

Minutes of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, December 17, 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, Luke Potts, Stephanie O'Banion, Quinton Locklin, Ty Hendrick, Allison Turner and Zach Krueger. David Jarratt was absent. The following staff members were present: City Manager Sam Listi, 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. Covington gave the Invocation.

1. Call To Order.

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

2. Public comments. (Audio 00:50)

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 1:03)

Mr. Krueger made a motion to approve the minutes from November 20, 2019, seconded by Ms. Turner. The motion passed unanimously with 7 ayes, 0 nays. Mr. Hendrick arrived after the vote of the minutes.

4. Z-19-24 Hold a public hearing and consider a zoning change from Agricultural District to Commercial – Two Zoning District on a 5 acre tract located at 8588 and 8600 Amity School Road, west of IH 35 and south of Amity School Road. (Audio 1:25)

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. (Audio 6:07)

Mr. Potts made a motion to approve Z-19-24, a zoning change on a property at 8588 and 8600 Amity School Road. Mr. Krueger seconded the motion. The motion was approved with 8 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. (Item tabled from previous meeting). (Audio 6:55)

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

Chair Baggerly opened the public hearing; with no one requesting to speak, the public hearing was closed. (Audio 15:35)

Stacy Roberts, 5722 Imogen Drive, asked to speak after the public hearing was closed; Chair Baggerly allowed her to address the Commission. (Audio 22:09)

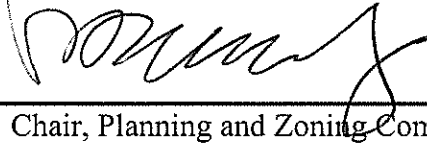
Mr. Covington made a motion to approve P-19-34. Mr. Hendrick seconded the motion. The motion was approved with 8 ayes, 0 nays. (Audio 26:38)

- 6. P-19-36 Consider a final plat of The Ridge at Belle Meadows Phase II, comprising 8.310 acres, located on the south side of W. Avenue O, between S. Loop 121 and Connell Street. (Audio 26:58)**

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

Mr. Hendrick made a motion to approved P-19-36. Ms. O'Banion seconded the motion. The motion was approved with 8 ayes, 0 nays. (Audio 32:22)

With no further business, the meeting was adjourned at 6:03 p.m. (Audio ends at 33:15)



Chair, Planning and Zoning Commission



Staff Report – Planning & Zoning Item

Date: December 17, 2019
Case No.: Z-19-24
Request: Agricultural to Commercial
Two (C-2) District
Applicant/Owner: A. Joe Washburn

Agenda Item

Z-19-24 Hold a public hearing and consider a zoning change from Agricultural District to Commercial – Two Zoning District on a 5 acre tract located at 8588 and 8600 Amity School Road, west of IH 35 and south of Amity School Road.

Originating Department: Planning Department – Cheryl Maxwell, Director of Planning

Current Zoning: Agricultural **Proposed Zoning:** Commercial Two

Future Land Use Map (FLUM) Designation: Mixed Use Center at I-35/Amity Road intersection, near Commercial Corridor Overlay

Design Standards Type Areas: Located outside these boundaries but near Areas 2 & 4.

Area 2: Areas along I-35 and US 190; primarily commercial frontage uses with opportunities for mixed uses, hotels, restaurants, new car dealerships, multi-story office, and other similar commercial uses.

Area 4: Areas at primary intersections and cross roads of I-35 and US 190 corridors; nodes seen as commercial, retail, and neighborhood services uses with a higher standard as they are gateways to other areas.

Background/Case Summary

The properties in this vicinity with frontage along I-35 were annexed in 2000 and 2002 and included small segments of the applicant's property. The majority of the applicant's property was annexed in 2016 and zoned Agricultural District. The applicant wishes to rezone this property to Commercial –Two District to enable him to lease this site for various commercial uses.

Project Analysis and Discussion

This 5 acre tract does not have frontage on either I-35 or Amity School Road, but is accessed via adjacent property to the northeast which is under the applicant's ownership. Brush Arbor Church is located on this site along with a mobile home for the evangelist and a pole barn canopy structure with an RV for use by traveling evangelists. Some storage of highway related

Exhibit A

equipment is occurring on site as well, anticipating approval of this zoning change request. The adjacent property to the northeast, under the applicant's ownership, includes a smaller church, the applicant's residence (mobile home), workshop/barn, and miscellaneous storage structures.

Wolff Construction Company is located on property north and south of Amity School Road and is zoned Agricultural District, operating under a grandfathered status. The adjacent properties to the north and west are also zoned Agricultural District with a cell tower on the tract to the north and undeveloped land to the west. The adjacent property to the east is undeveloped and was zoned a Planned Development (PD) with a Commercial Highway (CH) base Zoning District in 2007. Detailed site plan review by the Planning Commission and City Council is required when this site is developed. The adjacent properties to the south are zoned Light Industrial (LI) District and are part of the Salado Business Park. The two lots adjacent to the applicant's property are currently undeveloped. Properties along the east side of I-35 are zoned Commercial Highway District along the frontage and are undeveloped except for a billboard sign.

Land Use Table/Allowable Uses

The requested C-2 Zoning District will allow any of the uses identified below.

- Any use permitted in the C-1, Retail, NS or Office Districts
- Alcoholic beverages for on-premise consumption—beer and wine sales only with less than 75% revenue from alcohol. All alcoholic beverage sales with 50% or less revenue from alcohol.
- Commercial amusement (indoor or outdoor)
- Auto sales new; auto servicing, and repair
- Motorcycle sales, servicing, and repair
- Off road vehicle sales, servicing and repair
- Restaurant
- Hotel or motel
- Hospital or nursing home
- Auto sales used
- Auto parking lot or garage
- Auto body repair and painting
- Boat sales
- Car wash
- Carpentry, cabinet, painting, plumbing, welding shops
- Funeral home
- Furniture manufacture and upholstery shop
- Commercial and wholesale dry cleaning
- Equipment sales and rental (heavy)
- Flea market (indoor)
- Tractor sales; trailer and truck rental
- Home improvement center; nursery and plant sales (outdoor storage)

Exhibit A

- Lumber yard
- Manufactured or mobile home sales; portable building sales
- Veterinarian with outside kennels
- Mini storage warehouses
- Open or outside storage uses—**MUST BE SCREENED**

The applicant has been advised that any outside storage of commercial related items must be screened with a 6' high fence and parked on an improved surface per city standards. New residential uses are not allowed in the C-2 Zoning District; however existing structures may be remodeled or expanded.

Area & Setback Requirements

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

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

The property proposed for rezoning comprises 5 acres and exceeds the minimum area requirements for the C-2 Zoning District. No new buildings are proposed at this time, but should any be constructed, they must comply with these setback requirements, subdivision platting regulations for creation of a building site, and requirements for a certificate of occupancy to include all applicable building and fire codes, requirements for parking, signage, etc. and utility requirements.

Future Land Use Map

The Future Land Use Map (FLUM) identifies this area as projected for a Mixed Use Center at I-35/Amity Road intersection, which transitions to a Commercial Corridor Overlay just to the north of this property. There is some degree of flexibility in determining where this transition actually occurs. The requested C-2 Zoning District is consistent with commercial uses expected along the designated Commercial Corridor Overlay. This property does not have I-35 frontage but is located behind a PD (CH) zoned tract that will have site plan review. The adjacent property to the south is zoned Light Industrial District. Therefore, the requested C-2 Zoning District appears compatible with existing zoning districts and appropriate in this location.

Recommendation

We recommend approval of the requested zoning change from Agricultural District to C-2 District.

Attachments:

1. Zoning application
2. Property Location Map

Exhibit A

3. Zoning map
4. Aerial photo
5. Map with zoning notice boundary (200')
6. Zoning notice to owners
7. Owner notification list

Staff Report – Planning & Zoning Item

Date: December 17, 2019
Case No.: P-19-34
Request: Three Creeks Phase IA
Applicant: Residential Replat
Applicant: Yalgo Engineering
Owner: 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

UPDATE: This item was presented at the November 19, 2019 Planning & Zoning Commission (P&ZC) meeting. Several property owners attended that meeting and voiced opposition to the replat during the public hearing for this item. The P&ZC tabled this item to the December 17, 2019 meeting to allow time for property owners in the vicinity to provide written comments for or against the proposed replat. At that time, staff was following procedures for a residential replat as stated in the City's Subdivision Ordinance, Section 301.03. These procedures included notification of public hearing to all property owners within 500' of the area being replatted and if 20% or more of these property owners file a written protest, the plat can only be approved if there is written approval by 66 2/3% of the property owners. The P&ZC directed staff to re-send the notice to surrounding property owners with a ballot asking if they approve or disapprove the proposed replat, and to clearly state the rights of the homeowners and a timeline for responding.

As staff was preparing to resend the replat notice, it became apparent that **our subdivision ordinance had not been updated to reflect state law that governs this process--Texas Local Government Code Sections 212.014 & 212.015. According to the city's legal staff, our local ordinance is pre-empted by state law; therefore, the replat cannot be disapproved based upon property owner protest.** Staff sent a letter to these property owners explaining the replat requirement and the proposed land use of this property (see attached). In this letter, staff explained that the applicant's approved Land Use Master Plan shows this area as Townhome use with a maximum allowed density of 8 dwelling units/acre, which could result in over 40 townhomes for this 5.45 acre tract. However, the applicant is proposing to divide this tract into 13 lots for detached single family residential use, only 1/3 the number of units allowed.

Exhibit B

It should be noted that **state legislation requires action on plats within 30 days of filing, or the plat is automatically approved.** We consider plats filed when all requirements are met and the plat is administratively complete. **This plat was deemed administratively complete on November 19, 2019; therefore, the P&ZC must take action at the December 17, 2019 meeting. If all requirements are met, there is no basis to disapprove the plat.** A public hearing is not required since no variances are requested; however, since this was originally posted for a public hearing, we will carry through that process to ensure an opportunity for clarification on state law to property owners.

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. 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

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 6" water main and a 1.5" - 2" sewer pressure main along Ariel Cove to provide service to these lots. Each lot will have a grinder pump, owned and maintained by the property owner. 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 street. Drainage plans and calculations have been provided and

Exhibit B

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 have been 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; all review comments have been addressed and the plat is administratively complete as of November 19, 2019.

Recommendation

1. Conduct public hearing. (Not required but advertised)
2. Recommend approval of this replat, Three Creeks Phase IA.

Attachments

1. Final Plat Application
2. Final Plat
3. Location Map
4. Replat notification area
5. Owner notification list
6. November 22, 2019 letter to property owners



Staff Report – Planning & Zoning Item

Date: December 17, 2019
Case No.: P-19-36
**The Ridge at Belle Meadows,
Phase II**
Request: Final Plat
Applicant: Travis Quicksall, Quick Inc. Land
Surveying
Owner: Todd Scott - KDAVEO, LLC

Agenda Item

P-19-36 Consider a final plat of The Ridge at Belle Meadows Phase II, comprising 8.334 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 District

Case Summary

This is the second phase of the Ridge at Belle Meadows development. Portions of this phase were included in the preliminary plats of City Lights Addition, approved in January, 2019, and West Avenue O Addition, approved in September, 2019. The two preliminary plats overlap in this vicinity. This phase proposes 46 residential lots for detached single family homes and one tract proposed for a drainage channel. This phase is generally consistent with the approved preliminary plat for West Avenue O Addition. The lots in this phase were included in a zoning change to Single Family – 3 District that was also approved in September, 2019.

Project Analysis and Discussion

This plat includes approximately 8.334 acres and is proposed for detached single family residential use. Below is a summary of the area requirements for the SF3 Zoning District 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'

Exhibit C

The applicant is requesting a variance in the 25' front yard setback requirement to allow a 20' setback for those lots that have a depth under 120'. This is to accommodate proposed building plans that allow a larger back yard, and applies to the 6 lots in Block 6, on the west side of Dowdy Drive. The applicant received approval of this variance with the West Avenue O preliminary plat and staff supports the request. This reduction in the front yard setback is noted on the plat.

The applicant is also requesting a variance to the "key lot" requirement for Lot 32, Block 5, to allow a 15' side yard setback along Dowdy Drive. The key lot requirement calls for a 20' setback to match the 20' setback on the adjacent lot to the north, Lot 1, Block 5. The width of Lot 32, Block 5 varies but is approximately 60'. With the required 20' side yard setback on the west side and 5' side yard setback on the east side, the resulting width available for construction is reduced to 35'. Given the lot width, staff supports the variance request since the offset in setbacks will only be 5'.

Notes are 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. Access to collector streets is prohibited 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/Sewer: The applicant will be connecting to existing water and sewer lines and extending an 8" water line and 8" sewer line throughout this phase. The 8" water line satisfies minimum requirements for fire protection and the proposed fire hydrant locations meet the city's fire code.

Streets/Sidewalks: This phase includes the construction of two local streets—Dowdy Drive and Shelby Drive. Both will be constructed with a 31' pavement width with curb/gutter within a 50' ROW. Shelby Drive will connect to the collector street Southwest Parkway, and Dowdy Drive will connect to the collector street Laila Lane. These segments of Southwest Parkway and Laila Lane will be constructed with Phase I.

Per the city's Subdivision Ordinance Section 503, sidewalks are not required along local streets; therefore, no sidewalks are required with this phase.

Drainage: Tract C, a drainage channel, is proposed with this phase and is part of the overall drainage plan that has been reviewed and approved. This tract, consisting of 0.045 acre, will be privately owned and maintained.

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. The applicant proposes to pay the fee for the 46 single family lots, which will total \$9,200. 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 December 12, 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 lots in Block 6.
- 2) Approval of variance request for key lot requirement to allow a 15' setback along Dowdy Drive for Lot 32, Block 5.
- 3) All items addressed in city's December 12, 2019 letter of conditions to the applicant.

Attachments

1. Final Plat Application
2. Final Plat
3. Location Map
4. Variance request letters
5. City letter of conditions to the applicant dated December 12, 2019