



CITY OF BELTON

Planning & Zoning Commission Meeting
Tuesday, April 18, 2023 - 5:30 p.m.
Harris Community Center
401 N. Alexander, Belton, Texas

AGENDA

1. Call to order.
 - a. Invocation
 - b. Pledge of Allegiance

2. Public comments.

Citizens who desire to address the Commission on any matter, not on the agenda, may do so during this item. Please state your name and address for the record and limit your comments to three minutes. Please understand while the commission appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda.

3. Consider the minutes of March 21, 2023, regular meeting.
4. Z-23-09 Hold a public hearing and consider a zoning change from Agricultural (A) and Single Family-1 (SF-1) Residential District to Light Industrial on approximately 51.341 acres located at 849 Elm Grove Spur, at the southeast intersection of Elm Grove Spur and Capitol Way.
5. Z-23-10 - Hold a public hearing and consider a zoning change from Agricultural to Commercial-2 District on an approximately 0.898-acre property located at 7272 Rattlesnake Trail, south of Interstate 14 and east of Simmons Road.
6. P-23-02 – Consider a Final Plat for Traditional Industrial, comprising 27.560 acres, located on Interstate 14 and Digby Drive.
7. Hold a public hearing and consider an amendment to Section 49.8(D) relating to the three-fourths vote requirements.
8. Receive a report on Administrative Plat Approvals.

If interpreter services for the deaf or hearing impaired are required, please contact the City Clerk at (254) 933-5817 at least 48 hours in advance.

Minutes of the
Planning and Zoning Commission (P&ZC)
City of Belton
Tuesday, March 21, 2023

The Planning and Zoning Commission met at 5:30 p.m. at the Harris Community Center, 401 North Alexander Street. Commission members who were present: Chair Brett Baggerly, Vice Chair Dave Covington, Nichole Fischer, Zachary Krueger, Quinton Locklin, Joshua Knowles, and Luke Potts. The following members were absent: Alton McCallum and David Jarratt. The following staff members were present: Director of Planning Bob van Til, Planner Tina Moore, Planning Administrator Melinda Brice, and IT Director Chris Brown.

1. Call To Order.

Chair Brett Baggerly called the meeting to order at 5:37 p.m.

Invocation – Commission Member Zachary Krueger gave the Invocation.

Pledge of Allegiance – Chair Brett Baggerly led the Pledge.

2. Public comments. *(Audio not started)*

There were no public comments.

3. Consider approval of minutes from the previous meeting. *(Audio not started)*

Commission Member Zachary Krueger motioned to approve minutes from February 21, 2023, meeting, seconded by Commission Member Dave Covington. The motion passed with 7 ayes and 0 nays.

4. Z-23-06 – Hold a public hearing and consider a zoning change from Agricultural to Single Family-1 Residential for approximately 0.792 acres located at 1582 190 Lane, generally located south of Interstate 14 and west of 190 Lane. *(Audio 0:12)*

City Planner Ms. Moore presented the staff report.

Chair Brett Baggerly opened the public hearing.

With no public input, the public hearing was closed.

Commission Member Dave Covington made a motion to approve Z-23-06 as presented. The motion was seconded by Commission Member Nicole Fischer. The motion passed with 7 ayes and 0 nays.

5. P-22-37- Consider a final plat for Hubbard Branch Phase I Section II, comprising 50.25 acres, located north of Holland Road /FM 436, east of OT Tyler Drive, and west of Leon Overlook Trail. *(Audio 2:04)*

City Planner Ms. Moore presented the staff report.

City Planner Ms. Moore answered questions from the commission members.

Commission Member Luke Potts made a motion to approve P-22-37 as presented. The motion was seconded by Commission Member Zachary Krueger. The motion passed with 7 ayes and 0 nays.

6. P-23-01 - Consider a final plat for BISD Hubbard Branch, comprising 15.992 acres, west of O.T. Tyler Drive, north of Holland Road. *(Audio 8:00)*

City Planner Ms. Moore presented the staff report.

City Planner Ms. Moore answered questions from the commission members.

Stephen Berry, BISD Director of Construction, spoke to commission members about the traffic concerns.

Commission Member Dave Covington made a motion to approve P-23-01 with the clarification of line 2 on the staff recommendation state "No Certificate of Occupancy will be issued until all the off-site improvements needed to serve the BISD site are substantially completed." Commission Member Luke Potts seconded the motion. The motion was approved with 7 ayes and 0 nays.

7. P-22-43 - Consider a final plat of Woodland Cottages Addition, comprising 9.4323 acres, located at River Fair Blvd, the southwest corner of River Fair Blvd and Trinity Drive. (Audio 18:08)

City Planner Ms. Moore presented the staff report.

City Planner Ms. Moore answered questions from the commission members.

Commission Member Dave Covington made a motion to approve P-22-43 as presented. Commission Member Quinton Locklin seconded the motion. The motion was approved with 7 ayes and 0 nays.

8. Hold a public hearing and consider an amendment to Section 49.8(D) relating to the three-fourths vote requirements. (Audio 23:19) *Postponed until April 18, 2023, meeting.*

Planning Director Bob van Til presented the amendment to Section 49.8(D) to the commission.

Chair Brett Baggerly opened the public hearing.

With no public input, the public hearing was closed.

Planning Director Bob van Til answered questions from the commission members.

Commission Member Zachary Krueger made a motion to postpone this item until April 18, 2023, meeting. Commission Member Luke Potts seconded the motion. The motion was approved with 7 ayes and 0 nays.

9. Receive a report on Administrative Plat Approvals. (Audio stopped)

City Planner Ms. Moore presented the list of administratively approved plats.

With no other city business, the Planning and Zoning Commission was adjourned at 6:30 p.m. (Audio ends at 49:46)

Chair, Planning and Zoning Commission

P&Z

Agenda Item #4

Z-23-09

Staff Report – Planning and Zoning Agenda Item



Date: April 18, 2023

Case No.: Z-23-09

Request: Agricultural and SF-1 to Light Industrial

Applicant/Owner: Belton Economic Development Corporation
BEDC/Joshua Pearson

Agenda Item #4

Z-23-09 Hold a public hearing and consider a zoning change from Agricultural (A) and Single Family-1 (SF-1) Residential District to Light Industrial on approximately 51.341 acres located at 849 Elm Grove Spur, at the southeast intersection of Elm Grove Spur and Capital Way.

Originating Department:

Planning Department – Tina Moore, Planner

Current Zoning: Agricultural District (Ag) and Single Family 1 (SF-1)

Proposed Zoning: Light Industrial (LI)

Proposed Uses: Light Industrial Developments

Future Land Use Map (FLUM) Designation:

The FLUM identifies this general area for low-density residential uses.

Design Standards Type Area NA:

This area was annexed after the adoption of the Design Standards in 2016 and does not have a projected growth type.

Background/Case Summary

This undeveloped property was annexed into the city limits in 2016 and zoned Agricultural (Ag) per the adopted annexation policy. Approximately 10 acres was rezoned to Single Family-1 Residential Zoning District, in March 2022 in anticipation of the Foxwood Ranch residential subdivision. The Foxwood Ranch Preliminary Plat was approved in May 2022. Several challenges are associated with this property: domestic water, fire protection, sewer service and topography, especially toward the southern portion of the property near the Lampasas River.

Currently, the Belton Economic Development Corporation is under contract to purchase the property for light industrial development. Although not reflected as industrial on FLUM, the proposed zoning will complement the existing light industrial and commercial zoning/uses west of the property. If approved, recommend that the FLUM be amended for this property, with the balance remaining agricultural, anticipating low-density residential

Project Analysis and Discussion

Existing Conditions:

The adjacent properties are zoned as follows:

<i>Direction</i>	<i>Zoning</i>	<i>Use</i>
North	Agricultural / Rural Bell County	Detached single-family home.
South	Agricultural	Undeveloped
East	Rural Bell County	Detached single-family homes / Ag. uses
West	Light Industrial, Commercial Highway, Commercial 1 and 2	USA Capitol, Frito Lays, Pro Star Rentals, RV Park

Allowable Land Uses: The proposed zoning change would allow the property to be used for light industrial uses including research offices, product manufacturers, trucking/warehouse storage yards, and other uses permitted in the Light Industrial District.

Area & Setback Requirements: The subject property exceeds the minimum area requirement for the LI zoning district which includes a minimum lot size of 7,200 SF, a minimum lot width of 60', and a minimum lot depth of 100'.

Water

The City recently installed a water line adjacent to this property in Capitol Way. However, this property is in the Armstrong Water Supply Corporation (Armstrong WSC) Certificate of Convenience (CCN).

Fire Protection

The BEDC is planning to extend fire protection service into the property from the City of Belton's water system since Armstrong WSC does not have the ability to provide fire protection. This will require approval from the Armstrong WSC.

Wastewater

The City also recently installed a wastewater line adjacent to this property. However, sewer capacity for this proposed use is a concern. A wastewater flow monitoring study is underway

to determine the available capacity. Depending on the results of the study, the applicant will have the option to connect to the sewer or install an on-site sewage facility.

Streets: With the submittal of a subdivision plat, the applicant will be required to dedicate right of way (ROW) for Elm Grove Road, Capital Way, and future Shanklin Rd.

Elm Grove Rd. is a local road and requires 50-feet of ROW. During the platting process, the development will be required to dedicate their portion of the right of way, estimated at five feet.

Capital Way will also require a ROW dedication and perimeter street improvements. Capital Way is classified as a major collector, which requires 80' of ROW, with 40 feet required from this tract.

Future Shanklin Rd. will also require a ROW dedication. However, perimeter improvements may be deferred or the cost of one-half of the construction escrowed. Shanklin Rd. is classified as a Major Arterial and requires 120 feet of ROW. The development will be required to dedicate 60-feet of ROW.

Future Mesquite Rd. is shown on the Thoroughfare Plan to extend east from IH 35 to Capital Way and then further east to future Shanklin. The Mesquite alignment was reanalyzed, and the analysis determined that the thoroughfare should extend east from IH35 and end at Capital Way, and only future Shanklin should be extended to the east. We recommend that the Thoroughfare Plan be amended to delete the Mesquite Rd extension between Capital Way and the east property line.

Recommendation:

Recommend approval of the requested zoning change from Agricultural (A) and Single Family-1 (SF-1) Residential District to Light Industrial.

1. The development must conform to all applicable standards of the Light Industrial Zoning Districts.
2. The development of the property shall conform to all applicable Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards
 - b. Landscape Design Standards
 - c. Tree Protection, Preservation, and Mitigation Standards.
3. A subdivision plat in accordance with the adopted Subdivision Ordinance is required.
4. Civil site plans and building plans in compliance with adopted standards are required.

Attachments

Zoning application

Property Location Map

Zoning map

Aerial

Map with zoning notice boundary (200')

Zoning notice to owners, Property owner list

ZONING CHANGE APPLICATION

Fee: \$300.00



Date received:	
APPLICANT NAME: Belton Economic Development Corporation	
EMAIL: chernandez@beltonedc.org	PHONE NUMBER: 254-831-6960
MAILING ADDRESS: P.O. Box 1388	
PROPERTY OWNER NAME: Joshua Pearson	
EMAIL: jpearson@bellcountylawyer.com	PHONE NUMBER: 254-939-3995
MAILING ADDRESS: 80 Morgan's Point Rd, Suite 103, Belton, Texas 76513	

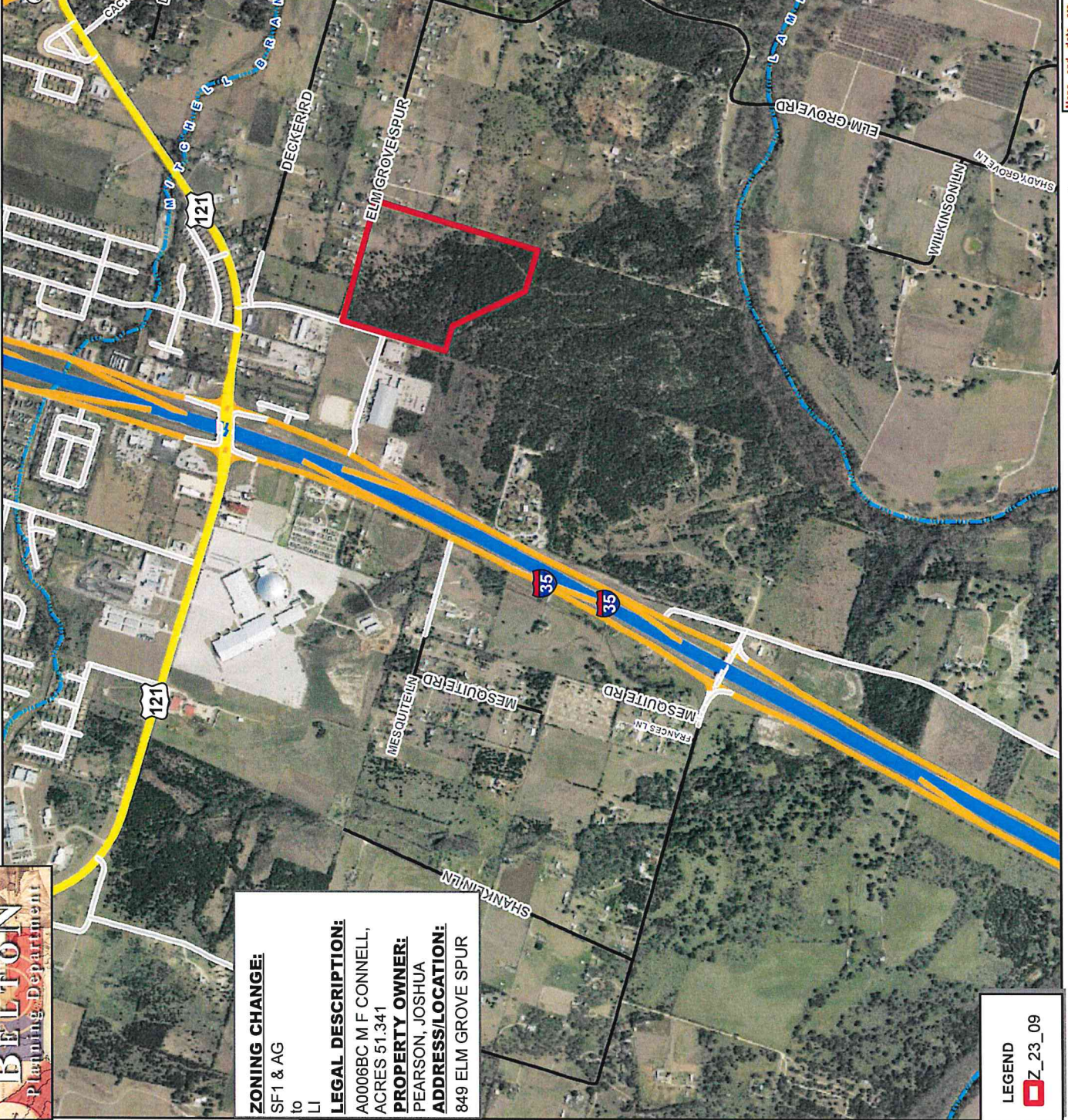
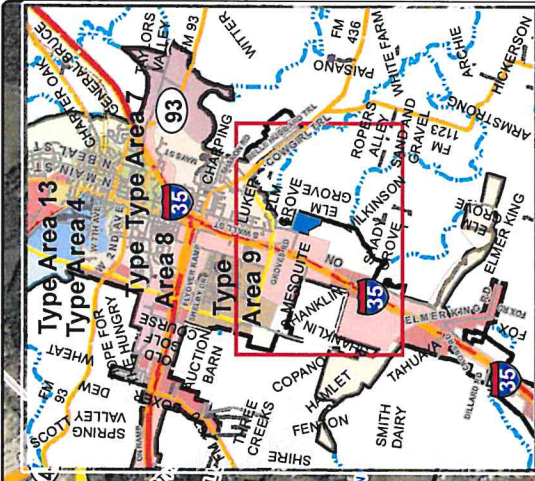
Proposed Use of Structures (building) and Property (exterior property): Light Industrial
Current Use: Agricultural
LOCATION/STREET ADDRESS OF PROPERTY TO BE REZONED: 849 Elm Grove Spur
Legal Description of Property: Abstract Survey A0006BC M F Connell, Approximately 51.341 acres out of 153.837
Lot(s): _____ Block(s): _____ of Subdivision _____
Existing Zoning: SF-1 and A Proposed Zoning: LI

Signature of Applicant: Cynthia Hernandez Date: 3/15/2023

Signature of Owner (if not applicant): [Signature] Date: 03/14/2023

City of Belton Planning Department
333 Water Street ★ Belton, Texas 76513 ★ Phone (254) 933-5812 ★ Fax (254) 933-5822

Zoning Case # Z-23-09_Location



ZONING CHANGE:

SF1 & AG

to

LI

LEGAL DESCRIPTION:

A0006BC M F CONNELL,
ACRES 51.341

PROPERTY OWNER:

PEARSON, JOSHUA

ADDRESS/LOCATION:

849 ELM GROVE SPUR

LEGEND

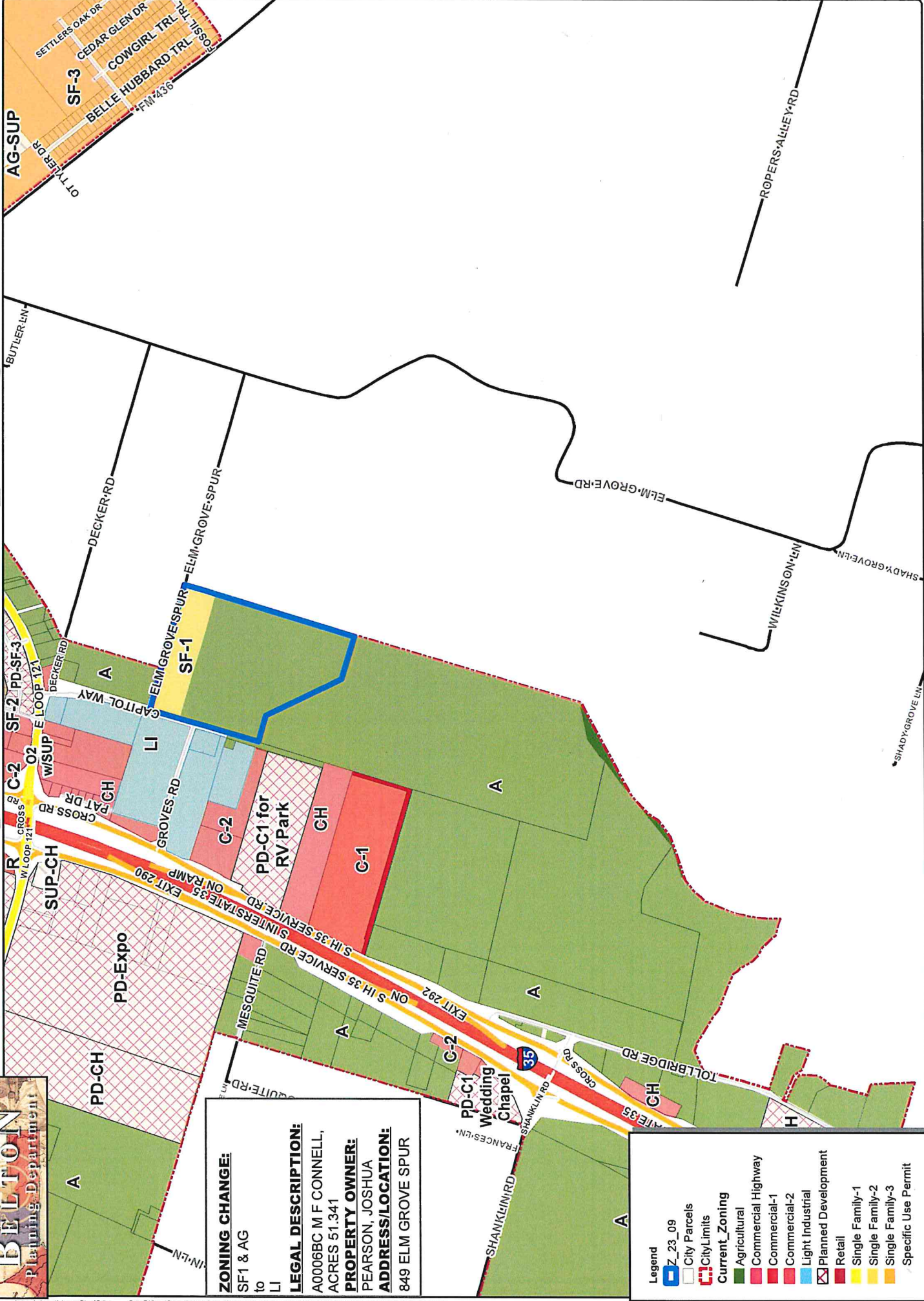
Z_23_09

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.



Map Date: 4/6/2023

Zoning Case # Z-23-09_Zoning



ZONING CHANGE:
SF1 & AG
to
LI

LEGAL DESCRIPTION:
A0006BC M F CONNELL,
ACRES 51.341

PROPERTY OWNER:
PEARSON, JOSHUA

ADDRESS/LOCATION:
849 ELM GROVE SPUR

- Legend**
- Z_23_09
 - City Parcels
 - City Limits
 - Current_Zoning
 - Agricultural
 - Commercial Highway
 - Commercial-1
 - Commercial-2
 - Light Industrial
 - Planned Development
 - Retail
 - Single Family-1
 - Single Family-2
 - Single Family-3
 - Specific Use Permit

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Map Date: 4/6/2023

Zoning Case # Z-23-09_Aerial



ZONING CHANGE:
SF1 & AG
to
LI

LEGAL DESCRIPTION:
A0006BC M F CONNELL,
ACRES 51.341

PROPERTY OWNER:
PEARSON, JOSHUA

ADDRESS/LOCATION:
849 ELM GROVE SPUR

LEGEND
 Z-23-09

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Map Date: 4/6/2023

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

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: BELTON ECONOMIC DEVELOPMENT CORPORATION,
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 849 ELM GROVE SPUR – SOUTHEAST INTERSECTION OF CAPITOL
WAY AND ELM GROVE SPUR,
FROM A(N) AGRICULTURAL (AG) AND SINGLE FAMILY-1 RESIDENTIAL DISTRICT ZONING DISTRICT,
TO A(N) LIGHT INDUSTRIAL ZONING DISTRICT,
TO ALLOW FOR LIGHT INDUSTRIAL DEVELOPMENTS (SEE ATTACHED USES).

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 18, 2023**, 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 25, 2023**, AT THE T. B. HARRIS COMMUNITY CENTER, 401 ALEXANDER STREET, BELTON, TEXAS.

YOU ARE RECEIVING THIS NOTICE BECAUSE YOU RESIDE WITHIN 200' OF THE PROPOSED ZONING CHANGE. PER STATE LAW, THE CITY IS REQUIRED TO NOTIFY YOU OF THE REQUESTED ZONING CHANGE. AS AN INTERESTED PROPERTY OWNER, THE CITY OF BELTON INVITES YOU TO MAKE YOUR VIEWS KNOWN REGARDING THIS ZONING CHANGE. YOU MAY SUBMIT WRITTEN COMMENTS BY COMPLETING THIS FORM AND RETURNING IT TO **P.O. Box 120, BELTON, TX 76513** OR VIA EMAIL TO PLANNING@BELTONTXAS.GOV, PRIOR TO 1:00 P.M. ON APRIL 25, 2023.

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. _____

(ADDITIONAL COMMENTS MAY BE ADDED ON A SEPARATE SHEET OF PAPER)

SIGNATURE OF PROPERTY OWNER: _____ DATE: _____
ADDRESS: _____

NOTARIZATION

STATE OF TEXAS

COUNTY OF BELL

THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 202__, BY (NAME OF PROPERTY OWNER) _____

(NOTARY SEAL)

NOTARY PUBLIC, STATE OF TEXAS

16973 MARQUEZ, JUAN PABLO 756 ELM GROVE SPUR BELTON, TX 76513-7433	21856 GROTE, GERALD & CHERYL A 2608 N MAIN B-294 BELTON, TX 76513	21858 KAELJO PROPERTIES LLC 80 MORGANS POINT RD STE 101 BELTON, TX 76513
28449 DECKER, DAVID 205 DECKER RD BELTON, TX 76513-4625	29619 DKOTA INVESTMENTS INC 4848 LEMMON AVE STE 116-182 DALLAS, TX 75209	32172 EATON, JOANN 684 ELM GROVE SPUR BELTON, TX 76513-7439
38020 FRENCH, CRYSTAL LYN 870 ELM GROVE SPUR BELTON, TX 76513	39692 GARWOOD, ROBERT & MARIAN REVOCABLE TRUST 1017 ELM GROVE SPUR BELTON, TX 76513-7442	101155 JONES, CHERYL R 720 ELM GROVE SPUR BELTON, TX 76513-7433
122282 COKER, KERRY R ETUX JULIE K 700 ELM GROVE SPUR BELTON, TX 76513-7433	150743 REINFORCING STEEL SUPPLY INC 13730 AVENUE K AUSTIN, TX 78728-7603	232271 FRIAS, ELIAS R ETUX MARTHA V 572 ELM GROVE SPUR BELTON, TX 76513-7449
232272 JIMENEZ, ALBERTO & HORTENCIA JIMENEZ 600 ELM GROVE SPUR BELTON, TX 76513-7439	448631 ARMSTRONG WATER SUPPLY CORP PO BOX 155 HOLLAND, TX 76534-0155	481860 DRAKE PROSTAR BELTON LLC 11621 COUNTY ROAD 166 TYLER, TX 75703-7492
481909 CITY OF BELTON PO BOX 120 BELTON, TX 76513-0120	486277 BELTON LAND LLC 6700 BRIDGE HILL CV AUSTIN, TX 78746	486282 BELL COUNTY JOINT VENTURE 1010 5TH AVE NEW YORK, NY 10028-0130
486283 CITY OF BELTON PO BOX 120 BELTON, TX 76513-0120	58426 GREENWOODS ESTATES ELM GROVE HOLDINGS LLC 5722 CIVETTA CT FRISCO, TX 75035	489830 CSC GROUP L P 209 GROVE RD BELTON, TX 76513

Zoning Case # Z-23-09

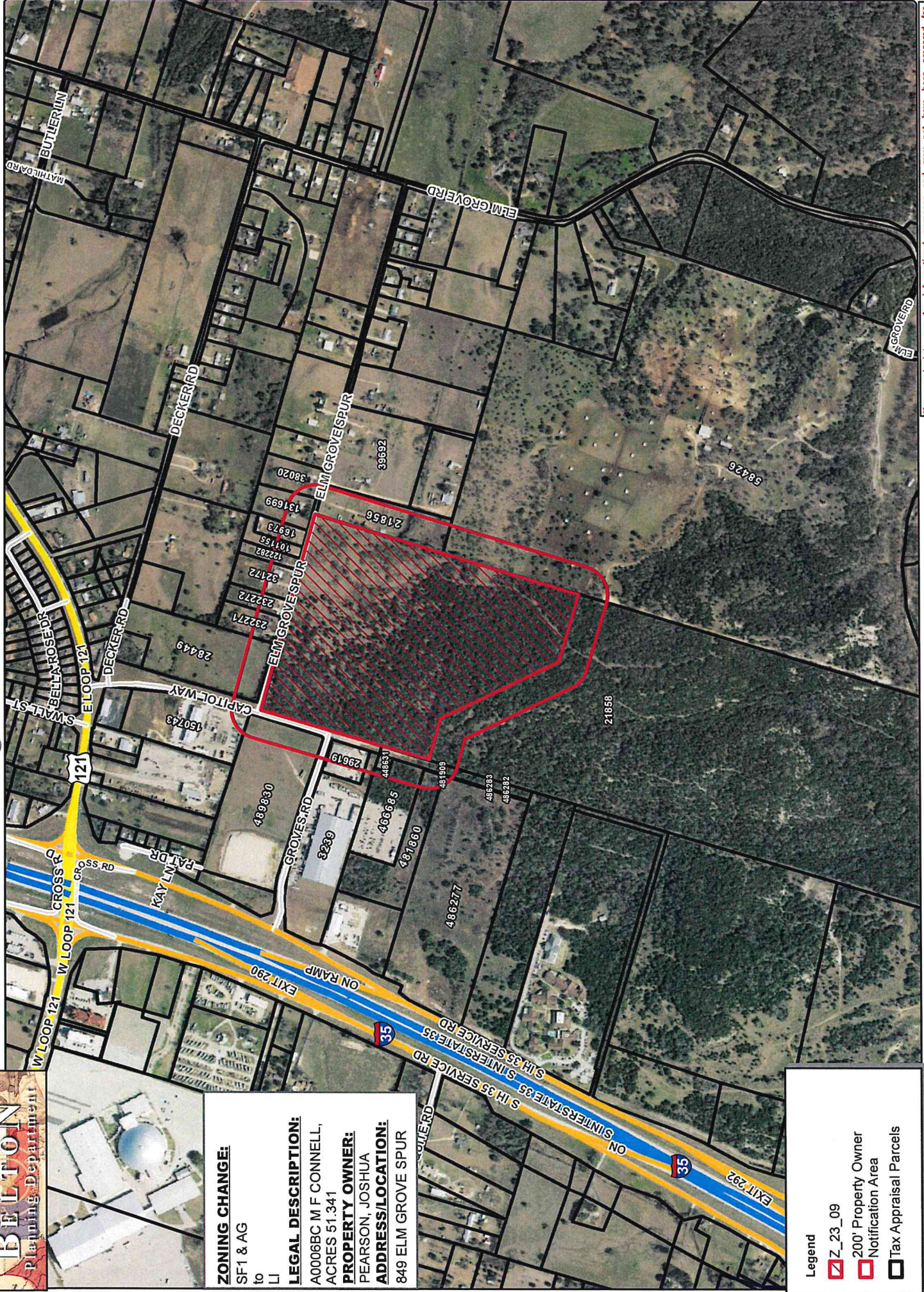


ZONING CHANGE:
SF1 & AG
to
LI

LEGAL DESCRIPTION:
A0006BC M F CONNELL,
ACRES 51.341

PROPERTY OWNER:
PEARSON, JOSHUA

ADDRESS/LOCATION:
849 ELM GROVE SPUR



- Legend**
- Z_23_09
 - 200' Property Owner Notification Area
 - Tax Appraisal Parcels

P&Z

Agenda Item #5

Z-23-10

Staff Report – City Council Agenda Item



Date: April 18, 2023
Case No.: Z-23-10
Request: Agricultural to C-2
Applicant/Owner: MWS Holdings Series 1, LLC.
DBA Mount Storage

Agenda Item #5

Z-23-10 - Hold a public hearing and consider a zoning change from Agricultural to Commercial-2 District on approximately 0.898-acres located at 7272 Rattlesnake Trail, south of Interstate 14 and east of Simmons Road.

Originating Department

Planning Department – Tina Moore, Planner

Current Zoning: Agricultural District (A)

Proposed Zoning: Commercial Two (C-2) District

Existing/ Proposed Uses: Mini-Storage Facility

Future Land Use Map (FLUM) Designation:

The FLUM identifies this general area as a Commercial Corridor.

Design Standards Type Area 4:

The projected growth for Type Area 4 is primarily commercial, retail, and neighborhood service uses with higher design standards as they are gateways to other areas.

Background/Case Summary

The site currently has a warehouse/mini storage facility with outside storage for boats and recreational vehicles on it.

This rezoning request provides an appropriate zoning district for the current use of the property.

This property and the surrounding area were annexed in January 2009 and zoned Agricultural per the adopted annexation policy. According to BellCad, the existing warehouse structures were constructed in 2010. The City has no record of a building permit for the

existing structures, but an electrical permit was issued for a temporary power pole for this address. The structures may have been under construction when the property was being annexed.

The existing structures are considered non-conforming. They do not meet the current setbacks, parking, and design standards. As a non-conforming structure normal repairs and maintenance are permitted. However, future expansions will have to comply with adopted City standards. Additionally, in case of a natural disaster or a fire that destroys more than 60% of the reasonable value of the property, replacement structures will need to comply with the adopted standards. If the destruction is less than 60% of the value of the property, reconstruction is allowed but the size cannot be expanded. However, the requested rezoning will assist the owner with possible future improvements to the property.

Project Analysis and Discussion

Existing Conditions: The surrounding uses are:

<i>Direction</i>	<i>Zoning</i>	<i>Use</i>
North	Agricultural	Detached single-family home.
South	Agricultural	Detached single-family home
East	Agricultural	Detached single-family home
West	Agricultural	Detached single-family home

Allowable Land Uses: The proposed zoning change would allow for the existing mini-storage facility and outdoor storage of boats and recreational vehicles, and other C-2 related activities.

Area & Setback Requirements: The subject lot exceeds the minimum area requirement for the C-2 District, which requires a minimum lot size of 5,000 SF, a minimum width of 50', and a minimum depth of 100'. This lot is over 39,000 SF and meets the minimum area requirements. However, the existing buildings do not meet the required setbacks.

Water and Wastewater:

This property is within the Dog Ridge Water Supply Corporation Certificate of Convenience (CCN) service area. There are also no City sewer lines nearby. There is also no fire protection at this location. According to the owner, wet utilities are not necessary for their current operation. For future expansion, the applicant will need to provide fire protection to the site. Should wastewater be needed in the future, the applicant will be required to obtain approval from the Bell County Public Health Department to install an on-site septic system.

Rattlesnake Trail

This property is accessed via Rattlesnake Trail, which is a privately maintained gravel road.

Recommendation

Recommend approval of the requested zoning change from Agricultural District to Commercial-2 District for the property located at 7272 Rattlesnake Road.

1. The use of this property shall conform to the Commercial-2 District in all respects.
2. The development of the property shall conform to all applicable Type Area 4 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards
 - b. Landscape Design Standards
 - c. Tree Protection, Preservation, and Mitigation Standards.
3. A subdivision plat will be required for future additions.

Attachments

Zoning application

Property Location Map

Zoning map

Aerial

Map with zoning notice boundary (200')

Zoning notice to owners

Property owner list



ZONING CHANGE APPLICATION

Fee: \$300.00

Date received:	
APPLICANT NAME: Kammie Marshall / Mount Storage	
EMAIL: KMarshall@OlivosGroup.com	PHONE NUMBER: 512-878-3940
MAILING ADDRESS: PO BOX 162624 Austin, TX 78716	
PROPERTY OWNER NAME: MWS Holding Series 1, LLC DBA Mount Storage	
EMAIL: Same as above	PHONE NUMBER: Same as above
MAILING ADDRESS: Same as above	

Proposed Use of Structures (building) and Property (exterior property): Storage
Current Use: Storage
LOCATION/STREET ADDRESS OF PROPERTY TO BE REZONED: 7272 Rattlesnake Trail, Belton, TX 76513
Legal Description of Property: Abstract Survey John Beal Survey Abstract 70
Lot(s): _____ Block(s): _____ of Subdivision _____
Existing Zoning: <u>A- Agricultural District</u> Proposed Zoning: <u>C-1 Commercial District 1</u>

Signature of Applicant:

Kammie Marshall

Date:

3/16/2023

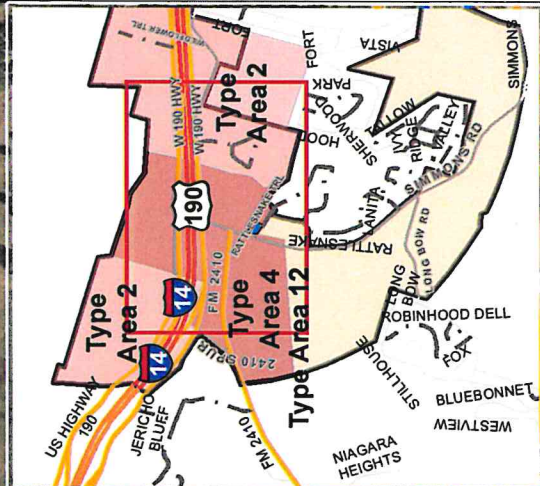
Signature of Owner (if not applicant):

Date:

City of Belton Planning Department

333 Water Street ★ Belton, Texas 76513 ★ Phone (254) 933-5812 ★ Fax (254) 933-5822

Zoning Case # Z-23-10_Location



ZONING CHANGE:

AG
to
C-1

LEGAL DESCRIPTION:

A0070BC J BEAL, 61,
ACRES 0.898

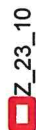
PROPERTY OWNER:

MARSHALL, KAMMIE

ADDRESS/LOCATION:

7272 RATTLESNAKE TRAIL

LEGEND



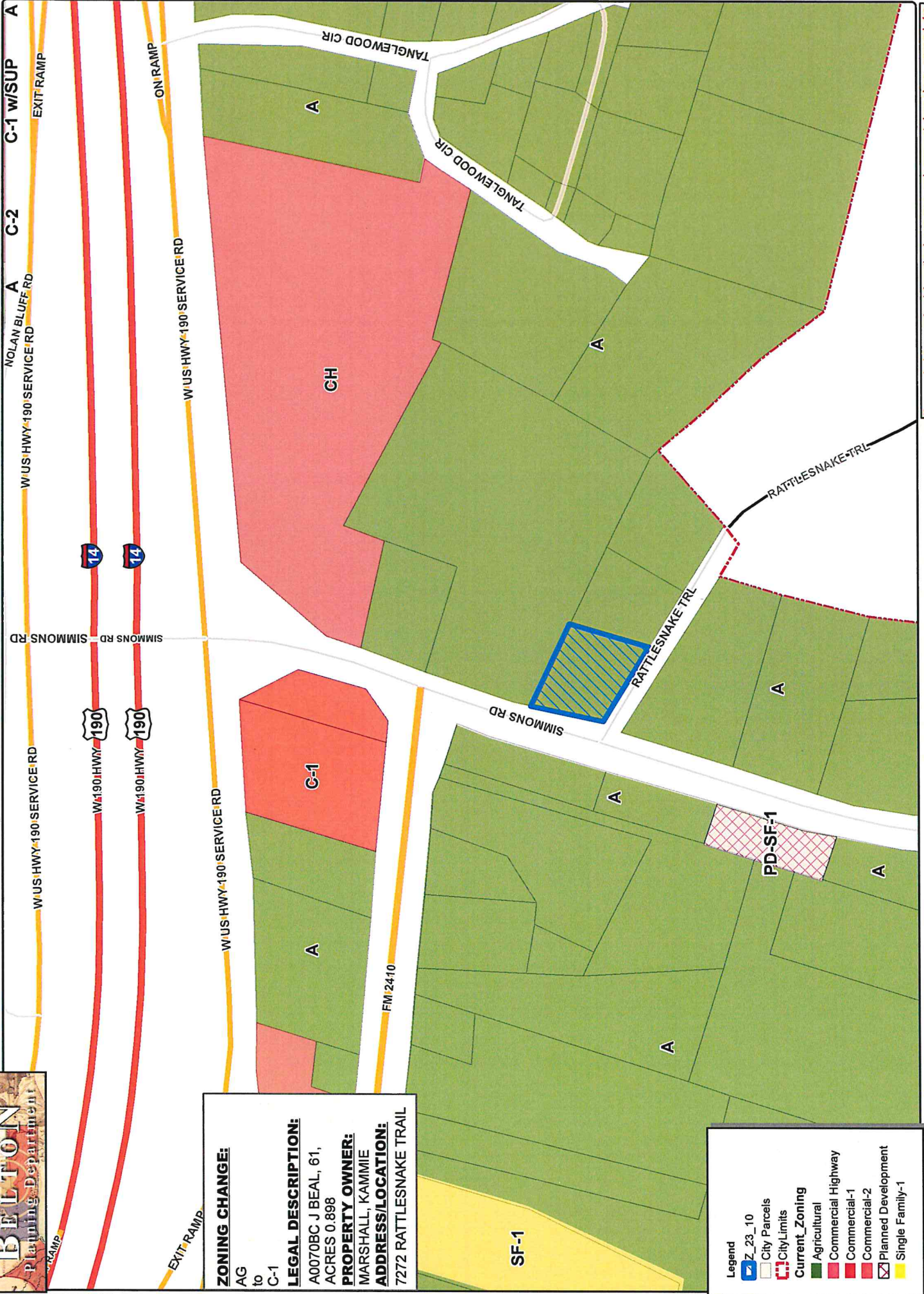
Map Date: 3/17/2023

0 300 600 Feet



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Zoning Case # Z-23-10_Zoning



ZONING CHANGE:
AG to C-1

LEGAL DESCRIPTION:
A0070BC J BEAL, 61, ACRES 0.898

PROPERTY OWNER:
MARSHALL, KAMMIE

ADDRESS/LOCATION:
7272 RATTLESNAKE TRAIL

Legend

- Z_23_10
- City Parcels
- City Limits
- Current Zoning
- Agricultural
- Commercial Highway
- Commercial-1
- Commercial-2
- Planned Development
- Single Family-1

Zoning Case # Z-23-10_Aerial



ZONING CHANGE:

AG
to
C-1

LEGAL DESCRIPTION:

A0070BC J BEAL, 61,
ACRES 0.898

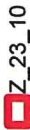
PROPERTY OWNER:

MARSHALL, KAMMIE

ADDRESS/LOCATION:

7272 RATTLESNAKE TRAIL

LEGEND



Map Date: 3/17/2023



0 50 100 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: MOUNT STORAGE (MWS HOLDING SERIES 1, LLC),
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 7272 RATTLESNAKE TRAIL,
FROM A(N) AGRICULTURAL (AG) ZONING DISTRICT,
TO A(N) COMMERCIAL-2 ZONING DISTRICT,
TO ALLOW FOR THE CURRENT USE AS A LIMITED WAREHOUSE/MINI-STORAGE AND OUTDOOR STORAGE.

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 18, 2023**, 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 25, 2023**, AT THE T. B. HARRIS COMMUNITY CENTER, 401 ALEXANDER STREET, BELTON, TEXAS.

YOU ARE RECEIVING THIS NOTICE BECAUSE YOU RESIDE WITHIN 200' OF THE PROPOSED ZONING CHANGE. PER STATE LAW, THE CITY IS REQUIRED TO NOTIFY YOU OF THE REQUESTED ZONING CHANGE. AS AN INTERESTED PROPERTY OWNER, THE CITY OF BELTON INVITES YOU TO MAKE YOUR VIEWS KNOWN REGARDING THIS ZONING CHANGE. YOU MAY SUBMIT WRITTEN COMMENTS BY COMPLETING THIS FORM AND RETURNING IT TO **P.O. Box 120, BELTON, TX 76513**, OR VIA EMAIL TO PLANNING@BELTONTXAS.GOV, PRIOR TO 1:00 P.M. ON APRIL 25, 2023.

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. _____

(ADDITIONAL COMMENTS MAY BE ADDED ON A SEPARATE SHEET OF PAPER)

SIGNATURE OF PROPERTY OWNER: _____ DATE: _____
ADDRESS: _____

NOTARIZATION

STATE OF TEXAS

COUNTY OF BELL

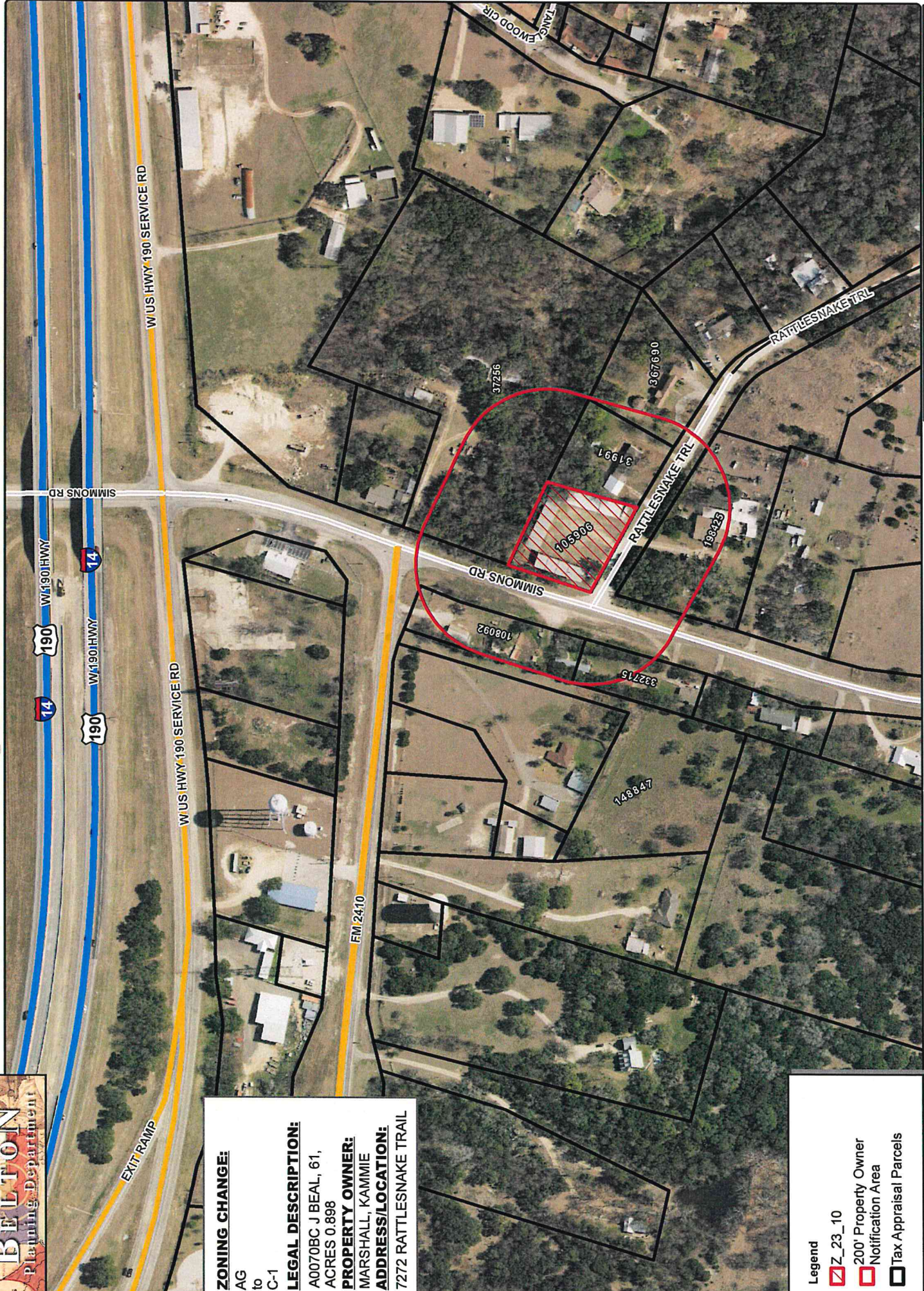
THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 202__, BY (NAME OF PROPERTY OWNER) _____

(NOTARY SEAL)

NOTARY PUBLIC, STATE OF TEXAS



Zoning Case # Z-23-10



ZONING CHANGE:
AG
to
C-1

LEGAL DESCRIPTION:
A0070BC J BEAL, 61,
ACRES 0.898

PROPERTY OWNER:
MARSHALL, KAMMIE

ADDRESS/LOCATION:
7272 RATTLESNAKE TRAIL

- Legend**
- ☒ Z_23_10
 - ☐ 200' Property Owner Notification Area
 - ☐ Tax Appraisal Parcels

31991

JEWELL, BRANDY

7228 RATTLESNAKE TRL

BELTON, TX 76513

108092

LOS CHICOS SOCIEDAD ANONYMA LLC-SERIES J

PO BOX 2

NOLANVILLE, TX 76559-0002

367690

JIMENEZ, LEONARDO

3740 CEDAR COVE SPUR

BELTON, TX 76513

37256

FOSTER, STEPHEN K ETUX SUDIE

2805 SIMMONS RD

BELTON, TX 76513-7890

148847

ROVETTO, JOHN MARTIN

3076 SIMMONS RD

BELTON, TX 76513

105906

MWS HOLDINGS SERIES I LLC

5766 BALCONES DR STE 204

AUSTIN, TX 78731

332715

AYRES, JAMES A

2922 SIMMONS RD

BELTON, TX 76513-7888

P&Z

Agenda Item #6

P-23-02



Staff Report – Planning & Zoning Item

Date: April 23, 2023
Case No.: P-23-02
Request: Final Plat
Applicant: Clayton Strolle
Owner/Developer: Belton Economic
Development Corporation

Agenda Item #6

P-23-02 - Consider a final plat for Tradition Industrial, comprising 27.560 acres, located on Interstate 14 and Digby Drive.

Originating Department

Planning – Tina Moore, Planner

Case Summary

This final plat proposes one block and three lots for industrial/warehouse development.

Project Analysis and Discussion

This property was rezoned to Planned Development Light Industrial in October 2022. The owners plan to build four warehouses on the property. Light Industrial District requires a minimum lot size of 7,200 square feet with a width of 60 feet and a depth of 100 feet. The proposed lots exceed the area requirements.

Water: This property straddles both the City of Belton and Dog Ridge Water Supply Corporation's Certificate of Convenience and Necessity (CCN). Lots 1 and 2 are located within the City of Belton CCN, and lot 3 is in the Dog Ridge CCN. Domestic water will be provided by Dog Ridge; however, fire protection service will be provided by the City of Belton. A 12" water line is located on Digby Drive.

Sewer: This property is in Belton's Wastewater CCN. A 10" sewer line is available on Digby Drive. The applicant is required to extend a sewer line to the adjacent properties for future development.

Access: Access will be provided from Interstate 14 Frontage Road and from Digby Drive.

Streets: Interstate 14 is on the south side of the site and is a TxDOT facility. Digby Drive is on the north side of the site and is a minor collector roadway. It requires 60 feet of right of way

and 36 feet of pavement. Existing improvements are in place on both Interstate 14 Frontage Road and Digby Drive. No additional ROW or perimeter street improvements are needed.

Drainage: Topography and drainage have been reviewed by staff.

Sidewalks: A 6 feet wide sidewalk is required along Interstate 14 Frontage Road.

Parkland Dedication/Fee: Parkland fees are not required for commercial developments.

Recommendation

Recommend approval of the final plat of Traditional Industrial.

Attachments

1. Final Plat Application
2. Location Map
3. Final Plat



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

Application is hereby made to the City Council for the following:

- ☐ General Development Plan Review
- ☐ Preliminary Subdivision
- ☒ Final Subdivision
- ☐ Administrative Plat
- ☐ Replat

Fees due \$ _____

☐
☒

ETJ

Inside Belton City Limits

Date Received: 2/6/2023 Date Due: _____

(All plans are to be returned to the Planning Department according to the Plat Submission Calendar.)

Applicant: Clayton Strolle Phone: 512-485-0831

Address: 8701 N Mopac Expwy, Suite 320, Austin, Texas 78759

Email: clayton.strolle@westwoodps.com

Owner: _____ Phone: _____

Mailing Address: _____

Email Address: _____

Current Description of Property:

Lot: _____ Block: Part of 4 Subdivision: Belton Business Park Phase II

Acres: 27.560 Survey: Lewis Walker

Abstract #: 860 Street Address: _____

Frontage in Feet: 1900 Depth in Feet: 1095

Does Zoning comply with proposed use? Yes Current Zoning: LI

Name of proposed subdivision: Tradition Industrial

Number of Lots: 3 Fee: \$ _____

Signature of Applicant: _____ Date: 02/06/2023

Signature of Owner: _____ Date: _____

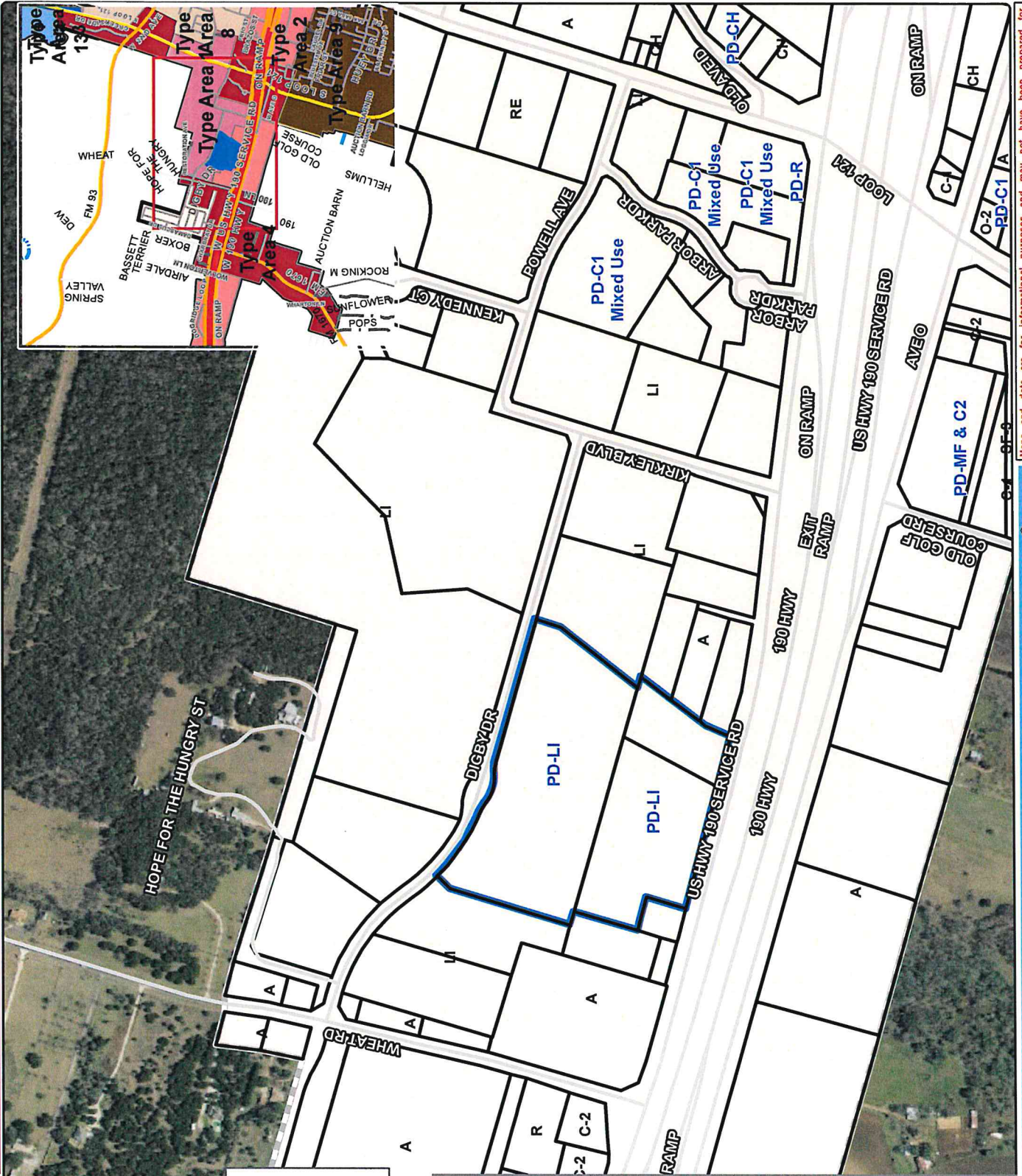
NOTE: Variances to code requirements may be considered by P&ZC and City Council.



P-23-02 LOCATION - TRADITION INDUSTRIAL

PROPOSED PLAT:
FINAL PLAT:
TRADITION INDUSTRIAL
27.560 ACRES
PROPERTY OWNER:
BELTON ECONOMIC
DEVELOPMENT CORPORATION

- LEGEND**
- Subdivisions**
- Status**
- Under Review
 - City Limits
- Zoning**
- Agricultural
 - Commercial Highway
 - Commercial-1
 - Commercial-2
 - Light Industrial
 - Mobile Home
 - Office-1
 - Office-2
 - Planned Development
 - Residential Estate
 - Retail
 - Single Family-1
 - Single Family-2
 - Single Family-3
 - Specific Use Permit





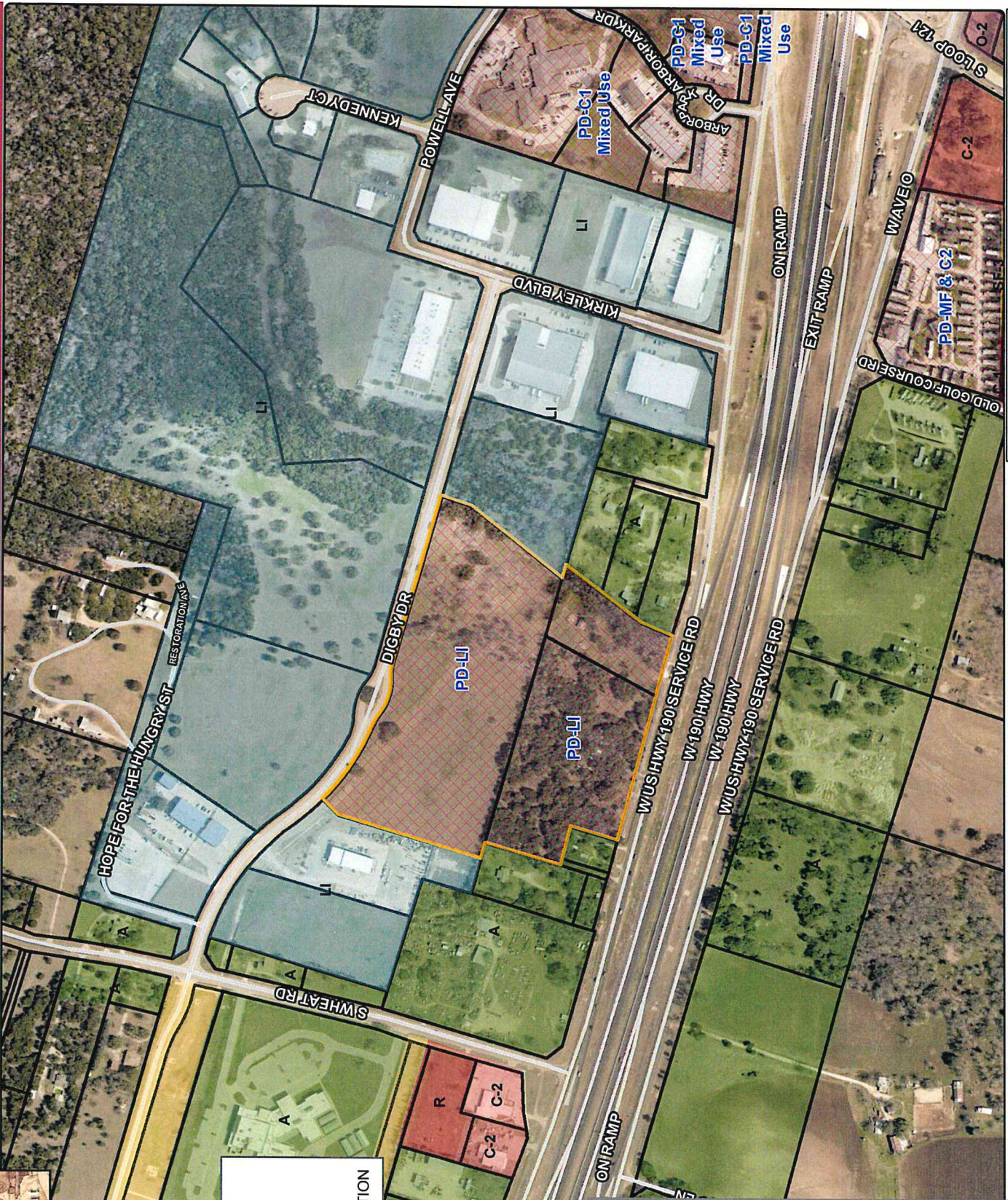
P-23-02 - TRADITION INDUSTRIAL

PROPOSED PLAT:
FINAL PLAT:
TRADITION INDUSTRIAL
27.560 ACRES
PROPERTY OWNER:
BELTON ECONOMIC
DEVELOPMENT CORPORATION

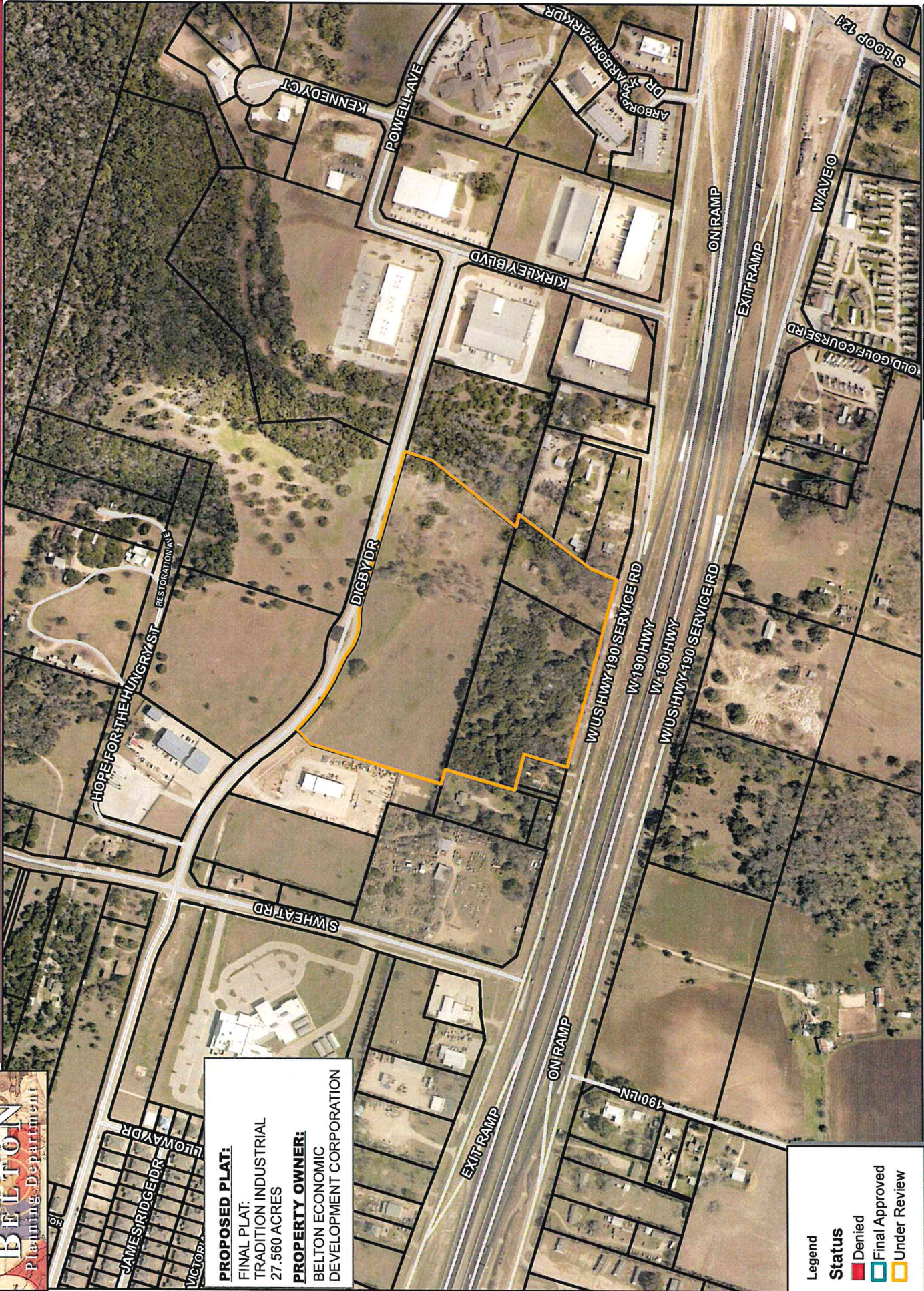
Legend

Current_Zoning
Agricultural
Commercial-1
Commercial-2
Light Industrial
Office-2
Planned Development
Retail
Single Family-1
Single Family-2
Single Family-3

Status
Denied
Final Approved
Under Review



P-23-02 - TRADITION INDUSTRIAL



PROPOSED PLAT:
FINAL PLAT:
TRADITION INDUSTRIAL
27.560 ACRES

PROPERTY OWNER:
BELTON ECONOMIC
DEVELOPMENT CORPORATION

Legend

Status

- Denied
- Final Approved
- Under Review

0 200 400 800 Feet

Map Date: 4/11/2023

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.

429.8' TO SOUTH R.O.W.
CALCULATED FROM PLAT

P&Z

Agenda Item #7

Proposed Text

Amendment to Zoning
Code Section 49.8(D)



Staff Report – Planning and Zoning Commission

Agenda Item #7

Conduct a public hearing and consider an amendment to the Zoning Ordinance regarding a super majority or three-fourths ($\frac{3}{4}$) vote of the Council required when a zone change is opposed by area property owners.

Originating Department

Planning – Bob van Til, Planning Director

Summary Information

This item was postponed at the March 21, 2023, meeting.

The purpose of this item is to consider amending Section 49.8 (D) of the Belton Zoning Ordinance. This section provides if a zoning case receives written protests by more than 20% of the property owners within 200-feet of the subject tract, a three-fourths ($\frac{3}{4}$) vote of the City Council (6) is required to approve the request.

Discussion

The amendment proposed would clarify that a letter from noticed property owners containing an objection to a rezoning request must be notarized.

State law requires that if property owners within 200-feet of a rezoning request file written objections to a rezoning request, the zoning request must be approved with at least a three-fourths ($\frac{3}{4}$), or super majority vote of the Council. (see Local Government Code, Section 211.006 Municipal Zoning Authority attached).

In Belton, a three-fourths vote of the City Council to approve a contested rezoning request is at least six of the seven members, regardless of the members in attendance.

The Belton Zoning Ordinance, Section 49.8 (D) currently states:

“49.8 (D). Three-Fourths Vote: a favorable vote of three-fourths ($\frac{3}{4}$) of all members of the City Council shall be required to approve any change in zoning when written objections are received from twenty percent (20%) of the area of the adjacent landowners which comply with the provisions of the State laws commonly referred to as the “Twenty Percent Rule.” If a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the lots included in such a proposed change or those

immediately adjacent to the area thereof extending two hundred feet (200') from the street frontage of such opposite lots, such amendments shall not become effective except by a three-fourths ($\frac{3}{4}$) vote of the City Council."

Previously, the City accepted signed forms only. With a recent rezoning request, Z-22-31, a truck stop on IH14 and Simmons Rd., a number of residents living on Tanglewood Circle objected to the rezoning. This zoning case triggered a three-fourths vote by the City Council, had they wanted to approve it. Written notices were received in the form of letters and city-provided notices. The zoning case was denied. A question arose about the validity of the notices and written objections. The meaning of "acknowledged" was at the center of the discussion. This was in response to the question about the requirement to limit council's legislative authority by requiring (or forcing) a higher standard than a simple majority vote to approve or deny a zoning case.

Our City Attorney interpreted the term "acknowledged" as "notarized."

After discussing whether this clarification should be an administrative change in procedure or a formal amendment to the code, the amendment option was chosen to clearly codify the process. As a result, we are recommending new language indicating that the form returned to the City, if in protest to the rezoning, must be signed and **notarized**.

To accommodate this objective, the proposed amendment reads:

"If a proposed change to a regulation or boundary is protested, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body (six of the 7 members). The protest must be **written, signed, and acknowledged (notarized)** by the owners of at least 20 percent of either:

- (1) the area of the lots or land covered by the proposed change; or
- (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area. In computing the percentage of land area under subsection (D), the area of streets and alleys shall be included (Local Government Code Sec. 211.006 (d))."

During the March 21, 2023, meeting, the Planning and Zoning Commission voted to postpone this item to the April 18, 2023, meeting. The Commissioners expressed concerns about property owners possibly having to incur costs to have the protest form notarized and submitted to the City. The Commission also wanted to know if other forms of identification would suffice to prove who the signatory was, such as a copy of their driver's license or water bill. Also, the Commission asked what other cities require.

Staff asked the City Attorney about other forms of identification, and he said that they would not be adequate since they do not always reflect that the person owns the property identified on the notice. Staff surveyed cities around Belton and found that none of them require the notice to be notarized.

Recommendation

Hold a public hearing and recommend approval the Ordinance amendment.

Attachments

Proposed Ordinance

LGC Section 211.006 – Municipal Zoning Authority

ORDINANCE NO. 2023-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING THE ZONING ORDINANCE FOR THE CITY OF BELTON; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETING CLAUSE.

WHEREAS, the amendment proposed herein were presented to the Planning and Zoning Commission and due notice of said amendment and hearing on said amendment was given as required by law, and a hearing on said amendment before the City Planning and Zoning Commission of the City of Belton was set for the 21st day of March, 2023, at 5:30 p.m. for hearing and adoption; and

WHEREAS, said amendment were duly recommended by the said City Planning and Zoning Commission and the date, time and place of the hearing on said amendment by the City Council of the City of Belton was set for the ____ th day of _____ 2023, at 5:30 p.m. and due notice of said hearing was given as required by ordinances and by law; and

WHEREAS, a hearing was held upon the amendment by the City Council of the City of Belton of the time, place and date herein before set forth; and

WHEREAS, the City Council recognizes the need for amendment to the standards set forth within the Zoning Ordinance; and

WHEREAS, the standards contained within this ordinance are intended to ensure consistent design practices in new development or in redevelopment; and

WHEREAS, the City Council has determined that the proposed amendment to the Zoning Ordinance is reasonable and acceptable.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS:

PART 1: Section 49.8 (D) of the Zoning Ordinance is amended as follows:

“If a proposed change to a regulation or boundary is protested, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body (six of the 7 members). The protest must be **written, signed, and acknowledged (notarized)** by the owners of at least 20 percent of either:

- (1) the area of the lots or land covered by the proposed change; or

(2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area. In computing the percentage of land area under subsection (D), the area of streets and alleys shall be included.”

PART 2: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PART 3: This ordinance shall take effect immediately after its passage in accordance with the provisions of the Charter of the City of Belton, Texas, and it is accordingly ordained.

PART 4: The Zoning Ordinance of the City of Belton, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

PART 5: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PRESENTED AND ADOPTED on this the _____ day of _____, 2023, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Belton, Texas.

(Mayor’s signature)

Attest:

(City Clerk’s Signature)

LOCAL GOVERNMENT CODE

TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND
RELATED ACTIVITIES

SUBTITLE A. MUNICIPAL REGULATORY AUTHORITY

CHAPTER 211. MUNICIPAL ZONING AUTHORITY

Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either:

(1) the area of the lots or land covered by the proposed change; **or**

(2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

(e) In computing the percentage of land area under Subsection (d), the area of streets and alleys shall be included.

(f) The governing body by ordinance may provide that the affirmative vote of at least three-fourths of all its members is required to overrule a recommendation of the municipality's zoning commission that a proposed change to a regulation or boundary be denied.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.