

Staff Report – Planning & Zoning Item



Date: November 20, 2017
Case No.: Z-17-16
Request: PD MF (apartments) to PD MF (townhomes)
Applicant: Dana Tatum

Agenda Item

Z-17-16 Hold a public hearing and consider a zoning change from Planned Development Multiple Family for apartments to Planned Development Multiple Family for townhomes on a 6.285 acre tract of land, located on the northwest side of East Loop 121, just southwest of Holland Road.

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

The applicant has submitted this new zone change application to allow for townhomes. To the north and northwest are single family homes; to the east are Belton Lighthouse, T&T Automotive, and Longhorn Grocery; to the south are single family homes and vacant land; and to the west is a mini-storage business.

Current Zoning

Planned Development Multiple Family
(apartments)

Proposed Zoning

Planned Development Multiple Family
(townhomes)

Design Standards Type Area: 11

Recommended Type Area: 11

This property is in Type Area 11 in the Design Standards. If approved, a Multiple Family District use and in addition, a townhome, would be required to comply with all the Design Standards for Type Area 11.

Land Use Table/Allowable Uses

The Planned Development Multiple Family Zoning District will allow for townhomes. The uses allowed in the base Multiple Family Zoning District include:

- Multiple-Family Dwelling (apartment building)
- Two-Family Residence (duplex)
- Single-Family Detached Dwellings
- Public Schools
- Nursing Home
- Childcare Center

Project Analysis and Discussion

This property is currently zoned Planned Development Multiple Family for an apartment community. The applicant has submitted this zone change to Planned Development Multiple Family for townhomes in conjunction with the Future Land Use Plan which identifies this area as high density residential. According to Section 32, Planned Development District, of the Zoning Ordinance, single family attached dwellings (townhouses) are only permitted with a 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 at 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 to construct a townhome community with 9 cluster modules containing a total of 55 dwelling units. The cluster modules range from 2 units to 12 dwelling units; however, the cluster modules do not exceed 300 feet in length. The Planned Development proposal would allow for a maximum of 12 dwelling units in a cluster module. The lot sizes in this development vary, with the minimum lot size at 25 feet in width and 90 in depth, a total of 2,250 square feet in area. The proposed lots comply with the lot width and depth requirements; however, some lots are smaller than the required lot area of 2,700 square feet. The applicant is requesting the Planned Development proposal allow for some of the lots to be 2,250 square feet in area. Since the applicant is proposing a zoning change to allow for townhomes instead of the previous request for apartments, the overall density is much less than previously approved, an estimate of 113 dwelling units; therefore, these requests appear to be reasonable. All of the dwelling units will consist of 90% masonry, in accordance with the Design Standards.

The applicant is proposing to construct two means of ingress/egress from Loop 121. According to Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance, two off-street parking spaces are required for each unit. The applicant has stated that both garages and a driveway will be provided for each residence. In addition to the parking requirements, the applicant is proposing to construct 4 parking areas within 200 feet of each residence with a total of 28 parking spaces. The parking areas will be owned and maintained by the Homeowner's Association. The applicant is also proposing to provide 0.543 acres of green space/parkland for this townhome community that will be owned and maintained by the Homeowner's Association. Fencing along Loop 121 is required to be constructed of wood with a capped topped rail and masonry columns spaced every 50 linear feet.

After careful review of the City's Design Standards and the applicability of this use among surrounding properties, this requested zone change appears to be reasonable in this location.

Recommendation

Recommend approval of zone change from Planned Development Multiple Family for apartments to Planned Development Multiple Family for townhomes, with development regulated under the Design Standards for Type Area 11 standards as follows:

1. The allowable uses of the property shall conform to the Multiple Family Zoning District in all respects, except for the following:
 - a. Townhomes are a permitted use;
 - b. Minimum front yard setback of 20 feet, instead of the required 25 feet;
 - c. Minimum side yard setback of 10 feet between buildings with openings, instead of the required 15 feet;
 - d. Minimum rear yard setback of 20 feet when the building is in excess of one story and adjacent to a Single Family Zoning District, instead of the required 60 feet;
 - e. Minimum lot area of 2,250 square feet, instead of the required 2,700 square feet; and
 - f. Maximum of 12 dwelling units in cluster module not exceeding 300 linear feet, instead of the required 3 dwelling units.
2. The development of the property shall conform to all applicable Type Area 11 Design Standards, as identified in Ordinance 2014-17, Section 7.1 of the Zoning Ordinance, including:
 - a. Site Development Standards discussed above (Exhibits B and C)
 - b. Building Design Standards (Exhibit D)
 - c. Landscape Design Standards
3. Sign Standards shall conform to Ordinance 2008-11.
4. A subdivision re-plat is required.

Attachments

1. Zoning application
2. Property Location Map
3. Zoning map
4. Aerial photo
5. Map with zoning notice boundary (200')
6. Zoning notice to owners
7. Proposed Re-plat
8. Site Plan
9. Elevations

City of Belton
Request for a Zoning Change

**To the City Council and the
Planning & Zoning Commission**

Fee: \$250.00

Date Received: _____ Date Due: _____ (All plans are to be returned to the Planning Department within 5 working days)

Applicant: DANA TATUM Phone Number: (254) 493-9157
Mailing Address: PO Box 342672 City: AUSTIN State: TX
Email Address: dana@j3builders.tx.com

Owners Name: ROYAL HEIGHTS, LLC Phone Number: _____
Mailing Address: PO Box 342672 City: AUSTIN [78734] State: TX
Email Address: _____

Applicant's Interest in Property:

OWNER / DEVELOPER

Legal Description of Property:

ROYAL HEIGHTS ADDITION, BLOCK 1 LOT 1, 6.285 ACRES

Is this property being simultaneously platted? No

Street Address: 901 E LOOP 121

Zoning Change From PD-APARTMENT to PLANNED DEVELOPMENT - TOWN HOUSE

Signature of Applicant:  Date: 10.30.17

Signature of Owner (if not applicant):  Date: 10.30.17

Checklist for Zoning Items to be submitted with application:

- ☐ Signed Application
- ☐ Fees Paid
- ☐ Complete Legal Description of the property to be re-zoned
- ☐ Site Plans per Section 32, Planned Development, of the Zoning Ordinance. Please see the back for specific guidelines.
- ☐ In the event the request involves more than one lot or irregular tracts or acreage, a drawing of the property must be submitted.

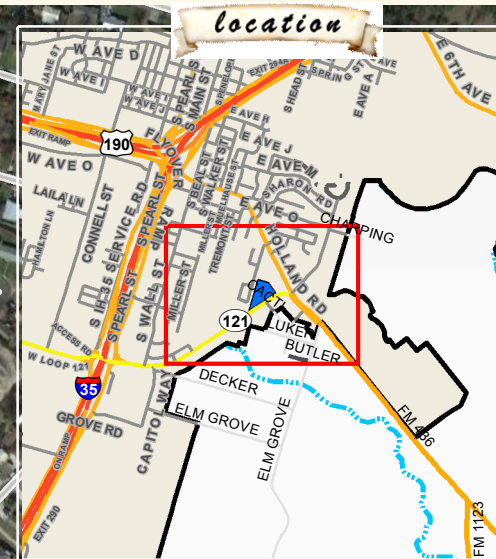
901 E Loop 121

Z_17_16

Map Date: 11/3/2017 Aerial Imagery Date: 2015

0 200 400 800 Feet

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.



Low Income Housing

901 E Loop 121

Zoning Location

**PD MF -
Apartment
Community**

■ Two Family

0 235 470 940 Feet



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Zoning Case # Z-17-16 Aerial

ZONING CHANGE:

PD-MF Apartments
to
PD-MF Townhomes

LEGAL DESCRIPTION:

ROYAL HEIGHTS ADDITION
BLOCK 001, LOT 0001
ACRES 6.285


PROPERTY OWNER:

ROYAL HEIGHTS LLC

ADDRESS/LOCATION:

901 E Loop 121

LEGEND

 Z_17_16

0 50 100 200
Feet



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-17-16

ZONING CHANGE:

PD-MF Apartments
to
PD-MF Townhomes

LEGAL DESCRIPTION:

ROYAL HEIGHTS ADDITION
BLOCK 001, LOT 0001
ACRES 6.285

PROPERTY OWNER:

ROYAL HEIGHTS LLC

ADDRESS/LOCATION:

901 E Loop 121

Legend

- ▣ Z_17_16
- ▭ 200' Property Owner Notification Area
- ▭ Tax Appraisal Parcels



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

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: DANA TATUM,
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 6.285 ACRES, 901 EAST LOOP 121,
FROM A(N) PLANNED DEVELOPMENT - MULTIPLE FAMILY FOR APARTMENTS ZONING DISTRICT,
TO A(N) Planned Development – Multiple Family for Townhomes ZONING DISTRICT.

THE PLANNING & ZONING COMMISSION OF THE CITY OF BELTON, TEXAS WILL HOLD A PUBLIC HEARING PURSUANT TO THIS REQUEST AT **5:30 P.M., Monday, November 20, 2017**, 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, November 28, 2017**, AT THE T. B. HARRIS COMMUNITY CENTER, 401 ALEXANDER STREET, BELTON, TEXAS.

AS AN INTERESTED PROPERTY OWNER, THE CITY OF BELTON INVITES YOU TO MAKE YOUR VIEWS KNOWN BY ATTENDING THESE HEARINGS. YOU MAY SUBMIT WRITTEN COMMENTS ABOUT THIS ZONING CHANGE BY COMPLETING THIS FORM AND RETURNING IT TO THE ADDRESS BELOW.

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. _____
3. _____

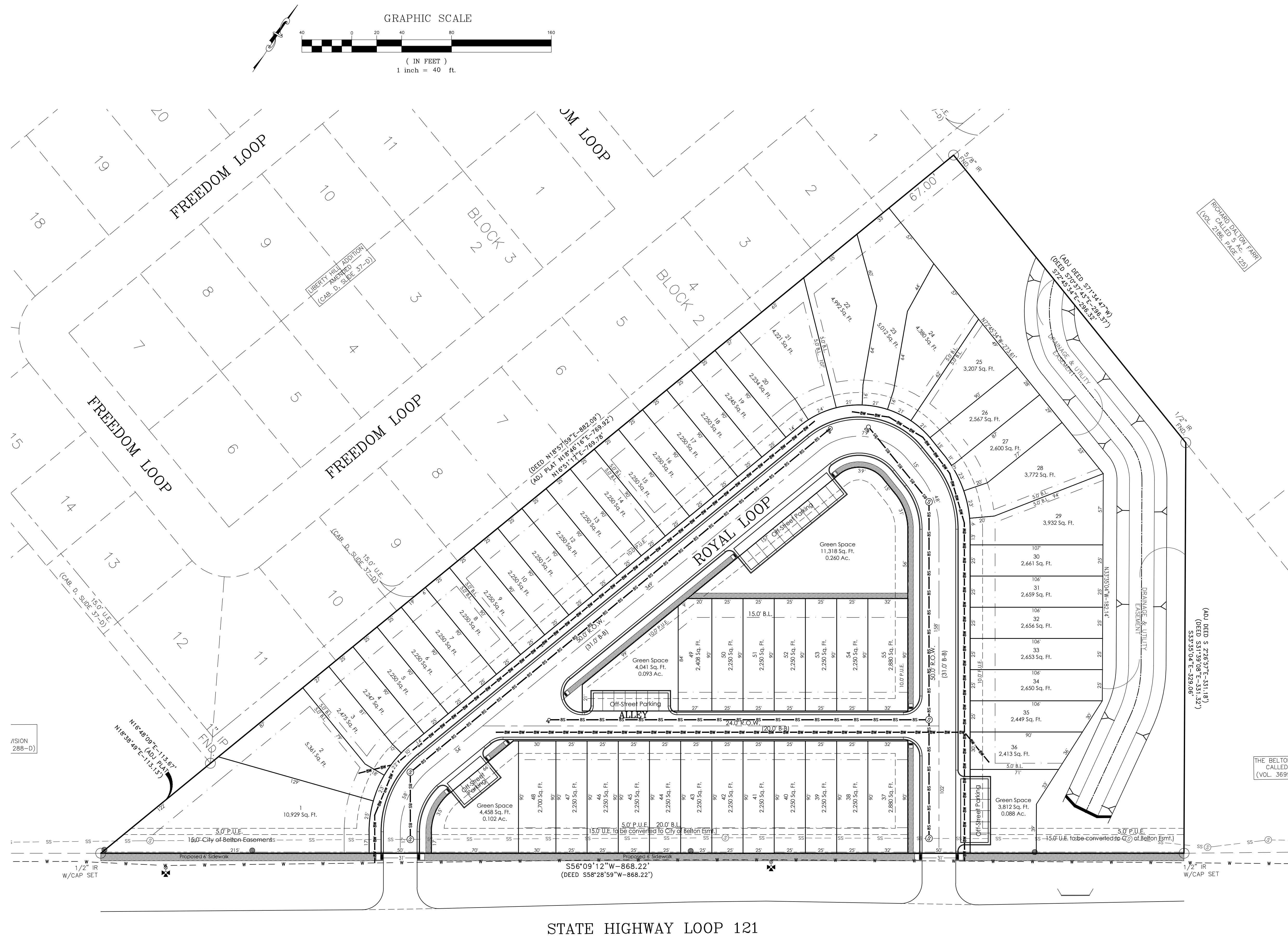
(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

DATE: _____ SIGNATURE: _____

**PLANNING DEPARTMENT
CITY OF BELTON
P. O. Box 120
BELTON, TEXAS 76513
254-933-5812**

348576	348584	348559
BARNETT, CLIFTON	BARNETT, CLIFTON C	BELL, JOHNNY L ETUX ANNA K
28360 PHEASANT RUN	28360 PHEASANT RUN	1814 FREEDOM LOOP
EVANS MILLS, NY 13637-3167	EVANS MILLS, NY 13637-3167	BELTON, TX 76513
107404	348587	348552
BELTON LIGHTHOUSE	BERRIER, SHANA D	BROWDER, WILLIAM
1001 N E LOOP 121	1910 LIBERTY HILL DR	1903 LIBERTY HILL DR
BELTON, TX 76513	BELTON, TX 76513-4436	BELTON, TX 76513-4438
348558	348578	348580
CASTILLO, SYLVIA & MARY	CHEVALIER, HERTHA	CITY OF BELTON
1915 LIBERTY HILL DR	1804 LIBERTY HILL DR	PO BOX 120
BELTON, TX 76513-4438	BELTON, TX 76513-4450	BELTON, TX 76513-0120
348581	349326	349327
CITY OF BELTON	CITY OF BELTON	CITY OF BELTON
PO BOX 120	PO BOX 120	PO BOX 120
BELTON, TX 76513-0120	BELTON, TX 76513-0120	BELTON, TX 76513-0120
116582	348551	348575
CLABURN, H VERNON	COOPER, BOB	CULP SMITH, DEBRA LYNN
670 HACKBERRY RD	952 PRIVATE ROAD 4405	1810 LIBERTY HILL DR
SALADO, TX 76571-9546	KEMPNER, TX 76539-5725	BELTON, TX 76513-4450
12016	348548	348549
DE MACHUCA, MARGARITA LOREDO	DELGADO, RANI ETVIR JOSEPH	EAST WEST FINANCIAL LP
1088 CACTI LN	12154 EDDINGTON PL	15 N MAIN ST
BELTON, TX 76513-4624	FISHERS, IN 46037	TEMPLE, TX 76501-7629
348574	34707	348582
ERVIN, BRENDA	FARR, PRISCILLA	GONZALEZ, LETICIA
1700 FREEDOM LOOP	209 W KEGLEY ST	1900 LIBERTY HILL DR
BELTON, TX 76513-4451	BELTON, TX 76513-3370	BELTON, TX 76513-4436
348556	348555	206496
GUILLEN, BENJAMIN ETUX JOSEFINA	HARRIS, ADRIEN C	HICKS, RAY ETUX ANN
1911 LIBERTY HILL DR	PO BOX 2404	417 HOLLAND RD
BELTON, TX 76513-4438	COVINGTON, LA 70434-2404	BELTON, TX 76513-4304
348554	348547	348550
IQBAL, ANSAR	KHAN, MOHAMMAD SARWAR ETUX BABRA	KOSSIE, ASHLEY N & MARSHALL R SAULS
707 EAST LOOP 121	1809 LIBERTY HILL DR	1815 LIBERTY HILL DR
BELTON, TX 76513	BELTON, TX 76513-4449	BELTON, TX 76513-4449
348586	348585	73570
LONG, RICHARD L & LUCRETIA S	MARTINEZ, PRUDENCIO JR	MONTOYA, JACINTO ETUX SAN JUANITA
1908 LIBERTY HILL DR	1906 LIBERTY HILL DR	500 SAGE BRUSH
BELTON, TX 76513-4436	BELTON, TX 76513-4436	BELTON, TX 76513-3834

348553 NICHOLS, LINDA KAY 1905 LIBERTY HILL DR BELTON, TX 76513-4438	348577 PHILLIPS, LILLIAN LYNETTE 9012 VILLA NORTE DR AUSTIN, TX 78726-2357	15746 ROESSLER, MARVIN J 220 ALTWEIN RD BLANCO, TX 78606-4851
100517 ROESSLER, MARVIN J ETUX NELDA J 220 ALTWEIN RD BLANCO, TX 78606-4851	100518 ROESSLER, MARVIN J ETUX NELDA J 220 ALTWEIN RD BLANCO, TX 78606-4851	419050 ROYAL HEIGHTS LLC PO BOX 342672 AUSTIN, TX 78734
348560 SAULS, EDDIE JOE ETUX JANIE A 1812 FREEDOM LOOP BELTON, TX 76513-4412	56085 SHERBURNE, DAVID MATTHEW 1020 E LOOP 121 BELTON, TX 76513-4447	106197 SHERBURNE, DAVID MATTHEW 1020 E LOOP 121 BELTON, TX 76513-4447
348557 STAFFORD, RANDY ETAL 1913 LIBERTY HILL DR BELTON, TX 76513-4438	116583 THOMPSON, JIMMY DEAN 1701 HOLLAND RD BELTON, TX 76513-4427	315992 WARD, DONALD RAY ETUX TAMMY LYNN 181 MIKEY LN TEMPLE, TX 76502-7087
348583 WINKENWERDER, DALE 1902 LIBERTY HILL DR BELTON, TX 76513	SUPERINTENDENT DR. SUSAN KINCANNON BELTON I.S.D. P O BOX 269 BELTON TEXAS 76513	



ROYAL HEIGHTS

BELTON, BELL COUNTY, TEXAS

DEVELOPMENT CONCEPT PLAN

SHEET TITLE:

MITCHELL & ASSOCIATES, INC.
ENGINEERING & SURVEYING
102 N. COLLEGE
KILLEEN, TEXAS 76541
PHONE: (254) 634-5541
FAX: (254) 634-2141

TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO. 2241
S. E. P. C. S. FIRM REGISTRATION NO. 10020460.

FAX: (204) 634-2141
THEYS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO 3241

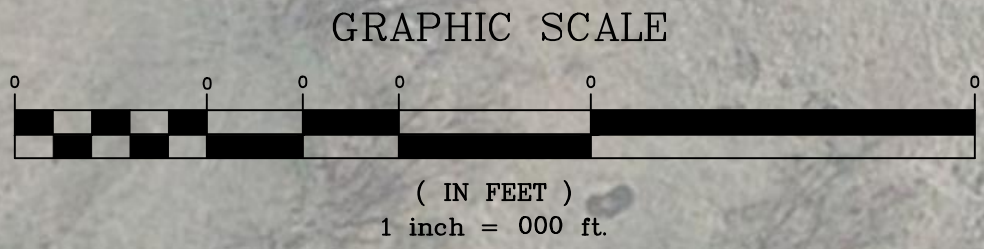
P I S FIRM REGISTRATION NO 10022

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.	19.	20.	21.	22.	23.	24.	25.	26.	27.	28.	29.	30.	31.	32.	33.	34.	35.	36.	37.	38.	39.	40.	41.	42.	43.	44.	45.	46.	47.	48.	49.	50.	51.	52.	53.	54.	55.	56.	57.	58.	59.	60.	61.	62.	63.	64.	65.	66.	67.	68.	69.	70.	71.	72.	73.	74.	75.	76.	77.	78.	79.	80.	81.	82.	83.	84.	85.	86.	87.	88.	89.	90.	91.	92.	93.	94.	95.	96.	97.	98.	99.	100.
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DATE:	SCALE:	FB/LB:	* LOTS	AREA:
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DWG No.	DRAWN BY:	DATE:	SCALE:	FB/LB:	* LOTS	AREA:
17-010-D-S	AR/FRB	OCT. 2017	AS SHOWN	**	* BLOCKS	*** AC.

SHEET P1




REVISIONS		DATE	REMARKS	BY

ROYAL HEIGHTS

BELTON, BELL COUNTY, TEXAS

GRAPHICAL CONCEPT PLAN

SHEET TITLE



MITCHELL & ASSOCIATES, INC.

ENGINEERING & SURVEYING

102 N. COLLEGE

KILLEEN, TEXAS 76541

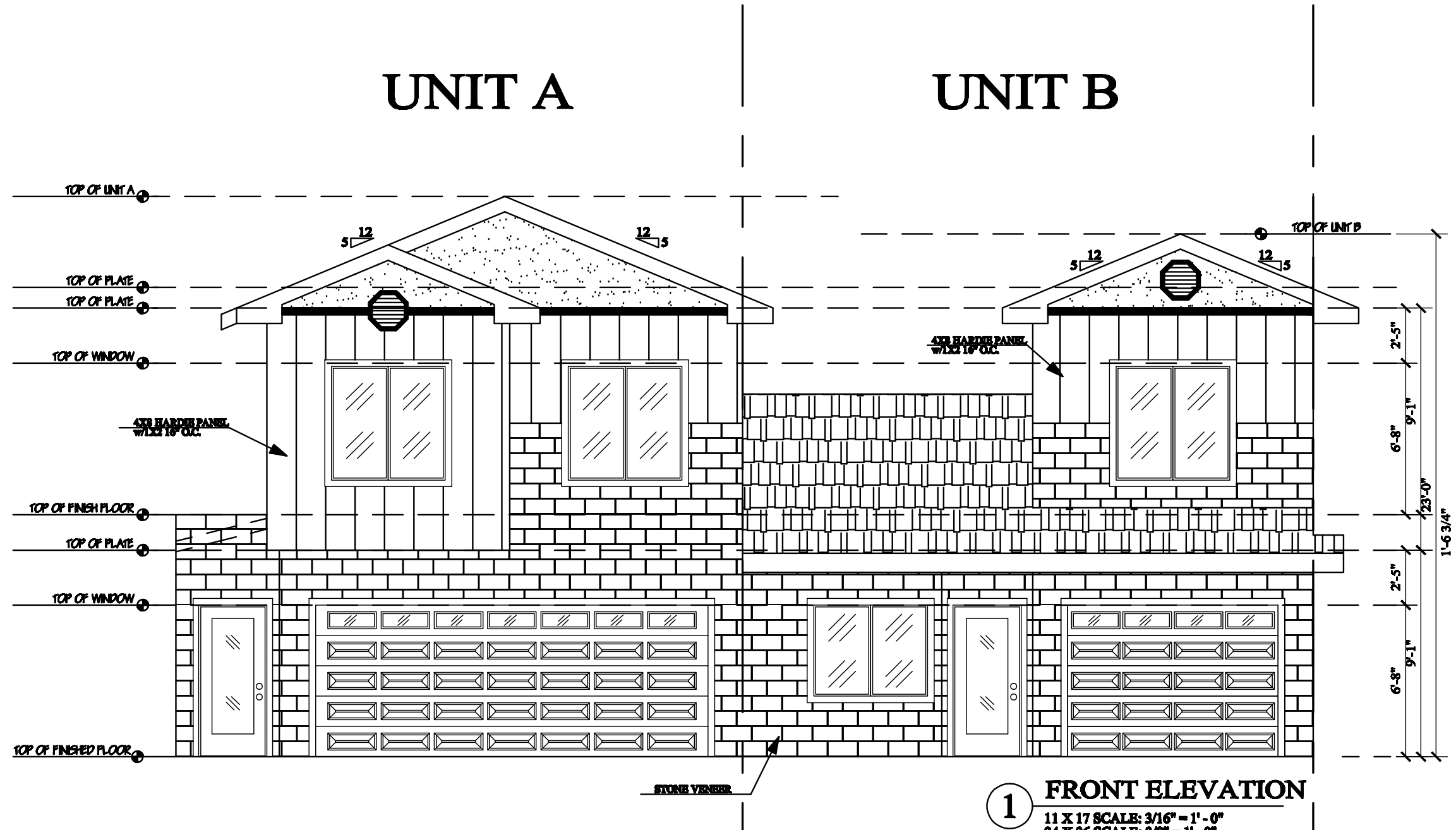
PHONE: (254) 634-5541

FAX: (254) 634-2141

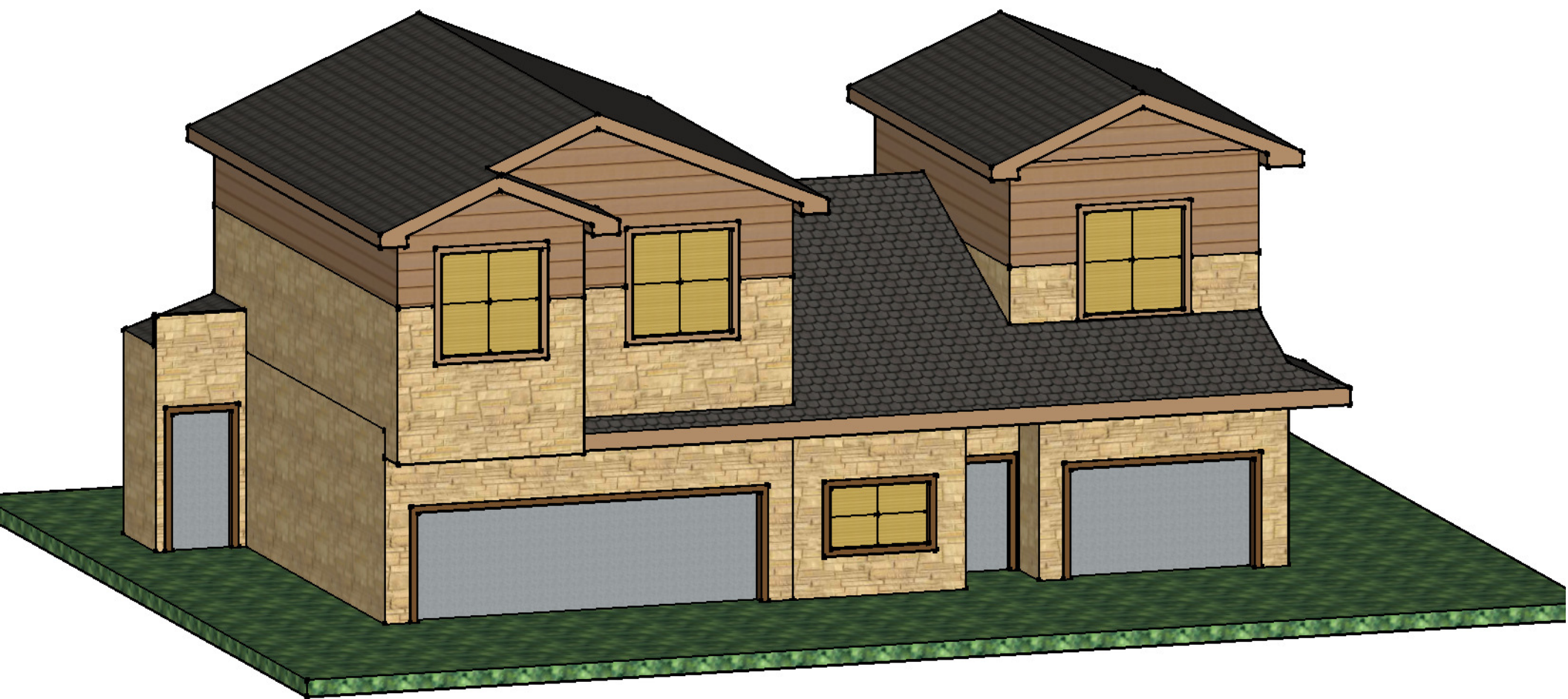
TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO. 1241

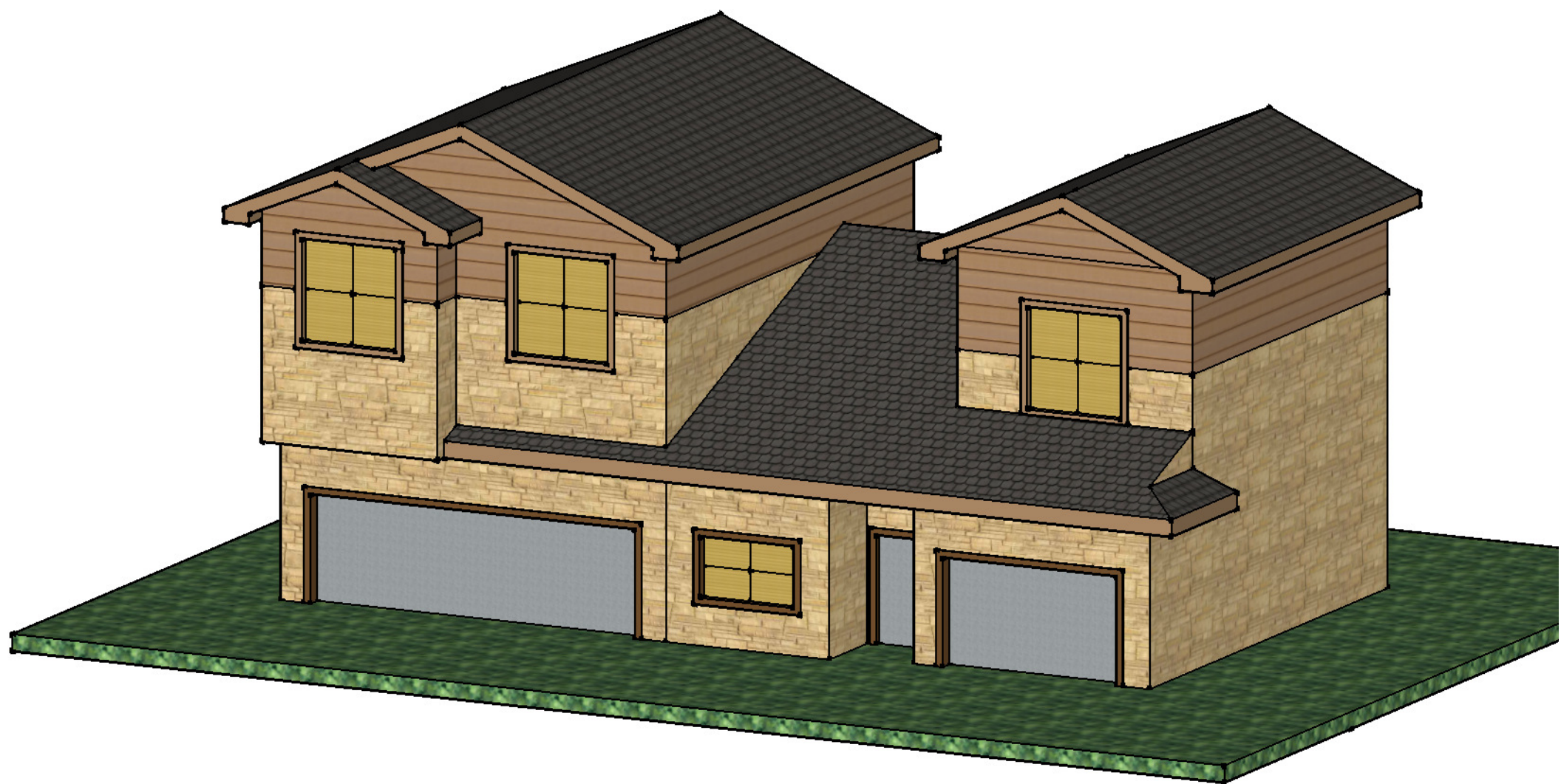
T. R. L. S. FIRM REGISTRATION NO. 100204-00

DWG No.	17-010-D-S
DRAWN BY:	AR/FEB
DATE:	OCT. 2017
SCALE:	AS SHOWN
FB/ALB:	**
LOTS:	•
BLOCKS:	•
AREA:	***.*** AC.



1 FRONT ELEVATION
11 X 17 SCALE: 3/16" = 1' - 0"
24 X 36 SCALE: 3/8" = 1' - 0"



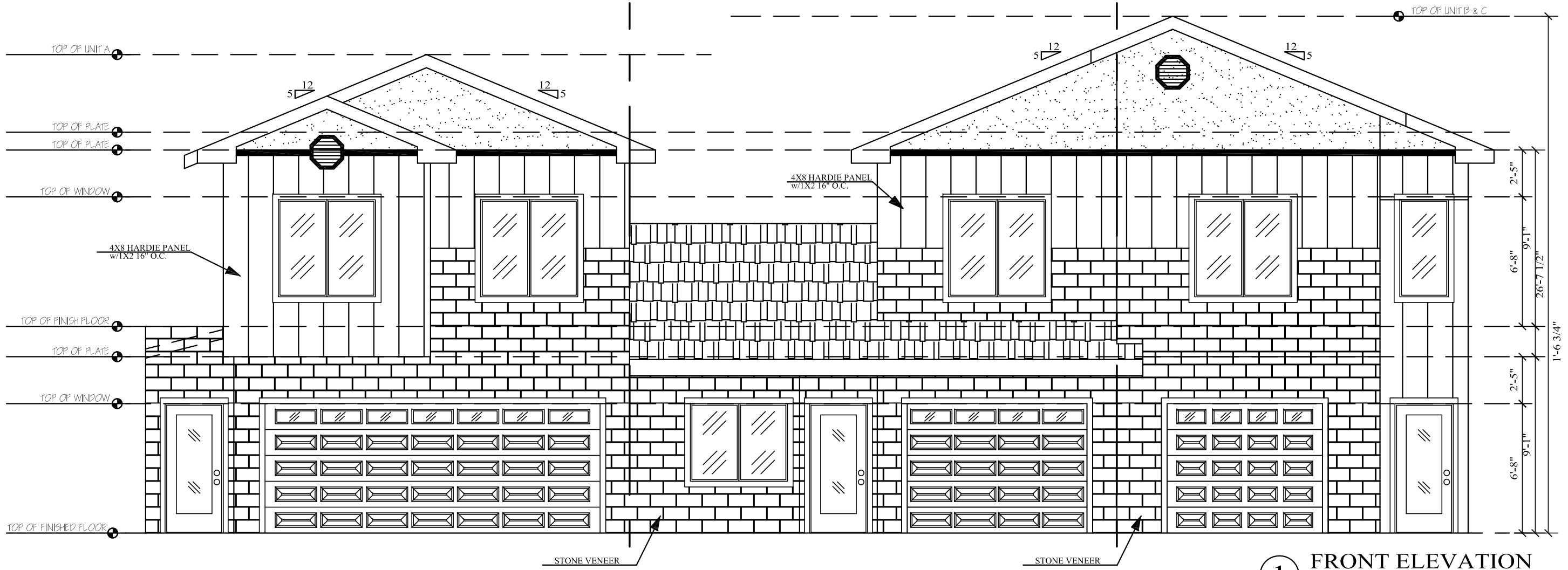




UNIT A

UNIT B

UNIT C



1 FRONT ELEVATION
11 X 17 SCALE: 3/16" = 1' - 0"
24 X 36 SCALE: 3/8" = 1' - 0"

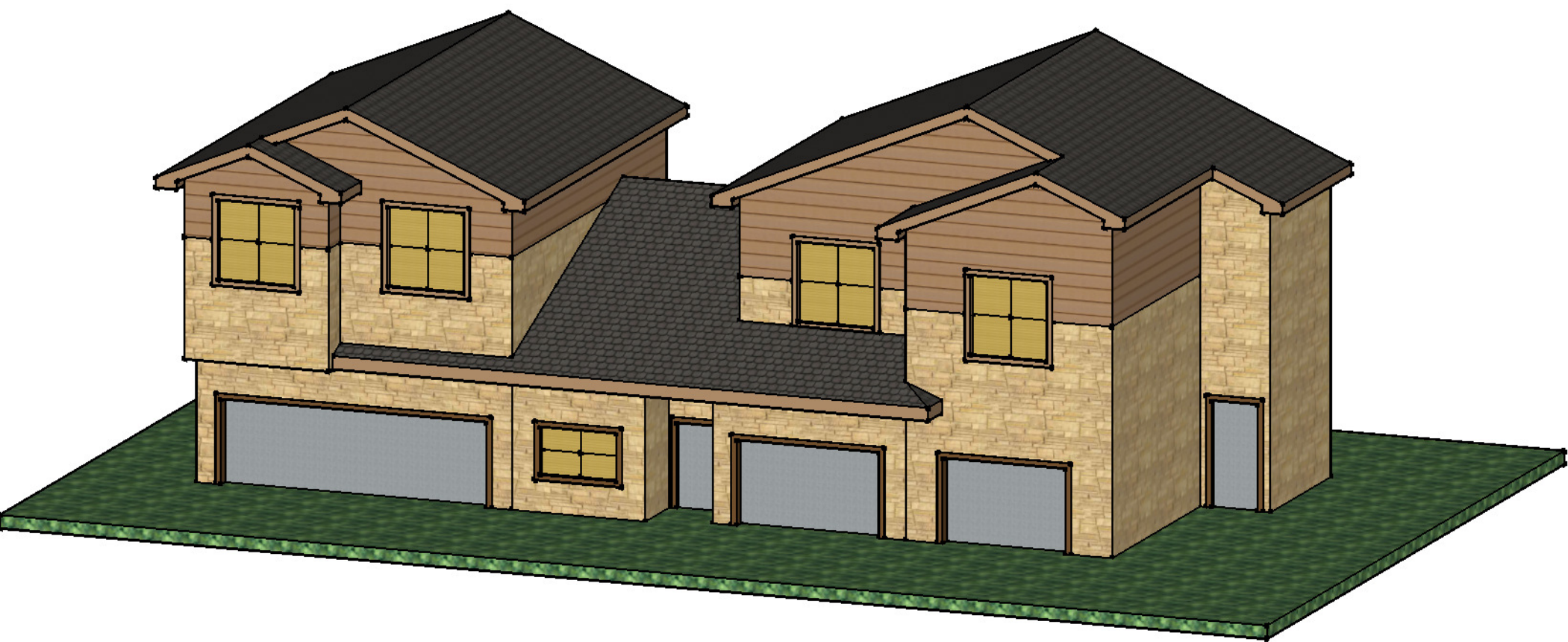


Project Title: Front Elevation
Address:

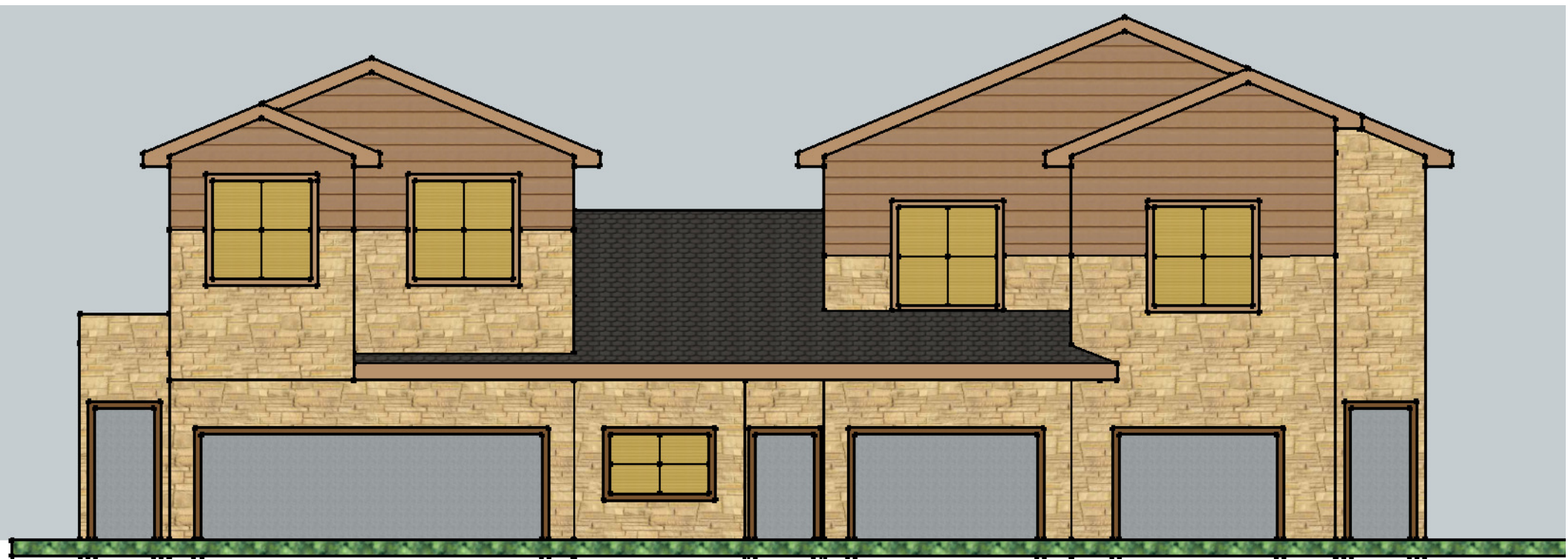
Date Drawn: November 12, 2017
Drawing Scale: As Noted

Drawn By: Martin Sosa
Revised By:

Comments:







Staff Report – Planning & Zoning Item



Date: November 20, 2017
Case No.: P-17-26
Request: Final Plat
Applicant: Turley Associates/Colette Barnes

Agenda Item

P-17-26 Consider a final plat for Liberty Valley, Phase IV, a 6.945 acre tract of land, located on the west side of Connell Street and north of West Loop 121, in the vicinity of Mitchell Branch drainageway.

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

This is a 26-lot subdivision proposed for single family homes.

Project Analysis and Discussion

This is a proposed single family subdivision, containing 26 lots, proposed as Liberty Valley, Phase IV. A zone change to Single Family-2 was approved by Council on May 23, 2017. The size of the proposed lots is in conformance with the SF-2 Zoning District requirements in all respects. The applicant is proposing to construct Liberty Valley Drive with a 31 feet pavement width. Liberty Valley Drive will provide ingress and egress into the subdivision from Connell Street. Justice Drive will be constructed with a 31 feet pavement width extending south from Liberty Valley Drive and ending in a cul-de-sac.

According to the Subdivision Ordinance, any residential subdivision within the City of Belton, or within the City's extraterritorial jurisdiction, is required to set aside and dedicate to the public sufficient and suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland. These requirements may be satisfied through parkland dedication or payment of fees-in-lieu of required parkland or a combination of the two. When the developer submitted a final plat for Liberty Valley, Phase III, a total of 0.827 acres of unimproved parkland was dedicated to the City. To satisfy the parkland requirements for Liberty Park, the developer completed \$12,000 in enhancements by grading and filling the parkland to allow for a future playground structure. The proposed Liberty Valley, Phase IV subdivision requires parkland dedication of 0.26 acres or \$5,200 parkland fee (\$200 per lot). The developer is proposing to pay the park fees and clear the un-protected trees from the 0.827 acre park that was previously dedicated just north of this subdivision to satisfy the parkland requirements. We concur in this proposal.

Connell Street is a major collector street currently constructed as a rural street section with open drainage and no curb and gutter. According to the Subdivision Ordinance, the developer is required to contribute one half the total cost of paving and installing curb and gutter for the portion of Connell Street adjacent to this property. This proposed subdivision has 583.47 linear feet of frontage along Connell Street. The City has completed extensive enhancements to the drainage system, and widened the street section of Connell

Street along the northern portion of this subdivision to a 37' pavement width. Since a portion of Connell Street has been widened, the developer is only responsible for widening the unimproved roadway section containing a 22' pavement width for approximately 414 linear feet of their Connell Street frontage. The applicant is proposing to construct 18.5 feet of roadway pavement without curb and gutter to satisfy the perimeter street improvement requirements. It is staff's judgment that curb and gutter is not required since other existing portions of this roadway are rural and do not contain curb and gutter. Connell Street is proposed to be reconstructed from Loop 121 to US190/IH14 Service Road in the future, and the final street section with stormwater and sidewalks will be determined at that time. For this platting requirement, the applicant will be responsible for reconstructing the roadway from the centerline of the existing pavement a total of 18.5 feet; therefore, this portion of Connell Street will contain a 29.5 feet pavement width after construction. The widened pavement will match the newly reconstructed section of Connell over Mitchell Branch. The widened section will provide a wider travel lane and a shoulder. The reconstruction of the roadway for 18.5 feet will improve the present condition of the roadway along Liberty Valley Phase IV, which will be part of the future reconstructed Connell Street. Since the developer is constructing the roadway, a street section will need to be submitted and approved by the Director of Public Works prior to construction. According to the City's sidewalk policy, a 5 feet wide sidewalk is required for the length of the property adjacent to Connell Street. Since the reconstruction of Connell Street does not include curb and gutter, sidewalk construction is not recommended at this time. We recommend the developer escrow \$8,280 for future sidewalk construction to be completed by the City.

After review of the final plat, we find it acceptable for approval at this time subject to the technical comments contained in the letter to the applicant's engineer dated November 17, 2017.

Recommendation

Recommend approval of the final plat for Liberty Valley, Phase IV, a 6.945 acre tract of land, located on the west side of Connell Street and north of West Loop 121, in the vicinity of Mitchell Branch drainageway, subject to conditions contained in the letter to the applicant's engineer dated November 17, 2017.

Attachments

1. Final Plat Application
2. Final Plat
3. Location Map
4. City's Letter to Applicant's Engineer dated November 17, 2017
5. Parkland Letter
6. Perimeter Street Improvement and Sidewalk Cost Estimate

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
- ☒ Final Subdivision
- ☐ Administrative Plat
- ☐ Replat
- ☐ ETJ
- ☒ City Limits

Fees due \$ 328 *CK# 7554*

Date Received: _____ Date Due: _____ (All plans are to be returned to the Planning Department by the 15th day of the month ahead of the next month's P&Z meeting.)

Applicant: Turley Associates Inc. Phone: 254-773-2400
Mailing Address: 301 N. 3rd St Temple TX 76501
Email Address: wsisco@turley-inc.com

Owner: Barnes Independent Developers Phone: 254-526-4979
Mailing Address: PO Box 148, Killeen TX 76540-0148
Email Address: col40mar@me.com

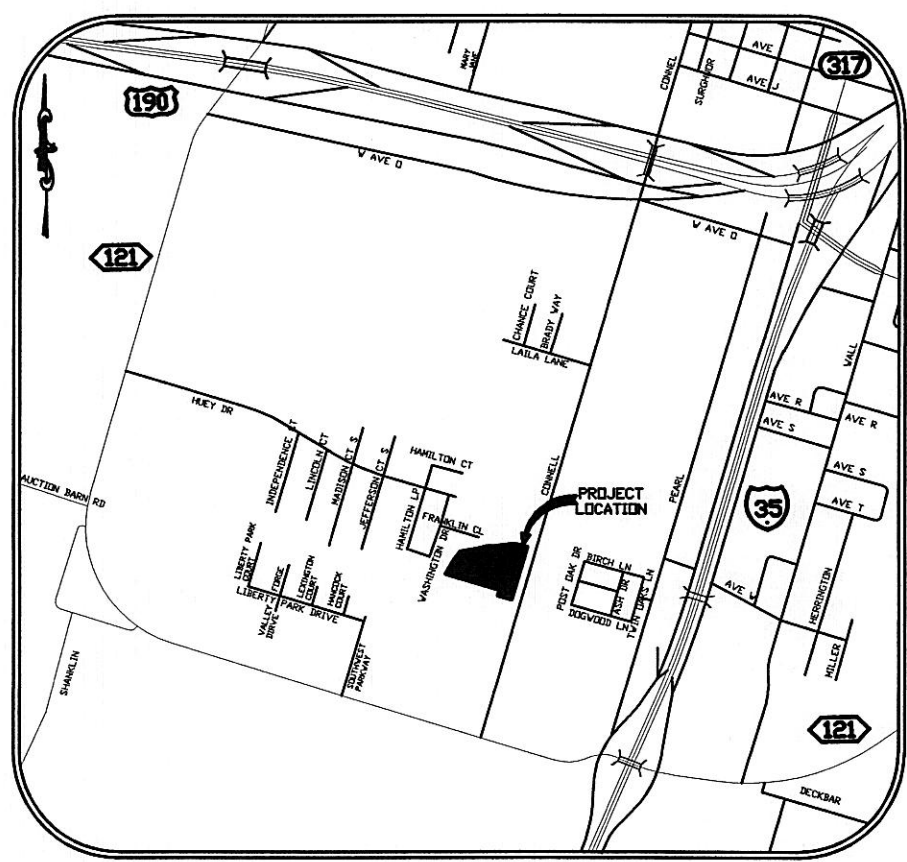
Current Description of Property:

Lot: _____ Block: _____ Subdivision: _____
Acres: 6.945 Survey: J.P. Wallace
Abstract #: 906 Street Address: 2303 Connell ST.
Frontage in Feet: 583.47 Depth in Feet: 748.77

Does Zoning comply with proposed use? Yes Current Zoning: SF-2
Name of proposed subdivision: Liberty Valley IV
Number of Lots: 26 Fee: \$ 328

Signature of Applicant: *[Signature]* Date: 10-11-17

Signature of Owner: *[Signature]* Date: 10-12-17



VICINITY MAP
N.T.S.

NOTES:

- EXISTING ZONING: SF-2. PROPOSED ZONING: SF-2. BUILDING SETBACK LINES ARE 25' FRONT, 6' INTERIOR SIDE, 15' STREET SIDE, AND 20' REAR.
- ALL CORNERS ARE 1/2" IRON ROD WITH CAP MARKED "RPLS 2475" SET, UNLESS OTHERWISE SPECIFIED.
- A 10' PUBLIC UTILITY EASEMENT ON THAT PORTION OF EACH LOT THAT IS CONTIGUOUS TO THE RIGHT-OF-WAY SHALL BE PART OF THIS PLAT.
- DRIVEWAY ACCESS IS NOT PERMITTED TO CONNELL STREET FROM LOTS 1, 22, 23, 24, 25, AND 26, BLOCK 1.
- ANY GARAGES ARRANGED TO BE ENTERED FROM THE SIDE YARD FACING A PUBLIC STREET SHALL HAVE A MINIMUM SETBACK EQUAL TO THE REQUIRED FRONT YARD SETBACK OF 25'.
- FENCING IS NOT PERMITTED WITHIN DRAINAGE EASEMENTS.
- CITY DOES NOT REGULATE LOT-TO-LOT DRAINAGE.

PARCEL LINE TABLE

Line #	Length	Direction
L1	169.41	N30°34'50"E
L2	116.15	N36°09'35"E
L3	155.41	N81°50'47"E
L4	135.58	N75°59'39"E
L5	71.79	S89°04'33"E
L6	192.28	N83°22'10"E
L7	79.72	S86°30'27"E
L8	83.96	S73°34'02"E
L9	148.18	N74°03'53"W
L10	65.00	N18°26'57"E

CURVE TABLE

Curve #	Length	Radius	Chord Direction	Chord Length
C1	34.62	200.00	N81°30'48"E	34.58
C2	69.71	200.00	S83°32'34"E	69.35
C3	69.71	200.00	N6°27'25"E	69.35
C4	78.42	225.00	N83°32'34"W	78.02
C5	38.95	225.00	S81°30'48"W	38.90
C6	261.80	50.00	S13°26'45"E	50.00
C7	30.29	175.00	S81°30'48"W	30.26
C8	60.99	175.00	N6°27'25"E	60.69
C9	261.80	50.00	S73°33'30"E	50.00
C10	78.42	225.00	N6°27'25"E	78.02
C11	60.99	175.00	N83°32'34"W	60.69
C12	31.57	225.00	N77°34'42"W	31.55
C13	46.79	225.00	N87°34'15"W	46.70
C14	19.47	225.00	S83°59'34"W	19.47
C15	19.47	225.00	S79°02'02"W	19.47
C16	56.97	50.00	N76°05'06"W	53.93
C17	43.39	50.00	S46°24'44"W	42.05
C18	43.14	50.00	S3°10'07"E	41.81
C19	43.16	50.00	S52°36'44"E	41.83
C20	57.99	50.00	N69°26'18"E	54.79
C21	17.16	50.00	N26°23'05"E	17.07
C22	71.43	50.00	S35°31'03"W	65.51
C23	58.96	50.00	S39°11'19"E	55.60
C24	53.87	50.00	N75°34'32"E	51.30
C25	54.38	50.00	N13°32'59"E	51.74
C26	22.64	50.00	N30°35'04"W	22.45
C27	23.21	225.00	N13°29'12"E	23.20
C28	55.21	225.00	N3°30'07"E	55.07

STATE OF TEXAS
COUNTY OF BELL

BARNES INDEPENDENT DEVELOPERS, L.P., A TEXAS LIMITED PARTNERSHIP, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS LIBERTY VALLEY PHASE IV, A SUBDIVISION IN THE CITY OF BELTON, BELL COUNTY, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON.

BY BARNES INDEPENDENT DEVELOPERS, L.P.,
A TEXAS LIMITED PARTNERSHIP
BARNES INDEPENDENT DEVELOPERS GP. LLC
A TEXAS LIMITED LIABILITY COMPANY
GENERAL PARTNER

COLETTE MARSHALL, PRESIDENT

STATE OF TEXAS

COUNTY OF BELL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE ____ DAY OF ____
20____ BY COLETTE MARSHALL, PRESIDENT OF BARNES INDEPENDENT DEVELOPERS, L.P.,
A TEXAS LIMITED PARTNERSHIP.

NOTARY PUBLIC

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF LIBERTY VALLEY PHASE IV TO THE CITY OF BELTON WAS APPROVED THIS ____ DAY OF ____
20____ BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BELTON, TEXAS.

CHAIRMAN SECRETARY

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF LIBERTY VALLEY PHASE IV TO THE CITY OF BELTON WAS APPROVED THIS ____ DAY OF ____
20____ BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS.

MAYOR SECRETARY

SAID SUBDIVISION SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF BELTON.

MY HAND THIS ____ DAY OF ____, 20____

CITY CLERK

TAX CERTIFICATE

THE BELL COUNTY TAX APPRAISAL DISTRICT, THE TAXING AUTHORITY FOR ALL TAXING ENTITIES IN BELL COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES DUE OR OWING ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS THE ____ DAY OF ____, A.D. 20____

BELL COUNTY TAX APPRAISAL DISTRICT

BY:

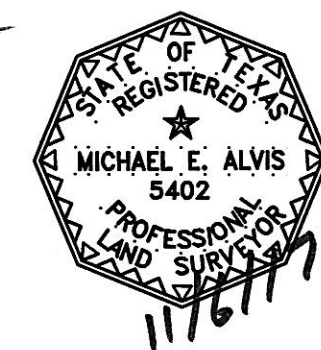
STATE OF TEXAS

COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS:

THAT I, MICHAEL E. ALVIS, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON SHALL BE PROPERLY PLACED, UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF BELTON, TEXAS.

Michael E. Alvis
MICHAEL E. ALVIS, R.P.L.S.
NO. 5402



B.L. - BUILDING LINE
U.E. - UTILITY EASEMENT
P.O.B. - POINT OF BEGINNING
FF - MINIMUM FINISH FLOOR
① - BLOCK DESIGNATION

FINAL PLAT OF:
LIBERTY VALLEY PHASE IV

26 LOTS, 1 BLOCKS

1 TRACT

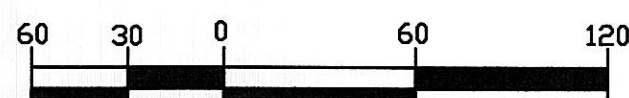
6.945 ACRES

A SUBDIVISION IN THE

J.P. WALLACE SURVEY, ABSTRACT NO. 906

CITY OF BELTON, BELL COUNTY, TEXAS

9.753 ACRES MORE FULLY DESCRIBED BY METES AND BOUNDS BY SEPARATE FIELD NOTES PREPARED AND ATTACHED TO DEDICATION INSTRUMENT

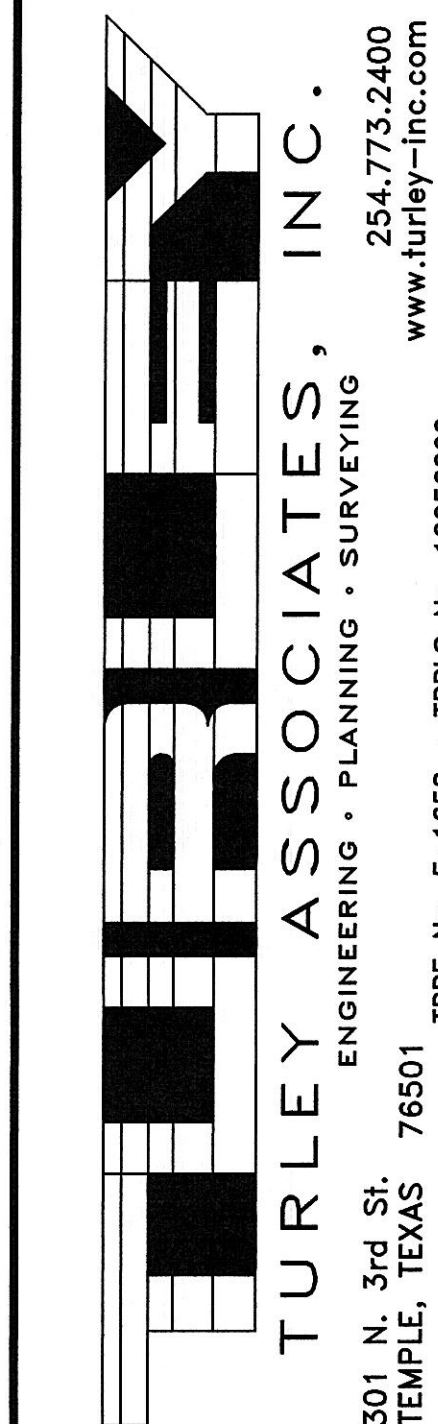


NOTE: This project is referenced to the City of Belton Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted, and all bearings are grid bearings. All coordinate values are referenced to City Monument No. B-3. The theta angle at said monument is 01°27'55". The Combined Correction Factor (CCF) is 0.999853. Published City Coordinates are N=10348584.14, E=3187529.19. The tie from the above City Monument to the Point of BEGINNING is N.39°40'18"E, 4304.30 feet. Grid Distance= Surface Distance X CCF. Geodetic North= Grid North + theta angle.

FILED FOR RECORD THIS ____ DAY OF ____, 20____

IN YEAR ____ PLAT # ____
PLAT RECORDS OF BELL COUNTY, TEXAS.

DEDICATION INSTRUMENT # ____
OFFICIAL RECORDS OF BELL COUNTY, TEXAS.



© TURLEY ASSOCIATES, INC.

THIS DRAWING IS THE PROPERTY OF TURLEY ASSOCIATES, INC. AND MUST BE SURRENDERED UPON REQUEST. THE INFORMATION THEREON MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF TURLEY ASSOCIATES, INC.

FINAL PLAT OF:
LIBERTY VALLEY PHASE IV
A 9.753 ACRE SUBDIVISION IN THE
J.P. WALLACE SURVEY, ABSTRACT NO. 906
CITY OF BELTON, BELL COUNTY, TEXAS

PREPARED FOR:
BARNES INDEPENDENT DEVELOPERS, L.P.
P.O. BOX 148
KILLEEN, TEXAS 76540

REVISIONS

DATE	DESCRIPTION	DFTR
11/21/17	CITY COMMENTS	MRG

DRAFTSMAN:

MRG

DATE:

10/16/17

COMPUTER FILE NAME:

17-212_FP

REFERENCE DRAWING NUMBERS:

REF DWGS NO.s

17-212

DRAWING NUMBER:

17212-D

PAGE #
01

P-17-26 Location - Liberty Valley Phase IV



PROPOSED PLAT:

Final Plat
Liberty Valley IV
6.945 Acres

PROPERTY OWNER:

BARNES INDEPENDENT
DEVELOPERS L P

LEGEND

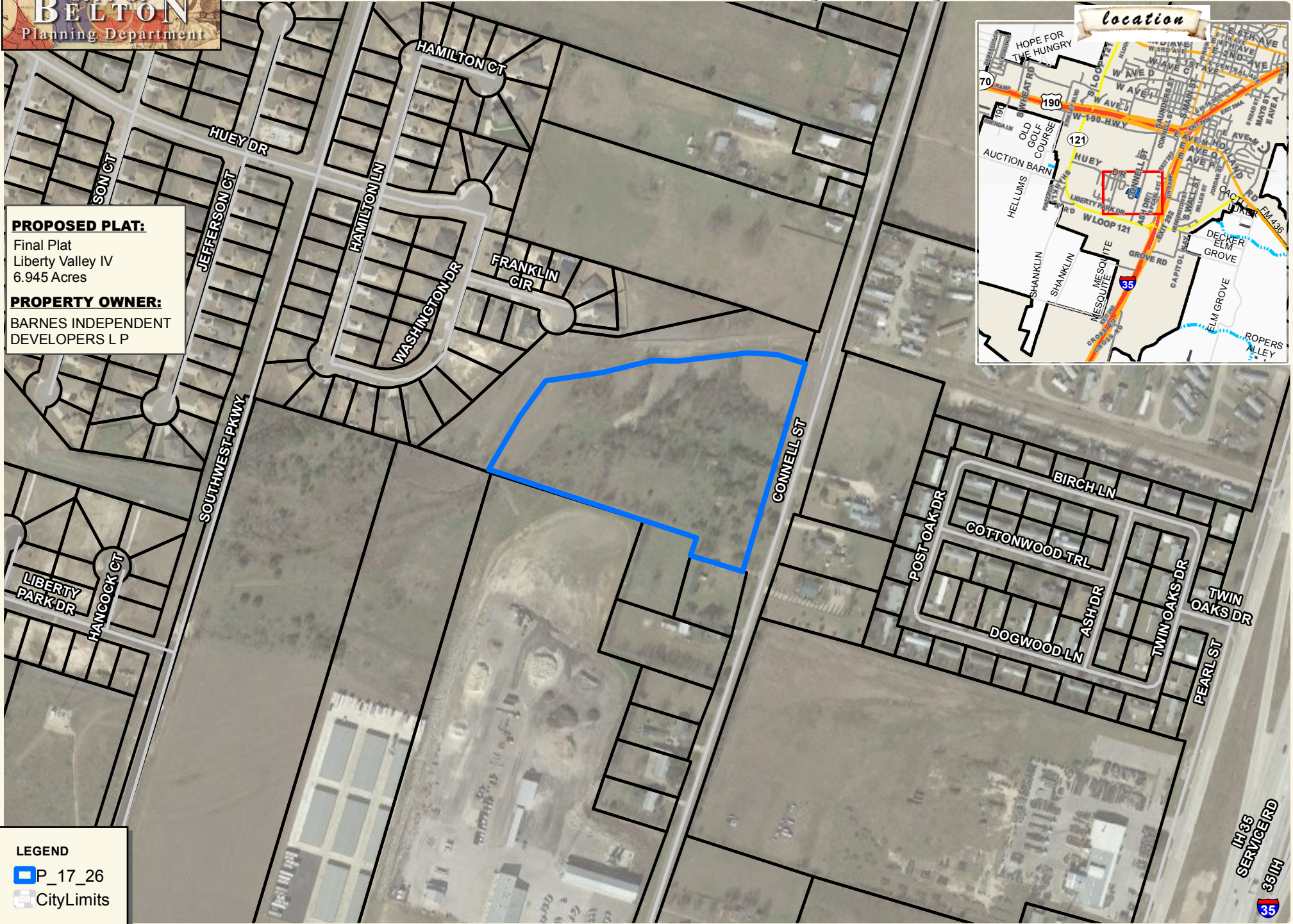
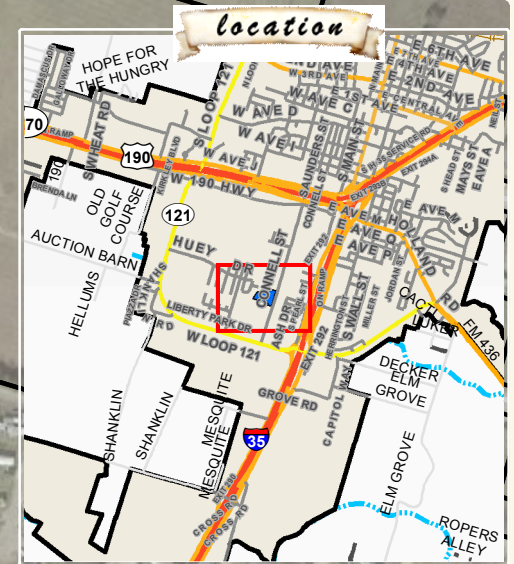
-  P_17_26
-  CityLimits

Map Date: 11/17/2017 Aerial Imagery Date: 2015

0 130 260 520 Feet



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.



P-17-26 Liberty Valley Phase IV

PROPOSED PLAT:


Final Plat
Liberty Valley IV
6.945 Acres

PROPERTY OWNER:

BARNES INDEPENDENT
DEVELOPERS L P

Proposed Liberty Valley Phase IV

Legend

 P_17_26

Map Date: 11/17/2017 Aerial Imagery Date: 2015

0 130 260 520 Feet



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.

IH 35
SERVICE RD
35 IH



City of Belton

Planning Department

October 31, 2017

**Applicant: WILL SISCO – TURLEY
COLETTE MARSHAL – BARNES IND DEVELOPERS
Date Submitted: 10-17-17
Project: LIBERTY VALLEY PHASE IV FINAL PLAT
Location: 6.945 ACRES, 2303 CONNELL STREET**

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

PLANNING – Erin Smith, ESmith@BeltonTexas.gov:

1. We have scheduled a meeting to discuss staff comments on Wednesday, November 1, 2017 at 10:30 a.m.
2. The northern portion of the 9.753-acre property is not shown within the proposed plat boundary for Liberty Valley, Phase IV. Please include the remainder of this property, including the 100-year flood plain (Mitchell Branch) within this plat boundary.
3. Some of the signature blocks list the year 2014 and should be changed to 2017 or 2018, depending on when the plat is recorded. Please revise.
4. Please state the street pavement width of Connell Street.
5. Please state the ROW width of Connell Street at the northern and southern ends of the revised plat boundary.
6. According to the Subdivision Ordinance, the developer is required to contribute one-half the total cost of paving (18.5 feet), curb and gutter, and a 5-foot wide sidewalk for the portion of Connell Street adjacent to this property. Please calculate the cost of these perimeter street improvements using the template attached for staff review. City staff will then draft a development agreement and recommend the applicant escrow the cost of construction.
7. Recommend a 100' transition to a 37' pavement width for turning movements at the Connell Street intersection.
8. Please replace "U.E." with "P.U.E."
9. Please add the following notes to the plat:
 - a. Driveway access is not permitted to Connell Street from Lots 1, 22, 23, 24, 25, and 26, Block 1.
 - b. Any garages arranged to be entered from the side yard facing a public street shall have a minimum setback equal to the required front yard setback of 25'.
 - c. Fencing is not permitted within drainage easements.
10. Please add a 1' non-access easement to Lots 1, 22, 23, 24, 25, and 26 along Connell Street frontage.
11. Please add a 1' non-access easement to Lots 18 and 26, Block 1 along Liberty Valley Drive frontage.

12. Since all protected trees are proposed for removal, a replacement tree is required. The tree shall be a minimum of 3 caliper inches in diameter and 10 feet in height. Recommend planting the tree in a public park.
13. Please add a 10' PUE to Lots 1, 22, 23, 24, 25, and 26, Block 1 adjacent to Connell Street.
14. Please submit a proposal to meet the parkland dedication requirements. Parkland dedication requires one acre for each 100 dwelling units. The required acreage for this development is 0.26 acres.

Staff Recommendation to satisfy the parkland dedication requirements:

Improvements to the 0.827 acre of parkland dedication from Liberty Valley Phase III to include the following:

1. Scrape and remove 6" of the ground and replace with clean topsoil.
2. Remove all unprotected trees (chinaberries, hackberries).
3. Seed the 0.827 acre park with hydromulch and provide temporary irrigation until the grass is established.
4. Construct a 6' wide sidewalk from Franklin Circle approximately 125 linear feet to the dedicated parkland. A curb cut will be needed in Franklin Circle for the installation of an ADA ramp. This sidewalk will provide public access to the parkland.

PUBLIC WORKS/KPA – Angellia Points, APoints@BeltonTexas.gov:

1. Please show street signage in the plans.
2. Please ensure the fire hydrant locations are clearly marked on the utility plan.
3. All flush assemblies shall be automatic. Delete detail W-04 from Page 13.
4. The following comments apply to the geotechnical report.
 - a. AASHTO design methods were referenced. AASHTO is based on strengths of materials without regard to expansive soils, which was found in this subdivision. Although the pavement may be adequately designed from a structural standpoint, the road may experience deformation and cracking as a result of the cyclical wetting and drying of high PI soils. This is, however, common means of reducing the risk of shrink/swell through lime stabilization of the subgrade or use of a geogrid, or both. Lime and/or geogrid were not addressed as alternatives in the report; however, we recommend these options are evaluated.
 - b. What is the required depth of the compacted subgrade?
 - c. On page 9 under Pavement Material Specifications, please state compacted subgrade should be compacted to at least 95%, but no more than 100% of the max dry density. Also, please specify a moisture content of 0 to +3% of optimum so that they soils are more on the wet side of optimum, instead of potentially being on the dry side.
 - d. Please state the same previous comment regarding compaction under the Engineered Fill requirements.
 - e. Revise the sentence to state the following: The Engineered Fill soils shall consist of Type D materials as described by TxDOT item 132 or imported materials soils with similar plasticity characteristics.
 - f. Recommend all pavement joints to be sealed as a requirement under the General Considerations section.
 - g. General note: The City will require the geotechnical firm to be present for inspections and approval of subgrade and materials during construction.

5. The waterline in this subdivision needs to connect to the waterlines in Liberty Valley, Phase III for looping purposes and level of service if maintenance or repairs are required.
6. Please re-locate the waterline in each cul-de-sac to outside of the curb line. The waterline is currently shown to be placed in the roadway.
7. Please dedicate entire Mitchell Branch to the City of Belton after the LOMR-F is completed.
8. For the concrete flume, construct saw tooth or square dissipaters in the recessed area.
9. Sheet 07 refers to a detail on Sheet 13. Please revise to state Sheet 11.
10. Verify the waterline sizing can meet the fire flows stated in the most recent adopted IFC.
11. Please end the sewer lines in manholes, not cleanouts.
12. Sheet 10 refers to Sheet 9 for utility installation details. Please clarify.
13. Please clarify in the plans how Connell Street will be repaired post-utility tie-ins.
14. The utility connections will need to be coordinated with the City. A Traffic Control Plan is required.
15. Please use rebar in the concrete flume, not mesh.
16. Verify and callout separation distance between the waterline and the culvert at Station 6+75 on Liberty Valley Drive.
17. Please verify the street sections in the construction plans match the geotechnical report.
18. Drainage comments:
 - a) The sump inlet calculations are difficult to understand. The calculations should identify what the depth of flow is at the inlet for each storm event modeled. Also, how was the peak Q calculated? There do not seem to be any supporting calculations to support the combined peak flows shown for these inlet calculations.
 - b) The flume calculations indicate a total depth of the flume of 0.50-feet. The plans indicate the total depth of the flume to be 8-inches (0.67-feet). Please update the calculations to reflect the plans.
 - c) For the concrete flume, construct saw tooth or square dissipaters in the recessed area.
 - d) Culvert calculations indicate 41 LF of 18" pipe. Plans indicate 75 LF of 18" pipe.
 - e) Cover over RCP culvert is 1-foot at the downstream end of pipe, recommend using Class IV RCP for this culvert.
 - f) The water spread on the roadways appears to exceed the maximum allowed spread. Please review and clarify.
 - g) Please verify the 18" pipe is sufficient for the culvert to handle the drainage, since topography suggests offsite drainage flows along Connell Street will lead into this culvert as well.
 - h) The drainage on Block 1, Lot 1 may need to be re-evaluated, especially along the roadway to the Creek with respect to fencing. We have concerns with the drainage of Block 1, Lot 1 and are need further explanation on how you plan to drain storm water on the east side near Connell Street. Please ensure a silt fence is installed on the Connell Street side during construction to help alleviate construction materials entering the drainage channel.
 - i) Please add a note to the plat that states the City does not regulate lot-to-lot drainage.

BUILDING OFFICIAL – Bruce Ebbert, BEbbert@BeltonTexas.gov:

No Comments.

FIRE DEPT – Jeff Booker, JBooker@BeltonTexas.gov:

Please revise the plans to show fire hydrants in the cul-de-sacs.

POLICE DEPT – Chief Gene Ellis, GEllis@BeltonTexas.gov:

Once construction begins, please avoid leaving construction equipment or materials on jobsite in this area to avoid theft.

GIS – Anthony Notgrass, ANotgrass@BeltonTexas.gov:

Plat Line Table “L2” length does not match field notes. (I.G. 116.15 vs 115.15)

Outside Utility Provider Comments

- ☐ **Oncor:** No response received.
- ☐ **AT&T:** No response received.
- ☐ **Atmos Energy:** No response received.
- ☐ **Charter Communication:** No response received.
- ☐ **Centrovision:** No response received.
- ☐ **Spectrum (Time Warner):** No response received.
- ☐ **USPS:** No response received.
- ☐ **Clearwater UCD:** No response received.
- ☐ **TXDOT:** No response received.

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.



TURLEY ASSOCIATES, INC.

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400
F-1658 FAX • (254) 773-3998

November 11, 2017

Erin Smith
Planning Director
333 Water Street
Belton, Texas 76513

RE: Liberty Valley, Phase IV

Dear Erin,

The developer of the above referenced development project requests to pay the park fees for the 26-lot subdivision. In addition to paying the park fees Ms. Marshal has agreed to clear the non-protected trees from the parkland that was dedicated with the Liberty Valley, Phase III project.

Please feel free to call or email if you have any questions or wish to discuss further.

Sincerely,

TURLEY ASSOCIATES, INC.

A handwritten signature in dark ink, reading "Jennifer Ryken". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Jennifer Ryken, P.E., C.F.M.

Barnes Independent Developers, L.P. - Connell Street Perimeter Street Improvements

Owner: Barnes Independent Developers, L.P.

Engineer: Turley Associates, Inc.

Date: 11/2/2017

Note to Owner/Engineer: Prior to developing the proposed costs for perimeter street improvements, coordinate with the Director of Planning to determine the required scope of perimeter street improvements.

Note to Estimator: This document is provided as a guideline and template. Not all items required may be listed and not all items shown below may be required. List all labor, materials, and project costs associated with the perimeter street improvements. All items listed in the estimate are assumed to be 'complete' and shall include material costs, delivery of materials, and labor for installation or implementation. Perimeter street improvements shall adhere to the approved geotechnical report and to the requirements in the City of Belton Design Manual.

Connell Street Perimeter Street Improvements

ITEM	DESCRIPTION	QTY	UNITS	UNIT PRICE	ITEM COST
1	Right-of-Way Clearing	1	LS	\$500.00	\$500.00
2	Excavation	1	LS	\$1,500.00	\$1,500.00
2	Subgrade Preparation	927	SY	\$2.00	\$1,854.00
3	Ditch & Slope Grading	1	LS	\$500.00	\$500.00
3	11" Crushed Limestone Base	927	SY	\$12.50	\$11,587.50
4	2.5" Type (C/D) Hot-Mix Hot Asphalt Concrete and Prime	816	SY	\$15.00	\$12,240.00
5	Thermoplastic Pavement Markings	1	LS	\$1,000.00	\$1,000.00
6	Seed Right-of-Way	1	LS	\$400.00	\$400.00
7	5' Wide Sidewalks	414	LF	\$20.00	\$8,280.00
8	Mobilization	1	LS	\$250.00	\$250.00
9	Erosion Control	1	LS	\$250.00	\$250.00
10	Traffic Control Plan and Implementation	1	LS	\$500.00	\$500.00
				TOTAL	\$38,861.50

The City reserves the right to review and negotiate the proposed perimeter street improvements costs. Additional scope or deductions may be required by the City. Any changes will be discussed with the Owner/Engineer.

Staff Report – Planning & Zoning Item



Date: November 20, 2017
Case No.: P-17-24
Request: Final Plat
Applicant: WB Development

Agenda Item

P-17-24 Consider a final plat for Three Creeks, Phase IV, a 38.44 acre tract of land, located generally east of FM 1670 and south of U.S. 190, and adjacent to the north bank of the Lampasas River, in Belton's Extra Territorial Jurisdiction (ETJ).

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

This is a 156-lot subdivision proposed for single family homes.

Project Analysis and Discussion

This is a proposed single family subdivision, containing 156 lots, proposed as Three Creeks, Phase IV. All of the lots in each subdivision are a minimum of 50' in width, in compliance with the Development Agreement. This subdivision plat that proposes construction of Galveston Road, Baffin Lane, and Lavaca Drive, and a portion of Copano Road, Guadalupe Drive, and Rocking M Lane, each with 50' of right-of-way and a 31' pavement width. The block lengths of Lavaca Drive, Baffin Lane, and Galveston Road exceed the maximum 1,200 linear feet block length permitted in the Subdivision Ordinance, but are providing improved circulation. The applicant is requesting a variance to the maximum block length permitted.

Phase IV also includes a portion of Three Creeks Boulevard, an arterial roadway, with 120' of right-of-way and a 37' pavement width. According to Section 1, Streets and Roadways, of the City's Design Manual, arterial roadways are required to have a maximum 5% slope. The construction plans currently identify a 9% slope for Three Creeks Boulevard and will need to be revised as a condition to final plat approval.

The Bell County Engineer and City staff have safety concerns regarding the proximity of the intersection of Baffin Lane and Copano Road being designed so close to the proposed roundabout, as stated in the Bell County Engineer's comments dated October 25, 2017. The previous phases approved in this subdivision include two roundabouts that have been constructed and do not contain street intersections close to the roundabouts. Recommend the applicant provide a response to this concern to address site distance and decrease risk of traffic backing up into the roundabout satisfactory to the Director of Public Works and Bell County Engineer.

Currently, this subdivision contains one entrance known as Three Creeks Boulevard with 120' of right-of-way (ROW) off FM 1670 with 730 lots total in Phases I-IV. The Development Agreement states that the developer will dedicate 50' of right-of-way and grade and prepare with crushed limestone base 27' wide and provide a 25 foot double penetration/seal coat travel surface of Rocking M Lane from Auction Barn Road to the Municipal Utility District's northern property line within two years from the completion and acceptance of the first roundabout on the arterial roadway known as Three Creeks Boulevard. Therefore, this requirement will be due May 1, 2019. This phase includes a portion of Rocking M Lane that will extend from Three Creeks Boulevard to the northern plat boundary. This portion of Rocking M Lane located within the new plat boundary will contain 50' of right-of-way and a 31' pavement width. According to the Subdivision Ordinance, any single family residential subdivision within the City of Belton or the City's ETJ shall provide 3 entrances/access streets for subdivisions with more than 101 lots. The development agreement approved by City Council in 2010 included a master plan of the proposed subdivision that identified two points of access, and this should satisfy the ingress/egress requirement for this subdivision until a connection is made from Three Creeks Boulevard to Shanklin Road in the future, as shown on the City's Thoroughfare Plan.

According to the Subdivision Ordinance, each residential subdivision is required to dedicate sufficient and suitable parkland and/or payment of fees-in-lieu of required parkland. There are a total of 730 lots in Phases I-IV and ultimately 1,500 lots for the entire Three Creeks subdivision; therefore, a total of 7.3 acres of parkland is required at this time and ultimately 15 acres for the entire 1,500 lots in this subdivision. The developer has provided a total of 127.34 acres of private parkland that contains several trail networks and pavilions for the residents. This private parkland exceeds the Subdivision Ordinance requirements, will be owned and maintained by the Homeowner's Association (HOA), and is consistent with the master plan in the development agreement.

The lots in this subdivision are served by City of Belton water and sewer, and Bell County is responsible for the streets and drainage.

We have reviewed the plat and find it acceptable, subject to the conditions contained in the letter to the applicant's engineer; conditions contained in the Bell County Engineer's letter; and conditions discussed within this staff report regarding ensuring a 5% maximum slope of Three Creeks Boulevard, and addressing the safety concerns regarding the proximity of the intersection of Baffin Lane and Copano Road being designed so close to the proposed roundabout. Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and made comments. After favorable Council action, and only after all City staff and Bell County Engineer comments have been addressed, this plat will be taken to Bell County Commissioners Court for action.

Recommendation

Recommend conditional approval of the final plat for Three Creeks, Phase IV, a 38.44 acre tract of land, located generally east of FM 1670 and south of U.S. 190, and adjacent to the north bank of the Lampasas River, in Belton's Extra Territorial Jurisdiction (ETJ), subject to:

1. Conditions contained in the letter to the applicant's engineer dated October 30, 2017;
2. Conditions contained in the Bell County Engineer's letter dated October 25, 2017;
3. Revising the construction plans to provide a maximum 5% slope for Three Creeks Boulevard;
4. Addressing the safety concerns regarding the proximity of the intersection of Baffin Lane and Copano Road so close to the proposed roundabout to the satisfaction of the Director of Public Works and Bell County Engineer;

5. Lavaca Drive, Baffin Lane, and Galveston Road exceed the maximum 1,200 linear feet block length and we recommend a variance request; and
6. The terms of the development agreement.

Attachments

1. Final Plat Application
2. Final Plat
3. Location Map
4. Park and Trail System
5. Three Creeks Overall Plan (Phases I-VII)
6. City's Letter to Applicant's Engineer dated October 30, 2017
7. Bell County Engineer's letter dated October 25, 2017
8. Section 7.06 of the Development Agreement

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 by the 15th day of the month ahead of the next month's P&Z meeting.)

Applicant: Yalgo Engineering Phone: 254-953-5353
Mailing Address: 3000 Illinois Ave. ste 100 Killeen, TX 76543
Email Address: tfreese@yalgoengineering.com

Owner: Whitis Land Investments, LTD Phone: 254-953-5353
Mailing Address: 3000 Illinois Ave. ste 100 Killeen, TX 76543
Email Address: tfreese@yalgoengineering.com

Current Description of Property:

Lot: _____ Block: _____ Subdivision: _____
Acres: _____ Survey: S.C. Fitch & C.H. Fitch
Abstract #: 317 & 316 Street Address: FM 1670
Frontage in Feet: _____ Depth in Feet: _____

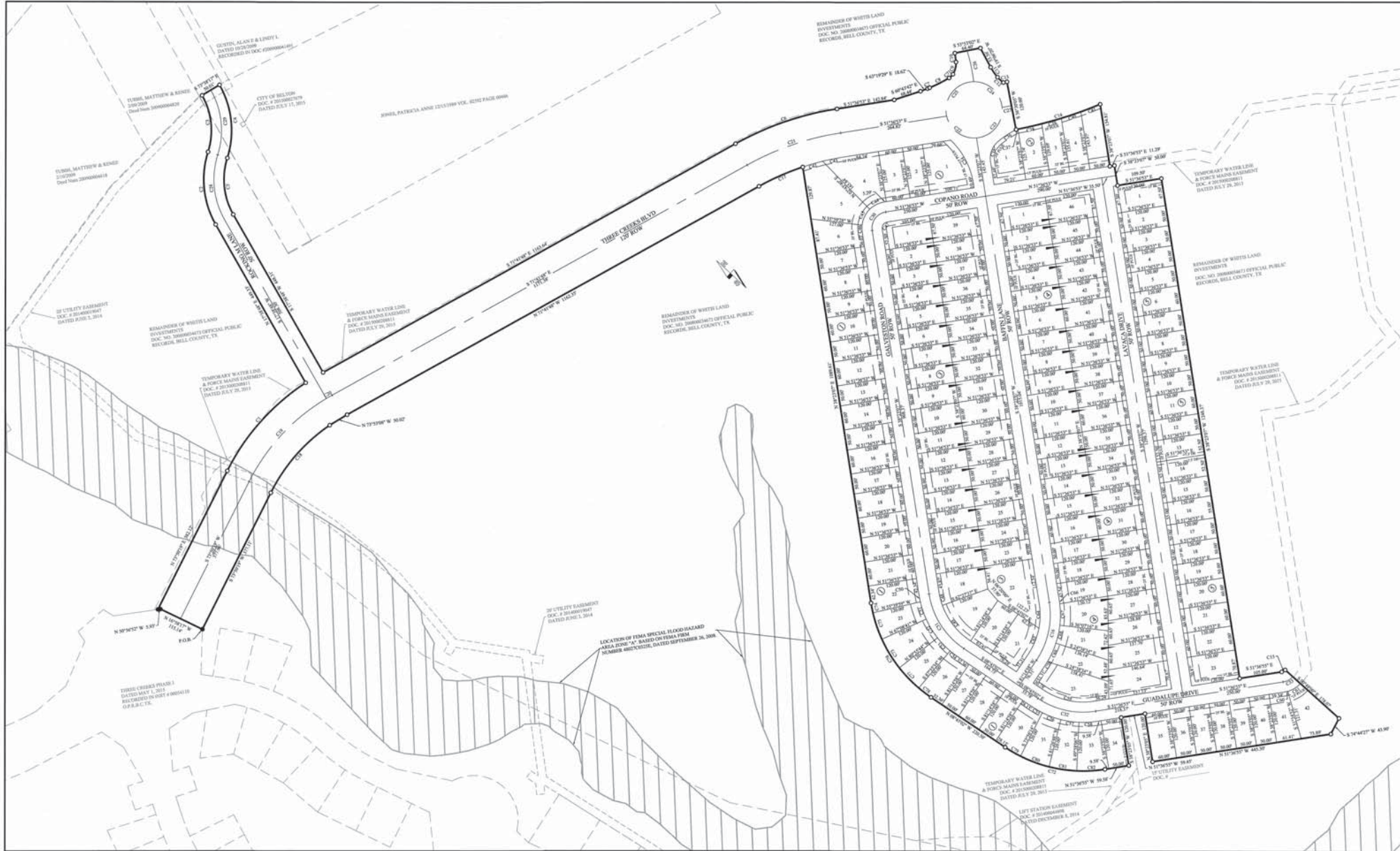
Does Zoning comply with proposed use? Yes Current Zoning: ETJ

Name of proposed subdivision: Three Creeks Phase IV

Number of Lots: 155 Fee: \$ 715

Signature of Applicant: _____ Date: 10-12-17

Signature of Owner: _____ Date: 10-12-17



REV.	DESCRIPTION	DATE	BY
1	ORIGINAL RELEASE	07/24/2017	BTW
2	REVISED EASEMENT LABELS PER CITY COMMENTS	08/09/2017	NMP
3	EXTENDED GALVESTON, RAFFIN, & LAVACA PER CITY COMMENTS	08/28/2017	NMP

PROJECT NUMBER: TCM	CLIENT NAME: WWW DEVELOPMENT GROUP - SERIES 000
APPROVED BY: TWY	CLIENT LOCATION: KILLEEN, TX
AUTHORIZED BY: WWW	

PROJECT INFORMATION	
TOTAL SIZE:	38.44 ACRES
TOTAL BLOCKS:	5
TOTAL LOTS:	156
TOTAL TRACTS:	9

BENCHMARK	
CITY OF BELTON BRASH MONUMENT	
IRIS, LOCATED IN EAST R.O.W. MARSH	
OF F.M. 3670 ON SOUTH END OF	
STILLWATER HOLLOW DAM, BEARING	
S 48° 35' 4" W, 89.55 FEET FROM P.O.B.	
TEXAS STATE PLANE COORDINATE	
SYSTEM, NAD 83 (11) DATUM,	
TEXAS CENTRAL ZONE, NO. 4201	
N: 604550.457	
E: 317482.468	
Z: 696.76 NAD 83 DATUM GROUND (12)	



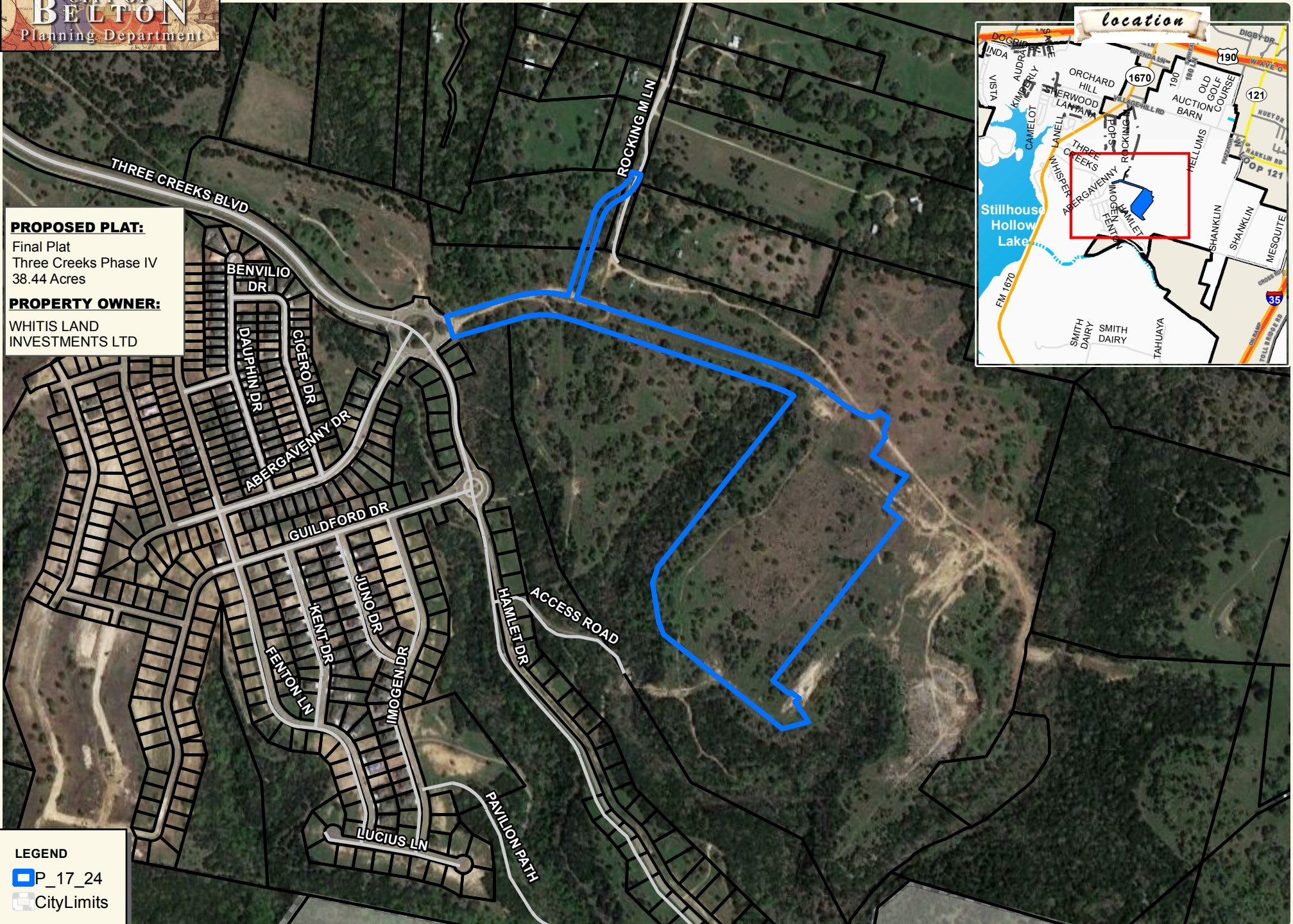
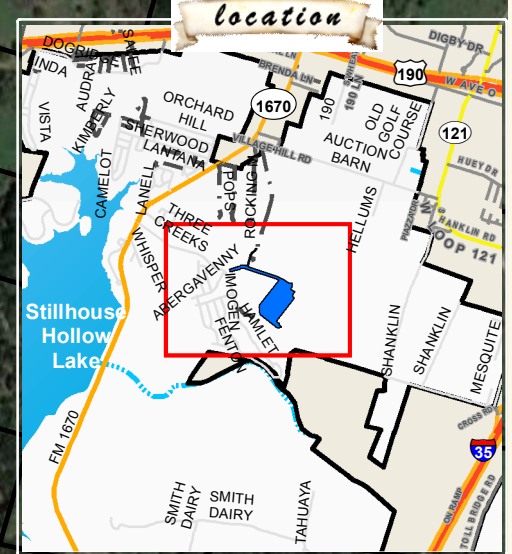
FINAL PLAT OF THREE CREEKS PHASE IV BELTON E.T.J., BELL COUNTY, TEXAS

Yalco, LLC	SHEET
3000 Illinois Ave., Suite 100	2
Killeen, TX 76543	OF
PH (254) 953-5153	2
FX (254) 953-5667	
Texas Registered	
Engineering Firm F-10264	
Texas Registered	
Surveying Firm 40546005	

P-17-24 Location - Three Creeks Phase IV - ETJ

PROPOSED PLAT:
Final Plat
Three Creeks Phase IV
38.44 Acres

PROPERTY OWNER:
WHITIS LAND
INVESTMENTS LTD



LEGEND

P_17_24

CityLimits



P-17-24 Three Creeks Phase IV - ETJ

PROPOSED PLAT:


Final Plat
Three Creeks Phase IV
38.44 Acres

PROPERTY OWNER:

WHITIS LAND
INVESTMENTS LTD

Proposed Three Creeks Phase IV

Legend

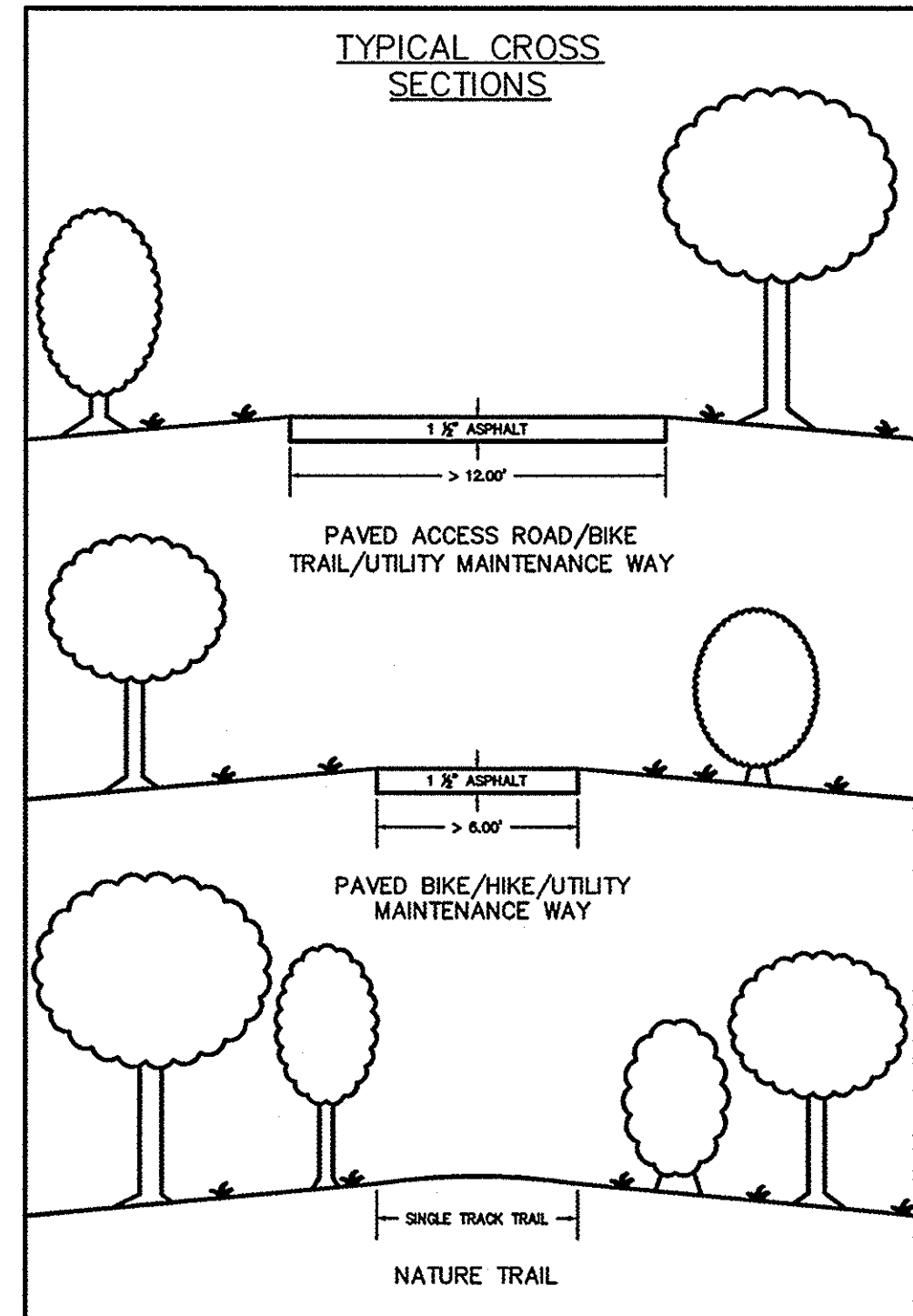
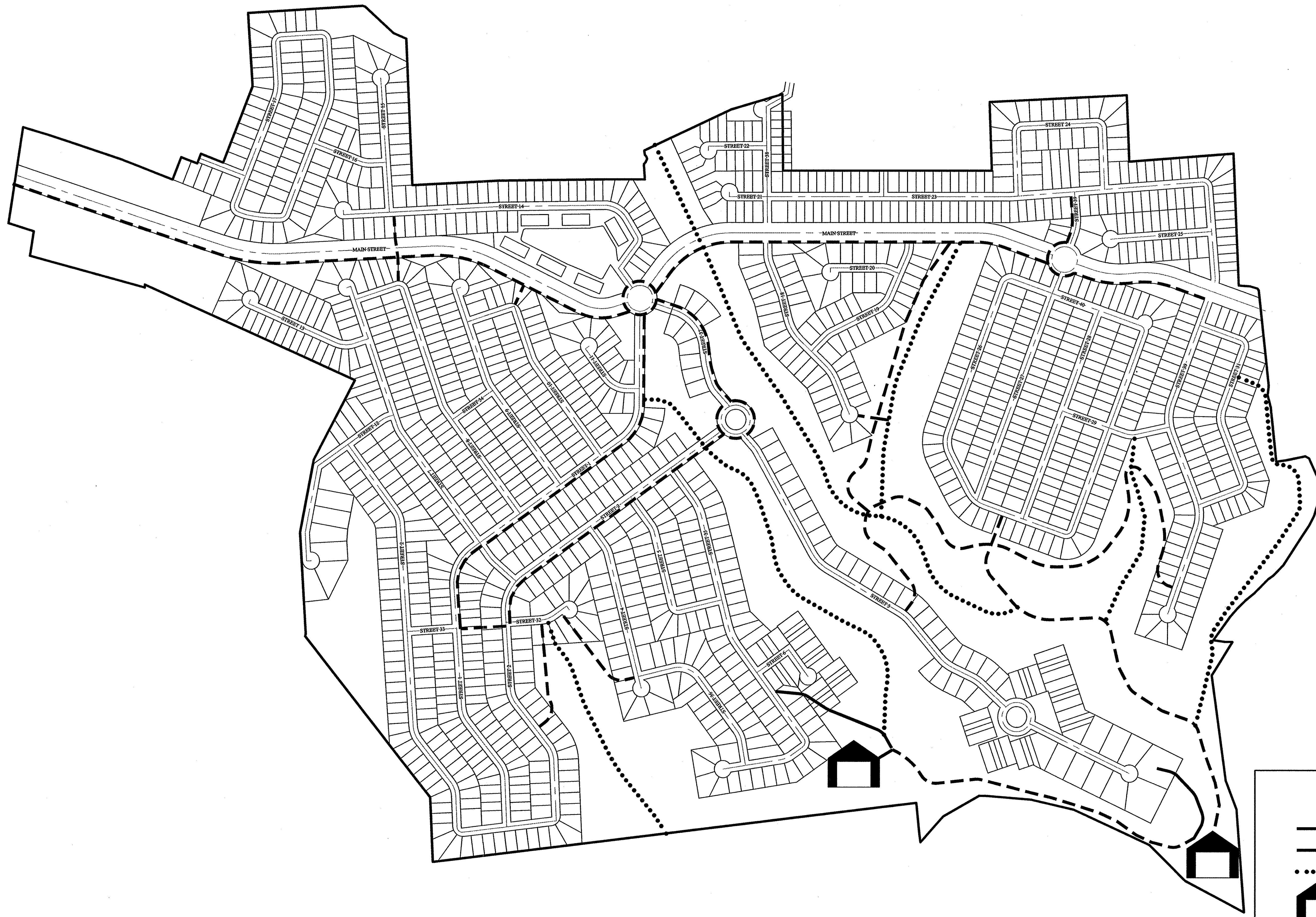
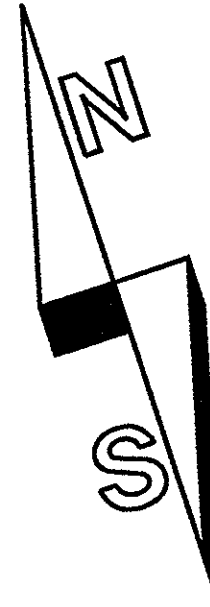
 P_17_24

Map Date: 11/17/2017 Aerial Imagery Date: 2015

0 200 400 800 Feet



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.

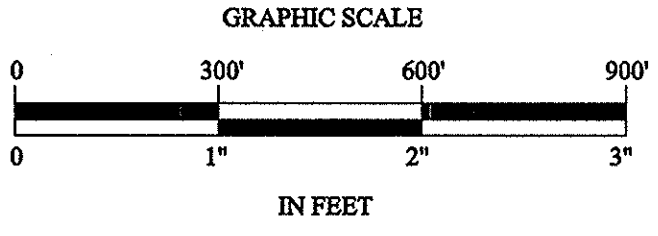


LEGEND

- PAVED ACCESS ROAD/BIKE TRAIL
- PAVED BIKE/HIKE
- NATURE TRAIL
- PAVILION

REV.	DESCRIPTION	DATE	BY
1	INITIAL RELEASE	01/25/2011	JAT
PROJECT NUMBER: 1059			
CLIENT NAME: W & B DEVELOPMENT			
CHECKED BY: SAB			
APPROVED BY: SAB			
AUTHORIZED BY: WBW			

PROJECT INFORMATION
TOTAL SIZE: 539.8 ACRES
TOTAL BLOCKS: —
TOTAL LOTS: 1523
TOTAL TRACTS: 16



CONCEPTUAL PARK-TRAIL SYSTEM
LA CACHETTE
CITY OF BELTON, BELL COUNTY, TEXAS

-NOT FOR CONSTRUCTION-
-FOR REVIEW ONLY-

Yalgo, LLC
3000 Illinois Ave., Suite 100
Killeen, TX 76543
PH (254) 953-5353
FX (254) 953-0032
Texas Registered
Engineering Firm F-10264



REV.	DESCRIPTION	DATE	BY	PROJECT INFORMATION	BENCHMARK	<div>OVERALL PLAN PHASES 1, 2, 3, 4, 5, 6 & 7</div> <div>THREE CREEKS</div> <div>BELTON E.T.J., BELL COUNTY, TEXAS</div>	<div>Yalgo, LLC</div> <div>3000 Illinois Ave., Suite 100</div> <div>Killeen, TX 76543</div> <div>PH (254) 953-5353</div> <div>FX (254) 953-5057</div> <div>Texas Registered Engineering Firm F-10264</div> <div>Texas Registered Surveying Firm 10194095</div>	SHEET
				TOTAL SIZE: 412 ACRES TOTAL LOTS: 1033	CONCRETE TXDOT MONUMENT - BEARING N 24°53'19" W, 3158.33 FEET FROM P.O.B.			
2	ADDED PHASES 4 - 7	7-19-2017	BTW		TEXAS STATE PLANE COORDINATE SYSTEM, NAD1983(2011) DATUM, TEXAS CENTRAL ZONE, NO. 4203.			
1	ORIGINAL RELEASE	12-12-2016	TWF		N: 10351347.069 E: 3175235.144 Z: 705.50 (NAVD88 DATUM-GEOID12A)			
PROJECT NUMBER: TC03		CLIENT NAME: WBW DEVELOPMENT GROUP						
		CLIENT LOCATION: KILLEEN, TX						
APPROVED BY: SAB								
AUTHORIZED BY: WBW								
<div>GRAPHIC SCALE</div> <div><div>0300'600'900'</div><div>01'2'3"</div><div>IN FEET</div></div>								

PRINTED ON JULY 19, 2017



City of Belton

Planning Department

October 30, 2017

Applicant: YALGO ENGINEERING – TYLER FREESE

Date Submitted: 10-13-17

Project: THREE CREEKS PHASE IV

Location: FM 1670 ETJ

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

PLANNING – Erin Smith, ESmith@BeltonTexas.gov:

1. Please contact us to schedule a meeting to discuss comments.
2. Please confirm the block length of Lavaca Drive, Baffin Lane, and Galveston Road. The block lengths exceed 1,200 linear feet. Please revise.
3. Lot 21, Block 3 is a corner lot shown with a 25' street side yard setback. A 15' street side yard setback is permitted on corner lots with a front-entry garage. If a revision is desired, please adjust prior to P&ZC and Council consideration.

PUBLIC WORKS/KPA – Angellia Points, APoints@BeltonTexas.gov:

1. Three Creeks Blvd is proposed to be at 9%, and if sidewalks or trails are to be constructed, it will need to meet ADA maximum slope requirements.
2. A 6-foot wide concrete valley gutter is proposed across Guadalupe at Station 15+81. This is in a sump and not at an intersection. Recommend that the valley gutter be widened to correspond to the opening throat opening width on the receiving flume (25-feet), but at a minimum should be no less than 8-feet wide. This will also facilitate flow of stormwater (peak flows are on the order of 31 cfs for the 5-year event and 57 cfs for the 100-year storm event at this location). It is also recommended that a "DIP" sign be installed on the approach from both directions.
3. The curb opening at the throat of the flume is currently shown as just an opening. Since the opening is 25-feet in length, we recommend a sawtooth curb be installed across this opening. It appears the remaining opening would be sufficient to convey the stormwater at this location, but this is something that should be confirmed by the design engineer.
4. Windstorm calculations indicate that stormwater overtops the curb in a 10-year storm at the inlets on Lavaca Drive. It is recommended that the 5-year storm be run to verify if the stormwater is kept below the top of curb or consideration for upsizing the inlets should be made.
5. It is not clear from the HEC-RAS results table which storm event is being evaluated for the culverts. Please confirm.
6. Please provide culvert input/output data from HEC-RAS analysis as well as standard HEC-RAS output tables.
7. Windstorm calculations labeled "Offsite Pickup" do not correspond to the culvert shown on Sheet 51 of these plans.

8. Sheet 52 of the plans – Please match soffits of pipe.
9. Install an automatic flush assembly at the end of the waterline on Guadalupe Drive.

BUILDING OFFICIAL – Bruce Ebbert, BEbbert@BeltonTexas.gov:

No Comments.

FIRE DEPT – Jeff Booker, JBooker@BeltonTexas.gov:

No Comments.

POLICE DEPT – Chief Gene Ellis, GEllis@BeltonTexas.gov:

No Comments.

GIS – Anthony Notgrass, ANotgrass@BeltonTexas.gov:

Concur with Bell County Engineer comments. There should not be a street name change at the intersection of Guadalupe Drive, Galveston Road, and Baffin Lane. Street name changes should only be made at substantial intersections and not on corners or in the middle of a road section.

BELL COUNTY ENGINEER – Stephen Eubanks, Stephen.Eubanks@bellcounty.texas.gov:

Please see the attached letter from Bell County Engineer's Office.

Outside Utility Provider Comments

- ☐ **Oncor:** No response received.
- ☐ **AT&T:** No response received.
- ☐ **Atmos Energy:** No response received.
- ☐ **Charter Communication:** No response received.
- ☐ **Centrovision:** No response received.
- ☐ **Spectrum (Time Warner):** No response received.
- ☐ **USPS:** No response received.
- ☐ **Clearwater UCD:** No response received.
- ☐ **TXDOT:** No response received.

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.



County Engineer

P. O. Box 264 • Belton, Texas 76513 • (254) 933-5275 • Fax (254) 933-5276

BRYAN NEAVES, P. E.

October 25, 2017

Mr. Scott Brooks P.E.
Yalgo Engineering LLC
3000 Illinois Ave. Ste.100
Killeen, Texas 776543

Re: Three Creeks Phase IV- City of Belton ETJ

Mr. Brooks,

After reviewing the Phase IV Final plat/ plans submitted to this office on October 16, 2017 by the City of Belton, the following are the County's comments:

Subdivision Regulations:

- **204.2- Dedication**- Please provide a revised copy of the dedication by separate instrument, as the proposed acreage has changed from preliminary plat submittal. Include field notes.
- **203.5- Street Names**- 911 approval of the proposed street names is required.
- Bell County prefers eliminating the street name change between Galveston & Guadalupe at Baffin Lane. It should be one street name throughout.
- **204.11- Restrictions**- Provide a copy of any proposed restrictions or covenants for phase IV.
- **204.15- Acreage & Length**- An acreage & length statement for the proposed streets & right-of-way's is required on the plat. Please breakdown the statement by street.
- **204.16- Compliance**- Letter of Compliance is required.
- Include a plat note stating who is responsible for the installation and maintenance of the following: a) special or oversized street signs required for the roundabouts, b) pavement markings and sidewalks at the roundabouts, c) and street lighting throughout the proposed subdivision. Bell County is not responsible for these items.
- **303- Design standards**- the proposed centerline radius for curves C28 & C29 along Rocking M Lane do not meet the county's minimum speed designs for local or collector roads. Please verify that they meet City of Belton requirements.
- Address all City of Belton comments.

Construction Plans:

- 304- Soils Report- Provide a copy of the geotechnical report for the proposed subdivision.
- Sheets 22- 25, 29- 31, 36- Illustrate the fill areas on these sheets in the profiles. Include instructions for the contractor regarding the installation of fill material in lifts, compaction & testing, etc.
- Bell County has safety concerns regarding the proposed grades entering the proposed roundabouts. Verify the current design grades meet the City of Belton standards.
- Bell County has safety concerns regarding the intersection of Baffin Lane & Copano Road being designed to close to the proposed roundabout. Verify the current design meets City of Belton standards.

Floodplain Comments:

- All structures proposed to be placed within a floodplain area are subject to the acquisition of a Floodplain Permit. The proposed box culvert DA-2 shown under Three Creeks Blvd. is located within a designated floodplain area and will require a floodplain permit. This zone prohibits altering the land in any way that could adversely impact the water surface elevation. Placing fill will impact surrounding properties. Accordingly, proper documentation including hydraulic calculations prepared by a licensed engineer will be required.

Sincerely,

Steve Eubanks
Bell County Engineers Office

- (iii) A franchise, license or use fee shall not be imposed on water, sewer or drainage facilities that are constructed, installed, maintained or operated by, on behalf of or for the benefit of the District, subject to the limitations set forth in Section 7.03.

c. The initial term of the agreements set forth in this Section 7.04 shall begin on the respective date, or dates, that Section 7.03 is finally held invalid by a competent court of last resort and in such event, shall extend from such date to the next following September 30th (the "Initial Term"). From and after the Initial Term, the covenants and agreements set forth in this Section 7.04 shall be, respectively and individually, renewable annually, for a term of one year each, effective as of the first day of October of each year (the "Extended Term"), by the City and the District continuing to accept the benefits of the subsections of this Section 7.04, and providing for the same in their respective budgets or operating plan. Either the City or the District may terminate any covenant or agreement set forth in this Section 7.04 by giving at least 180 days prior written notice of termination to the other party.

Section 7.05 Failure to Comply with Franchise Provisions. Notwithstanding any other term or provision of this Agreement whatsoever, if the District shall legally challenge, or fail or refuse to continue in effect or comply with, Section 7.03 or Section 7.04, or shall default in performance of this Agreement and fail or refuse to cure such default within 90 days, or shall otherwise terminate any services or authority of the City under Section 7.03 or Section 7.04, the City may, by giving at least 180 days prior written notice and opportunity to cure to the District at anytime thereafter, annex, abolish and dissolve the District.

Section 7.06 Arterial Street Alignment. The City concurs with the general alignment and functionality of the road system shown on the Master Land Plan, including the proposed arterial street with roundabouts. Developer shall provide at least 120 feet of right of way and at least 37 feet of street pavement section for the proposed arterial beginning at FM 1670 and extending to the eastern boundary of the Land in a manner and alignment approved by the City. The City will approve requested roundabouts in conjunction with subdivision plat approval. The proposed arterial shall be completed from FM 1670 to the eastern boundary of the Land in phases as the abutting portions of the Land are platted and in any event before the date of the last bond issuance for reimbursement to the Developer. The arterial shall be constructed in logical phases, which shall be subject to City approval.

Section 7.07 City Right of Way Acquisition. The City will use its reasonable, good faith and continuing efforts to obtain the right of way necessary to connect the arterial street described in Section 7.6 from its Eastern terminus to Shanklin Road, within a reasonable period of time.

Section 7.08 Trails within Land. The Developer and the District may install and maintain trails along arterial and collector streets in lieu of complying with any requirements to install sidewalks. Sidewalks will be installed in retail, commercial and multi-family areas, and as reasonably required to connect the trail system.

Section 7.09 Other City Services. The City is not required to provide any services to the Land or the District before annexation unless specifically set forth in this Agreement.

Staff Report – Planning & Zoning Item



Date: November 20, 2017
Case No.: P-17-25
Request: Final Plat
Applicant: WB Development

Agenda Item

P-17-25 Consider a final plat for Three Creeks, Phase V, a 21.89 acre tract of land, located generally east of FM 1670 and south of U.S. 190, and adjacent to the north bank of the Lampasas River, in Belton's Extra Territorial Jurisdiction (ETJ).

Originating Department

Planning – Erin Smith, Director of Planning

Case Summary

This is a 98-lot subdivision proposed for single family homes.

Project Analysis and Discussion

This is a proposed single family subdivision, containing 98 lots, proposed as Three Creeks, Phase V. All of the lots in each subdivision are a minimum of 50' in width, in compliance with the Development Agreement. This subdivision plat that proposes construction of Corpus Christi Court, Aransas Drive, and a portion of Dickinson Loop, each with 50' of right-of-way and a 31' pavement width. The plat also identifies Oso Bay extending from Aransas Drive to the northern plat boundary with 50' of right-of-way, but no pavement proposed. As a condition of final plat and construction plan approval, Oso Bay will need to be constructed with a 31' pavement width from Aransas Drive to the northern plat boundary. This revision will change the way drainage is handled on the right-of-way, so the applicant will need to submit revised drainage plans for City and Bell County Engineer staff review.

Currently, this subdivision contains one entrance known as Three Creeks Boulevard with 120' of right-of-way (ROW) off FM 1670 with 828 lots total in Phases I-IV. The Development Agreement states that the developer will dedicate 50' of right-of-way and grade and prepare with crushed limestone base 27' wide and provide a 25 foot double penetration/seal coat travel surface of Rocking M Lane from Auction Barn Road to the Municipal Utility District's northern property line within two years from the completion and acceptance of the first roundabout on the arterial roadway known as Three Creeks Boulevard. Therefore, this requirement will be due May 1, 2019. According to the Subdivision Ordinance, any single family residential subdivision within the City of Belton or the City's ETJ shall provide 3 entrances/access streets for subdivisions with more than 101 lots. The development agreement approved by City Council in 2010 included a master plan of the proposed subdivision that identified two points of access, and this should be adequate for this

subdivision until a connection is made from Three Creeks Boulevard to Shanklin Road in the future, as shown on the City's Thoroughfare Plan.

There is a proposed 15' utility easement running through Lots 19 and 20, Block 3 to off-site manholes very far south of this plat boundary. The 15' utility easement is currently proposed to remain unimproved. An unimproved path will not allow the City's sewer vacuum truck to access the manholes during or after rain events when sewer issues typically arise or when there is a clog that causes a sewer overflow. This is a public health issue for both TCEQ and the residents of Three Creeks subdivision. We recommend the developer construct an improved 12' wide path in conjunction with subdivision development and the Homeowner's Association (HOA) be responsible for maintenance of the path. The restrictive covenants will need to be revised to address HOA maintenance of this path. As a condition of final plat and construction plan approval, we recommend the developer submit plans for an improved 12' wide path within the 15' utility easement containing the off-site sewer lines and manholes for staff review and subject to the approval of the Director of Public Works. We also recommend the developer install concrete collars around all off-site manholes as a condition of final plat and construction plan approval.

According to the Subdivision Ordinance, each residential subdivision is required to dedicate sufficient and suitable parkland and/or payment of fees-in-lieu of required parkland. There are a total of 828 lots in Phases I-V and ultimately 1,500 lots for the entire Three Creeks subdivision; therefore, a total of 8.28 acres of parkland is required at this time and ultimately 15 acres for the entire 1,500 lots in this subdivision. The developer has provided a total of 127.34 acres of private parkland that contains several trail networks and pavilions for the residents. This private parkland exceeds the Subdivision Ordinance requirements, will be owned and maintained by the Homeowner's Association (HOA), and is consistent with the master plan in the development agreement.

The lots in this subdivision are served by City of Belton water and sewer, and Bell County is responsible for the streets and drainage.

We have reviewed the plat and find it acceptable, subject to the conditions contained in the letter to the applicant's engineer; conditions contained in the Bell County Engineer's letter; and conditions discussed within this staff report regarding construction of Oso Bay with a 31' pavement width from Aransas Drive to the northern plat boundary, submission of an improved 12' wide path within the 15' utility easement containing the off-site sewer lines and manholes, and concrete collars around all off-site manholes. Since this proposed subdivision is located in Belton's ETJ, the Bell County Engineer's Office has reviewed this plat and made comments. After favorable Council action, and only after all City staff and Bell County Engineer comments have been addressed, this plat will be taken to Bell County Commissioners Court for action.

Recommendation

Recommend conditional approval of the final plat for Three Creeks, Phase V, a 21.89 acre tract of land, located generally east of FM 1670 and south of U.S. 190, and adjacent to the north bank of the Lampasas River, in Belton's Extra Territorial Jurisdiction (ETJ), subject to:

1. Conditions contained in the letter to the applicant's engineer dated October 30, 2017;
2. Conditions contained in the Bell County Engineer's letter dated October 25, 2017;

3. Revising the construction plans to provide the construction of Oso Bay with a 31' pavement width from Aransas Drive to the northern plat boundary;
4. Revising the construction plans to show an improved 12' wide path within the 15' utility easement containing the off-site sewer lines and manholes subject to the approval of the Director of Public Works;
5. Installation of concrete collars around all off-site manholes; and
6. The terms of the development agreement.

Attachments

1. Final Plat Application
2. Final Plat
3. Park and Trail System
4. Three Creeks Overall Plan (Phases I-VII)
5. City's Letter to Applicant's Engineer dated October 30, 2017
6. Bell County Engineer's letter dated October 25, 2017
7. Section 7.06 of the Development Agreement

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 by the 15th day of the month ahead of the next month's P&Z meeting.)

Applicant: Yalgo Engineering Phone: 254-953-5353
Mailing Address: 3000 Illinois Ave. ste 100 Killeen, TX 76543
Email Address: tfreese@yalgoengineering.com

Owner: Whitis Land Investments, LTD Phone: 254-953-5353
Mailing Address: 3000 Illinois Ave. ste 100 Killeen, TX 76543
Email Address: tfreese@yalgoengineering.com

Current Description of Property:

Lot: _____ Block: _____ Subdivision: _____
Acres: _____ Survey: S.C. Fitch & C.H. Fitch
Abstract #: 317 & 316 Street Address: FM 1670
Frontage in Feet: _____ Depth in Feet: _____

Does Zoning comply with proposed use? Yes Current Zoning: ETJ
Name of proposed subdivision: Three Creeks Phase V
Number of Lots: 98 Fee: \$ 544

Signature of Applicant: _____ Date: 10-12-17
Signature of Owner: _____ Date: 10-12-17

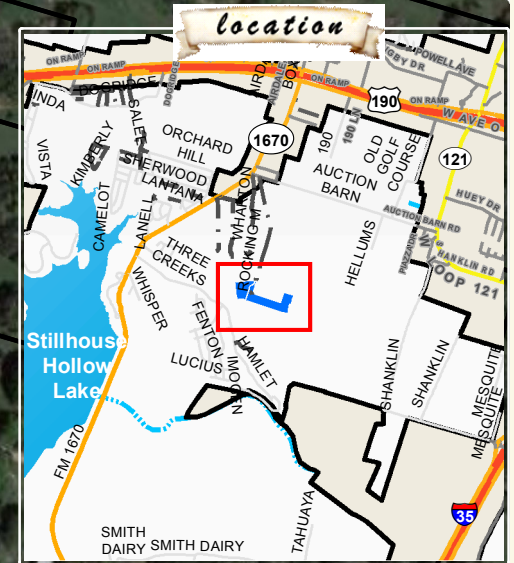
P-17-25 Location - Three Creeks Phase V - ETJ

PROPOSED PLAT:

Final Plat
Three Creeks Phase V
21.89 Acres

PROPERTY OWNER:

WHITIS LAND
INVESTMENTS LTD



THREE CREEKS BLVD
HAMLET DR
RD DR

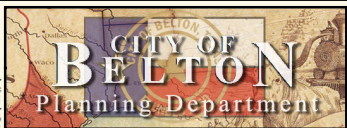
LEGEND

- P_17_25
- CityLimits

0 130 260 520 Feet



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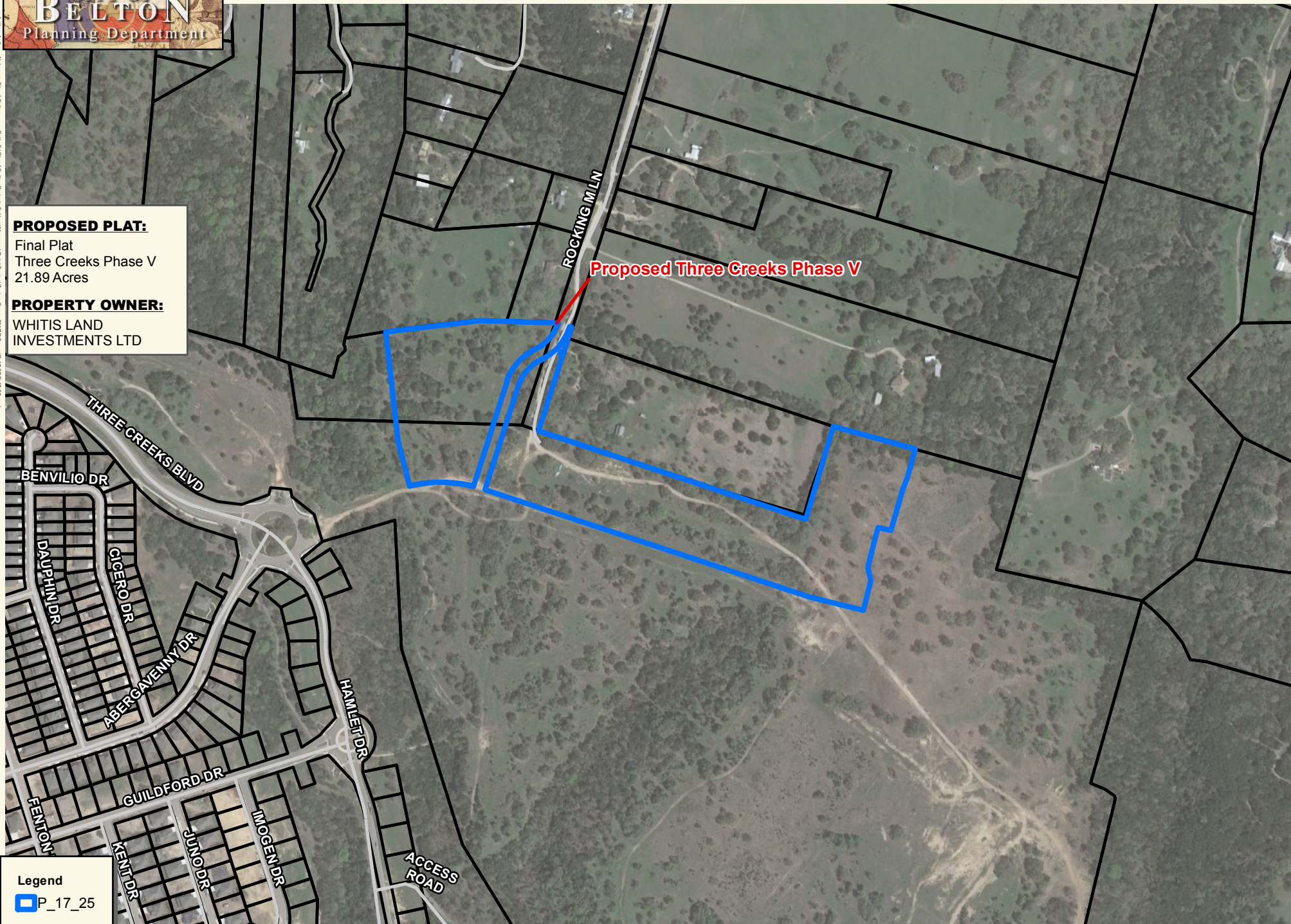
P-17-25 Three Creeks Phase V - ETJ

PROPOSED PLAT:


Final Plat
Three Creeks Phase V
21.89 Acres

PROPERTY OWNER:

WHITIS LAND
INVESTMENTS LTD

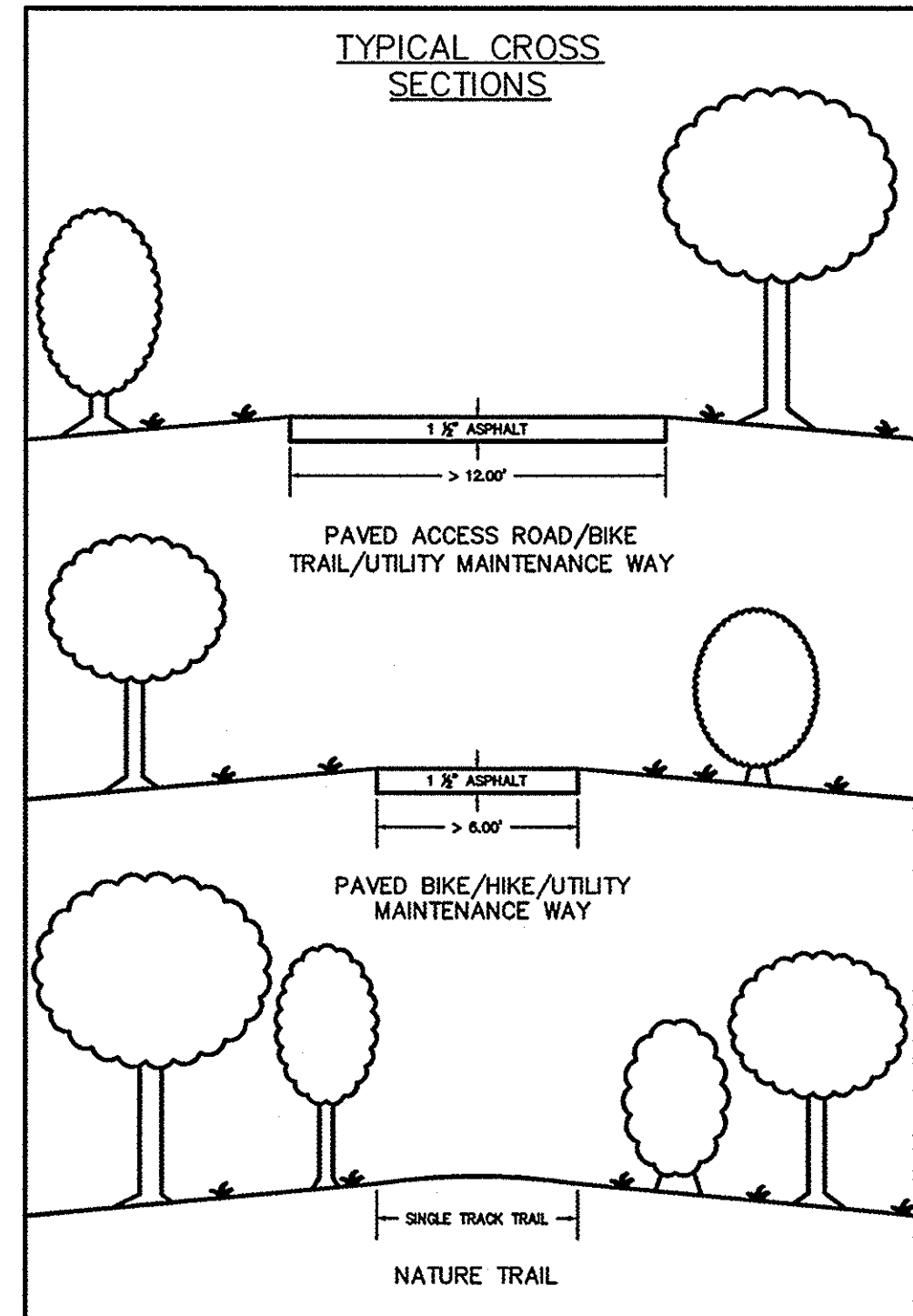
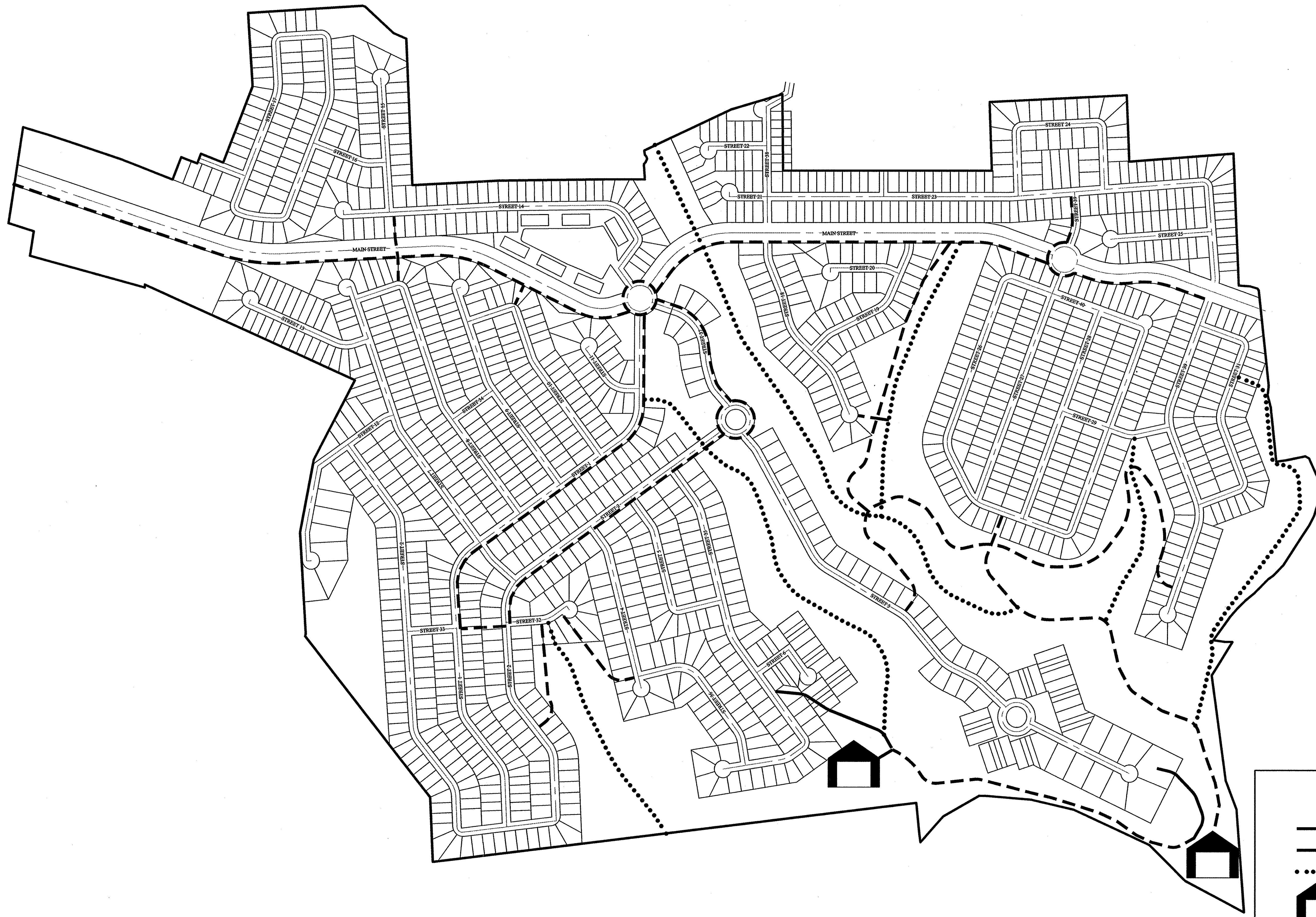
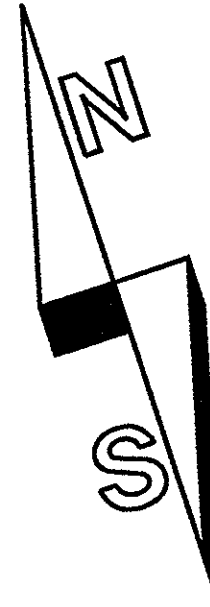


Legend

 P_17_25

Map Date: 11/17/2017 Aerial Imagery Date: 2015

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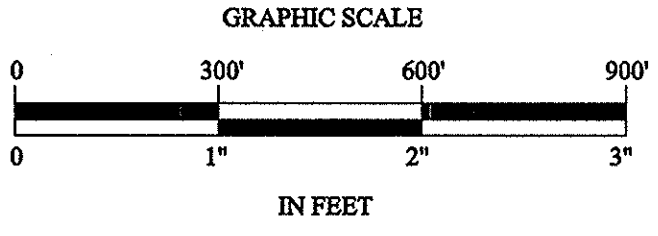


LEGEND

- PAVED ACCESS ROAD/BIKE TRAIL
- PAVED BIKE/HIKE
- NATURE TRAIL
- PAVILION

REV.	DESCRIPTION	DATE	BY
1	INITIAL RELEASE	01/25/2011	JAT
PROJECT NUMBER: 1059			
CLIENT NAME: W & B DEVELOPMENT			
CHECKED BY: SAB			
APPROVED BY: SAB			
AUTHORIZED BY: WBW			

PROJECT INFORMATION
TOTAL SIZE: 539.8 ACRES
TOTAL BLOCKS: —
TOTAL LOTS: 1523
TOTAL TRACTS: 16



BENCHMARK

CONCEPTUAL PARK-TRAIL SYSTEM
LA CACHETTE
CITY OF BELTON, BELL COUNTY, TEXAS

-NOT FOR CONSTRUCTION-
-FOR REVIEW ONLY-

Yalgo, LLC
3000 Illinois Ave., Suite 100
Killeen, TX 76543
PH (254) 953-5353
FX (254) 953-0032
Texas Registered
Engineering Firm F-10264



REV.	DESCRIPTION	DATE	BY	PROJECT INFORMATION	BENCHMARK	<div>OVERALL PLAN PHASES 1, 2, 3, 4, 5, 6 & 7</div> <div>THREE CREEKS</div> <div>BELTON E.T.J., BELL COUNTY, TEXAS</div>	<div>Yalgo, LLC</div> <div>3000 Illinois Ave., Suite 100</div> <div>Killeen, TX 76543</div> <div>PH (254) 953-5353</div> <div>FX (254) 953-5057</div> <div>Texas Registered Engineering Firm F-10264</div> <div>Texas Registered Surveying Firm 10194095</div>	SHEET
				TOTAL SIZE: 412 ACRES TOTAL LOTS: 1033	CONCRETE TXDOT MONUMENT - BEARING N 24°53'19" W, 3158.33 FEET FROM P.O.B.			
2	ADDED PHASES 4 - 7	7-19-2017	BTW		TEXAS STATE PLANE COORDINATE SYSTEM, NAD1983(2011) DATUM, TEXAS CENTRAL ZONE, NO. 4203.			
1	ORIGINAL RELEASE	12-12-2016	TWF		N: 10351347.069 E: 3175235.144 Z: 705.50 (NAVD88 DATUM-GEOID12A)			
PROJECT NUMBER: TC03		CLIENT NAME: WBW DEVELOPMENT GROUP						
		CLIENT LOCATION: KILLEEN, TX						
APPROVED BY: SAB								
AUTHORIZED BY: WBW								
<div>GRAPHIC SCALE</div> <div><div>0300'600'900'</div><div>01'2'3"</div><div>IN FEET</div></div>								

PRINTED ON JULY 19, 2017



City of Belton

Planning Department

October 30, 2017

Applicant: YALGO ENGINEERING – TYLER FREESE

Date Submitted: 10-13-17

Project: THREE CREEKS PHASE V

Location: FM 1670 ETJ

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

PLANNING – Erin Smith, ESmith@BeltonTexas.gov:

1. Please contact us to schedule a meeting to discuss comments.
2. Recommend the placement of a street light at the intersection of Oso Bay Road and Aransas Drive.
3. Recommend Tract B be owned and maintained by the HOA with an access easement for driveway access to the Patricia Anne Jones property (Vol. 02592, Page 00486).
4. The corner lots listed below currently show a 25' street side yard setback. A 15' street side yard setback is permitted on corner lots with a front-entry garage. If a revision is desired, please adjust prior to P&ZC and Council consideration.
 - Lot 20, Block 1
 - Lot 4, Block 2
 - Lot 5, Block 4
 - Lot 2, Block 5

PUBLIC WORKS/KPA – Angellia Points, APoints@BeltonTexas.gov:

1. Please revise the plans to show Oso Bay street pavement to the property line, which will change the way drainage is handled on the ROW.
2. Install an automatic flush assembly at the end of Oso Bay.
3. Please submit windstorm calculations for the Aransas storm sewer.
4. It is not clear from the HEC-RAS results table which storm event is being evaluated for the culverts. Please confirm.
5. Please provide culvert input/output data from HEC-RAS analysis as well as standard HEC-RAS output tables.
6. Windstorm calculations labeled “Offsite Pickup” do not correspond to the culvert shown on Sheet 51 of these plans.
7. Sheet 51 of the plans – Please call out sloped end treatment for upstream ends of Rocking M culvert.
8. Install an automatic flush assembly at the end of the water line on Rocking M Lane, near Block 1, Lot 21. If this is not a dead end waterline, please state that it is being tied in to an existing waterline.

9. Please revise the plans to show that all offsite sewer is accessible by an asphalt path of 12' wide and all offsite manholes need to have concrete rings installed.

BUILDING OFFICIAL – Bruce Ebbert, BEbbert@BeltonTexas.gov:

No Comments.

FIRE DEPT – Jeff Booker, JBooker@BeltonTexas.gov:

No Comments.

POLICE DEPT – Chief Gene Ellis, GEllis@BeltonTexas.gov:

No Comments.

GIS – Anthony Notgrass, ANotgrass@BeltonTexas.gov:

No Comments.

BELL COUNTY ENGINEER – Stephen Eubanks, Stephen.Eubanks@bellcounty.texas.gov:

Please see the attached letter from Bell County Engineer's Office.

Outside Utility Provider Comments

- ☐ **Oncor:** No response received.
- ☐ **AT&T:** No response received.
- ☐ **Atmos Energy:** No response received.
- ☐ **Charter Communication:** No response received.
- ☐ **Centrovision:** No response received.
- ☐ **Spectrum (Time Warner):** No response received.
- ☐ **USPS:** No response received.
- ☐ **Clearwater UCD:** No response received.
- ☐ **TXDOT:** No response received.

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.



County Engineer

P. O. Box 264 • Belton, Texas 76513 • (254) 933-5275 • Fax (254) 933-5276

BRYAN NEAVES, P. E.

October 25, 2017

Mr. Scott Brooks P.E.
Yalco Engineering LLC
3000 Illinois Ave. Ste.100
Killeen, Texas 776543

Re: Three Creeks Phase V- City of Belton ETJ

Mr. Brooks,

After reviewing the Phase V Final plat/ plans submitted to this office on October 16, 2017 by the City of Belton, the following are the County's comments:

Subdivision Regulations:

- 203.5- Street Names- 911 approval of the proposed street names is required.
- 204.11- Restrictions- Provide a copy of any proposed restrictions or covenants for Phase V.
- 204.15- Acreage & Length- An acreage & length statement for the proposed streets & right-of-way's is required on the plat. Please breakdown the statement by street.
- 204.16- Compliance- Letter of Compliance is required.
- Include a plat note stating who is responsible for the installation and maintenance of the following: a) special or oversized street signs required for roundabouts, b) pavement markings and sidewalks at roundabouts, c) street lighting throughout the subdivision. Bell County is not responsible for these items.
- 303- Design standards- the proposed centerline radius for curves C28 & C29 along Rocking M Lane do not meet the county's minimum speed designs for local or collector roads. Please verify they meet City of Belton standards.
- Plat note #12 indicates the proposed Tract B is to be dedicated as right-of-way. Explain why it is being proposed as a tract, and not shown as right-of-way.
- Address all City of Belton comments.

Construction Plans:

- **304- Soils Report-** Provide a copy of the geotechnical report for the proposed subdivision.
- **Sheet 48-** Provide plan drawings for Oso Bay Drive. This street should be constructed to the property line.
- The construction plans indicate the storm drain inlets from Aransas Drive to Three Creeks Blvd. between lots 21 & 22, block 3 are connected using HDPE pipe. The City of Belton and the design engineer should be aware that Bell County only maintains drainage improvements that directly protect the roadway. Bell County cannot maintain a run of pipe this long (159') should it become clogged or collapse. Other maintenance arrangements should be made.

Sincerely,

Steve Eubanks
Bell County Engineers Office

- (iii) A franchise, license or use fee shall not be imposed on water, sewer or drainage facilities that are constructed, installed, maintained or operated by, on behalf of or for the benefit of the District, subject to the limitations set forth in Section 7.03.

c. The initial term of the agreements set forth in this Section 7.04 shall begin on the respective date, or dates, that Section 7.03 is finally held invalid by a competent court of last resort and in such event, shall extend from such date to the next following September 30th (the "Initial Term"). From and after the Initial Term, the covenants and agreements set forth in this Section 7.04 shall be, respectively and individually, renewable annually, for a term of one year each, effective as of the first day of October of each year (the "Extended Term"), by the City and the District continuing to accept the benefits of the subsections of this Section 7.04, and providing for the same in their respective budgets or operating plan. Either the City or the District may terminate any covenant or agreement set forth in this Section 7.04 by giving at least 180 days prior written notice of termination to the other party.

Section 7.05 Failure to Comply with Franchise Provisions. Notwithstanding any other term or provision of this Agreement whatsoever, if the District shall legally challenge, or fail or refuse to continue in effect or comply with, Section 7.03 or Section 7.04, or shall default in performance of this Agreement and fail or refuse to cure such default within 90 days, or shall otherwise terminate any services or authority of the City under Section 7.03 or Section 7.04, the City may, by giving at least 180 days prior written notice and opportunity to cure to the District at anytime thereafter, annex, abolish and dissolve the District.

Section 7.06 Arterial Street Alignment. The City concurs with the general alignment and functionality of the road system shown on the Master Land Plan, including the proposed arterial street with roundabouts. Developer shall provide at least 120 feet of right of way and at least 37 feet of street pavement section for the proposed arterial beginning at FM 1670 and extending to the eastern boundary of the Land in a manner and alignment approved by the City. The City will approve requested roundabouts in conjunction with subdivision plat approval. The proposed arterial shall be completed from FM 1670 to the eastern boundary of the Land in phases as the abutting portions of the Land are platted and in any event before the date of the last bond issuance for reimbursement to the Developer. The arterial shall be constructed in logical phases, which shall be subject to City approval.

Section 7.07 City Right of Way Acquisition. The City will use its reasonable, good faith and continuing efforts to obtain the right of way necessary to connect the arterial street described in Section 7.6 from its Eastern terminus to Shanklin Road, within a reasonable period of time.

Section 7.08 Trails within Land. The Developer and the District may install and maintain trails along arterial and collector streets in lieu of complying with any requirements to install sidewalks. Sidewalks will be installed in retail, commercial and multi-family areas, and as reasonably required to connect the trail system.

Section 7.09 Other City Services. The City is not required to provide any services to the Land or the District before annexation unless specifically set forth in this Agreement.

Staff Report – Planning & Zoning Item



Agenda Item

Hold a public hearing and consider an ordinance amending Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance by amending the definition of dwellings, single family, duplex, and multi-family.

Originating Department

Planning – Erin Smith, Director of Planning

Summary Information

At the meeting on October 24, 2017, Council suggested/recommended additional requirements for duplex developments due to the amount of on-street parking that occurs and the need to ensure Fire and EMS can adequately reach each residence. Typically, all streets in these neighborhoods are 31 feet back of curb to back of curb and if there is on-street parking on both sides of the local roadways, there may not be sufficient space for a fire truck or ambulance to safely reach each residence. Staff has reviewed this request in depth and has developed a proposed zoning ordinance amendment regarding off-street parking requirements for duplex and multiple family developments. Multiple family developments have been included since this may include developments with three-plexes up to apartments, which could potentially have the same issues with on-street parking as duplex neighborhoods.

Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance currently requires the following:

- Dwellings, Single Family and Duplex: Two covered spaces for each unit, located behind the front building line.
- Dwellings, Multi-Family: Two (2) spaces per one and two bedroom units and two and a half (2 ½) spaces per three bedroom unit.

Staff recommends amending the Dwellings, Single Family and Duplex to no longer require covered spaces be provided behind the building line. In most new single family and duplex neighborhoods in Belton, garages are provided; however, infill development in existing neighborhoods may provide a driveway with two uncovered parking spaces. The new duplex neighborhoods typically provide a single parking garage for each unit and a driveway in the front. According to the Zoning Ordinance, garages and carports are required to be placed behind the building line; however, uncovered driveways are not permitted to be placed behind the building line and may be within the front yard setback. Staff is recommending that single family and duplex parking requirements be separated, since single family neighborhoods typically do not have on-street parking issues to the same extent as duplex and multiple family developments. Staff has developed the following amendments to Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance:

- Dwellings, Single Family: Two (2) spaces for each unit, located on the lot.

- Dwellings, Duplex:
 - a) Two (2) spaces for each unit, located on the lot.
 - b) One (1) additional space per five (5) units is required in parking areas located within 200 feet of each residence. The parking areas shall be located in a separate tract owned and maintained by the development.
- Dwellings, Multi-Family:
 - a) Two (2) spaces per one and two bedroom units and two and a half (2 ½) spaces per three bedroom unit.
 - b) One (1) additional space per five (5) units is required in parking areas located within 200 feet of each residence. When the development consists of separate lots for each building, the parking areas shall be located in a separate tract owned and maintained by the development.

Staff recommends that both duplex and multiple family developments have the same additional parking requirements of one additional space per five units. For example, if a new development contains 100 units, 20 additional spaces in parking areas within 200 feet of each residence will be required. The parking lots will be required in conjunction with the development of the neighborhood, prior to acceptance of the subdivision by Public Works. The 200 feet spacing recommendation is to ensure a single parking lot is not built for the entire development that could potentially be so far from some residences that it is not utilized by several areas farther away and on-street parking still occurs since most visitors and residences will choose to park closer to the residence. We feel this new parking requirement will achieve less on-street parking and will allow for the City to adequately enforce no on-street parking in the areas, if needed.

Fiscal Impact

None to the City. Additional development costs will be borne by the developer of the duplex subdivision.

Recommendation

Recommend approval of an ordinance amending Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance by amending the definition of dwellings, single family, duplex, and multi-family.

Attachments

Proposed Ordinance

AN ORDINANCE OF THE CITY OF BELTON, TEXAS, AMENDING THE ZONING ORDINANCE BY AMENDING SECTION 34, OFF-STREET PARKING AND LOADING REQUIREMENTS, BY AMENDING DWELLINGS, SINGLE FAMILY AND DUPLEX AND DWELLINGS, MULTI-FAMILY; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the amendments proposed herein have been presented to the Planning and Zoning Commission and due notice of said amendments and hearing on said amendments has been given as required by the City Zoning Ordinances and as required by law, and a hearing on said amendments before the City Planning and Zoning Commission of the City of Belton was set for the 20th day of November, 2017, at 5:30 p.m. for hearing and adoption.

WHEREAS, said amendments were duly recommended by the said City Planning and Zoning Commission and the date, time and place of the hearing on said amendments by the City Council of the City of Belton was set for the 28th day of November, 2017, 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 amendments by the City Council of the City of Belton of 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:

PART 1. Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance of the City of Belton, Texas, is hereby amended as follows:

Amended:

Dwellings, Single Family: Two (2) spaces for each unit, located on the lot.

Dwellings, Duplex:

- a) Two (2) spaces for each unit, located on the lot.
- b) One (1) additional space per 5 units is required in parking areas located within 200 feet of each residence. The parking areas shall be located in a separate tract owned and maintained by the development.

Dwellings, Multi-Family:

- a) Two (2) spaces per one and two bedroom units and two and a half (2 ½) spaces per three bedroom unit.
- b) One (1) additional space per 5 units is required in parking areas located within 200 feet of each residence. When the development consists of separate lots for each building, the parking areas shall be located in a separate tract owned and maintained by the development.

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

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

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

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

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 28th day of November, 2017, by a vote of _____ ayes and _____ nays.

PASSED AND APPROVED on this the 28th day of November, 2017.

Marion Grayson, Mayor

ATTEST:

Amy Casey, City Clerk

Staff Report – Planning & Zoning Item



Agenda Item

Hold a public hearing and consider an ordinance amending Section 42, Definitions, of the Zoning Ordinance by amending the definition of personal service shop or custom personal services and adding definitions for cosmetic tattooing, tattooing and tattoo parlor.

Originating Department

Planning – Erin Smith, Director of Planning

Summary Information

Staff has received several requests for cosmetic tattooing (permanent makeup) to be permitted as an incidental use in beauty shops, day spas, and nail salons. Currently, tattoo parlors are only permitted within the Commercial Highway Zoning District with a Specific Use Permit and are therefore, not permitted at several of these personal service establishments zoned Central Business District and Retail Zoning District.

Cosmetic tattooing (permanent makeup) is a cosmetic procedure of tattooing makeup. Cosmetic tattooing (permanent makeup) is a process of implanting pigment into the upper layer of the skin - epidermis. The epidermis is the outer layer of skin that is visible to all and is constantly shedding and renewing itself. The process of cells turnover makes color fade. Cosmetic tattooing is done mainly on the face for applications such as eyeliner, lip liner, lip color, eyebrow enhancement, and beauty marks. Although cosmetic tattooing is often called permanent makeup, it does not truly last forever, as the machine with which permanent makeup is done is normally a rotary machine, a gentler method than what is used for tattooing. Permanent makeup lasts between 5 and 7 years again depending on a person's skin type. The tattooing process deposits the pigment into the second layer of the skin, dermis. The cells of the dermis are far more stable than the cells of the epidermis, so the tattoo's ink will stay in place, with minor fading and dispersion, for a person's entire life. Tattooing is done mainly on different parts of the body where the skin is more pliable. The machine that is used for tattooing is typically a coil machine.

The Zoning Ordinance does not currently define tattooing and tattoo parlors. We have developed the following amendment and additions to Section 42, Definitions, of the Zoning Ordinance:

RECOMMENDED DEFINITION AMENDMENT:

PERSONAL SERVICE SHOP OR CUSTOM PERSONAL SERVICES – Establishments primarily engaged in providing services generally involving the care of the person or his apparel including, but not limited to, barber and beauty shops, nail salons, dressmaking, shoe shining, dry-cleaning and laundry pickup stations, tailor or seamstress, and reducing salons/health clubs (no outside storage). Other services such as cosmetic tattooing may be offered as an incidental use to the primary use of a personal service shop.

RECOMMENDED DEFINITION ADDITIONS:

- **COSMETIC TATTOOING** – The practice commonly known as permanent makeup, in which an establishment where licensed personnel apply micropigmentation or intradermal cosmetics to permanently or semi-permanently simulate the appearance of common cosmetic applications such as eyeliner, lip liner, lip color, eyebrow enhancement, and beauty marks, or to otherwise permanently or semi-permanently restore or improve the appearance of damaged or disfigured skin and other bodily features to natural coloration and condition. This term does not include Tattooing and/or Tattoo Parlor.
- **TATTOOING** – The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.
- **TATTOO PARLOR** – An establishment or facility in which tattooing is performed. Tattoo parlors are permitted in the Commercial Highway Zoning District with a Specific Use Permit.

The proposed amendment to personal service shop or custom personal services will only allow cosmetic tattooing (permanent makeup) as an incidental use to the primary use of a personal service shop. The Zoning Ordinance defines an incidental use as any use different from the primary use but which compliments and/or supplements the primary use. Incidental shall mean an area which constitutes not more than fifteen percent (15%) of the main use. If this amendment is considered reasonable, cosmetic tattooing (permanent makeup) would not be permitted as a stand-alone business, and will only be permitted as an incidental use to a personal services shop. Personal service shops are permitted in the following zoning districts:

- Office-2
- University Campus-1
- University Campus -2
- Neighborhood Service
- Retail
- Commercial Highway
- Commercial-1
- Commercial-2
- Central Business District

Tattoo parlors will still only be permitted in the Commercial Highway Zoning District with a Specific Use Permit. There is currently one tattoo parlor in the Belton city limits along IH-35 near the IH-14/US 190 merge. We feel that adding a definition for cosmetic tattooing, tattooing, and tattoo parlor will provide a clear distinction between these uses.

Fiscal Impact

None.

Recommendation

Hold a public hearing and recommend approval of an ordinance amending Section 42, Definitions, of the Zoning Ordinance by amending the definition of personal service shop or custom personal services and adding definitions for cosmetic tattooing, tattooing and tattoo parlor.

Attachments

Proposed Ordinance

AN ORDINANCE OF THE CITY OF BELTON, TEXAS, AMENDING THE ZONING ORDINANCE BY AMENDING SECTION 42, DEFINITIONS, BY AMENDING THE DEFINITION FOR PERSONAL SERVICE SHOP OR CUSTOM PERSONAL SERVICES, AND ADDING A DEFINITION FOR COSMETIC TATTOOING, TATTOOING, AND TATTOO PARLOR; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the amendments proposed herein have been presented to the Planning and Zoning Commission and due notice of said amendments and hearing on said amendments has been given as required by the City Zoning Ordinances and as required by law, and a hearing on said amendments before the City Planning and Zoning Commission of the City of Belton was set for the 20th day of November, 2017, at 5:30 p.m. for hearing and adoption.

WHEREAS, said amendments were duly recommended by the said City Planning and Zoning Commission and the date, time and place of the hearing on said amendments by the City Council of the City of Belton was set for the 28th day of November, 2017, 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 amendments by the City Council of the City of Belton of 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:

PART 1. Section 42, Definitions, of the Zoning Ordinance of the City of Belton, Texas, is hereby amended as follows:

Amended:

PERSONAL SERVICE SHOP OR CUSTOM PERSONAL SERVICES

Establishments primarily engaged in providing services generally involving the care of the person or his apparel including, but not limited to, barber and beauty shops, nail salons, dressmaking, shoe shining, dry-cleaning and laundry pickup stations, tailor or seamstress, and reducing salons/health clubs (no outside storage). Other services such as cosmetic tattooing may be offered as an incidental use to the primary use of a personal service shop.

Added:

COSMETIC TATTOOING

The practice commonly known as permanent makeup, in which an establishment where licensed personnel apply micropigmentation or intradermal cosmetics to permanently or semi-permanently simulate the appearance of common cosmetic applications such as eyeliner, lip liner, lip color, eyebrow enhancement, and beauty marks, or to otherwise permanently or semi-permanently restore or improve the appearance of damaged or disfigured skin and other bodily features to natural coloration and condition. This term does not include Tattooing and/or Tattoo Parlor.

TATTOOING

The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

TATTOO PARLOR

An establishment or facility in which tattooing is performed. Tattoo parlors are permitted in the Commercial Highway Zoning District with a Specific Use Permit.

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

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

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

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

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 28th day of November, 2017, by a vote of _____ ayes and _____ nays.

PASSED AND APPROVED on this the 28th day of November, 2017.

Marion Grayson, Mayor

ATTEST:

Amy Casey, City Clerk

Staff Report – Planning & Zoning Item



Agenda Item

Hold a public hearing and consider an ordinance amending the following sections of the Zoning Ordinance:

- a) Section 42, Definitions by adding a definition for brewpub or winery.
- b) Section 21, Retail Zoning District and Section 22, Central Business District to allow a brewpub and winery as a permitted use.

Originating Department

Planning – Erin Smith, Director of Planning

Summary Information

The City has received several inquiries and requests regarding the ability to have microbrewery and winery businesses in Belton. However, there is currently no zoning designation or listing for microbrewery, microdistillery, or winery in the Zoning Ordinance. There are two wineries zoned Central Business District that are permitted with a Specific Use Permit for alcohol sales exceeding 50%. Staff would like to encourage these uses, and create a zoning designation in the Retail and Central Business District.

Staff presented a proposal to include a definition and zoning designation for microbreweries, microdistilleries, and wineries at the September 26, 2017 meeting. Council expressed a concern with creating a definition and zoning designation for microbreweries and microdistilleries, since current local option alcohol laws do not currently allow for these uses in Belton. Council recommended staff revise the proposal to include brewpubs and wineries, so it is consistent with current local option alcohol laws. Since the September 26th meeting, staff has completed research and met with local TABC staff. We are still researching the distilling process and recommend deferring the creation of a microdistillery definition and zoning designation to allow for more time to research the issue.

TABC defines a brewer's license as a permit that authorizes a holder to manufacture ale and malt liquor and sell the ale and malt liquor only to wholesale permit holders in this state or to qualified persons outside the state. If annual production of ale together with annual production of beer by the holder of a manufacturer's license at the same premise does not exceed a total of 225,000 barrels, the holder may sell ale produced on the brewer's premise under the permit to ultimate consumers on the brewer's premises. Combined sales of ale together with sales of beer to the ultimate consumer may not exceed 5,000 barrels annually.

TABC defines a brewpub license as a permit that authorizes the holder to manufacture, brew, bottle, can, package and label malt liquor, ale, and beer; sell or offer without charge, on the premises of the brewpub, to ultimate consumers for consumption on or off those premises, malt liquor, ale or beer produced by the holder in or from a lawful container, to the extent the sales or offers are allowed under the holder's other permits or licenses; must be held with permit or license authorizing on-premise consumption. Total production cannot exceed 10,000 barrels for each licensed brewpub. Permit holders who also hold a wine and beer retailer's permit and who

sell alcoholic beverages manufactured only on the brewpub's premises may sell malt liquor or ale produced under the license to retailers and private clubs and beer to distributors, retailers, and private clubs or to qualified persons for shipment and consumption outside the state.

The table below summarizes the major differences between breweries and brewpubs.

Breweries	Brewpubs
No major obstacle on production limits for their location (unless they go over 225k barrels/year, in which case, they cannot sell for on-site consumption).	Brewpubs are limited to 10k barrels a year in production.
Can sell beer on site at the brewery but NEVER leave the site (limited to 5k barrels/year on-site).	Can make and sell beer on site to sell off and on site. This means, your local brewpub can crowler, growler, can, and keg beers to sell from their brewery. Customers can also drink at their location. Can growler other brewery's beers on site ONLY IF they do NOT sell liquor on site. If they have a liquor license, they can ONLY sell their beer to go. They can still sell other people's beer for on site consumption, but only their own beer to go.
Can self-distribute or distribute through a distributor (if self-distributing, there is a limit of 40k barrels/year and does require another additional license).	Brewpubs can self-distribute to stores and bars.
Breweries can only sell their own beer on site (no other beers can be sold there).	Brewpubs can sell other brewery's beers at their location.

If alcohol sales exceed 50% in the Retail and Central Business Zoning District, a Specific Use Permit will still be required. As stated above, local option alcohol laws will still be enforced with this new zoning designation, and a local option election is required to change current laws.

Fiscal Impact

None.

Recommendation

Hold a public hearing and recommend approval of an ordinance amending the following sections of the Zoning Ordinance:

- a) Section 42, Definitions by adding a definition for or winery.
- b) Section 21, Retail Zoning District and Section 22, Central Business District to allow a brewpub and winery as a permitted use.

Attachments

Proposed Ordinance

AN ORDINANCE OF THE CITY OF BELTON, TEXAS, AMENDING THE ZONING ORDINANCE BY AMENDING SECTION 42, DEFINITIONS, BY ADDING A DEFINITION FOR BREWPUB OR WINERY, AND BY AMENDING SECTION 21, RETAIL ZONING DISTRICT AND SECTION 22, CENTRAL BUSINESS DISTRICT, TO ALLOW BREWPUB AND WINERY AS PERMITTED USES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the amendments proposed herein have been presented to the Planning and Zoning Commission and due notice of said amendments and hearing on said amendments has been given as required by the City Zoning Ordinances and as required by law, and a hearing on said amendments before the City Planning and Zoning Commission of the City of Belton was set for the 20th day of November, 2017, at 5:30 p.m. for hearing and adoption.

WHEREAS, said amendments were duly recommended by the said City Planning and Zoning Commission and the date, time and place of the hearing on said amendments by the City Council of the City of Belton was set for the 28th day of November, 2017, 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 amendments by the City Council of the City of Belton of 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:

PART 1. Section 42, Definitions, of the Zoning Ordinance of the City of Belton, Texas, is hereby amended as follows:

Added:

BREWPUB OR WINERY

An establishment allowed under the local option alcohol laws in place at the location of the establishment, which holds a valid permit from the Texas Alcoholic Beverage Commission (TABC) for the manufacture, blending, fermentation, processing, and packaging of alcoholic beverages with a floor area of 10,000 square feet or less that takes place wholly inside a building. A facility that only provides tasting or retail sale of alcoholic beverages is not a brewpub or winery.

PART 2. Section 21, Retail Zoning District and Section 22, Central Business District of the Zoning Ordinance of the City of Belton, Texas, is hereby amended as follows:

Added:

SECTION 21.2 – PERMITTED USES:

Brewpub and winery

SECTION 22.2 – PERMITTED USES:

Brewpub and winery

PART 3: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the

ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PART 4: This ordinance shall take effect immediately after its passage in accordance with the provisions of the Charter of the City of Belton, Texas, and it is accordingly so ordained.

PART 5: The Zoning Ordinance of the City of Belton, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

PART 6: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

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 28th day of November, 2017, by a vote of _____ ayes and _____ nays.

PASSED AND APPROVED on this the 28th day of November, 2017.

Marion Grayson, Mayor

ATTEST:

Amy Casey, City Clerk