

### **City of Belton, Texas**

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

Pledge of Allegiance. The Pledge of Allegiance to the U.S. Flag will be led by Councilmember John R. Holmes, Sr.

Texas Pledge. The Pledge of Allegiance to the Texas Flag will be led by Director of Finance Brandon Bozon.

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

Invocation. The Invocation will be given by Mary Hendrix, Senior Chaplain of the IFOC Heart of Texas.

- 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 3-5 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 March 12, 2019 City Council meeting.

City Council Meeting Agenda March 26, 2019 Page 1 of 3

- Consider a resolution authorizing the City Manager to act on behalf of the City of Belton in accepting offers to conclude right-of-way acquisition for parcels to be acquired by TxDOT for the Loop 121 widening project including Parcels 56, 48/48E, 46/46E and 4.
- 5. Consider a resolution nominating the City's candidate for election to the Board of Directors of the Central Texas Water Supply Corporation.

#### Planning and Zoning

- Hold a public hearing and consider a zoning change from Agricultural to Single Family – 1 District on approximately 1.0 acre located at 1601 Connell Street, on the west side of S. Connell Street, between Avenue O and Laila Lane.
- 7. Hold a public hearing and consider a zoning change from Agricultural to Single Family – 3 District with a Specific Use Permit for a Church and Ancillary Buildings on approximately 6.92 acres located at 2027 Connell Street, on the west side of S. Connell Street, between Laila Lane and Liberty Valley Drive.
- 8. Consider a preliminary plat of West Canyon Trails, comprising 38.333 acres, located on the south side of W. Avenue O, between S. Loop 121 and Connell Street.
- 9. Consider a final plat of Stacey Addition, comprising 3.421 acres, located at the southeast corner of FM 93 and Spring Valley Lane, west of Wheat Road, in Belton's ETJ.
- 10. Consider a final plat of Hedderly Addition, comprising 3.96 acres, located on the east side of George Wilson Road, beginning approximately 0.6 mile north of US 190/I-14, in Belton's ETJ.
- 11. Consider a final plat of Flores Addition, a replat of Sherwood Shores VII, Pecan Grove Section, Lots 330 and 331, comprising 0.29 acres, located south of I-14 and west of FM 1670, near the northeast corner of Teakwood Lane and Mistletoe Drive, at 4360 and 4364 Mistletoe Drive, in Belton's ETJ.
- 12. Consider a final plat of Wheat Road Addition, comprising 10.091 acres, located on the east side of N. Wheat Road, north of FM 93 and south of Nolan Creek, at 1603 Wheat Road, in Belton's ETJ.

#### **Miscellaneous**

13. Receive a presentation on the Comprehensive Annual Financial Report for Fiscal Year 2018.

City Council Meeting Agenda March 26, 2019 Page 2 of 3 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.

City Council Meeting Agenda March 26, 2019 Page 3 of 3



### **City of Belton, Texas**

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#### OFFICE OF THE CITY MANAGER

Pledge of Allegiance. The Pledge of Allegiance to the U.S. Flag will be led by Councilmember John R. Holmes, Sr.

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Invocation. The Invocation will be given by Mary Hendrix, Senior Chaplain of the IFOC Heart of Texas.

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> City Council Meeting Agenda March 26, 2019 Page 1 of 3

#### 3. Consider minutes of March 12, 2019 City Council meeting.

A copy of the minutes is attached. Recommend approval.

#### 4. <u>Consider a resolution authorizing the City Manager to act on behalf of the City</u> of Belton in accepting offers to conclude right-of-way acquisition for parcels to be acquired by TxDOT for the Loop 121 widening project including Parcels <u>56, 48/48E, 46/46E and 4.</u>

The City has been notified that the title company requires a resolution authorizing the City Manager to act on behalf of the City in the sale of the four parcels for the Loop 121 widening project. This resolution reflects the action of the Council at the March 12, 2019, City Council meeting.

#### 5. <u>Consider a resolution nominating the City's candidate for election to the</u> <u>Board of Directors of the Central Texas Water Supply Corporation.</u>

Assistant Director of Public Works Jeremy Allamon currently serves in this role, but annual reappointment is required. Recommend approval of the resolution nominating Assistant Director of Public Works Jeremy Allamon for election to the Central Texas Water Supply Corporation's Board of Directors.

#### Planning and Zoning

#### 6. <u>Hold a public hearing and consider a zoning change from Agricultural to</u> <u>Single Family – 1 District on approximately 1.0 acre located at 1601 Connell</u> <u>Street, on the west side of S. Connell Street, between Avenue O and Laila</u> <u>Lane.</u>

See Staff Report from Director of Planning Cheryl Maxwell. At its meeting on February 19, 2019, the Planning and Zoning Commission unanimously recommended approval, and Staff concurs.

#### 7. Hold a public hearing and consider a zoning change from Agricultural to Single Family – 3 District with a Specific Use Permit for a Church and Ancillary Buildings on approximately 6.92 acres located at 2027 Connell Street, on the west side of S. Connell Street, between Laila Lane and Liberty Valley Drive.

See Staff Report from Director of Planning Cheryl Maxwell. At its meeting on February 19, 2019, the Planning and Zoning Commission unanimously recommended approval, and Staff concurs.

#### 8. Consider a preliminary plat of West Canyon Trails, comprising 38.333 acres, located on the south side of W. Avenue O, between S. Loop 121 and Connell Street.

City Council Meeting Agenda March 26, 2019 Page 2 of 3 See Staff Report from Director of Planning Cheryl Maxwell. At its meeting on February 19, 2019, the Planning and Zoning Commission unanimously recommended approval, and Staff concurs.

## 9. <u>Consider a final plat of Stacey Addition, comprising 3.421 acres, located at the southeast corner of FM 93 and Spring Valley Lane, west of Wheat Road, in Belton's ETJ.</u>

See Staff Report from Director of Planning Cheryl Maxwell. At its meeting on February 19, 2019, the Planning and Zoning Commission unanimously recommended approval, and Staff concurs.

# 10. Consider a final plat of Hedderly Addition, comprising 3.96 acres, located on the east side of George Wilson Road, beginning approximately 0.6 mile north of US 190/I-14, in Belton's ETJ.

See Staff Report from Director of Planning Cheryl Maxwell. At its meeting on February 19, 2019, the Planning and Zoning Commission recommended approval upon a vote of 7-1, and Staff concurs.

#### 11. Consider a final plat of Flores Addition, a replat of Sherwood Shores VII, Pecan Grove Section, Lots 330 and 331, comprising 0.29 acres, located south of I-14 and west of FM 1670, near the northeast corner of Teakwood Lane and Mistletoe Drive, at 4360 and 4364 Mistletoe Drive, in Belton's ETJ.

See Staff Report from Director of Planning Cheryl Maxwell. At its meeting on February 19, 2019, the Planning and Zoning Commission unanimously recommended approval, and Staff concurs.

#### 12. Consider a final plat of Wheat Road Addition, comprising 10.091 acres, located on the east side of N. Wheat Road, north of FM 93 and south of Nolan Creek, at 1603 Wheat Road, in Belton's ETJ.

See Staff Report from Director of Planning Cheryl Maxwell. At its meeting on February 19, 2019, the Planning and Zoning Commission unanimously recommended approval, and Staff concurs.

#### **Miscellaneous**

#### 13. <u>Receive a presentation on the Comprehensive Annual Financial Report for</u> <u>Fiscal Year 2018.</u>

Kristy Davis of Jaynes, Reitmeier, Boyd & Therrell will present the FY2018 CAFR. No action will be required of the Council.

City Council Meeting Agenda March 26, 2019 Page 3 of 3

#### Belton City Council Meeting March 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, Guy O'Banion, John R. Holmes, Sr. and Wayne Carpenter. Councilmember Dan Kirkley was absent. 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, Charlotte Walker, Cheryl Maxwell and Kelly Atkinson.

The Pledge of Allegiance to the U.S. Flag was led by Councilmember Wayne Carpenter, and the Pledge of Allegiance to the Texas Flag was led by Public Information Officer Paul Romer. The Invocation was given by Teon Bass, Pastor of Mt. Zion United Methodist Church.

- 1. <u>Call to order</u>. Mayor Grayson called the meeting to order at 5:33 p.m.
- 2. <u>Public Comments</u>. Director of Library Services Kim Kroll said the Library will sponsor a Spring Break event called "Come Touch a Truck" on March 13, 2019, and she invited the public to attend.

#### 3. Proclamation: National Vietnam War Veterans Day – March 29, 2019

Riley Minor, a local Vietnam War Veteran, received the proclamation on behalf of all area Vietnam War veterans. He said receiving this type of recognition is very important to veterans, and thanked the Council for the honor.

#### Consent Agenda

Items 4-5 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 February 26, 2019, City Council meeting.

#### 5. <u>Consider a resolution appointing election officers for the May 4, 2019, General</u> <u>Election.</u>

Upon a motion by Councilmember Carpenter and a second by Councilmember Holmes, the Consent Agenda, including the following captioned resolution, was unanimously approved by a vote of 6-0.

#### RESOLUTION NO. 2019-09-R

#### A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, APPOINTING ELECTION OFFICERS FOR CITY GENERAL ELECTION.

#### **Miscellaneous**

6. <u>Consider authorizing a Façade Improvement Grant (FIG) to City of Belton –</u> <u>Central Fire Station, 203 South Penelope Street.</u>

The Mayor announced that Item #6 has been withdrawn.

- 7. <u>Consider authorizing the City Manager to accept offers and take all necessary</u> <u>steps to conclude right-of-way acquisition for parcels to be acquired by</u> <u>TxDOT for the Loop 121 widening project as follows:</u>
  - A. <u>Parcel 56, located adjacent to the City's Water Tower, at the northeast</u> <u>corner of Loop 121 and Huey Road;</u>
  - B. <u>Parcel 48 and 48E located on the east side of Loop 121, south of the intersection of Avenue O;</u>
  - C. Parcel 46 and 46E, located at Loop 121 and Old Avenue D; and
  - D. Parcel 4, located at the northeast corner of Loop 121 and Sparta Road.

City Manager Sam Listi explained that the City has identified the Loop 121 widening project, between FM 439 and IH 35, as its highest TxDOT priority project. TxDOT has surveyed and appraised ROW parcels needed for the Loop 121 widening project, and has identified four City-owned parcels needed for the project. He said the proposed compensation to the City for each parcel is:

A. Parcel 56: Loop 121/Huey, west of water tower site

	<ul><li>a. 0.0692 ac ROW (approx 15'x200')</li><li>b. Cost to cure</li></ul>	\$18,782 <u>+1,748</u> \$20,530 TOTAL
В.	Parcel 48 and 48E:	
	<ul><li>a. 0.1513 ac ROW</li><li>b. 0.0399 ac Permanent Drainage Easement</li><li>c. Cost to cure</li></ul>	\$33,933 + 7,748 <u>+ 1,919</u> \$43,600 TOTAL
C.	Parcel 46 and 46E: Loop 121/Old Avenue D	
	<ul><li>a. 0.0087 ac ROW</li><li>b. 0.0091 ac Permanent Drainage Easement</li><li>c. Cost to cure</li></ul>	\$2,863 +1,867 <u>+ 703</u> \$5,433 TOTAL
D.	Parcel 4: Loop 121/Sparta	
	a. 0.0816 acre	\$5,330 TOTAL

Listi added that in each case, an additional \$3,000, (\$12,000) total, will be provided to City in conjunction with a "Possession and Use Agreement" to take the property immediately. This increases total compensation to the City to \$86,893. [Notified on March 14, 2019, by Lone Star Right of Way Services, ROW Agent for TxDOT, that the Possession and Use Agreement amount on Parcel 48/48E will be \$4,360, raising the additional compensation to \$13,360 and the corrected total compensation to \$88,253.]

Mayor Grayson asked if the corner of Sparta Road and Loop 121, where the City has recently widened and rebuilt the right turn lane, will be taken by TxDOT. Mr. Listi said that the City coordinated with TxDOT when the Sparta widening/turn lane was designed and constructed. He believes that the Loop 121 widening project will not change this area.

Councilmember Carpenter asked Mr. Listi if construction is still estimated to start in 2021. Mr. Listi said, "That's our hope."

Councilmember O'Banion asked if the "Welcome to Belton" sign near the old Avenue D location will be affected by the widening. Mr. Listi responded that it will not be affected.

Councilmember Leigh questioned whether the "Cost to Cure" included the cost of relocating the fence. Mr. Listi answered that it is included. However, Mr. Leigh did not feel that the amount presented was high enough to include the fence. Mr. Listi found the detailed amount in the appraisal, and read it to the Council, outlining that the fence relocation is included within the numbers provided.

Upon a motion by Councilmember Holmes, and a second by Councilmember Leigh, Item #7 was unanimously approved by a vote of 6-0.

#### 8. <u>Consider authorizing the City Manager to approve a one-year extension, exercising the renewal option of the Lease Agreement on Miller Springs</u> <u>Nature Center property, between the City of Belton, City of Temple, and U.S.</u> <u>Army Corps of Engineers.</u>

Director of Parks and Recreation Matt Bates explained that Miller Springs Nature Center contains approximately 258 acres of scenic natural area located between the Leon River and 110-foot high bluffs, immediately east of the Lake Belton Dam. It is located within the boundaries of the City of Belton and City of Temple, and the land is owned by the US Army Corps of Engineers.

Bates said the Nature Center was opened in November 1993 when the Miller Springs Alliance entered into a lease agreement with the Corps. The agreement between the Corps and Miller Springs Alliance ended in August 2017, and the facility was indefinitely closed. Belton and Temple citizens expressed an interest in seeking to re-open this regional facility, and this was achieved in May 2018. The first year of the five-year lease is expiring and all parties – Belton, Temple, U.S. Army Corps of Engineers – believe it is in the public interest to extend it for another year.

Mr. Bates added that in Belton's first year collaborating with the City of Temple to reopen Miller Springs Nature Center, five Volunteer Days were directly coordinated by City of Belton staff resulting in over 605 volunteer hours being spent at the facility. Staff also participated in a joint work day between Belton and Temple in April 2018 that helped ready the facility for its re-opening in May of last year. Potential projects identified for this upcoming year are permanent trail signage, repair of the old boardwalk, and restoration of some of the trails.

Councilmember Carpenter thanked Mr. Bates and his Staff for their work in getting Miller Springs opened again. Councilmember Holmes asked if bikes are allowed at Miller Springs. Mr. Bates said that bikes are allowed in certain areas of Miller Springs.

Upon a motion by Councilmember Holmes, and a second by Mayor Pro Tem Pearson, Item #8 was unanimously approved by a vote of 6-0.

#### Work Session

#### 9. <u>Receive a presentation and discuss the City's contract for residential Solid</u> <u>Waste Collection Services.</u>

Director of Finance Brandon Bozon explained that on September 10, 2013, the City of Belton and Waste Management entered into a Municipal Solid Waste Collection and Transportation Agreement. The original term of the Agreement ended on December 31, 2018, and the City exercised the first of two 1-year renewal options in November of 2018.

Mr. Bozon said that input from the Council is needed on two points: first, direction for 2019. The current Agreement with Waste Management contains a final, 1-year extension option. With concurrence from Waste Management, the existing Agreement could be extended to December 31, 2020. Alternatively, the City could conduct a Request for Proposals process for a new, multi-year agreement to begin on January 1, 2020.

Should Council preference be to conduct an RFP process, the second point of discussion involves the elements of the City's current Agreement, and what changes Council desires to see in a new agreement. The table below summarizes some key elements of the current contract.

Кеу	Garbage	Recycling
Element		
Frequency of	Weekly	Bi-weekly
pickup		
Dates/times	M, T, Th & F (6:00am – 6:00pm)	Wednesday (6:00am – 6:00pm)
of pickup		
Bulky waste	3 items or bags under 50lbs	Not allowed
Hazardous	At-your door collection (as-requested)	
waste		

Mr. Bozon explained that the current Agreement provides the following benefits to the City annually:

- \$2,000 scholarship to a graduating senior
- \$2,000 recycling education grant
- \$2,000 beautification event sponsorship
- Six thirty-yard roll-offs for cleanup events (3 roll-offs per event, two event maximum)
- Service to City facilities at no cost

Under the current Agreement, Waste Management bills the City based on customer count and service type, and the City bills residents as part of their monthly utility bill. The City collects a 7% billing fee for these services, as well as a 5% franchise fee.

The current fee schedule for solid waste collection rates is as follows:

Residential	Current Rates
Curbside	\$17.16 per month
Curbside Additional Container	\$6.18 per month per additional container
Door-to-Truck Service	\$28.80 per month
Door-to-Truck Service Additional	\$11.25 per month additional container
Container	
Residential Recycling Service Additional Container	\$5.62 per month additional container

Commercial Hand-Cart	Current Rates
Once per week service	\$28.10 per cart
Commercial Cart Collection Additional Cart	\$16.87 per additional cart
Commercial Recycling Cart	\$9.00 per month
Institutional Recycling	\$9.00 per month

Mr. Bozon added that the current contract includes an opportunity for a rate adjustment based on annual CPI increase, typically implemented in January.

Bozon reviewed a possible schedule should the Council decide to issue a Request for Proposals.

Councilmember Leigh said he thinks that requesting an internal bid from City staff, in addition to requesting bids from other providers, will allow the Council to know if bid prices are good or not. He added that over the last five years or so, the service from Waste Management, in his opinion, has not been good. He has heard many complaints from his neighbors. Recycling is good, but it is not picked up often enough. He suggested looking into establishing a cardboard recycling center in the City. He recommends issuing a Request for Proposals.

Mayor Pro Tem Pearson said there is a need for additional capacity for recycling, especially at certain times of the year. He said he understands that additional containers can be added to the account, but the need is not great all the time. In his opinion, the service from Waste Management has been "flawless."

Mayor Grayson asked if there are any rumors that costs may be increasing, especially as it relates to recycling. Mr. Bozon said that a cost adjustment to the rates was made recently by the Council, but he is unaware of anything additional.

Mr. Bozon said he is concerned about bulky waste. Waste Management wants to eliminate bulk waste since they have gone to automated sideloader trucks. They don't want to pick up anything outside of the can.

Councilmember Leigh suggested opening the Public Works facility on Saturdays from 8:00-noon to allow citizens to bring their bulky waste. This will help eliminate the amount of bulk waste that gets dumped into dumpsters throughout the City. He recognized that some citizens will need help getting their items to the facility, so Staff will need to work with them. Mayor Pro Tem Pearson said, "To just say we are not doing bulk waste, is not acceptable."

Councilmember Carpenter said the folks in his neighborhood are happy with the service they receive. He said that bulky waste is the issue for him because he believes the residential service is working well.

Councilmember Leigh said that the City-provided brush collection is going well. He said that Staff should review the rates to make sure that it is paying for itself.

Councilmember O'Banion asked why recycling can't be done every week. Mr. Listi said he is sure that the contractor would do that, but it would be at an additional charge. O'Banion suggested that maybe that could be a trade-off for not allowing any items to be placed outside the can.

Mr. Bozon said more frequent recycling pickup could be included in the RFP, but he reminded Council that if that is the direction the City goes, everyone will be paying the higher price to allow for weekly pickup whether it is needed or not.

Councilmember Leigh said that there are many different views as to the scope. He thinks developing the scope will be the hardest part of the process. He suggested some public awareness campaigns to solicit feedback from citizens to be able to aid in developing a good scope for the RFP.

Councilmember Holmes said he does not think the citizens understand how recycling works. He added that there needs to be some education provided to help alleviate confusion. He asked if there has been a solution to getting rid of construction debris. Mr. Bozon said not at this time. Mayor Grayson added that Waste Management has a program for that, but it is not available in our area, yet.

City Manager Sam Listi said Staff will bring information to the Council at a later date to help develop a scope for the RFP.

No further action was required of the Council on this item.

#### Executive Session

At 6:14 p.m., the Mayor announced the Council would go into Executive Session for the following item:

#### 10. 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 551.087, Deliberation Regarding Economic Development Negotiations.

The Mayor reopened the meeting at 6:34 p.m., and there being no further business, the meeting was adjourned.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk

#### **RESOLUTION 2019-10-R**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE ACCEPTANCE OF OFFERS TO CONCLUDE RIGHT-OF-WAY ACQUISITION FOR PARCELS TO BE ACQUIRED BY TXDOT FOR THE LOOP 121 WIDENING PROJECT.

**WHEREAS**, the City of Belton has identified the Loop 121 widening project, between FM 439 and IH-35, as its highest TxDOT priority project; and

**WHEREAS,** TxDOT has surveyed and appraised ROW parcels needed for the Loop 121 widening project, and has identified these four City-owned parcels as needed for project:

- Parcel 56, located adjacent to the City's Water Tower, at the northeast corner of Loop 121 and Huey Road;
- Parcel 48 and 48E located on the east side of Loop 121, south of the intersection of Avenue O);
- Parcel 46 and 46E, located at Loop 121 and Old Avenue D; and
- Parcel 4, located at the northeast corner of Loop 121 and Sparta Road.

**WHEREAS,** Lone Star Right of Way Services, Inc., ROW Agent for TxDOT, has provided an appraisal and a Recommended Overall Compensation Summary for each parcel as follows:

A. Parcel 56: Loop 121/Huey, west of water tower site

1. 0.0692 ac ROW (approx. 15'x200')	\$18,782	
2. Cost to cure	+1,748	
3. Possession and Use Agreement	+3,000	

- \$23,530 TOTAL
- B. Parcel 48 and 48E:

1. 0.1513 ac ROW	\$33,933
2. 0.0399 ac Perm. Drainage Easement	+ 7,748
3. Cost to cure	+ 1,919
<ol><li>Possession and Use Agreement</li></ol>	+ 4,360
	\$47,960 TOTAL
C. Parcel 46 and 46E: Loop 121/Old Avenue D	

	060
1. 0.0087 ac ROW \$2	,003
2. 0.0091 ac Perm Drainage Easement +1	,867
3. Cost to cure +	703
4. Possession and Use Agreement +3	<u>,000</u>
\$8	,433 TOTAL

- D. Parcel 4: Loop 121/Sparta
  - 1. 0.0816 acre
  - 2. Possession and Use Agreement

\$5,330 <u>+3,000</u> \$8,330 TOTAL

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS,** that the ROW acquisition offers from TxDOT for Parcels 56, 48/48E, 46/46E and 4 are acceptable, and the City Manager is authorized to sign on behalf of the City to sell these tracts.

PASSED AND APPROVED ON THIS THE 26<sup>th</sup> DAY OF MARCH 2019.

ATTEST:

Marion Grayson, Mayor

Amy M. Casey, City Clerk

## TIME LINE FOR EVENTS LEADING UP TO ANNUAL MEETING

#### **120 DAYS PRIOR**

President of the Board verifies that there are three (3) directors appointed to the standing Credentials Committee. The Secretary of the Board will be the Chairperson of the Credentials Committee.

Voting procedure changes, as needed are submitted by the Credentials Committee as an agenda item for the board to consider at the next Monthly Meeting.

Resolution forms and Conflict of Interest Policy are mailed to membership by the Corporation Office.

Resolution forms are due in Corporation Office by **membership**.

Membership and Board of Directors Annual Meeting packets are mailed by the Corporation Office.

Credentials Committee meets to verify the Resolutions submitted by the membership.

**DAY OF ANNUAL MEETING** 30 minutes prior to the Annual Meeting, Credentials Committee meets to resolve any issues pertaining to the resolutions submitted by the membership.

90 DAYS PRIOR January 23, 2019

90 DAYS PRIOR January 23, 2019

<u>30 DAYS PRIOR</u> March 24.2019

<u>15 – 25 DAY PRIOR</u>

10 - 15 DAYS PRIOR

#### **RESOLUTION 2019-11-R**

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, NOMINATING A CANDIDATE FOR ELECTION TO THE BOARD OF DIRECTORS OF THE CENTRAL TEXAS WATER SUPPLY CORPORATION.

**WHEREAS,** the City of Belton is a Regular Member of the Central Texas Water Supply Corporation as a direct result of entering into a water sales and purchase contract with the Central Texas Water Supply Corporation; and

WHEREAS, the By-Laws of the Central Texas Water Supply Corporation stipulate that, at the Annual Meeting of the members, each Regular Member shall be entitled to nominate an individual to serve on the Board of Directors of Central Texas Water Supply Corporation, provided that the nominee is not in violation of the Central Texas Water Supply Corporation Conflict of Interest Policy; and

**WHEREAS**, the City of Belton has determined that it would be in its best interest to have such a voting member on the Central Texas Water Supply Corporation Board of Directors and does desire to have such a Board Member elected at the April 23, 2019, meeting by the members of Central Texas Water Supply Corporation.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS,** that Jeremy Allamon be and is hereby nominated for election to the Board of Directors of Central Texas Water Supply Corporation at the April 23, 2019, meeting of the members of Central Texas Water Supply Corporation.

#### PASSED AND APPROVED ON THIS THE 26<sup>th</sup> DAY OF MARCH 2019.

ATTEST:

Marion Grayson, Mayor

Amy M. Casey, City Clerk

## CENTRAL TEXAS WATER SUPPLY CORPORATION CONFLICT-OF-INTEREST POLICY

March 20, 2018

#### PART 1. CONFLICT OF INTEREST DEFINED:

- 1. Members of the CTWSC Board of Directors shall be elected by a member entity of the corporation. They shall be eligible to serve unless:
  - A. He or she is representing more than one regular member as a Director.
  - B. He or she is a developer of property within the service area of the corporation.
  - C. He or she is an employee of any developer of property within the service area of the corporation.
  - D. He or she is an employee of any director, manager, engineer, or attorney for the corporation.
  - E. He or she is serving as a consultant, engineer, attorney, manager, or in any other professional capacity for the corporation or for a developer of property within the service area of the corporation.
  - F. He or she is a party to a contract with the corporation, except a contract for the purchase of water/sewer services furnished by the corporation to the corporation's members generally, or
  - G. He or she is a part of a contract with any developer of property within the service area of the corporation, other than conveying real property within the service area of the corporation for the purpose of establishing a residence or establishing a commercial business within the service area of the corporation.
  - H. He or she is a member of the immediate family of any director of the corporation or of any other person serving in a managerial capacity, as attorney, accountant, or an engineer on behalf of the corporation or if he or she serves as a director or as an officer for any bank or financial institution retained as a depository for the funds of the corporation, or any bank or entity which holds any indebtedness of the corporation.
- 2. A Responsible Person is disqualified from employment by the corporation if he or she is a member of the immediate family of any director of the corporation or any other person employed by the corporation or managerial capacity on behalf of the corporation.
- 3. Any Responsible Person of the corporation shall engage in any transaction as a representative or agent of the corporation with any business entity in which they, their

immediate family, or any business partners have a direct or indirect financial interest that might conflict with the proper discharge of their duties or responsibilities.

- 4. No Responsible Person of the corporation shall be entitled to any compensation for or in consideration of the execution of his duties as such officer of director, provided, however that the actual, reasonable expenses of any officer of director incurred on the business of the corporation may, with approval of the board of directors, be paid to them.
- 5. No Responsible Person of the corporation shall:
  - A. Solicit or accept or agree to accept a financial and/or material benefit, that might reasonably tend to influence his or her performance of duties for the corporation or that he or she knows or should know is offered with the intent to influence the officer's or director's performance of his or her duties.
  - B. Accept employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of official duties.
  - C. Accept outside employment or compensation that might reasonably be expected to create a substantial conflict between the officer's and director's private interest and duties of the corporation; or
  - D. Solicit or accept or agree a financial benefit from another person in exchange for having performed duties as an officer or director of the corporation in favor of the person.
- 6. The board of directors may accept on behalf of the corporation any contribution, gift, bequest, or devise for the general purpose or for any special purpose of the corporation, provided, however, that the board of directors may reject any donation made upon a condition or restriction if in the discretion of the board of directors the acceptance of the donation as so conditioned or restricted will not be in the best interest of the corporation.
- 7. The removal of any director of the corporation because of disqualification under this policy shall not affect the validity of directors during the time of service by that director, even though the director may have been acting under the disqualification at the time of such service.
- 8. If at any time any officer or director is required to vote in his or her capacity as a director on an issue which may create a conflict of interest, which may be deemed a conflict of interest by the board, or which may be interpreted by the members as a conflict of interest, the officer or director shall abstain from voting, as a matter of record, on that issue.
- 9. The policy provisions do not apply to contract for personal or professional services or for a utility service operator.

#### PART II. DEFINITIONS:

1. A "Conflict of Interest" is any circumstance described in Part I of this Policy.

- 2. A "Responsible Person" is any person serving as an officer, director, employee, or member of the Board of Directors of Central Texas Water Supply Corporation.
- 3. A "Family Member" is a spouse, domestic partner, sibling, parent, grandparent, or grandchild or a Responsible Person. This includes step parents, step children, step siblings, and adoptive relationships.
- 4. A "Material Financial Interest" in an entity is a financial interest of any kind, which, in view of all of the circumstances, is substantial enough that it would, or reasonably could, affect a Responsible Person's or Family Member's judgement with respect to transactions to which the entity is a party. This includes all forms of compensation.
- 5. A "developer" is any person who is an owner, shareholder, director, officer, partner or employee of a business entity engaged in the business of selling or leasing, or offering to sell or lease, or advertising for sale or lease, any lots in a subdivision.
- 6. A "Contract or Transaction" is any agreement or relationship involving the sale or purchase of goods, services, or rights of any kind, the providing or receipt of a loan or grant, the establishment of any other type of pecuniary relationship, or review of a charitable organization by Central Texas Water Supply Corporation. The making of a gift to Central Texas Water Supply Corporation is not a Contact or Transaction.

### Staff Report – City Council Agenda Item



Date: March 26, 2019 Case No.: Z-19-05 Request: Agricultural to SF - 1 Owner/Applicant: Nicolas & Maria Trujillo

#### Agenda Item #6

Hold a public hearing and consider a zoning change from Agricultural to Single Family-1 District on approximately 1.0 acre located at 1601 Connell Street, on the west side of S. Connell Street, between Avenue O and Laila Lane.

#### **Originating Department**

Planning - Cheryl Maxwell, Director of Planning

Current Zoning

#### Proposed Zoning

Agricultural District

Single Family-1 District

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

**Design Standards Type Area 2:** I-35 and US190 frontage; primarily commercial highway frontage with mixed uses, hotels, restaurants, new car dealerships, multi-story office, and other similar commercial uses.

#### Case Summary

This area was annexed in August 1998. This property is proposed for a single family residential development consisting of two lots.

#### Project Analysis and Discussion

The applicant anticipates dividing this property into two lots, each 0.5 acre in size. The applicant plans to build a house on one lot for himself, and the other lot will be for a family member. A house and an accessory building are currently located on this site and will be removed. The adjacent property to the north also wraps around to the west side of this tract and is zoned Agricultural District, and is residentially developed. The next tract to the west is the site of the Bell County Communications Center, which is zoned Light Industrial District. The adjacent property to the south is zoned Agricultural District and is residentially developed. Property across from this site on the east side of Connell Street is zoned Single Family-2 District and is undeveloped at this time except for a single family residence.

City Council Agenda Item March 26, 2019 Page 1 of 2 Area requirements for the requested SF-1 Zoning District are as follows:

Minimum Lot Area: 10,000 sq ft Minimum Lot Width: 70 ft Minimum Lot Depth: 100 ft Front Yard Setback: 25 ft Side Yard Setback: 7 ft Rear Yard Setback: 20 ft

The current one acre tract satisfies these minimum area requirements and is large enough to satisfy these requirements after being divided into two lots as proposed. Approval of a subdivision plat is required prior to issuing any building permits.

The FLUM identifies the area along the west side of Connell Street as residential, with property near the intersection of I-35 and US 190/I-14 as mixed uses. The requested SF-1 Zoning District is consistent with the FLUM and compatible with existing residential uses in this area. The proposed SF-1 zoning appears to be reasonable in this location.

#### **Recommendation**

The Planning and Zoning Commission met on March 19, 2019 and unanimously recommended approval of this zoning change from Agricultural District to Single Family-1 District. Staff concurs with their recommendation.

#### Attachments:

Zoning application Property Location Map Zoning map Aerial photo Map with zoning notice boundary (200') Zoning notice to owners Property owners' list Survey/field notes P&Z Minutes Excerpt Ordinance

> City Council Agenda Item March 26, 2019 Page 2 of 2

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

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

Fee: \$250.00

Date Received: 02-06 Date Due: 02-15 (All plans are to be returned to the Planning Department within 5 working days)

Applicant: Nicolas Trutilla	Phone Number: 254-760-8257
Mailing Address: 517 S Wall St	City: <u>Belton</u> State: <u>+x</u>
Email Address: trujillonicolas@sbcg.	lobal-net

Owners Name: Marie R Trusillo	Phone Number:	
Mailing Address: <u>Same as about</u>	e City:	State:
Email Address:		

Applicant's Interest in Property:

property owner

Legal Description of Property:

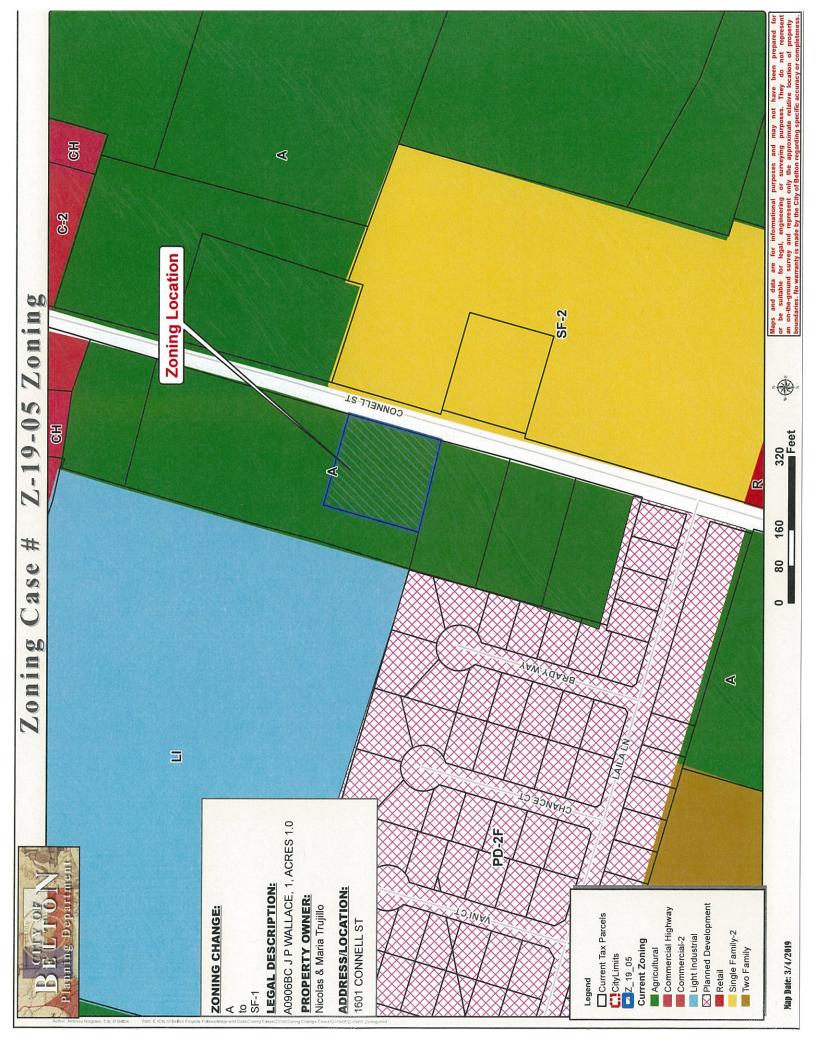
Is this property being simultaneously platted?

Street Address: <u>1601</u> Connell st BelCon, 7 × 76513 Zoning Change From <u>Agricultural</u> to <u>SF-1</u> Signature of Applicant: <u>MicRas</u> <u>Juijille</u> Date: \_\_\_\_\_

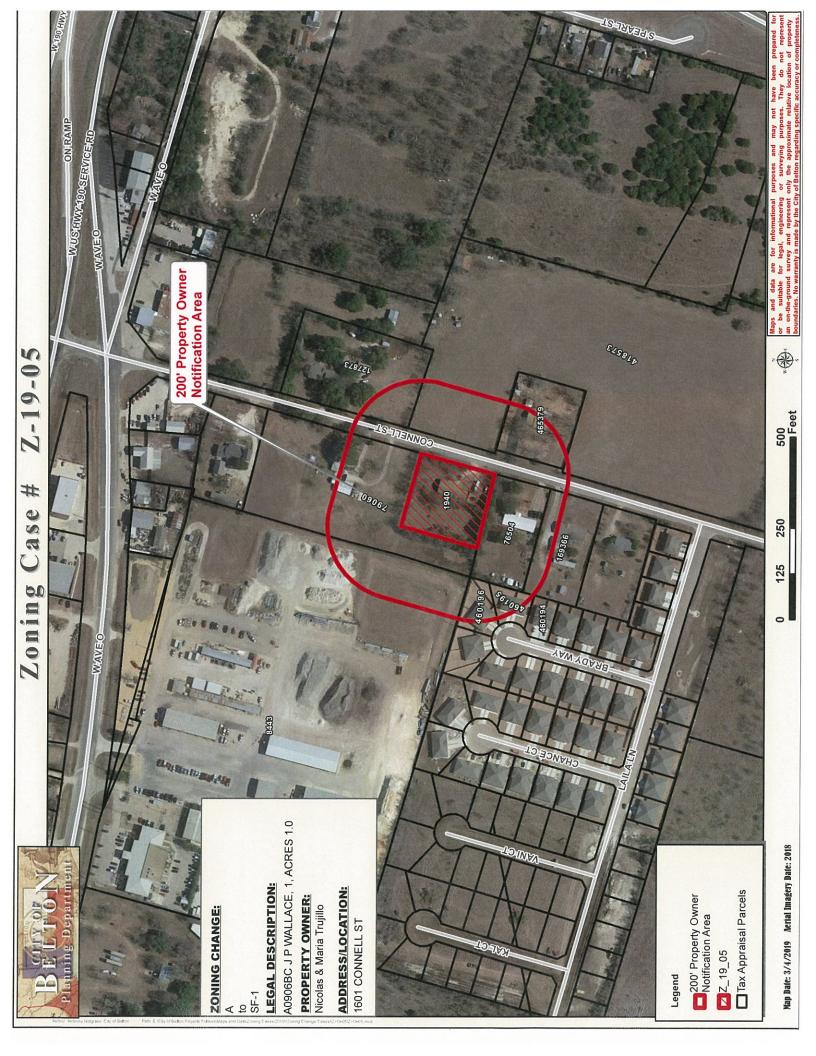
Signature of Owner (if not applicant): <u>Priceden Juijh</u>Date: Checklist for Zoning Items to be submitted with application: and Maria R. Trujulo

- Signed Application
- o Fees Paid
- o 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.









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

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM:	NICHOLAS TRUJILLO
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: _	1601 CONNELL STREET
FROM A(N)AGRICULTURAL	ZONING DISTRICT,
TO A(N) SINGLE FAMILY -1	Zoning District.

THE PLANNING & ZONING COMMISSION OF THE CITY OF BELTON, TEXAS WILL HOLD A PUBLIC HEARING PURSUANT TO THIS REQUEST AT <u>5:30 P.M., Tuesday, March 19, 2019</u>, 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 <u>5:30 P.M., Tuesday, March 26, 2019</u>, 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 8443 BELL COUNTY PO BOX 768 BELTON, TX 76513-0768

418573 FMB GROUP LLC 9918 FM 2483 BELTON, TX 76541

465379 OLIVAS, LUIS M ETUX SANDRA M 1650 CONNELL ST BELTON, TX 76513

127873 WHITMIRE, DORIS 1410 SOUTH CONNELL BELTON, TX 76513 1940 TRUJILLO, NICOLAS AND MARIA R 517 SOUTH WALL STREET BELTON, TX 76513

76504 MORIN, DAVID STEVEN ETUX 1651 CONNELL ST BELTON, TX 76513-4231

460195 TEESH LLC 5201 WILDFLOWER LN TEMPLE, TX 76502

169366 YARNELL, JEANIE ETVIR MARVIN J PO BOX 90 BELTON, TX 76513-0090 460194 CROSS PLAINS HOLDING & DEVELOPMENT COMPANY LLC 1432 OVERLOOK RIDGE DR BELTON, TX 76513 79060 NICHOLS, HILDEGARD 1515 CONNELL ST BELTON, TX 76513

460196 TEESH LLC 5201 WILDFLOWER LN TEMPLE, TX 76502

SUPERINTENDENT DR. SUSAN KINCANNON BELTON I.S.D. P O BOX 269 BELTON TEXAS 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:	NICHOLAS TRUJILLO
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY:	1601 CONNELL STREET
FROM A(N)AGRICULTURAL	Zoning District,
TO A(N) SINGLE FAMILY -1	Zoning District.

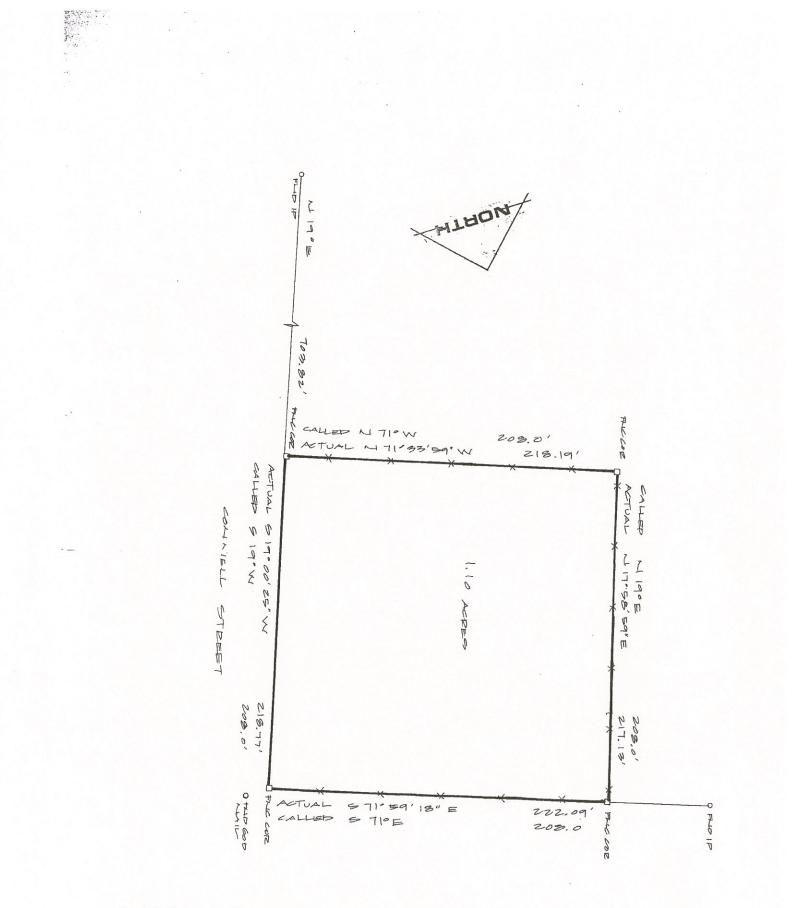
THE PLANNING & ZONING COMMISSION OF THE CITY OF BELTON, TEXAS WILL HOLD A PUBLIC HEARING PURSUANT TO THIS REQUEST AT 5:30 P.M., Tuesday, March 19, 2019, AT THE T.B. HARRIS CENTER, 401 N. ALEXANDER, BELTON, TEXAS.

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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.

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	circle one	
	NTERESTED PROPERTY OWNER, I (PROT <mark>E</mark> ST) (APPROVE) THE REQUESTED ZO: LICATION ABOVE FOR THE REASONS EXPRESSED BELOW:	NING AMENDMENT PRESENTED IN
1.		
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3		<u></u>
	(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHE	ET OF PAPER)
Date: _	13 MARIA SIGNATURE: SIGNATURE:	<u> </u>
	$\mathcal{O}$	PLANNING DEPARTMENT
		CITY OF BELTON P. O. BOX 120
		Belton, Texas 76513
		254-933-5812
	418573	
	FMB GROUP LLC	
	9918 FM 2483	
	RELTON TX 76541	



1.10 ACRES J.P. WALLACE SURVEY PELL COUNTY, TEXAS SCALE: 11 = FO' BATE: AUGUST 1984. ONIT: 2014-02 PARKER-PERFIER ASSOCIATES / JONES AND NIEUR, INC. PELTON, TEXAS

#### BOUNDARY DESCRIPTION AND FIELD NOTES FOR 1.10 ACRES OF LAND IN THE J.P. WALLACE SURVEY IN BELL COUNTY, TEXAS

All that certain lot, tract, or parcel of land lying and being situated in the County of Bell, State of Texas, and being part of the J.P. Wallace Survey, Abstract Number 906 and being the same land described as 1.0 acres as recorded in Volume 1743, Page 863 of the Deed Records of Bell County, Texas and being more particularly described as follows:

BEGINNING at a fence corner post on the West right-of-way line of Connell Street, said fence corner post being the Southeast corner of above mentioned 1.0 acre tract for the Southeast corner of this;

THENCE along a fence N  $71^{\circ}$  33' 59" W 218.19 feet to a fence corner post for the Southwest corner of this;

THENCE along a fence N  $17^{\circ}$  58' 59" E 217.13 feet to a fence corner post for the Northwest corner of this;

THENCE along a fence S 71<sup>0</sup> 59' 18" E 222.09 feet to a fence corner post on the West right-of-way line of Connell Street for the Northeast corner of this;

THENCE S  $19^{\circ}$  00' 25" W 218.77 feet to the place of BEGINNING and containing 1.10 acres of land.

I HEREBY CERTIFY that these field notes were prepared by computations and an actual survey on the ground and are true and correct to the best of my know-ledge.

WITNESS MY HAND AND SEAL this 29th day of August, 1984 A.D.

PARKER-BERRIER ASSOICATES/JONES AND NEUSE, INC.

omas D. Berrion

Thomas D. Berrier Registered Public Surveyor No. 2498



#### Minutes of the **Planning and Zoning Commission (P&ZC)** City of Belton 333 Water Street Tuesday, March 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, Dave Covington, Stephanie O'Banion, Zach Krueger, Luke Potts, David Jarratt, Quinton Locklin and Allison Turner. The following staff members were present: Director of Planning Cheryl Maxwell, Planner Kelly Atkinson, IT Ryan Brown and Planning Clerk Laura Livingston. Commission member Ty Hendrick was absent.

## 3. Z-19-05 Hold a public hearing and consider a zoning change from Agricultural to Single Family – 1 District on approximately 1.0 acre located at 1601 Connell Street, on the west side of S. Connell Street, between Avenue O and Laila Lane.

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

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

Mr. Covington made a motion to approve Z-19-05. Mr. Jarratt seconded the motion. The motion was approved with 8 ayes, 0 nays.

#### ORDINANCE NO. 2019-16

#### AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL TO SINGLE FAMILY ONE DISTRICT ON A 1.0 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 2 DESIGN STANDARDS.

WHEREAS, Nicolas and Maria Trujillo, owners of the following described property have 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 March, 2019, at 5:30 p.m. for hearing and adoption, said district being described as follows:

Approximately 1.0 acre at 1601 Connell Street, 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 March, 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 Single Family One District, in accordance with Section 10 – Single Family One 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 Single Family One Zoning District in all respects.
- 2. The development of the property shall conform to all applicable Type Area 2 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 March, 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 March, 2019.

ATTEST:

Marion Grayson, Mayor

Amy M. Casey, City Clerk



0 250 500 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.

# Staff Report – City Council Agenda Item



Date: March 26, 2019 Case No.: Z-19-06 Request: Agricultural to SF-3 with a Specific Use Permit (SUP) for a Church Applicant: Magnolia First Baptist Church c/o Marvin Bell Owner: Billy Muston

### Agenda Item #7

Hold a public hearing and consider a zoning change from Agricultural to Single Family-3 District with a Specific Use Permit for a Church and Ancillary Buildings on approximately 6.92 acres located at 2027 Connell Street, on the west side of S. Connell Street, between Laila Lane and Liberty Valley Drive.

### **Originating Department**

Planning - Cheryl Maxwell, Director of Planning

### Current Zoning

### Proposed Zoning

Agricultural District

Single Family – 3 with SUP

Future Land Use Map (FLUM) Designation: Residential

**Design Standards Type Area 9:** General area bounded by US190 to the north, Connell Street to the east, Loop 121 to the west, and city limits to the south; mixture of uses on larger parcels of land.

### Case Summary

This property was annexed in 1998 and was brought into the city limits under the Agricultural Zoning District. This property is under contract for purchase by Magnolia First Baptist Church (MFBC). MFBC proposes to construct a single story church building to seat approximately 150 to 200 people, along with meeting rooms. A garden area is also proposed to raise vegetables as part of an educational outreach program.

### Project Analysis and Discussion

This property is the site of a proposed church and ancillary buildings. A mobile home is currently on site along with another structure that has been destroyed by fire. Both of these structures

City Council Agenda Item March 26, 2019 Page 1 of 3 will be removed. Along the Connell Street frontage, the adjacent properties to the north and south are zoned Agricultural District and are residentially developed. Toward the rear of the property, Liberty Valley Phase III is located to the south, zoned Single Family-2 District and developed with single family homes. The adjacent property to the west also wraps around to the north of this site and is zoned Two Family District, currently undeveloped. Property on the east side of Connell Street across from this site is zoned Commercial-1 District with a Specific Use Permit for a mini storage facility. This property is currently undeveloped except for a cell tower.

A church is allowed by right in the office and commercial zoning districts, and with a SUP in the residential zoning districts. It is not allowed in the existing Agricultural Zoning District, even with a SUP. As a result, this property must be rezoned to allow this use. Since the FLUM shows this area as residential, rezoning to a residential zoning district and adding a SUP seems the appropriate path to take. Area requirements for the requested SF-3 Zoning District are as follows:

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

The existing tract is 6.92 acres and exceeds all area requirements for the SF-3 Zoning District. Although the applicant does not propose to construct single family homes on this site, approval of this zoning change would allow the construction of detached single family homes, subject to the platting requirement. A site plan is not available at this time; however, this property must be platted and comply with all design standards (building materials, parking, signage, landscaping, etc.) prior to issuance of any building permits.

Per Zoning Ordinance Section 33.2, in the spirit of determining the validity of the SUP request for a church and ancillary buildings, 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?

It is staff's opinion that the proposed church use is reasonable and compatible with the surrounding residential uses. The criteria above appear to be satisfied. All Zoning Ordinance and Design Standards requirements (exterior building materials, landscaping, parking, etc.) will be required. Screening is not required but may be included in the SUP conditions if deemed appropriate.

The FLUM identifies this area as residential. There are a variety of residential zoning districts in this general area to include SF-1, SF-2, SF-3, and 2-Family, allowing for a mix of detached single family homes and duplexes. The requested SF-3 Zoning District is consistent with the

City Council Agenda Item March 26, 2019 Page 2 of 3 FLUM and compatible with existing uses. The proposed SF-3 zoning and SUP appear to be reasonable in this location.

### P&ZC Meeting Update

At the Planning and Zoning Commission meeting on March 19, 2019, there was discussion regarding potential screening between this tract and the residential homes in the adjacent Liberty Valley Phase III development that back up to this property. The screening requirement applies when there is a non-residential zoning district that is adjacent to a residential zoning district. In this case, screening is not a requirement since this property will be zoned residentially (SF3); however, this may be included as a SUP condition if it is determined to be needed. There was also discussion regarding future development that may be limited in this vicinity due to laws regarding the sale of alcohol in close proximity of a church. Please refer to the minutes from this meeting for more details.

### **Recommendation**

The Planning and Zoning Commission met on March 19, 2019 and unanimously recommended approval of this zoning change from Agricultural District to Single Family-3 District with a SUP for a church and ancillary buildings, subject to the conditions below. Staff concurs with their recommendation.

- 1. The use and development of the property shall conform to the SF-3 Zoning District in all respects.
- 2. In addition, a specific use permit is authorized for a church and ancillary buildings.
- 3. The development of the property shall conform to all applicable Design Standards per Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, as well as signage and parking requirements.
- 4. Approval of a subdivision plat is required prior to obtaining a building permit.

### Attachments:

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

> City Council Agenda Item March 26, 2019 Page 3 of 3

### City of Belton Request for a Zoning Change

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

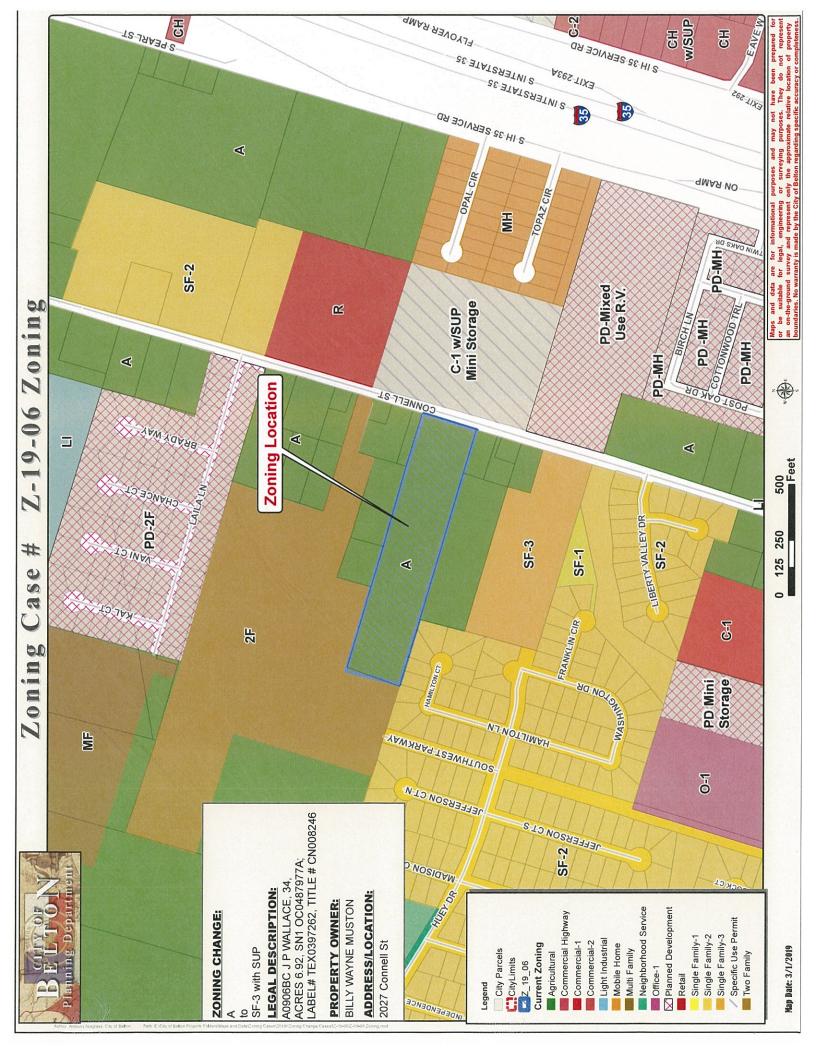
Fee: \$250.00

Date Received: Date Due: (All plans are to be returned to the Planning Department within 5 working days)
Applicant: <u>MAGNOLIA 15</u> BAP CH (Marin Bell) Mailing Address: <u>POBOX 415</u> Email Address: <u>MARNIN, Bel (Owill Blue, net )</u> State: <u>TX</u>
Owners Name: Billy Wayne Mussiend Phone Number: Mailing Address: 2027 Conner City: Be for State: TK Email Address:
Applicant's Interest in Property: FURCHASE LAND USE to DD MINISTRY - CHUNCH BIOG CONSTRUCTION
Legal Description of Property: A OGD LOBC JP WAILACE 34 ACRES 6,92
Is this property being simultaneously platted? NOT AWARE
Street Address: 2027 Connell St. Zoning Change From AGA, CUTRAL to CAURCH Signature of Applicant: Men Beel Date: / FEB ZD19
Signature of Owner (if not applicant): Bull IV- That Date: 4MAR 2019
Checklist for Zoning Items to be submitted with application:
Signed Application
• Fees Paid
<ul> <li>Complete Legal Description of the property to be re-zoned</li> </ul>
• Site Plans per Section 32, Planned Development, of the Zoning Ordinance. Please see the back

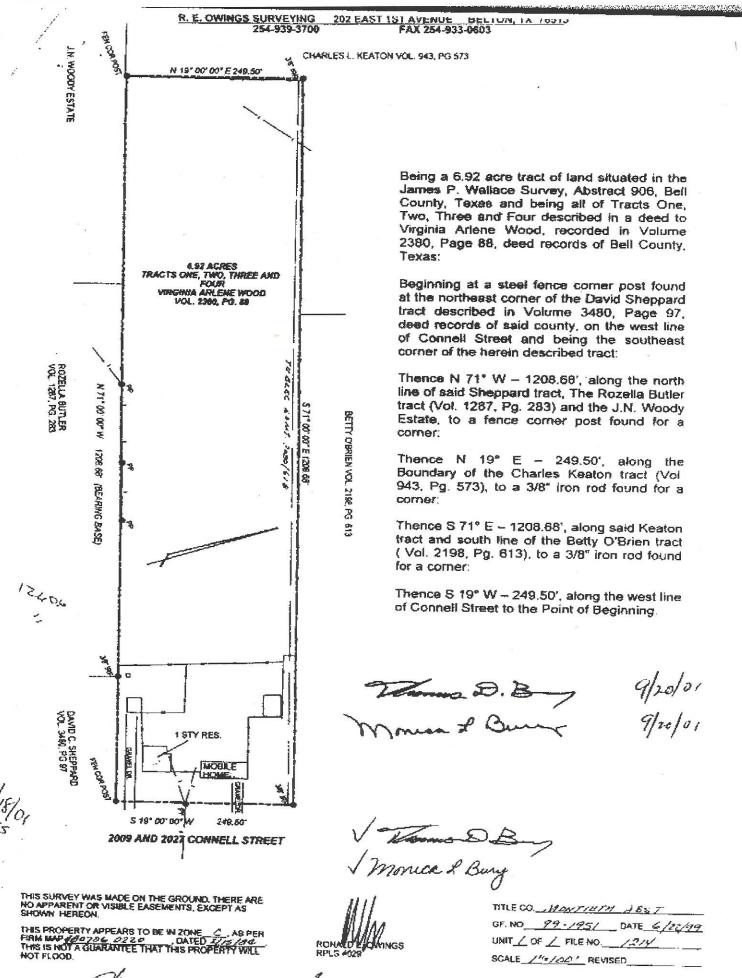
• In the event the request involves more than one lot or irregular tracts or acreage, a drawing of the property must be submitted.

for specific guidelines.



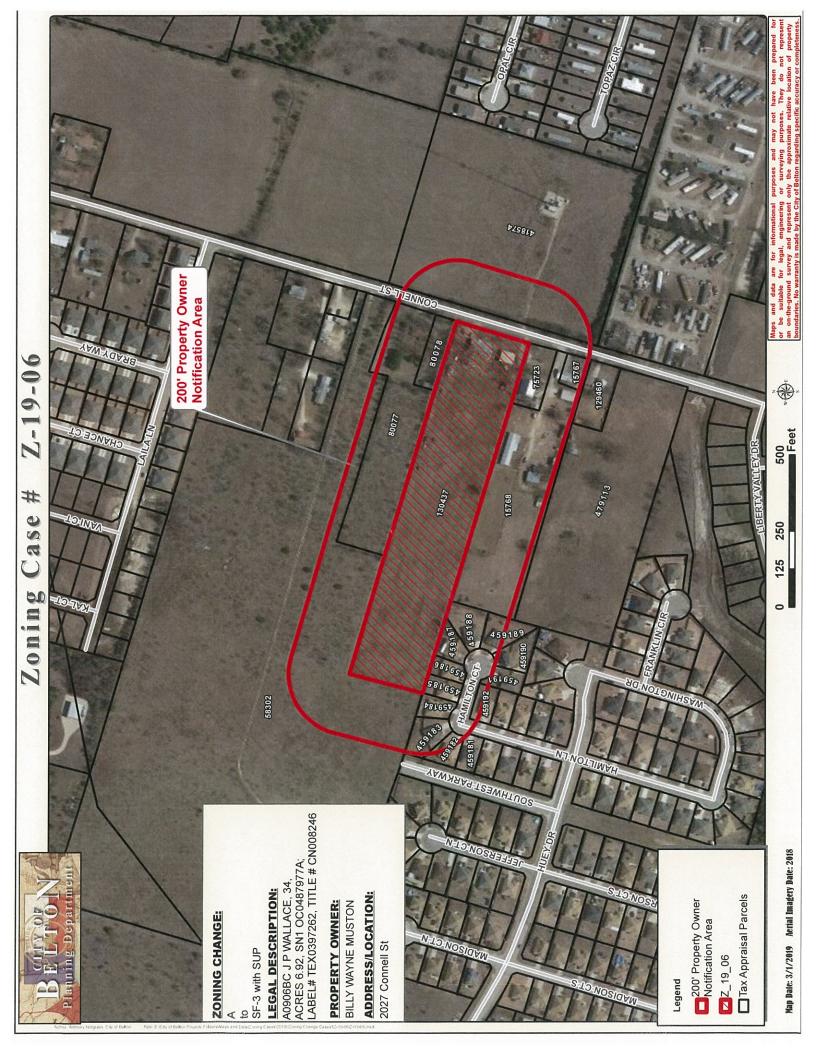






Sharrow Main Sume

Rolly Wayne Muster 1450000



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

 THE CITY OF BELTON HAS RECEIVED A REQUEST FROM:
 MAGNOLIA FIRST BAPTIST CHURCH
 ,

 TO CHANGE THE FOLLOWING DESCRIBED PROPERTY:
 2027 CONNELL STREET
 ,

 FROM A(N)
 AGRICULTURAL
 ZONING DISTRICT,

 TO A(N)
 SINGLE FAMILY -3 WITH SPECIFIC USE PERMIT FOR A CHURCH
 ZONING DISTRICT.

The Planning & Zoning Commission of the City of Belton, Texas will hold a public hearing pursuant to this request at <u>5:30 P.M., Tuesday, March 19, 2019</u>, 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 <u>5:30 P.M., Tuesday, March 26, 2019</u>, 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

#### 459189

BELL, JOHN ETUX CRYSTAL J 345 HAMILTON CT BELTON, TX 76513

459191 DIAZ, BRANDYN 323 HAMILTON CT BELTON, TX 76513

418574 FMB GROUP LLC 9918 FM 2483 BELTON, TX 76541

58302 KEATON, CHARLES P 5500 LOOKOUT RIDGE DR MARBLE FALLS, TX 78654-3684

15768 MOON, ROZELLA BUTLER 2081 CONNELL ST BELTON, TX 76513-4239

80078 O'BRIEN, BETTY PO BOX 1791 BELTON, TX 76513-5791

129460 SHEPPERD, DAVID CARL ETUX DEBRA LAJUAN 2055 CONNELL ST BELTON, TX 76513-4239

459184 WITTE, TRICIA M 1006 HAMILTON LN BELTON, TX 76513 459190 COOLEY, JOSHUA A 337 HAMILTON CT BELTON, TX 76513

459182 DUKE, JOHN W ETUX MEREDITH D 1022 HAMILTON LN BELTON, TX 76513

459187 HAYES, EDWARD CHRISTOPHER ETUX DEBRA 336 HAMILTON CT BELTON, TX 76513

479113 LWG ASSOCIATES LLC 202 E BARTON AVE TEMPLE, TX 76501-3371

130437 MUSTON, BILLY WAYNE 200 E 21ST AVE BELTON, TX 76513-2018

459183 PEREZ, MARIO G ETUX MARIA A CORTEZ 1014 HAMILTON LN BELTON, TX 76513

459192 SOLOMON, NINA ETVIR DAVID 1031 HAMILTON LN BELTON, TX 76513

SUPERINTENDENT DR. SUSAN KINCANNON BELTON I.S.D. P O BOX 269 BELTON TEXAS 76513 459186 CULLEN, NICOLE TESSA 322 HAMILTON CT BELTON, TX 76513

459188 FARINHA, KEVIN ETUX PAULINE 344 HAMILTON CT BELTON, TX 76513

459181 HUMPHREY, GARY JR ETUX JAYCI K 1030 HAMILTON LN BELTON, TX 76513

15767 MOON, ROZELLA BUTLER 2081 CONNELL ST BELTON, TX 76513-4239

80077 O'BRIEN, BETTY PO BOX 1791 BELTON, TX 76513-5791

75723 SHEPPERD, DAVID C & DEBRA L 2055 CONNELL ST BELTON, TX 76513-4239

459185 VARGAS, HEATHER M 308 HAMILTON CT 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:
 MAGNOLIA FIRST BAPTIST CHURCH
 ,

 TO CHANGE THE FOLLOWING DESCRIBED PROPERTY:
 2027 CONNELL STREET
 ,

 FROM A(N)
 AGRICULTURAL
 ZONING DISTRICT,

 TO A(N)
 SINGLE FAMILY -3 WITH SPECIFIC USE PERMIT FOR A CHURCH
 ZONING DISTRICT.

THE PLANNING & ZONING COMMISSION OF THE CITY OF BELTON, TEXAS WILL HOLD A PUBLIC HEARING PURSUANT TO THIS REQUEST AT <u>5:30 P.M., Tuesday, March 19, 2019</u>, 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 <u>5:30 P.M., Tuesday, March 26, 2019</u>, 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 IN	TERESTED PROPERTY OWNER, I (PR	OTE <mark>ST) (APPROVE) THE</mark> REQUESTED ZO	ONING AMENDMENT PRESENTED IN
THE APPI	LICATION ABOVE FOR THE REASONS	EXPRESSED BELOW:	
1			
2			
			1
3	<u></u>		$\gamma h$
	(FURTHER COMMENTS N	AY BE EXPRESSED ON A SEPARATE SH	EEPOF PAPER)
Date: _	13 MAR 19	SIGNATURE:	
			PLANNING DEPARTMENT
		/	<b>CITY OF BELTON</b>
			P. O. Box 120
			Belton, Texas 76513
			254-933-5812
	418574		
	FMB GROUP LLC		
	9918 FM 2483		
	BELTON, TX 76541		

### Minutes of the **Planning and Zoning Commission (P&ZC)** City of Belton 333 Water Street Tuesday, March 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, Dave Covington, Stephanie O'Banion, Zach Krueger, Luke Potts, David Jarratt, Quinton Locklin and Allison Turner. The following staff members were present: Director of Planning Cheryl Maxwell, Planner Kelly Atkinson, IT Ryan Brown and Planning Clerk Laura Livingston. Commission member Ty Hendrick was absent.

# 4. Z-19-06 Hold a public hearing and consider a zoning change from Agricultural to Single Family – 3 District with a Specific Use Permit for a Church and Ancillary Buildings on approximately 6.92 acres located at 2027 Connell Street, on the west side of S. Connell Street, between Laila Lane and Liberty Valley Drive.

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

Mr. Potts asked about the stipulations about other businesses being located near a church, such as the distance from which a business that sells alcohol must be from a church? Ms. Maxwell said any business that does sell alcohol, such as a convenience store, cannot be located closer than 300 feet. She said she believes it is measured door-to-door and along the property lines, so not a direct line. Mr. Potts asked if there are plans for that type of business to move in? Ms. Maxwell said not that they are aware of. She referred to the Future Land Use Map, which shows mostly residential uses along the west side but on the east side it is projected to be commercial and retail. Again, Ms. Maxwell said, they are not aware of any proposal at this time.

Chair Baggerly opened the public hearing.

Marvin Bell, representing Magnolia First Baptist Church, 3609 North Drive, said the plans are to minister to the community and provide outreach. He said they believe this is the prime opportunity to do so and he asked for a favorable recommendation. With no one else requesting to speak, Chair Baggerly closed the public hearing.

Chair Baggerly said he is excited to see development on the south side of town. Ms. O'Banion said it is a great use. Mr. Covington asked about screening and referred to the southwest side of the property where there are some single-family homes and the property to the northwest is zoned Two Family but is undeveloped. He thinks he would like to see some screening at least at the Hamilton Court area. He would assume that there will mostly be parking in the rear, though he did not know the plans for the church. He said screening may be needed at the rear section, but perhaps not screen the entire thing. Chair Baggerly asked if that development has fencing already? Ms. Maxwell said she would assume they would in the rear yards but she didn't recall. Mr. Bell said when they do start development, they will have engineered plans. As far as the southwest corner where residences are located, once they have engineered drawings all of that will be taken into consideration. We understand that utilities are there already but once they have drawings it will be definitive.

Mr. Covington questioned the timing if we are going to require screening. Ms. Maxwell said this is the time to do it, as a condition of the SUP. If we were going to require screening, Mr. Covington said, and those houses along Hamilton Court already had rear 6-foot privacy fences on their property

would that suffice so the church would not have to do additional screening? Ms. Maxwell said it would be up to your discretion. Fences can come and go so if you wanted to have the security, or know this development was taking care of itself, you might still require a fence, but then you always have a "no man's" land in-between the two fences where it is very hard to maintain. Ms. Maxwell asked if that was the only area they were concerned with? Mr. Covington said because that's the only area that is developed, that is the only area he is concerned with at this point.

Chair Baggerly said he understands the concern but the lack of opposition from those homeowners tells him they are OK with what is happening. Mr. Covington said that is true; the last time they had a case in that neighborhood they all came out. Ms. O'Banion said that is a great point.

(<u>NOTE</u>: Ms. Maxwell discussed screening requirements and commented that even without the SUP, if a non-residential <u>use</u> is adjacent to a residentially <u>zoned property</u>, screening is required. However, this is incorrect; the screening requirement is based on the <u>zoning district and not the use</u>. Therefore, the church with SF3 zoning is not required to provide screening, unless included as a condition of the SUP.)

Mr. Potts said his only concern is sending out notifications to property owners within 200 feet, since regulations with a church can extend to 300 feet. Looking at the map it doesn't appear it would affect anyone who was currently there, but he recommended in the future, if something like this comes up related to a church, that letters go out up to 300 feet since that is the distance that it will be affecting. Ms. Maxwell said we can certainly consider that. She said again it is hard because TABC regulations extend from the front door of the church, and we don't know exactly where it is going to be... you could assume it is on the property line to be on the safe side. Ms. O'Banion said an example is the CEFCO that is next door to the Church of Christ. Ms. Maxwell said in this case, we are not aware of any development plans. The boundary that is on the map now, Mr. Jarratt said, touches all the adjacent Single-Family properties, so extending it out another 100 feet does not sweep up anymore properties. Mr. Jarratt said to Mr. Potts, your point is well taken. Ms. O'Banion said she is excited about the project.

Ms. O'Banion made a motion to approve Z-19-06. Mr. Covington seconded the motion. Item was approved with 8 ayes, 0 nays.

### ORDINANCE NO. 2019-17

### AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL TO SINGLE FAMILY – 3 DISTRICT WITH A SPECIFIC USE PERMIT FOR A CHURCH AND ANCILLARY BUILDINGS ON A 6.92 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 9 DESIGN STANDARDS.

WHEREAS, Billy Muston, 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 March, 2019, at 5:30 p.m. for hearing and adoption, said district being described as follows:

Approximately 6.92 acres at 2027 Connell Street, 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 March, 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 District to Single Family – 3 District with a Specific Use Permit for a Church and Ancillary Buildings, in accordance with Section 12 – Single Family – 3 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 Single Family-3 Zoning District in all respects.
- 2. In addition, a specific use permit is authorized for a church and ancillary buildings.
- 3. The development of the property shall conform to all applicable Design Standards per Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, as well as signage and parking requirements.

4. Approval of a subdivision plat is required prior to obtaining a building permit.

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 March, 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 March, 2019.

ATTEST:

Marion Grayson, Mayor

Amy M. Casey, City Clerk

#### Zoning Case # Z-19-06 Location EXHIBIT "A" BELTON PBJ 5 Planning Department Type Area 4 93 Type Area 8 Type Area 7 Type Area 2 317 14 Type Area 4 190 14 OLD GOL 35 190 190 Type Area 9 (436) 14 121 **ZONING CHANGE:** Type A Area 11 to 121 SF-3 with SUP DECKER **LEGAL DESCRIPTION:** ELM GROVE A0906BC J P WALLACE, 34, 35 ACRES 6.92, SN1 OC0487977A; LABEL# TEX0397262, TITLE # CN008246 **PROPERTY OWNER: BILLY WAYNE MUSTON ADDRESS/LOCATION:** 436 2027 Connell St 3! 121 436 121 DECKERR 3 LEGEND Z\_19\_06

625 1,250 2,500 Feet

(

0

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.

## Staff Report – City Council Agenda Item



Date:March 26, 2019Case No.:P-19-10 West Canyon TrailsRequest:Preliminary PlatApplicant:Lina Chtay, Belton Engineering, Inc.Owner/Developer:Randy Taylor

### Agenda Item #8

Consider a preliminary plat of West Canyon Trails, comprising 38.333 acres, located on the south side of W. Avenue O, between S. Loop 121 and Connell Street.

### **Originating Department**

Planning – Cheryl Maxwell, Director of Planning

**<u>Current Zoning</u>**: Single Family – 3 (SF-3), Retail, and Agricultural

**Future Land Use Map (FLUM) Designation:** Mixture of Residential & Commercial/Retail with Commercial Corridor Overlay along Loop 121 and Avenue O.

### Design Standards Type Area: 9, 2 & 4

9 - (Majority of area) - Projected to be a mixture of uses on larger parcels of land.

2 – (Along Avenue O frontage) – Projected to be primarily commercial highway frontage uses with opportunities for mixed uses, hotels, restaurants, new car dealerships, multi-story office, and other similar commercial uses.

4 – (Near intersection of US 190 and Loop 121) – Nodes projected for commercial, retail, and neighborhood service uses with a higher standard as they are gateways to other areas.

### Case Summary

This property is the site of a proposed residential subdivision with frontage along W. Avenue O, consisting of 170 residential lots and one retail lot. This property was rezoned to the Single Family -3 and Retail Zoning Districts in January this year. A 15' wide emergency access strip is included in this plat boundary and is zoned Agricultural District. A segment of Laila Lane will be constructed as part of this development, anticipating the future extension of Laila Lane west and east, ultimately completing this roadway with connections to Loop 121 and Connell Street. Six parcels are proposed as follows:

Parcels A & B: Detention areas to be owned and maintained by the City Parcel C: Private parkland to be owned and maintained by the homeowner's association (HOA)

> City Council Agenda Item March 26, 2019 Page 1 of 5

Parcels D & E: Acreage to be owned and maintained by the HOA Parcel F: Emergency vehicle access easement to be owned and maintained by the HOA

### Project Analysis and Discussion

This plat includes 38.333 acres, with 170 residential lots and one retail lot. The lots satisfy all area requirements for the respective zoning districts as noted below:

- <u>SF-3</u>
- Front Yard: 25'
- Side Yard: 5'; 15' from street ROW
- Rear Yard: 20'
- Lot Area: 5,000 sq. ft.
- Lot Width: 50'
- Lot Depth: 90'

### <u>Retail</u>

- Front Yard: 25'
- Side Yard: 25'
- Rear Yard: 20'
- Lot Area: 7,000 sq. ft.
- Lot Width: 60'
- Lot Depth: n/a

This plat has two "key lots" that do not meet the key lot setback requirements of the zoning ordinance. A key lot is basically a corner lot having two street frontages (Zoning Ordinance Section 42 (Lot, Key) and Appendix A-1 Illustrations, Number 17). The Zoning Ordinance requires key lots to have front and side yard (street side) setbacks equal to that which is observed on the two adjacent lots. Typically one side of a corner lot may have a reduction in the setback from 25' to 15', but a key lot must observe 25' setbacks on both of these to match the 25' front yard on the adjacent lots. The intent is to ensure the structures are set back an equal distance and there is no obstruction to visibility. The applicant is requesting a variance to this requirement for two lots – Lots 14 & 18, Block 6. These lots are not wide enough to meet the 25' setback on the side street, and if required, would result in the loss of a lot. Staff supports the requested variance, provided any fencing is required to observe the same 15' setback from the property line.

Also with regard to setbacks, a note is provided on the plat that any garage arranged to be entered from the side yard facing a public street shall have a minimum setback of 25'. This will ensure there is adequate room to park a vehicle in the driveway to provide the required minimum of 4 parking spaces on site, i.e. 2 in the garage and 2 in the driveway.

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

<u>Water</u>: An existing 8" water line runs along the south side of West Avenue O. The applicant is tying into this line and extending 8" and 6" water lines throughout the subdivision. An 8" line is generally required for fire protection, but a 6" line is allowed provided it can meet the minimum 1,000 gpm flow requirement. The applicant will be required to demonstrate the 6" lines can meet this flow at the time of the final plat or will be required to revise these lines to 8".

City Council Agenda Item March 26, 2019 Page 2 of 5 **Sewer:** An existing 12" sewer line is available for extension near the northwest corner of this property. The applicant will be extending 8" and 6" sewer lines throughout the subdivision. The size of the lines will be determined by the extent of the system at the time of the final plat.

**Access:** This subdivision proposes 170 single family residential lots. Per Subdivision Ordinance Section 502.01.J., three entrances are required for subdivisions with 101 plus lots. This development is planned to ultimately have one entrance off W. Avenue O (Alan Trails), with the other two entrances via Laila Lane east and west. However, the applicant does not have control of the properties to the east and west to facilitate the extension of Laila Lane at this time, so it is uncertain when these connections will occur. In the interim, two options are proposed.

- Option 1: Extend an access point (50' ROW) through Belton ISD property to the south to tie into Huey Drive.
- Option 2: Utilize the 15' wide emergency vehicle access easement to Loop 121 and extend sewer stubouts to adjacent properties to the west to encourage development of these tracts, which will in turn promote the extension of Laila Lane from Loop 121 to this subdivision.

Both of these options include a temporary second access point connecting to W. Avenue O, proposed as Long Creek Lane. When the Laila Lane connections occur and this second Avenue O entrance is not needed to meet the minimum three entrances, it will be eliminated and the ROW will convert back to the retail lot and Parcels D and E. Parcels D and E may then be converted to residential lots.

Since the required three entrances for public access are not able to be provided at this time, a variance is requested to allow the preliminary plat to move forward. The applicant has been in contact with Belton ISD and has made a financial offer to purchase a strip of land to provide a roadway for the connection to Huey. It is our understanding that the Belton ISD School Board will review this at their March 25<sup>th</sup> meeting. Staff is supportive of the variance request for either of the two options identified above, since this will be a temporary situation that will be resolved when Laila Lane is extended.

<u>Streets</u>: Laila Lane is a minor collector on the city's Thoroughfare Plan map. Minor collectors require a minimum ROW width of 60'. The segment of Laila Lane within this plat boundary will be constructed with a 37' pavement width with curb and gutter within a 60' ROW.

West Avenue O is a major collector on the city's Thoroughfare Plan map. Major collectors require a minimum ROW width of 80'. There is currently approximately 120' of ROW; no additional ROW is needed. Existing pavement width of Avenue O in this vicinity is approximately 42'; there is no curb/gutter but instead a bar-ditch drainage system. The City Public Works Director has determined that no perimeter street improvements are needed for Avenue O.

City Council Agenda Item March 26, 2019 Page 3 of 5 The primary entrance from Avenue O, Alan Trails, will be constructed with a 49' pavement width with curb and gutter in a 70' ROW to facilitate one entrance lane and two exit lanes. The remaining streets in the subdivision will be constructed as local streets with a 50' ROW, 31' pavement width, with curb and gutter.

Subdivision Ordinance Section 502.01.G requires all streets to intersect at a 90 degree angle. A variance is needed if the intersection angle varies by more than 5 degrees on collector streets. This applies to two intersection points along Laila Lane: 1) intersection with Long Creek Lane at a 77 degree angle; and 2) intersection with Adam Lane at a 70 degree angle. A variance is requested and supported by staff since visibility will be sufficient and the applicant has limited room to adjust the alignment coming in from the east and exiting to the west where the alignment is projected to go along an existing property line.

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 proposed temporary emergency vehicle access easement is only 15' wide; therefore, the improved surface is limited to 15'. The applicant is requesting a variance to the width requirement for this temporary access, and it is supported by staff.

**Drainage:** Pre and post-drainage maps have been provided. Two on-site detention ponds (Parcels A & B) are proposed to address drainage needs and will be owned and maintained by the HOA. Detailed plans and calculations will be reviewed with the final plat and site plan.

**Sidewalks**: Per the city's Subdivision Ordinance Section 503, a 5' wide sidewalk is required along both sides of collector streets and the subdivision side of collector streets. Therefore, a 5' wide sidewalk is required along both sides of Laila Lane and the south side of W. Avenue O.

**Parkland Dedication/Fees:** Per Subdivision Ordinance Section 517, the parkland fee is \$200 per residential unit. For 170 dwelling units, the fee equates to \$34,000. The applicant is proposing to use these funds to develop a private park consisting of 0.837 acres with amenities to include sidewalks, benches, and landscaping. The applicant is requesting a variance to this requirement to allow the private park and is supported by staff.

**Conclusion:** We have reviewed the plat and find it acceptable as a preliminary plat.

### **Recommendation**

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

City Council Agenda Item March 26, 2019 Page 4 of 5

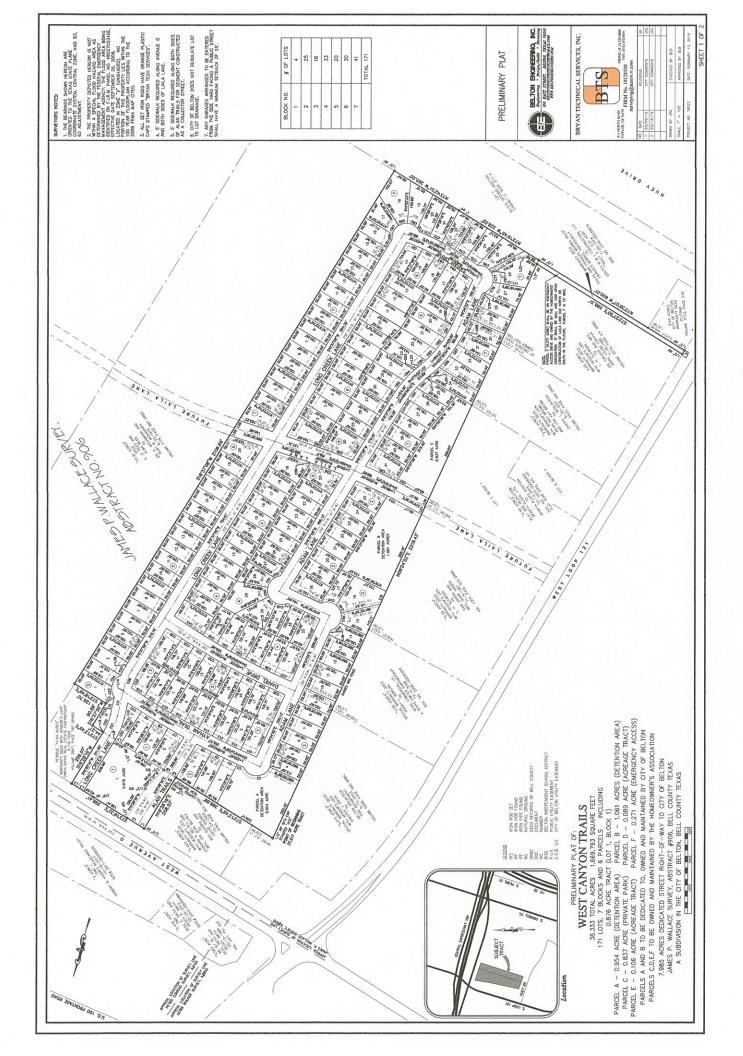
- 1. Approval of variance to the key lot setback requirement for Lots 14 & 18, Block 6, conditioned on fencing observing the same 15' setback from the property line;
- 2. Approval of variance to the three access point requirement, conditioned on either Option A or B for a temporary access solution;
- 3. Approval of variance to the 90 degree street intersection requirement for Laila Lane at Long Creek Lane and Adam Lane;
- 4. Approval of variance to requirement for a 16' wide access easement for a fire lane to allow a minimum width of 15';
- 5. Approval of variance to the parkland dedication/fee requirement to allow development of a private park with amenities to equal \$34,000.

### **Attachments**

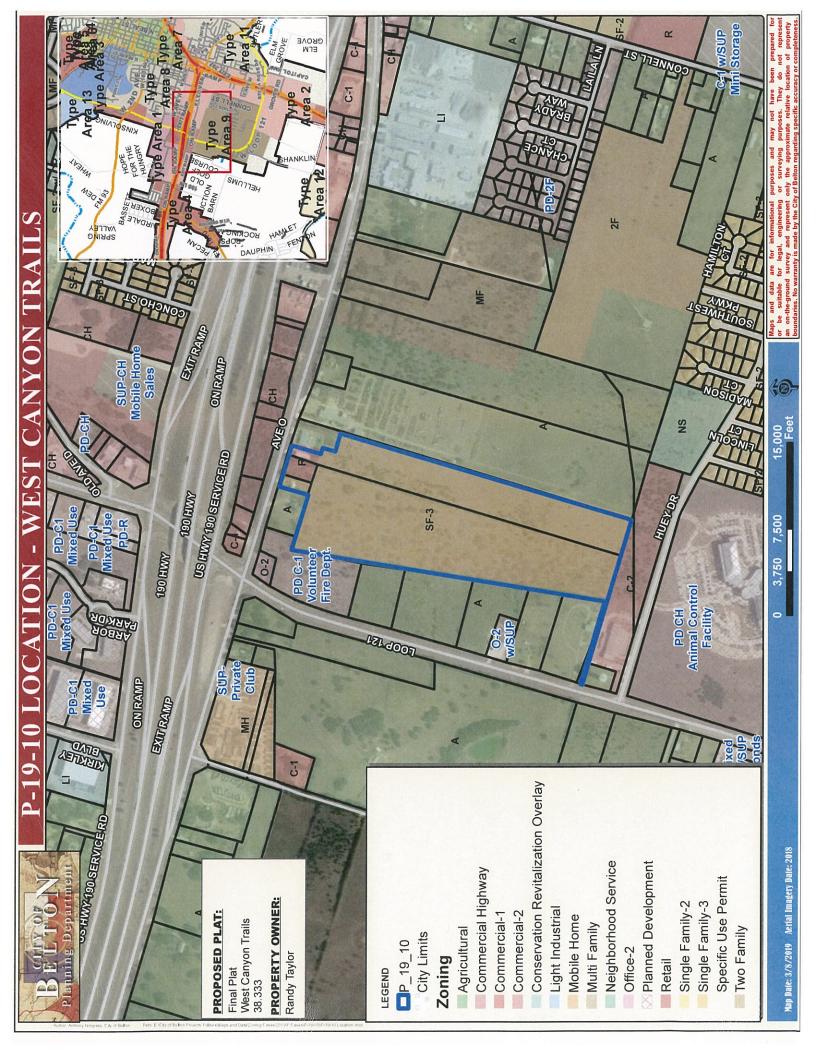
Preliminary Plat Application Preliminary Plat Location Map Variance request letter P&Z Minutes Excerpt

> City Council Agenda Item March 26, 2019 Page 5 of 5

	City of Belton
Reque	est for Subdivision Plat
to the	e City Council and the
Planning	g 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	
	(All plans are to be returned to the Planning
Department by the 15 <sup>th</sup> day of the mo	onth ahead of the next month's P&Z meeting.)
	ngineering Phone: (254) 731-5600
	Belton, TX 76513
Email Address:	



SURVEYORS NOTES: 1. THE BEARINGS SHOWN HEREON ARE CORENTED TO THE TEXAS STATE PLANE	<ol> <li>CORRENATE SYSTEM, CENTRAL ZONE, NAD 83, 93 JAUJSTMENT.</li> <li>THE PROPERTY DEPICITED HEREON IS NOT MINIMA A SECALE LODON AZARDA PARE AS DETERMINED BY THE FEDERAL DEPERTANCY</li> </ol>	MANAGENT ASENCY. THE TLODA MEAN BENCI DISTIFICE DN F.T.R.M. PANEL NO. 4802703405, EFFECTIVE DN EXERCER 26, 20037033405, LOCATED IN ZONE "Y" (UNSHARED 26, 2003 DORTON E THIS PROPERTY LIES THAN THE TOO YEAR FLODAR AN ACCORPANCE TO THE	2008 FEMA MAP CITED. 3. ALL SET ROW RODS HAVE CRANCE PLASTIC CAPS STAMPED "BRYAN TECH SERVICES".	4, 5' SIDEWALK REQUIRED ALONG AVENUE O AND BOTH SIDES OF LALLA LANE. 5. 5' SIDEWALK RECURRED ALONG ROTH SIDES	OF ALAN TRAUE FOR SCANENT CONSTRUCTED AS A COLLECTOR STREET. 6. CITY OF BELICAN DOES NOT REGULATE LOT TO LOT DEALANCE	7. ANY GARAGES ARRANCED TO BE ENTERED FROM THE SIDE YARD FANDA A PUBLIC STREET SHALL HAVE A WANNING STREAM OF DYS			BLOCK NO. # DF LOTS	2 25 3 18		6 30 7 41	T0TAL 171							PRELIMINARY PLAT		BELTON ENGNEETING NC.	NO EAST STRATE, BARDAL TRANS 7000 BALTONINGENERDED COLLIL COL		BRYAN TECHNICAL SERVICES, INC.	S A	SU MORTI MAN TAVLAR, IX MAN FIRM No. 10128500 TAX (313) (32-000	8477 8477 8477 8477 8477 8477 8477 8477		DRWIN BY, JAC CHECKED BY BLB SCALE, Y = 100' APPROVED BY BLB	PROJECT NO. 18522 DATE: FEBRANKY 13, 2019
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March 5, 2019

Cheryl Maxwell Planner, City of Belton 333 Water Street Belton, Texas 76513

Applicant: Belton Engineering Inc. / Randy Taylor Project: Preliminary Plat, West Canyon Trails Location: 1214 Highway 190

#### Subject: Variance Requests

 Applicant is respectfully requesting a variance/exception from the requirement to revise side yard setback on Lots 14 and 18, Block 6 to 25' to match front yard of adjacent lots based on the following:

- 1. Lots 14 and 18, Block 6 would require 10' of additional building area width added to each lot causing one full lot to be removed and 30' to be divided among the remaining lots.
- 2. One full lot will need to be removed.
- 3. 30' would be left over from removal of that one lot to be divided among the remaining lots.
- Granting of this exception will not be detrimental to the public health, safety or welfare, or injurious to any of the properties adjacent to this subject tract.

II) Applicant is respectfully requesting a variance/exception from the requirement to provide three entrances for this subdivision per Subdivision Ordinance Section 502.01J based on the following:

 Option 1 is proposed to extend an access through BISD to tie in with Huey Drive. A proposal has been provided to BISD to purchase a tract necessary for this tie in.

- Option 2 is proposed to extend sewer stubouts to all adjacent properties and build fire access to Loop 121 to comply with fire department requirements, if BISD does not accept the offer mentioned above. Fire access to Loop 121 will go away upon extension of Laila Lane east and west.
- 3. Two additional access points are available to be utilized in the future from adjacent tracts with the extensions of Laila Lane.
- Granting of this exception will not be detrimental to the public health, safety or welfare, or injurious to any of the properties adjacent to this subject tract.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

III) Applicant is respectfully requesting a variance/exception from the requirement to provide minimum 2 acres for public parkland dedication or \$200/lot (parkland fee of \$34,000) based on the following:

- 1. Private park 0.837 acre proposed.
- 2. Amenities are proposed with a total value equal to the parkland fees of \$34,000 for sidewalk, benches, and landscaping.
- 3. Granting of this exception will not be detrimental to the public health, safety or welfare, or injurious to any of the properties adjacent to this subject tract.

\*\*\*\*\*\*

IV) Applicant is respectfully requesting a variance/exception from the requirement to provide a 20' wide road surface for emergency access based on the following:

- 1. 15' wide emergency access road proposed with all weather surface. Road surface to comply with IFC 2015 fire lane surface.
- Emergency access road is limited to 15' due to the existing 15' strip of land utilized.
- 3. Granting of this exception will not be detrimental to the public health, safety or welfare, or injurious to any of the properties adjacent to this subject tract.

\*\*\*\*\*

V) Applicant is respectfully requesting a variance/exception from the requirement to provide 90 degree intersections at Laila Lane and Long Creek Lane as well as Laila Lane and Adam Lane per Subdivision Ordinance Section 502.01G based on the following:

- 1. The proposed layout shows a 77 degree at Long Creek Lane and Laila Lane intersection.
- 2. The proposed layout shows a 79 degree intersection at Adam Lane and Laila Lane intersection.
- 3. Granting of this exception will not be detrimental to the public health, safety or welfare, or injurious to any of the properties adjacent to this subject tract.

Feel free to contact us at any time, in reference to this project, Office #254-731-5600, Mobile #254-289-7273.

\*\*\*\*\*\*

Submitted,

BELTON ENGINEERING, INC.

Lina Chtay, As representative for Randy Taylor

### Minutes of the **Planning and Zoning Commission (P&ZC)** City of Belton 333 Water Street Tuesday, March 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, Dave Covington, Stephanie O'Banion, Zach Krueger, Luke Potts, David Jarratt, Quinton Locklin and Allison Turner. The following staff members were present: Director of Planning Cheryl Maxwell, Planner Kelly Atkinson, IT Ryan Brown and Planning Clerk Laura Livingston. Commission member Ty Hendrick was absent.

# 5. P-19-10 Consider a preliminary plat of West Canyon Trails, comprising 38.333 acres, located on the south side of W. Avenue O, between S. Loop 121 and Connell Street.

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

Chair Baggerly asked if the 15-foot wide access easement is temporary or permanent? Ms. Maxwell said it is temporary, depending upon when Laila Lane is extended. Ideally, we want to have both side of Laila Lane to the east and west, and then the entrance road because that will give you the three access points for both public access and emergency vehicles. This is planned this way, she said, but if the applicant felt it was needed, she was sure they wouldn't object to keeping it for emergency access, as there is not much that can be done with that strip.

Mr. Covington said when you were talking about the two options for the egress point—Option 1, going through Belton ISD's property or Option 2, which goes out that access easement, would that be for emergency access or would that be for the public? For Option 2 it would just be for emergency vehicles and Option 1 would allow for full emergency and public access. Part of Option 2 is for the developer to include providing sewer stub-outs to these properties with the hope that if sewer is more accessible to these properties that will encourage development, then Laila Lane will be built quicker. Mr. Krueger asked what is the timeframe for Laila Lane? Ms. Maxwell said it depends. We saw that the City Lights Addition is proposing to extend it to their point but there is still another tract between City Lights and this property. We don't know any plans at this point to carry Laila Lane across that tract, and we are not aware of any plans now for the other leg on the west side, toward Loop 121. The applicant has been working and trying to talk people into selling them something just so they can make the connection, Ms. Maxwell said.

Chair Baggerly asked if on a 15-foot easement a fire truck and fire engine can get in there? Ms. Maxwell said the fire marshal has assured us that with the all weather surface, this will be adequate.

Mr. Covington said on the key lots, with the 15-foot side yard setback, if the garage is going to face the side street, then the garage would have a setback of 25 feet, so the builder would have options on that? Correct, Ms. Maxwell responded. Will there be street parking allowed on Laila Lane or is that a big enough road that there would be No Parking signs? Ms. Maxwell said the lots are required to have four parking spaces on site; when we say four that includes two in the garage and two in the driveway, so technically there should be enough parking so no one has to park in the road, which will be 37' wide. If it becomes an issue, we could put up signs, but that is not proposed right now, she said.

Chair Baggerly said it looks like a lot of things to consider, but he thinks the request is reasonable.

Ms. O'Banion made a motion to approve P-19-10. Mr. Covington seconded the motion. The motion was approved with 8 ayes, 0 nays.

## Staff Report – City Council Agenda Item



Date:March 26, 2019Case No.:P-19-11 Stacey AdditionRequest:Final PlatApplicant:Chuck Lucko, All County SurveyingOwner/Developer:Norman & Linda Ashlock

### Agenda Item #9

Consider a final plat of Stacey Addition, comprising 3.421 acres, located at the southeast corner of FM 93 and Spring Valley Lane, west of Wheat Road, in Belton's ETJ.

### **Originating Department**

Planning - Cheryl Maxwell, Director of Planning

### Case Summary

This is a two-lot subdivision reflecting existing development conditions. Lot 1 has frontage along FM 93 and Spring Valley Lane and is the site of an existing towing company (Frost Towing). Lot 2 has frontage on Spring Valley Lane and is currently used residentially. No changes to the use of these lots is anticipated.

### Project Analysis and Discussion

This property is located in Belton's ETJ so there is no zoning. Lot 1 comprises 1.14 acre while Lot 2 comprises 2.281 acres.

Bell County requires a minimum 50' building setback line from FM 93 and 25' from Spring Valley Lane. The existing structures on Lot 1 do not meet this requirement, so a variance is requested. Staff supports this request since these are existing structures.

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

<u>Water</u>: This property is located within the Dog Ridge Water Supply Corporation (DRWSC) CCN. They have an existing 2" water line along Spring Valley Lane that currently provides domestic service to these lots via one meter. With the division of this property, an additional connection will be needed so each lot will have a meter. DRWSC has confirmed they are able to provide this additional connection.

The City of Belton Fire Code requires a minimum water flow of 1,000 gpm for fire hydrants. The existing water line does not meet this flow requirement and cannot support fire hydrants for fire

City Council Agenda Item March 26, 2019 Page 1 of 3 protection purposes. Per DRWSC, estimated flow on the 2" line is 325 gpm The developer is requesting a variance to this requirement. This request is supported by staff since this represents existing conditions. DRWSC 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. The lots are over 0.50 acre in size and individual septic systems are existing on the lots and may remain in use, subject to requirements of the Bell County Public Health District.

**Drainage:** Since this property lies in Belton's ETJ, the city is not responsible for drainage and will defer to Bell County and their requirements. No additional structures are proposed at this time.

**Streets:** Both lots have access via Spring Valley Lane; no additional access is granted via FM 93. FM 93 currently has a pavement width of 39.2' with a bar ditch drainage system. This is a TxDOT roadway; therefore, the requirement for perimeter street improvements is not applicable. There is 120' ROW available; no additional ROW is requested by TxDOT. Spring Valley Lane is a local roadway with 21.7' wide pavement in a 60' ROW, with no curb or gutter but 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 outside the city limits, and the County is satisfied with the current facilities, which are under their maintenance.

<u>Sidewalks</u>: The Subdivision Ordinance requires the developer to construct and install a 6-foot wide sidewalk along the subdivision side of arterial roadways, which would apply to FM 93, a major arterial. This requirement is waived since the plat is in Belton's ETJ and no entities have assumed responsibility for maintenance. Sidewalks are not required along Spring Valley Lane, which is a local street.

**Parkland Dedication/Fee:** Per Subdivision Ordinance Section 517, 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. Lot 2 is residentially developed, therefore, the parkland//fee requirement applies for this one lot and would equate to \$200. Staff supports a variance to this requirement since the residence is existing, no new residential lots are proposed, there are no plans to develop a public park in this vicinity at this time, and the lot is over 2 acres in size which provides ample open space to satisfy the needs of the lot owner.

**Conclusion:** Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and provided comments that 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.

City Council Agenda Item March 26, 2019 Page 2 of 3

### **Recommendation**

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

- 1. Approval of variance to the water flow requirement of 1,000 gpm for fire protection;
- 2. Approval of variance to the perimeter street improvement requirement for Spring Valley Lane;
- 3. Approval of variance to the parkland dedication/fee requirement; and
- 4. Bell County approval of variance to their setback requirement for Lot 1.

### **Attachments**

Final Plat Application Final Plat Location Map Variance Requests P&Z Minutes Excerpt

> City Council Agenda Item March 26, 2019 Page 3 of 3

**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 \$ 200 %

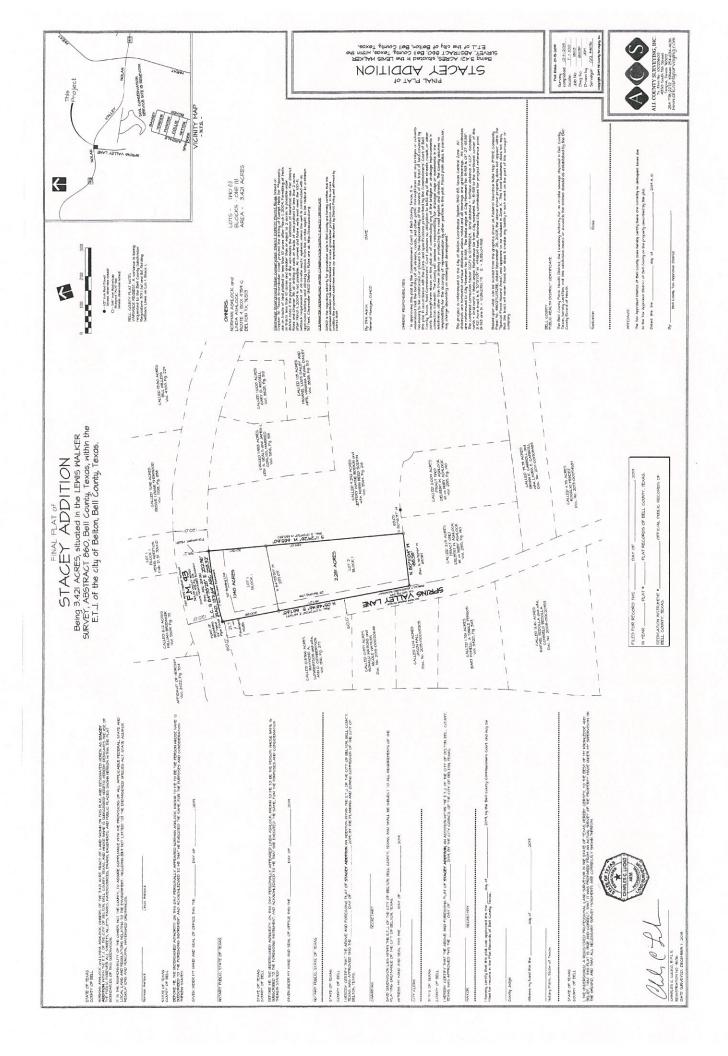
- Final Subdivision
- Administrative Plat
- Replat
- ETJ
- □ City Limits

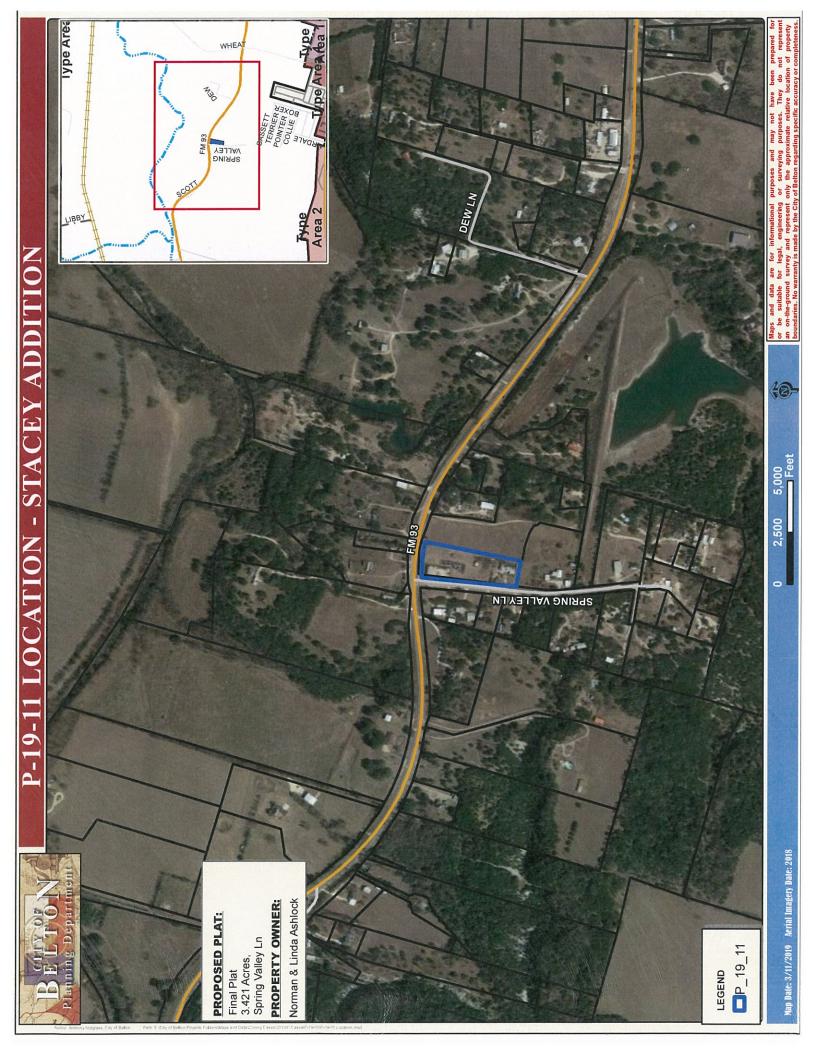
Date Received: \_\_\_\_\_ Date Due: \_\_\_\_\_ (All plans are to be returned to the Planning Department by the 15<sup>th</sup> day of the month ahead of the next month's P&Z meeting.)

Applicant: <u>All Courty Surveying Tac</u> Phone: <u>254,778.2272</u> Mailing Address: <u>4330 5.5th Street Temple TX 76502</u> Email Address: <u>Chack & all Courty Surveying Com</u>

Owner: Norma stars Ashlock Phone: \_\_\_\_\_ Mailing Address: RT. 4 Box 4759.C. Belton Ty 76513 Email Address:

Current Description of Property:
Lot:Block:Subdivision:
Acres: 1.140 Survey: Lawy Walker
Abstract #: <u>\$60</u> Street Address:
Frontage in Feet: 253 Depth in Feet: 200 *
Does Zoning comply with proposed use? $\underline{M/A}$ Current Zoning: $\underline{M/A}$ Name of proposed subdivision: $\underline{STACY}$ Addition
Number of Lots: Fee: \$ 700 %
ALP IK ZOLG
Signature of Applicant: Date: Date:
Signature of Owner: Norman Cashlork Date: 1-15-2019







February 11, 2019

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

# Re: Request for "Fire Protection Waiver" – Stacey Addition (ETJ)

Dear Ms. Maxwell:

This letter is in response to your comments dated January 31, 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.



March 11, 2019

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

# Re: Request for "Street Improvement Waiver" – Stacey Addition (ETJ)

Dear Ms. Maxwell:

This letter is in response to your comments dated March 11, 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".

Spring Valley Lane is a "Publicly Maintained Roadway" that has no curb or gutter throughout the entire roadway 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,

Justin S. Myers Junior Survey Cad Technician, All County Surveying, Inc.



March 11, 2019

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

# Re: Request for "Parkland Dedication Waiver" – Stacey Addition (ETJ)

Dear Ms. Maxwell:

This letter is in response to your comments dated March 11, 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 replat.

Thanks for granting this waiver, and as applicant, I wish to thank you in advance.

Respectfully,

Regards,

Justin S. Myers Junior Survey Cad Technician, All County Surveying, Inc.



February 11, 2019

Bell County Engineer 206 N Main Street Belton, Texas 76513 ATTN: Bryan Neaves, P.E., CFM

# Re: Request for "Building Setback Waiver" – Stacey Addition (ETJ)

Dear Mr. Neaves:

This letter is in response to Mr. Eubanks comments dated January 17, 2019.

We are working through the Bell County Engineer's comments, and under the category of "Subdivision Regulations": A fifty-foot building setback line is requested along F.M. 93 rightof-way and a twenty-five-foot building setback line along Spring Valley Lane, it is hereby desired by applicant to be allowed a "Building Setback Waiver".

The two existing buildings encroach upon both requested building setback lines along F.M. 93 and Spring Valley Lane. Both existing buildings are permanent and were built several years ago.

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

# 6. P-19-11 Consider a final plat of Stacey Addition, comprising 3.421 acres, located at the southeast corner of FM 93 and Spring Valley Lane, west of Wheat Road, in Belton's ETJ.

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

Mr. Covington asked why is this being platted? Ms. Maxwell said they may want to divide out the business from the residence, or they might have plans to sell; she is really not certain. Mr. Covington said it sounds good to me.

Mr. Covington made a motion to approve P-19-11. Mr. Jarratt seconded the motion. The motion was approved with 8 ayes, 0 nays.

# Staff Report – City Council Agenda Item



Date:March 26, 2019Case No.:P-19-12 Hedderly AdditionRequest:Final PlatApplicant:Mitchell & Associates, Inc.Owner/Developer:Suma Mahler

# Agenda Item #10

Consider a final plat of Hedderly Addition, comprising 3.96 acres, located on the east side of George Wilson Road, beginning approximately 0.6 mile north of US 190/I-14, in Belton's ETJ.

# Originating Department

Planning - Cheryl Maxwell, Director of Planning

# Case Summary

This is a one lot subdivision proposed for residential development. The property is currently undeveloped.

# Project Analysis and Discussion

This property is located in Belton's ETJ so zoning regulations are not applicable. A 50 front yard building setback line is required by the County and is provided on the plat. This lot is being divided from a larger parent tract of 27.55 acres, leaving a remainder of approximately 23 acres.

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

<u>Water</u>: This property is located within the Dog Ridge Water Supply Corporation (DRWSC) CCN. They have provided a letter confirming their ability to serve this subdivision via the existing 2" water line running along the west side of George Wilson Road. The existing meter providing service to the original 27 acre tract will be relocated to serve the property that is being platted.

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 73 gpm. The developer is requesting a variance to this requirement, and is supported by staff. DRWSC 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. DRWSC is in the process of replacing this line with an 8" line that will be able to support fire hydrants. These improvements are anticipated to be completed by mid 2020.

City Council Agenda Item March 26, 2019 Page 1 of 3 **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. The lot exceeds the minimum 0.5 acres required for a septic system.

**<u>Drainage</u>**: With just one single family residence proposed, 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.

<u>Streets</u>: George Wilson Road is a minor arterial street on the City's Thoroughfare Plan. This requires a minimum ROW of 100'. There is currently approximately 63' of ROW in this vicinity. Per Subdivision Ordinance Section 502.01.A., the developer is responsible for dedicating half of the remaining ROW needed to achieve the 100'. This equates to an 18.5' ROW dedication requirement for this owner. The applicant is requesting a variance to this requirement. Staff does not support the variance request. This provision is clear in our Subdivision Ordinance and we do not typically waive this requirement. Securing adequate ROW is essential to facilitate future improvements to this important roadway.

Regarding perimeter street improvements, the Subdivision Ordinance 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, in this case, George Wilson Road. The existing pavement width is 20'. A variance to this requirement is requested. The Subdivision Ordinance allows waiver of this requirement for single family developments not exceeding 3 lots. This area is outside the city limits, and the County is satisfied with the current facilities, which are under their maintenance. Therefore, staff supports the requested variance.

<u>Sidewalks</u>: The Subdivision Ordinance requires the developer to construct and install a 6-foot wide sidewalk along the subdivision side of arterial streets, which would apply to George Wilson Road. This requirement is waived since the plat is in the ETJ area and no entities have assumed responsibility for maintenance.

**Parkland Dedication/Fee:** Per Subdivision Ordinance Section 517, residential subdivisions are required to dedicate suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland. One acre for each 100 new dwelling units projected is required. With only one lot, the dedication would be 0.01 acres, which is considerably short of the minimum two acres desired for dedication. 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 a considerable amount of open space is provided on this lot to satisfy the needs of the lot owner.

**Conclusion:** Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and provided comments that 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 March 15, 2019.

City Council Agenda Item March 26, 2019 Page 2 of 3

# P&ZC Meeting Update

At the Planning and Zoning Commission meeting on March 19, 2019, there was discussion regarding the requirement for ROW dedication for George Wilson Road. The applicant was opposed to this requirement and requested a variance. The applicant questioned the city's authority for the ROW dedication, citing it as a taking of property without just compensation. Please refer to the minutes from this meeting for more details. The subdivision plat was approved as recommended by the city, with 7 votes in favor and 1 vote in opposition. This included disapproval of the variance request to the ROW dedication requirement. Commissioner Potts cast the dissenting vote, since he supported a variance to this requirement.

## **Recommendation**

The Planning and Zoning Commission met on March 19, 2019 and recommended approval of this plat, subject to the conditions below, with a vote of 7 in favor, and 1 in opposition. Staff concurs with their recommendation.

- 1. **Disapproval** of variance to the 18.5' ROW dedication requirement for George Wilson Road;
- 2. Approval of variance to water flow requirement for fire protection;
- 3. Approval of variance to the perimeter street improvement requirement for George Wilson Road;
- 4. Approval of variance to the parkland dedication/fee requirement; and
- 5. City letter of outstanding conditions for plat approval dated March 15, 2019.

# Attachments

Final Plat Application Final Plat Location Map Variance Request Thoroughfare Plan excerpt City Letter to Applicant dated March 15, 2019 P&Z Minutes Excerpt

> City Council Agenda Item March 26, 2019 Page 3 of 3

# **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 \$290.00 CK # 40300

- Final Subdivision
- □ Administrative Plat
- □ Replat
- ETJ
- □ City Limits

Date Received: 2/15/19 Date Due: 2/15/19 (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: Mitchell & Associates, Inc.	Phone: 254-634-5541
Mailing Address: P.O. Box 1088, Killeen, TX 76540	
Email Address: <u>AReneau@mitchellinc.net</u>	

Owner: Suma Mahler Phone: \_\_\_\_\_ Mailing Address: P.O. Box 533, Heidenheimer, TX 76533

Email Address: \_\_\_\_\_

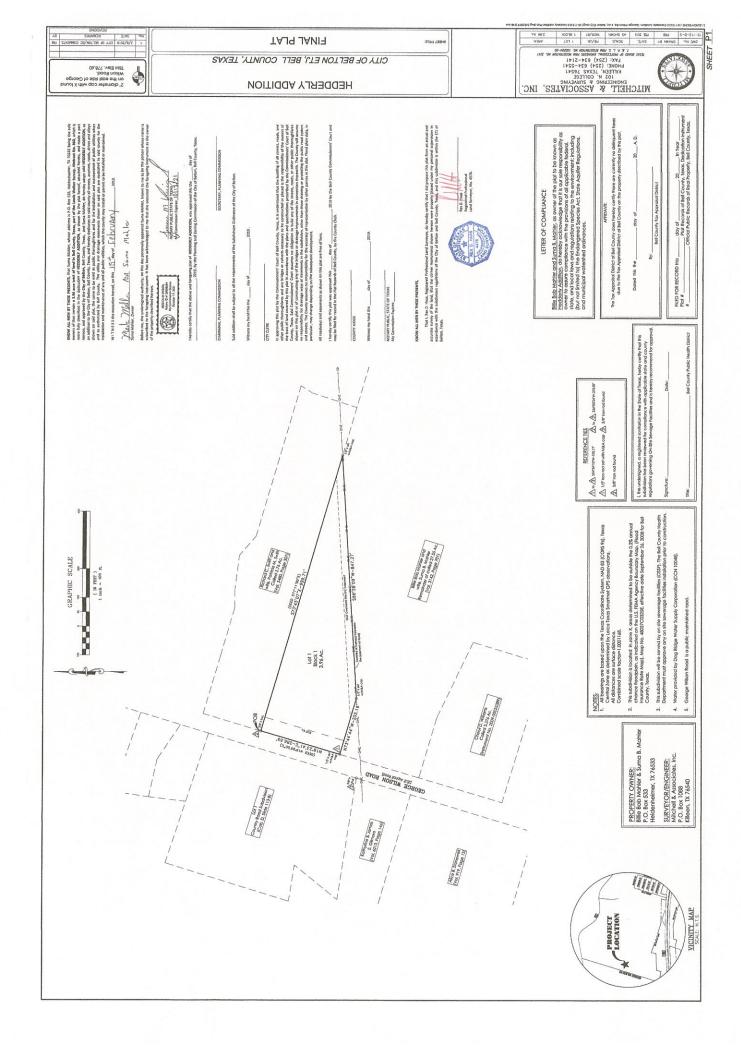
Current Description of Property:

Lot:	Block:	Subdivision:	
Acres: 3.96	Su	urvey: Lewis Walker	_
Abstract #: 860		Street Address: George Wilson Road	
Frontage in Feet:	286.69'	Depth in Feet: 601.43'	1.) K

Does Zoning comply with propos	Current Zoning: <u>N/A</u>	
Name of proposed subdivision:	HEDDERLY ADDITION	

Number of Lots: <u>1</u>\_\_\_\_\_\_ Fee: \$\_\_\_\_\_\_

Signature of Applicant:,	Date:
Signature of Owner: Mark Mahlen	Date: 2-15-18
POA Suma Ma	hler





Engineering & Surveying

March 13, 2019

Kelly Atkinson Planner City of Belton 333 Water Street Belton, Texas 76513

RE: Hedderly Addition – Variance Request – Right of Way Taking

Mrs. Atkinson:

We are in receipt of comments from City Staff dated March 12, 2019. On behalf of our client, Suma Mahler, we request a variance to the request for the gifting of additional right of way of George Wilson Road. The stretch of George Wilson Road along the frontage of the subject property is not within the cooperate boundaries of Belton and we are not aware of any plans for the city to take ownership of that road. Additionally, we do not find a specific requirement for the dedication of right of way along an existing street within Section 502 of the Belton Subdivision Ordinance. Furthermore, The State of Texas Landowner's Bill of Rights, as linked to on the City of Belton website (beltontexas.gov/government/city\_documents\_and\_information /index.php), states explicitly as item 1, *"You are entitled to receive adequate compensation if your property is taken for a public use."*. No justification of proportional use has been presented by the City of Belton to justify the claim of adequate compensation.

Kind regards,

Cla Rener

Ace Reneau

102 N. College Street, P.O. Box 1088, Killeen, Texas 76541 (254) 634-5541 Office | (254) 634-2141 Fax 600 Austin Ave., Waco Texas 76701 (254) 776-5151

Engineering & Surveying

March 7, 2019

Kelly Atkinson Planner City of Belton 333 Water Street Belton, Texas 76513

RE: Hedderly Addition – Variance Request – Fire Flow (Section 505.01)

Mrs. Atkinson:

We are in receipt of comments from City Staff dated February 28, 2019. On behalf of our client, Suma Mahler, we request a variance to Section 505.01 of the Belton Subdivision Ordinance. This subject property is within the ETJ and currently served by Dog Ridge WSC. Dog Ridge does not currently have the capacity to supply the required flow rate. Extension of facilities is currently proposed by Dog Ridge but the completion date is unknown.

Kind regards,

Cla Rina

Ace Reneau

102 N. College Street, P.O. Box 1088, Killeen, Texas 76541 (254) 634-5541 Office | (254) 634-2141 Fax 600 Austin Ave., Waco Texas 76701 (254) 776-5151

Engineering & Surveying

March 13, 2019

Kelly Atkinson Planner City of Belton 333 Water Street Belton, Texas 76513

RE: Hedderly Addition – Variance Request – Perimeter Street Improvement (Section 502.01.H)

Mrs. Atkinson:

We are in receipt of comments from City Staff dated March 12, 2019. On behalf of our client, Suma Mahler, we request a variance to Section 502.01.H of the Belton Subdivision Ordinance. The Perimeter Street Improvement policy provides for the construction and improvement of City of Belton roadways. The stretch of George Wilson Road along the frontage of the subject property is not within the cooperate boundaries of Belton and we are not aware of any plans within the next nine years for the city to take ownership of that road.

Kind regards,

Cla Renem

Ace Reneau

Engineering & Surveying

March 7, 2019

Kelly Atkinson Planner City of Belton 333 Water Street Belton, Texas 76513

RE: Hedderly Addition – Variance Request – Parkland Fee (Section 517.05)

Mrs. Atkinson:

We are in receipt of comments from City Staff dated February 28, 2019. On behalf of our client, Suma Mahler, we request a variance to Section 517.05 of the Belton Subdivision Ordinance. The parkland fee is intended to spur the creation and improvement of community recreational areas within the immediate vicinity of Belton residents as part of the services provided in exchange for taxation. The owner of the property is not within the cooperate boundaries of Belton or with immediate access to Belton recreational space. Additionally, the owner has no rights in the election of the council that possesses the power to rescind this fee. The levy of the park fee would be an unjust taxation without representation.

Kind regards,

Cla Renea

Ace Reneau

102 N. College Street, P.O. Box 1088, Killeen, Texas 76541 (254) 634-5541 Office | (254) 634-2141 Fax 600 Austin Ave., Waco Texas 76701 (254) 776-5151



# **PROPOSED ROADWAY CROSS SECTIONS**

The functional classification system used in the current Thoroughfare Plan was utilized for the proposed Thoroughfare Plan, with modifications to the right-of-way for each classification, and includes:

- Major Arterial (120' ROW)
- Minor Arterial (100' ROW)
- Major Collector (80' ROW)
- Minor Collector (60' ROW)

Some of the roadway cross sections shown in the following sections provide adequate rightof-way for the development of a single left-turn lane at major intersections or traffic generators. For those cross sections where adequate right-of-way is not provided for a single left turn lane at a major traffic generator or intersection, or where dual left turn lanes or a right turn lane is needed, the roadway would need to be widened and additional right-of-way acquired to provide the additional lane(s). For each functional classification, alternative concepts are provided in order to select the most appropriate configuration as part of the development process. The alternative layouts presented under this designation include the presence of individual/shared bike lanes and a 10 foot hike and bike trail on one side. Sidewalks are shown in these typical sections for reference purposes only and are not a requirement of the Thoroughfare Plan.

## Major Arterial (120' ROW)

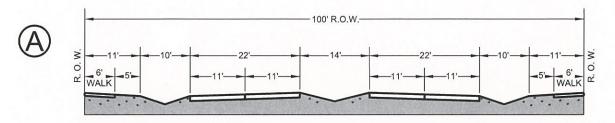
The Major Arterial designation is a six-lane divided roadway within a 120 foot wide right-ofway with geometric options shown in **Figure 7**. The primary purpose of this facility is to provide mobility for long and intermediate trip lengths and general connectivity within and to areas outside of Belton. The alternative layouts presented under this designation include the presence of individual bike lanes, shared bike lanes and a 10 foot hike and bike trail on one side. A sidewalk is shown on both sides of the roadway under all alternatives.

## Minor Arterial (100' ROW)

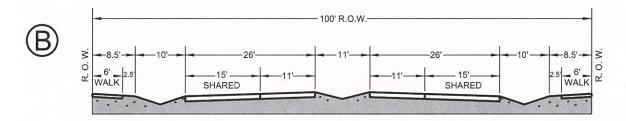
The Minor Arterial designation is a four-lane divided roadway within a 100 foot wide right-ofway with geometric options shown in **Figure 8**. The primary purpose of this facility is to provide mobility for longer trip lengths and general connectivity to areas outside of Belton. The alternative layouts presented under this designation include the presence of individual bike lanes and a 10 foot hike and bike trail on one side. A sidewalk is shown on both sides of the roadway under all alternatives.

A rural Minor Arterial cross section is also a four-lane divided roadway within a 100 foot wide right-of-way with geometric options shown in **Figure 9**. This roadway cross section is intended for rural areas where open drainage channels are provided (no curb and gutters), although particular locations may require an engineered swale with underground pipes. The alternative layouts presented under this designation include the presence of individual bike lanes, shared bike lanes and a 10 foot hike and bike trail on one side. A sidewalk is shown on both sides of the roadway under all alternatives. For these rural sections, pavement can be provided in the center of the road to provide a five-lane section (left turn lane) at an intersection.

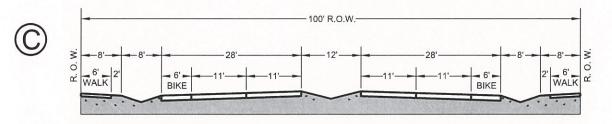




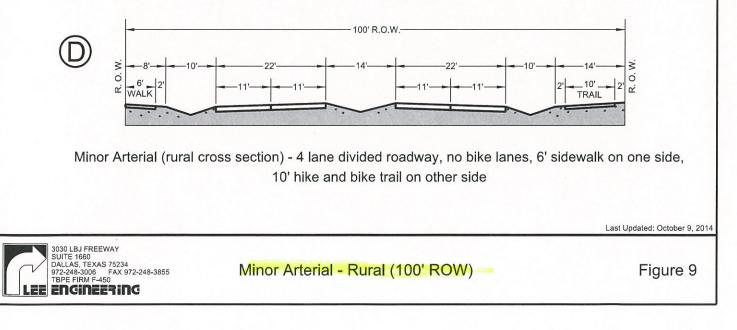
Minor Arterial (rural cross section) - 4 lane divided roadway, no bike lanes, 6' sidewalks

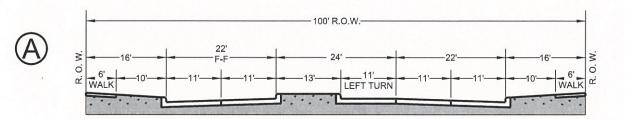


Minor Arterial (rural cross section) - 4 lane divided roadway, shared bike lanes, 6' sidewalks

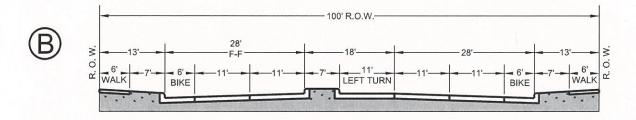


Minor Arterial (rural cross section) - 4 lane divided roadway, 6' bike lanes, 6' sidewalks

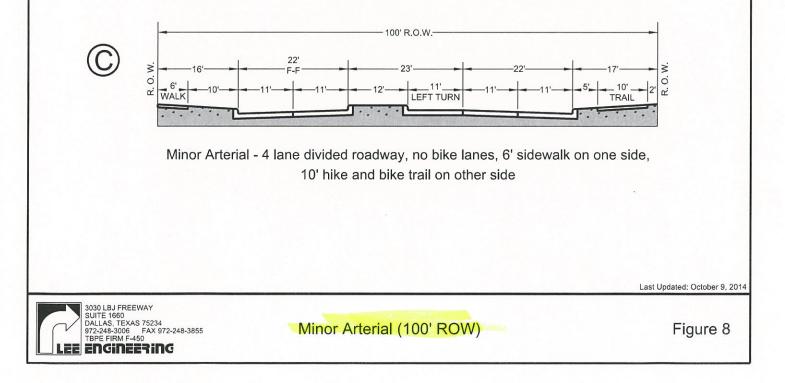




Minor Arterial - 4 lane divided roadway, no bike lanes, 6' sidewalks



Minor Arterial - 4 lane divided roadway, 6' bike lanes, 6' sidewalks





# City of Belton

Planning Department

March 15, 2019

Applicant:	ACE RENEAU - MITCHELL AND ASSOC.
Date Submitted:	02-15-19
	03-08-19
	03-14-19
Project:	<b>HEDDERLY ADDITION ETJ</b>
Location:	3.96 ACRES – GEORGE WILSON ROAD

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

## PLANNING - Cheryl Maxwell - <u>CMaxwell@BeltonTexas.gov</u>:

- Total ROW of 100' is needed for George Wilson Road, a minor arterial road on the City's Thoroughfare Plan. Per Subdivision Ordinance Section 502.01.A., applicant is responsible for providing ½ of the ROW that is needed to achieve 100' and is required to dedicate this on the plat. Existing ROW is 63'; therefore 18.5' ROW dedication is required. Staff does not support a variance to this requirement.
- 2. Plat will proceed to the March 19, 2019 Planning & Zoning Commission meeting, and is scheduled to proceed to the March 26, 2019 City Council meeting. Staff is recommending approval of the final plat of Hedderly Addition, subject to the following:
  - 1. Approval of variance to water flow requirement of 1,000 gpm for fire protection;
  - 2. Approval of variance to the perimeter street improvement requirement for George Wilson Road;
  - 3. Approval of variance to the parkland dedication/fee requirement.
  - 4. Disapproval of variance to the ROW dedication for George Wilson Road.

## PUBLIC WORKS/KPA – Angellia Points, APoints@BeltonTexas.gov: No further comments.

BUILDING OFFICIAL – Bruce Ebbert, BEbbert@BeltonTexas.gov: No comments at this time.

## FIRE DEPT – Jeff Booker, JBooker@BeltonTexas.gov: No further comments at this time.

## POLICE DEPT – Chief Gene Ellis, GEllis@BeltonTexas.gov: No comments.

### GIS – James Gibson, JGibson@BeltonTexas.gov: No comments.

BELL CO. ENGINEER – Stephen Eubanks, Stephen.Eubanks@bellcounty.texas.gov: No further comments.

## **Outside Utility Provider Comments**

- Oncor:
- **AT&T:** Relocation of ATT utilities as owner's expense.
- **Atmos Energy:** In agreement with proposed plat.
- **Charter Communications:**
- Grande Communications:
- **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.

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

# 7. P-19-12 Consider a final plat of Hedderly Addition, comprising 3.96 acres, located on the east side of George Wilson Road, beginning approximately 0.6 mile north of US 190/I-14, in Belton's ETJ.

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

Ms. O'Banion asked about the ROW. Does the City enforce the Subdivision Ordinance in the ETJ as well? Ms. Maxwell said yes. Ms. O'Banion asked if the applicant is OK with that? No, Ms. Maxwell said. The applicant's engineer is here and he would probably like an opportunity to speak as well, Ms. Maxwell said.

Ace Reneau, 102 North College Street in Killeen, is an engineer at Mitchell and Associates, who submitted the final plat of Hedderly Addition. Mr. Reneau said their client is intending to sell off one piece which was the reason for platting. The applicant does not believe the City has the right in this case to demand that they give their property to the City without compensation, especially because they are located within the ETJ. He understands that the City's manuals call for that ROW to be given, though he doesn't know if it's perfectly clear if it's to be given on existing roads, but if you create a new road, then yes, you are responsible. The Texas Attorney General has also issued a Texas Landowner's Bill of Rights, Mr. Reneau said, that states no landowner shall be required to give up their land without just compensation for public use. He references that in their variance request, and the Texas Landowners Bill of Rights is linked to the City of Belton's website. He said this is a continuing discussion he has had with multiple cities, so it's not just this city or this project. This represents about 3 percent of this land area, or about 0.12 acre of land, that is being demanded by the platting authority to be given. The City is demanding the property be given to the county, in case something wants to be done in the future. We think that a City can't give property to the County unless there is justification such as traffic is going to create such a demand and that extra ROW becomes necessary.

Ms. O'Banion asked if this has gone before the county already? Ms. Maxwell said no, but it will. The Planning Commission and City Council act on it first, and then we send it to the county for consideration. Ms. O'Banion asked if she has had any discussion about this with the county? Ms. Maxwell said they generally defer to us on ROW issues, since we look to the Thoroughfare Plan and anticipated growth in such areas.

Mr. Jarratt said he heard what Mr. Reneau said. In the City's consideration of their request, what is the City's rationale for recommending that P&ZC disapprove the variance request? Ms. Maxwell said per the City's Subdivision Ordinance, it is a requirement and we do base a request for ROW on the anticipated road classification, per the Thoroughfare Plan. We anticipate it being a minor arterial

road with that ROW width that is needed. We have been consistent with all of the plats, Ms. Maxwell said. Every plat that we bring before you is based on the Thoroughfare Plan, and if there is additional ROW that is needed, then we recommend it. We do not support a variance, Ms. Maxwell said. Mr. Jarratt said he asked the question so others in the room may hear the answer, and that question is likely going to arise when it moves before City Council.

Mr. Potts asked why is it that the City does not follow the Texas Landowners Bill of Rights? Ms. Maxwell said she does not know whether the Landowners Bill of Rights is applicable for this situation. They did consult their legal staff and they feel that the Subdivision Ordinance is defensible. This is a requirement in the Subdivision Ordinance. There have been some court cases associated with requirements for plat approval, regarding what is legal and what is not, and interpretations will I'm certainly not an attorney, but as far as I know our Subdivision Ordinance is a sound vary. document, Ms. Maxwell added. Chair Baggerly asked if this has been reviewed by the City's legal team. Ms. Maxwell said yes. Ms. O'Banion said she is not disagreeing or agreeing, but to use the rationale that this is in our ordinance, and this is what we expect... we have made a lot of variances tonight so I'm not sure that's the argument we want to make. Mr. Jarratt said he wasn't being glib when he said that earlier. His observation in the limited years he has been involved in this is that we are also trying to learn from past experiences. We're also doing road expansions according to the Future Land Use Map, he said, to create the road space necessary for expansion for public school access and other things. Then we find ourselves in the unenviable position of eating up people's property because we are changing the access to create a street big enough for a school bus. Someone always must be first, Mr. Jarratt said, just like a sidewalk. He sees it as consistent and, in an attempt to prevent hardship, to plan for thoroughfares now instead of later when it doesn't have setbacks built in.

Ms. Maxwell said this ROW is for the future widening of the road. It could be several years out, she said. We don't know one year to the next what area is going to be developing, she said. In the ETJ, we don't usually require curb and gutter so you're going to see a borrow ditch drainage system, which requires a lot of extra room as well, so we feel that it is important to have this ROW, which again is consistent with the plans. Mr. Covington said this variance is of a different magnitude than other variances that have been requested. Ms. O'Banion said spelling it out this way was very helpful for the minutes. Mr. Covington said when you have to deal with four lanes of traffic and then all of a sudden we only have two lanes of traffic, then that creates some significant problems as opposed to where are we going to put a park or sidewalks. Mr. Covington said he agrees with staff's recommendation for disapproval of this variance request.

Mr. Potts said it makes total sense why they need the land; it's why is it not being paid for when you take someone's land? He said he understands what's being asked; why is 3 percent of the property being taken away without just compensation? There is no question that this is needed by the City for future planning, he said. Mr. Potts asked, why does a landowner in the ETJ have to give it to the City without just compensation? He said he does not think that is fair. They should be compensated, he said.

Ms. O'Banion asked the chair to clarify what is the P&ZC role tonight? Chair Baggerly said if they vote to disapprove this one item and approve the rest of the items what is the developer's recourse in that? Ms. Maxwell said we will carry forward whatever your recommendation is to the City Council. Chair Baggerly said, to clarify, we are making a recommendation, not a final determination on this agenda item. Ms. O'Banion said she's a bit concerned and that they should not make a recommendation based on what they do or do not know about the Landowners Bill of Rights. It's not in our purview, Chair Baggerly said.

Mr. Covington said if we make a recommendation to Council, the applicant can proceed to Council and seek a different solution? Ms. Maxwell said the P&ZC recommendation will be forwarded to the City Council. If the P&ZC goes with the City's recommendation, then the exact same presentation happens at Council, Chair Baggerly asked. Yes, Ms. Maxwell said. If they wanted more time to go before the Council would they have the opportunity to delay to a future Council meeting, Mr. Covington asked. We don't usually see that, Ms. Maxwell said, but yes, she believes so. Plats must be approved within so many days of being administratively complete but we don't consider it being complete yet because of the conditions in the letter. Chair Baggerly said he sees there is one sticking point but there is probably consensus on the rest of it, so he asked to entertain a motion.

Mr. Covington made a motion to approve P-19-12 as presented with the staff's recommendations including the water flow variance, the PSI variance, parkland variance, and disapproval of the ROW variance. Mr. Krueger seconded the motion. The motion was approved with 7 ayes, 1 nay (Mr. Luke Potts voted against P-19-12).

# Staff Report – City Council Agenda Item



Date:March 26, 2019Case No.:P-19-13 Flores AdditionRequest:Final PlatApplicant:Chuck Lucko/All County SurveyingOwner:Oscar & Miriam Flores

# Agenda Item #11

Consider a final plat of Flores Addition, a replat of Sherwood Shores VII, Pecan Grove Section, Lots 330 and 331, comprising 0.29 acres, located south of I-14 and west of FM 1670, near the northeast corner of Teakwood Lane and Mistletoe Drive, at 4360 and 4364 Mistletoe Drive, in Belton's ETJ.

# **Originating Department**

Planning – Cheryl Maxwell, Director of Planning

# Case Summary

This is a one-lot subdivision proposed for residential development. The proposed lot has frontage on Mistletoe Drive.

# **Project Analysis and Discussion**

This property is located in Belton's ETJ so there is no zoning. This replat combines two lots into one, comprising 0.29 acres. The original plat, Sherwood Shores VII, Pecan Grove Section, was approved in 1967. A 25' building setback line is provided along the street frontage, along with a 10' utility easement.

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

<u>Water</u>: 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 an existing 4" water line available to provide domestic water service to this lot.

The City of Belton Fire Code requires a minimum water flow of 1,000 gpm for fire hydrants. The existing water flow is estimated at 140 gpm. The developer is requesting a variance to this requirement. Staff supports a variance to this requirement since this is a replat that 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 4" water line. In the event of a fire, water tanker trucks will be needed to suppress the fire.

City Council Agenda Item March 26, 2019 Page 1 of 3 **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. 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.

<u>Streets/Sidewalks</u>: The adjacent street, Mistletoe Drive, is a local street with 60' existing ROW. Existing pavement width is 16.9'. No addition ROW is needed. 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. The Subdivision Ordinance allows waiver of this requirement for single family developments not exceeding 3 lots. 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 outside the city limits, and the County is satisfied with the current facilities, which are under their maintenance. Sidewalks are not required along Mistletoe Drive, which is a local street.

**Parkland Dedication/Fee:** Per Subdivision Ordinance Section 517, residential subdivisions are required to dedicate suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland. One acre for each 100 new dwelling units projected is required. With only one lot the dedication would be 0.01 acres, which is considerably short of the minimum two acres desired for dedication. The fee in lieu of dedication is \$200/lot which would be \$200 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 this replat will result in 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.

# **Recommendation**

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

- 1. Approval of variance to water flow requirement of 1,000 gpm for fire protection;
- 2. Approval of variance to the perimeter street improvement requirement for Mistletoe Drive; and
- 3. Approval of variance to the parkland dedication/fee requirement.

Attachments Final Plat Application **Final Plat** Location Map Variance Request P&Z Minutes Excerpt

City Council Agenda Item March 26, 2019 Page 3 of 3

**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

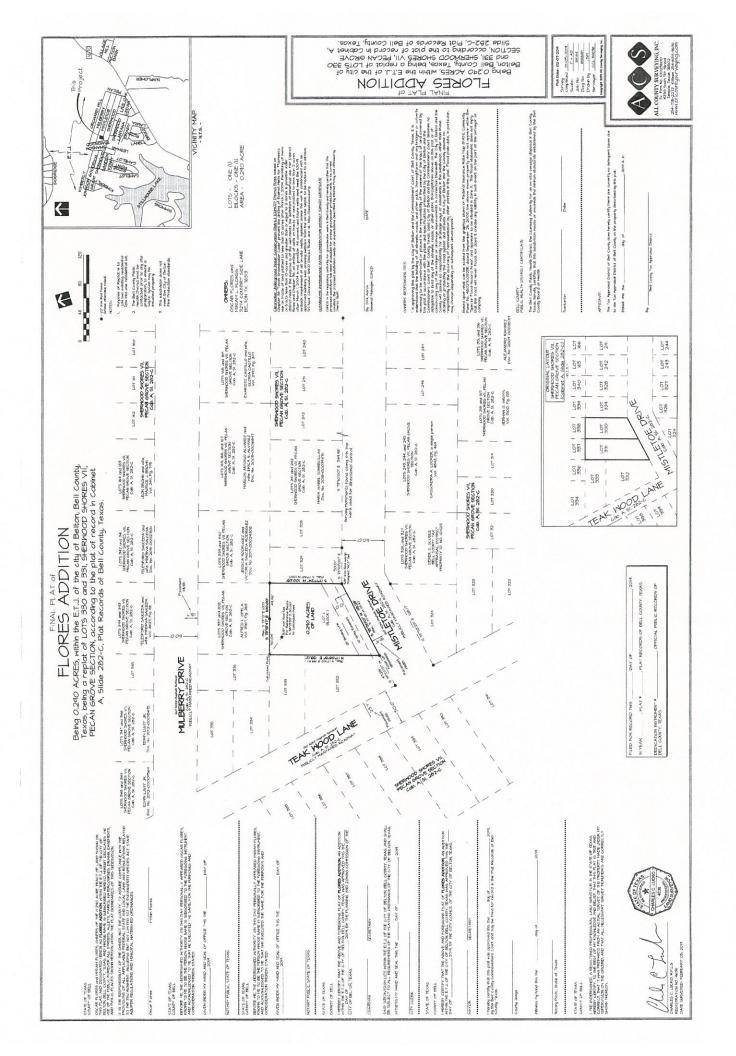
Date Received: \_\_\_\_\_ Date Due: \_\_\_\_\_ (All plans are to be returned to the Planning Department by the 15<sup>th</sup> day of the month ahead of the next month's P&Z meeting.)

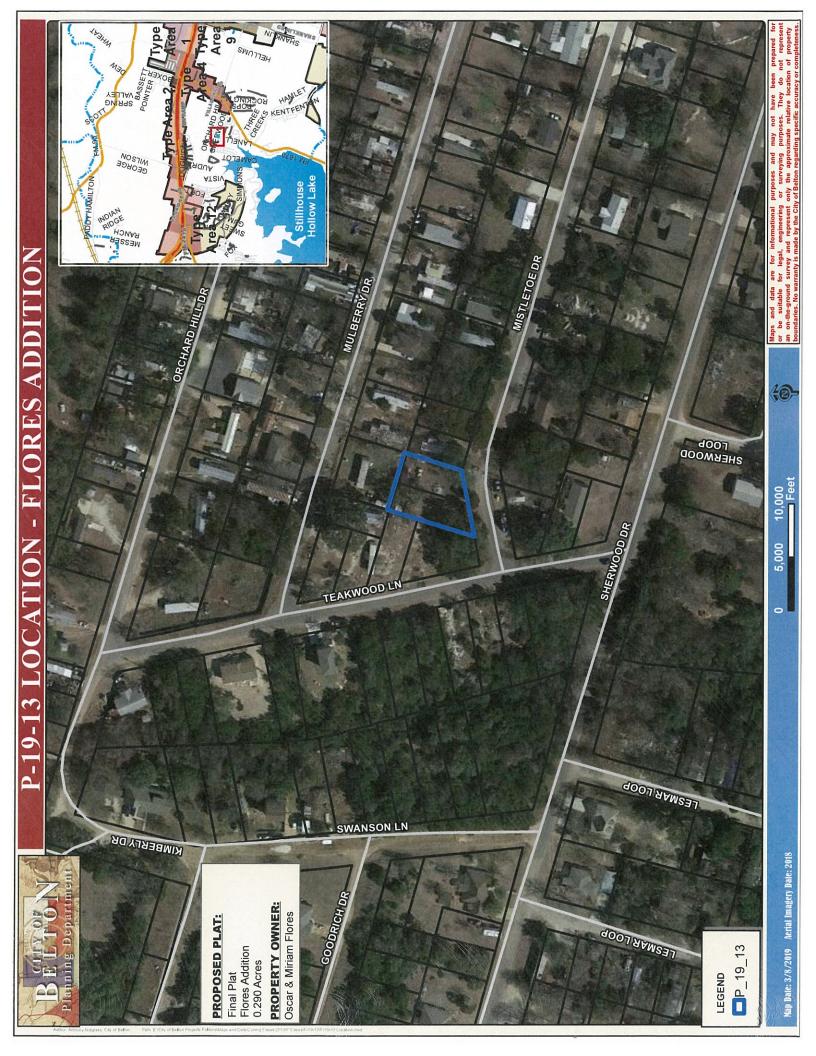
Applicant: Cha	tes C. Lo	ucko		Phon	e: [254]	778-2	272
Mailing Address: _	4330	South	5th				
Email Address:	Chucka	all Coun	ty sul	rveying, Co	m		

Owner: <u>Oscar Flores and Miliam Flores</u> Phone: Mailing Address: <u>3274 Country side Lane Belton, Texas</u> 76513 Email Address:

Current Description of Property:
Lot: 330 & 331 Block: MA Subdivision: She wood shores VII pecan crove section
Acres: 0:290 Survey: John Lewis Survey
Abstract #: 517- Street Address: 4360 & 4364 Mistle toe Drive Belton, Texas
Frontage in Feet://3' Depth in Feet:/53'
Does Zoning comply with proposed use? Yes Current Zoning: <u>N/A</u>
Name of proposed subdivision: Flores Addition
Number of Lots: Fee: \$

Signature of Applicant: Charles CJucks Date: 2.13.2019 Signature of Owner: OScar Flores Date: 213.19 Miriam LFlores







March 04, 2019

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

# Re: Request for "Fire Protection Waiver" – Flores Addition (ETJ)

Dear Ms. Maxwell:

This letter is in response to your comments dated February 28, 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.



March 04, 2019

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

# Re: Request for "Street Improvement Waiver" – Flores Addition (ETJ)

Dear Ms. Maxwell:

This letter is in response to your comments dated February 28, 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".

Mistletoe Drive is a "Publicly Maintained Roadway" in Sherwood Shores Phase VII, Pecan Grove 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.



March 04, 2019

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

# Re: Request for "Parkland Dedication Waiver" – Flores Addition (ETJ)

Dear Ms. Maxwell:

This letter is in response to your comments dated February 28, 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, March 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, Dave Covington, Stephanie O'Banion, Zach Krueger, Luke Potts, David Jarratt, Quinton Locklin and Allison Turner. The following staff members were present: Director of Planning Cheryl Maxwell, Planner Kelly Atkinson, IT Ryan Brown and Planning Clerk Laura Livingston. Commission member Ty Hendrick was absent.

8. P-19-13 Consider a final plat of Flores Addition, a replat of Sherwood Shores VII, Pecan Grove Section, Lots 330 and 331, comprising 0.29 acres, located south of I-14 and west of FM 1670, near the northeast corner of Teakwood Lane and Mistletoe Drive, at 4360 and 4364 Mistletoe Drive, in Belton's ETJ.

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

Mr. Covington said he believes it is an undue burden on the applicant to go through the replat process and the expense in order to build a house with a septic tank and he said he wishes the state, the health department and TCEQ would come up with an alternative that is more affordable for property owners. Noted, Ms. Maxwell said. Chair Baggerly said unfortunately that's not up to us, but we can continue to talk about it.

Mr. Jarratt made a motion to approve P-19-13. Ms. O'Banion seconded the motion. The motion was approved with 8 ayes, 0 nays.

# Staff Report – City Council Agenda Item



Date:March 26, 2019Case No.:P-19-14 Wheat Road AdditionRequest:Final PlatApplicant:Mitchell & Associates, Inc.Owner/Developer:Dennis & Brenda Beierman

# Agenda Item #12

Consider a final plat of Wheat Road Addition, comprising 10.091 acres, located on the east side of N. Wheat Road, north of FM 93 and south of Nolan Creek, at 1603 Wheat Road, in Belton's ETJ.

# **Originating Department**

Planning - Cheryl Maxwell, Director of Planning

# Case Summary

This subdivision is proposed for a residential development consisting of 2 lots with frontage along Wheat Road. These are both "flag" lots with an access strip approximately 1,800 to 2,100 feet long. One single family residence is currently located on Lot 2.

# Project Analysis and Discussion

This property is located in Belton's ETJ so there is no zoning. The County requires a 25' front yard building setback line for each lot. Lots 1 and 2 comprise 4.164 acres and 5.927 acres, respectively. The current tract that is being subdivided is a flag lot with a 35' wide access strip. This plat divides this access strip in half so each strip will now be 17.5' wide. A 5' passage easement is also being provided from the adjacent property to the east to provide a total access strip 40' wide. There is currently a residence on that tract as well.

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

<u>Water</u>: This property is located within the Dog Ridge Water Supply Corporation (DRWSC) CCN. They have provided a letter confirming their ability to serve this subdivision with an existing 2" water main. Service is currently provided to the existing residence on Lot 2.

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 125 gpm. The developer is requesting a variance to this requirement. Staff supports a variance to this requirement. DRWSC 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.

City Council Agenda Item March 26, 2019 Page 1 of 3 <u>Sewer</u>: No sanitary sewer is available to serve this subdivision. A septic system is existing on Lot 2 and an additional septic system is allowed on Lot 1, subject to approval by the Bell County Public Health District. The lots exceeds the minimum 0.5 acre required for a septic system.

**<u>Drainage</u>**: 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.

<u>Streets</u>: The Thoroughfare Plan identifies Wheat Road as a minor arterial near this vicinity, which requires a ROW width of 100'. The extension of this roadway northward splits off and transitions to the future Lake to Lake Road. However, the exact alignment of this future roadway is uncertain in this vicinity. Wheat Road currently has approximately 95' ROW in this general location; no additional ROW is requested at this time.

Regarding perimeter street improvements, Wheat Road is constructed with a pavement width of 28' 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 has 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'. Bell County requires a minimum frontage of 50' for each lot. The lots each have 17.5' of frontage. The applicant is requesting a variance to this requirement. An additional 15' of frontage is being provided as a passage easement for a total width of 50' along Wheat Road. The access strips remain 17.5' feet for the entire length. A 5' passage easement is being provided from the adjacent property to the east for the length of the access strip to secure a total access width of 40'. This is acceptable for access and for a fire lane provided the entire easement remains open and is not fenced. This is a condition of approval of the requested variance. A note to this effect is provided on the plat.

The developer also owns the adjacent tract to the east of proposed Lots 1 & 2. An access easement across Lot 1 is provided on the plat to secure access to this unplatted tract that has no frontage on a public street.

<u>Sidewalks</u>: The Subdivision Ordinance requires the developer to construct and install a 6-foot wide sidewalk along the subdivision side of arterial streets, which would apply to Wheat 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:** Per Subdivision Ordinance Section 517, 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

City Council Agenda Item March 26, 2019 Page 2 of 3 dwelling units projected is required. With only two lots, the dedication would be 0.02 acres, which is considerably short of the minimum two acres desired for dedication. The fee in lieu of dedication is \$200/lot which would be \$400 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 a considerable amount of open space is provided on these lots 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 that 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 March 15, 2019.

#### **Recommendation**

The Planning and Zoning Commission met on March 19, 2019 and unanimously recommended approval of this plat, subject to the conditions below. 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 requirement for Wheat Road;
- Approval of variance to requirement that lots have 20' frontage on a public street to allow access via a 40' wide passage easement, provided this easement remains open and is not fenced;
- 4. Approval of variance to the parkland dedication/fee requirement;
- 5. Bell County approval of variance to their 50' minimum lot frontage requirement for Lots 1 & 2; and
- 6. City letter of conditions dated March 15, 2019.

#### <u>Attachments</u>

Final Plat Application Final Plat Location Map Variance Request City letter of conditions dated March 15, 2019 P&Z Minutes Excerpt

> City Council Agenda Item March 26, 2019 Page 3 of 3

**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 \$ <sup>350.00</sup>

- Final Subdivision
- □ Administrative Plat
- □ Replat
- ETJ
- □ City Limits

Date Received: 2/15/19 Date Due: 2/15/19 (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: Mitchell & Associates, Inc.	Phone:	254-634-5541	
Mailing Address: P.O. Box 1088, Killeen, TX 76540			
Email Address: AReneau@mitchellinc.net			

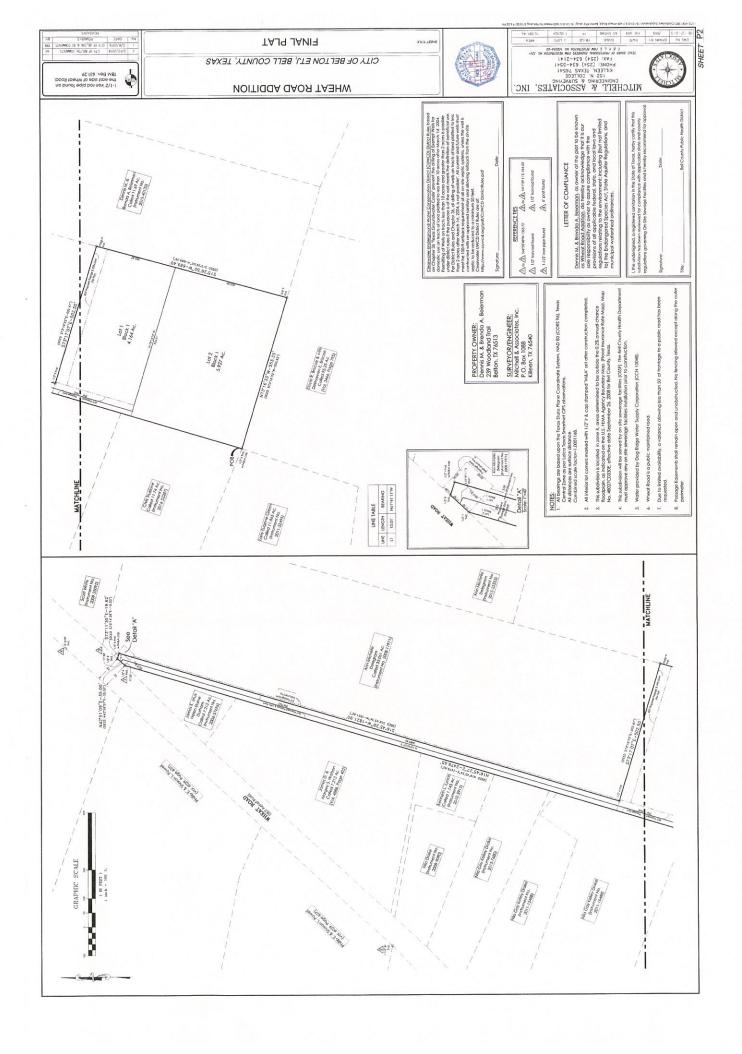
Owner: Dennis M. Beierman and Brenda A. Beierman Phone: 254-718-0938 Mailing Address: 239 Woodland Trail, Belton, TX 76513 Email Address:

Current Description of Property:

Abstract #: 860 Street Address: 1603 Wheat Road Frontage in Feet: 35' (50' with Easement) Depth in Feet: Flag shaped lot

Does Zoning comply with proposed	_ Current Zoning: <u>N/A</u>	
Name of proposed subdivision: WHE	EAT ROAD ADDITION	
Number of Lots: 1	Fee: \$	
Vo	1.	
Signature of Applicant: Myth	Dr D	ate:
Signature of Owner: Brandin	A. Reiman D	ate:

		The second secon	RIED FOR RECORD this day of20
WHEAT ROAD ADDITTON CITY OF BELTON ETJ, BELL COUNTY, TEXAS	TITIC AND A TITIC A TITICA A	PI COVER SHEET P2 PLAT 102 N. COLLEGE STREET NULLEN, TEXAS 76541 PHONE: (254) 634–5541 FAX: (254) 634–5141 FAX: (254) 634–5141	NOTE: T. B. T. S. FIN REGISTATION NO. 3241 NO. 100304-00 NO. 100304-00
EXISTING CONFIGURATION			2         1/1/2/31         0 m m milest (maxet)         a           1         2/1/2/31         0 m m m m m m m m m m m m m m m m m m m





Engineering & Surveying

March 6, 2019

Kelly Atkinson Planner City of Belton 333 Water Street Belton, Texas 76513

RE: Wheat Road Addition – Variance Request – Access (Section 511.02)

Mrs. Atkinson:

We are in receipt of comments from City Staff dated February 28, 2019. On behalf of our client, Dennis Beierman, we request a variance to Section 511.02 of the Belton Subdivision Ordinance. The owner has secured additional access easements from the adjoining property, as shown, to create ample vehicular maneuvering space when entering or leaving Wheat Road.

Kind regards,

alex Ronason

Ace Reneau

102 N. College Street, P.O. Box 1088, Killeen, Texas 76541 (254) 634-5541 Office | (254) 634-2141 Fax 600 Austin Ave., Waco Texas 76701 (254) 776-5151

### Mitchell & Associates, Inc. Engineering & Surveying

March 7, 2019

Kelly Atkinson Planner City of Belton 333 Water Street Belton, Texas 76513

RE: Hedderly Addition – Variance Request – Fire Flow (Section 505.01)

Mrs. Atkinson:

We are in receipt of comments from City Staff dated February 28, 2019. On behalf of our client, Suma Mahler, we request a variance to Section 505.01 of the Belton Subdivision Ordinance. This subject property is within the ETJ and currently served by Dog Ridge WSC. Dog Ridge does not currently have the capacity to supply the required flow rate. Extension of facilities is currently proposed by Dog Ridge but the completion date is unknown.

Kind regards,

Clei Rinean

Ace Reneau

102 N. College Street, P.O. Box 1088, Killeen, Texas 76541 (254) 634-5541 Office | (254) 634-2141 Fax 600 Austin Ave., Waco Texas 76701 (254) 776-5151

TBPE Firm No. 3241, TBPLS Firm No. 100204-00, TBPLS Firm No. 101940-44

Page 1 of 1

Engineering & Surveying

March 7, 2019

Kelly Atkinson Planner City of Belton 333 Water Street Belton, Texas 76513

RE: Wheat Road Addition - Variance Request - Fire Access (Section 514.01)

Mrs. Atkinson:

We are in receipt of comments from City Staff dated February 28, 2019. On behalf of our client, Dennis Beierman, we request a variance to Section 514.01 of the Belton Subdivision Ordinance. The existing structure is served by an existing gravel driveway that is consistent with a wide array of acreage properties in the area. While this ordinance must cover a large variety of uses within the City of Belton, the use of this property as large lot, rural residential property within the ETJ is vastly different then a dense residential development or commercial use. Owners accept a certain level of risk and should be afforded latitude in the application of the rules.

Kind regards,

an Rener

Ace Reneau

102 N. College Street, P.O. Box 1088, Killeen, Texas 76541 (254) 634-5541 Office | (254) 634-2141 Fax 600 Austin Ave., Waco Texas 76701 (254) 776-5151

Engineering & Surveying

March 13, 2019

Kelly Atkinson Planner City of Belton 333 Water Street Belton, Texas 76513

RE: Wheat Road Add. - Variance Request - Perimeter Street Improvement (Section 502.01.H)

Mrs. Atkinson:

We are in receipt of comments from City Staff dated March 12, 2019. On behalf of our client, Dennis Beierman, we request a variance to Section 502.01.H of the Belton Subdivision Ordinance. The Perimeter Street Improvement policy provides for the construction and improvement of City of Belton roadways. The stretch of Wheat Road along the frontage of the subject property is not within the cooperate boundaries of Belton and we are not aware of any plans within the next nine years for the city to take ownership of that road.

Kind regards,

ale Rener

Ace Reneau

Engineering & Surveying

March 6, 2019

Kelly Atkinson Planner City of Belton 333 Water Street Belton, Texas 76513

RE: Wheat Road Addition – Variance Request – Parkland Fee (Section 517.05)

Mrs. Atkinson:

We are in receipt of comments from City Staff dated February 28, 2019. On behalf of our client, Dennis Beierman, we request a variance to Section 517.05 of the Belton Subdivision Ordinance. The parkland fee is intended to spur the creation and improvement of community recreational areas within the immediate vicinity of Belton residents as part of the services provided in exchange for taxation. The owner of the property is not within the cooperate boundaries of Belton or with immediate access to Belton recreational space. Additionally, the owner has no rights in the election of the council that possesses the power to rescind this fee. The levy of the park fee would be an unjust taxation without representation.

Kind regards,

Cha Renea

Ace Reneau

102 N. College Street, P.O. Box 1088, Killeen, Texas 76541 (254) 634-5541 Office | (254) 634-2141 Fax 600 Austin Ave., Waco Texas 76701 (254) 776-5151





Planning Department

March 15, 2019

Applicant:	ACE RENEAU - MITCHELL AND ASSOC.
Date Submitted:	02-15-19
	03-08-19
	03-14-19
Project:	WHEAT ROAD ADDITION ETJ
Location:	10.091 ACRES / 1603 WHEAT ROAD

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

#### PLANNING - Cheryl Maxwell - CMaxwell@BeltonTexas.gov:

- 1. For the four places stating "...proposed passage and utility easement", remove the word "proposed".
- 2. For the two passage easements that are provided via a separate document, provide a draft copy for review and fill in the recording information on the plat when recorded.

PUBLIC WORKS/KPA – Angellia Points, APoints@BeltonTexas.gov: No further comments.

- BUILDING OFFICIAL Bruce Ebbert, BEbbert@BeltonTexas.gov: No comments at this time.
- FIRE DEPT Jeff Booker, JBooker@BeltonTexas.gov: No further comments at this time.
- POLICE DEPT Chief Gene Ellis, GEllis@BeltonTexas.gov: No comments.
- GIS James Gibson, JGibson@BeltonTexas.gov: No comments.

#### BELL CO. ENGINEER – Stephen Eubanks, Stephen.Eubanks@bellcounty.texas.gov:

- 1. Add plat note stating that no further subdivision of the properties will be allowed due the extremely limited access issues.
- 2. Are the existing water/ power services within an easement? If so, the recordation information should be noted on the plat. (The Health Department will most likely want to know where the existing water line/ lines are.)
- 3. Add to the plat, the recordation information for the now 5' passage easement shown along the adjacent Delagram property.

#### **Outside Utility Provider Comments**

Oncor:

**AT&T:** Relocation of any ATT facilities at owner expense.

**Atmos Energy:** In agreement with proposed plat.

**Charter Communications:** 

Grande Communications:

**Spectrum (Time Warner):** 

USPS:

**Clearwater UCD:** Revise the signature block language to that in the memo provided.

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

# 9. P-19-14 Consider a final plat of Wheat Road Addition, comprising 10.091 acres, located on the east side of N. Wheat Road, north of FM 93 and south of Nolan Creek, at 1603 Wheat Road, in Belton's ETJ.

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

Chair Baggerly asked if Ms. Maxwell has seen the county's response to a square easement before? Ms. Maxwell said no. She said the applicant is present and they have been in touch with the county. She said they met with the county engineer to talk about this one and they have worked out a lot of the details; the county seems to be supportive of it.

Chair Baggerly entertained a motion. Ms. O'Banion made a motion to approve P-19-14. Mr. Covington seconded the motion. The motion was approved with 8 ayes, 0 nays.



JAYNES REITMEIER BOYD & THERRELL, P.C. Certified Public Accountants 5400 Bosque Blvd., Ste. 600 | Waco, TX 76710 P.O. Box 7616 | Waco, TX 76714 Main 254.776.4190 | Fax 254.776.8489 | jrbt.com

March 26, 2019

The Honorable Mayor and Members of the City Council City of Belton, Texas:

We have substantially completed our audit of the financial statements of City of Belton, Texas (the "City") as of and for the year ended September 30, 2018, and plan to issue our report thereon dated March 20, 2019. Professional standards require that we advise you of the following matters relating to our audit.

#### Our Responsibility in Relation to the Financial Statement Audit

As communicated in our engagement letter dated September 4, 2018, our responsibility, as described by professional standards, is to form and express an opinion(s) about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of the City solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

#### Planned Scope and Timing of the Audit

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

#### **Compliance with All Ethics Requirements Regarding Independence**

The engagement team; others in our firm, as appropriate; and our firm have complied with all relevant ethical requirements regarding independence.

#### **Qualitative Aspects of the Entity's Significant Accounting Practices**

#### Significant Accounting Policies

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the City is included in Note 1 to the financial statements. As described in the notes to the financial statements, the City adopted Governmental Accounting Standards Board ("GASB") Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions* effective October 1, 2017. GASB No. 75 provides new requirements for accounting for postemployment benefits other than pensions (OPEB), primarily focusing on the recognition of an OPEB liability in the statement of net position. There has been no other initial selection of accounting policies and no changes in significant accounting policies or their application during 2018. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

#### Significant Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments.

The most sensitive accounting estimates affecting the financial statements are:

- Valuation allowance for doubtful accounts Management's estimate of the allowance for doubtful accounts is based upon historical collections. We evaluated the key factors and assumptions used to develop the valuation allowance for doubtful accounts and determined that it is reasonable in relation to the basic financial statements.
- Carrying amounts of capital assets Management's estimate of carrying amounts of capital assets are the result of historical cost and useful lives of assets estimated based upon historical experience and industry suggested standards. We evaluated the key factors and assumptions used to develop the carrying amounts of capital assets and determined that it is reasonable in relation to the basic financial statements.

The Honorable Mayor and Members of the City Council City of Belton, Texas March 26, 2019 Page 3

• Net pension and total OPEB liability and related deferred outflows and inflows of resources – Management's estimate of the net pension and total OPEB liability and related deferred outflows and inflows of resources are based on actuarial assumptions and calculations as of the measurement date. We evaluated the key factors and assumptions used to develop the net pension and total OPEB liability and related deferred outflows and inflows of resources and determined that they are reasonable in relation to the basic financial statements.

#### Financial Statement Disclosures

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. The financial statement disclosures are neutral, consistent, and clear.

#### Significant Difficulties Encountered during the Audit

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

#### **Uncorrected and Corrected Misstatements**

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole. The attached schedules summarize uncorrected financial statement misstatements whose effects in the current and prior periods, as determined by management, are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

In addition, professional standards require us to communicate to you all material, corrected misstatements that were brought to the attention of management as a result of our audit procedures. There were no such misstatements noted.

#### **Disagreements with Management**

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the City's financial statements or the auditor's report. No such disagreements arose during the course of the audit.

#### **Representations Requested from Management**

We have requested certain written representations from management in the management representation letter dated March 20, 2019.

#### Management's Consultations with Other Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

#### **Other Significant Matters, Findings, or Issues**

In the normal course of our professional association with the City, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, operating conditions affecting the entity, and operational plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the City's auditors.

#### Other Matters

We applied certain limited procedures to management's discussion and analysis, the schedules of the changes in net pension and total OPEB liability and related ratios, and the schedules of pension and OPEB contributions, which are required supplementary information ("RSI") that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on the combining and individual fund financial statements and schedules, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on the introductory and statistical sections, which accompany the financial statements but are not RSI. We did not audit or perform other procedures on this other information and we do not express an opinion or provide any assurance on it.

The Honorable Mayor and Members of the City Council City of Belton, Texas March 26, 2019 Page 5

This report is intended solely for the information and use of the Mayor, the City Council and management of City of Belton, Texas and is not intended to be and should not be used by anyone other than these specified parties.

#### Summary of Uncorrected Misstatements - General Fund

		Financial Statement Effect of Uncorrected Misstatements: Over (Under) Statement						
		an	otal Assets Id Deferred Outflows	Total Liabilities and Deferred Inflows	Fund Balance	Revenues	Expenditures	Net Change in Fund Balance
	Amounts Per Financial Statements	\$	7,234,341	978,229	6,256,112	14,729,631	14,721,039	8,592
	Effect of Current Period Uncorrected Misstatements	\$	-	13,030	(13,030)	(13,030)	-	(13,030)
	Effect of Prior Period Uncorrected Misstatements					17,623	-	17,623
	Net Effect of Uncorrected Misstatements	\$	-	13,030	(13,030)	4,593	-	4,593
No.	Description							
1	To properly record property taxes receivable which are measurable and available. Client has historically reported on a cash basis.	\$	_	13,030	(13,030)	(13,030)	-	(13,030)

#### Summary of Uncorrected Misstatements - Debt Service Fund

		Financial Statement Effect of Uncorrected Misstatements: Over (Under) Statement						
		and	al Assets Deferred Putflows	Total Liabilities and Deferred Inflows	Fund Balance	Revenues	Expenditures	Net Change in Fund Balance
	Amounts Per Financial Statements	\$	333,695	27,233	306,462	1,202,523	1,066,001	136,522
	Effect of Current Period Uncorrected Misstatements	\$	-	2,710	(2,710)	(2,710)	-	(2,710)
	Effect of Prior Period Uncorrected Misstatements					3,953	-	3,953
	Net Effect of Uncorrected Misstatements	\$	-	2,710	(2,710)	1,243	-	1,243
No.	Description							
1	To properly record property taxes receivable which are measurable and available. Client has historically reported on a cash basis.	\$	-	2,710	(2,710)	(2,710)	-	(2,710)

#### Summary of Uncorrected Misstatements - Component Unit

		Financial Statement Effect of Uncorrected Misstatements: Over (Under) Statement					
		Total Assets and Deferred Outflows	Total Liabilities and Deferred Inflows	Net Position	Revenues	Expenses	Change in Net Position
	Amounts Per Financial Statements	\$ 10,498,915	109,754	10,389,161	1,913,166	1,488,732	424,434
	Effect of Current Period Uncorrected Misstatements	\$ -	(15,243)	15,243	-	(15,243)	15,243
	Effect of Prior Period Uncorrected Misstatements				-	12,679	(12,679)
	Net Effect of Uncorrected Misstatements	\$ -	(15,243)	15,243	-	(2,564)	2,564
No.	Description						
1	To properly adjust compensated absences payable at year- end. Client does not typically record liability for compensated absences for the component unit.	\$-	(15,243)	15,243	-	(15,243)	15,243



JAYNES REITMEIER BOYD & THERRELL, P.C. Certified Public Accountants 5400 Bosque Blvd., Ste. 600 | Waco, TX 76710 P.O. Box 7616 | Waco, TX 76714 Main 254.776.4190 | Fax 254.776.8489 | jrbt.com

March 20, 2019

The Honorable Mayor, Members of the City Council and Management City of Belton, Texas:

In planning and performing our audit of the basic financial statements of City of Belton, Texas (the "City") as of and for the year ended September 30, 2018, in accordance with auditing standards generally accepted in the United States of America, we considered the City's internal control over financial reporting ("internal control") as a basis for designing audit procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control over financial reporting.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A reasonable possibility exists when the likelihood of an event occurring is either reasonably possible or probable as defined as follows:

*Reasonably possible*. The chance of the future event or events occurring is more than remote but less than likely.

*Probable*. The future event or events are likely to occur.

Our consideration of internal control was for the limited purpose described in the first paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

This communication is intended solely for the information and use of management, the City Council, and others within the City and is not intended to be, and should not be, used by anyone other than these specified parties.

#### JAYNES, REITMEIER, BOYD & THERRELL, P.C.



# City of Belton, Texas

**Report to City Council** March 26, 2019 1514

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### **Introductory Section**

- **Financial Section** 
  - **Independent Auditor's Report**
  - **Management's Discussion and Analysis**
  - **Basic Financial Statements**
  - Government-wide financial statements
  - Fund financial statements
  - Notes to Financial Statements

**Required Supplementary Information** 

Combining and Individual Fund Statements and Schedules

**Statistical Section** 



The financial statements are the responsibility of management.

Our responsibility is to conduct an audit of those financial statements in accordance with generally accepted auditing standards, and express opinions on those financial statements based on our audit.



Plan and perform audit to provide reasonable assurance that financial statements are free of material misstatement. Procedures selected depend on the auditor's judgment, and include:

- Obtaining and examining evidence, on a test basis, supporting the amounts and disclosures in the financial statements
- Evaluating accounting principles used and reasonableness of estimates made by management
- Evaluating the overall financial statement presentation



As a result of our audit procedures, in our opinion, ...

... the financial statements do present fairly, in all material respects, the financial position at September 30, 2018, and the changes in financial position and cash flows for the year then ended ....

## **Total Net Position**



### Government-Wide Financial Statements

\$80,000,000 \$70,000,000 \$60,000,000 \$50,000,000 \$40,000,000 \$30,000,000 \$20,000,000 \$10,000,000 \$0 2014 2015 2016 2017 2018



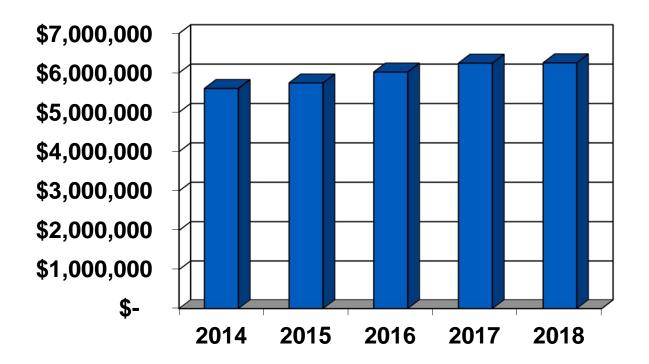
### **General Fund**

	2018	2017
Revenues	\$ 14,148,316	13,432,568
Expenditures	(12,863,864)	(12,308,240)
Excess of revenues over expenditures	1,284,452	1,124,328
Other financing sources (uses)	(1,275,860)	(898,923)
Net change in fund balance	\$ 8,592	225,405

### **Total Fund Balance**



### **General Fund**



### **Unrestricted Fund Balance**



### **General Fund**

Nonspendable	\$ 6,699
Restricted	307,376
Assigned	819,205
Unassigned	5,122,832
Total	\$ 6,256,112

Unrestricted fund balance (last two categories) totals \$5,942,037 or 46% of 2018 expenditures (approximately 5.5 months of expenditures)

## **Operating Results**



### **Proprietary Funds**

	2018	2017
Operating revenue	\$ 8,958,919	8,246,690
Operating expenses	(7,323,075)	(7,478,686)
Operating income	1,635,844	768,004
Nonoperating rev (exp)	(222,124)	(411,228)
Contributions and transfers	1,900,972	2,521,291
Change in net position	\$ 3,314,692	2,878,067



Compliance with laws and regulations is the responsibility of management.

We conducted audit procedures over the City's compliance with the Public Funds Investment Act and state competitive bidding requirements and found no instances of noncompliance.



Considered internal controls to design audit procedures, but not to express opinion on the effectiveness of controls.

No material weaknesses or significant deficiencies reported.

#### JAYNES, REITMEIER, BOYD & THERRELL, P.C.



# City of Belton, Texas

**Report to City Council** March 26, 2019 1514

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