Staff Report – Planning & Zoning Item



Date: January 17, 2017

Case No.: Z-17-01

Request: CBD w/SUP for taxidermy to

CBD w/SUP for alcohol sales

Applicant: Kat Kaliski

Agenda Item

Z-17-01 Hold a public hearing and consider a zoning change from Central Business District with a Specific Use Permit for taxidermy to Central Business District with a Specific Use Permit for alcoholic beverage sales with 75% or more revenue from alcohol at 208 North Penelope Street, located on the west side of North Penelope Street, south of East 2nd Avenue and north of East 1st Avenue.

Originating Department

Planning - Erin Smith, Director of Planning

Case Summary

The applicant has submitted this request for a zone change for a proposed winery. To the north are Belton Journal, Edward Jones, and United Methodist Church; to the east is First Texas Bank; to the south are KEM Armours and Bargain Barn; and to the west is Compliance Consortium Corporation.

<u>Current Zoning</u> <u>Proposed Zoning</u>

Central Business District with Specific Use Permit for Taxidermy

Central Business District with Specific Use Permit for alcoholic beverage sales with 75% or more revenue from alcohol

Design Standards Type Area: 8 **Recommended Type Area**: 8

This property is in Type Area 8 in the Design Standards. If approved, a Central Business District use would be required to comply with all the Design Standards for Type Area 8.

Land Use Table/Allowable Uses

The Neighborhood Service Zoning District allows the following land uses, and would accommodate this request:

Art Gallery

- Bus station or terminal
- Dwelling units
- Gasoline service station
- Hotels, motels, and bed and breakfast facilities
- Multi-family dwellings
- Personal services
- Restaurants and cafes
- Theatres, auditoriums and other similar entertainment facilities

Project Analysis and Discussion

This property is located on the west side of North Penelope Street, between East 2nd Avenue and East 1st Avenue amidst a majority of small businesses with Central Business District zoning. According to Section 33.11, Central Business District, of the Zoning Ordinance, a Specific Use Permit is required for alcoholic beverage sales with 75% or more revenue from alcohol. The applicant has submitted this zone change to allow for a proposed winery known as Blends Wine Bar in the existing structure formerly occupied by Miller's BBQ. Blends Wine Bar will contain a retail space for wine bottle purchases in the front area of the lease space facing Penelope and a second entrance is proposed on the southern façade leading to the wine bar in the rear of the lease space where customers will have the ability to sit at tables and enjoy wine. The applicant has indicated that no food will be sold at the winery, but food from other establishments is permitted in the winery. If food is served, the applicant stated that it will be limited to hors d'oeuvres.

According to Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance, required parking in the CBD District may be reduced by the Planning and Zoning Commission and City Council if it is determined that due to existing space constraints, the requirements of this Ordinance cannot be met. This alternative shall apply only to new uses in existing structures and previously platted lots. The applicant would like to utilize some of the outdoor space on the south side of the building for an outdoor seating area under the existing canopy. Due to the limited space on this lot and availability of public parking nearby, we recommend no parking be required on this lot.

After careful review of the City's Design Standards and the applicability of this use among surrounding properties, this requested zone change appears to be reasonable in this location.

Recommendation

Recommend approval of zone change from Central Business District with a Specific Use Permit for taxidermy to Central Business District with a Specific Use Permit for alcoholic beverage sales with 75% or more revenue from alcohol with development regulated under the Design Standards for Type Area 8 standards as follows:

- 1. The allowable uses of the property shall conform to the Central Business District Zoning District in all respects, and in addition alcoholic beverage sales with 75% or more revenue from alcohol is a permitted use.
- 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, including:
 - a. Site Development Standards discussed above
 - b. Building Design Standards
 - c. Landscape Design Standards
- 3. Sign Standards shall conform to Ordinance 2008-11.
- 4. No parking is required on this property due to existing space constraints.

Attachments:

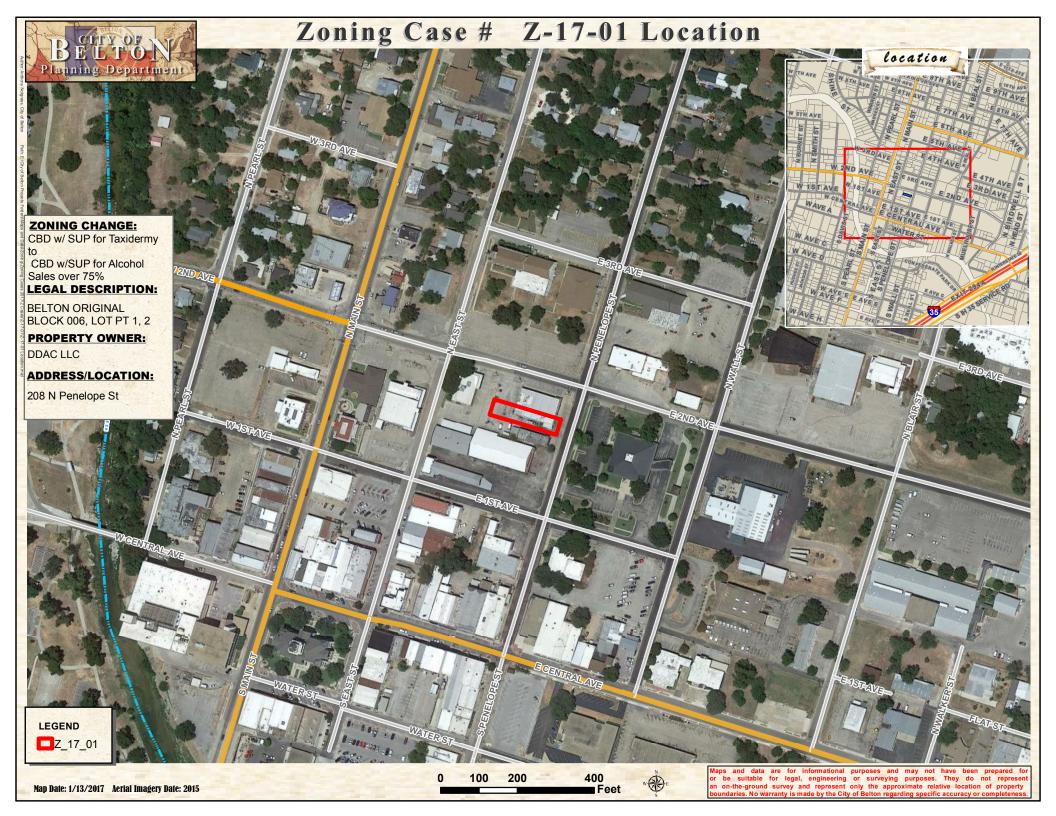
- 1. Zoning application
- 2. Property Location Map
- 3. Zoning map
- 4. Aerial photo
- 5. Map with zoning notice boundary (200')
- 6. Zoning notice to owners
- 7. Property owners list
- 8. Proposed Exterior Elevation
- 9. Downtown Public Parking Map

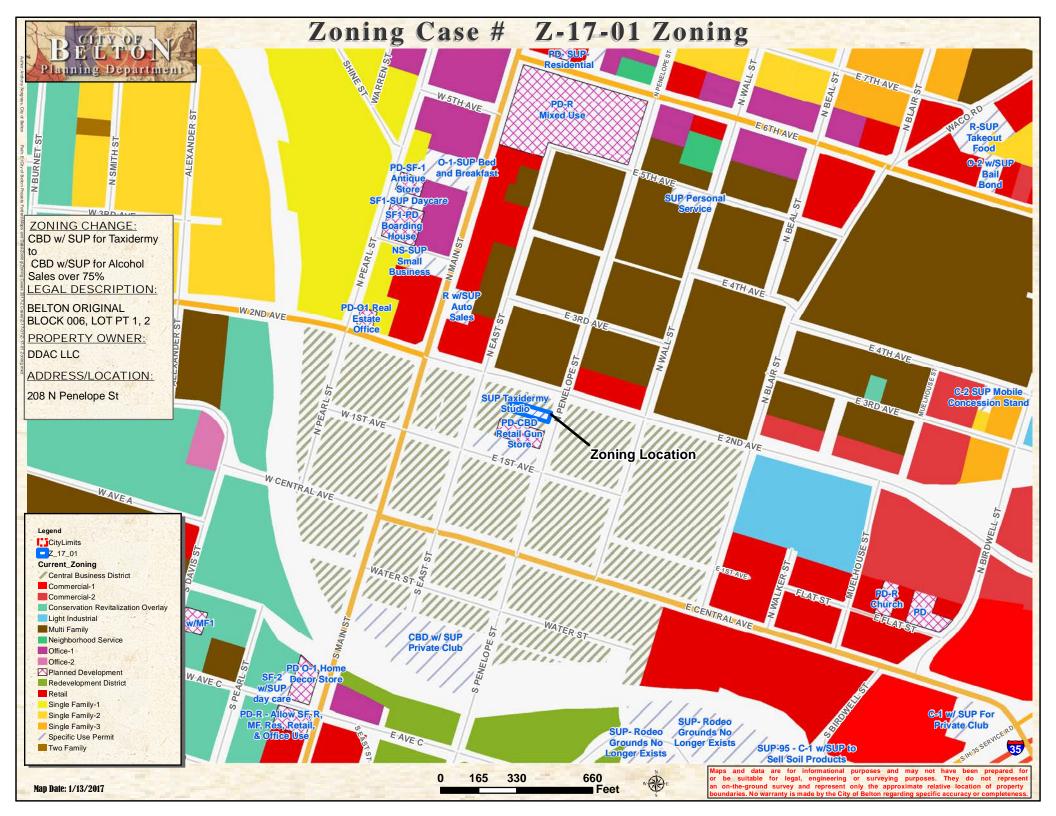
City of Belton Request for Zoning Change

To the City Council and the Planning and Zoning Commission Fee: \$250.00

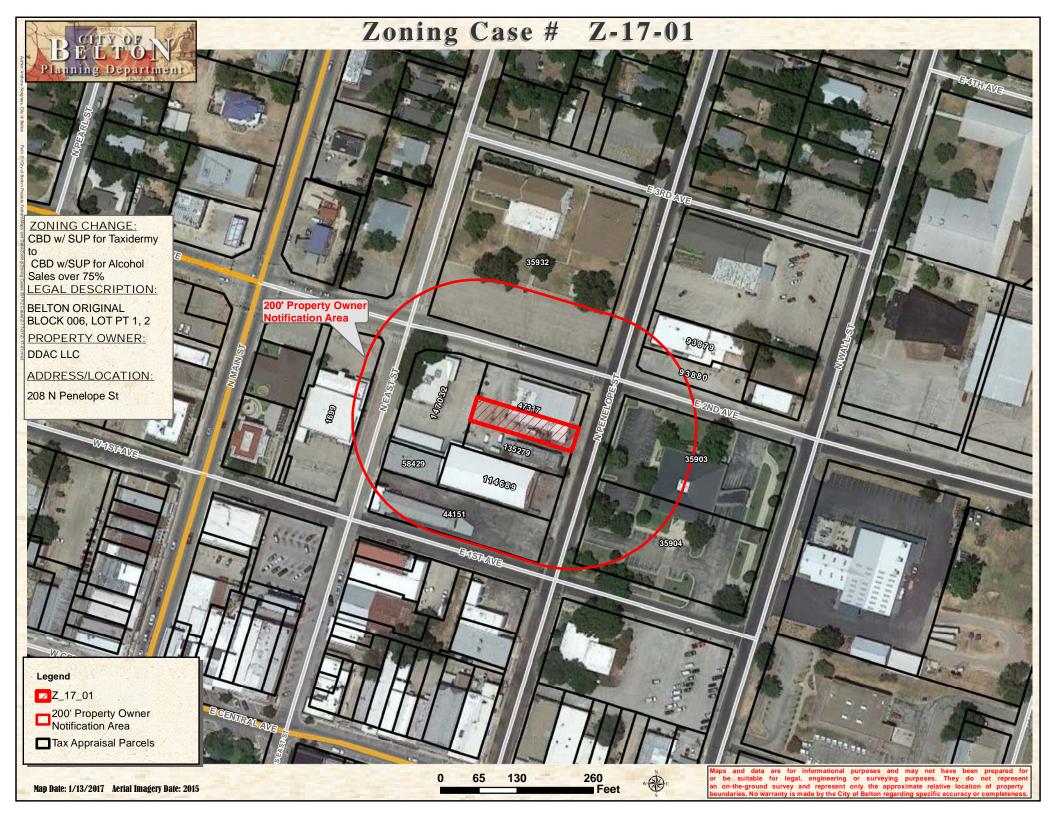
Date Received:	Dec 20, 2016 Date Due: 12-29-16	Deadline for a zoning change request is the last business day of the month.	
Applicant:	Kat Kaliski	Phone Number: 510.759.2174	
Mailing Address:	415 N. 9th St.	City: Temple State: TX	
Email Address:	Kat@blendswine bar.com		
Owners Name:	DAVIDE. TUMA DBA DDAC, LLC	Phone Number: 254.939.5754	
Mailing Address:	PO BOX 180	City: BELTON State: TX	
Email Address:	DAVIDOBELTONNOURNAL.COM		
Applicant's Interest in Property:	Tenant/Business owner		
Legal Description of Property: BELTON ORIGINAL, BLKOOG, LET PT 1, Z (N 103' OF 1,4 N 103'			
Is this property being simultaneously platted?			
Street Address: 208 N. PENELOPE			
Zoning changing from: CBD w SUP for to: CBD w SUP for			
1/2011 12-20-16			
Signature of Applicant Date 12-20-15			
Signature of Owner (if not applicant)	Date	
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 of irregular tracts or acreage, a drawing of the property must be submitted.









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

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: KAT KALISKI

TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 208 NORTH PENELOPE STREET
FROM A(N)CENTRAL BUSINESS DISTRICT WITH SPECIFIC USE PERMIT FOR TAXIDERMY ZONING DIST
TO A(N) <u>CENTRAL BUSINESS DISTRICT WITH SPECIFIC USE PERMIT FOR ALCOHOL SALES OVER 75%</u> ZONING DIST
The Planning & Zoning Commission of the City of Belton, Texas will hold a public hearing pursuant to this request at <u>5:30 P.M., Tuesday, January 17, 2017</u> 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 <u>5:30 P.M., Tuesday, January 24, 2017</u> , at the T. B. Harris Community Center, 401 Alexander Street, Belton, Texas.
As an interested property owner, the City of Belton invites you to make your views known by attending these hearings. You may submit written comments about this zoning change by completing this form and returning it to the address below.
IF YOU REQUIRE INTERPRETER SERVICES FOR THE DEAF OR HEARING IMPAIRED, PLEASE CONTACT THE CITY CLERK AT CITY HALL AT LEAST 48 HOURS BEFORE THESE MEETINGS.
circle one
As an interested property owner, I (protest) (approve) the requested zoning amendment presented in the application above for the reasons expressed below:
1.
2.
3.
(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)
Date: Signature:
PLANNING DEPARTMENT CITY OF BELTON

P. O. Box 120

254-933-5812

BELTON, TEXAS 76513

1699 35903 35904 SJD OAK RIDGE INVESTMENTS LLC - SERIES B FIRST TEXAS BANK FIRST TEXAS BANK 4 S 1ST ST PO BOX 11539 PO BOX 11539 TEMPLE, TX 76501-7604 KILLEEN, TX 76547 KILLEEN, TX 76547 35932 44151 47317 FIRST UNITED METHODIST CHURCH DDAC LLC WELLS, JOE ALLAN PO BOX 205 PO BOX 180 401 S 1ST ST BELTON, TX 76513-0205 TEMPLE, TX 76504-5540 **BELTON, TX 76513** 58429 93879 93880 WELLS, JOE ALLAN PITTMANS CLEANERS & LAUNDRY PITTMANS CLEANERS & LAUNDRY PO BOX 667 PO BOX 667 401 S 1ST ST TEMPLE, TX 76504-5540 BELTON, TX 76513-0667 BELTON, TX 76513-0667 114689 135279 147032 MURPHY, KELLY & KATHRYN WILD MILLER INVESTMENTS LLC BAIRD, GARY L ETUX GAYLYN J

208 N PENELOPE ST

BELTON, TX 76513-3159

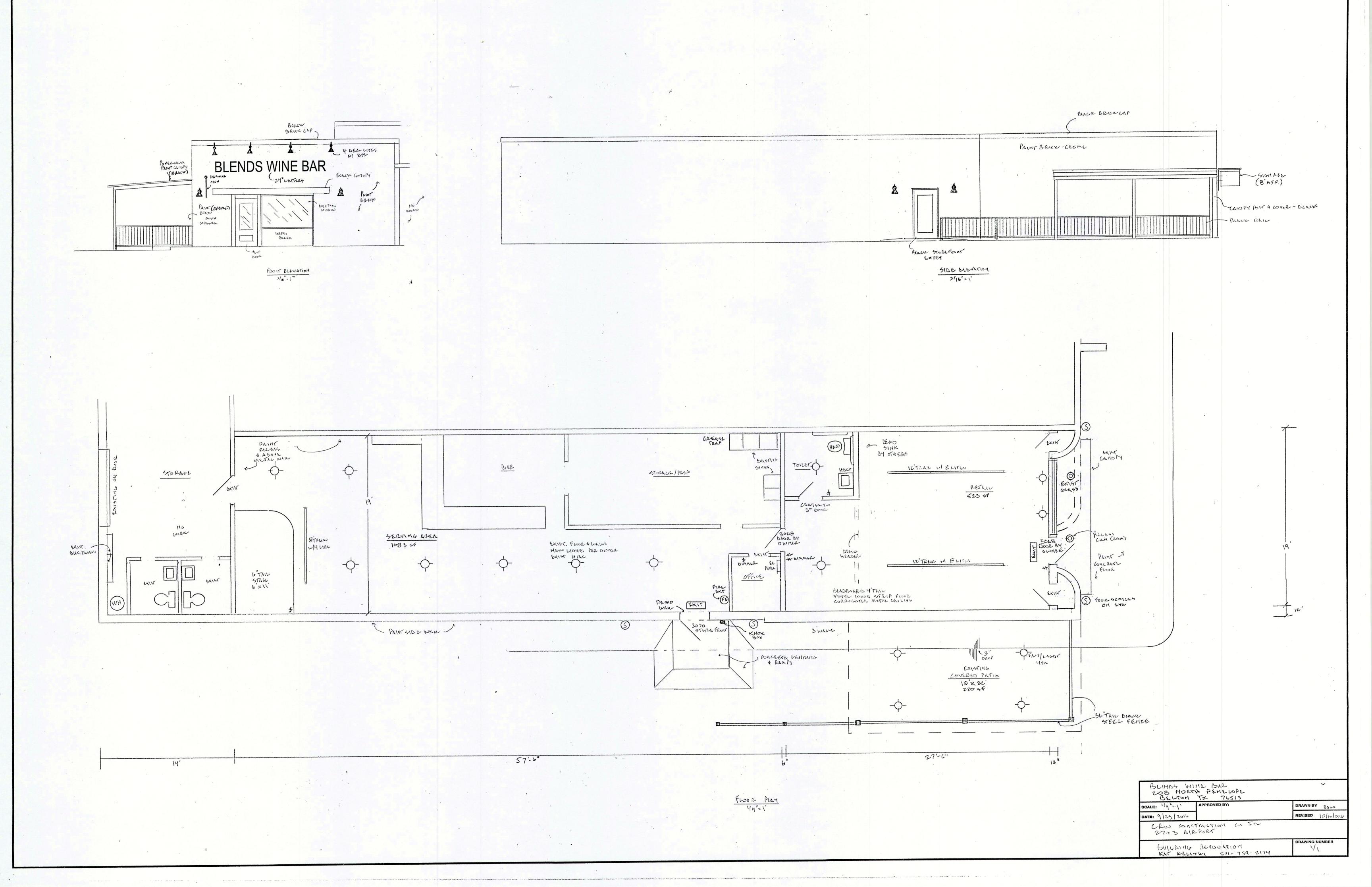
1451 GLEN HOLLOW RD

BELTON, TX 76513

204 N PENELOPE

BELTON, TX 76513





Staff Report – Planning & Zoning Item



Date: November 15, 2016

Case No.: P-16-31 Request: Final Plat

Applicant: Clark and Fuller

Agenda Item

P-16-31 Consider a final plat for the Meadows subdivision, a 28.474 acre tract of land, located on the east side of FM 1670 and south of Amity Road, located partially in Belton's Extra Territorial Jurisdiction (ETJ).

Originating Department

Planning - Erin Smith, Director of Planning

Case Summary

This is a 46-lot subdivision proposed for single family residential development in Belton's ETJ.

Project Analysis and Discussion

This is a residential subdivision, containing 46 lots, proposed as the Meadows subdivision. Meadows Drive is the subdivision entrance roadway that extends to FM 1670. The residential streets will extend from Meadows Drive and create a loop within the development. There are 24 proposed lots on the eastern side of this subdivision located in Belton's ETJ and the remaining 22 lots on the western side of this subdivision are located in Bell County. The applicant's engineer has indicated that each lot in this subdivision will contain a septic system. All of the proposed lots are over 0.50 acres in size. A letter is required with final plat submission from Salado Water Supply Corporation and the Bell County Health Sanitarian.

There is an existing culvert along FM 1670 just south of this proposed subdivision that captures flow from the western drainage area. This culvert leads to an existing drainage channel on the adjacent property to the south extending to the 100-year floodplain. The developer is proposing to create drainage easements within this development and release the drainage onto the property to the south leading to a proposed off-site retention/detention pond. The drainage channel and retention/detention pond will need to be designed and improved to adequately handle the post-development flows. City and Bell County staff have met with the applicant's engineer to discuss the need for a drainage easement and agreement with the southern property owner that states the southern property owner will be responsible for maintenance of the drainage channel and retention/detention pond in perpetuity. The drainage easement and agreement will address enforcement measures to maintain the off-site pond. The easement and agreement are being drafted at this time.

The Subdivision Ordinance requires the developer to construct and install a 6 feet wide sidewalk along the subdivision side of arterial streets. Since FM 1670 is a minor arterial street, the developer is required to install a 6 feet wide sidewalk along the eastern side of FM 1670. The developer is requesting a variance to the sidewalk requirement since there are no sidewalks nearby for a potential future connection, and the fact this portion of the subdivision is located in Bell County, not the City's

ETJ. Bell County has stated that sidewalks are not required; therefore, a sidewalk is not recommended in this location. On August 23rd, Council recommended approval of the preliminary plat, subject to this variance request.

This subdivision is proposed to contain 24-lots in Belton's ETJ boundary; therefore, a dedication of 0.24 acres of parkland or a \$4,800 fee-in-lieu of land dedication is required in conjunction with this plat request. City staff strongly encouraged the development a HOA-owned neighborhood park for the residents in this subdivision. The developer is requesting a variance to the parkland requirements. The lots in this subdivision are 0.50 acres and larger, which provides open space on each lot for the residents. This subdivision is located quite far outside the Belton City limits, and is not close to any existing City parks. The Parks Master Plan does not identify any future parkland in this area. Compliance with the ordinance would result in escrowing \$4,800 for up to 10 years to give the City allowable time to determine where in the vicinity these neighborhood park funds might be used. Since one half of this subdivision is located outside Belton's ETJ, and there is open space provided within these larger rural lots, staff concurs with the developer's request for a variance. On August 23rd, Council recommended approval of the preliminary plat, subject to this variance request.

The Subdivision Ordinance requires subdivisions in the City and the City's ETJ to construct a water distribution system with appropriate appurtenances for fire protection. All subdivisions are required to install fire hydrants that meet the City's fire flow requirements. For single family subdivisions, the City requires a minimum of 500 gallons per minute with a 20 PSI residual pressure. City staff will complete fire flow testing prior to the Planning and Zoning Commission meeting to determine if Salado WSC will meet the City's fire protection requirements.

We have reviewed the plat and find it acceptable as a final plat, subject to conditions contained in the letter to the applicant's engineer and the requirement to meet the City's fire protection requirements. Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and made comments. After Council action, this plat will be taken to Bell County Commissioners Court for approval.

Recommendation

Recommend conditional approval of the final plat for the Meadows subdivision, a 28.474 acre tract of land, located on the east side of FM 1670 and south of Amity Road, located partially in Belton's Extra Territorial Jurisdiction (ETJ), subject to:

- 1. FM 1670 sidewalk variance. (Recommended)
- 2. Parkland requirement variance. (Recommended)
- 3. City's minimum fire protection requirements.
- 4. City's Letter to Applicant's Engineer dated November 2, 2016

<u>Attachments</u>

- 1. Final Plat Application
- 2. Final Plat
- 3. Location Maps
- 4. City's Letter to Applicant's Engineer dated November 2, 2016

City of Belton

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

Application is hereby made to the City Cou	ıncil for the following:		
□ Preliminary Subdivision	-		
Final Subdivision	·		
☐ Administrative Plat			
□ Replat			
■ ETJ			
☐ City Limits			
Date Received: Date Due: (
Department by the 15 th day of the month	ahead of the next month's P&Z meeting.		
Applicant: Clark & Fuller, PLLC	Phone: 254-899-0899		
Mailing Address: 215 N. Main Street Temple			
Email Address: jfuller@clark-fuller.com			
5			
Owner: Pampa Investment Group, LP Phone: 512-415-0338			
Mailing Address: 8455 Lyndon Lane Austin	, TX 78729		
Email Address: rcollins4@austin.rr.com			
Current Description of Property:			
Lot:Block:Subdiv	ision:		
Acres: 28.474 Survey: Young Wi			
Abstract #:Street Address:			
Frontage in Feet: 659			
Does Zoning comply with proposed use? 1			
Name of proposed subdivision: The Meado			
Number of Lots: 46 Fee:	\$ 388.00		
Possa JANS	Date: 10-14-16		
Signature of Applicant:	Date: 10-14-16		
Signature of Owner:	Date: 10 - 14-16		







City of Belton

Planning Department

November 2, 2016

Applicant: Clark and Fuller PLLC / Pampa Investment Group LP

Date Submitted: 10-17-16

Project: The Meadows ETJ – Final Plat

Location: 28.474 Acres, Farm Market 1670, Belton, Texas 76513

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

Planning:

- 1. Please state the street pavement width on the plat.
- 2. Please submit the revised street name for Meadows Drive.
- 3. Please revise the signature blocks to state this subdivision is located in City of Belton ETJ.

Public Works/KPA:

- 1. The offsite drainage easement needs to be finalized per previous comments.
- 2. On Sheet C5.2, a reference to the detail on Sheet C13.1 needs to be added for the construction of the drainage flume at the downstream end of the pond. Also, the sheet reference for the channel detail is incorrect on this sheet.
- 3. On Sheets C11.1, C11.2, C12.1, and C12.2 the culverts under the streets should be labeled as Class IV RCP due to the minimal amount of cover over the pipes.
- 4. Previous Comments 9, 10 and 11 all appear to be acknowledged, but not necessarily resolved.
- 5. The pond release calculations appear to be based on a detention depth of 2.05-feet. However, the outlet flume has a flowline of 651.80 and a top elevation of 653.50, which is only a depth of 1.70-feet. In order to make the detention pond calculations valid, it would appear that the flowline of the flume would need to be lowered such that the flume depth is at least 2.05-feet. Freeboard provisions should also be considered when setting the flowline of the flume.
- 6. Previous comments 9 and 10 need to be discussed with City Staff.
- 7. Please provide TxDOT's approval of the entrance off of FM 1670.
- 8. The geotechnical report by Alliance Geotechnical Group generally addresses the traffic anticipated for the pavement design. What are the specific 18-kip axle repetitions for which the design was performed?
- 9. What is the pavement design life assumption?
- 10. Will the detention pond proposed for the Cosper property be used for agricultural purposes, meaning will it be a retention pond (stock pond) as well? If not, will the detention pond empty within 72 hours?

- 11. Sheet C 13.1 Miscellaneous Details: The typical section for the pavement needs to show the pavement section selected and detail the accompanying material and installation specifications.
- 12. Water service to this subdivision has not been resolved.

Building Official:

No comments.

Fire Department:

No comments.

Police Department:

No comments.

GIS:

Per CTCOG 911 services; "The street name of Wildseed Drive is approved. Meadows Drive is not approved as it's already in use in Bell County"

Bell County:

See attached.

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.

BRYAN NEAVES, P. E.

October 21, 2016

(254) 933-5275

Fax (254) 933-5276

Mr. Travis Quicksall R.P.L.S. Quick Inc. Land Surveying 3305 Shell Road Georgetown, Texas 78628

Mr. Justin Fuller, P.E. Clark & Fuller Engineering 215 North Main Street Temple, Texas 76501

Re: Final Plat/ Plans of "The Meadows" Subdivision- City of Belton ETJ

Mr. Quicksall, Mr. Fuller,

After reviewing the Final Plat submitted by your office on October 18, 2016 the following are the County's comments:

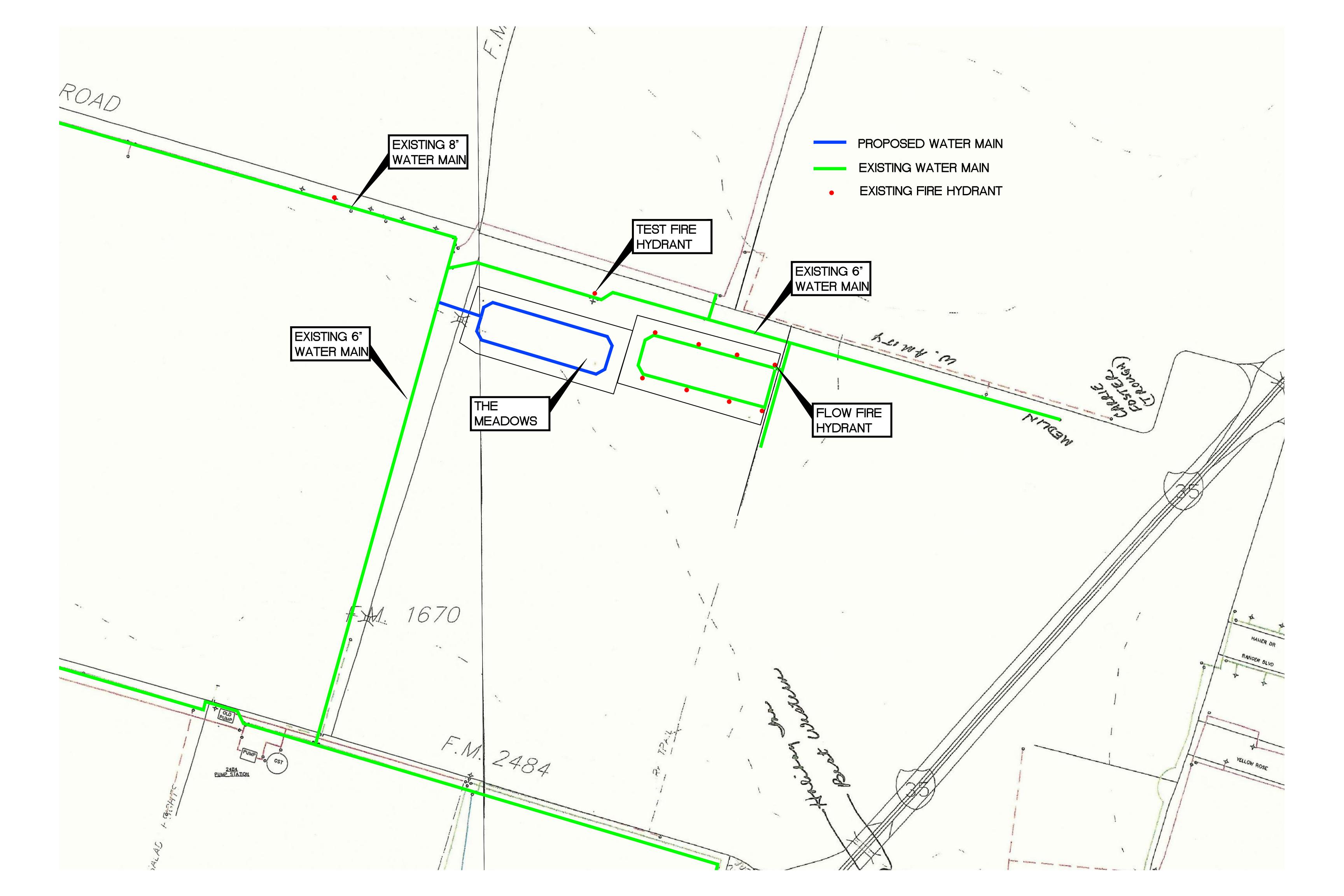
Subdivision Regulations:

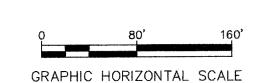
- 204.1- Street Names- 911 approval of the chosen street names is required.
- <u>204.5- Water- Include on the plat, the requested statement from Clearwater UWCD as outlined in their letter dated 7/22/2016.</u> (Item #2, 4)
- <u>204.11- Restrictions</u>- Provide a copy of any proposed restrictions or covenants that apply to this proposed subdivision.
- 204.15- Acreage & Length- Please breakdown the acreage & length statement by street.
- Verify the amount of signature blocks shown for the City of Belton on the plat. Also, the signature blocks for the City of Belton state that the proposed plat is "an addition to the City of Belton." Please verify.
- If the City of Belton agrees with, and allows the proposed offsite drainage easement/ detention pond for the increased storm water runoff generated by this proposed subdivision in lieu of onsite detention, Bell County requests a plat statement and signature block be placed on the plat indicating approval of the adjoining property owner receiving the additional storm water runoff. The plat statement and easement documents should clearly state which parties will be responsible for the maintenance of the offsite drainage area. The easement documents should be filed separately, and the recordation information should be included in the plat statement.
- Address all comments from the City of Belton.

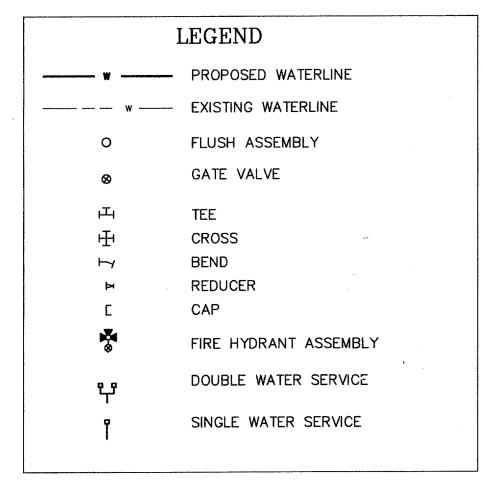
Two Mylar's and three paper copies of the plat, complete with signatures are required to proceed to Commissioners Court.

Sincerely,

Steve Eubanks Engineering Technician Bell County- Land Development







ABBREVIATIONS

AFA - AUTOMATIC FLUSH ASSEMBLY AIR RELEASE VALVE EX – EXISTING FA - FLUSH ASSEMBLY

FHA - FIRE HYDRANT ASSEMBLY GV - GATE VALVE TS&V - TAPPING SLEEVE & VALVE

1. ALL WATERLINES SHALL BE AWWA C900 PVC PIPE UNLESS OTHERWISE NOTED.

- 2. ALL CONSTRUCTION SHOWN HEREIN SHALL BE PER VILLAGE OF SALADO AND 🗸 SALADO WSC STANDARDS AND SPECIFICATIONS.
- 3. CONTRACTOR SHALL INSTALL, SLEEVES FOR ALL WATER SERVICE LONG TAPS. SLEEVES SHALL BE 4" PVC AND SHALL EXTEND TO A DISTANCE OF 2' BEHIND THE BACK OF CURB.
- 4. EXISTING UTILITIES SHOWN HEREIN HAVE BEEN LOCATED BY VISIBLE APPURTENANCES AND RECORD DRAWINGS. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND PROTECTING ALL UTILITIES REGARDLESS OF THERE DEPICTION HEREIN.
- 5. ALL WATER MAINS SHALL HAVE A MINIMUM DEPTH OF COVER OF 42" BELOW FINISH GRADE.
- 6. FIRE HYDRANT SYMBOLS ARE FOR REPRESENTATION ONLY. FIRE HYDRANT ORIENTATION SHALL BE PER VILLAGE OF SALADO AND SALADO WSC STANDARD DETAIL.
- 7. ALL FIELD BENDS SHALL BE PER PIPE MANUFACTURER RECOMMENDATIONS.
- 8. WATER SERVICES TO BE PROVIDED BY THE SALADO WSC.
- 9. CONTRACTOR SHALL FURNISH, INSTALL AND MAINTAIN WORKING AUTOMATIC FLUSH ASSEMBLY (AFA) UNTIL ACCEPTANCE OF WATER SYSTEM BY THE VILLAGE OF SALADO AND SALADO WSC.
- 10. CONTRACTOR SHALL VERIFY STUB OUT LOCATION AND CONDITION PRIOR TO ORDERINS TS&V.

