

Minutes of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, September 15, 2020

The Planning and Zoning Commission met at 5:30 P.M. at the Harris Community Center, 401 North Alexander Street. The following members were present: Chair Brett Baggerly, Allison Turner, Luke Potts, David Jarratt, Zach Krueger and Quinton Locklin. Stephanie O'Banion, Ty Hendrick and Dave Covington were absent. The following staff members were present: City Manager Sam Listi, Director of Planning Cheryl Maxwell, Planner Tina Moore, Parks and Recreation Director Matt Bates, IT Specialist Alex Munger and Director of IT Chris Brown.

Pledge of Allegiance – Chair Brett Baggerly led all present.

Invocation – Mr. Luke Potts gave the Invocation.

1. Call To Order.

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

2. Public comments. (Audio 00:44)

Chair Baggerly asked if anyone from the public would like to speak.

Ms. Cindy Youngblood, 4470 Shanklin Lane in Belton's ETJ, said she has concerns with the process and cost of complying with the Subdivision Ordinance. She asked whether the City of Belton would consider adopting a platting exemption for division of land for family members, similar to what Bell County offers. Chair Baggerly asked city staff to follow-up with Ms. Youngblood.

3. Consider approval of minutes from previous meeting. (Audio 2:54)

Commission Member Potts made a motion to approve the minutes from August 18, 2020 meeting, seconded by Mr. Jarratt. The motion passed unanimously with 6 ayes, 0 nays.

4. Z-20-17 Hold a public hearing and consider a zoning change from Agricultural District to Single Family – 3 District on approximately 0.2 acres located at 1450 E. Avenue A, generally east of I-35 and Nolan Creek, near the southeast corner of Central Avenue and Avenue A, described as Richard 2nd Addition, Block 1, portion of Lot 9 (S 90' of W 98' of Lot 9), Belton Original Town. (Audio 3:10)

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

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

Mr. Jarratt said he believed the request to be a reasonable request.

Commission member Potts made a motion to approve item Z-20-17 as recommended by staff. Mr. Locklin seconded the motion. The motion was approved with 6 ayes, 0 nays.

5. Z-20-18 Hold a public hearing and consider a zoning change from Planned Development (Patio Home) District to Amended Planned Development (Patio Home) District to allow a reduced rear yard setback for 6 lots located at 2806, 2810, 2811, 2819, 2826, & 2827 Lone Oak Drive, on the south side of S. Estate Drive, east of N. Main Street. (Audio 8:58)

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

Chair Baggerly opened the public hearing (14:22). Ms. Morgan, 2011 Downing Street, said her daughter lives at 601 Estate Drive and she is protesting the request. Estate Drive is very narrow and adding six more vehicles is going to increase traffic. Ms. Morgan said it's too many houses in too little space and it will affect her daughter's living situation.

With no one else requesting to speak, the public hearing was closed.

Chair Baggerly said Ms. Morgan's concerns were valid. Chair Baggerly invited Mr. Larry Guess, the applicant, 504 Mitchell Street, to the podium. The plat was approved in 2013 and he asked Mr. Guess to give a recap of the project. Mr. Guess said each time they applied for a permit another issue would come up. Over seven years they have dealt with three planning directors, but now they are hoping that they have everything in order so they can proceed. He pointed out his easements on that property and adjacent properties, which are greater than required in some cases, so he has tried to alleviate the situation.

Ms. Maxwell went over the required setbacks. Mr. Jarratt commented on the uniqueness of the property and how, depending on the orientation, one side could be considered a side yard or a rear yard. Chair Baggerly reiterated that the item for discussion is the setbacks and not the plat since it was approved in 2013.

Commission member Potts made a motion to approve Z-20-18 as recommended by staff. Mr. Krueger seconded the motion. The motion was approved with 6 ayes, 0 nays.

6. **Z-20-19 Hold a public hearing and consider a zoning change from Agricultural District to Commercial Highway District on approximately 8 acres located at 500 N. I-35 Service Road, on the east side of I-35, south of Nolan Creek (Crossroads Church property).** (Audio 21:05)

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

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

Commission member Jarratt made a motion to approve Z-20-19 as recommended by staff. Commission member Turner seconded the motion. The motion was approved with 6 ayes, 0 nays.

7. **Z-20-16 Hold a public hearing and consider a zoning change from Agricultural District to Commercial Highway District on approximately 8.338 acres located on the east side of I-35 near 8257 S. I-35 Service Road, beginning approximately 0.6 mile north of Amity Road.** (Audio 24:24)

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

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

Commission member Krueger made a motion to approve Z-20-16 as recommended by staff. Commission member Turner seconded the motion. The motion was approved with 6 ayes, 0 nays.

8. **P-20-25 Consider a preliminary plat of The Pioneer at Connell, comprising 9.031 acres, located generally west of I-35 between US 190 and Loop 121, along an extension of Laila Lane, on the east side of Connell Street.** (Audio 28:40)

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

Chair Baggerly said there is a lot of development in that area. In addition to TxDOT limitations, Mr. Jarratt asked about physical factors that might restrict the future alignment of Laila Lane. Ms. Maxwell stated there

was a drainage channel near the northern portion of the adjacent property to the east that might affect the alignment.

Commission member Potts made a motion to approve P-20-25 as recommended by staff. Mr. Krueger seconded the motion. The motion was approved with 6 ayes, 0 nays.

9. Hold a public hearing and consider amendments to Subdivision Ordinance Section 502—Street Standards and Policy—Perimeter Streets. (Audio 36:57) (Exhibit F)

City Manager Sam Listi reviewed the conversation from the previous meeting on the changes to the Subdivision Ordinance, Section 502 – Street Standards and Policy- Perimeter Streets, and presented the staff recommendation for amendments.

Chair Baggerly opened the public hearing (Audio 50:00), but with no one requesting to speak the public hearing was closed.

Chair Baggerly asked Mr. Marty Janczak, Governmental Affairs Director for the Temple Area Builder's Association (TABA), 2706 Garden Brook Trail, Belton, to speak before the Commission. On behalf of TABA, Mr. Janczak expressed appreciation for participation in the stakeholder process and support of the proposed amendment.


Commission Member Luke Potts suggested the following:

1. Identify options when a developer's obligation for perimeter streets would be less than 50% of a collector street; and
2. Identify a "trigger" for when a TIA (traffic impact analysis) may be needed; and
3. Reduce the time for the City to hold escrow funds for street improvements from 9 to 7 years.

Mr. Listi did not believe changes were needed to specify when the developer's obligation for perimeter street improvements could be less than 50%, since this can be negotiated. Mr. Listi stated developing a trigger for a TIA was complicated with trip generation varying by land use, time of day, and other factors, but if the Commission desired this, staff could develop a TIA trigger. Mr. Listi had concerns with reducing the escrow term due to changing economic conditions over time, but stated this could be drafted as well.

Commission member Potts made a motion to approve the staff recommendation adding two items: 1) a trigger when a traffic impact analysis/traffic study is required; and 2) a reduction in the escrow time limit from nine years to seven. Commission member Jarratt seconded the motion. The motion was approved with 6 ayes, 0 nays.

With no further business, the meeting was adjourned 6:39 p.m. (Audio ends at 1:08:44)



Chair, Planning and Zoning Commission



Staff Report – Planning & Zoning Item

Date: September 15, 2020
Case No.: Z-20-17
Request: Agricultural to SF3
Applicant/Owner: Andrew & Patricia Hooper

Agenda Item

Z-20-17 Hold a public hearing and consider a zoning change from Agricultural District to Single Family – 3 District on approximately 0.2 acres located at 1450 E. Avenue A, generally east of I-35 and Nolan Creek, near the southeast corner of Central Avenue and Avenue A, described as Richard 2nd Addition, Block 1, portion of Lot 9 (S 90' of W 98' of Lot 9), Belton Original Town.

Originating Department

Planning – Cheryl Maxwell, Director of Planning

Current Zoning: Agricultural District **Proposed Zoning:** Single Family 3 District

Future Land Use Map (FLUM) Designation: Flood Plain

Design Standards Type Area 11: Area defined by Nolan Creek to the North, city limits to the south and east, and Wall Street to the west. Projected to be the southeast residential core of the city; primarily single family residential development with opportunities for retail and commercial areas along Holland Road (FM 436).

Background/Case Summary

This property is zoned Agricultural District and is proposed for single family use. The tract is undeveloped and consists of approximately 8,820 sq. ft., or 0.2 acre, which does not satisfy the minimum 3 acres required in the Agricultural Zoning District. A zoning change is requested to Single Family - 3 (SF3) District to allow construction of a house. The existing tract satisfies all area requirements for the SF3 Zoning District.

Project Analysis and Discussion

Existing Conditions:

This area contains a mixture of site built homes and mobile homes as well as undeveloped land in the Nolan Creek flood plain. This property, and the adjacent properties to the north and west, are zoned Agricultural District. A site built home is located on the property to the north, and the property to the west is undeveloped. A goat farm with an abandoned mobile home is

Exhibit A

also located to the southwest on property zoned Agricultural District. The adjacent property to the south and east is one large tract zoned Single Family 1 (SF1) District with a Conservation and Revitalization Overlay. Several accessory buildings, an RV, and a mobile home are located on this property. Other zoning in this vicinity includes SF1 with a Specific Use Permit for a mobile home, SF1, and Mobile Home Zoning District. A Regional Firearms Training Facility, owned by the City of Belton, is located along Central Avenue to the east, and is zoned Planned Development (Heavy Industrial) District.

Allowable Land Uses:

The proposed SF3 Zoning District limits use to single family homes, and a family home for physically or mentally impaired or handicapped individuals. No attached single family, duplex, multi family, or business/commercial uses are allowed.

Area & Setback Requirements:

Minimum area and setback requirements for the requested SF3 Zoning District are summarized below:

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

The lot proposed for rezoning comprises approximately 8,820 sq. ft. and satisfies the minimum area requirements for the requested SF3 Zoning District. The applicant has been advised that the proposed house must comply with the setback requirements and design standards for the SF3 Zoning District. One building permit is allowed for the main structure without platting the property, per Zoning Ordinance Section 45, Creation of Building Site.

Site Development:

Some site development issues to be worked out prior to issuance of a building permit have been discussed with the applicant. These include water service (upgrade from 1" line to 2"), wastewater service (extension of 6" sewer line or approval of septic system), fire protection (upgrade water line or on-site water tank needed), and access. This portion of Avenue A is unpaved; improvements may be required for fire protection purposes. In addition, there is currently only one public crossing point of Nolan Creek that provides access to the properties in this vicinity. This point is a narrow, low water crossing bridge that frequently floods with heavy rainfall. When this crossing is flooded, residents east of the creek are isolated and emergency vehicles are not able to cross the creek and provide service. The applicant is aware of this factor.

Future Land Use Map:

The FLUM does not specifically identify future uses in this area since it lies within the flood plain. Houses may be constructed in the flood plain but the finished floor elevation must be at least 18" above the base flood elevation. Outside the flood plain, this area is shown as primarily residential. This is consistent with the Design Standards Type Area 11 assigned to this general area which projects single family residential use. Although this general area may not be ideal for residential use given the limited access and flooding issues with Nolan Creek, many of the

Exhibit A

properties are already residentially developed or have secured residential zoning for future development. The requested residential zoning district is compatible with the existing residential zoning and residential uses in this area. Therefore, the proposed SF3 zoning district appears to be reasonable in this location.

Recommendation

We recommend approval of the requested zoning change from Agricultural to SF3 Zoning District.

Attachments:

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



Staff Report – Planning & Zoning Item

Date: September 15, 2020
Case No.: Z-20-18
Request: PD (Patio Home) to
Amended PD (Patio Home)
Applicant/Owner: LWG Associates, LLC
Larry Guess

Agenda Item

Z-20-18 Hold a public hearing and consider a zoning change from Planned Development (Patio Home) District to Amended Planned Development (Patio Home) District to allow a reduced rear yard setback for 6 lots located at 2806, 2810, 2811, 2819, 2826, & 2827 Lone Oak Drive, on the south side of S. Estate Drive, east of N. Main Street.

Originating Department

Planning – Cheryl Maxwell, Director of Planning

Current Zoning: PD (PH)

Proposed Zoning: Amended PD (PH)

Future Land Use Map (FLUM) Designation: Lake Road (FM 439) and Main Street (SH 317) intersection node—Lifestyle Center with retail, restaurants, dense residential, and neighborhood services.

Design Standards Type Area 14: Projected to be primarily single lot residential developments with City sanitary sewer.

Background/Case Summary

This property was zoned PD (Patio Home) in 2013. A final subdivision plat, Lone Oak Estates, was approved at that time as well, for six residential lots. The PD zoning included conditions to allow a reduction in the front yard setback from 25' to 15', and a reduction in the side yard setback from 8' on one side and 10' on the other side, to 0' on both sides. With a 0' side yard, a townhome development is allowed. The applicant believes the intent at that time was to also allow a reduced rear yard setback from 12' to 5'; however, this was not included in the PD conditions. The applicant is requesting an amendment to the PD to allow this reduced rear yard setback. The reduced rear yard will allow room for the building plan desired by the applicant, and provide very small rear yards for those wishing to minimize yard maintenance.

Five of the six townhomes proposed for construction will be one story; the townhouse at the southeast corner of the subdivision, Lot 2, will be two story. The east side of Lot 2 is considered a side yard and will observe a 10' setback; the rear yard is on the south side. Each townhouse will have 2 to 3 bedrooms, a one car garage, and comprise 1,300 to 1,600 sq. ft. The structure

Exhibit B

on Lot 1 will be a single home and will have a 2 car garage. Six additional parking spaces will be provided for guests and visitors via an easement on the adjacent property to the southwest (Johnnies Cleaners and Tailors).

Project Analysis and Discussion

Existing Conditions:

The adjacent properties along Estate Drive to the north, east, and west are residentially developed and zoned Single Family – 1 District. Johnnies Cleaners and Tailors is located on the adjacent property to the southwest, zoned Retail District. Property to the south is also zoned Retail District and is owned by HEB for use as a detention pond, and has a large TP&L easement with power lines running east/west.

The applicant has not constructed any buildings on this property, but has begun site preparation and installed private water/sewer lines and meters, retaining walls, privacy fencing on the east property line and part of the west property line, and concrete for overflow parking on the adjacent property to the west, next to Johnnies Cleaners, via an off-site easement.

Allowable Land Uses:

The current PD zoning with a Patio Home base district allows zero lot line patio homes as well as detached single family homes, and incidental uses to include common open space, community center, and recreation buildings. No change to the allowed uses are proposed with the amended PD.

Area & Setback Requirements:

Minimum area and setback requirements for the Patio Home Zoning District are summarized below, along with current and proposed PD conditions:

Zoning Ordinance Requirement		PD Condition
Front Yard	25'	Reduction to 15' approved in 2013
Side Yard	8"/10'	Reduction to 0' approved in 2013
Rear Yard	12'	Reduction to 5' requested
Lot Area*	5,000 sq. ft.	No change proposed
Lot Width*	50'	No change proposed
Lot Depth*	90'	No change proposed

*Some of the lots in the approved subdivision plat do not satisfy all of the stated area requirements for the PH Zoning District. However, the plat has been approved and the resulting lot sizes are allowed as recorded.

Exhibit B

The PD zoning approved in 2013 allowed a reduction in the front and side yard setbacks as shown in the table above in green. No changes are proposed other than to add a reduction in the rear yard setback from 12' to 5'. The proposed reduction in the rear yard setback will be along the south, east, and west property lines. There are no buildings on the adjacent property to the south, owned by HEB. Structures on the properties to the east and west appear to be set back a minimum of 20' from the property line. Therefore, the proposed reduction in setback for this property does not appear to pose a conflict with existing development on the adjacent properties. In addition, the applicant plans to provide 6' high solid privacy fencing along the east and west sides. No fencing is proposed on the south side where the adjacent property is owned by HEB and anticipated to remain open space with the detention pond and TP&L easement. The Zoning Ordinance allows a side yard setback for residential use to be as little as 5'. These lots with the proposed 5' rear yard would have rear yards that function similar to a 5' side yard.

Future Land Use Map:

The FLUM identifies this general vicinity near Main Street and Lake Road as a Lifestyle Center with mixed uses to include dense residential use. The proposed patio home (PH)/townhome (TH) development is at a higher density than a typical detached single family development and provides a transition from the retail development to the west along Main Street and the SF1 zoned residential properties to the east. The PD for PH/TH use with reduced front and side setbacks was determined to be appropriate when rezoned in 2013. The requested reduction in the rear yard setback will allow the proposed PH/TH development to move forward, a use that appears to be consistent with the FLUM and compatible with existing mixed uses in this area. Therefore, the proposed amendment appears to be reasonable in this location.

Other Consideration:

Property owners within 200' of this development have been contacted regarding this request, as required for zoning cases. The residential properties to the east and west are most affected by the requested reduction in setback. Therefore, we suggest their opinions be considered in determining if the proposed rear yard setback reduction "fits" in this location.

Recommendation

We recommend approval of the requested zoning change from PD (PH) to amended PD (PH), subject to the conditions below. The conditions below are the same as those approved in 2013, with the addition of the reduced rear yard setback and fencing requirement, and deletion of the subdivision plat requirement that has already been completed.

1. The use of the property shall conform to the Patio Home Zoning District in all respects, except as follows:
 - a. 15' front yard setback is allowed
 - b. 0' side yard setback is allowed
 - c. 5' rear yard setback is allowed
2. Landscaping plan providing suitable transition subject to detailed site plan review.

Exhibit B

3. 6' high solid fencing shall be provided on the east and west sides.
4. The development of the property shall conform to the Patio Home Zoning District and all applicable Type Area 14 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards discussed above
 - b. Building Design Standards
 - c. Landscape Design Standards
5. Sign Standards shall conform to Ordinance 2008-11.
6. ~~Subdivision plat is required.~~

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. Subdivision plat—Lone Oak Estates
9. Site plan



Staff Report – Planning & Zoning Item

Date: September 15, 2020
Case No.: Z-20-19
Request: Agricultural to CH
Applicant: Katie Crane
Owner: 1st Assembly of God

Agenda Item

Z-20-19 Hold a public hearing and consider a zoning change from Agricultural District to Commercial Highway District on approximately 8 acres located at 500 N. I-35 Service Road, on the east side of I-35, south of Nolan Creek (Crossroads Church property).

Originating Department

Planning – Cheryl Maxwell, Director of Planning

Current Zoning: Agricultural District **Proposed Zoning:** Commercial Highway District

Future Land Use Map (FLUM) Designation: Commercial/Retail with Commercial Corridor Overlay. Area along Nolan Creek in flood plain and flood way.

Design Standards Type Area 2: Primarily commercial highway frontage uses with opportunities for mixed uses, hotels, restaurants, new car dealerships, multi-story office, and other similar commercial uses.

Background/Case Summary

The applicant owns approximately 13 acres, divided into 5 tracts. One tract is currently zoned CH District. The other four are zoned Agricultural District. The applicant has submitted this request for a zoning change to CH on the 3 tracts where the existing structures are located so the use is in compliance with the appropriate zoning district. Future plans include possible expansion of the church and child care facility, and signage changes. Some of the applicant's property near Nolan Creek lies partially in the flood plain and flood way. Structures may be constructed in the flood plain but the finished floor elevation must be at least 18" above the base flood elevation. No structures may be built in the flood way.

Project Analysis and Discussion

Existing Conditions:

The 8 acres in this request are zoned Agricultural District and is the site of Crossroads Church and Bear Hugs Learning Center. These facilities cross over onto the applicant's 4th tract, located at the southwest corner of the property, zoned CH District. The adjacent properties to

Exhibit C

the north and south are zoned Agricultural District and are undeveloped. Adjacent property to the east includes a tract (approximately 2 acres) along the west side of Nolan Creek, owned by the church, currently undeveloped and zoned Agricultural District. Property on the east side of Nolan Creek is currently undeveloped and zoned CH with a Specific Use Permit for Open Storage of Landscape Materials.

Allowable Land Uses:

The proposed Commercial Highway Zoning District allows the following land uses:

- Any use permitted in the Retail District (i.e. Gasoline or service station), as well as Neighborhood Services, and Office Districts
- Alcoholic beverages for on-premise consumption
- Church
- Child care center
- Commercial amusement, indoor or outdoor
- Community or exposition center
- Hotel/motel
- Hospital or nursing home
- Multi-family development
- New car sales
- Restaurant with drive-in service
- Truck stop and truck parking
- **Outside storage is prohibited**

The existing church and child care center are allowed uses in the requested CH Zoning District. An electronic changeable copy sign is also allowed with a Specific Use Permit, and may be requested in the near future, in compliance with all sign code standards.

Area & Setback Requirements:

Minimum area and setback requirements for the requested CH Zoning District are summarized below:

Lot Area:	7,200 sq. ft.	Front Yard Setback:	60'
Lot Width:	60'	Rear Yard Setback:	20'
Lot Depth:	120'	Side Yard Setback:	20'

The three tracts proposed for rezoning comprise approximately 8 acres collectively, with each tract individually over 1 acre in size, exceeding the minimum area requirements for the CH Zoning District. The four tracts together comprise the building site, since the structures cross over the individual lot lines. The existing structures observe the required 60' front yard setback from I-35, and the rear and side yard setbacks are observed as well.

Future Land Use Map:

The Future Land Use Map (FLUM) identifies this area as projected for retail and commercial use, with a commercial corridor overlay along I-35. The requested CH Zoning District is

Exhibit C

consistent with the FLUM and commercial uses expected along a major corridor, and appears to be reasonable in this location.

Recommendation

We recommend approval of the requested zoning change from Agricultural to Commercial Highway Zoning District.

Attachments:

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



Staff Report – Planning & Zoning Item

Date: September 15, 2020
Case No.: Z-20-16
Request: Agricultural to CH
Applicant/Owner: Gregory Long

Agenda Item

Z-20-16 Hold a public hearing and consider a zoning change from Agricultural District to Commercial Highway District on approximately 8.338 acres located on the east side of I-35 near 8257 S. I-35 Service Road, beginning approximately 0.6 mile north of Amity Road.

Originating Department

Planning – Cheryl Maxwell, Director of Planning

Current Zoning: Agricultural District **Proposed Zoning:** Commercial Highway District

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

Design Standards Type Area 2: Primarily commercial highway frontage uses with opportunities for mixed uses, hotels, restaurants, new car dealerships, multi-story office, and other similar commercial uses.

Background/Case Summary

The applicant owns approximately 12.5 acres. The front 4.2 acres were annexed into the city limits in 2000 and zoned Commercial Highway (CH) District in 2001. The back 8.3 acres were annexed in 2016 and assigned the Agricultural District at that time. This property is for sale and the proposed purchaser wishes to develop a convenience store and truck stop on the full 12.5 acres. The applicant has submitted this request for a zoning change to CH to allow the truck stop development.

Project Analysis and Discussion

Existing Conditions:

The 8.3 acres in this request are zoned Agricultural District and are undeveloped except for two accessory buildings at the northeast corner of the property that are currently unused and will be removed. The adjacent property to the west is under the applicant's ownership (4.2 acres) with frontage along I-35, and is undeveloped with CH zoning. Access to the applicant's two tracts is limited to the existing driveway on the service road. TxDOT has designated the area south of the driveway as an access denial zone. The proposed purchaser is working with

Exhibit D

TxDOT to determine if additional driveway access may be granted. The adjacent property to the east is also undeveloped and zoned Agricultural District. The adjacent property to the north is zoned Commercial – 2 District and is the site of a boat servicing/repair business—Interstate Marine and Outboard Service. The adjacent property to the south is partially in the city limits and partially in Belton's ETJ. The small tract along the I-35 frontage is zoned CH District and is undeveloped except for a billboard sign. The larger tract without the highway frontage is outside the city limits and is undeveloped except for a single residence and accessory buildings.

Allowable Land Uses:

The proposed Commercial Highway Zoning District allows the following land uses:

- Any use permitted in the Retail District (i.e. Gasoline or service station), as well as Neighborhood Services, and Office Districts
- Alcoholic beverages for on-premise consumption
- Church
- Child care center
- Commercial amusement, indoor or outdoor
- Community or exposition center
- Hotel/motel
- Hospital or nursing home
- Multi-family development
- New car sales
- Restaurant with drive-in service
- Truck stop and truck parking
- **Outside storage is prohibited**

The proposed use of a convenience store and truck stop is an allowed use in the requested CH Zoning District.

Area & Setback Requirements/Site Development:

Minimum area and setback requirements for the requested CH Zoning District are summarized below:

Lot Area:	7,200 sq. ft.	Front Yard Setback:	60'
Lot Width:	60'	Rear Yard Setback:	20'
Lot Depth:	120'	Side Yard Setback:	20'

The property proposed for rezoning comprises approximately 8.3 acres and exceeds the minimum area requirements for the CH Zoning District. A preliminary site plan has been provided encompassing the full ownership of 12.5 acres. The applicant has been advised that future buildings must comply with these setback requirements, design standards, and subdivision platting regulations including fire codes and utility requirements. There is currently no water or sanitary sewer service available to serve this property. The nearest public water line is approximately 1.2 mile to the north, on the west side of I-35. The applicant is proposing

Exhibit D

use of a water well, subject to approval by the Clearwater Underground Water Conservation District, and use of a septic tank, subject to approval by the Bell County Public Health District.

Future Land Use Map:

The Future Land Use Map (FLUM) identifies this area as projected for retail and commercial use, with a commercial corridor overlay along I-35. The requested CH Zoning District is consistent with the FLUM and commercial uses expected along a major corridor, and appears to be reasonable in this location.

Recommendation

We recommend approval of the requested zoning change from Agricultural to Commercial Highway Zoning District.

Attachments:

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



Staff Report – Planning & Zoning Item

Date: September 15, 2020
Case No.: P-20-25 The Pioneer at
Connell Subdivision
Request: Preliminary Plat
Applicant: Belton Engineering
Lina Chtay
Owner: VAD Tree Capital LLC
Nilay Limbachiya

Agenda Item

P-20-25 Consider a preliminary plat of The Pioneer at Connell, comprising 9.031 acres, located generally west of I-35 between US 190 and Loop 121, along an extension of Laila Lane, on the east side of Connell Street.

Originating Department: Planning – Cheryl Maxwell, Director of Planning

Current Zoning: Planned Development (Multi-Family) for Townhomes

Case Summary

The applicant owns the 9 acres within the plat boundary, as well as the 9 acres to the north. The total 18 acres are currently zoned PD (MF) for Townhomes and are undeveloped at this time. This preliminary plat proposes 65 residential lots for a townhouse development. In addition, 12 tracts are proposed for green space, storm water drainage and detention, and subdivision parking. These tracts will be owned and maintained by the Homeowners Association (HOA). An extension of Laila Lane is required as part of this overall development, and is proposed within this preliminary plat boundary, for construction in a future phase. A development agreement is proposed to upsize one of the water lines to 12" for future extension eastward. The development agreement will be presented to the City Council in conjunction with the final plat.

Project Analysis and Discussion

This plat includes approximately 9.031 acres and was zoned PD (MF) for Townhomes in September, 2019. The Zoning Ordinance only allows townhomes in a PD Zoning District. The Multi-Family base zoning district will allow apartments as well as townhomes. The applicant is proposing townhomes for this portion of the property that is being platted, but is undecided on the northern portion at this time. The proposed lots satisfy all area requirements for this zoning district. Following is a summary of these minimum requirements.

PD-Townhouse—Minimum Requirements

- Lot Area: 2,700 sq. ft.
- Lot Width: 25'
- Lot Depth: 90'
- Maximum Density: 18 units/acre*
- Front Yard: 20'
- Rear Yard: 20'
- Side Yard: 0'; 10' from street & between clusters
- Maximum Cluster Length: 300'

*7.2 units/acre proposed

The typical lot for this development is 28.5' x 95' for a total of 2,707.5 sq. ft. The proposed townhouse units will be one story with 3 bedrooms, 2 bathrooms, and one car garage (approximately 1,210 sq. ft. living space). A driveway width of 18 feet will be provided to allow two vehicles to park, for a total of 3 parking spaces/unit. An additional 21 parking spaces are proposed along the eastern property line for guests and visitors.

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

Water: The applicant is connecting to an existing 8" water line along Connell Street and extending 8" lines throughout this phase. At the city's request, the applicant is upsizing one of the lines to 12" to provide future service to properties to the east. Since the applicant's obligation for water service for this subdivision is an 8" line, the city proposes to reimburse the applicant the cost for upsizing to a 12" line, which will be addressed in a development agreement with the final plat. The applicant has provided a cost estimate for upsizing the water line and it is accepted as the City's not-to-exceed cost share for this work, to be finalized with project bidding by the applicant.

Sewer: The applicant is connecting to an existing 8" sewer line southeast of the property and extending 6" and 8" lines to provide service to these lots.

ROW/Streets: Connell Street and Laila Lane are shown as collector streets on the City's Thoroughfare Plan. Connell is a major collector, requiring a minimum ROW width of 80'. In this vicinity, Connell Street currently has approximately 54' ROW, a deficit of 26'. The applicant is dedicating 13' ROW, which satisfies their obligation to provide ½ of the needed ROW. Laila Lane is a minor collector, requiring a minimum ROW width of 60'. The applicant owns property on both side of the Laila Lane extension, and is therefore, required to dedicate all of the needed ROW. This 60' ROW dedication is shown on the preliminary plat.

Connell Street is a perimeter street; therefore, the applicant is required to construct perimeter street improvements for Connell similar to what was constructed with Liberty Valley Phase IV. This would include half the width of a 37' collector street –18.5' pavement; curb and gutter is not needed at this time but will be included in a later project for the entire stretch of roadway. The applicant will be constructing these improvements along with the subdivision improvements.

Exhibit E

Laila Lane is projected to be extended directly eastward from its current point of termination at Connell Street, per the City's Thoroughfare Plan. We have worked with the applicant and consulted with TxDOT, and met with the adjacent property owner to the east, to determine the optimum alignment of Laila from Connell to the I-35 service road. Due to the I-35 exit ramp location, and existing street connection and driveways on the service road, there is a limited window where TxDOT will approve a new street connection. When staff met with the adjacent property owner to the east to discuss future development plans and alignment options, this property owner did not have any plans or preference for the roadway location. Staff believes it is best for the extension to align with the current intersection of Laila with Connell, instead of creating an off-set intersection. The applicant has complied, providing an acceptable slight shift northward, just east of the intersection. The exact connection point with the I-35 service road will be determined when the property to the east is developed. Laila Lane will be constructed by the applicant as a collector street with a 37' pavement width with curb and gutter.

Internal streets proposed with this subdivision will be constructed as private streets with a 24' pavement width with curb and gutter. These private streets will be owned and maintained by the Homeowners Association (HOA). Concord Street will be extended northward to provide a connection to Laila Lane in the future, with Phase II. This will result in two entrances from Connell Street and one from Laila. With 65 residential lots proposed, a minimum of two entrances is required by the Subdivision Ordinance, Section 502.01.K., and this is satisfied with the two entrances for Phase I.

Sidewalks: The Subdivision Ordinance Section 503 requires a 5' wide sidewalk along both sides of collector streets, in this case, Connell Street and Laila Lane. With Connell Street as a perimeter street, the applicant is responsible for a sidewalk only on the subdivision side. The applicant will be responsible for sidewalks along both sides of Laila Lane. No sidewalks are required along the internal private streets.

Drainage: Pre and post-drainage plans and calculations have been provided and reviewed. A detention pond is proposed near the northeast corner of Phase I and will be owned and maintained by the HOA. Drainage plans will be finalized with the final plat review.

Parkland Dedication/Fees: The parkland fee requirement per Subdivision Ordinance Section 517 is \$200 per residential unit. For 65 lots, the requirement is \$13,000. These funds will be used to develop Liberty Valley Park, which is located near these lots, on the west side of Connell, south of the future Huey Drive extension.

Conclusion: We have reviewed the plat and find it acceptable as a preliminary plat. All conditions have been addressed as of August 25, 2020.

With the final plat, a Development Agreement will be presented for oversizing the water line along Cambridge Avenue from 8" to 12", for future extension to the east.

Recommendation

Recommend approval of the preliminary plat of The Pioneer at Connell Subdivision.

Attachments

1. Preliminary Plat Application
2. Preliminary Plat
3. Location Map
4. Cost estimate for oversizing water line
5. Administratively complete letter to the applicant dated August 25, 2020



Staff Report – Planning & Zoning Item

Date: September 15, 2020
Request: Subdivision Ord. Amendment
on Perimeter Streets

Agenda Item

Hold a public hearing and consider amendments to Subdivision Ordinance Section 502—Street Standards and Policy—Perimeter Streets.

Originating Department

Administration – Sam A. Listi, City Manager

Background

In April 2020, P&ZC recommended and Council approved a number of Subdivision Ordinance amendments to simplify plat processing, clarify code requirements, and update the standards for legislative changes. Two items were deferred for later consideration, Perimeter Street Improvement Requirements and Sidewalk Standards. At that time, we proposed to present recommendations for consideration in September for Perimeter Streets, and in December for Sidewalks. This item is a public hearing on perimeter street improvement requirements.

Belton's Current Perimeter Street Requirement

Please see Section 502.01 Street Standards and Policy, H. Perimeter Streets attached. As you recall, the City's current standard requires the following:

- Right of Way (ROW) Dedication in conformance with the Thoroughfare Plan;
- One-half the cost of paving (up to 18.5' width of a 37' collector street) for street and curb and gutter for street adjacent to subdivision;
- Requirement may be varied by Council based upon:
 - Affordable housing; and
 - Any development 3 acres or less in size.
- Requirement may be waived by staff for a plat that qualifies for administrative approval, given:
 - Limited development potential;
 - Amount of traffic; and
 - Current condition of unimproved streets under consideration.
- Requirement may be postponed by Council if determined improvement not feasible or desirable at this time, with posting of a bond or development agreement by developer.

Legal Question Raised About Belton's Requirement

There have been questions raised about the legality of Belton's ordinance on Perimeter Streets principally in its fairness as written. The objective is clear – a contribution to enhance the City's

Exhibit F

street system to support additional proposed adjacent development. Its application has been open to debate, given factors such as physical orientation of the property to the identified street and actual impact of the development to the street system. Variances have been requested and granted often, and development agreements have been used and remain available for negotiated settlements. While the current Belton standard is valid in establishing a legitimate responsibility for sharing the impact of development on an adjoining street, it could be improved by including language from court cases and Texas Local Government Code (LGC), reflecting the “fairness” test. The “fairness” test includes a two-part test:

- a) Nexus - the standard applied must have a meaningful relationship to the proposed development; and
- b) Rough Proportionality - the standard applied must be roughly proportionate to the proposed development as approved by a professional engineer retained by the municipality.

The “fairness” test attempts to balance and link, as closely as possible, the new development impact with the anticipated contribution by the developer.

Possible Alternate Approaches

1. Establish Transportation Impact Fee Ordinance to determine basis for improvements.

- a. One approach the City could pursue is the development of Transportation Impact Fees. Following a likely \$100,000± extensive City-wide consultant study, as well as twelve months of analysis, and the development of complex elements of current and future traffic demands, a development permit fee is established allocating projected cost impacts to each type of development on the adjoining street system.

Elements of an Impact Fee Analysis:

- | | |
|----------------------------|------------------------------------|
| • Land Use Assumptions | • Development of a Roadway CIP |
| • Impact Fee Service Zones | • Define Maximum Cost Per Unit |
| • Roadway Inventory | • Land Use Equivalency Table (LUE) |

While this is perhaps the most equitable approach, it is important for the City Council to determine if Transportation Impact Fees are appropriate for the community. If not, and if there is still a need for some development-induced and funded transportation system improvements, it is important to find a way to establish a reasonable approach that fairly allocates the impact when appropriate.

2. Establish “trigger” for Transportation Impact Analysis (TIA) as basis for improvements.

- a. An effective and objective way to quantify the proportional impact of a proposed development on an adjoining street system prior to development is through a Traffic Impact Analysis, a TIA. Yet, a TIA may cost in the \$10,000 - \$20,000 range, and it is important to determine when a TIA is needed and triggered – in other words, at what scale of development is this cost justified? The determination would focus on the appropriate scale of development.

Exhibit F

3. Retain and amend current Subdivision Ordinance and emphasize negotiation on needed improvements to match development impacts.

Analysis

After extensive review of area ordinances, discussion with experts across the state, and a Stakeholders Meeting held on September 1, 2020, we are recommending Alternate 3 above, as presented in the attachment for numerous reasons.

1. Impact Fees do not seem appropriate, timely, or an affordable process for the community at this time, and would discourage development.
2. The TIA “trigger” seemed to have promise, but establishing a reasonable and usable standard proved problematic. It could also be seen as a potential discouragement to development.
3. Amending the Subdivision Ordinance seems the most reasonable approach, since it will preserve the sound elements it currently contains, while we address its shortcomings, namely nexus and proportionality. Some key aspects of the proposal:
 - Maintains the recognition there is an obligation for development to address impacts of a development on an adjacent street.
 - Retains the current ROW/improvement standards for perimeter streets, while establishing nexus and rough proportionality.
 - Existing provisions for a variance, waiver, deferral of standards are retained.
 - TIA may be required if a significant development scale proposed, but it is not mandatory.
 - Alternative traffic study to a TIA is available as well.
 - Emphasis is placed on negotiated agreement for needed improvements resulting from development.
 - Appeal process established.

Recommendation

Recommend P&ZC conduct public hearing on Subdivision Ordinance amendment and forward a recommendation to the City Council.

Attachments:

Current Section 502 Street Standards and Policies, Section H, Perimeter Streets
Proposed Amendment, Section 502 Street Standards and Policies, Section H, Perimeter Streets