



CITY OF BELTON

Planning & Zoning Commission (P&ZC) Meeting
Tuesday, April 16, 2019 - 5:30 p.m.
Harris Community Center
401 N. Alexander, Belton, Texas

Pledge of Allegiance to the U.S. Flag
Invocation

AGENDA

1. Call to order.
2. Consider approval of minutes from previous meeting.
3. Z-19-07 Hold a public hearing and consider a zoning change from Neighborhood Service to Retail District on approximately 0.38 acre located at 3700 Auction Barn Road, on the northeast corner of FM 1670 and Auction Barn Road.
4. Staff update on upcoming items of interest.

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

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

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

Pledge of Allegiance – Chair Baggerly led all present.

Invocation – Mr. Jarratt gave the Invocation.

1. Call To Order.

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

2. Consider approval of minutes from previous meeting.

Ms. O'Banion made a motion to approve the minutes from February 19, 2019, seconded by Mr. Covington. The motion passed unanimously with 7 ayes, 0 nays. Mr. Locklin arrived at 5:33 p.m. shortly after the minutes were approved.

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

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

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

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

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

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

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

along the west side but on the east side it is projected to be commercial and retail. Again, Ms. Maxwell said, they are not aware of any proposal at this time.

Chair Baggerly opened the public hearing.

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

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

Mr. Covington questioned the timing if we are going to require screening. Ms. Maxwell said this is the time to do it, as a condition of the SUP. If we were going to require screening, Mr. Covington said, and those houses along Hamilton Court already had rear 6-foot privacy fences on their property would that suffice so the church would not have to do additional screening? Ms. Maxwell said it would be up to your discretion. Fences can come and go so if you wanted to have the security, or know this development was taking care of itself, you might still require a fence, but then you always have a "no man's" land in-between the two fences where it is very hard to maintain. Ms. Maxwell asked if that was the only area they were concerned with? Mr. Covington said because that's the only area that is developed, that is the only area he is concerned with at this point.

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

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

Mr. Potts said his only concern is sending out notifications to property owners within 200 feet, since regulations with a church can extend to 300 feet. Looking at the map it doesn't appear it would affect anyone who was currently there, but he recommended in the future, if something like this comes up related to a church, that letters go out up to 300 feet since that is the distance that it will be affecting. Ms. Maxwell said we can certainly consider that. She said again it is hard because TABC regulations extend from the front door of the church, and we don't know exactly where it is going to be... you could assume it is on the property line to be on the safe side. Ms. O'Banion said an example is the CEFCO that is next door to the Church of Christ. Ms. Maxwell said in this case, we are not aware of

any development plans. The boundary that is on the map now, Mr. Jarratt said, touches all the adjacent Single-Family properties, so extending it out another 100 feet does not sweep up anymore properties. Mr. Jarratt said to Mr. Potts, your point is well taken. Ms. O'Banion said she is excited about the project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With no further business, the meeting was adjourned at 6:31 p.m.



Staff Report – Planning & Zoning Item

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

Agenda Item

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

Originating Department

Planning – Cheryl Maxwell, Director of Planning

Current Zoning

Agricultural District

Proposed Zoning

Single Family – 1 District

Future Land Use Map (FLUM) Designation: Residential

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

Case Summary

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

Project Analysis and Discussion

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

Exhibit A

Area requirements for the requested SF-1 Zoning District are as follows:

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

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

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

Recommendation

Recommend approval of zoning change from Agricultural District to Single Family – 1 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
8. Survey/field notes

Staff Report – Planning & Zoning Item



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

Agenda Item

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

Originating Department

Planning – Cheryl Maxwell, Director of Planning

Current Zoning

Agricultural District

Proposed Zoning

Single Family – 3 with SUP

Future Land Use Map (FLUM) Designation: Residential

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

Case Summary

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

Project Analysis and Discussion

This property is the site of a proposed church and ancillary buildings. A mobile home is currently on site along with another structure that has been destroyed by fire. Both of these structures will be removed. Along the Connell Street frontage, the adjacent properties to the

Exhibit B

north and south are zoned Agricultural District and are residentially developed. Toward the rear of the property, Liberty Valley Phase III is located to the south, zoned Single Family – 2 District and developed with single family homes. The adjacent property to the west also wraps around to the north of this site and is zoned Two Family District, currently undeveloped. Property on the east side of Connell Street across from this site is zoned Commercial – 1 District with a Specific Use Permit for a mini storage facility. This property is currently undeveloped except for a cell tower.

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

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

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

Per Zoning Ordinance Section 33.2, in the spirit of determining the validity of the SUP request for a church and ancillary buildings, the following criteria should be considered:

1. Is the use harmonious and compatible with surrounding existing uses or proposed uses?
2. Are the activities requested by the applicant normally associated with the requested use?
3. Is the nature of the use reasonable?
4. Has any impact on the surrounding area been mitigated?

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

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

Exhibit B

FLUM and compatible with existing uses. The proposed SF-3 zoning and SUP appear to be reasonable in this location.

Recommendation

Recommend approval of zoning change from Agricultural to SF-3 District with a SUP for a church and ancillary buildings, subject to the following conditions:

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

Attachments:

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: March 19, 2019
Case No.: P-19-10 West Canyon Trails
Request: Preliminary Plat
Applicant: Lina Chtay, Belton Engineering, Inc.
Owner/Developer: Randy Taylor

Agenda Item

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

Originating Department

Planning – Cheryl Maxwell, Director of Planning

Current Zoning: Single Family – 3 (SF-3), Retail, and Agricultural

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

Design Standards Type Area: 9, 2 & 4

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

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

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

Case Summary

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

Parcels A & B: Detention areas to be owned and maintained by the City

Exhibit C

Parcel C: Private parkland to be owned and maintained by the homeowner's association (HOA)
Parcels D & E: Acreage to be owned and maintained by the HOA
Parcel F: Emergency vehicle access easement to be owned and maintained by the HOA

Project Analysis and Discussion

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

SF-3

- 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'

Retail

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

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

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

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

Water: An existing 8" water line runs along the south side of West Avenue O. The applicant is tying into this line and extending 8" and 6" water lines throughout the subdivision. An 8" line is generally required for fire protection, but a 6" line is allowed provided it can meet the minimum

Exhibit C

1,000 gpm flow requirement. The applicant will be required to demonstrate the 6" lines can meet this flow at the time of the final plat or will be required to revise these lines to 8".

Sewer: An existing 12" sewer line is available for extension near the northwest corner of this property. The applicant will be extending 8" and 6" sewer lines throughout the subdivision. The size of the lines will be determined by the extent of the system at the time of the final plat.

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

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

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

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

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

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

Exhibit C

Public Works Director has determined that no perimeter street improvements are needed for Avenue O.

The primary entrance from Avenue O, Alan Trails, will be constructed with a 49' pavement width with curb and gutter in a 70' ROW to facilitate one entrance lane and two exit lanes. The remaining streets in the subdivision will be constructed as local streets with a 50' ROW, 31' pavement width, with curb and gutter.

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

Regarding Subdivision Ordinance Section 514.01, Fire Lanes, a 16' paved surface is required to provide access for fire vehicles. The fire code also states the following: Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg). The proposed temporary emergency vehicle access easement is only 15' wide; therefore, the improved surface is limited to 15'. The applicant is requesting a variance to the width requirement for this temporary access, and it is supported by staff.

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

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

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

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

Recommendation

Recommend approval of the preliminary plat of West Canyon Trails, subject to the following:

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

Attachments

1. Preliminary Plat Application
2. Preliminary Plat
3. Location Map
4. Variance request letter

Staff Report – Planning & Zoning Item



Date: March 19, 2019
Case No.: P-19-11 Stacey Addition
Request: Final Plat
Applicant: Chuck Lucko, All County Surveying
Owner/Developer: Norman & Linda Ashlock

Agenda Item

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

Originating Department

Planning – Cheryl Maxwell, Director of Planning

Case Summary

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

Project Analysis and Discussion

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

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

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

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

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

Exhibit D

for fire protection purposes. Per DRWSC, estimated flow on the 2" line is 325 gpm. The developer is requesting a variance to this requirement. This request is supported by staff since this represents existing conditions. DRWSC water system is limited in this location and a fire hydrant cannot be placed on the existing 2" water line. In the event of a fire, water tanker trucks will be needed to suppress the fire.

Sewer: No sanitary sewer is available to serve this subdivision. The lots are over 0.50 acre in size and individual septic systems are existing on the lots and may remain in use, subject to requirements of the Bell County Public Health District.

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

Streets: Both lots have access via Spring Valley Lane; no additional access is granted via FM 93. FM 93 currently has a pavement width of 39.2' with a bar ditch drainage system. This is a TxDOT roadway; therefore, the requirement for perimeter street improvements is not applicable. There is 120' ROW available; no additional ROW is requested by TxDOT. Spring Valley Lane is a local roadway with 21.7' wide pavement in a 60' ROW, with no curb or gutter but a bar ditch drainage system. The Subdivision Ordinance (Section 502.01.H) requires the developer to contribute one-half the total cost of paving with curb and gutter for the portion of roadway adjacent to this plat. The developer is requesting a variance to this requirement. Staff supports this request since this property is in Belton's ETJ in an area that is mostly developed already with no curb/gutter or other improvements. This area is outside the city limits, and the County is satisfied with the current facilities, which are under their maintenance.

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

Parkland Dedication/Fee: Per Subdivision Ordinance Section 517, residential subdivisions are required to dedicate suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland. One acre for each 100 new dwelling units projected is required. Lot 2 is residentially developed, therefore, the parkland//fee requirement applies for this one lot and would equate to \$200. Staff supports a variance to this requirement since the residence is existing, no new residential lots are proposed, there are no plans to develop a public park in this vicinity at this time, and the lot is over 2 acres in size which provides ample open space to satisfy the needs of the lot owner.

Conclusion: Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and provided comments that have been addressed. After Council action, this plat will be taken to Bell County Commissioners Court for approval.

We have reviewed the plat and find it acceptable as a final plat.

Recommendation

Recommend approval of the final plat of Stacey Addition subject to the following:

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

Attachments

1. Final Plat Application
2. Final Plat
3. Location Map
4. Variance Requests

Staff Report – Planning & Zoning Item



Date: March 19, 2019
Case No.: P-19-12 Hedderly Addition
Request: Final Plat
Applicant: Mitchell & Associates, Inc.
Owner/Developer: Suma Mahler

Agenda Item

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

Originating Department

Planning – Cheryl Maxwell, Director of Planning

Case Summary

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

Project Analysis and Discussion

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

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

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

The City of Belton Fire Code requires a minimum water flow of 1,000 gpm for fire hydrants. The existing water pressure is estimated at 73 gpm. The developer is requesting a variance to this requirement, and is supported by staff. DRWSC water system is limited in this location and a fire hydrant cannot be placed on the existing 2" water line. In the event of a fire, water tanker trucks will be needed to suppress the fire. DRWSC is in the process of replacing this line with

Exhibit E

an 8" line that will be able to support fire hydrants. These improvements are anticipated to be completed by mid 2020.

Sewer: No sanitary sewer is available to serve this subdivision. A septic system is proposed, subject to approval by the Bell County Public Health District. The lot exceeds the minimum 0.5 acres required for a septic system.

Drainage: With just one single family residence proposed, minimal impact, if any, is anticipated regarding drainage. Since this property lies in Belton's ETJ, the city is not responsible for drainage and will defer to Bell County and their requirements.

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

Regarding perimeter street improvements, the Subdivision Ordinance requires the developer to contribute one-half the total cost of paving with curb and gutter for the portion of roadway adjacent to this plat, in this case, George Wilson Road. The existing pavement width is 20'. A variance to this requirement is requested. The Subdivision Ordinance allows waiver of this requirement for single family developments not exceeding 3 lots. This area is outside the city limits, and the County is satisfied with the current facilities, which are under their maintenance. Therefore, staff supports the requested variance.

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

Parkland Dedication/Fee: Per Subdivision Ordinance Section 517, residential subdivisions are required to dedicate suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland. One acre for each 100 new dwelling units projected is required. With only one lot, the dedication would be 0.01 acres, which is considerably short of the minimum two acres desired for dedication. The fee in lieu of dedication is \$200/lot, which would be \$200 for this subdivision. A variance to the parkland dedication/fee is requested. Staff supports the variance request since there are no plans to develop a public park in this vicinity at this time, and a considerable amount of open space is provided on this lot to satisfy the needs of the lot owner.

Conclusion: Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and provided comments that are being addressed. After Council action, this plat will be taken to Bell County Commissioners Court for approval.

Exhibit E

We have reviewed the plat and find it acceptable as a final plat, subject to conditions identified in the city letter dated March 15, 2019

Recommendation

Recommend approval of the final plat of Hedderly Addition, subject to the following:

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

Attachments

1. Final Plat Application
2. Final Plat
3. Location Map
4. Variance Request
5. Thoroughfare Plan excerpt
6. City Letter to Applicant dated March 15, 2019



Staff Report – Planning & Zoning Item

Date: March 19, 2019
Case No.: P-19-13 Flores Addition
Request: Final Plat
Applicant: Chuck Lucko/All County Surveying
Owner: Oscar & Miriam Flores

Agenda Item

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

Originating Department

Planning – Cheryl Maxwell, Director of Planning

Case Summary

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

Project Analysis and Discussion

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

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

Water: This property is located within the Dog Ridge Water Supply Corporation (WSC) CCN. They have provided a letter confirming their ability to serve this subdivision. There is an existing 4" water line available to provide domestic water service to this lot.

The City of Belton Fire Code requires a minimum water flow of 1,000 gpm for fire hydrants. The existing water flow is estimated at 140 gpm. The developer is requesting a variance to this requirement. Staff supports a variance to this requirement since this is a replat that represents conditions that were previously approved by Bell County with the original plat and no additional lots are being created. Dog Ridge WSC water system is limited in this location and a fire hydrant cannot be placed on the existing 4" water line. In the event of a fire, water tanker trucks will be needed to suppress the fire.

Exhibit F

Sewer: No sanitary sewer is available to serve this subdivision. A septic system is proposed, subject to approval by the Bell County Public Health District. The lot does not meet the minimum 0.5 acre typically required for a septic system; however, this requirement does not apply to subdivisions platted before 1988.

Drainage: With just one single family residence proposed on this site, and two lots being consolidated into one, minimal impact, if any, is anticipated regarding drainage. Since this property lies in Belton's ETJ, the city is not responsible for drainage and will defer to Bell County and their requirements.

Streets/Sidewalks: The adjacent street, Mistletoe Drive, is a local street with 60' existing ROW. Existing pavement width is 16.9'. No addition ROW is needed. The Subdivision Ordinance (Section 502.01.H) requires the developer to contribute one-half the total cost of paving with curb and gutter for the portion of roadway adjacent to this plat. The developer is requesting a variance to this requirement. The Subdivision Ordinance allows waiver of this requirement for single family developments not exceeding 3 lots. Staff supports this request since this property is in Belton's ETJ in an area that is mostly developed already with no curb/gutter or other improvements. This area is outside the city limits, and the County is satisfied with the current facilities, which are under their maintenance. Sidewalks are not required along Mistletoe Drive, which is a local street.

Parkland Dedication/Fee: Per Subdivision Ordinance Section 517, residential subdivisions are required to dedicate suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland. One acre for each 100 new dwelling units projected is required. With only one lot the dedication would be 0.01 acres, which is considerably short of the minimum two acres desired for dedication. The fee in lieu of dedication is \$200/lot which would be \$200 for this subdivision. A variance to the parkland dedication/fee requirement is requested. Staff supports the variance request since there are no plans to develop a public park in this vicinity at this time and this replat will result in a reduction in density from two lots to one.

Conclusion: Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and provided comments which have been addressed. After Council action, this plat will be taken to Bell County Commissioners Court for approval. We have reviewed the plat and find it acceptable as a final plat.

Recommendation

Recommend approval of the final plat of Flores Addition, subject to the following:

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

Attachments

1. Final Plat Application
2. Final Plat
3. Location Map
4. Variance Request

Staff Report – Planning & Zoning Item



Date: March 19, 2019
Case No.: P-19-14 Wheat Road Addition
Request: Final Plat
Applicant: Mitchell & Associates, Inc.
Owner/Developer: Dennis & Brenda Beierman

Agenda Item

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

Originating Department

Planning – Cheryl Maxwell, Director of Planning

Case Summary

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

Project Analysis and Discussion

This property is located in Belton's ETJ so there is no zoning. The County requires a 50' front yard building setback line for each lot. Lots 1 and 2 comprise 4.164 acres and 5.927 acres, respectively. The current tract that is being subdivided is a flag lot with a 35' wide access strip. This plat divides this access strip in half so each strip will now be 17.5' wide. A 5' passage easement is also being provided from the adjacent property to the east to provide a total access strip 40' wide. There is currently a residence on that tract as well.

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

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

The City of Belton Fire Code requires a minimum water flow of 1,000 gpm for fire hydrants. The existing water pressure is estimated at 125 gpm. The developer is requesting a variance to this requirement. Staff supports a variance to this requirement. DRWSC water system is limited in this location and a fire hydrant cannot be placed on the existing 2" water line. In the event of a fire, water tanker trucks will be needed to suppress the fire.

Exhibit G

Sewer: No sanitary sewer is available to serve this subdivision. A septic system is existing on Lot 2 and an additional septic system is allowed on Lot 1, subject to approval by the Bell County Public Health District. The lots exceeds the minimum 0.5 acre required for a septic system.

Drainage: Drainage calculations have been provided and reviewed. Since this property lies in Belton's ETJ, the city is not responsible for drainage and will defer to Bell County and their requirements.

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

Regarding perimeter street improvements, Wheat Road is constructed with a pavement width of 28' with a bar ditch drainage system. The Subdivision Ordinance (Section 502.01.H) requires the developer to contribute one-half the total cost of paving with curb and gutter for the portion of roadway adjacent to this plat. The developer is requesting a variance to this requirement. Staff supports this request since this property is in Belton's ETJ in an area that has no curb/gutter or other improvements. This area is far outside the city limits, and the County is satisfied with the current facilities, which are under their maintenance.

Access: The Subdivision Ordinance (Section 511.02) requires all lots to have "adequate access to an existing or proposed public street" by frontage of not less than 20'. Bell County requires a minimum frontage of 50' for each lot. The lots each have 17.5' of frontage. The applicant is requesting a variance to this requirement. An additional 15' of frontage is being provided as a passage easement for a total width of 50' along Wheat Road. The access strips remain 17.5' feet for the entire length. A 5' passage easement is being provided from the adjacent property to the east for the length of the access strip to secure a total access width of 40'. This is acceptable for access and for a fire lane provided the entire easement remains open and is not fenced. This is a condition of approval of the requested variance. A note to this effect is provided on the plat.

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

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

Parkland Dedication/Fee: Per Subdivision Ordinance Section 517, residential subdivisions are required to dedicate suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland. One acre for each 100 new

Exhibit G

dwelling units projected is required. With only two lots, the dedication would be 0.02 acres, which is considerably short of the minimum two acres desired for dedication. The fee in lieu of dedication is \$200/lot which would be \$400 for this subdivision. A variance to the parkland dedication/fee is requested. Staff supports the variance request since there are no plans to develop a public park in this vicinity at this time, and a considerable amount of open space is provided on these lots to satisfy the needs of the lot owners.

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

Recommendation

Recommend approval of the final plat of Wheat Road Addition, subject to the following:

1. Approval of variance to water flow (1,000 gpm) requirement for fire protection;
2. Approval of variance to perimeter street improvements requirement for Wheat Road;
3. Approval of variance to requirement that lots have 20' frontage on a public street to allow access via a 40' wide passage easement, provided this easement remains open and is not fenced;
4. Approval of variance to the parkland dedication/fee requirement;
5. Bell County approval of variance to their 50' minimum lot frontage requirement for Lots 1 & 2; and
6. City letter of conditions dated March 15, 2019.

Attachments

1. Final Plat Application
2. Final Plat
3. Location Map
4. Variance Request
5. City letter of conditions dated March 15, 2019.

P&Z
Agenda Items
for
April 16, 2019
Meeting

Staff Report – Planning & Zoning Item



Date: April 16, 2019
Case No.: Z-19-07
Request: Neighborhood Service
to Retail District
Applicant: Prabesh Dhakal and
Rajaram Gautam
Owner: Stacy & Jimmy Dowell

Agenda Item

Z-19-07 Hold a public hearing and consider a zoning change from Neighborhood Service to Retail District on approximately 0.38 acre located at 3700 Auction Barn Road, on the northeast corner of FM 1670 and Auction Barn Road.

Originating Department

Planning – Cheryl Maxwell, Director of Planning

Current Zoning

Neighborhood Service

Proposed Zoning

Retail District

Future Land Use Map (FLUM) Designation: Residential

Design Standards Type Area 4: Primarily for intersections and cross roads of the I-35 and US 190 corridors. Projected uses are commercial, retail, and neighborhood service with a higher standard as these areas are gateways to other areas.

Case Summary

This property is under contract for sale. The applicant has submitted this request for a zoning change to Retail District to allow development of a convenience store with gasoline and alcohol sales.

This property is currently undeveloped. It was annexed in 2004 and was brought into the city limits under the Agricultural Zoning District. It was rezoned to Neighborhood Service District in 2011, but no development has taken place. The surrounding properties are all zoned Agricultural District except for a parcel near the southeast corner of FM 1607 and Auction Barn Road, zoned Retail District in 2014. These surrounding properties are all undeveloped except for the adjacent properties to the north and east, which are developed with single family homes (Village Hills Subdivision).

Land Use Table/Allowable Uses

The proposed Retail 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
- 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 proposes to develop a convenience store to include gasoline sales and alcohol for off-premise consumption. Gasoline sales are not allowed in the existing Neighborhood Service (NS) Zoning District. Staff has determined this site to be “wet” for off-premise sales of beer & wine and on-premise consumption of alcoholic beverages associated with food. There is a church nearby on the west side of FM 1670, north of this site, but it exceeds the 300’ distance requirement, so the proposed application would be allowed.

The FLUM identifies this area as projected for residential use; however, this has already been modified with the NS zoning that was approved for this tract in 2011. Retail use is generally considered appropriate at major intersections such as FM 1670 and Auction Barn Road, and is consistent with anticipated uses identified in the Design Standards Type Area 4 that is assigned to this general area.

This property was platted in 1982 and consists of Lot 1 and the western half of Lot 2, Block 1, Village Hills Subdivision. The requested Retail Zoning District requires a minimum lot area of 7,000 sq. ft, with a minimum 60’ width; there is no minimum lot depth. Required setbacks in the Retail District include a 25’ front yard, 25’ side yards, and a 20’ rear yard. The existing Lot 1 satisfies the area requirement but it would be difficult to place a structure on this one lot and observe the required setbacks. Use of both Lot 1 and the western half of Lot 2 is needed to make this a viable site for retail development. A replat is needed to consolidate the lots. Approval of this replat and site plan will be required prior to issuing a building permit. Development of this property must comply with all design standards for site development including building design, landscape, tree preservation, etc.

After careful review of this zoning change request, the requested Retail Zoning District appears to be reasonable in this location.

Recommendation

Recommend approval of zoning change from Neighborhood Service 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
8. Field notes/survey

City of Belton
Request for a Zoning Change

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

Fee: \$250.00

Date Received: 03-07 Date Due: 03-15 (All plans are to be returned to the Planning Department within 5 working days)

& Rajaram Gautam

Applicant: Prabesh Dhakal Phone Number: 318-348-5617

Mailing Address: 2305 Modoc Dr City: Harker Heights State: Tx

Email Address: prabesh.dhakal.usarmyveteran@gmail.com

Owners Name: Jacy Dowell Jimmy Dowell Phone Number: 254-630-5691 254-535-4623

Mailing Address: 4402 Onion Rd. City: Killeen State: Tx

Email Address: jpdowell@hotmail.com

Applicant's Interest in Property:

I am trying to purchase this property and trying to build a retail store, which will sell beer & wine.

Legal Description of Property:

3700 Auction Barn Rd, Belton Tx

Is this property being simultaneously platted? _____

Street Address: 3700 Auction Barn Road

Zoning Change From Neighborhood Service to Retail

Signature of Applicant: [Signature] Date: 2019-03-05

Signature of Owner (if not applicant): Jacy Dowell Date: 3-5-19

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-19-07 Location



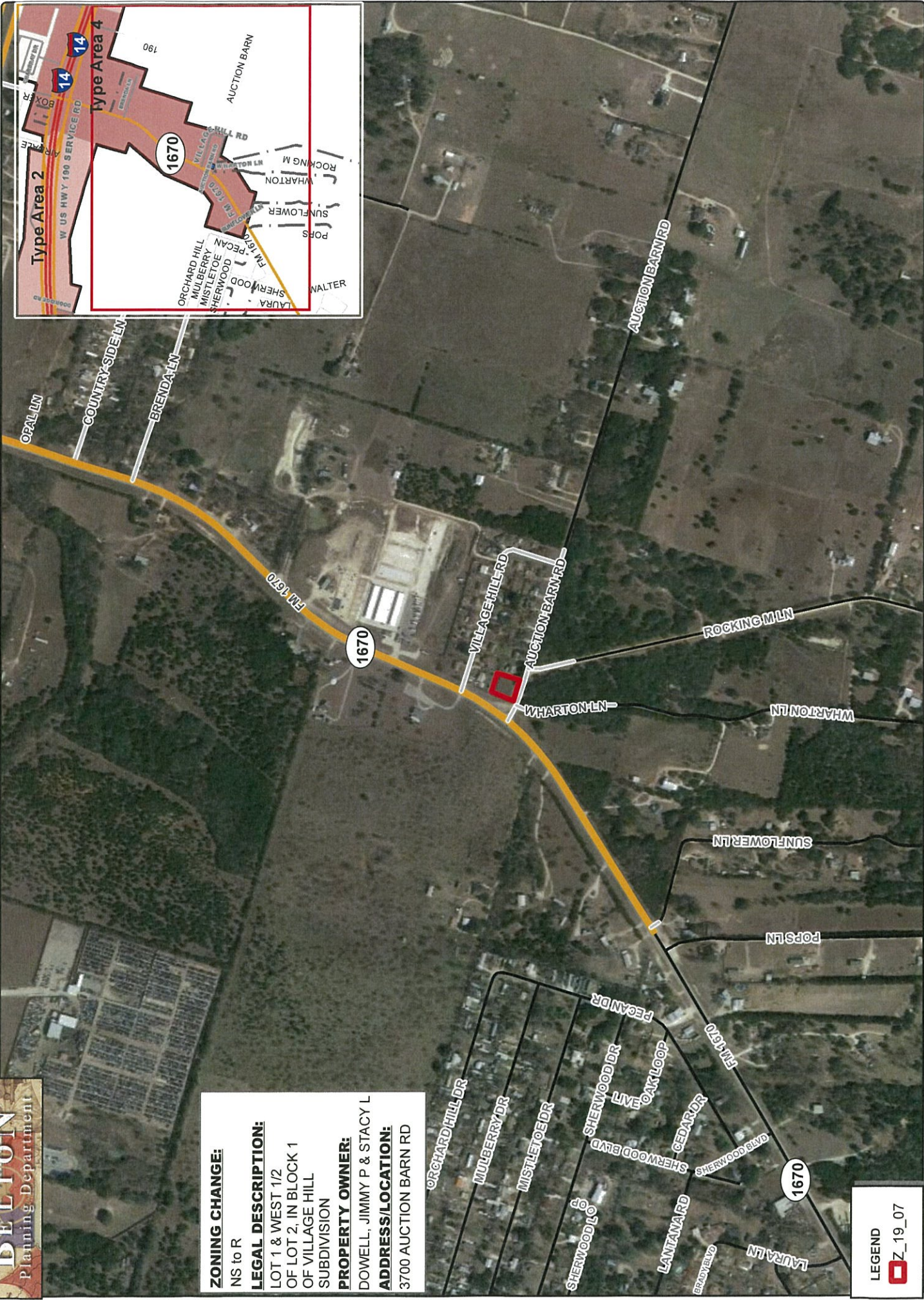
ZONING CHANGE:
NS to R

LEGAL DESCRIPTION:
LOT 1 & WEST 1/2
OF LOT 2, IN BLOCK 1
OF VILLAGE HILL
SUBDIVISION

PROPERTY OWNER:
DOWELL, JIMMY P & STACY L

ADDRESS/LOCATION:
3700 AUCTION BARN RD

LEGEND
 Z_19_07



Zoning Case # Z-19-07 Zoning



ZONING CHANGE:

NS to R

LEGAL DESCRIPTION:

LOT 1 & WEST 1/2
OF LOT 2, IN BLOCK 1
OF VILLAGE HILL
SUBDIVISION

PROPERTY OWNER:

DOWELL, JIMMY P & STACY L

ADDRESS/LOCATION:

3700 AUCTION BARN RD

Zoning Location

Legend

- Current_TaxParcels
- CityLimits
- Z_19_07
- Current Zoning**
 - Agricultural
 - Neighborhood Service
 - Planned Development
 - Retail

Map Date: 3/27/2019



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-19-07 Aerial



ZONING CHANGE:

NS to R

LEGAL DESCRIPTION:

LOT 1 & WEST 1/2
OF LOT 2, IN BLOCK 1
OF VILLAGE HILL
SUBDIVISION

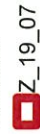
PROPERTY OWNER:

DOWELL, JIMMY P & STACY L

ADDRESS/LOCATION:

3700 AUCTION BARN RD

LEGEND



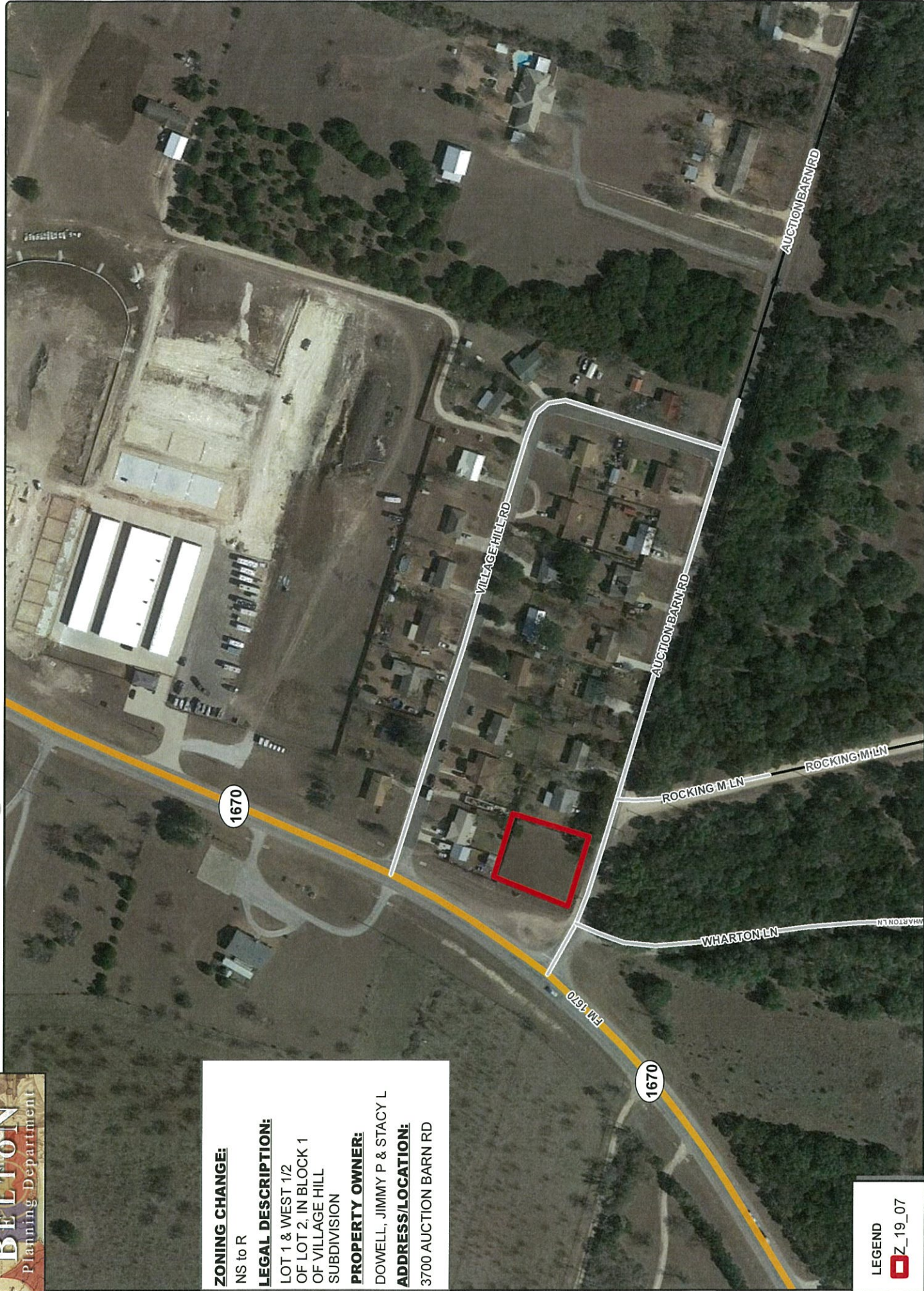
Z_19_07

Map Date: 3/27/2019 Aerial Imagery Date: 2018

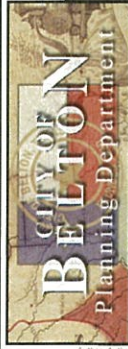


0 75 150 300 Feet

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Zoning Case # Z-19-07



ZONING CHANGE:

NS to R

LEGAL DESCRIPTION:

LOT 1 & WEST 1/2
OF LOT 2, IN BLOCK 1
OF VILLAGE HILL
SUBDIVISION

PROPERTY OWNER:

DOWELL, JIMMY P & STACY L

ADDRESS/LOCATION:

3700 AUCTION BARN RD

200' Property Owner
Notification Area

Legend

- 200' Property Owner Notification Area
- Z_19_07
- Tax Appraisal Parcels

Map Date: 3/27/2019 Aerial Imagery Date: 2018



0 75 150 300 Feet

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

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: PRABESH DHALCAL AND RAJARAM GAUTAM,
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 3700 AUCTION BARN ROAD,
FROM A(N) NEIGHBORHOOD SERVICE ZONING DISTRICT,
TO A(N) RETAIL 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, April 16, 2019**, 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, April 23, 2019**, 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)

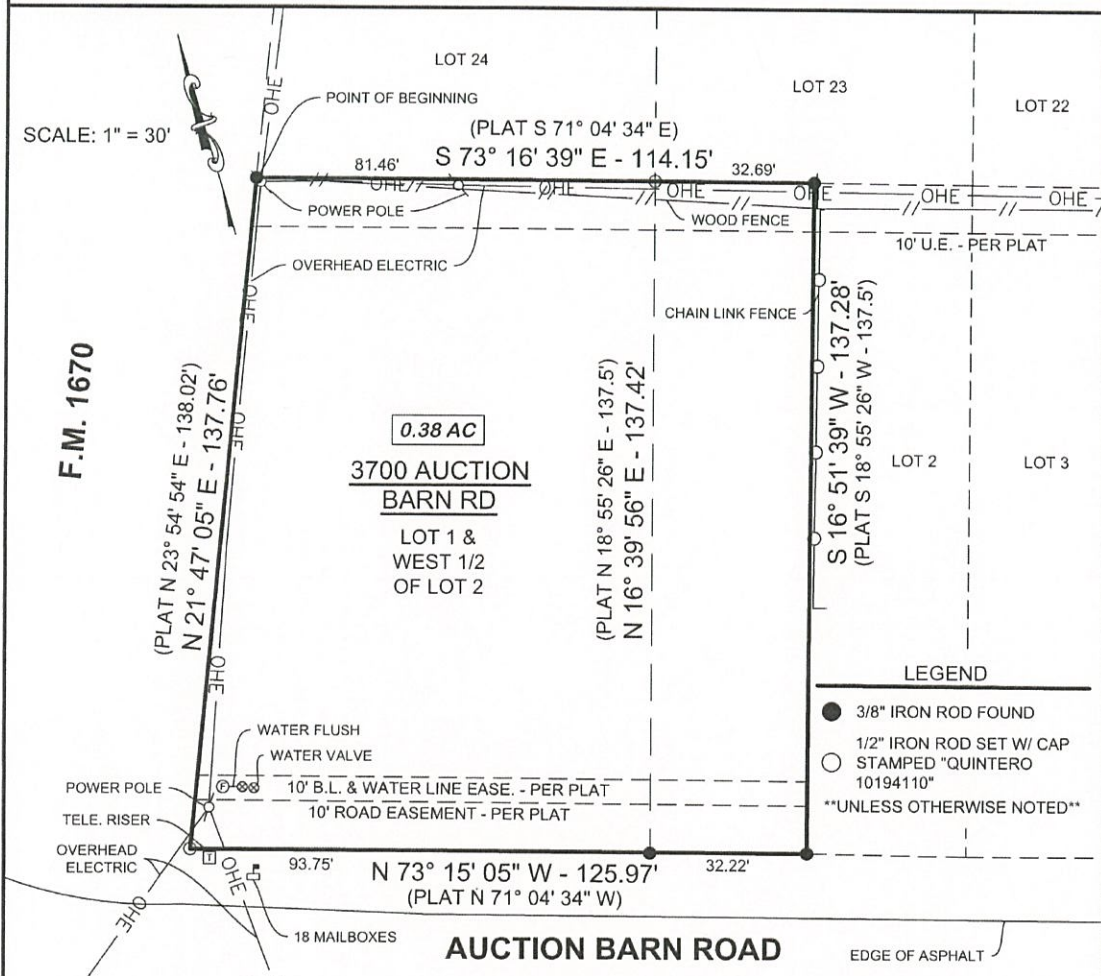
DATE: _____ SIGNATURE: _____

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

64504 BROWN, AMANDA L 3769 VILLAGE HILL RD BELTON, TX 76513-7389	54192 DIAZ, JUAN MANUEL ETUX CLEOTILDE 2061 CIRCLE OAKS LOOP UNIT 33 BELTON, TX 76513-7482	11760 DOWELL, JIMMY P & STACY L 4402 ONION RD KILLEEN, TX 76542-3911
11761 DOWELL, JIMMY P & STACY L 4402 ONION RD KILLEEN, TX 76542-3911	98632 GILLIAM, BARBARA & DAVID 3827 VILLAGE HILL RD BELTON, TX 76513-7388	114696 GILLIAM, DAVID 3822 VILLAGE HILL RD BELTON, TX 76513
114697 GILLIAM, DAVID 3822 VILLAGE HILL RD BELTON, TX 76513	460800 KERN, PATRICK ETUX KRISTA 2203 RAVENHILL CIR BELTON, TX 76513	15100 LAURIA, SHIRLEY 3737 VILLAGE HILL RD BELTON, TX 76513-7389
47096 MARTIN, VERA V 3696 AUCTION BARN RD BELTON, TX 76513-7195	129504 MONTELONGO, HERMEREGILDO & ABRAHAM 3795 VILLAGE HILL RD BELTON, TX 76513-7389	90426 PALMER, RUSSELL E & ROSE M 3644 AUCTION BARN RD BELTON, TX 76513
353236 POTTS, JOHN MARK ETUX ROBIN 2801 ROCKING M LN BELTON, TX 76513-9401	353175 SMITH, CLINTON A & DENNIS R PO BOX 1326 BELTON, TX 76513	467782 SMITH, CLINTON A & DENNIS R PO BOX 1326 BELTON, TX 76513
109738 SPURLOCK, STACIE LEIGH 3674 AUCTION BARN RD BELTON, TX 76513-7195	109739 SPURLOCK, STACIE LEIGH 3674 AUCTION BARN RD BELTON, TX 76513-7195	353231 WHARTON FAMILY TRUST 2807 WHARTON LN BELTON, TX 76513-7274
353232 WHITIS LAND INVESTMENTS LTD 3000 ILLINOIS AVE KILLEEN, TX 76543-5371	SUPERINTENDENT DR. SUSAN KINCANNON BELTON I.S.D. P O Box 269 BELTON TEXAS 76513	



QUINTERO ENGINEERING, LLC
CIVIL ENGINEERING • LAND SURVEYING • PLANNING • CONSTRUCTION MANAGEMENT
415 E. AVENUE D, KILLEEN, TEXAS (254) 493-9962
T.B.P.E. FIRM REGISTRATION NO. 14709
T.B.P.L.S. REGISTRATION NO. 10194110



**** SEE METES AND BOUNDS ATTACHED "EXHIBIT A" ****

SURVEYOR'S SKETCH of a survey made on the ground on **March 13, 2019**, of that certain tract of land located at **3700 Auction Barn Road, Belton, Texas**, and being part of the called **Lot One (1) and the West half of (W.1/2) Lot Two (2)**, in **Block One (1)**, of **Village Hill Subdivision, Bell County, Texas**, according to the plat of record in **Cabinet A, Slide 77-B, Plat Records of Bell County, Texas**, further described as a called **0.38 acre tract** in a deed to **Jimmy P. Dowell and Stacy L. Dowell** recorded in **Instrument No. 201100014147, Deed Records of Bell County, Texas**. There are no shortages of areas, visible encroachments, protrusions, or overlapping of improvements, except as shown or noted hereon. Only the information shown on the recorded plat and the information listed in the Title Commitment below was considered for this survey. **THIS SURVEY DOES NOT IMPLY ALL EASEMENTS AND SETBACK LINES HAVE BEEN RESEARCHED.** A review of all title records may find additional information.

Note:

Survey prepared without the benefit of title commitment, no further search for easements or restrictions has been made by this company. Easements that are aware of by this company have been shown.

This Survey is for the exclusive use of the current parties (buyer/seller for this transaction) and solely valid to convey title and may not be used or reproduced after the date of conveyance without the consent of the Surveyor.

Bearings and distances shown hereon are based upon Texas State Plane Coordinate System, Central Zone, NAD 83, per Leica Smart Net GPS observation.

Bradley W. Sargent 03/14/2019
Bradley W. Sargent, R.P.L.S.
Registered Professional Land Surveyor
R.P.L.S. No. 5827, Texas

