



# CITY OF BELTON

Planning & Zoning Commission Meeting  
Tuesday, March 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 February 21, 2023, regular meeting.
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.
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.
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.
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.
8. Hold a public hearing and consider an amendment to Section 49.8(D) relating to the three-fourths vote requirements.
9. 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, February 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, David Jarratt, and Luke Potts. The following members were absent: Alton McCallum and Joshua Knowles. The following staff members were present: Director of Planning Bob van Til, Planner Tina Moore, Planning Administrator Melinda Brice, 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 Nicole Fischer gave the Invocation.

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

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

There were no public comments.

**3. Consider approval of minutes from the previous meeting. (Audio 1:09)**

Commission Member Nicole Fischer motioned to approve minutes from January 17, 2023, meeting, seconded by Commission Member Quinton Locklin. The motion passed with 7 ayes and 0 nays.

**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. (Audio 1:33)**

City Planner Ms. Moore presented the staff report.

Chair Brett Baggerly opened the public hearing.

The following residents spoke in opposition of the zoning change expressing their concerns for parking, traffic, and the school zone with kids walking to and from school: Mrs. West – 600 Richardson Circle, and Tabitha Garcia, 611 Richardson Circle. With no further input, the public hearing was closed.

Applicant, Larry Guess, 202 E. Barton, Temple, TX, spoke in support of the zoning change. He stated that when they began to start the project they were informed by the Fire Marshal that having one commercial space in the four buildings would trigger a requirement to use the 13R fire suppression system.

Commission Member Luke Potts made a motion to approve Z-22-45 as presented. The motion was seconded by Commission Member Zachary Krueger. The motion passed with 7 ayes and 0 nays.

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. (Audio 22:07)**

City Planner Ms. Moore presented the staff report.

Chair Brett Baggerly opened the public hearing.

Applicant, Ace Reneau with Mitchell and Associates, 102 N. College St., Killeen, TX, spoke about the water pressure concerns. He felt they could come up with a solution that works for everyone throughout the process. With no further input, the public hearing was closed.

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

Commission Member Zachary Krueger made a motion to approve Z-22-46 as presented. The motion was seconded by Commission Member David Jarratt. The motion passed with 7 ayes and 0 nays.

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. (Audio 30:30)**

Vice Chair Dave Covington recused himself from this item.

City Planner Ms. Moore presented the staff report.

Chair Brett Baggerly opened the public hearing.

Applicant, Dave Covington, 2324 N. Main St., described the project.

With no further input, the public hearing was closed.

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

Commission Member Luke Potts made a motion to approve Z-23-05 as presented. Commission Member Quinton Locklin seconded the motion. The motion was approved with 6 ayes and 0 nays.

7. **Receive a report on Administrative Plat Approvals. (Audio 44:46)**

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

With no other city business, the Planning and Zoning Commission was adjourned at 6:15 p.m. (Audio ends at 45:38)



P&Z

Agenda Item #4

Z-23-06

# Staff Report – Planning and Zoning Agenda Item



Date: March 21, 2023  
Case No.: Z-23-06  
Request: Agricultural to SF-1  
Applicant/Owner: Robert Fouse

## **Agenda Item #4**

Z-23-06 - Hold a public hearing and consider a zoning change from Agricultural District to Single Family-1 Residential District for approximately 0.792 acres located at 1582 190 Lane generally located south of Interstate 14 and west of 190 Lane

### **Originating Department**

Planning Department – Tina Moore, Planner

**Current Zoning:** Agricultural (A) District

**Current Use(s):** Single Family Detached Residential

**Proposed Zoning:** Single Family-1 (SF-1) Residential District

**Proposed Uses:** Construct an addition to an existing single-family residence.

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

The FLUM identifies this general area as a commercial corridor with a Lifestyle Overlay (appropriate for retail, restaurants, dense residential, and neighborhood service).

### **Design Standards Type Area 4:**

This Type Area includes various blocks at the primary intersections and crossroads of the IH 35 and US 190 Corridors. The projected growth is primarily commercial, retail, and neighborhood service uses.

### **Background/Case Summary**

This property was annexed in 2004 and zoned Agricultural. The area is developed with detached single-family homes. The property owner recently applied for a building permit to construct a 640 SF addition to the existing residence. The proposed addition does not meet the 20' side yard setbacks required by the Agricultural zoning district. Staff recommended a zoning change which would allow a reduced side setback. This rezoning also provides an appropriate zoning district that complements the existing use and size of the property.

## **Project Analysis and Discussion**

**Existing Conditions:** The surrounding lots are developed with detached single-family homes. The property to the east is currently farmed and zoned Agricultural.

**Allowable Land Uses:** The proposed zoning change would allow for the current use of a single-family residence and the proposed expansion.

**Area & Setback Requirements:** This lot exceeds the minimum area requirement for the SF-1 District.

	SF-1 Requirements	Existing Lot
Minimum lot size	7,000 SF	34,499 SF
Minimum width	70'	106'
Minimum depth	100'	321'
Front yard setback	25'	50'
Side Yard	7'	10'
Rear yard	20'	234'
Maximum Lot Coverage	40%	

The proposed addition meets the setback and will be reviewed for compliance with building code requirements.

## **Recommendation**

Recommend approval of the requested zoning change from Agricultural District to Single Family-1 Residential District for the property located at 1582 190 Lane.

## **Attachments:**

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

# ZONING CHANGE APPLICATION

Fee: \$300.00



Date received:	
APPLICANT NAME: <u>Robert Fouse</u>	
EMAIL: <u>fouse-services@gmail.com</u>	PHONE NUMBER: <u>254-217-2600</u>
MAILING ADDRESS: <u>1582 190 Lane Belton TX 76513</u>	
PROPERTY OWNER NAME: <u>Robert Fouse</u>	
EMAIL: <u>Same</u>	PHONE NUMBER: <u>254-217-2600</u>
MAILING ADDRESS: <u>Same</u>	

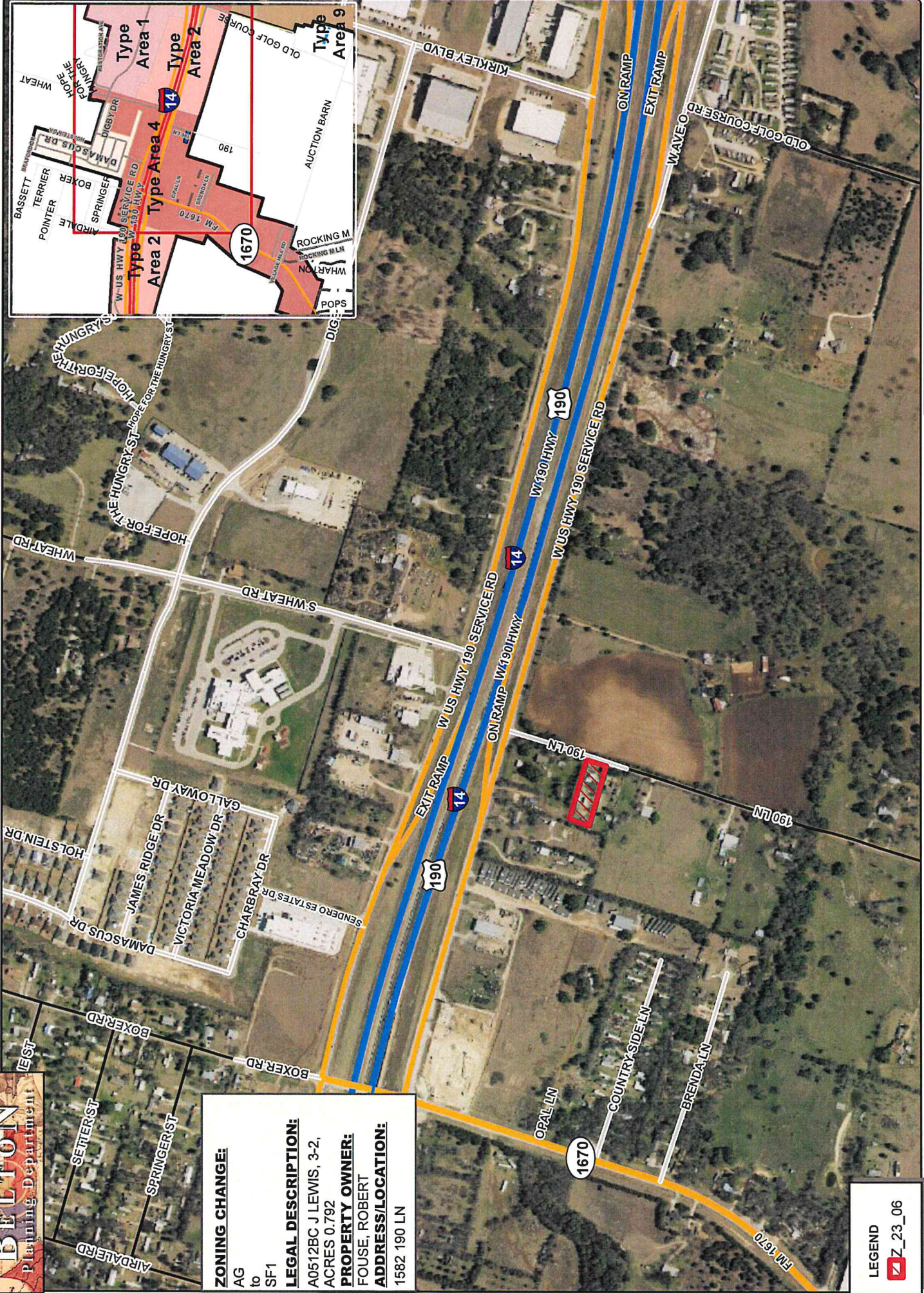
Proposed Use of Structures (building) and Property (exterior property): <u>Single Family Residents</u>
Current Use:  
LOCATION/STREET ADDRESS OF PROPERTY TO BE REZONED: <u>1582 190 Lane Belton TX 76513</u>
Legal Description of Property: Abstract Survey <u># 512</u>
Lot(s): _____ Block(s): _____ of Subdivision _____
Existing Zoning: <u>AGRICULTURAL</u> Proposed Zoning: <u>Single Family 1</u>

Signature of Applicant: [Signature] Date: 2-10-23

Signature of Owner (if not applicant): \_\_\_\_\_ Date: \_\_\_\_\_



# Zoning Case # Z-23-06\_Location



**ZONING CHANGE:**  
AG  
to  
SF1

**LEGAL DESCRIPTION:**  
A0512BC J LEWIS, 3-2,  
ACRES 0.792

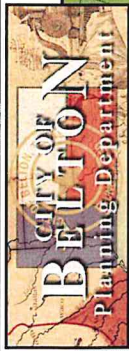
**PROPERTY OWNER:**  
FOUSE, ROBERT

**ADDRESS/LOCATION:**  
1582 190 LN

**LEGEND**  
Z-23-06



# Zoning Case # Z-23-06\_Zoning



Author: Anthony Holgrass, City of Belton Path: E:\City of Belton Projects\Folders\Maps and Data\Zoning Cases\2023\Zoning Change Cases\Z-23-06\Z-23-06\_Zoning.mxd

## ZONING CHANGE:

AG  
to  
SF1

## LEGAL DESCRIPTION:

A0512BC J LEWIS, 3-2,  
ACRES 0.792

**PROPERTY OWNER:**  
FOUSE, ROBERT

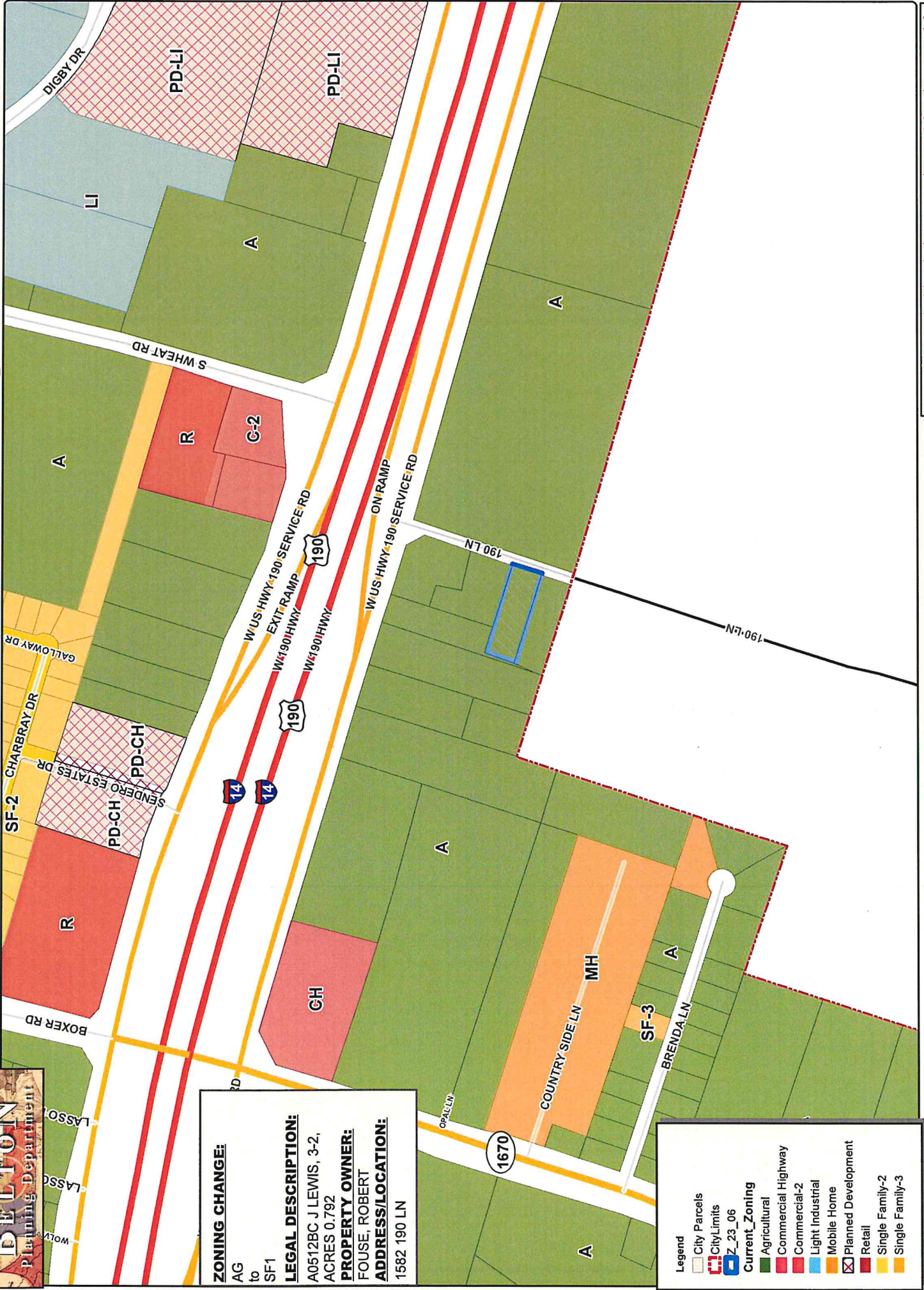
**ADDRESS/LOCATION:**  
1582 190 LN

**Legend**

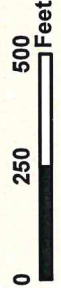
- City Parcels
- City Limits
- Z\_23\_06

**Current\_Zoning**

- Agricultural
- Commercial Highway
- Commercial-2
- Light Industrial
- Mobile Home
- Planned Development
- Retail
- Single Family-2
- Single Family-3



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: 3/2/2023



# Zoning Case # Z-23-06



## ZONING CHANGE:

AG  
to  
SF1

## LEGAL DESCRIPTION:

A0512BC J LEWIS, 3-2,  
ACRES 0.792

## PROPERTY OWNER:

FOUSE, ROBERT

## ADDRESS/LOCATION:

1582 190 LN

## Legend

- ☒ Z\_23\_06
- ☐ 200' Property Owner Notification Area
- ☐ Tax Appraisal Parcels

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.



0 100 200 Feet

Map Date: 3/2/2023



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

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: ROBERT FOUSE.  
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 1582 190 LANE  
FROM A(N) AGRICULTURAL (AG) ZONING DISTRICT,  
TO A(N) SINGLE FAMILY – RESIDENTIAL (SF-1) ZONING DISTRICT,  
TO ALLOW FOR SINGLE FAMILY DETACHED DWELLING

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, March, 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, March 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 MARCH 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



7654  
RODRIGUEZ, BALDOMERO ORTEGA  
101 4TH ST  
JARRELL, TX 76537

74607  
HUCKABEE, MARY LOUISE  
423 W AVENUE D  
BELTON, TX 76513-3419

101351  
HINTON, BILLY LEE  
3153 W US HIGHWAY 190  
BELTON, TX 76513-7160

405014  
HANUSCH, ROY L  
3205 W HWY 190  
BELTON, TX 76513

56034  
FRIAS, MARIA  
1600 190 LN  
BELTON, TX 76513

75273  
SPEIGHTS, HAROLD F ETUX CARRIE  
PO BOX 11772  
KILLEEN, TX 76547-1772

319728  
HUCKABEE, MARY LOUISE  
423 W AVENUE D  
BELTON, TX 76513-3419

448510  
RODRIGUEZ, BALDOMERO ORTEGA  
101 4TH ST  
JARRELL, TX 76537

64849  
FOUSE, ROBERT H & JACKIE K  
1582 190 LN  
BELTON, TX 76513

75274  
BARKLEY, DANNY DOUGLAS  
3155 W US HIGHWAY 190  
BELTON, TX 76513-7160

405013  
HANUSCH, ROY L  
3205 W HWY 190  
BELTON, TX 76513

P&Z

Agenda Item #5

P-22-37

Hubbard Branch Ph. 1

Section II



## Staff Report – Planning & Zoning Item

Date: March 21, 2023  
Case No.: P-22-37  
Request: Final Plat  
Applicant: Quintero Engineering  
Owner/Developer: Heights Evergreen  
Developers LTD.

### Agenda Item #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.

### Originating Department

Planning – Tina Moore, Planner

### Case Summary

This is a single-family residential subdivision that proposes six blocks and 198 lots on 50.25 acres of land. The annexation and zoning change for this development was approved in March 2015. The preliminary plat was approved in February 2015, prior to the annexation. A final plat consisting of 177 lots for Hubbard Branch Section 1, Phase I was approved in April 2016.

### Project Analysis and Discussion

This property is zoned Single Family–3 Residential. The proposed lots meet the minimum lot size. The lots are typically 60' wide and 116' deep.

	<b>SF-3</b>
Minimum Lot area	5,000
Lot width	50'
Lot Depth	90'
Minimum Front Yard Setback	25'
Minimum Side Yard Setback	5'/15'- adjacent to a street
Minimum Rear Yard Setback	20'
Maximum Lot Coverage	45%

**Water:** This property is located within the City of Belton Certificate of Convenience and Necessity (CCN). A six-inch water line is proposed throughout this phase.

**Sewer:** This is located within the City's Wastewater CNN. A six-inch wastewater line is proposed for the residential lots. An 8' wastewater service line will extend to the proposed BISD school site to provide service. The applicant previously constructed a lift station and a force main extending from the subdivision to the Temple Belton Wastewater Treatment Plant located on FM 93 to service phase I. The lift station is located north of the subdivision and south of the Leon River.

**Access:** Leon Overlook Trail and OT Tyler Drive will provide access via FM 93 /Holland Road for both Phase I Sections I and II which collectively will consist of 375 lots. This is consistent with the preliminary plat which was approved prior to the requirement for three access for subdivisions exceeding 100 lots. A traffic study (TIA) was approved with the review of the preliminary plat. With the proposal of the Belton Independent School District (BISD) elementary school site, the developer and BISD have partnered to provide a revised traffic study to be reviewed by both TxDOT and City Traffic Engineer.

**Streets:** The applicant is proposing the following streets and sidewalks:

Street Name	Type of Road	Construction Standards	Sidewalk
Leon Overlook Trl.	Collector Street	60' ROW – 37' BOC to BOC	5' Sidewalk provided
O.T. Tyler	Collector Street	60' ROW – 37' BOC to BOC	5' Sidewalk proposed
Settler Oak Drive	Local Street	60' ROW – 36' BOC to BOC	5' Sidewalk proposed
Cowgirl Trail, Cedar Glen, Tin Barn Bluff, and Hunting Cabin Ridge	Local Street	50' ROW – 31' BOC to BOC	No sidewalks are proposed.

**Drainage:** Drainage plans were reviewed and approved by staff.

**Parkland Dedication/Fee:** According to the Subdivision Ordinance, each residential subdivision is required to dedicate suitable parkland and/or payment of fees-in-lieu of parkland dedication. The applicant had initially proposed a parkland dedication of a 3.976-acre site adjacent to the proposed school during the approved preliminary plat. However, the applicant decided to pay a \$35,400 fee in lieu of dedication with the approval of Phase I, Section I. As this was previously accepted, a fee of \$39,600 is required for Phase I, Section II. The City plans to partner with BISD for a joint-use school and neighborhood playground. The fees collected will be used to provide amenities for this proposed park.

### **Recommendation**

Recommend approval of the final plat of Hubbard Branch, subject to the following:

1. Conditions of the staff comment letter dated 3-15-23.

### **Attachments**

1. Final Plat Application
2. Location Map
3. Final Plat
4. Staff Comment letter w/ KPA recommendations for road design variances.

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

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

- ☐ Preliminary Subdivision                      Fees due \$ \_\_\_\_\_
- ☒ Final Subdivision
- ☐ Administrative Plat
- ☐ Replat
- ☐ ETJ
- ☒ City Limits

Date Received: \_\_\_\_\_ Date Due: \_\_\_\_\_ (All plans are to be returned to the Planning Department according to the Plat Submission Calendar.)

Applicant: Quintero Engineering, LLC Phone: 254-394-0034  
Mailing Address: 1501 W. Stan Schlueter Lp., Killeen Tx 76549  
Email Address: gmeza@quinteroeng.com

Owner: Heights Evergreen Developers, LTD. Phone: 254-535-1550  
Mailing Address: 4300 Chantz Dr., Killeen Tx 76542  
Email Address: jshatto@mcleanlc.com

Current Description of Property:

Lot: NA Block: NA Subdivision: NA  
Acres: 50.25 Survey: OT Tyler  
Abstract #: 20 Street Address: FM 436, Belton  
Frontage in Feet: \_\_\_\_\_ Depth in Feet: \_\_\_\_\_

Does Zoning comply with proposed use? Yes Current Zoning: SF-3  
Name of proposed subdivision: Hubbard Branch, Phase One, Section Two  
Number of Lots: 198 Fee: \$ 844.00

DocuSigned by:  
Signature of Applicant: Gorge J. Meza Date: 6/3/2022  
Signature of Owner: [Signature] Date: 6-3-22

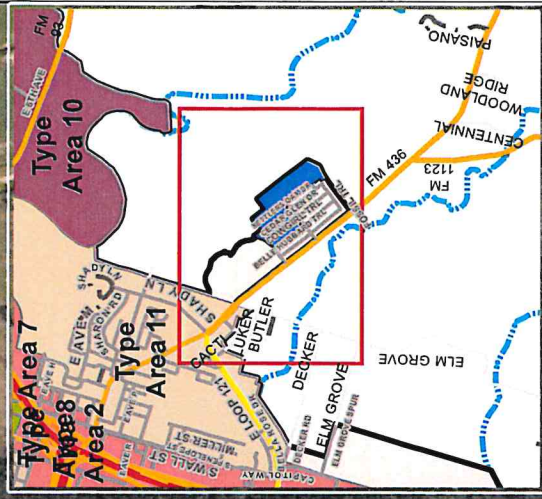
**NOTE: Variances to code requirements may be considered by P&ZC and City Council.**







# P-22-37 LOCATION - SOUTH LOOP INDUSTRIAL PARK PH. II



## PROPOSED PLAT:

Final Plat  
HUBBARD BRANCH PHASE 1  
SECTION II  
50.25 Acres

## PROPERTY OWNER:

HEIGHTS EVERGREEN

## LEGEND

P\_22\_37

City Limits



Maps and data are for informational purposes and may not have been prepared for or available 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: 3/14/2023





# City of Belton

Planning Department

March 15, 2023

**Project: HUBBARD BRANCH PH. 1 SECTION II**

**Applicant: QUINTERO ENGINEERING/HEIGHTS EVERGREEN**

**Date Submitted: 1<sup>ST</sup> REVIEW – 10-31-22**

**2<sup>ND</sup> REVIEW – 1-18-23 (1<sup>st</sup> Review for Construction Plans)**

**3<sup>RD</sup> REVIEW – 3-7-23**

**Location: 50.26 ACRES LOCATION: FM 436/HOLLAND AND O.T. TYLER RD.**

---

**\*\*\*Please comment back in red under the comments submitted on this sheet.\*\*\***

## **PLANNING:**

1. Parkland Dedication fee of \$39,600 (198 lots x \$200 per lot) is due at the time of plat signatures.

## **PUBLIC WORKS/KPA:**

1. The k-value for the sag vertical curve is 16.89. For a 40mph design speed (per City of Belton Design Manual), the minimum k-value should be 64.
  - a. *Applicant's response. - We respectfully request our proposed sag vertical curve design to be accepted as proposed for the following reasons: 1) inlets in sags that are designed with larger k-values tend to pond resulting in pavement failures. 2) the existing storm inlets were approved and constructed under Phase 1, Section 1 based on the proposed street design as shown and revising the vertical curve will revise the rim elevation of the existing inlets.*  
KPA recommends variance approval due to above reasoning as well as vertical curve location near controlled intersection.
2. The k-values for the two sag vertical curves at the low point of the street are 38.39 and 46.94, respectively. For a 40mph design speed (per City of Belton Design Manual), the minimum k-value should be 64.
  - a. *Applicant's Response - We respectfully request our proposed sag vertical curve design to be accepted as proposed for the following reasons: 1) inlets in sags that are designed with larger k-values tend to pond resulting in pavement failures. 2) the existing storm inlets were approved and constructed under Phase 1, Section 1 based on the proposed street design as shown and revising the vertical curve will revise the rim elevation of the existing inlets.*  
KPA recommends variance approval due to above reasoning as well as vertical curve location near tight curve with reduced speed.
2. Sheet C114 - The k-values for the sag and crest vertical curves of the street are 39.74 and 40.11, respectively. For a 40mph design speed (per City of Belton Design Manual), the minimum k-values should be 64 and 44, respectively.

- a. *Applicant's Response – The crest vertical curve has been revised, please see revised sheet. For the sag vertical curve, we respectively request our proposed sag vertical curve design to be accepted as proposed for the following reasons: 1) inlets in sags that are designed with larger k-values tend to pond resulting in pavement failures. 2) the existing storm inlets were approved and constructed under Phase 1, Section 1 based on the proposed street design as shown and revising the vertical curve will revise the rim elevation of the existing inlets.*  
KPA recommends variance approval due to above reasoning as well as vertical curve location near tight curve with reduced speed.
3. The k-value for the sag vertical curve is 43.90. For a 40mph design speed (per City of Belton Design Manual), the minimum k-value should be 64.
  - b. *Response m. - We respectively request our proposed sag vertical curve design to be accepted as proposed for the following reasons: 1) inlets in sags that are designed with larger k-values tend to pond resulting in pavement failures. 2) the existing storm inlets were approved and constructed under Phase 1, Section 1 based on the proposed street design as shown and revising the vertical curve will revise the rim elevation of the existing inlets.*
  - c. KPA recommend variance approval due to above reasoning provided that advisory signage be added on approach to the sag (from both directions) to identify the dip in the road and to reduce speed.
4. The k-values for the crest and sag vertical curves of the street are 35.80 and 17.30, respectively. For a 40mph design speed (per City of Belton Design Manual), the minimum k-values should be 44 and 64, respectively.
  - a. *Applicant's response - For the sag vertical curve, we respectively request our proposed sag vertical curve design to be accepted as proposed for the following reasons: 1) inlets in sags that are designed with larger k-values tend to pond resulting in pavement failures. 2) the existing storm inlets were approved and constructed under Phase 1, Section 1 based on the proposed street design as shown and revising the vertical curve will revise the rim elevation of the existing inlets.*  
Recommend variance approval due to above reasoning as well as vertical curve location near controlled intersection.
5. Add signage as proposed in the comment response for Sheet C116.
6. Pending review and approval of the TIA by City Traffic Engineer and TxDOT .

**BUILDING OFFICIAL:**

No Comments.

**FIRE DEPT:**

No Comments.

**POLICE DEPT:**

No Comments.

**GIS:**

No Comments.

**Outside Utility Provider Comments**

- ☐ **Oncor:**  
☐ **AT&T:**  
☐

**Atmos Energy:**

- ☐ **Charter Communications:**
- ☐ **Grande Communications:**
- ☐ **Spectrum (Time Warner):**
- ☐ **USPS**
- ☐ **Clearwater UCD:**
- ☐ **TXDOT:**

**Note: Acceptance by the City of Belton of a plat, zoning change, conceptual drawing, construction drawing, or other development submittal complying with City of Belton minimum standards for drainage does not provide approval beyond what the City may authorize. Approval is limited, and this approval does not limit any obligations you may have under applicable state statutes, such as the Texas Water Code, or federal statutes. You should consult with your own professionals as you continue to pursue this development project.**

P&Z

Agenda Item #6

P-23-01

BISD Hubbard Branch



## Staff Report – Planning & Zoning Item

Date: March 21, 2023  
Case No.: P-23-01  
Request: Final Plat  
Applicant: Kimley Horn  
Owner/Developer: Belton Independent School District (BISD)

### Agenda Item #6

P-23-01 - Consider a final plat for BISD Hubbard Branch, comprising 15.992 acres, located west of O.T. Tyler Drive, north of Holland Road.

### Originating Department

Planning – Tina Moore, Planner

### Case Summary

This final plat proposes a one-block, one lot for the development of an elementary school.

### Project Analysis and Discussion

This property was zoned to Agricultural with a Specific Use Permit for an Elementary School in September 2022. The proposed lot and development plans satisfy the following requirements for the Agricultural District.

	<b>AG</b>
Minimum Lot area	3 acres
Lot width	150'
Lot Depth	3000'
Minimum Front Yard Setback	50'
Minimum Side Yard Setback	7'/15'- adjacent to a street
Minimum Rear Yard Setback	20'
Maximum Lot Coverage	40%

**Water:** This property is located within the City of Belton Certificate of Convenience and Necessity (CCN). An 8" water line is available on O.T. Tyler for service.

**Sewer:** This is located within the City's Wastewater CNN. The Hubbard Branch Section 1, Phase II construction plans show an 8" wastewater line will be extended to provide service.

**Streets:** BISD and Heights Evergreen partnered to provide a revised traffic impact analysis for the school site and Hubbard Branch Subdivision. The TIA was reviewed by TxDOT and City Traffic Engineers (Lee Engineering) for additional improvements to FM 436/Holland Road. The TIA is currently under review.

Adjacent streets O.T. Tyler and Land Grant are both classified as Local Collectors per the approved Hubbard Branch Preliminary Plat. Per the construction standards adopted with the Preliminary plat, both roads will require 60' of right-of-way and 37' of pavement, curb, and gutter. The construction of O.T. Tyler will be provided by Heights Evergreen Developers in Phase I, Section II. Land Grant Road is anticipated with Hubbard Branch Phase II and will not be constructed as part of the BISD improvements.

**Sidewalks:** A 5' sidewalk is required on both O.T. Tyler and future Land Grant Road.

**Drainage:** A final drainage plan and calculation were reviewed with the civil construction plans for the proposed school. An on-site detention pond is proposed and will be privately owned and maintained by BISD.

**Memorandum of Understanding:** There is limited public infrastructure that exists today to support the school site. BISD is in the process of negotiating a Memorandum of Understanding (MOU) with Heights Evergreen Developers, the developers of the Hubbard Branch Subdivision, for the construction of roads and wastewater improvements needed to support the BISD site. The MOU is needed to facilitate the issuance of the building permit prior to the needed infrastructure. The MOU will also need to reference under what conditions the Certificate of Occupancy (CO) will be issued. The CO cannot be issued unless all the public infrastructure is substantially completed to serve the elementary school due to safety concerns such as roads and water needed for the delivery of emergency services.

### **Recommendation**

Recommend approval of the final plat BISD Hubbard Branch, subject to the following:

1. Staff comment letters.
2. A Certificate of Occupancy will not be issued until all the off-site improvements needed to serve the BISD site are substantially completed.

### **Attachments**

1. Final Plat Application
2. Location Map and zoning map
3. Final Plat
4. Staff Report





**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 \$ 275
- ☐ ETJ  
☒ Inside Belton City Limits

Date Received: 02/06/2023 Date Due: 02/06/2023

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

Applicant: Tee Mueller, P.E. - Kimley-Horn Phone: 830.560.6558

Address: 10101 Reunion Place, Suite 400, San Antonio, TX 78216

Email: tee.mueller@kimley-horn.com

Owner: Belton ISD (Contact: Stephen Berry) Phone 254.215.2185

Mailing Address: 400 N Wall St, Belton, TX 76513

Email Address: stephen.berry@bisd.net

**Current Description of Property:**

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Acres: 15.990 Survey: O.T. Tyler Survey

Abstract #: 20 Street Address: 1651 O.T. Tyler Drive, Belton, TX 76513

Frontage in Feet: 734.99 Depth in Feet: 835' (Varies)

Does Zoning comply with proposed use? Yes Current Zoning: A (SUP)

Name of proposed subdivision: BISD Hubbard Branch

Number of Lots: 1 Fee: \$ 275

Signature of Applicant: *Tee Mueller* Date: 02/06/2023

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

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



# P-23-01 - BISD HUBBARD BRANCH



## PROPOSED PLAT:

Final Plat  
BISD HUBBARD BRANCH  
15.992 Acres

## PROPERTY OWNER:

BISD

Legend

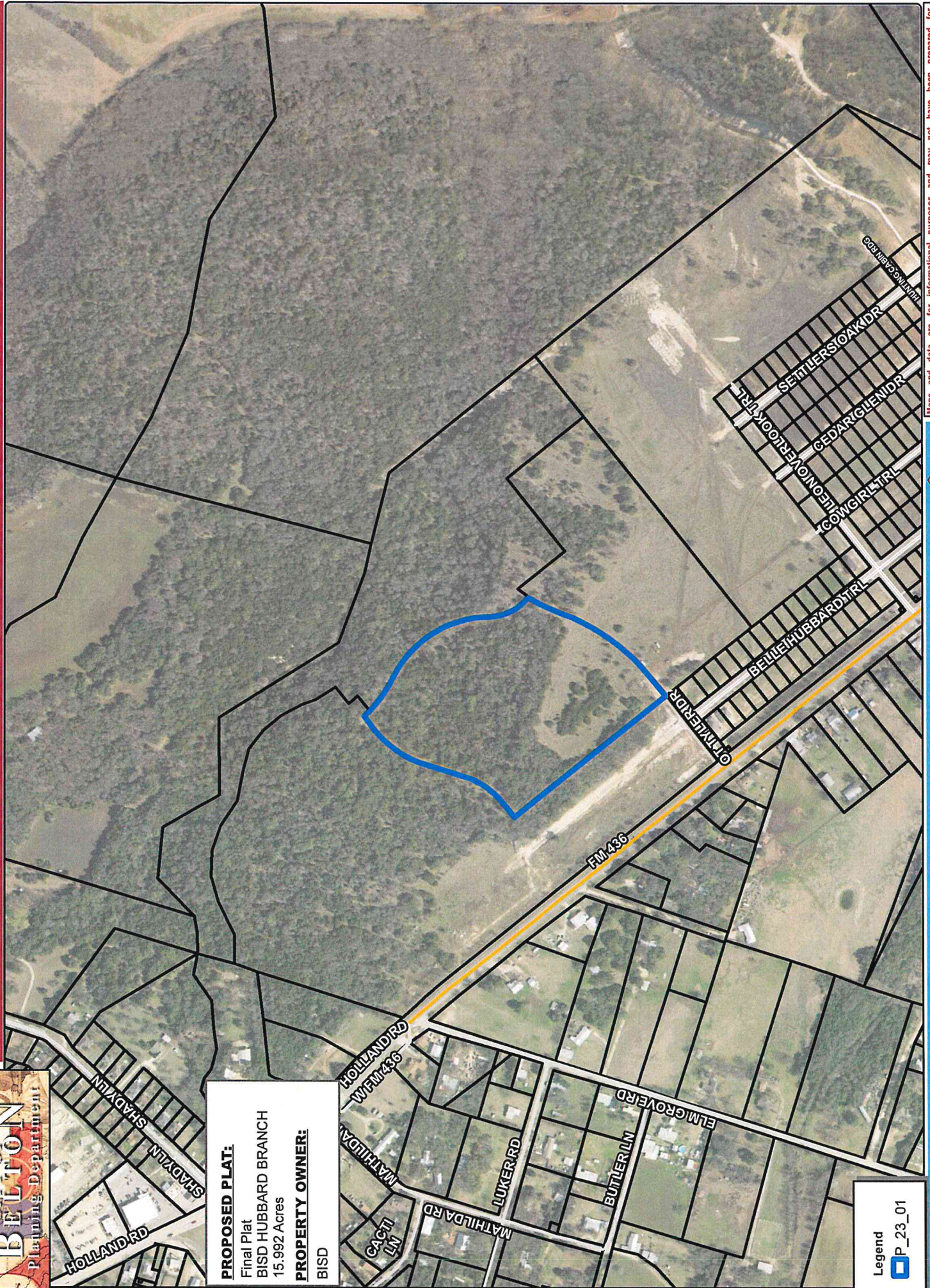


Map Date: 3/14/2023



0 250 500 1,000 Feet

Maps and data are for informational purposes and may not have been prepared for legal 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.









# City of Belton

Planning Department

February 24, 2023

**Project: BISD HUBBARD BRANCH**

**Applicant: KIMLEY-HORN/BISD**

**Date Submitted: 1<sup>ST</sup> REVIEW – 2-6-23**

**Location: 15.990 ACRES LOCATION: O.T. TYLER DRIVE**

---

**\*\*\*Please comment back in red under the comments submitted on this sheet.\*\*\***

## **PLANNING:**

1. Please provide a copy of the agreement with Heights Evergreen Developers, LTD for the required utilities, perimeter street improvement for OT Tyler Drive, and TxDOT improvements. These improvements must be made prior to the issuance of a certificate of occupancy for the school.
2. Please find attached comments for the TIA. On comment 6A, Staff confirmed with Fire Department that double stacking on the internal roadway is permitted.

## **PUBLIC WORKS/KPA:**

1. Part of the linework appears to be missing from the north end of Settler's Oak Drive.
2. Drainage Plan - Sheet C8.01 – Please add an Elevation-Area-Discharge Table to this sheet for the proposed detention pond.
  - a. Drainage Plan - Sheet C9.00 – There is a callout for the detention pond outfall structure on this sheet that references the pond plan. However, there are no callouts and no further details on the detention pond outfall. Please add the appropriate details and clarify in the callouts where they may be found in the plans.
  - b. From the grading plan, it appears that there is a channel that is to be graded downstream of the detention pond outfall and per this sheet, it is to be concrete lined. Details of the channel could not be found in the plans however (width, depth, running slope, side slopes, etc.) Please add this information.
  - c. Drainage Plan - Sheet C10.00 – It appears that security fencing is proposed around the detention pond although there is no callout for it. Please confirm. Recommend adding callouts to the plan view.

## **BUILDING OFFICIAL:**

No Comments.

## **FIRE DEPT:**

No Comments.

## **POLICE DEPT:**

No Comments.

**GIS:**

No Comments.

**Outside Utility Provider Comments**

- ☐ **Oncor:**
- ☐ **AT&T:**
- ☐ **Atmos Energy:**
- ☐ **Charter Communications:**
- ☐ **Grande Communications:**
- ☐ **Spectrum (Time Warner):**
- ☐ **USPS**
- ☐ **Clearwater UCD:**
- ☐ **TXDOT:**

**Note: Acceptance by the City of Belton of a plat, zoning change, conceptual drawing, construction drawing, or other development submittal complying with City of Belton minimum standards for drainage does not provide approval beyond what the City may authorize. Approval is limited, and this approval does not limit any obligations you may have under applicable state statutes, such as the Texas Water Code, or federal statutes. You should consult with your own professionals as you continue to pursue this development project.**



February 17, 2023

Ms. Tina Moore  
City Planner  
City of Belton  
333 Water Street  
Belton, Texas 76513

Re: *TIA Review – Hubbard Branch Development & Belton 13 Elementary School*

Dear Ms. Moore:

Lee Engineering has completed our review of the “Hubbard Branch Development & Belton 13 Elementary School” Traffic Impact Analysis (TIA) prepared by Kimley-Horn & Associates dated January 20, 2023. Our review comments are numbered for ease of reference and the numbering does not imply any ranking. We have divided our comments into two categories – *Informational Comments* are those that require no action by the City or the applicant. *Action Comments* are those that require a response or action by the City or applicant. We offer the following comments on the submitted traffic impact analysis.

**INFORMATIONAL COMMENTS (REQUIRE NO ACTION BY CITY OR APPLICANT)**

1. The proposed Hubbard Branch development and Belton 13 Elementary School will be located on FM 436 (Holland Road), approximately ½-mile southeast of Loop 121 in Belton. Three (3) site roadways on FM 436 (Holland Road) will provide access for this development.
2. The development is expected to be constructed in three (3) phases with full build-out by 2028.
3. Portions of Phase 1 (88 units) are currently occupied and two of the three site roadways are currently constructed.
4. The use of an annual growth rate of five (5) percent appears to be appropriate.
5. The directional distribution for the residential component of this development appears to be appropriate.
6. Traffic volumes at the driveways meet TxDOT’s right-turn and left-turn deceleration lane thresholds.

**ACTION COMMENTS (REQUIRE RESPONSE OR ACTION BY CITY OR APPLICANT)**

1. Text on page 2 states that “Prior to the preparation of the TIA, Kimley-Horn discussed the scope of the TIA and study area with staff from the Texas Department of Transportation (TxDOT). TIA scoping materials from this coordination are included in Appendix A.” While the TIA scoping materials are provided in Appendix A, TxDOT approval of the scoping materials is not provided. **Please provide documentation of TxDOT approval of the TIA scoping materials.**
2. As identified on page 6, a global PM peak hour of 4:00 – 5:00 PM was identified and used in the analysis. With three (3) of the four (4) intersections having existing PM peak hours of 4:30 – 5:30 PM, **please indicate why a global peak hour of 4:00 – 5:00 PM was used.**



3. Trip Generation:

- a) The number of trips generated by the development (Table 3) were estimated using rates provided in the *Trip Generation Manual*. However, guidance in the 3<sup>rd</sup> Edition of ITE's *Trip Generation Handbook* (Figure 4.2) indicates that equations should be used when there are more than 20 studies for a land use.
- b) The inbound:outbound split for the Single-Family Detached Housing land use (ITE Code 210) should be 25:75 instead of 26:74 as shown in Table 3.

The number of trips estimated to be generated by the development in the TIA (Table 4) result in fewer trips during the AM (9) and PM (12) than with the modifications identified above. It is anticipated that this minor difference in volumes will have minimal impact on the findings and conclusions of this TIA.

4. Trip Distribution:

- a) For the Loop 121 and FM 436 (Holland Road) intersection in Figures 6 to 13, northbound right turn distributions and corresponding volumes are shown as exiting distributions/volumes when they should be shown as entering distributions/volumes.
- b) In Figure 10, the EB right turn distribution on FM 436 (Holland Road) at O.T. Tyler Drive is shown as 75% exiting rather than 75% entering (based on the current assumed distribution for the elementary school).
- c) In Figure 10, the WB right turn distribution on FM 436 (Holland Road) at the I-35 SB Service Road is shown as 60% and should be 45% (based on the current assumed distribution for the elementary school). This impacts the volumes shown at this intersection in Figure 11.
- d) In Figure 11, the number of vehicles entering the school during the AM (284) and PM (59) peak hours does not match the number of entering vehicles in the trip generation for the school. The site traffic volumes at all study intersections during the PM peak hour also do not appear to be correct.
- e) How was the overall directional distribution for the school developed? The distribution used does not appear to be appropriate when considering the existing Belton ISD attendance boundaries for the existing Miller Heights Elementary School which will be replaced by the proposed Belton 13 Elementary School. Additionally, why was no school traffic assigned to FM 1123?
- f) There are significant differences in the volumes at some of the intersections in the figures and the volumes used in the Synchro analysis. Please correct the figures and Synchro as needed.

These comments will also impact the total traffic volumes shown in Figures 14 to 16. **Please revise all distribution/volume figures as necessary.**

5. Turn Lane Evaluation:

- a) Text on page 24 and information in Table 5 indicates that TxDOT requires left-turn deceleration lanes when turning movements exceed 50 vehicles per hour when the posted speed is greater than 45 mph, which is incorrect. In considering the need for left-turn deceleration lanes, please reference and use Table 3-10 in the latest version of TxDOT's *Roadway Design Manual* (12/2022)

- b) The turn lane lengths identified in the text below Table 5 do not represent the updated lengths in the latest version of TxDOT's *Roadway Design Manual* (12/2022). The desirable turn lane lengths in the latest version of the *Manual* are five (5) feet shorter than identified in the TIA.

**Please revise Section 4.3 as needed based on the information above.**

6. Circulation Plan:

- a) The average and high demand queue lengths identified in Table 6 were developed using an outdated version (102816) of NCDOT's MSTA spreadsheet tool. The current version (04012021) estimates an average queue length of 2,019 feet and a high demand queue length of 2,625 feet for an 800-student elementary school. **Please revise the analysis using the latest version of the NCDOT MSTA spreadsheet tool.**
- b) **Will double stacking on the internal roadways be allowed by City of Belton Fire officials?**
- c) Even with the incorrect queue lengths identified in the report, the anticipated queues would not be able to be accommodated on site and would spill on to the adjacent public street (O.T. Tyler Drive). With queues anticipated to be approximately 700-900 feet longer than identified in the report, even the average queue length would spill out on to FM 436 (Holland Road). The use of adjacent roadways (OT Tyler Drive), arterials (FM 436/Holland Road) or turn lanes on arterials for storing school vehicles is typically discouraged. **Please identify measures for accommodating the queues on the school campus.**
- d) **Please add a statement that the circulation and on-site queuing should be monitored by school officials and mitigation measures should be implemented if queues extend onto the public roadways.**

7. Traffic Operational Analysis:

- a) Text on page 26 states that "all study intersections operate at an acceptable LOS upon build out and mitigation of the proposed development with the exception of a few locations detailed below." This is a misleading statement as the majority of intersections (4 of the 7) are predicted to either operate below LOS D (signalized intersections) or have approaches (unsignalized intersections) predicted to operate below LOS D even with the proposed mitigation in place.
- b) The existing westbound left turn lane on FM 436 (Holland Road) at the Loop 121 intersection is not included in the Synchro analysis.
- c) The *Highway Capacity Manual* states that "If the peak hour factor is used, a single intersection-wide factor should be used rather than movement-specific or approach-specific factors." However, applying peak hour factors for each individual approach, as included in this analysis, is expected to produce a conservative estimate of the impact of the development and is likely appropriate for this analysis (see following comment).
- d) Due to the concentrated peaking characteristics that occur with school traffic (15-30 minute peaks as identified on page 27 of the report), adjustments to the existing peak hour factors should be considered at all intersections. However, if individual movement peak hour factors are continued to be used in the analysis, the low existing peak hour factors for some of the movements at the intersections (0.50 - 0.75) should account for the concentration of school traffic during the peak hours.
- e) It does not appear that Heavy Vehicle percentages were considered in the analysis. Existing traffic volumes indicate heavy vehicle percentages significantly higher than the default 2%.



- f) **Please indicate how the traffic signal timings used in the analysis were developed.** If traffic signal timing information was provided by TxDOT, **please include that information in the Appendix.**
- g) Additionally, the signal timings under Existing conditions at the I-35 Service Road intersections were not used under future scenario analyses, including the mitigation scenario. There was no discussion of changes to the timing settings in the TIA and changing the timing settings does not produce an apples-to-apples comparisons between different analysis years/scenarios. **Please use the existing signal timings for all scenarios unless mitigation is identified.**
- h) Analysis of the signalized frontage roads was performed using *HCM 2000* methodology since the previous (*HCM 2010*) and current edition of the HCM (*HCM 6<sup>th</sup> Edition*) does not support analysis of clustered intersections. **Was analysis of the clustered frontage road intersections using the methodology results provided directly by the Synchro analysis software considered? Why were the results presented using HCM 2000 methodology rather than Synchro?**
- i) Why were some of the unsignalized intersections analyzed using an outdated version of the Highway Capacity Manual (*HCM 2000*)? **Please revise the results in Table 8 using HCM 6<sup>th</sup> Edition methodology for all unsignalized intersections.**
- j) Mitigation
  - i. Based on information in the Synchro files, **why do traffic volumes change at the O.T. Tyler Drive intersection between the Build 2025/2028 and Build (Mitigated) 2025/2028 analysis scenarios?**
  - ii. No mitigation measures were identified at the Loop 121 & FM 436 (Holland Road) intersection, yet Table 8 indicates different delay values under Build (Mitigated) 2025 AM peak hour conditions when compared to Build 2025 AM peak hour conditions. **Please revise as necessary.**
  - iii. No mitigation measures were identified at the I-35 Service Road intersections, yet Table 8 indicates increased/reduced delays under (Mitigated) conditions when compared to Build 2025 AM peak hour conditions (see comment #7g). **Please revise as necessary.**
- k) There are significant differences in the volumes at some of the intersections in the figures and the volumes used in the Synchro analysis. Please correct the figures and Synchro as needed.

**Please update the intersection capacity analysis results in Table 6 to account for the revisions identified in the comments above and any changes resulting from comments regarding the distribution (comment #4).**

- 8. A discussion of access spacing for the proposed Land Grant Lane (Access C) intersection with FM 436 (Holland Road) is not provided in the text. **Please use TxDOT access spacing criteria for evaluating and include in the TIA.**
- 9. An analysis of sight distance is not provided for the proposed Land Grant Lane (Access C) intersection with FM 436 (Holland Road). **Please provide stopping and intersection sight distance analysis for the proposed access location and include in the TIA.**

10. Conclusions and Recommendations:

- a) Update the desirable left turn lane lengths to reflect TxDOT's latest guidelines (see comment #5b).
- b) For the recommendation to restripe the southbound approach on O.T. Tyler Drive, what is the current pavement width? Is there enough room to restripe as recommended and still provide adequate space for buses to turn into O.T Tyler Drive from FM 436 (Holland Road)?
- c) Reducing the posted speed limit of FM 436 (Holland Road) and installing a school zone on FM 436 (Holland Road) will need to be approved by TxDOT.

11. There were a few typos that don't impact the results in the report but should be corrected in the updated TIA:

- a) In "Section 1.2 - Existing and Proposed Development" on page 2, O.T. Tyler Drive is not identified as being currently constructed to serve Phase 1.
- b) In the description of FM 436 (Holland Road) in "Section 3.1 – Existing Roadway Characteristics" on page 6, the descriptions of the FM 436 (Holland Road) roadway sections west and east of Elm Grove Road need to be switched.
- c) In the description of the I-35 Southbound Service Road in "Section 3.1 – Existing Roadway Characteristics" on page 6, please revise the description to indicate that the I-35 Southbound Service Road exists northeast of Main Street and clarify that Main Street is not an 80-foot five-lane divided roadway.
- d) For the Loop 121 and FM 436 (Holland Road) intersection in Figure 4, distributions are provided rather than traffic volumes.
- e) In Tables 8 & 9, the Controlled Approach for the O.T. Tyler Drive & FM 436 (Holland Road) intersection is incorrectly identified as "Signalized."

**Please revise as necessary.**

The incorporation of these comments will help provide a more accurate representation of the estimated traffic impacts of the Hubbard Branch development. Responses to these comments should be provided with the revised TIA. We appreciate the opportunity to provide these services and are available to respond to any additional comments or concerns. If you have any questions regarding these comments, please contact me at (972) 456-9033.

Sincerely,



Kelly D. Parma, P.E., PTOE  
Senior Project Manager  
Lee Engineering, LLC  
TBPE Firm F-450



P&Z

Agenda Item #7

P-22-43

Woodland Cottages  
Addition

# Staff Report – Planning & Zoning Item



**Date:** 3-21-23  
**Case No.:** P-22-43 Woodland Cottages  
**Request:** Final Plat  
**Applicant:** Kimley Horn  
**Owner:** Barge Ranch, LTD

## **Agenda Item #6**

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.

**Originating Department:** Planning – Tina Moore Planner

**Current Zoning:** Multifamily (MF) District

## **Case Summary**

This is a one-lot, one-block subdivision, comprising 9.423 acres. The current Multiple Family (MF) zoning for this property was approved in May 2022. This tract is currently undeveloped and proposed for a senior apartment complex. The proposed site plan indicates 66 units with private utilities and private internal streets. The lot exceeds the minimum area requirements for the MF Zoning District. The construction plans provided show all applicable setbacks are met.

## **Project Analysis and Discussion**

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

**Water/Sewer:** A 8' water line is available on River Fair Blvd for the applicant to tap into for service. Internal lines will be privately owned and maintained.

**Wastewater:** An 8" wastewater line is located on the north side of River Fair Blvd. An extension of the wastewater line across River Fair Blvd. is required to service this lot. The applicant will be required to bore under the roadway to establish a connection. The internal sewer lines on the property will be privately owned and maintained.

**Drainage:** A final drainage plan is under review with the submittal of the civil construction plans. An on-site detention pond is proposed to address drainage needs for the development and will be privately owned and maintained.



**Streets:** River Fair Blvd is classified as a minor collector – requires 60' of right of way, 37' of pavement with curb and gutter, and a 5' sidewalk. The improved road meets requirements and a 5' sidewalk is proposed adjacent to the development. Additional perimeter street improvements are not applicable. Internal roads are shown as 26' access easements and meet fire lane requirements.

**Parkland Fees:** Per section 517, of the Subdivision Ordinance, a Parkland dedication or fee-in-lieu is required for all new residential developments. The applicant has opted to pay a fee instead of a dedication. A Parkland Fee of \$13,200 – 66 units at \$200 per unit – is due before the recording of the plat. Fees collected will go towards improving Quail Meadows Park.

### **Recommendation**

Recommend approval of the final plat of Woodland Cottages.

### **Attachments**

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



**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

Fees due \$ 419

☐ Final Subdivision

☐ Administrative Plat

☐ Replat



ETJ

Inside Belton City Limits

Date Received: \_\_\_\_\_ Date Due: \_\_\_\_\_

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

Applicant: Kimley-Horn and Associates, Inc. Phone: 214-617-0535

Address: 2600 N. Central Expressway, Ste 400, Richardson TX 75080

Email: shay.geach@kimley-horn.com

Owner: Woodland Cottages Belton, LP Phone 972-250-2990

Mailing Address: 17120 Dallas Parkway, Ste 101, Dallas TX 75248

Email Address: ed@carbonlandmark.com

**Current Description of Property:**

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Acres: 9.4323 AC Survey: James Bennett

Abstract #: 71 Street Address: 475 River Fair Blvd

Frontage in Feet: 617 feet Depth in Feet: 867 feet

Does Zoning comply with proposed use? Yes Current Zoning: PD-MF

Name of proposed subdivision: Woodland Cottages Addition

Number of Lots: 1 Fee: \$ 419

Signature of Applicant: [Signature] Date: 03/16/23

Signature of Owner: [Signature] Date: 03/16/23

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

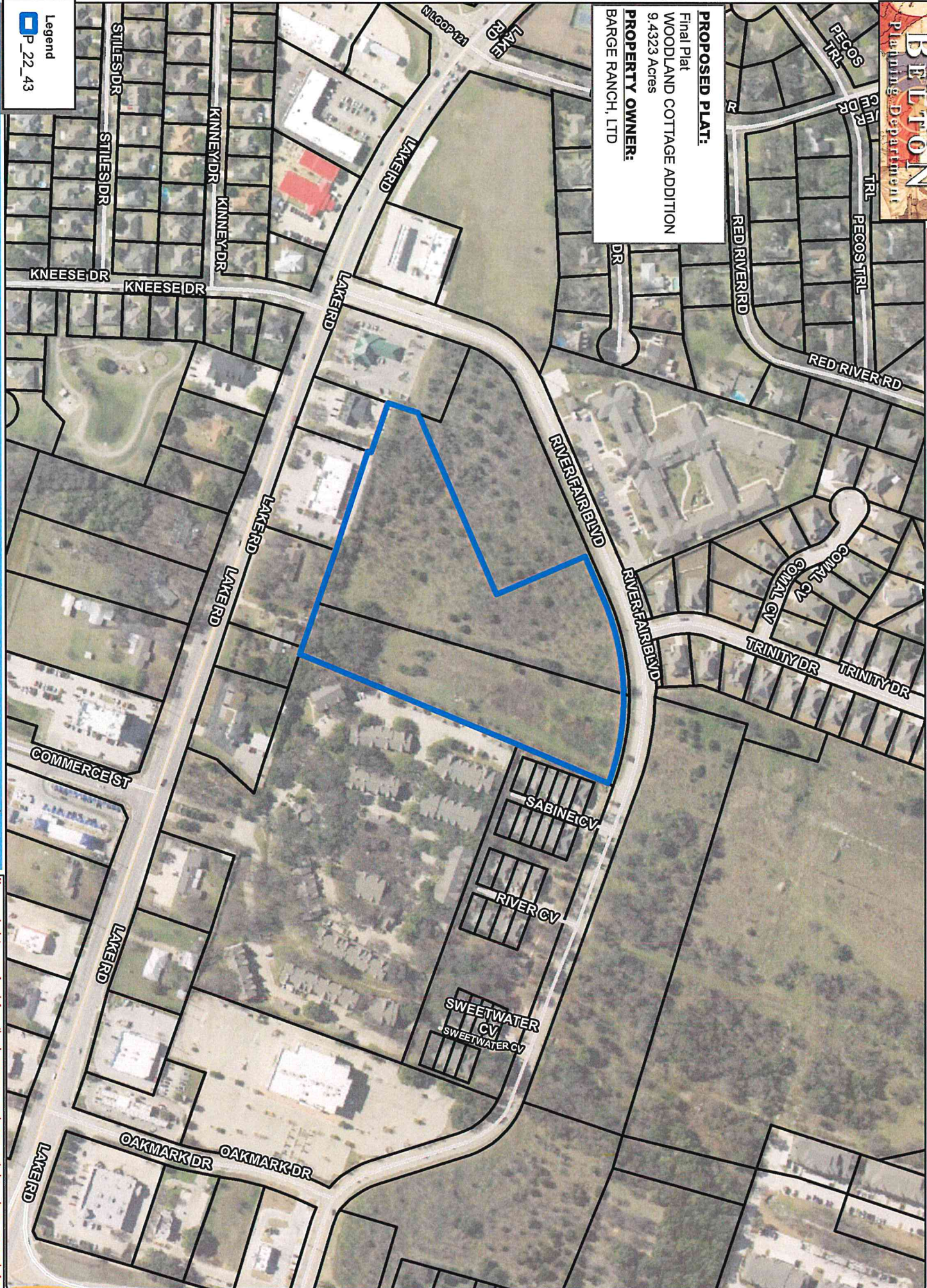






# P-22-43 - WOODLAND COTTAGE ADDITION

**PROPOSED PLAT:**  
 Final Plat  
 WOODLAND COTTAGE ADDITION  
 9.4323 Acres  
**PROPERTY OWNER:**  
 BARGE RANCH, LTD





P&Z

Agenda Item #8

Text Amendment



# Staff Report – Planning and Zoning Commission

## Agenda Item #8

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

The purpose of this item is to consider an 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') therefrom or of

those directly opposite thereto 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 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))."*

### **Recommendation**

Hold a public hearing and recommend approval of the Ordinance amendment.

### **Attachments**

Proposed Ordinance



P&Z

Agenda Item #9

Administrative Plat  
Approvals

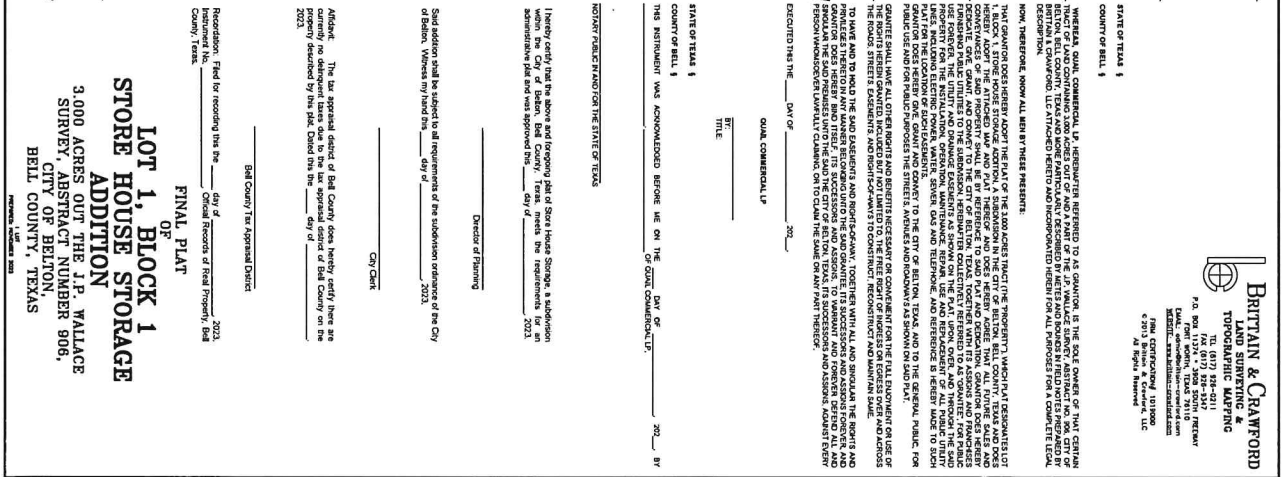
Administrative Plat Approvals					
<i>Approval Date</i>	<i>Subdivision Name</i>	<i>Acreage / Location</i>	<i>No. of Lots</i>	<i>Description</i>	<i>Waivers</i>
1/25/2023	Storehouse Storage	3.0 Acres; 1800 S. Loop 121	1	One block - one lot for commercial development	none
2/8/2023	Shaw Valley Replat Lots 4 and 6 (ETJ)	4.94 acres; Lil Carmel Rd	2	Lot line adjustments	none

**FLOOD NOTE:**  
NO PORTION OF THIS PROPERTY LIES WITHIN A 100-YEAR FLOOD HAZARD ZONE. ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP FOR TARRANT COUNTY, TEXAS, AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 46027C034GE, MAP REVISED SEPTEMBER 26, 2004.

THE BEARINGS SHOWN HEREON ARE TEXAS STATE PLANE GRID BEARINGS (NAD83 NORTH CENTRAL ZONE 4202) ESTABLISHED USING THE GLOBAL POSITIONING SYSTEM SATELLITES AND LOCAL CONTINUOUSLY OPERATING REFERENCE STATIONS.

NOTE:

- A. BUILDING SETBACKS WILL BE IN COMPLIANCE WITH CITY OF BELTON ZONING CODE REQUIREMENTS.
- B. WATER AND WASTEWATER WILL BE PROVIDED BY THE CITY OF BELTON.
- C. NO DEED RESTRICTIONS ARE PROPOSED FOR THIS PLOT.
- D. A 6" SIDEWALK IS REQUIRED ALONG SOUTH LOOP 121 AND WILL BE PROVIDED BY TxDOT AS PART OF THE PROPOSED IMPROVEMENTS TO LOOP 121.
- E. THE CITY OF BELTON DOES NOT REGULATE LOT-10-LOT DRAINAGE.



 **BRITAIN & CRAWFORD**  
LAND SURVEYING &  
TOPOGRAPHIC MAPPING  
TEL (0117) 926-0211  
FAX (0117) 926-9347

FAX (612) 926-9347  
P.O. BOX 11374 • 3808 SOUTH FRED  
PORT WORTH, TEXAS 76110  
EMAIL: [edwin@britain-crown.com](mailto:edwin@britain-crown.com)  
[www.britain-crown.com](http://www.britain-crown.com)  
WEBSITE: [www.britain-crown.com](http://www.britain-crown.com)

FRM CERTIFICATION 1019000  
© 2013 Britain & Crown, LLC  
All Rights Reserved



