



City of Belton, Texas

City Council Meeting Agenda
Tuesday, May 24, 2022 - 5:30 p.m.
Wright Room at the 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 Public Works Matt Bates.

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

Invocation. The Invocation will be given by Councilmember Craig Pearson.

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.

3. Present two \$2,000 Scholarships from Waste Management, Inc. to Belton ISD graduating seniors.

Consent Agenda

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

4. Consider minutes of previous meetings:
 - A. May 10, 2022, Joint City Council, BEDC, TIRZ Workshop Meeting; and
 - B. May 10, 2022, Regular City Council Meeting.
5. Consider appointments/reappointments to the Ethics Commission.
6. Consider a resolution authorizing the submission a grant application to the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), for one full-time officer to be utilized as a member of the Bell County Multi-Jurisdictional Organized Crime Unit.
7. Consider an ordinance on first reading and set a public hearing and second reading for June 14, 2022, granting a commercial solid waste collection franchise to Paramount Wastewater Solutions LLC.
8. Consider a resolution suspending Oncor Electric Delivery Company LLC's application to change rates within the City of Belton.

Planning and Zoning

9. Z-22-15 – Hold a public hearing and consider a zoning change from Single Family-1 to Planned Development – Retail (PD-R) District on approximately 1.026 acres located at 106 Lake Road.
10. Z-22-16 – Hold a public hearing and consider a zoning change from Planned Development – Multiple Family Zoning District and Planned Development – Office-2/Retail Zoning District to Multiple Family Zoning District on approximately 9.432 acres located at the southwest intersection of River Fair Boulevard and Trinity Drive.
11. Z-22-17 – Hold a public hearing and consider a zoning change from Agricultural (Ag) to Planned Development – Multiple Family District (PD-MF) on approximately 18.168 acres located at 5890 Toll Bridge Road.
12. Z-22-18 – Hold a public hearing and consider a zoning change from Mobile Home District to Planned Development – Multiple Family and Commercial-2 District (PD-MF/C-2) on approximately 7.260 acres located at 1520 W. Avenue O, at the southeast intersection of West Avenue O and Old Golf Course Road.
13. P-21-24 – Consider a final plat for Blair Townhomes, comprising 0.679 acres, located at the northeast corner of East 2nd Avenue and North Blair Street.
14. P-21-25 – Consider a preliminary plat for Hidden Trails, comprising 55.8 acres, located east of IH35, north of Loop 121 and south of Avenue R.

- 15.P-22-11 – Consider a final plat for Emma’s Grove, comprising 4.097 acres, located on Toll Bridge Road and north of Elmer Kings Road.
- 16.P-22-12 – Consider a preliminary plat for River Farm Phase I, comprising 131.588 acres, located on Toll Bridge Road, north of the Lampasas River.
- 17.P-22-13 – Consider a preliminary plat for Foxwood Ranch, comprising 71.58 acres, located at the southeast intersection of Elm Grove Spur and Capitol Way.

Miscellaneous

18. Consider a resolution endorsing a five-year water and wastewater rate structure that is designed to provide financial stability for the Water & Sewer Fund.
19. Consider award of bid and authorizing the City Manager to execute the construction contract for the 6th Avenue Waterline Replacement Project, and any change orders associated with the contract, not to exceed the amount authorized under state law.
20. Consider authorizing the City Manager to execute an amendment to a professional services agreement with KPA Engineers for construction administration services for the 6th Avenue Waterline Replacement Project.

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.

If interpreter services for the deaf or hearing impaired are required, please contact the City Clerk at (254) 933-5817 at least 48 hours in advance.



City of Belton, Texas

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OFFICE OF THE CITY MANAGER

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3. **Present two \$2,000 Scholarships from Waste Management, Inc. to Belton ISD graduating seniors.**

Belton's PIO Paul Romer, who coordinated efforts, will outline the process. Paul Daugereau of Waste Management will be in attendance to present the scholarship money to this year's recipients, Lauren Rodarte and Kendall Dollar.

Consent Agenda

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4. Consider minutes of previous meetings:

- A. May 10, 2022, Joint City Council, BEDC, TIRZ Workshop Meeting; and**
- B. May 10, 2022, Regular City Council Meeting.**

Copies of the minutes are attached. Recommend approval.

5. Consider appointments/reappointments to the Ethics Commission.

Name	Representing City Councilmember
Mike Miller	Dan Kirkley
Bert Peeples	Wayne Carpenter
Mark Fitzwater	David K. Leigh
Mike Ratliff	Craig Pearson
Nicholas Rabroker	John R. Holmes, Sr.
Khang Duong	Daniel Bucher
Cathy Fox	Stephanie O'Banion

6. Consider a resolution authorizing the submission a grant application to the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), for one full-time officer to be utilized as a member of the Bell County Multi-Jurisdictional Organized Crime Unit.

See Staff Report from Grants and Special Projects Coordinator Jo-Ell Guzman. Recommend adoption of the resolution authorizing the grant application.

7. Consider an ordinance on first reading and set a public hearing and second reading for June 14, 2022, granting a commercial solid waste collection franchise to Paramount Wastewater Solutions LLC.

See Staff Report from City Clerk Amy Casey. Recommend approving the franchise ordinance on first reading and setting a public hearing and second reading for June 14, 2022.

8. Consider a resolution suspending Oncor Electric Delivery Company LLC's application to change rates within the City of Belton.

See Staff Report from Director of Finance Mike Rodgers and City Clerk Amy Casey. Recommend adopting the resolution suspending Oncor rate changes.

Planning and Zoning

9. **Z-22-15 – Hold a public hearing and consider a zoning change from Single Family-1 to Planned Development – Retail (PD-R) District on approximately 1.026 acres located at 106 Lake Road.**

See Staff Report from Planner Tina Moore. At its meeting on May 17, 2022, the Planning and Zoning Commission voted unanimously to recommend approval of the zoning change, and Staff concurs.

10. **Z-22-16 – Hold a public hearing and consider a zoning change from Planned Development – Multiple Family Zoning District and Planned Development – Office-2/Retail Zoning District to Multiple Family Zoning District on approximately 9.432 acres located at the southwest intersection of River Fair Boulevard and Trinity Drive.**

See Staff Report from Planner Tina Moore. At its meeting on May 17, 2022, the Planning and Zoning Commission voted unanimously to recommend approval of the zoning change, and Staff concurs.

11. **Z-22-17 – Hold a public hearing and consider a zoning change from Agricultural (Ag) to Planned Development – Multiple Family District (PD-MF) on approximately 18.168 acres located at 5890 Toll Bridge Road.**

See Staff Report from Planner Tina Moore. At its meeting on May 17, 2022, the Planning and Zoning Commission voted unanimously to recommend approval of the zoning change, and Staff concurs.

12. **Z-22-18 – Hold a public hearing and consider a zoning change from Mobile Home District to Planned Development – Multiple Family and Commercial-2 District (PD-MF/C-2) on approximately 7.260 acres located at 1520 W. Avenue O, at the southeast intersection of West Avenue O and Old Golf Course Road.**

See Staff Report from Planner Tina Moore. At its meeting on May 17, 2022, the Planning and Zoning Commission voted unanimously to recommend approval of the zoning change, and Staff concurs.

13. **P-21-24 – Consider a final plat for Blair Townhomes, comprising 0.679 acres, located at the northeast corner of East 2nd Avenue and North Blair Street.**

See Staff Report from Planner Tina Moore. At its meeting on May 17, 2022, the Planning and Zoning Commission voted unanimously to recommend approval of the final plat for Blair Townhomes, and Staff concurs.

14. **P-21-25 – Consider a preliminary plat for Hidden Trails, comprising 55.8 acres, located east of IH35, north of Loop 121 and south of Avenue R.**

See Staff Report from Planner Tina Moore. At its meeting on May 17, 2022, the Planning and Zoning Commission voted unanimously to recommend approval of the preliminary plat for Hidden Trails, and Staff concurs.

15. **P-22-11 – Consider a final plat for Emma's Grove, comprising 4.097 acres, located on Toll Bridge Road and north of Elmer Kings Road.**

See Staff Report from Planner Tina Moore. At its meeting on May 17, 2022, the Planning and Zoning Commission voted unanimously to recommend approval of the final plat for Emma's Grove including the variance for fire protection due to lack of water availability in the area, and Staff concurs.

16. **P-22-12 – Consider a preliminary plat for River Farm Phase I, comprising 131.588 acres, located on Toll Bridge Road, north of the Lampasas River.**

See Staff Report from Planner Tina Moore. At its meeting on May 17, 2022, the Planning and Zoning Commission voted unanimously to recommend approval of the preliminary plat for River Farm Phase I, and Staff concurs.

17. **P-22-13 – Consider a preliminary plat for Foxwood Ranch, comprising 71.58 acres, located at the southeast intersection of Elm Grove Spur and Capitol Way.**

See Staff Report from Planner Tina Moore. At its meeting on May 17, 2022, the Planning and Zoning Commission voted unanimously to recommend approval of the preliminary plat for Foxwood Ranch, and Staff concurs.

Miscellaneous

18. **Consider a resolution endorsing a five-year water and wastewater rate structure that is designed to provide financial stability for the Water & Sewer Fund.**

See Staff Report from Director of Finance Mike Rodgers. Recommend adoption of the resolution endorsing the rate structure as presented.

19. **Consider award of bid and authorizing the City Manager to execute the construction contract for the 6th Avenue Waterline Replacement Project, and any change orders associated with the contract, not to exceed the amount authorized under state law.**

See Staff Report from Director of Public Works Matt Bates. Recommend award of the construction contract to LC Paving & Construction as presented.

20. **Consider authorizing the City Manager to execute an amendment to a professional services agreement with KPA Engineers for construction administration services for the 6th Avenue Waterline Replacement Project.**

See Staff Report from Director of Public Works Matt Bates. Recommend award of the professional services agreement for construction administration services to KPA Engineers as presented.

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

If interpreter services for the deaf or hearing impaired are required, please contact the City Clerk at (254) 933-5817 at least 48 hours in advance.

**JOINT WORKSHOP MEETING OF THE BELTON CITY COUNCIL,
BELTON ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS, AND
TAX INCREMENT REINVESTMENT ZONE #1 BOARD OF DIRECTORS
May 10, 2022 – 4:00 P.M.**

The Belton City Council met in special session with the Belton Economic Development Corporation (BEDC) Board of Directors and the Tax Increment Reinvestment Zone #1 Board of Directors in the Wright Room at the Harris Community Center, with the following members present: Mayor Wayne Carpenter, Mayor Pro Tem David K. Leigh, and Councilmembers Craig Pearson, Dan Kirkley, Guy O'Banion, John R. Holmes, Sr. and Daniel Bucher. Councilmember-Elect Stephanie O'Banion was also present. Staff present included Sam Listi, Amy Casey, Gene Ellis, Matt Bates, Mike Rodgers, Bob van Til, Paul Romer, Judy Garrett, Jo-Ell Guzman, Jon Fontenot, Kim Kroll and Chris Brown.

Members attending from the BEDC were: Board President Joe Shepperd, Board Vice President Griff Lord, Board Secretary Stevie Spradley and Board Members Brandon Bozon and Matt Wood, along with Executive Director Cynthia Hernandez and Director of Business Expansion & Retention Ana Borchardt.

Members attending from the TIRZ were: Chair David K. Leigh and Board Members Craig Pearson, David Blackburn and Russell Schneider. Board Member Blair Williams was absent.

1. **Call to order.** Mayor Wayne Carpenter called the City Council meeting to order, BEDC Board President, Joe Shepperd, called the BEDC Board meeting to order, and TIRZ Chair, David K. Leigh, called the TIRZ Board meeting to order at 4:01 p.m.

2. **Public Comments.** *(Audio 1:22)*

There were none.

3. **Receive a presentation on the Downtown Belton Marketing Plan and discuss next steps.** *(Audio 1:31)*

Travis Crow and Josh Donaldson of Covey Landscape Architects presented "Imagine Belton."

4. **Adjourn.**

Chair Leigh adjourned the TIRZ meeting, Board President Shepperd adjourned the BEDC meeting, and Mayor Carpenter adjourned the Council meeting at 5:07 p.m.

Wayne Carpenter, Mayor

ATTEST:

Amy M. Casey, City Clerk

Belton City Council Meeting
May 10, 2022 – 5:30 P.M.

The Belton City Council met in regular session in the Wright Room of the Harris Community Center. Members present included Mayor Wayne Carpenter, Mayor Pro Tem David K. Leigh, and Councilmembers Craig Pearson, Dan Kirkley, Guy O'Banion, John R. Holmes, Sr. and Daniel Bucher. Councilmember Elect Stephanie O'Banion was also in attendance. Staff present included Sam Listi, Gene Ellis, John Messer, Amy Casey, Mike Rodgers, Jon Fontenot, Larry Berg, Tina Moore, Chris Brown, Bob van Til, Paul Romer, Larry Berg, Judy Garrett, Cynthia Hernandez, and Jo-Ell Guzman.

The Pledge of Allegiance to the U.S. Flag was led by Councilmember Guy O'Banion, and the pledge to the Texas Flag was led by Public Information Officer Paul Romer. The Invocation was given by Mayor Pro Tem David K. Leigh.

1. **Call to order.** Mayor Carpenter called the meeting to order at 5:31 p.m.
2. **Presentation of Council pay for May 2021 – May 2022.** *(Audio 2:01)*
3. **Recognition of outgoing Councilmember Guy O'Banion.** *(Audio 5:57)*

Mayor Carpenter and City Manager Sam Listi presented Councilmember O'Banion with a proclamation and a token of appreciation for his years of service to the City of Belton.

4. **Administer the Oath of Office to newly elected Councilmembers:** *(Audio 10:48)*

City Attorney John Messer administered the Oath of Office to newly elected Councilmembers:

Daniel Bucher – Councilmember, Place 5
Wayne Carpenter – Councilmember, Place 6
Stephanie O'Banion – Councilmember, Place 7

5. **Reorganization of the City Council:** *(Audio 12:32)*

A. Select Mayor for one-year term

Councilmember Kirkley made a motion nominating Councilmember Carpenter to a 1-year term as Mayor. Councilmember Pearson seconded the motion which was unanimously approved.

B. Select Mayor Pro Tem for one-year term

Councilmember Pearson made a motion nominating Councilmember Leigh to a 1-year term as Mayor Pro Tem. Councilmember Kirkley seconded the motion which was unanimously approved.

6. **Public Comments.** *(Audio 14:30)*

Marcia Cross, 5483 Denmans Loop, spoke on making Belton the Cowgirl Capitol of the World.

Assistant City Manager/Chief of Police Gene Ellis spoke on Police Week and what it means to the Belton Police Department.

Consent Agenda

Items 7-9 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. *(Audio 21:07)*

7. **Consider minutes of April 26, 2022, City Council Meeting.**

8. **Consider authorizing the purchase of three vertical turbine pumps and motors for the Loop 121 Pump Upgrade Project from Smith Pump Company through the BuyBoard Cooperative Purchasing Program.**

9. **Consider authorizing an amendment to the Professional Services Agreement with Kasberg Patrick and Associates for Bidding Phase Services for the N. East Street Water Improvements Project (CDBG Project Number 7220021).**

Upon a motion by Councilmember Leigh, and a second by Councilmember Pearson, the Consent Agenda was unanimously approved upon a vote of 7-0.

Miscellaneous

10. **Consider authorizing the City Manager to execute an Interlocal Agreement with the Central Texas Council of Governments to administer a component of the American Rescue Plan Act of 2021 to provide Small Business Grants for Belton small businesses impacted by COVID-19 in the amount of \$850,000.** *(Audio 22:12)*

City Manager Sam Listi presented this item.

Upon a motion by Councilmember Pearson, and a second by Councilmember Holmes, the Interlocal Agreement with CTCOG was unanimously approved upon a vote of 7-0.

11. **Consider authorizing the City Manager to execute a Memorandum of Understanding with various agencies to administer a component of the American Rescue Plan Act of 2021 to provide Nutrition and Food Assistance Grants for Belton residents impacted by COVID-19 totaling \$300,000.** *(Audio 29:39)*

City Manager Sam Listi presented this item.

Upon a motion by Councilmember Holmes, and a second by Mayor Pro Tem Leigh, the Memorandums of Understanding with various agencies were unanimously approved upon a vote of 7-0.

12. **Receive a presentation on logo design for the new elevated water storage tank and choose the preferred the logo.** *(Audio 33:13)*

Director of Public Works Matt Bates presented this item.

Councilmember Holmes made a motion to approve the base bid Logo (red) with a greater emphasis on “Lake” than what is currently shown. Councilmember Kirkley seconded the motion which was unanimously approved upon a vote of 7-0.

13. **Consider authorizing the Executive Director of the Belton Economic Development Corporation to execute a contract for the sale of 10 acres on Digby Drive to Bell McKinnon Properties, LLC.** *(Audio 42:30)*

BEDC Executive Director Cynthia Hernandez presented this item.

Upon a motion for approval by Councilmember Holmes, and a second by Councilmember Kirkley, the sale of ten (10) acres was unanimously approved upon a vote of 7-0.

There being no further business, the Mayor adjourned the meeting at 6:17 p.m.

Wayne Carpenter, Mayor

ATTEST:

Amy M. Casey, City Clerk



Staff Report – City Council Agenda Item

Agenda Item #5

Consider appointments/reappointments to the Ethics Commission.

Originating Department

Administration – Amy M. Casey, City Clerk

Background

The term for the entire Ethics Commission has ended. The Mayor and some Councilmembers have expressed a desire to reappoint their current representative to another term on the Commission. Larry Pointer, who represents Councilmember Pearson, has declined reappointment. Councilmember Pearson is recommending Mike Ratliff as his new representative. Councilmember O'Banion is proposing Cathy Fox as her representative.

Name	Representing City Councilmember
Mike Miller	Dan Kirkley
Bert Peeples	Wayne Carpenter
Mark Fitzwater	David K. Leigh
Mike Ratliff	Craig Pearson
Nicholas Rabroker	John R. Holmes, Sr.
Khang Duong	Daniel Bucher
Cathy Fox	Stephanie O'Banion

We want to thank Dr. Craig Hammonds for his service on the Ethics Commission as former Councilmember Guy O'Banion's representative.

Fiscal Impact: None

Recommendation: Recommend approval of the appointments.

Attachments: None



Staff Report – City Council Agenda Item

Agenda Item #6

Consider a resolution authorizing the submission a grant application to the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), for one full-time officer to be utilized as a member of the Bell County Multi-Jurisdictional Organized Crime Unit.

Originating Department

Belton Police Department – Gene Ellis, Chief
Administration – Jo-Ell Guzman, Grants and Special Projects Coordinator

Background

The U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), announced a competitive solicitation for applications for the FY 2022 COPS Hiring Program. This program furthers the COPS Office's goal of advancing public safety through community policing by funding additional full-time career law enforcement positions to meet law enforcement agencies' community policing strategies.

The City of Belton is seeking funding for a full-time officer to be utilized as a member of the Bell County Multi-Jurisdictional Organized Crime Unit. Belton Police Department was an active contributing member of the Bell County Multi-Jurisdictional Organized Crime Unit for years. Due to manpower issues, BPD has been unable to fill the position. The Belton Police Department has seen a rise in major crimes in the past two years, including four murders, and an increase in outlaw motorcycle gangs and organized criminal activity in Belton and throughout the Region. Currently, there are four detectives who are assigned to the Criminal Investigations Division. These Detectives are assigned approximately 2,000 cases per year, with an average yearly stolen property value of \$3.0M. This caseload does not allow time to participate in an Organized Crime Unit; therefore, an additional officer is needed.

The proposed FY 2022 CHP grant will cover a total of \$125,000 over a three-year period for entry-level salary and fringe benefits for each approved officer position. The total project cost, if awarded for the three-year period, is \$238,877.53. This includes a Federal funding award in the amount of \$125,000, and City of Belton match in the amount of \$113,877.53.

If awarded, the City will be required to retain the officer for at least one year after the 3-year period of the grant.

Fiscal Impact

Amount: Local Match for Grant \$113,877.53 over three years

Budgeted: ☐ Yes ☒ No ☐ Capital Project Funds

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

Recommendation

Recommend the Council adopt the resolution authorizing the grant application.

Attachments

Resolution

RESOLUTION NO. 2022-19-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE COMMUNITY-ORIENTED POLICING SERVICES (COPS) AND DESIGNATING AN AUTHORIZED OFFICIAL.

WHEREAS, the City Council of the City of Belton, Texas, finds it in the best interest of the citizens of Belton, Texas, to submit a grant application to the U.S. Department of Justice for a COPS Grant funding one full-time officer to be utilized as a member of the Bell County Multi-Jurisdictional Organized Crime Unit; and

WHEREAS, the City Council of the City of Belton, Texas, is fully eligible to receive assistance; and

WHEREAS, the City agrees the U.S. Department of Justice – COPS Grant is for three years with matching funds estimated at \$113,877.53; and

WHEREAS, the City commits to retain and fund personnel for at least one year (12 months) after the end of the 3-year grant period; and

WHEREAS, the City Council of the City of Belton, Texas, agrees that in the event of loss or misuse of the funds, the funds will be returned to the U.S. Department of Justice in full; and

WHEREAS, the City Council of the City of Belton, Texas, hereby designates the Belton City Manager as the grantee's authorized official who is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, that the submission of the grant application to the U.S. Department of Justice-COPS as stated herein is hereby authorized.

PASSED AND APPROVED this the 24th day of May, 2022.

THE CITY OF BELTON, TEXAS

Wayne Carpenter, Mayor

ATTEST:

Amy M. Casey, City Clerk



Staff Report – City Council Agenda Item

Agenda Item #7

Consider approval of an ordinance on first reading and set a public hearing and second reading for June 14, 2022, granting a commercial solid waste collection franchise to Paramount Wastewater Solutions LLC.

Originating Department

Administration – Amy M. Casey, City Clerk

Summary Information

Paramount Wastewater Solutions is seeking a commercial solid waste franchise from the City. The company anticipates commencing services shortly after award of the franchise. This franchise is proposed to end on January 26, 2030, in line with all the other commercial solid waste franchises granted by the City. New franchise agreements will be presented to Council for approval at that time.

In accordance with the City Charter, franchise ordinances require two readings and a public hearing. The second reading and public hearing has been advertised for the June 14, 2022, City Council meeting.

Fiscal Impact

The City receives 5% of the Company's total gross receipts from customers as a franchise fee.

Recommendation

Recommend approval of the ordinance on first reading and set the public hearing and second reading for June 14, 2022.

Attachments

Proposed Franchise Ordinance
Company Overview
Insurance Certificate
Picture of Equipment

ORDINANCE NO. 2022-##

AN ORDINANCE GRANTING A FRANCHISE TO _____ TO PROVIDE INDUSTRIAL/COMMERCIAL SOLID WASTE COLLECTION SERVICES WITHIN THE CITY OF BELTON; PROVIDING FOR THE SCOPE AND NATURE OF THE OPERATION; PROVIDING FOR THE DISPOSAL OF GARBAGE, SOLID WASTE AND REFUSE; PROVIDING A PROCEDURE FOR THE HANDLING OF COMPLAINTS; PROVIDING FOR A FRANCHISE FEE; REQUIRING INDEMNITY INSURANCE; PROVIDING FOR REVOCATION AND AMENDMENT; PROVIDING FOR PAYMENT OF TAXES BY THE FRANCHISEE; PROHIBITING ASSIGNMENT AND SUBLETTING OF THE FRANCHISE WITHOUT CONSENT; PROVIDING FOR FORFEITURE; AND MAKING OTHER PROVISIONS

WHEREAS, _____ (the "Company"), operates a solid waste and garbage collection service for municipalities; and

WHEREAS, the Company seeks to provide containerized solid waste collection services for industrial and commercial customers within the City of Belton (the "City"); and

WHEREAS, it is in the interest of the City and its citizens to offer the Company a solid waste collection franchise on such terms and conditions as will provide the City with the controls and options necessary to provide for the public good.

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

SECTION 1. Definitions.

1.0 For the purposes of this ordinance, when not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular, words in the singular include the plural, and the use of any gender shall be applicable to all genders whenever the sense requires. The words "shall" and "will" are mandatory and the word "may" is permissive. Words not defined in this Section 1 or otherwise in this ordinance shall be given their common and ordinary meaning.

1.1 The following words, terms, phrases and their derivations shall, in this ordinance, have the meaning given in this section.

1.1.1 "City Clerk" shall mean the City Clerk or City Secretary of the City.

1.1.2 "City Manager" shall mean the City Manager or City Administrator of the City or his/her authorized designate.

1.1.3 "City Council" or "Council" shall mean the governing body of the City.

1.1.4 "Commercial Hand Collect Unit" shall mean a retail or light commercial type of business, which generates not more than one (1) cubic yard of solid waste per week. This type of customer is served pursuant to the City's residential services contract.

1.1.5 “Containerized Commercial and Industrial Refuse and Waste” shall mean any refuse, rubbish, garbage or waste material that is not Hazardous Waste, Residential Refuse, or a Commercial Hand Collect Unit.

1.1.6 “Customer” shall mean any firm, person, entity, corporation or organization that contracts with the Company for the collection of Containerized Commercial and Industrial Refuse and Waste, whether such service is used by said firm, person, entity, corporation, organization or others.

1.1.7 “Gross Receipts” shall mean the total amount collected by Company from any and all Customers for services rendered under authority of this Franchise.

1.1.8 “Hazardous Waste” shall mean waste in any amount which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate State agency by or pursuant to Federal or State law, or waste in any amount which is regulated under Federal or State law. For purposes of this agreement, the term hazardous waste shall also include motor oil, gasoline, paint, paint cans and solvents.

1.1.9 “Franchise” shall mean this Ordinance, and all the rights and obligations established herein.

1.1.10 “Residential Refuse” shall mean all household and domestic garbage, trash and rubbish, excluding rubbish and used materials resulting from construction or remodeling work, generated by a person or persons dwelling in a Residential Unit.

1.1.11 “Residential Unit” shall mean a dwelling unit designed for, or, in the normal course of use, occupied by, a person or a family, e.g. a single family house, duplex apartment unit or triplex apartment unit that is situated in a building having less than four such separate residential units. For the purposes of this Franchise, a “Residential Unit” shall not include any mobile home park, apartment building, condominium, nursing home, or similar residential, convalescent or multi-family dwelling, whether of single or multi-level construction, consisting of four or more dwelling units.

1.1.12 “Street” or “Alley” shall mean all publicly dedicated or maintained streets, alleys, easements and rights-of-way, a portion of which is open to use by the public or vehicular travel.

Section 2. Grant of Franchise.

The City hereby grants the Company a non-exclusive license to use the public streets, alleys, roads and thoroughfares within the City for the purpose of operating and engaging in the business of collecting and disposing of Containerized Commercial and Industrial Refuse and Waste; including, but not limited to, contracting with Customers and providing service pursuant to contract therefore, placing and servicing containers, operating trucks, vehicles and trailers, and such other operations and activity as are customary and/or incidental to such business and service.

Section 3. Term.

The term of this agreement shall commence June 14, 2022, and end on January 26, 2030. The Company shall begin performance under this Franchise within thirty (30) days from and after the effective date of this Franchise.

Section 4. Scope and Nature of Operation.

4.0 The Company may collect and deliver for disposal all Containerized Commercial and Industrial Refuse and Waste accumulated within the corporate limits of the City by the Company's Customers and the words "refuse", "garbage", "trash" and "waste" when used in this Franchise are used for convenience and, unless the context shows otherwise, refer to and are limited to Containerized Commercial and Industrial Refuse and Waste. The Company will furnish the personnel and equipment to collect refuse, provide the services described herein, and as contracted for with its Customers, in an efficient and businesslike manner.

4.1 Service Provided - Company shall provide container, bin and other collection service for the collection of Containerized Commercial and Industrial Refuse and Waste according to the individual Customer agreements and applicable City regulations and shall make provision for the special collection of such refuse and waste upon request. The Company shall cause or require its equipment, containers and bins to be kept and maintained in a manner to not cause or create a threat to the public health and shall keep the same in a good state of repair.

4.2 Collection Operation - (a) Save and except as provided in this Section, collection shall not start before 5:00 a.m. or continue after 7:00 p.m. at any location; provided that collections made in a manner that does not cause or result in loud noise, or that are made at a location which will not cause the disturbance of persons occupying the premises or neighboring property, may be made at any time. If the City receives complaints from customers, hours of operation will be subject to a mutually agreeable solution between the Company and the City. Other exceptions to collection hours shall be effected only upon the mutual agreement of the Customer and only when such exception will not result in the disturbance of occupants of the property served or of neighboring properties, or when the Company reasonably determines an exception necessary due to unusual circumstances. Subject to the ordinances and regulations adopted by the Council the frequency of collection shall be determined by each individual Customer agreement.

4.2.1. Holidays - The Company shall observe such holidays as it, in its sole discretion, determines appropriate.

Section 5. Vehicles to be Covered and Identified.

All vehicles used by Company for the collection and transportation of refuse shall be covered at all times while loaded and in transit to prevent the blowing or scattering of refuse onto the public streets or properties adjacent thereto, and such vehicles shall be clearly marked with the Company's name in letters not less than two (2) inches in height.

Section 6. Regulation of Containers.

The Company may rent or lease containers to any Customer within the corporate limits of the City for refuse storage and collection purposes subject to the following requirements:

- (1) All containers shall be constructed and maintained according to good industry practice;
- (2) All containers shall be equipped with suitable covers to prevent blowing or scattering of refuse while being transported for disposal of their contents;
- (3) All containers, save and except those being used for the purpose of collecting and storing rubble, building and scrap construction materials, shall be equipped with covers suitable to prevent blowing or scattering of refuse and access to the container by animals while the container is at the site designated by the Customer;
- (4) All containers shall be periodically cleaned, maintained, serviced and kept in a reasonably good state of repair: to prevent the unreasonable accumulation of refuse residues; to avoid excessive odor and harborage for rodents and flies resulting from excessive residues remaining after collection of containers; and
- (5) All containers shall be clearly marked with Company's name and telephone number in letters not less than two (2) inches in height. It is further understood and agreed that Company will lease or rent such containers at terms which are fair, reasonable and within the terms and rates authorized from time to time by the City Council.
- (6) All containers shall not be on public rights of way and shall be located so as to not interfere, block, obstruct or impede the normal use of any sidewalk, street, alley, driveway, or fire lane, or to block, obstruct or impede sight distance at street, road or alley intersections.

Section 7. Disposal of Refuse.

The Company will deliver all Containerized Commercial and Industrial Refuse and Waste collected by it within the City, except for materials which the Company may select for recovery and recycling, to such location as approved by the City Council for refuse disposal purposes. No other location may be used for the disposal of such refuse without the written approval and consent of City. Rules and regulations governing hours of operation and disposal practices at the disposal site, as may be published by the City, will be observed and followed by the Company while engaged in the disposal of refuse pursuant to this Franchise.

Section 8. Franchise and Rental Fees.

8.1 Franchise Fee - The streets, rights-of-way, and public easements to be used by the Company in the operation of its business within the boundaries of the City as such boundaries now exist and exist from time to time during the term of this License, are valuable public properties acquired and maintained by the City at great expense to its taxpayers, and the City will incur costs to regulate and administer this Franchise. In consideration of such benefits, costs and expenses, the Company shall through the term of this Franchise pay to the City five percent (5%) of the Company's total gross receipts received from Customers pursuant to this Franchise (exclusive of Sales Tax).

8.1.1 Fees Paid Quarterly - The license fee shall be payable quarterly to the City and delivered to the City Clerk or successor in function together with a statement indicating the derivation and calculation of such payment. Each such quarterly payment shall be due on the 15th day of the second month following the end of the quarterly period for which said payment is due and shall be based upon the Company's gross receipts during that same quarterly period. The quarterly payments shall be due on February 15, May 15, August 15 and November 15 of each year during the term hereof, with the February 15 payment being based upon the Company's gross receipts during the calendar quarter ending the prior December 31 and being payment for the rights and privileges granted hereunder for said calendar quarter, the May 15 payment being based upon the Company's gross receipts during the calendar quarter ending the prior March 31 and being payment for the rights and privileges granted hereunder for said calendar quarter, the August 15 payment being based upon the Company's gross receipts during the calendar quarter ending the prior June 30 and being payment for the rights and privileges granted hereunder for said calendar quarter, and the November 15 payment being based upon the Company's gross receipts during the calendar quarter ending the prior September 30 and being payment for the rights and privileges granted hereunder for said calendar quarter. For purposes of verifying the amount of such fee, the books of the Company shall at all reasonable times be subject to inspection by the duly authorized representatives of the City. Additionally, the Company shall file annually with the City Clerk, no later than four (4) months after the end of the Company's fiscal year, a statement of revenues. The annual statement shall have been reviewed and certified by an auditor or internal company controller to verify the accuracy of the report attributable to the operations of the Company within the City pursuant to this ordinance. This statement shall present, in a form prescribed or approved by the Council, a detailed breakdown of gross receipts.

8.1.2 No Other Rental Fees - The license fee shall be in lieu of any and all other city-imposed rentals or compensation or franchise, license, privilege, instrument, occupation, excise or revenue taxes or fees and all other exactions or charges (except ad valorem property taxes, special assessments for local improvements, city sales tax, and such other charges for utility services imposed uniformly upon persons, firms or corporations then engaged in business within the City) or permits upon or relating to the business, revenue, franchise, installations and systems, fixtures, and other facilities of the Company and all other property of the Company and its activities, or any part thereof, in the City which relate to the operations of the Company pursuant to this Franchise;

provided, that this shall not be construed to prevent the Company from being required to pay the City's fees and charges in effect from time to time for dumping at the landfill.

8.1.3 Credit for Fees Paid - Should the City not have the legal power to agree that the payment of the foregoing sums of money shall be in lieu of licenses, fees, street or alley rentals or charges, easement or franchise taxes or charges aforesaid, then City agrees that it will apply so much of said sums of money paid as may be necessary to satisfy Company's obligations, if any, to pay any such licenses, charges, fees, rentals, easement or franchise taxes or charges.

Section 9. Collection and Disposal Rates.

The rates charged by the Company for services provided pursuant to this Franchise shall be determined by contract with the Customer.

Section 10. Compliance with Law.

The Company shall conduct its operations under this Franchise in compliance with the material provisions of all applicable local, state and federal laws, rules and regulations, and with the general specifications contained in this Franchise.

Section 11. Insurance Provided by Company.

11.1 Minimum Coverage Requirements - The Company shall maintain throughout the term of the Franchise, property damage coverage, general liability insurance, and automobile liability insurance for any vehicles owned or operated by Company, with an insurance company licensed to do business in the State of Texas and acceptable to the City, insuring against claims for liability and damages for the benefit of the City. The insurance shall include the City as an additional insured. Property damage coverage insurance under this section shall be a minimum of Five Hundred Thousand and No/100 Dollars (\$500,000). Automobile liability insurance under this section shall at a minimum have limits of Two Hundred Fifty Thousand and No/100 Dollars (\$250,000) for bodily injury for each person and Five Hundred Thousand and No/100 Dollars (\$500,000) for each occurrence, and property damage of Two Hundred Fifty Thousand and No/100 Dollars (\$250,000) for each occurrence and general liability insurance under this section shall be a minimum of Five Hundred Thousand and No/100 Dollars (\$500,000) for the protection of the public in connection with:

11.1.1 Property Damage - Liability to persons or damages to property, in any way arising out of or through the acts or omissions of Company, its servants, agents or employees or to which Company's negligence shall in any way contribute;

11.1.2 Miscellaneous - Arising out of any claim or invasion of the right of privacy, for defamation of any person, firm or corporation, or the violation or infringement of any copyright, trademark, trade name, service mark or patent, or of any other right of any person, firm or corporation;

11.1.3 Contractors - Arising out of Company's operations and relationships with any independent contractor or subcontractor.

11.2 Employer's Liability - The Company shall maintain throughout the term of the Franchise the requisite statutory workers' compensation insurance and a minimum of One Hundred Thousand and No/100 Dollars (\$100,000) employer's liability insurance.

11.3 Approval of Policy - The insurance policy, or policies, obtained by the Company in compliance with this section shall be approved by the City Manager, and such insurance policy, along with written evidence of payment of required premiums, shall be filed and maintained with the City Clerk during the term of the Franchise, and shall be changed from time to time to reflect changing liability limits, as reasonably required by the Council. The Company shall immediately advise the Council of any significant litigation, actual or potential, that may develop and would affect this insurance.

11.4 Endorsements - All insurance policies maintained pursuant to this Franchise shall contain the following conditions by endorsement:

11.4.1 Additional Insured - The City shall be an additional insured and the term "owner" and "City" shall include all authorities, Boards, Bureaus, Commissions, Divisions, Departments and offices of the City and the individual members, officers, employees and agents thereof in their official capacities and/or while acting on behalf of the City;

11.4.2 Cancellation Notice - Each policy shall require that thirty (30) days prior to a cancellation or material change in policies, a written notice thereof shall be delivered to the City Manager by registered mail;

11.4.3 No City Liability - Insurers shall have no right of recovery against the City, it being the intention that the insurance policies shall protect the Company and the City and shall be primary coverage for all losses covered by the policies;

11.4.4 Other Insurance Clause - The policy clause "Other Insurance" shall not apply to the City where the City is an insured on the policy;

11.4.5 No Recourse - Companies issuing the insurance policies shall not have recourse against the City for payment of any premium or assessment.

11.5 Increase Requirements - The City reserves the right to review the Insurance requirements of this section during the effective period of this Franchise and to make reasonable adjustments to the insurance coverages and their limits when deemed necessary and prudent by the City Manager based upon changes in statutory law, court decisions, or the claims history of the industry as well as the licensee.

The City shall be entitled, upon request, and without expense, to receive copies of the policies and all endorsements thereto and may make any reasonable requests for deletion or revision or modification of particular policy terms, conditions, limitations, or exclusions. (Except where policy provisions are established by law or regulation binding upon either of the parties hereto or the underwriter on any of such policies)

11.6 Certificate - If the City Manager determines that a certificate of insurance is acceptable evidence for insurance coverage, a copy of the endorsement required under the 11.3 above shall be attached to the certificate of insurance.

Section 12. Indemnification and Hold Harmless.

The Company agrees to indemnify, defend, and save harmless the city, its agents, officers and employees, against and from any and all claims by or on behalf of any person, firm, corporation or other entity, arising from the Company's distribution system, or arising from any act of negligence of the Company, or any of its agents, contractors, servants, employees or licensees, and from and against all costs, counsel fees, expenses and liabilities incurred in or about any such claim or proceeding brought thereon, and from any and all claims arising from any breach or default on the part of the Company in the performance of any covenant or agreement on the part of the Company to be performed pursuant to the terms of this Franchise. The City shall promptly notify the Company of any claim or cause of action which may be asserted against the City relating to or covering any matter against which the Company has agreed, as set forth above, to indemnify, defend and save harmless the City. The Company reserves the right, but not the obligation, to employ such attorneys, expert witnesses and consultants as it deems necessary to defend against the claim or cause of action. The Company by and through the City Attorney, may be granted the right to take, in the event the Company and the City are Co-Defendants in a suit, upon express written approval of the City Attorney of the City, total or partial lead responsibility for the defense of any claim or cause of action. In the event that the City is in control, either totally or partially, of such defense, the Company shall pay all expenses incurred by the City in providing the defense. It is understood that it is not the intention of either the City or the Company to create any liability, right, or claim for the benefit of third parties and this Franchise is intended and shall be construed for the sole benefit of the City and the Company.

Section 13. Forfeiture and Termination of Franchise.

13.1 Material Breach - In addition to all other rights and powers retained by the City under this Franchise or otherwise, the City reserves the right to declare this Franchise forfeited and to terminate the Franchise and all rights and privileges of the Company hereunder in the event of a material breach of the terms and conditions hereof. A material breach by Company shall include, but shall not be limited to, the following:

13.1.1 Fees - Failure to pay the fees set out in Section 8.0;

13.1.2 Telephone Listing - Failure to keep and maintain a telephone listing and office or answering service that is available by telephone without long distance charge during regular business hours for service to the public, and which telephone or office shall, at minimum, provide and maintain the following services:

- (a) Coordinate and provide information concerning deposits, payments and accounts to Customers and prospective Customers;
- (b) Respond to Customer and prospective Customer questions and issues about billings, accounts, deposits and services;

- (c) Coordination with the City with respect to private sector and public works projects and issues related to or affecting to the Company's operation; and
- (d) Immediate response, upon request, to police, fire and other emergency situations in which the public health and safety requires action with respect to or assistance regarding Company's property.

13.1.3 Failure to Provide Services - Failure to materially provide the services provided for in this Franchise;

13.1.4 Misrepresentation - Material misrepresentation of fact in the application for or negotiation of this Franchise; or

13.1.5 Conviction - Conviction of any director, officer, employee, or agent of the Company of the offense of bribery or fraud connected with or resulting from the award of this Franchise.

13.2 Operation Information - Material misrepresentation of fact knowingly made to the City with respect to or regarding Company's operations, management, revenues, services or reports required pursuant to this Franchise.

13.3 Economic Hardship - Company shall not be excused by mere economic hardship nor by misfeasance or malfeasance of its directors, officers or employees.

13.4 Forfeiture and Proceedings - Any unwarranted and intentional neglect, failure or refusal of the Company to comply with any material provision of this Franchise within thirty (30) days after written notice from City setting forth the specific provision and noncompliance, said notice to be mailed to Company at its principal place of business by certified mail, return receipt requested, shall be deemed a breach of this Franchise, and the City Council, upon notice to Company and hearing, may, for good cause declare this Franchise forfeited and exclude Company from further use of the streets of the City under this Franchise, and the Company shall thereupon surrender all rights in and under this Franchise.

13.4.1 Proceedings - In order for the City to declare a forfeiture pursuant to Sections 13.1, 13.4 or 13.4.3, the City shall make a written demand that the Company comply with any such provision, rule, order, or determination under or pursuant to this Franchise. If such violation by the Company continues for a period of thirty (30) days following such written demand without written proof that the corrective action has been taken or is being actively and expeditiously pursued, the Council may take under consideration the issue of termination of the Franchise. The City shall cause to be served upon Company, at least twenty (20) days prior to the date of such a Council meeting, a written notice of intent to request such termination and the time and place of the meeting. Notice shall be given of the meeting and issue which the Council is to consider.

13.4.2 Hearing - The Council shall hear and consider the issue, hear any person interested therein, and shall determine whether or not any violation by the Company has occurred.

13.4.3 Forfeiture - If the Council shall determine that the violation by the Company was the fault of Company and within its control, the Council may declare the Franchise forfeited and terminated, or the Council may grant to Company a period of time for compliance.

Section 14. Transfer, Sale or Conveyance by Company.

The Company shall not transfer, assign, sell or convey this Franchise without the prior approval of the Council expressed by ordinance; provided that this section shall not apply to vehicles, replacements, maintenance, upgrades or modifications of equipment, machinery, containers and buildings by Company for the purpose of maintaining and continuing its operation within the City; and provided further that Company may, in its sole discretion and upon written notice to the City, transfer, assign, sell or convey this Franchise to a wholly owned subsidiary of the Company.

Section 15. Foreclosure.

Upon the foreclosure or other judicial sale of all or a substantial part of the assets and property of the Company used for and dedicated to providing service pursuant to this Franchise, the Company shall notify the City of such fact, and such notification shall be treated as a notification that a change in control of the Company has taken place and the provision of this Franchise governing the consent of the Council to such change in control of the Company shall apply. Upon the foreclosure or judicial sale, or the leasing of all or a substantial part, of the property and assets of the Company dedicated to and used for the purposes of providing service pursuant to this Franchise, without the prior approval of the Council, the Council may, upon hearing and notice, terminate this Franchise.

Section 16. Receivership and Bankruptcy.

16.1 Cancellation Option - The Council shall have the right to cancel this Franchise one hundred twenty (120) days after the appointment of a receiver or trustee to take over and conduct the business of the Company, whether in receivership, reorganization, bankruptcy, other action or proceeding, whether voluntary or involuntary, unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred twenty (120) days, unless:

16.1.1 Trustee Compliance - Within one hundred twenty (120) days after his election or appointment, such receiver or trustee shall have fully complied with all the provisions of this Franchise and remedied all defaults thereunder; or

16.1.2 Trustee Agreement - Such receiver or trustee, within one hundred twenty (120) days, shall have executed an agreement, duly approved by the court having jurisdiction, whereby the receiver or trustee assumes and agrees to be bound by each and every provision of this Franchise granted to the Company.

Section 17. Retention of City Police Powers.

The City retains and reserves all of its police powers and the rights, privileges, and immunities that it now has under the law to regulate, patrol and police the streets and public

ways within the City, and the granting of this Franchise shall in no way interfere with the improvements to, or maintenance of, any street, alley or public way, and the rights of the City to use said streets, alleys and public ways.

Section 18. Amendments of City Ordinances and Regulations.

The City reserves the right and power, pursuant to its police power, after due notice to Company, to modify, amend, alter, change or eliminate any rules, and regulations of the City, and to impose such additional conditions, that are not inconsistent with the rights granted by this Franchise, upon the Company and all persons, firms or entities of the same class as the Company, as may be reasonably necessary in the discretion of the City Council to preserve and protect the public, health, safety and welfare and/or insure adequate service to the public.

Section 19. Taxes.

The Company shall promptly pay all lawful ad valorem taxes, levies and assessments, if any, that are imposed upon the Company. Absent an administrative or judicial challenge, or appeal, the failure to pay any such tax, levy or assessment shall be a breach of this Franchise.

Section 20. Acceptance by Company.

Within fifteen (15) days after the passage of this Franchise, the Company shall file with the City its acceptance of the terms and provisions of this Franchise. The acceptance shall be in writing on the Company's letterhead and provide as follows:

City of Belton
ATTN: City Clerk
333 Water Street
P.O. Box 120
Belton, Texas 76513-0120

_____ (the "Company"), acting by and through the undersigned officer who is acting within his official capacity and authority, hereby accepts the Franchise to operate a commercial and industrial refuse and solid waste collection and disposal system within the City as said license is set forth and provided in Ordinance No. 2022-## (the "Ordinance"). The Company agrees to be bound and governed by each term, provision and condition of the Ordinance, to accept and to give the benefits provided by the Ordinance and to perform each service and duty set forth and provided for in the Ordinance in a businesslike and reasonable manner and in compliance with the Franchise.

Section 21. Public Necessity.

The Council hereby finds and declares that the public welfare, convenience and necessity require the service which is to be furnished by the Company.

Section 22. Affirmative Action by Company.

22.1 Applicable Law - Company shall adhere to affirmative action practices within the City and Company shall adhere to all federal, state and local rules and laws pertaining to discrimination, equal employment and affirmative action.

22.1.1 Equal Employment - Company shall provide equal employment opportunity to minorities, women and the disabled at all levels and in all phases of operation. In addition, the Company shall promulgate an affirmative action policy which shall cover, in addition to employment, training, purchasing, and the employment of subcontractors. Company shall establish affirmative action goals and timetables to achieve its affirmative action policies. These goals shall reflect the percentage of minorities, women and disabled within the City.

22.1.2 Plan and Policy - Company shall at all times provide the City with a copy of its current affirmative action policy and its affirmative action goals and timetables.

22.1.3 Compliance - Company shall make all reasonable efforts to comply with its affirmative action commitments.

Section 23. Severability.

If any section, paragraph, subdivision, clause, part or provision hereof shall be adjudged invalid or unconstitutional the same shall not affect the validity hereof as a whole or any part or provision other than the part or parts held invalid or unconstitutional.

Section 24. Captions and Headings.

The use of captions or headings for the various sections of this Ordinance are for convenience of parties only and do not reflect the intent of the parties. The rule of interpretation to resolve ambiguities in a contract against the party drafting such contract shall not apply to this Franchise.

Section 25. No Suspension of Laws.

All provisions of the ordinances of the City as now existing or as may be amended from time to time and all provisions of the statutes of the State of Texas applicable to general law cities shall be a part of this Franchise as fully as if the same had been expressly stated herein, and said City retains and may exercise all of the governmental and police powers and all other rights and powers not directly inconsistent with the terms, conditions and provisions of this Franchise.

Section 26. Peaceful Enjoyment.

From and after the effective date of this ordinance, the City and the Company shall be and are hereby authorized and entitled to act in reliance upon the terms, conditions and provisions of this Franchise and, subject thereto, the Company shall collect rates for service, operate and

conduct its business and work within the City, and enjoy the benefits and privileges of this Franchise during the term hereof.

Section 27. Open Meetings.

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Section 28. Endorsements and Records.

The City Clerk is directed to make endorsements as appropriate over her/his official hand and the seal of the City on the form provided at the conclusion of this Franchise, for the public record and convenience of the citizens, of the date upon which this Franchise is finally passed and adopted and, if the Company accepts the Franchise, the date of such acceptance.

PASSED AND APPROVED on first reading, the 24th day of May, 2022.

PASSED AND APPROVED on second and final reading the 14th day of June, 2022.

CITY OF BELTON

Wayne Carpenter, Mayor

ATTEST:

Amy M. Casey, City Clerk

APPROVED AS TO FORM AND CONTENT:

John Messer, City Attorney

The foregoing Ordinance was passed and adopted by the City Council of the City of Belton, Texas, on the 14th day of June, 2022, by a vote of ____ votes for the Ordinance and ____ votes against the Ordinance.

Amy M. Casey
City Clerk

_____ accepted the foregoing Franchise by written instrument filed on the _____ day of _____, 20____.

Amy M. Casey
City Clerk



PARAMOUNT
WASTEWATER SOLUTIONS, LLC

OPERATIONS OVERVIEW



PARAMOUNT WASTEWATER SOLUTIONS, LLC

WHERE CUSTOMER SERVICE IS PARAMOUNT



BUSINESS OVERVIEW



Paramount Wastewater Solutions is a Wastewater Solution Management Company that is based out of Central Texas. Paramount specializes in safe, economical, and environmentally conscious wastewater and grease treatment & disposal, including transportation with adherence to strict safety protocol.

Paramount Wastewater Solutions is a family owned and operated Wastewater Management Solutions company, located out of Central Texas. Originally established in 1995, the Kern family has provided a wide array of wastewater solutions for both commercial and residential clients. In 2002, Paramount began work in the portable toilet industry, and quickly grew in name and reputation as being a company that put clients first while maintaining ethical integrity. Throughout this time, Paramount also continued in the development, design, and maintenance of a wide variety of septic systems and developing various pipelines in the wastewater industry. In late 2018, the Kerns decided to focus

on solely on expanding further into the development and maintenance arena. Paramount Wastewater Solutions prides itself on putting the customer and the end-users first, because 'Customer Service is Paramount'.

MARKET SEGMENTATION

The Kern family recognizes that there are a myriad of opportunities and market segmentations that Paramount Wastewater Solutions has the capacity and opportunity to focus on. However, to streamline resources and manage efficiently, the Kerns choose to focus on four distinct market segments.

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SEPTIC PUMPING



It is recommended that all septic tanks are cleaned out every 3-5 years, per the Texas Commission on Environmental Quality (TCEQ). This necessity for consistent maintenance along with the development of the new construction requiring on-site wastewater systems that has been found throughout Texas has resulting in a market for septic pumping that is consistently growing. According to the TCEQ approximately 20% of all new constructions are requiring some form of On-Site Sewage Facility (OSSF, aka septic system). This stems from the sudden increase of new housing in both suburban and rural areas, especially in high-growth regions, such as Central Texas.

This large increase in OSSF development requires companies to develop new approaches to design and oversight, in order to ensure the job is handled properly. Paramount pumped over 3.0 million gallons of wastewater in 2021 and is currently on the trajectory to increase wastewater pumping by at least 25% in 2022. The Kerns consider septic pumping and maintenance associated with the development of environmentally sound septic systems a crucial part of the Paramount business model and it will continue to be a cornerstone for business development.

GENERAL ONSITE PRODUCTS



To support the development of the septic pumping market segmentation, Paramount has found that being a resource for select septic pumping products is an instrumental way to provide customer support and act as a go-to for all wastewater needs. Catering to both individual residential needs as

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well as the needs of local septic maintenance providers, Paramount has found a niche in providing on-demand general septic products for Central Texans.

GREASE TRAP SERVICES

All types of commercial food production facilities are required to clean out their grease traps every one to three months, depending on volume. This is required maintenance for food facilities and is a growing facet of the wastewater management industry. As the restaurant business in Central Texas continues to grow along with the residential community, Paramount intends to be a premier provider for Grease Trap Services for food preparation facilities. This market segment boasts a growing portfolio for Paramount Wastewater, primarily consisting of hard-working, business owners that rely on the consistency, customer service, and adherence to the highest level of environmental standards that Paramount provides.

SPECIALTY WASTEWATER

Patrick Kern has been involved in various aspects of septic development since 1995. Therefore, with an eye to the future, the Kern family is focusing on the development of the specialty wastewater market segment. This includes (but is not limited to):

- Product Consultation
- Product Design
- Rainwater Collection System Product Sales
- Disaster Management
- Expert Wastewater Solutions Consultation



This area of the business is supported and maintained by the other arms of Paramount, however, moving forward, it is the long-term intent of the Kerns to focus on becoming a primary resource for all aspects of Wastewater Management.

ROLL OFF DUMPSTER SERVICE

Our excellent customer service and competitive pricing are a few reasons why we're a great option for roll-off dumpster rental services in Temple, Belton, Killeen, Georgetown, and Waco areas. With our prior

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experience in the portable toilet and temporary fencing industries, we know what it takes to deliver excellent customer service to a job site or a residence. We have 20-yard, 30-yard, and 40-yard roll-off containers that are suitable for any sized job.



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TECHNICAL OVERVIEW

TECHNICAL EXECUTION PLAN

Based on the need of the job at hand, Paramount Wastewater Solutions, LLC will dedicate its team of managers to develop and execute a strategic plan to complete any agreed upon contract with minimal interruption.

Paramount's tried and true system of putting the customer first has allowed the company to maintain a stellar reputation and garner repeat clients. For every job accepted, Paramount management will examine the scope of work supplied by the client and will then establish a proper execution plan defining the most succinct and efficient way of executing work.

MOBILIZATION TIMEFRAME

Paramount will be ready for mobilization 48-hours prior to execution of any contract. This entails inspecting equipment, performing necessary repairs and briefing all key personnel. Management pledges to communicate any and all issues that may arise with the development of any mobilization plan and executing the scope of work for all accepted contracts. Each contract, no matter how large or how small, will be assured that they will receive the highest level of customer service that Paramount can provide, in a timely and efficient manner.



Paramount operates out of new and easily accessible facilities located in Central Texas. This provides crucial access to the major interstate and highway systems throughout the state, therefore making

PARAMOUNT WASTEWATER SOLUTIONS, LLC

WHERE CUSTOMER SERVICE IS PARAMOUNT



expedient mobilization efficient. Operations are less than four hours away from 3 of the 10 largest markets in the continental United States: Houston MSA, San Antonio MSA and Dallas/Fort Worth MSA. Additionally, Paramount is located less than one hour away from Fort Hood, Texas, which is the third largest operable US army base in the continental United States.

FLEET OF WASTE MANAGEMENT VEHICLES

Paramount Wastewater Solutions has a well-maintained, clean and operable fleet that can be available for use with little preparation. Paramount prides itself on ensuring that all equipment meets the highest operable standards possible. The Subcontractor has at its disposal an efficient fleet of wastewater pumping trucks:

- One Roll Off Dumpster Truck (straight truck)
- One 3,000-gallon (straight truck)
- Three 4,000-gallon (straight trucks)
- Three 5,000-gallon truck (tractor trailer/ 18-wheelers).



EQUIPMENT MAINTENANCE

Paramount has in place a strict adherence to daily equipment inspections. A Daily Vehicle Inspection Report (DVIR) is submitted to our operations manager for each piece of equipment. If any issues or defects are noted, the operations team will analyze the best course of action and schedule immediate maintenance, as needed. Scheduled preventative maintenance is performed every quarter to ensure all equipment is always running at maximum capability.

PARAMOUNT WASTEWATER SOLUTIONS, LLC

4025 Paramount Parkway | Temple, TX 76502
254-791-0303 | www.ParamountWastewater.com



EXPERIENCED EQUIPMENT OPERATORS

All Truck Operators are commercially licensed according to DOT laws and certified as Maintenance Technicians regarding on-site sewage systems. Paramount holds its staff to the highest levels of professionalism, integrity and work ethic, maintains the expectations that all staff continually meets the highest standard of performance.

REGULATORY ENVIRONMENT

Paramount strictly complies with all United States and State of Texas Laws and Regulations. All wastewater is disposed of at permitted and authorized wastewater disposal sites and Paramount is registered with the Texas Commission on Environmental Quality to dispose of wastewater at these sites.

At all times, Paramount commits to promptly provide regulatory information to clients as requested, such as Volume of Gallons collected, Driver, On-site Contact, TCEQ Registration Number, Disposal Facility Information, etc. It is a consistent goal of Paramount to be as transparent as possible with all regulatory organizations.

COMPANY CAPACITY IN VARIETY OF ENVIRONMENTS & EXTENDED SCHEDULES

From the home base of Central Texas, Paramount can allocate any necessary operators and equipment to the project within a 48-hour period. After initial execution, allocated equipment and operators will be stationed at locations that are beyond daily driving capability. The operators will be housed near the site where operations will commence. Operators will shift out weekly to minimize fatigue and ensure that systems are operating at maximum potential. Paramount will ensure that necessary contingency plans are in place to prevent any service interruption. Backup equipment and operator(s) will be allocated if the primary operator(s) cannot successfully complete the mission, resulting in no loss of service to the client and ensuring the General Contractor can continue to operate at its highest capability.



ORGANIZATION CAPABILITY

REGIONAL CAPABILITY & AVAILABILITY

REGIONAL ACCESSIBILITY



Paramount Wastewater Solutions, LLC performs operations within the State of Texas and is authorized to work in any area within the Texas borders. It is our goal, no matter geographical local, that we strive to ensure that all clients are well-managed and taken care of.

With a strategic location in Central Texas, Paramount Wastewater staff and resources can access 3 of the 10 major markets in the United States in under four hours. This flexibility and accessibility are unique to this region of the United States, and the impact of this effect cannot be undervalued.

KEY PERSONNEL

Owned and operated by Patrick and Krista Kern, Paramount is a company that focuses on customer service, ethical management and growth. The owners possess a wide array of experience in both business and wastewater management that has allowed Paramount to thrive over 20 years of business and embark upon a myriad of market segmentations. With future growth in mind, Paramount is a key stabilizer in the Central Texas Wastewater Management Industry and will continue to establish its place as a leader in wastewater expertise.

Patrick Kern has the following skill set:

- Bachelor's degree in agricultural economics
- Master's degree in business administration
- Installer II in the State of Texas

PARAMOUNT WASTEWATER SOLUTIONS, LLC

WHERE CUSTOMER SERVICE IS PARAMOUNT



- Certified Maintenance Provider in the State of Texas
- Registered Sanitarian in the State of Texas
- Formerly Certified "General" real estate appraiser in the State of Texas (applicable to decentralized wastewater systems regarding the feasibility analysis for real estate projects)

Krista Kern has the following skill set:

- Bachelor's degree in marketing
- Extensive financial operation management experience
- Customer Service specialist
- Certified "Residential" Real Estate Appraisal Industry expert

HIGH PERFORMANCE WITHOUT SERVICE INTERRUPTION

Paramount understands that expedient response to a customer's needs are crucial in this line of business. Therefore, the company boasts a rigorous maintenance and educational program that ensures all staff and equipment are maintained at the highest possible level. Paramount leadership



also ensures that there are satisfactory contingency plans in place to maintain service for our clients without interruption. It is leadership's goal that any project accepted will be executed without interruption OR without compromising any state and federal safety standards. Paramount will diligently work to ensure that sufficient operators and equipment are provided to successfully complete the job, while ensuring a portion of our equipment and operators on standby, in case of mechanical failure or absences occur.

PARAMOUNT WASTEWATER SOLUTIONS, LLC

4025 Paramount Parkway | Temple, TX 76502
254-791-0303 | www.ParamountWastewater.com



CUSTOMER RELATIONS

REFERENCES & RELEVANCY

The Subcontractor, Paramount Wastewater Solutions prides itself on developing a longstanding relationship with all clients and prides itself on customer service. This penchant for customer service is shown in the long-term relationships Paramount has built with a wide variety of clients. With extensive experience in working with both the private and public sectors, Paramount's leadership is confident in their ability to meet any and all customers' needs and situations.

PERFORMANCE REFERENCES

Jeff Wissle, Disaster Manager
Disaster Management Group
jeff@basecampservices.com
772.359.1859

Marcus Guzman, FOG Compliance
Environmental Programs, City of Belton
mguzman@BeltonTexas.gov
254.933.5823

Dan Huffaker,
Environmental Compliance
Cefco Convenience Stores
dhuffaker@fikesinc.com
254.654.7078

FOG Compliance
Environmental Programs Manager,
City of Temple
254.298.5267

Quinten Twiggs,
Lake Civil Engineer
Army Corps of Engineers
Quinten.a.twiggs@usace.army.mil
254.718.7245



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

03/10/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER BKCW / Purifoy & Company Insurance 4 S 9th Temple TX 76501	CONTACT NAME: Pat Ebarb PHONE (A/C, No, Ext): (254) 773-6844 E-MAIL ADDRESS: p.ebarb@bkcw.com FAX (A/C, No): INSURER(S) AFFORDING COVERAGE INSURER A: Acuity Mutual Insurance Company INSURER B: Texas Mutual Insurance Company INSURER C: Westchester Surplus Lines Ins Co INSURER D: INSURER E: INSURER F:	NAIC # 14184 22945 10172
INSURED Paramount Wastewater Solutions, LLC 4025 Paramount Pkwy Temple TX 76502		

COVERAGES**CERTIFICATE NUMBER:** CL21103031119**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			ZL2983	11/01/2021	11/01/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			ZL2983	11/01/2021	11/01/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0			ZL2983	11/01/2021	11/01/2022	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> Y	N/A	0002069597	11/01/2021	11/01/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Pollution Liability			G28283787002	11/01/2021	11/01/2022	Each Occurrence 1,000,000 General Aggregate 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Pollution Liability Policy # G28283787002 - \$1,000,000 each Transportation Pollution Condition Limit / \$1,000,000 each Non-Owned Disposal Site Pollution Condition Limit / \$1,000,000 each Emergency Response & Crisis Management Limit / \$1,000,000 Defense Expenses Aggregate Limit

The General Liability and Auto Liability policy includes a blanket automatic additional insured endorsement that provides additional insured status to the certificate holder only when there is a written contract between the named insured and the certificate holder that requires such status as per forms CA7241A1098, CB7433B0713, CB7245B0713.

CERTIFICATE HOLDER**CANCELLATION**

For Information Only

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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AGENCY CUSTOMER ID: 00065827

LOC #: _____



ADDITIONAL REMARKS SCHEDULE

Page ____ of ____

AGENCY Purifoy & Company Insurance		NAMED INSURED Paramount Wastewater Solutions, LLC
POLICY NUMBER		
CARRIER	NAIC CODE	EFFECTIVE DATE:

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 **FORM TITLE:** Certificate of Liability Insurance

The General Liability, Auto Liability and Workers Compensation policy includes a blanket automatic waiver of subrogation endorsement that provides this feature only when there is a written contract between the named insured and the certificate holder that requires it as per forms CB74562008, CA72601115, WC420304B.

The General Liability policy contains a special endorsement with "Primary and Noncontributory" wording as per form CB1488A1307.

Umbrella policy is follow form.





Staff Report – City Council Agenda Item

Agenda Item #8

Consider a resolution suspending Oncor Electric Delivery Company LLC's application to change rates within the City of Belton.

Originating Department

Finance – Mike Rodgers, Director of Finance
Administration – Amy Casey, City Clerk

Summary Information

Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about May 13, 2022, with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by about \$251 million or approximately 4.5% over present revenues. The Company asks the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates. If approved, a residential customer using 1,300 kWh per month would see a bill increase of about \$6.02 per month.

The resolution suspends the June 17, 2022, effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. **If the City fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.**

The City of Belton is a member of a 169-city coalition known as the Steering Committee of Cities Served by Oncor ("Steering Committee"). The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s when cities served by the former TXU gave up their statutory right to rate case expense reimbursement in exchange for higher franchise fee payments. Empowered by city resolutions and funded by per capita assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for the last 30 years.

Although Oncor has increased rates many times over the past few years, this is the first comprehensive base rate case for the Company since March 2017.

Explanation of the Resolution

Section 1. The City is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective for any legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as “the maximum period allowed by law” rather than ending by a specific date. This is because the Company controls the effective date and can extend the deadline for final city action to increase the time that the City retains jurisdiction if necessary to reach settlement on the case. If the suspension period is not otherwise extended by the Company, the City must take final action on Oncor's request to raise rates by June 17, 2022.

Section 2. This provision authorizes the Steering Committee, consistent with the City's resolution approving membership in the Steering Committee, to act on behalf of the City at the local level in settlement discussions, in preparation of a rate ordinance, on appeal of the rate ordinance to the PUC, and on appeal to the Courts. Negotiating clout and efficiency are enhanced by the City cooperating with the Steering Committee in a common review and common purpose. Additionally, rate case expenses are minimized when the Steering Committee hires one set of attorneys and experts who work under the guidance and control of the Executive Committee of the Steering Committee.

Section 3. The Company will reimburse the Steering Committee for its reasonable rate case expenses. Legal counsel and consultants approved by the Executive Committee of the Steering Committee will submit monthly invoices that will be forwarded to Oncor for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting a suspension resolution.

Section 4. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

Section 5. This section provides that both Oncor and Steering Committee counsel will be notified of the City's action by sending a copy of the approved and signed resolution to certain designated individuals.

Fiscal Impact

N/A

Recommendation

Approve the resolution

Attachments

Resolution

RESOLUTION NO. 2022-20-R

RESOLUTION OF THE CITY OF BELTON SUSPENDING THE JUNE 17, 2022, EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

WHEREAS, on or about May 13, 2022, Oncor Electric Delivery Company (Oncor), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Belton a Statement of Intent to increase electric transmission and distribution rates in all municipalities exercising original jurisdiction within its service area effective June 17, 2022; and

WHEREAS, the City of Belton is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee") and will cooperate with the 169 similarly situated city members and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company prior to getting reasonable rates and direct any necessary litigation; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking proceedings are to be reimbursed by the regulated utility.

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

1. That the June 17, 2022 effective date of the rate request submitted by Oncor on or about May 13, 2022, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

2. As indicated in the City's resolution approving membership in the Steering Committee, the Executive Committee of Steering Committee is authorized to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.

3. That the City's reasonable rate case expenses shall be reimbursed by Oncor.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Oncor, Care of Howard V. Fisher, Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this the 24th day of May, 2022.

Wayne Carpenter, Mayor

ATTEST:

Amy M. Casey, City Clerk

Staff Report – City Council Agenda Item



Date: May 24, 2022
Case No.: Z-22-15
Request: SF-1 to Planned Development
- Retail
Applicant/Owner: Belton Lake PSTX, LLC

Agenda Item #9

Z-22-15 – Hold a public hearing and consider a zoning change from Single Family-1 Residential (SF-1) District to Planned Development – Retail (PD-R) District on approximately 1.026 acres located at 106 Lake Road.

Originating Department

Planning Department – Tina Moore, Planner

Current Zoning: Single Family -1 Residential (SF-1) District

Proposed Zoning: Planned Development – Retail (PD-R) District)

Proposed Uses: Retail Store

Future Land Use Map (FLUM) Designation:

The FLUM identifies this general area as a Lifestyle Center appropriate for retail, restaurant, dense residential and neighborhood service uses.

Design Standards Type Area 5:

The projected growth for Type Area 5 is primarily retail, commercial and mixed uses with higher development standards.

Background/Case Summary

The applicant is requesting a zoning change to allow for the development of a PopShelf retail store. The site is currently developed as a residence. The existing structures will be demolished to allow the construction of the new 10,640 square foot retail store. The proposed retail use is consistent with the FLUM and projected growth for this area.

Project Analysis and Discussion

Existing Conditions: The zoning and uses of the adjacent property are:

Direction	Zoning	Use
North	Multi-Family Planned Development – Retail	Chappell Oaks Apartments Grand Avenue Theatre
South	PD – Restaurant w/ Drive- thru	Bush's Chicken
East	Retail	Aaron's Furniture Store
West	Retail	That Art Place

Allowable Land Uses: The proposed zoning change would allow for the proposed use as a retail store.

Area & Setback Requirements: The site exceeds the minimum lot size of 7,000 square feet required for Retail Zoning District. The subject property is approximately 1.06 acres. The minimum setbacks are: front and side yard – 25', rear yard – 20'.

Project Analysis and Discussion

According to Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance, retail uses require one parking space for every 200 sq. ft. and warehouse uses requires one space for every 1,000 sq. ft. The proposed building floor plan show 9,471 sq. ft. of retail and 1,169 of warehouse uses, which requires a total of 49 parking spaces. The applicant is requesting a variance to allow 29 parking spaces. Information provided by the applicant's engineer indicates a minimum of 12 parking spaces is needed during the peak store hours. Staff requested that the applicant obtain joint access for parking at adjacent businesses. The Grand Avenue Theatre has agreed to provide shared parking to supplement the amount of required parking. Primary access to the site will be provided from Lake Road/FM 439 which requires TxDOT's review and approval.

Recommendation

At its meeting on May 17, 2022, the Planning and Zoning Commission voted unanimously to recommend approval of the request for a zoning change from Single Family-1 Residential (SF-1) District to Planned Development – Retail (PD-R) District on approximately 1.026 acres, subject to the following conditions:

1. The use of this property shall conform to the Retail District in all respects.
2. Joint access driveways as shown on the site plan (Exhibit B) are required to Grand Avenue Theatre, Aaron's and That Art Place.
3. This retail use is allowed to use 20 spaces of off-street parking at the Grand Avenue Theatre to satisfy its requirement of 49 parking spaces, given 29 provided on site.
4. An agreement for the parking spaces will be drafted between the City and the Grand Avenue Theatre to reserve these 20 spaces for the retail business.
5. All cross-access easements shall be left open and unobstructed except for temporary use when needed for loading and unloading by respective businesses.

6. An indemnity agreement is needed between this retailer and Grand Avenue Theatre.
7. The development of the property shall conform to all applicable Type Area 5 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards
 - b. Landscape Design Standards
 - c. Tree Protection, Preservation and Mitigation Standards.
8. A subdivision plat and construction plan review is required.

Attachments

Zoning application

Site Plan (Exhibit B)

Elevations (Exhibit C)

Property Location Map, Zoning map, Aerial

Map with zoning notice boundary (200')/Zoning notice to owners/Property owner list

P&Z Minutes Excerpt

Ordinance

ZONING CHANGE APPLICATION

Fee: \$250.00



Date received:	
APPLICANT NAME: Belton (Lake) PSTX, LLC c/o Zach Rogers, Development Manager	
EMAIL: zrogers@gbtrealty.com	PHONE NUMBER: 615-370-6670
MAILING ADDRESS: 9010 Overlook Blvd. Brentwood, TN 37027	
PROPERTY OWNER NAME: Estate of Brenda Lea Rehbein, c/o Ralph Rehbein, Executor	
EMAIL: rrehbeinz71@gmail.com	PHONE NUMBER: 254-913-9349
MAILING ADDRESS: 8133 Blue Gill Lane, Temple, TX 76501	

Proposed Use of Structures (building) and Property (exterior property): Proposed Pop Shelf Retail store on 1.026 acres
Current Use: Residence
LOCATION/STREET ADDRESS OF PROPERTY TO BE REZONED: 106 Lake Road, Belton, TX 76513
Legal Description of Property: Abstract Survey Part of James Bennett Survey, Abstract No. 71, Bell County, TX
Lot(s): _____ Block(s): _____ of Subdivision Being part of that certain called, 3.10 acre second tract described in deed recorded July 5, 1962, Volume 847, Page 512
Existing Zoning: SF-1 Proposed Zoning: PD-Retail

Signature of Applicant: [Signature] Date: 4/5/22

Signature of Owner (if not applicant): Ralph R. Rehbein Date: 4-5-22

City of Belton Planning Department
333 Water Street ★ Belton, Texas 76513 ★ Phone (254) 933-5812 ★ Fax (254) 933-5822



May 5, 2022

Tina Moore
City of Belton Planning
333 Water Street
Belton, TX 76513

Subject: Parking Exception Request
Proposed Retail Development
106 Lake Road
Belton, TX
Gresham Smith Project No. 40831.73

Dear Ms. Moore,

This letter is in reference to our request for a parking exception for the above referenced project. The proposed development consists of a 10,640 square foot retail store that has 9,471 square feet of retail space and 1,169 square feet of warehouse. The City of Belton's zoning ordinance requires 1 parking space per 200 square feet of retail and 1 space per 1,000 square feet of warehouse for a total of 49 parking spaces required.

The peak number of parking spaces actually needed by the development can be determined by comparison with similar sites. The 5th edition of the Institute of Transportation Engineers (ITE) Parking Generation Manual is based on data from thousands of studies for various land uses, independent variables, and study periods. The proposed development is most similar to ITE Land Use 814: Variety Store. The ITE manual states that 1.13 parking spaces per 1,000 square feet of gross floor area are needed during the PM peak hour, or a minimum of 12 parking spaces.

With the current global focus on sustainable design and low impact development, particularly storm water runoff increases from impervious surfaces and the heat effect from asphalt paving, constructing the City-required number of spaces would be an unnecessary increase in the carbon footprint of the project and result in providing excess parking spaces that will sit empty.

Genuine Ingenuity

222 Second Avenue South
Suite 1400
Nashville, TN 37201
615.770.8100

GreshamSmith.com



Tina Moore
May 5, 2022

Based on the above information, we respectfully request the City's approval to reduce the number of parking spaces from the zoning ordinance-required 49, to 35 spaces: a 29% reduction from your code but within the experience requirement of our retail client.

Sincerely,

Michael D. Hunkler, PE
Senior Vice President
Land Planning and Design

Enclosed: ITE Trip Generation Rates

Copy

Bob Gage - GBT
Jacob Carter – GBT
Joe Johnston - GS

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PLAT

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ADDITION
SUBMIT NO. 20142 OF THE PLAT
CL COUNTY TEXAS
959 ACRES
SUGARS LP
18-0000564
R 11, 2013

JAMES BENNETT SURV

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 BLOCK 1
 SUBDIVISION
 RECORDED IN GARRIETT JUDGE 100% OF THE
 PROPERTY OF BELL COUNTY, TEXAS
 CALL 537.77 AGRES
 SHILOH GROUP, LLC TO
 DOC NO. 2014-0025724
 JULY 26, 2011

[illegible][illegible]

CALL 12-B16-AGRI
PAUL M. SCOTT
CHAPEL HILL EDUCATION CENTER
VOLUME 100
APRIL 24, 1997

N 17° 35' A 1/2"
IRON ROD BEAMS
B. 19' 14.46" E. 0.15"

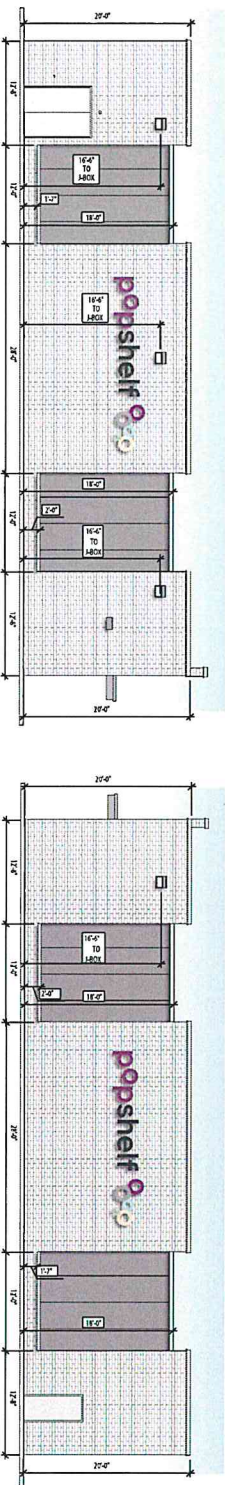
MARKET NO. 439 ROAD

SEE LIST 7

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The drawing below keeps track of the priority of the problem. The operations (except for use of the drawing) affect the order (time) in which problems are assigned and it takes time to dig into them.

Zoning Case # Z-22-15 Location



ZONING CHANGE:

SF-1
to
PD-R

LEGAL DESCRIPTION:

A0071BC JAMES BENNETT, NW 224.6
NE 482.4 OB 216, ACRES 1.03

PROPERTY OWNER:

DOYAL, MICHAEL D &
BLENDAL DOYAL REHBEIN

ADDRESS/LOCATION:

106 LAKE RD



LEGEND



Map Date: 5/2/2022



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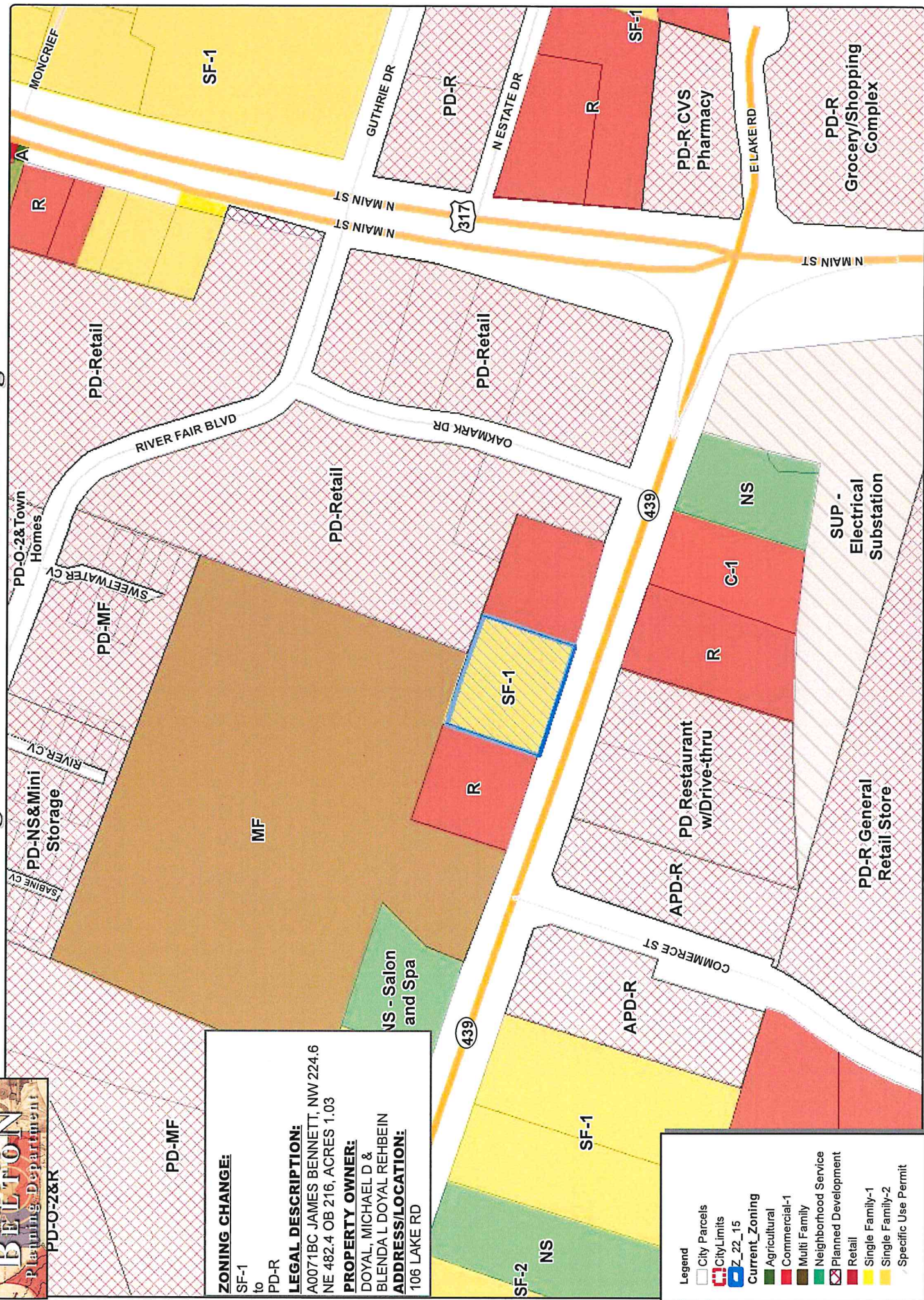
CITY OF
BELTON
Planning Department

Path: E:\City of Belton Projects\Folders\Maps and Data\Zoning Cases\2022\Zoning Change Cases\Z-22-15\Z-22-15 Zoning.mxd

106 LAKE RD

Map Date: 5/2/2022

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Zoning Case # Z-22-15 Aerial



ZONING CHANGE:
SF-1
to
PD-R

LEGAL DESCRIPTION:
A0071BC JAMES BENNETT, NW 224.6
NE 482.4 OB 216, ACRES 1.03

PROPERTY OWNER:
DOYAL, MICHAEL D &
BLENDAL DOYAL REHBEIN

ADDRESS/LOCATION:
106 LAKE RD

LEGEND
Z_22_15

Zoning Case # Z-22-15



ZONING CHANGE:
SF-1
to
PD-R

LEGAL DESCRIPTION:
A0071BC JAMES BENNETT, NW 224.6
NE 482.4 OB 216, ACRES 1.03

PROPERTY OWNER:
DOYAL, MICHAEL D &
BLENDIA L DOYAL REHBEIN

ADDRESS/LOCATION:
106 LAKE RD

Legend

- Z_22_15
- 200' Property Owner Notification Area
- Tax Appraisal Parcels

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

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: BELTON LAKE PSTX, LLC.,
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 106 LAKE ROAD,
FROM A(N) SINGLE FAMILY - 1 ZONING DISTRICT,
TO A(N) PLANNED DEVELOPMENT – MULTI-FAMILY ZONING DISTRICT,
TO DEVELOP A RETAIL STORE - POPSHELF.

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, May 17, 2022**, AT THE T.B. HARRIS CENTER, 401 N. ALEXANDER, BELTON, TEXAS.

IF APPROVED BY THE PLANNING & ZONING COMMISSION, THIS ITEM WILL BE PLACED ON THE AGENDA FOR A PUBLIC HEARING BY THE CITY COUNCIL. THAT MEETING WILL BE AT **5:30 P.M., Tuesday, May 24, 2022**, 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 REGARDING THIS ZONING CHANGE. YOU MAY SUBMIT WRITTEN COMMENTS BY COMPLETING THIS FORM AND RETURNING IT TO THE ADDRESS BELOW OR VIA EMAIL TO PLANNING@BELTONTXAS.GOV, PRIOR TO 1:00 P.M. ON MAY 17, 2022.

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**

12360 254 BROKERS CAPITAL LLC - SERIES 101 7446 HONEYSUCKLE DR TEMPLE, TX 76502	30424 DOYAL, MICHAEL D & BLEND A L DOYAL REHBEIN 8133 BLUE GILL LN TEMPLE, TX 76501	60185 WEAVER, RICHARD C & SHEILA J 408 GUTHRIE DR BELTON, TX 76513-1220
96674 BONNER PROPERTIES LLC 718 CHATHAM RD BELTON, TX 76513-6706	98767 BELTON CHICKEN LLC 304 COVE TERRACE SHOPPING CTR COPPERAS COVE, TX 76522-2261	186299 CHAPPELL HILL EQUITY IV LTD PO BOX 1335 BELTON, TX 76513-5335
420184 FM 439 PROPERTY CO 4200 PERIMETER CENTER DR STE 195 OKLAHOMA CITY, OK 73112-2323	439066 SHILOH GROUP LLC 500 N LOOP 121 BELTON, TX 76513	441013 MCGUIRE TIRE LLC 9220 POISON OAK RD TEMPLE, TX 76502-5484
455049 ASSOCIATES PROPERTIES INVESTORS LP 304 E CHURCH AVE KILLEEN, TX 76541-4843	483863 TUNNEL WASH MANAGEMENT 4 LLC 1304 OVERLOOK RIDGE DR BELTON, TX 76513	

Minutes of the
Planning and Zoning Commission (P&ZC)
City of Belton, City Hall
333 Water Street
Tuesday, May 17, 2022

The Planning and Zoning Commission met at 5:30 p.m. at the Harris Community Center, 401 North Alexander Street. Commission members who were present: Chair Brett Baggerly, Vice Chair Dave Covington, Dave Jarratt, Quinton Locklin, Alton McCallum and Joshua Knowles. The following members were absent: Nicole Fisher, Zach Kruger, and Luke Potts. The following staff members were present: Director of Planning Bob van Til, Planner Tina Moore, Planning Fire Marshal Jeff Booker and IT Specialist Alex Munger.

4. Z-22-15 - Hold a public hearing and consider a zoning change from Single Family-1 to Planned Development – Retail (PD-R) District on approximately 1.026 acres located at 106 Lake Road. (Audio 2:25)

Staff Planner Ms. Moore presented the staff report.

Chair Baggerly opened the public hearing. The applicant asked staff if a subdivision plat was required. Staff affirmed that a plat was indeed required. With no other requesting to speak, the public hearing was closed.

Vice Chair Covington made a motion to approve Z-22-15 as presented by staff, which was seconded by Commission Member Jarrett. The motion was approved with 6 ayes, 0 nays.

ORDINANCE NO. 2022-27

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM SINGLE FAMILY-1 DISTRICT TO PLANNED DEVELOPMENT RETAIL DISTRICT FOR APPROXIMATELY 1.026 ACRES LOCATED AT 106 LAKE ROAD AND DESCRIBED AS PART OF THE JAMES BENNETT SURVEY, ABSTRACT NO. 71, BELL COUNTY, TEXAS.

WHEREAS, the Estate of Brenda Lea Rehbein c/o Ralph Rehbein, Executor, the property owner, 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 17th day of May, 2022, at 5:30 p.m. for hearing and adoption, said district being described as follows:

approximately 1.026 acres
located at 106 Lake Road, part of the James Bennett Survey,
Abstract No. 71, Bell County, 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 24th day of May 2022, 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 Single Family-1 to Planned Development Retail District, in accordance to Section 21, *Retail District*, and the Design Standards in Ordinance 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 shall conform to the Retail District in all respects.
2. Joint access driveways as shown on the site plan (Exhibit B) are required to Grand Avenue Theatre, Aaron's and That Art Place.
3. This retail use is allowed to use 20 spaces of off-street parking at the Grand Avenue Theatre to satisfy its requirement of 49 parking spaces, given 29 provided on site.
4. An agreement for the parking spaces will be drafted between the City and the Grand Avenue Theatre to reserve these 20 spaces for the retail business.
5. All cross-access easements shall be left open and unobstructed except for temporary use when needed for loading and unloading by respective businesses.

6. An indemnity agreement is needed between this retailer and Grand Avenue Theatre.
7. The development of the property shall conform to all applicable Type Area 5 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards (Exhibit B)
 - b. Building Design Standards (Exhibit C)
 - c. Landscape Design Standards
 - d. Tree Protection, Preservation and Mitigation Standards.
8. A subdivision plat and construction plan review is required.

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 24th day of May 2022, by a vote of _____ ayes and _____ nays.

SIGNED AND APPROVED by the Mayor and attested by the City Clerk on this the 24th day of May, 2022.

Wayne Carpenter, Mayor

ATTEST:

Amy M. Casey, City Clerk

Zoning Case # Z-22-15 Location



ZONING CHANGE:

SF-1
to
PD-R

LEGAL DESCRIPTION:

A0071BC JAMES BENNETT, NW 224.6
NE 482.4 OB 216, ACRES 1.03

PROPERTY OWNER:

DOYAL, MICHAEL D &
BLENDAL DOYAL REHBEIN

ADDRESS/LOCATION:

106 LAKE RD

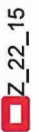


EXHIBIT "A"



0 100 200 400 Feet

LEGEND



Map Date: 5/2/2022

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TABLE

ING. 564 (PENDING TO PLANNED DEVELOPMENT)	
FRONT	25'
REAR	25'
RIGHT SIDE	25'
LEFT SIDE	25'
TOTAL AREA	
19,640 S.F. GROSS AREA	0.4462 ACRES
1,189 S.F. RECEIVING AREA	0.0270 ACRES
1,189 S.F. RECEIVING AREA	0.0270 ACRES
UNSTORY MAIN HEIGHT = 20'	1,189 S.F. RECEIVING AREA
PROVIDED 28 SPACES PARKING VARIANCE REQUESTED	1,189 S.F. RECEIVING AREA
IMPERVIOUS AREA	0.250 ACRES = 60%
PERVIOUS AREA	0.877 ACRES = 74%
IMPERVIOUS AREA	0.877 ACRES = 74%
PERVIOUS AREA	0.877 ACRES = 74%

JAMES BENNETT SURV

PLAT

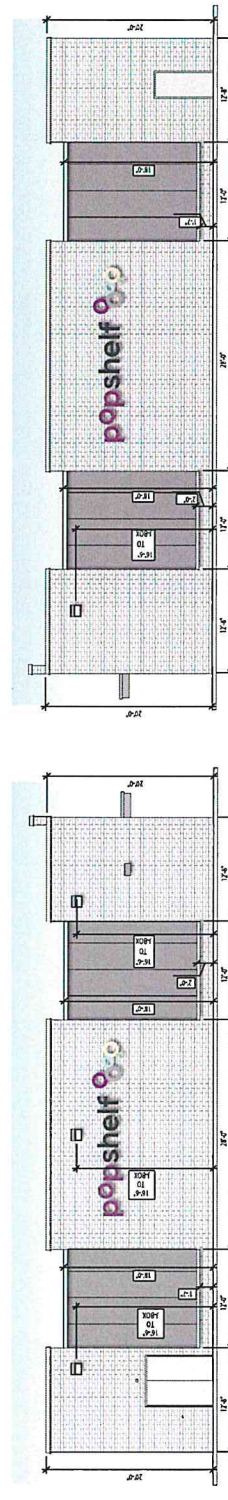
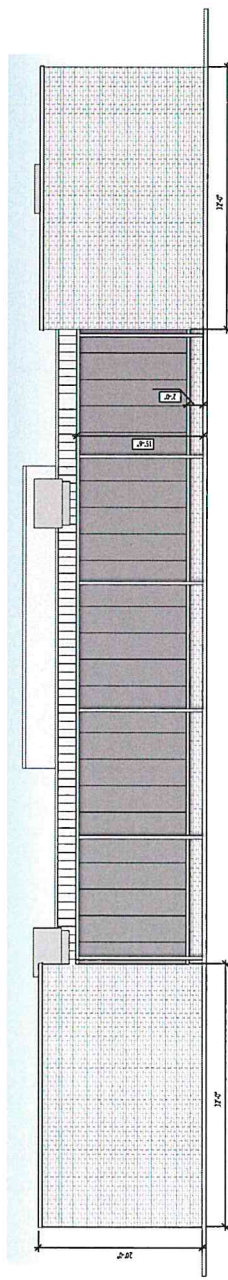
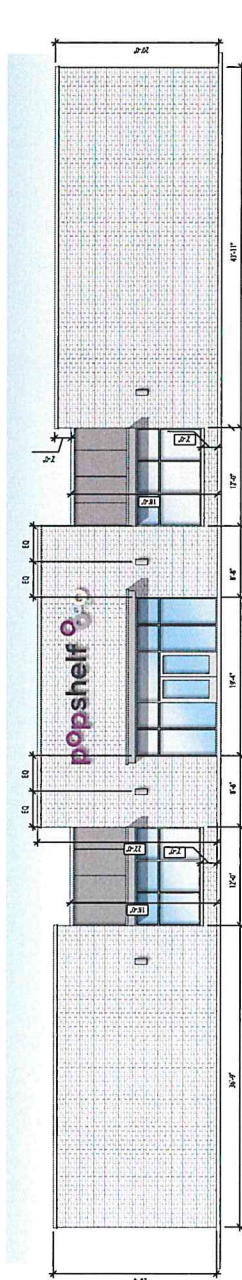
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SORS LP
18-0000664
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 CALL 537.774 AGNES
 SHILOH GROUP, LLC TO
 DOC NO. 2014-0005724
 JULY 26, 2011

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Staff Report – City Council Agenda Item



Date: May 24, 2022
Case No.: Z-22-16
Request: PD-MF, PD-0-2/R to MF
Applicant/Owners: Kimley Horn
Barge Ranch Ltd.

Agenda Item #10

Z-22-16 – Hold a public hearing and consider a zoning change from Planned Development – Multiple Family Zoning District and Planned Development – Office-2/Retail Zoning District to Multiple Family Zoning District on approximately 9.432 acres located at the southwest intersection of River Fair Boulevard and Trinity Drive.

Originating Department: Planning Department – Tina Moore - Planner

Current Zoning: Planned Development – Multiple Family and Planned Development – Office-2 and Retail Zoning

Proposed Zoning: Multi Family Residential District (MF)

Future Land Use Map (FLUM) Designation: Multifamily

Design Standards Type Areas 5: The projected growth for Type Area 5 is primarily retail, commercial and mixed uses with higher development standards.

Background/Case Summary

The applicant is proposing to construct a 70-unit Senior Apartment complex at this location. This property was originally zoned in 2005 as part of a planned development as part of a comprehensive land use plan for 65-acres on River Fair Boulevard, extending from North Main Street to Lake Road. The reason for the zoning change is that the proposed apartment development will include an area originally proposed for offices and retail. No variances are requested in this proposal.

Project Analysis and Discussion

Existing Conditions: This property is currently undeveloped. The adjacent properties zoning and uses are:

Direction	Zoning	Use
North	Planned Development – Office-2 and Townhouses PD- Single Family – 2	Undeveloped River Place Estates development
South	SF-1, PD-Office & Neighborhood Service, Retail	Residence, Baylor Scott & White Pharmacy, Lone Star Pediatric
East	Multi-family PD – Neighborhood Services and Mini-Storage Units	Chappell Oaks Apartments Townhomes
West	Planned Development – Office-2 and Retail	Undeveloped

Land Use Table/Allowable Uses: The requested Multi Family Zoning District will allow any of the proposed uses:

- Apartments (and related facilities)
- Duplex and Single Family
- Family home
- Child care center
- Nursing home

Area & Setback Requirements: Minimum area and setback requirements for the requested Multi Family (MF) Zoning District are summarized below.

Multi Family

Lot Area:	10,000 sq ft;	Front Yard:	25'
	2,420 sq ft/du (18 du/acre)	Rear Yard:	20'
Lot Width:	80'	Side Yard:	8'/15' adjacent to street
Lot Depth:	120'		

The property consists of 9.432 acres and satisfies the area requirements. The applicant is proposing 26 one-bedroom units, 44 two-bedroom units and an amenity center in this complex. Two means of ingress/egress off River Fair Boulevard are provided. According to Section 34, *Off-Street Parking and Loading Requirements*, of the Zoning Ordinance, two off-street parking spaces are required for one- and two-bedroom apartments, which amounts to 140 spaces. The applicant is providing a total of 152 parking spaces. The requested MF Zoning District is consistent with the FLUM and appears reasonable at this location.

Staff received written protest from several residents within 200 feet of the proposed zoning change location, but it is less than the 20% required by law for a 75% vote of the Council. This is explained in LGC §211.006:

(d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either:

- (1) the area of the lots or land covered by the proposed change; or*
- (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.*

Recommendation

At its meeting on May 17, 2022, the Planning and Zoning Commission voted unanimously to recommend approval of the requested zoning change from Planned Development – Multiple Family Zoning District and Planned Development – Office-2/Retail Zoning District to Multiple Family Zoning District; subject to the following conditions:

1. The use of the property shall conform to the Multi-Family Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 5 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance.
3. A final subdivision plat meeting the requirements of the adopted Subdivision Ordinance is required.
4. Civil site plan and construction plans in compliance with adopted standards are required.

Attachments

Zoning application, proposed site plan and elevations

Property Location Map

Zoning map

Aerial photo

Zoning notice to owners/Owner notification list/Map with zoning notice boundary (200')

Calculation of Protest Area

P&Z Minutes Excerpt

Ordinance



ZONING CHANGE APPLICATION

Fee: \$250.00

Date received:	
APPLICANT NAME: Kimley-Horn	
EMAIL: shay.geach@kimley-horn.com	PHONE NUMBER: 972-770-3008
MAILING ADDRESS: 13455 Noel Road, Two Galleria Office Tower, Suite 700	
PROPERTY OWNER NAME: Barge Ranch Ltd	
EMAIL:	PHONE NUMBER:
MAILING ADDRESS: 2005 BIRDCREEK DR STE 211, TEMPLE, TX 76502	

Proposed Use of Structures (building) and Property (exterior property): Multifamily
Current Use: Vacant
LOCATION/STREET ADDRESS OF PROPERTY TO BE REZONED: Southwest corner of River Fair Blvd and Trinity Dr, Approximately 1.51 AC of Property ID 387600 in Bell County
Legal Description of Property: Abstract Survey A0071BC JAMES BENNETT, ACRES 9.277
Lot(s): N/A Block(s): N/A of Subdivision N/A
Existing Zoning: PD-O-2&R Proposed Zoning: PF-MF

Signature of Applicant: Shay Geach Date: 4/14/2022
Signature of Owner (if not applicant): [Signature] Date: 3/29/22

City of Belton Planning Department
133 Water Street • Belton, Texas 76513 • Phone (254) 933-8112 • Fax (254) 933-8122



- LEGEND**
- PROPOSED CANOPY TREE
 - PROPOSED ORNAMENTAL TREE
 - PROPOSED SHRUBS AS REQUIRED BY CODE
 - PROPOSED GRASS AREA

City of Belton
Planning & Community Dev
Section 2 - Landscape Design Standards

ITEM	REQUIREMENT
1. PLANTING	Plants shall be selected for their ability to thrive in the local climate and soil conditions.
2. PLANTING	Plants shall be selected for their ability to provide shade and reduce energy costs.
3. PLANTING	Plants shall be selected for their ability to improve air quality and reduce noise.
4. PLANTING	Plants shall be selected for their ability to provide aesthetic value and enhance the community.

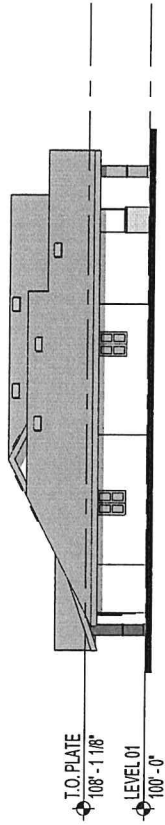
SITE DATA SUMMARY TABLE

ITEM	VALUE
TOTAL AREA	10.00 ACRES
TOTAL LOT AREA	10.00 ACRES
TOTAL BUILDING FOOTPRINT	10,000 SQ. FT.
TOTAL PARKING SPACES	100 SPACES
TOTAL TRAILER SPACES	0 SPACES
TOTAL OFFICE SPACES	0 SPACES
TOTAL RETAIL SPACES	0 SPACES
TOTAL RESIDENTIAL SPACES	0 SPACES
TOTAL COMMERCIAL SPACES	0 SPACES
TOTAL INDUSTRIAL SPACES	0 SPACES
TOTAL OTHER SPACES	0 SPACES

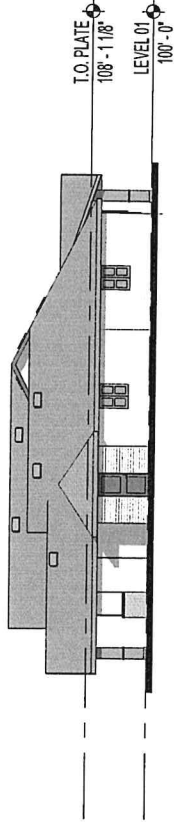
PRELIMINARY LANDSCAPE PLAN
SVC RIVER FAIR BLVD & TRINITY DR
JAMES BENNETT ABSTRACT NO. 718C
BELTON, TX
DATE: APRIL 15, 2022

OWNER
JAMES BENNETT ABSTRACT NO. 718C
2002 BENNETT DR., SUITE 210
TEMPLE, TX 76788

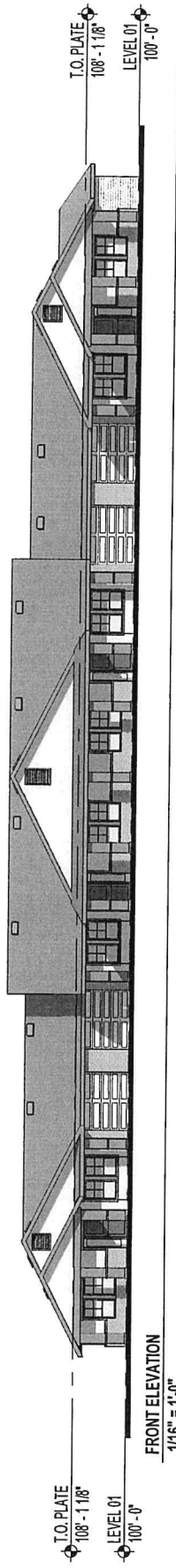
ENGINEER
JAMES BENNETT ABSTRACT NO. 718C
2002 BENNETT DR., SUITE 210
TEMPLE, TX 76788



LEFT ELEVATION
1/16" = 1'-0"



RIGHT ELEVATION
1/16" = 1'-0"



FRONT ELEVATION
1/16" = 1'-0"

BELTON SENIOR LIVING

BELTON, TEXAS

THE CARBON COMPANIES

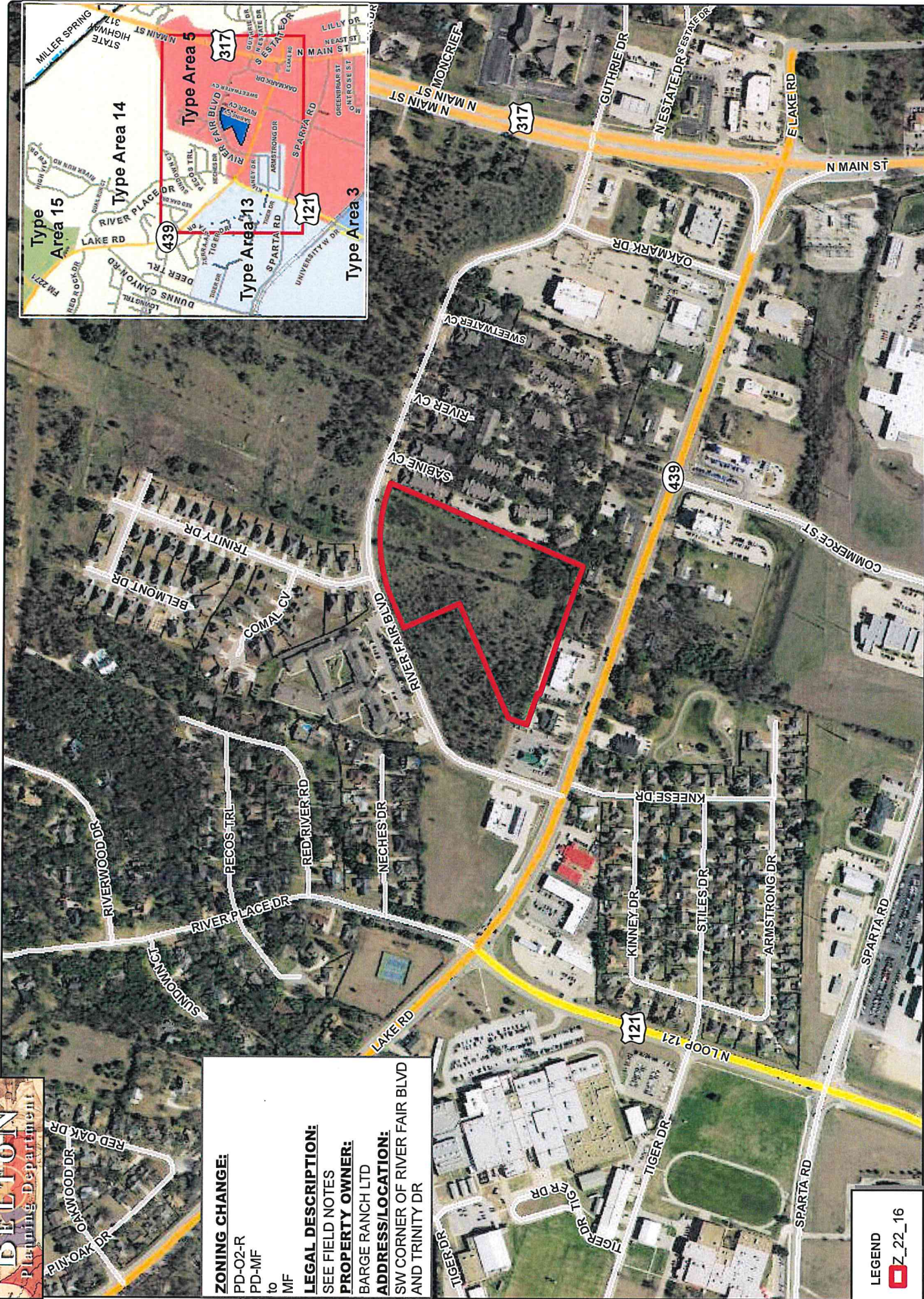
ELEVATIONS

1/16" = 1'-0"

INTERIM REVIEW DOCUMENTS
This document is preliminary and is not intended for Regulatory
Approval, Permit, or Construction Purposes. This document is
for informational purposes only.
Fernando J. Andrade, 17668 on 04/13/22

gsr | andrade
ARCHITECTS

Zoning Case # Z-22-16 Location



ZONING CHANGE:

PD-02-R
PD-MF
to MF

LEGAL DESCRIPTION:

SEE FIELD NOTES

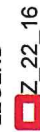
PROPERTY OWNER:

BARGE RANCH LTD

ADDRESS/LOCATION:

SW CORNER OF RIVER FAIR BLVD
AND TRINITY DR

LEGEND



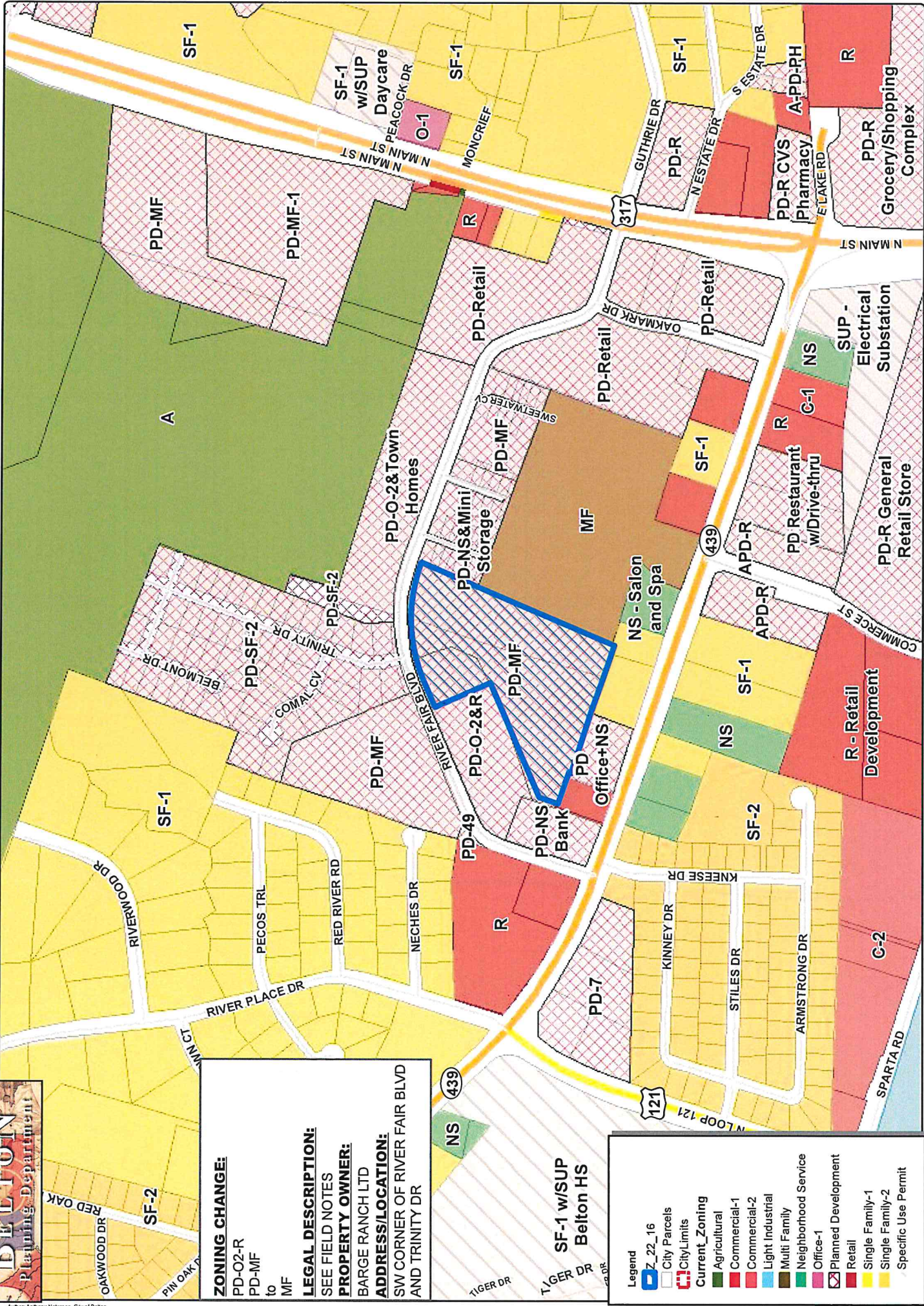
Z-22-16



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

Map Date: 5/3/2022

Zoning Case # Z-22-16 Zoning



ZONING CHANGE:

PD-O2-R
PD-MF
to
MF

LEGAL DESCRIPTION:

SEE FIELD NOTES

PROPERTY OWNER:

BARGE RANCH LTD

ADDRESS/LOCATION:

SW CORNER OF RIVER FAIR BLVD
AND TRINITY DR

SF-1 w/SUP
Belton HS

- Legend**
- Z_22_16
 - City Parcels
 - City Limits
 - Current Zoning
 - Agricultural
 - Commercial-1
 - Commercial-2
 - Light Industrial
 - Multi Family
 - Neighborhood Service
 - Office-1
 - Planned Development
 - Retail
 - Single Family-1
 - Single Family-2
 - Specific Use Permit

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



Map Date: 5/3/2022

Zoning Case # Z-22-16 Aerial



ZONING CHANGE:
PD-O2-R
PD-MF
to MF

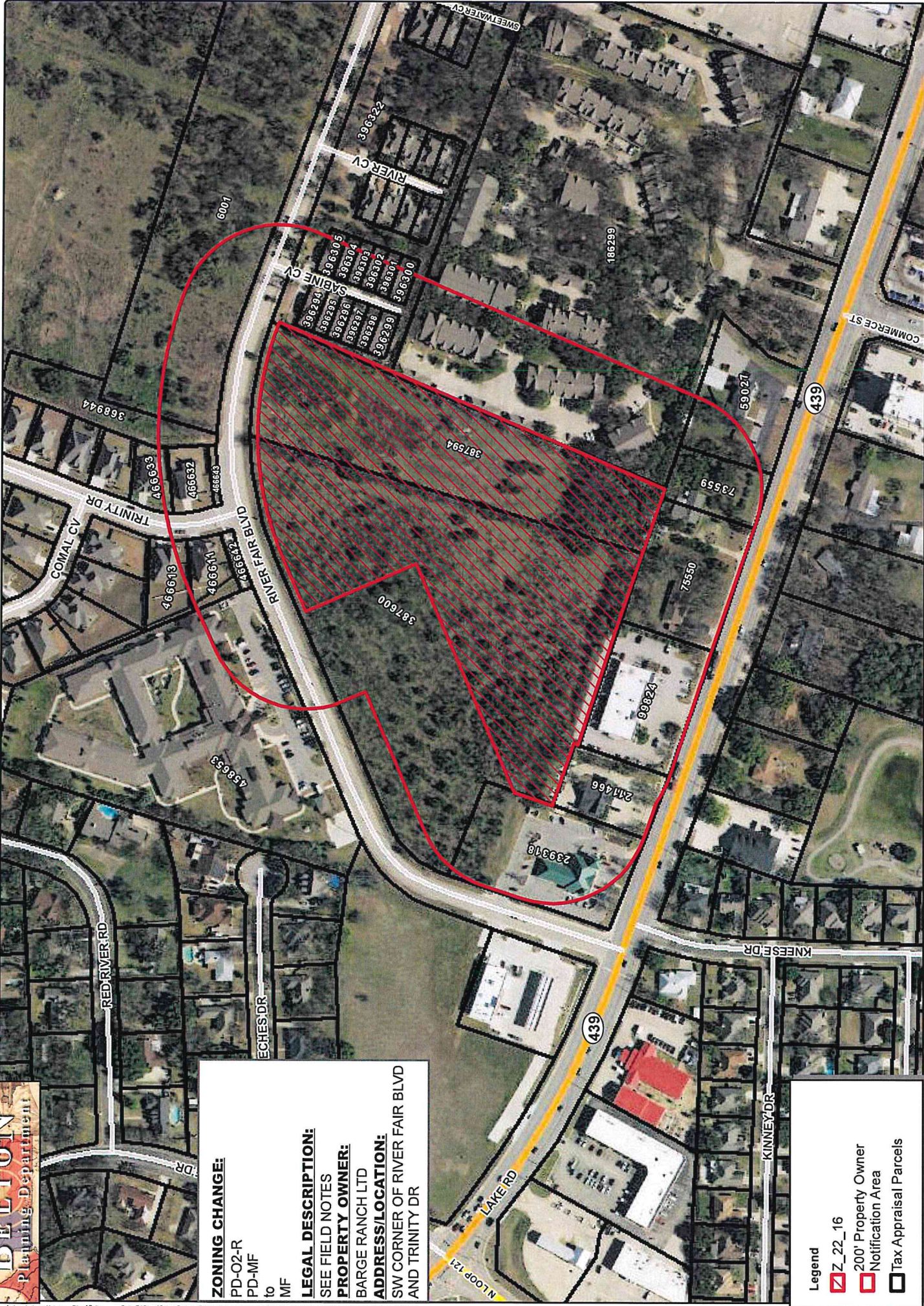
LEGAL DESCRIPTION:
SEE FIELD NOTES

PROPERTY OWNER:
BARGE RANCH LTD

ADDRESS/LOCATION:
SW CORNER OF RIVER FAIR BLVD
AND TRINITY DR

LEGEND
Z-22-16

Zoning Case # Z-22-16



ZONING CHANGE:
PD-O2-R
PD-MF
to
MF

LEGAL DESCRIPTION:
SEE FIELD NOTES

PROPERTY OWNER:
BARGE RANCH LTD

ADDRESS/LOCATION:
SW CORNER OF RIVER FAIR BLVD
AND TRINITY DR

Legend

- ☒ Z_22_16
- ☐ 200' Property Owner Notification Area
- ☐ Tax Appraisal Parcels

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

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: KIMLEY-HORN,
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: SWC OF RIVER FAIR BLVD. AND TRINITY DRIVE,
FROM A(N) PLANNED DEVELOPMENT OFFICE, RETAIL AND MULTIPLE FAMILY (MF) ZONING DISTRICT,
TO A(N) MULTIPLE FAMILY (MF) ZONING DISTRICT,
TO DEVELOP SENIOR APARTMENT COMPLEX

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, May 17, 2022**, AT THE T.B. HARRIS CENTER, 401 N. ALEXANDER, BELTON, TEXAS.

IF APPROVED BY THE PLANNING & ZONING COMMISSION, THIS ITEM WILL BE PLACED ON THE AGENDA FOR A PUBLIC HEARING BY THE CITY COUNCIL. THAT MEETING WILL BE AT **5:30 P.M., Tuesday, May 24, 2022**, 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 REGARDING THIS ZONING CHANGE. YOU MAY SUBMIT WRITTEN COMMENTS BY COMPLETING THIS FORM AND RETURNING IT TO THE ADDRESS BELOW OR VIA EMAIL TO PLANNING@BELTONTXAS.GOV, PRIOR TO 1:00 P.M. ON MAY 17, 2022.

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**

6001 WELLS BRANCH STORAGE CENTER LTD 2005 BIRDCREEK DR STE 211 TEMPLE, TX 76502-1002	59027 CENTRAL TEXAS AUCTION SERVICES LLC PO BOX 1775 BELTON, TX 76513	73559 MICHALKA, LEO E ETUX MARILYN 204 LAKE RD BELTON, TX 76513-1512
75550 MONTGOMERY, RALPH W 206 LAKE RD BELTON, TX 76513-1512	99824 CANYON CREEK CROSSING AT BELTON LLC 1023 CANYON CREEK DR STE 100 TEMPLE, TX 76502-3278	186299 CHAPPELL HILL EQUITY IV LTD PO BOX 1335 BELTON, TX 76513-5335
211466 LSPD PROPERTIES LLC 11600 ASTORIA DR BEE CAVE, TX 78738	239318 TEXELL CREDIT UNION PO BOX 983 TEMPLE, TX 76503	368944 BARGE RANCH LTD 2005 BIRDCREEK DR STE 211 TEMPLE, TX 76502
387594 BARGE RANCH LTD 2005 BIRDCREEK DR STE 211 TEMPLE, TX 76502	387600 BARGE RANCH LTD 2005 BIRDCREEK DR STE 211 TEMPLE, TX 76502	396294 MEWHINNEY, CHARLENE DAVIS 3100 SABINE CV BELTON, TX 76513
396295 EMBRY, JUDY 3102 SABINE CV BELTON, TX 76513-1372	396296 HENRY LIVING TRUST PO BOX 664 BURNET, TX 78611	396297 COSTELLO, CORY N & HOLLY A 1109 SHANNON LN CARLISLE, PA 17013-1784
396298 BAYLOR, ANN Y 3108 SABINE CV BELTON, TX 76513-1372	396300 VOSS, MARIANNE W 3111 SABINE CV BELTON, TX 76513-1372	396301 GILLUM, JOHN BARTON 22575 WELBORNE MANOR SQ ASHBURN, VA 20148
396302 ROBINSON, PAUL C 680 FALCON SUMMIT CT HENDERSON, NV 89012	396303 LESIKAR, ROBERT M ETUX JANET L 3105 SABINE CV BELTON, TX 76513	396304 DECKER, MICHAEL ETUX SHARON 3103 SABINE CV BELTON, TX 76513
396305 GORHAM, NOLA L 3101 SABINE CV BELTON, TX 76513-1372	396322 TOWN HOMES AT RIVER FAIR HOME OWNERS ASSOCIATION PO BOX 1335 BELTON, TX 76513-5335	458653 4-K HOUSING INC 317 MARTINIQUE PASS LAKEWAY, TX 78734
466611 DEVEAU, RONALD R JR ETUX KELSEY D 3015 TRINITY DFR BELTON, TX 76513	466613 GREEN, PAUL ISAAC ETUX ISABEL PEREZ 3027 TRINITY DR BELTON, TX 76513	466632 CIELONKO, CLAUDE & DOROTHY M 3016 TRINITY DR BELTON, TX 76513
466633 GUAJARDO, JORGE LUIS ETUX LAWRETT CERVANTES 3028 TRINITY DR BELTON, TX 76513	466642 ANSLEY CORPORATION 2005 BIRDCREEK DR STE 211 TEMPLE, TX 76502-1002	466643 ANSLEY CORPORATION 2005 BIRDCREEK DR STE 211 TEMPLE, TX 76502-1002

From: [Planning](#)
To: [Tina Moore](#)
Subject: FW: Zoning change on River fair Blvd
Date: Wednesday, May 11, 2022 9:41:24 AM

How did I do? [Customer Satisfaction Survey](#)



Lindsay Weaver
Planning Clerk

333 Water St.
Belton, TX 76513
T 254.933.5812
lweaver@beltontexas.gov
www.BeltonTexas.Gov

Connect with City of Belton



From: Jim Elliott <jimde1982@gmail.com>
Sent: Tuesday, May 10, 2022 1:46 PM
To: Planning <Planning@BeltonTexas.Gov>
Subject: Zoning change on River fair Blvd

If this is restricted to a 55plus community and not mixed families I don't see anything wrong. Jim Elliott

WARNING: This message is from an EXTERNAL email source. DO NOT open attachments or click links from unknown senders or unexpected email. Contact Belton IT support for assistance if necessary.

**NOTICE OF APPLICATION FOR AN
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OF THE CITY OF BELTON**

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FROM A(N) PLANNED DEVELOPMENT OFFICE, RETAIL AND MULTIPLE FAMILY (MF) ZONING DISTRICT,
TO A(N) MULTIPLE FAMILY (MF) ZONING DISTRICT,
TO DEVELOP SENIOR APARTMENT COMPLEX

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circle one

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

1. _____
2. _____
3. _____

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

DATE: 5-10-22

SIGNATURE: NW B

PLANNING DEPARTMENT
CITY OF BELTON
P. O. BOX 120
BELTON, TEXAS 76513
33-5812

6001 368944 387594
WELLS BRANCH STORAGE CENTER LTD BARGE I BARGE RANC 387600
2005 BIRDCREEK DR STE 211 2005 BI 2005 BIRDCR BARGE RANCH LTD
466643
ANSLEY CORPORATION IATION
2005 BIRDCREEK DR STE 211 : DR STE 211
TEMPLE, TX 76502-1002 02-1002

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

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FROM A(N) PLANNED DEVELOPMENT OFFICE, RETAIL AND MULTIPLE FAMILY (MF) ZONING DISTRICT,
TO A(N) MULTIPLE FAMILY (MF) ZONING DISTRICT,
TO DEVELOP SENIOR APARTMENT COMPLEX

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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. Great addition for the community
2. _____
3. _____

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

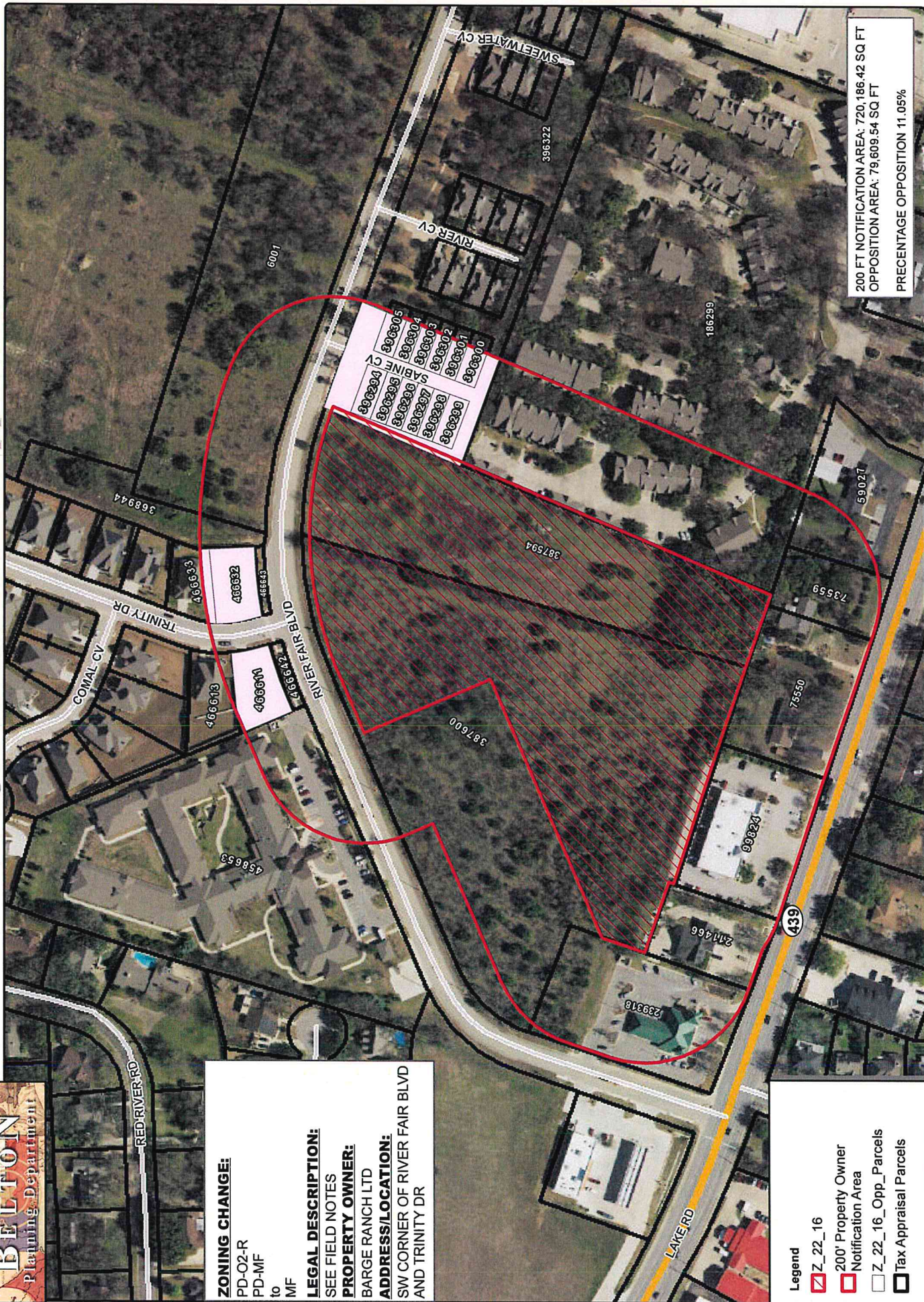
DATE: May 8, 2022 SIGNATURE: 

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

		Name	Code	Address	Tally of each:
Within 200' of proposed Zoning Change	Disapprove	Claude and Dorothy M. Cielonko	466632	3016 Trinity Dr.	2
		Robert M Etux & Janet L Lesikar	396303	3105 Sabine CV	2
		Marianne W Voss	396300	3111 Sabine CV	1
		Michael Etux & Sharon Decker	396304	3103 Sabine CV	3
		Nola L Gorham	396305	3101 Sabine CV	1
		Ann Y Baylor	396298	3108 Sabine CV	2
		Judy Embry	396295	3102 Sabine CV	2
		Henry Living Trust	396296	3104 Sabine CV	2
		Cory N & Holly A Costello	396297	3106 Sabine CV	2
		John Barton Gillum	396301	22575 Welborne Manor SQ	1
		Paul C Robinson	396302	680 Falcon Summit CT	1
		Jorge Luis Etux & Lawrett Cervantes Guajardo	466633	3028 Trinity Dr	2
		Charlene Davis Mewhinney	396294	3100 Sabine CV	1
		Ronald R Jr Etux & Kelsey D Deveau	466611	3015 Trinity DFR	2
		Mary Ann & Steven Wriedt	396299	3110 Sabine CV	2
		Town Homes at River Fair Home Owners Association	396322	P.O. Box 1335	1
Outside of 200' of Proposed Zoning Change	Disapprove	Jim and Debbie Elliot		3103 River Cove	2
		Judy Hudson		3108 River Cove	5
		Tomas Brammeier & Susan Sarrazin		3105 River Cove	2
		Christanel Delaroche		3106 Sabine CV	1
		Wilhemina Mills/ Stanley Mills		3101 River CV	3
		?/Robert Briggs		3102 River CV	2
		Dossman		3106 River CV	2
		Garner		3104 River Cove	4
		Halcomb Family Trust		3106 Sweetwater Cove	2
		Garrison, David Carpenter		3104 Sweetwater Cove	5
		Reed, Sandra		3107 Sweetwater Cove	1
		Sneed, Harold		3109 Sweetwater Cove	1
		Cusick, Joseph		3108 Sweetwater Cove	3
		Joshua & Ashley Cox		3310 Trinity Dr	1
		Jerry & Barbara Bacon		3107 River CV	2
		George and Donna Moore		3217 Belmont Dr	1
Within 200' of proposed Zoning Change	Approve	Ansley Corporation & Barge Ranch LTD	6001, 368944, 387594, 387600, 466642, 466643	2005 Birdcreek Dr STE 211	6
		Within 200' Boundary		Total Dissaprove: 33 (16 within 200' of proposed Zoning Change)	
				Total Approve: 7 (6 within 200' of proposed Zoning Change)	



Zoning Case # Z-22-16opp



ZONING CHANGE:
PD-O2-R
PD-MF
to
MF

LEGAL DESCRIPTION:
SEE FIELD NOTES

PROPERTY OWNER:
BARGE RANCH LTD

ADDRESS/LOCATION:
SW CORNER OF RIVER FAIR BLVD
AND TRINITY DR

- Legend**
- ☒ Z_22_16
 - ☐ 200' Property Owner Notification Area
 - ☐ Z_22_16_Opp_Parcel
 - ☐ Tax Appraisal Parcels

200 FT NOTIFICATION AREA: 720,186.42 SQ FT
OPPOSITION AREA: 79,609.54 SQ FT
PERCENTAGE OPPOSITION 11.05%

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



Map Date: 5/19/2022

Minutes of the
Planning and Zoning Commission (P&ZC)
City of Belton, City Hall
333 Water Street
Tuesday, May 17, 2022

The Planning and Zoning Commission met at 5:30 p.m. at the Harris Community Center, 401 North Alexander Street. Commission members who were present: Chair Brett Baggerly, Vice Chair Dave Covington, Dave Jarratt, Quinton Locklin, Alton McCallum and Joshua Knowles. The following members were absent: Nicole Fisher, Zach Kruger, and Luke Potts. The following staff members were present: Director of Planning Bob van Til, Planner Tina Moore, Planning Fire Marshal Jeff Booker and IT Specialist Alex Munger.

5. Z-22-16 – Hold a public hearing and consider a zoning change from Planned Development – Multiple Family Zoning District and Planned Development – Office-2/Retail Zoning District to Multiple Family Zoning District on approximately 9.432 acres located at the southwest intersection of River Fair Blvd. and Trinity Drive. (Audio 9:00)

Staff Planner Ms. Moore presented the staff report.

Chair Baggerly opened the public hearing. The applicant's representative, Kevin Gaskey, spoke in support of the zoning change and to clarify their intent to construct only 70 dwelling units which is less than what the current zoning would allow.

Nine adjacent property owners (Sabine Cove and Trinity Drive) spoke in opposition of the zoning change voicing concerns for drainage, traffic, zoning is unfair, safety, loss of property values. Speakers included: Tom Rimeir, Carl Hudson, Nola Gorham, Jack Garner, Claud Selenko, Jim Elliott, Thomas Henry, Sheresha Dora.

Mr. Gaskey addressed questions from the commission regarding drainage and parking.

Vice Chair Covington made a motion to approve Z-22-16 as presented by staff, which was second by Commission Member Jarrett. The motion passed with 6 ayes, 0 nays.

ORDINANCE NO. 2022-28

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM PLANNED DEVELOPMENT – MULTIPLE FAMILY ZONING DISTRICT AND PLANNED DEVELOPMENT – OFFICE-2/RETAIL ZONING DISTRICT TO MULTIPLE FAMILY ZONING DISTRICT FOR APPROXIMATELY 9.432 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF RIVER FAIR BOULEVARD AND TRINITY DRIVE.

WHEREAS, Barge Ranch Ltd, the property owner, 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 17th day of May, 2022, at 5:30 p.m. for hearing and adoption, said district being described as follows:

approximately 9.432 acres
located at the southwest intersection of River Fair Boulevard and Trinity Drive
(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 24th day of May 2022, 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 Planned Development – Multiple Family Zoning District and Planned Development – Office-2/Retail Zoning District to Multiple Family Zoning District, in accordance to Section 15, *Multi-Family Zoning District*, and the Design Standards in Ordinance 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 the property shall conform to the Multi-Family Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 5 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance.
3. A final subdivision plat meeting the requirements of the adopted Subdivision Ordinance is required.

4. Civil site plan and construction plans in compliance with adopted standards are required.

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 24th day of May 2022, by a vote of _____ ayes and _____ nays.

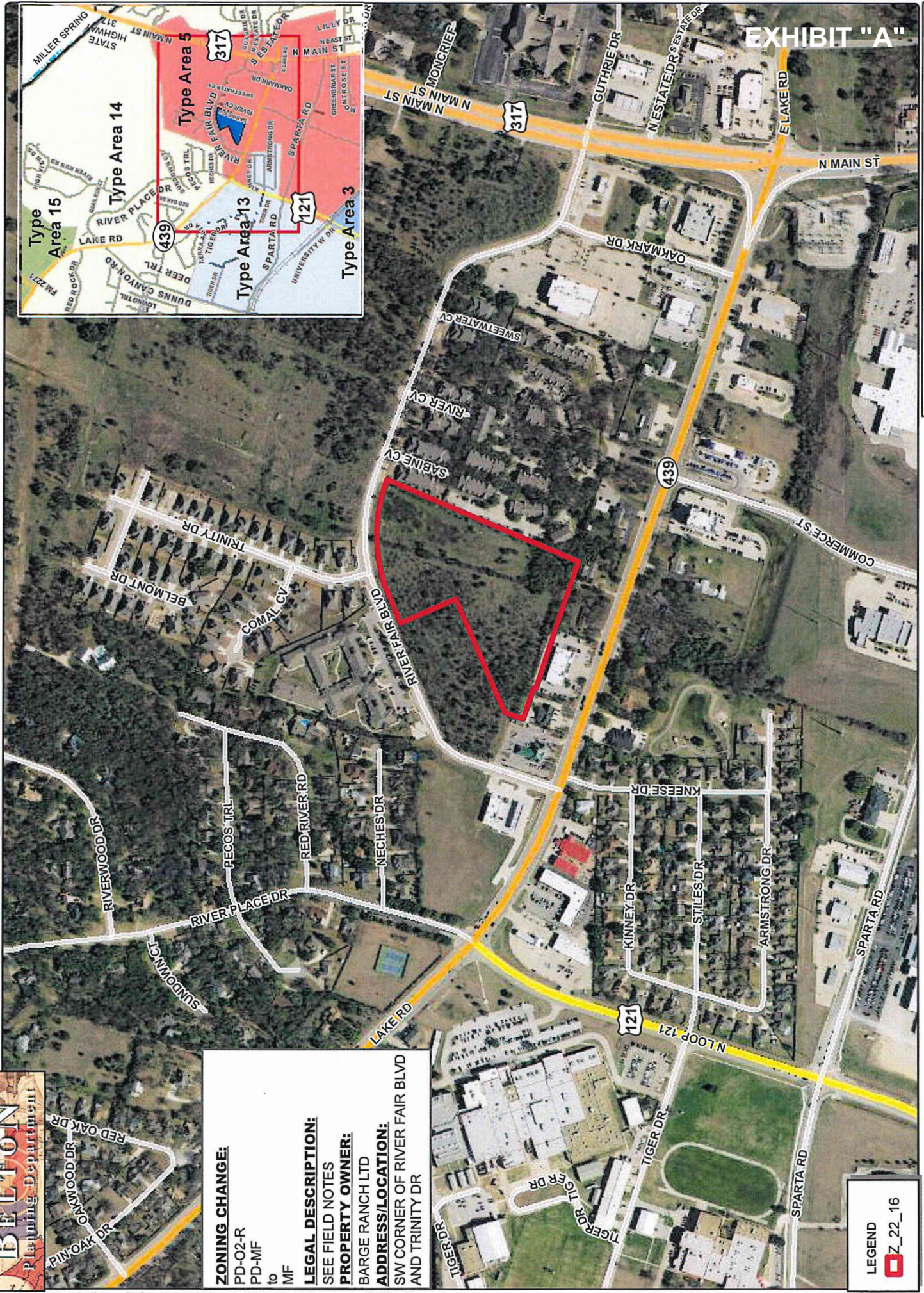
SIGNED AND APPROVED by the Mayor and attested by the City Clerk on this the 24th day of May, 2022.

Wayne Carpenter, Mayor

ATTEST:

Amy M. Casey, City Clerk

Zoning Case # Z-22-16 Location



ZONING CHANGE:
PD-O2-R
PD-MF
to MF

LEGAL DESCRIPTION:
SEE FIELD NOTES

PROPERTY OWNER:
BARGE RANCH LTD

ADDRESS/LOCATION:
SW CORNER OF RIVER FAIR BLVD
AND TRINITY DR

LEGEND
Z-22-16



Staff Report – City Council Agenda Item

Date: May 24, 2022
Case No.: Z-22-17
Request: A to PD-MF
Owner/Applicant: Avenue D Investment, LLC/Michael Henninger

Agenda Item #11

Z-22-17 – Hold a public hearing and consider a zoning change from Agricultural (Ag) to Planned Development - Multiple Family District (PD – MF) on approximately 18.168 acres located at 5890 Toll Bridge Road.

Originating Department: Planning Department – Tina Moore, Planner

Current Zoning: Agricultural

Proposed Zoning: Planned Development – Multiple Family Residential (PD – MF)

Proposed Use: Duplex Apartment Complex

Future Land Use Map (FLUM) Designation: Commercial Corridor, which allows for MF developments.

Design Standards Type Area 2: 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.

Background/Case Summary

The applicant proposes to build duplex-style attached dwelling units which offer market rate three-bedroom units for rent. The site consists of approximately 18 acres and proposes 95 two-story duplexes (190 units), a leasing office/amenity center, and two small parks. The applicant is requesting a Planned Development District to accommodate setback reductions.

Project Analysis and Discussion

Existing Conditions: The surrounded zoning and uses are described below:

Direction	Zoning	Use
North	Commercial Highway	Undeveloped
South	Single Family-1	Detached homes
East	Agricultural	Undeveloped and future River Farm Development
West	Agricultural	Undeveloped

Allowable Land Uses: The proposed zoning change would limit the property to the proposed use as a duplex style development under one ownership, as shown in the site plan (Exhibit B).

Area & Setback Requirements: Minimum area and setback requirements for the requested Multi Family (MF) Zoning District are summarized below.

Multi Family

Lot Area:	10,000 sq ft; 2,420 sq ft/du (18 du/acre)	Front Yard: 25' Rear Yard: 20'
Lot Width:	80'	
Lot Depth:	120'	Side Yard: 60' when excess of one Story in height and adjacent to Single Family zoning District, 8' between buildings w/o openings and 15' between buildings w/ openings

The proposed site exceeds the minimum lot size of 10,000 square feet required in the MF zoning district. The overall density is below the maximum 18 units per acre and proposes 10.5 units per acre.

The applicant is requesting a 20' side yard reduction from 60' to 40' along the southern property line. Per the applicant, the distance between the existing residential structures and the proposed duplex buildings will exceed 60'. In addition to the proposed boundary fence, heavy landscaping is proposed to provide a buffer between the properties. The applicant is also requesting a 5' side yard setback reduction between the duplexes. The MF zoning requires a 15' separation between apartment buildings with openings (windows and doors); the site plan shows a 10' separation between the buildings. This is comparable to a 5' side yard setback in a Single Family-3 (SF-3) zoning district and is recommended. All other setbacks – front and rear setbacks are within standards.

The applicant is proposing three means of access to this site – one on Toll Bridge Road and two on Interstate 35 Frontage Road, subject to TxDOT's approval. Staff has informed the applicant of a proposed collector road that will extend through the proposed River Farm development to the frontage road, which may potentially impact the location of the proposed driveways along the frontage road. The applicant and staff have contacted TxDOT for their approval of the proposed driveways and the possible location of the east-west collector.

According to Section 34, *Off-Street Parking and Loading Requirements*, of the Zoning Ordinance, multi-family developments with three bedrooms are required to have 2.5 off-street parking spaces. Staff believes this is similar to a single family/duplex use which requires four parking spaces per dwelling unit. Per section 34.2, *Special Off-Street Parking Provisions – Residential District*, single family and duplex zoning districts are required to have two additional paved parking spaces behind the front property line to allow for stacking or maneuvering in addition to the two required covered parking spaces per section 34.6, *Parking Requirements Based on Use*. The minimum total number of parking spaces is 760. Staff is concerned that the

project will be deficient in parking, and access to the buildings may be blocked when needed by public safety personnel.

The applicant disagrees. This development proposes private roads (24' wide) with parking internal to the development which will be managed by a leasing agent. The applicant indicated that each unit would have an oversized garage and a driveway space. Per the applicant, the oversize garage is adequate for the 1.5 parking required. The applicant is proposing 20 visitor parking spaces and is agreeable to provide additional parking spaces subject to a completed evaluation of the site including tree preservation and site engineering requirements to achieve conformance with the multifamily parking requirements of 2.5 spaces per unit. From previous experiences with similar type of developments, staff recommends four parking spaces per unit. They are proposing 400 total parking spaces.

Per the elevations provided, all the dwelling units will have a masonry veneer on the first floor and hardi plank siding on the second floor. Concrete material is proposed for the boundary fencing. Each unit will be individually metered for water service. Individual residential trash containers will be provided to service each unit. Landscaping plans have not been provided but must meet the requirements of the Design Standards. Internal trails and neighborhood parks are proposed to provide green space and amenities in the development.

This development will tie into the newly constructed South Belton water and sewer lines. The sewer capacity calculations of the public facilities were based on split commercial and Single Family-1 residential uses west of Toll Bridge Road. This high-density residential use proposed west of Toll Bridge Road will impact the overall capacity of the sewer system, potentially limiting future developments that can tie into the sewer line.

An alternative plan was briefly presented to the P&ZC with the objective of achieving more parking spaces. The details were not clear and, as result Staff is recommending that this item be postponed until details pertaining to the parking and sewer capacity are addressed with the applicant.

Recommendation

At its meeting on May 17, 2022, the Planning and Zoning Commission voted unanimously to postpone this item to their June 21st meeting, and Staff concurs.

Attachments

Zoning application/Letter/Site Plan

Property Location Map

Zoning map

Aerial photo

Map with zoning notice boundary (200')/Zoning notice to owners/Property owner's list

Field notes

Applicant responses to staff comments

P&Z Minutes Excerpt

ZONING CHANGE APPLICATION

Fee: \$250.00



Date received:	
APPLICANT NAME: Avenue D Investments, LLC	
EMAIL: travismitchell7@gmail.com	PHONE NUMBER: 512-944-0948
MAILING ADDRESS: 1268 Kirby Kyle, TX 78640	
PROPERTY OWNER NAME: Michael and Nancy Henninger	
EMAIL: mhenninger.ctp@gmail.com	PHONE NUMBER: 254-718-5229
MAILING ADDRESS: 5890 Toll Bridge Road Belton, TX 76513	

Proposed Use of Structures (building) and Property (exterior property): Property Use: Duplex buildings with residential dwellings for rent & an Amenity/ Leasing Office
Current Use: Single family residence / Ag
LOCATION/STREET ADDRESS OF PROPERTY TO BE REZONED: 5890 Toll Bridge Road Belton, TX 76513
Legal Description of Property: Abstract Survey 18.168 Acres, being 14.583 acre tract and 3.585 acres tract, in the F Madrigal Survey, in Bell County
Lot(s): _____ Block(s): _____ of Subdivision _____
Existing Zoning: Highway Commercial/ Ag Proposed Zoning: Planned Unit Development

Signature of Applicant: BY: [Signature] Mymore Date: 4/18/2022

Signature of Owner (if not applicant): [Signature] Michael Henninger Date: 4/18/2022

City of Belton Planning Department
333 Water Street ★ Belton, Texas 76513 ★ Phone (254) 933-5812 ★ Fax (254) 933-5822

Checklist for Items to be submitted with a zoning change application:

- ☐ Signed application
- ☐ Fees paid
- ☐ Complete legal descriptions of the property to be rezoned
- ☐ Site plans per Section 32, Planned Development, of the Zoning Code. Please see **below** for guidelines.

In the event the request involves more than one lot, **a portion of a lot** or irregular tracts or acreage, **a Metes and Bound legal description, prepared by a registered Land Surveyor, registered in the State of Texas, is required.**

Notice: If any construction is planned, a copy of the plans and a plat must be attached.

Requests for zoning changes must be submitted by the 15th day of the month to be placed on the agenda for the Planning and Zoning Commission meeting the next month.

The Planning and Zoning Commission meets on the third Tuesday of the month; their recommendations are normally placed on the agenda for the City Council meeting on the fourth Tuesday of the month.

The development plan shall include:

- a. A site inventory analysis including a scale drawing showing existing vegetation, natural water courses, creeks or bodies of water and an analysis of planned changes in such natural features as a result of the development. This should include as a delineation of any flood prone areas.
- b. As a scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts; the land area of all abutting sites; and the zoning classification thereof on an accurate survey of the tract with as a topographical contour interval of not more than five feet (5').
- c. As a site plan for proposed building complexes showing the location of separate buildings and the minimum distance between buildings and property lines, street lines and alley lines. Also, to be included on the site plan is a plan showing the arrangement and provision of off-street parking.
- d. As a landscape plan showing turf areas, screening walls, ornamental planting, wooded acres and trees to be planted.
- e. An architectural plan showing elevations and signage style to be used throughout the development in all districts except single-family and two-family may be required by the Planning and Zoning Commission or City Council if deemed appropriate.
- f. All Development Plans may have supplemental data describing standards, regulations or other data pertinent to the development of the Planned Development District which is to be included in the text of the amending ordinance.

City of Belton Planning Department

333 Water Street ★ Belton, Texas 76513 ★ Phone (254) 933-5812 ★ Fax (254) 933-5822

April 18, 2022

City of Belton
Planning and Zoning Department
PO Box 120
Belton, TX 76513

Re: Zoning Application for 5890 Toll Bridge

To Whom it May Concern,

Thank you for considering the zoning request on our property, 5890 Toll Bridge in Belton. This proposal has been a year in the making. We are proud to submit this complete zoning request for your review. If you have any questions of us as landowners, please do not hesitate to reach out. For technical questions, please contact the developers using the contact information they provided.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Henninger", is written over the printed name.

Michael and Nancy Henninger
254-718-5229
mhenninger.ctp@gmail.com

April 18, 2022

City of Belton
Planning and Zoning Department
PO Box 120
Belton, TX 76513

RE: Zoning Application to the Henninger's Tract

To Whom it May Concern,

Thank you for accepting our zoning application for the two parcels that make up the Henninger's tract. The proposed zoning for the tract is Planned Unit Development to create a single family for rent multi-family residential community with residential amenities and trail.

The property is comprised of two parcels a 14.583-acre and 3.585-acre tracts for a total of 18.168 acres. The site is located east of Interstate Highway 35 (IH-35) and has a little over 1,035 linear feet of road frontage along IH-35 and Toll Bridge Road. There will be two entrances to the community one being on IH-35 and the other on Toll Bridge. There are City of Belton utilities that are sufficient in capacity to service the tract. Currently, two ponds are proposed to manage storm water. The proposed site plan is intended to weave the residential units around the exiting trees and is subject to change based on the pending tree survey.

The single family for rent use will add needed housing in the City and broaden the housing options. This is an important option for the City especially with the increasing interest rates pushing home ownership out of reach or delaying a purchase.

Below is a short summary of the proposed development and attached is the zoning application for your review and comment.

Site Summary

- Site includes: 95 Residential buildings (190 units), 1.5 acres for stormwater management, pool/leasing office, 2 pocket parks
- Units have 18' long driveways
- Private roads to be 24' wide and strategically widened to be 26' at fire hydrant locations if required
- Private alley to be 20' wide (only in southeastern block)
- 6 Buildings (12 units) at location of existing home.

Assumptions

- Proposed variance to allow 40' side yard when building is more than one story in height and adjacent to SF zoning. (15.4. A.2 of Zoning Ordinance)
- Toll Bridge Road ROW widened 15' into the site
- Public Water/ Sewer within a combined easement on our private roads
- TBD: Optional entrance at the north end of I-35.

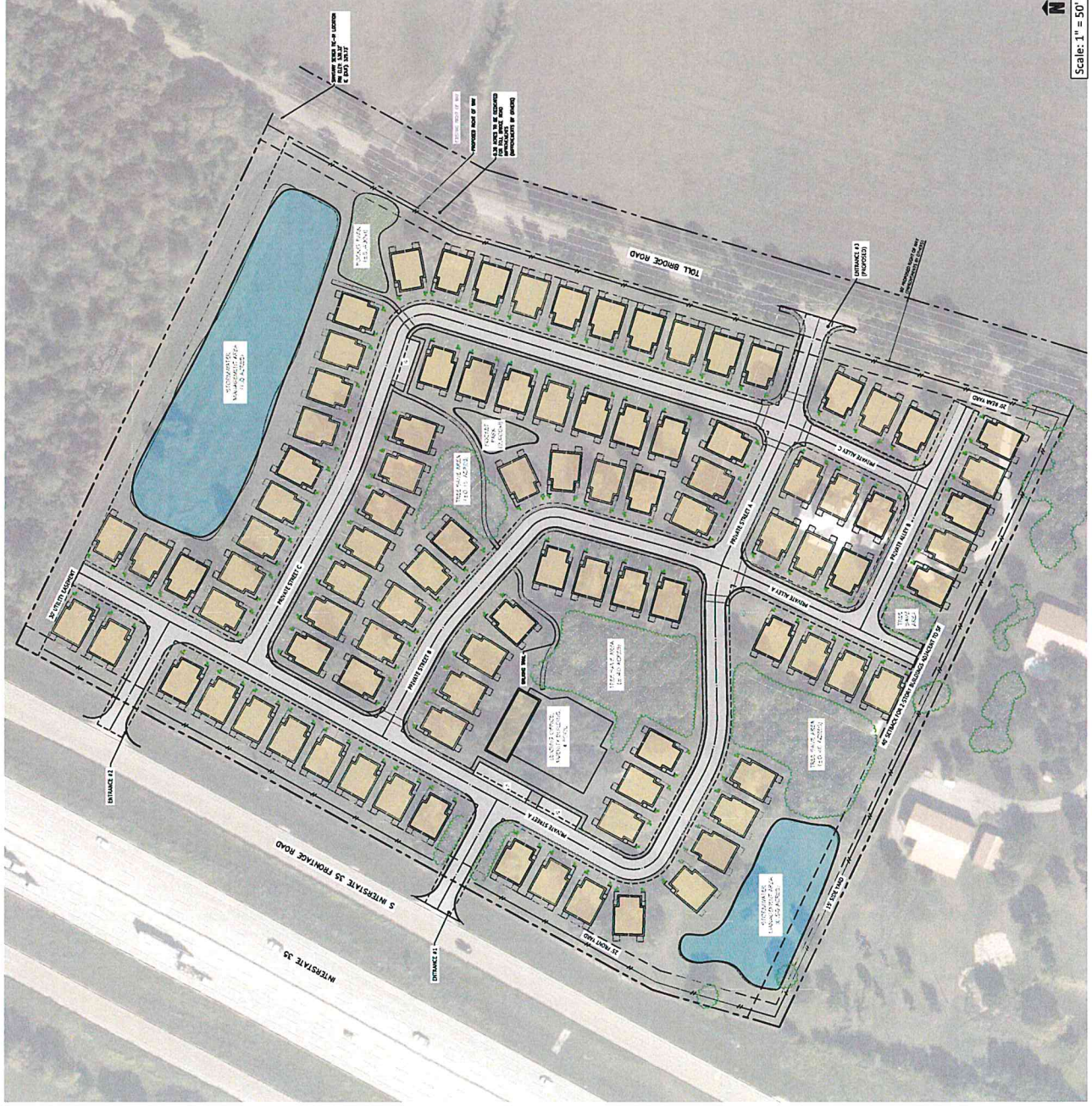
Should you have any questions regarding the application please reach out to Travis Mitchell at 512-944-0948 or email: travismitchell7@gmail.com or Myra Goepp at 512-472-7455 or email: Myra@benchmarktx.net.

Thank you for the opportunity to submit this application.

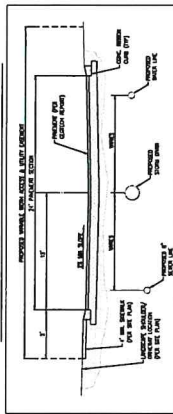
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1. ELEVATION INFORMATION IS BASED ON THE SURVEYS BY BURLY ASSOCIATES, INC. DATED "11-5-83 ACRES F, MARIONAL SURVEY, ABSTRACT NO. 554" DATED 03/29/2022 AND "3-5-85 ACRES F, MARIONAL SURVEY, ABSTRACT NO. 554" DATED 03/29/2022.
2. TOPOGRAPHIC INFORMATION IS BASED ON GTS TOPOG.

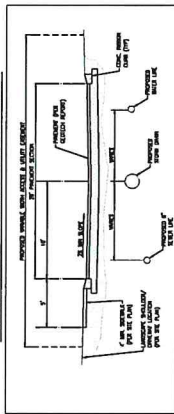
/ 5890 TOLL BRIDGE ROAD / SITE PLAN EXHIBIT



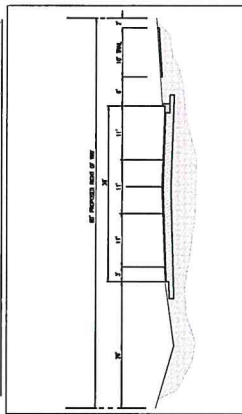
EMPIRE
RENTAL LIVING

PRIVATE STREET - PROPOSED CROSS SECTION

PRIVATE ALLEY - PROPOSED CROSS SECTION

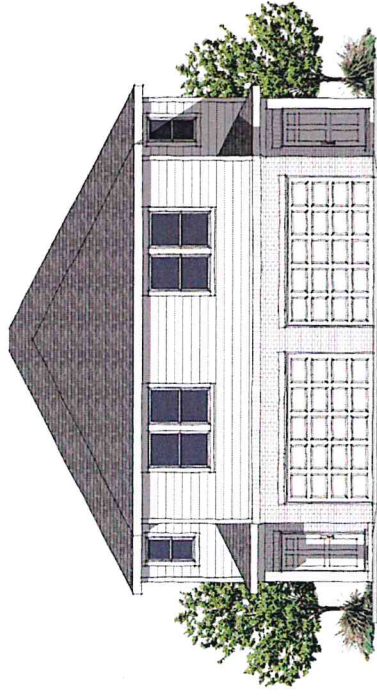


PROPOSED TOLL BRIDGE ROAD IMPROVEMENTS (BY OTHERS)

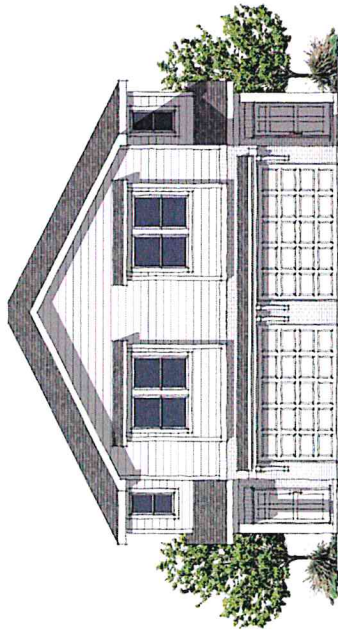


April 14, 2022

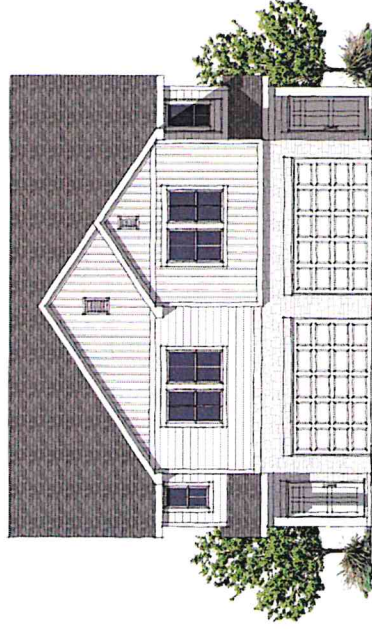
/ 5890 TOLL BRIDGE ROAD / DUPLEX ELEVATION EXAMPLES



ELEVATION 'A'

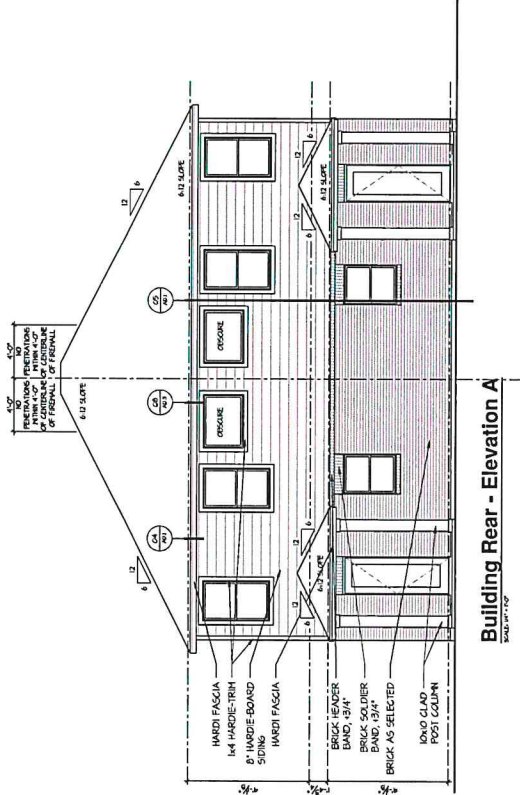


ELEVATION 'B'

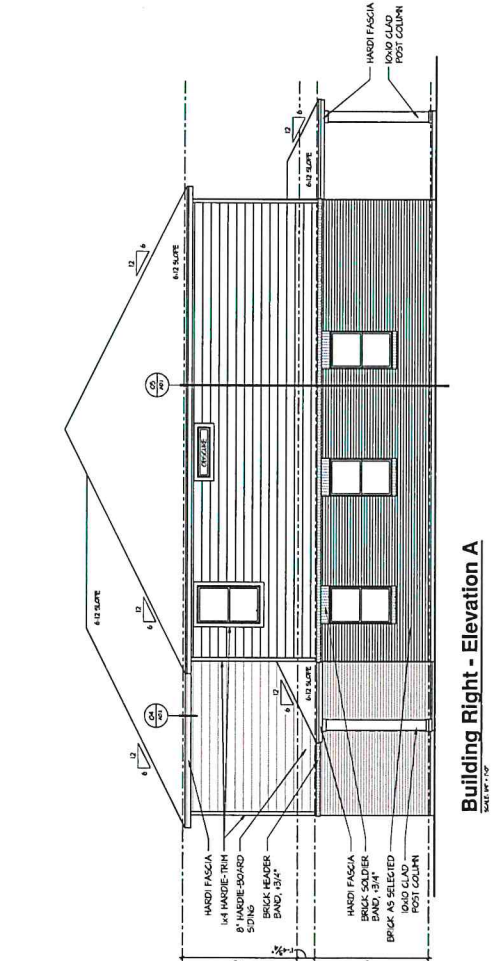
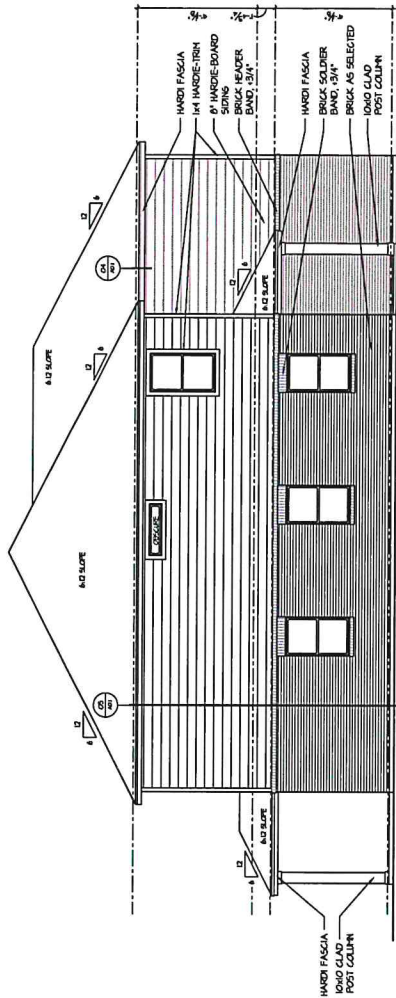


ELEVATION 'C'

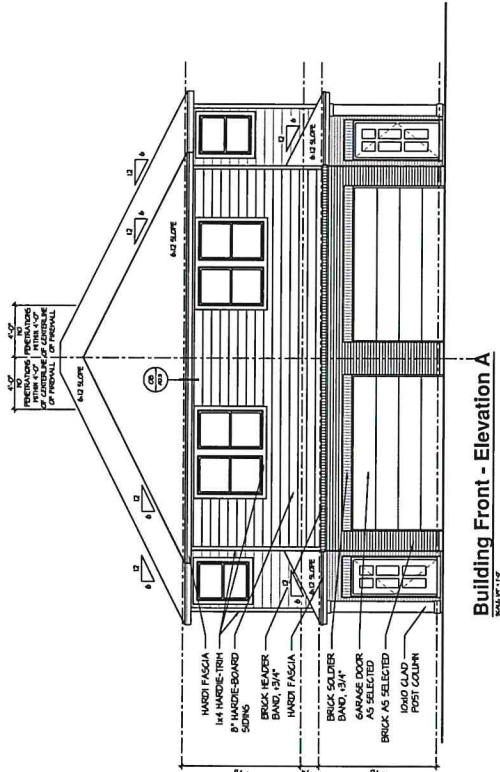
/ 5890 TOLL BRIDGE ROAD / DUPLEX ELEVATION EXAMPLES



Building Left - Elevation A



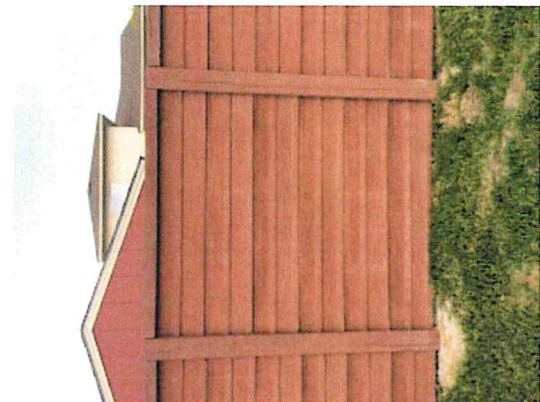
Building Right - Elevation A



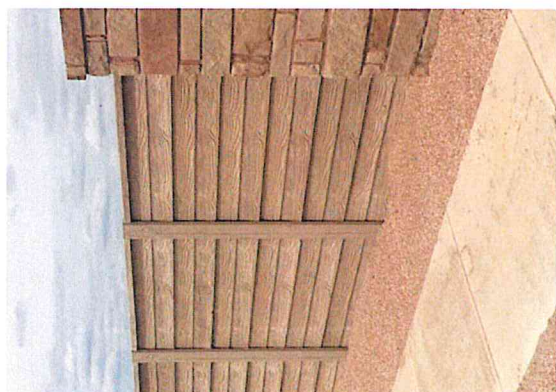
Building Front - Elevation A

/ 5890 TOLL BRIDGE ROAD / SIGNAGE & FENCING EXAMPLES

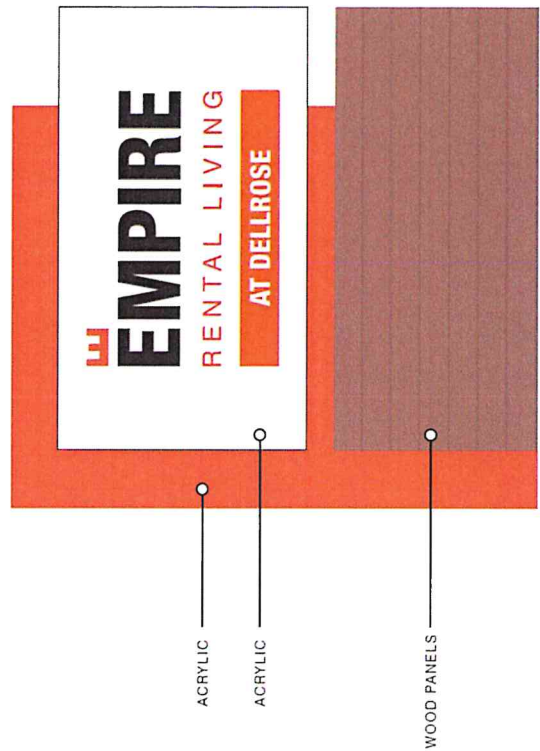
Example Boundary Fence



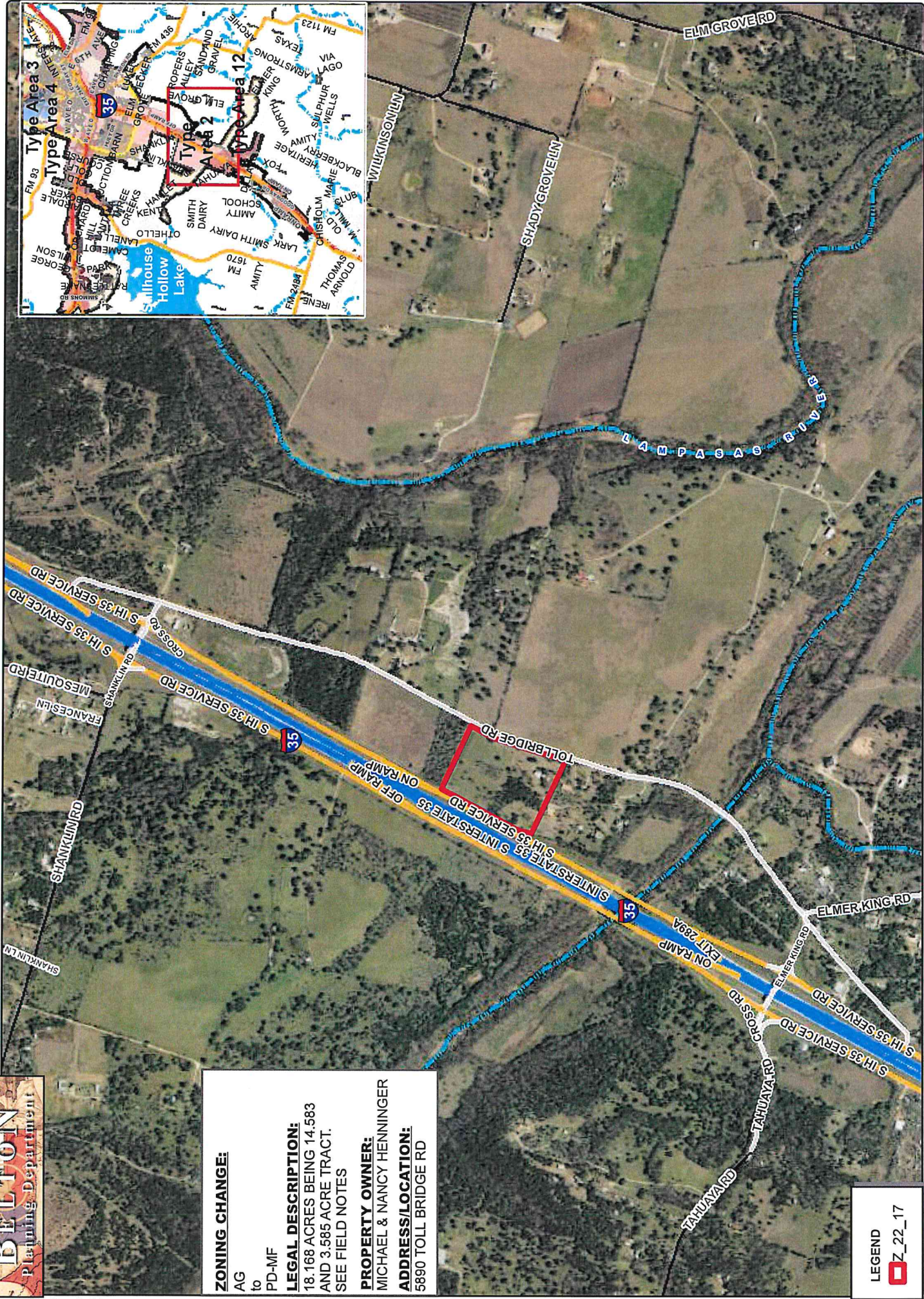
Example Boundary Fence



Example Sign



Zoning Case # Z-22-17 Location



ZONING CHANGE:

AG
to
PD-MF

LEGAL DESCRIPTION:

18.168 ACRES BEING 14.583
AND 3.585 ACRE TRACT.
SEE FIELD NOTES

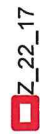
PROPERTY OWNER:

MICHAEL & NANCY HENNINGER

ADDRESS/LOCATION:

5890 TOLL BRIDGE RD

LEGEND



Z_22_17

Map Date: 5/3/2022

0 500 1,000 2,000 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.

Zoning Case # Z-22-17 Zoning



Author: Anthony Holzgrass, City of Belton

ZONING CHANGE:

AG
to
PD-MF

LEGAL DESCRIPTION:

18.168 ACRES BEING 14.583
AND 3.585 ACRE TRACT.
SEE FIELD NOTES

PROPERTY OWNER:

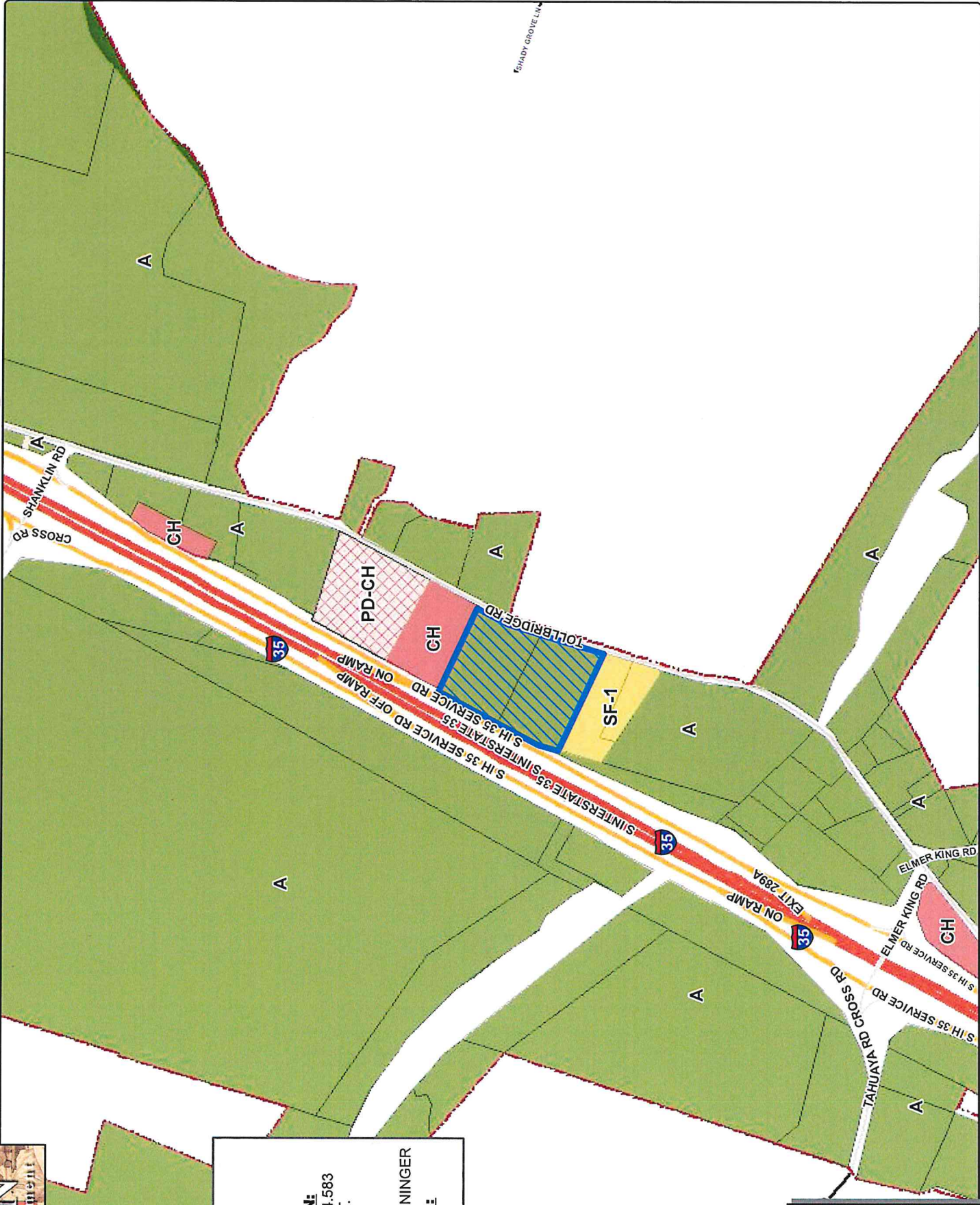
MICHAEL & NANCY HENNINGER

ADDRESS/LOCATION:

5890 TOLL BRIDGE RD

Legend

- Z_22_17
- City Parcels
- City Limits
- Current_Zoning
- Agricultural
- Commercial Highway
- Planned Development
- Single Family-1



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Map Date: 5/3/2022

Zoning Case # Z-22-17 Aerial



ZONING CHANGE:
AG
to
PD-MF

LEGAL DESCRIPTION:
18.168 ACRES BEING 14.583
AND 3.585 ACRE TRACT.
SEE FIELD NOTES

PROPERTY OWNER:
MICHAEL & NANCY HENNINGER

ADDRESS/LOCATION:
5890 TOLL BRIDGE RD

LEGEND
Z_22_17



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



Map Date: 5/3/2022

Zoning Case # Z-22-17



ZONING CHANGE:
AG
to
PD-MF

LEGAL DESCRIPTION:
18.168 ACRES BEING 14.583
AND 3.585 ACRE TRACT.
SEE FIELD NOTES

PROPERTY OWNER:
MICHAEL & NANCY HENNINGER

ADDRESS/LOCATION:
5890 TOLL BRIDGE RD

Legend

- Z_22_17
- 200' Property Owner Notification Area
- Tax Appraisal Parcels



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

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: AVENUE D INVESTMENT, LLC.,
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 5890 TOLLBRIDGE DRIVE,
FROM A(N) AGRICULTURAL ZONING DISTRICT,
TO A(N) PLANNED DEVELOPMENT - MULTIPLE FAMILY (MF) ZONING DISTRICT,
TO DEVELOP DUPLEX APARTMENT COMPLEX.

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, May 17, 2022**, AT THE T.B. HARRIS CENTER, 401 N. ALEXANDER, BELTON, TEXAS.

IF APPROVED BY THE PLANNING & ZONING COMMISSION, THIS ITEM WILL BE PLACED ON THE AGENDA FOR A PUBLIC HEARING BY THE CITY COUNCIL. THAT MEETING WILL BE AT **5:30 P.M., Tuesday, May 24, 2022**, 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 REGARDING THIS ZONING CHANGE. YOU MAY SUBMIT WRITTEN COMMENTS BY COMPLETING THIS FORM AND RETURNING IT TO THE ADDRESS BELOW OR VIA EMAIL TO PLANNING@BELTONTXAS.GOV, PRIOR TO 1:00 P.M. ON MAY 17, 2022.

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**

30087
SHEPPERD, BEN TAYLOR ETUX KRISTEN NESBITT
808 SOUTHERN HILLS CT
COLLEGE STATION, TX 77845

99278
HUNT COMMUNITIES BELTON LLC
6101 TOLLBRIDGE RD
BELTON, TX 76513

133018
HENNINGER, FRED MICHAEL ETUX
5890 TOLLBRIDGE RD
BELTON, TX 76513-7559

99276
HERRICK PROPERTIES LLC - SERIES D
13480 BLACKBERRY RD
SALADO, TX 76571

105615
SHEPPARD, ELIZABETH A
PO BOX 687
BELTON, TX 76513

423638
STONE, KENNETH W ETUX SHELLEY E
5900 TOLLBRIDGE RD
BELTON, TX 76513-8212

99277
HUNT COMMUNITIES BELTON LLC
6101 TOLLBRIDGE RD
BELTON, TX 76513

133017
HENNINGER, FRED MICHAEL ETUX
5890 TOLLBRIDGE RD
BELTON, TX 76513-7559

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

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circle one

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

1. Benefit to the growth and development for the
2. City of Belton

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

DATE: May 10, 2022 SIGNATURE: Fred Michael Etux

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

133017

HENNINGER, FRED MICHAEL ETUX
5890 TOLLBRIDGE RD
BELTON, TX 76513-7559

133018

HENNINGER, FRED MICHAEL ETUX
5890 TOLLBRIDGE RD
BELTON, TX 76513-7559

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5/16/22*

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BENE a 14,583 acre tract of land situated in the F. MAGUIRAL SURVEY, ABSTRACT No. 554, Bell County, Texas and being a part or portion of that certain 10,000 acre tract of land described as "South Tract" and being a part or portion of that certain 10,000 acre tract of land described as "North Tract" in a Warranty Deed with Vendor's Lien dated May 5, 1994 from Larry R. Montgomery and wife, Patricia Montgomery to Fred Michael Heminger and wife, Nancy Heminger and being of record in Volume 3152, Page 78, Official Public Records of Bell County, Texas.

Oct 1908

This Property is not within the Special Flood Hazard Area as per the Federal Emergency Management Agency Federal Insurance Administration Map No. 45027C0340E, dated September 26, 2008.

Michael E. Anis
Michael E. Anis, R.P.L.S., No. 5402

BEING a 14.583 acre tract of land situated in the F. MADRIGAL SURVEY, ABSTRACT No. 554, Bell County, Texas and being a part or portion of that certain 10.000 acre tract of land described as "South Tract" and being a part or portion of that certain 10.000 acre tract of land described as "North Tract" in a Warranty Deed with Vendor's Lien dated May 5, 1994 from Larry R. Montgomery and wife, Priscila Montgomery to Fred Michael Henninger and wife, Nancy Henninger and being of record in Volume 3152, Page 78, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found being the southwest corner of the said 10.000 acre tract (South Tract) and being in the east boundary line of that certain 3.86 acre tract of land described in a General Warranty Deed dated March 3, 2020 from Helen Marie Doss Tausch, Carol Lynn Doss Fuller, Curtis Ray Doss, John Wesley Doss, Donald Edward Doss, Donna Jo Shepp, Debora Elaine Fincher, Judith Johnson Doss, and Johnnie Young Madison, Jr. to Ben Taylor Shepperd and spouse, Kristen Nesbitt Shepperd and being of record in Document No. 202000011035, Official Public Records of Bell County, Texas and being the northwest corner of that certain 5.00 acre tract of land described in an Assumption Warranty Deed dated April 30, 2010 from Bobby W. Stone and wife, Janet M. Stone to Kenneth W. Stone and wife, Shelley E. Stone and being of record in Document No. 201000016823, Official Public Records of Bell County, Texas for corner;

THENCE N. 16° 21' 22" E., 160.20 feet departing the said 5.00 acre tract and with the west boundary line of the said 10.000 acre tract (South Tract) and with the said east boundary line to a Texas Department of Transportation aluminum cap right-of-way monument found being the northerly corner of the said 3.86 acre tract and being in the east right-of-way line of Interstate Highway No. 35 as described in right-of-way maps provided by Texas Department of Transportation for corner;

THENCE N. 28° 32' 16" E., departing the said 3.86 acre tract and with the said east right-of-way line of Interstate Highway No. 35 and over and across the said 10.000 acre tract (South Tract) and continuing over and across the said 10.000 acre tract (North Tract) at 763.30 feet pass a Texas Department of Transportation aluminum cap right-of-way monument found at the beginning of a non-access line as described in said right-of-way maps provided by Texas Department of Transportation and continuing with the said non-access line and the said east right-of-way line at 875.45 feet in all to a Texas Department of Transportation aluminum cap right-of-way monument found being the in the north boundary line of the said 10.000 acre tract (North Tract) and being in the south boundary line of that certain 23.96 acre tract of land described in a Warranty Deed dated November 26, 2019 from Jerry L. Herrick and wife, Elaine S. Herrick to Herrick Properties, LLC – Series D, a Texas series limited liability company and being of record in Document No. 201900054467, Official Public Records of Bell County, Texas for corner;

THENCE S. 64° 30' 48" E., 711.99 feet departing the said east right-of-way line and the said non-access line and with the said north boundary line (calls S. 61° 52' 09" E., 884.95 feet) and with the said south boundary line to a 1/2" iron rod found being the northeast corner of the said 10.000 acre tract (North Tract) and being the southeast corner of the said 23.96 acre tract and being in the west right-of-way line of Toll Bridge Road (a publicly maintained roadway) as occupied and evidenced on the ground for corner;

THENCE departing the said 23.96 acre tract and with the east boundary line of the said 10.000 acre tract (North Tract) and with the said west right-of-way line of Toll Bridge Road the following two (2) calls:

- 1) S. 28° 47' 33" W., 264.76 feet (calls S. 31° 28' 31" W., 264.63 feet) to a 1/2" iron rod found for corner;



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ENGINEERING FIRM #1658 SURVEY FIRM #10056000

- 2) S. 16° 53' 41" W., 249.48 feet (calls S. 19° 33' 55" W., 249.67 feet) to a 1/2" iron rod found being the southeast corner of the said 10.000 acre tract (North Tract) and being the northeast corner of the said 10.000 acre tract (South Tract) for corner;

THENCE S. 16° 56' 01" W., 150.26 feet departing the said 10.000 acre tract (North Tract) and with the east boundary line of the said 10.000 acre tract (South Tract) (calls S. 19° 33' 55" W., 527.46 feet) and continuing with the said west right-of-way line of Toll Bridge Road to a 1/2" iron rod with cap stamped "RPLS 2475" set for corner;

THENCE departing the said west right-of-way line of Toll Bridge Road and the said east boundary line and over and across the said 10.000 acre tract (South Tract) the following two (2) calls:

- 1) N. 69° 37' 44" W., 413.10 feet to a 1/2" iron rod with cap stamped "RPLS 2475" set for corner;
- 2) S. 25° 28' 21" W., 335.87 feet to a 1/2" iron rod with cap stamped "RPLS 2475" set being in the south boundary line of the said 10.000 acre tract (South Tract) and being in the north boundary line of the aforementioned 5.00 acre tract for corner;

THENCE N. 64° 31' 39" W., 366.15 feet with the said south boundary line (calls N. 61° 52' 09" W., 833.40 feet) and with the said north boundary line to the Point of BEGINNING and containing 14.583 acres of land.

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.



Michael E. Alvis, R.P.L.S. #5402
February 29, 2022



Bearing Base: Texas State Plain Coordinate System (NAD 1983) as determined by G.P.S. observation.



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ENGINEERING FIRM #1658 SURVEY FIRM #10056000

BEING 3.585 ACRES MORE PARTICULARLY DESCRIBED IN SEPARATE
FIELD NOTES.

BEING a 3.585 acre tract of land situated in the F. MADRIGAL SURVEY, ABSTRACT No. 554, Bell County, Texas and being a part or portion of that certain 10.000 acre tract of land described as "South Tract" in a Warranty Deed with Vendor's Lien dated May 5, 1994 from Larry R. Montgomery and wife, Priscila Montgomery to Fred Michael Henninger and wife, Nancy Henninger and being of record in Volume 3152, Page 78, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found being the southeast corner of the said 10.000 acre tract (South Tract) and being the northeast corner of that certain 5.00 acre tract of land described in an Assumption Warranty Deed dated April 30, 2010 from Bobby W. Stone and wife, Janet M. Stone to Kenneth W. Stone and wife, Shelley E. Stone and being of record in Document No. 201000016823, Official Public Records of Bell County, Texas and being in the west right-of-way line of Toll Bridge Road (a publicly maintained roadway) as occupied and evidenced on the ground for corner;


THENCE N. 64° 31' 39" W., 467.41 feet departing the said west right-of-way line and with the south boundary line of the said 10.000 acre tract (South Tract) (calls N. 61° 52' 09" W., 833.40 feet) and with the north boundary line of the said 5.00 acre tract and with an existing fence line to a 1/2" iron rod with cap stamped "RPLS 2475" set for corner;

THENCE departing the said 5.00 acre tract and the said south boundary line and the said fence line and over and across the said 10.000 acre tract (South Tract) the following two (2) calls:

- 1) N. 25° 28' 21" E., 335.87 feet to a 1/2" iron rod with cap stamped "RPLS 247" set for corner;
- 2) S. 69° 37' 44" E., 413.10 feet part way with an existing fence line to a 1/2" iron rod with cap stamped "RPLS 2475" set being in the east boundary line of the said 10.000 acre tract (South Tract) and being in the aforementioned west right-of-way line of Toll Bridge Road for corner;

THENCE S. 16° 56' 01" W., 376.78 feet with the said east boundary line and the said west right-of-way line to the Point of BEGINNING and containing 3.585 acres of land.

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.


 Michael E. Alvis, R.P.L.S. #5402
 March 29, 2022



Bearing Base: Texas State Plain Coordinate System (NAD 1983) as determined by G.P.S. observation.



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 ENGINEERING FIRM #1658 SURVEY FIRM #10056000



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Austin, Texas 78701
t (512) 472 - 7455
f (512) 472 - 7499

April 29, 2022

Bob Van Til
Director of Planning
City of Belton
333 Water Street
Belton Texas 76513

RE: Henninger's Tract Zoning Request

Dear Mr. Van Till,

We appreciated your time yesterday to discuss and review the proposed Zoning application for the reference tract. Attached is a reduced set copy of the proposed plan for reference.

Site Summary

The proposed zoning for the tract is Planned Unit Development to create a single family for rent multi-family residential community with residential amenities and trail.

The property is comprised of two parcels a 14.583 and 3.585-acre tract for a total of 18.168 acres. The site is located east of Interstate Highway 35 (IH-35) and has a little over 1,035 linear feet of road frontage along IH-35 and Toll Bridge Road. Proposed are two entrances to the community, one being on IH-35 and the other on Toll Bridge. Water and wastewater service is desired from the City of Belton. These utilities are either on-site or stubbed to the tract. Two storm water ponds are proposed to manage storm water. The general land plan proposes to weave the residential units around the exiting trees and is subject to change based on the pending tree survey.

The single family for rent use will not only add needed housing to Belton but also diversify the City's housing options. As mortgage rates increase ownership may be delayed or be pushed out of reach for Belton residents. The single family for rent options creates and opportunity to live in a more traditional setting residential unit that mimics a single-family home as a rental option. Thus, the household budget is relieved of a down payment, mortgages, insurance, and property taxes demands yet affords more of a single-family experience. Also, the community will be managed under one provider which helps preserve the overall quality of the community.

Below is a short summary of the proposed development and attached is the zoning application for your review and comment.

Site Summary

- Site includes: 95 Residential buildings (190 units), 1.5 acres for stormwater management, pool/ leasing office, 2 pocket parks
- Units have 18' long driveways
- Private roads are proposed at 24-feet in width and strategically widened to be 26-feet at fire hydrant locations if required
- Private alley to be 20-feet wide (only in southeastern block)

Assumptions

- Proposed variance to allow 40-feet in width side yard setback when building is more than one story in height and adjacent to SF zoning. (15.4. A.2 of Zoning Ordinance).
- Toll Bridge Road ROW widened 15' into the site.
- Individual metered public Water/ Sewer within a combined easement on our private roads
- Parking requirements are measured by a multi family

The follow section includes City staff comments and Applicant responses to the inquires.

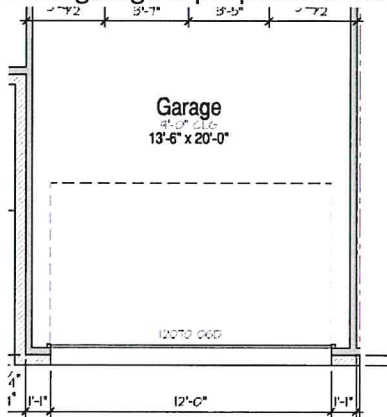
City of Belton (COB):

Yes, I was attempting to calculate the required parking spaces. Three-bedroom units requires 2.5 parking spaces per unit (Zoning Ordinance 34.6, below). There appears to be 2 parking spaces (1 garage and 1 driveway) provided per unit and additional spaces at the proposed park locations. Will the parking meet the requirements or is a variance requested?

14. Dwellings, Multi-Family: Two (2) spaces per one and two bedroom units and two and a half (2 ½) spaces per three bedroom unit

Applicant:

Each garage is proposed to be oversized. 13&1/2 feet by 20 feet



The dimensions of the proposed garages provide 270 square feet. A standard one bay garage would be approximately 9 to 10 feet width by 20 feet or approximately 180-200 square feet. Thus, the proposed garages are 35-50% larger than a standard garage. This is an equivalent 66.5 to 90 spaces.

The plan also calls for 20 additional parking spaces, the 190 driveway spaces and 190 in the garage spaces for a grand total of 466.5 to 490 parking spaces. Below is a summary recap table for ease of reference. Based on the code, 190 units at 2.5 spaces would require 475 spaces. Thus, the proposed plan is generally within code. Please also know that subject to tree preservation, the builder has no objection to adding a few more visitor space.

Oversize garage area	270	270		
Range comparison	180	200		
Difference	90	70		
Percent Difference	50%	35%		
Belton Parking			Oversized Garage	Oversized Garage
	UNITS	2.5 SPACE/3 BED	low range	high range
Required Code	190	2.5	475	475
Visitor Spaces			20	20
Garage			190	190
Oversize Garage Portion - Low	190		66.5	
Oversize Garage Portion - High	190			95
Driveway	190		190	190
Total Site Parking			466.5	495
Difference from code parking requirement			-8.5	20

COB additional parking comments:

1. Parking - A duplex parking requirement is applicable to this use. This requires two covered parking spaces behind the front building line – 2 car garage or carport, Section 34.6 (13) Zoning Ordinance.

Applicant Response (AR):

The proposed Use is Planned Unit Development – Multi Family for rent with rental duplex. The proposed project provides 2.5 spaces (1.5 garaged space and one driveway space for each unit) plus visitor parking.

Thus, the proposed parking generally complies with code. See code pasted below.

SECTION 14 2F - TWO FAMILY RESIDENTIAL DISTRICT (DUPLEX)

Section 14.4 D states:

*Parking Regulations: Residential Structures - Two (2) spaces on the same lot as the dwelling unit
(See Section 34, Off-Street Parking and Loading Regulations)*

The off-street parking and Loading regulations further states

34.6 PARKING REQUIREMENTS BASED ON USE: In all Districts, there shall be provided at the time any building or structure is erected or structurally altered, off-street parking spaces in accordance with the following requirements:

All proposed parking spaces are off street within the proposed lot. The driveway parking spots are internal and screened by the actual homes of the community.

Section 34.6 #13 & 14 pasted below pertains to off-street parking spaces.

13. Dwellings, Single Family and Duplex - Two covered spaces for each unit, located behind the front building line.

Item 13 seems to speak to a fee simple duplex lot that takes driveway access off a public ROW and not a Multifamily use.

14. Dwellings, Multi-Family: Two (2) spaces per one and two bedroom units and two and a half (2 ½) spaces per three bedroom unit

Item 14 is meet by the proposed plan.

City of Belton (COB):

2. The site plan appears to request a setback reduction of 20' for a side yard setback when adjacent to two stories. Are two story duplexes proposed? Elevations plans are required for a Planned Development Zoning District.
 - a. Are there any other variances requested that do not meet the MF zoning district standards (attached) – i.e., building separation, etc.

Applicant Response (AR):

Two story structures are proposed. Elevations are found on the sheet 6 of 7 and 7 of 7. Yes, we are requesting a variance of the side yard setback there are not other know variances being requested at this time.

City of Belton (COB):

3. Please engage TxDOT's review of the two proposed accesses located on IH35? Additionally, the City's Thoroughfare Plan Map proposes a collector road near the vicinity of this property (see attached map). The City is in the early stages of reviewing this roadway with the submittal of the River Farm General Plan. We met with TxDOT for their input on the appropriate location for connecting to the IH35 frontage roadway based on distances from existing on/off ramps and driveways. We're awaiting a written response from TxDOT to know how to proceed with this roadway.

Applicant Response (AR):

We have an appointment with TXDOT this Tuesday to discuss driveway access on the frontage road and to better understand the possible Belton Thoroughfare Plan.

City of Belton (COB):

4. What provisions have been made for refuse services – **individual containers** or dumpsters? Zoning Ordinance Section 15.5, Refuse Facility, requires Multifamily dwellings to provide refuse within 250' of each dwelling.

Applicant Response (AR):

Individual containers are preferred to mimic a single-family condition.

City of Belton (COB):

5. What type of fencing is proposed along the I-35 corridor? Per [Design Standards and Guidelines Section III.D.1.c.i](#), fencing shall be compatible with the design of the nearby architecture. Masonry is preferred but at a minimum masonry columns every 50' with wood fencing with a capped top rail is required.

Applicant Response (AR):

Currently proposing a concrete fencing material as shown on the application sheet 5 of 7.

City of Belton (COB):

6. Perimeter street requirements may be required for Tollbridge Road that meets the requirements of the Subdivision Ordinance section 501.01H. The site plan indicates



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"improvements by others." Will be reviewed with the submission of the subdivision plat.

Applicant Response (AR):

Applicant understands that the additional ROW will be dedicated with the plat and a boundary fiscal may be required at the time of subdivision plat.

Regards,

Myra Goepp

Minutes of the
Planning and Zoning Commission (P&ZC)
City of Belton, City Hall
333 Water Street
Tuesday, May 17, 2022

The Planning and Zoning Commission met at 5:30 p.m. at the Harris Community Center, 401 North Alexander Street. Commission members who were present: Chair Brett Baggerly, Vice Chair Dave Covington, Dave Jarratt, Quinton Locklin, Alton McCallum and Joshua Knowles. The following members were absent: Nicole Fisher, Zach Kruger, and Luke Potts. The following staff members were present: Director of Planning Bob van Til, Planner Tina Moore, Planning Fire Marshal Jeff Booker and IT Specialist Alex Munger.

6. Z-22-17 - Hold a public hearing and consider a zoning change from Agricultural (Ag) to Planned Development - Multiple Family District (PD – MF) on approximately 18.168 acres located at 5890 Toll Bridge Road. (Audio 45:11)

Staff Planner Ms. Moore presented the staff report.

The applicant's representative, Myra Goepp, presented their solutions to address adequate parking on the site and their intent to work with staff and consultants to address sewer capacity questions.

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

Ms. Goepp addressed questions from the commission regarding parking.

Commission Member Jarratt made a motion to table the item until the June 21st meeting of the commission. The motion was seconded by Commission Member Joshua Knowles. The motion was tabled with a vote of 6 ayes, 0 nays.

Staff Report – City Council Agenda Item



Date: May 24, 2022
Case No.: Z-22-18
Request: MH to PD-MF/C-2
Applicant/Owners: Republic Engineering & Development Services/ Belton Hilltop LLC.

Agenda Item #12

Z-22-18 – Hold a public hearing and consider a zoning change from Mobile Home District to Planned Development – Multiple Family and Commercial-2 District (PD-MF/C-2) on approximately 7.260 acres located at 1520 W. Avenue O, located at the southeast intersection of West Avenue O and Old Golf Course Road.

Originating Department: Planning Department – Tina Moore - Planner

Current Zoning: Mobile Home Residential

Proposed Zoning: Planned Development – Multifamily /Commercial-2

Future Land Use Map (FLUM) Designation: Commercial Corridor

Design Standards Type Areas 4: The projected growth for Type Area 4 is primarily commercial, retail, and neighborhood services with a higher standard as they are gateways into the City.

Background/Case Summary

The applicant is a prospective buyer for this property, and is exercising his due diligence subject to zoning. Ultimately, the applicant would like to construct apartments with a density of 28 units per acre. However, due to sewer capacity restrictions that may inhibit the MF use, the applicant, in addition, is requesting an alternative consideration for the Commercial-2 Zoning District.

Project Analysis and Discussion

Existing Conditions: This property is currently developed as a mobile home development. The adjacent properties zoning and uses are:

Direction	Zoning	Use
North	Planned Development – Commercial 1 and Light Industrial.	Belton Business Park Area

South	Commercial – 1 and Single Family-3	Residence and proposed Skyview Belton Addition
East	Commercial -2	Residence (slated for demolition)
West	Agricultural	RV Park

Land Use Table/Allowable Uses: The requested Multi Family Zoning District will allow for an apartment development subject to a detailed site plan to be reviewed and approved at a future public hearing.

Area & Setback Requirements: Minimum area and setback requirements for the requested Multi Family (MF) Zoning District are summarized below.

Multi Family

Lot Area:	10,000 sq ft;	Front Yard:	25'
	2,420 sq ft/du (18 du/acre)	Rear Yard:	20'
Lot Width:	80'	Side Yard:	8'/15' adjacent to street
Lot Depth:	120'		

Area & Setback Requirements for C-2 District: Minimum area and setback requirements for the requested C-2 Zoning District are summarized below:

C-2

Lot Area:	5,000 sq ft;	Front Yard:	20'
Lot Width:	50'	Rear Yard:	15'
Lot Depth:	100'	Side Yard:	15'/20' when adjacent to a street.

The subject lot is approximately 7.260 acres which exceeds the minimum lot size for both the MF and C-2 zoning districts. With the density proposed by the applicant (28 units per acre), this would equate to roughly a 200-unit apartment complex with required parking. The applicant is the owner and developer of the adjacent properties located to the south. During plat review for the adjacent subdivision, proposing 196 residential lots, staff expressed concerns about sewer capacity. It was determined that a maximum of 196 residential units could be serviced by the sewer. Staff brought these concerns to the applicant when the apartments were proposed. The existing mobile home park is not connected to City sewer but serviced by septic tanks.

The applicant has agreed to conduct a flow monitoring test to collect data at several downstream manholes for a period of three months to determine if the City's wastewater system can serve this development. The data collected will be analyzed by staff to evaluate the proposed development. If the system is unable to provide sanitary sewer service for the proposed MF use, at the density proposed, the commercial use will be allowed at this location. If the applicant receives a favorable sewer capacity analysis for the MF development, at the density proposed, the final layout will be subject to a public hearing before the Planning and Zoning Commission and City Council in the future, just like all PD site plans.

Recommendation

At its meeting on May 17, 2022, the Planning and Zoning Commission voted unanimously to recommend approval of the requested zoning change from Mobile Home District to Planned Development – Multiple Family and Commercial-2 District (PD-MF/C-2), subject to the following conditions:

1. Multiple Family Development - Should the City determine that wastewater capacity is acceptable for multi-family development, in excess of 18 dwelling units per acre, the applicant is required to submit an application for detailed site plan review of the development for compliance with applicable Zoning and Design standards.
 - a. The Multifamily (MF) development must conform to all applicable standards of the Zoning Districts with the following exception:
 - i. A maximum density of 28 units per acre is allowed.
 - b. If 18 units per acre or less, site plan review will be handled in the normal process required for a building permit.
2. Commercial-2 - If an unfavorable determination is received for the wastewater capacity study, uses meeting the requirements of the Commercial–2 (C-2) Zoning district are permitted and shall conform to all applicable standards of the Zoning Ordinance.
3. In either case, MF or C-2 - The development of the property shall conform to all applicable Type Area 4 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance.
4. A final subdivision plat meeting the requirements of the adopted Subdivision Ordinance is required.
5. Civil site plan and construction plans in compliance with adopted standards are required.

Attachments

Zoning application, proposed site plan and elevations

Property Location Map

Zoning map

Aerial photo

Zoning notice to owners/Owner notification list/Map with zoning notice boundary (200')

P&Z Minutes Excerpt

Ordinance

ZONING CHANGE APPLICATION

Fee: \$250.00



Date received:	
APPLICANT NAME: Republic Engineering & Development Services	
EMAIL: tyler@republiceds.com	PHONE NUMBER: 979-533-3906
MAILING ADDRESS: PO Box 3123, Harker Heights, TX 76548	
PROPERTY OWNER NAME: Belton Hilltop Village, LLC	
EMAIL:	PHONE NUMBER:
MAILING ADDRESS: 10412 Weller Dr, Austin, TX 78750	

Proposed Use of Structures (building) and Property (exterior property): Apartment/Commercial Development
Current Use: Mobile Home Community
LOCATION/STREET ADDRESS OF PROPERTY TO BE REZONED: 1520 W HWY 190, Belton, TX 76513
Legal Description of Property: Abstract Survey <u>J Townsend</u> Lot(s): <u>1</u> Block(s): <u>1</u> of Subdivision <u>7.260 Ac tract - See attached deed with field notes within</u>
Existing Zoning: <u>MH</u> Proposed Zoning: <u>PD</u>

Signature of Applicant: Tyler Freese Date: 04-15-2022
Signature of Owner (if not applicant): SEE ATTACHED LETTER Date: _____

City of Belton Planning Department
333 Water Street ★ Belton, Texas 76513 ★ Phone (254) 933-5812 ★ Fax (254) 933-5822

Checklist for Items to be submitted with a zoning change application:

- ☒ Signed application
- ☒ Fees paid
- ☒ Complete legal descriptions of the property to be rezoned
- ☒ Site plans per Section 32, Planned Development, of the Zoning Code. Please see below for guidelines.

In the event the request involves more than one lot, a portion of a lot or irregular tracts or acreage, a Metes and Bound legal description, prepared by a registered Land Surveyor, registered in the State of Texas, is required.

Notice: If any construction is planned, a copy of the plans and a plat must be attached. **Requests for zoning changes must be submitted by the 15th day of the month to be placed on the agenda for the Planning and Zoning Commission meeting the next month.** The Planning and Zoning Commission meets on the third Tuesday of the month; their recommendations are normally placed on the agenda for the City Council meeting on the fourth Tuesday of the month.

The development plan shall include:

- a. A site inventory analysis including a scale drawing showing existing vegetation, natural water courses, creeks or bodies of water and an analysis of planned changes in such natural features as a result of the development. This should include as a delineation of any flood prone areas.
- b. As a scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts; the land area of all abutting sites; and the zoning classification thereof on an accurate survey of the tract with as a topographical contour interval of not more than five feet (5').
- c. As a site plan for proposed building complexes showing the location of separate buildings and the minimum distance between buildings and property lines, street lines and alley lines. Also, to be included on the site plan is a plan showing the arrangement and provision of off-street parking.
- d. As a landscape plan showing turf areas, screening walls, ornamental planting, wooded acres and trees to be planted.
- e. An architectural plan showing elevations and signage style to be used throughout the development in all districts except single-family and two-family may be required by the Planning and Zoning Commission or City Council if deemed appropriate.
- f. All Development Plans may have supplemental data describing standards, regulations or other data pertinent to the development of the Planned Development District which is to be included in the text of the amending ordinance.

Date: April 8, 2022

To what it may concern,

I Nilay Limbachiya, owner of Belton Hilltop Village LLC, also known as Hilltop Village MHP agrees to rezone the land to Multi-Family (MF) zoning from Mobile Home Park zoning.

The land parcels as follows.

Address: 1520 W Avenue O, Belton TX 76513

A0818BC J Townsend, 6, AKA OB 217, Hilltop MHP, (PT of 7.260 acre Tract) Acres 6.28 and .98

The rezoning applicant is a buyer of Belton Hilltop Village LLC and realtor, whose information as follows. The Belton Hilltop Village is under contract as of April 6, 2022.

Arit Investments, LLC

Mr. David Beardsley

2121 North Hwy 281, Marble Falls, TX 78657

(469) 358-7580

dbeardsley@coreadvisory.com

Please, call/text or email Mr. Nilay Limbachiya for any questions.

Mr. Nilay Limbachiya

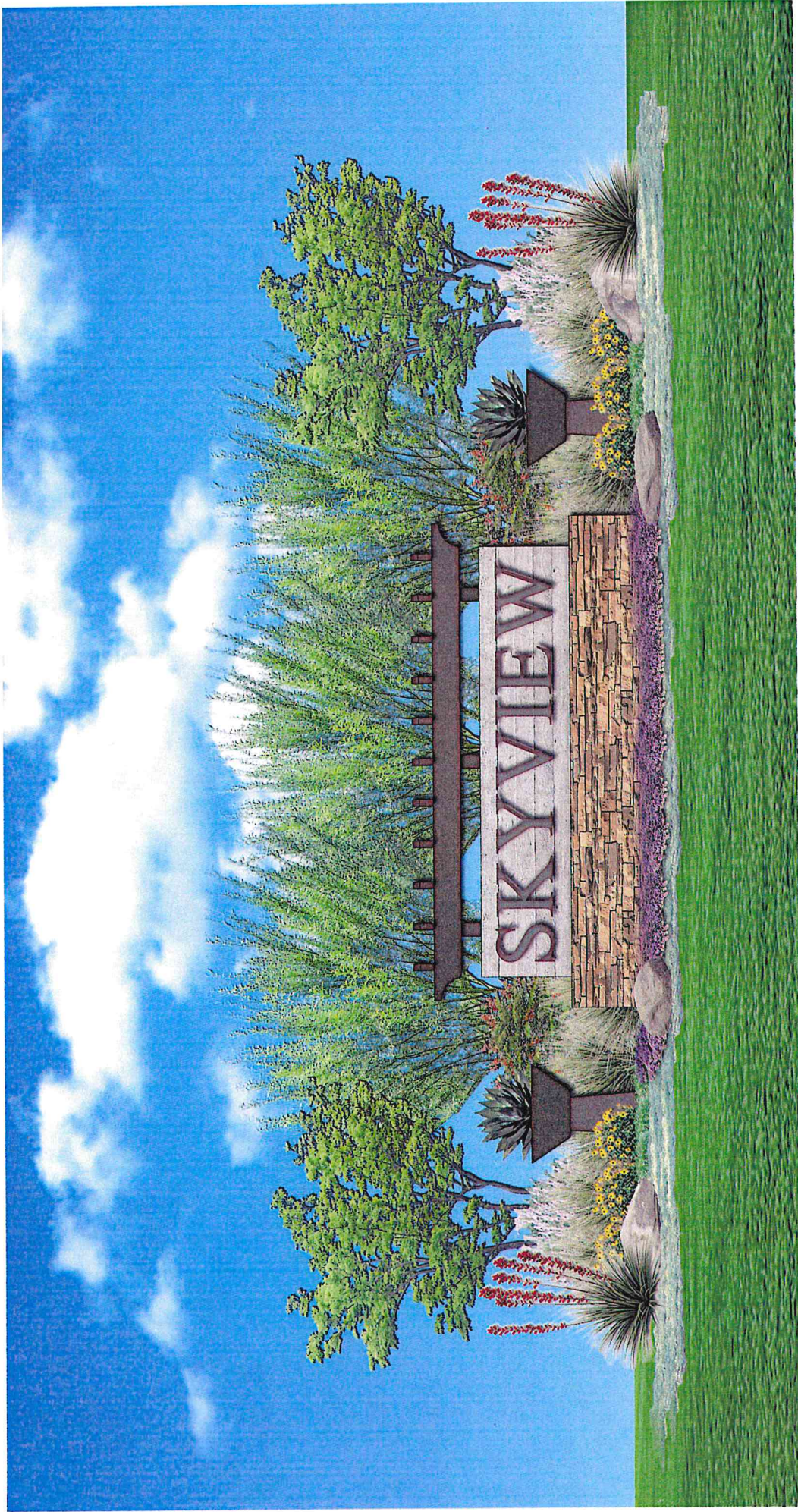
(512) 638-7330

nilaylimbachiya@gmail.com



SKYVIEW APARTMENTS

This is an artist's concept of "SKYVIEW APARTMENTS".
only. The actual layout may not appear as shown and may change without notice.



This is an artist's concept of "SKYVIEW APARTMENTS".
only. The actual layout may not appear as drawn and may change without notice.

SKYVIEW APARTMENTS SIGN CONCEPT



Zoning Case # Z-22-18 Location

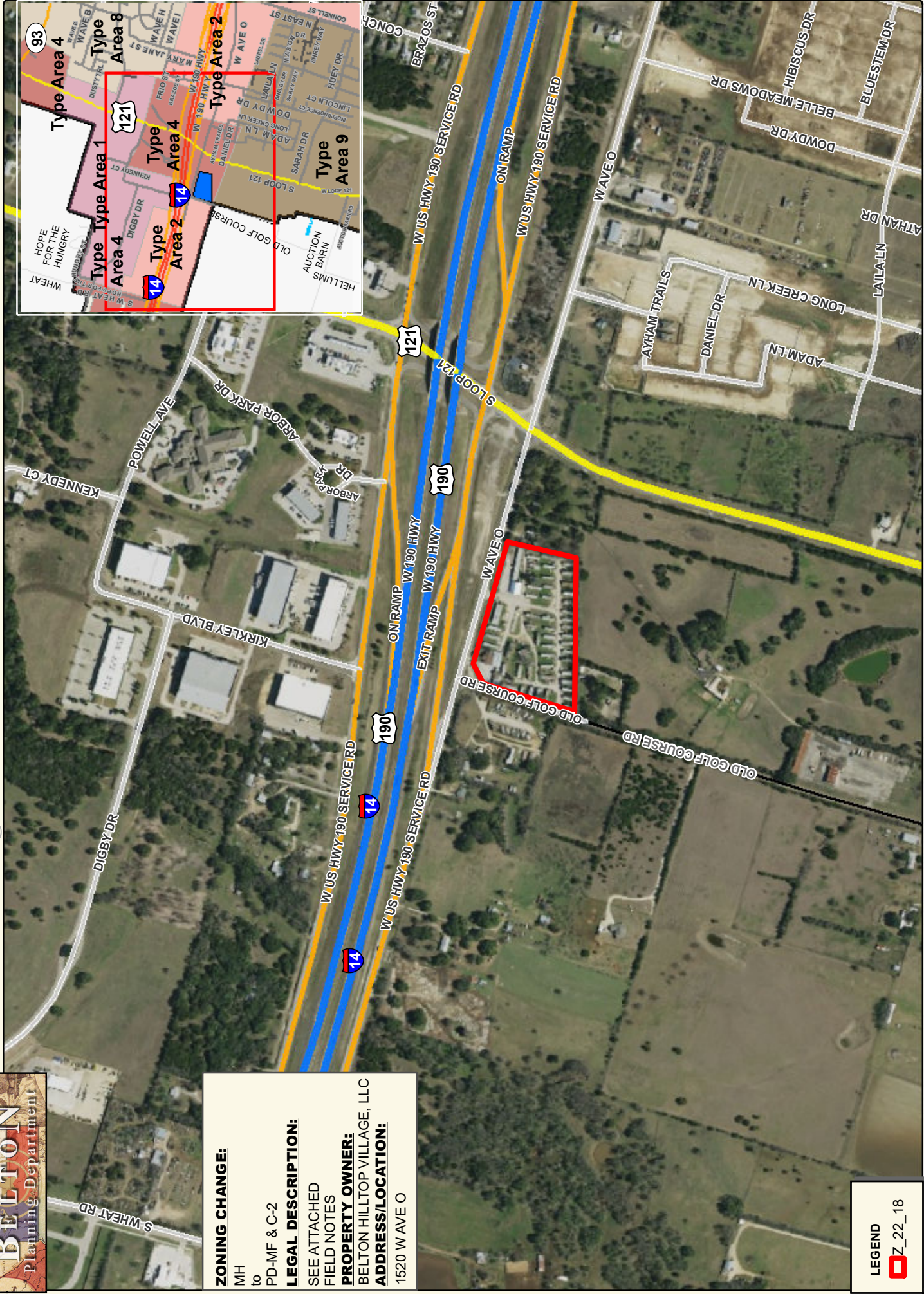
ZONING CHANGE:
MH
to
PD-MF & C-2

LEGAL DESCRIPTION:
SEE ATTACHED
FIELD NOTES

PROPERTY OWNER:
BELTON HILLTOP VILLAGE, LLC

ADDRESS/LOCATION:
1520 W AVE O

LEGEND
 Z_22_18



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



Map Date: 5/18/2022



Zoning Case # Z-22-18 Aerial



ZONING CHANGE:
MH
to
PD-MF & C-2

LEGAL DESCRIPTION:
SEE ATTACHED
FIELD NOTES

PROPERTY OWNER:
BELTON HILLTOP VILLAGE, LLC

ADDRESS/LOCATION:
1520 WAVE O

LEGEND

 Z_22_18



Zoning Case # Z-22-18 Zoning

ZONING CHANGE:

MH

to

PD-MF & C-2

LEGAL DESCRIPTION:

SEE ATTACHED

FIELD NOTES

PROPERTY OWNER:

BELTON HILLTOP VILLAGE, LLC

ADDRESS/LOCATION:

1520 WAVE O

Legend

- Z_22_18
- City Parcels
- City Limits
- Current Zoning**
- Agricultural
- Commercial Highway
- Commercial-1
- Commercial-2
- Conservation Revitalization Overlay
- Light Industrial
- Mobile Home
- Multi Family
- Office-2
- Planned Development
- Residential Estate
- Retail
- Single Family-3
- Specific Use Permit

Map Date: 5/18/2022



1,000 Feet

0 250 500

0 250 500

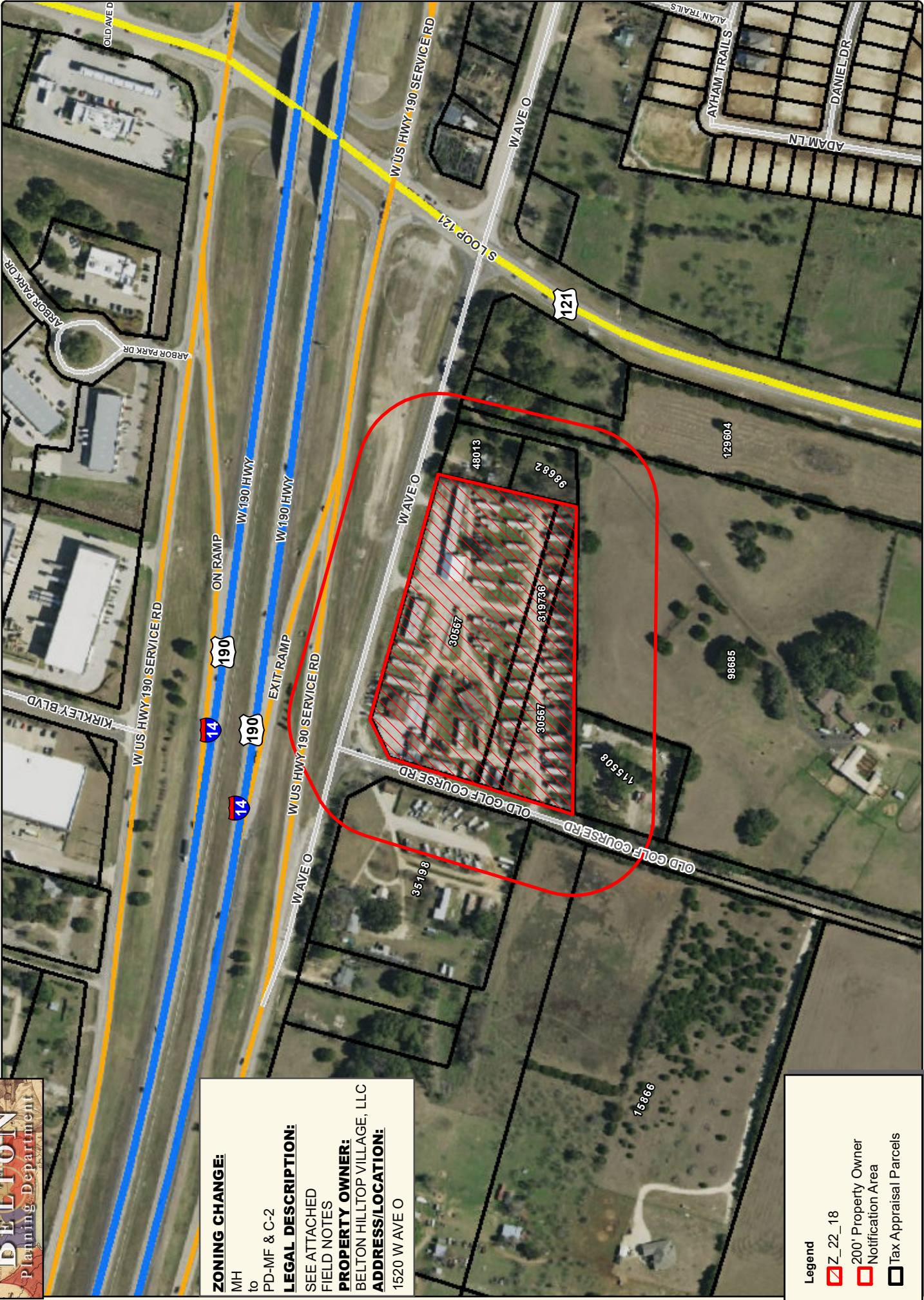
0 250 500

0 250 500

0 250 500

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Zoning Case # Z-22-18



ZONING CHANGE:
MH
to
PD-MF & C-2

LEGAL DESCRIPTION:
SEE ATTACHED
FIELD NOTES

PROPERTY OWNER:
BELTON HILLTOP VILLAGE, LLC

ADDRESS/LOCATION:
1520 WAVE O

Legend

- ☒ Z_22_18
- ☐ 200' Property Owner Notification Area
- ☐ Tax Appraisal Parcels

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

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: REPUBLIC ENGINEER AND DEVELOPMENT SERVICES,
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 1520 W. AVENUE O,
FROM A(N) MOBILE HOME ZONING DISTRICT,
TO A(N) PLANNED DEVELOPMENT - MULTIPLE FAMILY (MF) / COMMERCIAL -2 ZONING DISTRICT,
TO DEVELOP APARTMENT OR COMMERCIAL USES.

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, May 17, 2022**, AT THE T.B. HARRIS CENTER, 401 N. ALEXANDER, BELTON, TEXAS.

IF APPROVED BY THE PLANNING & ZONING COMMISSION, THIS ITEM WILL BE PLACED ON THE AGENDA FOR A PUBLIC HEARING BY THE CITY COUNCIL. THAT MEETING WILL BE AT **5:30 P.M., Tuesday, May 24, 2022**, 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 REGARDING THIS ZONING CHANGE. YOU MAY SUBMIT WRITTEN COMMENTS BY COMPLETING THIS FORM AND RETURNING IT TO THE ADDRESS BELOW OR VIA EMAIL TO PLANNING@BELTONTXAS.GOV, PRIOR TO 1:00 P.M. ON MAY 17, 2022.

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**

15865
LARSON, JACQUELINE KAY BYRD
2381 W HIGHWAY 190
BELTON, TX 76513

35198
WALLACE FAMILY TRUST
1498 OLD GOLF COURSE RD
BELTON, TX 76513

98685
ARIT INVESTMENTS LLC
PO BOX 334
BELTON, TX 76513-0334

319736
BELTON HILLTOP VILLAGE LLC
10412 WELLER DR
AUSTIN, TX 78750

15866
LARSON, RUSSELL K
1776 OLD GOLF COURSE RD
BELTON, TX 76513

48013
ARIT INVESTMENTS LLC
PO BOX 334
BELTON, TX 76513-0334

115508
SERVIN, MARTIN & DORA
505 ARMSTRONG DR
BELTON, TX 76513-7576

30567
BELTON HILLTOP VILLAGE LLC
10412 WELLER DR
AUSTIN, TX 78750

98682
ARIT INVESTMENTS LLC
PO BOX 334
BELTON, TX 76513-0334

129604
ARIT INVESTMENTS LLC
PO BOX 334
BELTON, TX 76513-0334

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

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: REPUBLIC ENGINEER AND DEVELOPMENT SERVICES,
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 1520 W. AVENUE O,
FROM A(N) MOBILE HOME ZONING DISTRICT,
TO A(N) PLANNED DEVELOPMENT - MULTIPLE FAMILY (MF) / COMMERCIAL -2 ZONING DISTRICT,
TO DEVELOP APARTMENT OR COMMERCIAL USES.

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, May 17, 2022**, AT THE T.B. HARRIS CENTER, 401 N. ALEXANDER, BELTON, TEXAS.

IF APPROVED BY THE PLANNING & ZONING COMMISSION, THIS ITEM WILL BE PLACED ON THE AGENDA FOR A PUBLIC HEARING BY THE CITY COUNCIL. THAT MEETING WILL BE AT **5:30 P.M., Tuesday, May 24, 2022**, AT THE T. B. HARRIS COMMUNITY CENTER, 401 ALEXANDER STREET, BELTON, TEXAS.

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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.

AS AN INTERESTED PROPERTY OWNER, ^{circle one} (PROTEST) (APPROVE) THE REQUESTED ZONING AMENDMENT PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:

1. Loss of low income housing. Belton doesn't
2. have a lot of this on this side of town - we all want
3. to be like Austin where families have to leave because of cost!
3. Would you want a commercial use next door to you?

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

DATE: 5-16-22 SIGNATURE: Kay Larson

water?
sewer?

I've (family) lived here over 40 yrs.
since you put us in city limits,
none of that was provided.

15865

LARSON, JACQUELINE KAY BYRD

2381 W HIGHWAY 190

BELTON, TX 76513

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

received 5/17/22
JM

Minutes of the
Planning and Zoning Commission (P&ZC)
City of Belton, City Hall
333 Water Street
Tuesday, May 17, 2022

The Planning and Zoning Commission met at 5:30 p.m. at the Harris Community Center, 401 North Alexander Street. Commission members who were present: Chair Brett Baggerly, Vice Chair Dave Covington, Dave Jarratt, Quinton Locklin, Alton McCallum and Joshua Knowles. The following members were absent: Nicole Fisher, Zach Kruger, and Luke Potts. The following staff members were present: Director of Planning Bob van Til, Planner Tina Moore, Planning Fire Marshal Jeff Booker and IT Specialist Alex Munger.

- 7. Z-22-18 - Hold a public hearing and consider a zoning change from Mobile Home District to Planned Development – Multiple Family and Commercial-2 District (PD-MF/C-2) on approximately 7.260 acres located at 1520 W. Avenue O, located at the southeast intersection of West Avenue O and Old Golf Course Road.**
(Audio 1:09)

Staff Planner Ms. Moore presented the staff report.

Chair Baggerly opened the public hearing. The applicant's representative Tyler Freese, spoke in support of the zoning change.

Mr. Freese and staff addressed questions from the commission with regard to the sewer capacity concerns.

Vice Chair Covington made the motion to approve Z-22-18 as recommended by staff. Commission Member Locklin seconded the motion. The motion was approved with 6 ayes, 0 nays.

ORDINANCE NO. 2022-29

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM MOBILE HOME ZONING DISTRICT TO PLANNED DEVELOPMENT MULTIPLE FAMILY/COMMERCIAL-2 ZONING DISTRICT FOR APPROXIMATELY 7.26 ACRES LOCATED AT 1520 W. AVENUE O.

WHEREAS, Belton Hilltop Village, LLC, the property owner, 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 17th day of May, 2022, at 5:30 p.m. for hearing and adoption, said district being described as follows:

approximately 7.26 acres
located at 1520 W. Avenue O
(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 24th day of May 2022, 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 Mobile Home District to Planned Development – Multiple Family and Commercial-2 Zoning District, in accordance to Section 15, *Multi-Family Zoning District* and Section 25, *Commercial-2 Zoning District*, and the Design Standards in Ordinance 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. Multiple Family Development - Should the City determine that wastewater capacity is acceptable for multi-family development, in excess of 18 dwelling units per acre, the applicant is required to submit an application for detailed site plan review of the development for compliance with applicable Zoning and Design standards.
 - a. The Multifamily (MF) development must conform to all applicable standards of the Zoning Districts with the following exception:
 - i. A maximum density of 28 units per acre is allowed.

- b. If 18 units per acre or less, site plan review will be handled in the normal process required for a building permit.
2. Commercial-2 - If an unfavorable determination is received for the wastewater capacity study, uses meeting the requirements of the Commercial-2 (C-2) Zoning district are permitted and shall conform to all applicable standards of the Zoning Ordinance.
3. In either case, MF or C-2 - The development of the property shall conform to all applicable Type Area 4 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance.
4. A final subdivision plat meeting the requirements of the adopted Subdivision Ordinance is required.
5. Civil site plan and construction plans in compliance with adopted standards are required.

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 24th day of May 2022, by a vote of _____ ayes and _____ nays.

SIGNED AND APPROVED by the Mayor and attested by the City Clerk on this the 24th day of May, 2022.

Wayne Carpenter, Mayor

ATTEST:

Amy M. Casey, City Clerk



Zoning Case # Z-22-18 Location

ZONING CHANGE:
MH
to
PD-MF & C-2

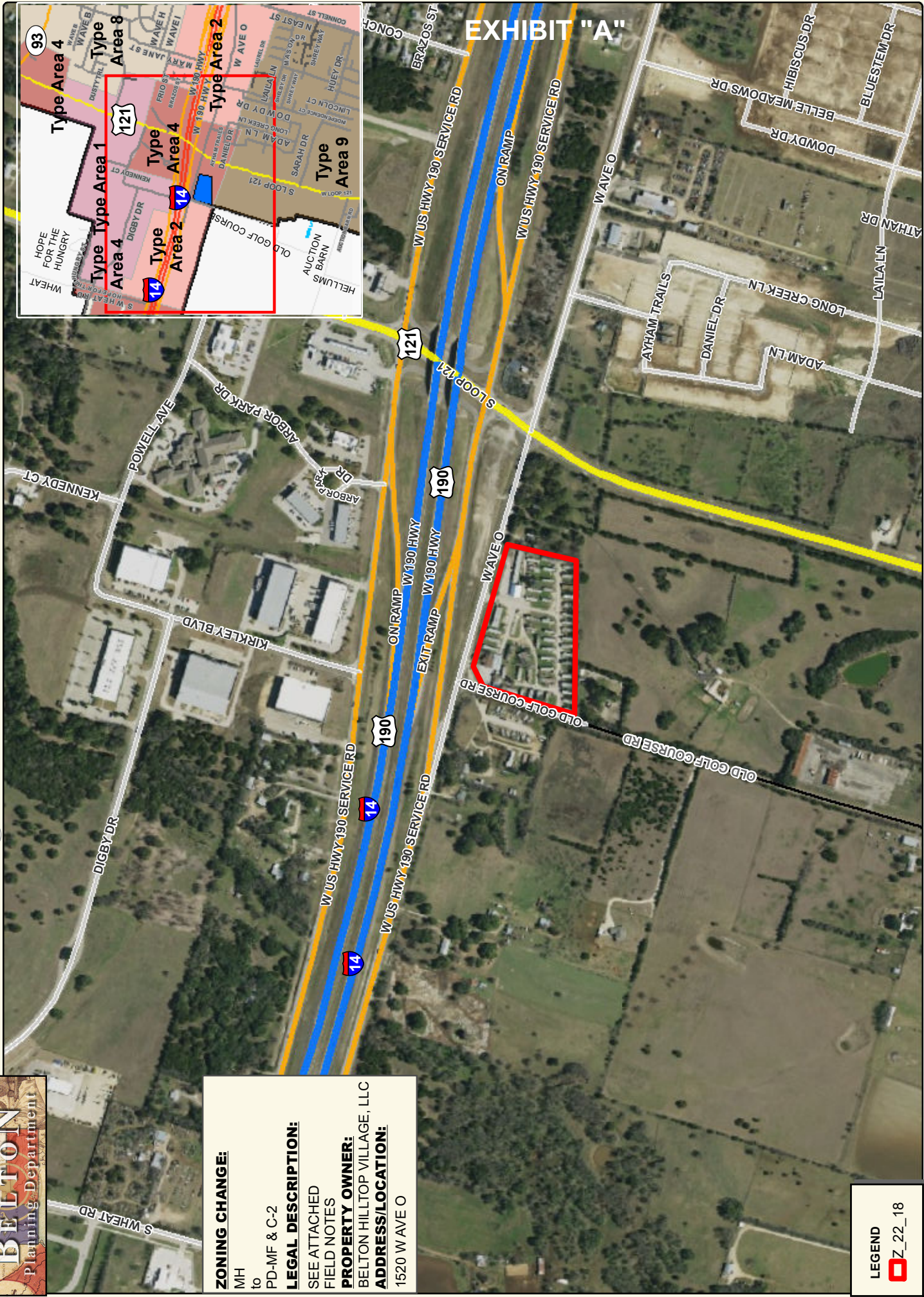
LEGAL DESCRIPTION:
SEE ATTACHED
FIELD NOTES

PROPERTY OWNER:
BELTON HILLTOP VILLAGE, LLC

ADDRESS/LOCATION:
1520 W AVE O

LEGEND

Z-22_18



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Map Date: 5/18/2022



Staff Report – City Council Agenda Item

Date: May 24, 2022
Case No.: P-21-24
Request: Final Plat
Applicant: Belton Engineering
Owner/Developer: Jack Folsom

Agenda Item #13

P-21-24 – Consider a final plat of Blair Townhomes, comprising 0.679 acres, located at the northeast corner of East 2nd Avenue and North Blair Street.

Originating Department

Planning – Tina Moore, Planner

Current Zoning: Planned Development – Multi-family (PD-MF)

Case Summary

This final plat proposes ten residential lots for townhome development, with three accompanying tracts for access, parking and drainage owned and maintained by the Homeowner's Association.

Project Analysis and Discussion

This project was the subject of a recent zoning change. The approved zoning change allowed the proposed use as a townhouse development subject to the following:

- a. Minimum lot size of 1,599.
- b. Minimum lot width of 20' and depth of 80'.
- c. Minimum front yard setback of 18'.
- d. No side yard setback is required for lot 1 and 10.

The proposed plat conforms to these requirements. The applicant is proposing a community with ten clustered homes. The lots measure 20' x 80'. Side yard setbacks are provided with tracts A and C to ensure that a 15' setback is available along N. Blair Street and an 8' setback is available at the eastern property line. An 18' front yard setback is required for each individual lot to ensure adequate driveway spaces for vehicles.

Water: The applicant will tie into an 8" water line available on N. Blair Street. Each unit will have an individual water connection. A proposed fire hydrant will be installed near the driveway on Blair Street.

Sewer: The applicant will tie into an 8" wastewater line available on N. Blair Street. Each unit will have an individual sewer connection.

Access: Two means of access are provided – one on N. Blair Street and the second on E. 2nd Avenue.

Streets: N. Blair Street and E. 2nd Avenue are both local roadways that exceed 50' of right-of-way and 31' of pavement. Blair Street has 32' of pavement and E. 2nd Avenue has 38' of pavement. No perimeter street improvements or sidewalks are required.

Drainage: There is an existing drainage facility adjacent to this property that the applicant will utilize. Drainage plans and calculations have been reviewed by staff.

Parkland Dedication/Fee: According to the 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. The applicant has opted to pay a fee in lieu of dedication. Parkland fees are \$200 per dwelling unit. A fee of \$2,000 is required for 10 units. These funds will be used to develop the city parks within a one-mile radius of this subdivision – Yettie Polk Park or Beall Park.

Recommendation

At its meeting on May 17, 2022, the Planning and Zoning Commission voted unanimously to recommend approval of the final plat for the Blair Townhomes.

Attachments

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

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

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

- ☒ Preliminary Subdivision Fees due \$ 280
☐ Final Subdivision
☐ Administrative Plat
☐ Replat
☐ ETJ
☐ City Limits

Date Received: 11/04/21 Date Due: 11/04/21 **(All plans are to be returned to the Planning Department by the 15th day of the month ahead of the next month's P&Z meeting.)**

Applicant: Lina Chtay Phone: 254-731-5600
Mailing Address: 106 East Street Belton Tx. 76513
Email Address: lchtay@beltonengineers.com

Owner: Jack Folsom Phone: 254-760-4465
Mailing Address: _____
Email Address: Jackfol@gmail.com

Current Description of Property:

Lot: N/A Block: N/A Subdivision: N/A
Acres: 0.679 Survey: Matilda H. Connell Survey
Abstract #: 6 Street Address: East 2nd Ave and Blair Street
Frontage in Feet: 263.32 Depth in Feet: 109.31

Does Zoning comply with proposed use? _____ Current Zoning: C-2
Name of proposed subdivision: Blair Townhomes
Number of Lots: 10 Fee: \$ 280

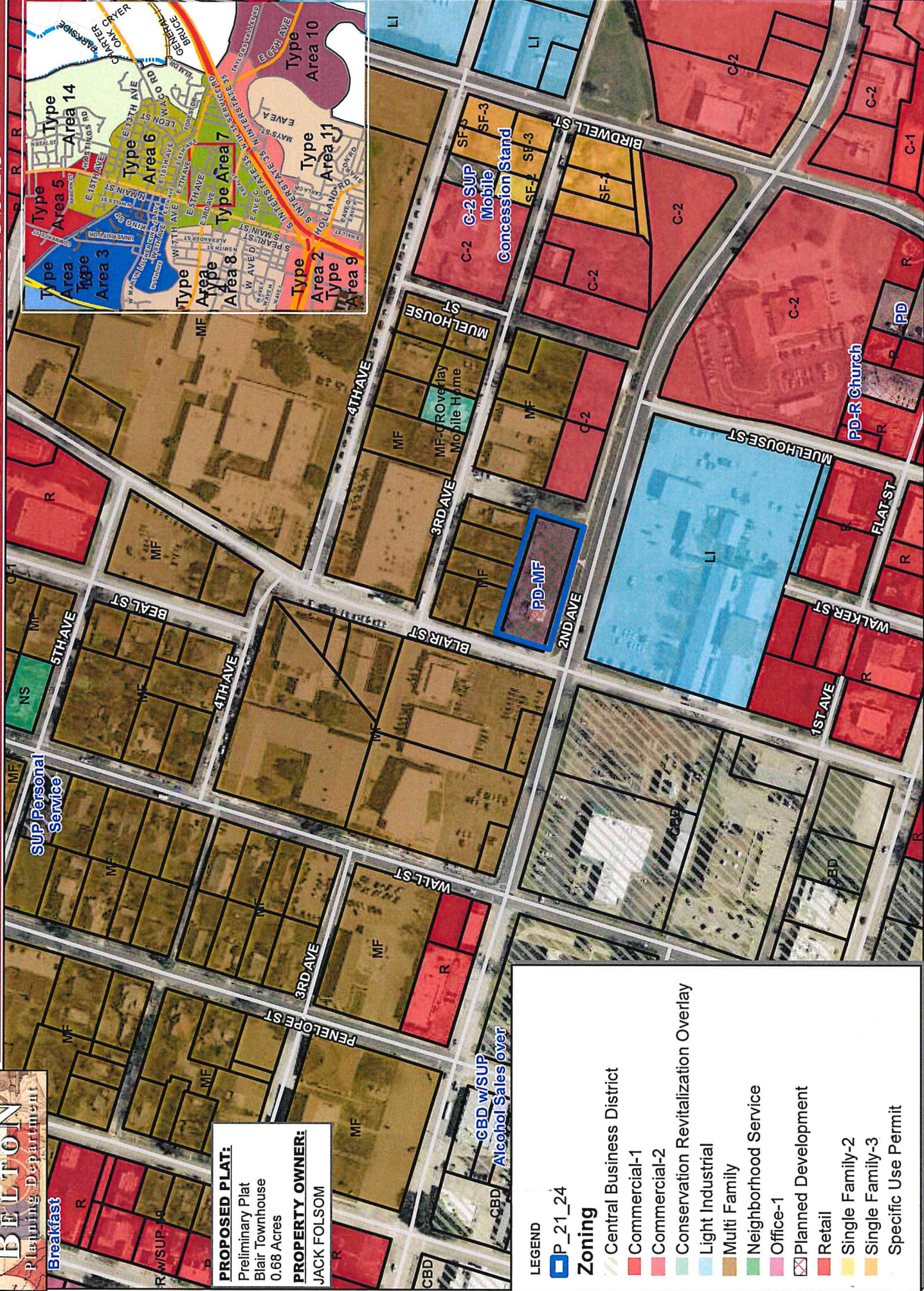
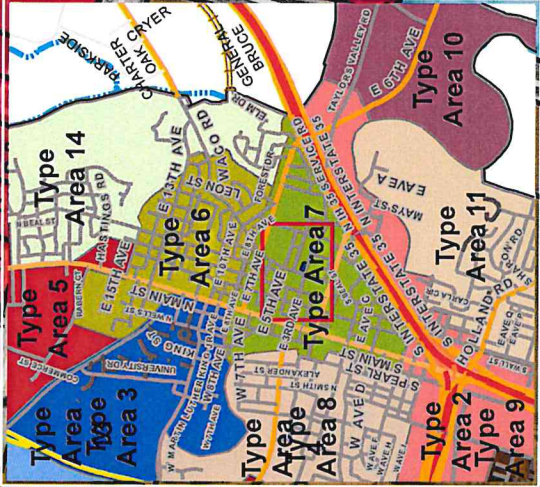
Signature of Applicant: [Signature] Date: 11/5/21
Signature of Owner: Jack Folsom Date: _____

BLAIR STREET
(±60°R.O.W.)

Line	Description
L1	569736
L2	N1670
L3	\$16702
L4	57373
L5	N73737
L6	57373
L7	\$15222
L8	\$1434

1

P-21-24 LOCATION - BLAIR TOWNHOUSES

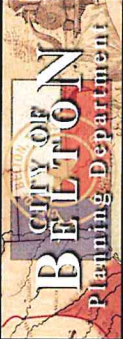


PROPOSED PLAT:
Preliminary Plat
Blair Townhouse
0.68 Acres

PROPERTY OWNER:
JACK FOLSOM

- LEGEND**
- P-21_24**
- Zoning**
- Central Business District
 - Commercial-1
 - Commercial-2
 - Conservation Revitalization Overlay
 - Light Industrial
 - Multi Family
 - Neighborhood Service
 - Office-1
 - Planned Development
 - Retail
 - Single Family-2
 - Single Family-3
 - Specific Use Permit

P-21-24 - BLAIR TOWNHOUSES



PROPOSED PLAT:
Preliminary Plat
Blair Townhouse
0.68 Acres

PROPERTY OWNER:
JACK FOLSOM

Legend
P_21_24



Minutes of the
Planning and Zoning Commission (P&ZC)
City of Belton, City Hall
333 Water Street
Tuesday, May 17, 2022

The Planning and Zoning Commission met at 5:30 p.m. at the Harris Community Center, 401 North Alexander Street. Commission members who were present: Chair Brett Baggerly, Vice Chair Dave Covington, Dave Jarratt, Quinton Locklin, Alton McCallum and Joshua Knowles. The following members were absent: Nicole Fisher, Zach Kruger, and Luke Potts. The following staff members were present: Director of Planning Bob van Til, Planner Tina Moore, Planning Fire Marshal Jeff Booker and IT Specialist Alex Munger.

7. P-21-24 Consider a final plat for Blair Townhomes, comprising 0.679 acres, located at the northeast corner of East 2nd Avenue and North Blair Street. (Audio 1:21)

Staff Planner Ms. Moore presented the staff report.

Commission Member Locklin made a motion to approve P-21-24. Commission Member McCallum seconded the motion. The motion was approved with 6 ayes, 0 nays.



Staff Report – City Council Agenda Item

Date: May 17, 2022
Case No.: P-21-25
Hidden Trails
Request: Preliminary Plat
Applicant: Lina Chtay, Belton Engineering, Inc.
Owner/Developer: Randy Taylor and Lina Chtay

Agenda Item #14

P-21-15 – Consider a preliminary plat for Hidden Trail, comprising of 55.8 acres, located east of IH 35, north of loop 121, and south of Avenue R.

Originating Department

Planning – Tina Moore - Planner

Current Zoning: Single Family – 3 (SF-3)

Case Summary

This property is the site of a proposed infill residential subdivision consisting of 256 residential lots and three tracts for drainage. The drainage tracts will be owned and maintained by the City. A zoning change from Agricultural to Single Family-3 Residential was approved in August 2021. This plat will be divided into two phases - Phase 1 will consist of 100 lots and Phase 2 will contain the remaining 156 lots.

Project Analysis and Discussion

This development is zoned SF-3, and the proposed lots satisfy all minimum area requirements as noted below:

	SF-3
Minimum Lot area	5,000
Lot width	50'
Lot Depth	90'
Minimum Front Yard Setback	25'
Minimum Side Yard Setback	5'/15'- adjacent to a street
Minimum Rear Yard Setback	20'
Maximum Lot Coverage	45%

Water: The applicant plans to connect to an existing 8" water line located on Avenue W and extend the line throughout the subdivision. The 8" water line satisfies minimum requirements for fire flow protection.

Sewer: The applicant plans to connect to a wastewater service located on Loop 121. The sewer line size will gradually decrease from 12" to 8" to provide service throughout the subdivision.

Access: Per Subdivision Ordinance Section 502.01.K., three entrances are required for subdivisions with 101 plus lots. Access will be provided as follow:

- Access 1: East Avenue W - The applicant will pave a portion of the road connecting to Miller Street – approximately 120'.
- Access 2: East Avenue S – The applicant will pave the missing portion of pavement to connect to Miller Street.
- Access 3: Oleta Street - The applicant will connect to this street.

Streets and Sidewalk: All roadways proposed are local streets with 50' of ROW and 31' pavement with curb and gutter. No perimeter street improvements are required on Avenue R or Miller Street. The applicant will provide connections to the access roads – Avenue W, Avenue S and Oleta Street.

Drainage: A preliminary drainage plan and calculations were reviewed with this plat. All drainage facilities will be owned and maintained by the City.

Parkland Dedication/Fees: Per Subdivision Ordinance Section 517, the parkland fee is \$200 per residential unit. Parkland fee due for this development is \$51,200 (\$200 x 256 lots). The applicant is proposing to construct a 5' sidewalk from this development along East Avenue S to the Tiger Splash Pad to satisfy this obligation. The proposed improvements are estimated to cost approximately \$68,310, so we support the alternative approach.

Recommendation:

At its meeting on May 17, 2022, the Planning and Zoning Commission voted unanimously to recommend approval of the preliminary plat for Hidden Trails, subject to the following:

- 1) Approval of an alternative Parkland compensation to allow the construction of a 5' sidewalk connecting to Tiger Splash Pad along Avenue S, in lieu of Parkland dedication and fees.

Attachments

Plat Application

Location Map

Aerial

Preliminary Plat and Estimated Cost for Sidewalk along E. Avenue S.

P&Z Minutes Excerpt

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

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

- ☒ Preliminary Subdivision Fees due \$ 1012
☐ Final Subdivision
☐ Administrative Plat
☐ Replat
☐ ETJ
☐ City Limits

Date Received: 11/12/21 Date Due: _____ (All plans are to be returned to the Planning Department by the 15th day of the month ahead of the next month's P&Z meeting.)


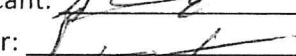
Applicant: Lina Chtay Phone: 254-731-5600
Mailing Address: 106 East Street Belton Tx. 76513
Email Address: lchtay@beltonengineers.com

Owner: Lina Chtay Phone: 254-731-5600
Mailing Address: 106 East Street Belton Tx. 76513
Email Address: lchtay@beltonengineers.com

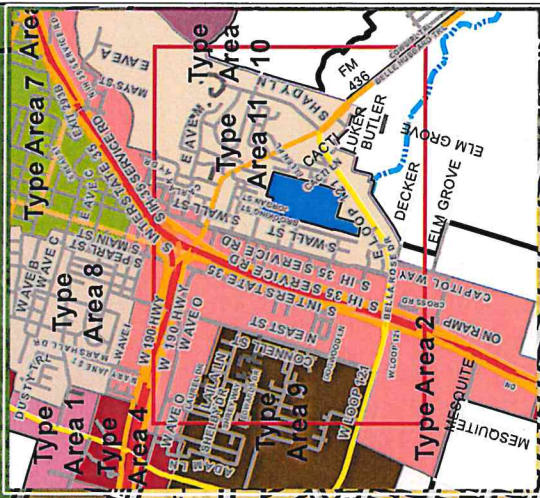
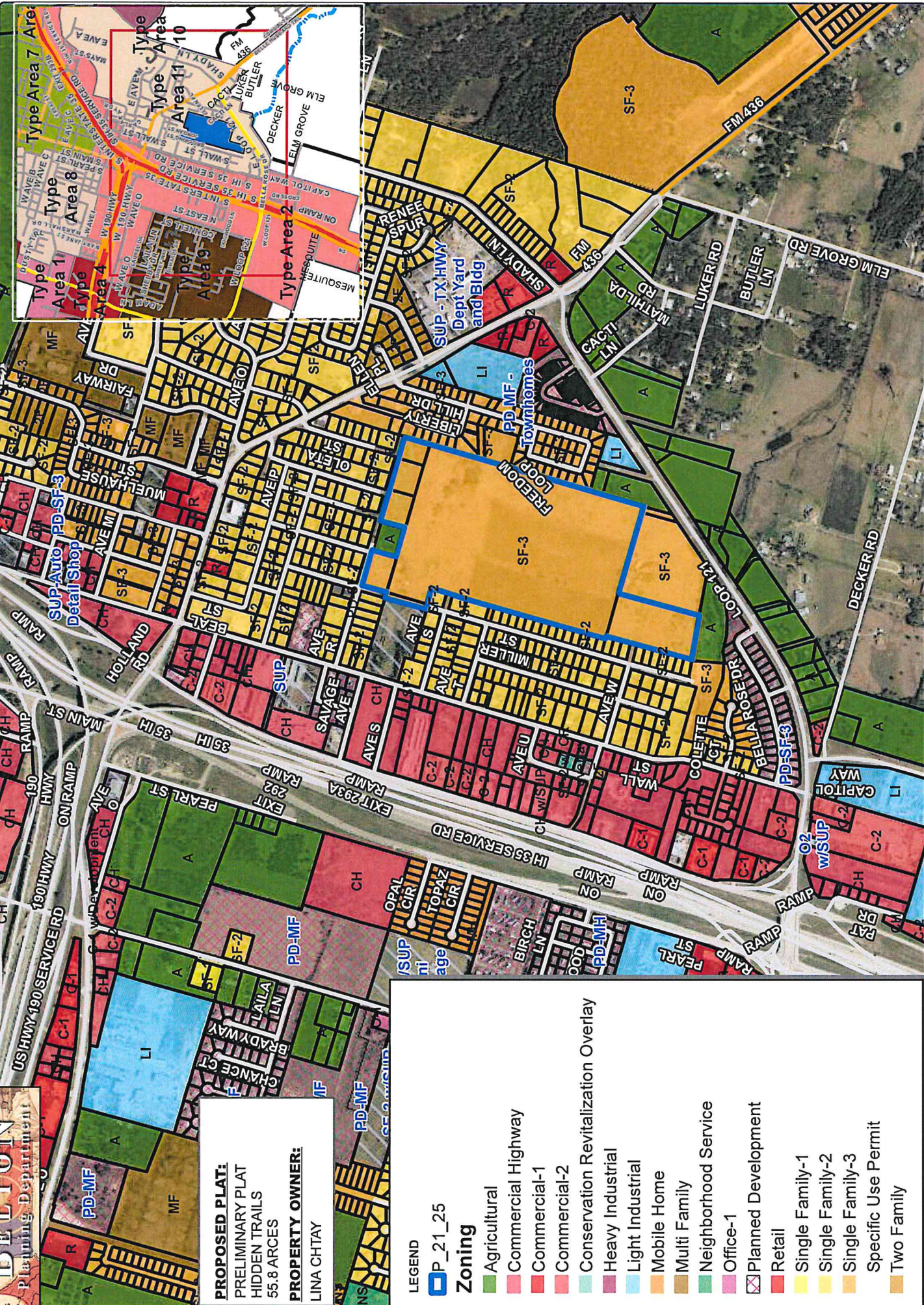
Current Description of Property:

Lot: N/A Block: N/A Subdivision: N/A
Acres: 0.679 Survey: M.F. Connell Survey
Abstract #: 6 Street Address: E. Ave O and E. Ave W
Frontage in Feet: 2625.5 Depth in Feet: 1027.1

Does Zoning comply with proposed use? _____ Current Zoning: SF-3
Name of proposed subdivision: West Hidden Trails
Number of Lots: 254 Fee: \$ 1012

Signature of Applicant:  Date: 11/12/21
Signature of Owner:  Date: _____

P-21-25 LOCATION - HIDDEN TRAILS



PROPOSED PLAT:
PRELIMINARY PLAT
HIDDEN TRAILS
55.8 ACRES

PROPERTY OWNER:
LINA CHTAY

- LEGEND**
- P_21_25**
- Zoning**
- Agricultural
 - Commercial Highway
 - Commercial-1
 - Commercial-2
 - Conservation Revitalization Overlay
 - Heavy Industrial
 - Light Industrial
 - Mobile Home
 - Multi Family
 - Neighborhood Service
 - Office-1
 - Planned Development
 - Retail
 - Single Family-1
 - Single Family-2
 - Single Family-3
 - Specific Use Permit
 - Two Family

P-21-25 - HIDDEN TRAILS

PROPOSED PLAT:

PRELIMINARY PLAT
HIDDEN TRAILS
55.8 ARCES

PROPERTY OWNER:

LINA CHTAY

Legend

 P_21_25

Map Date: 5/3/2022

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NOTES:
 1. THE BOUNDARIES SHOWN HEREON ARE BASED ON THE 1984 FLOOD INSURANCE RATE MAP, COORDINATE SYSTEM, CENTRAL ZONE, AND 83.55 ADJUSTMENT.
 2. THE FLOOD INSURANCE RATE MAP IS WITHIN THE FLOOD INSURANCE RATE MAP, COORDINATE SYSTEM, CENTRAL ZONE, AND 83.55 ADJUSTMENT.
 3. THE FLOOD INSURANCE RATE MAP IS WITHIN THE FLOOD INSURANCE RATE MAP, COORDINATE SYSTEM, CENTRAL ZONE, AND 83.55 ADJUSTMENT.
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 5. THE FLOOD INSURANCE RATE MAP IS WITHIN THE FLOOD INSURANCE RATE MAP, COORDINATE SYSTEM, CENTRAL ZONE, AND 83.55 ADJUSTMENT.

THE RIGHT-OF-WAY EASEMENT MAY AFFECT, BUT NOT LIMIT, THE LOCATION OF THE EASEMENT. THE LOCATION OF THE EASEMENT IS NOT KNOWN.

EASEMENTS EFFECTING THIS PLAT
 1. Utility Service Line Easement to City of Belton, Texas, of the City of Belton, Texas, for the purpose of providing utility service to the property shown on this plat.
 2. Easement for the purpose of providing utility service to the property shown on this plat.
 3. Easement for the purpose of providing utility service to the property shown on this plat.
 4. Easement for the purpose of providing utility service to the property shown on this plat.
 5. Easement for the purpose of providing utility service to the property shown on this plat.

UTILITY SERVICE LINE EASEMENT TO CITY OF BELTON, TEXAS, OF THE CITY OF BELTON, TEXAS, FOR THE PURPOSE OF PROVIDING UTILITY SERVICE TO THE PROPERTY SHOWN ON THIS PLAT.

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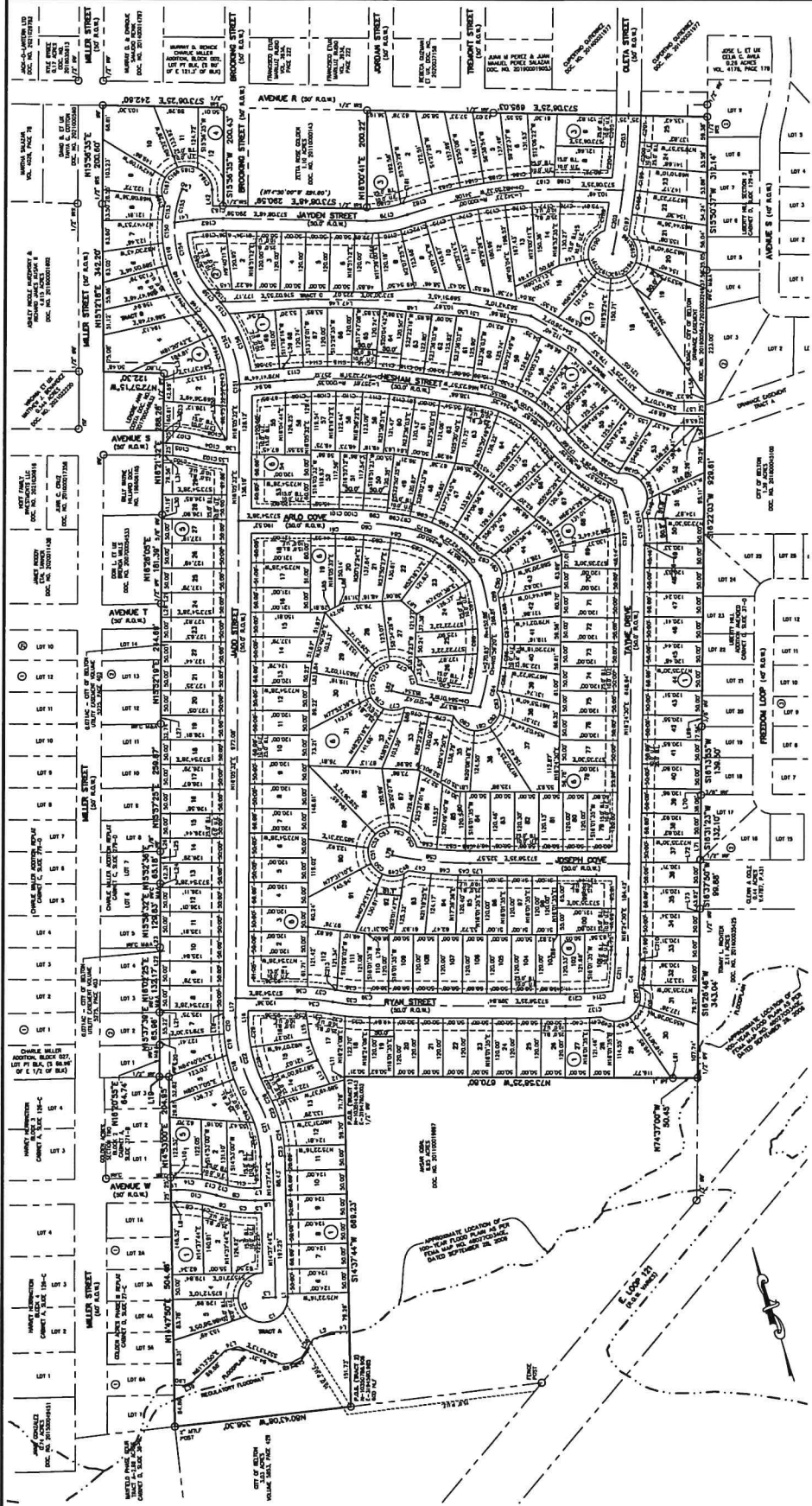
UTILITY SERVICE LINE EASEMENT TO CITY OF BELTON, TEXAS, OF THE CITY OF BELTON, TEXAS, FOR THE PURPOSE OF PROVIDING UTILITY SERVICE TO THE PROPERTY SHOWN ON THIS PLAT.

PRELIMINARY PLAT

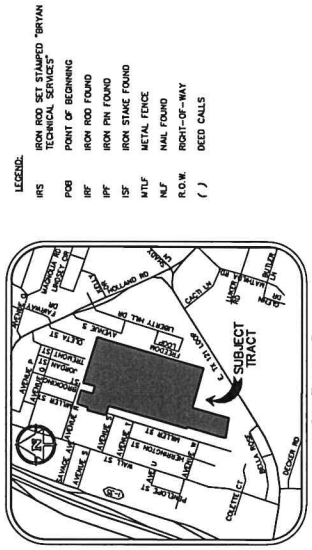
BELTON ENGINEERING, INC.
 1000 W. 10TH STREET, SUITE 100
 BELTON, TEXAS 76705
 (817) 952-1111
 FAX: (817) 952-1112
 WWW.BELTONENGINEERING.COM

DATE: 04-11-2022
 PROJECT: 2022-001
 SHEET: 1 OF 2
 SCALE: 1" = 100'

BLOCK NO.	# OF LOTS
1	69
2	25
3	9
4	12
5	29
6	112
TOTAL	256



PRELIMINARY PLAT OF:
HIDDEN TRAILS
 OVERALL TOTAL-55,800 ACRES 2,430,633 SQUARE FEET
 256 LOTS, 6 BLOCKS AND 3 TRACTS
 TRACT A-0.690 ACRES (DETENTION AREA) TO BE OWNED AND MAINTAINED BY COB
 TRACT B-0.257 ACRES (DETENTION AREA) TO BE OWNED AND MAINTAINED BY COB
 TRACT C-1.112 ACRES (DETENTION AREA) TO BE OWNED AND MAINTAINED BY COB
 9.85 ACRES DEDICATED STREET RIGHT-OF-WAY TO CITY OF BELTON
 0.01 AND A PUBLIC STREET, ABSTRACT
 #6, BELTON, BELL COUNTY, TEXAS



- LEGEND:
- IRS IRON ROD SET STAMPED "IRIAN"
 - TECHNICAL SERVICES
 - POB POINT OF BEGINNING
 - IRF IRON ROD FOUND
 - ISF IRON PIN FOUND
 - MTF METAL FENCE
 - NLF NAIL FOUND
 - R.O.W. RIGHT-OF-WAY
 - () DEED CALLS

VICINITY MAP

HIDDEN TRAILS SUBDIVISION ESTIMATE

ESTIMATED CONSTRUCTION COST OF SIDEWALK E. AVE S

CONSTRUCTION COST ESTIMATE

ITEM NO.	DESCRIPTION	TOTAL UNITS	UNITS	COST/UNIT	TOTAL COST/ITEM
1.0	SURVEYING AND ENGINEERING FEES				\$7,800.00
2.0	MOBILIZATION				\$16,000.00
3.0	SAWCUT CURB	2		\$1,800.00	\$3,600.00
4.0	HANDICAP RAMPS	2		\$2,700.00	\$5,400.00
5.0	5' WIDE SIDEWALK	2,860	S.F.	\$8.50	\$24,310.00
6.0	MISCELLANEOUS (ADJUSTING EXIST. MAILBOXES, DRIVEWAYS, ETC.)				\$11,200.00
					\$68,310.0

Minutes of the
Planning and Zoning Commission (P&ZC)
City of Belton, City Hall
333 Water Street
Tuesday, May 17, 2022

The Planning and Zoning Commission met at 5:30 p.m. at the Harris Community Center, 401 North Alexander Street. Commission members who were present: Chair Brett Baggerly, Vice Chair Dave Covington, Dave Jarratt, Quinton Locklin, Alton McCallum and Joshua Knowles. The following members were absent: Nicole Fisher, Zach Kruger, and Luke Potts. The following staff members were present: Director of Planning Bob van Til, Planner Tina Moore, Planning Fire Marshal Jeff Booker and IT Specialist Alex Munger.

9. P-21-25 Consider a preliminary Plat for Hidden Trails, comprising of 55.8 acres, located east of IH35, north of Loop 121 and south of Avenue R. (Audio 1:24)

Staff Planner Ms. Moore presented the staff report.

Vice Chair Covington made a motion to approve P-21-25 as recommended by Staff. Commission Member Jarrett seconded the motion. The motion was approved with 6 ayes, 0 nays.



Staff Report – City Council Agenda Item

Date: May 24, 2022
Case No.: P-22-11
Request: Final Plat
Applicant: Quick Inc.
Owner/Developer: Bill Messer
Family Limited Partnership

Agenda Item #15

P-22-11 – Consider a final plat for Emma's Grove, comprising of 4.097 acres, located on Toll Bridge Road and north of Elmer Kings Road.

Originating Department

Planning – Tina Moore, Planner

Case Summary

This final plat proposes a one block, three lot addition for residential development. This property was recently rezoned from Agricultural to Single Family-1. The applicant is requesting a variance from fire protection standards. This lot would normally meet the requirements for an administrative review, since it proposes less than four lots; therefore, perimeter street improvements, sidewalks and parkland fees have been administratively waived.

Project Analysis and Discussion

This development is zoned SF-1, and the proposed lots exceed the minimum area requirements as noted below:

	SF-1
Minimum Lot area	10,000
Lot width	70'
Lot Depth	1000'
Minimum Front Yard Setback	25'
Minimum Side Yard Setback	7'/15'- adjacent to a street
Minimum Rear Yard Setback	20'
Maximum Lot Coverage	40%

Water: This property is located within the City of Belton Certificate of Convenience and Necessity (CCN). The City of Belton does not have any water lines in this vicinity and no plans to extend water service to this area in the near future. The nearest water service is half a mile away. Domestic water will be provided by a shared well approved by Clearwater UWCD. The applicant is requesting a variance to requirement for fire protection. Staff can waive fire protection standards for administrative plats located in the ETJ boundaries. This tract is located within the City's jurisdiction; therefore, fire protection requirements cannot be waived by staff. The Fire Marshal is not in support of this variance because the adopted Fire Code requires fire protection inside the City. Some commercial developments, under these conditions, inside the City, have provided a tank for firefighting purposes. The only way to provide fire protection here would be to supply a fire suppression system as part of the plumbing system, if well pressure will allow it. We will be analyzing our codes in the future to seek a reasonable response in similar circumstances.

Sewer: This property is located within the City's Wastewater CCN; however, no service is available at this location. The applicant is proposing an on-site sanitary system for wastewater subject to review and approval from the Bell County Public Health Department.

Access: Access is provided from Toll Bridge Road and a private access easement located west of the proposed lots that extends from Elmer King Road to the adjacent properties.

Streets: This plat was submitted prior to the Thoroughfare Plan Map amendment; however, the applicant is proposing a right-of-way dedication to help achieve 80' requirements for a major collector roadway. No perimeter street improvement is required.

Drainage: Topography and drainage have been reviewed by staff.

Sidewalks: No sidewalk is required.

Parkland Dedication/Fee: Parkland fees are waived for administrative lots with fewer than four lots.

Recommendation

At its meeting on May 17, 2022, the Planning and Zoning Commission voted unanimously to recommend approval of the final plat of Emma's Grove, subject to the following:

1. Approval of a variance to fire protection requirements.

Attachments

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

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

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

- ☐ Preliminary Subdivision Fees due \$ 200.00
☐ Final Subdivision
☒ Administrative Plat
☐ Replat
☐ ETJ
☐ City Limits

Date Received: _____ Date Due: _____ (All plans are to be returned to the Planning Department according to the Plat Submission Calendar.)

Applicant: Quick Inc. Land Surveying Phone: 512-915-4950
Mailing Address: 1430 N. Robertson Rd., Salado, TX 76571
Email Address: tquicksall@quick-inc.net

Owner: Bill and Ann Messer Family Limited Partnership Phone: 254-939-1818
Mailing Address: P.O. Box 969, Belton, Texas 76513
Email Address: staci@mpmlaw.net

Current Description of Property:

Lot: _____ Block: _____ Subdivision: _____
Acres: 4.097 Survey: G.F. Lankford
Abstract #: 510 Street Address: 6586 Toll Bridge Rd, Belton, TX
Frontage in Feet: 407.70 Depth in Feet: 427

Does Zoning comply with proposed use? pending zoning change Current Zoning: A
Name of proposed subdivision: Emma's Grove
Number of Lots: 3 Fee: \$ _____

Signature of Applicant: Bill Messer Date: _____
Signature of Owner: Bill Messer Date: _____

NOTE: Variances to code requirements may be considered by P&ZC and City Council.

Zoning Fees:

Rezone a single lot.....	\$250.00
Specific Use Permit	\$250.00
Variance to the Zoning Ordinance.....	\$200.00

Subdivision Fees:

General Development Plan review.....	\$200.00
Admin Plat.....	\$200.00
Preliminary Subdivision Plat	\$250.00
Plus per lot	\$3.00
Final Subdivision Plat	\$250.00
Plus per lot	\$3.00
Preliminary One-Lot Subdivision Plat	\$250.00
Plus per acre.....	\$10.00
Final One- Lot Subdivision Plat	\$250.00
Plus per acre	\$10.00
Inspection/testing Fees: Actual costs + 10%	
Placing traffic control devices and street name signs.....	\$250.00
Park Land Dedication, per dwelling unit.....	\$200.00
GIS fee (inputting subdivision, utilities, infrastructure)	\$25.00

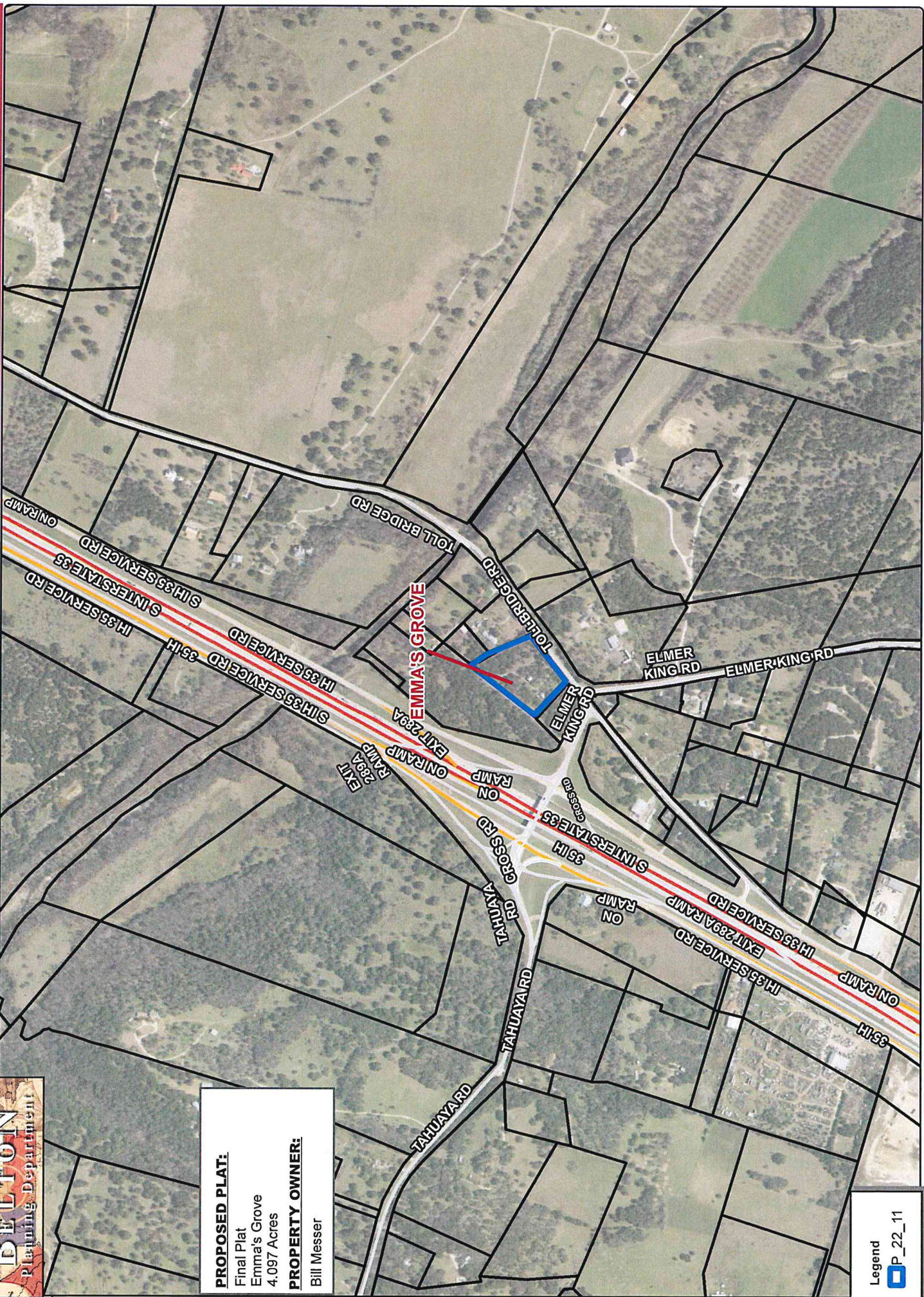
**** See attached checklist for items to be submitted with all plats.**

P-22-11 - EMMA'S GROVE



PROPOSED PLAT:
 Final Plat
 Emma's Grove
 4.097 Acres

PROPERTY OWNER:
 Bill Messer



Legend
 P_22_11

Map Date: 5/11/2022

0 330 660 1,320 Feet

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



Land Surveying. Land Planning. Consulting.

Firm: 10194104 512-915-4950

1430 N. Robertson Road, Salado, Texas 76571

March 14, 2022

Tina Moore
Planner

333 Water St.
Belton, TX 76513
T 254.933.5891

Re: Variance Request, Emma's Grove

Mrs. Moore,

The purpose of this letter is to respectfully request a variance to the current fire flow requirements of 1000 gpm. A water line with this capacity is not available at this site. The lots of this subdivision are to be serviced by private wells.

Please let me know if you have any questions.

Respectfully submitted,

By:

Signature

Date:

03/14/2022

Name: Travis Quicksall

Title: President

Vendor: Quicks Inc. Land Surveying

Minutes of the
Planning and Zoning Commission (P&ZC)
City of Belton, City Hall
333 Water Street
Tuesday, May 17, 2022

The Planning and Zoning Commission met at 5:30 p.m. at the Harris Community Center, 401 North Alexander Street. Commission members who were present: Chair Brett Baggerly, Vice Chair Dave Covington, Dave Jarratt, Quinton Locklin, Alton McCallum and Joshua Knowles. The following members were absent: Nicole Fisher, Zach Kruger, and Luke Potts. The following staff members were present: Director of Planning Bob van Til, Planner Tina Moore, Planning Fire Marshal Jeff Booker and IT Specialist Alex Munger.

10. P-22-11 - Consider a final plat for Emma's Grove, comprising of 4.097 acres, located on Toll Bridge Road and north of Elmer Kings Road. (Audio 1:28)

Staff Planner Ms. Moore presented the staff report.

Fire Marshal, Jeff Booker, spoke in opposition of allowing a variance for fire protection standards. He questioned the Commission's authority to grant a variance on fire code requirements.

The applicant's representative, John Messer, spoke in favor of approving the variance and voiced his reasons for not wanting to install a fire suppression system. He voiced concerns about annexations, if City services (water and sewer) cannot be provided.

Commission Member Jarratt made a motion to approve P-22-11 as recommended by staff to approve the fire protection variance. Commission member Locklin seconded the motion, which passed with 6 ayes, 0 nays.

Staff Report – City Council Agenda Item



Date: May 24, 2022
Case No.: P-22-12
Request: Preliminary Plat
Applicant: Kimley Horn
Owner/Developer: Hunt Communities Belton

Agenda Item #16

P-22-12 – Consider a preliminary plat for River Farms Phase I, comprising of 131.588 acres, located generally east of IH 35, on Toll Bridge Road, north of the Lampasas River.

Originating Department

Planning – Tina Moore, Planner

Case Summary

This is the first of six phases in the River Farm Development. This preliminary plat includes 297 residential lots, 24 open spaces, and an amenity center lot. The overall development is approximately 482 acres – 177 acres within the City, at this time, and 304 acres in the ETJ.

Project Analysis and Discussion

The property owner and the City entered into a development agreement in 2021. The River Farm Municipal Utility District (MUD) was created to finance infrastructure in this subdivision. The development agreement stipulated the maximum number of homes at ultimate build out cannot exceed 1,775, and the permitted lot sizes and breakdown were also specified. These are summarized below.

	Type A - Single Family Lots	Type B - Single Family Lots	Type C – Patio Homes	Type C - Townhomes
Maximum Allowed	75%	10% Minimum -	15% - Type A is allowed if low demand	
To Date Proposed	83	169	44	0
Minimum Lot area	5,000	6,000	3,600	2,250; 1,980 – internal units
Lot width	50'	60'	40'	25'; 20' - internal
Lot Depth	100'	100'	90'	90'
Minimum Front Yard Setback	25'	25'	20'	10'

Minimum Side Yard Setback	5'/15'-street/ 25'- if garage entry	5'/15'-street/ 25'- if garage entry	5'/15'-street/20'- if garage entry	15'-street- 10' between buildings
Minimum Rear Yard Setback	20'	20'	10'	20'- Alley served
Maximum Lot Coverage	50%	55%	60%	78%

The proposed lot sizes meet or exceed the requirements of the development agreement.

Water: This property is located within the City of Belton Certificate of Convenience and Necessity (CCN). A 12" water line is proposed throughout the subdivision which satisfies fire flow requirements. The developer is responsible for providing a water model to ensure applicable TCEQ and City standards are met. The City will be responsible for maintaining the water lines after construction.

Sewer: This is located within the City's Wastewater CNN. A 21" sewer line will be extended off site to connect this development to a newly constructed City lift station. Internally, 8" lines are proposed to provide service throughout the subdivision. The City will be responsible for maintaining the sewer lines after construction.

Access: Per Subdivision Ordinance Section 502.01.K., three entrances are required for subdivisions with 101 plus lots. At ultimate build out, access will be provided as follows:

1. Canopy Boulevard – This is a proposed collector road with a median separation that will create two points of access to Tollbridge Road.
2. Red Thistle Road – This is minor collector shown on the Throughfare Plan. This roadway must be constructed to Blue Heron Road to provide a third access for Phase I.
3. Un-named access in Phase 6 – This is a future local road with access off of Toll Bridge Road.

Streets and Sidewalks: The plat proposes the following streets:

1. Toll Bridge Road – This is designated as a major collector roadway on the Thoroughfare Plan Map. Major collectors require 80' of right of way and 36' of pavement with curb and gutter. There's currently 50' of right of way. The plat shows a 15' dedication which satisfies requirement to dedicate half the width of the needed right of way. Per the development agreement, Toll Bridge Road will be designed and constructed by the applicant in two phases:
 - a. Phase I is adjacent to the applicant's property and consist of two lanes, a continuous left turn lane, and a 10' concrete trail.
 - b. Phase II will consist of two lanes from the northern point of the River Farms property to Shanklin Road.
 - c. The City can participate to fund a continuous left turn lane and walking trails in Phase II. Toll Bridge Road will be dedicated and maintained by the City.

2. Canopy Boulevard – This will be major collector roadway with medians. The right of way will range from 100' to 87'. Both sides of the median will be constructed with 27' of pavement with curb and gutter. Canopy Boulevard will extend to the east. The existing 50' right of way should be expanded to a 60' collector road that extends to the eastern River Farms property line to function as an internal collector.
3. Red Thistle Road- this is designated as minor collector roadway on the Thoroughfare Plan Map. Minor collectors require 60' of right of way with 37' of pavement, curb and gutter, and 5' wide sidewalk on one side of road. At ultimate build out, this will be constructed to the eastern property line to allow future connections across the Lampasas River.
4. All other proposed roadways are local roads with 50' of right of way, 31' of pavement with curb and gutter.
5. Local roadways will be dedicated to the public, will be built to City standards, and are anticipated to be maintained by Bell County, to the extent that they are located outside the City limits. Concerns have been expressed by Bell County regarding maintenance of these MUD streets. This issue must be resolved before the final plat approval.

Drainage: Topography and drainage have been reviewed by staff. Since this property lies in Belton's ETJ, the city is not responsible for maintaining drainage.

Parkland Dedication/Fee: Ultimately, three private parks approximately 11 acres are proposed for the River Farm Development. This phase includes two parks, one with an amenity center and one greenspace park, approximately 9.2 acres. Both parks will be owned and maintained by the HOA. The applicant is also proposing internal trails systems to connect from Tollbridge Road to points of interest including the amenity center and the Lampasas River, pending topography. Recommend an early review of restrictive covenants governing proposed common areas.

Recommendation

At its meeting on May 17, 2022, the Planning and Zoning Commission voted unanimously to recommend approval of the preliminary plat of River Farm Phase I, subject to the following:

1. Development Agreement conditions pertaining to the applicant's obligations to improve Toll Bridge Road and de-annexation of the incorporated City portion of the property.
2. If de-annexation is not achieved prior to the submission of a final plat, a zoning change is required for the Agricultural zoned incorporated property.
3. Staff comment letter dated May 9, 2022.

Attachments

Plat Application

Location Map

Preliminary Plat

Staff Comment Letter dated May 9, 2022

P&Z Minutes Excerpt



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

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

☒ General Development Plan Review

☒ Preliminary Subdivision

Fees due \$ 200.00 / 1138.00

☐ Final Subdivision

☐ Administrative Plat

☐ Replat

☐

ETJ

☐

Inside Belton City Limits

Date Received: _____ Date Due: _____

(All plans are to be returned to the Planning Department according to the Plat Submission Calendar.)

Applicant: Kimley-Horn & Associates Phone: 469-501-2200

Address: 400 North Oklahoma Dr. Suite 105 Celina, TX 75009

Email: TraciShannon.Kilmer@kimley-horn.com Contact: Traci Shannon Kilmer

Owner: Hunt Communities Belton, LLC Phone 214-727-8383

Mailing Address: P.O. Box 12220 El Paso, TX 79913-0220

Email Address: rick.neff@huntcompanies.com Contact: Rick Neff

Current Description of Property:

Lot: N/A Block: N/A Subdivision: N/A

Acres: 130.443 Survey: Madrigal Survey

Abstract #: 027554 Street Address: N/A

Frontage in Feet: N/A Depth in Feet: N/A

Developer's Agreement

Does Zoning comply with proposed use? N/A Current Zoning: #2021008162

Name of proposed subdivision: River Farm Phase 1

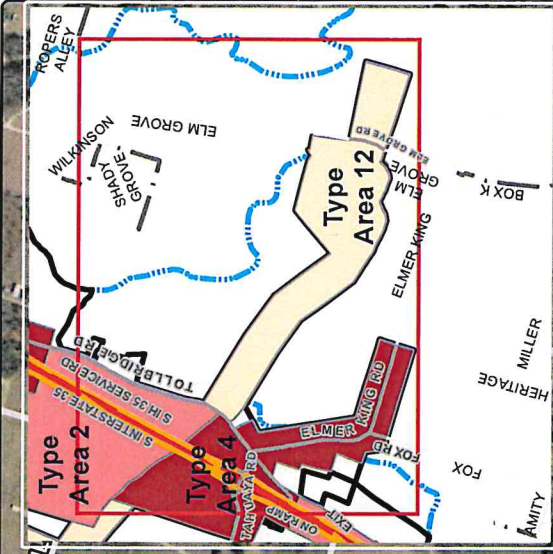
Number of Lots: 297 Residential Fee: \$ 200.00 / 1138.00
24 Open Spaces; 1 Amenity Center Lot

Signature of Applicant: [Signature] Date: 3/25/2022

Signature of Owner: [Signature] Date: 24-MAR-22

NOTE: Variances to code requirements may be considered by P&ZC and City Council.

P-22-12 PHASE I LOCATION - RIVER FARM



PROPOSED PLAT:

Preliminary Plat
River Farm
130.443 Acres

PROPERTY OWNER:

Hunt Communities Belton, LLC

LEGEND

- P_22_12_PH I
- P_22_12
- City Limits

Zoning

- Agricultural
- Commercial Highway
- Commercial-2
- Light Industrial
- Planned Development
- Single Family-1

Map Date: 5/12/2022 Aerial Imagery Date: 2018

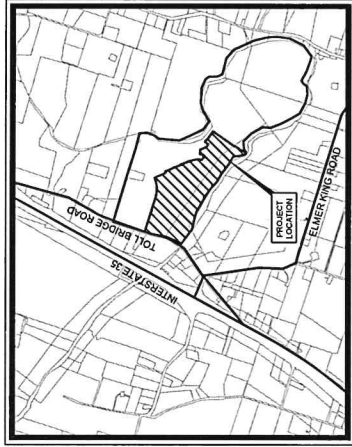
0 2,125 4,250

8,500 Feet



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PRELIMINARY PLAT
FOR
RIVER FARM
PHASE 1
BELL COUNTY, TEXAS



VICINITY MAP
SCALE: 1" = 2,000'

SHEET INDEX

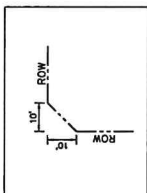
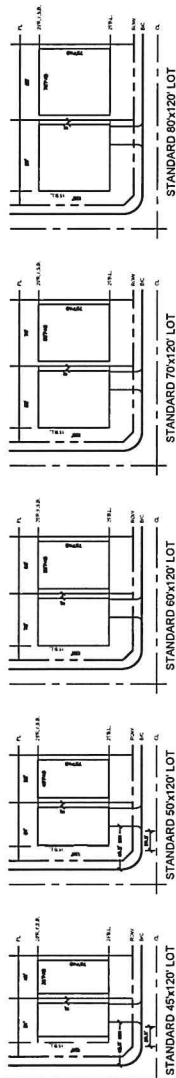
SHEET NO.	DESCRIPTION
P-01	COVER SHEET
P-02	PRELIMINARY PLAT SHEET 1 OF 1
P-03	PRELIMINARY PLAT SHEET 2 OF 2
P-04	PRELIMINARY PLAT SHEET 3 OF 3
P-05	PRELIMINARY PLAT SHEET 4 OF 4
P-06	PRELIMINARY PLAT SHEET 5 OF 5
P-07	PRELIMINARY PLAT SHEET 6 OF 6
P-08	PRELIMINARY PLAT SHEET 7 OF 7
P-09	PRELIMINARY PLAT SHEET 8 OF 8
P-10	PRELIMINARY PLAT SHEET 9 OF 9
P-11	PRELIMINARY PLAT SHEET 10 OF 10
P-12	PRELIMINARY PLAT SHEET 11 OF 11
P-13	PRELIMINARY PLAT SHEET 12 OF 12
P-14	PRELIMINARY PLAT SHEET 13 OF 13
P-15	PRELIMINARY PLAT SHEET 14 OF 14
P-16	PRELIMINARY PLAT SHEET 15 OF 15
P-17	PRELIMINARY PLAT SHEET 16 OF 16
P-18	PRELIMINARY PLAT SHEET 17 OF 17
P-19	PRELIMINARY PLAT SHEET 18 OF 18
P-20	PRELIMINARY PLAT SHEET 19 OF 19
P-21	PRELIMINARY PLAT SHEET 20 OF 20
P-22	PRELIMINARY PLAT SHEET 21 OF 21
P-23	PRELIMINARY PLAT SHEET 22 OF 22
P-24	PRELIMINARY PLAT SHEET 23 OF 23
P-25	PRELIMINARY PLAT SHEET 24 OF 24
P-26	PRELIMINARY PLAT SHEET 25 OF 25
P-27	PRELIMINARY PLAT SHEET 26 OF 26
P-28	PRELIMINARY PLAT SHEET 27 OF 27
P-29	PRELIMINARY PLAT SHEET 28 OF 28
P-30	PRELIMINARY PLAT SHEET 29 OF 29
P-31	PRELIMINARY PLAT SHEET 30 OF 30
P-32	PRELIMINARY PLAT SHEET 31 OF 31
P-33	PRELIMINARY PLAT SHEET 32 OF 32
P-34	PRELIMINARY PLAT SHEET 33 OF 33
P-35	PRELIMINARY PLAT SHEET 34 OF 34
P-36	PRELIMINARY PLAT SHEET 35 OF 35
P-37	PRELIMINARY PLAT SHEET 36 OF 36
P-38	PRELIMINARY PLAT SHEET 37 OF 37
P-39	PRELIMINARY PLAT SHEET 38 OF 38
P-40	PRELIMINARY PLAT SHEET 39 OF 39
P-41	PRELIMINARY PLAT SHEET 40 OF 40
P-42	PRELIMINARY PLAT SHEET 41 OF 41
P-43	PRELIMINARY PLAT SHEET 42 OF 42
P-44	PRELIMINARY PLAT SHEET 43 OF 43
P-45	PRELIMINARY PLAT SHEET 44 OF 44
P-46	PRELIMINARY PLAT SHEET 45 OF 45
P-47	PRELIMINARY PLAT SHEET 46 OF 46
P-48	PRELIMINARY PLAT SHEET 47 OF 47
P-49	PRELIMINARY PLAT SHEET 48 OF 48
P-50	PRELIMINARY PLAT SHEET 49 OF 49
P-51	PRELIMINARY PLAT SHEET 50 OF 50
P-52	PRELIMINARY PLAT SHEET 51 OF 51
P-53	PRELIMINARY PLAT SHEET 52 OF 52
P-54	PRELIMINARY PLAT SHEET 53 OF 53
P-55	PRELIMINARY PLAT SHEET 54 OF 54
P-56	PRELIMINARY PLAT SHEET 55 OF 55
P-57	PRELIMINARY PLAT SHEET 56 OF 56
P-58	PRELIMINARY PLAT SHEET 57 OF 57
P-59	PRELIMINARY PLAT SHEET 58 OF 58
P-60	PRELIMINARY PLAT SHEET 59 OF 59
P-61	PRELIMINARY PLAT SHEET 60 OF 60
P-62	PRELIMINARY PLAT SHEET 61 OF 61
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P-70	PRELIMINARY PLAT SHEET 69 OF 69
P-71	PRELIMINARY PLAT SHEET 70 OF 70
P-72	PRELIMINARY PLAT SHEET 71 OF 71
P-73	PRELIMINARY PLAT SHEET 72 OF 72
P-74	PRELIMINARY PLAT SHEET 73 OF 73
P-75	PRELIMINARY PLAT SHEET 74 OF 74
P-76	PRELIMINARY PLAT SHEET 75 OF 75
P-77	PRELIMINARY PLAT SHEET 76 OF 76
P-78	PRELIMINARY PLAT SHEET 77 OF 77
P-79	PRELIMINARY PLAT SHEET 78 OF 78
P-80	PRELIMINARY PLAT SHEET 79 OF 79
P-81	PRELIMINARY PLAT SHEET 80 OF 80
P-82	PRELIMINARY PLAT SHEET 81 OF 81
P-83	PRELIMINARY PLAT SHEET 82 OF 82
P-84	PRELIMINARY PLAT SHEET 83 OF 83
P-85	PRELIMINARY PLAT SHEET 84 OF 84
P-86	PRELIMINARY PLAT SHEET 85 OF 85
P-87	PRELIMINARY PLAT SHEET 86 OF 86
P-88	PRELIMINARY PLAT SHEET 87 OF 87
P-89	PRELIMINARY PLAT SHEET 88 OF 88
P-90	PRELIMINARY PLAT SHEET 89 OF 89
P-91	PRELIMINARY PLAT SHEET 90 OF 90
P-92	PRELIMINARY PLAT SHEET 91 OF 91
P-93	PRELIMINARY PLAT SHEET 92 OF 92
P-94	PRELIMINARY PLAT SHEET 93 OF 93
P-95	PRELIMINARY PLAT SHEET 94 OF 94
P-96	PRELIMINARY PLAT SHEET 95 OF 95
P-97	PRELIMINARY PLAT SHEET 96 OF 96
P-98	PRELIMINARY PLAT SHEET 97 OF 97
P-99	PRELIMINARY PLAT SHEET 98 OF 98
P-100	PRELIMINARY PLAT SHEET 99 OF 99
P-101	PRELIMINARY PLAT SHEET 100 OF 100

ENGINEER
Kimley»Horn
400 N. OKLAHOMA DR. STATE OF TEXAS
SUITE 105 76708 REGISTRATION NO. F-328
TEL (409) 501-2200
CONTACT: BRENT L. MURPHREE, P.E.

OWNER/DEVELOPER
HUNT COMMUNITIES BELTON, LLC
P.O. BOX 12220
EL PASO, TX 79913-0220
TEL (915) 835-1220
CONTACT: ROCK NEFF



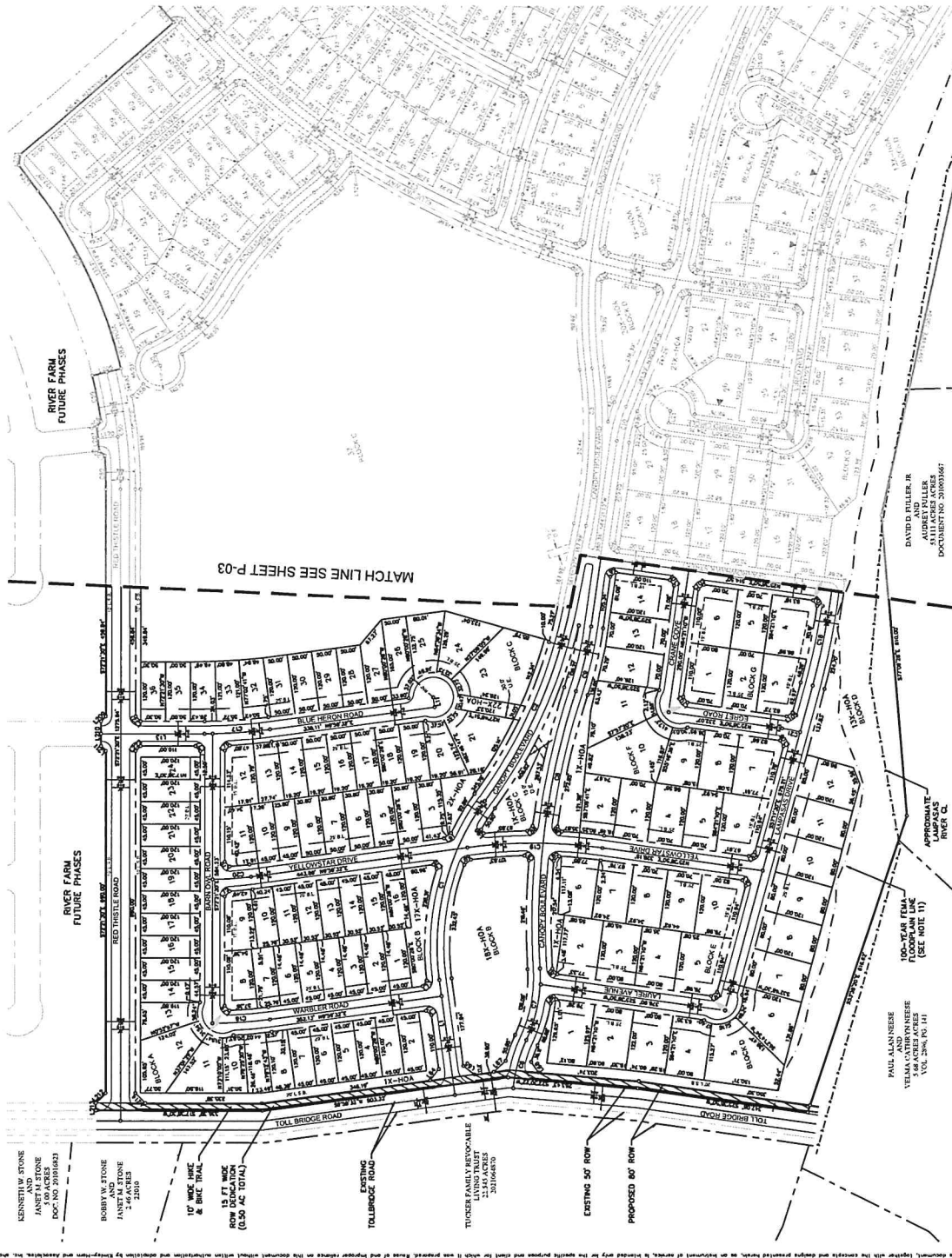
APRIL 2022

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PRELIMINARY PLAT FOR
REVIEW PURPOSES ONLY

PRELIMINARY PLAT (SHEET 1 OF 3)
FOR
RIVER FARM - PHASE 1
NINETY RESIDENTIAL LOTS / 24 OPEN SPACES / 1 AMENITY CENTER LOT
BEING 131.549 ACRES
OUT OF THE
MAGNOLIA SURVEY, ABSTRACT NO. 027654
IN THE
BELL COUNTY, TEXAS

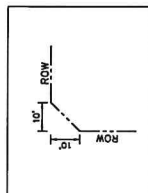
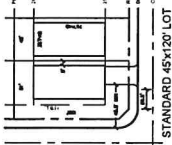
OWNER Kimley-Horn	DESIGNED BY Kimley-Horn	ENGINEER Kimley-Horn	PROJECT NO. 10000	DATE 10/1/00	BY J. M. H.	P-001
OWNER Kimley-Horn	DESIGNED BY Kimley-Horn	ENGINEER Kimley-Horn	PROJECT NO. 10000	DATE 10/1/00	BY J. M. H.	P-001
OWNER Kimley-Horn	DESIGNED BY Kimley-Horn	ENGINEER Kimley-Horn	PROJECT NO. 10000	DATE 10/1/00	BY J. M. H.	P-001
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OWNER Kimley-Horn						



DAVID D. FULLER, JR.
AND
AUDREY FULLER
59.111 ACRES ACRES
DOCUMENT NO. 2010033667

100-YEAR FEMA
FLOODPLAIN LINE
(SEE NOTE 11)

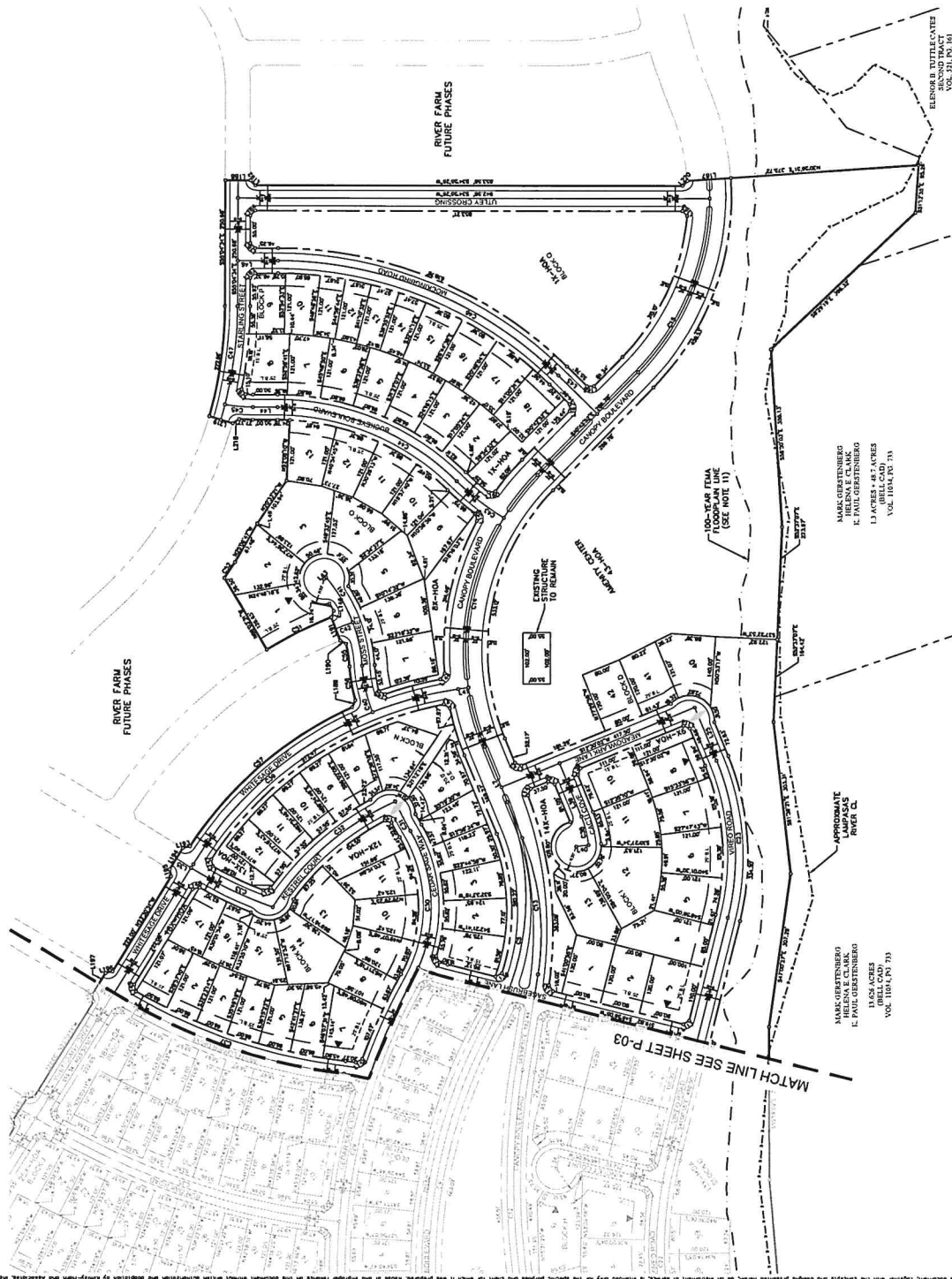
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PRELIMINARY PLAT FOR
REVIEW PURPOSES ONLY

PRELIMINARY PLAT (SHEET 3 OF 3)
FOR
RIVER FARM - PHASE 1
297 RESIDENTIAL LOTS/124 OPEN SPACES/1 AMENITY CENTER LOT
BEING 131.566 ACRES
OUT OF THE
MAGDOLAN SURVEY, ABSTRACT NO. 027554
IN THE
BELL COUNTY, TEXAS

DOYLE Neal Commercial Real, LLC P.O. Box 12220 J.P.A., Tex 75012-2220 Tel (214) 771-5420 Fax (214) 771-5480 Central: Not Web	DOYLE Neal Commercial Real, LLC P.O. Box 12220 J.P.A., Tex 75012-2220 Tel (214) 771-5420 Fax (214) 771-5480 Central: Not Web
ENGINEERS/SURVEYORS Kimley-Horn 609 N. Campbell Suite 105 Dallas, Texas 75206 Tel (409) 551-2200 Contact: Brent L. Murphy, P.E.	ENGINEERS/SURVEYORS Kimley-Horn 609 N. Campbell Suite 105 Dallas, Texas 75206 Tel (409) 551-2200 Contact: Brent L. Murphy, P.E.



DESIGNED	COC	DRAWN	COC	CHECKED	BLM	SCALE	AS SHOWN	DATE	APRIL 2022	KH PROJECT NO.	040318702
P-04											

STREET LINE TABLE				
LINE	LENGTH	BEARING	CHORD	TANGENT
L1	23.84	S50°07'27.66"E	23.84	0.00
L2	34.83	S44°27'06.66"E	34.83	0.00
L3	18.93	S77°37'58.83"E	18.93	0.00
L4	20.00	N60°07'27.66"E	20.00	0.00
L5	206.73	N17°26'36.34"E	206.73	0.00
L6	20.00	N47°10'08.66"E	20.00	0.00
L7	114.62	S77°37'58.83"E	114.62	0.00
L8	35.00	N69°27'06.66"E	35.00	0.00
L9	8.48	S77°37'58.83"E	8.48	0.00
L10	25.07	N63°47'11.56"E	25.07	0.00
L11	25.00	N69°27'06.66"E	25.00	0.00
L12	34.91	N69°27'06.66"E	34.91	0.00
L13	35.00	N69°27'06.66"E	35.00	0.00
L14	20.00	N69°27'06.66"E	20.00	0.00
L15	106.26	S77°37'58.83"E	106.26	0.00
L16	81.28	N47°10'08.66"E	81.28	0.00
L17	40.32	S11°31'41.06"E	40.32	0.00

STREET CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	TANGENT
C1	500.00'	301.56'	189°04'42"W	372.38'
C2	1000.00'	548°39'11"E	428.48'	244.31'
C3	1000.00'	330.45'	57°01'15"E	316.00'
C4	1000.00'	836.41'	N57°23'29"W	902.57'
C5	1000.00'	831.25'	S51°36'25"E	836.55'
C6	300.00'	101.00'	N70°05'05"W	100.33'
C7	1000.00'	148.85'	S81°38'57"E	148.84'
C8	1000.00'	561.85'	N44°34'48"W	561.48'
C9	750.00'	134.18'	S59°13'30"E	134.01'
C10	300.00'	71.81'	N7°52'53"E	71.81'
C11	500.00'	148.84'	S79°26'53"E	148.84'
C12	1000.00'	148.84'	N51°03'31"W	148.84'
C13	500.00'	278.02'	S51°48'44"E	272.32'
C14	500.00'	421.83'	N47°01'14"W	421.83'
C15	500.00'	421.83'	S13°43'07"E	409.43'
C16	860.00'	117.48'	S13°43'07"E	117.48'
C17	1000.00'	133.51'	S13°43'07"E	133.51'
C18	1000.00'	187.48'	S69°42'02"E	187.48'
C19	1000.00'	273.27'	N74°01'14"E	272.36'
C20	300.00'	78.77'	S13°43'07"E	78.77'
C21	300.00'	37.50'	N52°41'02"W	30.38'
C22	750.00'	316.39'	S59°13'30"E	313.03'
C23	500.00'	1218.83'	S48°04'00"W	1193.20'
C24	1710.00'	1218.83'	S48°04'00"W	409.50'

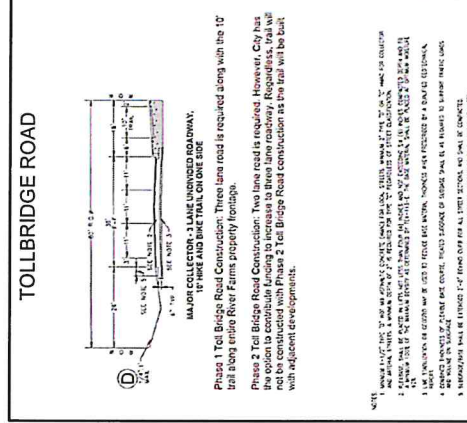
LOT LINE TABLE				
LINE	LENGTH	BEARING	CHORD	TANGENT
L1	28.28	S35°02'27.66"E	28.28	0.00
L2	28.28	S35°02'27.66"E	28.28	0.00
L3	28.28	S35°02'27.66"E	28.28	0.00
L4	28.28	S35°02'27.66"E	28.28	0.00
L5	28.28	S35°02'27.66"E	28.28	0.00
L6	28.28	S35°02'27.66"E	28.28	0.00
L7	28.28	S35°02'27.66"E	28.28	0.00
L8	28.28	S35°02'27.66"E	28.28	0.00
L9	28.28	S35°02'27.66"E	28.28	0.00
L10	28.28	S35°02'27.66"E	28.28	0.00
L11	28.28	S35°02'27.66"E	28.28	0.00
L12	28.28	S35°02'27.66"E	28.28	0.00
L13	28.28	S35°02'27.66"E	28.28	0.00
L14	28.28	S35°02'27.66"E	28.28	0.00
L15	28.28	S35°02'27.66"E	28.28	0.00
L16	28.28	S35°02'27.66"E	28.28	0.00
L17	28.28	S35°02'27.66"E	28.28	0.00

LOT LINE TABLE				
LINE	LENGTH	BEARING	CHORD	TANGENT
L1	17.20	N70°25'36.26"W	17.20	0.00
L2	17.20	N70°25'36.26"W	17.20	0.00
L3	17.20	N70°25'36.26"W	17.20	0.00
L4	17.20	N70°25'36.26"W	17.20	0.00
L5	17.20	N70°25'36.26"W	17.20	0.00
L6	17.20	N70°25'36.26"W	17.20	0.00
L7	17.20	N70°25'36.26"W	17.20	0.00
L8	17.20	N70°25'36.26"W	17.20	0.00
L9	17.20	N70°25'36.26"W	17.20	0.00
L10	17.20	N70°25'36.26"W	17.20	0.00
L11	17.20	N70°25'36.26"W	17.20	0.00
L12	17.20	N70°25'36.26"W	17.20	0.00
L13	17.20	N70°25'36.26"W	17.20	0.00
L14	17.20	N70°25'36.26"W	17.20	0.00
L15	17.20	N70°25'36.26"W	17.20	0.00
L16	17.20	N70°25'36.26"W	17.20	0.00
L17	17.20	N70°25'36.26"W	17.20	0.00

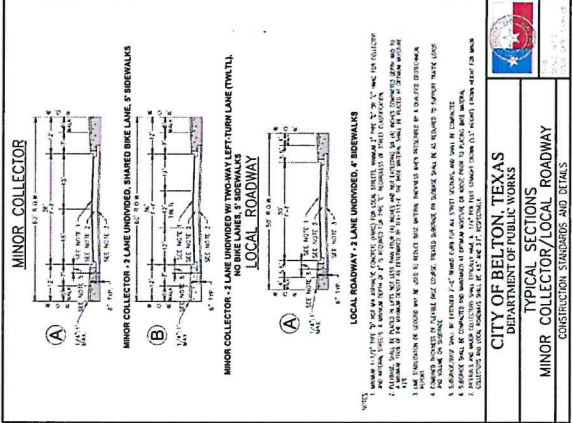
LOT LINE TABLE				
LINE	LENGTH	BEARING	CHORD	TANGENT
L1	14.26	S32°07'36.37"E	14.26	0.00
L2	14.26	S32°07'36.37"E	14.26	0.00
L3	14.26	S32°07'36.37"E	14.26	0.00
L4	14.26	S32°07'36.37"E	14.26	0.00
L5	14.26	S32°07'36.37"E	14.26	0.00
L6	14.26	S32°07'36.37"E	14.26	0.00
L7	14.26	S32°07'36.37"E	14.26	0.00
L8	14.26	S32°07'36.37"E	14.26	0.00
L9	14.26	S32°07'36.37"E	14.26	0.00
L10	14.26	S32°07'36.37"E	14.26	0.00
L11	14.26	S32°07'36.37"E	14.26	0.00
L12	14.26	S32°07'36.37"E	14.26	0.00
L13	14.26	S32°07'36.37"E	14.26	0.00
L14	14.26	S32°07'36.37"E	14.26	0.00
L15	14.26	S32°07'36.37"E	14.26	0.00
L16	14.26	S32°07'36.37"E	14.26	0.00
L17	14.26	S32°07'36.37"E	14.26	0.00

LOT LINE TABLE				
LINE	LENGTH	BEARING	CHORD	TANGENT
L1	14.14	S79°25'26.07"W	14.14	0.00
L2	14.14	S79°25'26.07"W	14.14	0.00
L3	14.14	S79°25'26.07"W	14.14	0.00
L4	14.14	S79°25'26.07"W	14.14	0.00
L5	14.14	S79°25'26.07"W	14.14	0.00
L6	14.14	S79°25'26.07"W	14.14	0.00
L7	14.14	S79°25'26.07"W	14.14	0.00
L8	14.14	S79°25'26.07"W	14.14	0.00
L9	14.14	S79°25'26.07"W	14.14	0.00
L10	14.14	S79°25'26.07"W	14.14	0.00
L11	14.14	S79°25'26.07"W	14.14	0.00
L12	14.14	S79°25'26.07"W	14.14	0.00
L13	14.14	S79°25'26.07"W	14.14	0.00
L14	14.14	S79°25'26.07"W	14.14	0.00
L15	14.14	S79°25'26.07"W	14.14	0.00
L16	14.14	S79°25'26.07"W	14.14	0.00
L17	14.14	S79°25'26.07"W	14.14	0.00

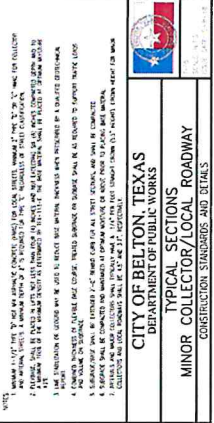
LOT LINE TABLE				
LINE	LENGTH	BEARING	CHORD	TANGENT
L1	14.14	S79°25'26.07"W	14.14	0.00
L2	14.14	S79°25'26.07"W	14.14	0.00
L3	14.14	S79°25'26.07"W	14.14	0.00
L4	14.14	S79°25'26.07"W	14.14	0.00
L5	14.14	S79°25'26.07"W	14.14	0.00
L6	14.14	S79°25'26.07"W	14.14	0.00
L7	14.14	S79°25'26.07"W	14.14	0.00
L8	14.14	S79°25'26.07"W	14.14	0.00
L9	14.14	S79°25'26.07"W	14.14	0.00
L10	14.14	S79°25'26.07"W	14.14	0.00
L11	14.14	S79°25'26.07"W	14.14	0.00
L12	14.14	S79°25'26.07"W	14.14	0.00
L13	14.14	S79°25'26.07"W	14.14	0.00
L14	14.14	S79°25'26.07"W	14.14	0.00
L15	14.14	S79°25'26.07"W	14.14	0.00
L16	14.14	S79°25'26.07"W	14.14	0.00
L17	14.14	S79°25'26.07"W	14.14	0.00



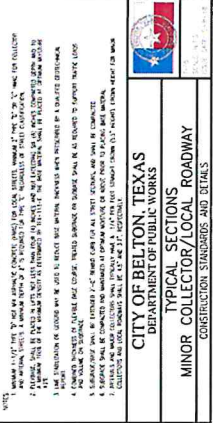
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MAJOR COLLECTOR-SECTION D 3/4
CONSTRUCTION STANDARDS AND DETAILS



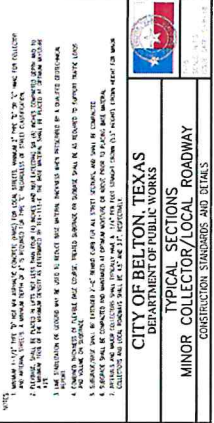
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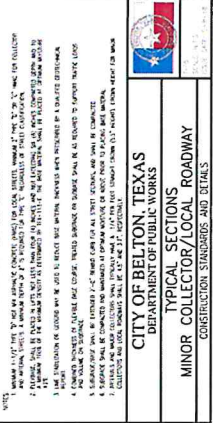
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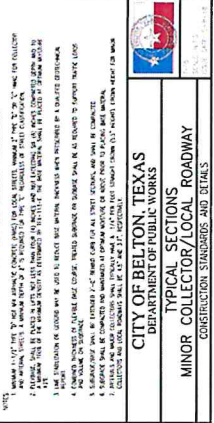
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CONSTRUCTION STANDARDS AND DETAILS



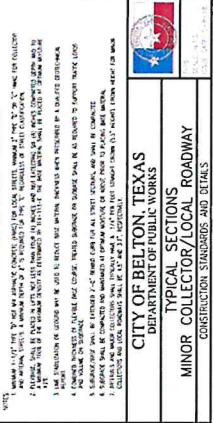
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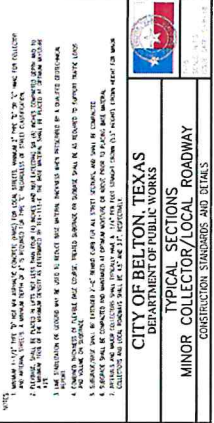
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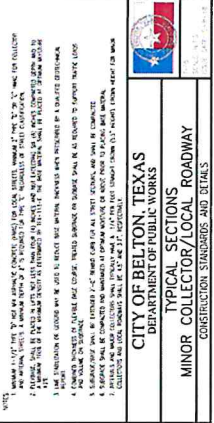
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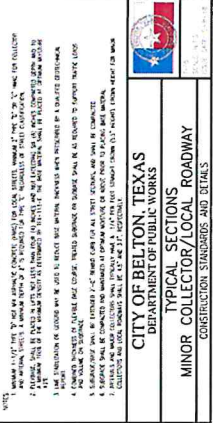
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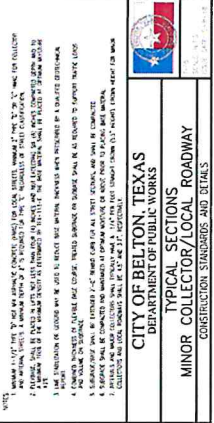
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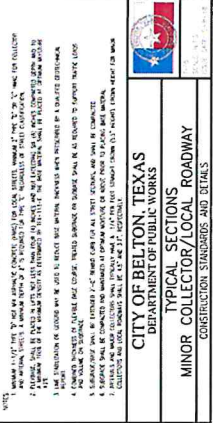
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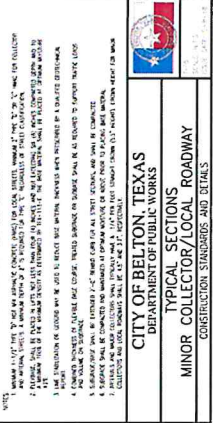
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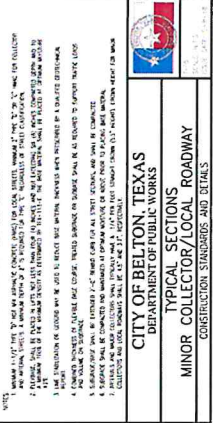
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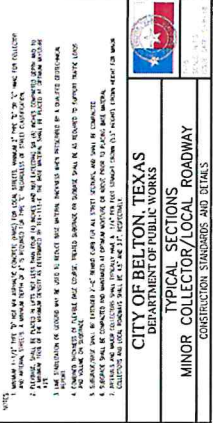
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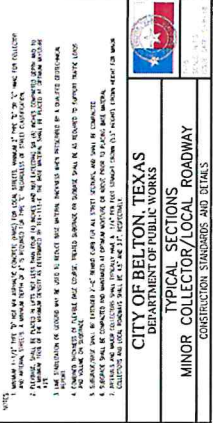
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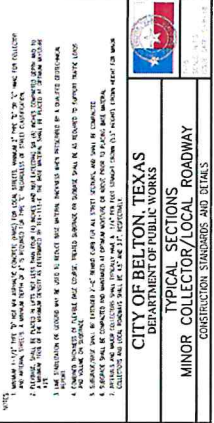
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MINOR COLLECTOR/LOCAL ROADWAY
CONSTRUCTION STANDARDS AND DETAILS



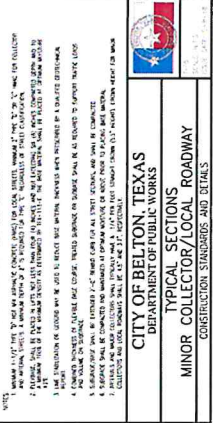
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MINOR COLLECTOR/LOCAL ROADWAY
CONSTRUCTION STANDARDS AND DETAILS



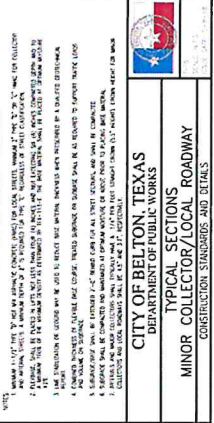
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DEPARTMENT OF PUBLIC WORKS
MINOR COLLECTOR/LOCAL ROADWAY
CONSTRUCTION STANDARDS AND DETAILS



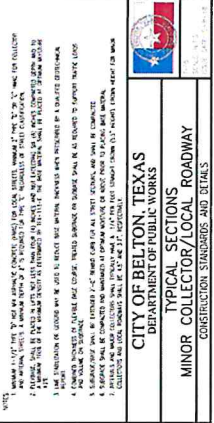
CITY OF BELTON, TEXAS
DEPARTMENT OF PUBLIC WORKS
MINOR COLLECTOR/LOCAL ROADWAY
CONSTRUCTION STANDARDS AND DETAILS



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CONSTRUCTION STANDARDS AND DETAILS



City of Belton

Planning Department

May 9, 200

Project: River Farm Phase I Preliminary Plat

Applicant: Kimley Horn

Date Submitted: 3-17-22

2nd Review: 4-4-22

3rd Review: 4-25-22

Location: 481.779 ACRES LOCATION: TOLLBRIDGE ROAD

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

PLANNING:

1. Comment Only: Based on conversation with TxDOT, the exact location of the east-west road from Toll Bridge that is representative of our Thoroughfare Plan may change with regards to the extent of the thoroughfare as it extends to IH35.
2. Sewer line sizes are inconsistent on the General Development Plan and the Preliminary Plat (21" vs 8"). Please correct.

PUBLIC WORKS/KPA:

3. Sheets P-08, P-12 – The 30-wide utility easement on Block C between Lots 21-22 needs to be dedicated as a City of Belton wastewater/drainage easement. It needs to be specifically dedicated as a City of Belton wastewater/drainage easement to prevent other utilities (gas, fiber, electric, etc.) from interfering with the City's ability to maintain its infrastructure in that easement.
4. Sheet P-02 – Note 11 is not a correct statement with regards to the floodplain. It should reflect that portions of the property are located within Zone AE of the special flood hazard area as determined by FEMA. The 30-foot Utility Easement between Block C Lots 21-22 needs to be specified as a City of Belton Utility Easement so that it remains reserved for drainage and wastewater utilities.
5. Sheets P-07-P-12 – The Typical Utility Assignments Detail needs to be revised to match the City of Belton Typical Utility Assignment Detail, G-01.
6. Sheets P-11 & P-12– Drainage easements will be needed across Block D, Lot 13X-HOA for conveying drainage from the storm sewer outfalls to the floodplain. Additionally, the drainage plan needs to include a general layout of proposed drainage for all phases per Section 302.04B.2.f. of the Subdivision Ordinance.
7. Block D, Lot 39 is encroached upon by the floodplain. Please specify a minimum finished floor elevation for this lot on the Preliminary Plat.
8. Section 302.04B.2.b. of the Subdivision Ordinance requires the preliminary plat to cover all of the tract intended to be developed whether in total or by sections. This would include all future phases.

9. Sheet P-07 – P-10 – Related to the previous comment, all phases of the development need to be shown to display the location of the waterline tie into the existing City of Belton waterline as well as proposed utilities in all phases (Section 302.04B.2.k. of the Subdivision Ordinance). This is addressed in the General Development Plan, but not the Preliminary Plat.
10. Section 302.04B.2.i. of the Subdivision Ordinance requires the vicinity map to be at a scale no more than 1000' to 1".

BUILDING OFFICIAL:

No Comments.

FIRE DEPT:

No Comments.

POLICE DEPT:

No Comments.

GIS:

No Comments.

Outside Utility Provider Comments

- ☐ **Oncor:**
- ☐ **AT&T:**
- ☐ **Atmos Energy:**
- ☐ **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.

Minutes of the
Planning and Zoning Commission (P&ZC)
City of Belton, City Hall
333 Water Street
Tuesday, May 17, 2022

The Planning and Zoning Commission met at 5:30 p.m. at the Harris Community Center, 401 North Alexander Street. Commission members who were present: Chair Brett Baggerly, Vice Chair Dave Covington, Dave Jarratt, Quinton Locklin, Alton McCallum and Joshua Knowles. The following members were absent: Nicole Fisher, Zach Kruger, and Luke Potts. The following staff members were present: Director of Planning Bob van Til, Planner Tina Moore, Planning Fire Marshal Jeff Booker and IT Specialist Alex Munger.

11. P-22-12 - Consider a preliminary plat for River Farm Phase I, comprising of 131.588 acres, located on Toll Bridge Road, north of the Lampasas River. (Audio 1:43)

Staff Planner Ms. Moore presented the staff report.

Staff addressed questions from the commission.

Vice Chair Covington made a motion to approve P-22-12 as recommended by Staff. Commission Member Locklin seconded the motion. The motion was approved with 6 ayes, 0 nays.

Staff Report – City Council Agenda Item



Date: May 24, 2022
Case No.: P-22-13
Request: Preliminary Plat
Applicant: Collier Engineering
Owner/Developer: KAELGO Properties –
Joshua Pearson

Agenda Item #17

P-22-13 – Consider a preliminary Plat for Foxwood Ranch, comprising 71.98 acres, generally located east of IH35, and at the southeast intersection of Capitol Way and Elm Grove Spur.

Originating Department

Planning – Tina Moore, Planner

Case Summary

This preliminary plat proposes a one block and 22 residential lots for development. A portion of this plat, adjacent to Elm Grove Spur, was recently rezoned from Agricultural to Single Family -1.

Project Analysis and Discussion

This development has both SF-1 and Ag zoning. The proposed lots meet or exceed the minimum area requirements as noted below:

	Ag	SF-1
Minimum Lot area	3 acres	10,000
Lots	Block 1, Lots 8-22	Block 1, Lots 1-7
Lot width	150'	70'
Lot Depth	300'	100'
Minimum Front Yard Setback	50'	25'
Minimum Side Yard Setback	20'/25- adjacent to a street	7'/15'- adjacent to a street
Minimum Rear Yard Setback	25'	20'
Maximum Lot Coverage	N/A	40%

Water: The area falls within the Armstrong Water Supply CCN and must comply with their requirements. An approval letter from Armstrong water company will be required prior to the approval of the final subdivision plat and construction plans to ensure that their requirements are met. The applicant will be responsible for addressing fire protection due to a lack of adequate water pressure from the Armstrong system. To address fire protection, the developer is requiring future homeowners to install a residential sprinkler system. This requirement is noted on the plat and will be included in the deed restrictions.

Sewer: This is located within the City's Wastewater CNN. The applicant is proposing on-site sanitary systems subject to review and approval by the Bell County Public Health Department.

Access: Access will be provided from Elm Grove Spur for Lots 1-7. The remaining lots will be accessed from Capitol Way.

Streets:

Capitol Way is identified as a major collector on the City's Thoroughfare Plan. Major collectors require a minimum Right of Way (ROW) width of 80'. Capitol Way currently has 60' of ROW. An additional 20 feet of ROW is required; 10 feet from each property owner on either side of Capitol Way. The plat currently shows a 10' dedication for a portion of the boundary adjacent to Capitol Way. The developer is required to dedicate 10' of ROW along the entire length of the western boundary.

Perimeter Street Improvements and sidewalks are required along Capitol Way. The construction of half of future Capitol Way is required which includes 18.5' of pavement, curb and gutter and a 5' sidewalk along the frontage of the development. The developer has decided to escrow the amount of the improvements. The applicant submitted a variance request to waive the sidewalk requirements along Capitol Way. Staff is not in support of this variance since this a proposed residential development.

Elm Grove Spur is a local road which requires 50' of ROW. There's currently 40' of ROW. The plat shows a 5' dedication along the northern boundary.

The proposed internal streets have 50' of ROW with 31' of pavement. As a rural development, open bar ditches are permitted instead of curb and gutter. The length of Ginger Fox Drive exceeds the maximum block length allowed for residential development, which is 1,200 linear feet. Ginger Fox Drive is approximately 1,400 linear feet. The applicant submitted a variance request for this requirement based on the number of large lot sizes proposed. Staff is in support of this variance.

Drainage: Topography and drainage have been reviewed by staff. This development is along the eastern city limits. The development will contribute off-site drainage issues and impact downstream property owners to the north of this development and to the east along Elm Grove Loop. Bell County Engineer's Office was provided a copy of this plat to review and address drainage conveyance on Elm Grove Road. The applicant has indicated that future residents

will provide detention or other mitigation for individual lots per deed restrictions. City ordinances do not allow future drainage impacts to exceed current conditions.

Parkland Dedication/Fee: The applicant has opted to pay a fee in lieu of dedication. A fee of \$4,400 is required for 22 residential lots. Funds will be used to improve Miller Street Park which is within a mile of this development.

Recommendation

At its meeting on May 17, 2022, the Planning and Zoning Commission voted unanimously to recommend approval of the preliminary plat of Foxwood Ranch, subject to the following:

1. Consideration of a variance to the sidewalk requirements on Capitol Way;
2. Consideration of a variance for maximum block length of 1,400 linear feet for Ginger Fox Drive; and
3. Staff letter of conditions dated May 13, 2022.

Attachments

Final Plat Application

Location Map

Final Plat

Variance request letter

P&Z Minutes Excerpt

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

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

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

Date Received: 3/7/2022 Date Due: 3/7/2022 (All plans are to be returned to the Planning Department according to the Plat Submission Calendar.)

Applicant: Julia Horie, Colliers Engineering & Design Phone: 281-628-6412
Mailing Address: 13501 Katy Freeway, Houston, TX
Email Address: julia.horie@colliersengineering.com

Owner: Josh Pearson, KAELJO Properties, LLC Phone: 214-537-2970
Mailing Address: 80 Morgan's Point Rd, Belton, TX 76513
Email Address: jpearson@bellcountylawyer.com

Current Description of Property:

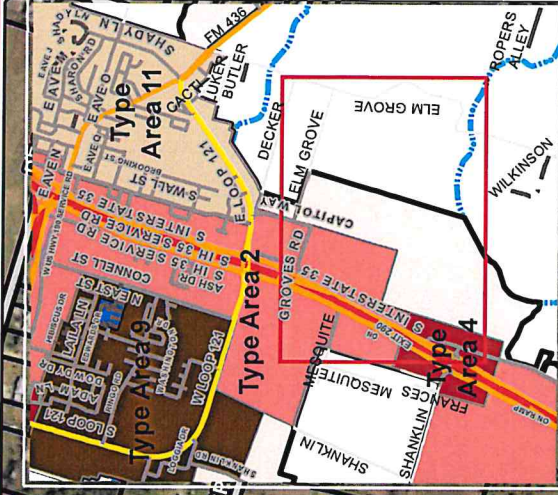
Lot: _____ Block: _____ Subdivision: Foxwood Ranch
Acres: 71.580 Survey: MH Connell
Abstract #: _____ Street Address: _____
Frontage in Feet: 15' & 50' Depth in Feet: 300'+

Does Zoning comply with proposed use? Yes Current Zoning: SF-1, AG
Name of proposed subdivision: Foxwood Ranch
Number of Lots: 22 Fee: \$ 316.00

Signature of Applicant:  Digitally signed by Julia Horie
Signature of Owner:  Date: 3/7/2022
Date: 03/07/2022

NOTE: Variances to code requirements may be considered by P&ZC and City Council.

P-22-13 LOCATION - FOXWOOD RANCH



PROPOSED PLAT:

Preliminary Plat
Foxwood Ranch
71.58 Acres

PROPERTY OWNER:

KAELJO Properties, LLC

LEGEND

- P_22_13
- City Limits
- Zoning**
 - Agricultural
 - Commercial Highway
 - Commercial-1
 - Commercial-2
 - Light Industrial
 - Planned Development

Map Date: 5/12/2022 Aerial Imagery Date: 2018

0 2,125 4,250 8,500 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.

13501 Katy Freeway
Suite 1700
Houston, TX 77079
Main: 877 627 3772
colliersengineering.com



TBPLS Reg. 10194464 • TBPE Reg. F-14909 • TBPG 50617

May 3, 2022

Tina Moore
City of Belton
333 Water St.
Belton, TX 76513

Foxwood Ranch Subdivision
CED Project No. 21007644A
Variance Request

Dear Ms. Moore,

We are requesting the following variances to be considered by the City Council and Planning & Zoning Commission for approval:

1. We would like to request that the sidewalk requirements for this subdivision to be waived in anticipation for future landowners' desire for privacy.
2. We would also like to request to install a cul-de-sac beyond the maximum length of 1,000 LF feet due to the nature of the large lots in the subdivision. The proposed cul-de-sac ROW radius is set at 60 LF which provides the required 120 LF of required ROW. The length of Ginger Fox Drive, the street with the proposed cul-de-sac, is approximately 1,400 LF.

If you have any questions or need additional information, please contact me at 281-628-6412 or via email at julia.horie@colliersengineering.com.

Sincerely,

Colliers Engineering & Design, Inc.
(DBA Maser Consulting)

A handwritten signature in black ink, appearing to read "Julia Horie".

Julia Horie, PE, ENV SP
Department Manager

\\maserconsulting.com\hou\Projects\2021\21007644A\Applications-Permits\Municipal\Variance Request.docx



City of Belton

Planning Department

May 13, 2022

Project: FOXWOOD RANCH PRELIMINARY PLAT

Applicant: COLLIER ENGINEERING

Date Submitted: 3-7-22

2ND Review: 5-3-22

ACRES: 71.580 LOCATION: SEC OF CAPITAL WAY AND ELM GROVE SPUR

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

PLANNING:

1. Previous comment not addressed: Only a portion of Capital Way right of way is shown on the plat. Right of way adjacent lots 16-20 must be shown. Dedication to achieve a 80' ROW will be required. Additionally, 20' of dedication is required for the existing paved area along Lots 1,8 and 20. The adjacent property have already been subdivided and dedicated their required half (40') of the required 80' of ROW.
2. To participate in the escrow option, an estimated cost including engineered plans and construction cost are required and will be reviewed by staff for accuracy.
3. Mayor and Secretary signature block should read "Approved for preparation of final plat". Please revised.
4. Please provide a copy of deed restrictions for review.
5. Provide documentation from Armstrong WSC stating their ability and willingness to serve this subdivision. A written confirmation is needed.
6. Address all comments from Bell County Public Health Department for OSSF requirements. Documentation of approval is needed prior to plat approval.
7. Clearwater UWCD review and approval is required for the two wells on site.
8. Parkland fee of \$4,400 is required. Fees are due prior to recording final plat.
9. A tree survey or inventory showing all trees with a diameter breast height of 20-inches or more is required during plat review for development with 2 or more residential lots. A survey is needed to review proposed trees for removal during road construction of Fox Trace Lane and Ginger Fox Drive. This will be reviewed with the final plat.
10. Lots abutting a collector roadway will be required to meet screening fence requirements of Design Standards Section III.D.1.c. Fencing along Capitol Way will require a wood fence with capped top rail. Please add a note indicating the fencing requirement and who will be responsible (developer or homebuilding) for the installation and maintenance.

PUBLIC WORKS/KPA:

11. There is some contributing off-site drainage area that affects the 4.01 acres drainage area which needs to recognize. Also, there are some downstream drainage issues with property owners to the north of this development and to the East along Elm Grove Loop that could dictate detention installation.

BUILDING OFFICIAL:

No Comments.

FIRE DEPT:

No Comments.

POLICE DEPT:

No Comments.

GIS:

No Comments.

Outside Utility Provider Comments

- ☐ **Oncor:**
- ☐ **AT&T:**
- ☐ **Atmos Energy:**
- ☐ **Charter Communications:**
- ☐ **Grande Communications:**
- ☐ **Spectrum (Time Warner):**
- ☐ **USPS:**
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- ☐ **TXDOT:**

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City of Belton

Planning Department

May 13, 2022

Project: FOXWOOD RANCH PRELIMINARY PLAT

Applicant: COLLIER ENGINEERING

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BUILDING OFFICIAL:

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FIRE DEPT:

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POLICE DEPT:

No Comments.

GIS:

No Comments.

Outside Utility Provider Comments

- ☐ **Oncor:**
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- ☐ **Clearwater UCD:**
- ☐ **TXDOT:**

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Minutes of the
Planning and Zoning Commission (P&ZC)
City of Belton, City Hall
333 Water Street
Tuesday, May 17, 2022

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12. P-22-13 - Consider a preliminary plat for Foxwood Ranch, comprising of 71.58 acres, located at the southeast intersection of Elm Grove Spur and Capitol Way. (Audio 1:56)

Staff Planner Ms. Moore presented the staff report.

Staff addressed questions from the commission. Neither the applicant nor representatives were in attendance.

Commission Member Jarrett made a motion to approve P-22-12, as presented, the motion was clarified to disapprove of the variance request to waive requirements for sidewalks along Capital Way. Vice Chair seconded the motion. The motion was approved with 6 ayes, 0 nays.



Staff Report – City Council Agenda Item

Agenda Item #18

Consider a resolution endorsing a five-year water and wastewater rate structure that is designed to provide financial stability for the Water & Sewer Fund.

Originating Department

Finance Department – Mike Rodgers, Director of Finance

Summary Information

In 2021, the City of Belton hired Nelisa Heddin Consulting, LLC (NHC) to perform a rate design study for the City's water and wastewater utility. The study's intent is to achieve a rate structure that will ensure equitable and adequate revenues for operations, debt service, and capital improvements. NHC worked closely with City staff to develop revenue requirements and determine the cost of providing service to customers.

Operating expenditures were projected annually, reflecting anticipated employee costs and inflationary trends. Contracted costs for water treatment, water options, sewer treatment, and debt service were projected using known contractual factors and debt service information. Capital project costs over the five-year study total \$22,979,000. The revenues required to cover these project costs and operational expenses were incorporated into the respective water and sewer rate recommendations.

If the resolution is approved, City Council will endorse a five-year utility rate structure based upon this study. The structure recommends rates that are equitable among customer classes based upon a five-year expenditure budget. All rates are higher than the previous plan as costs have continued to rise over time. Wastewater rates, in particular, are elevated due to the additional debt service that will be required for the upcoming Temple-Belton Wastewater Treatment Plant expansion.

Some of the key points/recommendations from the report include:

- Instead of billing one rate for all meters, the new water base rate will be charged by meter size. This is the industry standard, because it recognizes that larger meters put a greater demand on the water system. The base rate includes 2,000 gallons for domestic consumption.
- Multi-family dwellings will be charged a base rate based upon meter size instead of number of units.

- Two rates will be created for water services - domestic and sprinkler - with volumetric rates reflecting the nature of consumption. Sprinkler rates are higher, but irrigating lawns is discretionary.
- Customers with sprinkler meters will only be charged for the amount of water that is consumed. There will no longer be a base water rate for sprinkler meters.
- The City will continue with its practice of billing for one wastewater base rate for all customer classes. Customers will receive 2,000 gallons with the base rate. Volumetric rates are charged for each 1,000 gallons above that.
- The study recommends maintaining the current sewer billing methodology of using metered water consumption with a cap on residential use of 15,000 gallons.

With the recommended rates for FY23, the monthly utility bill for a residential customer who consumes 5,000 gallons for domestic use through a 5/8" meter will be \$69.49. That would be an increase of \$12.39 (21.7%) over the \$57.10 that would have been billed for comparable usage in the previous year. Even with the increase, the amount charged by the City of Belton would remain comparable to area cities.

The table below is based upon the 2022 TML Water and Wastewater Survey. Cities were asked to provide the cost for residential services based upon 5,000 gallons of consumption. It is uncertain whether the other entities will modify utility rates for FY 2023.

City	Water	Sewer	Total Bill
<i>Killeen</i>	\$22.21	\$26.86	\$49.07
<i>Temple</i>	\$21.10	\$32.50	\$53.60
<i>Harker Heights</i>	\$27.91	\$26.24	\$54.15
<i>Cedar Park</i>	\$28.66	\$33.67	\$62.33
<i>Georgetown</i>	\$33.75	\$34.85	\$68.60
<i>Belton (2023)</i>	\$30.74	\$38.75	\$69.49
<i>Copperas Cove</i>	\$40.00	\$44.25	\$84.25
<i>Buda</i>	\$30.29	\$55.03	\$85.32
<i>Leander</i>	\$65.90	\$28.78	\$94.68
<i>Pflugerville</i>	\$47.18	\$49.50	\$96.68

Fiscal Impact

Water & Sewer Fund revenue will increase in FY 2023.

Recommendation

Management recommends approval of the resolution endorsing a five-year water and wastewater rate structure that is designed to provide financial stability for the Water & Sewer Fund. Each year, a new rate will be adopted by City Council with the fee schedule.

Attachments

Proposed resolution

Presentation by Nelisa Heddin Consulting, LLC.

Rate Study

RESOLUTION NO. 2022-21-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, ENDORSING A FIVE-YEAR WATER AND WASTEWATER RATE STRUCTURE THAT IS DESIGNED TO PROVIDE FINANCIAL STABILITY FOR THE WATER & SEWER FUND

WHEREAS, the City of Belton is committed to a prudent planning process that will ensure the acquisition and allocation of resources necessary to meet demand over time; and

WHEREAS, the City Council commissioned a water and wastewater utility rate study with Nelisa Heddin Consulting, LLC to determine the rate structure needed to support the operations and maintenance of the water and wastewater system; and

WHEREAS, the study shows the need to fund the water and wastewater utility system at rates greater than current rates over the five years of the study period.

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

Section 1. The facts recited in the preamble hereto are hereby found to be true and correct.

Section 2. The City Council endorses a multi-year defined rate structure with a minimum water bill based on meter size as presented in this schedule. Meters for domestic consumption shall receive 2,000 gallons of usage with their minimum bill. There shall be no such minimum charge for a sprinkler meter.

		2023	2024	2025	2026	2027
5/8	Inch	\$ 19.64	\$ 21.91	\$ 22.77	\$ 24.38	\$ 24.38
3/4	Inch	\$ 24.59	\$ 27.68	\$ 28.81	\$ 31.07	\$ 31.07
1	Inch	\$ 34.48	\$ 39.21	\$ 40.89	\$ 44.45	\$ 44.45
1 ½	Inch	\$ 59.22	\$ 68.05	\$ 71.09	\$ 77.91	\$ 77.91
2	Inch	\$ 88.91	\$ 102.65	\$ 107.32	\$ 118.06	\$ 118.06
3	Inch	\$ 168.07	\$ 194.91	\$ 203.95	\$ 225.12	\$ 225.12
4	Inch	\$ 257.12	\$ 298.71	\$ 312.65	\$ 345.56	\$ 345.56
6	Inch	\$ 504.50	\$ 587.05	\$ 614.61	\$ 680.11	\$ 680.11
8	Inch	\$ 801.35	\$ 933.06	\$ 976.95	\$ 1,081.58	\$ 1,081.58
10	Inch	\$ 1,147.68	\$ 1,336.73	\$ 1,399.69	\$ 1,549.96	\$ 1,549.96
12	Inch	\$ 3,275.11	\$ 3,816.43	\$ 3,996.51	\$ 4,427.16	\$ 4,427.16

Section 3. The City Council endorses two multi-year volumetric water rates based upon usage as follows:

	2023	2024	2025	2026	2027
Domestic	\$ 3.70	\$ 3.90	\$ 4.10	\$ 4.48	\$ 4.80
Sprinkler	\$ 4.66	\$ 5.37	\$ 5.71	\$ 6.48	\$ 6.72

Section 4. The City Council endorses a multi-year defined rate structure with a minimum wastewater bill for all customer classes. Customers shall receive 2,000 gallons with their minimum bill. There shall be no such minimum charge for a sprinkler meter.

	2023	2024	2025	2026	2027
Minimum bill	\$ 16.25	\$ 18.51	\$ 18.51	\$ 18.51	\$ 18.51

Section 5. The City Council endorses a multi-year volumetric wastewater rate design for all customer classes as follows. There shall be no such charge for a sprinkler meter.

	2023	2024	2025	2026	2027
Volumetric rate	\$ 7.50	\$ 8.50	\$ 8.50	\$ 8.50	\$ 8.85

Section 6. Future circumstances may compel a variance from this multi-year defined rate structure.

PASSED AND APPROVED this _____ day of _____, 2022.

Wayne Carpenter, Mayor

ATTEST:

Amy M. Casey, City Clerk

Cost of Service and Rate Design Study



City of Belton Water and Wastewater Utility

May 24, 2022



Presentation Overview:

- Background
- Methodology
- Findings
- Recommendations

“When the well is dry, we learn the worth of water.”

- Ben Franklin -



Economic Reality of Water

Revenues

- Water has an inherent value to fund infrastructure necessary for treatment and distribution

Economy

- Water is critical to a variety of industries, and as a result, the economy

Community

- Water is a fundamental building block for communities

Commodity

- Water is a commodity which we cannot live without

Project Approach

Step 1: Determine Revenue Requirements

Step 2: Functionalize Revenue Requirements into Cost Components

Step 3: Allocation Cost Components to Customer Classes

Step 4: Design Rates



Revenue Requirements

	2023	2024	2025	2026	2027
Water Utility	\$ 5,383,234	\$ 6,351,056	\$ 6,960,236	\$ 8,041,670	\$ 8,586,589

	2023	2024	2025	2026	2027
Wastewater Utility	\$ 5,960,688	\$ 5,580,872	\$ 6,219,099	\$ 5,937,060	\$ 6,913,264

Revenue Requirements Include:

- Operations and Maintenance Expenses
- Future Staffing Changes
- Inflation
- Debt Service
- Capital Improvements
- Revenue Off-Sets



Capital Requirements

Water Projects	2022	2023	2024	2025	2026
6th Avenue Water Line Replacement	\$ -	\$ -	\$ -	\$ -	\$ -
Old Golf Course Road Water Line	-	-	-	1,179,000	-
North Main Street Water Line Relocation	-	-	-	-	500,000
North Belton Elevated Storage Tank	3,000,000	-	-	-	-
Mary Jane Water Line Replacement	-	-	350,000	-	-
E Central Water Line Upsize	-	-	-	250,000	-
20 1/2 Water Line Replacement	100,000	-	-	-	-
Boyles Water Line	-	-	-	-	-
S Pearl Water Line	-	-	-	150,000	-
N Blair/Flat/Walker Looped Water Service	-	-	-	-	300,000
Loop 121 Pump Station Pump and Motor	100,000	-	-	-	-
Loop 121 Pump Station Generator	310,000	-	-	-	-
Sparta Road Pump Replacements	-	-	-	-	750,000
Loop 121 Utility Relocations Phase II	-	-	-	-	2,000,000
Total Water Projects	\$3,510,000	\$ -	\$ 350,000	\$1,579,000	\$3,550,000

- Approximately \$7M in water projects
- Future debt issuance of approximately \$4M for water projects

Capital Requirements

Wastewater Projects	2022	2023	2024	2025	2026
Lift Station Generators	\$ 390,000	\$ -	\$ -	\$ -	\$ -
Temple-Belton WWTP Phase II		7,750,000			
IH-14/FM 1670 Sewer Extension		1,100,000			
Continental Lift Station Offload		600,000			
Main Belton Lift Station Force Main				900,000	
McFarland Estates Water/Sewer Improvements	1,000,000				
Mary Jane and E Ave J Sewer			400,000		
W Ave A Sewer Replacement		450,000			
E Ave M Sewer Replacement				500,000	
W Ave B near Mitchell Sewer Line				250,000	
Hilltop Sewer Replacement					250,000
Mitchell Branch Sewer Upsize/Interceptor		3,300,000			
Total Wastewater Projects	\$ 1,390,000	\$ 13,200,000	\$ 400,000	\$ 1,650,000	\$ 250,000

- Approximately \$17M in wastewater projects
- Future debt issuance of approximately \$10M for wastewater projects

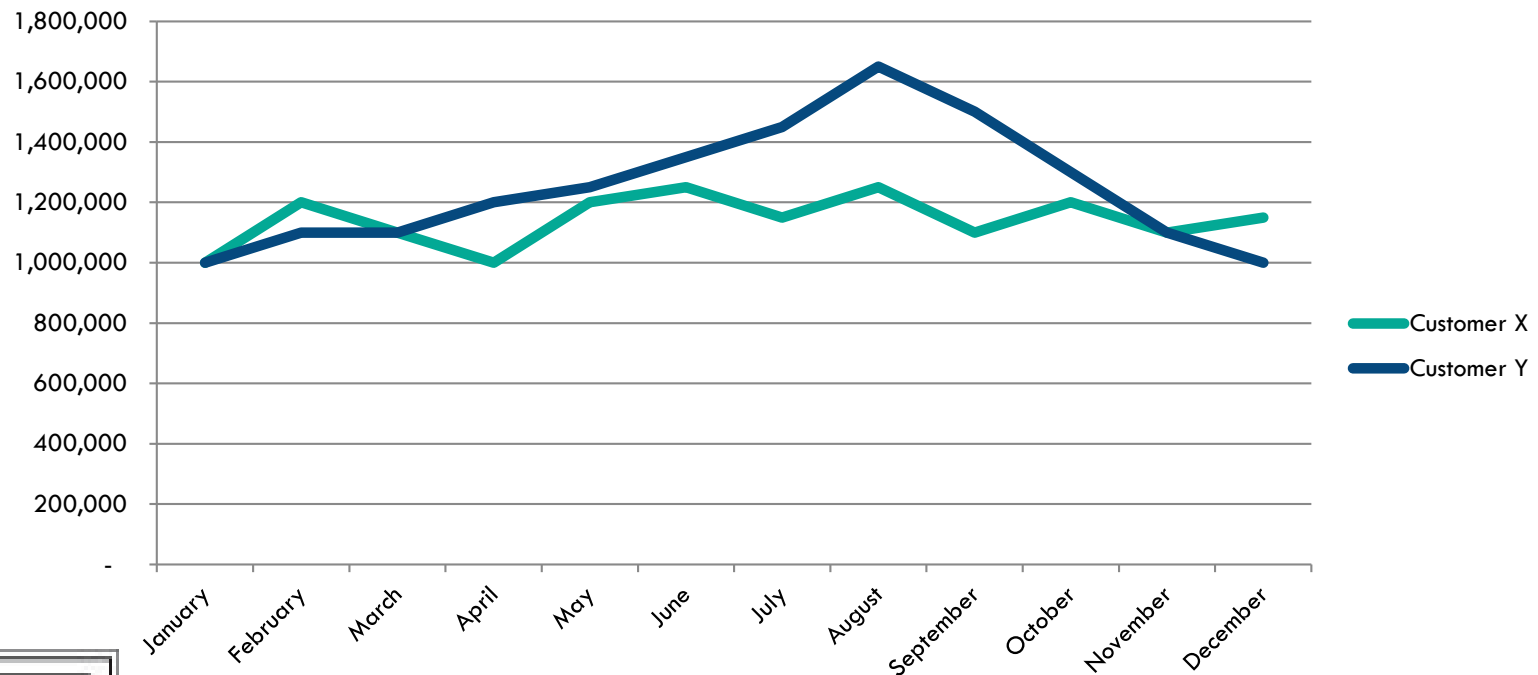
Cost Functionalization

- Recognizes Peaking Nature of Utility Systems
- Identifies Functional Nature of Costs
- Based Upon AWWA Described Methodology –
Base/Extra Capacity
 - Base Costs of Service
 - Extra Capacity Costs of Service
 - Customer Costs of Service



Cost Allocation

- Recognizes different usage patterns of customer classes



Recommendations – Water Rates –

Base Fees

	Current	2023	2024	2025	2026	2027
5/8"	\$ 17.00	\$ 19.64	\$ 21.91	\$ 22.77	\$ 24.38	\$ 24.38
3/4"	\$ 17.00	\$ 24.59	\$ 27.68	\$ 28.81	\$ 31.07	\$ 31.07
1"	\$ 17.00	\$ 34.48	\$ 39.21	\$ 40.89	\$ 44.45	\$ 44.45
1.5"	\$ 17.00	\$ 59.22	\$ 68.05	\$ 71.09	\$ 77.91	\$ 77.91
2"	\$ 17.00	\$ 88.91	\$ 102.65	\$ 107.32	\$ 118.06	\$ 118.06
3"	\$ 17.00	\$ 168.07	\$ 194.91	\$ 203.95	\$ 225.12	\$ 225.12
4"	\$ 17.00	\$ 257.12	\$ 298.71	\$ 312.65	\$ 345.56	\$ 345.56
6"	\$ 17.00	\$ 504.50	\$ 587.05	\$ 614.61	\$ 680.11	\$ 680.11
8"	\$ 17.00	\$ 801.35	\$ 933.06	\$ 976.95	\$ 1,081.58	\$ 1,081.58
10"	\$ 17.00	\$ 1,147.68	\$ 1,336.73	\$ 1,399.69	\$ 1,549.96	\$ 1,549.96
12"	\$ 17.00	\$ 3,275.11	\$ 3,816.43	\$ 3,996.51	\$ 4,427.16	\$ 4,427.16



Recommendations – Water Rates –

Volumetric Rates

	Current	2023	2024	2025	2026	2027
Domestic	\$ 3.70	\$ 3.70	\$ 3.90	\$ 4.10	\$ 4.48	\$ 4.80
Sprinkler	\$ 3.70	\$ 4.66	\$ 5.37	\$ 5.71	\$ 6.48	\$ 6.72

Recommendations – Wastewater Rates

	Current	2023	2024	2025	2026	2027
Base Fee	\$ 14.00	\$ 16.25	\$ 18.51	\$ 18.51	\$ 18.51	\$ 18.51
Volumetric Rate	\$ 5.00	\$ 7.50	\$ 8.50	\$ 8.50	\$ 8.50	\$ 8.85

Benchmarking Analysis

The table below is based upon the 2022 TML Water and Wastewater Survey. Cities were asked to provide the cost for residential services based upon 5,000 gallons of consumption. It is uncertain whether the other entities will modify utility rates for FY 2023.

City	Water	Sewer	Total Bill
Killeen	\$22.21	\$26.86	\$49.07
Temple	\$21.10	\$32.50	\$53.60
Harker Heights	\$27.91	\$26.24	\$54.15
Cedar Park	\$28.66	\$33.67	\$62.33
Georgetown	\$33.75	\$34.85	\$68.60
Belton (2023)	\$30.74	\$38.75	\$69.49
Copperas Cove	\$40.00	\$44.25	\$84.25
Buda	\$30.29	\$55.03	\$85.32
Leander	\$65.90	\$28.78	\$94.68
Pflugerville	\$47.18	\$49.50	\$96.68



EXECUTIVE SUMMARY

Nelisa Heddin Consulting, LLC (NH Consulting) is pleased to present the City of Belton (City) with the results of a cost of service and rate design study performed for the City's water and wastewater utility.

The City retained NH Consulting to perform a cost of service and rate design study for the City's water and wastewater utility. The study's intent is to achieve a water and wastewater rate structure that will assure equitable and adequate revenues for operations, debt service retirement, capital improvements and bond covenant requirements. Therefore ensuring the utility operates on a self-sustaining basis while considering the economic impact on the City's customers.

The project team has worked closely with City staff to develop revenue requirements and determine the cost of providing service to each of the City's customers. The project team identified that in order to meet future revenue requirements, the City needs to implement future water and wastewater rate increases.

The primary driving force behind the need for changes to the City's rates include inflationary impacts, changes in costs from the City's wholesale water and wastewater suppliers, as well as future capital projects that the City will need to construct for the City's water and wastewater systems.

The project team is recommending that the City make two policy changes to its water rate structure:

1. The City should charge customers for their monthly base fee based upon the size of the City's meter.
2. The City should create two customer classes – domestic and sprinklers, each having a different rate.

The project team developed a transitional plan that includes gradual rate increases over time and will allow the City to slowly transition into rates that will sufficiently cover future revenue requirements. The recommended transitional implementation plan is outlined on Tables 1, 2 and 3.

COST OF SERVICE ANALYSIS



Table 1: Recommended Water Rates – Monthly Base Fee

	Current	2023	2024	2025	2026	2027
5/8"	\$ 17.00	\$ 19.64	\$ 21.91	\$ 22.77	\$ 24.38	\$ 24.38
3/4"	\$ 17.00	\$ 24.59	\$ 27.68	\$ 28.81	\$ 31.07	\$ 31.07
1"	\$ 17.00	\$ 34.48	\$ 39.21	\$ 40.89	\$ 44.45	\$ 44.45
1.5"	\$ 17.00	\$ 59.22	\$ 68.05	\$ 71.09	\$ 77.91	\$ 77.91
2"	\$ 17.00	\$ 88.91	\$ 102.65	\$ 107.32	\$ 118.06	\$ 118.06
3"	\$ 17.00	\$ 168.07	\$ 194.91	\$ 203.95	\$ 225.12	\$ 225.12
4"	\$ 17.00	\$ 257.12	\$ 298.71	\$ 312.65	\$ 345.56	\$ 345.56
6"	\$ 17.00	\$ 504.50	\$ 587.05	\$ 614.61	\$ 680.11	\$ 680.11
8"	\$ 17.00	\$ 801.35	\$ 933.06	\$ 976.95	\$ 1,081.58	\$ 1,081.58
10"	\$ 17.00	\$ 1,147.68	\$ 1,336.73	\$ 1,399.69	\$ 1,549.96	\$ 1,549.96
12"	\$ 17.00	\$ 3,275.11	\$ 3,816.43	\$ 3,996.51	\$ 4,427.16	\$ 4,427.16

Table 2: Recommended Water Rates – Volumetric Rate (per thousand gallons)

	Current	2023	2024	2025	2026	2027
Domestic	\$ 3.70	\$ 3.70	\$ 3.90	\$ 4.10	\$ 4.48	\$ 4.80
Sprinkler	\$ 3.70	\$ 4.66	\$ 5.37	\$ 5.71	\$ 6.48	\$ 6.72

Table 3: Recommended Wastewater Rates

	Current	2023	2024	2025	2026	2027
Base Fee	\$ 14.00	\$ 16.25	\$ 18.51	\$ 18.51	\$ 18.51	\$ 18.51
Volumetric Rate	\$ 5.00	\$ 7.50	\$ 8.50	\$ 8.50	\$ 8.50	\$ 8.85

COST OF SERVICE ANALYSIS

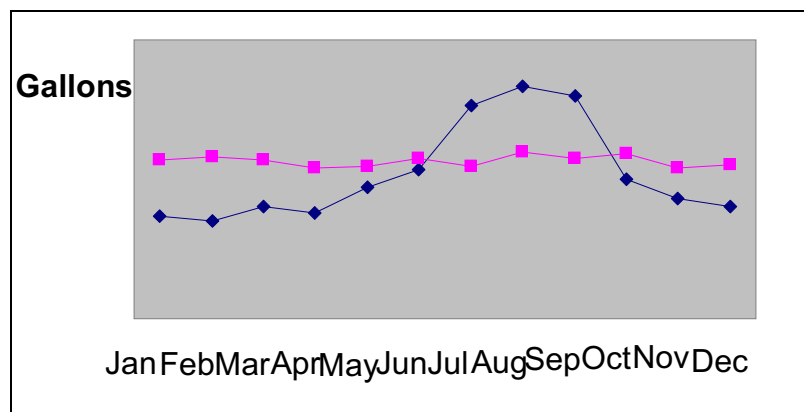
Rate Setting Theory

The American Water Works Association (AWWA) sets forth a methodology for rate setting based on cost-of-service principles. The premise of this methodology is to require users to pay the cost incurred by the utility to provide that user with water service.

The water utility infrastructure is created to meet times of peak demand. Although on an annual basis, the average usage of water is at a lower level, the system must meet times of peak usage, such as irrigation in summer months or early mornings when residents are showering, doing laundry and washing dishes. Chapter 290 of the Texas Administrative Code outlines strict guidelines that the water utility must abide by while providing retail water services. These guidelines outline specific requirements for items such as minimal system capacities, to meet these times of peak usage. Thus, the water utility must maintain the infrastructure to meet these requirements. To determine the utilities capacity requirements, one must factor in the number of connections served, the size of each connection, in addition to the usage patterns of those customers. Therefore, even though the utility may have average usage at a certain level, it must have the capacity to serve customers at a greater level in order to meet peaking demands.

Different customer classes utilize water in different manners, thus putting different strains on the utility. Examination of the utility's customer classes while applying a cost-of-service methodology recommended by the AWWA reveals the usage pattern of each class. Figure 1 exhibits different usage patterns for two different types of customers.

Figure 1: Usage Patterns



The customers represented by a blue line in Figure 1 show a dramatic peaking pattern in summer months. This peak pattern commonly occurs with customers who, for example irrigate during the summer. The customers represented by a pink line show very little deviation in their month-to-month usage. An example of a customer using water in this manner may be a commercial customer who uses water in a consistent pattern year round.

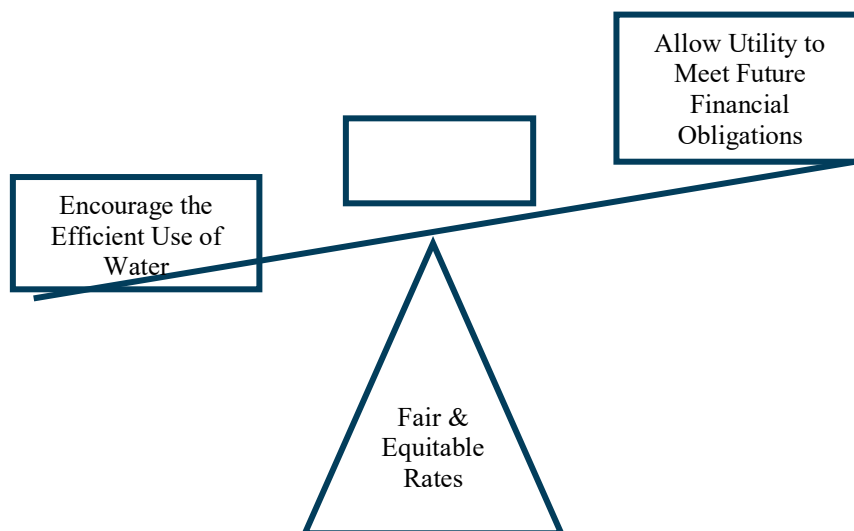
According to the AWWA, “A water utility is required to supply water in total amounts and at such rates of use desired by the customer. A utility incurs costs in relationship to the various expenditure requirements caused by meeting those customer demands. Since the needs for total volume of supply and peak rates of use vary among customers, the costs to the utility of providing service also vary among customers or classes of customers.” In other words, there are significant cost implications to the ability a utility system must have to meet peaking patterns.

The blue-line customer in Figure 1 has a higher peak to average ratio of water usage. Whereas the pink-line customer has a lower peak to average ratio, even though the total volume used is greater for this customer class. In this example, the utility has to maintain a total system capacity to serve the maximum (or peak) usage of all customers, even though the blue-line customer uses a peak amount of water for 3-months out of the year. There is a significant cost implication to this irregular usage pattern. The rates charged to customers should reflect this cost differential.

RATE DESIGN GENERAL COMPONENTS

During rate analysis, the primary consideration is to determine rates that are fair and equitable among all customers. Rates should recover the cost associated with providing service to each customer from that particular customer. Determining rates that fully achieve this goal involves a detailed analysis of each individual customer’s consumption pattern. Since this is an impractical feat for most utility systems, a typical rate design establishment fits average conditions for groups of customers having similar service requirements.

When grouping customer classes, one divides customers that utilize water in a similar pattern (such as residential, commercial, apartments and irrigation). Then, analysis of historical usage patterns for each customer grouping and assignment of costs accordingly.



The AWWA emphasizes, “Departure from rates based on cost of service is generally a decision made for political, legal or other reasons. Consideration of rates deviating from cost of service, therefore, is made by politicians, not the rate designer.” In addition, the AWWA states that “when a deviation from cost-related rates is made, the reason for such modification should be explicitly understood so that the responsibility for such deviation is placed on legal and policy-

making factors, and the public is not misled into believing that the resulting rates are fully cost-related when they are not.”

It is important to consider when designing and implementing a new rate structure that, while the goal is to get as close as possible to cost of service based rates, with respect for each City’s own political environment.

RATE COMPONENTS

Typically, billing of water services are in a structure that consists of a minimum bill and a volumetric component. The intention of the minimum bill is to recover the basic costs associated with providing service to the customer, regardless of the volume of the water utilized. The bill structure usually recovers a high percentage of the utility’s fixed costs to ensure the utility some degree of revenue stability. Minimum bills are a fixed monthly fee. The second component of the rates is a volumetric charge. This charge is based on the amount of water utilized by the customer, and may fluctuate based on actual usage.

Minimum Bill

The AWWA provides guidelines for the determination of the minimum bill on a cost basis. Many utilities set their minimum bill based on policy initiatives. The utility may want to use the minimum charge to guarantee a certain percentage of revenue. Another strategy in setting a minimum bill involves providing lifeline rates for customers, where the customer receives a certain amount of water included in the base charge fee. This allows the customer a higher degree of control over their water bill.

There are two (2) primary options available regarding the structure of the minimum bill:

Meter Size – As previously described, the utility is obligated under State Law to maintain system capacity based on the number and size of connections the utility serves. The reasoning is that the larger the meter a customer has, the greater the ability to place a larger demand on the system. Thus, regardless of the amount of water that a customer actually uses, the utility is still required to maintain the capacity to serve that customer based on their meter size.

Accordingly, a minimum bill based on meter size, in which the larger the meter, the higher the bill, recovers the cost the utility incurs due to the potential increased demand placed on the system by that particular customer. The AWWA provides “meter size equivalency factors,” a scale of factors are applied to the base charge for a 5/8 inch connection to determine the minimum that should be charged to larger connections.

Table 4: Meter Equivalency Ratios.

Meter Size (Inches)	Equivalent Meter & Service Ratio
5/8"	1
3/4"	1.1
1"	1.4
1 1/2"	1.8
2"	2.9
3"	11

Equalized Minimum Bill – The alternative minimum bill structure would be an equalized minimum bill in which all customers pay the same fee, regardless of meter size. This very simple fee structure is easy to understand by the utility’s customers. In addition, most billing systems are able to accommodate this fee structure. However, it may not be equitable among the utility’s customers, depending on that particular utility’s customer base.

Given the City’s customer base, the project team recommends that the City implement a base fee which is based upon meter size as this more accurately reflects the City’s cost of providing service.

Volumetric Rate

The second component of the fee structure is the volumetric rate. The basis for the volumetric fees is the actual volume of water each customer uses each month. The volumetric rates usually recover the variable costs associated with providing water to the utility’s customers as well as a portion of fixed costs. Utilities also use volumetric rates as a pricing signal to encourage the efficient usage of water. Below are some volumetric rate design options for consideration.

Customer Class – As previously described, different classes of customers utilize water in different ways. Some customers use large amounts of water seasonally for irrigation, while other customers’ monthly water use varies only slightly. There is a significant cost implication to different water usage patterns. Those customers who use water irregularly throughout the year, such as those who irrigate, cause the utility’s water system to have a higher peaking than those customers who use a consistent amount of water monthly. A case can be made that utilities should classify customers into like groupings (such as residential, commercial, apartments and irrigation) and charge those customers different rates based on their relative usage patterns. The AWWA has outlined a methodology for determining these rates called the Base-Extra Capacity methodology. The basic premise of this methodology is to isolate usage patterns based on customer classifications and allocate costs to those customers based on peaking patterns. While this is a complex task, it is arguably the most equitable means of charging customers for water usage.

The drawbacks to this methodology are that it is a slightly more complex fee structure that some customers may have difficulty understanding. Prior to implementation, the utility’s billing system requires examination to ensure that it is capable of charging customers based on this structure.

Equalized Rate – An alternative to varying volumetric rates based on customer class is to charge all customers the same volumetric rate. This is appropriate for utilities that have a relatively homogenous customer base in which most customers use water in a similar pattern.

COST OF SERVICE ANALYSIS



This rate structure is easy for customers to understand, and usually most billing systems can accommodate equalized rates. The industry recommends that each utility examine its customer base to determine if it is a homogenous group of customers, or if there are customers who use water in different patterns. If the latter is the case, then equalized rates may not be equitable to some customer classifications.

In analyzing the City's customers and historical usage patterns, the project team recommends charging customers based upon customer class, utilizing a domestic customer class and a sprinkler customer class. Based upon an analysis of historical consumption of customers, the sprinkler meters utilize water very differently than domestic meters, arriving at a different cost of providing service to these connections.

WATER PRODUCTION

The City of Belton purchases water from Bell County Water Control & Improvement District #1 (BCWCID #1) and Central Texas Water Supply Corporation (CTWSC). The City has approximately 7,790 active water connections.

The City produced in excess of 1.19 billion gallons during 2021, with a peak day production of 5.8 million gallons.

Table 5: Historical Water Production (Gallons)

	2019	2020	2021
Total Production	1,105,264,561	1,227,957,000	1,189,055,000
Average Daily Demand	3,028,122	3,364,266	3,257,685
Peak Day Demand	5,710,000	5,676,000	5,819,000
Peak to Average Ratio	1.89	1.69	1.79

As emphasized in the previous section, there is a direct correlation between a system's production and peaking patterns and the system's costs. The City's peak to average ratio, as determined by dividing maximum daily production by the average daily production, was 1.79:1 for 2021.

WATER CONSUMPTION

As of March, 2021, the City had 7,790 active potable water customers. The City meters all active potable water connections. Annual metered water consumption was approximately 1.173 billion gallons in 2021, as shown in Table 6.

Table 6: Total Customer Count and Consumption (Gallons)

Year	Customers	Consumption
2019	7,068	1,029,145,873
2020	7,342	1,271,722,192
2021	7,790	1,173,273,800

CURRENT RATES

Outlined below are the City's current water rates.



Table 7: Current Water Rates

Gallons	Minimum
0 - 2,000	\$ 17.00
Over 2,000	\$ 3.70 per thousand gallons



WORK PLAN

In determining water rates, NH Consulting relies upon a methodology described by the American Water Works Association called the Base-Extra Capacity methodology. This methodology approximates the cost associated with serving various classifications of customers.

Essentially, the methodology utilizes a five-step approach:

- Step 1: Revenue Requirement Determination
- Step 2: Cost Functionalization
- Step 3: Customer Cost Allocation
- Step 4: Customer Count and Billing Unit Determination
- Step 5: Rate Design

NH Consulting has performed each of these steps in coordination with City staff. The next sections describe each step along with the results.

STEP 1: REVENUE REQUIREMENT DETERMINATION

BASE YEAR REVENUE REQUIREMENT

WATER FUND

To account for the water utility operations, the City has an Enterprise Fund that accounts for water operational revenues and expenditures. To determine the water utility revenue requirements, NH Consulting relied on the City's budgeted and historical actual expenditures within the Water Enterprise Fund as a starting point.

SYSTEM EXPENDITURES

A base year estimate of costs helps to determine the City's future revenue requirements. This cost estimate is reflective of the normal operation of the water utility, and adjusted for known and measurable changes into the future. NH Consulting used the preliminary FYE2023 budget as the Test Year for the revenue requirement phase of the study. A comparison of the FYE2023 preliminary budget to historical actual expenditures for FYE2019 and FYE2020, FYE2021 estimated actual expenses, and FYE2022 budgeted expenses, indicates that the FYE2023 preliminary Budget provides a conservative estimate of the revenues and expenses associated with the operation of the water utility.

REVENUE OFFSETS

In order to isolate the revenues required by rates from all customers, it was necessary to capture all revenue offsets and remove the corresponding dollar amount from the gross revenue requirement to determine the net revenue requirement. Revenue offsets are items such as late fees and interest income that offset the City's expense.



BASE YEAR REVENUE REQUIREMENT

The base year revenue requirement for the water utility was projected to be \$5,383,234 for FYE2023.

FIVE-YEAR REVENUE REQUIREMENT

INFLATION

NH Consulting accounted for inflationary influences on annual expenditures by applying a 6% annual inflation rate for most expenditure categories in developing the five-year revenue requirement.

VARIABLE COSTS

Water purchases and electricity were determined using a variable cost analysis. NH Consulting determined the actual cost per thousand gallons for the previous year, and applied that cost, plus inflation, to projected water production in the future.

CAPITAL IMPROVEMENT PLAN

The City has identified approximately \$9M in capital projects that are necessary between FYE2022 and FYE2026 for the water utility, as outlined in Table 8 below.

Table 8: Capital Improvement Plan, Water Utility

Water Projects	2022	2023	2024	2025	2026
6th Avenue Water Line Replacement	\$ -	\$ -	\$ -	\$ -	\$ -
Old Golf Course Road Water Line	-	-	-	1,179,000	-
North Main Street Water Line Relocation	-	-	-	-	500,000
North Belton Elevated Storage Tank	3,000,000	-	-	-	-
Mary Jane Water Line Replacement	-	-	350,000	-	-
E Central Water Line Upsize	-	-	-	250,000	-
20 1/2 Water Line Replacement	100,000	-	-	-	-
Boyles Water Line	-	-	-	-	-
S Pearl Water Line	-	-	-	150,000	-
N Blair/Flat/Walker Looped Water Service	-	-	-	-	300,000
Loop 121 Pump Station Pump and Motor	100,000	-	-	-	-
Loop 121 Pump Station Generator	310,000	-	-	-	-
Sparta Road Pump Replacements	-	-	-	-	750,000
Loop 121 Utility Relocations Phase II	-	-	-	-	2,000,000
Total Water Projects	\$3,510,000	\$ -	\$ 350,000	\$1,579,000	\$3,550,000

NH Consulting worked with City staff to identify a recommended funding plan for the capital improvement projects, which are critical and necessary for the city's water utility. This plan is presented in Table 9 below.

Table 9: Capital Improvement Project Funding Plan, Water Utility

Funding Sources	2022	2023	2024	2025	2026
Surrogate (Future) Debt	\$ -	\$ -	\$ -	\$1,179,000	\$2,750,000
Fund Balance	-	-	-	-	-
Operating Fund Revenues	410,000	-	350,000	400,000	800,000
Impact Fees	-	-	-	-	-
Other Funding	3,100,000	-	-	-	-
	\$3,510,000	\$ -	\$ 350,000	\$1,579,000	\$3,550,000

REVENUE OFFSETS

Revenue-offset projections remained constant throughout the study period, for the benefit of conservative estimations.

FIVE-YEAR REVENUE REQUIREMENT

Table 10 outlines the five-year revenue requirement for the Water Utility. Schedule 1 shows each line item with details.

Table 10: Water Utility Five-Year Revenue Requirement

	2023	2024	2025	2026	2027
Revenue Requirement	\$ 5,383,234	\$ 6,351,056	\$ 6,960,236	\$ 8,041,670	\$ 8,586,589

STEP 2: COST FUNCTIONALIZATION

BACKGROUND ON COST FUNCTIONALIZATION

The American Water Works Association (“AWWA”) and the Texas Commission on Environmental Quality (“TCEQ”) have accepted the base-extra capacity methodology and it is commonly used in the water utility industry. This is a methodology of functionalization, allocating costs to service functions, and distributing costs to customer classes. It recognizes the differences in the cost of providing service due to variations in average rate of use and peak rate of use by a customer class. This method also distinguishes the effects of system diversity on costs. Generally, the three components of costs include:

- Base Costs
- Extra-Capacity Costs
- Customer Billing Costs

Base costs fluctuate with the total amount of water taken under average operating conditions. Extra-capacity costs are those costs incurred that are above the average operating conditions and are necessary to support peaking conditions. Customer billing costs are those costs associated with serving customers, such as meter reading and billing.

COST FUNCTIONALIZATION ANALYSIS

The project team thoroughly analyzed The City’s cost structure and functionalized the costs into appropriate categories. Table 11 presents the cost functionalization for the five-year study period.

Table 11: Cost Functionalization

	2023	2024	2025	2026	2027
Base Costs of Service	\$ 3,579,114	\$ 4,263,509	\$ 4,660,609	\$ 5,345,497	\$ 5,663,350
Extra-Capacity Costs of Service	973,833	1,164,130	1,267,107	1,578,444	1,715,187
Customer Costs of Service	830,288	923,418	1,032,520	1,117,730	1,208,053
	\$ 5,383,234	\$ 6,351,056	\$ 6,960,236	\$ 8,041,670	\$ 8,586,589

STEP 3: CUSTOMER COST ALLOCATION

CUSTOMER COST ALLOCATION BACKGROUND

The establishment of customer classes is important in setting equitable rates, so that costs designated for each class are appropriate. A customer class should include only those customers who:

- a. Are in similar location in relation to the utility;
- b. Use the same or similar facilities of the utility;
- c. Receive similar service from the utility;
- d. Place similar demands on the utility.



The objective of the distribution of costs to customer groups is to avoid cross-subsidization (inequities between customer classes). With this objective in mind, it is imperative to weigh all differences in service commitment and service requirements when determining the customer classes.

Once all appropriate customer classifications have been determined, the next step is to analyze usage patterns for each customer class. Usage analysis includes evaluating the average and peak usage for each customer class. Finally, the cost allocation to customer classes, based on relative usage patterns, is completed.

In analyzing the City's customers and historical use, NH Consulting finds that the City's customers are relatively homogenous in nature in terms of peaking patterns and costs of service. As a result, the project team recommends the City continue to charge residential and commercial customers an equal volumetric rate.

STEP 4: CUSTOMER GROWTH AND BILLING UNITS

CUSTOMER GROWTH

Population projections for a City should reasonably reflect anticipated future conditions within the City. In light of the City's historical growth, the project team assumed residential customers will increase at a rate of 6% per year.

Table 12: Projected Customer Count

Customer Class	2023	2024	2025	2026	2026
City	71	71	71	71	71
Sprinkler	617	617	617	617	617
Commercial	539	539	539	539	539
Industrial	23	23	23	23	23
Master Meter	-	-	-	-	-
Multiple Dwelling	46	46	46	46	46
Residential	6,578	6,972	7,391	7,834	8,304
Residential w/ Septic	545	545	545	545	545
School	95	95	95	95	95
	8,514	8,908	9,327	9,770	10,240

BILLING UNIT PROJECTION

To anticipate usage for each customer classification requires an examination of historical billing units, also known as water consumption, to find the “normal” pattern for each class. Through a “normalized” average usage, per connection, per month, then multiplying the usage by the projected customer count, results in the estimated billing units and consumption. NH Consulting reviewed the water consumption data for each customer class for the three years prior to 2022.

Table 13: Projected Water Consumption (Gallons)

Customer Class	2023	2024	2025	2026	2026
City	12,150,544	12,150,544	12,150,544	12,150,544	12,150,544
Sprinkler	164,936,855	164,936,855	164,936,855	164,936,855	164,936,855
Commercial	223,702,814	223,702,814	223,702,814	223,702,814	223,702,814
Industrial	6,401,931	6,401,931	6,401,931	6,401,931	6,401,931
Master Meter	-	-	-	-	-
Multiple Dwelling	89,769,592	89,769,592	89,769,592	89,769,592	89,769,592
Residential	513,805,113	544,633,420	577,311,425	611,950,110	648,667,117
Residential w/ Septic	76,994,518	76,994,518	76,994,518	76,994,518	76,994,518
School	99,475,576	99,475,576	99,475,576	99,475,576	99,475,576
	1,187,236,943	1,218,065,249	1,250,743,254	1,285,381,940	1,322,098,947



STEP 5: RATE DESIGN

There are many different rate design options regarding water rate development, however, the goal is to provide a fair and equitable rate for all customer classes, mitigate “rate-shock” on the City’s customers and allow for the water utility to operate and remain self sufficient.

MINIMUM BILL

As previously described, NH Consulting recommends that the City adopt base fees which are based upon the size of the customer’s meter. The recommended fees are outlined in the table below.

VOLUMETRIC RATE

In evaluating the City’s volumetric rates, NH Consulting recommends developing two customer classes, domestic (indoor consumption) and sprinkler. The recommended volumetric rates are presented on Table 15 below.

Table 14: Recommended Water Rates, Base Fees

Water Base Fees	Current	2023	2024	2025	2026	2027
5/8"	\$ 17.00	\$ 19.64	\$ 21.91	\$ 22.77	\$ 24.38	\$ 24.38
3/4"	\$ 17.00	\$ 24.59	\$ 27.68	\$ 28.81	\$ 31.07	\$ 31.07
1"	\$ 17.00	\$ 34.48	\$ 39.21	\$ 40.89	\$ 44.45	\$ 44.45
1.5"	\$ 17.00	\$ 59.22	\$ 68.05	\$ 71.09	\$ 77.91	\$ 77.91
2"	\$ 17.00	\$ 88.91	\$ 102.65	\$ 107.32	\$ 118.06	\$ 118.06
3"	\$ 17.00	\$ 168.07	\$ 194.91	\$ 203.95	\$ 225.12	\$ 225.12
4"	\$ 17.00	\$ 257.12	\$ 298.71	\$ 312.65	\$ 345.56	\$ 345.56
6"	\$ 17.00	\$ 504.50	\$ 587.05	\$ 614.61	\$ 680.11	\$ 680.11
8"	\$ 17.00	\$ 801.35	\$ 933.06	\$ 976.95	\$ 1,081.58	\$ 1,081.58
10"	\$ 17.00	\$ 1,147.68	\$ 1,336.73	\$ 1,399.69	\$ 1,549.96	\$ 1,549.96
12"	\$ 17.00	\$ 3,275.11	\$ 3,816.43	\$ 3,996.51	\$ 4,427.16	\$ 4,427.16

Table 15: Recommended Water Rates, Volumetric Rates

Water Volumetric Rate	Current	2023	2024	2025	2026	2027
Domestic	\$ 3.70	\$ 3.70	\$ 3.90	\$ 4.10	\$ 4.48	\$ 4.80
Sprinkler	\$ 3.70	\$ 4.66	\$ 5.37	\$ 5.71	\$ 6.48	\$ 6.72

Wastewater System

The City of Belton's wastewater system provides service to approximately 6,314 customers. The City owns 25% of the Temple – Belton Wastewater Treatment Plant where collected wastewater is treated through a partnership with the City of Temple.

Wastewater Customers and Billing Units

As of March 2021, the City had 6,314 wastewater connections. As wastewater is not typically metered, and for many residential customers, a portion of their water use is for outdoor irrigation purposes, their water use is not necessarily representative of what is coming back to the system as wastewater. As a result, it is necessary to employ a methodology for reasonably estimating wastewater use based on water consumption for residential customers.

The City bills residential customers based upon their actual water use, capping at 15,000 gallons for wastewater billing.

Generally commercial customers are not irrigating, thus, their water use also comes back to the system as wastewater. For that reason, commercial customer billing uses water consumption as a foundation for wastewater billing.

Current Rates

The City currently bills all customers a minimum charge of \$14.00 per month, which includes 2,000 gallons of use and a volumetric rate of \$5.00 per thousand gallons.



WORK PLAN

The determination of wastewater rates is somewhat simpler as the wastewater utility is not subject to the same influences of peaking as the water utility.

NH Consulting utilized a three-step approach to determining the wastewater rates:

Step 1: Revenue Requirement Determination

Step 2: Customer Count and Billing Unit Determination

Step 3: Rate Design

NH Consulting has performed each of these steps in coordination with City staff; below shows the description and results of each step.

STEP 1: REVENUE REQUIREMENT DETERMINATION

BASE YEAR REVENUE REQUIREMENT

WASTEWATER FUND

To account for the wastewater utility operations, the City has an Enterprise Fund that accounts for wastewater operational revenues and expenditures. NH Consulting relied on the City's budgeted and historical actual expenditures within the Enterprise Fund as a starting point for the determination of the Wastewater Utility Revenue Requirements.

SYSTEM EXPENDITURES

A base year estimate of costs helps to determine the City's future revenue requirements. This cost estimate is reflective of the normal operation of the wastewater utility, and adjusted for known and measurable changes into the future. NH Consulting used the preliminary FYE2023 budget as the Test Year for the revenue requirement phase of the study. A comparison of the FYE2023 preliminary budget to historical actual expenditures for FYE2019 and FYE2020, FYE2021 estimated actual expenses, and FYE2022 budgeted expenses, indicates that the FYE2023 preliminary Budget provides a conservative estimate of the revenues and expenses associated with the operation of the wastewater utility.

REVENUE OFFSETS

In order to isolate the revenues required by rates from all customers, it was necessary to capture all revenue offsets and remove the corresponding dollar amount from the gross revenue requirement to determine the net revenue requirement. Revenue offsets are items such as late fees and interest income that offset the City's expense.

BASE YEAR REVENUE REQUIREMENT

The base year total revenue requirement determined by the project team for the wastewater utility for FYE2023 was \$5,960,688.



FIVE-YEAR REVENUE REQUIREMENT

INFLATION

NH Consulting accounted for inflationary influences on annual expenditures by applying a 6% annual inflation rate for most expenditure categories in developing the five-year revenue requirement.

VARIABLE COSTS

Wastewater treatment and electricity were determined using a variable cost analysis. NH Consulting determined the actual cost per thousand gallons for the previous year, and applied that cost, plus inflation, to projected wastewater use in the future.

CAPITAL IMPROVEMENT PLAN

The City has identified approximately \$17M in capital projects that are necessary between FYE2022 and FYE2026 for the wastewater utility, as outlined in Table 16 below.

Table 16: Capital Improvement Plan, Wastewater

Wastewater Projects	2022	2023	2024	2025	2026
Lift Station Generators	\$ 390,000	\$ -	\$ -	\$ -	\$ -
Temple-Belton WWTP Phase II		7,750,000			
IH-14/FM 1670 Sewer Extension		1,100,000			
Continental Lift Station Offload		600,000			
Main Belton Lift Station Force Main				900,000	
McFarland Estates Water/Sewer Improvements	1,000,000				
Mary Jane and E Ave J Sewer			400,000		
W Ave A Sewer Replacement		450,000			
E Ave M Sewer Replacement				500,000	
W Ave B near Mitchell Sewer Line				250,000	
Hilltop Sewer Replacement					250,000
Mitchell Branch Sewer Upsize/Interceptor		3,300,000			
Total Wastewater Projects	\$ 1,390,000	\$ 13,200,000	\$ 400,000	\$ 1,650,000	\$ 250,000

NH Consulting worked with City staff to identify a recommended funding plan for the capital improvement projects, which are critical and necessary for the city's water utility. This plan is presented in Table 17 below.

Table 17: Capital Improvement Project Funding Plan, Wastewater Utility

Funding Sources	2022	2023	2024	2025	2026
Surrogate (Future) Debt		\$ 9,050,000		\$ 900,000	
Fund Balance					
Operating Fund Revenues	390,000	1,050,000	400,000	750,000	250,000
Impact Fees					
Other Funding	1,000,000	3,100,000	-	-	-
	\$ 1,390,000	\$ 13,200,000	\$ 400,000	\$ 1,650,000	\$ 250,000

REVENUE OFFSETS

Revenue-offset projections remained constant throughout the study period, for the benefit of conservative estimations.

FIVE-YEAR REVENUE REQUIREMENT

Table 18 outlines the five-year revenue requirement for the Wastewater Utility. The details of each line item are in Schedule 2.

Table 18: Wastewater Utility Five-Year Revenue Requirement.

	2023	2024	2025	2026	2027
Revenue Requirement	\$ 5,960,688	\$ 5,580,872	\$ 6,219,099	\$ 5,937,060	\$ 6,913,264

STEP 2: CUSTOMER GROWTH AND BILLING UNITS

CUSTOMER GROWTH

The project team worked with City staff to develop reasonable growth projections for the wastewater utility.

Table 19: Wastewater Customer Count Projection.

	2015	2016	2017	2018	2019
Customers	4,993	5,132	5,277	5,425	5,579

BILLING UNIT PROJECTION

To anticipate usage for each customer classification requires an examination of historical billing units, also known as water consumption, to find the “normal” pattern for each class. Through a “normalized” average usage, per connection, per month, then multiplying the usage by the projected customer count, results in the estimated billing units and consumption.



STEP 3: DETERMINATION OF WASTEWATER RATES

Table 20 below provides the recommended wastewater rates.

Table 3: Recommended Wastewater Rates

	Current	2023	2024	2025	2026	2027
Base Fee	\$ 14.00	\$ 16.25	\$ 18.51	\$ 18.51	\$ 18.51	\$ 18.51
Volumetric Rate	\$ 5.00	\$ 7.50	\$ 8.50	\$ 8.50	\$ 8.50	\$ 8.85



Staff Report – City Council Agenda Item

Agenda Item #19

Consider award of bid and authorizing the City Manager to execute the construction contract for the E. 6th Avenue Waterline Replacement Project, and any change orders associated with the contract, not to exceed the amount authorized under state law.

Originating Department

Public Works – Matt Bates, Director of Public Works

Background

The waterline under E. 6th Avenue, also known as FM93, has been an issue for years. Frequent breaks have caused numerous (*at least six since 2018*) precautionary boil water notices and water outages for the surrounding neighborhood.

On April 27, 2021, the City awarded the E. 6th Avenue Waterline Replacement Project design contract to Kasberg, Patrick & Associates. Details of project include:

- **Installing a new 12” Waterline from Waco Rd (FM 817) to Comay Circle- Approximately 3000 LF.**
- **Install 5’ Sidewalk along the Southside of E. 6th Avenue.**
- **Install 6 new Fire Hydrants.**

This E. 6th Waterline Replacement Project was developed to require the contractor to complete the project within 110 working days.

Bids were opened on April 28, 2022. Six (6) qualified bids were received as shown in the following table.

Bidder	Total Bid
LC Paving & Construction, Coolidge, Texas	\$851,188.40
T Construction, Houston, Texas	\$1,118,732.75
TTG Utilities, Gatesville, Texas	\$1,100,011.00
Quality W Contractors, Waco, Texas	\$1,248,508.00
McLean Construction, Killeen, Texas	\$1,292,791.50
Bell Contractors, Inc. Belton, Texas	\$1,544,578.43

Kasberg, Patrick & Associates, the Director of Public Works, Assistant Public Works Director, and the Construction Inspector evaluated the bids and determined that LC Paving & Construction, LLC, of Coolidge, Texas, the low bidder, has the capability and experience to perform to the requirements of the contract.

Fiscal Impact

The project is fully funded from the 2022 Utility Certificate of Obligations Fund. Therefore, Staff recommends awarding the contract to LC Paving & Construction, of Coolidge, Texas in the amount of \$851,188.40

Budgeted: ☒ Yes ☐ No

Recommendation

Award bid and authorize the City Manager to execute the construction contract for the E. 6th Avenue Waterline Replacement Project, and any change orders associated with the contract, not to exceed the amount authorized under state law.

Attachments

Letter of Recommendation

Bid Tabulation

Aerial of Project Location



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
Texas Firm F-510

Temple
19 North Main Street
Temple, Texas 76501
(254) 773-3731

RICK N. KASBERG, P.E.
R. DAVID PATRICK, P.E., CFM
THOMAS D. VALLE, P.E.
GINGER R. TOLBERT, P.E.
ALVIN R. "TRAE" SUTTON, III, P.E., CFM
JOHN A. SIMCIK, P.E., CFM

Georgetown
800 South Austin Avenue
Georgetown, Texas 78626
(512) 819-9478

May 11, 2022

Mr. Matthew Bates
Director of Public Works
City of Belton
P.O. Box 120
Belton, Texas 76513

Re: City of Belton, Texas
E. 6th Avenue Waterline Replacement Project

Dear Mr. Bates:

On April 28, 2022, the City of Belton received bids from six (6) contractors for construction of the E. 6th Avenue Waterline Replacement Project. Attached is a Bid Tabulation for your reference. There were a total of twelve (12) plan holders, eleven (11) of which were contractors plus one (1) plan rooms, for this project.

This project includes installation of a 12-inch PVC waterline along E. 6th Avenue from Waco Road to Comay Drive which will allow for the abandonment of the existing 8-inch waterline located in the street. As you know, the new alignment will be in the right-of-way behind the curb. By abandoning the 8-inch waterline from Continental Street to Comay Drive, the City will eliminate what has been a source pavement failures for a number of years in E. 6th Avenue. It also includes transfer of existing water services, replacement of pavement and sidewalk, erosion control, revegetation, traffic control, etc.

The low bidder is LC Paving & Construction, LLC (LC Paving) from Coolidge, Texas with a total bid of \$851,188.40. Our final opinion of probable construction cost for this project was \$850,000.00. The continued increase in the cost of materials, particularly PVC pipe, concrete, and steel, appear to have played a significant role in the bid prices for this project.

LC Paving submitted the required documentation and experience record and it has been reviewed by KPA and City Staff. Our evaluation included a review of current workload, staffing, equipment availability and financial statements. We contacted references who all provided positive reviews for LC Paving. We also conducted an in-person interview with representatives of LC Paving and discussed their project approach, company history, experience working in TxDOT right-of-way, and interaction strategies with the public, in addition to all of the aforementioned items. We have found them to be a reputable contractor and capable of successfully completing the work associated with

Mr. Matthew Bates
May 11, 2022
Page Two

this project.

We recommend that the bid be awarded to **LC Paving & Construction, LLC** in the amount of **\$851,188.40**.

If you have any questions, please call.

Sincerely,

A handwritten signature in blue ink, appearing to read "John A. Simcik". The signature is stylized with a large initial "J" and a distinct "S".

John A. Simcik, P.E., CFM

JAS

xc: 2021-124-40

BID TABULATION
CITY OF BELTON
E. 6TH AVENUE WATERLINE REPLACEMENT
April 28, 2022; 2:00 PM

				BIDDER INFORMATION					
				LC Paving & Construction, LLC P.O. Box 459 Coolidge, Texas 76635		T Construction, LLC 12601 McNair St. Houston, Texas 77015		TTG Utilities, Inc. P.O. Box 299 Gatesville, Texas 76528	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
BASE BID									
1	100%	LS	Mobilization Bonds & Insurance	\$ 39,580.00	\$ 39,580.00	\$ 76,500.00	\$ 76,500.00	\$ 59,110.00	\$ 59,110.00
2	30.5	STA	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of Right-of-Way	400.00	12,200.00	930.00	28,365.00	777.00	23,698.50
3	100%	LS	Prepare Traffic Safety Plan	2,000.00	2,000.00	4,900.00	4,900.00	3,170.00	3,170.00
4	100%	LS	Implement Traffic Safety Plan	25,000.00	25,000.00	15,000.00	15,000.00	33,150.00	33,150.00
5	100%	LS	Prepare Trench Safety Plan per State Law	2,000.00	2,000.00	3,800.00	3,800.00	1,000.00	1,000.00
6	3,062	LF	Implement Trench Safety Plan (Pipe)	4.75	14,544.50	0.50	1,531.00	3.15	9,645.30
7	100%	LS	Prepare SWPP Plan and Obtain TCEQ Permit	2,000.00	2,000.00	6,800.00	6,800.00	14,700.00	14,700.00
8	100%	LS	Provide Project Record Drawings (As-Builts)	1,500.00	1,500.00	3,000.00	3,000.00	650.00	650.00
9	100%	LS	Provide Video of right-of-way pre-construction and post construction site conditions	2,500.00	2,500.00	1,300.00	1,300.00	650.00	650.00
10	3,062	LF	Provide Clean-up and Final Grading Along Final Pipeline Route	6.00	18,372.00	7.00	21,434.00	3.40	10,410.80
11	77	LF	Furnish and Install 6" Diameter PVC Water Line, including Thrust Restraint	50.00	3,850.00	73.00	5,621.00	90.00	6,930.00
12	77	LF	Furnish and Install 8" Diameter PVC Water Line, including Thrust Restraint	60.00	4,620.00	80.00	6,160.00	106.00	8,162.00
13	2,970	LF	Furnish and Install 12" Diameter PVC Water Line, including Thrust Restraint	90.00	267,300.00	160.00	475,200.00	117.70	349,569.00
14	150	LF	Furnish and Install 16" Steel Encasement by Bore	275.00	41,250.00	280.00	42,000.00	430.00	64,500.00
15	40	LF	Furnish and Install 24" Steel Encasement by Open Cut	95.00	3,800.00	300.00	12,000.00	266.00	10,640.00
16	2	EA	Furnish & Install 6-inch 11 ¼° Bend, Including Thrust Restraint	1,200.00	2,400.00	730.00	1,460.00	530.00	1,060.00
17	6	EA	Furnish & Install 12-inch 11 ¼° Bend, Including Thrust Restraint	1,800.00	10,800.00	1,565.00	9,390.00	1,310.00	7,860.00
18	2	EA	Furnish & Install 12-inch 22 ½° Bend, Including Thrust Restraint	1,800.00	3,600.00	1,520.00	3,040.00	1,360.00	2,720.00
19	1	EA	Furnish & Install 6-inch 45° Bend, Including Thrust Restraint	1,200.00	1,200.00	830.00	830.00	540.00	540.00
20	2	EA	Furnish & Install 8-inch 22 ½° Bend, Including Thrust Restraint	1,500.00	3,000.00	945.00	1,890.00	755.00	1,510.00
21	1	EA	Furnish & Install 6-inch 90° Bend, Including Thrust Restraint	1,200.00	1,200.00	886.00	886.00	575.00	575.00
22	1	EA	Furnish & Install 8-inch 90° Bend, Including Thrust Restraint	1,500.00	1,500.00	950.00	950.00	825.00	825.00
23	4	EA	Furnish & Install 12-inch 45° Bend, Including Thrust Restraint	2,000.00	8,000.00	1,575.00	6,300.00	1,450.00	5,800.00
24	2	EA	Furnish and Install 12" x 6" Reducer	1,500.00	3,000.00	1,620.00	3,240.00	1,100.00	2,200.00
25	3	EA	Furnish and Install 6" Tee, Including Thrust Restraint	1,500.00	4,500.00	1,220.00	3,660.00	960.00	2,880.00
26	1	EA	Furnish and Install 8" Tee	1,800.00	1,800.00	1,240.00	1,240.00	1,340.00	1,340.00
27	3	EA	Furnish and Install 12" x 6" Tee	1,800.00	5,400.00	1,630.00	4,890.00	2,040.00	6,120.00
28	3	EA	Furnish and Install 12" x 8" Tee	1,900.00	5,700.00	1,650.00	4,950.00	2,010.00	6,030.00
29	1	EA	Furnish and Install 12" x 8" Cross	1,800.00	1,800.00	1,685.00	1,685.00	2,440.00	2,440.00
30	6	EA	Furnish and Install 6-inch Gate Valve	1,500.00	9,000.00	2,675.00	16,050.00	1,500.00	9,000.00
31	5	EA	Furnish and Install 8-inch Gate Valve	2,200.00	11,000.00	3,098.00	15,490.00	2,350.00	11,750.00
32	7	EA	Furnish and Install 12-inch Gate Valve	3,000.00	21,000.00	4,200.00	29,400.00	4,100.00	28,700.00
33	9	EA	Connect To Existing 6" Waterline	1,000.00	9,000.00	1,195.00	10,755.00	2,400.00	21,600.00
34	5	EA	Connect To Existing 8" Waterline	1,000.00	5,000.00	1,275.00	6,375.00	2,500.00	12,500.00
35	6	EA	Furnish and Install Fire Hydrant Assembly	5,750.00	34,500.00	5,600.00	33,600.00	7,300.00	43,800.00
36	6	EA	Far Side Single 1" Water Service by Bore	2,500.00	15,000.00	1,500.00	9,000.00	7,300.00	43,800.00
37	8	EA	Short Side Single 1" Water Service	1,000.00	8,000.00	1,140.00	9,120.00	2,200.00	17,600.00
38	31	LF	Gravel Driveway Repair	20.00	620.00	45.00	1,395.00	73.00	2,263.00
39	283	LF	Concrete Driveway Repair	28.00	7,924.00	56.00	15,848.00	88.00	24,904.00
40	492	LF	Asphalt Repair	28.45 *	13,997.40	33.00	16,236.00	26.00	12,792.00
41	21	EA	Power Pole Bracing	1,000.00	21,000.00	645.00	13,545.00	750.00	15,750.00
42	1	EA	Cut and Cap Existing 2" Waterline	400.00	400.00	590.00	590.00	442.60	442.60
43	3	EA	Cut and Cap Existing 6" Waterline	800.00	2,400.00	675.00	2,025.00	730.00	2,190.00
44	7	EA	Cut and Cap Existing 8" Waterline	800.00	5,600.00	960.00	6,720.00	800.00	5,600.00
45	6	EA	Remove Existing Fire Hydrant	1,500.00	9,000.00	880.00	5,280.00	750.00	4,500.00
46	646	SY	5' Wide Sidewalk	70.00	45,220.00	65.00	41,990.00	83.30	53,811.80
47	8	EA	Curb Ramp	3,300.00	26,400.00	1,750.00	14,000.00	2,310.00	18,480.00
48	1,723	LF	Remove & Dispose Existing Sidewalk	13.50	23,260.50	7.25	12,491.75	14.00	24,122.00
49	110	DAY	Provide Truck-Mounted Attenuator (TMA)	225.00	24,750.00	200.00	22,000.00	108.00	11,880.00
50	100%	LS	Provide Pressure Testing for Water Pipe	6,000.00	6,000.00	5,480.00	5,480.00	6,750.00	6,750.00
51	100%	LS	Provide Microbiological Testing for Water Pipe	4,500.00	4,500.00	5,960.00	5,960.00	5,730.00	5,730.00
52	100%	LS	Items Requested by the Owner not on the Construction Drawings	25,000.00	25,000.00 **	25,000.00	25,000.00	25,000.00	25,000.00
53	110	DAY	Electronic Message Board	100.00	11,000.00	160.00	17,600.00	83.00	9,130.00
54	12	EA	Remove & Replace Sign Assemblies	200.00	2,400.00	270.00	3,240.00	1,140.00	13,680.00
55	3	EA	Remove & Replace Mailboxes	400.00	1,200.00	985.00	2,955.00	1,950.00	5,850.00
56	1,800	SY	Revegetation of Areas Disturbed by Construction, Including Watering to Establish Growth	4.00	7,200.00	9.00	16,200.00	7.00	12,600.00
57	3	EA	For Removal and Disposal of Existing Trees as Necessary to Install Waterline Improvements	800.00	2,400.00	825.00	2,475.00	1,300.00	3,900.00
58	100%	LS	For Potholing Existing Utilities	4,000.00	4,000.00	9,890.00	9,890.00	14,000.00	14,000.00
TOTAL BASE BID AMOUNT - (Items 1 - 58)					\$ 851,188.40		\$ 1,118,732.75		\$ 1,100,011.00

BID SUMMARY			
TOTAL BASE BID AMOUNT	\$ 851,188.40	\$ 1,118,732.75	\$ 1,100,011.00

Did Bidder Acknowledge Addendum No. 1 ?	Yes	Yes	Yes
Did Bidder provide Bid Security?	Yes	Yes	Yes
Did Bidder provide required documents?	Yes	Yes	Yes

I hereby certify that this is a correct & true tabulation of all bids received


John A. Simcik, PE
Kasberg, Patrick & Associates, LP

4/28/2022
Date



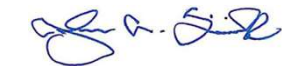
* - Extended Amount did not equal Unit Price multiplied by Estimated Quantity.
** - Fixed Unit Price of \$25,000.00 was modified by Bidder.

BID TABULATION
CITY OF BELTON
E. 6TH AVENUE WATERLINE REPLACEMENT
April 28, 2022; 2:00 PM

				BIDDER INFORMATION					
				Quality W Contractors, LLC 8575 Gholson Rd. Waco, Texas 76705		McLean Construction, Inc. 4101 Trimmier Rd. Killeen, Texas 76542		Bell Contractors, Inc. 3082 W. Hwy. 190 Belton, Texas 76513	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
BASE BID									
1	100%	LS	Mobilization Bonds & Insurance	\$ 60,233.00	\$ 60,233.00	\$ 50,911.00	\$ 50,911.00	\$ 65,718.96	\$ 65,718.96
2	30.5	STA	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of Right-of-Way	518.00	15,799.00	1,378.00	42,029.00	1,865.91	56,910.26
3	100%	LS	Prepare Traffic Safety Plan	2,597.00	2,597.00	1,870.00	1,870.00	2,981.97	2,981.97
4	100%	LS	Implement Traffic Safety Plan	36,364.00	36,364.00	11,659.00	11,659.00	53,419.70	53,419.70
5	100%	LS	Prepare Trench Safety Plan per State Law	1,169.00	1,169.00	1,641.00	1,641.00	1,388.97	1,388.97
6	3,062	LF	Implement Trench Safety Plan (Pipe)	2.00	6,124.00	4.50	13,779.00	4.85	14,850.70
7	100%	LS	Prepare SWPP Plan and Obtain TCEQ Permit	12,987.00	12,987.00	3,130.00	3,130.00	10,651.97	10,651.97
8	100%	LS	Provide Project Record Drawings (As-Builts)	790.00	790.00	1,378.00	1,378.00	310.98	310.98
9	100%	LS	Provide Video of right-of-way pre-construction and post construction site conditions	790.00	790.00	941.00	941.00	621.97	621.97
10	3,062	LF	Provide Clean-up and Final Grading Along Final Pipeline Route	16.00	48,992.00	5.50	16,841.00	4.15	12,707.30
11	77	LF	Furnish and Install 6" Diameter PVC Water Line, including Thrust Restraint	120.00	9,240.00	113.00	8,701.00	187.96	14,472.92
12	77	LF	Furnish and Install 8" Diameter PVC Water Line, including Thrust Restraint	135.00	10,395.00	118.50	9,124.50	175.84	13,539.68
13	2,970	LF	Furnish and Install 12" Diameter PVC Water Line, including Thrust Restraint	127.00	377,190.00	137.30	407,781.00	224.31	666,200.70
14	150	LF	Furnish and Install 16" Steel Encasement by Bore	683.00	102,450.00	424.00	63,600.00	504.21	75,631.50
15	40	LF	Furnish and Install 24" Steel Encasement by Open Cut	523.00	20,920.00	232.00	9,280.00	370.08	14,803.20
16	2	EA	Furnish & Install 6-inch 11 ¼° Bend, Including Thrust Restraint	782.00	1,564.00	957.00	1,914.00	686.37	1,372.74
17	6	EA	Furnish & Install 12-inch 11 ¼° Bend, Including Thrust Restraint	1,468.00	8,808.00	1,662.00	9,972.00	1,553.13	9,318.78
18	2	EA	Furnish & Install 12-inch 22 ½° Bend, Including Thrust Restraint	1,829.00	3,658.00	1,686.00	3,372.00	1,581.45	3,162.90
19	1	EA	Furnish & Install 6-inch 45° Bend, Including Thrust Restraint	809.00	809.00	966.00	966.00	692.27	692.27
20	2	EA	Furnish & Install 8-inch 22 ½° Bend, Including Thrust Restraint	932.00	1,864.00	1,155.00	2,310.00	822.07	1,644.14
21	1	EA	Furnish & Install 6-inch 90° Bend, Including Thrust Restraint	845.00	845.00	999.00	999.00	727.67	727.67
22	1	EA	Furnish & Install 8-inch 90° Bend, Including Thrust Restraint	1,012.00	1,012.00	1,215.00	1,215.00	876.35	876.35
23	4	EA	Furnish & Install 12-inch 45° Bend, Including Thrust Restraint	1,506.00	6,024.00	1,769.00	7,076.00	1,658.15	6,632.60
24	2	EA	Furnish and Install 12" x 6" Reducer	1,179.00	2,358.00	1,399.00	2,798.00	1,345.45	2,690.90
25	3	EA	Furnish and Install 6" Tee, Including Thrust Restraint	1,019.00	3,057.00	1,181.00	3,543.00	1,215.65	3,646.95
26	1	EA	Furnish and Install 8" Tee	1,295.00	1,295.00	1,474.00	1,474.00	1,445.75	1,445.75
27	3	EA	Furnish and Install 12" x 6" Tee	1,818.00	5,454.00	1,957.00	5,871.00	1,941.35	5,824.05
28	3	EA	Furnish and Install 12" x 8" Tee	1,788.00	5,364.00	2,027.00	6,081.00	1,911.85	5,735.55
29	1	EA	Furnish and Install 12" x 8" Cross	2,202.00	2,202.00	2,278.00	2,278.00	2,470.64	2,470.64
30	6	EA	Furnish and Install 6-inch Gate Valve	1,746.00	10,476.00	2,363.00	14,178.00	1,539.36	9,236.16
31	5	EA	Furnish and Install 8-inch Gate Valve	2,510.00	12,550.00	3,148.00	15,740.00	2,234.38	11,171.90
32	7	EA	Furnish and Install 12-inch Gate Valve	4,254.00	29,778.00	4,764.00	33,348.00	4,128.93	28,902.51
33	9	EA	Connect To Existing 6" Waterline	2,236.00	20,124.00	2,569.00	23,121.00	1,654.72	14,892.48
34	5	EA	Connect To Existing 8" Waterline	2,995.00	14,975.00	2,687.00	13,435.00	2,160.40	10,802.00
35	6	EA	Furnish and Install Fire Hydrant Assembly	7,367.00	44,202.00	6,946.00	41,676.00	6,080.96	36,485.76
36	6	EA	Far Side Single 1" Water Service by Bore	5,868.00	35,208.00	8,651.00	51,906.00	4,571.54	27,429.24
37	8	EA	Short Side Single 1" Water Service	1,409.00	11,272.00	1,444.00	11,552.00	1,667.55	13,340.40
38	31	LF	Gravel Driveway Repair	111.00	3,441.00	50.00	1,550.00	41.46	1,285.26
39	283	LF	Concrete Driveway Repair	124.00	35,092.00	135.00	38,205.00	139.41	39,453.03
40	492	LF	Asphalt Repair	106.00	52,152.00	74.00	36,408.00	63.85	31,414.20
41	21	EA	Power Pole Bracing	363.00	7,623.00	2,755.00	57,855.00	798.97	16,778.37
42	1	EA	Cut and Cap Existing 2" Waterline	1,867.00	1,867.00	1,448.00	1,448.00	725.95	725.95
43	3	EA	Cut and Cap Existing 6" Waterline	1,981.00	5,943.00	2,012.00	6,036.00	826.25	2,478.75
44	7	EA	Cut and Cap Existing 8" Waterline	2,064.00	14,448.00	3,008.00	21,056.00	1,039.14	7,273.98
45	6	EA	Remove Existing Fire Hydrant	2,056.00	12,336.00	2,755.00	16,530.00	932.95	5,597.70
46	646	SY	5' Wide Sidewalk	59.00	38,114.00	78.00	50,388.00	80.62	52,080.52
47	8	EA	Curb Ramp	1,786.00	14,288.00	2,725.00	21,800.00	2,391.97	19,135.76
48	1,723	LF	Remove & Dispose Existing Sidewalk	8.00	13,784.00	5.00	8,615.00	13.42	23,122.66
49	110	DAY	Provide Truck-Mounted Attenuator (TMA)	224.00	24,640.00	207.00	22,770.00	283.20	31,152.00
50	100%	LS	Provide Pressure Testing for Water Pipe	6,321.00	6,321.00	3,241.00	3,241.00	6,219.70	6,219.70
51	100%	LS	Provide Microbiological Testing for Water Pipe	6,321.00	6,321.00	5,510.00	5,510.00	10,349.70	10,349.70
52	100%	LS	Items Requested by the Owner not on the Construction Drawings	25,000.00	25,000.00	25,000.00	25,000.00	25,000.00	25,000.00
53	110	DAY	Electronic Message Board	84.00	9,240.00	190.00	20,900.00	194.70	21,417.00
54	12	EA	Remove & Replace Sign Assemblies	1,328.00	15,936.00	871.00	10,452.00	1,304.15	15,649.80
55	3	EA	Remove & Replace Mailboxes	1,054.00	3,162.00	1,462.00	4,386.00	916.97	2,750.91
56	1,800	SY	Revegetation of Areas Disturbed by Construction, Including Watering to Establish Growth	5.56	10,008.00	4.00	7,200.00	5.90	10,620.00
57	3	EA	For Removal and Disposal of Existing Trees as Necessary to Install Waterline Improvements	3,457.00	10,371.00	8,310.00	24,930.00	1,770.00	5,310.00
58	100%	LS	For Potholing Existing Utilities	9,482.00	9,482.00	11,021.00	11,021.00	14,050.62	14,050.62
TOTAL BASE BID AMOUNT - (Items 1 - 58)					\$ 1,248,508.00		\$ 1,292,791.50		\$ 1,544,578.43

BID SUMMARY			
TOTAL BASE BID AMOUNT	\$ 1,248,508.00	\$ 1,292,791.50	\$ 1,544,578.43
Did Bidder Acknowledge Addendum No. 1 ?	Yes	Yes	Yes
Did Bidder provide Bid Security?	Yes	Yes	Yes
Did Bidder provide required documents?	Yes	Yes	Yes

I hereby certify that this is a correct & true tabulation of all bids received



John A. Simcik, PE

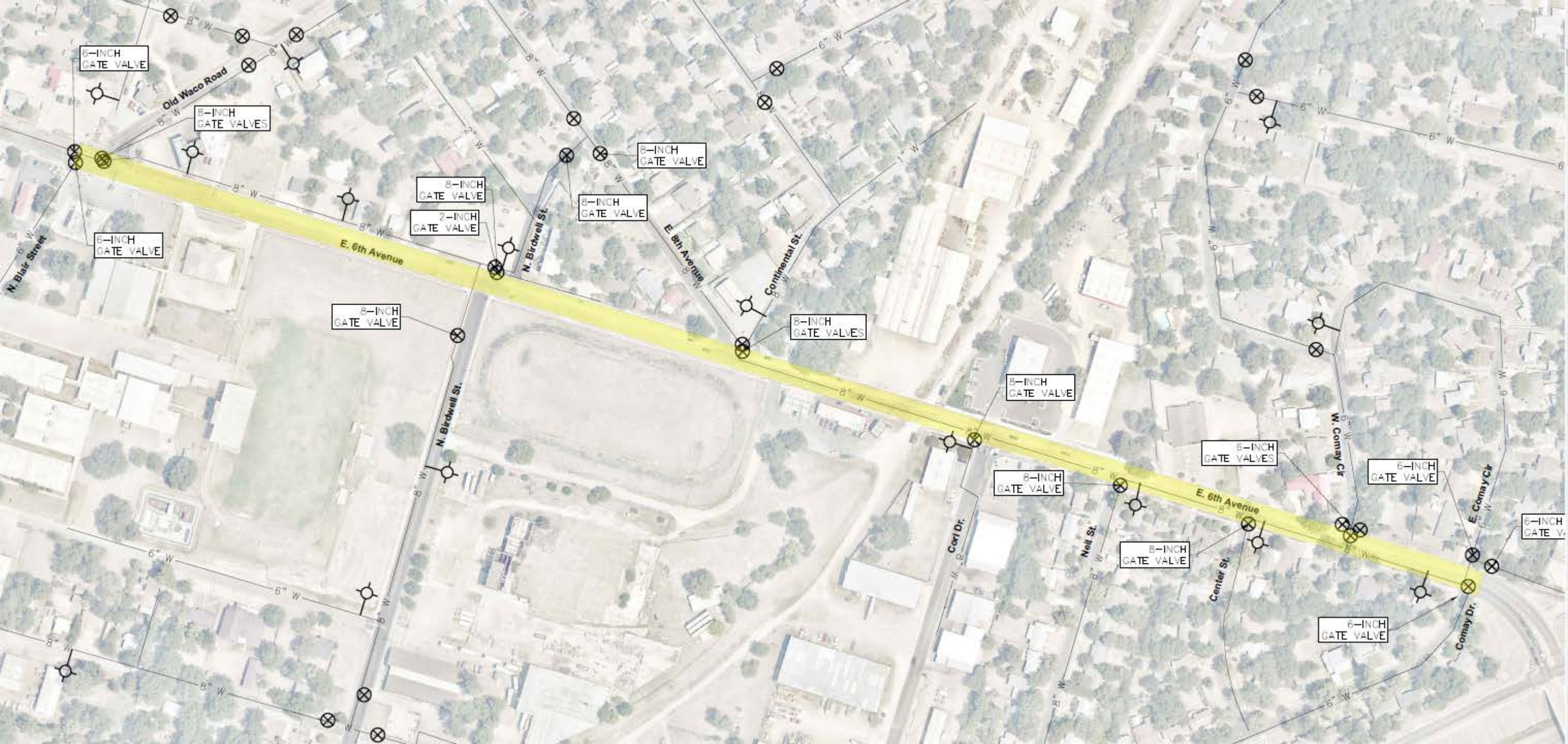
Kasberg, Patrick & Associates, LP

4/28/2022

Date



* - Extended Amount did not equal Unit Price multiplied by Estimated Quantity.
** - Fixed Unit Price of \$25,000.00 was modified by Bidder.





Staff Report – City Council Agenda Item

Agenda Item #20

Consider authorizing the City Manager to execute an amendment to a professional services agreement with KPA Engineers for construction administration services for the E. 6th Avenue Waterline Replacement Project.

Originating Department

Public Works – Matt Bates, Director of Public Works

Background

Through this proposed agreement, KPA will provide:

Basic Services

1. Pre-construction conference.
2. Review submittals/shop drawings.
3. Prepare partial payment forms and review partial payment requests.
4. Project visits during construction.
5. Weekly project status and schedule.
6. Conduct construction progress meetings.
7. Coordinate contractor schedule with City Staff.
8. Advise and consult with City, communicate with contractor, prepare routine change orders as required.
9. Check final pay quantities.
10. Prepare record drawings.

Fiscal Impact

Total: \$36,100

The project will be funded by the 2022 Certificates of Obligations and cash that was previously set aside for the project.

Budgeted: ☒ Yes ☐ No

Recommendation

Authorize the contract amendment with KPA Engineers for construction administration services.

Attachments

KPA Proposal



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
Texas Firm F-510

Temple
19 North Main Street
Temple, Texas 76501
(254) 773-3731

RICK N. KASBERG, P.E.
R. DAVID PATRICK, P.E., CFM
THOMAS D. VALLE, P.E.
GINGER R. TOLBERT, P.E.
ALVIN R. "TRAE" SUTTON, III, P.E., CFM
JOHN A. SIMCIK, P.E., CFM

Georgetown
800 South Austin Avenue
Georgetown, Texas 78626
(512) 819-9478

May 11, 2022

Mr. Matthew Bates, CPRP
Director of Public Works
City of Belton
P.O. Box 120
Belton, Texas 76513

RE: City of Belton
E. 6th Avenue Waterline Replacement Project
Professional Services Proposal – Amendment No. 1
Belton, Texas

Mr. Bates:

This is a letter proposal for Amendment No. 1 to the E. 6th Avenue Waterline Replacement Project professional services contract that addresses your request for Kasberg, Patrick & Associates, LP (KPA) to provide construction administration services for the referenced project.

Attached is Exhibit A which is our proposed scope of services for this work. KPA will prepare monthly invoices and forward those to you for work completed through the 25th day of each month including descriptions of what was accomplished each month.

The lump sum fees for the tasks based on the Scope of Services as described in Exhibit A for the project are as follows:

Amendment No. 1

1. Construction Administration:	\$ 36,100.00
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Mr. Matthew Bates, CPRP
May 11, 2022
Page Three

If you have questions or comments regarding this proposal, please let us know. We will answer all inquiries in a timely manner.

Please execute the acceptance of this proposal in the spaces provided and return one copy to our office.

Sincerely,



John A. Simcik, P.E., C.F.M.
Principal
Kasberg, Patrick & Associates, LP

APPROVED AND ACCEPTED THIS _____ DAY OF _____, 2022.

City of Belton:

ATTEST

Sam A Listi
City Manager
City of Belton

Amy M. Casey
City Clerk

Matthew Bates, CPRP
Director of Public Works

EXHIBIT “A”

Scope of Services E. 6th Avenue Waterline Replacement Project

I. Basic Services

A. Construction Administration

1. Conduct pre-construction conference;
2. Review submittals/shop drawings;
3. Prepare Partial Payment forms and review partial payment requests;
4. Make periodic project visits during construction;
5. Communicate with City Project Manager weekly regarding project status and schedule;
6. Conduct construction progress meetings;
7. Coordinate contractor schedule with City Staff;
8. Advise and consult with the Owner, communicate with Contractor, prepare routine change orders as required, and keep the Owner informed of the progress;
9. Conduct final walkthrough with Contractor and City Staff.
10. Coordinate final TDLR walkthrough with a Registered Accessibility Specialist.
11. Check final pay quantities and pay requests;
12. Prepare Record Drawings.