, and cast iron storefront elements. Some buildings retain a flat awning beneath transom windows, but many storefronts have been updated with new canopies, large plate-glass display windows, and other alterations.

Downtown commercial buildings reflect three distinct periods of construction and architectural styles. The earliest buildings, built between the 1870s and the 1910s, are generally two-part commercial block structures with Italianate or Renaissance Revival elements. It is likely that the 1876 county courthouse, built in the Renaissance Revival style, influenced the design of nearby buildings. Most of these buildings are relatively tall and have a strong vertical orientation, with tall narrow arched windows, extended parapets, masonry pilasters and quoins, and cast iron columns or pilasters.

Buildings of the 1910s and 1920s are less vertically oriented (more boxy) and usually constructed of brick. One-story buildings are also common in this era. Designs are less ornamental, with fewer arched windows and more simple parapets and cornices. Some of the buildings from this era reflect a Spanish Mission or Spanish Colonial Revival influence.

During the 1920s and 1930s, only a few commercial buildings were constructed in Belton, due to the depressed economy and declining cotton industry. The former bus station at 206 North Main Street and the Beltonian movie theater at 219 East Central Avenue are the primary examples of this period of construction and represent the Art Moderne and Art Deco styles, respectively.

In the 1950s, additional government buildings were built to serve the rebounding population, including the Central Fire Station (213 South Penelope Street) and Bell County Jail Annex (115 West Central Avenue), both in the Mid-Century Modern style.

Architect-designed buildings in the district include the Bell County Courthouse (1876, J. N. Preston and Sons), the Carnegie Library (1905, Smith and Moore) at 201 North Main Street, and the U.S. Post Office (1918, James A. Wetmore) at 200 North Main Street.



## Evaluation of Significance

The City of Belton has adopted the following National Register of Historic Places *Criteria for the Evaluation of Significance* to be considered in the designation of historic landmarks and districts. These include:

- A. Association with events that have made a significant contribution to the broad patterns of our history.
- B. Association with the lives of persons significant in our past.
- C. Embodiment of the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.
- D. Archaeological value, in the sense that the property has yielded, or may be likely to yield, information important in prehistory or history.

According to the National Register Bulletin No. 15, *Criteria for the Evaluation of Significance*:

A district derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties.

A district must be significant, as well as being an identifiable entity. It must be important for historical, architectural, archeological, engineering, or cultural values. Therefore districts that are significant will usually meet the last portion of Criterion C plus Criterion A, Criterion B, other portions of Criterion C, or Criterion D.

A district can comprise both features that lack individual distinction and individually distinctive features that may serve as focal points. It may even be considered eligible if all of the components lack individual distinction, provided that the grouping achieves significance as a whole within its historic context. In either case, the majority of the components that add to the district's historic character, even if they are individually undistinguished, must possess integrity, as must the district as a whole.

A district can contain buildings, structures, sites, objects, or open spaces that do not contribute to the significance of the district. The number of noncontributing properties a district can contain yet still convey its sense of time and place and historical development depends on how these properties affect the district's integrity.

The Downtown Belton Commercial Historic District is eligible for designation under Criterion C, and under Criterion A on the basis of its association with the commercial development of the city as a governmental, banking, trading, and cotton processing center. Additional



governmental facilities were built in the 1950s, including the mid-century Central Fire Station (213 South Penelope) and Bell County Jail Annex (115 West Central).

The earliest downtown buildings still extant were built in 1870, and the latest government buildings were constructed in the 1950s; therefore, the period of significance for this district is 1870–1959.

#### Evaluation of Contributing/Non-Contributing Status

Each property in the Downtown Belton Commercial Historic District has been classified as Contributing or Non-Contributing on the basis of its age (requiring construction during the period of significance) and its historic integrity.

According to the City of Belton Historic Preservation Ordinance (2012):

*Historic integrity* refers to the survival of physical characteristics that existed during the property's prehistoric or historic period. The seven qualities that together create historic integrity are *location, design, setting, materials, workmanship, feeling, and association*. Historic integrity enables a property to illustrate significant aspects of its past. Not only must a property resemble its historic appearance, but it must also retain physical materials, design features, and aspects of construction dating from the period when it attained significance. The integrity of archeological resources is generally based on the degree to which remaining evidence can provide important information. All seven qualities do not need to be present for eligibility as long as the overall sense of past time and place is evident.

Over the years, many of the buildings in the Downtown Belton Commercial Historic District have been altered, some inappropriately. Although several original storefronts still exist — and should be preserved — the replacement of wooden or cast iron storefronts with aluminum window walls and modern display windows was so common in the mid-20th century that these changes are excluded as a basis for classifying Contributing buildings.

A total of 45 buildings are currently classified as Contributing to this district. Some inappropriate alterations (such as the addition of “slipcover” overlays on facades that cover, but do not remove historic building elements and materials) may be reversible, and the restoration of these buildings could result in a reclassification from Non-Contributing to Contributing in the future.

#### References

*Historic and Architectural Resources of Belton, Texas*, Multiple Property Submission, National Register of Historic Places, 1990. Prepared by Victor & Victor, Inc.

*Historic Resources Survey of Belton, Texas*, 2012. Prepared by McDoux Preservation LLC.

National Register of Historic Places Bulletin No. 15, Criteria for the Evaluation of Significance, 1990 (revised 1997).

City of Belton, Texas  
Downtown Belton Commercial Historic District  
Inventory

2012 Site #	2006 ID#	1985 Site #	Prev. Street #	2012 St #	St. Dir.	Street Name	Legal Description	Est. Constr. Date	Architectural Style	Contributing / Non-Contr.
CHD-001	N/A	14	118	No #	W	2ND AVE	BELTON ORIGINAL, BLOCK 015, LOT PT 3, (MIDDLE PT OF 3, 93' X 130' X 20' X 20' X 80' X 41' X 11')	N/A	Parking Lot	N
CHD-002	N/A	N/A	N/A	No #	W	2ND AVE	BELTON ORIGINAL, BLOCK 015, LOT PT 2, (S 40' OF W 50' OF 2 & S 90' OF N 110' OF W 90' OF 2), ACRES .2273	N/A	Parking lot	N
CHD-003	N/A	N/A	N/A	No #	W	2ND AVE	BELTON ORIGINAL, BLOCK 015, LOT PT 1, 2, (W 25' OF S 90' OF N 110' OF 1 & S 40' OF E 75' OF 1 & E 10' OF S 90' OF N 110' OF 2)	N/A	Parking lot	N
CHD-004	N/A	N/A	N/A	No #	W	2ND AVE	BELTON ORIGINAL, BLOCK 015, LOT PT 1, (MIDDLE PT OF 1, 50' X 53' X 29' X 29' X 75')	N/A	Parking lot	N
CHD-005	N/A	N/A	N/A				Part of City Parking Lots	N/A	Parking Lot	N
CHD-006	N/A	N/A	N/A				Part of City Parking Lots	N/A	Parking Lot	N
CHD-007	N/A	N/A	206	206	N	MAIN ST	BELTON ORIGINAL, BLOCK 015, LOT PT 1, 2, (S 40' X 150' OF 1 & 2), ENGINEER'S OFFICE, ACRES .1377	1930	Art deco /moderne bus station with Carrara tile front	C
CHD-008	N/A	N/A	201	201	N	PEARL ST	BELTON ORIGINAL, BLOCK 015, LOT 4, PT 1-5, (W 50' OF 1-5, S 73' OF 3, LESS 20' X 20' NE COR)	N/A	Parking lot	N
CHD-009	N/A	N/A	N/A				Part of City Parking Lots	N/A	Parking Lot	N
CHD-00A	N/A	N/A					Part of CHD-00B			N
CHD-00B	N/A	N/A	N/A	201	E	2ND AVE	BELTON ORIGINAL, BLOCK 006, LOT PT 2-4, (3, LESS N PT 70' X 20' X 20' X 57' & W 20' OF 2 & N 25' OF 4), TU ELECTRIC OFFICE	1982	Modern office building	N
CHD-00CD	N/A	N/A	No #	204	N	EAST ST	BELTON ORIGINAL, BLOCK 007, LOT PT 1, 4, (S PT OF 1, 131' X 100' X 25' X 106' X 85' X 9' & N 180' OF 4), VICTORIAN SQUARE	1980	Modern office building	N
CHD-010	N/A	N/A	N/A				Part of City Parking Lots	N/A	Parking Lot	N



City of Belton, Texas  
Downtown Belton Commercial Historic District  
Inventory

2012 Site #	2006 ID#	1985 Site #	Prev. Street #	2012 St #	St. Dir.	Street Name	Legal Description	Est. Constr. Date	Architectural Style	Contributing / Non-Contr.
CHD-011	B196	82	200	200	N	MAIN ST	BELTON ORIGINAL, BLOCK 015, LOT 6, PT 5, (E 1/2 OF 5), ACRES .5165	1916	Historic brick post office	C
CHD-012	N/A	N/A	N/A	No #	W	2ND AVE	BELTON ORIGINAL, BLOCK 007, LOT PT 2, (S 55' OF N 75' OF W 92' OF 2, 55' X 92' X 26.47' X 37.85' X 68.15')	N/A	Parking lot	N
CHD-013	N/A	N/A	211	211	N	MAIN ST	BELTON ORIGINAL, BLOCK 007, LOT PT 2, 3, (S 75' OF W 92' OF 2 & N 20' OF W 92' OF 3)	2006	Modern building	N
CHD-014	N/A	N/A	N/A				Part of CHD-013			N
CHD-015	B367	83	201	201	N	MAIN ST	BELTON ORIGINAL, BLOCK 007, LOT PT 3, (E 92' OF S 130' OF 3)	1904	Carnegie Library	C
CHD-016	B174	N/A	201	201	N	MAIN ST	BELTON ORIGINAL, BLOCK 007, LOT PT 4, (S 92' X 50' OF 4), DIGBY TRACT	N/A	Parking lot	N
CHD-017	B175	53	203	203	N	EAST ST	BELTON ORIGINAL, BLOCK 006, LOT PT 4, (S 50' OF N 75' OF 4), THE BARGAIN BARN	?	One-part commercial block	C
CHD-018	B174	N/A	201	201	N	EAST ST	BELTON ORIGINAL, BLOCK 006, LOT PT 4-6, (S 1/2 OF 4, 5 & 6)	1880	Historic MK&T depot	C
CHD-019	B154	91&92	204	204	N	PENELOPE ST	BELTON ORIGINAL, BLOCK 006, LOT PT 5, 6, (N 1/2 OF 5 & 6) STORE & DINER	1930, 1975	One-part commercial block	C
CHD-020	N/A	N/A	N/A				Part of CHD-018			C
CHD-021	B152	94	210	210	N	PENELOPE ST	BELTON ORIGINAL, BLOCK 006, LOT PT 1, 2, (N 103' OF 1 & N 103' OF E 80' OF 2), BELTON JOURNAL	1950, 1960	One-part commercial block	C
CHD-022	B153	93	206	206	N	PENELOPE ST	BELTON ORIGINAL, BLOCK 006, LOT PT 1, 2, (S 47' OF 1 & S 47' OF E 80' OF 2), B J FLOWERS	1950, 1960	One-part commercial block	N
CHD-023	N/A	N/A	N/A				Part of CHD-019			N
CHD-024	N/A	N/A	N/A				Part of CHD-018			N
CHD-025	N/A	N/A	117	117	N	PEARL ST	BELTON ORIGINAL, BLOCK 016, LOT 3, OLD ASC OFFICE	1950?	Brick industrial building	N

City of Belton, Texas  
Downtown Belton Commercial Historic District  
Inventory

2012 Site #	2006 ID#	1985 Site #	Prev. Street #	2012 St #	St. Dir.	Street Name	Legal Description	Est. Constr. Date	Architectural Style	Contributing /Non-Contr.
CHD-026	N/A	N/A	108	108	W	1ST AVE	BELTON ORIGINAL, BLOCK 016, LOT 2, PT 5, (N 30' OF E 80' OF 5), ADULT PROBATION-COURT UNIT	N/A	Parking Lot	N
CHD-027	N/A	N/A	115	115	W	CENTRAL AVE	BELTON ORIGINAL, BLOCK 016, LOT 0004, JAIL	1955	County Jail Annex	C
CHD-028	N/A	N/A	No #	No #	W	CENTRAL AVE	BELTON ORIGINAL, BLOCK 016, LOT PT 5, (W 20' OF N 50' OF 5)	N/A	Parking lot	N
CHD-029	B41	N/A	108	108	W	CENTRAL AVE	BELTON ORIGINAL, BLOCK 016, LOT PT 5, (S 100' OF W 58' OF 5), AMERICAN BAIL BOND	1900, 1945	One-part commercial block with cast iron storefront	C
CHD-030	B40	N/A	106	106	W	CENTRAL AVE	BELTON ORIGINAL, BLOCK 016, LOT PT 5, (E 42' OF S 100' OF 5 & E 80' OF S 20' OF N 50' OF 5), A-1-A BAIL BOND	1965	One-part commercial block	N
CHD-031	B197	CBD-081	130	130	N	MAIN ST	BELTON ORIGINAL, BLOCK 016, LOT PT 1, (N 25' OF E 85' OF 1), BELTON THRIFT STORE	1890, 1960	One-part commercial block	N
CHD-032	B198	N/A	128	128	N	MAIN ST	BELTON ORIGINAL, BLOCK 016, LOT PT 1, (S 25' OF N 50' OF E 85' OF 1), BELTON PRINTING	1900, 2000	One-part commercial block	N
CHD-033	N/A	CBD-079	118	118	N	MAIN ST	BELTON ORIGINAL, BLOCK 016, LOT PT 1, (S 22.25' OF N 72.25' OF E 85' OF 1), ACRES .0574	1930, 1950	One-part commercial block	C
CHD-034	B200	CBD-078	116	116	N	MAIN ST	BELTON ORIGINAL, BLOCK 016, LOT PT 1, (N 25' OF S 77.75' OF E 85' OF 1), LAW OFFICE-TED POTTER, ACRES .0574	1895	Two-part commercial block	C
CHD-035	B201	CBD-077	114	114	N	MAIN ST	BELTON ORIGINAL, BLOCK 016, LOT PT 1, (N 23.5' OF S 52.75' OF E 85' OF 1)	1895	Two-part commercial block	C
CHD-036	B202	CBD-076	112	112	N	MAIN ST	BELTON ORIGINAL, BLOCK 016, LOT PT 1, (N 22.85' OF S 29.25' OF E 85' OF 1), SHEFFIELD LAW OFFICE	1895, 1955	Two-part commercial block	N



City of Belton, Texas  
Downtown Belton Commercial Historic District  
Inventory

2012 Site #	2006 ID#	1985 Site #	Prev. Street #	2012 St #	St. Dir.	Street Name	Legal Description	Est. Constr. Date	Architectural Style	Contributing / Non-Contr.
CHD-037	B203	CBD-073	110	110	N	MAIN ST	BELTON ORIGINAL, BLOCK 016, LOT PT 1, 6, (E 85' OF N 50' OF 6 & S 6.4' OF 1), MAIN STREET PROFESSIONAL BUILDING	1940, 1970	One-part commercial block	N
CHD-038	B204	CBD-072	108	108	N	MAIN ST	BELTON ORIGINAL, BLOCK 016, LOT PT 6, (S 25' OF N 75' OF E 85' OF 6), SIERRA MANAGEMENT	1925, 1955	One-part commercial block	C
CHD-039	B204	CBD-071	106	106	N	MAIN ST	BELTON ORIGINAL, BLOCK 016, LOT PT 6, (N 25' OF S 75' OF 6) SIERRA MANAGEMENT, ACRES .0574	1925, 1955	One-part commercial block	C
CHD-040	B205	CBD-070	102	102	N	MAIN ST	BELTON ORIGINAL, BLOCK 016, LOT PT 6, (N 26.1' OF S 50' OF 6), ANDERSON & WHITE BAIL BOND	1895, 1930	Two-part commercial block with enframed window wall	C
CHD-041	N/A	N/A	100	100	N	MAIN ST	BELTON ORIGINAL, BLOCK 016, LOT PT 6, (S 23.9' X 100' OF 6), LAW OFFICE	1895, 1930	Two-part commercial block	C
CHD-042	B369	N/A	115	115	N	MAIN ST	BELTON ORIGINAL, BLOCK 008, LOT PT 2, (N 70.3' OF 2), DOYLE'S AUTO	1965	One-part commercial block	C
CHD-043	N/A	N/A	N/A	No #	N	MAIN ST	BELTON ORIGINAL, BLOCK 008, LOT PT 2, (N 20' OF S 82' & 1' OF 2), ACRES .0459	N/A	Parking lot	N
CHD-044	N/A	N/A	N/A	No #	N	MAIN ST	BELTON ORIGINAL, BLOCK 008, LOT PT 2, 3, (S 62' OF 2, N 50'X 91.56'X 23.08'X 15.65' X 27.61'X 75.67' OF 3 & N 33' OF W 1/2 OF 4), ACRES 0.243	N/A	Rear addition to 104-106 Central Ave	N
CHD-044	N/A	N/A	103	103	N	MAIN ST			Auto garage	C
CHD-045	B39	CBD-016	102	102	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 008, LOT PT 3, (W 27.61' OF S 74.33' OF 3), TEXAS BAIL BOND	1900, 1970	Two-part commercial block with enframed window wall	C



City of Belton, Texas  
Downtown Belton Commercial Historic District  
Inventory

2012 Site #	2006 ID#	1985 Site #	Prev. Street #	2012 St #	St. Dir.	Street Name	Legal Description	Est. Constr. Date	Architectural Style	Contributing /Non-Contr.
CHD-046	B38	N/A	104	104	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 008, LOT PT 2, 3, (E 22.39' OF S 58.44' OF 3)	1895, 1960	Two-part commercial block	C
CHD-047	B37	N/A	106	106	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 008, LOT PT 4, (S 117' OF W 1/2 OF 4)	1895, 1960	Two-part commercial block	C
CHD-048	B36	N/A	108	108	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 008, LOT PT 4, (E 1/2 OF 4), ACRES .0861	1895, 1955	Two-part commercial block with enframed window wall	N
CHD-049	B35	CBD-021	110	110	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 008, LOT PT 5, (W 1/2 OF 5)	1925, 1960	Two-part commercial block with enframed window wall	N
CHD-050	B34	CBD-022	112	112	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 008, LOT PT 5, 6, (E 1/2 OF 5 & W 25' OF 6), BRITT DRUG CO, LIFE ESTATE, ACRES .1722	1900, 1955	Two-part commercial block, stucco	N
CHD-051	N/A	N/A	N/A				Part of CHD-050			N
CHD-052	B33	CBD-023	114	114	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 008, LOT PT 6, (E 1/2 OF 6), OLD REPUBLIC TITLE	1900, 1985	Two-part commercial block	N
CHD-053	B299	CBD-046	112	112	N	EAST ST	BELTON ORIGINAL, BLOCK 008, LOT PT 1, (SE 25' X 100' OF 1 & S 0.60' OF N 125' OF E 60.5' OF 1)	?	Two-part commercial block, stucco	N
CHD-054	N/A	N/A	N/A	No #	E	1ST AVE	BELTON ORIGINAL, BLOCK 005, LOT PT 1, 2, (S 10' OF 1 & 7' X 15' OF 2), ALLEY	N/A	Parking lot	N
CHD-055	B173	N/A	126	126	N	EAST ST	BELTON ORIGINAL, BLOCK 005, LOT PT 3, (N 30.99' OF 3), HEIDENHIEMER COFFEE SHOP	1891	One-part commercial block	C

City of Belton, Texas  
Downtown Belton Commercial Historic District  
Inventory

2012 Site #	2006 ID#	1985 Site #	Prev. Street #	2012 St #	St. Dir.	Street Name	Legal Description	Est. Constr. Date	Architectural Style	Contributing / Non-Contr.
CHD-056	B172	CBD-121	121	121	N	EAST ST	BELTON ORIGINAL, BLOCK 005, LOT PT 2, 3, (S 42' OF N 72' OF 3 & W 25' OF N 77' OF 2)	1950, 1975	One-part commercial block	N
CHD-057	B171	N/A	117	117	N	EAST ST	BELTON ORIGINAL, BLOCK 005, LOT PT 2, 3, (N 45' OF S 60' OF W 50' OF 2 & N 25' OF S 75' OF W 25' OF 2 & S 60' OF N 132' OF 3) EAST STREET PROPERTY	1920, 1975	One-part commercial block	N
CHD-058	N/A	N/A	N/A				Part of CHD-073			C
CHD-059	B169	CBD-047	113	113	N	EAST ST	BELTON ORIGINAL, BLOCK 005, LOT PT 4, (N 23' OF W 70' OF 4), LUFBURRO DENTIST	1890, 1960	Two-part commercial block	C
CHD-060	B168	N/A	111	111	N	EAST ST	BELTON ORIGINAL, BLOCK 005, LOT PT 4, (S 32' OF N 55' & E 30' OF N 23' OF 4), ACRES .0893	?	Small 1-part stuccoed comm. block	N
CHD-061B	B166	CBD-043	105	105	N	EAST ST	BELTON ORIGINAL, BLOCK 005, LOT PT 4, (33.75' X 34' OF 4), BARBER SHOP	1895, 1960	One-part commercial block	C
CHD-061B	B167	CBD-044	107	107	N	EAST ST	BELTON ORIGINAL, BLOCK 005, LOT PT 4, (32' 3" X 34' OF 4)	1895, 1960	One-part commercial block	C
CHD-062	B32	CBD-024	200	200	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 005, LOT PT 4, (E 19' OF W 53' OF S 99' & SW 34' X 33' OF 4), LAW OFFICE	1895, 1965	Two-part commercial block	N
CHD-063	B32	CBD-024	200	200	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 005, LOT PT 4, (W 25' OF E 47' OF S 99' OF 4), LAW OFFICE	1900, 1960	Two-part commercial block with driveway thru 1st floor	N
CHD-064	B31	N/A	206	206	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 005, LOT PT 4, (S 99' OF E 22' OF 4), LAW OFFICE, ACRES .0505	1922	One-part commercial block	C
CHD-065	B30	CBD-029	208	208	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 005, LOT PT 5, (W 25' OF 5), CENTRAL OFFICE PLAZA	1920	One-part commercial block	C



City of Belton, Texas  
Downtown Belton Commercial Historic District  
Inventory

2012 Site #	2006 ID#	1985 Site #	Prev. Street #	2012 St #	St. Dir.	Street Name	Legal Description	Est. Constr. Date	Architectural Style	Contributing / Non-Contr.
CHD-066	B29	N/A	210	210	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 005, LOT PT 5, (E 1/2 OF W 1/2 OF 5), MAJOR DAD'S MILITARY ANTIQUES	1925	One-part commercial block	C
CHD-067	N/A	CBD-033	212	212	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 005, LOT PT 5, (W 25' OF E 50' OF 5), PERRY OFFICE PRODUCTS, ACRES .0861	1900, 1985	Two-part commercial block	N
CHD-068	B28	N/A	214	214	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 005, LOT PT 5, (E 25' OF 5), PERRY OFFICE PRODUCTS	1985	One-part commercial block	N
CHD-069	B27	CBD-037	216	216	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 005, LOT PT 6, (W 50' OF 6), SCHIGUT'S DEPT STORE	1900, 1970	Two-part commercial block with enframed window wall	N
CHD-070	B26	CBD-042	222	222	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 005, LOT PT 6, (E 50.75' OF 6), ST JAMES PLACE ANTIQUES	1935, 1980	One-part commercial block	C
CHD-071	N/A	N/A	N/A				Part of CHD-057			N
CHD-071			202	202	E	1ST AVE			One-part comm block stone bldg	N
CHD-072	N/A	N/A	No #	No #	N	PENELOPE ST	BELTON ORIGINAL, BLOCK 005, LOT PT 2, (E 50' OF W 75' OF N 92' OF 2), ACRES .1056	N/A	Parking Lot	N
CHD-073	B170	CBD-028	115	115	N	EAST ST	BELTON ORIGINAL, BLOCK 005, LOT PT 2, 3, (S 20' OF 3 & NE 25' X 92' OF 2 & S 45' X 50' OF N 137' OF 2 & S 15' OF 2 LESS 7' X 15')	1890	Two-part commercial block with high style cast iron front	N
CHD-074	N/A	N/A	N/A				Part of CHD-072			N
CHD-075	B433	CBD-090	122	122	N	PENELOPE ST	BELTON ORIGINAL, BLOCK 005, LOT PT 1, (N 79.53' OF 1), GREATER GIFTS-RMK GALLERY	1970	One-part commercial block	N



City of Belton, Texas  
Downtown Belton Commercial Historic District  
Inventory

2012 Site #	2006 ID#	1985 Site #	Prev. Street #	2012 St #	St. Dir.	Street Name	Legal Description	Est. Constr. Date	Architectural Style	Contributing / Non-Contr.
CHD-076	N/A	CBD-089	120	120	N	PENELOPE ST	BELTON ORIGINAL, BLOCK 005, LOT PT 1, (S.60.47' OF N.140' OF 1), BREAKOUT BAIL BOND	?	One-part commercial block	N
CHD-077	N/A	N/A	N/A				Part of CHD-076			C
CHD-078	B164	CBD-055	100	100	S	EAST ST	BELTON ORIGINAL, BLOCK 004, LOT PT 5, 6, (N 15' OF E 25' OF W 85' OF N 25' OF 5 & W 85' OF 6)	1880	Two-part commercial block	N
CHD-079	B163	N/A	102	102	S	EAST ST	BELTON ORIGINAL, BLOCK 004, LOT PT 5, (W 60' OF N 25' OF 5 & S 10' OF E 25' OF W 85' OF N 25' OF 5) OFFICE	1890, 1965	Was two-part commercial block	N
CHD-080	B340	CBD-028	207	207	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 004, LOT PT 5, 6, (W 18' OF E 68' OF 5 & E 18' OF W 103' OF 6), ACRES	1890, 1960	Two-part commercial block, stucco	N
CHD-081	B341	CBD-030	209	209	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 004, LOT PT 5, 6, (W 25' OF E 50' OF N 25' OF 5 & W 25' OF E 50' OF 6), ACRES .043	1930	Two-part commercial block	C
CHD-082	B342	CBD-032	211	211	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 004, LOT PT 5, 6, (E 25' OF N 25' OF 5 & E 25' OF 6), J.A.I.L. MINISTRIES	1885, 1985	Two-part commercial block	C
CHD-083	B343	CBD-034	213	213	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 004, LOT PT 1, (W 50' OF 1), VINTAGE DAZE, ENHANCED LIFE EST,	1885, 1955	Two-part commercial block	C
CHD-084	B344	CBD-036	217	217	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 004, LOT PT 1,2, (E 25' OF W 1/2 OF 1 & 2), AS TIME GOES BY ANTIQUES	1965	Two-part commercial block	N
CHD-085	B345	CBD-038	219	219	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 004, LOT PT 1, 2, (W 32.06' OF E 75' OF 1 & N 54.56' OF W 32.26' OF E 75' OF 2), THEATER, ACRES .116	1930, 1965	Movie theater with Art Deco stucco 2nd fl	N
CHD-086	B346	N/A	221	221	E	CENTRAL AVE	BELTON ORIGINAL, BLOCK 004, LOT PT 1, 2, (E 50' OF 1 & 2), COCHRAN, BLAIR & POTTS, ACRES .2296	1884, 1930	Two-part commercial block	C
CHD-087	N/A	N/A	108	108	S	EAST ST	Part of CHD-088			N

City of Belton, Texas  
Downtown Belton Commercial Historic District  
Inventory

2012 Site #	2006 ID#	1985 Site #	Prev. Street #	2012 St #	St. Dir.	Street Name	Legal Description	Est. Constr. Date	Architectural Style	Contributing / Non-Contr.
CHD-088	B162	CBD-058	106	106	S	EAST ST	BELTON ORIGINAL, BLOCK 004, LOT PT 4, 5, (MIDDLE 16 2/3' OF 4 & N 16 2/3' OF 4 & S 1/2 OF 5)	1970	One-part commercial block	N
CHD-089	B161	CBD-060	114	114	S	EAST ST	BELTON ORIGINAL, BLOCK 004, LOT PT 4, (S 18 2/3' OF 4), LAW OFFICES	1985	Contemporary commercial	N
CHD-090	B160	CBD-045	116	116	S	EAST ST	BELTON ORIGINAL, BLOCK 004, LOT PT 2, 3, (N 13.58' OF W 49.58' OF 2 & N PT OF 3)	1970	One-part commercial block	C
CHD-091	B160	CBD-061	118	118	S	EAST ST	BELTON ORIGINAL, BLOCK 004, LOT PT 2, 3, (S 36' OF W 49.58' OF 2 & S PT OF 3), LAW OFFICE	1970	One-part commercial block	N
CHD-092	N/A	N/A	N/A				Part of CHD-093			N
CHD-093	N/A	N/A	No #	No#		WATER ST	BELTON ORIGINAL, BLOCK 004, LOT PT 2, (W 19.77' OF E 124.02' OF S 49.58' & N 48.42' OF W 50.75' OF 2), ENHANCED LIFE EST,	N/A	Parking Lot	N
CHD-094	N/A	N/A	N/A				Part of CHD-095			N
CHD-095	N/A	N/A	219	219		WATER ST	BELTON ORIGINAL, BLOCK 004, LOT PT 2, (W 29.8' OF E 75' OF S 46.10' OF 2)	?	Two-part commercial block	N
CHD-096	N/A	N/A	N/A				Part of CHD-086			C
CHD-097	N/A	N/A	111	111	S	MAIN ST	BELTON ORIGINAL, BLOCK 017, LOT ALL, (LESS THE WELL), ACRES 1.3774	1980	Modern commercial	N
CHD-098	N/A	N/A	N/A				Part of CHD-097			N
CHD-099	N/A	N/A	202, 204, 206	No#	S	MAIN ST	BELTON ORIGINAL, BLOCK 018, LOT PT 1, (W 78.03' OF N 39' OF E 100' OF 1), LODGE BLDG, ACRES .0537; BELTON ORIGINAL, BLOCK 018, LOT PT 1, (W 78.03' OF S 30' OF N 60' OF E 100' OF 1), WILLIAMS BLDG; BELTON ORIGINAL, BLOCK 018, LOT PT 1, (W 78.03' OF N 30' OF S 40' OF E 100' OF 1)	N/A	Parking Lot	N
CHD-100	N/A	N/A	202	202	S	MAIN ST	BELTON ORIGINAL, BLOCK 012, LOT 4, FR 1, 2, 3, (FR OF 1 & W 1/2 OF 3 & W 1/2 OF FR OF 2)	1895, 1930	Two-part arcaded block	C



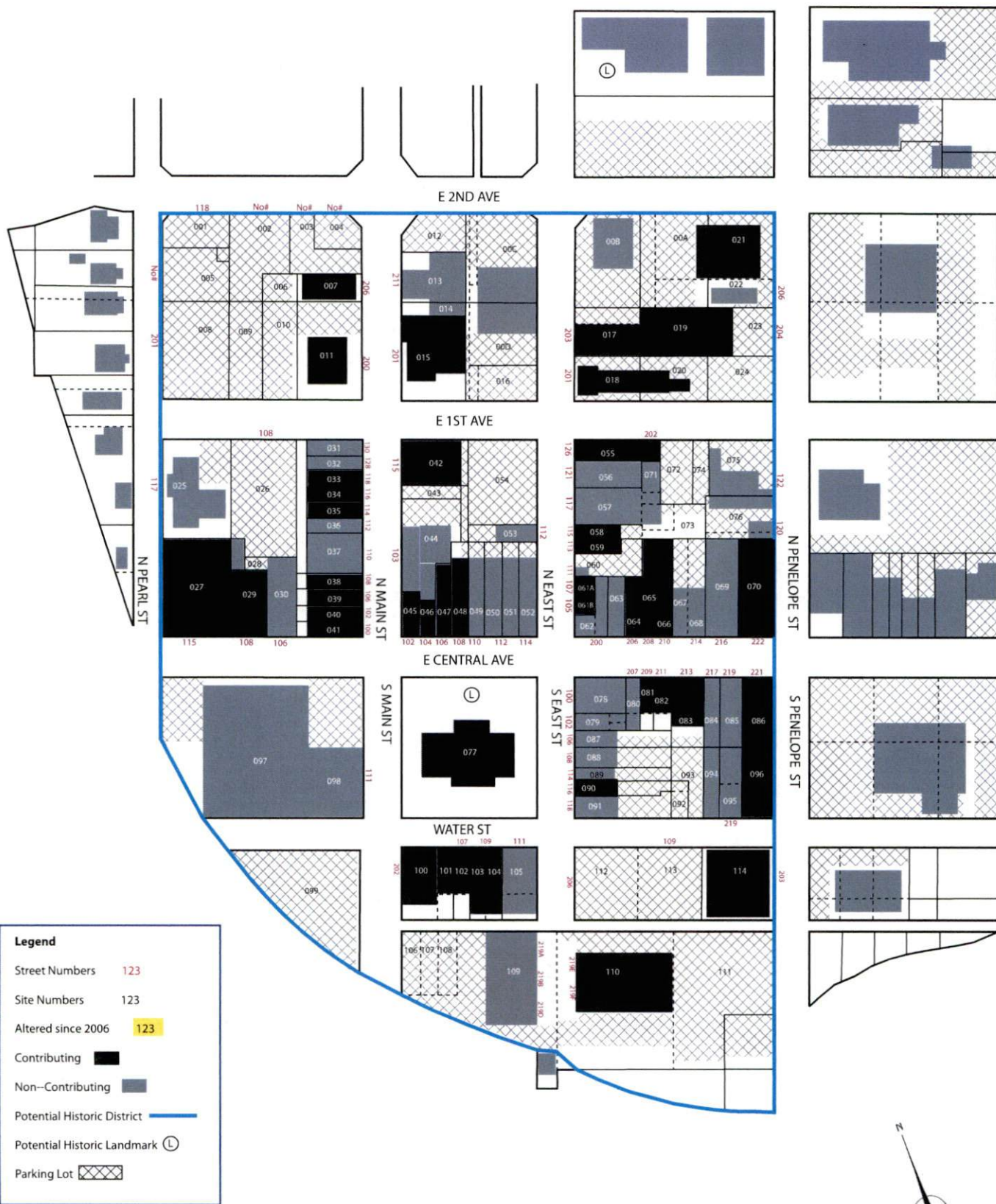
City of Belton, Texas  
Downtown Belton Commercial Historic District  
Inventory

2012 Site #	2006 ID#	1985 Site #	Prev. Street #	2012 St #	St. Dir.	Street Name	Legal Description	Est. Constr. Date	Architectural Style	Contributing / Non-Contr.
CHD-101	N/A	N/A	N/A				Part of CHD-102			C
CHD-102	B337	N/A	105-109	107		WATER ST	BELTON ORIGINAL, BLOCK 012, LOT FR 2, PT 3, (E 1/2 OF 3), ACRES .0574	1895, 1965	Two-part commercial block with enframed window wall	C
CHD-103	B337	N/A	109	109		WATER ST	BELTON ORIGINAL, BLOCK 012, LOT PT 2, FR 3, (W 1/2 OF 2 & W 1/2 OF FR 3), TULLOCH PLUMBING	1890, 2000	Two-part commercial block	C
CHD-104	N/A	N/A	N/A				Part of CHD-103			C
CHD-105	B336	N/A	111	111		WATER ST	BELTON ORIGINAL, BLOCK 012, LOT 1, PT 2, PT FR 3, 4, (FR 4 & E 1/2 OF 2 & E 1/2 FR 3), ACRES .1722	1885, 2000	One-part commercial block	N
CHD-106	N/A	N/A	N/A	No #	N	MAIN ST	BELTON ORIGINAL, BLOCK FR 46, LOT 1, PT 2, (W 1/2 OF 2), ACRES .047	N/A	Parking Lot	N
CHD-107	N/A	N/A	N/A	No #	N	MAIN ST	BELTON ORIGINAL, BLOCK FR 46, LOT PT 1, 2, (E 27.67' OF 1 & W 25' OF 2), ACRES .1074	N/A	Parking Lot	N
CHD-108	N/A	N/A	N/A				Part of CHD-107			N
CHD-109	N/A	N/A	N/A	219	S	EAST ST #A,B,D	BELTON ORIGINAL, BLOCK FR 46, LOT 3, 4, 13-15, PT 2, 16, (E PT OF 16 & E 1/2 OF 2), & 0.165AC TRACT ADJ ON EAST, FEED STORE	2010	Modern commercial	N
CHD-110	N/A	N/A	N/A	219	S	EAST ST #E,F	BELTON ORIGINAL, BLOCK 047, LOT 1, 2, 3, 10, 11, 12, & 0.248AC TRACT ADJ ON SOUTH & WEST, BELTON FARMERS CO-OP GIN CO	1927	Agricultural bldg reno to restaurant	C
CHD-111	N/A	N/A	No #	No #	S	PENELOPE ST	BELTON ORIGINAL, BLOCK 047, LOT 4-9, & 30' X 150' STRIP ON SOUTH, ACRES .7228	N/A	Parking Lot	N
CHD-112	N/A	N/A	206	206	S	EAST ST	BELTON ORIGINAL, BLOCK 013, LOT 5-6, FR 1-2, ACRES 0.2296	N/A	Parking Lot	N
CHD-113	N/A	N/A	209	209		WATER ST	BELTON ORIGINAL, BLOCK 013, LOT 3-4, FR 3-4, ACRES 0.2296	N/A	Parking Lot	N
CHD-114	B334	N/A	203	203	S	PENELOPE ST	BELTON ORIGINAL, BLOCK 013, LOT 1, 2, FR 5, 6, (FR OF 5 & 6), FIRESTATION	1959	Midcentury fire station	C



# DOWNTOWN BELTON – 2012

SHOWING PROPOSED HISTORIC DISTRICT BOUNDARIES,  
LANDMARKS, AND CONTRIBUTING PROPERTIES





Bell County  
Shelley Coston  
County Clerk  
Belton, Texas 76513

Instrument Number: 2012-00051297

Recorded On: December 13, 2012

As  
Recordings

Parties: CITY OF BELTON

To EX PARTE

Billable Pages: 19

Number of Pages: 20

Comment: ORN 2012-50

( Parties listed above are for Clerks reference only )

**\*\* Examined and Charged as Follows: \*\***

Recordings	83.00
Total Recording:	83.00

\*\*\*\*\* DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY  
because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 2012-00051297  
Receipt Number: 156080  
Recorded Date/Time: December 13, 2012 08:58:23A

**Record and Return To:**

CITY OF BELTON  
PO BOX 120  
BELTON TX 76513

User / Station: K Powell - Cash Station 2



I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Real Property  
Records in Bell County, Texas

Shelley Coston  
Bell County Clerk



**Centennial**  
1866-1966

# THE BELTON JOURNAL

25c per Copy  
40c Mailed  
(Anywhere in U. S.)

Serving Belton and Area Since 1866

AND BELL COUNTY DEMOCRAT

County Seat of Bell County

One-Hundredth Year

BELTON, TEXAS, THURSDAY, APRIL 21, 1966

No. 16



## Annual Drive For Clothing Opens Mon.

A newspaper is not merely a "business" as the word is commonly used. Often a weekly newspaper is not even a business within the dictionary meaning of "a venture operated for purpose of profit."

More accurately, a newspaper is an "institution" in that it is intended to be permanent — as this one has been for 100 years — and it has as its purpose the "promotion of an objective, public or social."

In the case of this newspaper, the objective has always been quite simple to state: To make Belton a better community. On occasions where the Journal has fallen short of its objective, the reason might have been lack of good judgment by the publisher, or lack of public support, but never lack of good intentions. A newspaper is like a city government or a chamber of commerce; whatever it accomplishes is due largely to community effort and support rather than the capabilities of one individual.

The Journal is not the oldest newspaper in Texas, but it is one of the oldest. It certainly lays no claim to being the best weekly, or even one of the best, but it will be as good as the people of Belton want it to be, and are willing to support it.

Whoever the owner happens to be, from year to year, he is, in the final analysis, your public servant. He merely holds the legal title; the newspaper really belongs to you, the readers and advertisers.

The Journal has survived two devastating fires, several depressions, wars, floods, droughts, and the present management. It is to those who have gone before us that the credit must go. Therefore, it is to our illustrious predecessors that we humbly dedicate this our

A spring drive to collect clothing for all seasons will be held the week of April 25 by the City Council PTA under the direction of Mrs. Forrest L. George, welfare chairman. It has been announced.

In past years, the drive has been in the fall but as students need clothing and shoes in August to begin school, Mrs. Jack Tippit, director of the welfare room, asked the PTA to change the time of the drive to the spring. In this way people can clean out their closets for the season and not have to hold bulky winter clothing until next fall to donate for the welfare room, Mrs. Tippit pointed out.

The drive will last through the week ending on April 29, and the four elementary schools will concentrate on the drive that week. Parents of junior high or high school students who have clothing to donate can call the school's welfare chairman or Mrs. George.

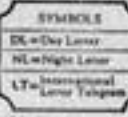
Welfare chairmen for the Belton schools are Mrs. Billy Smith for Southwest Elementary; Mrs. J. W. Ratliff for Belton High School; Mrs. C. V. Griggs for Belton Junior High; Mrs. Moir Collins for Miller Heights; Mrs. Carl Stewart for Tyler and Mrs. Clyde Jones for Leon Heights.

Mrs. George said that the welfare room had distributed 180 pairs of shoes from September to the first of February. Shoes are in constant demand as well as children's clothing Mrs. George said.

**Mrs. Calvert Loew Elected President of**



**WESTERN UNION TELEGRAM**



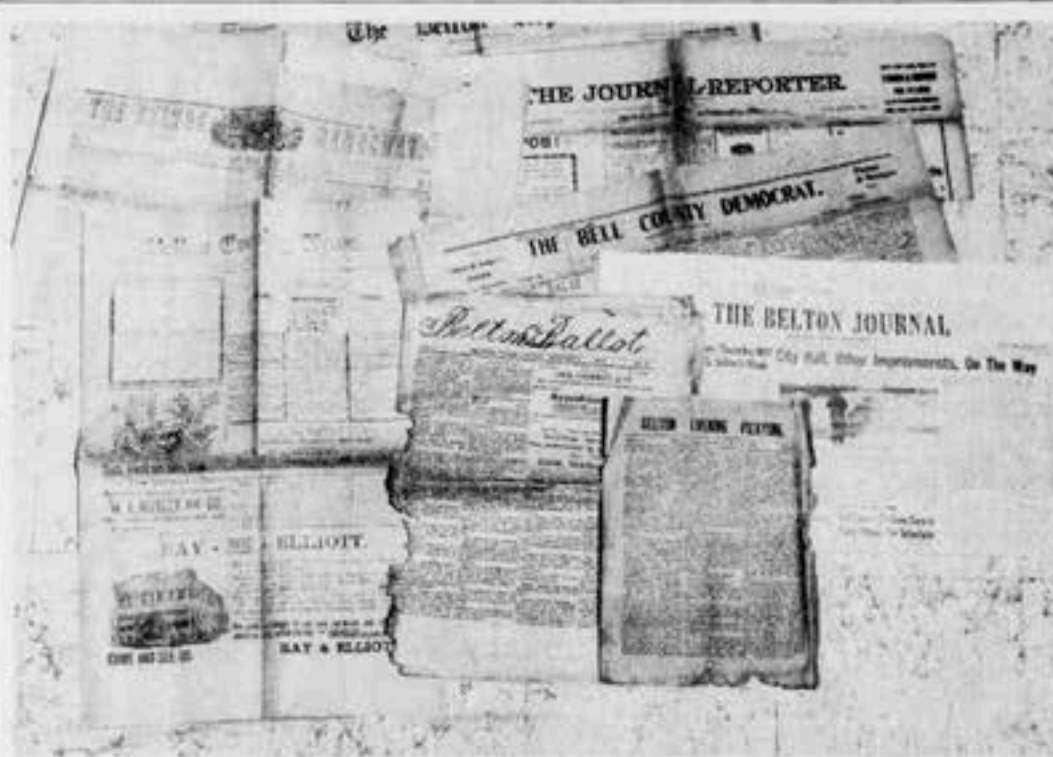
TMA025(D AUA470) PD=FAX AUSTIN TEX MAR 1 1966 0000 XXX

JAMES H. RUSSELL

THE BELTON JOURNAL BELTON TEX:

WARMEST CONGRATULATIONS ON THE 100TH ANNIVERSARY OF THE BELTON JOURNAL. RESPONSIBLE NEWSPAPERS HAVE PLAYED AN IMPORTANT ROLE IN THE CULTURAL AND ECONOMIC GROWTH OF TEXAS, AND THE JOURNAL IS AN EXCELLENT EXAMPLE. BEST WISHES FOR CONTINUED SUCCESS.

JOHN CONNALLY



THE BELTON JOURNAL, now 100 years old, has survived 13 other newspapers, some of short life, which have risen and fallen here. First newspaper ever published was The Belton Independent

Oldest Business in Bell County

## Journal Observes 100 Years of Continuous Publication

This week The Belton Journal is observing its birthday. Its 100th birthday, to be exact — which makes it the oldest business in Bell County. The county and Belton were formed in 1850, and this newspaper was started in 1866.

Technically, the birthday was Jan. 6, as history has it recorded that the first issue was published Jan. 6, 1866. But, with 100 years involved, the present Journal staff decided that a few months one way or the other would not matter.

### CALENDAR OF EVENTS

THURSDAY, APRIL 21

Lions Club, Butch's, 12 noon.  
Eta Theta, DKG, home Mrs. Edwin Cline, 7:30 p.m.  
American Legion Post 55 and Auxiliary, Memorial Home, 7:30 p.m.

FRIDAY, APRIL 22

H.D. Agent, "Wise Use of Credit," TP&L Bldg., Temple, 1:30 p.m.

SATURDAY, APRIL 23

Wednesday Club Luncheon, Temple Country Club, 12:30 p.m.  
Area Masonic Workshop, Masonic Lodge, 7:30 p.m.

SUNDAY, APRIL 24

Belton Riding & Roping Club Barbecue, 1 p.m., Confederate Park.

MONDAY, APRIL 25

High School PTA, library, 7:30 p.m.

TUESDAY, APRIL 26

Rotary Club, River Forest, 12 noon.  
B&PW, Frank's Lakeview Inn, 7:30 p.m.  
Bell Fine Arts Assn., Memorial Home, 7:30 p.m.

WEDNESDAY, APRIL 27

Community Progress Forums, 9 a.m., 10:30 a.m., 2 p.m.  
Peoples National Bank

DECORATION DAY APRIL 30

Frank Hamner, secretary of the

### Journal Not the First

In the interest of honest reporting, the Journal must admit it was not the first newspaper in Belton — but it is the only surviving one, there having been, by best count available, a total of 13 others, which gave this town an earned reputation as "the graveyard of newspapers."

The Weekly Independent, which started in Georgetown, Williamson County on Sept. 8, 1856, was moved to Belton in 1857 and became the first printed publication of any kind ever to be issued in Bell County. The second newspaper was The Belton Democrat (not to be confused with The Bell County Democrat, a later paper the Journal absorbed), which was started by regular Democrats in opposition to Sam Houston and his Unionist sentiments, and also in opposition to the Weekly Independent, which was pro-Houston.

The founder and first publisher of the Journal was James T. Longino, presumably of Italian extraction, who moved some type and machinery by wagon from Waco to Belton in 1866.

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the second floor of the Ben Nye man building, in 1876.

The original equipment for the Journal had come from Waco. So, the next co-owner of the paper came from Waco also. George C. Robinson moved from Waco, and, with W. S. Hunter, purchased the newspaper April 1, 1883, from Captain Batte. Before 1898, Hunter sold his interest to Robinson, and Robinson again moved the plant, this time to the Brown Sales Co. building.

### First Fire

The first major disaster struck The Journal in 1898. The building burned, destroying all equipment, files and records. Editor Robinson immediately purchased the office equipment and records of the rival Belton Reporter from the Denison family. The Reporter began life in 1878 as the Belton Courier. The Courier burned in 1879, and was re-established as The Reporter.

Robinson called his new venture The Journal-Reporter, and in 1898 or '99, moved to the west half of the building now occupied by Duke & Ayres.

C. H. Wedemeyer, a well-known educator, acquired The Journal-Reporter around the turn of the century, with J. F. Crouch, Wes-



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Frank Hamner, secretary of the North Belton Cemetery Association, reminds citizens that the last Saturday in April, April 30 is Decoration Day.

Hamner asks that Belton citizens be sure that their lots are cleaned before that date.

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Nobody tells much about Longino, except that he had a stepfather named Major J. H. Davenport, who joined him in the business. The major soon bought the son out and continued publication. Tyler's History of Bell County says the paper "elicited much interest, soon enjoyed a good circulation and contributed much to the general progress."

Longino established his newspaper in the John Henry building, where the First Christian Church now stands. In 1868, Major Davenport moved the paper across the street to the place now occupied by Sam Murray's Repair Shop.

Also about 1868, Judge Fisherman took over as editor for some six weeks, but for reasons not stated, Davenport took the editorship back.

In 1874, Major Davenport found politics more to his liking and got himself elected to the State Senate. He sold the paper to Capt. J. G. Batte. Evidently, Longino had gone from the front office to the back

the second floor of the Ben Neff building, in 1876.

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C. H. Wedemeyer, a well-known educator, acquired The Journal-Reporter around the turn of the century, with J. F. Crouch. Wedemeyer later acquired Crouch's interest, and kept the paper until 1911.

#### Name Changes

A major political feud in Belton and Central Texas ended in 1911. O. P. Pyle accomplished this little deal simply by purchasing The Journal-Reporter and the old opposition, the Bell County Democrat. Pyle dropped "The Reporter" from the masthead, and in small type added "The Bell County Democrat."

#### Second Fire

The plant was housed in the Miller building — The Journal's present site — until a second fire hit the paper in 1914. This fire was a great loss from a historical standpoint. The files of some seven or eight newspapers, some absorbed by others, were lost in the fire. For that reason, accurate, easy-to-come-by historical records are irretrievably lost.

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## Elected Mayor, Paving Starts

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In 1874, Major Davenport found politics more to his liking and got himself elected to the State Senate. He sold the paper to Capt. J. G. Batte. Evidently, Longino had gone from the front office to the back shop, since the record shows that shortly after Captain Batte took over, Longino resigned as head of the printing department, was admitted to the Bell County bar, and later moved to west Texas where he became county judge of Dimmit County. Exit Mr. Longino from the newspaper business.

When Longino left his first love, he was replaced by W. S. Hunter in the print shop. Hunter enjoyed the distinction of being the highest-paid man in town. He drew \$15 per month — more money than the cashier of Denny's Bank made.

Captain Batte moved the Journal plant from S. Main and what was then Water St. (now Ave. A) to

## Young, Alford, Heard Are Essay Winners

Janet Young, Marsha Alford and Tom Heard, Belton Junior High School students, were the winners of the essay contest sponsored by the Belton American Legion Auxiliary. Announcement was made at an assembly program held in Tiger Gym on Wednesday morning.

Mrs. R. L. Lanham, president of the auxiliary, announced the winners, and Mrs. Benny Bay, chairman of the essay committee, presented a medal and check for \$5 to each of the three students. The students then read their essays to the student body and faculty.

Janet wrote her theme on President Lyndon B. Johnson for the 9th grade entry; Marsha on the Supreme Court for the 8th grade, and Tom's subject was Texas History for the 7th grade entry.

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After the 1914 fire, Pyle simply unpacked equipment he had stored from other newspapers he had acquired, and went right on publishing. His new location was the 118 N. Main St. site now occupied by Tulloch's J&J Plumbing.

C. C. Watson bought the Journal in 1925, and sold it to the late W. B. Russell in 1927. After his death in 1943, Tommy Cox and Oliver Beall leased the paper from Mrs. F. B. Russell. Both had grown up in the printing business, and Cox grew out of it to be a paper salesman and Beall, a Baptist minister.

In 1946 W. E. Reid of Dallas bought the Journal, with Mrs. Russell and her son, James H. Russell, buying it back in April 1947. James Russell is still editor-publisher.

In 1936, the Russells constructed a building on the site where the Journal had burned in 1914. The last major tragedy was the collapse of a collector's it—double-revolution Scott newspaper press in 1960. This Scott was last copyrighted in 1884, and probably was one brought from storage when Pyle rebuilt in 1914.

The Scott was knocked down with a sledge hammer and sold for scrap metal. Today, the Journal is printed on a Duplex Press, which will turn out 72 copies a minute and folds at the same time. It is fast and it gets through in a hurry, but some of the glamour of a country weekly newspaper was lost when the heavy thump-ka-thump-ka-thump disappeared from the show. In "the old days" everybody within 10 blocks knew when the Journal had been put to bed for the week.



## SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

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All Facade Improvement Incentive Grant applications will be reviewed by the Planning Department and the Historic Preservation Commission and then approved by the Belton City Council. The Planning Department, Historic Preservation Commission and the Belton City Council will maintain an awareness of the *Standards of Rehabilitation* as follows:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment, or to use a property for its original intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features will disqualify any building from this program.
3. All building, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged and may disqualify any building from this program.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance may be recognized and respected.
5. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities.
6. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will change or damage the historic building materials shall not be undertaken.
7. Contemporary design for alteration and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural materials, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
8. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such addition or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. New additions should be compatible to the present structure.





# City of Belton

~ Founded 1850 ~

February 12, 2019

Ms. Jo Mapel  
501 Brit Bailey Blvd.  
Angleton, TX 77515

**RE: 106 West Central Avenue Certificate of Appropriateness  
and Façade Improvement Grant**

Dear Ms. Mapel,

On February 7, 2019, the Historic Preservation Commission (HPC) disapproved a portion of your request for renovations to the building located at 106 West Central Avenue located in the Downtown Belton Commercial Historic District. The HPC determination and FIG recommendations to Council is as follows:

1. Approval of the proposed work as outlined in the COA application for the east and west façades.
2. Approval of the proposed work as outline in the COA application and recommend to Council approval of the Façade Improvement Grant for renovations to the north façade, for a total grant award of \$10,000.
3. Disapproval of the proposed work as outline in the COA application and recommend to Council disapproval of the Façade Improvement Grant for the renovations to the south (primary) façade.

If you have any questions, please feel free to contact me at (254) 933-5891 or at [KAtkinson@BeltonTexas.gov](mailto:KAtkinson@BeltonTexas.gov).

Respectfully,

Kelly T. Atkinson  
Planner/Historic Preservation Officer

## Historic Tax Credits

### What Is the Historic Tax Credit Program?

The Historic Tax Credit (HTC) program encourages private sector investment in the rehabilitation and re-use of historic buildings. The federal tax credit allows program participants to claim 20 percent of eligible improvement expenses against their federal tax liability. Since the Tax Reform Act of 1976, the HTC program has facilitated the rehabilitation of over 42,000 certified historic buildings and has attracted more than \$84 billion in new private capital to the historic cores of cities and towns across the nation. These funds have enhanced property values; created jobs; generated local, state, and federal tax revenues; and revitalized communities in need of economic development.

### How Does the Program Work?

The HTC program is administered by the National Park Service (NPS) of the U.S. Department of the Interior and the Internal Revenue Service (IRS) of the U.S. Department of the Treasury, in partnership with the state historic preservation officers (SHPO) located in each state, the District of Columbia, and the U.S. territories. The HTC program encourages the rehabilitation of

certified historic buildings (those listed on the National Register of Historic Places or architecturally contributing to a National Register district) through the provision of tax credits equal to 20 percent of the qualified rehabilitation expenditures (QRE).<sup>1</sup> To receive the HTCs, property owners must complete the three-part application process for historic preservation certification managed by the NPS and the relevant SHPO.

Typically, if developers of HTC projects are not in a position to use the tax credits, they will offer the credits to third parties, including national banks and federal savings associations, to raise part of the equity funding for a project and thereby reduce the amount of debt financing needed for property rehabilitation.

### Legal Authority

Under the powers granted by the National Bank Act, national banks have the authority to provide financing to HTC projects in return for the tax credits associated with the project.

National banks may make investments designed primarily to promote the public welfare (such as by providing housing,

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<sup>1</sup> 26 USC 47 also provides for a 10 percent tax credit for the rehabilitation of non-historic, older (pre-1936) non-residential properties. Unlike the 20 percent HTC, the 10 percent tax credit is used primarily by

building owners for personal tax purposes and does not typically include financial contributions from investors. This fact sheet focuses only on the 20 percent HTC.

services, or jobs), including the welfare of low- and moderate-income (LMI) communities or families, under 12 USC 24(Eleventh). This statutory authority to make public welfare investments is implemented by OCC regulations at 12 CFR 24 (Part 24). Under 12 CFR 24.3, national banks may provide equity financing for historic property rehabilitation projects that promote the public welfare by taking ownership interests in entities that hold such properties for rehabilitation.

Depending on the specifics of the transaction, national banks may also finance an HTC project in such a manner as to make the bank eligible to receive the federal HTCs by acquiring an interest in an entity, such as a fund that invests in properties eligible for the HTC, under 12 USC 24(Seventh). The substance of the transaction must remain the provision of financing for the rehabilitation of historic property. See OCC Corporate Decision 9907 (March 26, 1999).

National banks seeking to provide financing to HTC projects under Part 24 must either request prior OCC approval or submit an after-the-fact notice to the OCC, depending on the bank's safety and soundness profile, Community Reinvestment Act (CRA) performance, and the nature of the project financing. See, generally, 12 CFR 24.2(e), 24.5, and 24.6.

Federal savings associations (FSA) may make a public welfare investment in an entity that receives HTCs under several investment authorities, including community development-related equity investments in real estate pursuant to section 5(c)(3)(A) of the Home Owners' Loan Act, investments in service corporations for community development pursuant to 12 CFR 5.59, and de minimis investments, generally equal to or less than the greater of 1 percent of

capital or \$250,000, pursuant to 12 CFR 160.36. For more information on the FSA public welfare investment authority, please consult the [Federal Savings Association Investment Authorities](#) web page.

Under these authorities, a national bank or FSA (hereafter referred to collectively as "banks") acquires an interest in an entity that holds the properties for rehabilitation, typically, a limited partnership (LP) or limited liability company (LLC). Using this structure, banks provide the funding for HTC projects in return for the associated tax credits.

It should be noted that the authorities referenced in the previous paragraphs are generally not affected by section 619 of the Dodd–Frank Wall Street Reform and Consumer Protection Act, known as the Volcker Rule and codified at 12 USC 1851, which generally prohibits financial institutions from owning, sponsoring, or having certain relationships with covered funds. The final regulations implementing section 619 exclude from the definition of covered fund issuers in the business of making investments that are (1) designed primarily to promote the public welfare of the type permitted under 12 USC 24(Eleventh) or (2) QRE with respect to a qualified rehabilitated building or certified historic structure, as such terms are defined in section 47 of the Internal Revenue Code or a similar state HTC program. See 12 CFR 44.10(c)(11)(ii).

### **How Are Tax Credits Calculated?**

In order to qualify for HTCs, a building must be depreciable, so it must be income producing or used in a trade or business. In addition, a "substantial" amount must be spent rehabilitating the historic building,



meaning that the cost of rehabilitation must exceed the pre-rehabilitation cost of the building.

QREs are the development expenses on which HTC's can be claimed. Examples of QREs include, but are not limited to, the costs related to the repair or replacement of walls, floors, ceilings, windows, doors, air conditioning/heating systems, kitchen cabinets and appliances, plumbing and electrical fixtures, architects' fees, construction loan interest, and environmental reports. The dollar value of tax credits is calculated by multiplying the value of the QREs by the 20 percent HTC rate. Banks can earn a return on these investments by offering discounted pricing for the credits.

### **How Can HTC's Benefit a Bank?**

Banks participate in the HTC program for a number of reasons. Among them, banks may

- Earn an attractive rate of return, when properly managed.
- Receive CRA consideration as discussed in this fact sheet and clarified in the [Interagency Questions and Answers on Community Reinvestment](#).
- Combine HTC investments with other bank bridge, construction, or permanent loan products on the same project to improve returns or reduce overall risk.
- Diversify existing bank products for rehabilitating retail, office, and institutional properties in historic communities, many of which are located in LMI geographies, designated disaster areas, or designated distressed or underserved non-metropolitan middle-income geographies.

### *Community Reinvestment Act*

Some projects that receive HTC's may meet the definition of community development in the CRA regulation and, therefore, may receive CRA consideration. Community development includes affordable housing (including multifamily rental housing) for LMI individuals and community services targeted to LMI individuals. The definition also includes community development activities that help to revitalize or stabilize LMI geographies, designated disaster areas, or designated distressed or underserved non-metropolitan middle-income geographies.

Banks that finance or invest in HTC properties located within the bank's assessment area(s) may receive CRA consideration, to the extent that the activities meet the definition of community development. In addition, financing or investing in HTC properties located in the broader statewide or regional area that includes the bank's assessment area(s) and that meet the definition of community development may also be eligible for consideration. Examiners consider these activities even if they do not benefit the bank's assessment area(s), as long as the institution has been responsive to community development needs and opportunities in its assessment area(s).

### **What Are the Risks to Bank Investors?**

A primary economic benefit from financing an HTC project is the opportunity to claim the full amount of federal HTC's in the year that the building is placed in service instead of over seven or 10 years, as is the case for the new markets and low-income housing tax credits, respectively. However, a participating bank risks the potential recapture of the credit by the IRS if there is a transfer of ownership during the five-year

compliance period (including a transfer triggered by foreclosure). In addition to underwriting risks, a bank should consider the tax planning and compliance risks associated with any tax credit investment and the reputational risks of investing in a high-profile community project that may fail.

The IRS issued guidance on HTCs in Revenue Procedure 2014-12, which establishes a “safe harbor” for investors in HTCs. If HTC transactions are structured in accordance with this guidance, the IRS will respect the allocation of tax credits to the investors. As such, banks considering an investment in HTCs should become familiar with this guidance because it affects how current HTC transactions are structured in order to eliminate the potential for credit disallowance.

Banks, as limited partners/members of LP/LLC subsidiaries, must retain ownership of the property for a five-year compliance period following the year the property is placed in service to avoid tax credit recapture. Once the five-year compliance period is over, the IRS cannot recapture the tax credit and a bank is free to exercise its right to sell its interest in the partnership.

This fact sheet does not constitute tax or legal advice. Banks should consult their own tax advisors about the tax treatments and consequences that may apply to their transactions.

## **For More Information**

*Office of the Comptroller of the Currency*

[“Historic Tax Credits: Bringing New Life to Older Communities,”](#) *Community Developments Insights* Report, June 2017

[Community Affairs Historic Tax Credit Resource Directory:](#) Historic tax credit resources are available to national banks, government agencies, and community organizations

[District Community Affairs Officers](#) contact information

[Part 24 Public Welfare Investments](#)  
Resource Directory

*HTC program information—other agencies*

[Internal Revenue Service: Revenue Procedure 2014-12](#)

[National Park Service, U.S. Department of the Interior](#)

[National Conference of State Historic Preservation Officers](#)

[National Trust for Historic Preservation](#)

[Historic Tax Credit Coalition](#)

### **Disclaimer**

*Community Developments Fact Sheets* are designed to share information about programs and initiatives of interest to bankers and community development practitioners. These fact sheets differ from OCC bulletins and regulations in that they do not reflect agency policy and should not be considered definitive regulatory or supervisory guidance. Some of the information used in the preparation of this fact sheet was obtained from publicly available sources. These sources are considered reliable, but the use of this information does not constitute an endorsement of its accuracy by the OCC.

The Tax Cuts and Jobs Act (Pub. L. No. 115-97), signed into law on December 22, 2017, made numerous changes to the Internal Revenue Code. This document has NOT been updated to reflect these changes. Banks or other entities considering a tax credit equity transaction should consult with a tax professional with knowledge of how the changes in the tax code may affect specific tax equity transactions.

CENTRAL AVENUE, LLC  
501 BRIT BAILEY BLVD  
ANGLETON, TX 77515

February 8, 2019

Kelly Trietsch  
Historic Preservation Officer  
333 Water Street  
City of Belton, TX

Dear Ms. Trietsch,

Please be advised I wish to appeal the decision of the Historic Commission regarding the February 7, 2019 disapproval of the COA H-19-03 for the front façade of the building at 108 W. Central Avenue, Belton, TX.

Mr. Lipe and I request to be placed on the agenda of the Belton City Council as soon as possible given the requirement for notification.

Respectfully,

A handwritten signature in black ink, appearing to read "J. Mapel" or "Jo Mapel". The signature is fluid and cursive.

Jo Mapel

cc: Honorable Marion Grayson, Mayor  
Amy M. Casey, City Clerk



Minutes of the  
**Historic Preservation Commission (HPC)**  
City of Belton  
333 Water Street  
Thursday, February 7, 2019

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The Historic Preservation Commission met at 5:00 P.M. in the Wright Room at the Harris Community Center. The following members were present: Chair Sheila Donahue, Dorothy Coppin, Barrett Covington, Tammie Baggerly and Ann Carpenter. The following staff members were present: Director of Planning Cheryl Maxwell, Planner and HPC Officer Kelly Atkinson, Director of IT Chris Brown and Planning Clerk Laura Livingston.

- 4. H-19-03 Consider a request for a Façade Improvement Grant to Jo Mapel for reconstruction of the primary façade, addition of a faux balcony, and reconfiguration of door and window openings on the side and rear façades at 106 West Central Avenue, located in Downtown Belton Commercial Historic district, on the north side of West Central Avenue, east of North Pearl Street, and west of North Main Street.**

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

Chair Donahue asked if the Secretary of Interior standards will be OK with the addition of that door? Do you feel secure with the choice of the location for the door? Ms. Atkinson said she does, and again that area is right on the edge of where there have been alterations and it really is not detracting from the building and in line with the existing windows and doors and flows nicely and again with fire safety we would recommend having the door. Chair Donahue said her second question, is there a requirement for another Certificate of Appropriateness or can it be amended and approved as staff recommends? Ms. Atkinson said you can make amendments to the recommendation and it can move forward that way. Those are staff recommendations and after discussion amongst each other and with the applicant, if you would like to revise that we can, Ms. Atkinson said.

Chair Donahue asked if there was anyone who would like to speak, they may. Mr. T.C. Lipe said that Ms. Atkinson said the building was built in 1956. He said their information contradicts that and the building was built between 1891 and 1896 and the building burned in the 1920s and remained that way for decades. Saying the building was built in '56... the front façade was put on in 1956; we don't know if that's accurate but we will go with that, Mr. Lipe said. The building was constructed in the 1800s. Just because a front façade and CMU was put on in the 1950s does not mean this was a new building in the '50s, he said. The original two walls of the building still stand, which would be the east and west walls. The front did not stand because it was probably wood; all indications of that time period indicate that it was wood, and therefore, it burned and it was left as rubble. So, then someone came and repaired it, and put this façade that you see now out of brick in the '50s, not the 1800s; we still have the walls from the 1800s. That's what we are wanting to match, Mr. Lipe said. We are not wanting to recreate, but return to a building reflecting the 1890's, he said.

Ms. Baggerly asked, so the front façade (south side) does not qualify for the Façade Improvement Grant? The north side does qualify, but because of the changes to the south side, the south side is

not being considered? Mr. Lipe said yes. Ms. Baggerly asked about the garage doors, and the HPC and Ms. Atkinson discussed the changes to the garage doors.

Chair Donahue asked if this structure is currently on the National Register of Historic Places? Ms. Atkinson said yes. Chair Donahue asked, it was placed on the National Register based on information provided at the time? Ms. Atkinson said correct. She said another example would be the Central Belton Fire Station, which is actually Mid-Century Modern. Belton Fire Chief Bruce Pritchard has come to her asking the same exact question, if renovations to the current building could reflect the arched garage doors from a previous fire station in that location, Ms. Atkinson said. Ms. Atkinson said the building as it is now is the architecture that is recognized and contributing to the District. Chair Donahue said based on that, changing it would disqualify it completely from the program. She said her home is on the National Register of Historic Places and she cannot make any significant changes to the exterior of her property, so she said she does understand how critical it is that those things are maintained. She sympathizes with Mr. Lipe. Mr. Lipe thanked her for that. His contention is that it is a case of mistaken identity, although this façade existed in 1956, the building was not built in 1956. Chair Donahue said the criteria that was provided to place it on the National Register of Historic Places is the criteria that we have to go by. We're bound to it, she said. Mr. Lipe said he understands.

Chair Donahue asked for a motion. Ms. Atkinson said the item can either be recommended as shown or you can revise your recommendation. Ms. Baggerly asked if they make the changes to the south façade, then this building will no longer be on the National Register. Ms. Atkinson clarified that it is actually part of a National Register District, so it's contributing to the National District as a whole. It's not individually listed and that is not actually providing the protection; the protection of the building is because it is part of a local district. Ms. Baggerly thanked Ms. Atkinson for the clarification.

Chair Donahue called for a motion. Ms. Baggerly made a motion to approve H-19-03, as recommended by staff, which included approval of the proposed work as outlined in the COA application and the Façade Improvement Grant for the proposed renovations to the north side, but disapproval of the proposed work as outlined in the COA application and the Façade Improvement Grant for the renovations of the south (primary) façade. Mr. Covington seconded the motion. The item was approved with 5 ayes, 0 nays.

# Staff Report – City Council Agenda Item



## Agenda Item #16

Consider an amendment to the professional services agreement with Halff Associates to allow for additional survey work for the South Belton Sewer Phase II project.

### Originating Department

Public Works – Angellia Points, P.E., Director of Public Works/City Engineer

### Summary Information

On July 24, 2018, the City awarded the South Belton Sewer Phase II design contract to Halff Associates. During the design, Halff identified an alternative alignment for the sewer force mains (pressurized lines) that would result in substantial cost savings for the City when compared to the original alignment.

The original alignment of the force mains was to follow the proposed gravity lines along the Lampasas River, continue to along Toll Bridge Road, and be south and east of Cedar Crest Hospital. The alternative alignment is proposed to be along the Lampasas, as planned, but continue along the Lampasas and be placed in an easement along the eastern side of the Fredrickson and Eris, LLC properties, which connect to the east side of Cedar Crest Hospital. The alternative alignment was presented to the Eris, LLC property owner, Ms. Ellen Morris, who generally preferred this new alignment when compared to the original alignment. If the easements are granted, this new alignment of the force mains (two identical lines are needed to serve the fully developed sewer basin) will save the City approximately \$500,000 in construction costs.

In order to implement such identified value engineering, additional survey and easements are required.

Right-of-entries from Ms. Morris and Mr. Fredrickson have been granted for this survey work. Ms. Morris is generally in favor of this alignment as it will be placed in the future Capital Way ROW and in future roadway ROW identified in her best-use concept plan for the property.

Staff worked with Halff Associates to develop a scope of services for this additional survey to obtain the data needed for the project and to satisfy the property owner's requests regarding tree protection and preservation. The scope of services includes the following items:

- Survey approximately 9.2 acres of property identified in the attached contract amendment.



- The survey shall include a tree survey of all hardwood trees 8-inches and greater, including tree clusters.
- Easement legal descriptions and exhibit preparation for the three properties that will be surveyed (Eris – 2 properties, Fredrickson – 1 property).

The funding for the additional survey work is proposed to come from the 2016 Utility Certificates of Obligation.

### **Project Status**

South Belton Sewer Phase I is installed and on-line. Phase II is 30% designed. The design of the gravity lines and lift station are proceeding to 60% design. The force mains design work has been halted until the survey work can be completed and easements are at least committed. The easement acquisition process is underway. Staff is working with each property owner to identify and agree upon the alignment of the sewer lines, power line, and lift station. Actual easement document signing will be pursued in a few months as the design progresses.

### **Fiscal Impact**

The proposed engineering services contract for the additional survey work is \$59,500 and \$4,500 for the easements, totaling \$64,000 for this amendment.

Amount: **\$64,000**

Budgeted: ☒ Yes ☐ No ☒ Capital Project Fund

### **Recommendation**

Recommend authorizing the contract amendment.

### **Attachments**

Half Proposal



February 18, 2019

33999.002

Angellia Points  
Director of Public Works  
City of Belton  
PO Box 120  
Belton, Texas 76513  
APoints@BeltonTexas.gov

**RE: Supplement #3 to the SBSS Phase II & III Wastewater Extension and Lift Station**

Dear Ms. Points:

Herein is supplemental proposal #3 for professional survey services for the SBSS Phase II & III wastewater extension and lift station. This supplement is being submitted to account for additional survey effort associated with the SBSS Ph II & III design contract. Engineer previously identified a preliminary alignment for the proposed Project which was approved by the City. Value Engineering for the proposed force main improvements, primarily horizontal orientation, were identified by the Engineer. In order to implement such identified value engineering, additional survey and wastewater easements would be necessary.

If these documents meet your approval, please sign below and return a copy to us for our records. We look forward to continue working for the City of Belton on this critical project. Please contact me if you have any questions or need any additional information.

Respectfully Submitted,  
HALFF ASSOCIATES, INC.

ADDITIONAL SERVICES CONFIRMATION

A handwritten signature in blue ink, appearing to read "Dan Franz", is written over a light blue horizontal line.

Dan Franz, PE, CFM  
Public Works Team Leader

By: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Attachments:  
Exhibit A – Supplement #3 Scope of Services  
Exhibit B – Survey Area Exhibit

Date: \_\_\_\_\_



## **EXHIBIT A**

### **SUPPLEMENT #3 SCOPE OF SERVICES**

#### **TASK V DESIGN SURVEY AND BASE MAPPING**

##### **Survey Topo and Boundary**

Engineer previously identified a preliminary alignment for the proposed Project which was approved by the City. Value Engineering for the proposed force main improvements, primarily horizontal orientation, were identified by the Engineer. In order to implement such identified value engineering, additional survey and wastewater easements would be necessary. Additionally, the area of the proposed value engineering was not previously surveyed and therefore would require additional data acquisition. The City approached each of the identified property owners to discuss the value engineered option and obtain a right of entry for purposes of data acquisition. Based on the correspondence the City had with each of the property owners, the City requested a scope and fee from the Engineer for survey data acquisition services for implementing the value engineered alignment for the force main. No additional engineer design is being requested at this time for the formal design of the value engineering alignment. The City provided a third party survey CAD file for reference across one of the affected properties considered for the value engineering. Halff reviewed the CAD survey file and determined it was suitable enough for the purpose of the utility design. However, since the file has been provided by a third party, Halff cannot verify all accuracies of the information. As a result, we have prepared a scope with an option for the City to resurvey in affected area at the sole discretion of the City. The full area of survey to be acquired as part of this Supplement is illustrated in the attached Exhibit B.

The following parcels are part of the value engineered alignment area. Additional survey efforts shall include but are not limited to the following:

##### **Subject tract(s):**

ERIS, LLC Tracts: Being that tract of land (60.33 acres, save and except 10.01 acres) in the M.F. Connell Survey, Abstract No. 6, situated in Bell County, Texas, described in a General Warranty Deed to ERRIS, LLC, of record in Document No. 2009-00043171 of the Official Public Records of Real Property of Bell County, Texas, and being those tracts of land (Tracts One and Two) in the M.F. Connell Survey, Abstract No. 6, and the F. Madrigal Survey, Abstract No. 554, situated in Bell County, Texas, and described in a Special Warranty Deed to ERRIS, LLC, of record in Document No. 2016-00000025 of the Official Public Records of Real Property of Bell County, Texas.

Fredrickson Tract: Being 24.17 acres of land in the F. Madrigal Survey, Abstract No. 554, situated in Bell County, Texas, described in a deed to David F. Fredrickson, of record in Document 2010-00040261 of the Official Public Records of Real Property of Bell County, Texas.

IIGK Property Management Ltd. Tract: Being 26.38 acres of land in the F. Madrigal Survey, Abstract No. 554, situated in Bell County, Texas, described in a deed to IIGK



Property Management Ltd., of record in Volume 4657, Page 331 of the Deed Records of Bell County, Texas.

#### **A. Boundary Verification Survey**

Halff Associates will perform a boundary verification survey of the subject tract(s), which we will utilize as a base map in preparation of surveying and engineering deliverables for the project.

The survey will be performed in substantial accordance with TSPS Category 1-B, Condition I requirements. This does not include the preparation of a separate / hard copy survey map suitable for title insurance purposes or for addressing Schedule B items.

- The property corners of the subject tract will be recovered and flagged. Any property corners that have been destroyed or disturbed will be replaced at their proper location.
- We will rely on the Client to provide necessary research and copies of instruments regarding the existence of recorded easements, restrictions, and other matters of record affecting the subject property.
- This proposal does not include research efforts normally performed by a title company.

#### **B. Topographic and Tree Survey**

Halff Associates will perform a topographic and tree survey a portion of the subject tract(s), which will include the proposed easement alignments provided to, and approved by, the City of Belton. The survey limits will cover a strip of land fifty (50) feet in width following the proposed force main alignment, generally along the rear of each of the above tracts, for approximately 5,250 lineal feet, from the northeast corner of the ERISS, LLC tracts to the previous topo limits on the IIGK tract. The following specific services will be provided:

- Perform a topographic and tree survey of the subject tract.
- Obtain break lines and spot elevations sufficient for 1-foot contour intervals.
- Locate above ground visible improvements.
- Locate visible utility locations, including ties to above-ground features, such as power poles, valves, and other features (i.e. edges of pavement, curbs and gutter, sidewalks, building corners etc.) either found by our surveyors or located for us by utility companies and/or other agencies.
- Locate and tag existing hardwood trees 8-inches diameter and greater. Tree clusters or multi-trunk trees will be located only if one trunk is a minimum of 8-inches in diameter. The client understands that certain species of trees may be difficult to identify, particularly in winter months, and the client should consider retaining an arborist to confirm the identification of certain trees in critical areas.
- Process field collected data for field survey.
- Perform quality control for survey requirements.
- Prepare base map illustrating data collected above.
- Include property ownership and boundary information.
- Extract spot elevations and break lines into DTM.

- Extract and prepare triangulated irregular network into DTM.
- Load 1-foot contour information.

### C. Legal Description Preparation

Halff will prepare metes & bounds descriptions and accompanying exhibits on an as-needed basis. The descriptions will be prepared in a manner acceptable for easement conveyance or other similar uses. Setting corner monuments for the parcels is not included in this proposal. Large, complex figures or those requiring additional field work to support, including off-site parcels, will require a supplemental adjustment be made to the scope and fees.

Individual parcel exhibits shall be in pdf format, shall be sealed, signed and dated by a Registered Professional Land Surveyor.

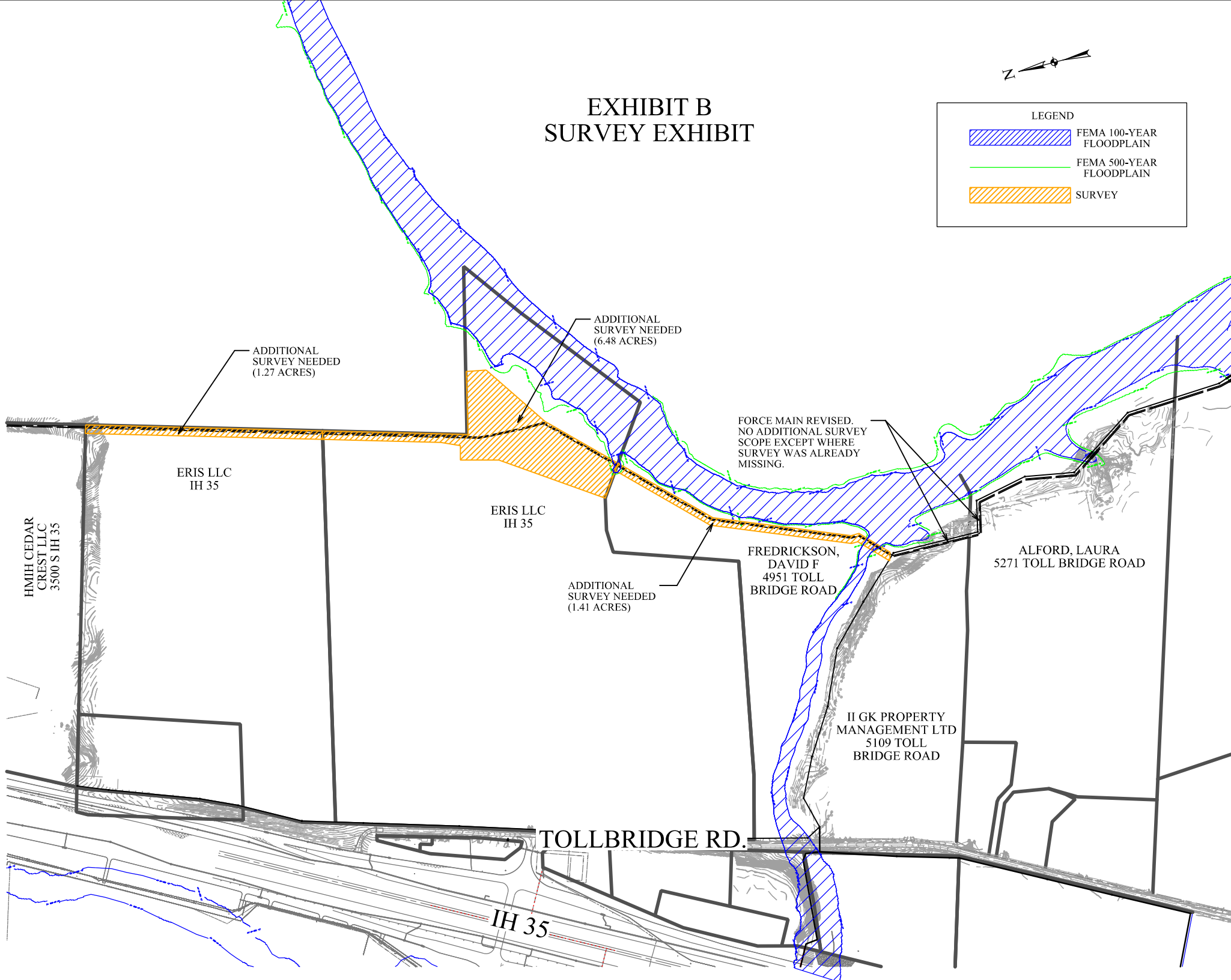
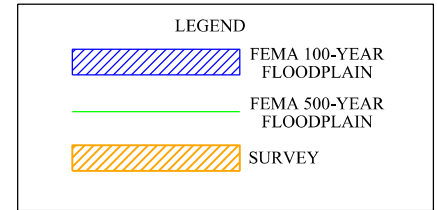
### TASK V – DESIGN SURVEY AND BASE MAPPING

A. Boundary Verification and Topographic/Tree Survey	Lump Sum	\$59,500.00
B. Legal Description Preparation (3 estimated)	\$1,500.00 Lump Sum Each	\$4,500.00

Services performed outside the above scope of services will be provided on an hourly basis in accordance with our standard hourly rates. In order to furnish a lump sum fee, the following assumptions were made:

- Sufficient boundary monumentation needed to control the survey is recoverable, and in good condition.
- There are no encroachments, overlaps, gores or other issues affecting the boundary lines.
- You or your title company will furnish us with the current ownership information for the subject tract, including a copy of or recording information for the vesting deed and any subsequent right-of-way takes (recorded or contemplated), partitions, boundary agreements or other similar matters that may affect the boundaries of the subject tract that may not be reflected in the vesting deed.
- You or your title company will provide a copy of all instruments regarding the existence of recorded easements, restrictions, and other matters of record affecting the subject property.
- Halff will perform research of adequate thoroughness to support the determination of the location of intended boundaries of the land parcel surveyed and will obtain deeds of record for adjoining properties based upon current tax maps.
- Services associated with addressing objection letters, lender/landowner requirements, etc., will be performed as an additional service at our standard hourly rates. Prints and/or deliveries will be billed at actual cost times a 1.10 multiplier.
- Tree trimming may be necessary for site-line clearing, and the client authorizes cutting of underbrush for this purpose.

# EXHIBIT B SURVEY EXHIBIT



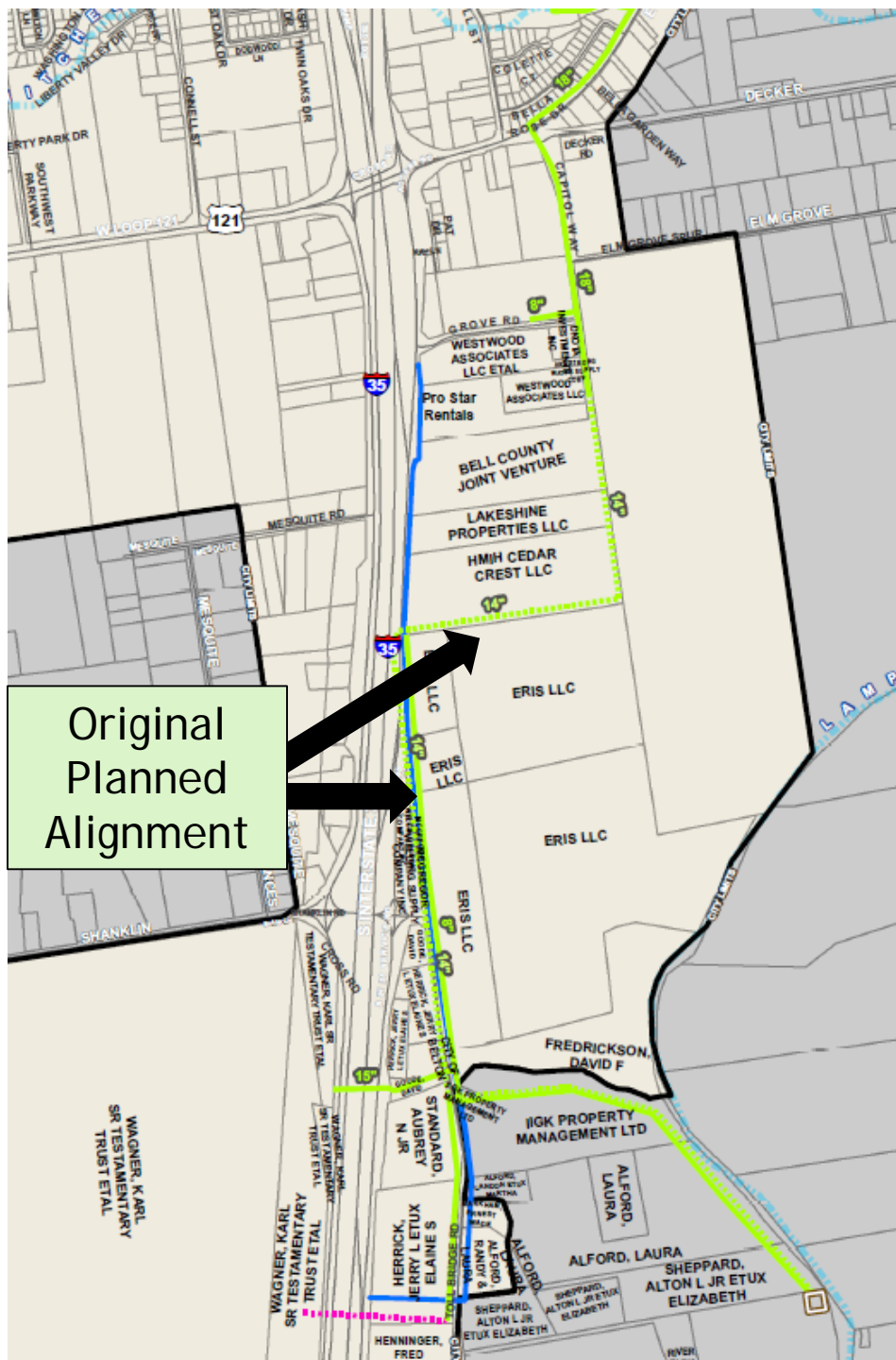


# South Belton Sewer System

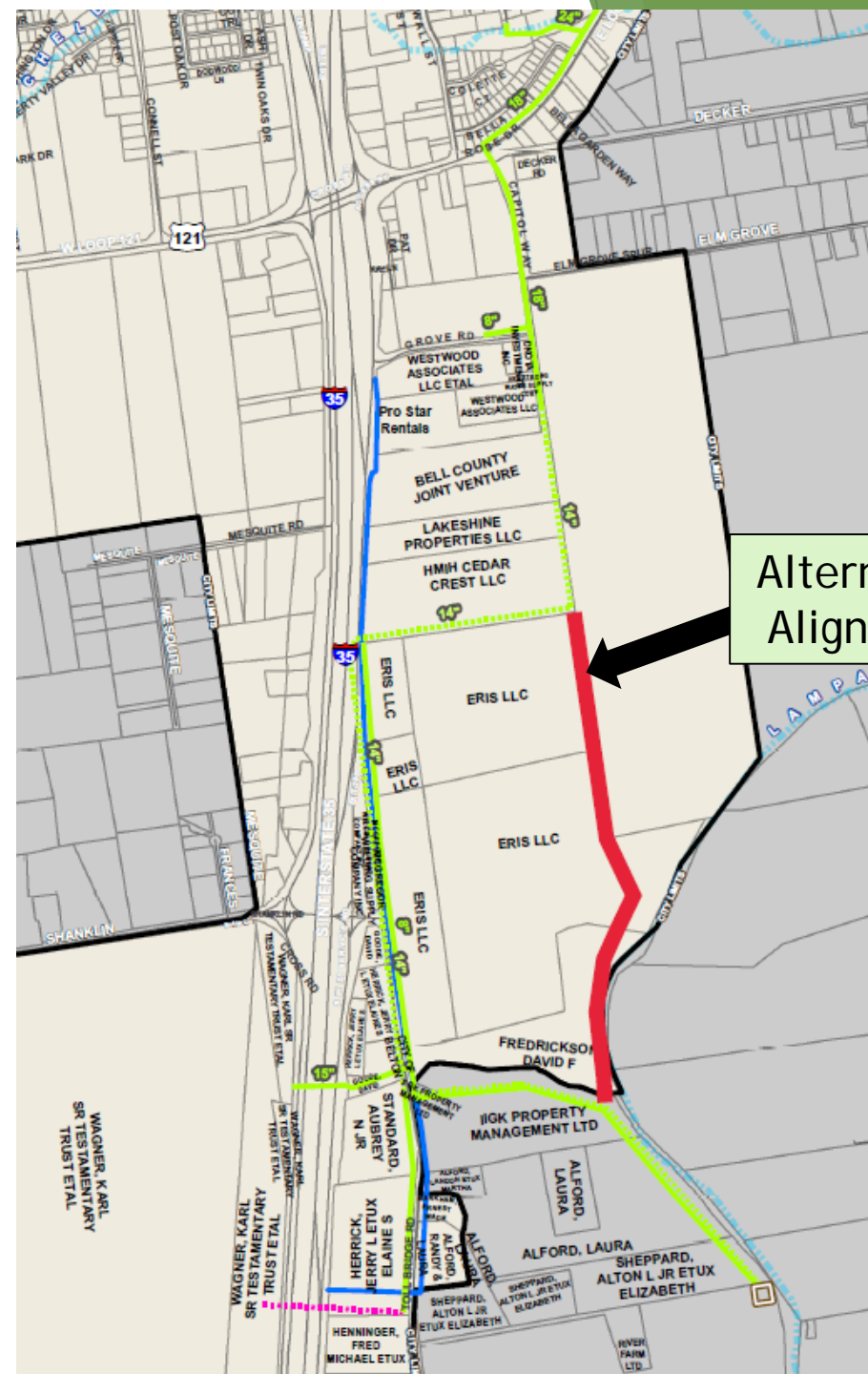
Phase II Professional Services Contract Amendment  
Additional Survey

# Project Updates

- ▶ February 13, 2018 - Council awards Phase I Bid with Change Order No. 1 to increase line sizes. Phase II was to be redesigned.
- ▶ February 27, 2018 - Council awards Phase II Redesign Professional Services Contract to Halff Associates. This included looking at options for Phase II to maximize serviceability of the area to determine how to proceed.
- ▶ June 12, 2018 - Council awards Phase II Design Services to proceed with moving the lift station to the Lampasas River.
- ▶ 2018 into 2019 - Staff and Halff work on Phase II design, survey, meeting with property owners, etc.
- ▶ February 2019 - South Belton Sewer Phase I is completed and online. Construction finished below allocated budget and on time.
- ▶ As part of the ongoing Phase II design, Halff has identified an alternative alignment for the force mains that will save the City approximately \$500k in construction costs, but requires additional survey and easements.
- ▶ Today: Consider authorizing an amendment to Halff Associates contract for Phase II additional survey work.



Original  
Planned  
Alignment

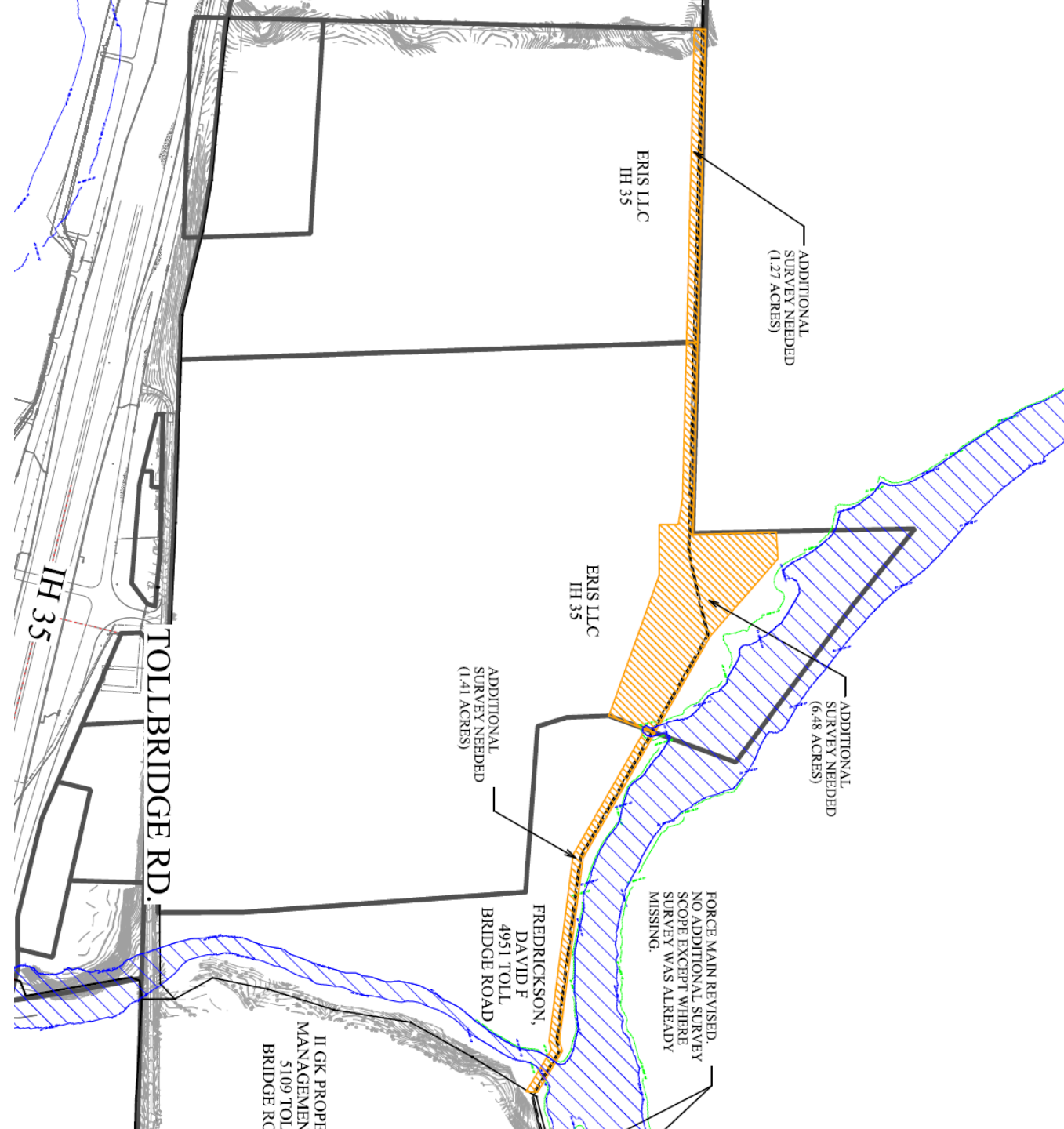


Alternative  
Alignment



# Additional Survey Area

- ▶ Survey of approximately 9.2 acres.
- ▶ Tree survey to identify all hardwoods 8 inches and greater, including clusters.
- ▶ Three easement field notes and exhibits for the three properties along the new force main alignment.
- ▶ No additional design costs needed.
- ▶ Rights-of-entry have already been obtained.
- ▶ Additional survey work is \$59,500.
- ▶ Three easement descriptions and exhibits is \$4,500.
- ▶ Total amendment is \$64,000.



# Funding Summary

Funding Summary	Amount
Available 2016 W/S CO Funds	\$10,110,303
Expenditures	
South Belton Sewer Phase I Construction	\$2,324,295
South Belton Sewer Phase II Design	\$457,665
North Belton Waterline Construction	\$804,122
North Belton Waterline Construction Admin	\$35,120
Shady Lane Sewer Design	\$168,300
South Belton Sewer Phase II Survey Amendment	\$64,000
Net Remaining	\$6,256,801

Remaining to be used for South Belton Phase II Construction and Shady Lane Sewer Construction and Construction Admin Services as funds are available.

# Schedule and Recommendation

- ▶ Design Phase II
  - ▶ Survey, Coordination with property owners, easement acquisition
  - ▶ Finish design, permitting, TCEQ and TxDOT approvals
  - ▶ Breaking ground in Fall 2019, if funding and easement acquisition allow, 1 year for construction
- ▶ Continue with the design of Shady Lane Sewer to accept South Belton Sewer flows, consider bidding/award.
- ▶ Design IH-35 waterline extension in preparation of growth funded by BEDC.

## Recommendation:

Recommend authorizing the City Manager to enter into a professional services agreement with Halff Associates to allow for additional survey work for the South Belton Sewer Phase II project in the amount of \$64,000.



# Staff Report – City Council Agenda Item



## **Agenda Item #17**

Consider a request to settle outstanding liens on 915 South Pearl Street, Belton, Texas (BellCad Property ID 37060).

### **Originating Department**

Finance Department – Brandon Bozon, Director of Finance

### **Summary Information**

*915 South Pearl Street, Belton, TX*

This property has two outstanding liens, filed by the City of Belton in 2017 related to significant cleanup efforts undertaken in late 2016, and a mowing conducted in April 2017. The total balance owed as of February 12, 2019, is \$8,053.12. The breakdown of the balance owed is attached to this report. The City's hard costs in the project total \$5,602.96, broken down as \$5,561.96 in payments to contractors and \$41 in filing and recording fees paid to Bell County. The liens are ineligible for settlement at the City Staff level under the City's policy, as the liens were filed after March 1, 2015, but the guidelines set forth in the policy are outlined below for Council reference.

The property was purchased by Mr. Jimenez at the Bell County Tax Sale on December 4, 2018. Belton City Staff was present at the auction, and the balance of the liens was announced by Sheriff Lange prior to bidding. Mr. Jimenez has requested the City accept \$3,000 in exchange for the release of the liens.

### ***Lien Settlement Policy***

In 2015, City Staff brought to the Council a proposal to allow for the settlement of liens filed prior to March 1, 2015. The policy provided the following guidelines for negotiating settlement:

Upon recommendation of the Assistant Director of Finance and Director of Finance, and approval of the City Manager:

- Reduction or forgiveness of accrued interest
- Cessation of interest accrual
- Reduction or forgiveness of principal, not to exceed City's investment

Upon recommendation of the Assistant Director of Finance, Director of Finance, and City Manager, and approval of the Council:

- Reduction or forgiveness of principal beyond City's investment
- Reduction or forgiveness of filing and recording fees

The policy also outlined proactive measures, including attendance at Bell County Tax Sales in order to notify the public if a property up for auction has liens filed against it. Since that time, a representative has attended every sale that included a property against which City liens had been filed.

Further, the policy states that City Staff will consider the age, balance, and any ownership transfers when determining whether the lien balance is eligible for any reduction or forgiveness, and make every effort to be fair and consistent in dealings with all property owners.

While the liens were filed after March 1, 2015, City Staff believes it is in the best interest of the City to settle the balance in an amount that would make the City whole for its cost to remediate the property. As such, the following recommendation is not to accept the offer of \$3,000, but to instead authorize City Staff to settle the balance for the City's investment.

### **Recommendation**

Staff recommends Council authorization to settle the lien balance on 915 South Pearl Street for an amount not less than \$5,602.96.

### **Attachments**

Lien Policy  
Lien balance calculations  
Letter from Mr. Jimenez  
Map of subject property

## **City of Belton Lien Settlement Policy**

**Adopted: 03/10/15**

The goal of this policy is to recoup, to the greatest extent possible, liens filed by the City of Belton against properties as a result of costs incurred by the City to bring properties into compliance with City Codes involuntarily.

Liens filed prior to March 1, 2015 are eligible for settlement.

The City recognizes that in some cases, properties transferred ownership at foreclosure or tax sales, or without the use of a title company, and the new owners were not aware of existing liens. While ignorance of liens or the inability/refusal to pay long-standing balances is not in itself an excuse for non-payment, City Staff will negotiate in good faith with property owners in order to settle the lien balance in a manner that is mutually beneficial to the property owner and the City.

City Staff will consider the age, balance, and any ownership transfers when determining whether the lien balance is eligible for any reduction or forgiveness, and make every effort to be fair and consistent in dealings with all property owners. City Staff has received Council authorization to take the following actions with appropriate approvals:

Upon recommendation of the Assistant Finance Director and Finance Director, and approval of the City Manager:

- Reduction or forgiveness of accrued interest
- Cessation of interest accrual
- Reduction or forgiveness of principal, not to exceed City's investment

Upon recommendation of the Assistant Finance Director, Finance Director, and City Manager, and approval of the Council:

- Reduction or forgiveness of principal beyond City's investment
- Reduction or forgiveness of filing and recording fees

Any settlement agreement will be written to be effective upon the payment of the settled balance immediately, or along a mutually agreed-upon payment plan with a term not to exceed 60 months, and with monthly payments not less than \$50. Failure to pay in full or in accordance with the payment plan will result in the full balance being restored. In no event shall the City agree to a lien reduction without payment of (or payment terms equal to) the total settled amount.

Beginning in March 2015, the Finance Department will begin taking the following actions in order to increase citizen knowledge about liens, and ensure proper filing.

- Attendance at all County tax sale and foreclosure sale in which a property with liens is to be sold
- Quarterly review of County records to ensure all filed liens were properly recorded
- Periodic website and Facebook notifications, educating citizens to check with the City for liens if a property is being purchased without title insurance



**City of Belton**

**915 S Pearl St  
Lien Payoff  
2/12/19**

	5340	21391	
	<b>Lien 1</b>	<b>Lien 2</b>	<b>Total</b>
Date	02/09/2017	05/25/2017	
# of Days	733	628	
Interest Rate	10%	10%	
Principal	\$ 6,584.36	\$ 90.00	\$ 6,674.36
Accrued Interest	\$ 1,322.28	\$ 15.48	\$ 1,337.76
Filing & Recording Fee	\$ 15.00	\$ 26.00	\$ 41.00
<b>Total Due</b>	<b>\$ 7,921.64</b>	<b>\$ 131.48</b>	<b>\$ 8,053.12</b>
Daily Interest	\$ 1.80	\$ 0.02	\$ 1.82

Remit to:

City of Belton  
Attn: Assistant Finance Director  
PO Box 120  
100 S. Davis St.  
Belton, TX 76513  
254-933-5810

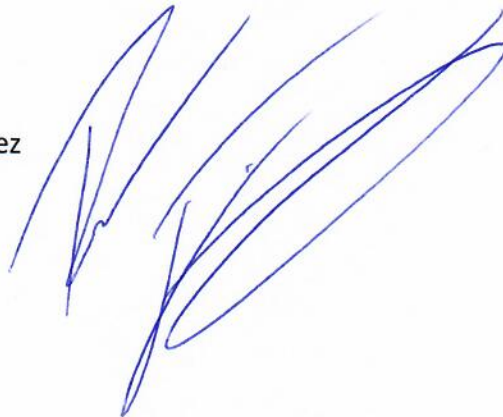
02/04/2019

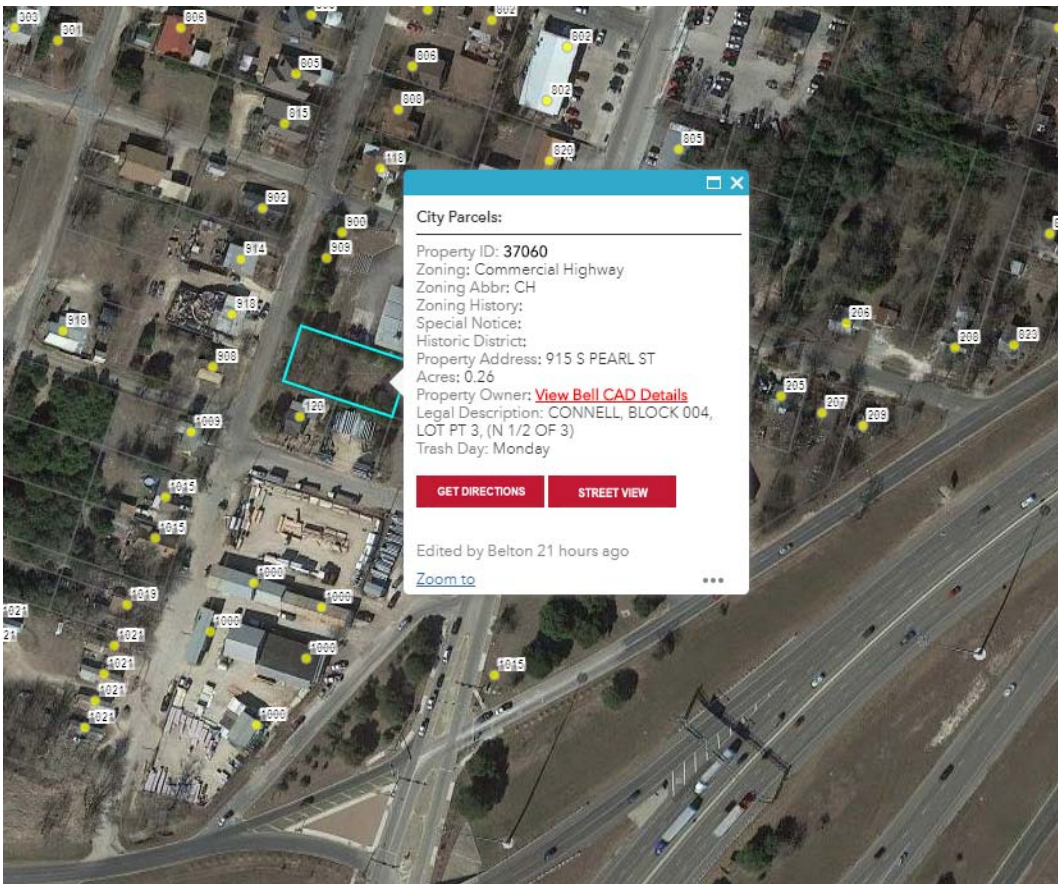
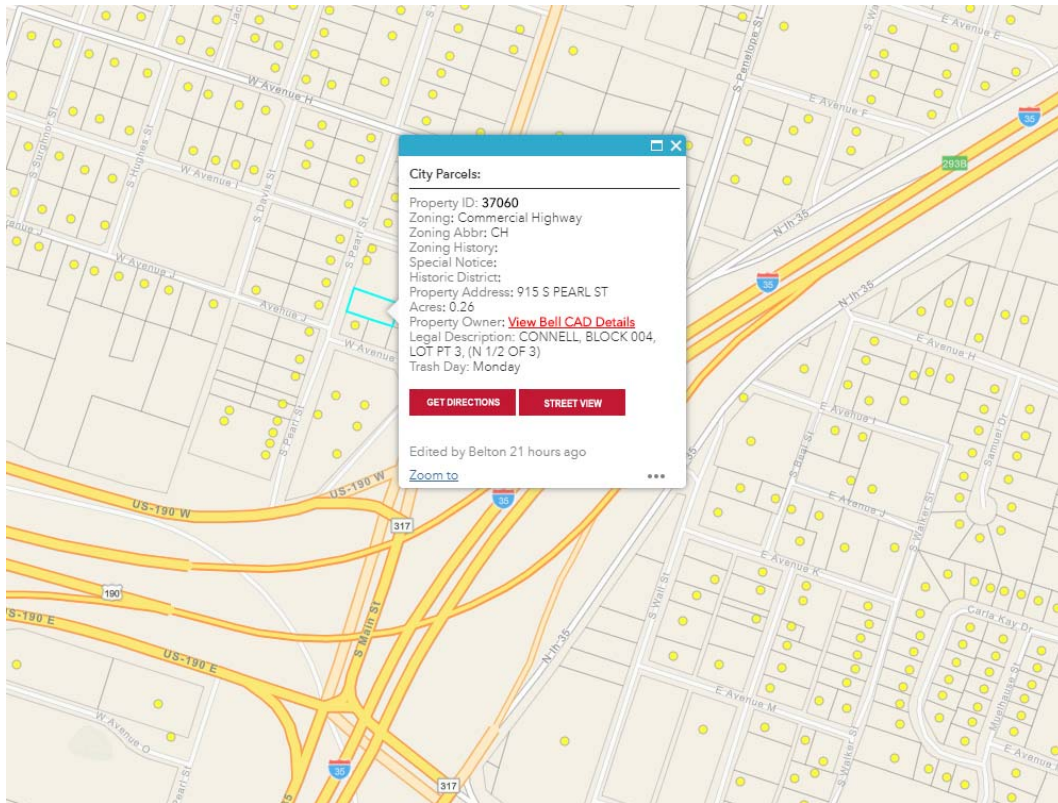
To whom it may concern:

I would like for the City of Belton's city council members to consider a lien payoff amount reduction for property ID #37060. I purchased the piece of property in the Bell County tax sale in the later months of 2018. When purchasing the property, I did understand that the property had a lien from the City of Belton. Understanding that some clean up or work may have been done to the property before I took ownership of it. I would like to offer a lien pay off reduction amount of \$3000.00. If the city council were to approve the amount, I would be willing to take care of the \$3000.00 the next business day.

Thank You!

Reyes Jimenez

A handwritten signature in blue ink, consisting of several overlapping, fluid strokes that form a cursive representation of the name Reyes Jimenez.





# Staff Report – City Council Agenda Item



## **Agenda Item #18**

Consider a resolution supporting 2019 Texas Legislative Priorities.

### **Originating Department**

Administration – Sam A. Listi, City Manager

### **Background**

In the current FY 2019-2023 Strategic Plan, an emphasis is placed on working with State and Federal Legislators on locally determined priorities. See attached Goal 1d (Exhibit 1). As indicated, the Strategic Plan anticipates an Outcome where the City takes a position on priorities for pending legislation. This objective was reinforced by City correspondence to State Senator Dawn Buckingham and State Representative Hugh Shine on December 19, 2018, before the Legislative Session began (Exhibit 2). Bell County Judge David Blackburn entered office on January 1, 2019, and drafted Legislative Position Statements on four (4) topics, on which he is seeking to achieve consensus, in order to assist our legislators in knowing community positions in this critical Legislative Session. The Position Statements, which have been slightly modified to add Belton impacts (Exhibit 3), include:

1. Avoiding Changes to Revenue Caps
2. Avoiding Unfunded Mandates
3. Expanding Assistance to Cities affected by the Disabled Veterans Tax Exemption
4. Addressing School Funding

In addition, the City of Temple, the Temple Chamber of Commerce, Temple Economic Development Corporation, the Killeen Chamber of Commerce, and Bell County endorsed a similar version of these four (4) Position Statements. Finally, the Belton Area Chamber of Commerce endorsed these four (4) Legislative Position Statements (Exhibit 4), at its meeting on February 21, 2019.

### **Summary Information**

In keeping with Goal 1d in the FY 2019-2023 Strategic Plan, and in partnership with area entities that believe strongly in self-governance, we believe action affirmatively outlining Belton's interests is imperative.

### **Fiscal Impact**

Amount: N/A

Budgeted: ☐ Yes ☐ No ☐ Capital Project Funds

If not budgeted: ☐ Budget Transfer ☐ Contingency ☐ Amendment Needed

### **Recommendation**

Recommend approval of a Resolution supporting 2019 Texas Legislative Priorities.

### **Attachments**

- 2019 Strategic Plan Goal 1d
- 12/19/19 Correspondence to Sen. Dawn Buckingham/Rep. Hugh Shine
- Legislative Position Statements Drafted by Bell County Judge David Blackburn (with Belton impacts highlighted)
- Legislative Position Statements Drafted by Bell County Judge David Blackburn and Endorsed by Belton Area Chamber of Commerce
- Resolution of Support



# City of Belton

## Strategic Plan Goal

### Action Plan

#### FY 2019

<b>Goal Category:</b>	Governance	
<b>Goal 1d:</b>	Work with State/Federal Legislators on Local Priorities	
<b>Applicable Outcome Statement(s):</b>	Belton's governance is fair, transparent, and fiscally responsible	
<b>Project Year:</b>	FY 2019	
<b>Team Leader:</b>	<b>Assisted By:</b>	
City Manager	Mayor, Council	

<b>Outcome Description(s):</b>	<ul style="list-style-type: none"> <li>City Council develops Priorities for 2019 State Legislative Session and 2019 Congressional term</li> </ul>
<b>Performance Indicator(s):</b>	<ul style="list-style-type: none"> <li>Staff has prepared priorities for Council considerations prior to start of Legislative Session and 2019 federal Congressional term</li> <li>Council has reached consensus on key priorities to emphasize in upcoming legislative term</li> <li>Priorities are communicated to State and Federal Legislators – regularly and consistently, and local experts made available for testifying</li> </ul>
<b>Challenges/Barriers:</b>	<ul style="list-style-type: none"> <li>Identifying a few key priorities for focus</li> <li>Monitoring legislative action in Austin</li> <li>Communicating clearly and in a timely manner when needed</li> </ul>
<b>Partners:</b>	<ul style="list-style-type: none"> <li>City Department Heads</li> <li>Chief Appraiser, Bell County Tax Appraisal District</li> </ul>

<b>Timeline for Implementation</b>	<b>Expected Completion Date</b>
FY 2019	Spring-Summer 2019

<b>Cost</b>	<b>Funding Source(s)</b>
Staff Resources	General Fund





## **2019 Texas State Legislative Priorities for District 24 Senator Dawn Buckingham and District 55 State Representative Hugh Shine**

**December 19, 2018**

Senator Buckingham and Representative Shine:

Mayor Marion Grayson, Mayor Pro Tem Craig Pearson, the Belton City Council, and over 20,000 Belton residents look forward to working with you as the State Legislative Session begins in January 2019. Thank you for reaching out to the City of Belton, and for your accessibility now and in the future.

- **On Tax and Finance Issues, the City opposes any measure to institute a new revenue cap on local governments. The City will also oppose the imposition of any legislation that contains an unfunded mandate from the State.**
- We are supportive of the bills filed by Representative Shine which appear to bring common sense reform and greater transparency to the property tax system.
- **Belton and Bell County as a whole are adversely affected by the 100% Disabled Veteran Property Tax Exemption. We are supportive of the Heart of Texas Defense Alliance's proposal to improve it.**
- Public Safety is one of the most important services local government provides directly to the citizens. Restrictions on local funding can jeopardize the safety of our community.
- A local government's Land Use Authority is critically important, especially in the area of annexation, in conformance with existing standards. These standards, especially the useful provisions for Non-Annexation Development Agreements, are working well to limit annexation. No additional changes are needed at this time.
- Grant Funding – Maintain meaningful and competitive funding, especially in Parks, Criminal Justice, Emergency Management, Agriculture, Housing, and Transit.
- Federal/State Homeland Security Funding - Achieving and maintaining modern and interoperable communications systems is critical to Belton, Central Texas, and Ft. Hood – locally, regionally at the Bell County Communications Center, and internationally. Also, preserve and enhance funding for Ft. Hood and ancillary facilities and services.
- Federal/State Workforce Investment Funding. Central Texas Workforce is a national leader in job placement for youth, and adults.
- Monitor Internet Service Providers to help us ensure distribution of service to developing neighborhoods.

- Continue to support favorable Economic Development Opportunities for local government, such as Opportunity Zones, which were approved for Belton, and maintain local authority for economic development corporations.
- Transportation Funding remains important due to unprecedented growth in Central Texas, in Ft. Hood's backyard. We will work with TxDOT in Belton and Waco, as well as KTMPO, the regional planning agency, to ensure maximum use of every federal and state dollar. Belton is the only city in your District located at the intersection of two interstate highways – IH 35 and IH 14 – meriting special focus when these funds are considered. Also, numerous state highways serve Belton, the Bell County seat. Loop 121 is our Number 1 TxDOT priority, with FM 93 second, and with Lake to Lake Road (FM 2271) a future regional priority.
- Federal funds administered by State agencies have been/are being used effectively by the City of Belton, with significant local match amounts provided by the City. Please be aware of the following important funding:
  - KTMPO's long-range planning and funding for Loop 121 is evident in the final schematics developed for the project, from FM 439 to IH 35, and initial funding (\$5 million) for right-of-way (ROW) acquisition and environmental studies.
  - \$200,000 in KTMPO funding for sidewalks along SH 317, So. Main Street, was built with a city water line replacement this year.
  - Two Department of Transportation grants administered by TxDOT are being implemented to extend to the Nolan Creek Hike and Bike Trail project, and linking north and south Belton (TxDOT).
  - CDBG (Community Development Block Grant funds) grant awards have been used to upgrade utility services to low/moderate income persons in Belton. (TDHCA)
  - Multi-year funding from HUD through TDHCA (Texas Department of Housing and Community Affairs) has been effectively used for replacement homes. This is an outstanding program through which we have replaced 34 homes in Belton for very low-income property owners over the last 18 years.
  - Texas Parks and Wildlife Grant funds have been important to Belton as well, including funding for large Community Parks (\$500,000); small Community parks (\$75,000); and Specialty Parks (\$100,000) for Nolan Creek Recreational Enhancements.

These funding programs, and the projects they make possible, are important to cities in your District, especially small cities. In Belton, the Bell County Seat, 28% of assessed property values are exempted. While we know funding is and will remain a challenge, we hope you will be cognizant of the value of these funding opportunities to local communities.

On behalf of the Belton City Council, City Staff and residents of Belton, thank you for your friendship and support in these matters, and for your service to the Citizens of Belton. We share your commitment to maintaining fiscal responsibility at the state government level, and want to be a partner in any way we can. Local Belton officials are available for clarification/background on any topic identified. Please call upon us to assist in making your term in the legislature as successful as possible.

Mayor Marion Grayson  
(254) 718-7878

Mayor Pro Tem Craig Pearson  
(254) 718-1389

City Manager Sam A. Listi  
(254) 721-5522



## **Legislative Position Statement:**

### **Revenue Caps**

#### **Background:**

Current law provides for a 'revenue cap' (also known as a 'rollback rate'), which limits local government tax rate increases. The current revenue cap for local governments is 8%. Currently, if a city or county increases the property tax rate by more than 8% over the previous year, voters can petition for an election to 'rollback' the increase. In recent legislative sessions, bills have been introduced to replace the 'rollback rate' with a lower threshold and require mandatory elections on an increase over the 'rollback rate'. The efforts to lower the current revenue cap have been proposed as a measure to provide property tax relief.

#### **Position Statement:**

Decreasing the current revenue cap is, at best, misguided public policy and will not achieve property tax relief.

- A lower revenue cap is a misguided, 'one-size fits all' solution. Locally elected governmental bodies are in the best position to determine the right policy decisions, and to determine the revenue and expense requirements for their own localities for the issues and challenges that they face. Our local governments need to be able to provide the services that local residents need and desire in areas such as health care, streets and roads, and public safety. What's right or desired in Texarkana might not be what's right or desired in Temple.
- A lower revenue cap does not address costs outside the control of the local government. Unfunded mandates, emergencies, and demand for services caused by rapid population growth can all require additional revenue in order to meet costs.
- A lower revenue cap can negatively affect the fiscal health of local governments by increasing the costs of debt thru lower bond ratings. Lower revenue caps will result in the inability to raise the revenue necessary to adequately fund bond requirements for needed infrastructure.
- A lower revenue cap hurts the ability of local governments to spur economic development by diminishing the flexibility to provide economic incentives. Cities and counties are the economic engines of the State and lower revenue caps limits their ability to offer economic incentives.
- A lower revenue cap restricts the flexibility of local governments not just to raise their tax rates, but to balance their community needs responsibly. Belton issued tax-supported bonds in 2013, 2015 and 2018 and made no changes to its overall tax rate to pay for the new debt. Instead, Belton lowered its M&O rate in the short-term (with plans to rebalance in future years) to accommodate a larger Debt Service Rate while maintaining a consistent overall tax rate. With a 2.5% revenue cap placed on M&O tax rates, this sort of management would become impractical, as Belton would not have had the ability to 'rebuild' its M&O rate following a decrease.
- In the last five years, Belton's adopted tax rate has averaged 2.2% above the Effective or "No New Revenue" tax rate. That means that the burden to taxpayers has increased at a pace slower than inflation and below the 2.5% mark. However, due to the way the truth-in-taxation calculation works, Belton would have exceeded a 2.5% M&O revenue cap each of the last five years.
- The proposed revenue cap would remove the ability of Belton's local leaders to manage the needs of the City and the burden to taxpayers in the responsible manner in which they have proven works, and would ensure that any future bond issue came with a tax increase.
- What may appear to be taxpayer friendly reform in Austin does not work for every local jurisdiction. One size does not fit all.



**Ask:**

- Leave the revenue cap where it is ... at 8%.
- Recognize that local governments are fiscally responsible and are in the best position to know what their respective communities need and desire.
- Recognize that a solution already exists if local residents believe their local governments have not been fiscally responsible or responsive ... it's called an election.

**Points of Contact:**

- Bell County Judge David Blackburn, [David.Blackburn@bellcounty.texas.gov](mailto:David.Blackburn@bellcounty.texas.gov) (254.933.5105)
- Temple City Manager Brynn Myers, [Bmyers@templetx.gov](mailto:Bmyers@templetx.gov) (254.298.5600)
- Killeen City Manager Ron Olson, [Rolson@killeentexas.gov](mailto:Rolson@killeentexas.gov) (254.501.7700)

## CITY OF BELTON, TEXAS

## ADOPTED TAX RATE VS. EFFECTIVE TAX RATE

Fiscal Year	Tax Year	Tax Rate			Effective Tax Rate	Adopted Rate v. Effective Tax Rate	
		M&O	I&S	Total		\$	%
2008	2007	0.5377	0.1173	0.6550	0.6431	0.0119	1.9%
2009	2008	0.5394	0.1156	0.6550	0.6244	0.0306	4.9%
2010	2009	0.5360	0.1190	0.6550	0.6486	0.0064	1.0%
2011	2010	0.5397	0.1153	0.6550	0.6594	-0.0044	-0.7%
2012	2011	0.5405	0.1135	0.6540	0.6540	0.0000	0.0%
2013	2012	0.5488	0.1110	0.6598	0.6598	0.0000	0.0%
2014	2013	0.5488	0.1110	0.6598	0.6472	0.0126	1.9%
2015	2014	0.5425	0.1173	0.6598	0.6402	0.0196	3.1%
2016	2015	0.5332	0.1266	0.6598	0.6452	0.0146	2.3%
2017	2016	0.5393	0.1205	0.6598	0.6457	0.0141	2.2%
2018	2017	0.5545	0.1053	0.6598	0.6465	0.0133	2.1%
2019	2018	0.5650	0.0948	0.6598	0.6516	0.0082	1.3%
					Average last 12 years		1.7%
					Average last 5 years		2.2%

Fiscal Year	Tax Year	Tax Rate			Rollback Tax Rate	Adopted Rate v. Rollback Tax Rate	
		M&O	I&S	Total		\$	%
2008	2007	0.5377	0.1173	0.6550	0.6905	-0.0355	-5.1%
2009	2008	0.5394	0.1156	0.6550	0.7013	-0.0463	-6.6%
2010	2009	0.5360	0.1190	0.6550	0.6868	-0.0318	-4.6%
2011	2010	0.5397	0.1153	0.6550	0.6882	-0.0332	-4.8%
2012	2011	0.5405	0.1135	0.6540	0.6855	-0.0315	-4.6%
2013	2012	0.5488	0.1110	0.6598	0.6888	-0.0290	-4.2%
2014	2013	0.5488	0.1110	0.6598	0.6970	-0.0372	-5.3%
2015	2014	0.5425	0.1173	0.6598	0.6807	-0.0209	-3.1%
2016	2015	0.5332	0.1266	0.6598	0.6858	-0.0260	-3.8%
2017	2016	0.5393	0.1205	0.6598	0.6680	-0.0082	-1.2%
2018	2017	0.5545	0.1053	0.6598	0.6599	-0.0001	0.0%
2019	2018	0.5650	0.0948	0.6598	0.6722	-0.0124	-1.8%
					Average		-3.8%
					Average last 5 years		-2.0%

Fiscal Year	Tax Year	Tax Rate			2.5% Rollback Tax Rate	Adopted Rate v. 2.5% Rollback Tax Rate	
		M&O	I&S	Total		\$	%
2008	2007	0.5377	0.1173	0.6550	0.6614	-0.0064	-1.0%
2009	2008	0.5394	0.1156	0.6550	0.6716	-0.0166	-2.5%
2010	2009	0.5360	0.1190	0.6550	0.6715	-0.0165	-2.5%
2011	2010	0.5397	0.1153	0.6550	0.6573	-0.0023	-0.3%
2012	2011	0.5405	0.1135	0.6540	0.6565	-0.0025	-0.4%

2013	2012	0.5488	0.1110	0.6598	0.6594	0.0004	0.1%
2014	2013	0.5488	0.1110	0.6598	0.6511	0.0087	1.3%
2015	2014	0.5425	0.1173	0.6598	0.6521	0.0077	1.2%
2016	2015	0.5332	0.1266	0.6598	0.6574	0.0024	0.4%
2017	2016	0.5393	0.1205	0.6598	0.6402	0.0196	3.1%
2018	2017	0.5545	0.1053	0.6598	0.6318	0.0280	4.4%
2019	2018	0.5650	0.0948	0.6598	0.6429	0.0169	2.6%
					Average		0.5%
					Average last 5 years		2.3%





## **Legislative Position Statement:**

### **Unfunded Mandates**

#### **Background:**

- Unfunded mandates are state laws or regulations that require a local entity to perform certain actions with no provision for funding to fulfill the mandate being imposed.
- Examples of unfunded mandates at the County & City level:
  - o Indigent Health Care mandate ... Bell County cost = \$4,080,500 (3.66 cents on property tax rate)
  - o Indigent Legal Defense mandate... Bell County cost = \$3,600,000 (2.65 cents on property tax rate)

#### **Position Statements & Asks:**

- Unfunded mandates are poor public policy, and the State policy and practice of imposing unfunded mandates should stop.
- Imposing unfunded mandates on local entities contribute to property tax rate increases.
- Do not support a bill that imposes a duty or obligation on a local entity to perform a certain action without providing the full measure of resources to fulfill the duty or obligation being imposed.
- Pass legislation prohibiting unfunded mandates. This legislation should include a requirement that any legislation being proposed also include a fiscal impact note for both the State of Texas and any and all local entities that will be charged with a duty or obligation to enforce, perform, and/or comply with the proposed legislation.

#### **Resource Points of Contact:**

- Bell County Judge David Blackburn, [David.Blackburn@bellcounty.texas.gov](mailto:David.Blackburn@bellcounty.texas.gov) (254.933.5105)
- Belton City Manager Sam Listi, [slisti@beltontexas.gov](mailto:slisti@beltontexas.gov) (254.721.5522)
- Harker Heights City Manager David Mitchell, [dmitchell@ci.harker-heights.tx.us](mailto:dmitchell@ci.harker-heights.tx.us) (254.953.5600)
- Temple City Manager Brynn Myers, [bmyers@templetx.gov](mailto:bmyers@templetx.gov) (254.298.5600)



### **Legislative Position Statement:**

#### **Disabled Veterans Tax Exemption**

##### **Background:**

- State law provides that a disabled veteran is entitled to a 100% local property tax exemption.
- State law provides that a city adjacent to a US military installation and a county in which a US military installation is wholly or partly located may be entitled to disabled veteran assistance payment from the State.
- A city or county qualifies for the disabled veteran's assistance payment if lost property tax revenue from the 100% or totally disabled veteran residence homestead exemption under Tax Code Section 11.131 is equal to or greater than 2 percent of the city or county general fund revenue for that fiscal year.
- Killeen and Bell County currently qualify for the disabled veteran's assistance payment.
- Killeen lost \$3,447,140 in tax levy for FY 2017 and received state reimbursement assistance of \$902,952
  - o Since 2016 Killeen has lost \$15,000,000 in tax revenue due to the disabled veterans tax exemption
  - o Killeen's growth rate for the disabled veterans tax exemption has been 20% a year
- Bell County lost \$4,479,726 in tax levy for FY 2017 and received state reimbursement assistance of \$1,500,000
- Harker Heights does not currently qualify for disabled veterans tax exemption assistance from the State, but Harker Heights has lost over \$1,674,000 in tax levy due to the exemption (approximately 8% of general fund revenues)
- Belton does not currently qualify for disabled veterans tax exemption assistance from the State, but Belton will lose \$180,570 in tax levy for FY 2019 due to the exemption (the equivalent of 1.61 cents on the tax rate).

##### **Position Statements & Asks:**

- We support the disabled veterans tax exemption, and we ask our Legislature to continue to support our disabled veterans.
- Recognize that the disabled veterans tax exemption creates a disproportionate impact on Bell County, Killeen, and Harker Heights.
- Recognize that the growth in the disabled veterans tax exemption is at a faster rate than new property tax growth and that this trend has resulted in an increased tax burden on active-duty soldiers, non-disabled veterans, military-connected families, and residents.
- Pass legislation to appropriate funding to fully fund assistance for cities and counties that qualify under the law for assistance.
- Pass legislation that would extend eligibility for the disabled veterans tax exemption assistance from the State to include cities within 20 miles of the military installation.

##### **Resource Points of Contact:**

- Bell County Judge David Blackburn ([David.Blackburn@bellcounty.texas.gov](mailto:David.Blackburn@bellcounty.texas.gov)) (254.933.5105)
- Killeen City Manager Ron Olson ([rolson@killeentexas.gov](mailto:rolson@killeentexas.gov)) (254.501.7700)
- Harker Heights City Manager David Mitchell, [dmitchell@ci.harker-heights.tx.us](mailto:dmitchell@ci.harker-heights.tx.us) (254.953.5600)

# City of Belton

## Exemption

### 100% Disabled Veterans Homestead and Surviving Spouse

	2009-2010		2017-2018		2018-2019		Tax Effect
Count	16		109		139		
Taxable Value	\$	1,467,441	\$	20,122,983	\$	27,367,384	
Taxes Exempted	\$	9,612	\$	132,771	\$	180,570	1.61 cents





## Legislative Position Statement:

### School Funding

#### Background:

- Texas is spending 15.6% less per student , in constant dollars, today than it was in 2010, and in addition...
- Over the past decade, the percentage of state funding relative to local funding for our schools has decreased
- In 2008, the school finance funding allocations were : State/44.9% ; Local/ 44.8%; Federal/ 10.3%
- In 2018, the school finance funding allocations were: Local/ 55.5%; State/35%; Federal/ 9.5%
- From 2008 to 2018, our school population has grown from 4,500,000 to 5,200,000
- This decade of decreases by the State has shifted fiscal responsibility from the State to the local ISD's
- The average Wealth per Average Daily Attendance ('WADA') funding from the State for school districts in Bell County is \$6,095 per student
  - The average WADA funding for all Districts in Texas is \$6,383 per student
  - The average WADA funding for Austin ISD is \$6,797 per student
  - The average WADA funding for the wealthiest ISD's in the state is \$7,375 per student

#### Position Statements & Asks:

- Despite a 13.7% growth in student population over the past decade, the State's funding , on a per student basis, has declined by 12.6% per student. This is wrong and should stop. The State must meet and fulfill its constitutional obligations for the support and maintenance of an efficient system of public free schools.
- The current public school funding system is overly complex, confusing and inefficient. Billions of dollars each biennium are wasted on funding elements that do not address any state recognized cost. This is wrong and should stop.
- Pass legislation that adopts and implements the recommendations presented to the Texas Commission of Public School Finance in May, 2018 by the Equity Center, to include:
  - o Begin school finance reform by recognizing that the solution begins with eliminating inefficiencies
  - o If the Equity Center approach is adopted, \$3.3 billion dollars of inefficiencies could be rolled back into the basic allotment/equalized wealth level ...the result would be an increase in the basic allotment from \$5,140 to \$5,571 (including charter schools) and an equalized wealth level increase from \$514,000 to \$557,100
- Support a shift from funding based on average daily attendance (to student enrollment) **only if** the State increases funding to the schools.
- Return to the 2008 funding allocation percentages of equal funding from the State and local ISD's.

#### Resource Points of Contact:

- Dr. Michael Novotny, Salado ISD Superintendent.. [Michael.novotny@saladoisd.org](mailto:Michael.novotny@saladoisd.org) / 254.947.6905 (ph)
- Dr. Bobby Ott, Temple ISD Superintendent.. [bobby.ott@tisd.org](mailto:bobby.ott@tisd.org) / 254. 215.6760 (ph)
- Dr. Susan Kincannon, Belton Superintendent.. [susan.kincannon@bisd.net](mailto:susan.kincannon@bisd.net) / 254.215.2004 (ph)

## **Legislative Position Statement Disabled Veteran's Property Tax Exemption**

In collaboration with Bell County, the City of Belton, Belton ISD, and other area cities, ISDs and chambers of commerce, the Belton Area Chamber of Commerce Board of Directors approved the following position statement.

**The Texas State Legislature should continue the Disabled Veteran's Property Tax Exemption, but fully fund it and expand the State financial assistance program to include cities within 25 miles of the military installation that meet all of the other existing criteria to qualify for financial assistance.**

### Background:

- State law provides that a disabled veteran is entitled to a 100% local property tax exemption.
- State law provides that a city adjacent to a US military installation and a county in which a US military installation is wholly or partly located may be entitled to disabled veteran assistance payment from the State.
- A city or county qualifies for the disabled veteran's assistance payment if lost property tax revenue from the 100% or totally disabled veteran residence homestead exemption under Tax Code Section 11.131 is equal to or greater than 2 percent of the city or county general fund revenue for that fiscal year.
- Bell County currently qualifies for the disabled veteran's assistance payment, however,
  - Bell County lost \$4,479,726 in tax levy for FY 2017 and received state reimbursement assistance of only \$1,500,000.
- Killeen currently qualifies for the disabled veteran's assistance payment, however,
  - Killeen lost \$3,447,140 in tax levy for FY 2017 and received state reimbursement assistance of only \$902,952.
  - Since 2016, Killeen has lost \$15,000,000 in tax revenue due to the disabled veteran's tax exemption.
  - Killeen's growth rate for the disabled veteran's tax exemption has been 20% a year.
- Harker Heights does not currently qualify for disabled veteran's tax exemption assistance from the State, but Harker Heights has lost over \$1,674,000 in tax levy due to the exemption (approximately 8% of general fund revenues).
- Belton does not currently qualify for disabled veteran's tax exemption assistance from the State, but Belton will lose \$180,570 in tax levy for FY 2019 due to the exemption (the equivalent of 1.61 cents on the tax rate).

### Position Statements & Asks:

- We support the disabled veteran's tax exemption, and we ask our Legislature to continue to support our disabled veterans.
- Recognize that the disabled veteran's tax exemption creates a disproportionate impact on Bell County, Killeen, Harker Heights, and Belton.
- Recognize that the growth in the disabled veteran's tax exemption is at a faster rate than new property tax growth and that this trend has resulted in an increased tax burden on active-duty soldiers, non-disabled veterans, military-connected families, and residents.

- Pass legislation to appropriate funding to fully fund assistance for cities and counties that qualify under the law for assistance.
- Pass legislation that would extend eligibility for the disabled veteran's tax exemption assistance from the State to include cities within 25 miles of the military installation.

Resource Points of Contact:

- Bell County Judge David Blackburn, [David.Blackburn@bellcounty.texas.gov](mailto:David.Blackburn@bellcounty.texas.gov) (254.933.5105)
- Belton City Manager Sam Listi, [slisti@beltontexas.gov](mailto:slisti@beltontexas.gov) (254.721.5522)
- Killeen City Manager Ron Olson, [rolson@killeentexas.gov](mailto:rolson@killeentexas.gov) (254.501.7700)
- Harker Heights City Manager David Mitchell, [dmitchell@ci.harker-heights.tx.us](mailto:dmitchell@ci.harker-heights.tx.us) (254.953.5600)



## **Legislative Position Statement Public School Finance**

In collaboration with Bell County, the City of Belton, Belton ISD, and other area cities, ISDs and chambers of commerce, the Belton Area Chamber of Commerce Board of Directors approved the following position statement.

**The Texas State Legislature should meet and fulfill its constitutional obligations for the support and maintenance of free public schools. In order to truly address property tax relief, the State must increase its share of funding for public education. We support adequate and equitable funding for public education. We support assistance for fast growth school districts.**

### Background:

- Texas is spending 15.6% less per student, in constant dollars, today than it was in 2010.
- Over the past decade, the percentage of state funding relative to local funding for our schools has decreased.
  - In 2008, the school finance funding allocations were: Local/44.8%; State/44.9%; Federal/10.3%.
  - In 2018, the school finance funding allocations were: Local/ 55.5%; State/35%; Federal/9.5%.
- From 2008 to 2018, our school population in Texas has grown from 4,500,000 to 5,200,000.
- This decade of decreases by the State has shifted fiscal responsibility from the State to the local ISD's.
- The average Wealth per Average Daily Attendance ('WADA') funding from the State for school districts in Bell County is \$6,095 per student
  - The average WADA funding for all Districts in Texas is \$6,383 per student
  - The average WADA funding for Austin ISD is \$6,797 per student
  - The average WADA funding for the wealthiest ISD's in the state is \$7,375 per student
- Fast growth school districts like Belton ISD are carrying the extra burden of adding facilities without adequate support from the State.
  - Texas public schools enroll an average of 75,000 new students every year, with roughly 80% of the new students are spread among just 75 of the state's more than 1,200 public school districts statewide.
  - Instructional Facilities Allotment (IFA) and Existing Debt Allotment (EDA) are in statute to provide equalized funding assistance for facilities. However, EDA and IFA have not been adequately funded to meet the needs of our growing student population.

### Position Statements & Asks:

- Despite a 13.7% growth in student population over the past decade, the State's funding, on a per student basis, has declined by 12.6% per student. This is wrong and should stop. The State must meet and fulfill its constitutional obligations for the support and maintenance of an efficient system of public free schools.

- The current public school funding system is overly complex, confusing and inefficient. Billions of dollars each biennium are wasted on funding elements that do not address any state recognized cost. This is wrong and should stop.
- Pass legislation that adopts and implements recommendations presented to the Texas Commission of Public School Finance in 2018, to include:
  - Begin school finance reform by recognizing that the solution begins with eliminating inefficiencies.
  - Increase the basic allotment/equalized wealth level to address inequities in the system.
- Support a shift from funding based on average daily attendance (to student enrollment) only if the State increases funding to the schools.
- At a minimum, return to the 2008 funding allocation percentages of equal funding from the State and local ISD's.
- Fully funding Instructional Facilities Allotment (IFA) and Existing Debt Allotment (EDA) would have a direct impact on reducing property taxes, especially for fast growth school districts like Belton ISD.
- Continue funding for New Instructional Facilities Allotment (NIFA).

Resource Points of Contact:

- Dr. Susan Kincannon, Belton Superintendent, [susan.kincannon@bisd.net](mailto:susan.kincannon@bisd.net) (254.215.2004)
- Dr. Michael Novotny, Salado ISD Superintendent, [Michael.novotny@saladoisd.org](mailto:Michael.novotny@saladoisd.org) (254.947.6905)
- Dr. Bobby Ott, Temple ISD Superintendent, [bobby.ott@tisd.org](mailto:bobby.ott@tisd.org) (254. 215.6760)



## Legislative Position Statement Revenue Caps

In collaboration with Bell County, the City of Belton, Belton ISD, and other area cities, ISDs and chambers of commerce, the Belton Area Chamber of Commerce Board of Directors approved the following legislative position statement.

**The Texas State Legislature should not impose any further restrictions on local control by imposing lowered revenue caps. Proposed revenue caps will have a detrimental effect on the ability of local communities to meet the needs of their community, including public safety. Changes to revenue caps should not be implemented prior to public school finance reform.**

### Background:

Current law provides for a 'revenue cap' (also known as a 'rollback rate'), which limits local government tax rate increases. The current revenue cap for local governments is 8%. Currently, if a city or county increases the property tax rate by more than 8% over the previous year, voters can petition for an election to 'rollback' the increase. In recent legislative sessions, bills have been introduced to replace the 'rollback rate' with a lower threshold and require mandatory elections on an increase over the 'rollback rate.' The efforts to lower the current revenue cap have been proposed as a measure to provide property tax relief.

The City of Belton issued tax-supported bonds in 2013, 2015 and 2018 and made no changes to its overall tax rate to pay for the new debt. Instead, Belton lowered its M&O rate in the short-term (with plans to rebalance in future years) to accommodate a larger Debt Service Rate while maintaining a consistent overall tax rate. With a 2.5% revenue cap placed on M&O tax rates, this sort of management would become impractical, as Belton would not have had the ability to 'rebuild' its M&O rate following a decrease.

In the last five years, the City of Belton's adopted tax rate has averaged 2.2% above the Effective or "No New Revenue" tax rate. That means that the burden to taxpayers has increased at a pace slower than inflation and below the 2.5% mark. However, due to the way the truth-in-taxation calculation works, Belton would have exceeded a 2.5% M&O revenue cap each of the last five years.

Calculations of the impact on Belton ISD indicate that substantial additional funding from the State would be needed to offset lost revenue if revenue caps were set at 2.5%. Models run for past years indicate that it would have required an additional \$12 million in 2017, and \$72 million over the past 10 years if the lowered cap was in place. Statewide, the required funding to offset losses is calculated at \$30-43 billion over a 10 year period. While such local property tax relief is desirable, without identified revenue sources to offset these losses it is premature to set arbitrary caps.

### Position Statements:

- A lower revenue cap is a misguided, 'one-size fits all' solution. Locally elected governmental bodies are in the best position to determine the right policy decisions, and to determine the revenue and expense requirements for their own localities for the issues and challenges that



they face. Our local governments need to be able to provide the services that local residents need and desire in areas such as health care, streets and roads, and public safety. What's right or desired in one part of our diverse state might not be what's right or desired in Belton.

- A lower revenue cap does not address costs outside the control of the local government. Unfunded mandates, emergencies, and demand for services caused by rapid population growth can all require additional revenue in order to meet costs.
- A lower revenue cap can negatively affect the fiscal health of local governments by increasing the costs of debt through lower bond ratings. Lower revenue caps will result in the inability to raise the revenue necessary to adequately fund bond requirements for needed infrastructure.
- A lower revenue cap hurts the ability of local governments to spur economic development by diminishing the flexibility to provide economic incentives. Cities and counties are the economic engines of the State and lower revenue caps limit their ability to offer economic incentives.
- A lower revenue cap restricts the flexibility of local governments not just to raise their tax rates, but to balance their community needs responsibly.
- Local governments are fiscally responsible and are in the best position to know what their respective communities need and desire.
- Establishing lower unrealistic 'revenue caps' will push local governments to seek a maximum level annually to stay ahead of inflation and unknown future expenditures.
- Decreasing the current revenue cap is, at best, misguided public policy and will not achieve property tax relief.
- The proposed revenue cap would remove the ability of Belton's local leaders to manage the needs of the City and the burden to taxpayers in the responsible manner in which they have proven works, and would ensure that any future bond issue came with a tax increase.

Ask:

- Leave the revenue cap where it is – at 8%.
- Recognize that local governments are fiscally responsible and are in the best position to know what their respective communities need and desire.
- Recognize that a solution already exists if local residents believe their local governments have not been fiscally responsible or responsive... it's called an election.
- Address public school finance reform prior to revenue caps.

Points of Contact:

- Bell County Judge David Blackburn, [David.Blackburn@bellcounty.texas.gov](mailto:David.Blackburn@bellcounty.texas.gov) (254.933.5105)
- Belton City Manager Sam Listi, [slisti@beltontexas.gov](mailto:slisti@beltontexas.gov) (254.721.5522)
- Belton ISD Superintendent Dr. Susan Kincannon, [susan.kincannon@bisd.net](mailto:susan.kincannon@bisd.net) (254.215.2000)
- Temple City Manager Brynn Myers, [Bmyers@templetx.gov](mailto:Bmyers@templetx.gov) (254.298.5600)



## Legislative Position Statement Unfunded Mandates

In collaboration with Bell County, the City of Belton, Belton ISD, and other area cities, ISDs and chambers of commerce, the Belton Area Chamber of Commerce Board of Directors approved the following position statement.

**The Texas State Legislature should cease the practice of passing state laws that require a local entity to perform certain actions with no provision for funding to fulfill the mandate being imposed.**

We further request the Texas State Legislature pass legislation prohibiting the practice of passing unfunded mandates and that the legislation requires that any and all bills being considered by the Legislature include a fiscal impact note for both the State of Texas and any and all local entities that will be subjected to the proposed legislation.

### Background:

Unfunded mandates are state laws or regulations that require a local entity to perform certain actions with no provision for funding to fulfill the mandate being imposed.

Examples of the impact of unfunded mandates on our local area:

- Indigent Health Care mandate – Bell County cost = \$4,080,500 (3.66 cents on property tax rate)
- Indigent Legal Defense mandate – Bell County cost = \$3,600,000 (2.65 cents on property tax rate)

### Position Statements & Asks:

- Unfunded mandates are poor public policy, and the State policy and practice of imposing unfunded mandates should stop.
- Imposing unfunded mandates on local entities contribute to local property tax rate increases.
- Do not support a bill that imposes a duty or obligation on a local entity to perform a certain action without providing the full measure of resources to fulfill the duty or obligation being imposed.
- Pass legislation prohibiting unfunded mandates. This legislation should include a requirement that any legislation being proposed also include a fiscal impact note for both the State of Texas and any and all local entities that will be charged with a duty or obligation to enforce, perform, and/or comply with the proposed legislation.

### Resource Points of Contact:

- Bell County Judge David Blackburn, [David.Blackburn@bellcounty.texas.gov](mailto:David.Blackburn@bellcounty.texas.gov) (254.933.5105)
- Belton City Manager Sam Listi, [slisti@beltontexas.gov](mailto:slisti@beltontexas.gov) (254.721.5522)
- Harker Heights City Manager David Mitchell, [dmitchell@ci.harker-heights.tx.us](mailto:dmitchell@ci.harker-heights.tx.us) (254.953.5600)
- Temple City Manager Brynn Myers, [bmyers@templetx.gov](mailto:bmyers@templetx.gov) (254.298.5600)

## **RESOLUTION 2019-08-R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, BELL COUNTY, TEXAS SUPPORTING BELL COUNTY'S 2019 TEXAS LEGISLATIVE PRIORITIES; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THESE PRIORITIES.**

**WHEREAS**, the 86<sup>th</sup> Session of the Texas State Legislature is currently in session in Austin; and

**WHEREAS**, Belton's 2019-2023 Strategic Plan emphasizes working with our local legislators on locally determined priorities; and

**WHEREAS**, prior to the start of the Session, Belton communicated several priorities to Senator Dawn Buckingham and Representative Hugh Shine; and

**WHEREAS**, Bell County Judge David Blackburn drafted Legislative Position Statements on four related topics and has solicited area support to achieve a consensus on these critical matters; and

**WHEREAS**, we have incorporated Belton impacts into the drafted Position Statements; and

**WHEREAS**, Temple, Bell County, the Belton Area Chamber of Commerce, and others have endorsed or plan to endorse similar Position Statements;

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELTON, BELL COUNTY, TEXAS, THAT THE CITY OF BELTON:**

1. Endorses the attached four Position Statements including:
  - a. Avoiding Changes to Revenue Caps
  - b. Avoiding Unfunded Mandates
  - c. Expanding Assistance to Cities affected by the Disabled Veterans Tax Exemption
  - d. Addressing School Funding
2. Encourages our State Legislators, Senator Dawn Buckingham and Representative Hugh Shine, to respect local community sentiments and avoid imposing "one size fits all" legislation that impedes local governmental authority.

Passed and approved this 26<sup>th</sup> day of February, 2019.

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Marion Grayson, Mayor

Attest:

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Amy M. Casey, City Clerk