



# CITY OF BELTON

Planning & Zoning Commission Meeting  
Tuesday, February 21, 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 minutes of the January 17, 2023, regular meeting.
4. Z-22-45 – Hold a public hearing and consider a zoning change from Planned Development – Mixed-Use Retail to Amended Planned Development – Multiple Family for approximately 0.80 acres located at 816 W. Avenue D, described as Block 1, lot 12 of the Richardson Addition located at the corner of Avenue D and Mitchell Street.
5. Z-22-46 - Hold a public hearing and consider a zoning change from Planned Development -Mixed Use with a Specific Use Permit for Bail Bond (PD-Mixed Use w/ SUP Bail Bond) to an Amended Planned Development on approximately 5.087 acres located at 2450 Piazza Drive to allow the construction of townhouses, located west of South Loop 121 and south of Auction Barn Road.
6. Z-23-05 Hold a public hearing and consider a zoning change from Single Family -2 Residential to Single Family – 2 Residential with a Specific Use Permit for an Accessory Dwelling Unit with a Kitchen on approximately 0.182-acre property located at 509 E. 12th Avenue.
7. 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, January 17, 2023

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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, Nicole Fischer, Alton McCallum, Zachary Krueger, Quinton Locklin, Davis Jarratt, and Joshua Knowles. The following members were absent: Luke Potts. The following staff members were present: Director of Planning Bob van Til, Planner Tina Moore, Planning Clerk Deb Swift-Alejandro, and IT System Analyst Alex Munger.

**1. Call To Order.**

Chair Brett Baggerly called the meeting to order at 5:30 p.m.

**Invocation** – Commission Member Jarrett gave the Invocation.

**Pledge of Allegiance** – Chair Brett Baggerly led the Pledge.

**2. Public comments. (Audio 0:55)**

Troy Finley, 702 S. Pearl Street, spoke regarding the construction project at his address. With no other speakers, the public comment period was closed.

**3. Consider approval of minutes from the previous meeting. (Audio 5:24)**

Vice Chair Covington made a motion to approve minutes from the November 15, 2022, meeting, seconded by Commission Member Krueger. The motion passed with 8 ayes, 0 nays.

**4. Z-22-46 - Hold a public hearing and consider a zoning change from Planned Development -Mixed Use to an Amended Planned Development (PD) to allow townhouses on approximately 5.087 acres located at 2450 Piazza Drive, located west of Shanklin Road and south of Auction Barn Road. Recommend this item be postponed until a revised conceptual site plan is received. (Audio 6:00) *This item was postponed until a revised conceptual site is provided.***

**5. Z-23-01 Hold a public hearing and consider a zoning change from Agricultural to Commercial Highway on approximately 7.51-acre property located at 3401 S. IH 35 Service Road, located at the southwest intersection of Interstate 35 and Mesquite Road. (Audio 6:27)**

City Planner Ms. Moore presented the staff report.

Chair Baggerly opened the public hearing.

The following residents spoke in opposition of the zoning change expressing concerns for traffic impacts and safety: Jane Durham - 293 Mesquite Dr, Michelle Scott – 488 Mesquite Dr, and Rosemary Stampely, 579 Mesquite Drive. With no further public input, the public hearing was closed.

Vice Chair Covington made a motion to approve Z-23-01 as presented. The motion was seconded by Commission Member Krueger. The motion passed with 8 ayes, 0 nays.

- 6. Z-23-02 Hold a public hearing and consider a zoning change from Agricultural to Planned Development Commercial Highway on approximately 6.198-acre property located at 5881 W. US 190 Service Road, at the southeast intersection Interstate 14 and George Wilson Road. (Audio 17:03)**

City Planner Ms. Moore presented the staff report.

Commission Chair Brett Baggerly opened the public hearing. With no public input, the public hearing was closed.

Commission Member Jarrett made a motion to approve Z-23-02 as presented. Commission Member Fischer seconded the motion. The motion was approved with 8 ayes, 0 nays.

- 7. Z-23-03 - Hold a public hearing and consider a zoning change from Agricultural to Planned Development - Mobile Home District on approximately 8.593 acres located at 1705 FM 1670, south of Interstate 14 and on the east side of FM 1670. (Audio 25:50)**

City Planner Ms. Moore presented the staff report.

Chair Baggerly opened the public hearing.

Applicant, Jake Branigan, 1705 FM 1670, spoke in support of the zoning. With no other input, the public hearing was closed.

Commission Member Fischer made a motion to approve Z-23-03 as presented. The motion was seconded by Vice Chair Covington. The motion was approved with 8 ayes, 0 nays.

- 8. Z-23-04 – Hold a public hearing and consider a zoning change from Single Family-2 Residential (SF-2) to Two Family (2F) on 0.921 acres located at 507 Ellis Ave located in the Sallie J White Addition, Block 4, Lot 1. (Audio 31:44)**

Vice Chair Covington recused himself from this agenda item.

City Planner Ms. Moore presented the staff report.

The applicant, Brandon Whatley, 4394 Cedar Creek, Temple, and Terri Covington, 105 Dover Run, spoke in support of the zoning change.

Commission Member Fischer made a motion to approve Z-23-04. The motion was seconded by Commission Member McCallum. The motion was approved with 7 ayes, 0 nays.

- 9. P-22-31 – Consider a final plat of Rodriguez Estates Addition, comprising 4.36 acres located at 1971 FM 1670. (Audio 49:05)**

City Planner Ms. Moore presented the staff report.

Vice Chair Covington made a motion to approve P-22-31 as presented. The motion was seconded by Commission Member Jarratt. The motion was approved with 8 ayes, 0 nays.

- 10. Receive a report on Administrative Plat Approvals. (Audio 53:00)**

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

With no other city business, the Planning and Zoning Commission was adjourned at 6:25 p.m. (Audio ends at 54:02)

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Chair, Planning and Zoning Commission

# Staff Report – Planning and Zoning Agenda Item



Date: February 21, 2023  
Case No.: Z-22-45  
Request: Planned Development Mixed  
Use Retail to Amended  
Planned Development –  
Multiple Family

Applicant/Owner: LWG Associates

## Agenda Item #4

Z-22-45 – Hold a public hearing and consider a zoning change from Planned Development – Mixed-Use Retail to Planned Development – Multiple Family for approximately 0.80 acres located at 816 W. Avenue D, described as Block 1, lot 12 of the Richardson Addition located at the corner of Avenue D and Mitchell Street.

## Originating Department

Planning Department – Tina Moore, Planner

**Current Zoning:** Planned Development – Mixed Use Retail per Ordinance 2009-28 which permitted Retail and Multiple family uses with condition. The conditions of approval for Ordinance 2009-28 will carry over to this requested zoning change.

**Proposed Zoning:** Planned Development – Multiple Family (PD-MF)

**Proposed Uses:** Apartments (four, two story four-plex)

## **Future Land Use Map (FLUM) Designation:**

The FLUM identifies this general area for retail and medium density residential.

## **Design Standards Type Area 8:**

The projected growth for Type Area 8 is primarily single family residential with various multi-family housing located within.

## **Background/Case Summary**

The applicant is proposing to construct four, two-story four-plex buildings which is equivalent to a total of 16 units. Each unit will consist of two-bedrooms, 1 bath, living room, kitchen and dining area. The property was rezoned from Retail to Planned Development Mixed Use Retail in 2009 to allow for three four-plex residential buildings and a fourth building for mixed use

with retail spaces on the ground floor and two apartments on the upper floor. The applicant is requesting to eliminate the retail space and convert the ground floor into two apartments.

During the 2009 public hearings, the applicant agreed to ensure the privacy of the adjacent neighbors on Richardson Circle. This includes the elimination of the balconies that were originally proposed and replace the rear windows with transom windows for the upper floor units facing Richardson Circle. The existing 6' privacy fence and a 5' side yard setback will provide separation between the new structures from the homes on Richardson Circle. These conditions will be carried over in the new ordinance for the proposed zoning change.

The original ordinance also provides aesthetic requirements to ensure compatibility with the surrounding buildings. This will be duplicated in the proposed new ordinance. The proposed elevation includes a masonry cut stone front and side façade and a fiber board (hardiplank) rear façade which meets the requirements of the original ordinance.

The total required parking spaces for this proposed development is 2 spaces per unit for a total of 32 parking spaces. The complex has 34 existing concrete parking spaces.

Civil construction plans were reviewed and approved for the construction of utilities, storm water drainage improvements, parking, and landscape improvements in 2017. Subsequently, a permit was issued for those improvements.

### **Project Analysis and Discussion**

**Existing Conditions:** The zoning and uses of the adjacent property are:

Direction	Zoning	Use
North	SF-2 w/ CR Overlay	Detached dwellings
South	MF	Housing Authority apartments
East	NS and SF-2 w/ CR overlay	Convenience store and detached dwellings
West	SF-3	Detached dwellings

**Allowable Land Uses:** The proposed zoning change would limit the proposed use of the property to apartments as provided by the proposed site plan (Exhibit B).

**Area & Setback Requirements:** The site exceeds the minimum lot size of 10,000 square feet required for MF zoning district. The property is approximately 34,800 square feet. The MF zoning district requires a maximum density of 18 units per acre. The proposed density is 16 units. The required setback for the MF zoning district – front yard 25', side yard – 8' or 10' for buildings without openings, and a rear setback of 20' or 60' when the building is taller than one story and adjacent to single family zoning district. The original PD recognized a 25' front yard setback from West Avenue D and Mitchell Street and 5' side and rear yard setback which is consistent with the approved development plans.

The zoning request is consistent with the Future land use map and adjacent properties. This is a conversion of the original proposed building which should not increase the existing footprint of the building.

### **Recommendation**

Recommend approval of the requested zoning change from Planned Development – Mix use Retail to Amended Planned Development- Multiple Family, subject to the following conditions:

1. The use of the development shall conform to the Planned Development-Multiple Family zoning district in all respects.
  - a. A side yard setback of 5' is permitted.
  - b. A rear yard setback of 5' is permitted.
2. The development of the property shall conform to the approved site plan and associated conditions including:
  - a. Site development shall occur in conformance with the site plan (Exhibit B).
  - b. Cut Stone building front façade (Exhibit C).
  - c. Cement Fiber Board rear façade.
  - d. 50/50 stone/cement fiber board sides façade.
  - e. Deletion of rear balconies.
  - f. Rear windows to be transom type, 7' above floor.
  - g. The site plan shall identify dumpster location and dumpster shall be screened with masonry material similar to the front building façade.
  - h. Eight canopy trees shall be added to the landscape plan if existing vegetation cannot be preserved.
  - i. 36 shrubs shall be planted in along the frontage of W. Avenue D to provide a hedge buffer.
  - j. Exterior rear down lighting shall be required, so not to cause nuisance illumination on adjoining properties.
  - k. Engineering drainage plans shall adequately analyze any existing drainage problems along Mitchell Street and be designed to handle area runoff.

### **Attachments**

Zoning application

Ordinance 2009-28 (previous zoning)

Site Plan (Exhibit B)

Elevations (Exhibit C)

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

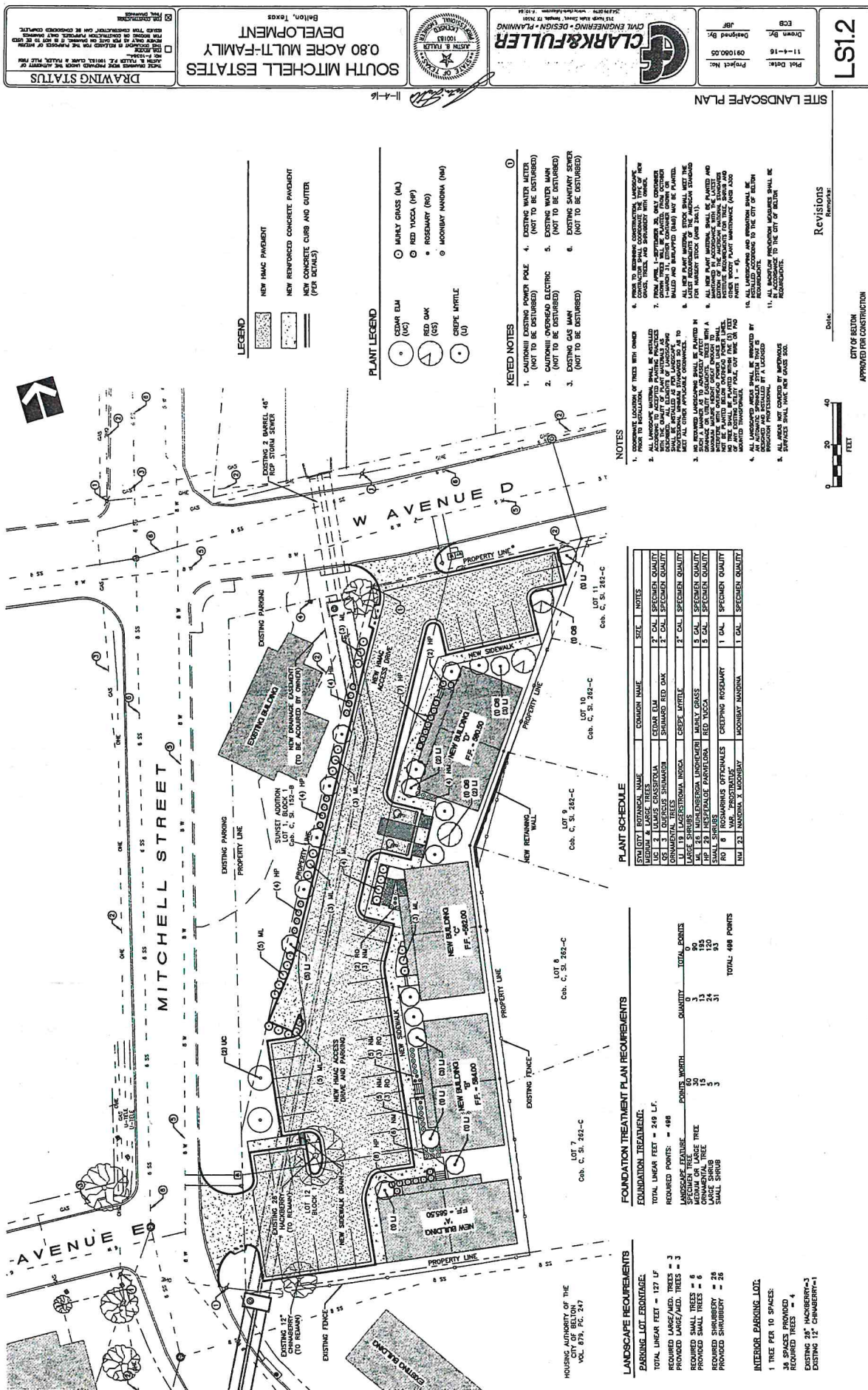


Date received:	
APPLICANT NAME: <u>LWG Associates</u>	
EMAIL: <u>lguess@hotmail.com</u>	PHONE NUMBER: <u>254 718 2897</u>
MAILING ADDRESS: <u>202 E Barton Temple TX 76501</u>	
PROPERTY OWNER NAME: <u>LWG Associates (Larry Guess)</u>	
EMAIL: <u>same</u>	PHONE NUMBER:
MAILING ADDRESS:	

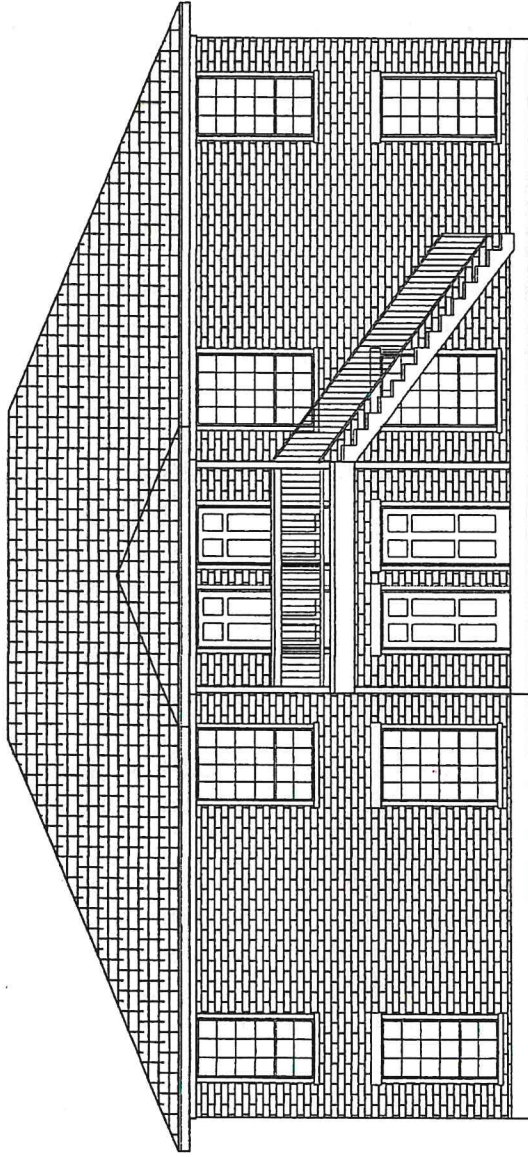
Proposed Use of Structures (building) and Property (exterior property): <u>no structures at present</u> <u>Multi-family</u>	
Current Use: <u>N/A vacant</u>	
LOCATION/STREET ADDRESS OF PROPERTY TO BE REZONED: <u>816 W Ave D</u>	
Legal Description of Property: Abstract Survey _____	
Lot(s): _____ Block(s): _____ of Subdivision _____	
Existing Zoning: <u>PD mixed use</u> Proposed Zoning: <u>PD multi family</u>	

Signature of Applicant: [Signature] Date: 10/27/22  
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

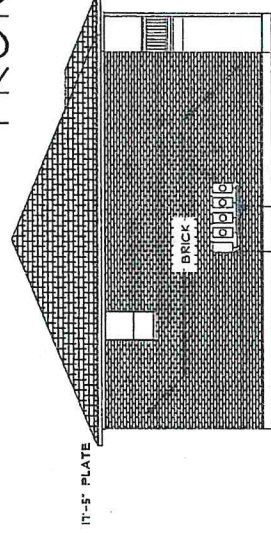


# EXHIBIT "C"



FRONT ELEVATION 1/4"

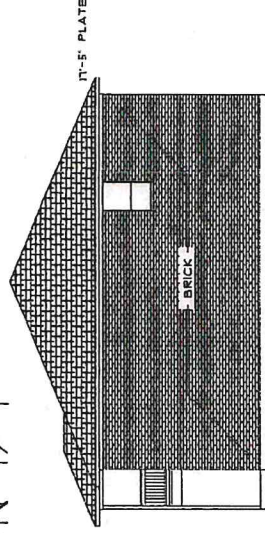
TYPICAL ROOF PITCH 5/12



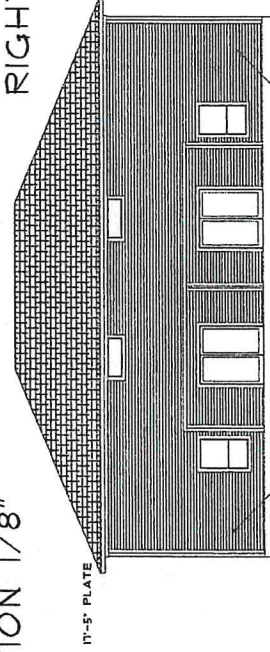
LEFT ELEVATION 1/8"

MAIN DISC.

METERS



RIGHT ELEVATION 1/8"



REAR ELEVATION 1/8"

HARD-PLANK  
SIDING

**ORDINANCE NO. 2009-28**

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**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM RETAIL ZONING DISTRICT TO PLANNED DEVELOPMENT-RETAIL DISTRICT FOR DEVELOPMENT OF A MIXED-USE RETAIL AND RESIDENTIAL PROJECT.**

**WHEREAS**, LWG Associates, owner of the following described property have presented their petition duly signed, to the City Planning & Zoning Commission and filed said petition with the City Clerk of the City of Belton, and due notice of filing of said petition and hearing on said petition has been given as required by the City Zoning Ordinance and by law, and a hearing on said petition before the City Planning & Zoning Commission of the City of Belton was set for the 19th day of May, 2009, at 5:00 p.m. for hearing and adoption, said district being described as follows:

Block 001, Lot 0012 of the Richardson Addition, a vacant lot at the corner of Avenue D and Mitchell Street, Belton, Texas

**WHEREAS**, said application for such amendment was duly recommended by the said City Planning & Zoning Commission and the date, time and place of the hearing on said application by the City Council of the City of Belton was set for the 26th day of May, 2009, at 5:30 p.m. at the Harris Community Center and due notice of said hearing was given as required by ordinances and by law; and

**WHEREAS**, a hearing was held upon the application by the City Council of the City of Belton at the time, place and date herein before set forth and no valid objection to said amendments was presented.

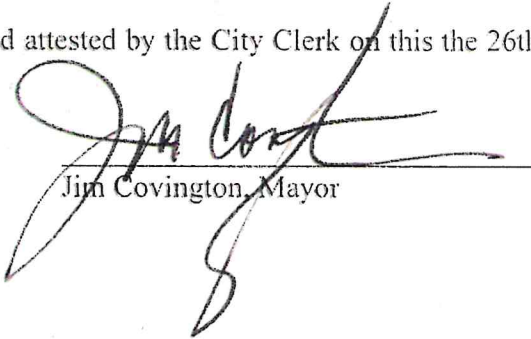
**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Belton, Texas, that the said district located on a tract of land as more fully and completely described above, be and is hereby changed from Retail Zoning District to Planned Development-Retail District zoning for development of a mixed-use retail and residential project, in accordance with Section 32 of the Zoning Ordinance, and that the Zoning Ordinance of the City of Belton be and is hereby amended, subject to the following conditions:

1. The use and development of the property shall conform to the Planned Development-Retail Zoning District in all respects.
2. The development of the property shall conform to the approved site plan and associated conditions including:
  - a. Site development shall occur in conformance with the site plan
  - b. Cut stone building front façade
  - c. Cement fiber board rear façade
  - d. 50/50 stone/cement fiber board sides
  - e. Deletion of balconies
  - f. Rear windows to be transom type, 7' above floor
  - g. The site plan shall identify dumpster locations and dumpsters shall be screened with masonry material as utilized for the front building façades


- h. Eight canopy trees shall be added to the landscape plan if existing vegetation cannot be preserved
- i. 36 shrubs shall be planted along the frontage of W. Avenue D to provide a hedge buffer
- j. Five additional parking spaces shall be provided
- k. Exterior rear down lighting shall be required, so not to cause nuisance illumination on adjoining properties
- l. Engineering drainage plans shall adequately analyze any existing drainage problems along Mitchell Street and be designed to handle the area runoff.

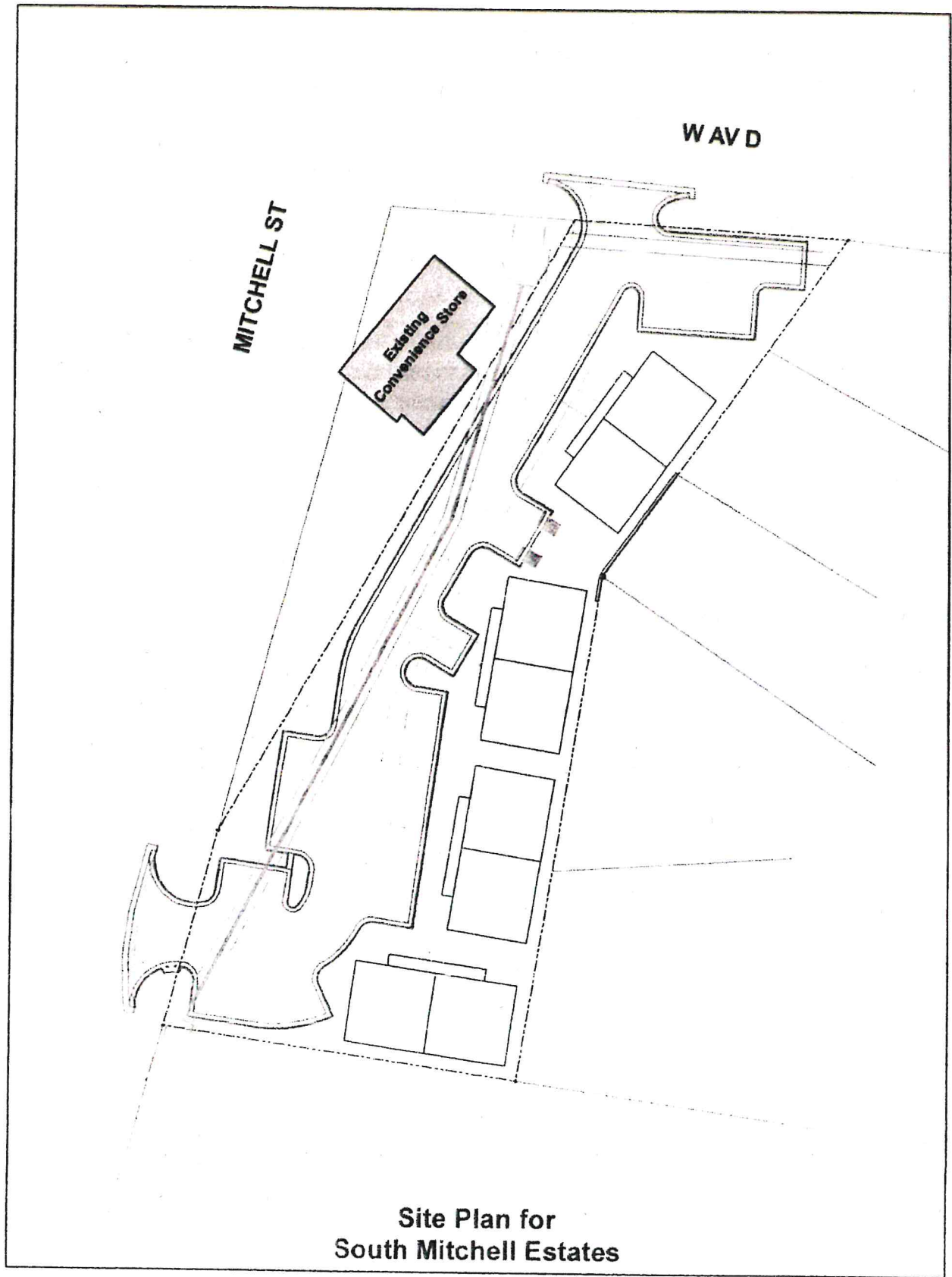
This ordinance was presented at the stated meeting of the City Council of the City of Belton and upon reading was passed and adopted by the City Council on the 26th day of May, 2009, by a vote of 6 ayes and 0 nays, and 1 abstention.

**SIGNED AND APPROVED** by the Mayor and attested by the City Clerk on this the 26th day of May, 2009.

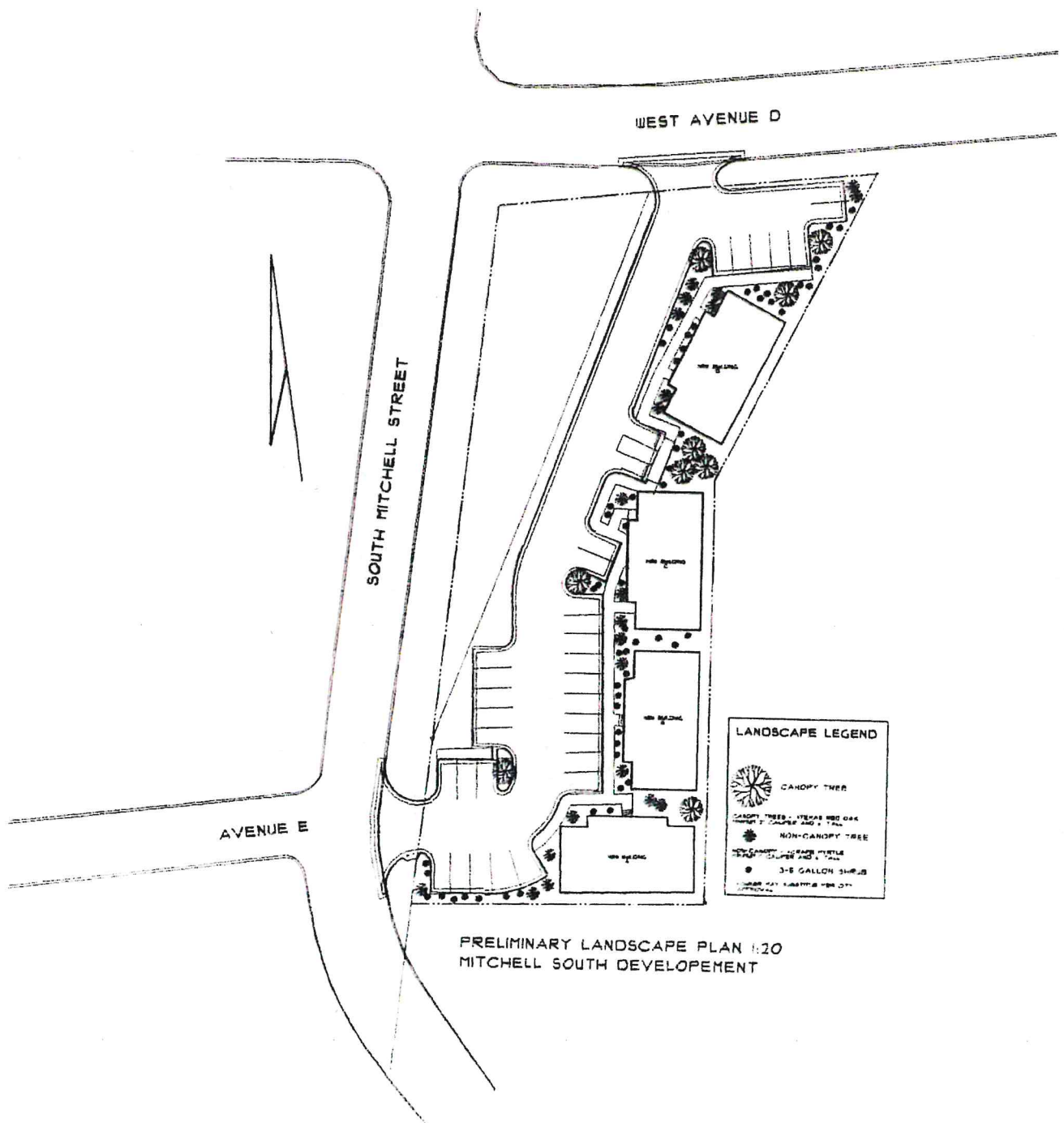
  
Jim Covington, Mayor

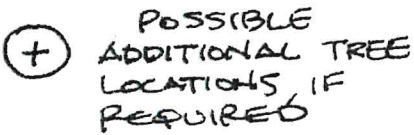
ATTEST:

  
Connie Torres, City Clerk

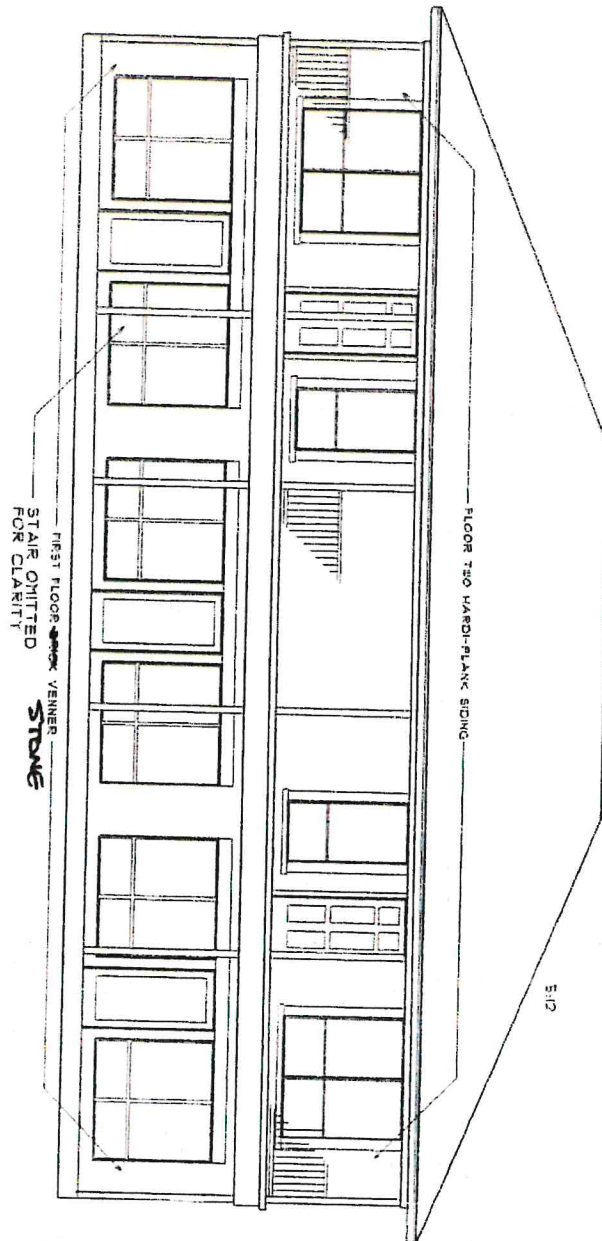


Site Plan for  
South Mitchell Estates  
PRELIMINARY DRAINAGE  
IMPROVEMENTS



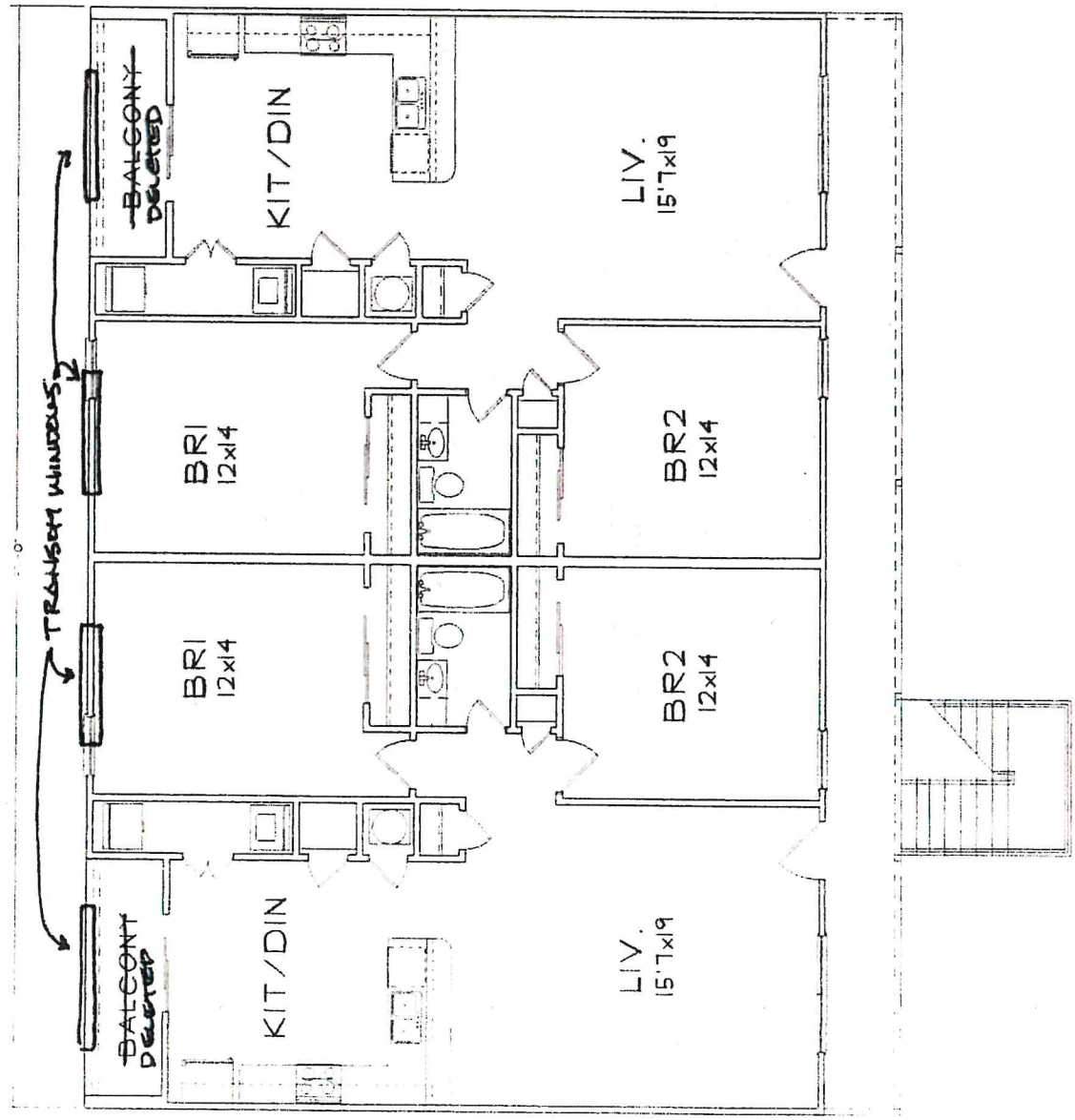


# FRONT ELEVATION 1/4"



	<b>BUILDING DRAWN BY</b> <b>FIRST DRAFT INC.</b> <small>1000 WEST 10TH AVENUE, SUITE 100          DENVER, COLORADO 80202          303.733.1111 FAX 303.733.1112</small>	<b>ENGINEERING BY</b> <b>DUNLAP ENGINEERING, INC.</b> <small>1001 17TH AVENUE, SUITE 100          DENVER, COLORADO 80202          303.733.1111 FAX 303.733.1112</small>	<b>PROJECT DESCRIPTION</b> <b>SOUTH MITCHELL DEVELOPEMENT</b>
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# FLOOR TWO RESIDENTIAL APARTMENTS 1102 SF EACH 1/4"



<p><b>PROJECT DESCRIPTION</b></p> <p>SOUTH MITCHELL DEVELOPMENT</p>	<p><b>ENGINEERING BY:</b></p> <p>DUNLAP ENGINEERING, INC.</p> <p>1001 N. DUNLAP ST. DALLAS, TEXAS 75215 TEL. 214-742-1111 FAX 214-742-1112</p>	<p><b>BUILDING DRAWN BY:</b></p> <p>FIRST DRAFT INC.</p> <p>1001 N. DUNLAP ST. DALLAS, TEXAS 75215 TEL. 214-742-1111 FAX 214-742-1112</p>	<p><b>DATE:</b></p> <p>1/1/88</p>
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# Zoning Case # Z-22-45\_Location



## ZONING CHANGE:

PD-R  
to  
PD-MF

## LEGAL DESCRIPTION:

RICHARDSON ADDITION,  
BLOCK 001, LOT 0012

## PROPERTY OWNER:

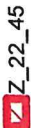
LWG ASSOCIATES

## ADDRESS/LOCATION:

816 W AVE D



## LEGEND



Z-22-45

Map Date: 12/2/2022

Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. No warranty is made by the City of Belton regarding specific accuracy or completeness.

# Zoning Case # Z-22-45\_Zoning



## ZONING CHANGE:

PD-R  
to  
PD-MF

## LEGAL DESCRIPTION:

RICHARDSON ADDITION,  
BLOCK 001, LOT 0012

## PROPERTY OWNER:

LWG ASSOCIATES

## ADDRESS/LOCATION:

816 WAVE D

## Legend

- Z-22\_45
- City Parcels
- City Limits
- Current\_Zoning
- Conservation Revitalization Overlay
- Multi Family
- Neighborhood Service
- Planned Development
- Redevelopment District
- Single Family-3
- Specific Use Permit



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Map Date: 12/2/2022

# Zoning Case # Z-22-45\_Aerial



**ZONING CHANGE:**  
PD-R  
to  
PD-MF

**LEGAL DESCRIPTION:**  
RICHARDSON ADDITION,  
BLOCK 001, LOT 0012

**PROPERTY OWNER:**  
LWG ASSOCIATES

**ADDRESS/LOCATION:**  
816 WAVE D

**LEGEND**  
 Z-22\_45

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Map Date: 12/2/2022



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

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: LWG ASSOCIATES.  
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 816 W. AVENUE D,  
FROM A(N) PLANNED DEVELOPMENT – MIXED USE W/ RETAIL ZONING DISTRICT,  
TO A(N) AMENDED PLANNED DEVELOPMENT - MULTIFAMILY ZONING DISTRICT,  
TO CONSTRUCT AN APARTMENT COMPLEX

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, February 21, 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, February 28, 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](mailto:PLANNING@BELTONTXAS.GOV), PRIOR TO 1:00 P.M. ON FEBRUARY 28, 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-22-45



## ZONING CHANGE:

PD-R

to

PD-MF

## LEGAL DESCRIPTION:

RICHARDSON ADDITION,  
BLOCK 001, LOT 0012

## PROPERTY OWNER:

LWG ASSOCIATES

## ADDRESS/LOCATION:

816 WAVE D

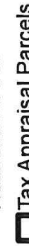
## Legend



Z\_22\_45



200' Property Owner  
Notification Area



Tax Appraisal Parcels

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Map Date: 12/2/2022

5031 RAFAEL, PRISCILIANO & LETICIA RAFAEL 1010 W AVE E BELTON, TX 76513	14311 TOWER, MIKE JOHN 505 MITCHELL ST BELTON, TX 76513	27625 BARAL, SAMJHANA ETAL 707 EAST LOOP 121 BELTON, TX 76513
28923 MAURICIO, JOSE A CRUZ 104 W AVENUE A BELTON, TX 76513	34834 MILLER, JUDITH LYNN 1001 W AVENUE E BELTON, TX 76513-3701	52098 HOUSING AUTHORITY CITY OF BELTON 715 SAUNDERS ST BELTON, TX 76513
52099 HOUSING AUTHORITY CITY OF BELTON 715 SAUNDERS ST BELTON, TX 76513	71257 ARELLANO, RODULFO ETUX FRANCISCA 1005 W AVENUE E BELTON, TX 76513-3701	126932 TAYLOR, PATSY 1000 W AVENUE E BELTON, TX 76513-3702
238848 STOUT, TERRY ALLEN JR & LESLIE ANNE INGRAM 603 RICHARDSON CIR BELTON, TX 76513	238849 STARNES, CLAUDIA SUE & KELLIE SUE MENDOZA 605 RICHARDSON CIR BELTON, TX 76513	238850 ALVAREZ, GENARO R 500 RIVER FAIR BLVD UNIT 611 BELTON, TX 76513
238851 HEISCH, KATELYN 609 RICHARDSON CIR BELTON, TX 76513	238852 GARCIA, TABITHA A 611 RICHARDSON CIR BELTON, TX 76513	238854 WILLIAMS, JOAN K PO BOX 982 SALADO, TX 76571-0982
238855 HILL, MELINDA LEE & SHAWN DEALLEN BARTEK 604 RICHARDSON CIR BELTON, TX 76513-3316	238856 STEVERSON, RAYMOND 602 RICHARDSON CIR BELTON, TX 76513-3316	238857 WEST, BILLY J 600 RICHARDSON CIR BELTON, TX 76513
238858 GUESS, LARRY 202 E BARTON AVE TEMPLE, TX 76501-3371	396651 TOTH, RUTH ETAL 502 MITCHELL ST BELTON, TX 76513-3339	415884 JDLG VENTURES LLC 7737 PADDY HAMILTON RD BELTON, TX 76513
52097 HOUSING AUTHORITY CITY OF BELTON 715 SAUNDERS ST BELTON, TX 76513	396652 LWG ASSOCIATES LLC 202 E BARTON AVE TEMPLE, TX 76501-3371	14306 MUNGIA, SYLVIA 503 MITCHELL ST BELTON, TX 76513-3313
68812 MARTINEZ, ESTHER 201 SHADOW OAKS CONROE, TX 77303	238853 CERVANTEZ, ANGELA R 608 RICHARDSON CIR BELTON, TX 76513-3316	114571 TAYLOR, IRENE 1002 W AVENUE E BELTON, TX 76513-3702
238847 SANDERS, LINDA C 601 RICHARDSON CIR BELTON, TX 76513-3314	117283 LWG ASSOCIATES LLC 202 E BARTON AVE TEMPLE, TX 76501-3371	5013 RODRIGUEZ, RAFAEL ETUX MARIA & 731 W AVENUE D BELTON, TX 76513-3362

31686

RAFAEL, PRISCILIANO P & LETICIA BENITEZ RAFAEL  
1010 W AVENUE E  
BELTON, TX 76513-3702

70603

LOPEZ, TOMAS RANGEL  
411 W AVE A  
BELTON, TX 76513

113535

RAMOS, SILIVIA MORA  
413 W GILLIS AVE  
CAMERON, TX 76520

34511

ROBLES, JORGE E ETUX HILDA M  
1000 W AVENUE D  
BELTON, TX 76513-3746

102531

DONOSO, SAN JUANITA H  
603 MITCHELL ST  
BELTON, TX 76513-3733

415885

D & B FIRST OF MANY LLC  
3000 HANSTROM CT  
HUTTO, TX 78634-4336

# Staff Report – Planning and Zoning Agenda Item



Date: February 21, 2023

Case No.: Z-22-46

Request: Planned Development Mixed Use to Amended Planned Development - Townhouses

Applicant/Owner: Mitchell & Associates / Gatlin Homebuilders, LLC.

## Agenda Item #5

Z-22-46 - Hold a public hearing and consider a zoning change from Planned Development - Mixed Use to an Amended Planned Development (PD) to allow townhouses on approximately 5.087 acres located at 2450 Piazza Drive, located west of South Loop 121 and south of Auction Barn Road.

## Originating Department

Planning Department – Tina Moore, Planner

**Current Zoning:** Planned Development – Mixed Use per Ordinance 2010-18 which permitted Retail, Neighborhood Services, Office 1 and 2, Multiple Family, Patio Homes, Bail Bond Operation and Assisted Living/Skilled Nursing Facilities. The area proposed for a zoning change was previously Area 2 and 3 which allowed the following:

Area 2: District uses include Retail, Neighborhood Service, Office–1, Office–2, Assistant Living/Skilled Nursing Facilities, and Multiple Family, Patio Homes, and Bail Bond Operation with a Specific Use Permit. Outside storage is prohibited.

Area 3: District uses include Retail, Neighborhood Service, Office–1, Office–2, Assistant Living/Skilled Nursing Facilities, and Multiple Family, Patio Homes. Outside storage is allowed. Bail Bond Operation is prohibited.

**Proposed Zoning:** Planned Development – Townhouses

**Proposed Uses:** Townhouses

**Future Land Use Map (FLUM) Designation:**

The FLUM identifies this general area for commercial use with a Lifestyle Center overlay (appropriate for retail, restaurant, dense residential and neighborhood services).

### **Design Standards Type Area 9:**

The projected growth for Type Area 9 is primarily mixed uses with the understanding of context and Loop 121 corridor. The original zoning falls into the 2009 Design Standards (ordinance 2009-30) which predates design areas adopted with the 2014 Design Standards (2014-17).

### **Background/Case Summary**

The applicant submitted this request to amend the existing zoning to allow for attached single family residential uses (townhomes). The conceptual plan proposes 8 clusters of 6 townhome for a maximum of 48 units.

### **Project Analysis and Discussion**

Existing Conditions: The zoning and uses of the adjacent property are:

Direction	Zoning	Use
North	PD-Mixed Use	Former Memory Care Assisted Living Facility and vacant area
South	Agricultural (A)	Detached single Family Home
East	Agricultural (A)	Residential/Baseball Field
West	Unincorporated Area	Detached single family home

Allowable Land Uses: The proposed zoning change would limit the proposed use to townhouses with area requirements provided by the proposed site plan (Exhibit B).

Area & Setback Requirements: The site exceeds the minimum lot size of 10,000 square feet required for MF zoning district.

### **Project Analysis and Discussion**

Per section 32, Planned Development District, of the Zoning Ordinance, single family attached dwellings (townhouses) are only permitted within the Planned Development zoning. According to Section 32.10, the area requirements for townhomes are as follows:

- a) One-family attached dwelling (townhome) defined as a dwelling unit on a separately platted lot which is joined to another dwelling unit on one or more sides by a party wall or abutting separate wall, served by separate utilities and not occupied by more than one family shall be permitted.
- b) One-family attached dwellings (townhomes) need not provide a side yard except that a minimum required side yard adjacent to a side street of ten feet (10') shall be provided at each one-family attached dwelling (townhome) complex so that the ends of any two adjacent building complexes shall be a least ten feet (10') apart. The required side

yards of one-family attached dwellings (townhomes) may be designated upon a plat approved by the Planning and Zoning Commission. A complex of attached one-family dwellings shall have a minimum length of three (3) dwelling units and shall not exceed three hundred feet (300') in length or width of a cluster module.

- c) A townhome shall be located on a platted lot with a minimum width of twenty-five feet (25'), a minimum depth of ninety feet (90') and contain a minimum area of two thousand seven hundred (2,700) square feet.
- d) The minimum front and rear yard setbacks shall be twenty feet (20').

The applicant is proposing a community with 8 clusters of townhomes. The conceptual site plan indicates the lot sizes are approximately 25' wide and vary in length from 115 to 125'. The lots meet the minimum area requirement of 2,700 square feet. The 6-unit clusters are approximately 140' in width. The conceptual plan depicts a 20' front yard setback and a minimum rear yard setback of 20'. The lot size and setbacks conform to the minimum area requirements for a townhome.

The proposed homes are two-stories, 25' wide and 48' deep, with 3 or 4-bedrooms, 2.5-bathrooms, and a one or two car garage. The proposed townhomes have a combination of hardi plank siding and masonry accents around the garage.

The applicant is proposing to construct two means of ingress/egress from Piazza Drive and Shanklin Road. According to Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance, 2 covered parking spaces are required for single family dwelling units. Two additional driveway spaces are also required behind the front property line. The total required parking space equates to 192 spaces. The applicant is proposing the required 192 spaces with a mixture of private parking and community spaces to be owned by the HOA. The parking consists of 80 private garage and 16 covered spaces in the community area and 80 uncovered driveway spaces and 16 uncovered community spaces.

The conceptual plan identifies a community green space area with trees and shrubs on the to provide open space for this development.

**Water Pressure:** Staff met with the applicant to discuss concerns about the water pressure at this location. The water flow is 42 pressure per square inch (psi), which meets minimum TCEQ requirements, however, is below the 60 - 90psi recommended for new developments. Staff highly recommends that a water model be provided for this community. The applicant's engineer should coordinate with the City Engineer to develop a feasible solution for increasing the water pressure for this new development, as a component of the subdivision plat for the property.

### **Recommendation**

Recommend approval of the requested zoning change from Planned Development -Mixed Use to an Amended Planned Development (PD) to allow townhouses.

- a. The use of the property shall conform to the Planned Development zoning district in all respects for single family attached dwellings (townhouses).
2. The development of the property shall conform to all applicable Type Area 9 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
  - a. Site Development Standards discussed above per Exhibits B
  - b. Building Design Standards per Exhibit C
  - c. Landscape Design Standards
3. A subdivision plat is required. The applicant's engineer should coordinate with the City Engineer to develop a feasible solution for increasing the water pressure for this new development.
4. Sign Standards shall conform to Ordinance 2022-22.

**Attachments**

Zoning application

Ordinance 2010-18 (previous zoning)

Site Plan (Exhibit B)

Elevations (Exhibit C)

Property Location Map, Zoning map, Aerial

Map with zoning notice boundary

(200')/Zoning notice to owners/Property  
owner list


# ZONING CHANGE APPLICATION

Fee: \$250.00



<b>Date received:</b>	
APPLICANT NAME: Ace Reneau/Mitchell & Associates	
EMAIL: areneau@mitchellinc.net	PHONE NUMBER: 254-634-5541
MAILING ADDRESS: PO Box 1088, Killeen, TX 76540	
PROPERTY OWNER NAME: Dana Tatum/Gatlin Homebuilders, LLC	
EMAIL: dana@j3builderstx.com	PHONE NUMBER: 254-493-9157
MAILING ADDRESS: PO Box 342672, Austin, TX 78734	

Proposed Use of Structures (building) and Property (exterior property): Townhomes
Current Use: Mixed use
<b>LOCATION/STREET ADDRESS OF PROPERTY TO BE REZONED:</b> Intersection of Loggia Dr & Shanklin Rd, PID#451370
Legal Description of Property: Abstract Survey _____
Lot(s): <u>3</u> Block(s): <u>1</u> of Subdivision <u>The Piazza Replat</u>
Existing Zoning: <u>PD w/mixed use</u> Proposed Zoning: <u>PD-Townhouse</u>

Signature of Applicant:  Date: 11/7/2022

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





10

ORDINANCE NO. 2010-18

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW THE FOLLOWING MIXED USES: RETAIL, NEIGHBORHOOD SERVICE, OFFICE-1 AND OFFICE-2, INCLUDING A SPECIFIC USE PERMIT FOR THE LOCATION OF BAIL BOND OFFICES.**

**WHEREAS**, Gatlin Properties, owner of the following described property have presented their petition duly signed, to the City Planning & Zoning Commission and filed said petition with the City Clerk of the City of Belton, and due notice of filing of said petition and hearing on said petition has been given as required by the City Zoning Ordinance and by law, and a hearing on said petition before the City Planning & Zoning Commission of the City of Belton was set for the 17th day of May, 2010, at 6:00 p.m. for hearing and adoption, said district being described as follows:

12 acres out of the J. Townsend Survey, located at the southwest corner of Shanklin Road, Auction Barn Road and Loop 121, locally known as 3021 Shanklin Road, Belton, Texas (location map attached as Exhibit "A")

**WHEREAS**, said application for such amendment was duly recommended by the said City Planning & Zoning Commission and the date, time and place of the hearing on said application by the City Council of the City of Belton was set for the 25th day of May, 2010, at 5:30 p.m. at the Harris Community Center and due notice of said hearing was given as required by ordinances and by law; and

**WHEREAS**, a hearing was held upon the application by the City Council of the City of Belton at the time, place and date herein before set forth and no valid objection to said amendments was presented.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Belton, Texas, that the said district located on a tract of land as more fully and completely described above, be and is hereby changed from Agricultural Zoning District to Planned Development Zoning District, to allow the following mixed uses:

Area 1: District uses including Retail, Neighborhood Service, Office-1, Office-2, and Multiple Family, Patio Homes, and Bail Bond operation with a Specific Use Permit. Assisted Living/skilled nursing facilities and outside storage are prohibited.

Area 2: District uses including Retail, Neighborhood Service, Office-1, Office-2, Assisted Living/skilled nursing facilities and Multiple Family, Patio Homes, and Bail Bond operation with a Specific Use Permit. Outside storage is prohibited.

Area 3: District uses including Retail, Neighborhood Service, Office-1, Office-2, Assisted Living/skilled nursing facilities and Multiple Family, and Patio Homes. Outside storage is allowed. Bail Bond operation is prohibited.

Area 4: District uses including Retail, Neighborhood Service, Office-1, Office-2, Assisted Living/skilled nursing facilities and Multiple Family, and Patio Homes. Outside storage is allowed. Bail Bond operation is prohibited.

1. The uses of the property shall conform to the Zoning Districts identified in all respects in the locations identified:

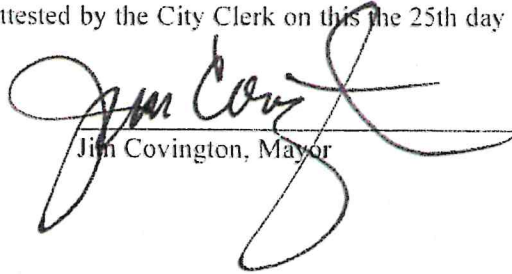
2. The development of the property shall conform to all applicable Design Standards, as identified in Ordinance No. 2009-31, Design Standards, including the following:

- A. Site Development Standards
- B. Building Design Standards
- C. Landscape Design Standards


3. Signage shall be in accordance with Section 38 of the Zoning Ordinance.

This ordinance was presented at the stated meeting of the City Council of the City of Belton and upon reading was passed and adopted by the City Council on the 25th day of May, 2010, by a vote of 7 ayes and 0 nays.

**SIGNED AND APPROVED** by the Mayor and attested by the City Clerk on this the 25th day of May, 2010.

  
Jim Covington, Mayor

ATTEST:

  
\_\_\_\_\_  
Connie Torres, City Clerk



MITCHELL & ASSOCIATES, INC.  
ENGINEERING & SURVEYING  
102 N. COLLEGE ST., KILLEEN, TEXAS (254) 634-5541  
T. B. P. L. S. FIRM REGISTRATION NO. 100204-00

SCALE:  
1"=100'



ZONING

ALFORD BARN ROAD

10' R.O.W. DEDICATION

AREA #4

±250' ±300'

AREA #1

±357'

±261'

AREA #3

±386'

±378' ±328'

AREA #2

±320'

10' R.O.W. DEDICATION

±410'

SHANKLIN RD

LOOP 129

## ZONING AREAS

The following gives a brief description of how the areas are envisioned for the 4 phases of future development.

- Area 1

 -     ± 3 Acres  
Retail (R)  
Neighborhood Service District (NS)  
Office (O-1 and O-2) WITH a Specific Use Permit for Bail Bond offices
  
- Area 2

 -     ± 3 Acres  
Multifamily (MF)
  
- Area 3

 -     ± 3 Acres  
Multifamily/Assisted Living
  
- Area 4

 -     ± 2 Acres  
Multifamily/Assisted Living



Disclaimer: The City of Belton makes no representation or warranty as to the accuracy of this map and its information nor its fitness for use. Any user of this map product accepts the same AS IS WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further agrees to not hold the City of Belton liable from any damage, loss or liability arising from any use of the map product. Independent verification of all information contained on this map should be obtained by the end user.



**City of Belton**  
P.O. Box 120  
Belton, Texas 76513  
254.933.5800  
[www.ci.belton.tx.us](http://www.ci.belton.tx.us)

**Belton GIS Mapping**

1" = 200'

# Zoning Case # Z-22-46\_Location



Autor: Anthony Holgrass, City of Belton

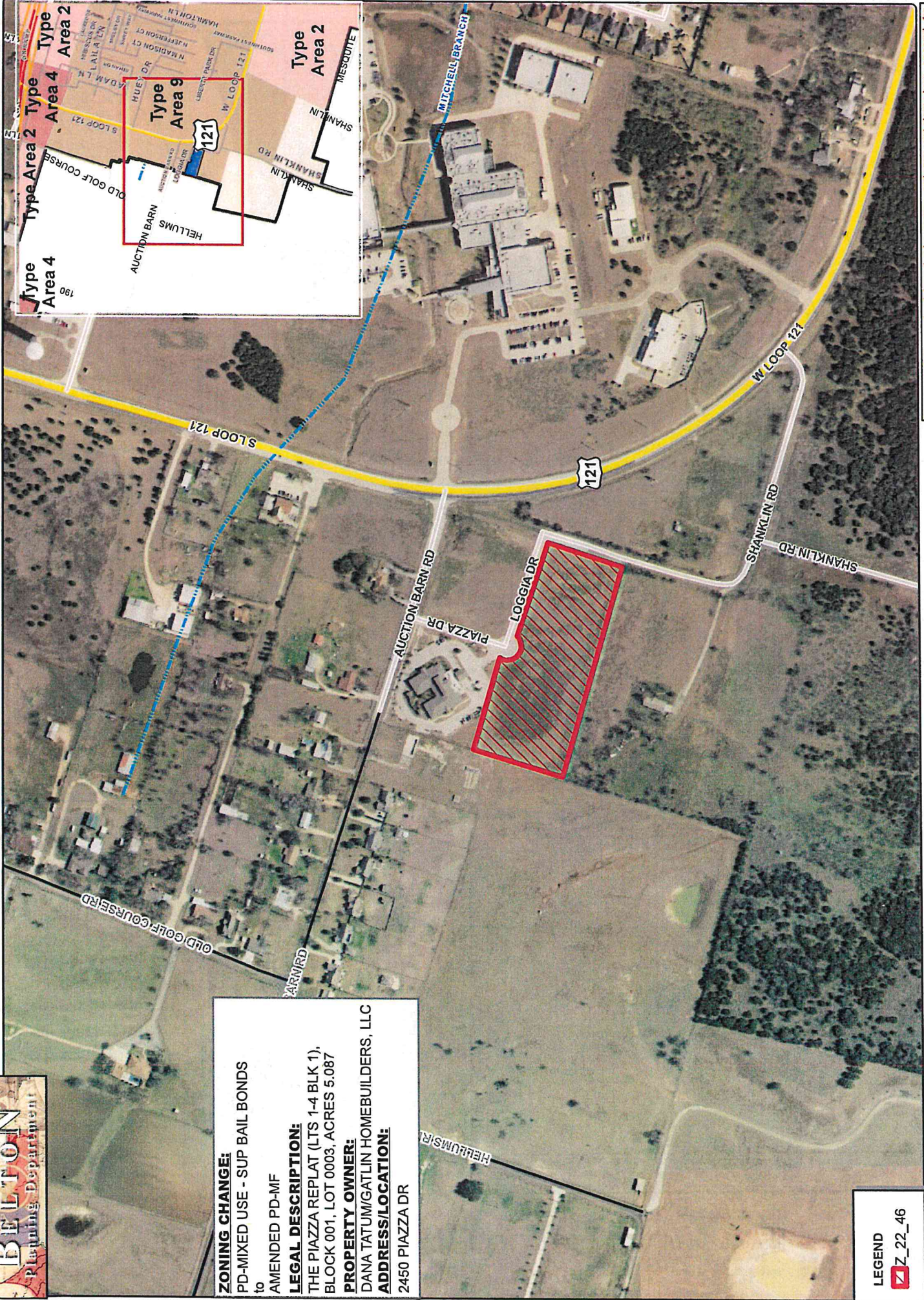
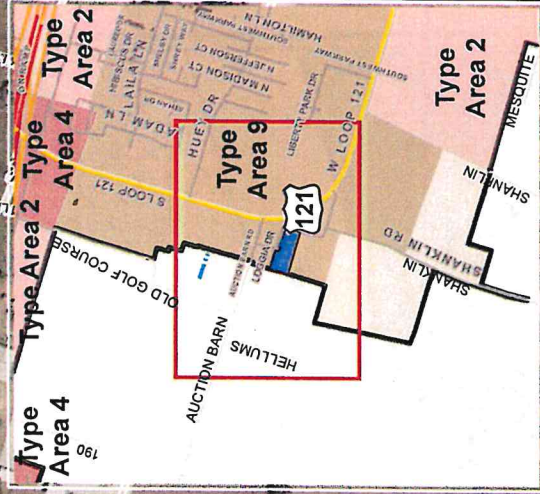
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**ZONING CHANGE:**  
PD-MIXED USE - SUP BAIL BONDS  
to  
AMENDED PD-MF

**LEGAL DESCRIPTION:**  
THE PIAZZA REPLAT (LTS 1-4 BLK 1),  
BLOCK 001, LOT 0003, ACRES 5.087

**PROPERTY OWNER:**  
DANA TATUM/GATLIN HOMEBUILDERS, LLC

**ADDRESS/LOCATION:**  
2450 PIAZZA DR



**LEGEND**

Z-22-46

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: 12/2/2022



# Zoning Case # Z-22-46\_Zoning

**ZONING CHANGE:**  
PD-MIXED USE - SUP BAIL BONDS  
to  
AMENDED PD-MF

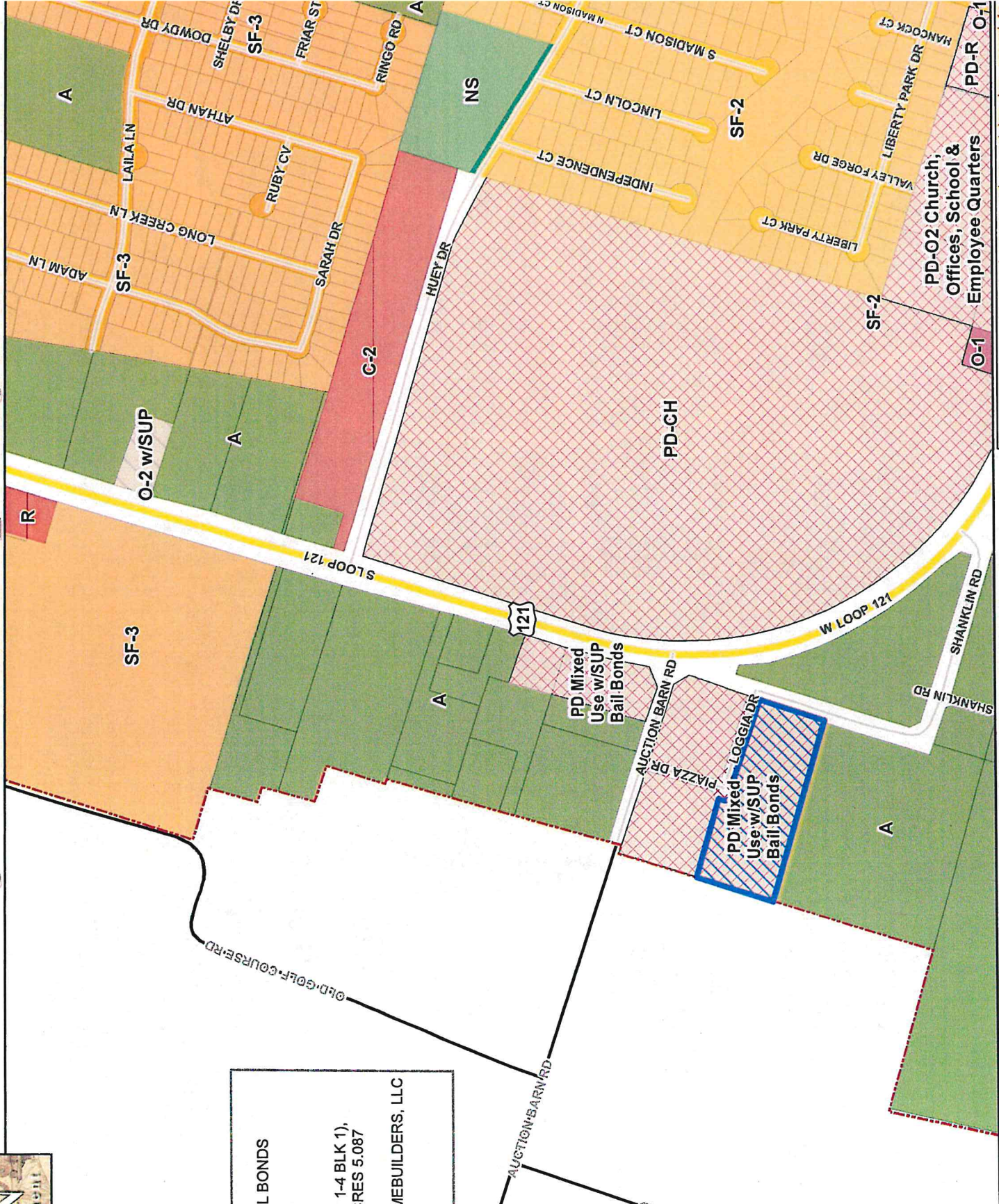
**LEGAL DESCRIPTION:**  
THE PIAZZA REPLAT (LTS 1-4 BLK 1),  
BLOCK 001, LOT 0003, ACRES 5.087

**PROPERTY OWNER:**  
DANA TATUM/GATLIN HOMEBUILDERS, LLC

**ADDRESS/LOCATION:**  
2450 PIAZZA DR

**Legend**

- Z-22-46
- City Parcels
- City Limits
- Current\_Zoning
- Agricultural
- Commercial-2
- Multi Family
- Neighborhood Service
- Office-1
- Planned Development
- Retail
- Single Family-2
- Single Family-3
- Specific Use Permit



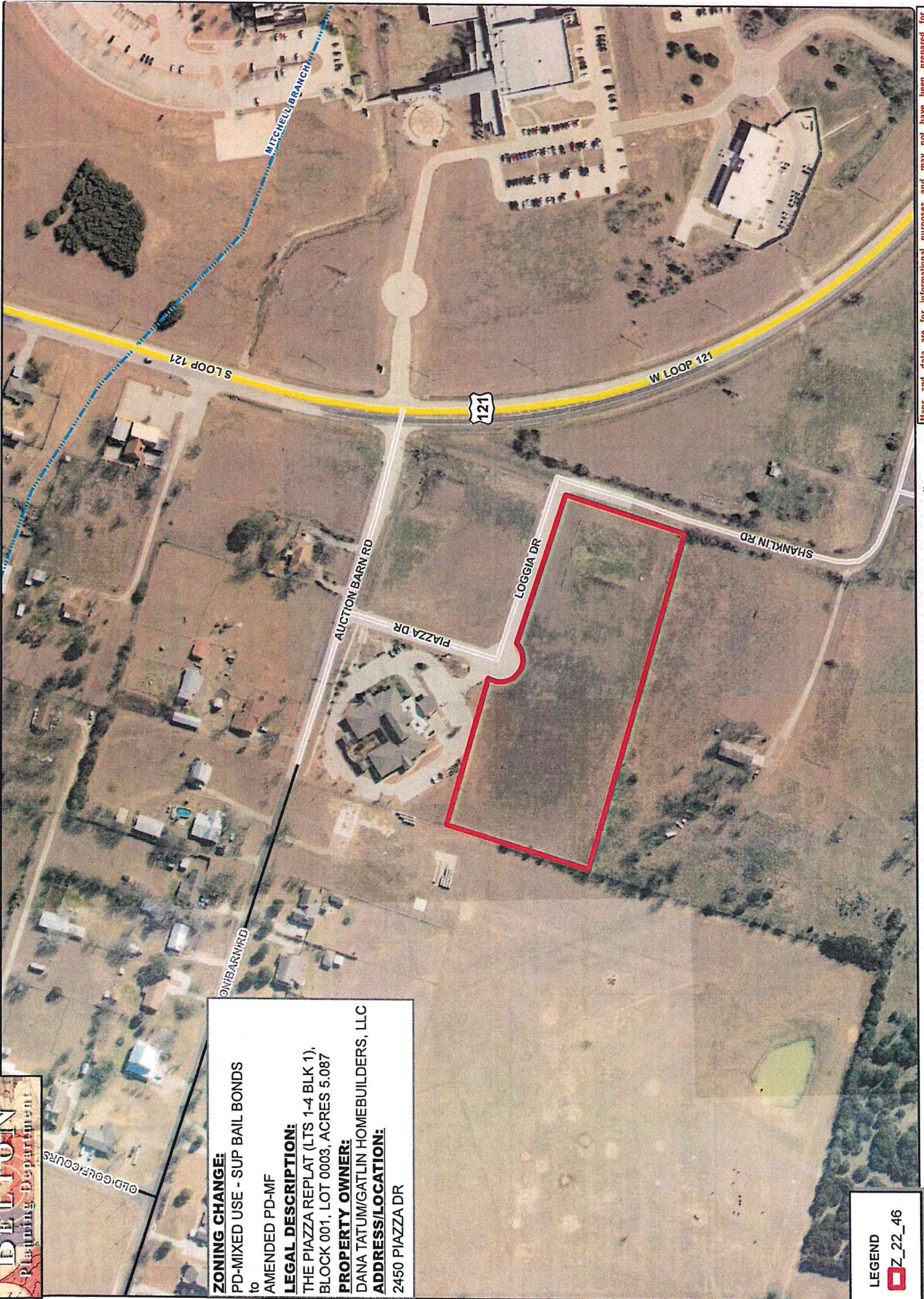
# Zoning Case # Z-22-46\_Aerial



Author: Anthony Holgerson, City of Belton

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**ZONING CHANGE:**  
PD-MIXED USE - SUP BAIL BONDS  
to  
AMENDED PD-MF  
**LEGAL DESCRIPTION:**  
THE PIAZZA REPLAT (LTS 1-4 BLK 1),  
BLOCK 001, LOT 0003, ACRES 5.087  
**PROPERTY OWNER:**  
DANA TATUM/GATLIN HOMEBUILDERS, LLC  
**ADDRESS/LOCATION:**  
2450 PIAZZA DR



LEGEND  
Z-22-46

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Map Date: 12/2/2022

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

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: MITCHELL AND ASSOCIATES AGENT FOR GATLIN HOMEBUILDERS, LLC.

TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 2450 PIAZZA DRIVE, (SEE ATTACHED MAP)

FROM A(N) PLANNED DEVELOPMENT – MIXED USE W/ SUP BAIL BONDS ZONING DISTRICT,

TO A(N) AMENDED PLANNED DEVELOPMENT - MULTIFAMILY ZONING DISTRICT,

TO CONSTRUCT TOWNHOMES

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, February 21, 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, February 28, 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](mailto:PLANNING@BELTONTXAS.GOV), PRIOR TO 1:00 P.M. ON FEBRUARY 28, 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-22-46\_Location



**ZONING CHANGE:**  
PD-MIXED USE - SUP BAIL BONDS  
to  
AMENDED PD-MF

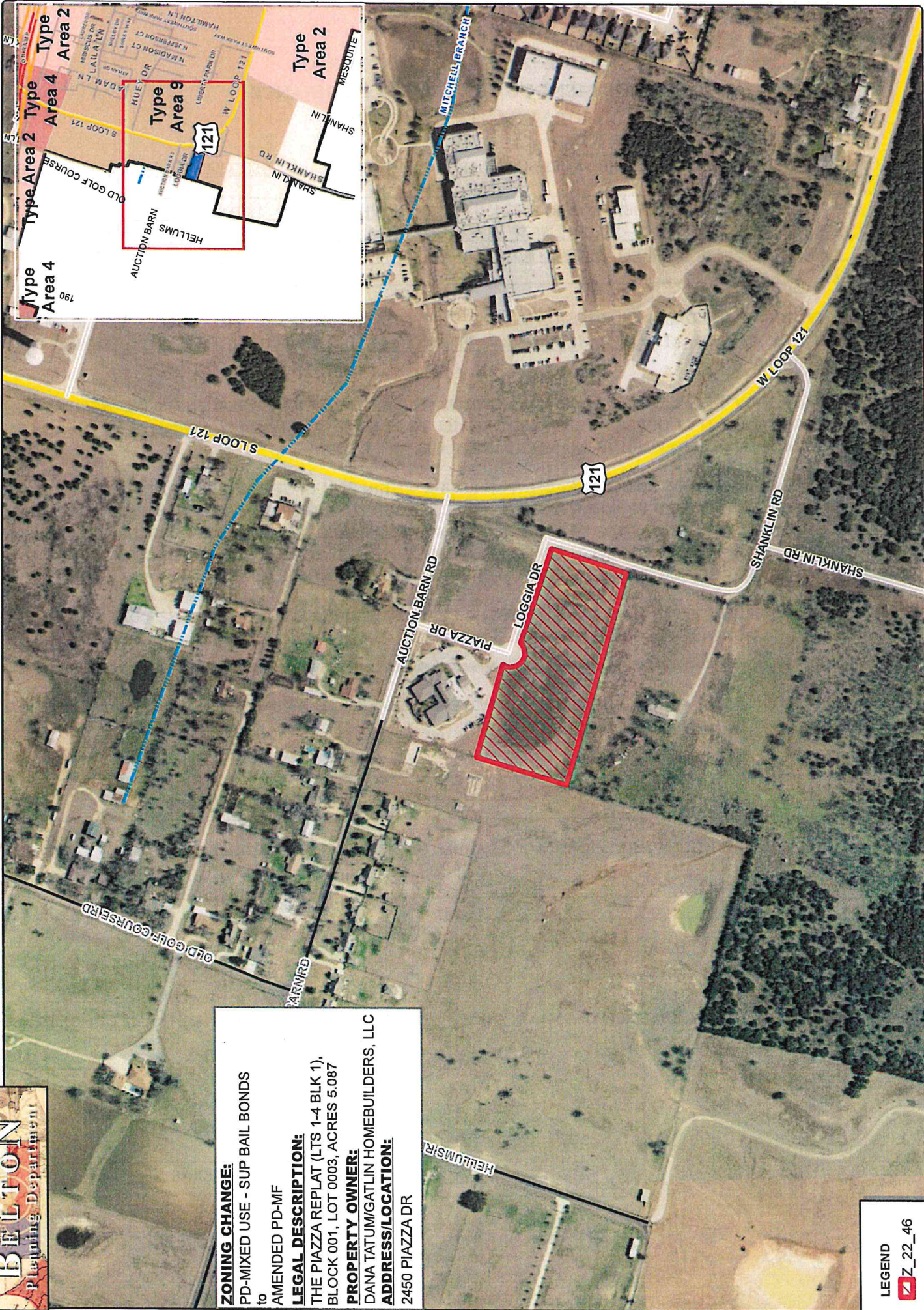
**LEGAL DESCRIPTION:**  
THE PIAZZA REPLAT (LTS 1-4 BLK 1),  
BLOCK 001, LOT 0003, ACRES 5.087

**PROPERTY OWNER:**  
DANA TATUM/GATLIN HOMEBUILDERS, LLC

**ADDRESS/LOCATION:**  
2450 PIAZZA DR

LEGEND  
 Z-22-46

Map Date: 12/2/2022



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52655

MMM ASSET HOLDINGS LLC  
2315 SOUTH LOOP 121  
BELTON, TX 76513-1049

352038

BENTON, BRANDON L ETUX EMILY M  
2053 AUCTION BARN RD  
BELTON, TX 76513

451370

GATLIN HOMEBUILDERS LLC  
PO BOX 342672  
AUSTIN, TX 78734

58593

KELLEY, MICHAEL G  
3021 SHANKLIN RD  
BELTON, TX 76513

451367

GATLIN HOMEBUILDERS LLC  
PO BOX 342672  
AUSTIN, TX 78734

114706

GALLAWAY, TREY ETUX JULIE  
PO BOX 1775  
BELTON, TX 76513

451368

PINSOL INC  
304 E CHURCH AVE  
KILLEEN, TX 76541-4843

# Staff Report – Planning and Zoning Agenda Item



Date: February 21, 2023

Case No.: Z-23-05

Request: SF-2 to SF-2 w/ SUP for Accessory Dwelling Unit with Kitchen

Applicant/Owner: Penelope Group, LLC.

## Agenda Item #6

Z-23-05 - Hold a public hearing and consider a zoning change from Single Family-2 Residential District to Single Family -2 with a Specific Use Permit for an Accessory Dwelling Unit with a kitchen on approximately 0.182 acres located at 509 E. 12<sup>th</sup> Ave.

## Originating Department

Planning – Tina Moore, Planner

**Current Zoning:** Single Family Residential-2 (SF-2)

**Proposed Zoning:** Single Family Residential-2 with a Specific Use Permit for an Accessory Dwelling Unit w/kitchen (SF-2 w/ SUP)

**Future Land Use Map (FLUM) Designation:** Residential

## Design Standards Type Area 6:

The projected growth of Type Area 6 is primarily mixed uses, residential area with redevelopment to occur in a manner that takes account of surrounding uses.

## Background/Case Summary

The applicant submitted this application to allow for a detached Accessory Dwelling Unit (ADU). The proposed two story detached unit will include parking on the ground floor and a one-bedroom, one-bath living quarters on the upper floor with a living, kitchen, and dining area consisting of approximately 576 sq. ft. The Zoning Ordinance was amended in October 2018 to allow ADUs in certain zoning districts and established basic standards for these uses. An ADU with a kitchen is permitted in the SF-2 Zoning District as an incidental use on the same lot as the main dwelling unit, subject to approval of a Specific Use Permit. The following standards apply:

- a. Lot must be zoned AG, RE, SF-1, SF-2, SF-3;

- b. Limit to ONE ADU per lot;
- c. Minimum lot size is 5000 square feet;
- d. Maximum square feet allowed shall be 800 square feet or no more than 60% of the square footage of the main building, whichever is greater;
- e. Maximum Height: must be compatible with surrounding structures, not to exceed 2 ½ stories;
- f. Building setbacks – ADU must be constructed to the rear of the main building and observe the same side yard setbacks as required for the main building. An ADU shall have a rear yard setback of no less than 10 feet and if detached from the main structure, must be separated from the main structure by a minimum distance of 10 feet;
- g. One additional parking space is required for the addition of an ADU unless the parking requirement is already satisfied on the lot;
- h. Maximum lot coverage shall be no more than 60% with the addition of an ADU, including the main building and any other accessory buildings;
- i. Building materials shall be compatible with the main building and comply with the City of Belton Design Standards;
- j. Water and sewer utilities must share meters with the main building;
- k. Lot must be platted or exempt from platting per Section 45, Creation of Building Site;
- l. The ADU may not be sold separately from sale of the entire property, including the main dwelling unit.

The applicant's property consists of approximately 8,316 sq. ft. Currently, there are two buildings on the site. The main structure (the residential dwelling) is approximately 1,194 sq. ft. and the detached garage is approximately 312 sq. ft. The detached garage has access to Ellis Ave. The detached garage appears to be on the property line with no setback. The applicant plans to demolish the detached garage to construct the proposed ADU.

This lot has a double frontage which requires a 25' front yard setback from both E. 12<sup>th</sup> Ave and Ellis Ave. The applicant is proposing a front yard setback of 18' for the ADU from Ellis Ave. The proposed 18' front yard is an adequate depth for the proposed uncovered parking spaces. All other side yard setbacks and building separation between the main structure and proposed ADU are met. The Single Family-2 Zoning District requires a 6' side yard setback. A minimum separation of 10' is required from the principal structure and ADU. The applicant is proposing a 20' separation.

The zoning ordinance requires a total of 5 parking spaces. The primary dwelling requires 4 parking spaces which includes two covered and two uncovered spaces. One parking space is required for the ADU. The applicant is proposing two covered parking spaces and three uncovered parking spaces to meet this requirement.

The primary dwelling and ADU will share utilities including water, sewer, and electricity. The primary home was built in 1949 with wood siding. The proposed ADU will have a hardiplank siding exterior to mimic the primary building. The applicant proposes a two-story ADU.

ADUs are permitted to be a maximum of 800 sq. ft or 60% of the primary building whichever is greater. The proposed ADU will have 1,152 sq. ft. – 576 sq. ft. of living space on the upper level and 576 sq. ft. for a two-car garage on the ground level. The maximum lot coverage permitted is 60% of the lot with the addition of the ADU. The lot coverage with the ADU is approximately 21%.

### **Project Analysis and Discussion**

Per Zoning Ordinance Section 33.2, the following criteria should be considered when determining the validity of the SUP request:

1. Is the use harmonious and compatible with surrounding existing uses or proposed uses?
  - The adjacent properties are developed as single-family detached residential units. The property with the proposed ADU is also on a lot with a single-family detached home. An ADU is permitted within this zoning district. The ADU is consistent with other setbacks in the neighborhood and has similar building materials.
2. Are the activities requested by the applicant normally associated with the requested use?
  - An ADU with a second kitchen is not uncommon in the SF residential area.
3. Is the nature of the use reasonable?
  - The proposed ADU appears to blend in well with the surrounding neighborhood.
4. Has any impact on the surrounding area been mitigated?
  - There are no apparent negative impacts to the surrounding properties.

The requested SUP appears to satisfy the criteria above.

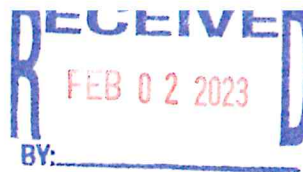
### **Recommendation**

Recommend approval of the requested zoning change from Single Family-2 Zoning District to Single Family-2 with a Specific Use Permit for an Accessory Dwelling Unit with kitchen subject to the following:

1. A specific use permit is authorized for an accessory dwelling unit with a kitchen, subject to standards identified in Ordinance 2018-36 and the attached site plan (Exhibit B), elevations and interior floor plan (Exhibit C).
2. A front yard setback of 18' is permitted on Ellis Ave.
3. A square footage of 1,152 is permitted.

### **Attachments:**

1. Zoning application, site plan, floor plan and elevations
2. Property Location Map
3. Zoning map
4. Aerial photo
5. Map with zoning notice boundary (200')
6. Zoning notice to owners
7. Owner notification list



# ZONING CHANGE APPLICATION

Fee: \$300.00

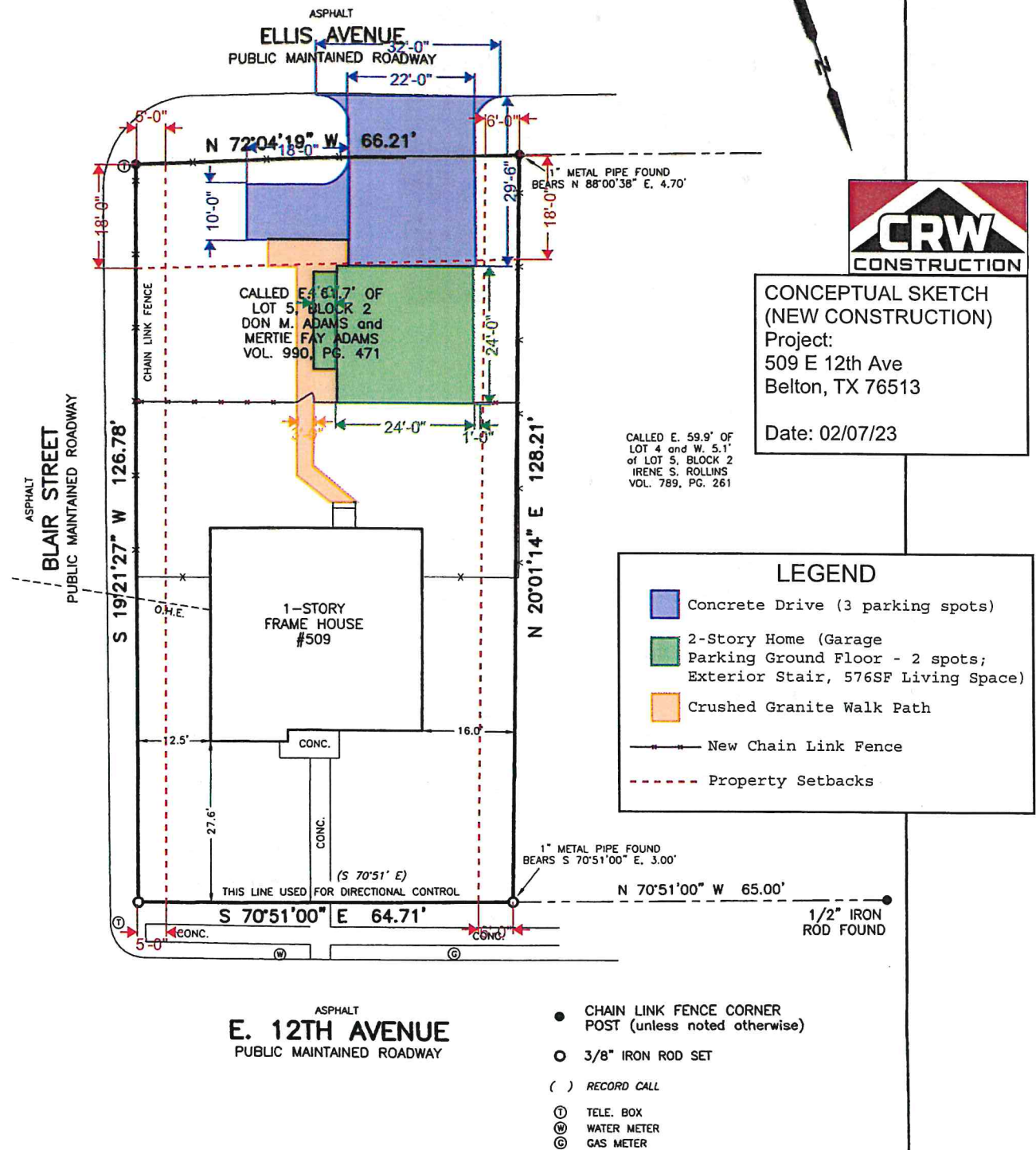
Date received:	
APPLICANT NAME: <u>PENELOPE INVESTMENTS, LLC (DAVE COVINGTON)</u>	
EMAIL: <u>DAVE@GOCOV.COM</u>	PHONE NUMBER: <u>254.541.5420</u>
MAILING ADDRESS: <u>2324 N. MAIN ST. BELTON, TX 76513</u>	
PROPERTY OWNER NAME: <u>SAME AS ABOVE</u>	
EMAIL:	PHONE NUMBER:
MAILING ADDRESS:	

Proposed Use of Structures (building) and Property (exterior property): <u>SINGLE FAMILY 2 w/SUP FOR ADU w/KITCHEN</u>
Current Use: <u>SINGLE FAMILY 2</u>
LOCATION/STREET ADDRESS OF PROPERTY TO BE REZONED: <u>509 E. 12TH AVENUE, BELTON, TX 76513</u>
Legal Description of Property: Abstract Survey _____
Lot(s): <u>Pt 5 (E 61.7' OF 5)</u> Block(s): <u>2</u> of Subdivision <u>OP CARPENTER</u>
Existing Zoning: <u>SINGLE FAMILY 2</u> Proposed Zoning: <u>SINGLE FAMILY 2 w/SUP FOR ADU w/KITCHEN</u>

Signature of Applicant: [Signature] Date: 2/2/2023

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



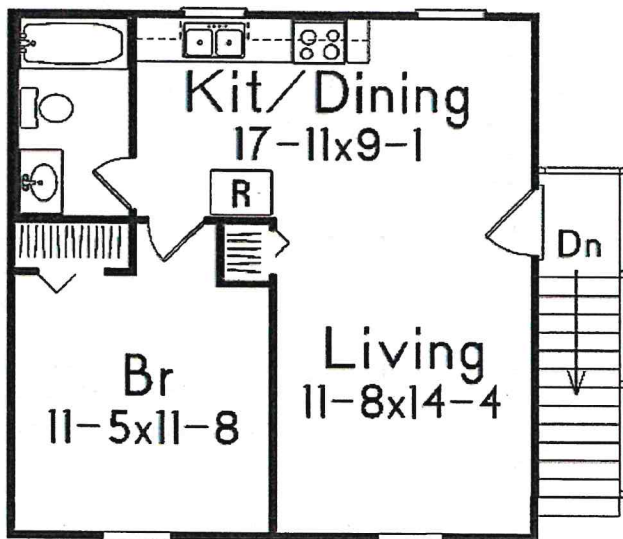
# Exhibit "C"



## CONCEPTUAL FLOORPLAN

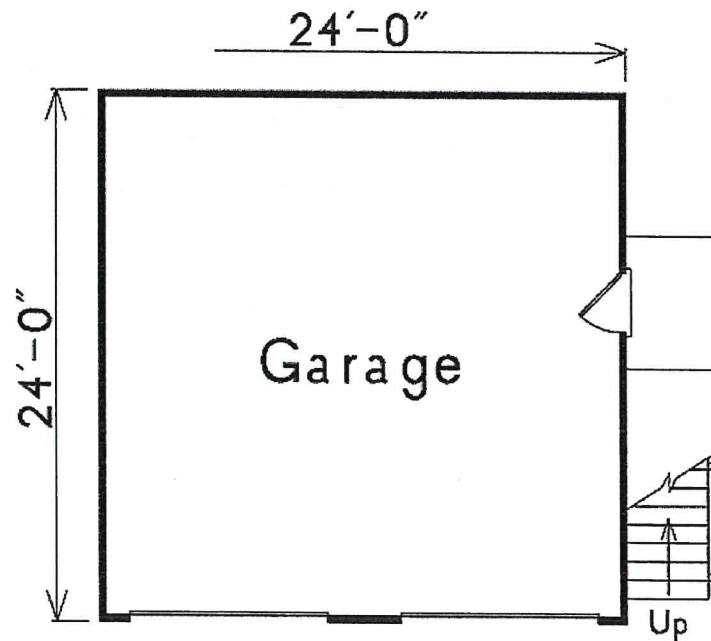
Project:  
509 E 12th Ave  
Belton, TX 76513

Date: 02/07/23



1 BED / 1 BATH  
576 SF CONDITIONED SPACE  
576 SF 2-CAR GARAGE  
HARDIE SIDING  
CONTRACTOR GRADE FINISHES  
PREFAB CABINETS

2ND STORY



GROUND FLOOR



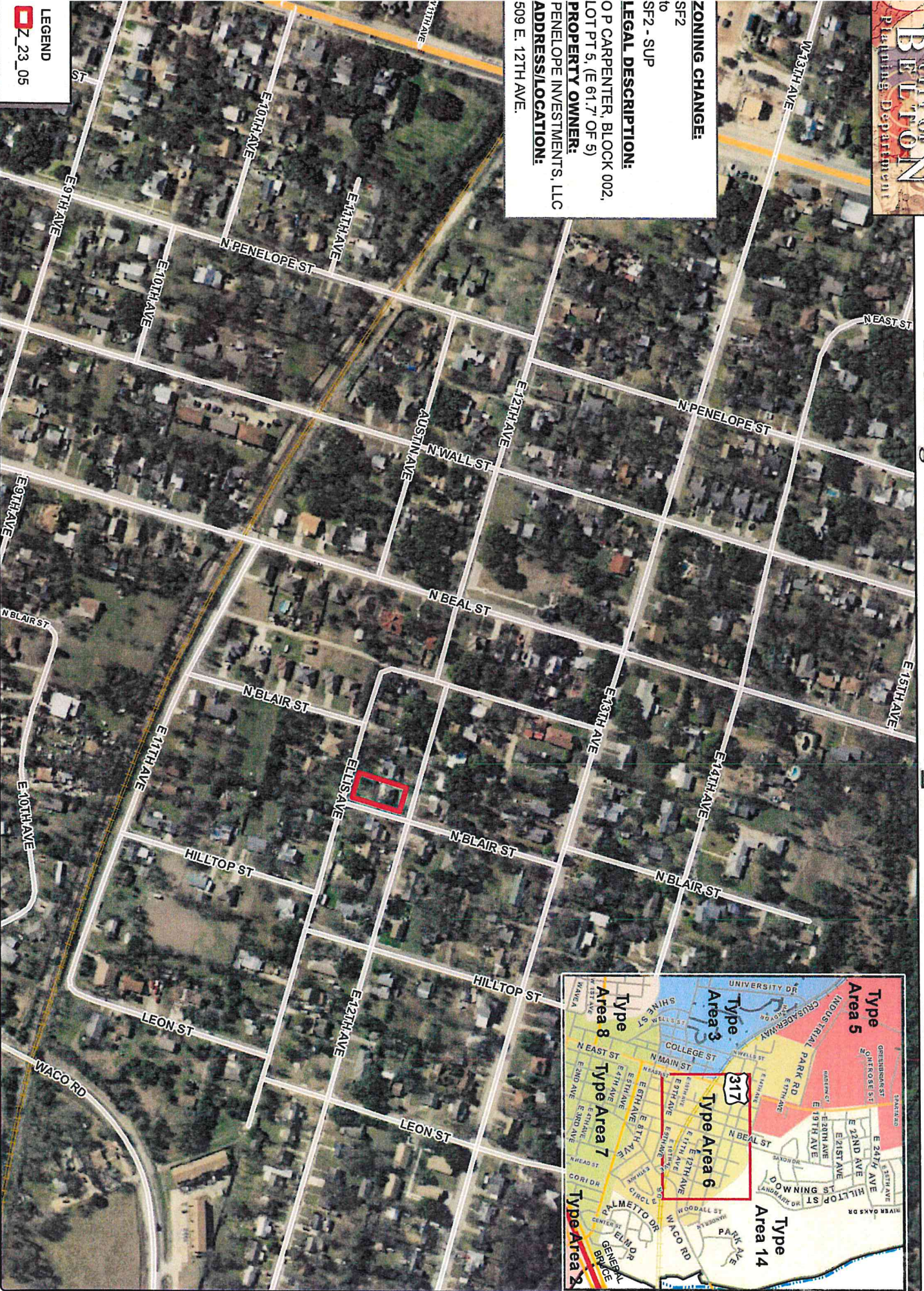
# Zoning Case # Z-23-05 Location

**ZONING CHANGE:**  
SF2  
to  
SF2 - SUP

**LEGAL DESCRIPTION:**  
O P CARPENTER, BLOCK 002,  
LOT PT 5, (E 61.7' OF 5)

**PROPERTY OWNER:**  
PENELOPE INVESTMENTS, LLC

**ADDRESS/LOCATION:**  
509 E. 12TH AVE.





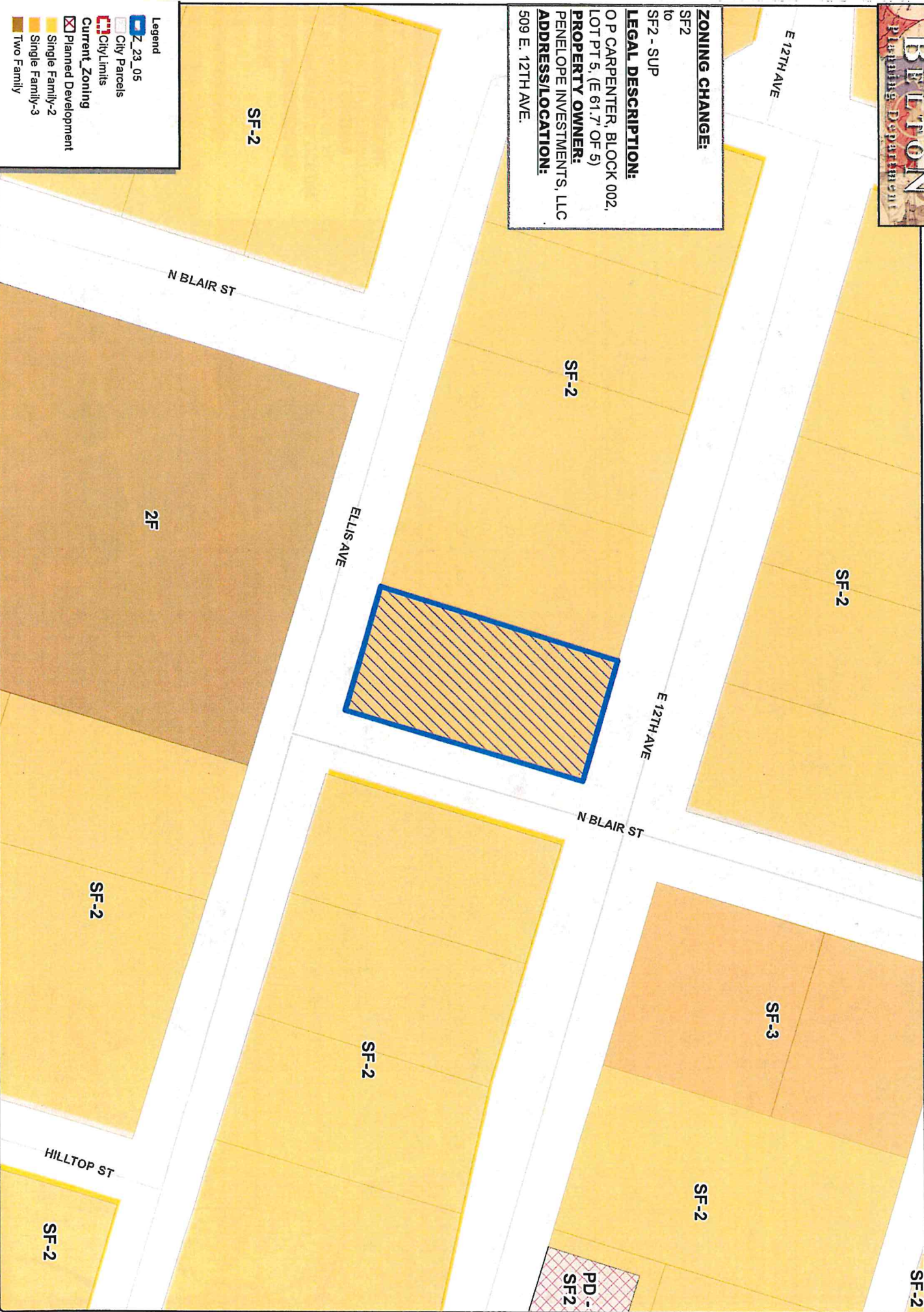
# Zoning Case # Z-23-05\_Zoning

**ZONING CHANGE:**  
SF2  
to  
SF2 - SUP

**LEGAL DESCRIPTION:**  
O P CARPENTER, BLOCK 002,  
LOT PT 5, (E 61.7' OF 5)

**PROPERTY OWNER:**  
PENELOPE INVESTMENTS, LLC

**ADDRESS/LOCATION:**  
509 E. 12TH AVE.



**Legend**

- Z\_23\_05
- City Parcels
- City Limits
- Current\_Zoning
- Planned Development
- Single Family-2
- Single Family-3
- Two Family



Maps and data are for informational purposes and may not have been prepared for or be suitable for legal, engineering or other purposes. The user represents and warrants that the user is responsible for verifying the accuracy of the information on this map. No warranty is made by the City of Belton regarding specific accuracy or completeness.



# Zoning Case # Z-23-05\_Aerial

**ZONING CHANGE:**  
SF2  
to  
SF2 - SUP

**LEGAL DESCRIPTION:**  
O P CARPENTER, BLOCK 002,  
LOT PT 5, (E 61.7' OF 5)

**PROPERTY OWNER:**  
PENELOPE INVESTMENTS, LLC

**ADDRESS/LOCATION:**  
509 E. 12TH AVE.



**LEGEND**

Z-23\_05



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.

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

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: PENELOPE INVESTMENTS, LLC.  
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 509 N. 12<sup>TH</sup> AVENUE  
FROM A(N) SINGLE FAMILY – 2 RESIDENTIAL ZONING DISTRICT,  
TO A(N) SINGLE FAMILY – 2 RESIDENTIAL W/ SPECIFIC USE PERMIT FOR AN ACCESSORY DWELLING UNIT WITH  
A KITCHEN ZONING DISTRICT,  
TO A DETACHED DWELLING STRUCTURE WITH KITCHEN

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, February 21, 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, February 28, 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@BELTONTX.GOV](mailto:PLANNING@BELTONTX.GOV), PRIOR TO 1:00 P.M. ON FEBRUARY 28, 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-23-05

**ZONING CHANGE:**

SF2  
to  
SF2 - SUP

**LEGAL DESCRIPTION:**

O P CARPENTER, BLOCK 002,  
LOT PT 5, (E 61.7' OF 5)

**PROPERTY OWNER:**

PENELOPE INVESTMENTS, LLC

**ADDRESS/LOCATION:**

509 E. 12TH AVE.

**Legend**

☒ Z\_23\_05

☐ 200' Property Owner

☐ Notification Area

☐ Tax Appraisal Parcels



609 PENELOPE INVESTMENTS LLC 500 N LOOP 121 BELTON, TX 76513	19253 HALL, TARA L & JACOB J CALLOWAY 510 E 12TH AVE BELTON, TX 76513	28682 VENEGAS, JULIO ETUX BERTHA 607 E 12TH AVE BELTON, TX 76513
46666 VANDENBERG, MICHAEL S ETUX KELSIE DESIRAE 503 E 12TH AVE BELTON, TX 76513	56055 BREWER, RANDAL 5685 DICE GROVE RD BELTON, TX 76513	57142 BUCHER, STACY 1501 BLACKJACK DR ROUND ROCK, TX 78681
58194 SIMS, JEFF TRIMMIER & ERIN PAULINE 603 E 12TH AVE BELTON, TX 76513-2207	59821 SMITH, ROBERT K ETAL 511 ELLIS ST BELTON, TX 76513-2269	59822 O'BRIEN, JIMMY L ETUX DORA A 528 CHATHAM BELTON, TX 76513
60325 KIRBY, EVE MARIE 1122 HILL TOP BELTON, TX 76513	75538 BWH HOLDINGS LLC 507 ELLIS AVE BELTON, TX 76513	94615 PENELOPE INVESTMENTS LLC 500 N LOOP 121 BELTON, TX 76513
94616 HINEMAN, SAMUEL J ETUX BRITTANY CAMPBELL- HINEMAN 3895 HIGH OAK DR BELTON, TX 76513	94631 KNEESE, DANNY ETUX TRACY PO BOX 1052 BELTON, TX 76513-5052	95910 BEST CALIBER RENTALS LLC 2106 HOLLY SPRINGS DR UNIT 225 TAYLOR, TX 76574
95942 CRAWFORD, FRANCES R 606 E 12TH AVE BELTON, TX 76513	100769 FARNHAM, ROBERT & JANELLE 1720 S PEA RIDGE RD TEMPLE, TX 76502	346803 RODRIGUEZ, JUAN C 1110 N BLAIR ST BELTON, TX 76513
346806 HERNANDEZ, RUBEN III 1108 N BLAIR ST BELTON, TX 76513-2200	346807 MARTINEZ, REYES LUPE 1106 N BLAIR ST BELTON, TX 76513-2200	451923 BAG DROP LLC, THE PO BOX 178 BELTON, TX 76513
451924 BAG DROP LLC, THE PO BOX 178 BELTON, TX 76513	16645 AGUILAR, MIGUEL MANDUJANO 1118 HILLTOP ST BELTON, TX 76513	

Administrative Plat Approvals					
Approval Date	Subdivision Name	Acreage / Location	No. of Lots	Description	Waivers
1/12/2023	Jordan Law Acres (ETJ)	11.36 Acres; 2921 and 3057 Elmer King Rd	1	Lot Line adjustment between two lots	Fire Protection