

Staff Report – Planning & Zoning Item



Date: February 21, 2017
Case No.: Z-17-02
Request: C-2 to SF-3
Applicant: Richard Lopez

Agenda Item

Z-17-02 Hold a public hearing and consider a zoning change from Commercial-2 to Single Family-3 at 203 North Head Street, located on the east side of North Head Street, just north of East 2nd Avenue.

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

The applicant is proposing a zone change to allow for the demolition of the current single family home and the construction of a new single family home. This is currently an area of mixed uses along North Head Street. To the north are single family homes and the former Indeco property; to the east are single family homes and Mace-O-Matic; to the south are Central Texas Memorial, Starbucks, and Jimmy John's; and to the west is Trinity Full Gospel Church.

Current Zoning

Commercial-2

Proposed Zoning

Single Family-3

Design Standards Type Area: 7

Recommended Type Area: 7

This property is in the identified Type Area 7 in the Design Standards. If approved, a Single Family-3 District use would be required to comply with all the Design Standards for Type Area 7.

Land Use Table/Allowable Uses

The Single Family-3 Zoning District allows the following land uses, and would accommodate this request:

- Single-family detached dwellings and accessory buildings
- Greenhouses and gardens
- Family Home

Project Analysis and Discussion

This property is located east side of North Head Street, just north of East 2nd Avenue amongst a mixture of land uses. The applicant is proposing this zone change to Single Family-3 to demolish the existing single family home and construct a new single family home through the Texas Department of Housing and Community Affairs (TDHCA's) replacement home program. The Future Land Use Plan identifies this area as high density residential/mixed use; however, this property has been utilized for a single family residence for many years. This property is located in Type Area 7 of the Design Standards that states the desired growth and development of this area is primarily commercial, mixed use developments and urban residential infill, focusing on compatible uses.

Currently, this lot is zoned Commercial-2, and a zoning change to Single Family-3 is required to allow for the construction of a new single family home. The Single Family-3 Zoning District requires a minimum lot size of 5,000 square feet, minimum lot width of 50 feet, and a minimum lot depth of 90 feet. According to the Bell County Tax Appraisal District, this property is 129 feet in width and 90 feet in depth; therefore, the property conforms to the Single Family-3 lot size requirements.

This block is zoned Commercial-2 and contains 6 residences; 4 residences are on the western side and 2 residences are on the eastern side of this block. The eastern side of this block is in close proximity to commercial businesses, such as Mace-O-Matic, Knights Inn, Burger King, Starbucks, and Arby's. The western side of this block is in close proximity to institutional uses, such as Trinity Full Gospel Church. It is staff's judgment that the eastern side of this block should develop into commercial uses and the western side may remain single family due to the close proximity to the church, similar to the residences on East 3rd Avenue, close to BISD Administration and New Tech High School.

Due to the Future Land Use Plan, and the mixture of residential uses in this area, this requested zoning change appears to be a reasonable request.

Recommendation

Recommend approval of a Single Family-3 Zoning District with development regulated under the Design Standards for Type Area 7 standards as follows:

1. The use of this property must conform to the Single Family-3 Zoning District in all respects.
2. The development of the property shall conform to all applicable Type Area 7 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards discussed above
 - b. Building Design Standards
 - c. Landscape Design Standards
3. Sign standards shall conform to Ordinance 2008-11

Attachments:

1. Zoning application
2. Property Location Map
3. Zoning map
4. Aerial photo
5. Map with zoning notice boundary (200')
6. Zoning notice to owners
7. Exterior Elevations

City of Belton
Request for a Zoning Change

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

Fee: \$250.00

Date Received: 01-30-17 Date Due: 01-31-17 **Deadline for a zoning change request is the last business day of the month.**

Applicant: Aaron Harris Phone Number: 254-933-5813
Mailing Address: P.O. Box 120 City: Belton State: TX
Email Address: aharris@beltontexas.gov

Owners Name: Richard Lopez Phone Number: 254-613-5226
Mailing Address: 203 N. Head St. City: Belton State: TX
Email Address: -

Applicant's Interest in Property:

Address is an eligible property for the City's/State Home Program through TIDICA.

Legal Description of Property:

Belton Original, Block 92, Lot 1-2 (AKA WJ Blair Addition)

Is this property being simultaneously platted? No

Street Address: 203 N. Head Street

Zoning Change From C-2 to SF-3

Signature of Applicant: Aaron Harris Date: 1-30-17

Signature of Owner (if not applicant) Richard Lopez Date: 2-8-17

Checklist for Zoning Items to be submitted with application:

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

Zoning Case # Z-17-02 Location

ZONING CHANGE:

Commercial-2
to
Single Family-3

LEGAL DESCRIPTION:

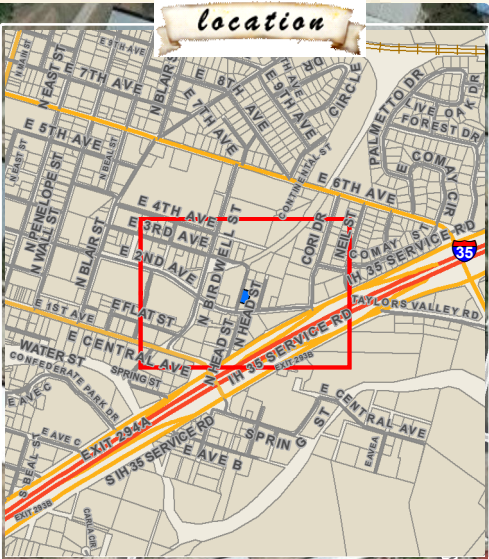
BELTON ORIGINAL
BLOCK 092, LOT PT 1, 2,
AKA W J BLAIR ADDITION

PROPERTY OWNER:


LOPEZ, RICHARD L
& PATRICIA

ADDRESS/LOCATION:

203 N HEAD ST



LEGEND

 Z_17_02

0 80 160 320 Feet



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

Zoning Case # Z-17-02 Zoning

Zoning Case # Z-17-02 Aerial

ZONING CHANGE:

Commercial-2
to
Single Family-3

LEGAL DESCRIPTION:

BELTON ORIGINAL
BLOCK 092, LOT PT 1, 2,
AKA W J BLAIR ADDITION


PROPERTY OWNER:

LOPEZ, RICHARD L
& PATRICIA

ADDRESS/LOCATION:

203 N HEAD ST

LEGEND

 Z_17_02

Map Date: 2/8/2017 Aerial Imagery Date: 2015

0 25 50 100
Feet



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

Zoning Case # Z-17-02

ZONING CHANGE:
Commercial-2
to
Single Family-3

LEGAL DESCRIPTION:
BELTON ORIGINAL
BLOCK 092, LOT PT 1, 2,
AKA W J BLAIR ADDITION

PROPERTY OWNER:
LOPEZ, RICHARD L
& PATRICIA

ADDRESS/LOCATION:
203 N HEAD ST

**200' Property Owner
Notification Area**



Legend

- Z_17_02
- 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: RICHARD LOPEZ,
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 203 NORTH HEAD STREET,
FROM A(N) COMMERCIAL - 2 ZONING DISTRICT,
TO A(N) SINGLE FAMILY - 3 ZONING DISTRICT.

THE PLANNING & ZONING COMMISSION OF THE CITY OF BELTON, TEXAS WILL HOLD A PUBLIC HEARING PURSUANT TO THIS REQUEST AT **5:30 P.M., Tuesday, February 21, 2017** IN THE WRIGHT ROOM AT THE T.B. HARRIS CENTER, 401 N. ALEXANDER, BELTON, TEXAS.

IF APPROVED BY THE PLANNING & ZONING COMMISSION, THIS ITEM WILL BE PLACED ON THE AGENDA FOR A PUBLIC HEARING BY THE CITY COUNCIL. THAT MEETING WILL BE AT **5:30 P.M., Tuesday, February 28, 2017**, AT THE T. B. HARRIS COMMUNITY CENTER, 401 ALEXANDER STREET, BELTON, TEXAS.

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

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

circle one

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

1. _____
2. _____
3. _____

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

DATE: _____ SIGNATURE: _____

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

18972	38450	38451
RODRIGUEZ, LEONARD	FULL GOSPEL TABERNACLE CHURCH	FULL GOSPEL TABERNACLE CHURCH
8117 TINA DR	506 N HEAD ST	506 N HEAD ST
TYLER, TX 75703-4810	BELTON, TX 76513-2778	BELTON, TX 76513-2778
39985	44168	66064
MACE-O-MATIC TRANSMISSIONS LLC	JENKINS, REBECCA WALLINGFORD	LOPEZ, RICHARD L & PATRICIA
1002 E 2ND AVE	4820 POST OAK TIMBER DR	203 N HEAD ST
BELTON, TX 76513-3206	HOUSTON, TX 77056-2210	BELTON, TX 76513-2855
68980	69931	114401
MARTINEZ, FRANKIE	PEREZ, FILBERTO	B & D MAYS LIMITED PARTNERSHIP
1111 RENEE SPUR	205 N HEAD ST	805 E 4TH AVE
BELTON, TX 76513-4432	BELTON, TX 76513-2855	BELTON, TX 76513-2769
118035	118142	126664
TREVINO, ALEXSANDER	TRINITY FULL GOSPEL	MARTINEZ, OLEGARIO & MAURO VILLARREAL ESTATE
302 N HEAD ST	506 N HEAD ST	1607 BROOKING ST
BELTON, TX 76513-2858	BELTON, TX 76513-2778	BELTON, TX 76513
136082	197672	234463
SARINANA, ISMAEL ETUX TERESA	GARDNER, RILEY MEMORIAL SERVICE COMPANY INC	ZEAVY LLC
306 N HEAD ST	PO BOX 868	4653 CAMELLIA AVE
BELTON, TX 76513-2858	HAMILTON, TX 76531-0868	NORTH HOLLYWOOD, CA 91602-1103
446859	446860	461565
BELTON BUILDING LLC	BELTON BUILDING LLC	URUBEK, KENNETH ROSS
PO BOX 966	PO BOX 966	PO BOX 1364
TEMPLE, TX 76503	TEMPLE, TX 76503	BELTON, TX 76513-5364
461566	SUPERINTENDENT	
MORRIS, DWAIN	DR. SUSAN KINCANNON	
1610 S 31ST STE 102 PMB 283	BELTON I.S.D.	
TEMPLE, TX 76504	P O Box 269	
	BELTON TEXAS 76513	

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

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

1. May affect the future sale of my property
2. _____
3. _____

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

DATE: 02-13-17 SIGNATURE: Frankie Martiney Frankie Martinez

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

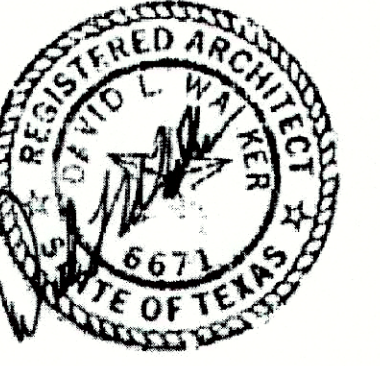
68980
MARTINEZ, FRANKIE
1111 RENEE SPUR
BELTON, TX 76513-4432

GRANTWORKS, Inc.

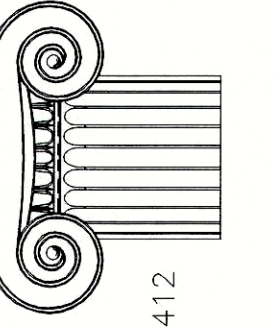
2201 Northland Drive, Austin, Tx 78758



12-1000-ROW



David L. Walker



Architect

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Corpus Christi, Texas 78412
(361) 854-4359
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Incorporated

2201 Northland Drive, Austin, Texas 78756

12-1000-ROW

TITLE

Project
2374-01
Date
04-SEPT-12
Scale

Sheet
1

FAIR HOUSING REQUIREMENTS

DOOR HARDWARE:
DOORS SHALL HAVE LEVER-OPERATED MECHANISMS, PUSH-TYPE MECHANISMS, OR U-SHAPED HANDLES.
HANDLES, PULLS, LATCHES, LOCKS, AND OTHER OPERATING DEVICES ON ACCESSIBLE DOORS SHALL HAVE A SHAPE THAT IS EASY TO GRASP WITH ONE HAND AND DOES NOT REQUIRE TIGHT GRASPING, TIGHT PINCHING, OR TWISTING OF THE WRIST TO OPERATE.

SLIDING DOORS, IF ANY, WHEN FULLY OPEN SHALL HAVE OPERATING HARDWARE EXPOSED AND USABLE FROM BOTH SIDES.

MOUNTING HEIGHT: HARDWARE REQUIRED FOR ACCESSIBLE DOOR PASSAGE SHALL BE MOUNTED NO HIGHER THAN 48" ABOVE FINISHED FLOOR.

CONTROLS AND OPERATING MECHANISMS:
HEIGHT: SWITCHES, THERMOSTATS, CONTROLS, DISPENSERS, RECEPTACLES, AND THE HIGHEST OPERABLE PART OF OTHER OPERABLE EQUIPMENT SHALL BE PLACED NO HIGHER THAN 48" ABOVE THE FLOOR AND WITHIN THE REACH RANGES REQUIRED BY THE TEXAS ACCESSIBILITY STANDARDS (TAS).
RECEPTACLES OF ELECTRICAL AND COMMUNICATIONS SYSTEM ON WALLS SHALL BE MOUNTED NO LESS THAN 15" ABOVE THE FLOOR.
EXCEPTION: THESE REQUIREMENTS DO NOT APPLY WHERE THE USE OF SPECIAL EQUIPMENT DICTATES OTHERWISE OR WHERE ELECTRICAL AND COMMUNICATIONS SYSTEMS RECEPTACLES ARE NOT NORMALLY INTENDED FOR USE BY BUILDING OCCUPANTS.

FLUSH CONTROLS SHALL BE HAND OPERATED OR AUTOMATIC. CONTROLS FOR FLUSH VALVES SHALL BE MOUNTED ON THE WIDE SIDE OF TOILET AREAS NO MORE THAN 44" ABOVE THE FLOOR.

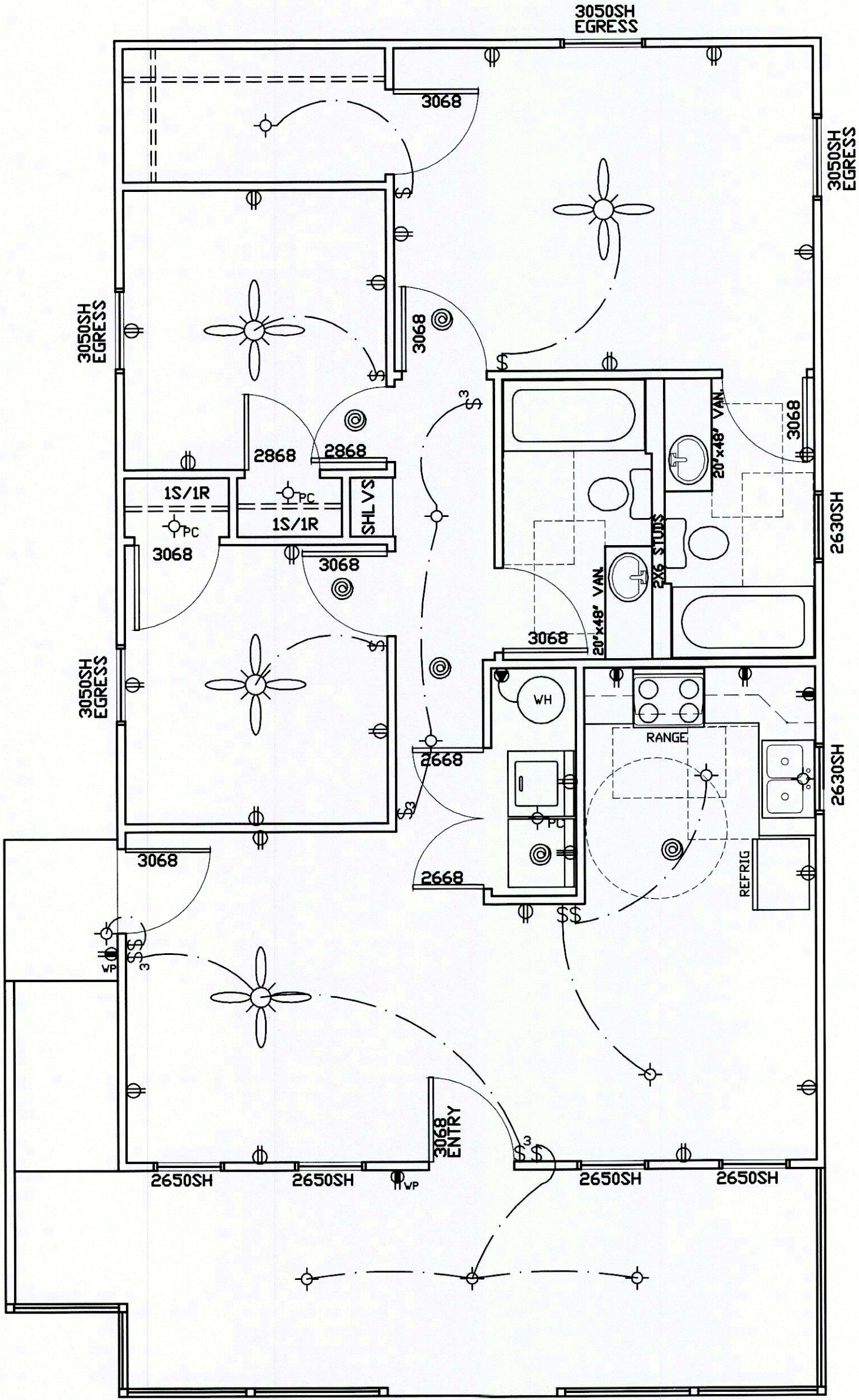
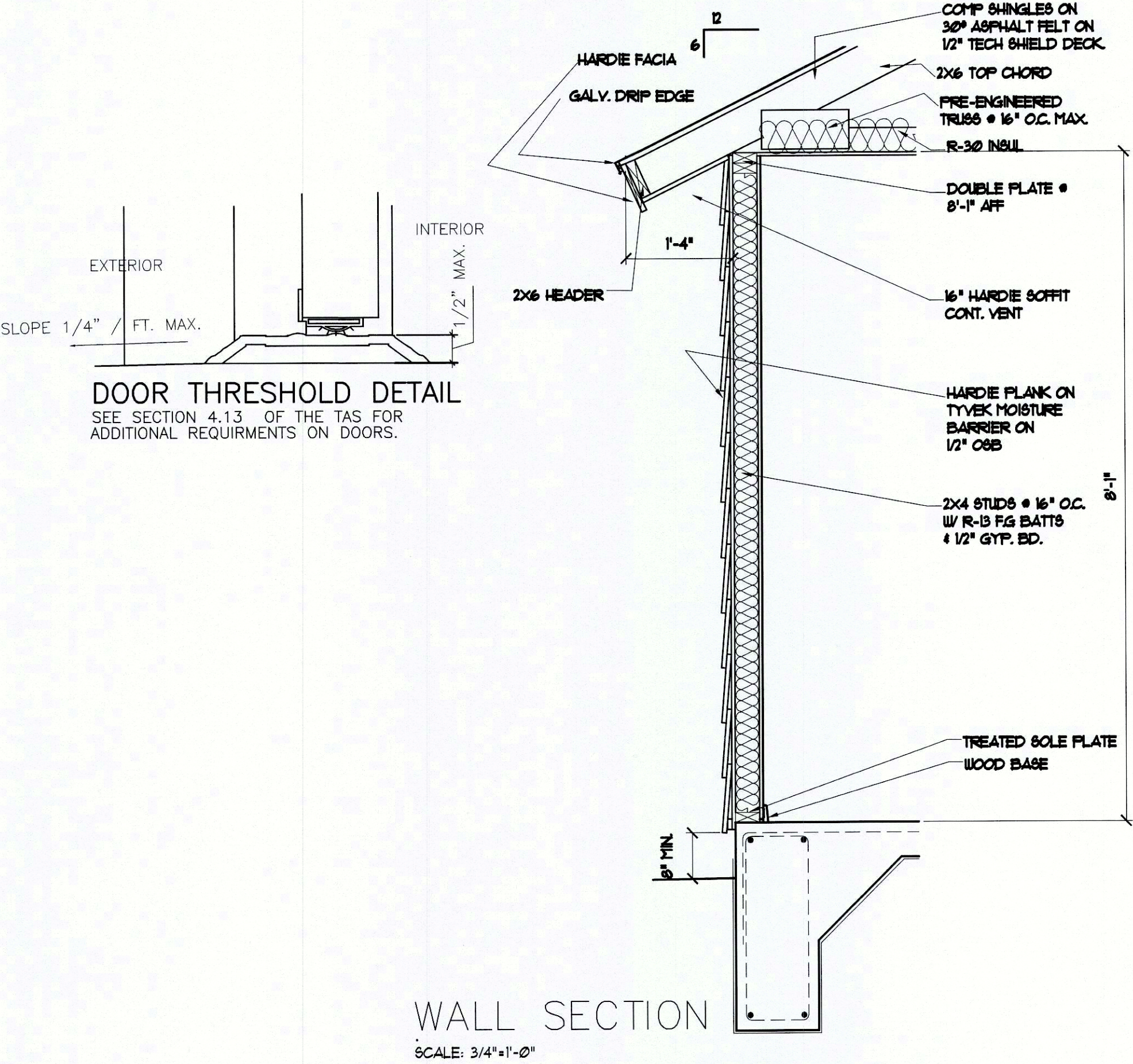
OPERATION: CONTROLS AND OPERATING MECHANISMS SHALL BE OPERABLE WITH ONE HAND AND SHALL NOT REQUIRE TIGHT GRASPING, PINCHING, OR TWISTING OF THE WRIST. THE FORCE REQUIRED TO ACTIVATE CONTROLS SHALL BE NO GREATER THAN 5 LBF.

GRAB BARS, AND TUB AND SHOWER SEATS:

THE OUTSIDE DIAMETER OR WIDTH OF THE GRIPPING SURFACE OF A HANDRAIL OR GRAB BAR SHALL BE 1-1/4" TO 1-1/2", OR THE SHAPE SHALL PROVIDE AN EQUIVALENT GRIPPING SURFACE.

IF HANDRAILS OR GRAB BARS ARE MOUNTED ADJACENT TO A WALL, THE SPACE BETWEEN THE WALL AND THE GRAB BAR SHALL BE 1-1/2".

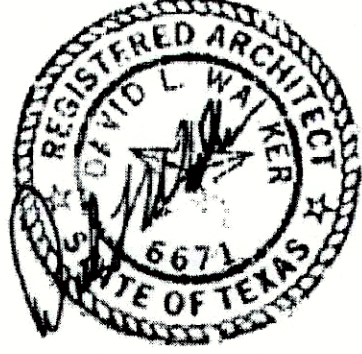
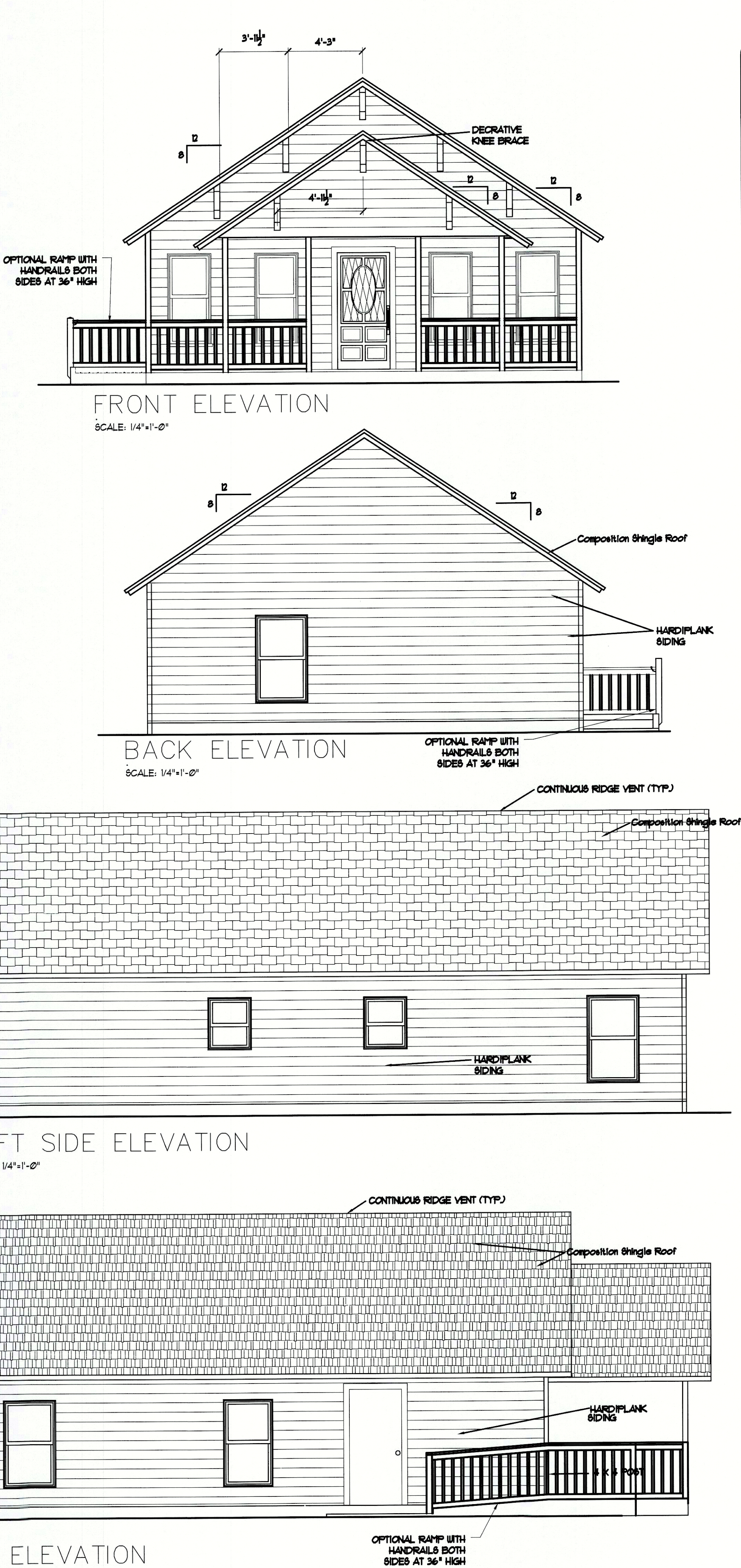
GRAB BARS OR SEATS SHALL RESIST A FORCE OF 250 POUNDS IN ANY DIRECTION. INSTALL SOLID BLOCKING CENTERED 36" ABOVE FINISH FLOOR IN ANY WALL WHERE GRAB BARS MAY BE INSTALLED NOW OR IN THE FUTURE.



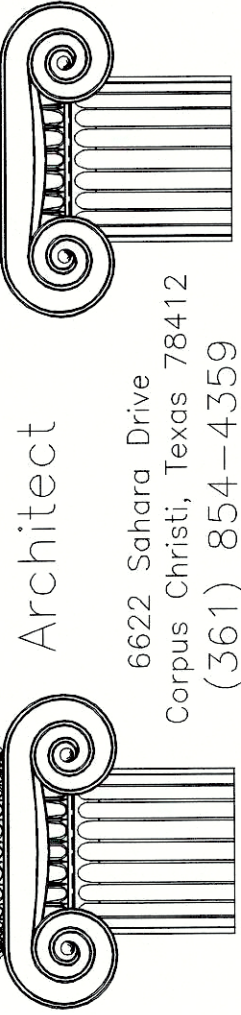
ELECTRICAL LEGEND

EACH SYMBOL MAY NOT APPEAR IN THE DRAWING(S) PROVIDED.	
SM.	DESCRIPTION
	LIGHT FIXTURE
	EXHAUST FAN
	TELEVISION OUTLET @ 19"
	DUPLEX OUTLET @ 19"
	220 VOLT OUTLET
	GFI DUPLEX OUTLET
	WATERPROOF @ 19" GFI DUPLEX OUTLET
	DIRECT WIRED
	TELEPHONE LINE @ 19"
	DOORBELL BUTTON @ 44"
	SINGLE SWITCH @ 44"
	3-WAY SWITCH @ 44"
	SMOKE DETECTOR

- FAN
- FAN WITH LIGHT KIT
- CAN LIGHT
- CEILING OR SOFFIT MOUNTED ELECTRICAL OUTLET
- LIGHT
- VENTILATION FAN
- OVER CABINET LIGHTING
- UNDER CABINET LIGHTING
- CABLE JACK
- WALL SCONCE
- OUTLET
- PHONE JACK
- SWITCH
- DIMMER SWITCH
- THREE POLE SWITCH



David L. Walker



Architect

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ELEV. / SEC.

Project
2374-01
Date
04-SEPT-12
Scale

Sheet

3

0'-0" REFER TO ARCH.

1'-0"

5/8" Ø GALV. ANCHOR BOLTS @ AT MAX. 3'-0" O.C. TO TREATED SOLE PLATE

5" SLAB ON GRADE REINF. #4 AT 16" O.C. EACH WAY BEND 16" INTO BEAM

1 1/2" TOP COVER TYPICAL

5"

6 MIL V.B. TYPICAL

6" CUSHION SAND TYPICAL

2 #4 TOP CONT.

9" h
#3 STIRRUPS
@ 12" O.C.

2 #4 BOT. CONT.

6" TYPICAL SPREAD

1'-0"

BEAM DEPTH 1'-0"

1 1/2" COVER TYPICAL

0'-0"

5" SLAB ON GRADE
REINF. W/ #4 AT
16" O.C. EACH WAY
CONT. OVER BEAM

1 1/2" TOP COVER
TYPICAL

6 MIL V.B.

BEAM REINF.
2 #4 TOP CONT.

#3 STIRRUPS
AT 12" O.C.

2 #4 BOT. CONT.

6" TYPICAL INTERIOR
SPRAY

6" BEAM DEPTH

5" SPLAY

1'-0"

1'-0"

SLOPE
1/4" / FT. MAX.

5" SLAB ON GRADE AS IN A-5

6 MIL V.B.

BEAM REINF. AS IN A-5

0'-0"

BEAM DEPTH

6 X 6 WOOD COLUMN
WRAP w/ HARDIE

2-3/4" ϕ GALV.
THRU BOLTS W/
WASHERS

4"X21"X3/8" PLATE
W/ 2-3/4" ϕ X 8"
HEADED STUDS HOT
DIPPED GALVANIZE
AFTER FABRICATION

TOOLED EDGE

BEAM DEPTH

1'-0"

5" SLAB ON GRADE
REINF. W/ #4 AT
16" O.C. EACH
WAY BEND DOWN
16" INTO BEAM

SLOPE
1/4" / FT MAX.
FIN. FL.

6 MIL. V.B.
BEAM REINF.

2 #4 TOP CONT.

2 #3 STIRRUPS
AT 12" O.C.


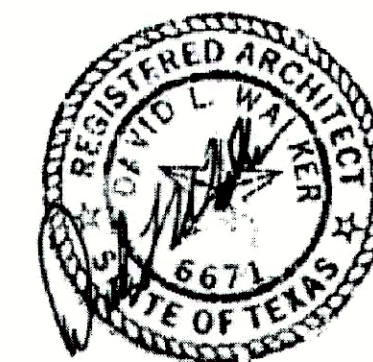
2 #4 BOT. CONT.

Diagram illustrating the cross-section of a bridge deck structure. Key components and dimensions include:

- 5" SLAB ON GRADE AS IN A-5**: The main deck slab.
- 6 MIL V.B.**: Vertical bracing or reinforcement.
- BEAM REINF. AS IN A-5**: Reinforcement for the bridge beams.
- SLOPE 1" / FT. MAX.**: Slope of the top surface.
- SLOPE 1/4" / FT. MAX.**: Slope of the side surface.
- 3" DROP**: Vertical drop dimension.
- 0'-0"**: Horizontal dimension at the right end.
- BEAM DEPTH**: Vertical dimension of the beam.

1. USE SAND FILL: EXCEPT IN AREA WHERE HIGH WATER TABLE IS ENCOUNTERED.
USE GRAVEL, CRUSHED STONE OR COMPARIBLE MATERIAL.
2. BOTTOMS OF ALL BEAMS SHALL EXTEND SIX INCHES MINIMUM INTO UNDISTURBED SOIL. MIN. BM DEPTH 24"
3. ALL CONCRETE SHALL HAVE A 28 DAY MINIMUM COMPRESSIVE STRENGTH OF 3000 P.S.I.
4. NO DEAD-END BEAMS ALLOWED.
5. MAINTAIN 1 1/2" CLEARANCE BETWEEN FORMS AND REINFORCING.
6. BEAM REINFORCING SHALL BE TIED AND SUPPORTED EVERY 4'-0" MINIMUM.
7. LAP ALL BARS REINFORCING 40 DIAMETERS OF SMALLER BAR SIZE
8. PROVIDE CHAIRS OR OTHER SUITABLE SUPPORTS FOR SLAB REINFORCING.

15. SOILS w/ P.I. LESS THAN 16 REINF AS SHOWN. SOILS
w/ P.I. GREATER THAN 16 USE 1/2 CONT. BEAM REINF. TOP
& BOTTOM



12

6622 Sahara Drive
Corpus Christi, Texas 78412

6622 Sahara Drive
Corpus Christi, Texas 78414
(361) 854-4359

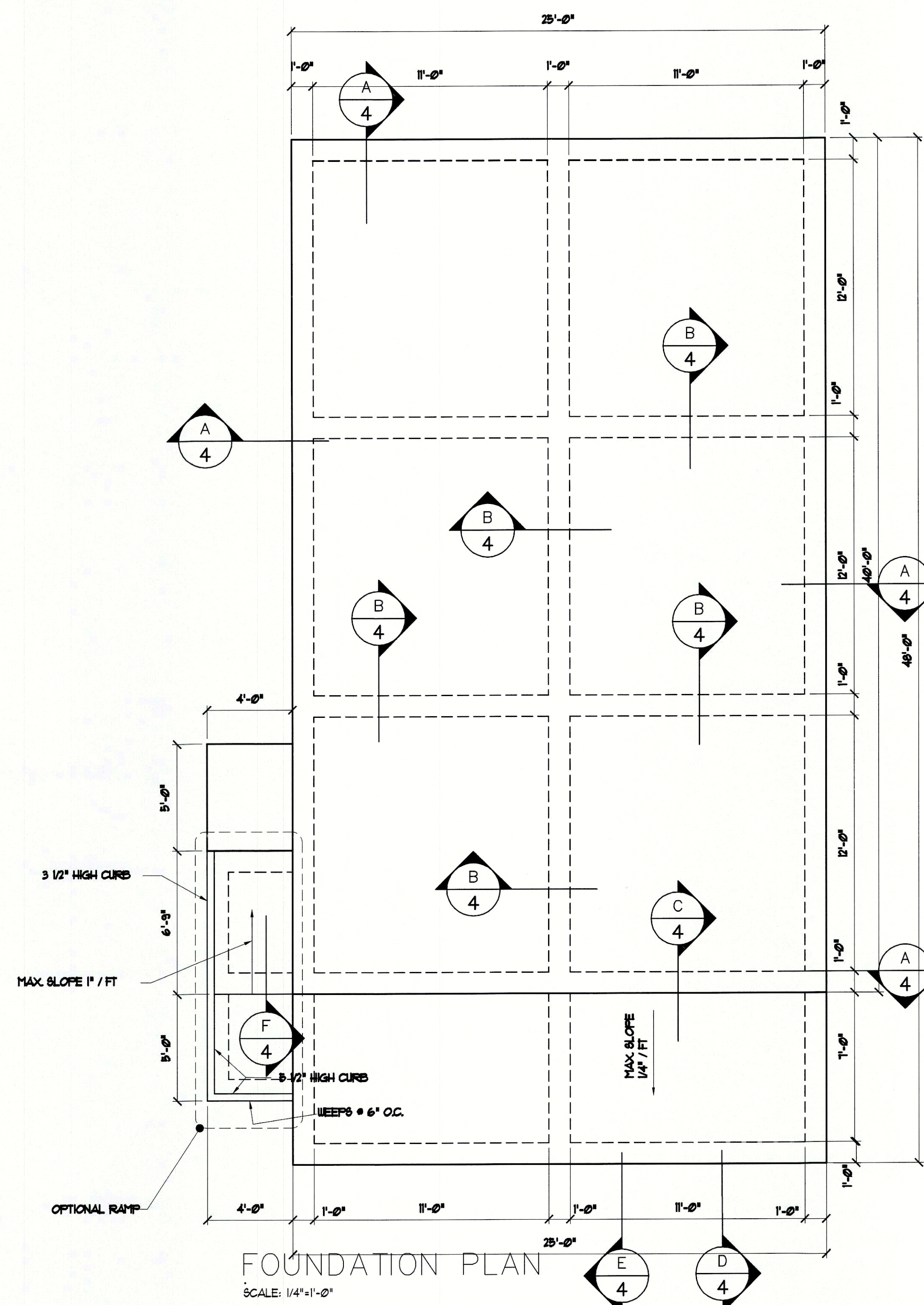
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2201 Northland Drive, Austin, Texas 78756

FOUNDATION

Sheet	4
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Staff Report – Planning & Zoning Item



Agenda Item

Hold a public hearing and consider amendments to Section 302, Subdivision Procedures, of the Subdivision Ordinance.

Originating Department

Planning – Erin Smith, Director of Planning

Summary Information

We have researched a number of aspects of the Subdivision Ordinance that need to be updated to comply with current procedures. Section 302, Subdivision Procedures, of the Subdivision Ordinance contains several references stating that the Planning and Zoning Commission is the final approval authority for plats.

1. All plats requiring board approval go before the Planning and Zoning Commission for review and recommendation, and are then forwarded to City Council for final review and action. Since this process is not clear in the current Subdivision Ordinance, this presents confusion for applicants. We recommend amending Section 302 of the Subdivision Ordinance to replace the Planning and Zoning Commission reference with City Council for final approval. The process will not change with this amendment, it will make the process clear for the applicants.
2. In November 2013, City staff sent a memo to area engineers and surveyors regarding a new plat submission deadline by the 15th day of the month prior to the next month's public meetings. The previous deadline of 14 days prior to public meetings did not provide adequate time for staff review, as well as the opportunity to meet with the applicant and engineer to discuss staff comments, as needed. All applicants currently follow this procedure that began in 2013 and staff would like to amend Section 302 of the Subdivision Ordinance to ensure this deadline is clear to all applicants, such that it reads:
 - a. **Section 302.04 – B. Preliminary Plat Submission**
Upon an agreeable completion of the pre-application conference step, the developer shall prepare and submit the preliminary plat to the Planning Department by the 15th day of the month prior to the next month's public meetings at which such plat is to be considered.

b. **Section 302.05 – A. Final Plat Application**

After the preliminary plat has been approved by the Commission and any or all conditions are complied with, the developer's engineer or surveyor shall prepare and file with the Planning Department by the 15th day of the month prior to the next month's public meetings at which such plat is to be considered a final plat.

3. Currently there is no mechanism for staff to ensure that plats are administratively complete prior to Planning and Zoning Commission and City Council consideration. In many instances plats are presented to the P&ZC and Council with a condition that all staff comments are addressed. The P&ZC has expressed concern with plats that contain several staff comments that have been addressed. At this time, the only mechanism staff has is to recommend disapproval of a plat if the applicant wishes to move forward. Staff would like to opportunity to resolve the comments prior to P&ZC and Council consideration, so both boards can have the opportunity to review a plat in complete form. We recommend amending Section 302 of the Subdivision Ordinance to state the following:

a. **Section 302.04 – C. Preliminary Plat Review**

The Planning and Zoning Commission must take final action on a preliminary plat within thirty (30) days of the application being deemed administratively complete by the Development Review Committee. The City Council must take final action within thirty (30) days of the preliminary plat being approved by the Planning and Zoning Commission. A preliminary plat is deemed approved unless it is denied within these specified time periods or unless such time is extended by agreement with the applicant in writing.

b. **Section 302.05 – C. Final Plat Approval**

The Planning and Zoning Commission must take final action on a final plat within thirty (30) days of the application being deemed administratively complete by the Development Review Committee. The City Council must take final action within thirty (30) days of the final plat being approved by the Planning and Zoning Commission.

This wording is similar to the City of Temple subdivision requirements where several Belton applicants develop subdivisions as well. We believe this amendment will provide the P&ZC and Council with sufficient information to take action on all plats.

4. In the current Subdivision Ordinance, preliminary plats are only valid for a period of 12 months which has presented challenges for applicants and in many instances, staff has taken requests to the P&ZC and Council to extend preliminary plat validity an additional 6-12 months. The applicant will often

request to move a plat forward before all staff comments have been addressed due to this short time frame of preliminary plat validity. We recommend amending Section 302 of the Subdivision Ordinance to state a preliminary plat is valid for a period of 24 months. This will allow sufficient time for the applicant to complete the final plat construction plans and staff review to ensure the final plat is administratively complete prior to P&ZC and Council action.

5. There is currently no deadline for final plat recording after Council approval, so plats could be recorded several years after Council action. We recommend amending Section 302 of the Subdivision Ordinance to state an approved final plat must be recorded within 120 days after final approval.
6. The last amendment item recommended by staff in Section 302.05, Final Plat Approval, of the Subdivision Ordinance is changing the number of final plat revised prints from 10 to a total of 5. This is consistent with current practice and the number of copies currently required for other submissions in the Subdivision Ordinance.

It is staff's judgment that these proposed amendments will clarify the plat review/approval process for the applicants, City staff, the Planning and Zoning Commission, and City Council.

Fiscal Impact

None.

Recommendation

Recommend approval of the amendments to Section 302, Subdivision Procedures, of the Subdivision Ordinance, noted above.

Attachments

Proposed Amendments to Section 302, Subdivision Procedures, of the Subdivision Ordinance

ARTICLE 300: PROCEDURES FOR SUBMISSION AND APPROVAL**Section 301: General****301.01 Preliminary Plat and Plans**

- A. The developer is required to submit a preliminary plat of the subdivision to the City of Belton. Submittal shall include an application requesting approval accompanied by the required filing fees.
- B. The purpose of the submittal is to allow the Planning and Zoning Commission to review overall platting of the tract, water and sewer service, and street patterns within the subdivision for conformance with the requirements of the City.

301.02 Final Plan and Plans

The developer or his engineer shall submit to the City of Belton for review the final plat and complete construction plans, along with an application requesting approval of the plat and the required fees.

301.03 Replat Procedure

- A. A public hearing is required on all replats when the previous plat is not vacated. Vacation procedure shall be followed as set forth in Article 9774a, Vernon's Texas Civil Statutes, Section 5.
- B. If the previous plat is not vacated and the area proposed for replatting was zoned for residential use for not more than two residential units per lot or deed restricted for same (within preceding five years), then the following procedure is required.
 1. Notice by Planning and Zoning Commission (or governing body) for a public hearing must be published fifteen (15) days in advance of the hearing.
 2. Written notice of the public hearing must be forwarded to the owners of all lots in the current plat at least fifteen (15) days prior to the hearing; however, if the preceding plat contains more than one hundred (100) lots, the notice shall be mailed to those owners within five hundred (500) feet of the parcel to be replatted.
 3. If 20 percent or more of the owners of lots in the current plat file a written protest, the Planning and Zoning Commission or governing body shall require the written approval of $66\frac{2}{3}$ percent of the owners of all lots in such plat; or those lots within five hundred (500) feet of the property to be replatted if the current plat contains more than one hundred (100) lots.
- C. Correction of error and omissions on plat shall follow procedures set forth in Article 974a, Vernon's Texas Civil Statutes.

Section 302: Subdivision Procedures

302.01 The preparation, submittal, review, and approval of all subdivision plats shall proceed through the following steps:

- A. Pre-submission Conference.
- B. General Development Plan.
- C. Preliminary Plat.

D. Final Plat.

302.02 Pre-submission Conference – This step is intended to be of mutual benefit to the subdivider and the community by determining the suitability and time of development of a tract of land in relation to availability of services and facilities. This step also involves considerable subdivision planning which precedes actual preparation of the preliminary plat. The developer's engineer or surveyor shall present the proposal to the City Engineer, who shall inform the developer's engineer or surveyor of the details regarding platting procedures and requirements.

A. Actions Required of the Subdivider:

1. Sketch plans and ideas regarding land use, streets, lot arrangement, and size.
2. Proposals regarding water supply, sewage disposal, drainage, streets, and other improvements.

B. Actions Required of the City Engineer: In discussing the proposal with the developer and his engineer or surveyor, the City Engineer will, specifically, depending upon the scope of the proposed development, proceed with the following investigation:

1. Determine existing zoning of the tract if within the City and determine if a zoning change is involved.
2. Determine the adequacy of and possible effects on existing or proposed schools, parks, and other public uses.
3. Determine the relationship of the proposed development to such existing and proposed facilities as major streets, availability of Utility systems, adequacy of accessibility, and any unusual problems such as topography or flooding.
4. Determine the need for preparation and review of a General Development Plan prior to considering a preliminary plat, and if required, advise the developer that such plan is to be prepared and submitted for review and comment.

302.03 General Development Plan

A. A General Development Plan will be prepared by the subdivider when, in the opinion of the City Engineer, a tract of land is sufficiently large to comprise an entire neighborhood or neighborhoods, or the tract initially proposed for platting is only a portion of a larger landholding of the subdivider; or the tract is complicated by unusual physical, utility, land use, ownership, or other conditions. The General Development Plan shall include:

1. Arrangement and correlation of street patterns, particularly collector streets and major street system, to provide good traffic circulation throughout the neighborhood.
2. General location and size of school sites, park and recreation areas, and other public areas.
3. Location of shopping centers, multi-family residential and other land uses.
4. Proposals for water, sewer, and drainage systems in relation to master plans where they exist for these facilities.
5. Proposals for service as furnished by private utility companies.
6. Summary of uses by type, number and acreage.

7. Identification of any flood prone areas and general proposals for such areas.
- B. Acceptance of General Development Plan – Only after acceptance of the General Development Plan by the City Engineer shall the preliminary plat(s) be prepared. If development is to take place in several phases, the General Plan should be submitted as supporting data for each part.
- 302.04 Preliminary Plat – The preliminary plat phase of land subdivision includes detailed subdivision planning, submittal, review, and approval of the preliminary plat. To avoid delay in processing his application, the subdivider's engineer or surveyor should provide the City Engineer with all information essential to determine the character and general acceptability of the proposed development.
- A. Zoning – The subdivision should be designed within the requirements for the specific zoning district within which it is located. Any change in zoning required in relation to the preliminary plat shall have been adopted by the City Council prior to preliminary plat approval by the Commission.
- B. Preliminary Plat Submission – Upon an agreeable completion of the pre-application conference step, the developer shall prepare and submit the preliminary plat to the Planning Department by the 15th day of the month prior to the next month's public meetings – not less than fourteen (14) days prior to the Commission meeting at which such plat is to be considered. The following information, certified by a State registered professional engineer, landscape architect, or a registered public surveyor, in accordance with the requirements of this Ordinance, shall be submitted:
1. Five (5) copies of a preliminary plat showing the general features of the proposed development.
 2. This preliminary plat shall be drawn on a scale of one (1) inch equals one hundred (100) feet or larger and shall show the following:
 - a. The outline of the tract that is proposed to be subdivided, with boundary dimensions.
 - b. The proposed plan of subdivision, showing streets, blocks, lots, alleys, easements, building lines, parks, etc., with principal dimensions. The preliminary plat shall cover all of the tract intended to be developed whether in total or by sections.
 - c. The location, width, and name of existing streets and any blocks, lots, alley, easements, building lines, water courses, flood plain, boundary of tree cover, or other natural features in the area affected, with principal dimensions, and any other significant information on all sides for a distance of not less than two hundred (200) feet.
 - d. The names of proposed streets.
 - e. The location of the nearest existing sewers, water and gas mains, and other public utilities if any. If none near vicinity, so state.
 - f. A proposed general plan for drainage to include calculation of 100-year storm for any stream, creek, or channel and the limits of any flood plain either as designated by FEMA mapping or limits as may be determined by the owner's registered professional civil engineer.

The proposed drainage plan shall include: a topographical map in sufficient detail showing all abutting drainage areas either contributing to the storm water flows

within the proposed subdivisions or receiving storm water flows from the proposed subdivision; preliminary plans for drainage improvements within the proposed subdivision; and all calculations relating to the design of the drainage plan and its impact on the downstream system.

- g. The name of the proposed subdivision, north Point, scale, and date.
- h. The name of the owner or owners and the signature, date, and seal of the registered professional engineer, landscape architect, or registered public surveyor who has prepared the preliminary plat.
- i. A vicinity sketch or key map at a scale of not more than one thousand (1000) feet to the inch which shall show all existing subdivision, streets, and tracts of acreage in the area.
- j. The contours at not more than two-foot (2') intervals.
- k. The proposed plan of improvements and utilities to be constructed in the subdivision, prepared by a registered professional engineer, shall be shown with indications of street widths and utility line sizes. The accurate location of any existing utilities within the subdivision shall be shown on the Preliminary Plat.
- l. The following certificate shall be placed on the Preliminary Plat:

“APPROVED FOR PREPARATION OF FINAL PLAT”

CHAIRMAN, PLANNING & ZONING COMMISSION

DATE

- m. A copy of any protective or restrictive covenants whereby the subdivider proposes to regulate land use and construction in the subdivision shall be attached to his Preliminary Plat.
- n. On-Site Septic Systems: If on-site septic sewerage disposal systems are to be used, written certification from the Bell County Public Health District, stating that the proposed lot layout and soil conditions are suitable for on-site sewage disposal, shall be provided concurrent with an application to the City of Belton. (Ordinance #2005-32)
- o. Private Water Wells: If private water wells are to be used, written approval from the Office of the Bell County Engineer, stating that a Ground Water Availability Study identifies an adequate water supply, shall be provided concurrent with an application to the City of Belton. Recommendations on the adequacy of ground water availability studies will be provided to the Bell County Engineers Office by the Clearwater Underground Water Conservation District. (Ordinance #2005-32)
- p. Other Utility Providers: The subdivider shall provide written certification that all utility providers, including electric, telephone, gas, rural water supply corporations, and cable television, have been provided an opportunity to review and comment on the proposed subdivision, prior to or in conjunction with application to the City of Belton. (Ordinance #2005-32)

C. Preliminary Plat Review – On receipt of the preliminary plat, the City Engineer shall:

- 1. Review the preliminary Plat for compliance with public objectives, giving special attention to design principles and standards; to streets and thoroughfares as related to the Master

Street Plan of the Comprehensive Plan and to neighborhood circulation; to existing and proposed zoning and land use of the tract and adjacent tracts; and to sites required for schools, parks, and other public facilities.

a. The Planning and Zoning Commission must take action on a preliminary plat within thirty (30) days of the application being deemed administratively complete by the Development Review Committee. The City Council must take final action within thirty (30) days of the preliminary plat being approved by the Planning and Zoning Commission. A preliminary plat is deemed approved unless it is denied within these specified time periods or unless such time is extended by agreement with the applicant in writing.

a.b. The approval of a Preliminary Plat by the City Council~~Commission~~ is the authorization to proceed with the preparation of the Final Plat and application to consider the Final Plat. Approval or conditional approval of a Preliminary Plat does not constitute the acceptance of a subdivision or the improvements placed therein.

b.c. The conditional approval of a Preliminary Plat by the City Council ~~Commission~~ is the approval of the plat subject to compliance with all conditions prescribed by the City Council~~Commission~~. All conditions prescribed by the City Council ~~Commission~~ shall be furnished in writing to the developer within fourteen (14) days of City Council ~~Commission~~ action. Compliance with the conditions imposed shall be reflected in the Final Plat and related documents required for consideration of the Final Plat. Failure to comply with the conditions imposed shall constitute disapproval of the Preliminary Plat.

e.d. The disapproval of a Preliminary Plat by the City Council ~~Commission~~ shall be final. Written notice of the reasons for disapproval shall be provided to the developer within fourteen (14) days of Commission action.

d.e. City Council~~Commission~~ approval or conditional approval shall be valid for a period of twenty-four ~~twelve~~ ⁽²⁴⁺²⁾ months from the date of Commission action. If within the ~~twelve~~twenty-four ⁽²⁴⁺²⁾ month period no application is made for Final Plat consideration, the Preliminary Plat shall become null and void. The developer may request and the City Council ~~Commission~~, at its discretion, may grant an extension of the time limit for a specified period of time.

e.f. If the developer intends to develop a proposed subdivision in sections or phases, he shall at the time of application for Preliminary Plat consideration so state. Upon City Council ~~Commission~~ approval of the Preliminary Plat, the developer shall provide to the City two (2) copies of the plat bearing the following

“APPROVED MASTER PRELIMINARY PLAT”

CHAIRMAN, PLANNING & ZONING COMMISSION

DATE

f.g. If the Preliminary Plat is conditionally approved by the City Council ~~Commission~~, the developer shall submit five (5) copies of the plat, revised to comply with the conditions imposed and bearing the following:

“APPROVED MASTER PRELIMINARY PLAT”

CHAIRMAN, PLANNING & ZONING COMMISSION

DATE

g-h. An approved Master Preliminary Plat shall be valid approval for application for Final Plat consideration provided that application for Final Plat consideration for the first section or phase is made within ~~twenty-four twelve (2412)~~ months of Commission approval and provided that the Final Plat for each section or phase substantially conforms to the Approved Master Preliminary Plat. Any substantial deviation in street layout or alignment, lot size or configuration, utility and/or drainage layout, or easement shall require submittal for consideration of a new preliminary plat.

h-i. No construction shall begin on the proposed improvements in the proposed subdivision prior to approval of the Final Plat by the Planning & Zoning Commission and the City Council.

302.05 Final Plat – This step includes the final design of the subdivision, engineering of public improvements, and submittal of the Final Plat by the subdivider.

A. Final Plat Application — After the preliminary plat has been approved by the Commission and any or all conditions are complied with, the developer's engineer or surveyor shall prepare and file with the Planning Department by the 15th day of the month prior to the next month's public meetings ~~City Engineer no less than fourteen (14) days prior to the meeting of the Commission~~ at which the plat is to be considered a final plat which shall comply with the requirements of this Ordinance and shall include the following:

1. The original Final Plat and five (5) copies printed from the original. The original and copies shall be clearly legible. The original plat shall be drawn to a scale of one inch equals one hundred feet (1"=100') or larger in ink on mylar or other acceptable permanent material, with all figures and letters legible. One (1) copy of the original shall be on mylar or other acceptable permanent material.
2. The Final Plat shall be proper for filing for record in the Office of the County Clerk with the following information given:
 - a. The name or names of the owner and developer.
 - b. The name of the Licensed Land Surveyor or Registered Professional Engineer who prepared the Plat.
 - c. The name of the proposed subdivision and any adjacent subdivisions.
 - d. The name of streets (to conform whenever possible to existing street names).
 - e. The number of lots and blocks, in accordance with a systematic arrangement.
 - f. The north point, date, acreage being subdivided, and scale. All plats shall be on a scale of one (1) inch equals one hundred (100) feet or larger.
 - g. An accurate boundary survey of the property, with bearings and distances referenced to the corner of an existing survey or established subdivisions, with complete and accurate field notes of said boundaries. The lines with dimensions of all adjacent lands and the lines with dimensions of adjacent streets, alleys, and easements in adjacent subdivisions shall be shown in dashed lines.
 - h. The location of proposed lots, streets, alleys, easements, building setback lines (both front and side streets) and other features.

- i. All necessary dimensions including linear, angular and curvilinear, and other surveying information necessary to reproduce the Plat on the ground with the linear and curvilinear dimensions shown in feet and decimals of a foot.

The angular dimensions shall be shown by true bearings. The length of all straight lines, deflections angles, radii, tangents, central angle of curves shall be shown. All curve information shall be show for the centerline of the street. Dimensions shall be shown from all angle points and points of curve of lot lines. All lots on curves shall be shown with curve length dimensions based on arc definitions.

- j. All survey monuments shall be show on the Plat (see Section 515).
- k. All deed restrictions that are to be files with the Plat.
- l. Certification by a registered public surveyor, licensed by the State of Texas, placed on the Plat as follows:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, _____, do hereby certify that I prepared this Plat from an actual and accurate survey of the land and that the corner monuments shown thereon shall be properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Belton, Texas.

_____. (SEAL)

- m. Certificate of Approval by the Planning & Zoning Commission and approval by the City Council to be placed on plat in manner that will allow filling in of the Certificate:

I hereby certify that the above and foregoing Plat of the _____
Addition to the City of Belton was approved this _____ day of _____,
20____, by the Planning and Zoning Commission of the City of Belton, Texas.

Chairman

Secretary

I hereby certify that the above and foregoing Plat of the _____
Addition to the City of Belton was approved this _____ day of _____,
20____, by the City Council of the City of Belton, Texas.

Mayor

Secretary

Said addition shall be subject to all the requirements of the Subdivision Ordinance of the City of Belton

Witness my hand this ____ day of _____, 20__.

City Clerk

- n. An instrument of dedication, signed and acknowledged by the owner or owners and by all other parties who have a mortgage or lien interest in the property, showing all restrictions, reservations, and/or easements, if any, to be imposed and reserved in connection with the addition. Such restrictions shall include the following provisions:

“No house, dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until:

- 1) Such time as the developer and/or owner has complied with all requirements of the Subdivision Ordinance of the City of Belton regarding improvements within the area so platted, including the actual installation of streets with the required base and paving, curb and gutter, drainage structures, storm sewers, alleys, and water and sewer utilities, all according to the specifications of the City of Belton; or
 - a) The developer files with the City Clerk either a corporate; surety bond, escrow deposit, or irrevocable letter of credit in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation of improvements thereon within the time period established by the City for completion of said improvements. The developer shall execute an agreement authorizing the City to make or complete said improvements in the event the developer fails or refuses to make or complete said improvements within The sum equal to the cost of improvements shall include all construction costs, the cost for construction staking, and engineering services related to construction including but not limited to periodic inspection, construction contract administration, and preparation of as-built plans. The cost estimate for construction and related administration shall be prepared by the developer's engineer based on currently prevailing private commercial rates and approved by the City Manager.
 - b) As escrow deposit shall be in the form of a cashier's check payable to the "City of Belton Escrow Account for ____ Addition." The City shall open an interest bearing escrow account bearing the subdivision name with the City's depository bank. All interest accrued by said account shall be deposited to the account. The City shall have the right to use the principal of the escrow deposit and all accrued interest to make or complete construction of subdivision improvements as provided by this Ordinance. The developer may reduce the amount of escrow deposit equal to the cost, less ten (10) percent thereof, of each major phase of improvements as such phases are completed and satisfactorily pass all applicable tests and inspections. The major phases are: (1) water and sewer utilities and (2) streets and drainage. The release of any portion of escrow deposit shall not include any accrued interest and shall not constitute final acceptance of the improvements by the City. Upon final completion and final acceptance of all improvements, the City shall release to the developer the remaining balance of escrow deposit for the subdivision along with interest accrued and paid on same.
 - c) An irrevocable letter of credit shall be in a form and drawn from a bank satisfactory to the City and in an amount equal to the cost of improvements as defined heretofore. The amount of the irrevocable letter of credit may be reduced by the developer upon completion of each major phase of construction in the same manner applicable to an escrow deposit.
 - d) These restrictions with respect to improvements are made to insure the installation of such improvements and to give notice to each owner and to each prospective owner of lots in the subdivision that no house or other building can be constructed on any lot in the subdivision until said improvements are actually made or provided for on the entire block on the street and/or streets on which the property abuts as described herein.

- 2) The time so stated for completion thereof. The corporate surety bond, escrow, or irrevocable letter of credit shall comply with the following.
 - 3) Until the developer and/or owner files a corporate surety bond with the City Clerk in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the City Council of the City of Belton.
 - 4) In specific circumstances, a developer may desire to obtain a building permit prior to final completion of subdivision. The Building Official may be authorized to release specific permits for lot(s) as requested by the developer, or as may be modified by the City Council in their approval of the developer's written request. When such request is approved, the developer will be required to provide sufficient security for completion of the subdivision as set forth in Section 302.03, Paragraph A2n2).
- o. A certificate of dedication of all streets, alleys, and other land intended for public use, signed by the owner or owners and by all other parties who have a mortgage or lien interest in the property and acknowledged before a Notary Public.
 - p. A waiver of claim for damages against the City occasioned by the establishment of grades or the alteration of the surface of any portion of existing streets and alleys to conform to the grades established in the subdivision.
 - q. Receipt showing that all taxes are paid.
 - r. The final plat submitted to the Planning & Zoning Commission and City Council to be filed for record with the County Clerk shall not show construction or physical features unless so unusual as to be of significance; except that the shoreline of water areas shall be shown with the date surveyed.
 - s. Two (2) copies of each of the following:
 - 1) Construction plans and specifications for subdivision improvements in conformance with the requirements of Articles 400 and 500 of this Ordinance.
 - 2) Report of soil tests and pavement designs.
 - 3) Drainage study report as required in Article 500 of this ordinance.
- B. Final Plat Review – On receipt of the final plat, the City Engineer shall check the final plat for completeness and conformity to the approved preliminary plat and prepare and submit a written recommendation to the Planning & Zoning Commission.
- C. Final Plat Approval.
1. The Planning and Zoning Commission must take action on a final plat within 30 days of the application being deemed administratively complete by the Development Review Committee. The City Council must take final action within 30 days of the final plat being approved by the Planning and Zoning Commission. Upon filing of said final plat with the City Engineer by the developer, the Commission shall render a decision thereon within thirty (30) days. Said decision may consist of approval, disapproval, or conditional approval. Reasons for disapproval or conditional approval shall be stated by the City Council Commission in writing within fourteen (14) days. When a final plat is approved with conditions, ~~fiveten (510)~~ revised prints shall be submitted showing compliance with

the conditions. A final plat is deemed approved unless it is denied within that period or unless such time is extended by agreement with the applicant in writing.

2. After the Final Plat has been approved and has been fully and properly endorsed, the City Clerk shall file the plat with the County Clerk of Bell County, Texas. An approved Final Plat must be recorded within 120 days after final approval.

Section 303: Replat or Vacation of Recorded Plat

- 303.01 Procedures as set forth in Section 301.03 shall be followed in replatting of platted property or the abandonment of a recorded subdivision.

Section 304: Administrative Plat Approvals

304.01 Administrative Minor Plat (Amendment 2003-12)

- A. In accordance with the Texas Local Government Code, Section 212.0065, the City of Belton delegates to the City Manager or his designee the authority to approve minor plats and amendments to minor plats which:
 1. involve four (4) or fewer lots, and;
 2. front onto an existing street, and;
 3. do not require the creation of any new street or the extension of municipal facilities.
- B. The City Manager or his designee may, for any reason, elect to present the plat to the Planning and Zoning Commission for approval.
- C. The City Manager or his designee shall not disapprove the plat and shall be required to refer any plat which he/she refused to approve to the Planning and Zoning Commission for consideration.
- D. Documentation submitted for approval of an Administrative Minor Plat shall meet the Final Plat Requirements of Section 302.03.

304.02 Administrative Amending Plat

- A. In accordance with the Texas Local Government Code, Section 212.0065, the City of Belton delegates to the City Manager or his designee the authority to approve amending plats under the following conditions.
 1. The amending plat shall be signed only by the applicants.
 2. The City Manager or his designee may, for any reason, elect to present the amending plat to the Planning and Zoning Commission for approval.
 3. The City Manager or his designee shall not disapprove the plat and shall be required to refer any plat, which he/she refused to approve to the Planning and Zoning Commission for consideration.
 4. The amending plat shall be solely for the one or more of the following purposes:
 - a. to correct an error in a course or distance shown on the preceding plat;
 - b. to add a course or distance that was omitted on the preceding plat;