

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

The Planning and Zoning Commission met at 5:30 P.M. in the Wright Room at the Harris Community Center. The following members were present: Chair Brett Baggerly, David Jarratt, Ty Hendrick, Quinton Locklin, Luke Potts, Zach Krueger. Members Stephanie O'Banion, Allison Turner and Dave Covington, were absent. The following staff members were present: Director of Planning Cheryl Maxwell, Planning Clerk Laura Livingston, Planner Tina Moore, and IT Specialist Ryan Brown.

Pledge of Allegiance –Chair Brett Baggerly led all present.
Invocation – Mr. Krueger gave the Invocation.

1. Call To Order.

Chair Baggerly called the meeting to order at 5:30 P.M.

2. Public comments. (Audio 00:15)

Chair Baggerly asked if anyone from the public would like to speak, and with no requests, the public comment period was closed.

3. Consider approval of minutes from previous meeting. (Audio 00:52)

Mr. Hendrick made a motion to approve the minutes from October 15, 2019, seconded by Mr. Potts. The motion passed unanimously with 6 ayes, 0 nays.

4. Z-19-23 Hold a public hearing and consider a zoning change from Office – 2 District with a Specific Use Permit for a Bail Bond Business to Retail Zoning District on property located at 609 E. 6th Avenue, on the north side of 6th Avenue, between Waco Road and Birdwell Street. (Audio 1:07)

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

Chair Baggerly opened the public hearing; with no one requesting to speak, the public hearing was closed.

Mr. Hendrick made a motion to approve Z-19-23, a zoning change on a property located at 609 East 6th Avenue. Mr. Jarratt seconded the motion. The motion was approved with 6 ayes, 0 nays.

5. P-19-34 Hold a public hearing and consider a final plat of Three Creeks Phase IA Subdivision, comprising 5.45 acres, being a replat of Lot 13, Block 9, Three Creeks Phase I, to create 13 residential lots, on the east side of Imogen Drive, between Juno Drive and Lucius Lane, in Belton's ETJ. (Audio 6:34)

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

Chair Baggerly opened the public hearing (Audio 11:50). Ten property owners in Three Creeks Subdivision addressed the P&Z Commission during the public hearing. Josh Welch, WB Development, the developer of the project, addressed the property owners and Commission. Chair Baggerly closed the public hearing. (Audio 30:25)

Mr. Potts made a motion to table P-19-34, subject to the conditions below:

1. The item will be tabled until the Dec. 17, 2019 P&ZC meeting to allow for notification and response from property owners.
2. A notice will be sent Nov. 20 to property owners within 200 feet of the proposed plat asking whether they approve or disapprove the proposed plat in the form of a ballot.
3. The rights of the homeowners should be clearly stated.
4. A timeline should be clearly stated in the notification as well.

Mr. Jarratt seconded the motion. The motion was approved with 6 ayes, 0 nays.

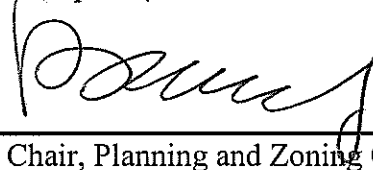
6. **P-19-35 Consider a final plat of The Ridge at Belle Meadows Phase I, comprising 36.266 acres, located on the south side of W. Avenue O, between S. Loop 121 and Connell Street.** (Audio 48:58)

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

Mr. Jarratt recused himself from the item due to familial relationship with the applicant.

Mr. Potts made a motion to approved P-19-35. Ms. Turner seconded the motion. The motion was approved with 5 ayes, 0 nays, and one abstention.

With no further business, the meeting was adjourned at 6:30 p.m. (Audio ends at 58:12)



Chair, Planning and Zoning Commission



Staff Report – Planning & Zoning Item

Date: November 19, 2019
Case No.: Z-19-23
Request: Office - 2 with SUP for Bail Bonds to Retail District
Applicant: Gloria Jaimes
Owner: Michael & Kimberly McMahon

Agenda Item

Z-19-23 Hold a public hearing and consider a zoning change from Office – 2 District with a Specific Use Permit for a Bail Bond Business to Retail Zoning District on property located at 609 E. 6th Avenue, on the north side of 6th Avenue, between Waco Road and Birdwell Street.

Originating Department: Planning – Cheryl Maxwell, Director of Planning

Current Zoning: O-2 with SUP for Bail Bonds Business **Proposed Zoning:** Retail District

Future Land Use Map (FLUM) Designation: Commercial Corridor Overlay

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

Case Summary

The applicant plans to lease this property and is requesting a zoning change to Retail District to allow development of a Mexican Taqueria Restaurant. An office building is currently located on this site. In 2012, this property was rezoned from Retail District to Office - 2 District with a Specific Use Permit for a Bail Bond Business.

The adjacent properties to the east and west are zoned Retail District with a commercial/retail building to the east, currently not in use, and an undeveloped tract to the west. The adjacent property to the north is zoned Single Family – 2 District and is residentially developed. Belton ISD property is located across from this site on the south side of 6th Avenue and is zoned Multi Family District. The former administration office is located here and is used for training in the health science field.

Land Use Table/Allowable Uses

The proposed Retail Zoning District allows the following land uses:

- Any use permitted in the Office -1, Office – 2, and Neighborhood Service Districts
- Alcoholic beverages for on-premise consumption
- Brewpub and winery
- Clinic

Exhibit A

- Convenience store with gasoline sales
- Gasoline or service station
- Various retail stores: auto parts; bakery; clothing and apparel; furniture and appliances; discount, variety or department store; food or grocery store; hardware store, sporting goods, etc.
- Laboratory with all operations conducted indoors and no residual waste products generated
- Nursing home or residence home for aged
- Nursery or plant sales
- Pet shop
- Restaurant or cafeteria

Project Analysis and Discussion

The applicant plans to convert the existing structure to a taqueria restaurant with drive-thru service, and limited on-site seating. No exterior expansion is proposed, only interior remodeling. This property was previously zoned Retail District, and the adjacent properties with 6th Avenue frontage are currently zoned Retail District. The FLUM identifies this area with 6th Avenue frontage as a Commercial Corridor Overlay. The proposed Retail Zoning District is consistent with the FLUM and existing zoning in this vicinity, and appears to be reasonable in this location.

Recommendation

Recommend approval of zoning change from Office – 2 District with SUP for Bail Bond Business to Retail District.

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 owner's list



Staff Report – Planning & Zoning Item

Date: November 19, 2019
Case No.: P-19-34
Request: Three Creeks Phase IA
Applicant: Residential Replat
Owner: Yalgo Engineering
WBW Development Group

Agenda Item

P-19-34 Hold a public hearing and consider a final plat of Three Creeks Phase IA Subdivision, comprising 5.45 acres, being a replat of Lot 13, Block 9, Three Creeks Phase I, to create 13 residential lots, on the east side of Imogen Drive, between Juno Drive and Lucius Lane, in Belton's ETJ.

Originating Department: Planning – Cheryl Maxwell, Director of Planning

Case Summary

The final plat of Three Creeks Phase I Subdivision was approved in 2013. At that time, Lot 13, consisting of approximately 5.45 acres, was included as one large lot. This replat divides this lot into 13 residential lots and one tract. Originally, 1,033 lots were proposed for phases 1 – VII of the Three Creeks development. As the individual phases have been final platted, this number has increased to 1,044 lots. With this replat, an additional 12 lots are proposed, for a total of 1,056 lots.

As a residential replat, a public hearing is required, along with a notice in the newspaper and notices mailed to property owners within 500'. Restrictive covenants in effect for the original subdivision (Three Creeks Phase I) will be applied to the lots in the replat as well.

Project Analysis and Discussion

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

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

Exhibit B

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

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

Water/Sewer: There are existing 6-inch water and sewer lines along Imogen Drive. The applicant will be connecting to these lines and extending a water main and a sewer pressure main along Ariel Cove to provide service to these lots. The size of these lines is currently under review with Public Works. A fire hydrant is being added along Ariel Cove and satisfies minimum requirements for fire protection.

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

Sidewalks: Since Ariel Cove is a local street, no sidewalk is required. However, this replat will include an access easement along Lot 8 to connect to the existing trail system. This access easement will be owned and maintained by the HOA.

Parkland Dedication/Fee: According to the Subdivision Ordinance Section 517, each residential subdivision is required to dedicate sufficient and suitable parkland and/or payment of fees-in-lieu of required parkland. With this replat, there are a total of 1,056 lots in Phases I-VII; ultimately 1,500 lots are proposed for the entire Three Creeks development. Therefore, a total of 10 acres of parkland is required for the 7 phases, and ultimately 15 acres for the entire 1,500 lots proposed in this subdivision. The developer has provided a total of 127.34 acres of private parkland that contains several trail networks and pavilions for the residents. This private parkland exceeds the Subdivision Ordinance requirements and is consistent with the master plan in the development agreement. The parkland facilities, greenspaces, and trails will be maintained by the HOA. This replat proposes an access easement to the trail network.

Conclusion: Since this proposed replat is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and provided comments which are being addressed. After Council action, this plat will be taken to Bell County Commissioners Court for approval. We have reviewed the replat and find it acceptable as a final plat, subject to conditions identified in the city letter dated November 15, 2019.

Recommendation

We recommend approval of this replat, subject to the following:

1. City letter of conditions dated November 15, 2019.

2. The terms of the development agreement.

Attachments

1. Final Plat Application
2. Final Plat
3. Location Map
4. Replat notification area
5. Replat notice to property owners
6. Owner notification list
7. City letter of conditions dated November 15, 2019



Staff Report – Planning & Zoning Item

Date: November 19, 2019
Case No.: P-19-35
**The Ridge at Belle Meadows,
Phase I**
Request: Final Plat
Applicant: Travis Quicksall, Quick Inc. Land
Surveying
Owner: Todd Scott - KDAVEO, LLC

Agenda Item

P-19-35 Consider a final plat of The Ridge at Belle Meadows Phase I, comprising 36.266 acres, located on the south side of W. Avenue O, between S. Loop 121 and Connell Street.

Originating Department: Planning – Cheryl Maxwell, Director of Planning

Current Zoning: Retail, Multi Family, and Single Family – 3 Districts

Case Summary

This plat combines the preliminary plats for City Lights Addition, approved in January, 2019, and a portion of West Avenue O Addition, approved in September, 2019. This phase includes 36.266 acres and proposes 3 lots with frontage along W. Avenue O with one for retail use, one for an assisted living facility, and one for a senior duplex development with an amenity center. This development also proposes 41 residential lots for detached single family homes, and two tracts for drainage detention ponds. This plat of phase I is generally consistent with the approved preliminary plats. A zoning change was approved in January, 2019, for Multi Family District for the lots in the City Lights Addition preliminary plat boundary, and in September, 2019, for the lots in the West Avenue O Addition preliminary plat boundary with Retail Zoning District along the W. Avenue O frontage, and Single Family – 3 District for the residential lots along Laila Lane and the section of Southwest Parkway north of Laila Lane.

Portions of the preliminary plat for West Avenue O Addition overlapped with the preliminary plat for City Lights Addition. Extensions of Southwest Parkway and Laila Lane were also part of the City Lights Addition and were not included as part of the preliminary plat of West Avenue O Addition. A condition of approval of the West Avenue O preliminary plat was that whichever development proceeds first with a final plat will be required to include these roadways and provide improvements as needed for access and circulation. The applicant initially presented both final plats concurrently but then resubmitted as one final plat incorporating both areas.

Exhibit C

The alignment of Southwest Parkway was revised in January 2019 and is now off-set. With the preliminary plat review, City Council members suggested renaming the northern section of this roadway. The applicant is proposing to name it Belle Meadow Drive with this final plat.

Project Analysis and Discussion

This plat includes approximately 36.266 acres and is proposed for mixed use with one retail lot, two multi-family lots, and 41 lots proposed for single family residential use. Below is a summary of the area requirements for the SF3, Multi Family, and Retail Zoning Districts that are assigned to this property.

SF3

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

Multi Family

- Front Yard: 25'
- Side Yard: 8/10'; 15' from street ROW
- Rear Yard: 20'
- Lot Area: 2,420 sq. ft.; 18 du/acre
- Lot Width: 80'
- Lot Depth: 120'

Retail

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

With regard to building setback lines in the SF3 lots, the applicant received approval with the preliminary plat to allow a reduction in the front yard setback from 25' to 20' for those lots that have less than 120' depth. This is to accommodate proposed building plans that allow a larger back yard, and applies to 26 lots in Blocks 3 & 4 along Dowdy Drive. This reduction in the front yard setback is noted on the plat. A note is also provided on the plat that any garage designed to be entered from the side yard facing a public street shall have a minimum setback of 20'. This will ensure there is adequate room to park a vehicle in the driveway to provide the required minimum of 4 parking spaces on site, i.e. 2 in the garage and 2 in the driveway. The plat also prohibits access to collector streets when a lot has frontage on both a collector and local street, to limit the number of driveways and vehicles backing onto the collector street. Both of these provisions apply only to corner lots.

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

Water: An existing 8" water line runs along the south side of West Avenue O. There is also an 8" waterline stubbed out at the end of the existing termination of Laila. The applicant will be connecting these lines with an 8" water main that will be extended throughout this phase of the

Exhibit C

subdivision and along the new sections of Belle Meadow Drive and Laila Lane. The 8" line satisfies minimum requirements for fire protection.

Sewer: An existing 8" sewer line runs along Laila Lane, east of this property. The applicant will tie into this line and extend an 8" line throughout this phase of the subdivision and along the extension of Laila Lane westward.

Streets: Extensions of Laila Lane westward and Belle Meadow Drive north of Laila Lane/Southwest Parkway south of Laila Lane, are proposed for this development. These streets are minor collectors on the city's Thoroughfare Plan map. Both Laila Lane and Belle Meadow Drive/Southwest Parkway will be constructed with a 37' pavement width with curb and gutter within a 70' ROW. Dowdy Drive will be constructed as a local street with a 31' pavement width with curb/gutter within a 50' ROW.

West Avenue O is a major collector street on the city's Thoroughfare Plan map. Major collectors require a minimum ROW width of 80'. For Avenue O, there is currently approximately 155' of ROW; no additional ROW is needed. Existing pavement width of Avenue O in this vicinity is approximately 42'; there is no curb/gutter but instead a bar-ditch drainage system. The City Public Works Director has determined that no perimeter street improvements are needed for Avenue O.

Sidewalks: Per the city's Subdivision Ordinance Section 503, a 5' wide sidewalk is required along both sides of internal collector streets and the subdivision side of perimeter collector streets. Therefore, a 5' wide sidewalk is required along both sides of Laila Lane and Belle Meadow Drive, and the south side of W. Avenue O. With the preliminary plat, the Planning Commission recommended a variance to this requirement; however, the City Council did not support a variance but required application of the sidewalk requirement as currently stated in the Subdivision Ordinance.

Drainage: Drainage plans and a drainage report have been provided and reviewed. On-site detention ponds are proposed to address drainage needs for the entire subdivision and will be privately owned and maintained. Two detention ponds are proposed with this phase, Tract A, consisting of 0.326 acre, and Tract B, consisting of 1.131 acres.

Parkland Dedication/Fees: The parkland fee requirement per Subdivision Ordinance Section 517 is \$200 per residential unit or land dedication of 1 acre/100 dwelling units. When the preliminary plat for City Lights Addition was approved, the applicant proposed to satisfy this requirement by providing on site amenities for the 120 dwelling units proposed as senior duplexes. This proposal was approved by the City Council with a condition that a Certificate of Occupancy will not be issued for the duplex development until the amenities are in place, or the park fee (\$24,000 for 120 duplex dwelling units) is paid and placed in an escrow account. The applicant's proposal has not changed, other than to add additional amenities. The duplexes and amenities will be located on Block 1, Lot 2 (see attached site plan). The amenities will be privately owned and maintained and include a dog park, community garden, walking trail with gazebos, outdoor courtyard with grill stations and a firepit and an amenity center with indoor facilities to include a theater, billiards, library, and lounge/social area. The applicant has

Exhibit C

estimated the value of these amenities to total over \$300,000. Staff supports approval of the requested variance, with the conditions previously approved by the City Council.

When the preliminary plat for West Avenue O Addition was approved, the applicant requested a variance to allow provision of land and on-site amenities to address this requirement as well. A decision on this requested variance was deferred to the final plat when a detailed plan would be provided and evaluated. The applicant now wishes to pay the fee for the single family lots in Phase I—41 lots total \$8,200. These funds will be used to develop the city park near the Liberty Valley development, which is within a one-mile radius of this subdivision.

Conclusion: We have reviewed the plat and find it acceptable as a final plat, subject to all items identified in the city's letter of conditions to the applicant dated November 15, 2019.

Recommendation

We recommend approval of this final plat, subject to the following:

- 1) Approval of reduction in front yard setback from 25' to 20' for single family lots in Blocks 3 & 4.
- 2) Approval of variance request for the parkland dedication/fee requirement for the duplex development on Block 1, Lot 2, to allow privately maintained amenities as described in the staff report, with the condition that a Certificate of Occupancy will not be issued for the duplex development until the amenities are in place, or the park fee (\$24,000 for 120 duplex dwelling units) is paid and placed in an escrow account. Park fee of \$8,200 will be paid for the 41 single family units proposed in Phase I, due at time of plat signatures.
- 3) All items addressed in city's November 15, 2019 letter of conditions to the applicant.

Attachments

1. Final Plat Application
2. Final Plat
3. Location Map
4. Variance request letter
5. Duplex/Amenity Site Plan
6. City letter of conditions to the applicant dated November 15, 2019