



**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
PLANNING CONFERENCE ROOM
NOVEMBER 16, 2020, 5:00 P.M.
WORK SESSION AGENDA**

Virtual participation is available at
https://www.templetx.gov/community/get_involved/virtual_meetings.php

Staff will present the following items:

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Monday, November 16, 2020.
2. Receive and discuss the Planning Director's Report containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments (if any) to the Unified Development Code (UDC).
3. **PUBLIC COMMENTS:** Citizens who desire to address the Commission on any matter may sign up to do so prior to this meeting. Public comments will be received during this portion of the meeting. Please limit comments to three minutes. No discussion or final action will be taken by the Planning & Zoning Commission.

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS, 2ND FLOOR
NOVEMBER 16, 2020, 5:30 P.M.
REGULAR MEETING AGENDA**

Virtual participation is available at
https://www.templetx.gov/community/get_involved/virtual_meetings.php

1. _____ Invocation
2. _____ Pledge of Allegiance

A. PUBLIC COMMENTS

Citizens who desire to address the Commission on any matter may sign up to do so prior to this meeting. Public comments will be received during this portion of the meeting. Please limit comments to three minutes. No discussion or final action will be taken by the Planning & Zoning Commission.

B. CONSENT ITEMS

All items listed under this section, Consent Agenda, are considered to be routine by the Planning & Zoning Commission and may be enacted in one motion. If discussion is desired by the Commission, any item may be removed from the Consent Agenda at the request of any Commissioner and will be considered separately.

Item 1: [Approval of Minutes](#): Work session and the regular meeting of November 2, 2020.

C. ACTION ITEMS

- Item 2:** [FY-21-1-ZC](#) – Hold a public hearing to discuss and recommend action on a rezoning request from Agricultural (AG) district to Single-Family 2 (SF-2) district on 4.29+/- acres, described as Lots 2 through 7, Block 1 of the Buena Vista subdivision addressed as 1801, 1805, 1809, 1813, 1901 & 1905 E. French Ave.
- Item 3:** [FY-21-2-ZC](#) – Hold a public hearing to discuss and recommend action to amend Ordinance 2019-4992 to expand the Multi-Family Two (MF-2) district from 14% to 22% of the total Planned Development acreage and increase building height for age restricted senior housing up to three stories, described as Lot 1, Block 1, First Baptist-Temple West Campus subdivision, addressed as 8015 West Adams Avenue.
- Item 4:** [FY-21-3-ZC](#) – Hold a public hearing to discuss and recommend action on a rezoning from Commercial (C) to Planned Development Commercial (PD-C) with accompanying site plan for a Kubota Tractor Dealership located at 5345 South General Bruce Drive located in Temple, TX in Bell County.
- Item 5:** [FY-21-1-SITE](#) – Hold a public hearing to discuss and recommend action on a Development/Site Plan and building elevations for a proposed car wash at Lot 4, Block 1, Temple Mall Addition Replat No. 1, addressed as 3107 S. 31st Street.
- Item 6:** Hold a public hearing to discuss and recommend action on proposed amendments to Chapter 14, Food and Food Establishments, of the City of Temple's Code of Ordinances related to mobile food unit zoning regulations.

SPECIAL ACCOMMODATIONS: Persons with disabilities who have special communication or accommodation needs and desire to attend the Planning Commission Meeting should notify the City Secretary's Office by email at wsisneroz@templetx.gov, regular mail, fax: 254-298-5624, or telephone: 254-298-5700, 48 hours prior to the meeting date.

Agendas and the packets with background information related to the above-referenced case(s) are posted on the Planning Department's webpage at Internet Website at https://www.templetx.gov/departments/administration/city_secretary/recent_agendas_minutes/planning_and_zoning_commission_agendas.php. Please contact the City Secretary's Office at 254-298-5700 for further information.

I hereby certify that a true and correct copy of this Notice of Meeting was published to the City of Temple's website at 12:35 PM, November 12, 2020.



Jana Lewellen
City Secretary, TRMC, CMC

SPECIAL ACCOMMODATIONS: *Persons with disabilities who have special communication or accommodation needs and desire to attend this meeting should notify the City Secretary's Office by mail or telephone 48 hours prior to the meeting date.*

**PLANNING AND ZONING COMMISSION
NOVEMBER 2, 2020
4:45 P.M.
WORK SESSION**

PLANNING AND ZONING MEMBERS PRESENT

Bryant Ward

Lester Fetting
Lydia Alaniz
Daniel Jeanes

Paulino Castillo
Donna Wright
Derek Marshall

MEMBERS ABSENT:

Jeremy Langley

Lee Armstrong

STAFF PRESENT:

Brian Chandler, Director of Planning
Alan DeLoera, Director of Information Technology
Lynn Barrett, Assistant Director of Planning & Development
Christina Demirs, Deputy City Attorney
Amanda Rice, Deputy City Attorney
Jered Staton, Public Works Project Manager
Mark Baker, Principal Planner
Cheryl Maxwell, Planner
TaNicia Wydermyre, Planning Technician
Kathie Gover, Administrative Assistant

The agenda for this meeting was posted on the bulletin board at the Municipal Building in compliance with the Open Meetings Law.

The following is a summary of the proceedings of this meeting. It is not intended to be a verbatim translation.

With a quorum present, Chair Ward opened the work session at 5:01 p.m. and asked Mr. Brian Chandler, Director of Planning and Development, to proceed.

Mr. Brian Chandler, Director of Planning and Development, stated there is a full agenda today.

The second item, Central Neighborhood Plan, will be presented by Ms. Kelly Atkinson, Senior Neighborhood Planner.

Next, Mr. Chandler discussed that Ms. Amanda Rice, Deputy City Attorney, will present item three which will discuss and recommend action on an ordinance creating a pilot program that will temporarily allow extended outdoor dining in City on-street parking spaces, sidewalks, and private parking lots as well as mobile food unit operation in City on-street parking spaces and private parking lots in the Central Area zoning district.

Item four involves a rezoning for the Temple Mall area and parcels between South 31st Street, the loop, Azalea Drive, and Lowe's Drive. The proposed car wash will be discussed, and property owners will have an opportunity for questions and comments.

Commissioner Fettig asked if the apartment complex will be proposed.

Mr. Chandler stated that will be allowed if developers decide later to move forward regarding this.

A discussion ensued regarding the fifty percent of interior wall removal condition of this proposal.

The proposed use table was reviewed.

Commissioner Fettig asked if Discount Tire was purchased by another company and changed the name would this business continue?

Mr. Chandler confirmed that the tire shop business would continue.

Commissioner Wright asked about the "L" on the use table.

Mr. Chandler discussed the "L" represents "with limitations" that are already reference in the Unified Development Code.

Mr. Chandler expanded that a car rental business could not have a large parking lot of cars to lease, but a satellite office would be allowed.

The last two items on the agenda are plats.

Mr. Chandler asked if there are any further questions regarding tonight's agenda.

Next, the Director's Report was reviewed and updated.

Regarding the CA Zoning Amendments, a revision will occur due to collaboration with our city's legal staff about mural's regulations to ensure that the 1st amendment (freedom of speech) is maintained.

Chair Ward opened the public hearing.

Speaker, Mr. Stuart Wright, 7806 Nair Drive, Austin, Texas 78749 stated the large document had a minimum size for each lot.

Mr. Chandler stated that existing lots are grandfathered, so this refers to new developments.

Mr. Wright requested to have this information in writing.

Mr. Chandler stated a letter would be prepared to confirm this.

Speaker and owner of Discount Tire, Mr. Samir Maamary, 721 SW H. K. Dodgen Loop, Temple, Texas, stated they have questions regarding access and easement rights.

Mr. Chandler stated he would be happy to meet and discuss these details for a resolution. He further stated that we would not propose to change these easements and upon redevelopment we would strive to make sure to provide public access not to limit, but to increase your business access.

Speaker, Mr. Jake McCoy, 5829 Dennis Avenue, Fort Worth, Texas 76107, representing the owners of the Temple Mall stated that they have a contract with Mr. Tyler Forney regarding the proposed car wash. He wanted to make the commissioners aware of this project.

Mr. Maamary said he would call the City of Temple Planning and Development Office to set up a meeting.

There being no further speakers, the public hearing was closed.

Invocation and pledge assigned.

Chair Ward closed the meeting at 5:30 P.M.

**PLANNING AND ZONING COMMISSION
NOVEMBER 2, 2020
5:30 P.M.**

PLANNING AND ZONING MEMBERS PRESENT

Chair Bryant Ward

Lester Fetting	Paulino Castillo
Lydia Alaniz	Daniel Jeanes
Donna Wright	Derek Marshall

MEMBERS ABSENT:

Jeremy Langley Lee Armstrong

STAFF PRESENT:

Brian Chandler, Director of Planning & Development
Alan DeLoera, Director of Information Technology
Lynn Barrett, Assistant Director of Planning & Development
Christina Demirs, Deputy City Attorney
Amanda Rice, Deputy City Attorney
Jered Staton, Public Works Project Manager
Mark Baker, Principal Planner
Kelly Atkinson, Senior Neighborhood Planner
Cheryl Maxwell, Planner
TaNicia Wydermyre, Planning Technician
Kathie Gover, Administrative Assistant

The agenda for this meeting was posted on the bulletin board at the Municipal Building, October 29, 2020 at 1:30 p.m. in compliance with the Open Meetings Law.

The following is a summary of the proceedings of this meeting. It is not intended to be a verbatim translation.

Chair Ward called the Meeting to Order at 5:34 P.M.

Invocation by Commissioner Wright; Pledge of Allegiance by Vice-Chair Castillo.

A. PUBLIC COMMENTS

Chair Ward opened for public comments.

There being no speakers, the public comments were closed.

B. CONSENT ITEMS

Item 1: Approval of Minutes: Work session and the regular meeting of October 19, 2020.

Approved by general consent. Commissioner Wright noted that the packet minutes on page three had an incomplete word/sentence. The minutes were revised from “per” to “permit.”

C. ACTION ITEMS

Item 2: Hold a public hearing to discuss and recommend action to the Temple City Council to adopt the Central Neighborhood Plan.

Ms. Kelly Atkinson, Senior Neighborhood Planner, presented item two, the Central Neighborhood Plan and discussed the purposes of neighborhood planning.

Neighborhood Districts:

- 18 total neighborhood districts
- 4 neighborhood plans each year
- Public engagement process with kick-off event, external planning team meetings, and focus groups
- Development of neighborhood plans
- Infrastructure
- Pedestrian Elements
- Street Lighting
- Housing
- Parks
- Safety
- District Identification

The aerial site location was shown.

The Neighborhood Planning District Schedule was shown.

Purpose:

The City of Temple is dedicated to fostering cohesive, distinct, vibrant, safe and attractive neighborhoods, where citizens take pride and are engaged with their community. The objectives will be accomplished through the work of the City’s Neighborhood Team. Through a process of collaboration and communication, the City’s Neighborhood Team will strive to

ensure continued improvements to Temple's neighborhoods, as well as access to a wide variety of housing types that are safe, accessible and affordable.

Mission:

Working alongside residents in each neighborhood, our mission is to identify neighborhood concerns, values, vision and goals. Through this process, the City will develop long-range plans for each Neighborhood Planning District to include:

- City Capital Improvement Projects
- Private Investment & Economic Development Opportunities
- Community Development Block Grant Projects

A strong emphasis will be placed on improving the quality of life in each neighborhood while increasing access to affordable housing.

The Public Engagement Process was reviewed:

- Surveys
- Focus Groups
- External Planning Team
- NRCC
- NPD News

The Neighborhood Plan aerial map was discussed.

The Neighborhood Plan area boundary was shown.

The Neighborhood Property Conditions Exhibit was shown and provided an overview of residential structure health.

The Sidewalk Analysis Exhibit was shown.

The exhibit reviewing the Central District and highlighting specific opportunities and constraints that are found within the plan area was shown.

The Neighborhood Identity was discussed.

The Central and Adams Avenue Corridor Plan was addressed and discussed.

The Concept Diagram was shown.

The Park Access Analysis was shown.

The Central Avenue Overpass Park concept was shown.

The Rail Line Linear Buffer and Park design was shown.

The character imagery was discussed.

The Business/Tech Park area was shown and discussed.

The Adams and Central Corridor Analysis was shown.

The Adams and Central Corridor issues were shown and discussed.

The Adams and Central Corridor Access Management Plan was shown.

An example of a proposed model block active street was shown.

Key Considerations of an active street were addressed:

- Parking
- Building placement
- Access
- Landscaping
- Signage

Central and Adams Corridor signage was discussed.

A median design was shown to improve the function, orientation, and safety of a section of 25th Street.

Currently, 25th Street is a four-lane thoroughfare with an auto-centric character. This street should be scaled to better fit the surrounding neighborhood and an illustration was shown.

An example of on-street parking was provided through the reconfiguration of 25th Street.

Residential Growth exhibit was shown. Residential infill is a key catalyst to activating the Central District. Its proximity to downtown makes it an ideal location to see new applications of housing choice.

Housing Choice plan would add multi-family and attached single-family units to complement the areas existing single-family housing stock.

The Business/Tech Park Analysis and Concept was shown.

The Lighting Plan exhibit was shown and provided lighting recommendations for the plan area. Further explanations of the different lighting zones were described and discussed.

Ms. Atkinson asked for any questions or comments.

Chair Ward inquired about existing signage in this area.

Ms. Atkinson stated currently these are recommendations, so code amendments would come at a later time once these recommendations have been reviewed. The plan is that new development would fall under these plan recommendations.

Commissioner Wright stated this was a positive, comprehensive presentation and asked regarding funding for the parks and these improvements.

Ms. Atkinson stated we work closely with other departments to fit items within their budgets in future years, but we also work on grants and other funding sources.

Chair Ward inquired about the scope of work for the completed parks.

Ms. Atkinson stated that these are existing parks and we are now entering the implementation stage for these parks.

Chair Ward asked if a timeline has been created for completion of these three parks.

Ms. Atkinson replied there will be a meeting this week to develop an implementation plan for all of the neighborhood plan's action items. She also explained that high priority items do not necessarily mean completion will take place sooner than a low-priority item. High priority also means that we recognize that these items make take longer to complete.

Commissioner Alaniz asked if the costs are estimates.

Ms. Atkinson explained that the engineering firm, Kasberg Patrick & Associates, LP, gave these opinions of probable costs which includes all aspects of the project.

Commissioner Alaniz asked if the costs were over or under these probable costs.

Ms. Atkinson stated these are all proposed projects, so a comparison has not been done at this time.

Commissioner Fettig asked if these costs were including land and building acquisition costs.

Ms. Atkinson confirmed that these numbers do include those costs as reported from Bell Cad.

Chair Ward inquired if other departments have approved these plans.

Ms. Atkinson confirmed that this team does meet and receive feedback from these associated departments to move these projects forward.

Chair Ward opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Castillo made a motion to approve Item 2, Central Neighborhood District Plan, per staff recommendation, and Commissioner Marshall made a second.

Motion passed: (7:0)

Commissioners Langley and Armstrong were absent.

Item 3: Hold a public hearing to discuss and recommend action on an ordinance creating a pilot program that will temporarily allow extended outdoor dining in City on-street parking spaces and sidewalks and private parking lots and mobile food unit operation in City on-street parking spaces and private parking lots in the CA zoning district.

Ms. Amanda Rice, Deputy City Attorney, presented the Extended Outdoor Dining and Seating Pilot Program. The COVID-19 effects on local restaurant and bars was discussed.

The guidelines for the proposed pilot program ordinance were reviewed by Ms. Rice.

Requirements for restaurants and bars were outlined in her presentation that would allow extended outdoor dining and seating in City on-street parking spaces and sidewalks and private parking lots within the CA Zoning District through City permits.

The pilot program will last six months unless terminated earlier by City Council or the City Manager and may be extended by ordinance.

To operate in coordination with a food truck, the restaurant or bar must have a written agreement with the food truck operator.

If using a City on-street parking space or City sidewalk under this program, the restaurant or bar must have and maintain the following insurance:

- General Liability \$1,000,000 single event/\$2,000,000 aggregate;
- Alcohol Service \$1,000,000 (if applicable); and
- Worker's Compensation \$500,000

Food Truck Operator Requirements-Food Truck Operators:

- Must have a written agreement with a brick and mortar restaurant or bar to participate in this program
- May not park or operate within 100 feet of a brick & mortar restaurant located on the same street that is primarily engaged in selling the same type of food offered by the food truck unless the food truck is owned by the restaurant or the owner or authorized agent of the restaurant provides written consent
- Must have vehicle insurance
- May not place anything outside of the food truck with the exception of one sandwich board sign
- Must be removed from the permitted area overnight
- Must comply with all traffic safety rules
- May only park in assigned City parking spaces and approved private parking lots
- Must comply with all City and state water and wastewater regulations
- Food truck operators operating in the CA zoning district under other City permits do not have to comply with the requirements of this ordinance

Requirements for All Permittees:

- Must comply with all local and state emergency orders, including social distancing requirements, and all City pilot program policies, including fire safety policies
- Must comply with the Texas Accessibility Standards and the ADA and must not create a hazardous condition or obstruction of vehicular or pedestrian traffic
- May not block fire lanes
- May not use the permitted area overnight

- May not play amplified music, unless otherwise approved by City
- If selling alcohol, must have the proper TABC license or permit

Ms. Rice explained that the City of Georgetown has a similar program as this proposal.

Food truck operators operating in the CA zoning district under other City permits do not have to comply with the requirements of this ordinance.

Permit Application Reviews:

- The City will approve or deny all original and amendment permit applications within 10 business days of the date a complete application is filed
- Permit amendment applications are needed to amend the terms or conditions of a pilot program permit, including adding new food truck locations, expanding an outdoor dining or seating footprint, and adding new furniture, fixtures, etc.

Expiration of Permits:

- A pilot program permit will last the duration of the pilot program unless earlier terminated or expired
- The City can issue a permit for a shorter period of time if another activity was approved to take place at the site prior to the permit issuance or for other good cause
- If the City or a public utility has a temporary lawful need for the permitted area, including for a temporary special event, the permittee must vacate the area and, if needed, remove all tables, chairs, etc. from the area

City Manager's Responsibilities:

- Under the proposed pilot program, the City Manager or his/her designee is authorized to:
 - o Set application fees
 - Proposed application fees:
 - Original Application - \$50
 - Amended Application - \$25
 - o Limit the number of food trucks that may be issued a permit for good cause, including public health or safety, prevention of traffic congestion, and increased need for parking
 - o Terminate the pilot program without City Council action
 - o Hear appeals of permit denials and revocations
 - o Provide an update to City Council on how the pilot program is working
 - o Bring an ordinance forward to City Council to extend the program if in the best interest of the City and the public

Penalties:

- Criminal fine amounts for violations of the pilot program ordinance or policy or terms or conditions of a pilot program permit:

- \$2,000 fine for violations of a regulation governing fire safety, zoning, or public health or sanitation
- \$500 fine for all other violations
- Criminal fine amounts for violations of the pilot program ordinance or policy or terms or conditions of a pilot program permit:
 - o \$2,000 fine for violations of a regulation governing fire safety, zoning, or public health or sanitation
 - o \$500 fine for all other violations

Proposed Schedule for Ordinance:

- o Oct. 15th – CC workshop
- o Oct. 19th – P&Z workshop
- o Nov. 2nd – P&Z regular meeting for recommendation
- o Nov. 5th – CC 1st reading
- o Nov. 19th – CC 2nd reading

Ms. Rice asked for any questions or comments.

Commissioner Wright asked for clarification regarding the use of private parking lots.

Ms. Rice clarified that the property owner would maintain control over the use of private parking lots.

Chair Ward asked for further explanation regarding the prorating fees.

Ms. Rice stated it would be difficult to determine what was fair, but if necessary, we would amend fee rules later.

Chair Ward discussed the need for standard rules to be in place prior to situations arising.

The commissioners had no further questions.

Chair Ward opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Castillo made a motion to approve Item 3, Temporary Outdoor Dining Pilot Program, per staff recommendation, and Commissioner Fettig made a second.

Motion passed: (6:1:0)

Commissioners Langley and Armstrong were absent.

Item 4: FY-21-6-ZC - Hold a public hearing to discuss and recommend action on a rezoning on property bounded by S. 31st Street to the west, SW HK Dodgen Loop to the north, Lowes Drive to the east and Azalea Drive to the south, more specifically addressed as: 3099, 3107, 3111 and 3113 S. 31st Street; 721, 805 and 921 SW HK Dodgen Loop; 3112 and 3116 Lowes Drive; and 1210 Azalea Drive from Planned

Development (PD) zoning district with Conditional Use Permits (CUP), Planned Development (PD) Multi-Family Two (MF-2) zoning district and Planned Development (PD) Commercial (C) to Planned Development (PD) General Retail (GR) with conditions related to required site plan approval, permitted uses, lot dimensional standards, landscaping, architecture, signage, lighting, parking and sidewalks to match the intent of the 2020 Comprehensive Plan.

Mr. Brian Chandler, Director of Planning and Development, stated this item is scheduled to go forward to City Council for first reading on November 5, 2020 and second reading on November 19, 2020.

Mr. Chandler discussed the background regarding this property:

- Due to the following factors, the City is initiating a rezoning of the Temple Mall and surrounding properties:
- Adoption of the Comprehensive Plan with the Activity Center Overlay
- The current Mall zoning is PD from 1974 with no site plan
- Long-term Mall plans unknown
- Planned Azalea Drive realignment project to improve connectivity
- Would ensure review for future development to create a more walkable and cohesive environment per the 2012 Mall Master Plan

The 2012 Mall Master Plan:

- Addressed internal and external changes related to walkability, landscaping, architecture and signage
- Landscaping Plan
 - o Recommends significantly more landscaping, including landscape islands

The Zoning Map was shown and found to be in compliance.

Zoning Map:

- Current Mall, all but 1 of its lots (current and former) are zoned PD, some with CUPs
- Other Mall lot is zoned PD MF-3
- Dairy Queen is zoned GR (General Retail)
- 2 Lots owned by Lowes are zoned C (Commercial)
- Proposed rezoning would allow almost all known existing uses at the Mall and surrounding properties by right (others would be considered Legally non-conforming)

The Future Development Plan was shown and found to be in compliance.

The Future Development Plan:

Regional Commercial

- Primarily supports regionally serving businesses
- Higher quality development standards and access management
- Activity Center Overlay
- Integrated mixed-use development

- Enhanced walkability

The existing water and sewer maps were shown and found to be in compliance.

Water is available through ten-inch and fourteen-inch lines.

Sewer is available through eight-inch and six-inch lines.

Utilities would be addressed with future replats.

On-site photos were shown.

The 2018 Planned Development Multi-Family-3 Site Plan was shown.

Unified Development Code, Article 6, Section 6.7 I -35 Interstate 35 Corridor Overlay, Development Standards Summary was shown and reviewed.

Landscaping (for new construction)

The following landscaping standards apply:

1. 15% site landscaping
2. Qualifying trees per Sec. 7.4
behind sidewalks 50' apart
3. Landscaped parking islands
 - a. Required for every 10 parking spaces
 - b. Must include a qualifying 2" DBH tree

Architectural standards (for new construction)

1. 70-85% primary material on all sides
2. 15-30% secondary material on all sides
3. Articulation to façade at least every 50'
4. 15% + windows to front and sides
5. Full cut-off lighting fixtures
6. Minimum of 6' wide sidewalks along adjacent roads and connecting pad sites to other adjacent retail
7. Drive-through restaurants required to have a min. of 150 sf outdoor seating area

The Use Summary was shown:

- **Prohibit:**
- Homeless shelters, flea markets, single-family detached residential, warehouse office, body piercing studios, credit access businesses, pawn shops, tattoo studios, utility stations and auto-related uses
- **Allow:**
- Multi-family, townhomes, most retail, office, hotels, alcoholic beverage sales for restaurants
- **By CUP:**
- Amusement commercial (outdoor), schools, medical lab, hospitals, bars

The proposed car wash site plan and rendering for this property was shown and discussed.

Twenty-three notices were mailed in accordance with all state and local regulations with one notice returned in agreement and one notice returned in disagreement.

The Compliance Summary was shown.

Staff recommends approval of the request with the following conditions:

1. Requiring site plan approval by City Council for all new construction, which includes removal of 50% or more of the walls for a building on a platted lot
2. Compliance with the attached Development Standards
3. Compliance with the attached Use Table
4. Allowing for multi-family development per Ordinance No. 2018-4905 at 1210 Azalea Drive
5. Allowing the existing CUPs related to alcohol sales at Mall restaurants to remain
6. Amending the proposed signage standards to allow a maximum of 2 wall signs per building façade, rather than 1

Commissioner Fettig asked for clarification on the wall signs.

Mr. Chandler stated the two wall signs regulation is intended for the mall only.

Commissioner Wright asked to be shown the car wash proposed location.

Mr. Chandler pointed out the car wash location on the site plan.

Commissioner Fettig discussed the Discount Tire easement agreement.

Mr. Chandler deferred this inquiry to the City's legal department, and Christina Demirs was present.

Mr. Chandler stated we would not propose to limit any access that is currently present, and upon redevelopment only make sure their access is optional.

Commissioner Fettig asked if this information needs to be mentioned in the motion.

Mr. Chandler said this conversation would be recorded in the minutes.

Chair Ward opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Alaniz made a motion to approve Item 4, **FY-21-6-ZC**, per staff recommendation with six conditions with the additional modification to condition #1 that it would only apply to the Temple Mall building and not to the surrounding lots and pad sites, and Vice-Chair Castillo made a second.

Motion passed: (7:0)

Commissioners Langley and Armstrong were absent.

Item 5: FY-20-65-PLT - Consider and recommend action on the Final Plat of Mesa Ridge Phase I, a 52.66 +/- acre, 121-lot, 5-block, 2-tract residential subdivision, situated in the Baldwin Robertson survey, abstract no. 17, in Temple, TX in Bell County, addressed as 9335 S.H. 317, with developer requested exception to UDC 8.2.1.D for street projections.

Mr. Chandler, presenting for Senior Planner, Mr. Jason Deckman, stated this item is going forward to City Council on December 3, 2020 due to requested exceptions to the UDC.

Vicinity map and aerial photo were shown.

Background:

- 52.66 +/- acres, 121-lots, 5-block residential subdivision
- Located east of SH 317 and west of North Pea Ridge Road
- Preliminary Plat approved 6 July 2020
- Traffic circulation via Glade Drive, an east-west collector
- Water to be provided through six-inch lines, sewer service provided by six-inch lines
- DRC reviewed plat on 24 September 2020
- Exception requested by applicant for street projections to south
- Lots to south shown as "Corridor Mixed Use" and "Residential & Neighborhood Services" which could allow for retail development
- Increased traffic from future retail may not be appropriate in residential neighborhood

City Council is the final plat authority since the applicant requests an exception to the Unified Development Code (UDC) Section 8.2.1: "...reasonable number of street openings to adjoining properties, a minimum of every 1,000 feet or in alignment with existing or proposed streets along each boundary."

The Thoroughfare Plan was shown.

The Preliminary Plat phasing diagram was shown.

The Final Plat 2 of Mesa Ridge Phase I was shown.

The Water Layout was shown.

Area Photos were shown.

Staff recommends approval of Mesa Ridge Phase 1, with exceptions to the Unified Development Code, Section 8.2, related to the projection of streets.

Commissioner Fettig asked if Glade Drive would be built by the developer during phase one.

Mr. Chandler confirmed that the developer would construct Glade Drive.

A discussion ensued regarding the construction of connecting streets.

Speaker, Mr. Josh Welch, 3000 Illinois Avenue, Killeen, Texas 76543 with WBW Development stated the alignment has been coordinated with TXDOT as well as other property developers. Commissioner Fettig asked regarding access during phases one and two.

Mr. Welch explained the road development during the phases.

Commissioner Wright made a motion to approve Item 5, **FY-20-65-PLT**, per staff recommendation, and Commissioner Fettig made a second.

Motion passed: (7:0)

Commissioners Langley and Armstrong were absent.

Item 6: FY-20-69-PLT – Consider and take action on the Final Plat of The Enclave at Lake Belton Phase II, a 28.354 +/- acre, 17-lot, 2-block, residential subdivision, including a replat of Lot 13, Block 1, Enclave at Lake Belton, Phase I, situated in the William Steele Survey, Abstract No. 742, located south of Hwy 36 approximately 1,000 feet west of the Lake Belton Bridge in Temple's northwest Extraterritorial Jurisdiction (ETJ).

Mr. Mark Baker, Principal Planner, stated the Planning and Zoning Commission is the final authority for this item since no exceptions to the UDC have been requested.

Aerial location maps were shown.

Background:

- 28.354 +/- Acres, 17-Lot, 2-Block Residential Subdivision
2nd of two Phases
Phase I-September 19, 2019 (City Council)
Phase II Lot Sizes: 0.790 Ac. (Smallest), 2.339 Ac. (Largest)
ETJ-No Zoning
- Development Review Committee (DRC):
October 8, 2020 (Reviewed)
October 28, 2020 (Deemed Complete/Filed)
- Water: Grove Water Supply Corp.
- Wastewater: On-site septic system (0.5 Ac. Bell County Minimum Requirement)
- Belton Independent School District (BISD)
- Amendments to Texas Local Government Code 212.015 effective September 1, 2019, provide that if no exception is requested, written notice of approval of a replat without vacation of the preceding plat must be given within 15 days after approval (Courtesy Notice)

Area Photos were shown.

The Final Plat was shown.

The Topo/Utility Plan was shown.

Staff recommends approval of the Final Plat of The Enclave at Lake Belton, Phase II.

Commissioner Fettig made a motion to approve Item 6, **FY-20-69-PLT**, per staff recommendation, and Commissioner Jeanes made a second.

Motion passed: (7:0)

Commissioners Langley and Armstrong were absent.

There being no further business, the meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Kathie Gover



PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

11/16/2020
Item #2
Regular Agenda
Page 1 of 3

APPLICANT / DEVELOPMENT: J.C. Wall

CASE MANAGER: Mark Baker, Principal Planner

ITEM DESCRIPTION: FY-21-1-ZC Hold a public hearing to discuss and recommend action on a rezoning request from Agricultural (AG) district to Single-Family 2 (SF-2) district on 4.29 +/- acres, described as Lots 2 through 7, Block 1 of the Buena Vista subdivision addressed as 1801, 1805, 1809, 1813, 1901 & 1905 E. French Ave.

PROPOSED CITY COUNCIL MEETING SCHEDULE: This rezoning is scheduled for 1st Reading on December 17, 2020 and 2nd Reading on January 7, 2021.

STAFF RECOMMENDATION: Staff recommends approval for a rezoning from AG to SF-2 district for the following reasons:

1. The proposed SF-2 zoning is compatible with the surrounding Buena Vista subdivision;
2. The proposed zoning is consistent with the surrounding SF-2 zoning to the east and compatible with the SF-1 & SF-3 zoning, both of which are on the north side of French Ave; and
3. Public facilities are available to serve the subject property.

BACKGROUND: The applicant and property owner, J.C. Wall, requests rezoning of 4.0+/- acres from Agricultural (AG) zoning district to Single-Family 2 (SF-2) zoning district. The subject property is located on the south side of East French Ave, approximately 370 feet west of its intersection with N. 42nd Street. The applicant has indicated that the property will be developed with single family detached residences with building footprints ranging between 1200 to 1500 square feet.

Lots 2-7 are within the existing Buena Vista subdivision which was recorded in 1951. These lots are less than 1 acre each and therefore non-conforming to the AG district 1-acre minimum requirement. Rezoning would bring the lots into compliance. Additionally, the French Hill subdivision (SF-3) recorded in 2008 and the Bluebonnet Meadows (SF-1) which was recorded in 2006 are directly across from the subject property on the north side of East French Ave. The proposed SF-2 is a compromise between the two districts.

It is noteworthy that Phase I of the developing Oak Ridge subdivision is located on the east side of N. 42nd Street which was approved for 133 lots on 28.5 +/- acres by the Planning & Zoning Commission on March 16, 2020 and is zoned SF-2.

A generalized listing of permitted and conditional uses for both the AG and the SF-2 zoning districts is provided in the attached table.

Neighborhood Planning District (NPD): The subject property is not within the boundaries of any neighborhood planning district.

Subdivision Plat: While the existing 6 lots are within the Buena Vista subdivision and they are considered conforming with the proposed SF-2, with a minimum lot size of 5,000 square feet. No replat is required unless the applicant desires to adjust lot lines or create additional lots in the future.

Development Regulations: The attached tables compare the current development standards for AG with the proposed SF-2 standards in UDC Section 4.5.1.

COMPREHENSIVE PLAN (CP) COMPLIANCE: Compliance to goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan are summarized by the attached Comprehensive Plan Compliance table but further described below:

Future Development Plan (CP Map 4.2) Chapter 4 of the 2020 Comprehensive Plan identifies this area as Residential & Neighborhood Services category. The Residential & Neighborhood Services future development category is intended for areas to be developed primarily as new single-family detached residential subdivisions and associated supporting amenities, including parks, trails, open space areas, elementary schools and supporting neighborhood-serving retail personal service uses. The proposed SF-2 zoning is supported by this designation and would be acceptable at this location. Therefore, the proposed rezoning **is consistent** with the 2020 Future Development Plan

Thoroughfare Plan (CP Map 4.3)

The subject property takes access from East French Ave, which is listed as a Neighborhood Collector in the 2020 Thoroughfare Plan. Any needed ROW or other improvements will be addressed by any future subdivision plat.

Availability of Public Facilities (CP Goal 4)

Wastewater is available from an 8-inch sewer line in East French Ave. Water is available from a 6-inch water line in East French Ave.

Temple Trails Master Plan Map and Sidewalks Ordinance

There are no existing or proposed trails identified by the Trails Master Plan. However, since East French is a Neighborhood Collector, in keeping with the spirit of the 2020 Thoroughfare Plan, a 5-foot sidewalk would be desired but a minimum 4-foot sidewalk is required. If found to be necessary, any needed ROW or sidewalk would be addressed with the review of a subdivision plat.

Public Notice: Seventeen Notices (17) notices were sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. As of Thursday November 12, 2020, at 12:00 PM, three notices, representing 11 properties from the applicant have been received. In addition, staff has followed up with the owner of a returned notice with no response which posed a question related to the splitting of their property by the buffer. Staff will provide an update during the Planning & Zoning Commission meeting, if necessary.

The newspaper printed the notice of the public hearing on November 3, 2020, in accordance with state law and local ordinance

School District: Temple Independent School District (TISD)

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Survey Map (Exhibit A)

Photos

Tables

Maps

Returned Notices

County Road N 68° 44' E 300'

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

3.07 Ac 2.01 Ac 2.01 Ac 2.12 Ac 2.22 Ac 2.11 Ac 2.32 Ac 2.16 Ac 2.98 Ac 2.02 Ac 3.78 Ac

Bluebird Drive T.P. & E. Easement

BUENA VISTA Temple Texas

Joe Simek Developer
By Fred Williamson & Co. Temple Tex.
Surveyors.

Drawn by Keeney Date 1-19-51 Drawing No F-570-D
Checked By F. Williamson Scale 1" = 100' 614

Developed Out of Land Described in Deed of Record Vol 570 Page 391 Deed Records, Bell County Texas.

Refer to Inset at Left for remainder of Plat

Refer to Inset at Left for remainder of Plat

Drawn by Keeney Date 1-19-51 Drawing No F-570-D
Checked By F. Williamson 50' 1" = 100' 614
r to Vol. 639 Page 22 for Dedication

Photos



Site: Along East French Ave (AG)



North: Existing Single Family Residences - Blue Bonnet Meadows subdivision (SF-1)



North: Existing Single Family Residences on Acreage (AG)



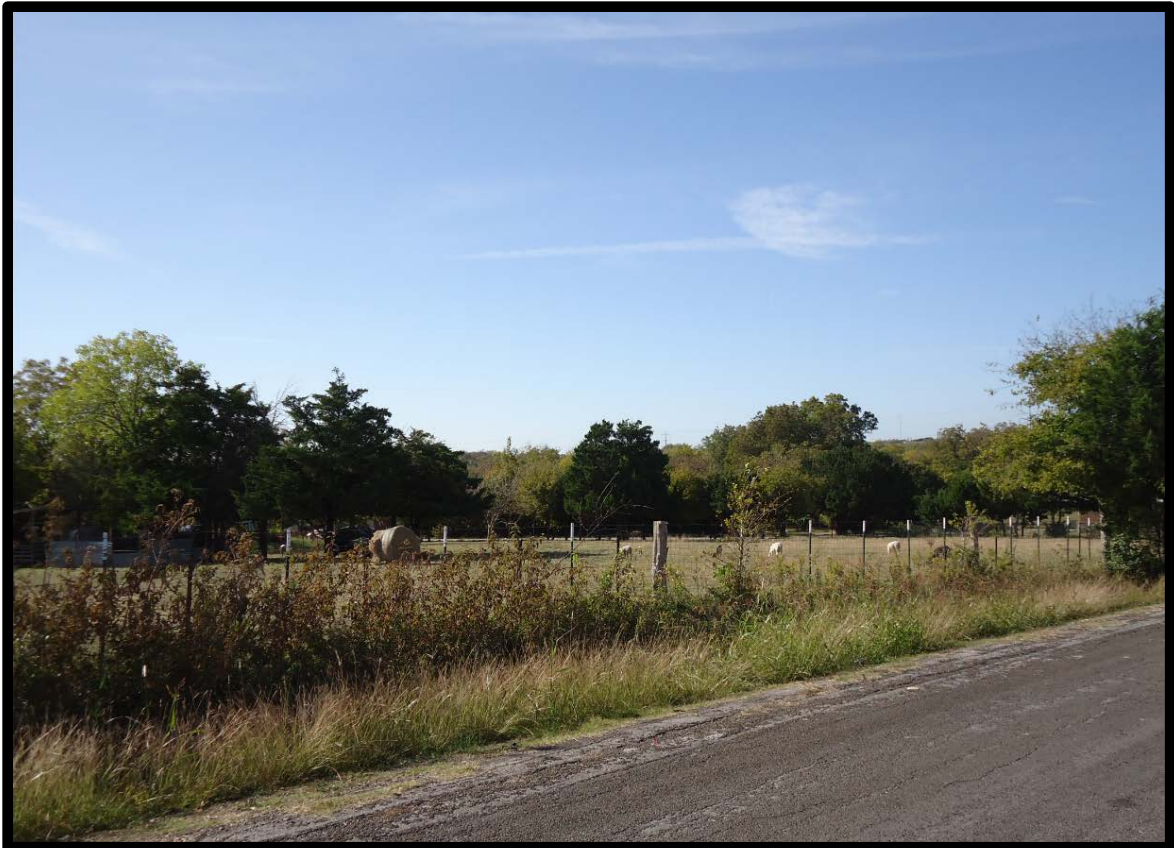
North: Active Agricultural Land - French Hill subdivision, Undeveloped (SF-3)



East: Existing Single Family Residence on Acreage – Buena Vista subdivision (AG)



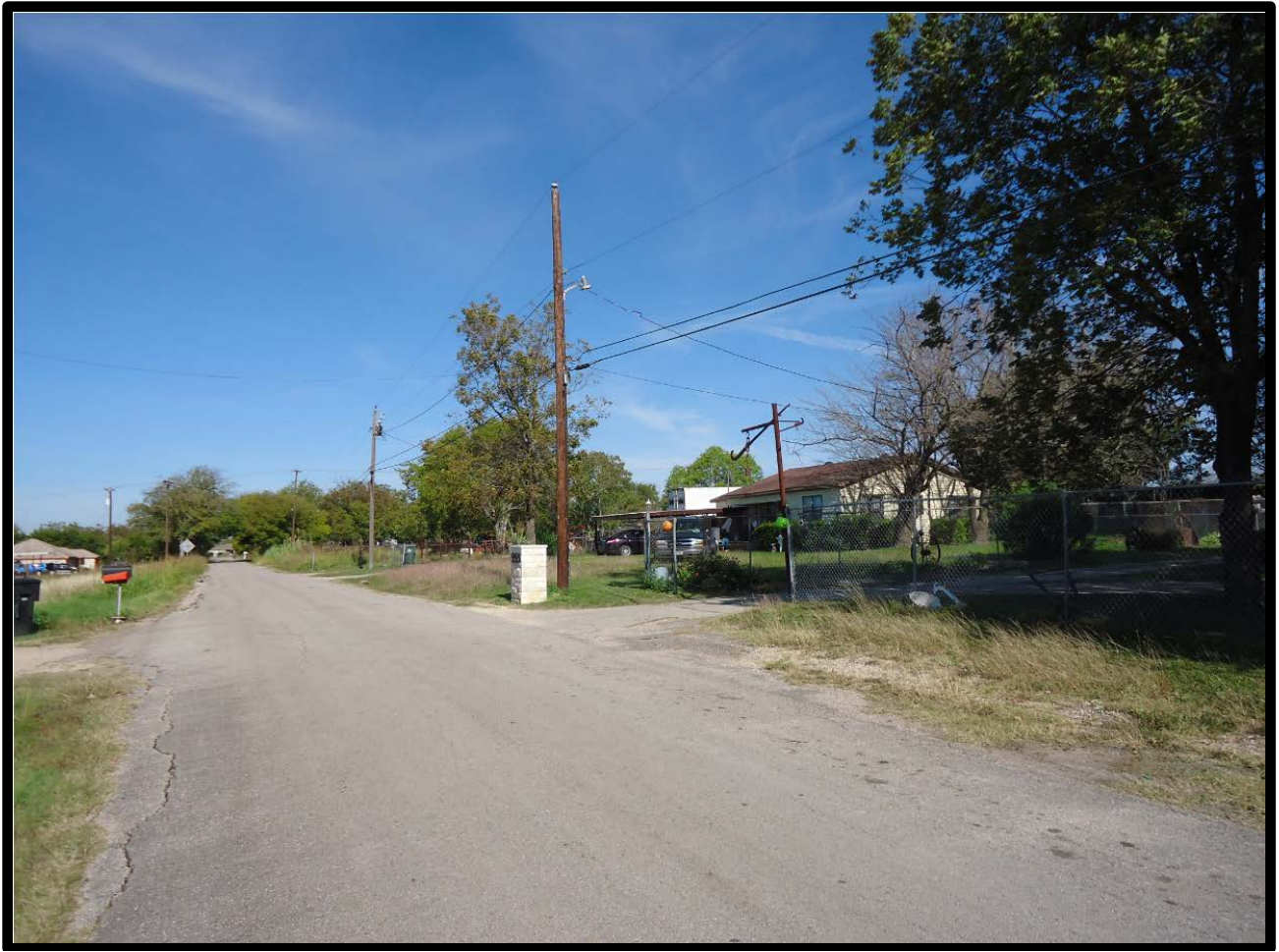
East: Outdoor Storage of Vehicles associated with Existing Single Family Residence on Acreage – Buena Vista subdivision (AG)



West: Active Grazing & Single Family Residence on Acreage – Buena Vista subdivision (AG)



South: Active Grazing with Single Family Residential on Acreage – Buena Vista subdivision (AG)



South: Single Family Lots on Acreage fronting along Lavendusky Drive – Buena Vista subdivision (AG)

Tables

Permitted & Conditional Uses Table (Generalized)
Agricultural (AG), Single Family 2 (SF-2)

Use Type	Agricultural (AG)	Single Family 2 (SF-2)
Agricultural Uses	Farm, Ranch or Orchard	Same as AG
Residential Uses	Single Family Residence (Detached Only (1-acre min) Industrialized Housing Family or Group Home Home for the Aged (CUP)	Single Family Residence (Detached) (5,000 SF Min Lot Size) Home for the Aged (No CUP)
Retail & Service Uses	None	Same as AG
Commercial Uses	None	Same as AG
Office Uses	None	Same as AG
Industrial Uses	Temporary Asphalt & Concrete Batching Plat (CUP)	Same as AG
Recreational Uses	None	Same as AG
Vehicle Service Uses	None	Same as AG
Restaurant Uses	None	Same as AG
Overnight Accommodations	None	Same as AG
Transportation Uses	None	Same as AG

Surrounding Property Uses

	<u>Surrounding Property & Uses</u>		
<u>Direction</u>	<u>Future Development Plan</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Residential & Neighborhood Services	AG	Undeveloped
North	Residential & Neighborhood Services	SF-1, SF-3 & AG	Single Family Residential Uses (Blue Bonnet Meadows & French Hill subdivisions)
South	Residential & Neighborhood Services	AG	Scattered SF Uses on Acreage (Buena Vista subdivision)
East	Residential & Neighborhood Services	AG & SF-2	Scattered & Developing SF Residential Uses (Oak Ridge subdivision)
West	Residential & Neighborhood Services	AG	Scattered SF Residential Uses

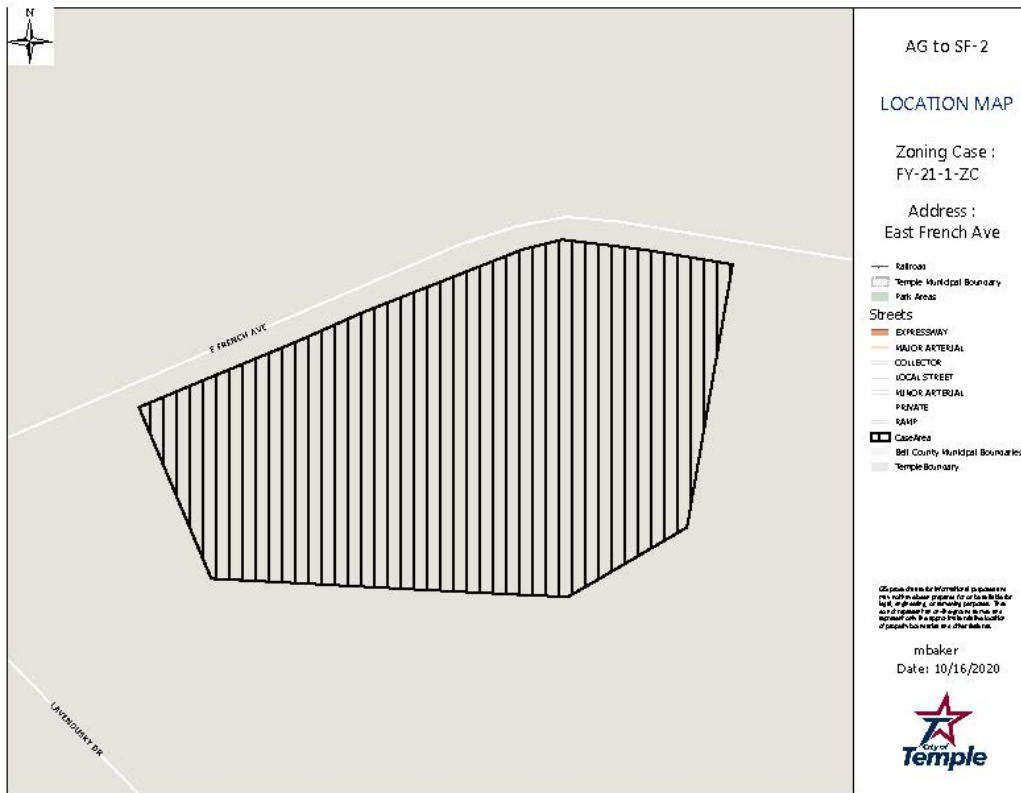
Comprehensive Plan Compliance

Document	Map, Focus Area or Goal	Compliance?
CP	Map 4.2 - Future Development Plan	YES
CP	Map 4.3 - Thoroughfare Plan	YES
CP	Focus Area – Smart Growth	YES
CP	Goal 4 – Support desired development through thoughtful consideration of infrastructure, community character, and economic impact	YES
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	YES
CP = Comprehensive Plan STP = Sidewalk and Trails Plan		

Dimensional Standards

	<u>Current (AG) Residential</u>	<u>Proposed (SF-2) Residential</u>
Minimum Lot Size	1 Acre Minimum	5,000 SF (per lot)
Minimum Lot Width	100 feet	50 feet
Minimum Lot Depth	150 feet	100 Feet
Front Setback	50 Feet	20 Feet
Side Setback	15 Feet	5 Feet
Side Setback (corner)	10 Feet	10 Feet
Rear Setback	10 Feet	10 Feet
Max Building Height	3 Stories	2 ½ Stories

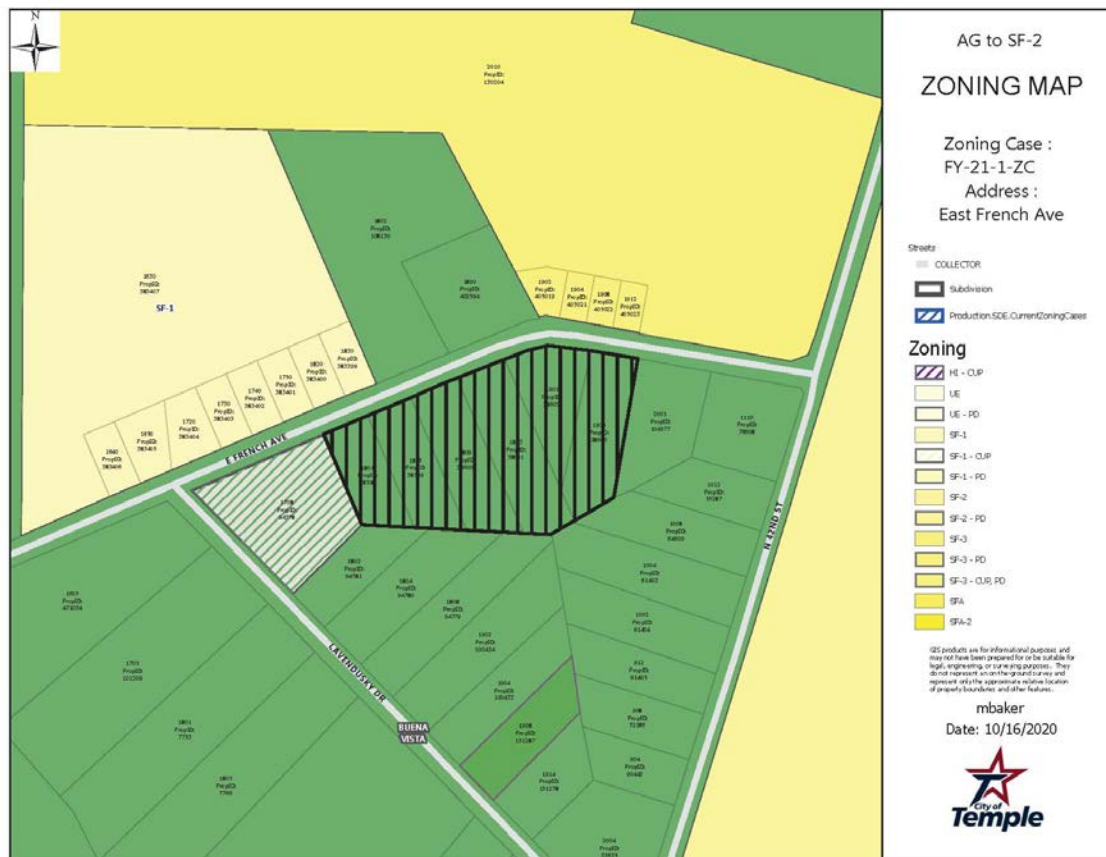
Maps



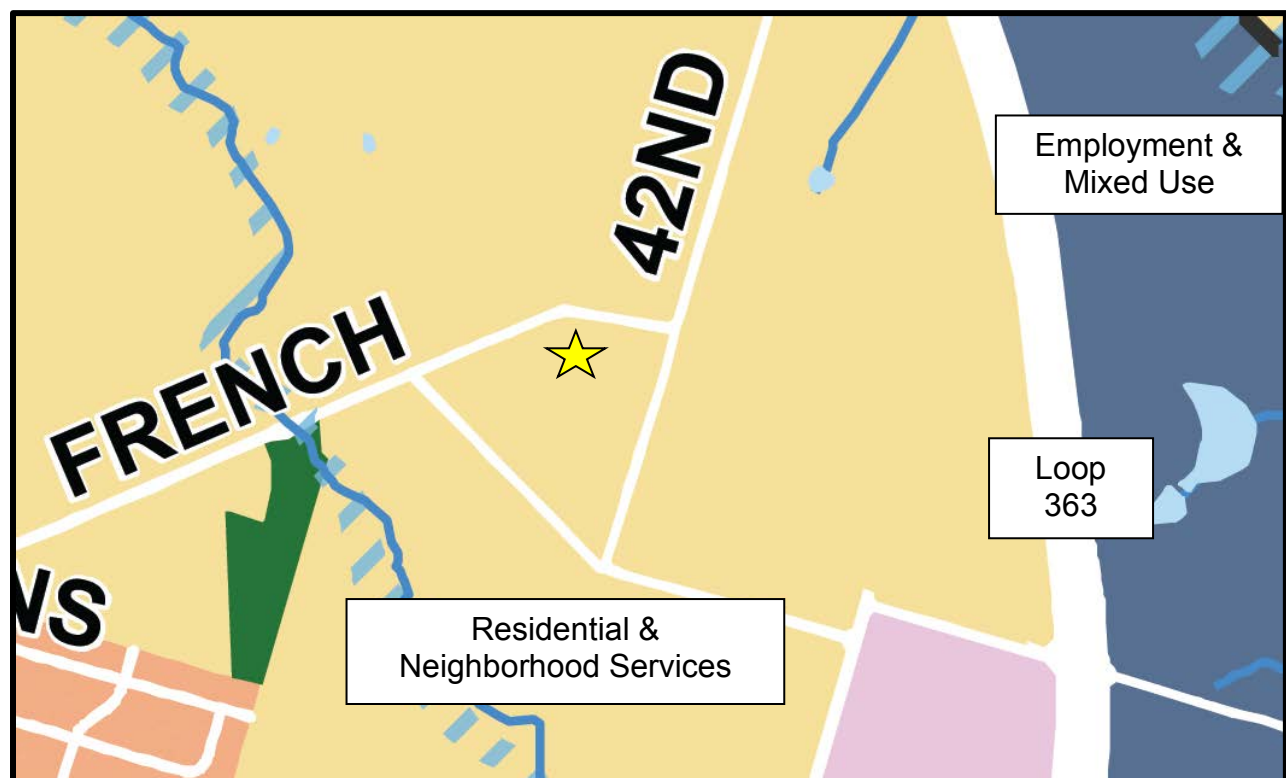
Location Map



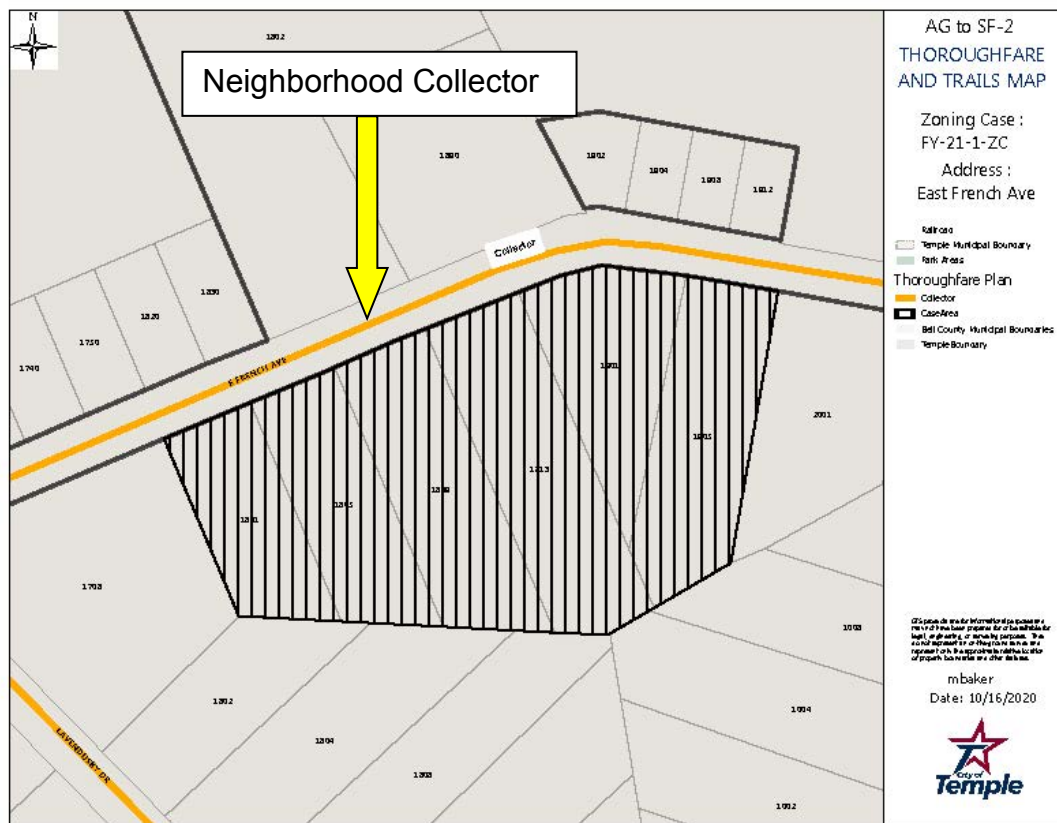
Aerial Map



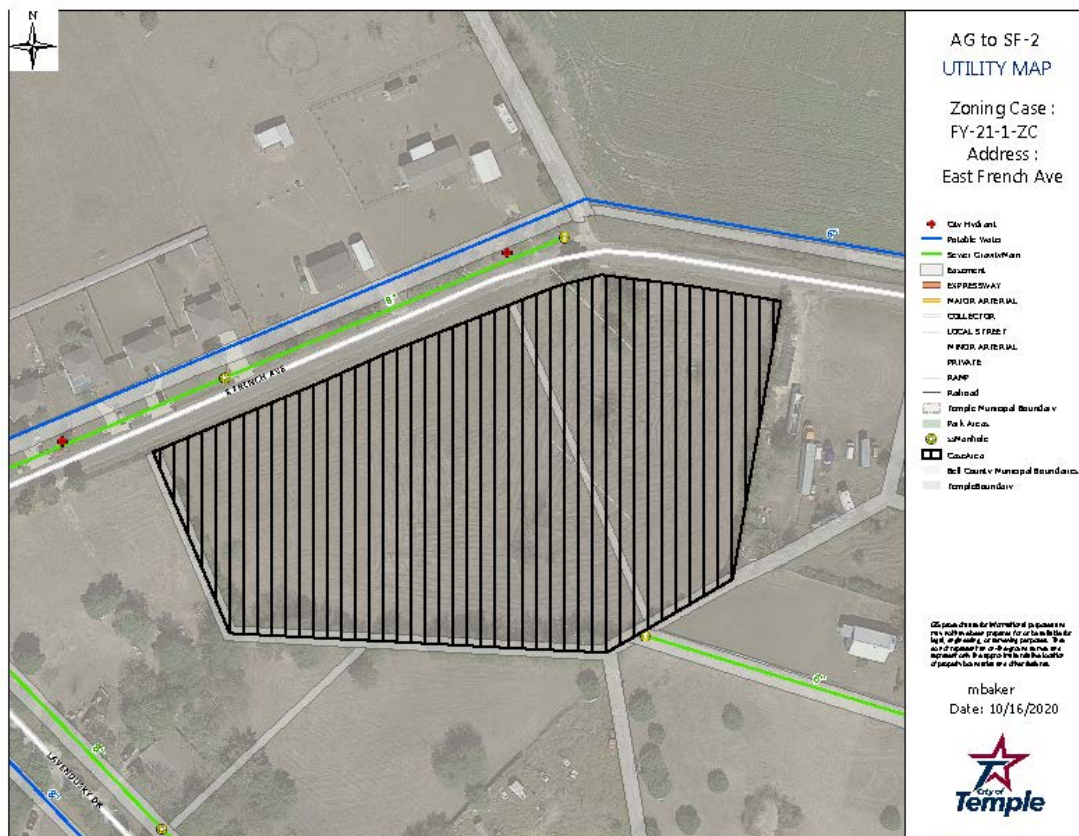
Zoning Map



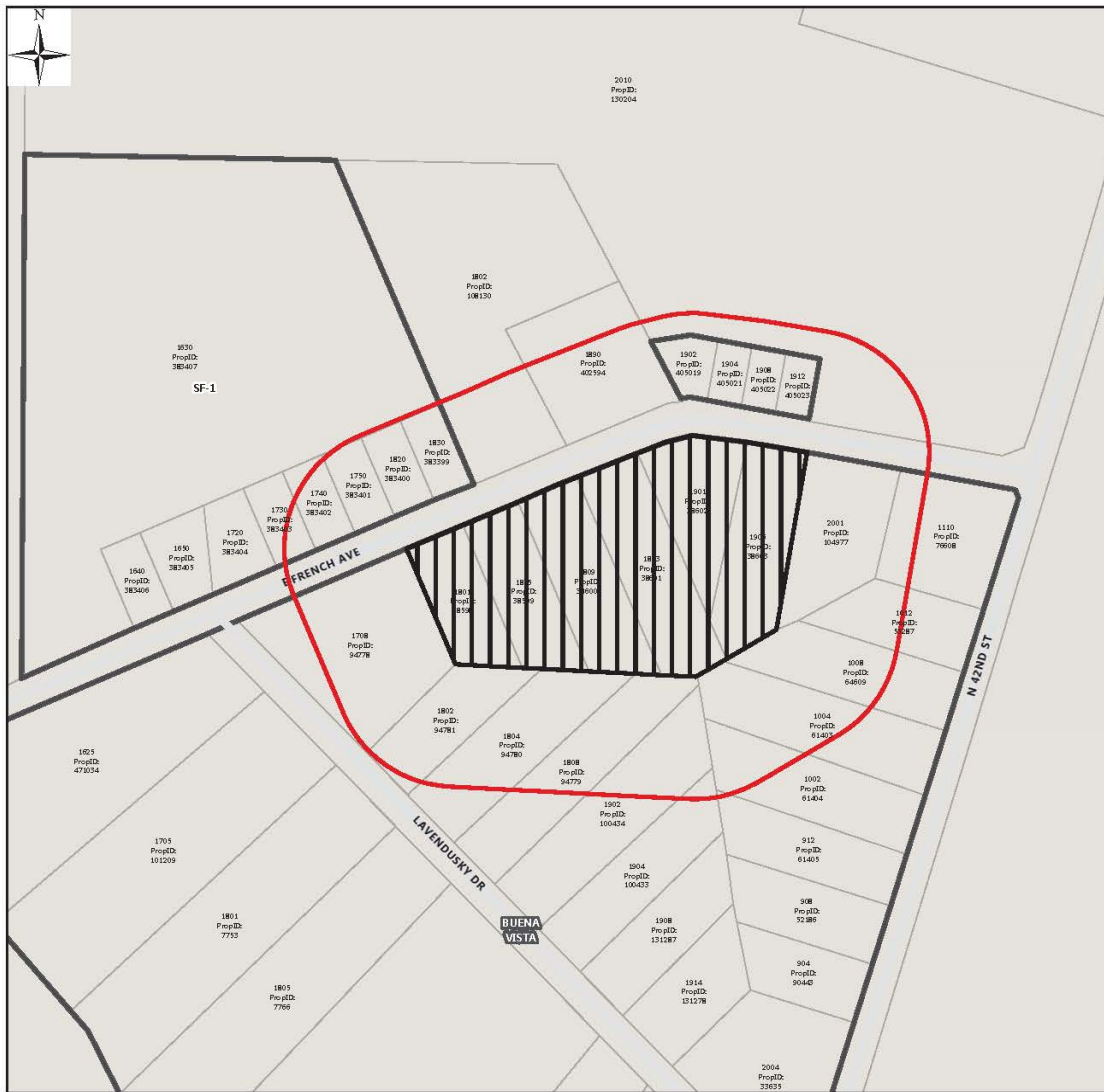
Future Land Development Plan (FDP)



Thoroughfare & Trails Map



Utility Map



AG to SF-2
200'
NOTIFICATION MAP
Zoning Case :
FY-21-1-ZC
Address :
East French Ave

GIS products 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 and other features.

mbaker
Date: 10/16/2020



Notification Map



**RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE**

RECEIVED
NOV 04 2020
CITY OF TEMPLE
PLANNING & DEVELOPMENT

October 28, 2020

Prop ID# 130204
NEW AMERICAN DREAM LTD
8702 ADAMS LN
TEMPLE, TX 76502

Zoning Application Number: FY-21-1-ZC

Case Manager: Mark Baker

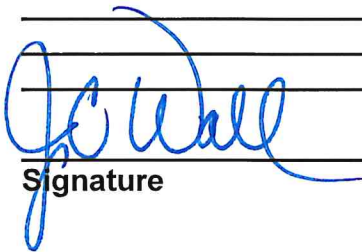
Location: 1801, 1805, 1809, 1813, 1901 & 1905 E. French Ave

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

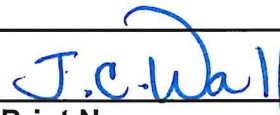
I ☒ agree

() disagree with this request

Comments:



Signature



Print Name

(Optional)

Provide email and/or phone number if you want Staff to contact you

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **November 16, 2020**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 17

Date Mailed: October 28, 2020

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Counts for 4
Property I.D.s

RECEIVED
NOV 04 2020
CITY OF TEMPLE
PLANNING & DEVELOPMENT

October 28, 2020

Prop ID# 405019
BK HOME DEVELOPMENT INC
8702 ADAMS LN
TEMPLE, TX 76502

Zoning Application Number: FY-21-1-ZC

Case Manager: Mark Baker

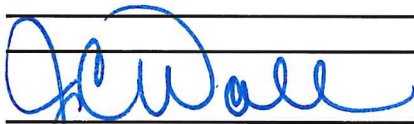
Location: 1801, 1805, 1809, 1813, 1901 & 1905 E. French Ave

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

☒ () agree

☐ () disagree with this request

Comments:


Signature

J.C. Wall
Print Name

Provide email and/or phone number if you want Staff to contact you (Optional)

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **November 16, 2020**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 17

Date Mailed: October 28, 2020

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



**RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE**

**Counts for 6
Property I.D.s**

RECEIVED
NOV 04 2020
CITY OF TEMPLE
PLANNING & DEVELOPMENT

October 28, 2020

Prop ID# 38600
WALL, J C
8702 ADAMS LN
TEMPLE, TX 76502

Zoning Application Number: FY-21-1-ZC

Case Manager: Mark Baker

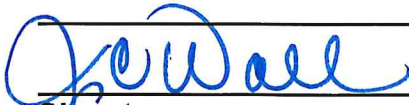
Location: 1801, 1805, 1809, 1813, 1901 & 1905 E. French Ave

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I ☐ agree

☐ disagree with this request

Comments:


Signature


Print Name

Provide email and/or phone number if you want Staff to contact you (Optional)

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **November 16, 2020**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 17

Date Mailed: October 28, 2020

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



**RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE**

October 28, 2020

Prop ID# 383403
JOHNSON, LORENA A ETVIR GREGORY
1730 E FRENCH AVE
TEMPLE, TX 76501-2725

Zoning Application Number: FY-21-1-ZC

Case Manager: Mark Baker

Location: 1801, 1805, 1809, 1813, 1901 & 1905 E. French Ave

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I () agree

7

() disagree with this request

Comments:

My home is only 1/2 way marked on map.
I do have questions regarding this.

Lorena A Johnson
Signature

Lorena A JOHNSON 11/5/20
Print Name

254-541-3576 / souljah4@sbcglobal.net (Optional)

Provide email and/or phone number if you want Staff to contact you

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **November 16, 2020**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

RECEIVED

NOV 05 2020

**CITY OF TEMPLE
PLANNING & DEVELOPMENT**

Number of Notices Mailed: 17

Date Mailed: October 28, 2020

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

11/16/2020
Item #3
Regular Agenda
Page 1 of 3

APPLICANT / DEVELOPMENT: Turley Associates (On behalf of First Baptist Church – Temple)

CASE MANAGER: Mark Baker, Principal Planner

ITEM DESCRIPTION: FY-21-2-ZC Hold a public hearing to discuss and recommend action to amend Ordinance 2019-4992 to expand the Multi-Family Two (MF-2) district from 14% to 22% of the total Planned Development acreage and increase building height for age restricted senior housing up to three stories, described as Lot 1, Block 1, First Baptist-Temple West Campus subdivision, addressed as 8015 West Adams Avenue.

PROPOSED CITY COUNCIL MEETING SCHEDULE: This rezoning is scheduled for 1st Reading on December 17, 2020 and 2nd Reading on January 7, 2021.

STAFF RECOMMENDATION: Staff recommends approval of the proposed PD amendment to Ordinance 2019-4992, subject to the following conditions:

1. Substantial compliance with the Site Development Plan reflecting land use boundaries and stepped building height setbacks (Exhibit A);
2. Substantial compliance to the proposed Sanders Farm Road and Tanglehead Drive alignment and descriptive cross-sections attached as Exhibit B;
3. Compliance with Planned Development Standards and specific General Retail (GR), Multi-Family 2 (MF-2) and Single-Family (SF-2) standards as described by Exhibit C;
4. Buffering and screening is required in accordance with UDC Section 7.7 where any multi-family use is adjacent to any single family residential use;
5. Building heights within the MF-2 portion are limited to the following:
 - a. Maximum of 1 story within 50-feet of the eastern property line;
 - b. Maximum of 2 stories between 50 and 100 feet of the eastern property line;
 - c. Maximum of 3 stories where more than 100 feet from the eastern property line;
6. Additional Site / Development Plan review by the Planning & Zoning Commission and approval by City Council for the MF-2 portion will be required prior to the issuance of a building permit (**Ord. 2019-4992**);
7. A 25-foot-wide landscape buffer is required along the common boundary of the Planned Development MF-2 zoned portion, where adjacent to existing single-family residential uses to the east (**Ord. 2019-4992**); and
8. Preservation of existing trees with a minimum 8-inch diameter at breast height (dbh) or greater in coordination with the City of Temple for determination of which trees to preserve (including removal of invasive species) and whether additional landscaping is needed in conjunction with other buffering and screening requirements (**Ord. 2019-4992**);

BACKGROUND: The applicant, Turley Associates, on behalf of the First Baptist Church – Temple, requests amendment to the approved Planned Development for the First Baptist Church. Ordinance 2019-4992 was approved by City Council on September 19, 2019.

It is worth noting that a previous PD Amendment (FY-20-9-ZC) was recommended for approval by the Planning & Zoning Commission but was placed on-hold and has since been withdrawn. The proposed residential driveways along Tanglehead Drive are removed from the latest request.

While the currently-approved PD allows for 270 lots per Ordinance 2019-4992, the developer proposes the following revisions:

1. Remove earlier requested residential driveways along Tanglehead Drive; and:
2. Remove the requirement for 6-foot sidewalks on both sides of the constructed Sanders Farm Road and provide a 6-foot sidewalk on one side in conjunction with a negotiated Developer Participation Agreement between the City & developer, White-Leasure Development Company.

In addition, the developer proposes the following to the land use densities:

1. **General Retail (GR)** – No more than approximately 11.86 acres
 - a. As allowed per UDC Section 5.1; and
 - b. Maximum of 15% of total 79.080 +/- acres for general retail uses.
2. **Multi-Family (MF-2)** – No more than approximately 16.61 acres
 - a. Age restricted (55 and older);
 - b. Various single family residential and assisted living uses, (up to 3 story maximum);
 - c. Single story maximum within 50 feet of existing residential uses on the east;
 - d. Two story maximum within 100 feet of existing residential uses on the east;
 - e. Up to three story maximum where more than 100 feet from existing residential uses on the east;
 - f. Maximum of 21% of the total 79.080 +/- acres for age-restricted multi-family uses
3. **Single Family Residential (SF-2)** – No less than approximately 56.94 Acres
 - a. Reduce approved density from 270 single family homes to 256 single family homes; and
 - b. At least 72% of the total 79.080 +/- acres for single family uses.

If approved by City Council, the new Planned Development ordinance will contain the revised Site Development Plan, along with land use district locations and field notes (Exhibit A), Roadway Alignment Plan (Exhibit B) and the agreed upon Planned Development conditions (Exhibit C). The approved land use percentages proposed for the MF-2 portion increases from 14% to a maximum of 21% of the total PD acreage. The MF-2 portion is proposed for age restricted senior housing which requires site plan approval of the development/ site plan prior to development and is unchanged per Ordinance 2019-4992.

It is noteworthy that the Planned Development conditions (Exhibit C) include reference to the required 6-foot sidewalk which will be built by the developer within the trail easement along Hog Pen Creek. The City has the option to upsize the trail to a 10-foot width.

Subdivision Plat: A Preliminary Master Plan was approved by the Planning & Zoning Commission on October 7, 2019. If substantial change to the plat is determined, it would be scheduled for the Planning & Zoning Commission at the earliest possible time. In addition, Phase I, a final plat for the GR portion (FY-20-6-PLT) has been submitted and is currently in review by the City. The plat is consistent with the approved preliminary plat and this PD amendment and will proceed when deemed complete/ filed.

Development Review Committee (DRC): As required by UDC Section 3.4.2B, the revised Development/ Site plan for the proposed amendment was reviewed by the DRC on November 2, 2020. Roadway alignments and sidewalk will be addressed with the review of the final plat(s). No issues or concerns were identified.

Development Regulations: There are no additional changes to the development regulations except the building heights in the MF-2 portion as discussed earlier in this report.

Public Notice: Eighty-six (86) notices, were sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. As of Thursday November 12, 2020, at 12:00 PM, 2 notices in disagreement and 1 notice in agreement have been received. An update regarding late notices, will be provided at the Planning & Zoning Commission meeting, if necessary.

The newspaper printed notice of the public hearing on November 1, 2020, in accordance with state law and local ordinance.

COMPREHENSIVE PLAN (CP) COMPLIANCE: No impacts to the 2020 Comprehensive Plan have been identified as a result of this latest PD Amendment proposal and are largely unchanged from the discussion at the time of the adoption of Ordinance 2019-4992. Therefore, the proposed amendment is **in compliance** with the 2020 Comprehensive Plan and its related map components.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Narrative Letter (October 15, 2020)

Land Use Boundaries – Requested Changes (Exhibit A)

Street Alignment Cross Sections for Sanders Farm Drive & Tanglehead Drive Extensions (Exhibit B)

Planned Development and Zoning District Conditions of Approval (Exhibit C)

Surveyor Sketch (Exhibit D)

Photos

Notification Map

Returned Property Notices

Ordinance 2019-4992 (Ordinance, current land use boundaries & surveyor sketch only)



TURLEY ASSOCIATES, INC.

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400
F-1658 TBPLS No. 10056000

October 15, 2020

Brian Chandler, Director of Planning & Development, AICP
City of Temple – Planning Department
2 North Main Street – Suite 102
Temple, TX 76501

RE: Requested Amendment to PD-GR (Ordinance No. 2019-4992)

Mr. Chandler:

The development team under contract to purchase the First Baptist Church property is proposing some minor Zoning Amendments. Most of these items have already been discussed with City staff in prior discussions and we look forward to working through any questions or concerns the staff may have regarding this matter.

The purpose of this memo is to identify the requested changes in bullet point format so that we can streamline our future discussions and the City's future consideration of this request. The changes are as follows:

- The acreage is modified from 77.450 acres to 79.080 acres. This change is to accommodate the anticipated single-family development on the southern portion of the property, which has evolved since the original PD was approved. Exhibit C highlights the added area.
- The graphic representation for the three zoning areas (Exhibit A) is modified slightly. The line dividing the General Retail and the MF-2 portions has moved to the north (closer to West Adams). This has increased the max MF-2 percent to 22%.
- The sidewalk on the east side of Sanders Farm Road has been removed from the Roadway exhibit (Exhibit B) as was discussed in prior negotiations with city staff.
- The General Conditions include the following revisions:
 - References to Westfield BLVD are replaced with Sanders Farm Road for clarity moving forward.
 - Acreages and percentage use areas have been updated, as noted above.
 - Sidewalk notes have been updated to correspond with the revised Exhibit B, as noted above.
 - The note limiting building height to 2-stories within the MF-2 portion has been replaced with a note describing a stepped offset approach for building height. The landscape buffer is retained.

We look forward to discussing in more detail.

Sincerely,
Turley Associates, Inc.

William F. Sisco, PE
Project Engineer

EXHIBIT A PROPOSED LAND USE W/ REQUESTED CHANGES

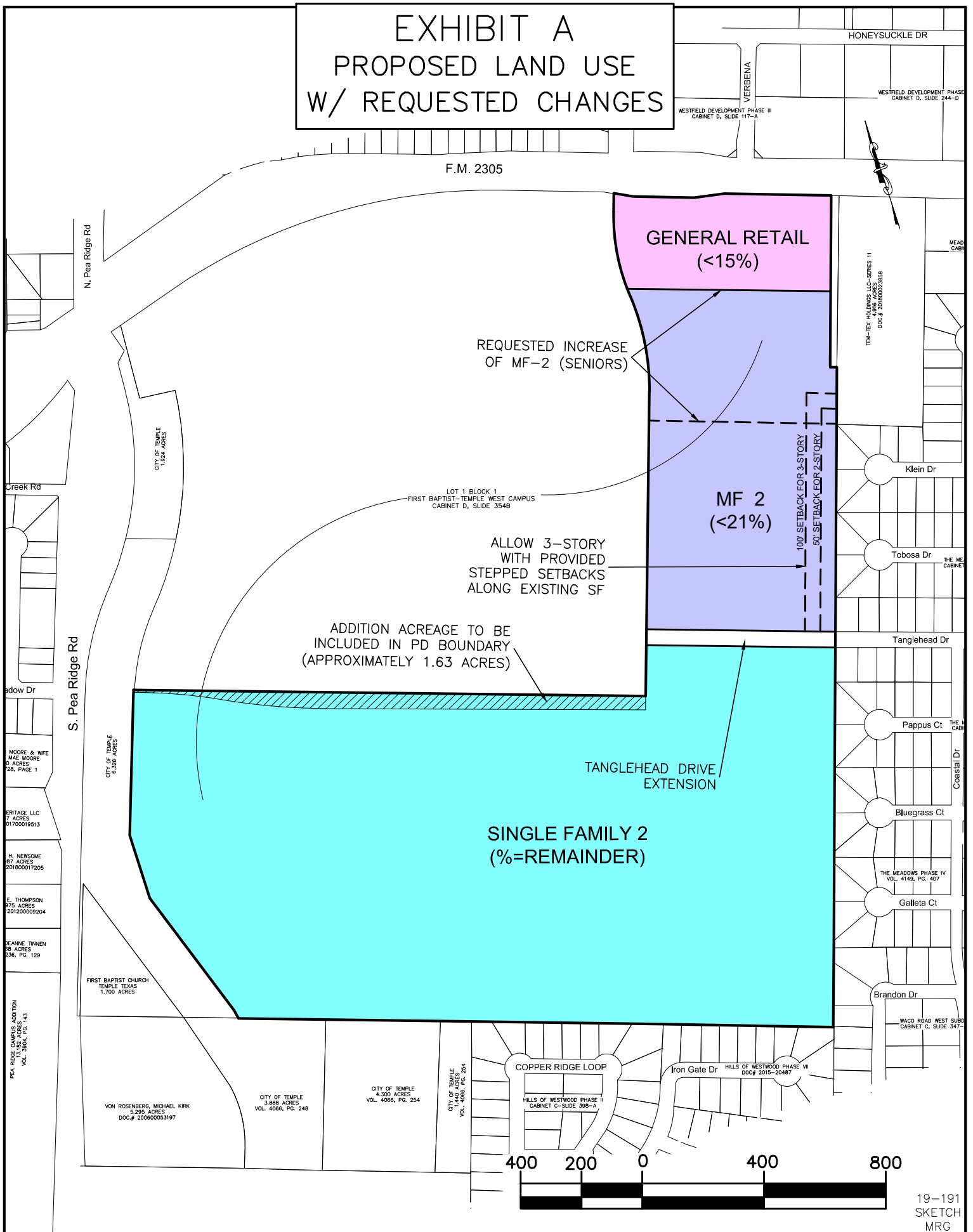


EXHIBIT C

Planned Development – General Retail

- General Retail – no more than 15% of 79.080 acres (appx. 11.86 acres)
- Multiple-Family Dwelling 2 (Age Restricted) – no more than 21% of 79.080 acres (appx. 16.61 acres)
- Single Family Dwelling 2 – at least 72% of 79.080 acres (56.94 acres)

General PD Conditions:

1. See Exhibit A for approximate site distributions.
2. See Exhibit B for approximate Sanders Farm Road (identified as Westfield BLVD on the City of Temple thoroughfare plan) and Tanglehead Drive alignment and cross sections.
3. Base zoning on at least 72% of area to be SF 2.
4. Base zoning on no more than 21% of area to be MF 2 with an age restriction to 55 years with additional site plan approval required prior to development.
5. Base zoning on no more than 15% of area to be GR
6. PD must comply with all other UDC code requirements unless exceptions are requested at platting.
7. Sanders Farm Road shall be substantially complete from West Adams to the southern edge of each phase of development prior to issuance of Certificate of Occupancy for corresponding phase.
8. Sanders Farm Road shall be constructed to the design standards as follows:
 - a. Between West Adams and Tanglehead – Arterial Street with 6-foot sidewalk on one side transitioning to Collector with 6-foot sidewalks on one side at Tanglehead (transition location to be determined during platting).
 - b. Between Tanglehead and South Property Line – Collector Street with 5-foot sidewalk on one side transitioning to Local Street with 5-foot sidewalk on one side at South Property Line (transition location to be determined during patting).
 - c. No single-family driveways shall directly access Sanders Farm Road.
9. Tanglehead Drive shall be constructed to the design standards as follows:
 - a. Between Sanders Farm Road and East Property Line – Collector street with a 5-foot sidewalk on one side.
 - b. No single-family driveways shall directly access Tanglehead Drive.

SF-2 Conditions:

1. Streets (other than Sanders Farm Road and Tanglehead Drive) to be 55-feet right of way with 31-feet back of curb to back of curb, and with a 5-foot sidewalk on one side of all non-cul-de-sac streets and a 7-foot landscaped strip between the curb and sidewalk.
2. Trees (2-inch diameter at breast height) planted, two per lot, one located in the public frontage on the front and one located in the rear between the building lines.

3. Each front yard shall be sodded, including the public frontage adjacent to each lot. The homeowner shall maintain the landscape including in the adjacent right of way up to the curb line. The HOA shall have general oversight and enforcement ability regarding landscape maintenance.
4. Sidewalks and landscaping shall be installed when homes are constructed and prior to issuance of Certificate of Occupancy.
5. A landscaped subdivision entryway with monument sign shall be provided at the intersection of Sanders Farm Road and Tanglehead Drive. The HOA shall maintain the entryway and monument sign.
6. Privacy or decorative fences on all boundary perimeters except Sanders Farm Road and Tanglehead Drive (see note 7) to be installed no later than at the time of home construction.
7. Fencing along Sanders Farm Road and Tanglehead Drive shall consist of decorative fencing to complement the aesthetics of the landscaped entryway and shall be built by the developer with development of each adjacent phase of the subdivision. Examples of perimeter fencing include wrought iron style fencing, wood privacy fence with masonry columns at lot corners, etc. Decorative fencing must be constructed prior to first issuance of Certificate of Occupancy in each phase. The HOA shall maintain perimeter fencing along Sanders Farm Road and Tanglehead Drive.
8. Where space allows along Sanders Farm Road and Tanglehead Drive, trees (2-inch diameter at breast height) shall be planted between the property line and the curb on 50-foot spacing. The HOA shall maintain trees and landscaping along Sanders Farm Road and Tanglehead Drive between the property line and the back of curb.
9. Minimum setbacks shall be as follows:
 - a. 20-foot standard front setbacks
 - b. 5-foot standard side setbacks
 - c. 10-foot side setbacks adjacent to streets

MF-2 Conditions:

1. MF-2 zoning is restricted to uses intended for occupants 55-year and older uses. Proposed uses include, but are not limited to, assisted living, independent living, home for the aged, attached and detached living units, multiple unit townhomes/garden homes/etc., dining, health, recreation and shared community center type facilities.
2. Total unit count is limited to 20 units per acres (according to MF-2 guidelines).
3. Building height is limited to 3-stories, except along the east property line where a stepped building height setback of 1-story within 50 feet of an existing single family lot and 2-stories within 100 feet of an existing single family lot is required.
4. Any fencing along Sanders Farm Road and Tanglehead Drive shall consist of decorative fencing to complement the aesthetics of the adjacent single-family fence and landscaping aesthetics. The perimeter fence must be constructed prior to issuance of Certificate of Occupancy. The owner shall maintain perimeter fencing along Sanders Farm Road and Tanglehead Drive.

5. Where space allows along Sanders Farm Road and Tanglehead Drive, trees (2-inch diameter at breast height) shall be planted between the property line and the curb on 50-foot spacing. The adjacent owner shall maintain trees and landscaping along Sanders Farm Road and Tanglehead Drive between the property line and the back of curb.
6. An enhanced landscape buffer is required along common boundaries with existing single family as described below (excludes proposed single family south of Tanglehead and west of Sanders Farm Road):
 - a. 15-feet minimum width
 - b. Required planting per 250 square feet
 - i. 1 canopy tree
 - ii. 2 small trees (50% evergreen)
 - iii. 5 supplemental shrubs (50% evergreen)
 - c. Plantings shall be selected from the approved planting list per the UDC
 - d. The required landscaping may be reduced by 30% when used in combination with a wall or fence that is a minimum 6 feet in height, constructed of masonry, wood, wrought iron or galvanized ornamental steel and located behind the landscape buffer area.
 - e. Existing trees located within the enhanced landscape buffer shall be protected and incorporated into the buffer if they are a Large Canopy or Median Canopy Tree species as identified in the UDC and are at least 8" diameter at breast height. Protected existing trees shall reduce the required planting trees one for one.
7. Site landscape design and layout shall incorporate existing trees, to the extent possible, if they are a Large Canopy or Medium Canopy Tree species as identified in the UDC and are at least 8" diameter at breast height. For this purpose, "to the extent possible" generally means trees that fall within proposed landscape areas that can be protected and incorporated into the landscape design without unreasonable efforts by the site developer. It does not intend to mean that existing trees shall dictate the location of structures, drives, etc.

GR Conditions:

1. Unless otherwise indicated in the UDC, fencing is not required along Sanders Farm Road; however, any fencing that is provided along Sanders Farm Road shall consist of decorative fencing (as described above). Said fencing must be constructed prior to issuance of Certificate of Occupancy for adjacent uses. The adjacent owner shall maintain fencing along Sanders Farm Road.
2. Where space allows along Sanders Farm Road, trees (2-inch diameter at breast height) shall be planted between the property line and the curb on 50-foot spacing. The adjacent owner shall maintain trees and landscaping along Sanders Farm Road between the property line and the back of curb.
3. No common boundaries are anticipated between GR and SF uses; however, if a common boundary is present then an enhanced landscape buffer is required as described above.
4. Free standing signage bases shall primarily consist of masonry and/or decorative metal elements.
5. A 6-foot sidewalk shall be constructed along West Adams prior to issuance of Certificates of Occupancy.

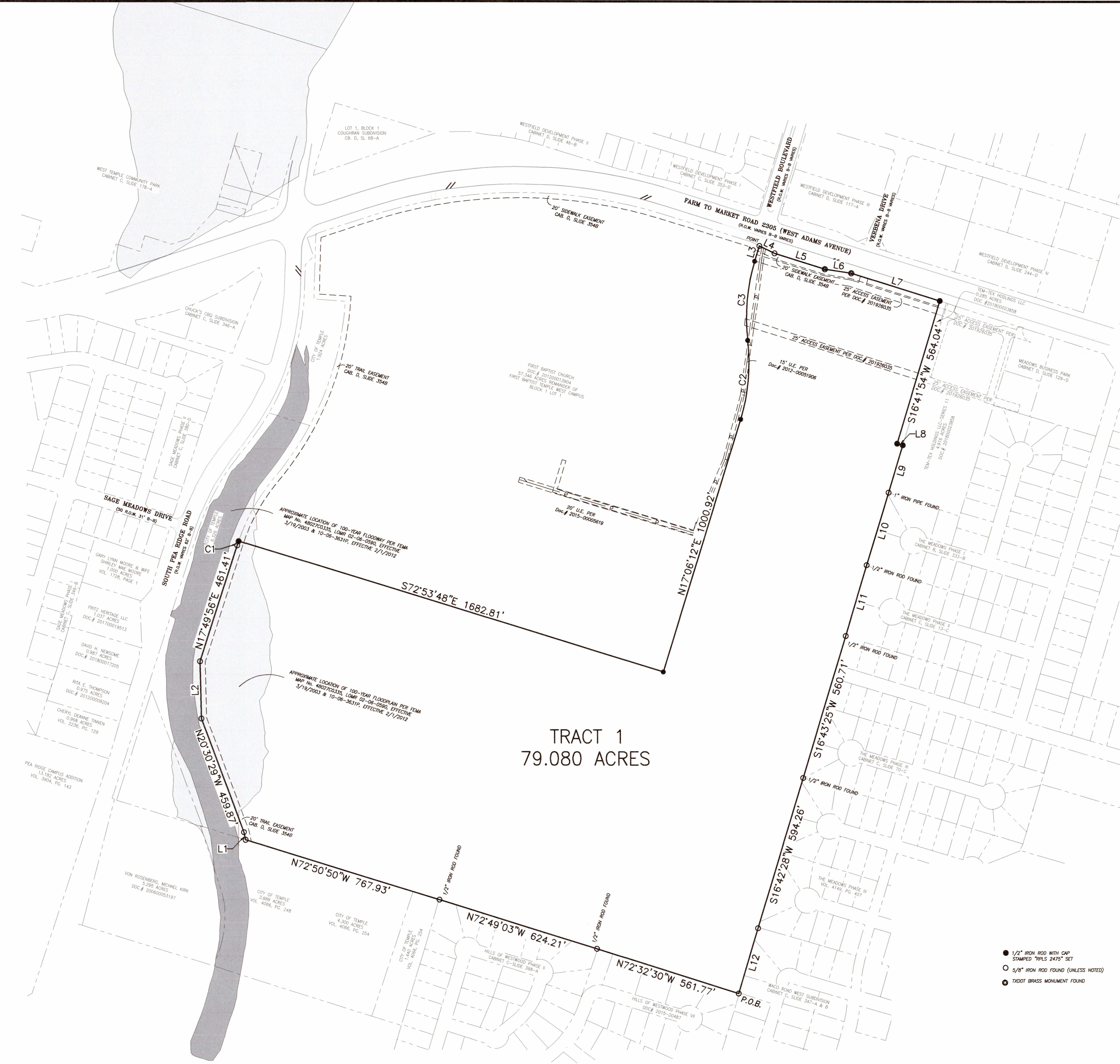


EXHIBIT D SURVEYOR SKETCH

Parcel Line Table		
Line #	Direction	Length
L1	N12°27'29"W	31.05
L2	N1°19'24"W	216.72
L3	N17°06'12"E	60.97
L4	S63°57'04"E	64.09
L5	S72°35'32"E	199.68
L6	S81°10'19"E	101.19
L7	S72°36'30"E	350.62
L8	S73°17'59"E	22.00
L9	S16°41'54"W	187.41
L10	S16°48'05"W	287.55
L11	S16°40'56"W	279.78
L12	S16°46'31"W	258.24

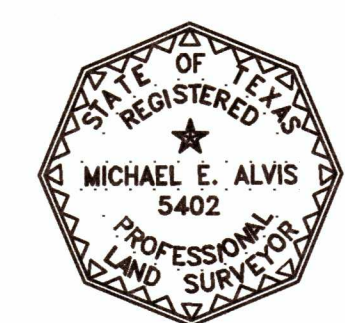
Curve Table				
Curve #	Length	Radius	Chord Direction	Chord Length
C1	16.72	755.00	S18°28'10"W	16.72
C2	302.78	725.00	N5°08'22"E	300.58
C3	302.78	725.00	N5°08'22"E	300.58

Restrictions of Record:
Doc. # 2019-00026035

The following documents affect this lot:
Volume 1018, Page 495
Volume 3539, Page 81
Doc. # 2013-00016413
Doc. # 2012-00051906
Doc. # 2015-00005919
Doc. # 2019-00026035

The following documents do not affect this lot:
Volume 554, Page 45
Volume 600, Page 503
Volume 746, Page 429
Volume 1444, Page 551
Volume 1553, Page 107
Volume 3539, Page 77

BEING a 79.080 acre tract of land situated in the BALDWIN ROBERTSON SURVEY, ABSTRACT No. 17, Bell County, Texas and being a part or portion of Lot 1, Block 1, First Baptist-Temple West Campus according to the map or plat of record in Cabinet D, Slide 354-B, Plat Records of Bell County, Texas.



STATE OF TEXAS
COUNTY OF BELL
KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described herein and is correct and that there are no discrepancies, conflicts, shortages in the area, easements, and right-of-ways except as shown hereon, that this tract of land has access to and from a public road, and I have marked all corners with monuments.

This Property is within the Special Flood Hazard Area as per the Federal Emergency Management Agency Federal Insurance Administration Map No. 48027C0335E, dated September 26, 2008, LOMRs 02-06-0590, effective March 19, 2003 & 10-06-3631p, effective February 1, 2012.

IN WITNESS THEREOF, my hand and seal, this the 13th day of October 2020.

Michael E. Alvis, R.P.L.S., No. 5402

200 100 0 200 400



TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
301 N. 3rd St.
Temple, Texas 76701
254.773.2400
www.turley-inc.com

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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.

SURVEY OF:
79.080 ACRE TRACT
BEING A PART OF LOT ONE BLOCK ONE
FIRST BAPTIST- TEMPLE WEST CAMPUS

PREPARED FOR:
WHITE-LEASURE DEVELOPMENT
COMPANY/D2INVESTMENTS, INC.
POST OFFICE BOX 1277 BOISE IDAHO 83701
4829 GREENVILLE AVENUE SUITE 1255 DALLAS TEXAS 75206

REVISIONS

DATE	DESCRIPTION	DFTR

DRAFTSMAN:
MRG

DATE:
8/19/2019

COMPUTER FILE NAME:
19-191 Plat Boundary 10-13-2020 Tract 1.dwg

REFERENCE DRAWING NUMBERS:
-

19-191
DRAWING NUMBER:
19191-D

PAGE #
01

Photos



Site



Proposed Tanglehead Drive Access Point



Proposed Iron Gate Access Point

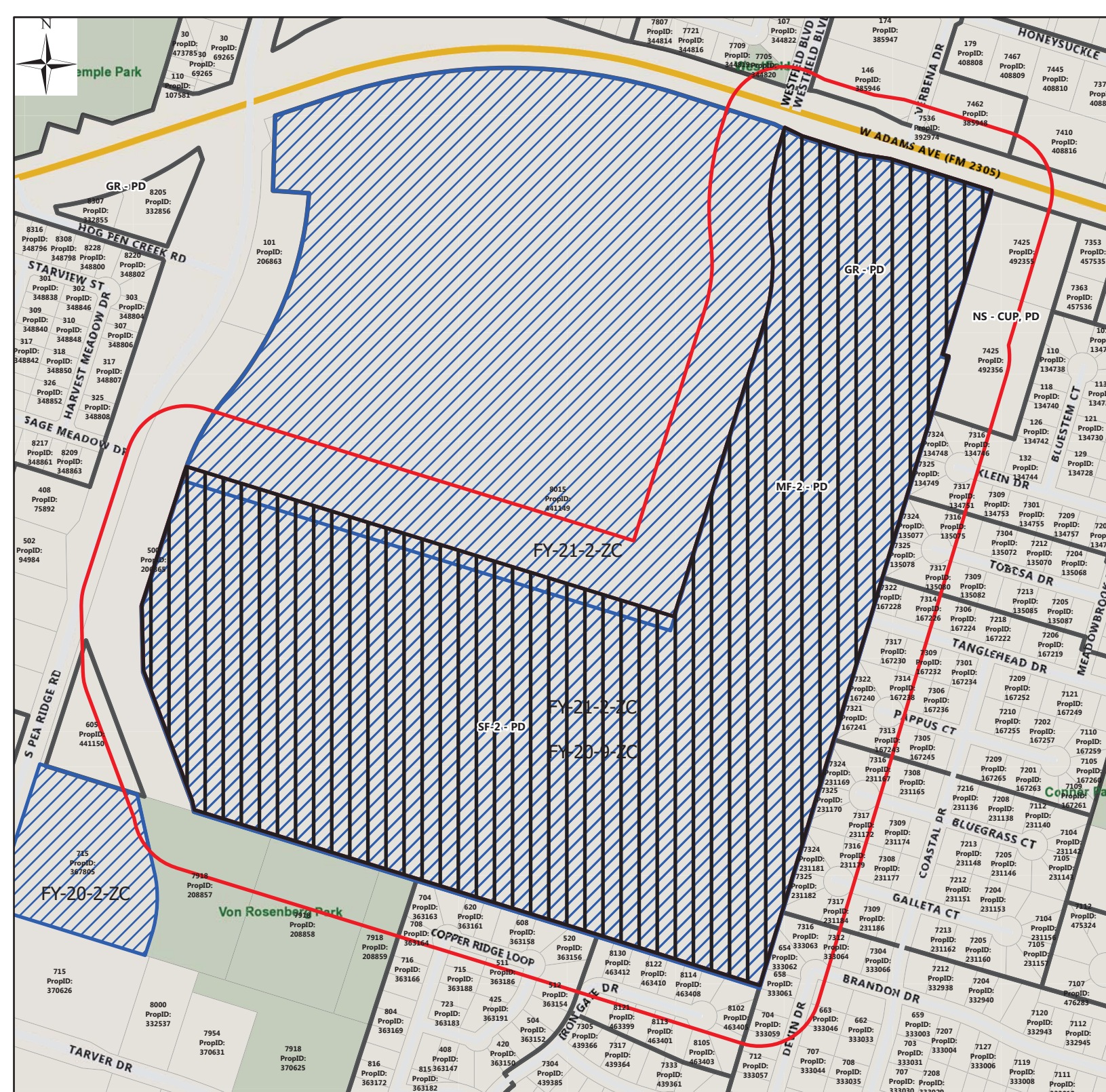
200' NOTIFICATION MAP

Zoning Case :
FY-21-2-ZC
Address :
8015 W. Adams Ave

GIS products 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 and other features.

mbaker

Date: 10/22/2020





RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

RECEIVED
NOV 10 2020
CITY OF TEMPLE
PLANNING & DEVELOPMENT

October 27, 2020
Property ID# 367805
VON ROSENBERG, MICHAEL KIRK
1397 TURNING TIDE RD
MONETA, VA 24121-4545

Zoning Application Number: FY-21-2-ZC

Case Manager: Mark Baker

Location: 8015 W. Adams Ave

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I ☒ agree

() disagree with this request

Comments:

Michael Kirk Von Rosenberg
Signature

Michael Kirk Von Rosenberg
Print Name

Provide email and/or phone number if you want Staff to contact you (Optional)

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **November 16, 2020**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 87

Date Mailed: October 27, 2020

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

RECEIVED
NOV 05 2020
CITY OF TEMPLE
PLANNING & DEVELOPMENT

October 27, 2020
Property ID# 135077
MOORE, DYLAN G ETUX KATHERINE L
7324 TOBOSA DR
TEMPLE, TX 76502

Zoning Application Number: FY-21-2-ZC

Case Manager: Mark Baker

Location: 8015 W. Adams Ave

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I () agree

(☒) disagree with this request

Comments:

The city of temple should seriously consider this property for urban green space, parks, and wildlife preservation. This Area is also a flood zone!!! Water floods my backyard everytime it rains. Development on this land is a bad idea.

Dylan Moore
Signature

Dylan Moore
Print Name

Provide email and/or phone number if you want Staff to contact you (Optional)

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **November 16, 2020**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 87

Date Mailed: October 27, 2020

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



**RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE**

RECEIVED
NOV 05 2020

October 27, 2020
Property ID# 135076
RODRIGUEZ, GRACIELA
7320 TOBOSA DR
TEMPLE, TX 76502-8503

Zoning Application Number: FY-21-2-ZC

Case Manager: Mark Baker

Location: 8015 W. Adams Ave

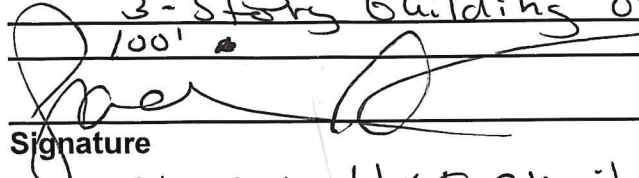
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I ☐ agree

☒ disagree with this request

Comments:

We previously agreed to a two-story building behind our home and don't want a 3-story building overlooking our home within 100'.


Signature

Graciela Rodriguez
Print Name

gracerodtx@gmail.com

(Optional)

Provide email and/or phone number if you want Staff to contact you

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **November 16, 2020**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 87

Date Mailed: October 27, 2020

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

ORDINANCE NO. 2019-4992
(FY-19-22-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE 2016-4810 TO ADD APPROXIMATELY 35 ACRES TO THE EXISTING 42.066 ACRES AND REZONING ALL 77.45 ACRES, LOCATED AT 8015 WEST ADAMS AVENUE, TO PLANNED DEVELOPMENT GENERAL RETAIL, MULTI-FAMILY TWO, AND SINGLE FAMILY TWO DISTRICTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Turley Associates, on behalf of the First Baptist Church – Temple has requested an amendment to Ordinance 2016-4810 to add approximately 35 acres to the existing 42.066 acres and to rezone all 77.45 acres, located at 8015 West Adams Avenue, to Planned Development General Retail, Multi-Family Two, and Single Family Two districts;

Whereas, once approved by City Council, the Planned Development Ordinance will contain the Site Development Plan (Exhibit A), the roadway alignment plans (Exhibit B) and mutually-agreed upon Planned Development conditions (Exhibit C) - Exhibit 'A' shows the proposed district locations and contains a maximum percentage of its related land use - a summary breakdown is as follows:

1. **General Retail GR** (approximately 10.556 acres)
 - a. As allowed per UDC Section 5.1; and
 - b. Maximum 16% of total 77.45 acres;
2. **Multi-Family MF-2** (approximately 9.309 acres)
 - a. Age restricted (55 and older);
 - b. Various single family residential and assisted living uses, (2 stories maximum);
 - c. Single story maximum within 50 feet of existing residential use;
 - d. Maximum 14% of total 77.45 acres;
3. **Single Family Residential SF-2** (approximately 57.585 acres)
 - a. Proposed for approximately 270 single family homes; and
 - b. 70% or more of a total 77.45 acres;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, recommends approval of the rezoning of approximately 77.45 acres, addressed as 8015 West Adams Avenue, currently zoned Agricultural zoning district, General Retail zoning district, Neighborhood Service zoning district, Single Family Attached Three zoning district, and Multi-Family Two zoning district, to Planned Development General Retail zoning district, Multi-Family Two zoning district, and Single Family Two zoning district, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes, and subject to the following conditions:

- Substantial compliance with Site Development Plan attached as Exhibit A;
- Substantial compliance with the proposed Westfield Blvd extension and Tanglehead Drive alignment and descriptive cross-sections attached as Exhibit B;
- Compliance with the Planned Development Standards and specific General Retail, Multi-Family, and Single-Family standards as described by Exhibit C;
- Site / Development Plan review by the Planning & Zoning Commission and City Council for the Multi-Family Two portion will be required prior to the issuance of a building permit;
- A 25-foot wide landscape buffer is required along the common boundary of the Planned Development and the Multi-Family Two zoned portion, which are adjacent to existing single-family residential uses;
- Preservation of existing trees with a minimum 8-inch diameter at breast height or greater in coordination with the City for determination of which trees to preserve (including removal of invasive species), and whether additional landscaping is needed in conjunction with other buffering and screening requirements; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council approves an amendment to Ordinance 2016-4810 to add approximately 35 acres to the existing 42.066 acres and to rezone all 77.45 acres, located at 8015 West Adams Avenue, to Planned Development General Retail, Multi-Family Two, and Single Family Two districts, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 3: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

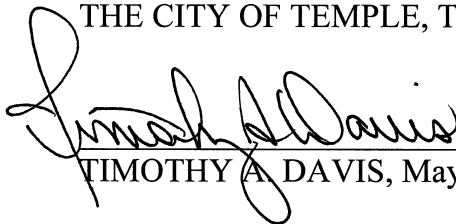
Part 5: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6: It is hereby officially found and determined that the meeting at which this Ordinance was 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.

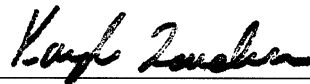
PASSED AND APPROVED on First Reading and Public Hearing on the 5th day of September, 2019.

PASSED AND APPROVED on Second Reading on the 19th day of September, 2019.

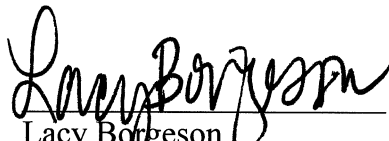
THE CITY OF TEMPLE, TEXAS


TIMOTHY A. DAVIS, Mayor

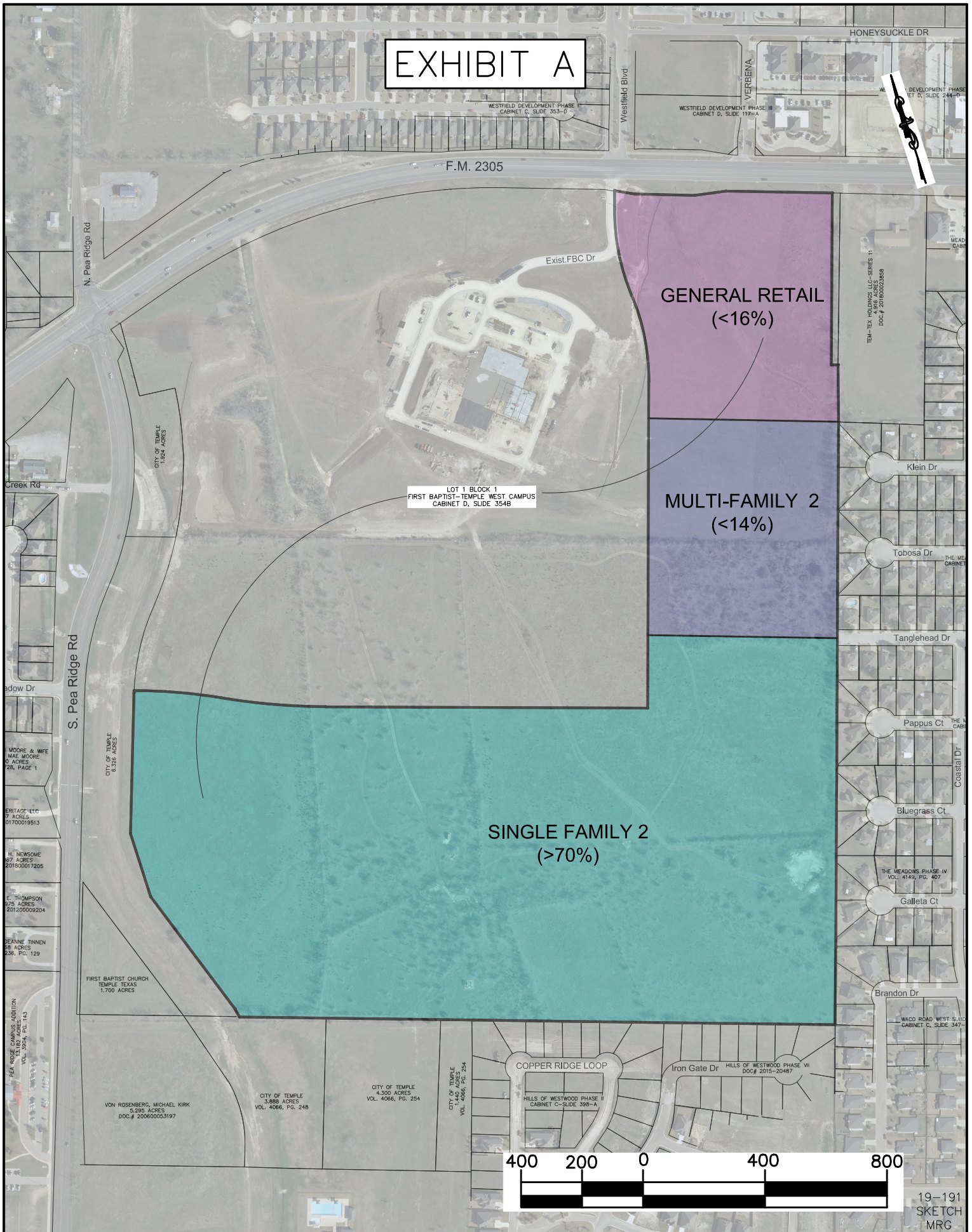
APPROVED AS TO FORM:

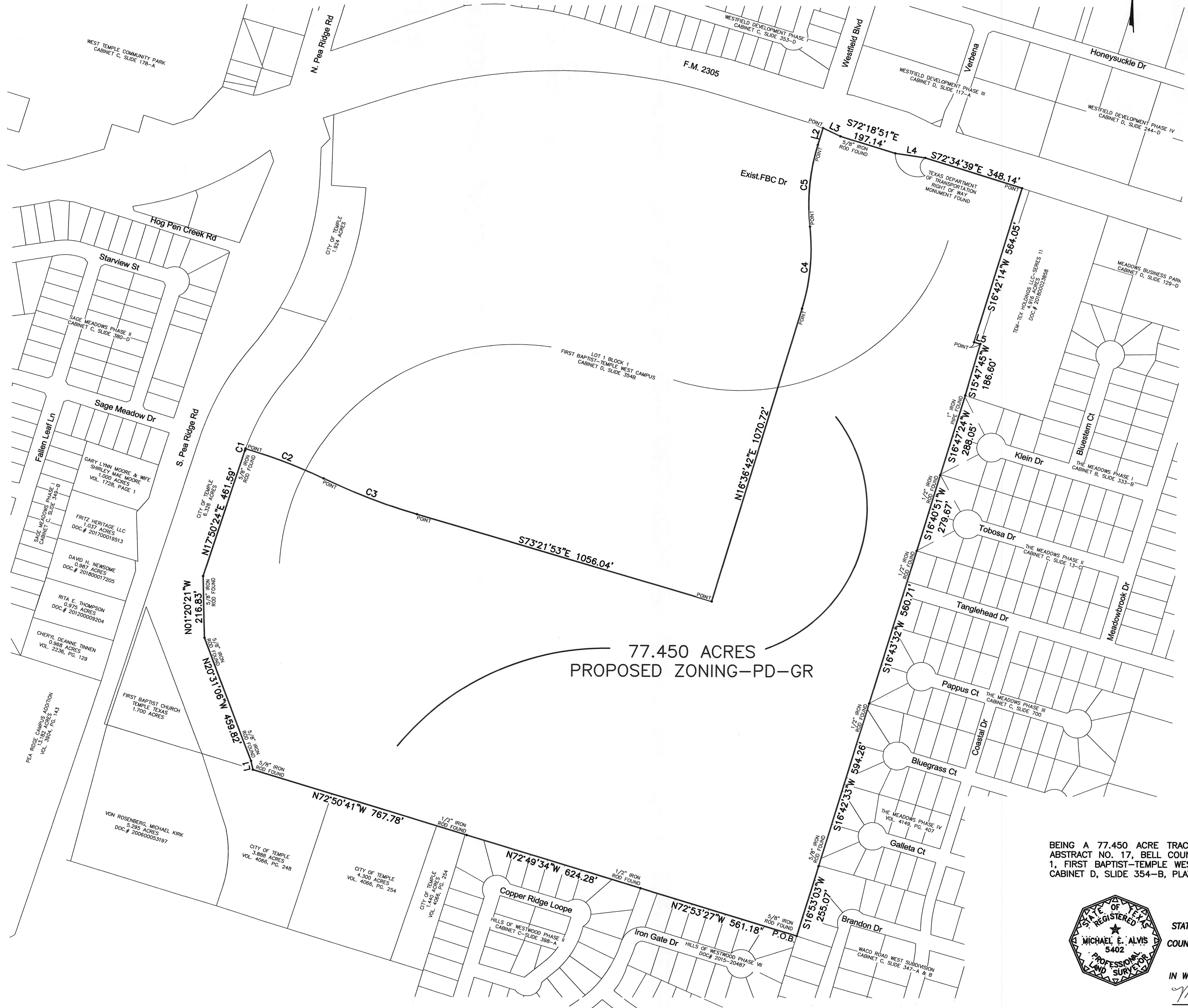

Kayla Landeros
Interim City Attorney

ATTEST:


Lacy Borgeson
City Secretary



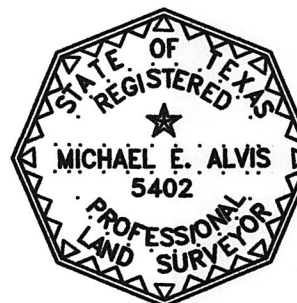




Curve Table			
Curve #	Length	Radius	Chord
C1	7.33'	755.00'	N18°07'17"E 7.33'
C2	287.40'	1717.58'	N68°53'08"W 287.07'
C3	343.45'	2122.16'	S68°43'42"E 343.08'
C4	290.05'	725.00'	N05°09'02"E 288.12'
C5	290.05'	725.00'	N05°09'02"E 288.12'

Parcel Line Table		
Line #	Length	Direction
L1	31.17	N12° 28' 52.10"W
L2	61.29	N16° 36' 41.76"E
L3	66.32	N64° 16' 05.54"W
L4	104.08	S81° 21' 27.48"E
L5	22.00	S73° 17' 46.00"E

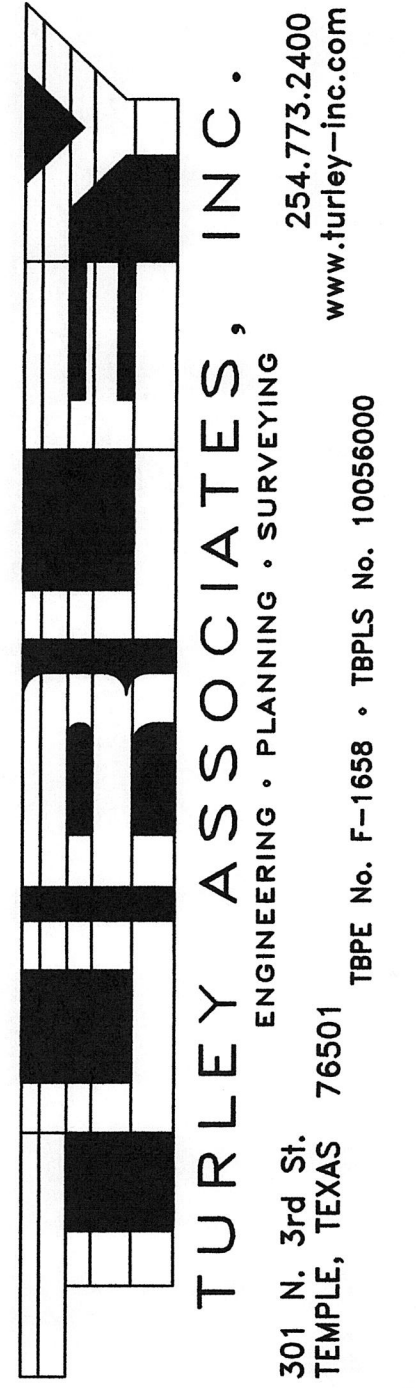
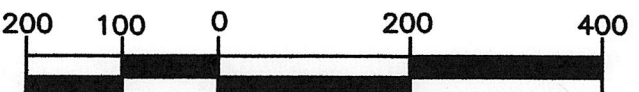
BEING A 77.450 ACRE TRACT OF LAND SITUATED IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, BELL COUNTY, TEXAS AND BEING A PART OR PORTION OF LOT 1, BLOCK 1, FIRST BAPTIST-TEMPLE WEST CAMPUS ACCORDING TO THE MAP OR PLAT OF RECORD IN CABINET D, SLIDE 354-B, PLAT RECORDS OF BELL COUNTY, TEXAS



STATE OF TEXAS I KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described herein and is correct.

IN WITNESS THEREOF, my hand and seal, this 1st day of July, 2019.

Michael E. Alvis, R.P.L.S., No. 5402



TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
301 N. 3rd St. Temple, Texas 76501
TBE No. F-1658 • TPLS No. 10056000
254.773.2400
www.turley-inc.com

ZONING MAP:
77.450 ACRES
IN THE BALDWIN ROBERTSON SURVEY,
ABSTRACT No. 17
CITY OF TEMPLE, BELL COUNTY, TEXAS

REVISIONS

DATE	DESCRIPTION	DFTR

DRAFTSMAN:
MRG
DATE:
7-1-2019
COMPUTER FILE NAME:
19-191, Zoning Exhibit 1.dwg
REFERENCE DRAWING NUMBERS:
REF DWGS NO.s



PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

11/16/2020
Item #4
Regular Agenda
Page 1 of 2

APPLICANT / DEVELOPMENT: WC Tractor

CASE MANAGER: Lynn Barrett, Assistant Planning Director

ITEM DESCRIPTION: FY-21-3-ZC Hold a public hearing to discuss and recommend action on a rezoning from Commercial (C) to Planned Development Commercial (PD-C) with accompanying site plan for a Kubota Tractor Dealership located at 5345 South General Bruce Drive located in Temple, TX in Bell County.

PROPOSED CITY COUNCIL MEETING SCHEDULE: This rezoning is scheduled for 1st Reading on December 17, 2020 and 2nd Reading on January 7, 2021.

STAFF RECOMMENDATION: While heavy equipment sales is not an allowed use in the Retail Sub-district of the I-35 Corridor overlay, should Planning and Zoning Commission concur that the WC Tractor relocation is allowable at this site, staff recommends the following conditions:

1. Improved landscaping along the entry islands containing low growing trees from the approved tree list at both entrances into the parking lot and in two new islands adjacent to the building parking area
2. Display of new tractors inside the existing decorative metal fencing, with implement equipment to the rear
3. Replacement of the old non-compliant Rabroker pole sign with a freestanding sign at the north entrance entry island with masonry base to match the building
4. Installation of a new solid fence screening any implement storage or tractor servicing activities from view
5. Substantial compliance with the Site Development Plan reflecting landscaping, parking lot improvements, and revised signage (old non-compliant pole sign to be removed) (Exhibit A)
6. Substantial compliance to the proposed building elevations which include washed stone, awning roof replacement and visible metal recladding Exhibit B
7. Compliance with IH-35 overlay standards for the Retail sub-district for all other uses and any other future tenants

BACKGROUND: The applicant, WC Tractor, is currently in business in Temple along I-35 N at 3rd Street and is planning relocation for their business needs. They have identified an existing improved site, the old Rabroker property along S General Bruce, which along with proposed improvements in landscaping and building refurbishment, would meet their needs with a proposed rezoning to PD-C to allow the proposed use for a new Kubota dealership. Tractor sales is classified as heavy machinery sales in the UDC, which, while allowed in the base C zoning district, is not an allowed use in the Retail Sub district of the I-35 corridor overlay.

If the proposed use is recommended by the Planning and Zoning Commission, the Planned Development ordinance contains the Site Development Plan for the property showing the proposed building, fencing, signage and landscaping improvements and conditions listed above.

Development Review Committee (DRC): As required by UDC Section 3.4.2B, the revised Development/ Site plan for the proposed amendment was reviewed by the DRC on November 2, 2020.

Development Regulations: There would be no additional changes to the development regulations except for the additional landscape requirements in the site plan.

Public Notice: Twelve (12) notices, were sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. As of Thursday November 12, 2020, at 12:00 PM, 0 notices in disagreement and 0 notices in agreement have been received. An update regarding late notices, will be provided at the Planning & Zoning Commission meeting, if necessary.

The newspaper printed notice of the public hearing on November 1, 2020, in accordance with state law and local ordinance.

COMPREHENSIVE PLAN (CP) COMPLIANCE: No impacts to the 2020 Comprehensive Plan have been identified as a result of this latest PD Amendment proposal. Therefore, the proposed amendment is **in compliance** with the 2020 Comprehensive Plan and its related map components.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Proposed Site Plan

Proposed Site Improvement illustrations

Existing Site Photo

Site Map

Notification Map



REVISIONS	
NUMBER	DATE

SYMBOL	DESCRIPTION
— — — — —	EASEMENT
— · · · — · · · —	FLOOD ZONE
— — — — —	SETBACK
— — — — — ET — — — — —	ELECTRICAL LINE
— — — — — S — — — — —	SEWER LINE
— — — — — W — — — — —	WATER LINE

SYMBOL	DESCRIPTION
	EXISTING CREPE MYRTLE
	NEW CREPE MYRTLE
	NEW HOLLY DWARF BURFORD

SYMBOL	DESCRIPTION
26	EXISTING
15	NEW
41	TOTAL



Project Number:
2031
Sheet issue date:
20.11.12

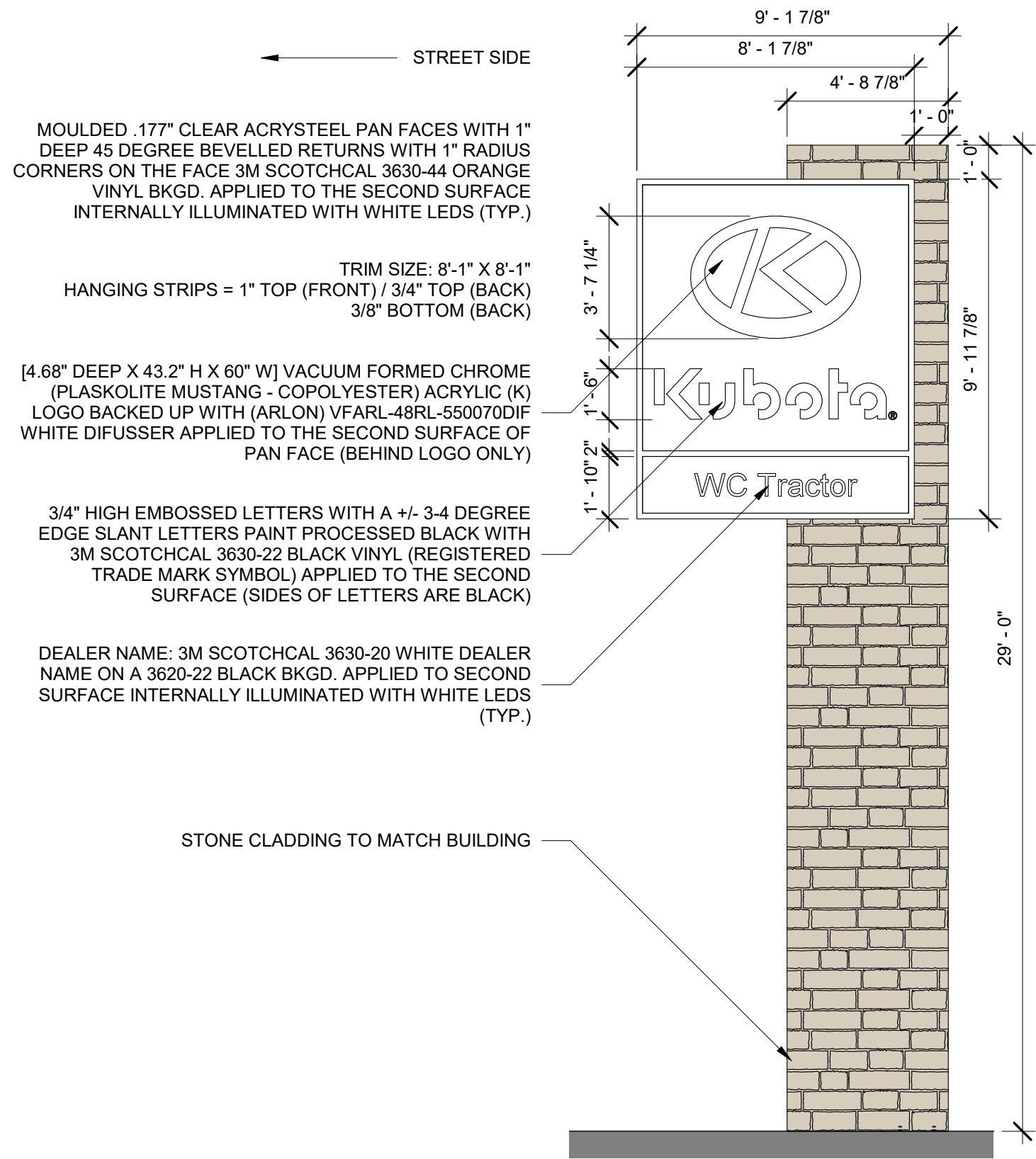
A101



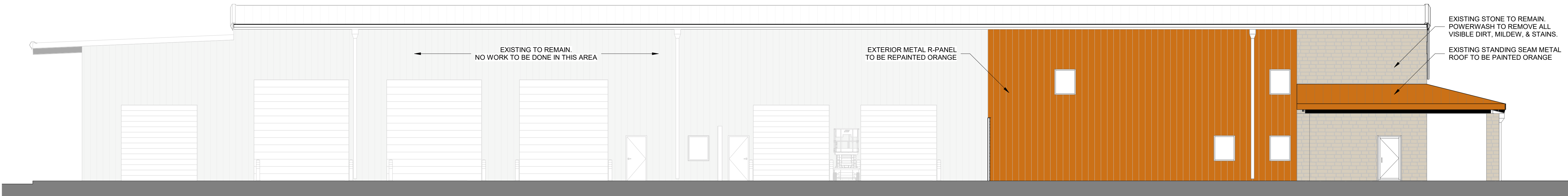
PRELIMINARY
FOR REVIEW ONLY
NOT FOR
CONSTRUCTION

REVISIONS	
NUMBER	DATE

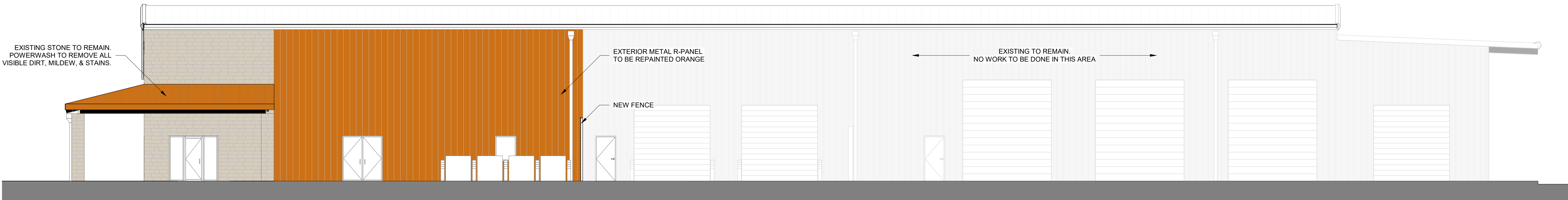
Project Number:
202031
Sheet issue date:
2020.11.12



5 TYP. MONUMENT SIGN
1/4" = 1'-0" REF: A700 / 1



3 ELEVATION - EXTERIOR
1/8" = 1'-0" REF: A101 / 2



2 ELEVATION - EXTERIOR
1/8" = 1'-0" REF: A101 / 2



1 ELEVATION - EXTERIOR
1/8" = 1'-0" REF:



KUBOTA



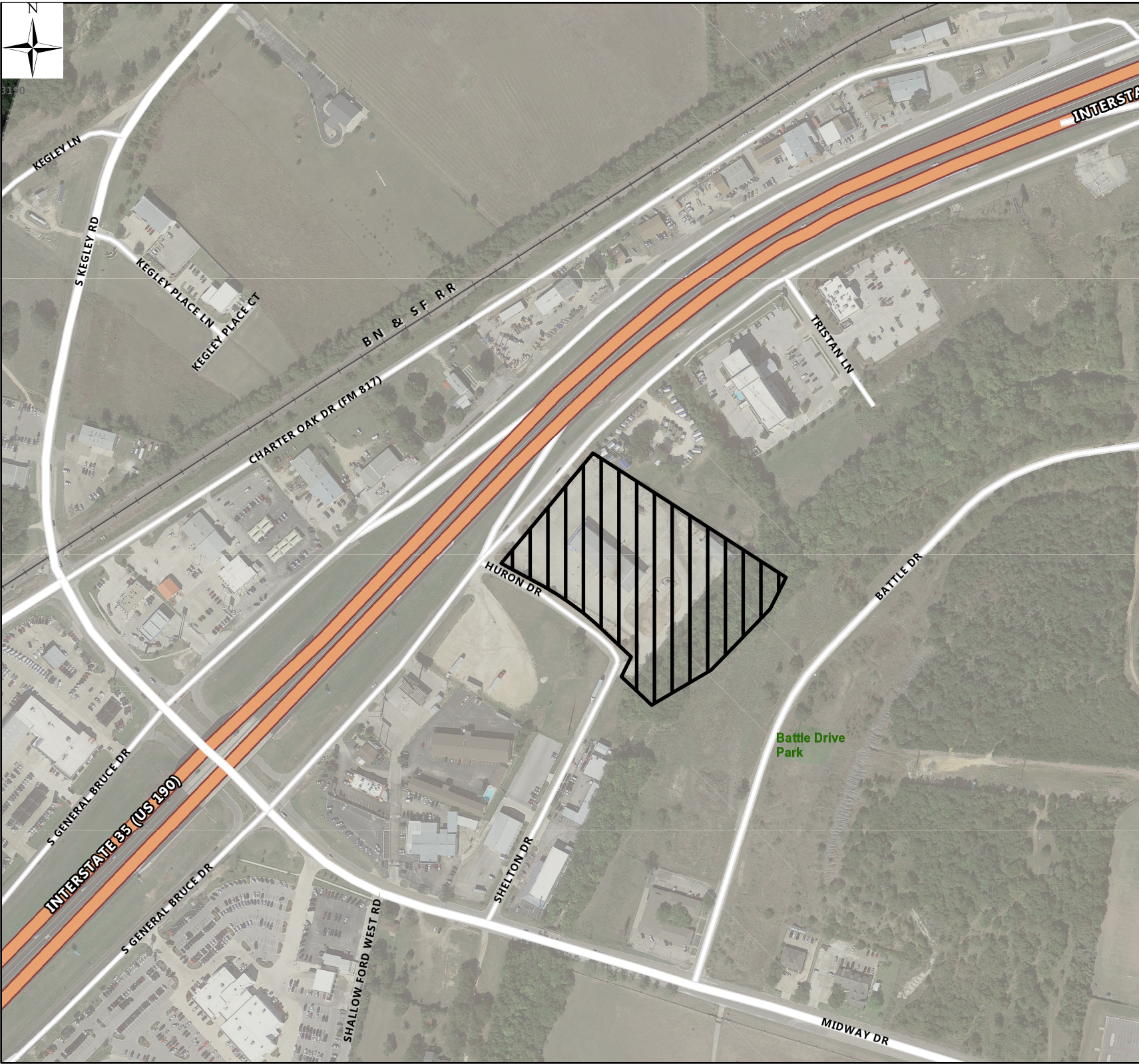












Planned Development

AERIAL MAP

Zoning Case :
FY-21-3-ZC

Address :
5345 S. General Bruce

- Railroad
- Temple Municipal Boundary
- Park Areas
- Streets**
 - EXPRESSWAY
 - MAJOR ARTERIAL
 - COLLECTOR
 - LOCAL STREET
 - MINOR ARTERIAL
 - PRIVATE
 - RAMP
 - CaseArea
- Bell County Municipal Boundaries
- TempleBoundary

GIS products 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 and other features.

mbaker
Date: 10/30/2020





Planned Development

200' NOTIFICATION MAP

Zoning Case :

FY-21-3-ZC

Address :

5345 S. General Bruce

GIS products 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 and other features.

mbaker

Date: 10/30/2020





PLANNING & ZONING COMMISSION MEMORANDUM

11/16/20
Item #5
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW: Brian Chandler, Planning and Development Director

ITEM DESCRIPTION: FY-21-01-SITE – Hold a public hearing to discuss and recommend action on a Development/Site Plan and building elevations for a proposed car wash at Lot 4, Block 1, Temple Mall Addition Replat No. 1, addressed as 3107 S. 31st Street.

STAFF RECOMMENDATION: Staff recommends approval with the following conditions:

1. The applicant works with staff to concentrate tree planting for buffering and screening of the vacuuming bays along the north, east and south property lines
2. Other landscaping installed is similar to the drought-tolerant planting at 123 Lake Road (Belton, TX)
3. Wall signs are limited to 2 per façade per the PD-GR zoning standards

Staff met with the applicant and his team on-site on 11/12/20 to discuss the PD requirement to install a sidewalk connecting the S. 31st Street public sidewalk to the Mall property and it was agreed by both sides that a sidewalk at this location would not be feasible or safe. Staff will work with the Temple Mall to provide that needed pedestrian connectivity in the future.

CITY COUNCIL SCHEDULE: Scheduled for City Council 1st Reading on 12/3/20 and 2nd Reading on 12/17/20, along with the PD-GR Temple Mall area rezoning

BACKGROUND: The City of Temple has initiated rezoning to PD-GR for the Temple Mall and surrounding properties between Azalea Drive, Lowes Drive, SW HK Dodgen Loop and S. 31st Street, which includes 3107 S. 31st Street. The primary goals of the rezoning are:

- Be consistent with the recently adopted Comprehensive Plan (www.templetx.gov/comprehensiveplan) to ensure that future redevelopment is cohesive and comprehensive
- Require future site plan approval by City Council for future development, especially considering that the current Planned Development (PD) zoning designation requires site plan approval since there is no evidence that a site plan was approved with the 1974 Ordinance for Temple Mall

- Limit uses that do not complement the current mall use or future redevelopment efforts for this “Mixed Use Activity Center” as it is designated in the 2020 Comprehensive Plan
- To provide the Planning and Zoning Commission, City Council and the public with an opportunity to provide input on how the Temple Mall and surrounding properties develop in the future

As a result, the rezoning requires site/development plan approval and compliance with development standards of new construction at 3107 S. 31st Street.

COMPREHENSIVE PLAN COMPLIANCE:

Future Development Map

The proposed Design Standards are consistent with the underlying Regional Commercial designation and the Mixed-Use Activity Center Overlay in the 2020 Comprehensive Plan, which encourages:

- Enhanced walkability
- Outparcel connectivity (similar to I-35 Corridor Overlay standards)

PUBLIC NOTICES: Twenty-three notices for the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property on November 4, 2020. As of Thursday November 12, 2020 1 response had been received in favor and 0 responses were received in opposition.

ATTACHMENTS:

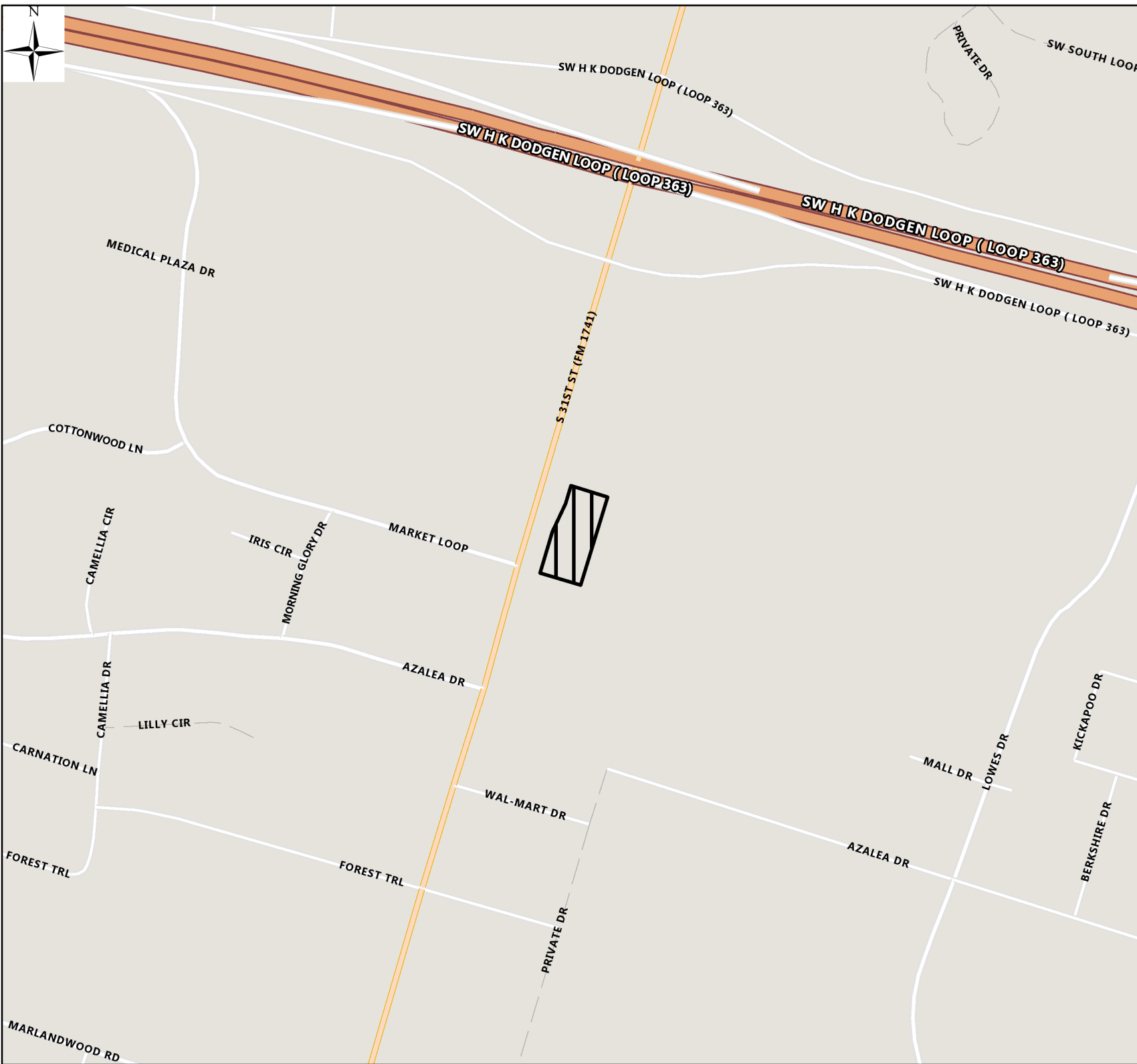
[Vicinity Map](#)

[Aerial Map](#)

[Site Plan](#)

[Elevations](#)

[Site and 123 Lake Rd. Location Photos](#)



PD SITE PLAN REVIEW

VICINITY MAP

Zoning Case :
FY-21-1-SITE

Address :
3107 S 31ST ST

- Case Area
- Railroad
- Temple Municipal Boundary
- Park Areas
- Streets**
 - EXPRESSWAY
 - MAJOR ARTERIAL
 - COLLECTOR
 - LOCAL STREET
 - MINOR ARTERIAL
 - PRIVATE
 - RAMP
 - Bell County Municipal Boundaries
 - TempleBoundary

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jdeckman
Date: 11/3/2020





PD SITE PLAN REVIEW

AERIAL PHOTO

Zoning Case :
FY-21-1-SITE

Address :
3107 S 31ST ST

-  Case Area
-  Railroad
-  Temple Municipal Boundary
-  Park Areas

Streets

-  EXPRESSWAY
-  MAJOR ARTERIAL
-  COLLECTOR
-  LOCAL STREET
-  MINOR ARTERIAL
-  PRIVATE
-  RAMP
-  Bell County Municipal Boundaries
-  TempleBoundary

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jdeckman
Date: 11/3/2020





Disclaimer:
 This plan is only conceptual in nature
 and used to estimate uses requested.
 This is not to be used for construction,
 permitting or purchasing purposes.

Today's Car Wash **Temple, Tx** **Refresh Option D**



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Elevations

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permitting or purchasing purposes.

Today's Car Wash
Temple, Tx
Refresh Option D



OCTOBER 20, 2020

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Elevations

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Today's Car Wash
Temple, Tx
Refresh Option D



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PROPOSED
ZONING CASE
For information, call
254.298.5668
WWW.254.298.5668

W
WOODMONT.COM
TEMPLE
MALL
LEASING
PAD SITES
AVAILABLE
FOR
INFORMATION
817.505.5894
JAKE MCCOY















**TODAY'S
CAR WASH**

JCT
317
TEXAS







PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

11/16/2020
Item #6
Regular Agenda
Page 1 of 2

APPLICANT: CITY OF TEMPLE

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning & Development
Amanda Rice, Assistant City Attorney

ITEM DESCRIPTION: Hold a public hearing to discuss and recommend action on proposed amendments to Chapter 14, Food and Food Establishments, of the City of Temple's Code of Ordinances related to mobile food unit zoning regulations.

ITEM SUMMARY: As part of the City's ongoing efforts to update and modernize the City's Code of Ordinances, City Staff has drafted proposed amendments to Chapter 14, Food and Food Establishments, of the City's Code (Chapter 14). These proposed amendments include the codification of the City's current mobile food unit (MFU) policy regulations.

Currently, the City's Planning & Development Department, in coordination with the City Secretary's Office, reviews mobile food unit (MFU) City permit applications, with the exception of ice cream trucks, to ensure that mobile food units comply with the City's MFU policy regulations, including site, parking, sanitation, and signage requirements. Under the City's MFU policy regulations, mobile food units are only allowed to operate in specified zoning districts on private property, unless the mobile food unit has a City permit or other City authorization that allows them to vend in other locations, such as at a special event or in the City's Santa Fe Plaza's new food truck court.

City Staff recommends codifying the City's MFU policy, regulating ice cream trucks, and adding additional MFU requirements. A summary of the proposed Chapter 14 amendments related to MFU zoning regulations are below:

- Updating the information required on a MFU application;
- Updating the permit suspension and revocation permit section of Chapter 14 to allow the City to deny, suspend, and revoke permits and hear appeals on these City actions;
- Specifying the zoning districts where MFUs may operate on private property and prohibiting the operation of MFUs in other locations, including public streets and City parks, unless otherwise authorized by law or City written authorization (e.g. City permit);
- Allowing ice cream trucks to sell in residential zoning districts on public right-of-way and imposing regulations related to the same;
- Creating regulations for push carts (which is a type of a MFU);

- Allowing MFU parking only on improved surfaces unless otherwise authorized by law or written City authorization (e.g. City permit);
- Creating MFU sign regulations;
- Requiring proof of MFU mobility;
- Providing MFU noise regulations related to amplification noise;
- Requiring City Fire Marshal inspections as a condition of receiving a City MFU permit and MFU operators' compliance with the Fire Marshal's fire and explosion safety standards and policies;
- Requiring a MFU operator's use of a central preparation facility as required by state law;
- Prohibiting utility connections, with the exception of electrical service, unless otherwise authorized by the City in writing;
- Providing water and wastewater requirements to protect the City's water and sewer systems;
- Requiring exterior surfaces of a MFU to be made of weather resistant materials;
- Requiring a MFU permit holder to report critical damage to their MFU to the City and the Bell County Public Health District;
- Unless authorized by other law or written City authorization (e.g. City permit), prohibiting the placement of anything outside of a MFU;
- Providing garbage and trash collection and removal requirements; and
- Updating Chapter 14's enforcement and penalty section.

PUBLIC NOTICE: The newspaper printed notice of the Planning & Zoning Commission public hearing on November 5, 2020 in accordance with state law.

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendments.

FISCAL IMPACT:

ATTACHMENTS:

- Draft of Chapter 14 with amendments (clean copy)
- Current version of Chapter 14

CHAPTER 14

FOOD AND FOOD ESTABLISHMENTS

ARTICLE I. IN GENERAL

Sec. 14-1. Adoption of Texas Food Establishment Rules and Bell County Public Health District Rules.

The City adopts by reference provisions of the current rules or rules as amended by the Executive Commissioner of the Health and Human Services Commission found in 25 Texas Administrative Code, Chapter 228, (Texas Food Establishment Rules or TFER), regarding the regulation of food establishments in this jurisdiction and all rules, regulations, and orders set forth by the Bell County Public Health District (BCPHD or the District) as they now exist and as they may be amended from time to time. All penalties, conditions, and terms of the Texas Food Establishment Rules and applicable BCPHD rules and regulations are adopted, and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions, and changes as set forth below.

Sec. 14-2. Purpose.

The purpose of this Chapter is the protection of the public health and safety of the citizens and visitors of the City of Temple by establishing minimum standards of sanitation and safety for food establishments.

Sec. 14-3. Definitions.

The following definitions are provided for interpretation and application of this Chapter, and where permitted, enhance definitions found in state regulations. Any definitions not listed are to be understood as defined by applicable state regulations.

Approved means acceptable to the City or the BCPHD based on a determination of conformity with principles, practices, and generally recognized standards that protect public health or safety.

Authorized agent means an employee of BCPHD who represents the District and member entities of the District, including the City, in conducting the duties and responsibilities under the purview of the Health District Agreement and any BCPHD order relating to retail food sanitation or as otherwise specified by city codes. As the agent represents those entities and is operating in the capacity conducting duties related to public health and service on their behalf, the agent is designated as and carries the privileges of a public servant for the purposes of enforcement of the laws, rules, and provisions of an applicable BCPHD order and specific city ordinances designated as the responsibility of BCPHD.

Central preparation facility, also known as a commissary or base of operations, means a facility that is an approved and permitted retail food establishment at which food is prepared, stored, and wrapped, a MFU is supplied with fresh water and ice, emptied of wastewater into a proper waste disposal system, and cleaned, including washing, rinsing, and sanitizing of those food-contact

surfaces or items not capable of being immersed in the MFU utensil-washing sink. A central preparation facility must be used as a base of operations for all MFUs. Use of a private residence as a central preparation facility is prohibited under the TFER.

City means the City of Temple, Texas, the City Council of Temple, Texas, or its representatives, employees, agents, or designees.

City Manager means the City's city manager or their designee.

Fire Marshal means the City's fire marshal or their designee.

Food establishment means a facility that prepares, stores, displays, serves, or sells food as defined by the TFER (TCS, Non-TCS, packaged or un-packaged) intended for human consumption whether or not the consumption is on site. The term includes restaurants, taverns, clubs, retail food stores, grocery stores, convenience stores, mobile food units, temporary food establishments, warehouses, universities or schools of higher education, mobile food unit commissaries, central prep facilities, or base of operations, or other establishments at the discretion of BCPHD. The term does not include those specifically excluded from this definition in the TFER, with the exception of a facility that sells prepackaged non-TCS foods. The term does not include school food service locations that are not a university or school of higher education. A school food service location will be required to meet standards for food handler certification/manager certification as defined in BCPHD's current Retail Food Sanitation Order.

Mobile Food Unit (MFU) means a vehicle mounted, self or otherwise propelled, self-contained food service operation, that is designed to be readily movable (including, but not limited to catering trucks, trailers, push carts, and roadside vendors) and used to store, prepare, display, serve, or sell food. Mobile units must completely retain their mobility at all times. A MFU does not include a stand or a booth. A roadside food vendor is classified as a MFU.

Operating a food establishment means manufacturing, packaging, producing, processing, transporting, storing, selling, commercially preparing, or otherwise handling food, ice, or drinks in a food establishment, whether the food, ice, or drinks are offered for sale, given in exchange, or given away for use as food or offered for human consumption.

Permit means a document issued by the BCPHD or the City that authorizes a person to operate a food establishment. Can also be referred to as a license. Both BCPHD and City permits are required to operate a food establishment within the City.

Permit holder means a person who possesses a valid permit to operate a food establishment.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other entity or their legal representatives, agents, or assigns.

Person in charge means the individual present at a location who is responsible for operating a food establishment at the time of inspection.

Texas Food Establishment Rules (TFER) means the current food establishment rules promulgated by the Texas Department of Health Services.

Time/Temperature Control for Safety (TCS) Foods mean foods that require time and temperature control for safety to limit pathogenic microorganism growth or toxin formation, and as further defined by the Texas Food Establishment Rules.

Temporary food establishment means a food establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration.

Secs. 14-5--14-15. Reserved.

ARTICLE II. PERMITS

Sec. 14-16. City permits required for food establishments.

- (a) A person may not operate a food establishment without a permit issued by the City unless the person is operating:
 - (1) A vending machine that only dispenses non-hazardous food; or
 - (2) A child's beverage stand as described by Tex. Loc. Gov't Code § 250.009, as amended.
- (b) A permit issued by the City under this Chapter:
 - (1) Is non-transferable and non-refundable;
 - (2) Authorizes the operation of the food establishment only at the location, for the type of food service, and for the permit holder for which the permit was granted;
 - (3) Expires on the date indicated on the permit unless sooner suspended or revoked for cause; and
 - (4) Must be renewed at least ten (10) days before the permit expires. A person renewing a permit must use the same procedure to renew a permit as required for an original permit application.
- (c) Incomplete applications for a permit issued under this Chapter will not be accepted. Failure to provide all required information or documentation or falsifying required information or documentation may result in denial, suspension, or revocation of a permit.
- (d) A valid permit issued under this Chapter must be posted in a location conspicuous to consumers in every food establishment regulated by this Chapter, including MFUs and temporary food establishments.

- (e) A food establishment permit holder, permit holder's employee, operator, person in charge may not violate any term or condition of a City food establishment permit.

Sec. 14-17. Permit applications.

- (a) Food establishment application process.

- (1) Before operating a food establishment, excluding temporary food establishments, in the City, the operator must submit to the City a BCPHD food dealer's permit, a completed City food establishment application, all documents and information deemed necessary by the City, and any applicable City fees and be issued a City permit.

- (b) MFU application process.

- (1) This Subsection does not apply to brick-and-mortar food establishments and temporary food establishments.
 - (2) The City mobile food unit application must contain the following information:
 - A. The name and address of the applicant and a copy of applicant's valid and current driver license;
 - B. The color, make, and model of the vehicle to be used for the proposed MFU;
 - C. Proof of vehicle insurance for the MFU;
 - D. Proof of a sales tax and use permit;
 - E. The signature of the applicant;
 - F. Proof that the MFU passed a fire safety inspection performed by the Fire Marshal and that the inspection is current;
 - G. The itinerary of location(s) where the MFU will be parked or operated and a site plan for each location;
 - i. If the locations are on private property, a written agreement from the owner(s) or authorized agent(s) of private property agreeing that the MFU may park on or operate from the property.
 - H. The days and hours of operation for the MFU;
 - I. A listing of all food items to be sold;
 - J. A copy or description of proposed signage to be affixed to the MFU;

- K. A notarized statement from the owner of a central preparation facility stating that the MFU uses the facility as its base of operation and the current health inspection report from the health authority having jurisdiction over the facility if the applicable health authority requires central preparation facilities to be inspected;
- L. A water and wastewater plan that complies with all local, state, and federal laws, rules, and regulations; and
- M. If proposing to be at one location for more than two (2) hours, a written agreement from a property owner or the owner's agent for the employees of the MFU to have use of a property owner's toilet facility. The toilet facility must be within 500 feet of the MFU, have a flushable toilet and running hot and cold water, and be accessible during hours of operation.

(c) Temporary food establishment application process.

- (1) Before operating a temporary food establishment within the City, including, but not limited to, a mobile food unit or a food vendor stand, the operator must provide to the City and be issued a City permit or written authorization to operate:
 - A. A copy of the applicant's accredited food handler's certification or registration card and/or certified food manager's certificate, as applicable;
 - i. The City may require an applicant to provide a BCPHD food handler's certification or registration card;
 - B. All documents and information deemed necessary by the City;
 - C. Any applicable City permit fees; and
 - D. A completed City application, including a vendor or special event application, for the temporary food establishment.
- (2) A person who receives a City permit for a temporary food establishment may be required to submit to and pass a fire safety inspection performed by the Fire Marshal and a food sanitation inspection performed by an authorized agent prior to beginning operation within the City. The City or an authorized agent may designate the times and locations of required inspections.
 - A. A permit holder who fails to pass either a fire safety or food sanitation inspection may not operate within the City.
- (3) Subsections (c)(1)-(2) do not apply to food establishments, including MFUs, that operate within the City for a period longer than fourteen (14) consecutive days in conjunction with a single event or celebration.

Sec. 14-18. Denial, suspension, and revocation of BCPHD permit.

BCPHD may deny, suspend, and revoke a permit as provided by BCPHD's current retail food sanitation order.

Sec. 14-19. Suspension, denial, and revocation of City permit.

(a) Permit denial or revocation.

- (1) The City may deny or revoke a permit issued under this Chapter if the food establishment permit holder, permit holder's employee, the person in charge, or operator:
 - A. Commits critical or repeated violations of applicable law;
 - B. Knowingly provides false information on an application; or
 - C. Interferes with an authorized agent or the City in the performance of their duties.
- (2) Before denying or revoking a permit, the City will provide the permit holder or person in charge with written notice of the pending permit revocation or denial. The written notice will include:
 - A. The reason the permit is subject to denial or revocation; and
 - B. If applicable:
 - i. The date on which the permit is scheduled to be revoked; and
 - ii. A statement that the permit will be revoked on the scheduled date unless the permit holder timely files an appeal as provided under Subsection (d), below.

(b) Permit Suspension.

- (1) The City may suspend any permit issued under this Chapter without prior notice or hearing if:
 - A. The food establishment permit holder, permit holder's employee, person in charge, or operator does not comply with this Chapter;
 - B. The food establishment does not comply with this Chapter; or
 - C. The food establishment constitutes a substantial hazard to public health or safety.

(2) Suspension is effective upon service of notice as provided by Subsection (c), below. When a permit is suspended, food operations must immediately cease.

A. Whenever a food establishment is required under the provisions of this Section to cease food operations, it may not resume operations until such time as a reinspection by the City or BCPHD determines that conditions responsible for the requirement to cease operations no longer exist. Opportunity for reinspection will be offered within a reasonable time.

B. The City may reinstate a permit if the reason for suspension no longer exists.

(3) A permit holder may appeal a suspension as provided under Subsection (d), below.

(c) Service of notice.

A notice as required in this Section is properly served when it is delivered in writing to the permit holder or the person in charge when:

(1) The permit holder or person in charge is personally served with the denial, suspension, or revocation;

(2) Five (5) calendar days after the City deposits the denial, suspension, or revocation in the mail.

(d) Appeal; hearing.

(1) The applicant or permit holder must file a written request to appeal and request a hearing with the City within ten (10) calendar days following service of notice of a permit denial, suspension, or revocation. If no written appeal and request for hearing is filed within this period, the denial, suspension, or revocation will become final.

(2) The hearings provided for under this Subsection will be conducted by a hearing officer designated by the City Manager at a time and place designated by the City. This hearing must be scheduled no more than ten (10) business days of the City's receipt of a request for a hearing. Based upon the evidence of the hearing, the hearing officer must make final findings and sustain, modify, or rescind any notice, suspension, or revocation considered in the hearing. A written report of the hearing decision must be furnished to the permit holder by the City.

Secs. 14-20--14-30. Reserved.

ARTICLE III. REQUIREMENTS FOR MFU OPERATORS

Sec. 14-31. Permitted locations for MFU operation.

Unless otherwise provided by this Chapter by other local, state, or federal law, or authorized by the City in writing, mobile food units may:

- (a) Only operate in the following zoning districts: AG, TMED, O-1, O-2, GR, C, CA, LI, HI, and limited MU zoning districts; and
- (b) Not operate a MFU:
 - (1) In a public right-of-way, including a public street;
 - (2) Where such activity might impede or inconvenience the public, cause a traffic hazard, violate a local or state law, rule, or regulation, or interfere with on-site traffic circulation or parking;
 - (3) In private parking spaces that are required to serve the principal business on the site per the required parking ratios in Sec. 7.5.4.B. and Sec. 6.9 of the City's Unified Development Code;
 - (4) In an intersection visibility triangle; or
 - (5) In a City park or on other City property.

Sec. 14-32. Ice cream trucks permitted to operate in residential zoning districts.

- (a) Regardless of Sec. 14-31 (*Permitted Locations for MFU Operation*), above, a mobile food unit vehicle operator selling only pre-packaged, fully and individually wrapped ice cream, frozen desserts, or other novelty frozen foods (ice cream trucks) may operate their MFU in residential zoning districts in public right-of-way.
- (b) Unless otherwise approved in writing by the City:
 - (1) All ice cream trucks must:
 - A. Have an automatic flashing device consisting of two lamps at the front of the vehicle, mounted at the same level and as widely spaced laterally as possible and displaying simultaneously flashing amber lights, and two (2) lamps at the rear of the vehicle mounted at the same level and as widely spaced laterally as possible and displaying simultaneously flashing amber lights, to be used at all times while the vehicle is in use for food service or solicitation of sales,
 - B. Display signs in front and rear of the vehicle bearing the word "CAUTION-CHILDREN" in block style letters not less than six (6) inches high, and
 - C. Have installed a rear bumper cover to prevent children from standing or jumping on the rear of the vehicle;

- (2) A person may not sell ice cream, frozen desserts, or other novelty frozen foods from a MFU before sunrise or after sunset;
- (3) Prior to making a sale or dispensing such frozen dessert products the operator of an ice cream truck must drive to the side of the street, as close as practicable to the curb, and if there is no curb, then as close as practicable to the hedge of the paved portion or the edge of the portion used for vehicular traffic of said road and must stop, stand, or park such vehicle in full compliance with all applicable ordinances of the city and statutes of the state, and particularly ordinances governing the stopping, standing, or parking of vehicles, and such vehicle must remain so stopped, standing or parked for no longer than is necessary to make the immediate sale or to dispense such frozen dessert products. An ice cream truck operator may not park and wait for customers at any location.
- (4) Ice cream truck operators may not vend within one block of any block containing an elementary or junior high school or middle school during school hours or within one hour before or after school hours on a day that school is scheduled to be in session.

Sec. 14-33. Push Carts.

Unless otherwise provided by this Chapter by other local, state, or federal law, or authorized by the City in writing, a push cart MFU operator may not:

- (a) Use a push cart that exceeds 6 ft. × 4 ft. × 3 ft.;
- (b) Enter or occupy a public roadway to solicit or conduct a sale;
- (c) Place any signs on public property other than those signs affixed to the vehicle;
- (d) Physically or visibly obstruct pedestrian and vehicular traffic;
- (e) Sell, distribute, or offer for sale, goods, or services that have not been approved by the BCPHD or, if applicable, by the City; or
- (f) Be located within a construction area.

Sec. 14-34. Parking on improved surfaces.

MFUs must be parked, stopped, and stood on asphalt or concrete at all times unless otherwise approved in writing by the City or by other local, state, or federal law.

Sec. 14-35. Signs.

- (a) A MFU may only display signs attached to the exterior of the MFU and one sandwich board sign.
 - (1) Signs attached to the exterior of the MFU:

- A. Must be secured and mounted flat against the MFU; and
 - B. May not project more than six (6) inches from the exterior of the mobile food unit.
- (2) Sandwich board signs:
- A. May only be displayed while the MFU is operating;
 - B. Must not interfere with pedestrian or vehicular access;
 - C. May not exceed a total of six (6) square feet per sign face; and
 - D. May not be placed more than ten (10) feet away from the MFU.
- (b) The MFU must be clearly and legibly marked with the food establishment's name or a distinctive identifying symbol. The lettering must be at least three (3) inches in height and of a color contrasting with the background color. If a symbol is used, it must be at least twelve (12) inches in diameter or of an equivalent size.
- (c) A MFU must display proof of a current City fire safety inspection in a location that is conspicuous to consumers.

Sec. 14-36. Proof of ready mobility and re-inspections.

- (a) BCPHD or the City may require a MFU to come, on an annual basis or as often as required, to a location designated by BCPHD or the City as proof that the MFU is readily moveable.
- (b) An authorized agent or the City may require that any MFU found to violate this Chapter come to a location designated by the authorized agent or the City for re-inspection.

Sec. 14-37. Noise.

- (a) A MFU operator must not emit any amplified sound from a MFU unless authorized by the City in writing or as provided by Subsection (b), below.
- (b) Ice cream truck operators may play amplified music while driving in residential zoned areas if:
 - (1) The music does not violate the City's current sound ordinance;
 - (2) The music is not audible more than 100 yards from the ice cream truck;
 - (3) The music is not broadcast within 100 yards of schools during school hours when school is in session or within 100 yards of hospitals, churches, courthouses, funeral homes, or cemeteries; and

- (4) The operator turns off the music while stationary except when stopped at a controlled intersection.

Sec. 14-38. MFU fire safety.

- (a) A person may not operate a MFU without a current fire safety inspection conducted by the Fire Marshal showing compliance with the City's fire and explosion safety standards and the City's current fire code. MFU fire inspections will be valid for one year.
- (b) Unless otherwise required by the Fire Marshal, mobile food units must be separated from existing buildings and other mobile food units by a minimum of ten (10) feet and separated from any building entrances or exits by twenty (20) feet.
- (c) The Fire Marshal may establish fire and explosion safety standards and policies for MFUs, including, but not limited to, establishing fire safety requirements, providing when MFU fire safety inspections will be conducted, such as designating times, days, and locations for fire safety inspections, and regulating how proof of inspections must be displayed on MFUs (e.g. decals, stickers, etc.).
- (d) The Fire Marshal may assess fees for fire safety inspections, including fees for fire safety inspections and decals.
- (e) Fire safety inspections during MFU operation.
 - (1) The Fire Marshal may conduct fire safety inspections on a MFU during the MFU's hours of operation and other reasonable times.
 - (2) If after the Fire Marshal presents official credentials and requests to conduct a fire safety inspection, the permit holder or the person in charge refuses access, the Fire Marshal may apply for a warrant to gain access to the MFU as provided by law. The Fire Marshal is not required to obtain a warrant if a legal exception to the warrant requirement applies.
 - (3) If during a fire safety inspection, the Fire Marshal determines that an MFU is not in compliance with the City's fire and explosion safety standards or the City's current fire code, the permit holder or person in charge must cease operations immediately and may not operate until the Fire Marshal authorizes food operations to resume.
 - (4) Failure to comply with a fire and explosion safety standard or policy or a provision of the City's current fire code may result in the MFU's City permit being denied, suspended, or revoked.
- (f) Failure to comply with a fire and explosion safety standard or policy established by the Fire Marshal or the City's current fire code is an offense under this Chapter.

Sec. 14-39. Servicing at central preparation facilities.

- (a) Food for public consumption must be prepared and stored at the MFU's central preparation facility or inside the mobile food unit. Food for public consumption may not be prepared or stored at any other location, including, but not limited to, an unpermitted kitchen pursuant to 25 Tex. Admin. Code § 228.62, as amended.
- (b) MFUs must report to an approved central preparation facility for supplies, cleaning, and servicing operations as follows:
 - (1) The interior of the MFU must be cleaned at least daily;
 - (2) The MFU must be stored at a location not used as a residence when not in operation.
 - (3) An existing food establishment may serve as a central preparation facility for a MFU only if approved by the BCPHD and the City. The existing food establishment is required to have an approved vehicle storage facility, approved potable water connections, an adequately sized grease interceptor with the ability to accept MFU wastewater, and any other accommodations as determined necessary by the BCPHD or the City to ensure compliance with all regulatory codes.
 - (4) The MFU must maintain documentation of each visit to its central preparation facility and must have that documentation available for inspection. This documentation must contain the dates, and times, and the signature of the central preparation representative verifying when the MFU visited its central preparation facility and which service were performed during each visit.
- (c) It is unlawful for an operator of a MFU to be in operation without a valid servicing record in his possession. The operator of a MFU must keep and maintain servicing records on the MFU for a period of one year from the date of servicing. The servicing records must be immediately available to any City employee or authorized agent for inspection.

Sec. 14-40. Utility connections.

Unless otherwise approved by the City in writing, utility connections to mobile food units are limited to only electrical service in full compliance with the City's and the state's currently adopted electrical code. If these codes conflict, the stricter provision prevails. All electrical extension cords must be of industrial grade quality and utilized in a safe manner as not to be a nuisance or a trip hazard.

Sec. 14-41. Water and wastewater requirements.

If liquid waste results from the operation of a mobile food unit, the MFU permit holder, the permit holder's employee, operator, or person in charge must comply with the following requirements:

- (a) Store the liquid waste in a permanently installed, vented retention tanks that meet state and local requirements. Retention tanks must be drained and thoroughly flushed during servicing operations;
- (b) Discharge all liquid waste to an approved grease interceptor at the MFU's central preparation facility. In no circumstances may the person in charge of a MFU discharge liquid waste from the MFU onto the ground, roadway, or into any drainage infrastructure. Used fats, oils, or grease may not be discharged to any unauthorized food establishment grease interceptor;
- (c) Not discharge liquid waste from retention tanks when the mobile food unit is at an operational location unless the connection is approved by the City in writing;
- (d) Ensure that the waste connection of the MFU is located below the water connection to preclude contamination of the potable water system;
- (e) Not connect to a sewerage system at an operation location unless approved by the City in writing;
- (f) Water connections that have been approved by the City must be connected through food grade hoses with proper backflow protection; and
- (g) Comply with all local, federal, and state laws, rules, and regulations related to liquid waste, including the City's liquid waste regulations.

Sec. 14-42. Exterior surfaces of MFUs.

Exterior surfaces of MFUs must be of weather resistant materials and comply with all applicable laws, rules, and regulations.

Sec. 14-43. Damage report.

Any accident involving a mobile food unit that results in damage to the water system, waste retention tank, food service equipment, or any facility that may result in the contamination of the food being transported or any damage that results in a violation of this Chapter must be reported to the City and BCPHD within 24 hours of the time the accident occurred. All reports must be made by the City MFU permit holder.

Sec. 14-44. Operation capacity limited.

- (a) Unless otherwise provided by this Chapter or authorized by the City in writing, MFU operators and permit holders:
 - (1) Must prepare, serve, store, and display food and beverages on or in the mobile food unit itself;

- (2) May not attach, set up, or use any other device or equipment intended to increase the selling, serving, storing, or displaying capacity of the MFU, including, for example, selling food from a table under a free-standing canopy;

A. All food vending must be done from the MFU.

- (3) May not allow or place items such as, but not limited to, brooms, mops, hoses, equipment, containers, and boxes or cartons to remain adjacent to or beneath the MFU; and
- (4) May not place any tables, umbrellas, canopies, patio heaters, chairs, plants, signs, furniture, or other appurtenances outside of the MFU.

Sec. 14-45. Garbage and trash.

- (a) MFU operators must provide covered garbage and trash receptacles for employee and customer use of sufficient size that refuse is fully contained in a manner that prevents litter and remains insect- and rodent-proof.
- (b) Before a MFU leaves a vending site, the MFU operator must remove all garbage and trash caused by the MFU's business, its employees, and its customers from the vending site. Excessive garbage and trash may not be allowed to accumulate inside or around the mobile food unit.
- (c) All garbage and trash must be disposed of in an approved garbage receptacle.

Secs. 14-46--14-55. Reserved.

ARTICLE IV. FOOD ESTABLISHMENT REQUIREMENTS

Sec. 14-56. Requirements for food establishment permit holders.

Food establishment permit holders must comply with:

- (a) All applicable local, state, and federal laws, rules, and regulations, including, but not limited to, the City's most current ordinance regulating the disposal of liquid waste and wastewater, BCPHD's current retail food sanitation order, and the TFER; and
- (b) The terms and conditions of their permit.

Sec. 14-57. Food Establishment Construction and Remodel.

- (a) Whenever a food establishment is constructed or extensively remodeled or whenever an existing structure is converted to use as a food establishment, properly prepared plans and specifications for such construction, remodeling, or conversion must be submitted to the City and, if required, to BCPHD for review and approval before work is begun.

- (1) Extensive remodeling means that twenty percent (20%) or greater of the area of the food establishment is to be remodeled.
- (2) The plans and specifications for the food establishment must include, as required by the City based on the type of operation, type of food preparation, and foods prepared the following information:
 - A. Intended menu;
 - B. Anticipated volume of food to be stored, prepared, and sold or served;
 - C. Proposed layout, mechanical schematics, construction materials, and finish schedules;
 - D. Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;
 - E. Evidence that standard procedures that ensure compliance with the requirements of the TFER are developed or are being developed; and
 - F. Other information that may be required by the City for the proper review of the proposed construction, conversion or modification, and procedures for operating a food establishment.
- (c) Failure to follow the approved plans and specifications may result in BCPHD or City permit denial, suspension, or revocation.
- (d) The Fire Marshal may perform a fire safety inspection prior to operation of a newly constructed or extensively remodeled food establishment or converted structure prior to food operation if the Fire Marshal determines that such an inspection is needed for fire safety.

Sec. 14-58. City and BCPHD inspection.

- (a) The City and authorized agents may conduct inspections of a food establishment during the food establishment's hours of operation and other reasonable times to determine compliance with this Chapter and any term or condition of a City permit issued under this Chapter.
- (b) If after the City or an authorized agent presents official credentials and requests to conduct an inspection under this Section, the permit holder or the person in charge refuses access, the City or authorized agent may apply for a warrant to gain access to the food establishment as provided by law. The City or authorized agent is not required to obtain a warrant if a legal exception to the warrant requirement applies.

Secs. 14-59--14-63. Reserved.

ARTICLE V. MISCELLANEOUS

Sec. 14-64. Sale of unsound, unwholesome food prohibited.

It is unlawful for any person in the City to sell, offer, or expose for sale any unsound, unwholesome, spoiled, or putrid food.

Sec. 14-65. Fees.

- (a) All fees for permits issued under this Chapter will be set by City Council by resolution.
- (b) All fees related to fire safety, including fees assessed for fire safety inspections and decals, will be set by City Council by resolution.

Sec. 14-66. Enforcement.

- (a) Criminal prosecution.
 - (1) A person who violates a provision of this Chapter, policy or standard established under this Chapter, or term or condition of a permit issued under this Chapter is guilty of Class C misdemeanor. A person commits a separate offense for each day or part of a day during which a violation is committed or continued.
 - (2) For offenses punishable by a fine not to exceed five hundred dollars (\$500), a culpable mental state is not required for the commission of an offense under this Chapter. For offenses punishable of a fine up to two thousand dollars (\$2000), the state must prove that the defendant committed the offense intentionally, knowingly, recklessly, or with criminal negligence.
 - (3) Each offense is punishable by a fine not to exceed:
 - A. Two thousand dollars (\$2000) for a violation of a provision of this Chapter, policy or standard established under this Chapter, or the terms or conditions of a permit issued under this Chapter governing fire safety, zoning, or public health and sanitation, including dumping of refuse; or
 - B. Five hundred dollars (\$500) for all other violations of this Chapter, policy or standard established under this Chapter, or term or condition of a permit issued under this Chapter.
- (b) Civil remedies.

The City may seek to enjoin violations of these rules and any other civil remedies available under law.
- (c) Non-exclusive remedies; other enforcement.

- (1) The City's decision to pursue civil or criminal remedies is not exclusive; the City may pursue criminal or civil remedies, or both, for any offense committed under this Chapter.
- (2) Enforcement under this Chapter does not preclude enforcement or prosecution by BCPHD, the state, or any other authority under local, state, or federal law.

Sec. 14-67. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion must be deemed a separate, distinct, and independent provision and such holding may not affect the validity of the remaining portions of this ordinance.

Chapter 14

FOOD AND FOOD ESTABLISHMENTS

ARTICLE I. IN GENERAL

Sec. 14-1. Sale of unsound, unwholesome, etc., food prohibited.

It shall be unlawful for any person to sell, offer or expose for sale, in the city, any unsound, unwholesome, spoiled or putrid eggs, vegetables, fruit or other food.

Secs. 14-2--14-10. Reserved.

ARTICLE II. FOOD SERVICE

DIVISION 1. GENERALLY

Sec. 14-11. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Approved. Acceptable to the health officer based on his determination as to conformance with appropriate standards of good public health practice. Such approval shall be in writing and signed by the health officer or his authorized representative.

Caterer. A food service establishment where food is completely or partially prepared for delivery to a single customer, i.e., an individual, partnership, corporation, association or other legal entity; and this food is transported to the customer at a separate location where it is meant to be served and consumed.

Closed. Without openings large enough for the entrance of insects or other vermin.

Cold storage. The storing and preservation of food products by cold through means of mechanical or electrical refrigeration.

Commissary. Any kitchen where food is prepared and packaged for individual consumption, to be transported by the person preparing the food or his agent to another location off the premises.

Convenience store. A retail food store having less than twenty-five hundred (2,500) square feet of space in which food is kept and/or displayed.

Corrosion-resistant materials. Those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions of the use or

environment.

Easily cleanable. Surfaces are readily accessible and made of such material and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

Employee. Any individual having supervisory or management duties and any other person working in a food establishment.

Equipment. Stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items, other than utensils, used in the operation of a food establishment.

Filth. Dust, dirt, insect excretions or secretions, insect body parts, rodent hairs or excretions, feathers, or any foreign or injurious contamination.

Food. Any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

Food-contact surface. Those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip or splash back onto surfaces normally in contact with food.

Food establishment. All food service establishments and food processing establishments.

Food processing establishment. A commercial establishment in which food is manufactured or packaged for human consumption and all commercial establishments bottling water or other liquids intended for human consumption. The term "food processing establishment" does not include a food service establishment or commissary operation.

Food service establishment. Any place where food is prepared and intended for individual portion service and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches intended for individual portion service, commissaries and retail food stores. The term does not include private homes where food is prepared or served for individual family consumption, the location of food vending machines or supply vehicles.

Garbage. Every accumulation of animal, vegetable and other waste matter that attends the preparation, handling, consumption, storage or decay of plant and animal matter, including meats, fish and seafoods, birds, fruit, vegetable or dairy products and the waste wrappers or containers thereof.

Health officer. The director of public health of the city or his authorized

representatives.

Hermetically sealed container. A container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its content after processing.

Kitchenware. The term "kitchenware" shall mean all multiuse utensils other than tableware.

Law. All applicable federal, state and local statutes, ordinances and regulations.

Mobile food unit. A vehicle-mounted food service establishment designed to be readily moveable.

Packaged. Bottled, canned, cartoned or securely wrapped.

Perishable food. Any food of such type or in such condition as may spoil.

Person. An individual, partnership, corporation, association, trustee or other legal entity.

Person in charge. The individual present in a food establishment who is the apparent supervisor of the food establishment at the time. If no individual is the apparent supervisor, then each employee present shall be deemed to be the person in charge.

Potable water. Water from an approved source which has been determined by the health officer after appropriate testing as suitable for human consumption.

Potentially hazardous food. Any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of four and five-tenths (4.5) or below or a water activity (Aw) value of eighty-five hundredths (0.85) or less.

Produce. All vegetables, fruits, nuts, berries, melons, cantaloupes and other edible plant material.

Reconstituted. Recombining dehydrated food products with water or other liquids.

Refuse. All putrescible and nonputrescible solid and semisolid wastes, including garbage, rubbish and ashes.

Retail food store. Any establishment where food and food products are offered for sale to the ultimate consumer and intended for off-premise consumption; provided, however, the term shall not include an establishment where food is primarily prepared and sold for

individual portion service.

Rubbish. Nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, waste metal, tin cans, yard clippings, wood, glass, crockery, plastics and similar materials.

Safe materials. Articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. If materials are food additives or color additives as defined in Section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act as used, they are "safe" only if they are used in conformity with regulations established pursuant to Section 409 or Section 706 of the act. Other materials are "safe" only if they are not food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act, as used.

Sanitization. Effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

Sealed. Free of cracks or other openings that permit the entry or passage of moisture.

Single-service articles. Caps, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks and similar articles designed for one-time, one-person use and then discarded.

Tableware. Multiuse eating and drinking utensils including flatware (knives, forks and spoons).

Temporary food service establishment. Any food service establishment that operates at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration.

Utensils. Any implement used in the storage, preparation, transportation or service of food.

Wholesome. In sound condition, clean and otherwise suitable for use as human food.

Sec. 14-12. Penalty; compliance with article.

(a) All provisions of this article shall be applicable to all food establishments unless specifically limited to food processing establishments or to food service establishments.

(b) No food service establishment or food processing establishment shall be operated within the city unless it conforms with the requirements of this article.

(c) Unless otherwise provided, any person who violates any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of

not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00); provided, however, if such person is convicted of an offense under this article which offense is also a violation of Article 4476-5, Section 3, Vernon's Texas Civil Statutes, such person shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00); and for the second or subsequent offense shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or imprisonment in the county jail for a period of not more than one year, or both such fine and imprisonment. However, nothing in this article shall be construed as requiring the health officer to report minor violations of this article for prosecution whenever the health officer believes the public interest will be adequately serviced in the circumstances by a warning.

(d) A permit holder shall insure that the food establishment or mobile food unit is in full compliance with this article at all times.

(e) The person in charge shall insure that the food establishment is operated in full compliance with this article and that all food is stored, prepared, displayed and served in accordance with the provisions of this article.

Sec. 14-13. Inspections.

The health officer shall inspect every food establishment located within the city as often as it is deemed necessary. The health officer may take and examine samples of food, drink and other substances found on the premises for the detection of unwholesomeness and adulteration, and may condemn and forbid the sale of, and cause to be removed or destroyed, any food or drink which is unwholesome or adulterated.

If one or more violations occur which do not present an imminent hazard to the public health, the health officer shall immediately notify the permit holder thereof and shall make a second inspection after the lapse of such time as he deems necessary for the deficiencies to be corrected. Any violations of the same items on the second inspection shall be grounds for immediate suspension of the permit and/or court action.

In other cases involving situations in which an imminent health hazard does exist, such as a sewage backup into the establishment or a complete lack of sanitization or refrigeration, the establishment shall immediately cease food service operations and the permit shall be suspended.

Whenever a food establishment is required to cease operations under the provisions of this section, it shall not resume operations until such time as a reinspection determines that conditions responsible for the requirement to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.

Food from food establishments outside the jurisdiction of the City of Temple may be sold within the City of Temple provided such food establishments maintain a valid permit issued under Bell County regulations.

The health officer shall post one copy of the inspection report upon a wall inside the

food service establishment, retail food store or mobile food service unit, and such inspection report shall be displayed in clear view and shall not be defaced or removed except by the health officer. He shall file one copy of the inspection report with the records of his office.

Sec. 14-14. Application of requirements to itinerant restaurants.

The sanitation requirements set out in this article shall be applicable to itinerant restaurants, insofar as practicable. The health officer is authorized to make such inspections of itinerant restaurants as he may deem necessary for the protection of public health and require such compliance with provisions of this article as will, in his judgment, safeguard the public health. No itinerant restaurant shall be operated more than ten (10) days in any calendar year and any operation for a longer period than ten (10) days shall subject such itinerant restaurant to all the provisions of this article, including, but without limitation, provisions requiring permits, permanent installations, prescribed equipment and specifications for floors, screens and all other improvements.

Sec. 14-15. Adoption of state rules.

This article shall be enforced by the health officer in accordance with Article 4476-5, (Texas Food, Drug and Cosmetic Act), Vernon's Annotated Civil Statutes, together with the latest edition of Texas Health Department Rules interpreting the cited statute for food establishments and retail food stores and the provisions of this article. The cited rules as they now exist and as they may be amended from time to time, are adopted by reference and made a part of this article except as otherwise provided herein and will be used as the basis for required food sanitation standards.

Sec. 14-16. Submission of plans.

Contents and approval. Whenever a food establishment is constructed or remodeled and whenever an existing structure is converted to use as a food establishment, three (3) sets of properly prepared plans and specifications for each construction, remodeling or alteration is begun. The plans and specifications shall indicate the proposed layout, arrangement and construction materials of work areas, and the type of proposed fixed equipment and facilities. The health officer shall approve the plans and specifications if they meet the requirements of this article. No food establishment shall be constructed, remodeled or altered except in accordance with plans and specifications approved by the health officer. If any changes are to be made concerning proposed layout, arrangement and construction materials of work areas, and the type of proposed fixed equipment and facilities after the first set of approved plans and specifications have been delivered to the owner or contractor, such changes shall be shown on revised plans and specifications and shall be reviewed and approved by the health officer before such changes are made and shall appear on all three (3) original sets of plans and specifications.

Disposition of approved plans and specifications. One set of the approved plans and specifications will be given to the owner or contractor responsible for the construction of the establishment. A second set of approved plans and specifications will be transferred to the

representative of the health officer responsible for the pre-operational inspection and will be signed over to the establishment owner by said representative upon completion of construction and issuance of a permit. A third set of approved plans and specifications will remain on file with the health officer.

Pre-operational inspection. Whenever plans and specifications are required by this section of this article to be submitted to the health officer, the health officer or his authorized representative shall inspect the food establishment prior to its beginning operation to determine compliance with the approved plans and specifications and with the requirements of this article.

Additional requirements. The requirements of this section shall be in addition to all applicable requirements of the Building Code of the City of Temple.

Sec. 14-17. Extensions.

A food establishment licensed at the time of enactment of this article which must undertake alterations or remodeling of its present facilities in order to comply with the minimum requirements of this article may apply for an extension of time to complete such work. Upon such application, the health officer shall grant a reasonable time, not to exceed six (6) months, for completion of such alterations or remodeling if good cause is shown as to why the necessary changes could not be accomplished between the time this article was finally passed and the date this article became effective.

Sec. 14-18. Construction of article; effective date.

(a) This article shall be liberally construed and applied to promote its underlying purpose of protecting the public health.

(b) The provisions of this article shall become effective ninety (90) days from passage by the city council of the City of Temple, except section 14-37 shall become effective twelve (12) months from passage of this article.

Secs. 14-19, 14-20. Reserved.

DIVISION 2. FOOD DEALER'S PERMIT

Sec. 14-21. Required.

No person shall operate a food processing establishment, food service establishment, temporary food establishment or mobile food unit who does not possess a valid permit issued to him by the health officer. Such permit shall be known as a "food dealer's permit." Only a person who complies with the requirements of this article shall be entitled to receive or retain such a permit. Permits are not transferable from one person or place to another person or place. A valid permit shall be posted in view of the public in every food service establishment and every temporary food service establishment. Permits for temporary food service establishments shall be issued for a period of time not to exceed fourteen (14) consecutive

days. All "food dealer's permits" shall remain the property of the Bell County Health Department.

Sec. 14-22. Application.

Any person desiring to obtain a food dealer's permit shall make written application for such permit on forms provided by the health officer. Such application shall include the applicant's full name and post office address and whether such applicant is an individual, firm or corporation, and, if a partnership, the names of the partners, together with their addresses; the location and type of proposed food processing or food service establishment; and the signature of the applicant or applicants. If the application is for a temporary food service establishment, no permit shall be granted unless the application also sets out the inclusive dates of the proposed operations, and the name, address and telephone number of the owner or owners of the property where the temporary food service establishment is to be located, and attached to such application is a statement signed by the owner(s) of the property or his authorized agent stating that arrangements have been made for the proper disposal of all rubbish, trash and garbage and for maintaining the property free from litter and nuisance during the total period of operation up to and including any cleanup time required to remove all rubbish, trash, garbage and litter resulting from the food service. A description of such arrangements and the attendant facilities must be included.

Sec. 14-23. Inspection of establishment; issuance of permit.

Prior to approval of an application for a permit, the health officer shall inspect the proposed establishment and premises to determine compliance with the provisions of this article.

The health officer shall issue a permit to the applicant if inspection reveals that the proposed food establishment complies with the requirements of this article.

Sec. 14-24. Fees.

Fee due upon issuance or renewal. At the time of issuance of an original food dealer's permit and each renewal thereof, the person requesting the permit shall pay the city controller or other designated city official a permit fee for one complete year from the date of issuance.

Food dealer's permit. The fee for a dealer's permit shall be thirty-five dollars (\$35.00) per year. Food service establishments which operate exclusively as a part of a hospital, nursing home, day care center, home or center for the aged, or any other medical care institution or facility that is licensed by the State of Texas, or as a public school or college, a church kitchen or a recognized fraternal organization shall be charged no fee; however, they must otherwise comply with the applicable provisions of this article.

Mobile food service units. At the time of issuance of an original food dealer's permit to the operator of a mobile food service unit and each renewal thereof, the person requesting said food dealer's permit shall pay the city controller or other designated city official a fee of five dollars (\$5.00) for one complete year from the date of issuance.

Sec. 14-25. Permit valid for one year.

A food dealer's permit shall be valid for one year from the date of issuance and shall be renewed on or before the first day after the expiration date of the previous permit.

Sec. 14-26. Suspension of permit.

The health officer may suspend any food dealer's permit with such notice as is reasonable under the circumstances, if the permit holder does not comply with the requirements of this article, or if the operation of the food processing or food service establishment or the mobile food service unit otherwise constitutes a substantial hazard to public health. Suspension is suspended, food processing and/or food service operations shall immediately cease.

Sec. 14-27. Notice of suspension of permit.

Whenever a permit is suspended, written notice shall be given to the permit holder or the person in charge or any employee or agent of the food service establishment or mobile food service unit. Such notice shall set forth:

- (1) The specific condition(s) in the food establishment or mobile unit which are in violation of this article;
- (2) The specific condition(s) which constitute a substantial hazard to public health;
- (3) That a hearing will be held before the health officer or his designate at the request of permittee;
- (4) The date, time and place of such hearing;
- (5) That the permit holder may appear in person and/or be represented by counsel and he may present testimony and may cross-examine all witnesses.

Such hearing shall be held not later than ten (10) days after the date the permit is suspended.

Sec. 14-28. Removal of permit.

Whenever a permit is suspended, it shall be physically removed from the premises by the health officer and retained at the health department until the suspension has terminated.

Sec. 14-29. Hearings.

All hearings shall be held by the director of the Bell County Health Department or his designated representative. Such official shall be referred to as the hearing officer. However, the director of the Bell County Health Department shall not designate any person or persons to perform the duties of hearing officer under this section who has participated in the inspection or inspections of such food establishment or mobile unit, or who has prior knowledge of the allegations or circumstances discovered in such inspection or inspections except that the person designated as hearing officer may, prior to the hearing, receive a copy of the notice given to the permit holder or the person in charge.

All hearings shall be conducted under rules consistent with the nature of the proceedings; provided, however, the following rules shall apply to such hearings:

- (1) All parties shall have the right to representation by a licensed attorney although an attorney is not required.
- (2) Each party may present witnesses in his own behalf.
- (3) Each party has the right to cross-examine all witnesses.
- (4) Only evidence presented before the hearing officer at such hearing may be considered in rendering the order.

If the permit holder fails to appear at the hearing at the time, place and date specified, the health department shall present sufficient evidence to establish a prima facie case showing violation of this article or conditions constituting a hazard to public health which formed the basis of the suspension of the permit.

If the hearing officer finds that the food service establishment, food processing establishment or mobile unit was, in fact, in violation of this article or that it constituted a hazard to public health, the hearing officer shall make written findings of fact and shall order the permit suspended until all violations of this article are corrected and any conditions constituting a hazard to public health are eliminated. A copy of the findings and order of the hearing officer shall be sent by certified mail, return receipt requested, to the permit holder.

If the hearing officer finds that the public interest will be adequately protected by a warning or other penalties authorized under this article, he may reinstate the permit.

Whenever the reasons for a suspension no longer exist, the permit holder or person in charge shall notify the health officer that the conditions under which the permit was suspended have been corrected and that an inspection is requested. Such inspection shall be conducted as soon as possible after receiving the request and in no event later than three (3) regular working days after the receipt of the request for inspection.

Sec. 14-30. Revocation of food dealer's permit.

A food dealer's permit may be revoked if:

- (1) The permit holder or his agents or employees interfere with an inspection of the food establishment by the health officer or his authorized agents, or
- (2) There are repeated or serious violations of the applicable portions of this article, or
- (3) There are repeated or serious violations of federal or state food laws or laws regulating food establishments as defined in this article, or
- (4) In the case of mobile food service units if the permit holder or his agent has not reported an accident to the health officer within twenty-four (24) hours of the time the accident occurred if such accident resulted in the damage of the water system, waste retention tank, food service equipment or any facility which may result in the contamination of the food being carried or any damage which results in a violation of the provisions of this article.

Prior to revocation, written notice shall be given to the permit holder or person in charge. Such notice shall set forth:

- (1) The grounds upon which the city will seek revocation of the permit,
- (2) The specific violations of this article or of federal or state law upon which the city will rely in seeking revocation of the permit,
- (3) That a hearing will be held before the director or his designated agents,

- (4) The date, time and place of such hearing,
- (5) That the permit holder may appear in person and/or be represented by counsel, may present testimony and may cross-examine all witnesses.

Such hearing shall be held in accordance with section 14-29. If the permit holder fails to appear at the hearing at the time, place and date specified, the health department shall present sufficient evidence to establish a prima facie case showing that an act or acts have been committed which constitutes grounds for revocation of a permit.

After completion of a hearing, the hearing officer shall make written findings as to whether or not grounds exist for revocation of the permit. If the hearing officer finds that grounds do exist for revocation of the permit, he shall revoke such. A copy of the written findings shall be sent by certified mail, return receipt requested, to the permit holder. If the address of the permit holder is unknown, or if such findings are returned and undelivered, such findings shall be served on the person in charge of the food establishment or mobile food service unit.

If the hearing officer revokes the permit, written notice of such revocation shall be served on the permit holder or the person in charge with a copy of the findings.

Upon service of a written notice that the permit has been revoked as provided herein, all food operations shall cease immediately.

Whenever a permit is revoked, it shall be physically removed from the premises or vehicle by the health officer.

In the event a permit is revoked, the city shall not be liable to the permit holder for any refund of any part of the permit fees. Reinstatement of a permit which has been revoked shall require application and payment of a permit fee as if it were an initial application.

Sec. 14-31. Service of notice.

Any notice provided in this article may be served by personal delivery or by certified mail, return receipt

Secs. 14-32--14-35. Reserved.

DIVISION 3. FOOD SERVICE MANAGER'S CERTIFICATION

Sec. 14-36. food service manager's certification generally.

There shall be a program of food service manager's certification conducted under the direction of the director of the Bell County Health Department. Such a program shall have as its primary goal the training of persons in managerial positions within the food service

industry in safe handling practices, including knowledge of Temple's Food Service Sanitation Ordinance, and the Texas Department of Health Rules on Food Service Sanitation. Training shall be accomplished by means of a special course which will be made available to those persons seeking certification. Certification shall be accomplished after all course requirements have been met and the applicant has demonstrated by means of an examination that he possesses the required minimum essential knowledge as determined by the director.

Sec. 14-37. Certification required; exceptions.

It shall be unlawful for any person owning, operating, directing or managing any food establishment, catering operation, or any place or vehicle regulated by this article where food or drink is manufactured, produced, processed, prepared or otherwise manipulated, to fail to employ or fail to keep in his employ a manager, assistant manager, supervisor, or other person in charge of said establishment who has in his possession a valid and current food service manager's certification card issued to him by the director in accord with the provisions of this division of the article; provided, however, convenience stores, if such store is under the supervision of a food service manager who so supervises not more than eight (8) such stores, and public schools and colleges shall not be required to have a certified food service manager in charge of such store or such school.

Sec. 14-38. Operator of temporary food service establishment exempt.

Persons applying for a permit to operate a temporary food service establishment shall be exempt from the food service manager's certification requirements if such applicant can show evidence of an adequate understanding of the provisions dealing with temporary food service establishments, and an adequate understanding of satisfactory operating practices and is not simultaneously associated with another food service operation in the city or its immediate environs.

Sec. 14-40. Application.

Any person desiring food service manager's certification shall make written application for said certification on forms provided by the director. Such application shall include the applicant's full name and post office address; identifying features such as color of hair, eyes, height, weight, sex, age; a summary of the applicant's experience regarding food service management; the name and address of the establishment where the applicant is currently employed; a description of duties; and the signature and title of the applicant.

A completed application for food service manager's certification shall serve as a request for enrollment in a special course of training conducted under the direction of the director.

All applications for food service manager's certification must be accompanied by the appropriate fee as set forth in section 14-45.

The health officer may deny an application for a food service manager's certification if

any persons knowingly makes any false, fraudulent or unlawful statement on the application.

Sec. 14-41. Other courses approved.

Those agencies, institutions or other entities wishing to conduct a course of training for the purpose of food service manager's certification may do so if the course curriculum and instructors have been approved by the director. In any event, all examinations for certification are to be administered by the Bell County Health Department.

Sec. 14-42. Waiver of course attendance, examination.

The requirement that an applicant for food service manager's certification attend a course of training and pass an examination shall be waived if the applicant has been employed at least three (3) full consecutive years as a food service manager or in a similar position of authority, immediately preceding the effective date of the article or if the applicant is a graduate of at least a two-year program in restaurant and/or hotel management approved by the director. The director shall approve such program only if he finds that the standards and curriculum are such as to insure that the students are knowledgeable of safe food handling practices; provided, however, any applicant must attend a course of training and pass an examination for certification if there have been repeated violations of the health code in the food establishment(s) where the applicant has been in a position where he had authority to prevent or eliminate such violations.

Sec. 14-43. Course and examination.

The special course of training for food service manager's certification shall be at least ten (10) hours in length and no more than twelve (12) hours in length.

Courses will be scheduled periodically in Bell County to allow all qualified individuals the opportunity for training.

All persons completing the course of training for food service manager's certification shall be required to demonstrate by means of an examination that they possess a minimum essential knowledge of safe food handling practices, including an acceptable knowledge of Temple's Food Service Sanitation Ordinance and the Texas Department of Health Rule of Food Service Sanitation. A passing score for this examination shall be at least seventy-five (75) points out of a possible one hundred (100). If an applicant fails to pass the required examination for certification, he must take or repeat the course of training before taking another examination.

Sec. 14-44. Certification identification card.

A person may be issued a food service manager's certification if he has satisfactorily completed the requirements set forth in section 14-40, 14-41 and/or 14-42. Such certification shall be in the form of an identification card and shall include the applicant's full name and post office address; identifying features such as height, weight and age; the signature of the person certified; the signature of the director; the date issued and the expiration date; and a

photograph of the person certified.

A person possessing a food service manager's certification card shall have said card on his person as proof of certification at all times while on duty.

A person possessing a food service manager's certification card shall present said card for examination when requested to do so by the health officer or his duly authorized representative.

Valid food service manager's certification cards remain the property of the Bell County Health Department and may be required to be surrendered to the health officer to be voided when such as been revoked.

Sec. 14-45. Fees.

Fees for food service manager's certification and each renewal thereof are as follows:

- (1) *Food service manager's certificate.* The fee for certification during the first twelve (12) months immediately following adoption of this article will be fifteen dollars (\$15.00). Fees for certification in subsequent years will be determined annually by the Bell County Board of Health and will not exceed actual costs. All such fees will be paid to the director, Bell County Health Department, for use in meeting reasonable and necessary expenses incurred by the Bell County Health Department in administering the certification program. This fee is required regardless of whether or not the course requirement is waived. Fees are refundable only if the applicant's application is denied by the health officer. In no other instance shall fees be refundable.
- (2) *Replacement of certification card.* An individual who has lost a valid, current food service manager's certification card may obtain a replacement from the health officer for a fee of two dollars (\$2.00).

Sec. 14-46. Valid for three years.

A food service manager's certification shall be valid for three (3) years from the date of issuance and shall be renewed on or before the first day after the expiration date of the current certification.

Any person desiring to renew a food service manager's certificate shall make application on forms provided by the director not more than thirty (30) days prior to nor later than thirty (30) days after the date of expiration of the certificate. Such person shall set forth his full name, post office address, identifying features such as color of hair, eyes, weight, sex and age; the name and address of the establishment where the person is employed; his title; a description of his duties and his signature. Such application for renewal of a food service manager's certificate must be accompanied by payment of the fee as set forth in section 14-45.

Sec. 14-47. Revocation.

A food service manager's certificate may be revoked if:

- (1) The food service manager interferes with an inspection of the food establishment by the health officer or his authorized agents.
- (2) There are repeated or serious violations of this article in the food establishment at times the food service manager is in charge.
- (3) There are repeated or serious violations of federal or state food laws or laws regulating the operation of the food establishment at times the food service manager is in charge.

Prior to revocation of a food service manager's certificate, written notice shall be given to the food service manager and to the holder of the food dealer's permit for the establishment in which the food service manager is employed. Such notice shall set forth:

- (1) The grounds upon which the health department will see revocation of the certificate.
- (2) The specific violations of this article or of federal or state laws upon which the department will rely in seeking revocation of the certificate.
- (3) That a hearing will be held before the director or his designated agents.
- (4) The date, time and place of such hearing.
- (5) That the food service manager may appear in person and/or be represented by counsel, may present testimony and may cross-examine all witnesses.

Such hearing shall be held in accordance with section 14-29. If the food service manager fails to appear at the hearing at the time, place and date specified, the department shall present sufficient evidence to establish prima facie case showing that an act or acts have been committed which constitute grounds for revocation of the certificate.

After completion of the hearing, the hearing officer shall make written findings as to whether or not grounds exist for revocation of the certificate. If the hearing officer finds that grounds do exist for revocation of the certificate, he shall revoke such. A copy of the written findings shall be sent by certified mail, return receipt requested, to the food service manager and to the holder of the food dealer's permit for the establishment in which the food service manager is employed.

If the hearing officer revokes the certificate, written notice of such revocation shall be served on the food service manager and the holder of the food dealer's permit with a copy of

the findings.

Upon receiving written notice that the food service manager's certificate has been revoked, the food service manager shall submit the certificate to the health officer. In the event a certificate is revoked, the health department shall not be liable for any refund of the fee paid for the certificate.

A person whose food service manager's certificate has been revoked shall not be granted a new certificate until he has attended a course of training and passed the required examination subsequent to the revocation and met all requirements of an initial applicant.

Sec. 14-48. Fraudulent statement to obtain certification.

It shall be unlawful for any person to knowingly make any false, fraudulent or untruthful statement on any application for food service manager's certification or in any way knowingly conceal any material fact or give or use any fictitious name in order to secure or aid in securing a food service manager's certification required by this division. Any such food service manager's certification card so secured shall be void.

Sec. 14-49. Fraudulent use.

It shall be unlawful for any person to fraudulently make use of, in any manner for his own or another's benefit or advantage, a food service manager's certification which has not been duly issued him in accordance with the provisions of this division.

Secs. 14-50--14-64. Reserved.

DIVISION 4. FOOD WORKER'S REGISTRATION

Sec. 14-65. Definitions.

For the purpose of this division, the following words and phrases shall have the meanings herein ascribed to them:

Domestic servant. A "domestic servant" is any person employed in any home, house, dwelling, apartment house or any other place, except hotels and tourist courts, restaurants, cafes, nursing homes and public eating places, where any person or persons reside in the city, who, as a part of his or her duties, is required to prepare, serve or handle food or food products.

Food. The term "food" shall include all articles used by man for food, drink, flavoring, confectionery and condiment, whether simple, mixed or compounded.

Food establishment. The term "food establishment" shall mean any hotel, restaurant, cafe, tavern, grocery store, bakery, fruit stand, bottling plant, or any other place where food or drink is handled, stored, packed, served or sold in the city.

Food worker. The term "food worker" shall mean any person employed or working in a food establishment who handles food and/or drink during preparation or serving, or who comes in contact with any eating, drinking or cooking utensils, or who works in a room or rooms in which food or drink is prepared, served or stored. Professionally trained personnel such as dieticians, nutritionists and certified managers or supervisors are excluded from this definition.

Sec. 14-66. Food workers--Employers not to hire until certain requirements are met.

It shall hereafter be unlawful for any person, firm, corporation or association, managing or conducting any food establishment where food or drink or containers therefor of any kind are manufactured, transferred, prepared, stored, packaged, served, sold or otherwise handled, to work or employ any food worker until such food worker has fully complied with all state laws and regulations and all city ordinances now or hereafter enacted and with all the provisions of this division nor until such food worker has received a food worker's registration certificate from the Bell County Health Department which is valid at the time of such employment.

Sec. 14-67. Same--Employees to obtain food worker's registration card.

It shall hereafter be unlawful for any food worker, as defined in this division, to work for any person, firm, corporation or association as a food worker in the city without having in his or her possession a food worker's registration certificate issued to him or her by the Bell County Health Department which is valid at the time of such employment.

Sec. 14-68. Domestic servants--Eligible for training and examination.

It shall hereafter be unlawful for any person, firm, corporation, or association or group of persons to employ any domestic servant handling food as defined in this division until such domestic servant has fully complied with all state laws and regulations and all city ordinances now or hereafter enacted and with all provisions of this division nor until such domestic servant has received a food worker's registration card from the Bell County Health Department which is valid at the time of such employment. Employees of private individuals shall be eligible for training and examination under this division.

Sec. 14-69. Same--Employees to obtain food worker's registration card.

It shall hereafter be unlawful for any domestic servant, as defined in this division, to work for any person, firm, corporation or association as a domestic servant in the city without having in his or her possession a food worker's registration card issued to him or her by the Bell County Health Department which is valid at the time of such employment.

Sec. 14-70. Orientation and examination of applicant.

No food worker's registration card shall be issued by the Bell County Health

Department to any person required by law or by this article to have or exhibit such certificate until the applicant shall have met the following requirements:

- (1) Complete a personal health statement and if deemed necessary by the director, Bell County Health Department, submit to a physical examination by a practicing physician licensed by the State of Texas. A written report of such examination shall be returned to the Bell County Health Department for evaluation and filing prior to any issuance of a food worker's registration certificate to the applicant involved.
- (2) Complete a two-hour orientation in basic food health principles, for either restaurant or grocery store employees as appropriate, under the supervision of the director, Bell County Health Department. Each orientation will be designed to be applicable to employees of restaurants and taverns, or grocery stores respectively. The schedule, time and location of orientation sites will be announced by the director, Bell County Health Department. The primary emphasis of this orientation will be directed toward the food workers' behavior when working in a public food establishment rather than extensive training which is the responsibility of each food service manager.
- (3) Upon completion of the prescribed orientation and the necessary medical and administrative processing, each individual will be issued a food worker identification card which will be displayed by the employee while on duty at the place of employment and left posted in a conspicuous place in the place of employment while off duty.
- (4) Managers, assistant managers, shift supervisors and other food service personnel who have completed the prescribed manager's certification will not be required to comply with the provisions of this division.
- (5) Currently issued food worker registration certificates in the hands of employees below supervisory level will be considered valid until expiration.
- (6) This requirement of the registration process may be waived at the discretion of the director, Bell County Health Department, provided the establishment applies for the waiver in writing, has in-service employee training in basic hygiene and food sanitation and otherwise meets the director's requirements as to frequency, scope, type of training and instructor qualifications. When such waivers are granted, the manager of the establishment will be notified in writing of such approval. Retention of this waiver, when granted, will be subject to maintaining acceptable standards of training and sanitation within the establishment.

Sec. 14-71. Registration cards--Issuance.

All other identification cards will be valid for one- or two-year periods, at which time

the food workers will complete a refresher orientation of two (2) hours in food service sanitation. Cards will then be renewed for a period of one or two (2) years. Cards will be renewable thereafter at one- or two-year intervals provided the applicant is free of communicable disease and complies with other provisions of section 14-70 and section 14-76.

Sec. 14-72. Same--Term.

A food worker's registration card or a domestic servant's registration card issued under this division shall be valid for twelve (12) or twenty-four (24) months from the time of complying with the provisions of section 14-70.

Sec. 14-73. Same--Renewal.

Each such registration card issued under this division must be renewed by each such applicant each twelve (12) or twenty-four (24) months by the same procedure as outlined above in this division for original cards.

Sec. 14-74. Procedure when employees suspected of being ill with or carrying communicable disease.

(a) If the holder of a restaurant or grocery store permit or any of his employees suspects that any food worker has contracted any disease in communicable form or has become a carrier of such disease, he shall notify the health officer immediately.

(b) When the health officer has reason to believe that there exists a possibility of transmission of infection from a restaurant or grocery store food worker, he is authorized to require any or all of the following measures:

- (1) The immediate exclusion of the employee, as an employee, from all restaurants or grocery stores.
- (2) The immediate closing of the restaurant or grocery store concerned until no further danger of disease outbreak exists.
- (3) Adequate medical examinations of the employee and his associates, with such laboratory examinations as may be indicated.

Sec. 14-75. Authority of health officer to pick up certificate and require reexamination of holder.

If the city health officer or his representative has reason to believe that any food worker has become infected with any disease that may be contagious or communicable, the city health officer or his representative or the Bell County Health Department is empowered to pick up the food worker's card and require such person, individual or food worker to secure an adequate examination of himself or herself by a licensed physician, who resides in

Bell County, stating that such examination has been made and that to the best of his or her knowledge the person examined was found, on that date, to be free of any transmissible condition of any disease or local infection commonly transmitted through the handling of food or drink. Such examinations shall be actual and thorough and conducted within the framework of practical scientific procedures for the determination of the existence of communicable disease which may be transmissible through the handling of food or drink.

Sec. 14-76. Fees.

Fees for food worker's registration card and each renewal thereof are as follows:

Food worker's registration card. The fee for certification during the first twelve (12) months immediately following adoption of this division will be six dollars (\$6.00) for a one-year card, or ten dollars (\$10.00) for a two-year card. fees for registration in subsequent years will be determined annually by the Bell County Board of Health and will not exceed reasonable and necessary costs. All such fees will be paid to the director, Bell County Health Department, for use in meeting reasonable and necessary expenses incurred by the Bell County Health Department in administering the registration program.

Prepayment. At the option of the food service establishment manager or owner, registration fees for all food workers may be prepaid by the management on an annual or biannual basis. If this option is elected in lieu of paying individually, the annual fee will be calculated by multiplying the regular number of employees by six dollars (\$6.00) with the total adjusted by the addition of one-third of such total in order to compensate for the turnover within the work force. If such fees are paid biannually, the foregoing procedures will be followed except that ten dollars (\$10.00) will be substituted for the six dollars (\$6.00) fee. This procedure will be arranged with the director, Bell County Health Department.

Refunds. Fees are refundable only if the applicant's application is denied by the health officer. In no other instance shall fees be refundable.

Replacement of a registration card. An individual who has lost a valid, current food worker's registration card may obtain a replacement from the health officer for a fee of two dollars (\$2.00).

Sec. 14-77. Reserved.



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/16/2020
Workshop Agenda

ITEM DESCRIPTION: Receive and discuss the Planning Director's Report containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments (if any) to the Unified Development Code (UDC).

BACKGROUND: The Planning & Zoning Commission will consider several items at future meetings which may also require City Council review for a final decision, shown on the following table.

Plats and Zoning Cases	Status	Approval ADM/PZC/CC	Applicant	Proj. Mgr.
FY-20-19-PLT: Consider and take action on Highland Park Estate Phase II, a 10.824 +/- acre, 40-lots, 3-blocks, residential subdivision, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas.	Approved by Council on 8-20-2020 Will not be recorded as a replat has been submitted	CC	Belton Engineering	Jason
FY-20-31-PLT: Consider and take action on the Final Plat of Lake Point Terrace, Phase III, a 56.12 +/- acres, 7-block, 274-lot, 2-tract, residential subdivision, situated in the Baldwin Robertson survey, abstract no. 17, in Bell County, Texas.	Pending Mylars	PZC	Yalgo Engineering	Tammy
FY-20-39-PLT: Consider and recommend action on JCRR Addition replat, a 0.787 +/- acre, residential subdivision, situated in the Frederick Neibling survey, abstract no. 633 located in City of Temple in Bell County, Texas addressed as 15839 Salado Drive.	Pending recordation 9/28/2020	ADMIN	Mitchell & Associates	Jason
FY-20-44-PLT: Consider and take action on the Final Plat of Temple Mall Replat No. Three, a 1.16 +/- acre, nonresidential plat, being a replat of Lots 4 and a portion of Lot 1, Block 1, in Bell County Texas, addressed as 3107 South 31st Street in Temple, TX.	DRC 7/06/2020 Pending Recordation	ADMIN	Quintero Engineering	Jason
FY-20-45-PLT: Consider and take action on the Final Plat of Gonzalez Ranch Addition, PHASE II a 1.00 +/- acre, residential subdivision, situated in the Stephen Frazier Survey, abstract no. 311, in the City of Temple, Bell County Texas.	Pending Recordation 10/28/2020	CC	Ronald Carroll Surveyors, Inc,	Jason

Plats and Zoning Cases	Status	Approval ADM/PZC/CC	Applicant	Proj. Mgr.
FY-20-48-PLT: Consider and take action on the Final Plat of Prairie Overlook Addition a 12.602 +/- acre, residential subdivision, in the William Gilmore Survey, abstract No. 340, an amending plat to clarify passage easement in Bell County Texas, in Temple, Texas.	Awaiting mylars 9/30/2020	ADMIN	Mitchell & Associates, Inc.	Jason
FY-20-62-PLT Consider and recommend action on the Final Plat of HEB - CTRSC, Phase II, a 173.770+/- acre, a non-residential subdivision situated in the J.B. Daniel survey, abstract 259, and the M.A. Young survey, abstract 937, being an amending plat of the remainder of Lot 1, Block 1, HEB -CTRSC, an addition in the city of Temple, Texas in Bell County.	DRC 9/24/20 Awaiting Post DRC Revisions	PZC	All County Surveying	Mark
FY-20-42-PLT - Consider and take action on the Final Plat of Mach 2 Addition, a 5.00 +/- acre, a residential subdivision, situated in the James Smith Survey, Abstract No. 1186, Bell County, Texas, and located on the north side of Kuykendall Mountain Road, east of Sims Addition.	On hold pending family decision 10/16/2020	Admin	All County Surveying	Jason
FY-20-47-PLT - Consider and take action on the Final Plat of Tanglewood Addition a 0.67 +/- acre, residential subdivision, an amending plat combining lots 79 and 80 of Tanglewood, an addition in Bell County Texas, being addressed as 16198 Charlya Drive in Temple, Texas.	Pending recordation 9/23/2020	Admin	All County Surveying	Jason
FY-20-50-PLT - Consider and take action on the Final Plat of Ryno Park, a 1.101 +/- acre, residential subdivision, in the Redding Roberts Survey, abstract No. 692, located in Bell County Texas, in Temple, Texas.	DRC 8/27/2020 Pending revisions	PZC	Turley Associates	Jason
FY-20-54-PLT - Consider and take action on the Final Plat of ENTERPRISE BUSINESS PARK, PHASE VII a 46.14 +/- acre, non-residential subdivision, located in Bell County Texas, in Temple, Texas.	Pending recordation 10/28/2020	ADMIN	All County Surveying	Jason
FY-20-56-PLT - Consider and take action on the Final Plat of Franklin Road Estates a 8.107 +/- acre, residential subdivision, located in the William Gilmore Survey, abstract No. 340 located in Bell County Texas, in Temple, Texas addressed as 5415 Franklin Road.	Pending recordation 9/17/2020	Admin	Tibbit Surveying	Jason

Plats and Zoning Cases	Status	Approval ADM/PZC/CC	Applicant	Proj. Mgr.
FY-20-59-PLT - Consider and take action on Honey Glen Acres Final Plat a residential subdivision, a 33.29 ACRE, 2 block, 25 lot subdivision situated in the E. P. Pulliam Survey, ABSTRACT 676, on the south side of FM 436 East of FM 1123 in the City of Temple, Bell County, Texas.	Pending Recordation 11/12/2020	PZC	All County Surveying	Jason
FY-20-66-PLT Consider and take action on the Final Plat of Bella Terra Phase 2, a 63.530 +/- acre, 159-lot, 7-block, residential subdivision, situated in the Redding Roberts survey, abstract no. 692, in Temple, TX in Bell County addressed as 59000 South 31st Street.	DRC 10/5/2020 Pending revisions	PZC	Belton Engineering	Jason
FY-20-67-PLT - Consider and take action on the Final Plat of Krueger Estates, a 0.670 +/- acre, 1-lot, 1-block, residential subdivision, being a replat of lots 10 and 11, block 10 Temple Park Estate, situated in the James Bowers survey, abstract no. 81, in Temple, TX in Bell County.	Pending recordation 11/20/2020	ADMIN	Turley Associates	Jason
FY-20-68-PLT - Consider and take action on the Final Plat of Dowell Addition, a 1.329 +/- acre, a residential subdivision, situated in the CHRISTOPHER BENDLE SURVEY, ABSTRACT 86, Bell County, Texas, embracing a portion of a called 47.54 acre tract conveyed to Reba Hamrick in Volume 3937, Page 604, Official Public Records of Real Property, Bell County, Texas.	Awaiting mylars 10/21/2020	ADMIN	All County Surveying	Jason
FY-21-1-PLT - Consider and take action on the Preliminary Plat of Willow Grove, a 47.809 +/- acre, a 7-block, 204-lot residential subdivision, situated in the Azarlah G. Moore survey, abstract no. 596 located in Bell County Texas.	DRC 10/22/20 Pending revisions	PZC	TCG Engineering	Jason
FY-21-2-PLT - Consider and take action on the Final Plat of Highland Park Estates, Phase II, a 20.290 +/- acre, 6-block, 40-lot residential subdivision, situated in the Maximo Moreno survey, abstract no. 14 located in Bell County Texas.	DRC 10/22/20 Awaiting Revisions	PZC	Belton Engineering	Mark
FY-21-3-PLT - Consider and take action on the Final Plat of The Brylee's Estates, a 19.36 +/- acre, 1-block, 4-lot residential subdivision, situated in the O.T. Tyler survey, abstract no. 20 located in Bell County Texas.	DRC 11-2-2020 Awaiting Post DRC Revisions; anticipate PZC 12-8-2020	PZC	All County Surveying	Cheryl

Plats and Zoning Cases	Status	Approval ADM/PZC/CC	Applicant	Proj. Mgr.
FY-21-4-PLT - Consider and take action on the Final Plat of Circle C Ranch Estates, Phase Three, Amending Plat of Lots 15 & 16, Block 1, Amending Plat of Circle C Ranch Estates, a 1.2598 +/- acre, 1-block, 2-lot residential subdivision, situated in the ETJ of the City of Temple, in Bell County Texas.	DRC 11-2-2020 Awaiting Mylars	ADM	All County Surveying	Cheryl
FY-21-6-PLT - Consider and take action on the Final Plat of Sanders Farm Phase I, a 5.013 +/- acre, 1-block, 4-lot commercial subdivision, being a replat of Lot 1, Block 1 First Baptist Temple West Campus subdivision Addressed as 8015 West Adams Ave.	DRC 11-5-2020 Awaiting Post DRC Revisions	PZC	Turley Associates	Mark
FY-21-8-ZC - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) to Planned Development (MF1) for a transitional shelter at 1416 South 24th Street.	DRC 11-30-2020	PZC 12-8-2020 CC 1-7-2021 CC 1-21-2021	Family Promise	Cheryl
FY-21-8-PLT - Consider and take action on Crockett Addition, a 0.766 +/- acre, 1-lot, 1-block, amending plat of lots 113 and 114, Tanglewood, residential subdivision, situated in the F. Neilbling Survey, Abstract 633, Bell County, Texas, located in the extraterritorial jurisdiction of the City of Temple in Bell County, Texas.	DRC 11-30-2020 & 12-3-2020	ADM	Turley Assoc.	Cheryl
FY-21-9-PLT Consider and take action on Zuniga Addition, a 1.25 +/- acre, 1-block, 1-lot amending plat of lots 439, 440, and 441, Tanglewood, a residential subdivision, situated in the F. Neibling Survey, Abstract 633 located in the extraterritorial jurisdiction of the City of Temple in Bell County, Texas.	DRC 11-30-2020 & 12-3-2020	ADM	Turley Assoc.	Cheryl
FY-21-11-PLT Consider and take action on Atascosa Estates, a 42.986 +/- acre, a 4-block, 143-lot residential subdivision, situated in part of the McKinney and Williams Survey, abstract 609 located in the City of Temple in Bell County Texas.	DRC 11-30-2020	PZC	Turley Associates	Mark

Plats and Zoning Cases	Status	Approval ADM/PZC/CC	Applicant	Proj. Mgr.
FY-21-12-PLT Consider and take action on the Preliminary Plat of Deer Grove, 78.736+/- acres, a subdivision of 106 residential lots and 2 commercial lots, situated in the J. Hobson Survey Abstract No. 381, located in the extraterritorial jurisdiction of the City of Temple in Bell County, Texas.	DRC 11-30-2020 & 12-3-2020	PZC	Clark & Fuller	Cheryl

City Council Final Decisions	Status
FY-20-37-ZC Hold a public hearing to discuss and recommend action on a rezoning request from Agricultural (AG) to Single-Family Dwelling 3 (SF-3) zoning district on 31.060 +/- acres, and General Retail (GR) zoning district on 1.751 +/- acres, being a total 32.812 +/- acres located approximately 563 feet north of Glade Drive addressed as 2491 North Pea Ridge Road.	Scheduled for 2 nd reading on November 19, 2020
FY-20-57-PLT Consider adopting a resolution authorizing for a developer-requested exception to the Unified Development Code (UDC) section 8.3 related to the payment of public park fees and an amendment to the Preliminary Master Plat of the Groves at Lakewood Ranch, a 223.411 +/- acre, 798-lot, 27-block, 13 tract residential subdivision, located generally between Orion Drive and Bending Branch Way, approximately 2,870 feet north of W. Adams Ave from its intersection with Clinite Grove Blvd.	Scheduled for single reading on November 19, 2020
2020-5067-O: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow on-premise alcohol sales, gross revenue up to 50%, at 10354 and 10462 W Adams Ave in Temple, Texas.	Scheduled for 2 nd reading on November 19, 2020
2020-5071-O: Consider adopting an ordinance creating a pilot program that will temporarily allow extended outdoor dining in City on-street parking spaces and sidewalks and private parking lots and mobile food unit operation in City on-street parking spaces and private parking lots in the CA zoning district.	Scheduled for 2 nd reading on November 19, 2020
FY-21-06-ZC – Hold a public hearing to discuss and recommend action on a rezoning on property bounded by S. 31st Street to the west, SW HK Dodgen Loop to the north, Lowes Drive to the east and Azalea Drive to the south, more specifically addressed as: 3099, 3107, 3111 and 3113 S. 31st Street; 721, 805 and 921 SW HK Dodgen Loop; 3112 and 3116 Lowes Drive; and 1210 Azalea Drive from Planned Development (PD) zoning district with Conditional Use Permits (CUP), Planned Development (PD) Multi-Family Two (MF-2) zoning district and Planned Development (PD) Commercial (C) to Planned Development (PD) General Retail (GR) with conditions related to required site plan approval, permitted uses, lot dimensional standards, landscaping, architecture, signage, lighting, parking and sidewalks to match the intent of the 2020 Comprehensive Plan.	Scheduled for 1 st reading on December 3, 2020
Hold a public hearing to discuss and recommend action to the Temple City Council to adopt the Central Neighborhood Plan.	Scheduled for Council Workshop on November 19, 2020 and adoption on December 3, 2020

P&Z COMMISSION ATTENDANCE

2020														
	Jan 6	Jan 21	Feb 3	Feb 18	Mar 2	Mar 16	Apr 6	Apr 20	May 4	May 18	June 1	June 15	P	A
Paulino Castillo	P	P	P	P	P	P	P	P	P	P	P	P	12	0
Lydia Alaniz	P	P	P	P	P	A	P	P	P	P	P	P	11	1
Lee Armstrong	P	P	A	P	A	A	P	A	P	A	P	A	6	6
Derek Marshall	A	P	A	P	P	P	P	P	P	A	P	A	8	4
Jeremy Langley	P	P	P	P	P	A	P	P	P	P	P	P	11	1
Bryant Ward	P	A	P	P	A	P	P	A	P	P	A	P	8	4
Lester Fettig	P	P	P	A	P	P	A	P	P	A	P	P	9	3
Donna Wright	P	P	P	P	P	P	P	P	P	P	P	P	12	0
Daniel Jeanes	P	P	P	P	A	A	A	P	P	A	P	P	8	4

	July 6	July 20	Aug 3	Aug 17	Sept 8	Sept 21	Oct 5	Oct 19	Nov 2				P	A
Paulino Castillo	P	P	P	P	P	P	P	P	P				21	0
Lydia Alaniz	P	P	P	P	P	P	P	P	P				20	1
Lee Armstrong	A	P	A	A	A	A	P	A	A				8	13
Derek Marshall	P	P	P	A	P	A	P	A	P				14	7
Jeremy Langley	A	P	P	P	P	P	P	P	A				18	3
Bryant Ward	P	P	P	P	A	P	P	P	P				16	5
Lester Fettig	P	P	P	P	P	P	P	P	P				18	3
Donna Wright	P	P	P	P	P	P	P	P	P				21	0
Daniel Jeanes	P	A	P	P	P	A	A	A	P				13	8

no longer a Board member