



TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

TEMPLE, TX

NOTICE OF MEETING

THURSDAY, JUNE 21, 2007

3:30 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Receive an update on the City's Tourism program.
2. Receive an update on Parks & Leisure Services G.O. Bond Capital Improvement Projects.
3. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 21, 2007 as follows:

5:00 P.M.
CITY COUNCIL CHAMBERS – 2ND FLOOR
REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PRESENTATIONS

3. Presentation of the Tree City USA designation.

III. PUBLIC COMMENTS

Citizens who desire to address the Council 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 3 minutes. No discussion or final action will be taken by the City Council.

IV. BUDGET ITEMS

4. [2007-5070-R](#): PUBLIC HEARING – Conduct a final public hearing and consider adopting a resolution approving the 2007-2008 Action Plan and Community Development Block Grant (CDBG) budget.

V. CONSENT AGENDA

All items listed under this section, Consent Agenda, are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda at the request of any Councilmember and will be considered separately.

5. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions for each of the following:

Minutes:

- (A) [June 6, 2007 Special Called Meeting](#)
- (B) [June 7, 2007 Special Called Meeting](#)
- (C) [June 7, 2007 Regular Meeting](#)

Contracts, Leases & Bids:

- (D) [2007-5071-R](#): Consider adopting a resolution authorizing a construction contract with Bell Contractors, Inc. of Belton for emergency replacement of a 6- inch sewer line in the area of Avenue P from 51st Street to Live Oak Drive and Live Oak Drive to 57th Street in the amount of \$136,088.95.
- (E) [2007-5072-R](#): Consider adopting a resolution authorizing a contract with Advanced Equipment Corporation from Fullerton, California to replace the divider walls in the main hall at The Frank W. Mayborn Civic and Convention Center (3303 N. 3rd Street) in the amount of \$124,500.
- (F) [2007-5073-R](#): Consider adopting a resolution authorizing a contract with Atlas Enterprises, Inc. of Fort Worth for the purchase and shooting of the fireworks for July 4th in the amount of \$25,000.

Ordinances – Second & Final Reading:

- (G) [2007-4145](#): SECOND READING – Z-FY-07-27: Consider adopting an ordinance authorizing a zoning change from Two-Family (2F) to Office One (O-1) Zoning Districts on Lots 7, 8, and the North ½ of Lot 9, Block 29, Freeman Heights Addition, located at 302 and 304 South 25th Street.
- (H) [2007-4146](#): 1. SECOND READING - Z-FY-07-41: Consider adopting an ordinance amending the Future Land use Plan Map from Medium Density Residential to Regional Commercial for the Clem Mikeska Addition, Block 1, north 100' of Lot 3.

[2007-4147](#): 2. SECOND READING - Z-FY-07-41: Consider adopting an ordinance authorizing a zoning change from Two Family Residential (R-2) Residential to Commercial (C) for the Clem Mikeska Addition, Block 1, north 100' of Lot 3.

Misc:

- (I) [2007-5074-R](#): Consider adopting a resolution authorizing the conveyance of up to 250 acres of City-owned land located in the southeast industrial park to the Temple Economic Development Corporation.
- (J) [2007-5075-R](#): Consider adopting a resolution setting the compensation for Council-appointed employees.
- (K) [2007-5068-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2006-2007.

VI. REGULAR AGENDA

ORDINANCES

6. [2007-4148](#): FIRST READING - PUBLIC HEARING – Z-FY-07-31: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, adjacent to and west of the Burlington Northern and Santa Fe Railroad.
7. [2007-4149](#): FIRST READING – PUBLIC HEARING - Z-FY-07-32: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 28.348 acres out of land commonly known as Outblock 1143-A, City Addition, located at the southwest corner of Eberhardt Road and Enterprise Road.
8. [2007-4150](#): FIRST READING – PUBLIC HEARING - Z-FY-07-33: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B, and C, City Addition, located at the southeast corner of Moore's Mill Road and Wendland Road.
9. [2007-4151](#): FIRST READING - PUBLIC HEARING - Z-FY-07-37: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 76.921 acres of land commonly known as Outblock 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive.
10. [2007-4152](#): FIRST READING - PUBLIC HEARING - Z-FY-07-38: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 25.15 acres of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H.
11. [2007-4153](#): FIRST READING - PUBLIC HEARING - Z-FY-07-39: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 98 acres commonly known as Outblocks 1164-A, B, D, City Addition, located on the south side of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road.
12. [2007-4154](#): FIRST READING – PUBLIC HEARING - Z-FY-07-42: Consider adopting an ordinance amending the Thoroughfare Plan to realign a portion of the collector known as Hartrick Bluff Road, south of Waters Dairy Road and north of Allen Way.

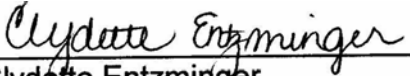
RESOLUTIONS

13. [2007-5076-R](#): P-FY-07-31: Consider adopting a resolution authorizing the revised preliminary plat of Country Lane Addition, a 55.386 acres commercial and residential subdivision, located at the northwest corner of SE H K Dodgen Loop and Martin Luther King Jr. Drive, subject to the applicant's requested exceptions to Subdivision Ordinance Section 33-93 regarding the maximum allowed cul-de-sac length of 500 feet for proposed River Hills Court and Pleasant Ridge Court.

14. [2007-5077-R](#): P-FY-07-36: Consider adopting a resolution authorizing the final plat of Wildflower Court II, a 11.37 acre, 7 lot commercial subdivision located at the northeast corner of SE H K Dodgen Loop and South General Bruce Drive (I-35), subject to the applicant's requested exception to Subdivision Ordinance, Section 33-92(b) pertaining to access to Lot 4.

The City Council reserves the right to discuss any items in executive (closed) session whenever permitted by the Texas Open Meetings Act.

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at PM, on June 15, 2007.


Clydette Entzminger
City Secretary

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building on _____ day of _____ 2007.



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #4
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: PUBLIC HEARING – Conduct a final public hearing and consider adopting a resolution approving the 2007-2008 Action Plan and Community Development Block Grant (CDBG) budget.

STAFF RECOMMENDATION: Conduct public hearing and adopt resolution as presented in item description.

ITEM SUMMARY:

2007/08 Annual Action Plan and Budget

For more than 30 years, the Community Development Block Grant (CDBG) program has been assisting metropolitan cities and urban counties across this country to fund their community and economic development activities. Approximately 1,000 entitlement communities participate in the program nationwide, including the City of Temple. The City is one of 76 entitlement communities located in the State of Texas. For Fiscal Year 2007-2008, HUD allocated CDBG funds to entitlement communities in Texas, as follows:

FY 2007- 2008 CDBG in Texas

CDBG	Amount
State Total	\$184,796,336
Minimum	220,304
Maximum	30,789,209
Average	2,431,531
Temple	\$524,136

Other Recent CDBG Grant Amounts

2003-2004	\$638,000
2004-2005	\$618,000
2005-2006	\$585,728
2006-2007	\$524,380

The Community Development Block Grant Program provides annual grants on a formula basis to develop viable urban communities by providing decent housing, and a suitable living environment, and by expanding economic opportunities, principally for low-and moderate-income persons. The City of Temple anticipates receiving \$524,136 as this year's funding, which will be the third year of the 5-Year Consolidated Plan (2005-2010). In addition, the City will have \$55,230 in program income to allocate and \$3,373 in prior funding reallocation. Entitlement communities develop their own programs and funding priorities. Maximum feasible priority must be given to activities that benefit low-and moderate-income persons.

The proposed allocation of funds is as follows:

Public Services	\$73,379
Infrastructure Improvements	\$143,488
Park Improvements	\$150,000
Demolition	\$100,000
General Administration	\$115,873
Total	<u>\$582,740</u>

Public Services - \$73,379

The Community Services Advisory Board (CSAB) spent many hours over several meetings sifting through the 7 requests (See Attachment) totaling \$176,045 while debating the merits of each agency and the needs of the community. It is recommended the City Council allocate \$73,379 to 5 agencies as follow:

1. Bell County Human Service (Temple HELP Center) \$11,000
2. Family Promise of East Bell County Inc. \$25,000
3. Hill County Community Action Association (Meals on Wheels) \$15,000
4. Temple Housing Authority \$15,000
5. Aware Central Texas (formerly Family Outreach) \$7,379

Infrastructure Improvements - \$143,488

Sidewalks and lighting will be installed along Martin Luther King Jr. Drive within the boundaries of Adams Avenue and Avenue E. Funding from 2006 CDBG funds was not sufficient to complete the construction in this area. These additional funds will continue with the construction phase. It is recommended that \$143,488 be allocated from 2007 CDBG funds.

Park Improvements - \$150,000

Improvements to Jackson Park; to include a hike trail, playground and landscape improvements, and restroom bridge and sidewalk repairs. It is recommended that \$150,000 be allocated from 2007 CDBG funds.

Demolition - \$100,000

Demolition of vacant and dilapidated structures will be conducted to address blighted conditions on a spot basis in locations to be determined based on code violations. This is also a continuation of a project focus from the previous year. It is recommended that \$100,000 be allocated from 2007 CDBG funds.

Administration - \$115,873

It is recommended that \$115,873 be allocated for the City's administration of the CDBG Program, including contracted services.

Following adoption of the Resolution, the Annual Action Plan will be submitted to HUD. HUD must receive the document no later than August 15, 2007.

FISCAL IMPACT: \$524,136 in FY 2007-2008 CDBG funds along with \$55,230 program income and \$3,373 prior funding reallocation to be allocated as recommended.

ATTACHMENTS:

Item (1) 2007-2008 CSAB Public Service Agency Funding Recommendations- hard copy provided
Item (2) 2007-2008 CSAB meeting minutes- hard copy provided
Item (3) 2007-2008 Annual Action Plan and Budget- hard copy provided
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
APPROVING THE 2007-2008 ACTION PLAN AND COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) BUDGET; AND PROVIDING AN
OPEN MEETINGS CLAUSE.

Whereas, a public hearing was held on May 17, 2007, to receive public comment on the proposed 2007-2008 Action Plan and CDBG budget;

Whereas, the Community Services Advisory Board has reviewed and carefully considered all requests for funding public service agencies and has submitted a recommendation to the City Council; and

Whereas, the City Council has considered the matter and deems it in the public interest to adopt the 2007-2008 Action Plan and Community Development Block Grant (CDBG) budget, including the funding recommendations for public service agencies from the Community Services Advisory Board.

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

Part 1: The City Council adopts the 2007-2008 Action Plan and Community Development Block Grant (CDBG) budget (Exhibit A), including the recommendations for public service agencies from the Community Services Advisory Board (Exhibit B), copies of which are attached hereto and made a part hereof for all purposes.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **21st** day of **June**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #5(A)-(C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) June 6, 2007 Special Called Meeting
- (B) June 7, 2007 Special Called Meeting
- (C) June 7, 2007 Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

ITEM SUMMARY: Copies of minutes are enclosed for Council review.

FISCAL IMPACT: N/A

ATTACHMENTS:

June 6, 2007 Special Called Meeting
June 7, 2007 Special Called Meeting
June 7, 2007 Regular Meeting

SPECIAL CALLED MEETING

TEMPLE CITY COUNCIL

JUNE 6, 2007

The Temple City Council conducted a Special Called Meeting on Thursday, June 6, 2007 at 7:30 a.m. in the Third Floor Conference Room, 3rd Floor, Municipal Building, 2 North Main Street, Temple, TX.

City Council & Staff Present:

Mayor William A. Jones, III
Mayor Pro Tem Martha Tyroch
Councilmember Tony Jeter
Councilmember Patsy E. Luna
Councilmember Russell Schneider

The agenda for this meeting was posted on the bulletin board at the Municipal Building on June 1, 2007 at 1:45 pm 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.

Mayor Jones called the Special Called Meeting of the Temple City Council to order at 7:30 am in the Third Floor Conference Room, 3rd Floor, Municipal Building.

- 1. Executive Session: Chapter 551, Government Code, §551.074 – Personnel Matter – The City Council will meet in executive session to discuss the employment, evaluation, duties and work plans of the City Manager, City Attorney, Director of Finance, City Secretary and Municipal Judge.**

Mayor Jones stated the Council would enter into executive session for the discussion of this item.

Mayor Jones reconvened the regular session. No action was taken.

There being no further business, Mayor Jones adjourned the Special Called Meeting.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

SPECIAL CALLED MEETING

TEMPLE CITY COUNCIL

JUNE 7, 2007

The Temple City Council conducted a Special Called Meeting on Thursday, June 7, 2007 at 2:00 p.m. in the City Council Chambers, 2nd Floor, Municipal Building, 2 North Main Street, Temple, TX.

City Council & Staff Present:

Mayor William A. Jones, III
Mayor Pro Tem Martha Tyroch
Councilmember Patsy E. Luna
Councilmember Russell Schneider

David Blackburn, City Manager
Jonathan Graham, City Attorney
Traci Barnard, Director of Finance
Clydette Entzminger, City Secretary

Absent:

Councilmember Tony Jeter

The agenda for this meeting was posted on the bulletin board at the Municipal Building on June 1, 2007 at 1:45 pm 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.

Mayor Jones called the Special Called Meeting of the Temple City Council to order at 2:00 p.m. in the City Council Chambers, 2nd Floor, Municipal Building.

1. Receive presentations from the following public service agencies regarding their activities and funding requests for FY 2007-2008:

**Bell County Business Alliance
Bell County Health District
Bell County Human Services (HELP Center)
Cultural Activities Center
Hill Country Community Action Association (Meals-on-Wheels)
Hill Country Transit District
Keep Temple Beautiful
Railroad and Heritage Museum
Ralph Wilson Youth Clubs of Temple, Inc.
SPJST Library, Archives & Museum dba Czech Heritage Museum
Temple Civic Theatre**

David Blackburn, City Manager, stated that eleven agencies are scheduled for presentations before the Council today. All have been funded by the City either now or at some time in the past or have requested new funding this year. No action will be taken at today's meeting.

Hill Country Community Action Association, Inc. – Tama Shaw: Aging Services Nutrition Program – Ms. Shaw provided details about their program, including their target audience. They propose to serve 910 clients a total of 68,350 meals. HCCAA is asking for \$25,000 for the cook's salary and associated utilities for this program.

Bell County Business Alliance – Rodney Bell: The mission of this agency is to assist small growth businesses and the creation of early start-up businesses. Mr. Bell provided an overview of services provided by the Temple Business incubator. Seven businesses currently reside in the incubator and Mr. Bell provided information about each of these businesses. He also noted the current sponsors of the incubator – City of Temple, TEDC, Temple College, Temple College Foundation and Temple Chamber of Commerce. They are requesting \$25,000, in the form of quarterly payments from the City. This will allow the creation of local jobs, local tax base and diversity of the local economy. Mr. Bell also discussed other resources being provided by the Temple Business Incubator to small businesses in Temple.

Bell County Health District – Judy Porubsky, Michael Jahns: The Health District was established in 1994 through a cooperative agreement. Ms. Porubsky explained the programs provided through the District. The City's proposed allocation for FY 2007-2008, under the agreement, is \$126,674. Mr. Jahns provided additional information about environment programs and resources provided by the District. He explained the need for an additional employee with the technical expertise to deal with the increasing number of aerobic septic systems. This is needed to provide a better service to the community.

Bell County Human Services Department – Temple HELP Center – Judy Morales: Ms. Morales provided some background information regarding the development of the HELP Center, which began as part of MHMR and later came under Bell County. Ms. Morales explained the objectives and vision statement of the Center, as well as the partners they work with in the County. She also explained the programs they make available to their clients. Ms. Morales also provided the agencies and organizations that provide funding to them to help achieve their mission. They requested \$50,000 from the City to assist with their operational expenses.

Rochelle, a former client of the HELP Center, addressed the Council regarding her experiences with the Center. Because of their assistance she has been able to continue her education and hopes to graduate with an Associates Degree in health care management in December 2007.

Ann Thompson, United Way Director, noted that the HELP Center is accountable to the citizens and ensures their funds are used wisely.

Cultural Activities Center – Terri Matthew: Ms. Matthew explained the programs provided by the CAC, which include arts and educational programs for students and professional entertainment for adults. She noted some of the programs to be presented during the upcoming year. Ms. Matthew indicated the partners who provide funds to the CAC, including the City of Temple. The City's funds allow a steady source of income, helping keep tickets prices down. They requested \$60,000 for FY 2007-2008. She shared some comments about the "Hands On" program from a teacher at Meredith Elementary School. This program is coordinated by the Contemporaries, a volunteer group of the CAC.

Hill Country Transit District – Carole Warlicke, Robert Ator: Ms. Warlicke unveiled a new DVD featuring The HOP, Central Texas Regional Public Transit System. Mr. Ator asked for continuation of the \$75,000 annual allocation that has been provided in the past for assistance with operations. He also explained the need for an additional route to serve the new Country Lane

Seniors development, as well as several other areas in which service requests have been received. The cost for providing this additional service is \$120,000 for operation, \$60,000 of which is being requested from the City. Funds in the amount of \$112,000 may be requested from the City if TDC funds are not received for the purchase of the new bus. It takes about one year from order date to receive a new bus.

Keep Temple Beautiful – Zoe Rascoe: Ms. Rascoe explained the mission of KTB, which is to empower citizens through education. She discussed their partners and noted the various events and programs they support. Ms. Rascoe also discussed the recognitions received by KTB for their efforts. They are requesting \$35,000 (first year requestor) to supplement salary costs to fill the executive director position.

Railroad & Heritage Museum – Dr. David Krauss: Dr. Krauss provided a report on the operations of the Museum, beginning with their vision. He discussed some of the Exhibits at the Museum and the events that have been planned. He also provided some statistics on numbers of visitors, members, and educational impact. Financial information was reviewed, including both revenues and expenditures. Dr. Krauss noted the number of donations and grants declined last year but have picked up some the first part of this year. He then discussed changes in direction for the Museum, which include outsourcing several of the operational functions such as grant writing, event planning and media coverage. Dr. Krauss explained several projects underway and others which are being proposed. He also discussed the importance of the Museum to Temple, as noted in the Community Tourism Assessment Report, and opportunities for the City and the Museum to solve problems together and work together. He requested the stipend to the Museum continue to be provided for the foreseeable future.

Ralph Wilson Youth Clubs of Temple, Inc. – Charles Kimmey: Mr. Kimmey gave some background information on the development of the Club and a brief overview of the programs provided at the Ralph Wilson Youth Clubs. They provide summer programs, after school programs and a very successful basketball program throughout Central Texas. Mr. Kimmey stated the \$20,000 received from the City of Temple will assist with the Scholarship Program and the Basketball Program.

Ann Thompson, Director of United Way, stated this program is saving kids lives. It is keeping them off drugs and from being involved in vandalism. RWYC offers so much more to these kids than just games.

SPJST Library, Archives & Museum dba Czech Heritage Museum – Sandi Wicker: Ms. Wicker stated this facility was also part of the Community Tourism Assessment completed just recently. The Library, Archives and Museum is proposed to relocate to the corner of French and North 3rd. She provided some historical information about the development of the library and archives since 1963. She also provided some history about the building that was purchased for the new location of the Library and Museum, previously known as the North Side Community Business Center, which opened in 1931. Ms. Wicker provided the estimated budget for the renovation of the building, which totals about \$628,000. They were offered a challenge grant in June to raise \$400,000 to receive \$200,000. They have requested \$25,000 from the City to go toward the funds needed for this challenge grant.

Temple Civic Theatre – Tim Campbell: Mr. Campbell presented the mission statement of the Theatre and provided an overview of their activities. They only have a staff of 3 full time people, utilizing volunteers for all other functions. They have recently engaged in an affiliation with Temple College and their Department of Performing Arts. There are six main series productions and two theatre youth productions each season. He presented their annual operating budget, noting revenue sources. They requested \$20,000 to assist with operational costs of producing quality theatre.

The presentations were completed at 4:45 pm. Mr. Blackburn stated twenty-three agencies have requested funds this year, in an amount over \$1million. Mr. Blackburn noted he will be delivering a budget to the Council on June 29th, and then the Council will go through the budget and make their adjustments during July and August before adoption on August 23rd.

2. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 7, 2007.

There was no discussion of this item.

There being no further business, Mayor Jones adjourned the Special Called Meeting at 5:00 pm.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

REGULAR MEETING OF THE TEMPLE CITY COUNCIL

JUNE 7, 2007

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, June 7, 2007 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Tony Jeter
Mayor Pro Tem Martha Tyroch
Councilmember Patsy E. Luna
Councilmember Russell Schneider
Mayor William A. Jones, III

I. CALL TO ORDER

1. Invocation

Dave Tate, Youth Pastor with Temple Bible Church, voiced the Invocation.

2. Pledge of Allegiance

Scott Nichols, Scout Troop 153, led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Lamar Collins, 9126 Antelope Trail, addressed the Council. He expressed his concern that there is no R&B or Gospel music being played at the Hot Summer Sounds series being sponsored by the Parks and Leisure Services Department. He asked that this be considered for next year.

III. REPORTS

3. Receive a report on the Comprehensive Plan District Public Meetings.

Aaron Adel, Special Projects Planner, gave a brief status report to the City Council regarding the Comprehensive Plan district meetings. They are about 71 days into the Comprehensive Plan process. The CPAC has met twice and one community design workshop has been conducted, as well as four district meetings. Ms. Adel gave the dates, locations and number of attendees for each of the district meetings. Some of recurring issues brought up in all of these meetings were parks and recreation amenities; sidewalks; school district boundaries; trees and topography; drainage and utility extensions; extension of the HOP; code enforcement; crime in rental property; rural vs. urban development; traffic (cut through and enforcement); mini-communities; downtown retail; and entertainment. The third meeting of the CPAC will be June 26th, followed by another community design workshop and a telephone survey in July.

IV. CONSENT AGENDA

- 4. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions for each of the following:**

(A) May 17, 2007 Special Called Meeting

(B) May 17, 2007 Regular Meeting

(C) 2007-5053-R: Consider adopting a resolution authorizing the purchase of metal refuse containers for the Solid Waste Division as follows:

- 1. Front Loading containers to Wastequip of Beeville, Texas in the amount of \$90,159;**
- 2. Side Loading containers to Fuqua Industries, Rio Vista, Texas in the amount of \$23,810; and**
- 3. Roll-off Containers to Roll-offs USA of Durant, Oklahoma in the amount of \$105,392.**

(D) 2007-5054-R: Consider adopting a resolution authorizing the purchase of the following in support of implementing a Wireless SCADA Network for the City of Temple:

- 1. Wireless Services and equipment from Redmoon Broadband in the amount \$323,500 (DIR-SDD-475);**
- 2. Magnetic Mounting Systems from Metal & Cable Corp. in the amount of \$44,000 (Sole Source); and**
- 3. Industrial/Ruggedized Network Switches from Lyme Computer Systems Inc. (GS-35F-4754G) in the amount of \$16,500**

(E) 2007-5055-R: Consider adopting a resolution authorizing a contract with Brockway, Gersbach, McKinnon and Neimeier, P.C. to perform the annual City of Temple audit for an amount not to exceed \$41,500.

(F) 2007-5056-R: Consider adopting a resolution authorizing a construction contract with K&S Backhoe Service of Gatesville to upsize the water line on North Pea Ridge from a two-inch line to an eight-inch line in the amount of \$194,333.71.

(G) 2007-5057-R: Consider adopting a resolution authorizing a construction contract with K&S Backhoe Services, Inc. of Gatesville for construction of Wilson Park Sanitary Sewer Improvements in the amount of \$172,039.71.

(H) 2007-5058-R: Consider adopting a resolution authorizing a construction contract with TTG Utilities of Gatesville, Texas, to replace sewer lines in the following areas, in the amount of \$547,628.50

- 1. Midway Mobile Home Park;**
- 2. North 17th Street from Jackson Avenue to Monroe Avenue;**
- 3. East Victory Avenue; and**
- 4. 32nd Street and Avenue E**

(I) 2007-5059-R: Consider adopting a resolution authorizing a Change Order #1 in the amount of \$49,136.35 to the construction contract with Bell Contractors, Inc., for items related to additional TxDOT requests, design changes, and field adjustments as required for utility relocations included in the Loop 363 and 31st Street Phase 1 project - 31st Street as authorized by Council on December 7, 2006.

(J) 2007-5060-R: Consider adopting a resolution authorizing a utility cost sharing agreement with Carothers Homes, Incorporated for West Ridge Phase IX subdivision in the amount of \$43,408.69.

(K) 2007-5061-R: Consider adopting a resolution authorizing a contract with Johnson Roofing, Inc. of Waco to re-roof the Public Services Building (102 East Central Avenue) in the amount of \$93,674.

(L) 2007-5062-R: Consider adopting a resolution authorizing an agreement with TXU Electric Delivery Company to provide and install street lights on the new boulevard islands on Old Howard Road, north of the Central Pointe entrance feature at the intersection of Old Howard Road and Highway 36 (Airport Road), in the amount of \$58,212.

(M) 2007-5063-R: Consider adopting a resolution authorizing a tax abatement agreement with Pactiv Corporation for real and personal property improvements for property consisting of approximately 110.887 acres located at 3000 Pegasus Drive.

(N) 2007-4144: SECOND READING -- Z-FY-07-30: Consider adopting an ordinance approving a binding site plan for a previously approved zoning change (Planned Development - General Retail District) as required by Ordinance No. 2005-4025, on Lot 1, Block 1, J.A.J. Addition, located at 8636 West Adams Avenue.

(O) 2007-5064-R: Consider adopting a resolution authorizing the Chief of Police to apply to the Texas Department of Transportation for regular license plates for certain exempt vehicles used by the Police Department.

(P) 2007-5065-R: Consider adopting a resolution authorizing acquisition of five water and wastewater easements for the Loop 363 Utility Relocation project on three properties adjacent to the eastbound service road for South Loop 363, between South 31st Street and S 57th Street, one property adjacent to the west side of South 31st Street between South Loop 363 and Market Loop, and one property adjacent to the east side of South 31st Street between South Loop 363 and Azalea Drive; describing the tracts to be acquired; determining that such acquisitions are necessary for public utility purposes; and authorizing exercise of eminent domain if such becomes necessary.

(Q) 2007-5066-R: Consider adopting a resolution changing the name of the Sammons Park Golf Course to Sammons Golf Links.

(R) 2007-5067-R: 1. Consider adopting a resolution amending a Contract Agreement for Professional Services with Kasberg, Patrick & Associates, LP, for design of the Outer Loop from FM 2305 to IH 35 to add Acquisition of Right of Way Services.

- 2. Consider adopting a resolution amending a Contract Agreement for Professional Services with Kasberg, Patrick & Associates, LP, for design of the FM 2305 Utility Relocations from SH 317 to FM 2271 to add Acquisition of Right-of-Way Services.**

(S) 2007-5068-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2006-2007.

Motion by Mayor Pro Tem Martha Tyroch to adopt resolution approving Consent Agenda, with the exception of item 4(S), seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

(S) 2007-5068-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2006-2007.

Mayor Jones asked that this item be tabled.

Motion by Mayor Pro Tem Martha Tyroch to table Consent Agenda item 4(S), seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

V. REGULAR AGENDA

ORDINANCES

- 5. 2007-4145: FIRST READING - PUBLIC HEARING - Z-FY-07-27: Consider adopting an ordinance authorizing a zoning change from Two-Family (2F) to Office One (O-1) Zoning Districts on Lots 7, 8, and the North ½ of Lot 9, Block 29, Freeman Heights Addition, located at 302 and 304 South 25th Street.**

Brian Mabry, Senior Planner, gave a brief presentation to the City Council on this item. He provided some background information on this property, which is part of the South 25th Street Corridor Plan. There is an existing home that the applicant wants to use for an office. He showed the existing land uses in the area, as well as the future land use plan. Mr. Mabry also presented the Thoroughfare Plan showing South 25th Street as a minor arterial. A map was also shown depicting the existing utilities which are adequate for the proposed use. The applicant is requesting Office One District and Mr. Mabry described the purpose, permitted uses and prohibited uses for this zoning district. Fifteen notices were mailed to surrounding property owners, with three being returned in favor and none in opposition. The Planning & Zoning Commission recommended approval of the requested zoning change.

Mayor Jones declared the public hearing open with regard to agenda item 5 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Martha Tyroch to adopt ordinance, with second reading set for June 21, 2007, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

- 6. 2007-4146: (A) FIRST READING-PUBLIC HEARING - Z-FY-07-41: Consider adopting an ordinance amending the Future Land use Plan Map from Medium Density Residential to Regional Commercial for the Clem Mikeska Addition, Block 1, north 100' of Lot 3.**

2007-4147: (B) FIRST READING-PUBLIC HEARING - Z-FY-07-41: Consider adopting an ordinance authorizing a zoning change from Two Family Residential (R-2) Residential to Commercial (C) for the Clem Mikeska Addition, Block 1, north 100' of Lot 3.

Tim Dolan, Planning Director, gave a brief presentation to the City Council regarding this item. He showed the location of the property and surrounding land uses and zoning districts. This zoning case is part of a future building permit for parking and circulation, as well as a new restaurant and barbecue pit for Clem Mikeska. The requested rezoning conforms with the planned and existing uses. No letters were submitted either in approval or denial of this request. Mr. Dolan provided the purpose of the Commercial District, as well as examples of businesses allowed in this district and the setback requirements. The Planning & Zoning Commission recommended approval of the requested rezoning.

Mayor Jones declared the public hearing open with regard to agenda items 6(A) and (B) and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Martha Tyroch to adopt ordinances in items 6 (A) and (B), with second reading set for June 21, 2007, seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

RESOLUTIONS

7. **2007-5068-R: P-FY-07-34: Consider adopting a resolution approving the final plat of Lone Star Acres Estates, a proposed three (3) lot single family subdivision of Block 1, Lots 1-3, on the east side of Pendleton-Troy Road, north of Pendleton Loop in the Extra Territorial Jurisdiction (ETJ), approximately 2 - 2 ½ miles north of the City Limits, with the applicant requested exceptions to the Subdivision Ordinance for parkland dedication, curbs and gutters and sidewalks.**

Tim Dolan, Planning Director, gave a presentation regarding this item. This property is located in the City's ETJ, approximately 2.5 miles from the City limits. He explained the process by which plats in the ETJ are reviewed. Mr. Dolan showed the lot layout. There are no City of Temple services planned in this area so both staff and the Planning & Zoning Commission recommended approval of the applicant's requested exceptions to the Subdivision Ordinance for parkland dedication, curbs and gutters and sidewalks.

Motion by Councilmember Russell Schneider to adopt resolution, seconded by Mayor Pro Tem Martha Tyroch.

Motion passed unanimously.

BOARD APPOINTMENTS

8. **2007-5069-R: Consider adopting a resolution appointing one member to the Convention Center & Tourism Advisory Board to fill an unexpired term through September 1, 2009.**

It was recommended that Nathan O'Dell, the General Manager for the new Residence Inn in Temple, be appointed to this board to fill the unexpired term.

Motion by Councilmember Patsy E. Luna to adopt resolution, seconded by Mayor Pro Tem Martha Tyroch.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #5(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher P.E., Director of Public Works
Thomas Brown, Superintendent of Utilities

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Bell Contractors, Inc. of Belton for emergency replacement of a 6- inch sewer line in the area of Avenue P from 51st Street to Live Oak Drive and Live Oak Drive to 57th Street in the amount of \$136,088.95.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Sewer maintenance crews have responded to continuing sewer main problems on George Drive. After further investigation, crews found the actual problem is on Avenue P from 51st Street to 57th Street. TV inspection of the line indicated the clay tile pipe has collapsed in several locations. In addition, roots are causing additional blockages. The sewer blockages are causing tremendous inconveniences to the customers on George Drive and Avenue P and is deemed a potential health hazard.

Due to the emergency nature of the project, Bell Contractors from Belton, Texas and TTG Utilities of Gatesville were asked to submit bids on the project. Bell Contractors was low bid and was asked to complete the emergency replacement as they have the equipment and material on hand to complete the work.

A map is attached of the project location. The sewer line runs through back yards and heavily wooded areas, and as a result, open cut is not feasible. The scope of work using the pipe bursting method is as follows.

<u>(I) 51st Street to Live Oak</u>	<u>Quantity</u>	<u>Unit</u>
1. 10" HDPE by bursting	1,100	LF
2. 4' Dia eccentric M/H w/32" R&C	8	EA
3. Demo and remove manhole	8	EA
4. Demo and remove clean-out	1	EA
5. ROW prep and restoration	11	STA
6. New 10" clean-out	1	EA
7. New sewer Svc connections	20	EA

8. Remove and replace concrete encasement	15	LF
9. Remove and replace fence	25	LF
10. Service pipe replacement	260	LF
11. Tie to existing mains	4	EA
12. R& R concrete rip-rap/Drainage	1	SY

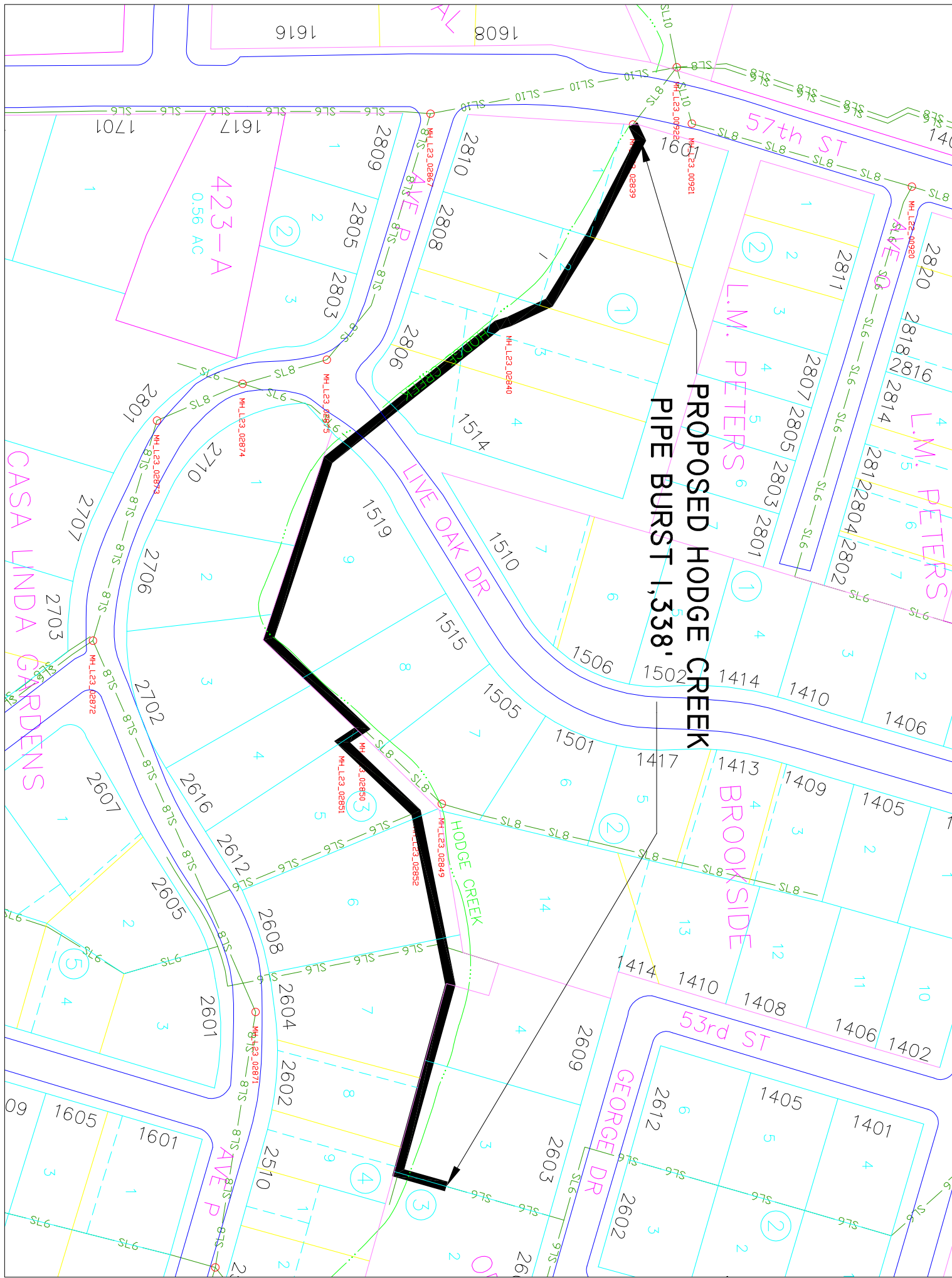
<u>(II) Live Oak to 57th Street</u>	<u>Quantity</u>	<u>Unit</u>
13. 10" HDPE by bursting	500	LF
14. 4' Dia eccentric M/H w/32" R&C	4	EA
15. Demo and remove manhole	4	EA
16. Demo and remove clean-out		EA
17. ROW prep and restoration	5	STA
18. New 10" clean-out		EA
19. New sewer Svc connections	5	EA
20. Remove and replace concrete encasement		LF
21. Remove and replace fence		LF
22. Service pipe replacement	55	LF
23. Tie to existing mains	1	EA
24. R& R concrete rip-rap/Drainage	1	SY

Staff authorized work as an emergency and Notice to Proceed was issued on June 1, 2007. The project is expected to be completed by September 2007.

FISCAL IMPACT: Funding for this emergency contract in the amount of \$136,088.95 is available in the water and sewer replacement accounts 520-5200-535-6357 and 520-5400-535-6361. Prior to award of this contract \$331,907 remains available in these accounts for funding water and sewer line replacements. \$214,573 in the water account after the award of North Pea Ridge and \$117,334 in the sewer account after the award of the 2007 sewer line replacement. A budget amendment is attached for council's approval, re-appropriating \$30,000 from the water account (520-5200-535-6357) to the sewer account (520-5400-535-6361) to help fund this project.

ATTACHMENTS:

[Location Map](#)
[Budget amendment](#)
[Resolution](#)



PROPOSED HODGE CREEK
PIPE BURST 1,338'

BUDGET ADJUSTMENT FORM

FY 2007

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

Adjustments should be rounded to the nearest \$10.

		+		-	
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	Project #	INCREASE	DECREASE	
520-5200-535-63-57	Capital/Water Line Replacements	100230		\$ 30,000	
520-5400-535-63-61	Capital/Sewer Line Replacements	100092	\$ 30,000		
TOTAL.....			\$ 30,000	\$ 30,000	

EXPLANATION OF ADJUSTMENT REQUEST- Include justification for increases AND reason why funds in decreased account are available.

To re-allocate funding from the budgeted Water Replacement capital account to the Sewer Replacement capital account.

Currently this sewer line replacement projects is a higher priority than the current list of water replacement projects.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ YES
☐ NO

DATE OF COUNCIL MEETING

6/21/2007

DEPARTMENT HEAD/DIVISION DIRECTOR

DATE

☐ Approved
☐ Disapproved

FINANCE

DATE

☐ Approved
☐ Disapproved

CITY MANAGER

DATE

☐ Approved
☐ Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE AUTHORIZATION OF THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT BETWEEN THE CITY OF TEMPLE, TEXAS, AND BELL CONTRACTORS, INC., OF BELTON, TEXAS, IN THE AMOUNT OF \$136,088.95 FOR THE EMERGENCY REPLACEMENT OF A 6-INCH SEWER LINE (PIPE BURSTING METHOD) IN THE AREA OF AVENUE P FROM 51ST STREET TO LIVE OAK DRIVE AND LIVE OAK DRIVE TO 57TH STREET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, sewer maintenance crews have responded to continuing sewer main problems on George Drive – further investigation revealed that clay tile pipe had collapsed in several locations on Avenue P and that roots were causing additional blockages;

Whereas, due to the emergency nature of the project, the Staff asked TTG Utilities, LP, and Bell Contractors, Inc., to submit bids for the project;

Whereas, the Staff recommends accepting the bid (\$136,088.95) from Bell Contractions, Inc., for this project;

Whereas, funds are available for this project but an amendment to the FY2006-07 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council ratifies the authorization of the City Manager to execute a construction contract, not to exceed \$136,088.95, between the City of Temple, Texas, and Bell Contractors, Inc., of Belton, Texas, after approval as to form by the City Attorney, for the emergency replacement of a 6-inch sewer line (pipe bursting method) in the area of Avenue P from 51st Street to Live Oak Drive and Live Oak Drive to 57th Street.

Part 2: The City Council approves an amendment to the FY2006-07 budget, substantially in the form of the copy attached as Exhibit A, for this project.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 21st day of **June**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #5(E)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Advanced Equipment Corporation from Fullerton, California to replace the divider walls in the main hall at The Frank W. Mayborn Civic and Convention Center (3303 N. 3rd Street) in the amount of \$124,500.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: We are requesting authorization to enter into an agreement with Advanced Equipment Corporation of Fullerton, California for \$124,500 to replace the divider walls in the main hall at The Frank W. Mayborn Civic and Convention Center, a municipally owned building located at 3303 N. 3rd St. This project is part of the FY 06/07 CIP program. The walls are part of the original structure built in 1982.

On June 12, 2007, bids were opened on this project. Advanced Equipment Corporation was the only bidder for this project. The work to be completed includes removing the existing wall and installing the new wall. The work is to be completed by August 31st, 2007. There will be a 10 year warranty on the trac and trolley's and the mechanical parts for the wall.

This project is budgeted in the FY 06/07 CIP program – as are several other improvements to the Mayborn Center. It was our hope to not do this replacement until the current facility analysis study for the Center being done by the Strategic Analysis Group was completed. However, the replacement must be made now. We have discussed this with the Strategic Analysis Group staff doing the study and they concur with our decision.

FISCAL IMPACT: On August 31, 2006, Council adopted a resolution authorizing the adoption of the 2006-2016 Capital Improvement Plan. Included in this plan were improvements to the Mayborn Convention Center totaling \$410,000. As part of the \$410,000 of improvements, \$150,000 was budgeted for the replacement of the main hall movable wall tracking and motors. A budget amendment is attached for Council's approval appropriating \$125,000 to account 240-4400-551-6310 from account 240-000-352-1345, Hotel/Motel Designated Capital Projects, for the contract with Advanced Equipment Corporation and miscellaneous anticipated project costs.

ATTACHMENTS:

[Budget Amendment](#)
[Resolution](#)

FY 2007**BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
240-4400-551-63-10	100146	Capital Projects/Buildings	\$ 125,000			
240-0000-352-13-45		Hotel/Motel Des Cap Proj/Dividers			125,000	
		Do Not Post				
TOTAL.....			\$ 125,000		\$ 125,000	

EXPLANATION OF ADJUSTMENT REQUEST- Include justification for increases AND reason why funds in decreased account are available.

On August 31, 2006, Council adopted a resolution authorizing the adoption of the 2006-2016 Capital Improvement Plan. Included in this plan were improvements to the Mayborn Convention Center totalling \$410,000. As part of the \$410,000 of improvements, \$150,000 was budgeted for replacement of the movable wall system. A bid was received for \$124,500 for this project; with other incidental expenses related to bidding, etc, a budget amendment for \$125,000 is being requested.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

6/21/2007

WITH AGENDA ITEM?

☐

Yes

☒

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH ADVANCED EQUIPMENT CORPORATION OF FULLERTON, CALIFORNIA, TO REPLACE THE DIVIDER WALLS IN THE MAIN HALL AT THE FRANK W. MAYBORN CIVIC AND CONVENTION CENTER FOR A COST NOT TO EXCEED \$124,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 12, 2007, the City received one bid for replacing the divider walls at the Frank W. Mayborn Civic and Convention Center;

Whereas, the Staff recommends accepting the bid (\$124,500) from Advanced Equipment Corporation of Fullerton, California, for this project;

Whereas, funds are available for this project but an amendment to the FY2006-07 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract, not to exceed \$124,500, between the City of Temple, Texas, and Advanced Equipment Corporation of Fullerton, California, after approval as to form by the City Attorney, to replace the divider walls in the main hall at the Frank W. Mayborn Civic and Convention Center.

Part 2: The City Council approves an amendment to the FY2006-07 budget, substantially in the form of the copy attached as Exhibit A, for this project.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **21st** day of **June**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #5(F)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Atlas Enterprises, Inc. of Fort Worth for the purchase and shooting of the fireworks for July 4th in the amount of \$25,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: We are requesting authorization to enter into an agreement with Atlas Enterprises, Inc. of Fort Worth, Texas for \$25,000 for the purchase and shooting of the fireworks for the July 4th show.

The July 4th program this year will again be at Miller Park. The afternoon will begin at 3:00 p.m. with food, games, arts and crafts, talent show and music sponsored by the Hispanic Leadership Council. At 7:30 the City will present Brian Gowan and Wild Horses on the main entertainment stage who will perform until 9:30 when the fireworks show will begin.

Atlas Enterprises, Inc. was the only vendor to bid on the fireworks show. The contract allows for four one year extensions – agreeable by both parties. The contract calls for a 25-minute show each year with the costs to be:

2008	\$25,750
2009	\$26,522
2010	\$27,318
2011	\$28,137

Atlas Enterprises, Inc. has produced the Temple fireworks show the past several years and have always done an excellent job for the City. Should the July 4th show be rained out, the fireworks will be shot on a date agreeable to both the City and Atlas Enterprises, Inc.

FISCAL IMPACT: Funding in the amount of \$25,000 for the fireworks program is budgeted and available in account 110-3200-551-26-23, Other Contracted Services.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH ATLAS ENTERPRISES, INC., OF FORT WORTH, TEXAS, FOR THE PURCHASE AND SHOOTING OF THE FIREWORKS FOR JULY 4TH IN THE AMOUNT OF \$25,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City requested bids for the annual 4th of July fireworks show and received only one bid from Atlas Enterprises, Inc., of Fort Worth, Texas;

Whereas, the Staff recommends accepting the bid (\$25,000) which also provides for four one-year extensions at prices which are agreeable to both parties;

Whereas, funds are available in Account No. 110-3200-551-2623 for this expense; and

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

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

PART 1: The City Council authorizes the City Manager, or his designee, to execute a contract for a cost not to exceed \$25,000, with Atlas Enterprises, Inc., of Fort Worth, Texas, after approval as to form by the City Attorney, for the purchase and shooting of the fireworks for July 4th.

PART 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **21st** day of **June**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #5(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-07-27: Consider adopting an ordinance authorizing a zoning change from Two-Family (2F) to Office One (O-1) Zoning Districts on Lots 7, 8, and the North ½ of Lot 9, Block 29, Freeman Heights Addition, located at 302 and 304 South 25th Street.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 8/0 in favor of the staff recommendation at its meeting on May 21, 2007. Commissioner Pope was absent. No questions or comments were raised during the meeting.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description, on second and final reading for the following reasons:

1. The zone change complies with the Future Land Use Plan and South 25th Street Corridor Plan;
2. The zone change complies with the Thoroughfare Plan; and
3. Adequate public facilities serve the subject property.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-07-27, from the Planning and Zoning Commission meeting, May 21, 2007.

Surrounding Property and Uses

The following table shows the future land use category, zoning and actual land use for properties north, south, east and west of the subject property.

	North	South	East	West
Future Land Use Category	Neighborhood & Community Retail	Neighborhood & Community Retail	Neighborhood & Community Retail	Moderate Density Residential
Zoning	2F, Two-Family	2F, Two-Family	GR and PD-C, Commercial	2F, Two-Family
Actual Land Use	Single-family dwelling	Single-family dwelling	Major vehicle repair and Bar (separated by 25 th St.)	Single-family dwelling (separated by alley)

Future Land Use Plan & Future Trends of 25th Street Corridor Plan

The property is part of the 25th Street Corridor Plan. The Future Land Use Map shows Neighborhood and Community Retail as the future land use category for the subject property. The O-1 Zoning District complies with the future land use category.

Thoroughfare Plan

25th Street is a Minor Arterial. This request complies with the Thoroughfare Plan since the Thoroughfare Plan states that Minor Arterials serve major movements of traffic between different areas of the city with facing commercial development.

Adequacy of Public Facilities

An eight-inch water line along the west side of 25th Street and a six-inch sewer line at the rear of the subject property serves the proposed office and is sufficient for the proposed request.

Development Regulations

The Zoning Ordinance states that the O-1 Zoning District should be:

- Located convenient to residential areas; and
- Complimentary to the character of the residential neighborhood served.

The district allows most housing types, schools, banks and offices.

Uses that are prohibited in O-1 include, but are not limited to: manufactured homes, apartments, industrial uses, self-service storage and vehicle repair.

Public Notice

Fifteen notices were sent out. As of Friday, May 25 at 3 PM, three notices were returned in favor of and no were returned in opposition to the request. The newspaper printed the public hearing on May 11 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

[Aerial](#)
[Future Land Use Map](#)
[Zoning Map](#)
[Notice Map](#)
[P&Z Staff Report \(05/21/07\)](#)
[P&Z Minutes \(05/21/07\)](#)
[Ordinance](#)



Z-FY-07-27

302 & 304 S. 25th Street – Lts. 7, 8 & N ½ of 9, Blk. 9 – Freeman Heights





Z-FY-07-27 302 & 304 S. 25th Street-Lts. 7, 8 & N 1/2 of 9, Blk 29-Freeman Heights

AGRICULTURAL

Agricultural

RESIDENTIAL

Low Density
(0-2 DU/ACRE)
(UE)

Moderate Density
(2-6 DU/ACRE)
(SF-1, SF-2, SF-3, MH, 2-F)

Medium Density
(6-12 DU/ACRE)
(MH, 2-F, TH, MF-1)

High Density
(12-25 DU/ACRE)
(MF-2)

COMMERCIAL

Neighborhood and
Community Retail
(NS, GR)

Office
(O-1, O-2)

Regional Commercial
(C, CA)

MIXED USE

Mixed Use Areas

INDUSTRIAL

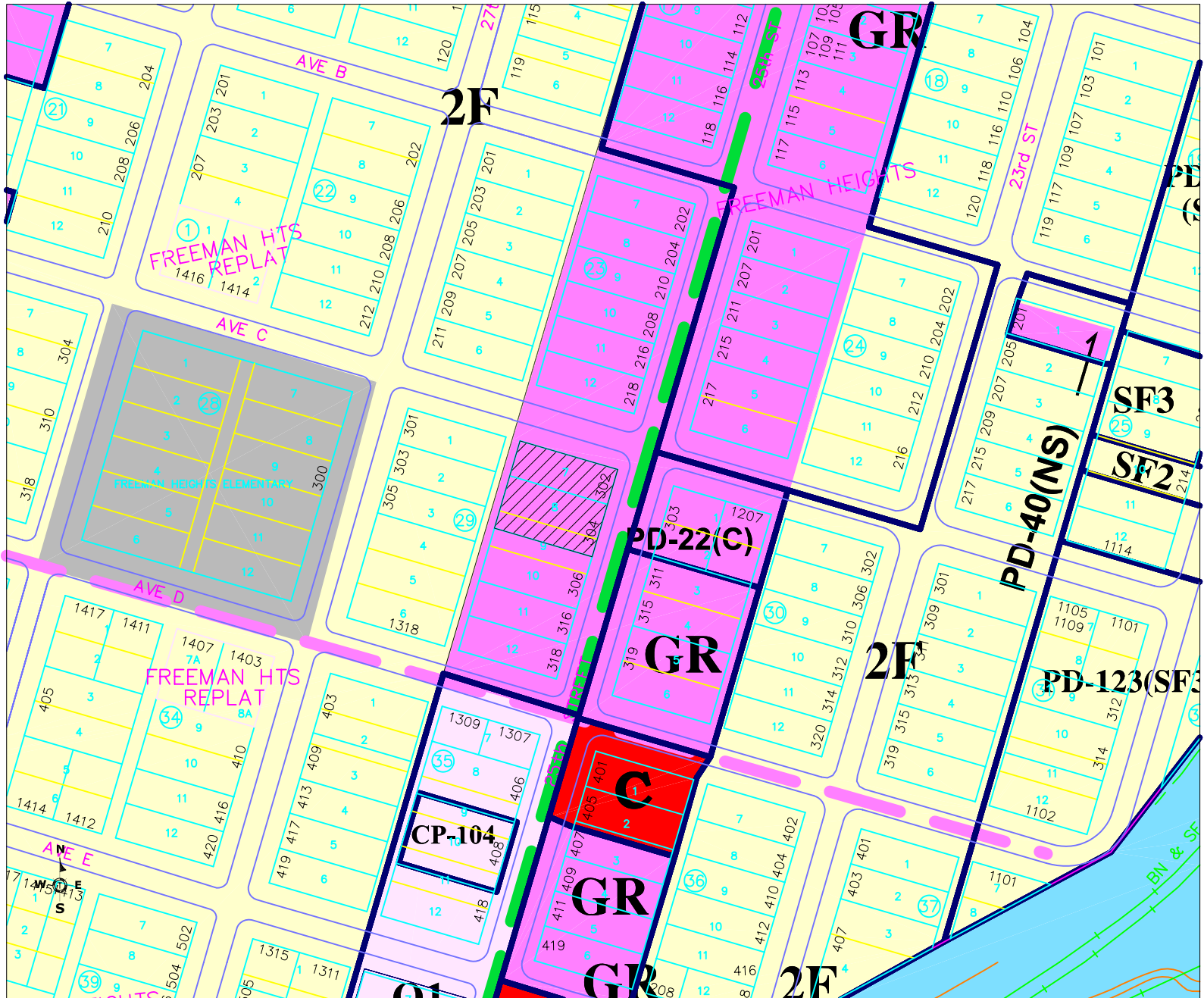
Light and Heavy
Industrial
(LI, HI)

COMMUNITY FACILITIES

CF-E (Schools)
CF-G (General)
CF-M (Medical)
CF-R (Religious)

PARKS

Proposed
Zoning

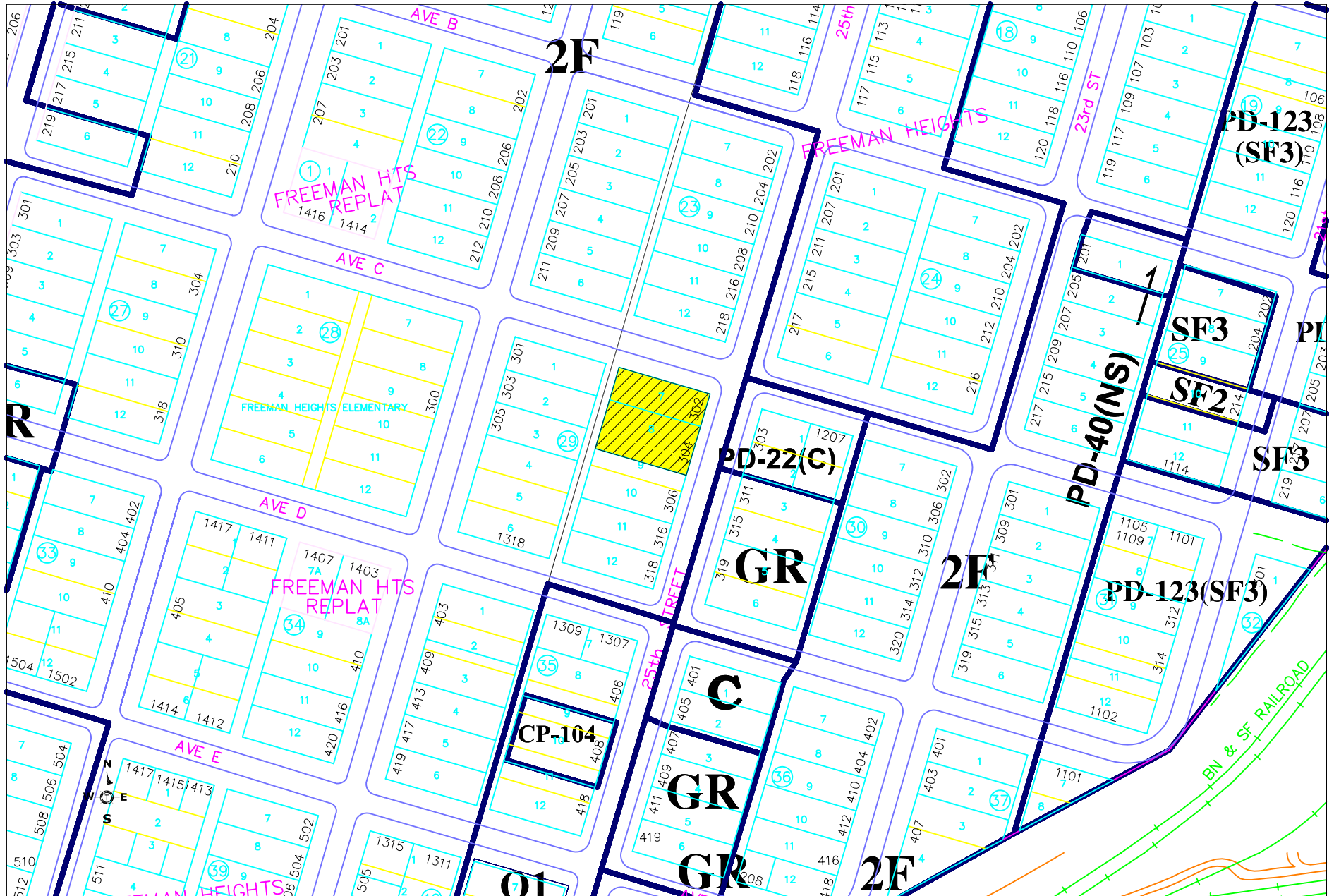


2F to O-1

S. Vybiral/GIS Mapping
03-14-07



Z-FY-07-27 302 & 304 S. 25th Street-Lts. 7, 8 & N 1/2 of 9, Blk 29-Freeman Heights



**Area of Proposed
Zoning**

2F to O-1

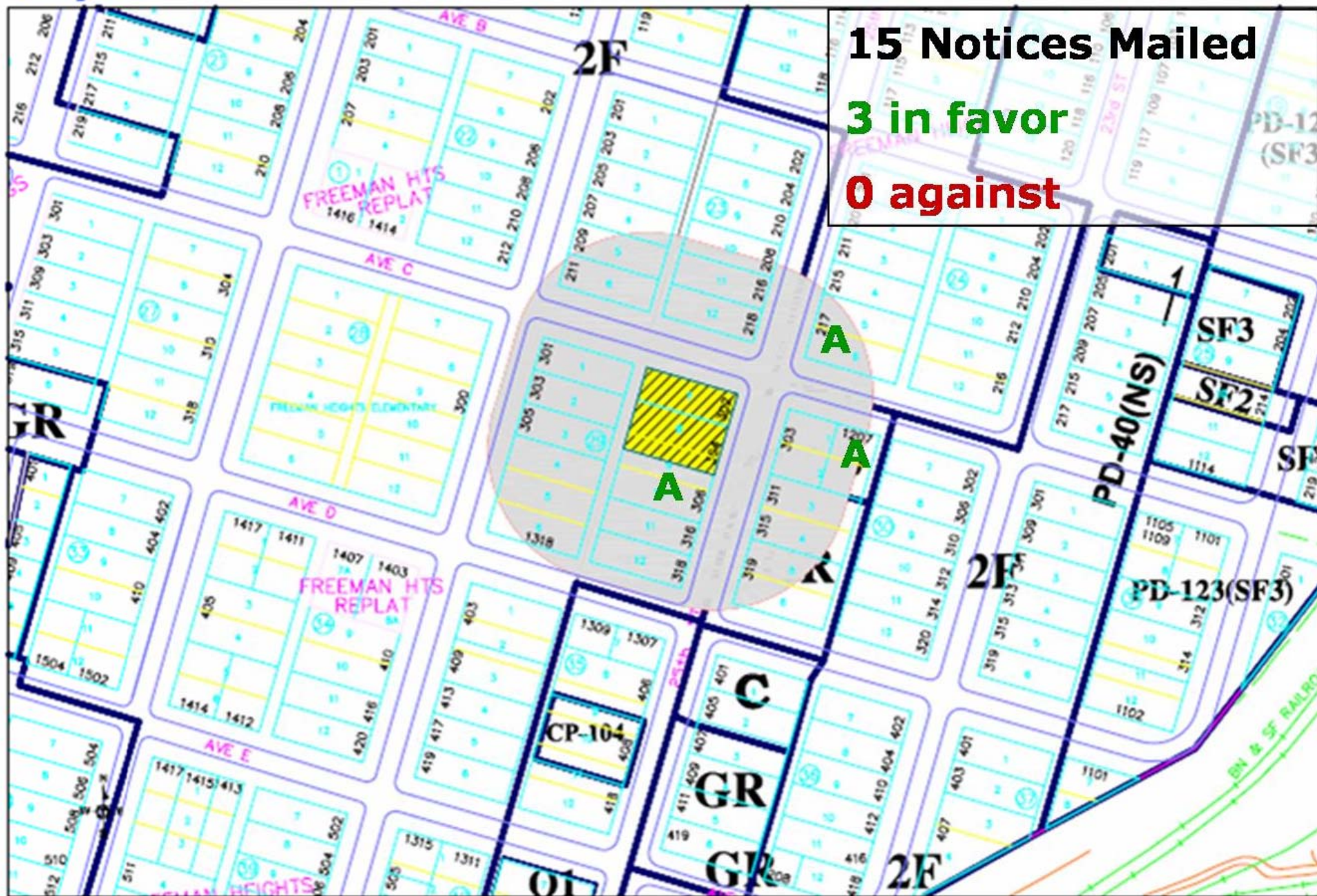
S. Vybiral/GIS Mapping


03-14-07

Scale: 1"=200'



Z-FY-07-27 302 & 304 S. 25th Street-Lts. 7, 8 & N 1/2 of 9, Blk 29-Freeman Heights



 Area of Proposed Zoning

 200' Radius

2F to O-1

S. Vybral/GIS Mapping

03-14-07

Scale: 1"=200'



PLANNING AND ZONING COMMISSION AGENDA ITEM

05/21/07
Item 3
Page 1 of 3

APPLICANT / DEVELOPMENT: Craig Schneider

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-07-27 Hold a public hearing and consider a zone change from Two-Family (2F) to Office One (O-1) Zoning Districts on Lots 7, 8, and the North ½ of Lot 9, Block 29, Freeman Heights Addition, located at 302 and 304 South 25th Street.

BACKGROUND:

The subject property is located on the west side of South 25th Street at the intersection of West Avenue C. It is part of the 25th Street Corridor Plan. The area subject to the corridor plan stretches along 25th Street from Adams Avenue to Avenue R. The applicant proposes to establish an office in the existing building on the property.

Surrounding Property and Uses

The following table shows the future land use category, zoning and actual land use for properties north, south, east and west of the subject property.

	North	South	East	West
Future Land Use Category	Neighborhood & Community Retail	Neighborhood & Community Retail	Neighborhood & Community Retail	Moderate Density Residential
Zoning	2F, Two-Family	2F, Two-Family	GR and PD-C, Commercial	2F, Two-Family
Actual Land Use	Single-family dwelling	Single-family dwelling	Major vehicle repair and Bar (separated by 25 th St.)	Single-family dwelling (separated by alley)

Future Land Use Plan & Future Trends of 25th Street Corridor Plan

The Future Land Use Map shows Neighborhood and Community Retail as the future land use category for the subject property. The O-1 Zoning District complies with the future land use category. It is less intense than those districts recommended for Neighborhood and Community Retail (Neighborhood Service [NS] and General Retail [GR]). The plan states that “requests for general retail and office development throughout this portion of the Corridor should be entertained by the Planning and Zoning Commission.”

The 25th Street Corridor Plan was adopted on March 5th, 1998. It recognizes that in the future, market conditions and public investment on 25th Street will result in the transformation of residential properties into nonresidential properties and that the appropriate place for residential uses within the corridor area should be at the south end of 25th Street and along neighboring parallel streets such as 23rd and 27th.

Double Sided

Thoroughfare Plan

This request complies with the Thoroughfare Plan since 25th Street is a Minor Arterial. The Thoroughfare Plan states that Minor Arterials serve major movements of traffic between different areas of the city with facing commercial development. The proposed zone change and use is therefore appropriate for 25th Street.

Adequacy of Public Facilities

An eight-inch water line along the west side of 25th Street and a six-inch sewer line at the rear of the subject property serves the proposed office and is sufficient for the proposed request.

Development Regulations

The Zoning Ordinance states that the O-1 Zoning District should be:

- Located convenient to residential areas; and
- Complimentary to the character of the residential neighborhood served.

The district allows most housing types, schools, banks and offices. Permitted uses are not intended to be major traffic generators. Uses that are prohibited in O-1 include, but are not limited to: manufactured homes, apartments, industrial uses, self-service storage and vehicle repair.

The O-1 Zoning District has the following dimensional requirements.

Office One (O-1)	
Min. Lot Area (sq. ft.)	--
Min. Lot Width (ft.)	--
Min. Lot Depth (ft.)	--
Max. Height (stories)	3
Min. Yard (ft)	
Front	25
Side (Interior)	5
Side (Street)	15
Rear (Adjacent to Residential)	10

Public Notice

Fifteen notices were sent out. As of Wednesday, May 17 at 5 PM, no notices were returned in favor of and no were returned in opposition to the request. The newspaper printed the public hearing on May 11 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the zone change for the following reasons:

1. The zone change complies with the Future Land Use Plan and South 25th Street Corridor Plan;
2. The zone change complies with the Thoroughfare Plan; and
3. Adequate public facilities serve the subject property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Application
Aerial
Future Land Use Map

Zoning Map
Notice Map
Response Letters

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MAY 21, 2007**

ACTION ITEMS

ZONE CHANGE

3. **Z-FY-07-27** Hold a public hearing and consider a zone change from Two-Family (2F) to Office One (O-1) Zoning District on Lots 7, 8, and the North ½ of Lot 9, Block 29, Freeman Heights Addition, located at 302 and 304 South 25th Street. (Applicant: Craig Schneider)

Mr. Brian Mabry, Senior Planner, presented this item to the Commission as outlined in the Planning and Zoning Commission Agenda Background. He showed pictures, an aerial map, a land use map, the thoroughfare plan, purpose for the request, permitted uses and prohibited uses in the requested zone change designation, and displayed area regulations for the property. Mr. Mabry said fifteen notices were mailed to surrounding property owners within 200 feet. Two notices were returned in favor of the request and there were none returned in opposition to the request. He displayed the Staff's recommendation and reasons for the recommendation.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to this zone change request to address the Commission. Seeing no one, Chair Thomas closed the public hearing.

Motion to recommend approval of Z-FY-07-27, by Commissioner Norman; seconded by Commissioner Pilkington.

Motion passed (8/0).

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM TWO FAMILY DISTRICT (2F) TO OFFICE ONE DISTRICT (O1) ON LOTS 7, 8, AND THE NORTH ½ OF LOT 9, BLOCK 29, FREEMAN HEIGHTS ADDITION, LOCATED AT 302 AND 304 SOUTH 25TH STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Two Family District (2F) to Office One District (O1) on Lots 7, 8, and the north ½ of Lot 9, Block 29, Freeman Heights Addition, located at 302 and 304 South 25th Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 3: 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 4: 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 5: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **June**, 2007.

PASSED AND APPROVED on Second Reading on the 21st day of **June**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #5(H-1)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING- Z-FY-07-41: Consider adopting an ordinance amending the Future Land use Plan Map from Medium Density Residential to Regional Commercial for the Clem Mikeska Addition, Block 1, north 100' of Lot 3.

P&Z COMMISSION RECOMMENDATION: The Planning & Zoning Commission unanimously recommended approval by a vote 8-0, to amend the Future Land Use Plan Map from Medium Density Residential to Regional Commercial for the subject property.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description, on second and final reading.

The designation for Moderate Density Residential comes from 1989 Plan. The Plan contemplated non-residential uses when adequate thoroughfare and utilities serve the site but did not contemplate the changes to the Future Land Use Map, and it requires an amendment.

1. The subject area conforms to the Thoroughfare Plan since 57th Street and Avenue M are planned as Minor Arterial roadways.
2. The subject area conforms to the Adequacy of Public Facilities since the site contains adequate water and waste water.

ITEM SUMMARY: The property is part of a developed tract which will gain access from both 57th Street and Avenue M. The designation for Moderate Density Residential comes from 1989 Plan. The Plan contemplated non-residential uses when adequate thoroughfare and utilities serve the site but did not contemplate the changes to the Future Land Use Map, and it requires an amendment.

The property to the north and south were both planned for Commercial and General Retail purposes and are developed as part of the Restaurant and catering area. The property is flanked by commercial development as part of restaurant and food preparation area.

FISCAL IMPACT: None

ATTACHMENTS:

[Vicinity Map](#)
[Future Land Use Map](#)
[Notice Map](#)
[PZ Minutes 06-04-07](#)
[Ordinance](#)

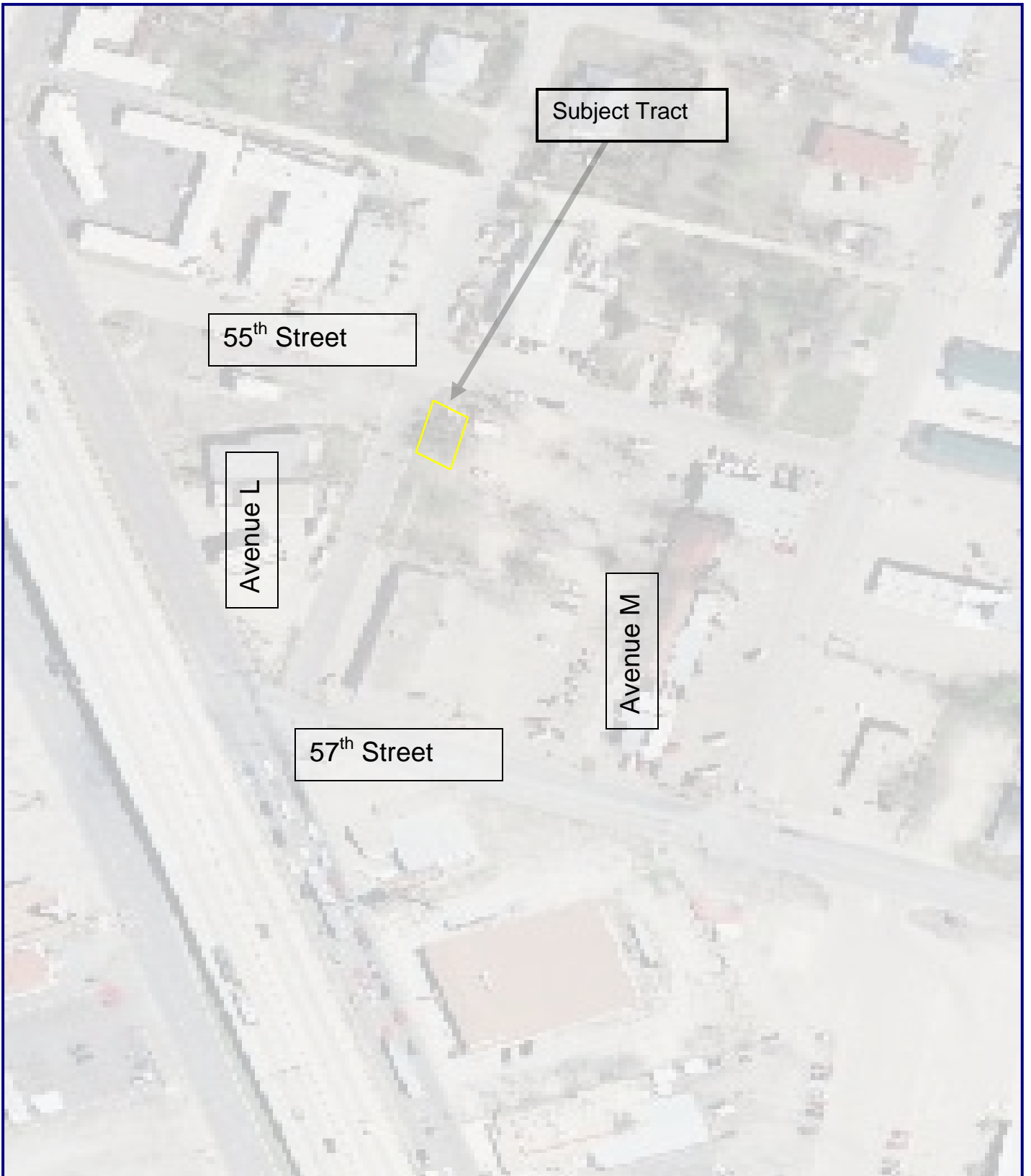
Subject Tract

55th Street

Avenue L

57th Street

Avenue M

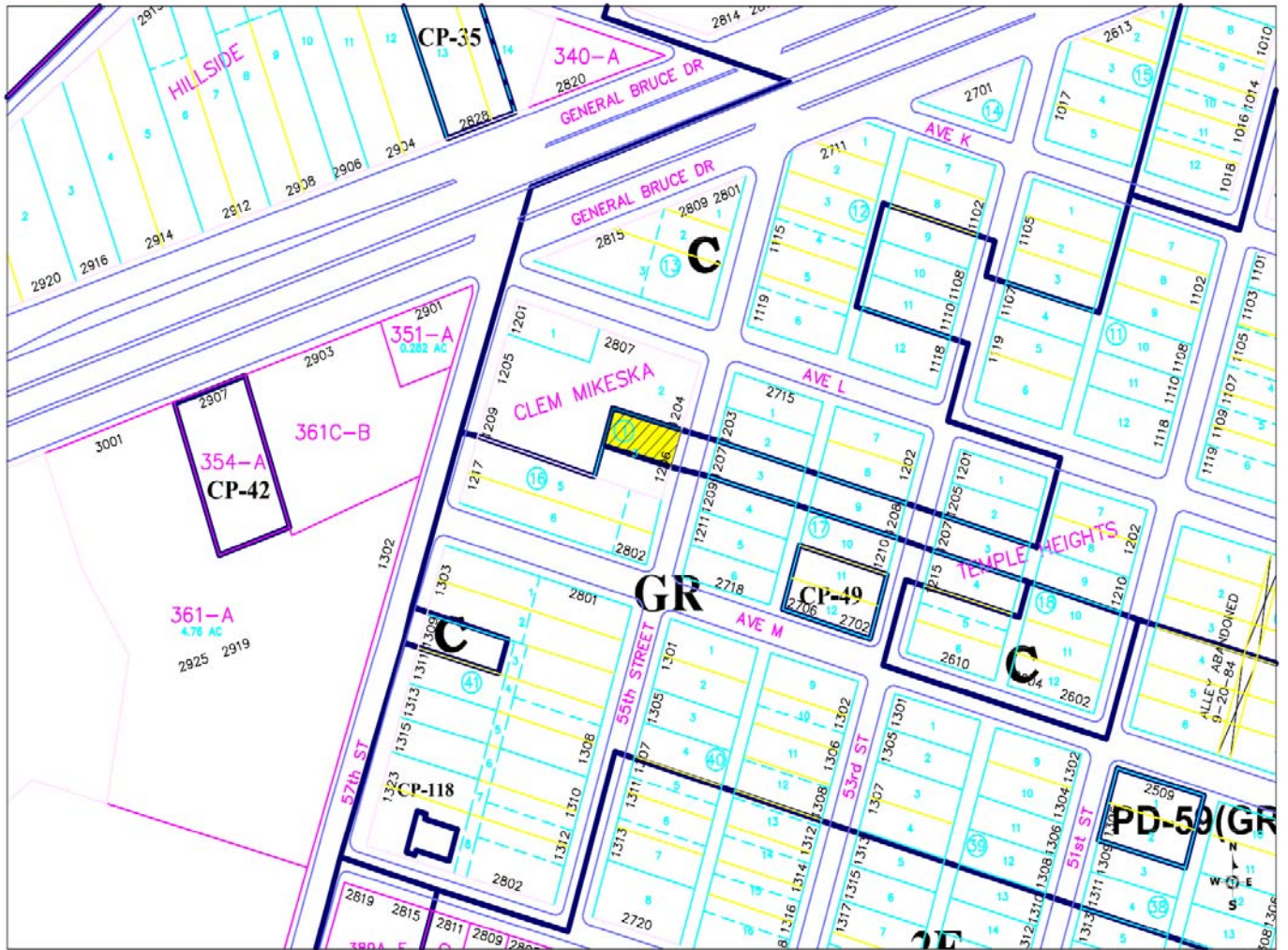





Z-FY-07-41

1206 S. 55th Street

N. 100' Lt. 3, Blk 1 - Clem Mikeska



 **Area of Proposed
Zone Change**

SF-2 - C

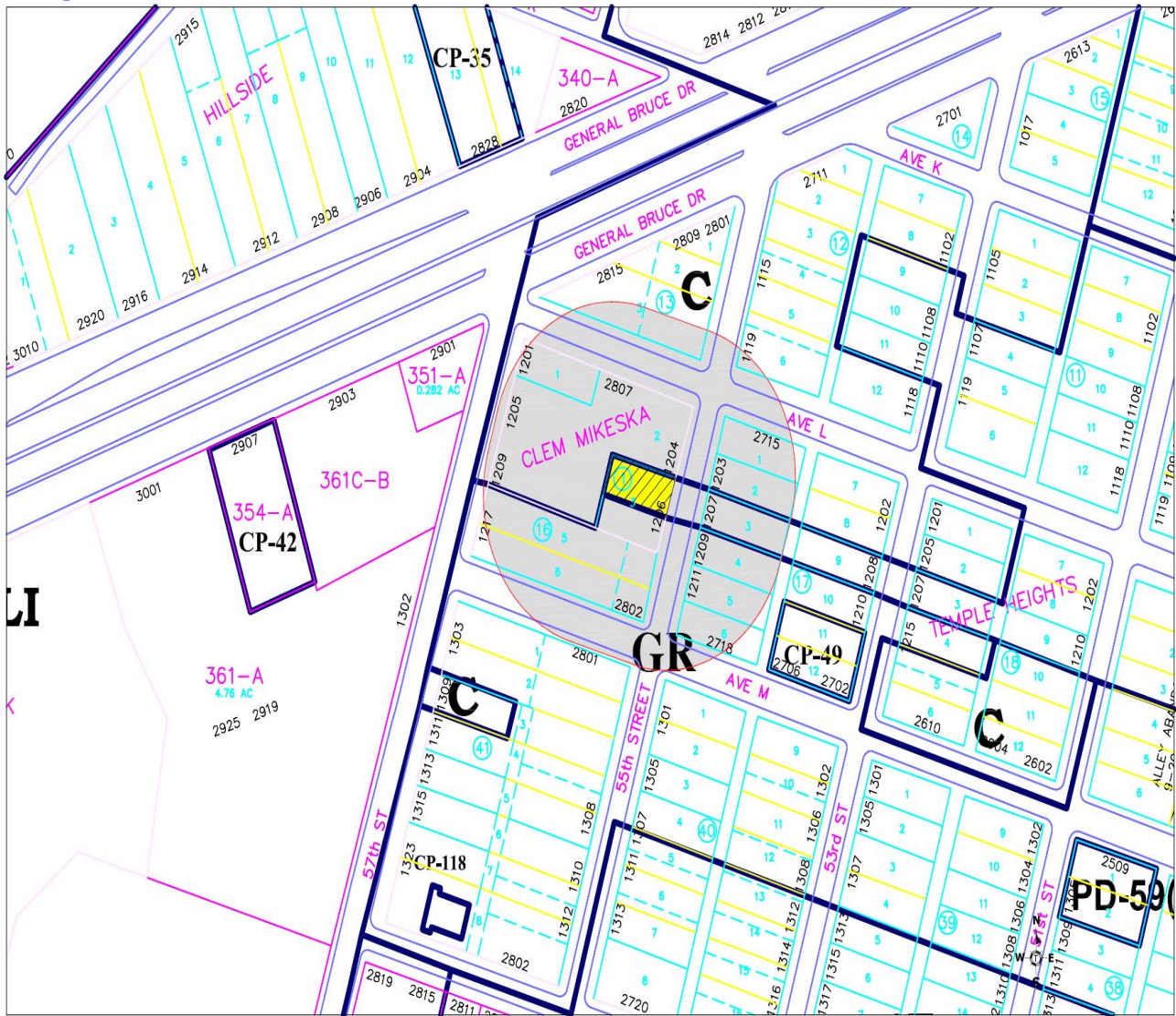
**S. Vybiral/GIS Mapping
05-18-07
Scale: 1"=200'**



Z-FY-07-41

1206 S. 55th Street

N. 100' Lt. 3, Blk 1 - Clem Mikeska



 **Area of Proposed Zone Change**

 **200' Radius**

A - LI

**S. Vybiral/GIS Mapping
05-18-07
Scale: 1"=200'**

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 4, 2007**

ACTION ITEMS

ZONE CHANGE

- 12. A Z-FY-07-41** Hold a public hearing to consider amending the Comprehensive Plan's Future Land Use Plan Map from Medium Density Residential to Regional Commercial for the Clem Mikeska Addition, Block 1, north 100' of Lot 3. (Applicant: Clem Mikeska)
- B Z-FY-07-41** Hold a public hearing and consider a zone change from Two Family District to Commercial District on the north 100' of Lot 3, Block 1, Clem Mikeska Subdivision, located at 1206 South 55th Street. (Applicant: Clem Mikeska)

Mr. Tim Dolan, Planning Director, presented both cases consecutively. He said the amendment to the Comprehensive Plan and the zone change request for this area is planned as parking and circulation for a new restaurant and catering facility. Mr. Dolan said the purpose for the comprehensive plan is because the Future Land Use Plan indicates this area as residential. The designation for Moderate Density Residential was adopted in 1989 but did not stipulate updating the Land Use Plan Map. He said staff recommends approval of these requests subject to: a) the area conforms to the Goals and Policies of the Future Land Use Plan, b) the area conforms to the Thoroughfare Plan and c) the area conforms to the Adequacy of Public Facilities. Mr. Dolan said

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the above zone change requests, to address the Commission.

Mr. Larry Neal, representative for the applicant, spoke in favor of the request. He said the purpose of this zone change request is to build a new restaurant and to bring the property in compliance with city codes.

Chair Thomas closed the public hearing.

Motion to recommend approval of Z-FY-07-41 A, amendment to the Comprehensive Plan, by Vice-Chair Luck; seconded by Commissioner Pope.

Motion passed (8/0).

Motion to recommend approval of Z-FY-07-41 B, zone change request, by Vice-Chair Luck; seconded by Commissioner Hurd.

Motion passed (8/0).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE FUTURE LAND USE PLAN MAP FROM MEDIUM DENSITY RESIDENTIAL TO REGIONAL COMMERCIAL FOR THE CLEM MIKESKA ADDITION, BLOCK 1, NORTH 100 FEET OF LOT 3; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves amending the Future Land Use Plan Map from Medium Density Residential to Regional Commercial for the Clem Mikeska Addition, Block 1, north 100 feet of Lot 3, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the Future Land Use Map accordingly.

Part 3: 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 4: 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 5: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **June**, 2007.

PASSED AND APPROVED on Second Reading on the 21st day of **June**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #5(H-2)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING- Z-FY-07-41: Consider adopting an ordinance authorizing a zoning change from Two Family Residential (R-2) Residential to Commercial (C) for the Clem Mikeska Addition, Block 1, north 100' of Lot 3.

P&Z COMMISSION RECOMMENDATION: The Planning & Zoning Commission unanimously recommended approval by a vote of 8-0 to rezone the north 100' of Lot 3, Block 1, Clem Mikeska Addition from Two Family Residential (R-2) to Commercial (C).

STAFF RECOMMENDATION: Adopt ordinance as presented in item description, on second and final reading.

ITEM SUMMARY: If approved on the first reading, the second reading and ordinance adoption will be scheduled June 21st. The zoning case is part of a future building permit which will serve as future parking and circulation. The project will include a new restaurant also containing the food preparation and bar-b-queue pit. Mr. Neal is completing the plans for building permit review. The property is flanked by commercial development as part of restaurant and food preparation area. This area serves a remnant of residentially zoned land.

FISCAL IMPACT: None

ATTACHMENTS:

Vicinity Map
Future Land Use Map
Notice Map
PZ Minutes 06-04-07
Ordinance

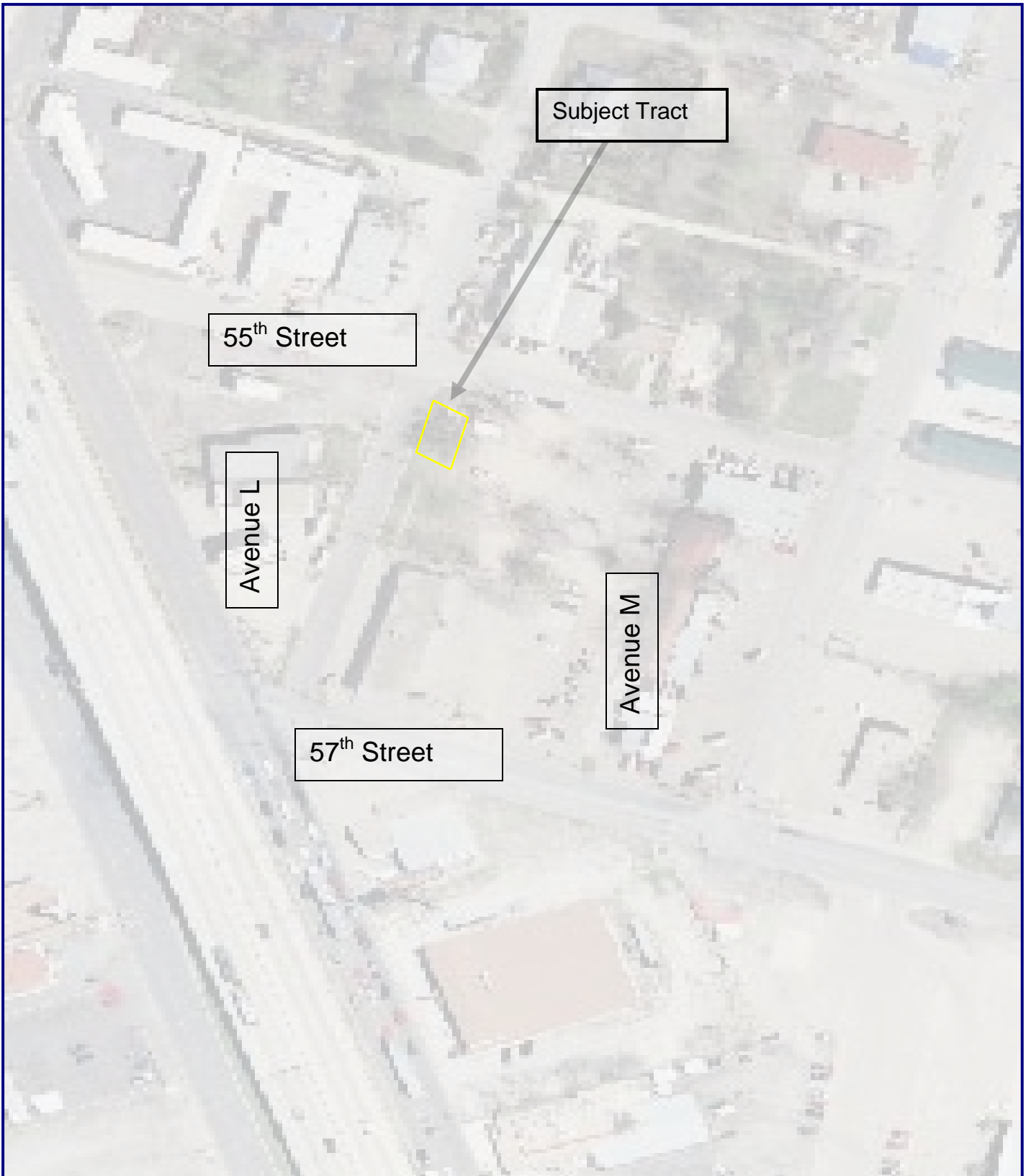
Subject Tract

55th Street

Avenue L

57th Street

Avenue M

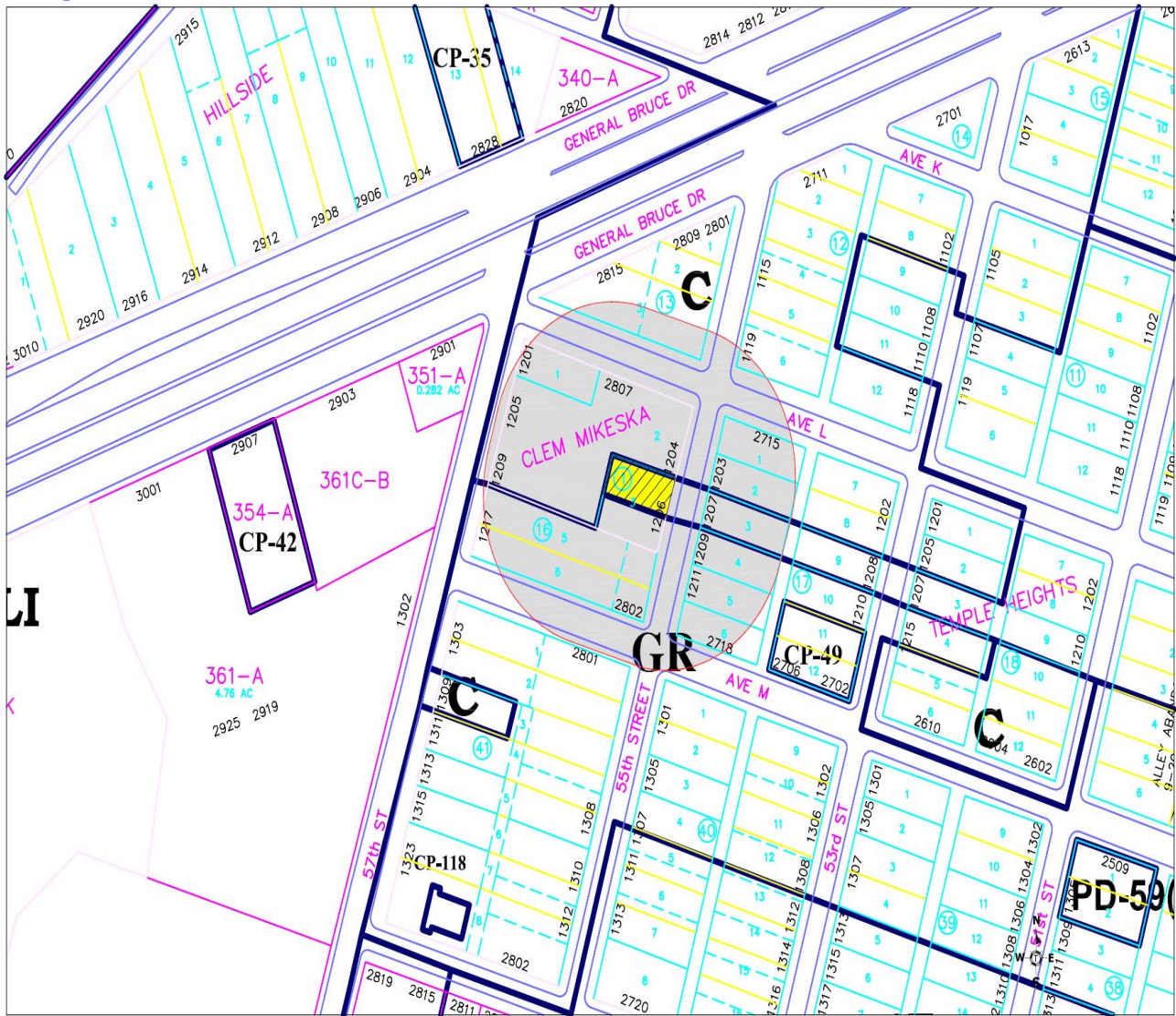




Z-FY-07-41

1206 S. 55th Street

N. 100' Lt. 3, Blk 1 - Clem Mikeska



 **Area of Proposed Zone Change**

 **200' Radius**

A - LI

**S. Vybiral/GIS Mapping
05-18-07
Scale: 1"=200'**

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 4, 2007**

ACTION ITEMS

ZONE CHANGE

- 12. A Z-FY-07-41** Hold a public hearing to consider amending the Comprehensive Plan's Future Land Use Plan Map from Medium Density Residential to Regional Commercial for the Clem Mikeska Addition, Block 1, north 100' of Lot 3. (Applicant: Clem Mikeska)
- B Z-FY-07-41** Hold a public hearing and consider a zone change from Two Family District to Commercial District on the north 100' of Lot 3, Block 1, Clem Mikeska Subdivision, located at 1206 South 55th Street. (Applicant: Clem Mikeska)

Mr. Tim Dolan, Planning Director, presented both cases consecutively. He said the amendment to the Comprehensive Plan and the zone change request for this area is planned as parking and circulation for a new restaurant and catering facility. Mr. Dolan said the purpose for the comprehensive plan is because the Future Land Use Plan indicates this area as residential. The designation for Moderate Density Residential was adopted in 1989 but did not stipulate updating the Land Use Plan Map. He said staff recommends approval of these requests subject to: a) the area conforms to the Goals and Policies of the Future Land Use Plan, b) the area conforms to the Thoroughfare Plan and c) the area conforms to the Adequacy of Public Facilities. Mr. Dolan said

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the above zone change requests, to address the Commission.

Mr. Larry Neal, representative for the applicant, spoke in favor of the request. He said the purpose of this zone change request is to build a new restaurant and to bring the property in compliance with city codes.

Chair Thomas closed the public hearing.

Motion to recommend approval of Z-FY-07-41 A, amendment to the Comprehensive Plan, by Vice-Chair Luck; seconded by Commissioner Pope.

Motion passed (8/0).

Motion to recommend approval of Z-FY-07-41 B, zone change request, by Vice-Chair Luck; seconded by Commissioner Hurd.

Motion passed (8/0).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM TWO FAMILY RESIDENTIAL DISTRICT (R-2) TO COMMERCIAL DISTRICT (C) FOR THE CLEM MIKESKA ADDITION, BLOCK 1, NORTH 100 FEET OF LOT 3; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Two Family Residential District (R-2) to Commercial District (C) for the Clem Mikeska Addition, Block 1, north 100 feet of Lot 3, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 3: 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 4: 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 5: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **June**, 2007.

PASSED AND APPROVED on Second Reading on the 21st day of **June**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #5(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
David Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing the conveyance of up to 250 acres of City-owned land located in the southeast industrial park to the Temple Economic Development Corporation.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The Board of Directors of the Temple Economic Development Corporation has requested that the City convey up to 250 acres in the City's southeast industrial park to TEDC for industrial development purposes, including job creation and additional tax value. The TEDC Board is in the process of negotiating an economic development agreement with a prospect, and an element of the agreement would involve the transfer of approximately 250 acres in the southeast industrial park to their prospect. With authorization by the City Council of the transfer of up to 250 acres to TEDC, we will finalize the location, size and description of the acreage as those things are finalized and prior to any actual conveyance of land from the City to TEDC. The proposed resolution simply authorizes the transfer of up to 250 acres to TEDC for this project with a legal description determined prior to the transfer. A drawing showing the approximate location of the 250 acres is attached to this narrative.

As has been our practice with prior conveyances of property from the City to TEDC for economic development purposes, net revenue (after the deduction of costs associated with the conveyance of the property in question from TEDC to the ultimate purchaser), if any, will be returned to the City.

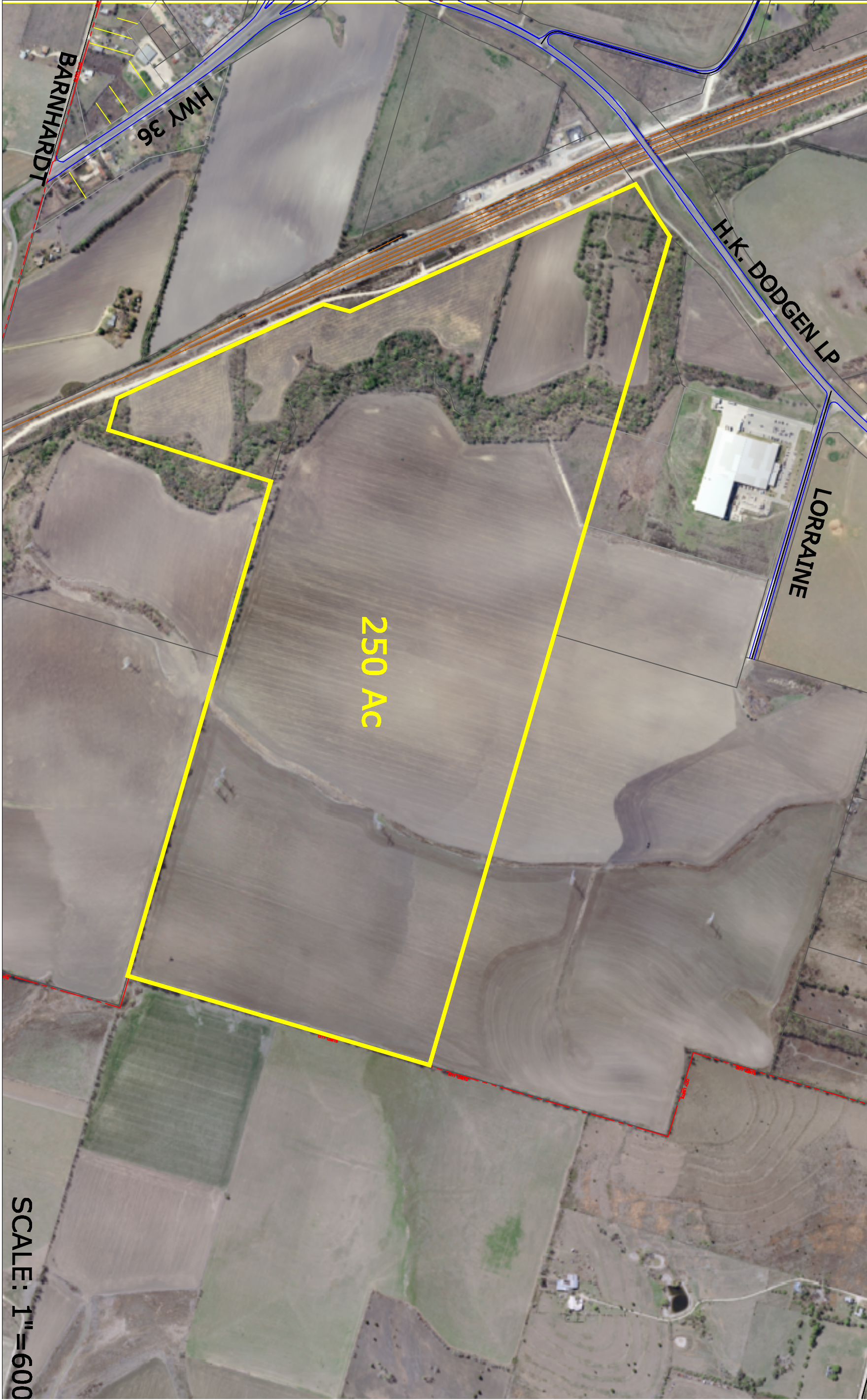
FISCAL IMPACT: At the present time, the property is exempt from property taxes, and it will remain so under the ownership of TEDC. When the property is conveyed for an industrial purpose it will be added back to the property tax rolls.

ATTACHMENTS:

[Map](#)
[Resolution](#)



City Owned Property to be Transferred to TEDC



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CONVEYANCE OF UP TO 250 ACRES OF CITY-OWNED LAND LOCATED IN THE SOUTHEAST INDUSTRIAL PARK TO THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION FOR ECONOMIC DEVELOPMENT PURPOSES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Board of Directors of the Temple Economic Development Corporation has requested that the City convey up to 250 acres in the City's southeast industrial park to TEDC for industrial development purposes, including job creation and additional tax value;

Whereas, the TEDC board is in the process of negotiating an economic development agreement with a prospect, and an element of the agreement would involve the transfer of approximately 250 acres in the southeast industrial park to their prospect;

Whereas, with authorization by the City Council of the transfer of up to 250 acres to TEDC, Staff will finalize the location, size and description of the acreage as those things are finalized and prior to any actual conveyance of land from the City to TEDC; and

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

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

PART 1: The City Council authorizes the conveyance of up to 250 acres of City-owned land located in the Southeast Industrial Park to the Temple Economic Development Corporation for economic development purposes.

PART 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **21st** day of **June**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #5(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Mayor & City Council

ITEM DESCRIPTION: Consider adopting a resolution setting the compensation for Council-appointed employees.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City Council has conducted annual evaluations of the City Manager, City Attorney, Director of Finance and City Secretary. The proposed resolution sets the compensation for these Council-appointed employees.

City Manager
City Attorney
Director of Finance
City Secretary

FISCAL IMPACT: For fiscal year 2007, the total estimated cost to implement the recommended pay adjustments proposed to be effective June 29, 2007, is \$22,242. \$9,000 is available in the General Fund's compensation contingency account, 110-1500-515-65-36 and the remaining balance is available in the Council contingency account, 110-1500-515-65-32 in the FY 2007 Budget.

ATTACHMENTS:
[Budget Amendment](#)
[Resolution](#)

FY **2007****BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

Adjustments should be rounded to the nearest \$1.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-1100-513-11-10		Administrative (City Manager)	\$ 5,813			
110-1100-513-12-20		Retirement/Pension	834			
110-1100-513-12-21		Social Security	84			
110-1200-515-11-10		Administrative (Finance)	5,197			
110-1200-515-12-20		Retirement/Pension	745			
110-1200-515-12-21		Social Security	75			
110-1400-511-11-10		Administrative (City Secretary)	2,593			
110-1400-511-12-20		Retirement/Pension	372			
110-1400-511-12-21		Social Security	38			
110-1600-512-11-10		Administrative (Legal)	5,606			
110-1600-512-12-20		Retirement/Pension	804			
110-1600-512-12-21		Social Security	81			
110-1500-515-65-36		Contingency - Compensation Plan			\$ 9,000	
110-1500-515-65-32		Council Contingency			13,242	
TOTAL.....			\$ 22,242		\$ 22,242	

EXPLANATION OF ADJUSTMENT REQUEST- Include justification for increases AND reason why funds in decreased account are available.

To appropriate contingency funds for a pay plan adjustment for the following Council appointed employees: City Manager, City Attorney, Director of Finance and City Secretary to be effective June 29, 2007.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

June 21, 2007

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, SETTING COMPENSATION FOR THE CITY MANAGER, CITY
ATTORNEY, DIRECTOR OF FINANCE, AND CITY SECRETARY; AND
PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council sets the base salaries for the City Manager, City Attorney, Director of Finance, and City Secretary on an annual basis, and recently conducted performance evaluations of personnel in these positions.

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

Part 1: The City Council sets the following salaries for the City Manager, City Attorney, Director of Finance, and City Secretary:

City Manager	\$175,000 + current car allowance
City Attorney	\$135,000 + current car allowance
Director of Finance	\$122,000 + current car allowance
City Secretary	\$ 85,000 + current car allowance

The salaries will be effective the first pay period following the date this resolution is passed and approved by the City Council.

Part 2: The City Council approves an amendment to the FY2006-07 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **21st** day of **June**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #5(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2006-2007.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2006-2007 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$10,706,219.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2006-2007 BUDGET
June 21, 2007

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2000-521-2516		Judgments & Damages (Police Dept.)	\$ 1,094	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 1,094
Attorney fees for lawsuit filed against City -- Steven Taylor v. City of Temple				
110-2200-522-2510		Contributions/Prizes (Fire Dept.)	\$ 1,500	
110-0000-461-0841		Donations/Gifts		\$ 1,500
Appropriate funds received from State Farm Insurance for car seat purchases				
110-2200-522-2516		Judgments & Damages (Fire Dept.)	\$ 171	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 171
Settlement of claim filed against the City by Phyllis Gibich seeking reimbursement for damage to a window in a building located at 3638 Range Road by a Fire Dept. employee				
110-3500-552-2516		Judgments & Damages (Parks)	\$ 364	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 364
Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City by William Crelin seeking reimbursement for damage to his parked vehicle after it was struck by a Parks vehicle on January 24, 2007				
110-3500-552-1118		Extra Help/Seasonal (Parks)	\$ 15,272	
110-3500-552-1221		Social Security	\$ 1,168	
110-3500-552-1223		Workers Compensation	\$ 764	
110-3500-552-1224		Unemployment Insurance	\$ 76	
110-3500-552-2115		Automotive Supplies (fuel)	\$ 2,500	
110-3500-552-2116		Supplies & Tools	\$ 1,350	
110-3500-552-2220		Machinery/Equipment	\$ 2,400	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 23,530
This budget adjustment designates funds for an additional vacant lot crew to keep up with the demand of grassy lots. \$23,530 includes a trailer, (2) trimmers, (2) edgers, blower, fuel, consumables (weed-eater string, edger blades, etc.), and labor for June 21, 2007 through September 30, 2007.				
110-3600-560-2636		Electric Utilities (Airport)	\$ 95,000	
110-0000-446-3033		FMS Hangar Complex - Utilities		\$ 95,000
This budget adjustment recognizes and appropriates the reimbursement of electric utility expenses for the AMCOM hangars.				
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 1,270	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 1,270
Attorney fees for lawsuit filed against the City -- Centex Investments v. City of Temple				
351-3500-552-6318		Capital Building & Grounds / Irrigation (Parks)	\$ 29,118	
351-0000-490-2582		Transfer In - General Fund		\$ 29,118
110-9100-591-8151		Transfer Out - General Fund	\$ 29,118	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 29,118

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2006-2007 BUDGET
June 21, 2007

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
<p>This budget adjustment designates funds for Phase 1A of the Canyon Creek, Blackland, & South 5th Street Boulevard Islands Beautification Project. Phase 1A includes Canyon Creek and Blackland from 31st St to Lowes Boulevard. The taps and meters are estimated at \$6,420 and the irrigation, borings and temporary help to work on the project are estimated at \$22,698 for a total of \$29,118.</p>				
795-0000-411-0111		Current Property Tax Revenue (Reinvestment Zone #1)	\$ 98,005	
795-0000-461-0111		Interest Income		\$ 250,000
795-9500-531-2616	100191	Professional	\$ 100,000	
795-9500-531-6110	950002	Capital - Land Purchase	\$ 350,000	
795-9500-531-6110		Capital - Land Purchase	\$ 556,707	
795-9500-531-6317	100138	Capital - Streets & Alleys	\$ 48,050	
795-9500-531-6514	100167	Special Projects - Rail Spur	\$ 120,000	
795-9500-531-6518	100222	Special Projects - Public Improvements	\$ 2,300,000	
795-9500-531-6518	100166	Special Projects - Public Improvements	\$ 1,301,742	
795-9500-531-6518	100219	Special Projects - Public Improvements	\$ 250,000	
795-9500-531-6518		Special Projects - Public Improvements		\$ 5,484,255
795-9500-531-6773	100150	Special Projects - Western Zone	\$ 945,757	
795-9500-531-6826	100166	Special Projects - NZ Rail Park	\$ 394,500	
795-9500-531-6829	100220	Special Projects - Pepper Creek Greenbelt	\$ 658,000	
795-9500-531-6830	950003	Special Projects - Elm Creek Detention	\$ 100,000	
795-9600-531-6317		03 Bond Project - Streets & Alleys		\$ 48,050
795-9600-531-6772		03 Bond Project - North Zone Project		\$ 650,000
795-9600-531-6773	100150	03 Bond Project - West Zone Project	\$ 2,377,393	
795-9600-531-6773		03 Bond Project - West Zone Project		\$ 1,900,843
795-9700-531-6825	100256	06 Bond Project - North RR Spur	\$ 298,400	
795-9700-531-6826	100257	06 Bond Project - Airport Park	\$ 157,000	
795-9700-531-6827	100259	06 Bond Project - Bioscience Park	\$ 284,500	
795-9700-531-6828	100258	06 Bond Project - SE Industrial Park	\$ 185,000	
795-0000-358-1110		Undesig Fund Balance/Unreserved-Oct 2006 Financing Plan Amendment		\$ 1,217,501
795-0000-358-1110		Undesig Fund Balance/Unreserved-April 2007 Financing Plan Amendment		\$ 974,405
<p>To align Reinvestment Zone #1 General Ledger Accounts with Reinvestment Zone #1 Financing Plan presented and approved by Council on 4/19/07</p>				
TOTAL AMENDMENTS			\$ 10,706,219	\$ 10,706,219
GENERAL FUND				
Beginning Contingency Balance			\$	38,765
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	65,000
Taken From Contingency			\$	(57,067)
Net Balance of Contingency Account			\$	46,698
Beginning Judgments & Damages Contingency			\$	70,000
Added to Contingency Judgments & Damages from Council Contingency			\$	-
Taken From Judgments & Damages			\$	(34,155)
Net Balance of Judgments & Damages Contingency Account			\$	35,845
Beginning Compensation Plan Contingency			\$	650,000
Added to Compensation Plan Contingency			\$	-
Taken From Compensation Plan Contingency			\$	(650,000)
Net Balance of Compensation Plan Contingency Account			\$	-
Net Balance Council Contingency			\$	82,543

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2006-2007 BUDGET
June 21, 2007

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	6,359
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	6,359
		Beginning Compensation Plan Contingency	\$	136,500
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(112,100)
		Net Balance of Compensation Plan Contingency Account	\$	24,400
		Net Balance Water & Sewer Fund Contingency	\$	30,759
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	34,905
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	34,905
		Beginning Compensation Plan Contingency	\$	20,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(16,000)
		Net Balance of Compensation Plan Contingency Account	\$	4,000
		DRAINAGE FUND		
		Beginning Compensation Plan Contingency	\$	11,500
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(7,200)
		Net Balance of Compensation Plan Contingency Account	\$	4,300
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year	\$	155,068
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(128,096)
		Net Balance of Contingency Account	\$	26,972

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2006-2007
CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 31st day of August, 2006, the City Council approved a budget for the 2006-2007 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2006-2007 City Budget.

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

Part 1: The City Council approves amending the 2006-2007 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 21st day of **June**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #6
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING – Z-FY-07-31: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, adjacent to and west of the Burlington Northern and Santa Fe Railroad.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented item description, on first reading, and schedule second reading and final adoption for July 5, 2007.

ITEM SUMMARY: The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Council consider this and the following items, #6 - #11, at the same time. Separate public hearings and votes may be made for each zoning case or they may be considered collectively.

Please refer to the Staff Report and draft minutes of case Z-FY-07-31 from the Planning and Zoning Commission meeting on June 4, 2007.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Land Use](#)
[Zoning Map](#)
[Notice Map](#)
[Location Map](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance](#)



Z-FY-07-31

1789 Moore's Mill Rd.

OB #1162-A & B

142.978 AC

AGRICULTURAL

Agricultural
(A)

RESIDENTIAL

Low Density
(0-2 DU/ACRE)
(UE)

Moderate Density
(2-6 DU/ACRE)
(SF-1, SF-2, SF-3, MH, 2-F)

Medium Density
(6-12 DU/ACRE)
(MH, 2-F, TH, MF-1)

High Density
(12-25 DU/ACRE)
(MF-2)

COMMERCIAL

Neighborhood and
Community Retail
(NS, GR)

Office
(O-1, O-2)

Regional Commercial
(C, CA)

MIXED USE

Mixed Use Areas

INDUSTRIAL

Light and Heavy
Industrial
(LI, HI)

**COMMUNITY
FACILITIES**

CF-E (Schools)

CF-G (General)

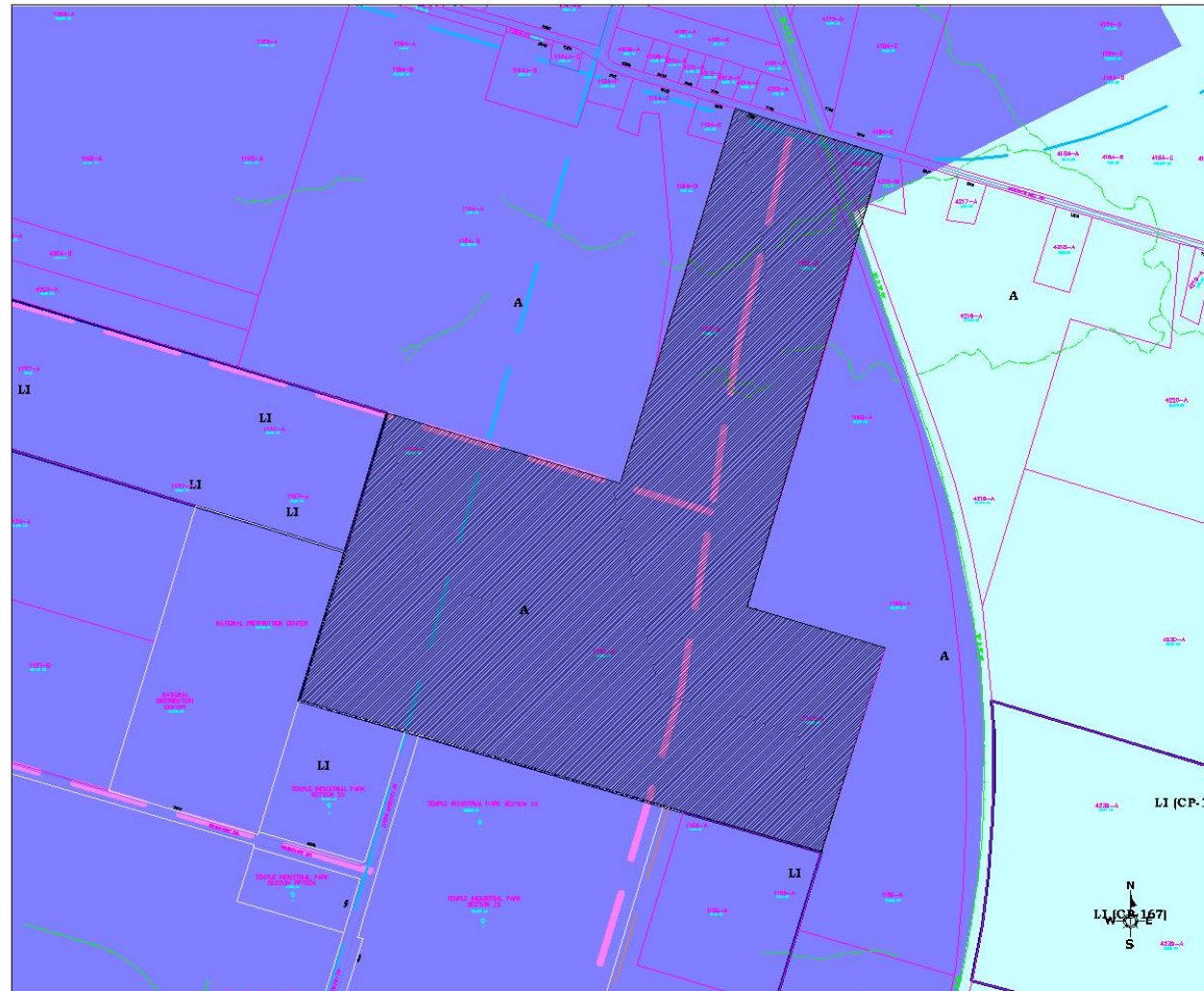
CF-M (Medical)

CF-R (Religious)

PARKS



**Proposed
Rezone**



A - LI

**S. Vybiral/GIS Mapping
05-08-07**

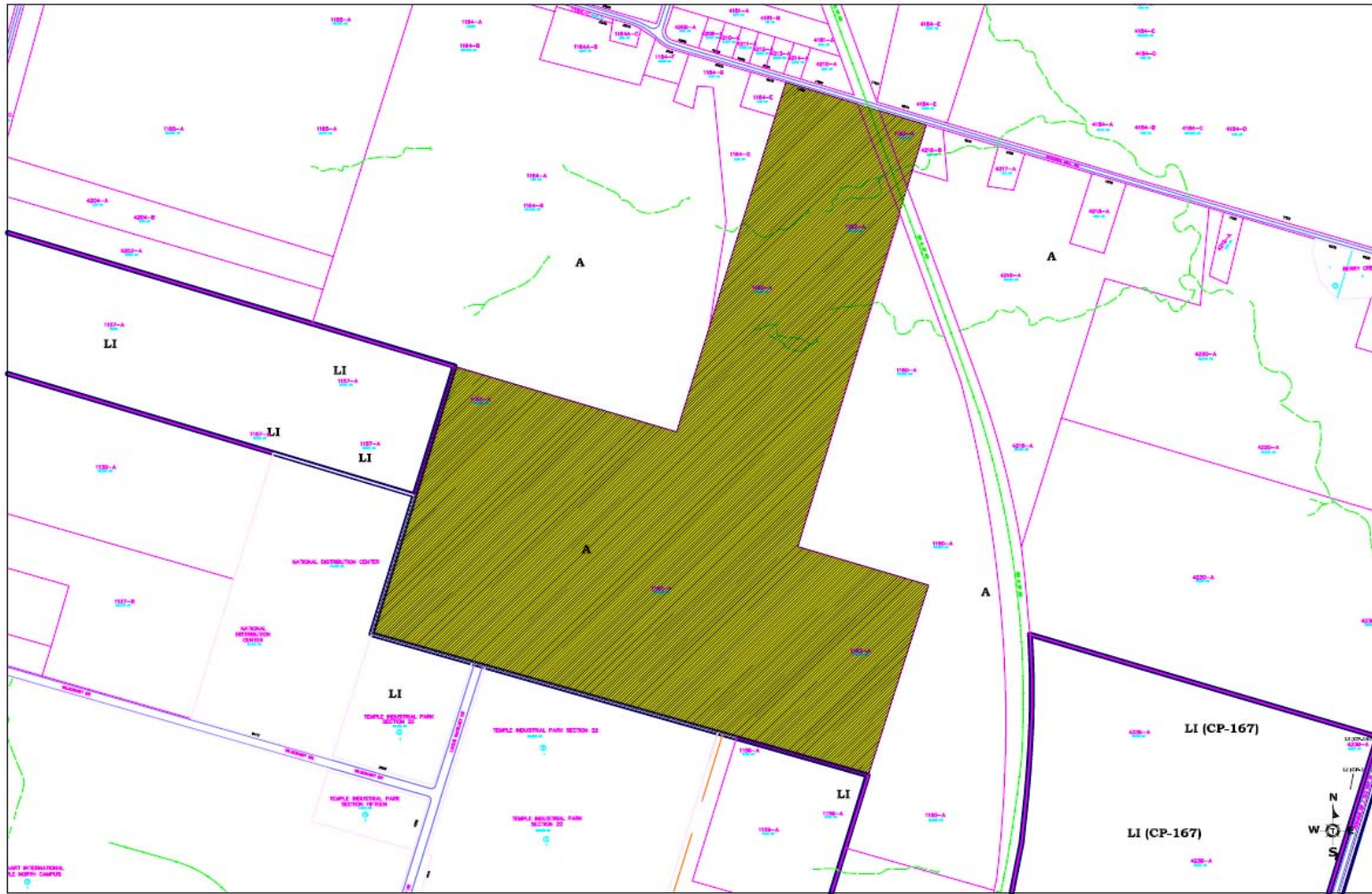


Z-FY-07-31

1789 Moores Mill Rd.

OB #1162-A

141.734 AC



**PROPOSED
REZONE**

A - LI

**S. Vybiral/GIS Mapping
05-08-07
Scale: 1"=800'**

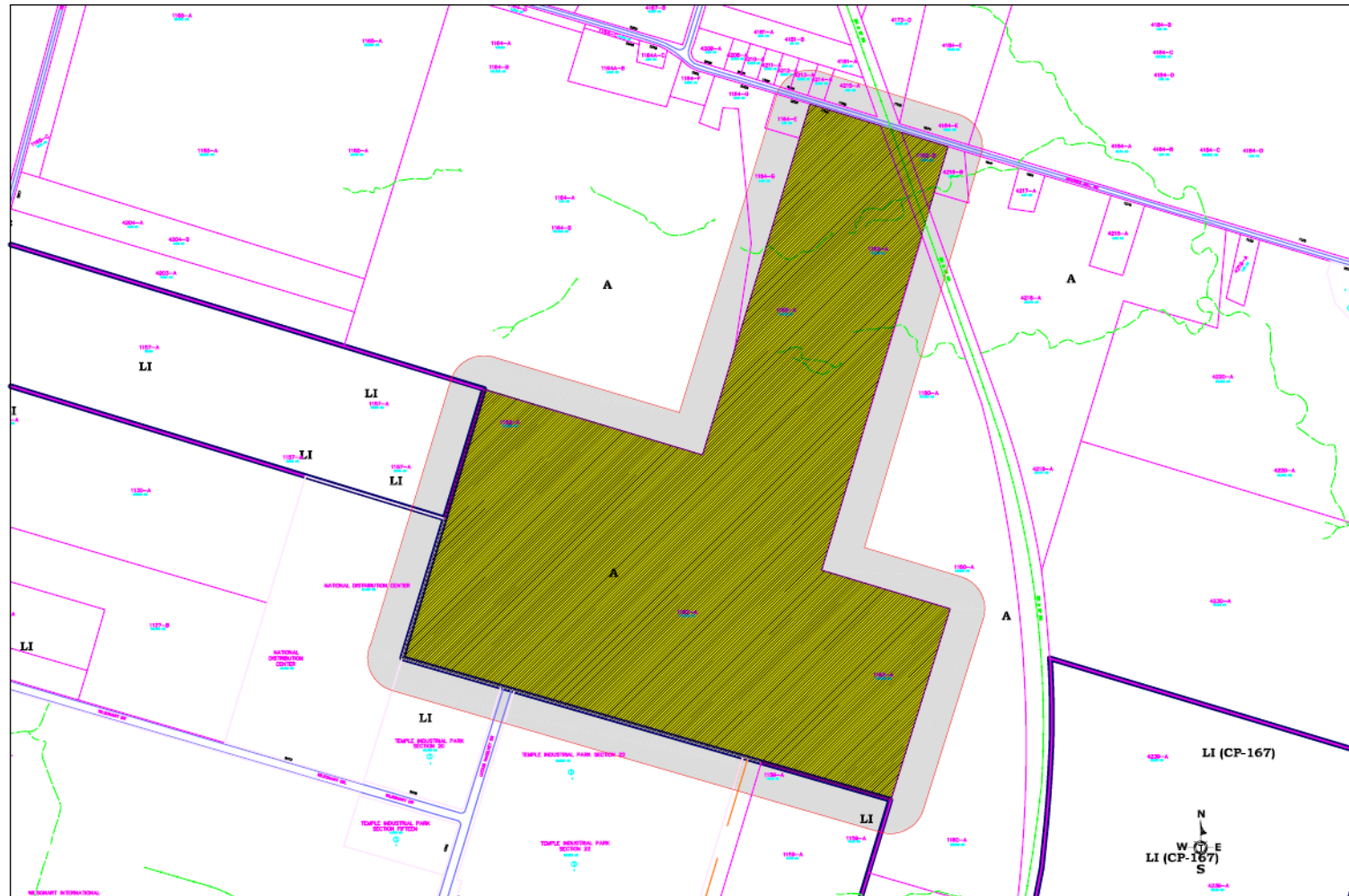


Z-FY-07-31

1789 Moores Mill Rd.

OB #1162-A

141.734 AC



**PROPOSED
REZONE**

200' Radius

A - LI

**S. Vybral/GIS Mapping
05-08-07
Scale: 1"=800'**



PLANNING AND ZONING COMMISSION AGENDA ITEM

06/0407
Item 3
Page 1 of 2

APPLICANT / DEVELOPMENT: (City of Temple/Staff)

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

PUBLIC HEARING - Z-FY-07-31: Consider a zone change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, adjacent to and west of the Burlington Northern and Santa Fe Railroad.

BACKGROUND:

The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Commission consider this Item and Items 2-11, with the exception of Items 6-8, at the same time; it should have a separate public hearing for each zoning case with a separate motion, second and vote for each individual zoning case.

Surrounding Property and Uses

The subject area is surrounded by properties that are zoned Agriculture (A) and Light Industrial (LI) and undeveloped.

Future Land Use Plan

The subject area complies with the Future Land Use Plan as an Industrial Use.

Thoroughfare Plan

The subject area complies with the Thoroughfare Plan, with access to Industrial Drive, a Minor Arterial Roadway.

Adequacy of Public Facilities

This area will be served by water and sewer as part of the CIP and RZ projects.

Development Regulations

The purpose of the Light Industrial District serves a transition from other commercial or retail areas to industrial uses. The LI area should be isolated from planned areas of residential development.

The land uses allowed are manufacturing and assembly, subject to performance standards of odor, noise, glare, smoke, air contaminants, vibration, and open storage.

The maximum lot coverage for LI is 55% for a main building, and maximum lot coverage of 65% for a main building and all accessory buildings. The front setback requirements are thirty feet (30.0') from the centerline of a road, no side or rear yard setback for industrial uses, and a ten foot (10.0') setback from properties adjacent to a residential district.

Public Notice

A total of 12 notices were sent out. As of May 31, 2007 at 5:00 PM, only one notice was returned, stating the owner did not own the property. The letters were mailed and the newspaper printed the public hearing on May 25, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION:

Staff recommends approval of Z-FY-07-31 since the subject area complies with:

1. The Future Land Use Plan Map showing the area as Industrial
2. The Thoroughfare Plan showing Industrial as a Minor Arterial Roadway, and
3. The Adequacy of Public Facilities shows the area as part of the CIP and RZ areas for water and wastewater improvements.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map

Land Use Map

Aerial

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 4, 2007

ACTION ITEMS

ZONE CHANGE

3. **Z-FY-07-31** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, Adjacent to and west of the Burlington Northern and Santa Fe Railroad. (Applicant: City of Temple/Staff)
4. **Z-FY-07-32** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 28.348 acres out of land commonly know as Outblock 1143-A, City Addition, located at the southwest corner of Eberhardt Road and Enterprise Road. (Applicant: City of Temple/Staff)
5. **Z-FY-07-33** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B, and C, City Addition, located at the southeast corner of Moore's Mill Road and Wendland Road. (Applicant: City of Temple/Staff)
9. **Z-FY-07-37** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 76.921 acres of land commonly known as Outblock 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive. (Applicant: City of Temple/Staff)
10. **Z-FY-07-38** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 25.15 acres of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H. (Applicant: City of Temple/Staff)
11. **Z-FY-07-39** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 98 acres of land commonly known as Outblocks 1164-A, B, and D, City Addition, located on the south side of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road. (Applicant: City of Temple/Staff)

Mr. Tim Dolan, Planning Director, presented all six (6) zone changes consecutively. He said the Comprehensive Plan shows all of the above areas, which are now zoned Agricultural, to be Industrial uses. He said the purpose of presenting all the case together is so they can be done collectively. Mr. Dolan said staff recommends approval of this zone change. He said all of the properties are part of the Planned Industrial Parks as shown on the Future Land Use Plan and are also being considered as part of CIP projects for road, water and sewer extensions or for the reinvestment zone programs. Mr. Dolan suggested opening the public hearing for these cases, collectively, close the public hearing and proceed with a vote on each one. He said for zone case Z-FY-07-31 one (1) response letter was returned in favor of the request and none in opposition to the request; zone case Z-FY-07-32 one (1) response letter was returned in favor and three (3) in opposition to the request; zone case Z-FY-07-33 one (1) response letter was

returned in favor of the request and three (3) in opposition to the request; and zone case Z-FY-07-37 one (1) response letter was returned in favor and none in opposition to the request.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the above zone change requests, to address the Commission. Seeing no one, Chair Thomas closed the public hearing.

Motion to recommend approval for Z-FY-07-31 by Commissioner Hurd; seconded by Vice-Chair Luck.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-32 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-33 by Commissioner Hurd; seconded by Commissioner Pilkington.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-37 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-38 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-39 by Commissioner Kasberg; seconded by Commissioner Hurd.

Motion passed (8/0).

ORDINANCE NO. _____
(ZONING NO. Z-FY-07-31)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 142.978 ACRES OUT OF LAND COMMONLY KNOWN AS OUTBLOCKS 1162-A AND B, CITY ADDITION, LOCATED ON THE SOUTH SIDE OF MOORE'S MILL ROAD, ADJACENT TO AND WEST OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Light Industrial District (LI) on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, adjacent to and west of the Burlington Northern and Santa Fe Railroad, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 3: 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 4: 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 5: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **June**, 2007.

PASSED AND APPROVED on Second Reading on the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #7
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-07-32: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 28.348 acres out of land commonly known as Outblock 1143-A, City Addition, located at the southwest corner of Eberhardt Road and Enterprise Road.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented item description, on first reading, and schedule second reading and final adoption for July 5, 2007.

ITEM SUMMARY: The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Council consider this and the following items, #6 - #11, at the same time. Separate public hearings and votes may be made for each zoning case or they may be considered collectively.

Please refer to the Staff Report and draft minutes of case Z-FY-07-32 from the Planning and Zoning Commission meeting on June 4, 2007.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Land Use Map](#)
[Zoning Map](#)
[Notice Map](#)
[Location Map](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance](#)



S. Vybiral/GIS Mapping
05-08-07

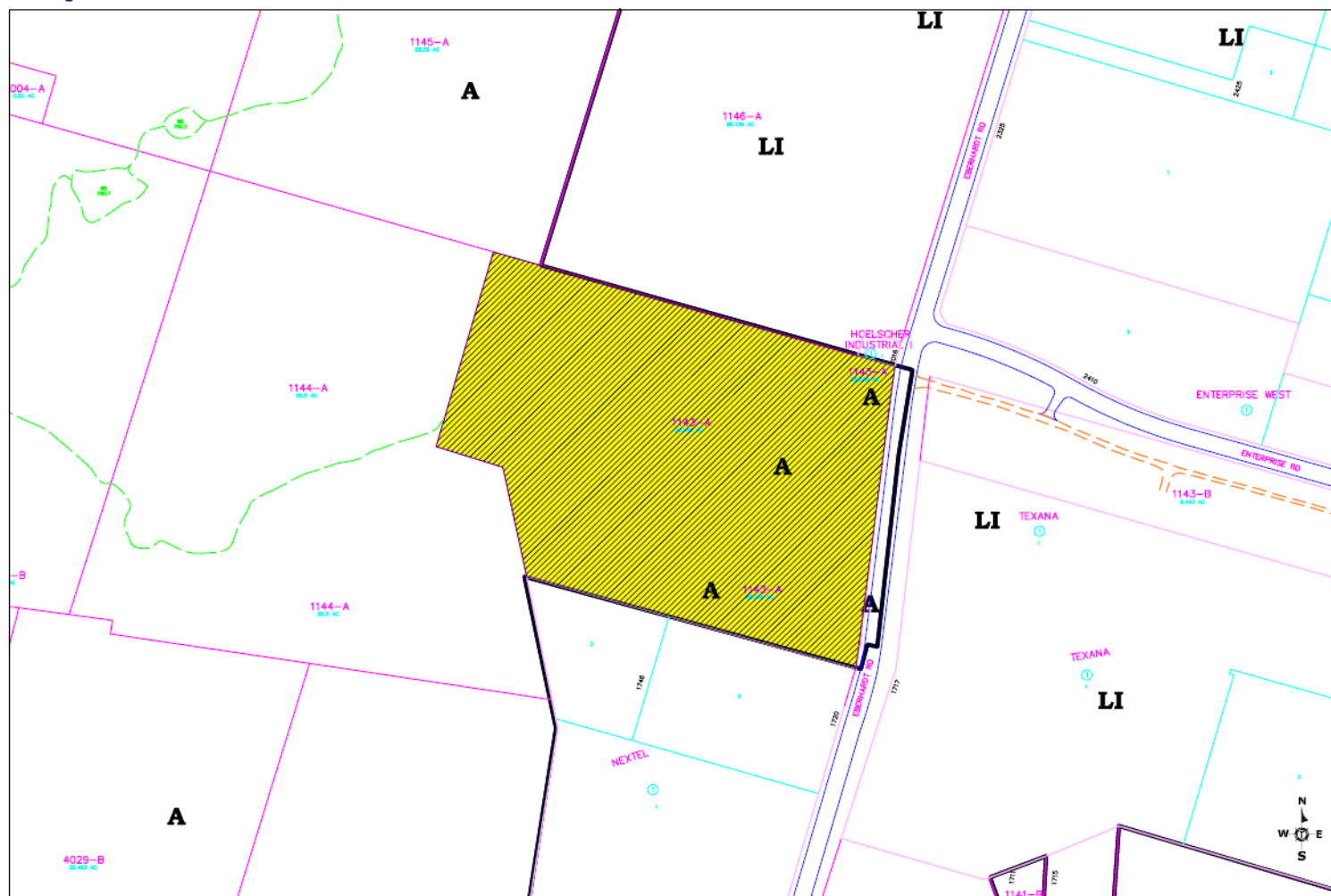



Z-FY-07-32

Eberhardt Rd.

OB #1143-A

28.348 AC



 **Area of Proposed
Zone Change**

A - LI

**S. Vybral/GIS Mapping
05-08-07
Scale: 1"=400'**

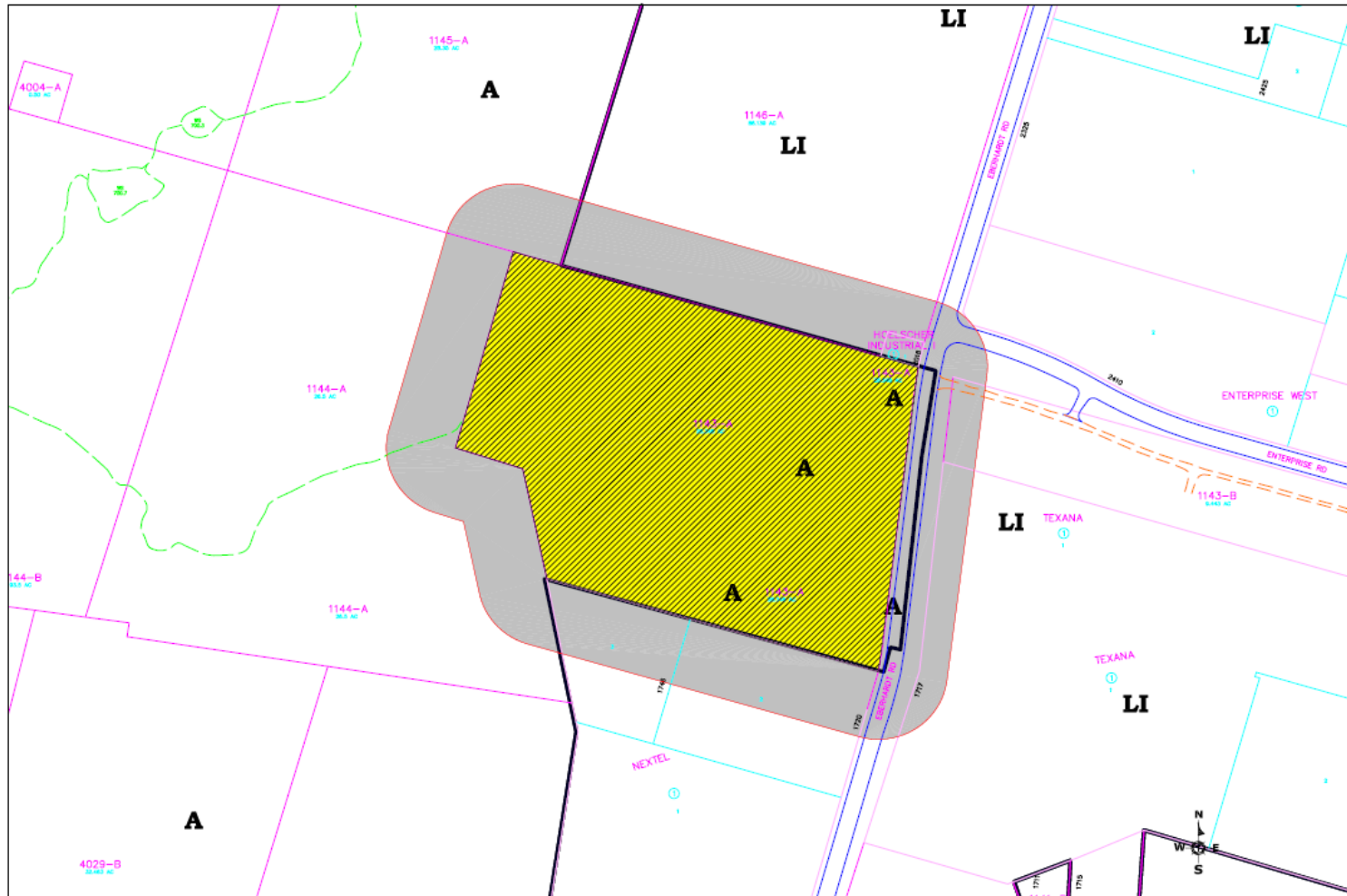


Z-FY-07-32

Eberhardt Rd.

OB #1143-A

28.348 AC



**Area of Proposed
Zone Change**

200' Radius

A - LI

**S. Vybral/GIS Mapping
05-08-07
Scale: 1"=400'**



PLANNING AND ZONING COMMISSION AGENDA ITEM

06/04/07
Item 4
Page 1 of 2

APPLICANT / DEVELOPMENT: (City of Temple/Staff)

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

Public Hearing- Z-FY-07-32: Consider a zone change from Agricultural District to Light Industrial District on approximately 28.348 acres out of land commonly known as Outblock 1143-A, City Addition, located at the southwest corner of Eberhardt Road and Enterprise Road. (City of Temple/Staff)

BACKGROUND:

The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Commission consider this Item and Items 2-11, with the exception of Items 6-8, at the same time; it should have a separate public hearing for each zoning case with a separate motion, second and vote for each individual zoning case.

Surrounding Property and Uses

The subject area is surrounded by properties that are zoned Agriculture (A) and Light Industrial (LI) and undeveloped.

Future Land Use Plan

The subject area complies with the Future Land Use Plan as an Industrial Use.

Thoroughfare Plan

The subject area complies with the Thoroughfare Plan, with access to Industrial Drive, a Minor Arterial Roadway.

Adequacy of Public Facilities

This area will be served by water and sewer as part of the CIP and RZ projects.

Development Regulations

The purpose of the Light Industrial District serves a transition from other commercial or retail areas to industrial uses. The LI area should be isolated from planned areas of residential development.

The land uses allowed are manufacturing and assembly, subject to performance standards of odor, noise, glare, smoke, air contaminants, vibration, and open storage.

The maximum lot coverage for LI is 55% for a main building, and maximum lot coverage of 65% for a main building and all accessory buildings. The front setback requirements are thirty feet (30.0') from the centerline of a road, no side or rear yard setback for industrial uses, and a ten foot (10.0') setback from properties adjacent to a residential district.

Public Notice

A total of six (6) notices were sent out. As of May 31, 2007 at 5:00 PM, none were returned. The letters were mailed and the newspaper printed the public hearing on May 25, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION:

Staff recommends approval of Z-FY-07-32 since the subject area complies with:

1. The Future Land Use Plan Map showing the area as Industrial
2. The Thoroughfare Plan showing Industrial as a Minor Arterial Roadway, and
3. The Adequacy of Public Facilities shows the area as part of the CIP and RZ areas for water and wastewater improvements.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map

Land Use Map

Aerial

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 4, 2007

ACTION ITEMS

ZONE CHANGE

3. **Z-FY-07-31** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, Adjacent to and west of the Burlington Northern and Santa Fe Railroad. (Applicant: City of Temple/Staff)
4. **Z-FY-07-32** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 28.348 acres out of land commonly know as Outblock 1143-A, City Addition, located at the southwest corner of Eberhardt Road and Enterprise Road. (Applicant: City of Temple/Staff)
5. **Z-FY-07-33** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B, and C, City Addition, located at the southeast corner of Moore's Mill Road and Wendland Road. (Applicant: City of Temple/Staff)
9. **Z-FY-07-37** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 76.921 acres of land commonly known as Outblock 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive. (Applicant: City of Temple/Staff)
10. **Z-FY-07-38** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 25.15 acres of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H. (Applicant: City of Temple/Staff)
11. **Z-FY-07-39** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 98 acres of land commonly known as Outblocks 1164-A, B, and D, City Addition, located on the south side of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road. (Applicant: City of Temple/Staff)

Mr. Tim Dolan, Planning Director, presented all six (6) zone changes consecutively. He said the Comprehensive Plan shows all of the above areas, which are now zoned Agricultural, to be Industrial uses. He said the purpose of presenting all the case together is so they can be done collectively. Mr. Dolan said staff recommends approval of this zone change. He said all of the properties are part of the Planned Industrial Parks as shown on the Future Land Use Plan and are also being considered as part of CIP projects for road, water and sewer extensions or for the reinvestment zone programs. Mr. Dolan suggested opening the public hearing for these cases, collectively, close the public hearing and proceed with a vote on each one. He said for zone case Z-FY-07-31 one (1) response letter was returned in favor of the request and none in opposition to the request; zone case Z-FY-07-32 one (1) response letter was returned in favor and three (3) in opposition to the request; zone case Z-FY-07-33 one (1) response letter was

returned in favor of the request and three (3) in opposition to the request; and zone case Z-FY-07-37 one (1) response letter was returned in favor and none in opposition to the request.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the above zone change requests, to address the Commission. Seeing no one, Chair Thomas closed the public hearing.

Motion to recommend approval for Z-FY-07-31 by Commissioner Hurd; seconded by Vice-Chair Luck.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-32 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-33 by Commissioner Hurd; seconded by Commissioner Pilkington.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-37 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-38 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-39 by Commissioner Kasberg; seconded by Commissioner Hurd.

Motion passed (8/0).

ORDINANCE NO. _____
(ZONING NO. Z-FY-07-32)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 28.348 ACRES OUT OF LAND COMMONLY KNOWN AS OUTBLOCK 1143-A, CITY ADDITION, LOCATED ON THE SOUTHWEST CORNER OF EBERHARDT ROAD AND ENTERPRISE ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Light Industrial District (LI) on approximately 28.348 acres out of land commonly known as Outblock 1143-A, City Addition, located on the southwest corner of Eberhardt Road and Enterprise Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 3: 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 4: 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 5: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **June**, 2007.

PASSED AND APPROVED on Second Reading on the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #8
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-07-33: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B, and C, City Addition, located at the southeast corner of Moore's Mill Road and Wendland Road.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented item description, on first reading, and schedule second reading and final adoption for July 5, 2007.

ITEM SUMMARY: The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Council consider this and the following items, #6 - #11, at the same time. Separate public hearings and votes may be made for each zoning case or they may be considered collectively.

Please refer to the Staff Report and draft minutes of case Z-FY-07-33 from the Planning and Zoning Commission meeting on June 4, 2007.

FISCAL IMPACT: N/A

ATTACHMENTS:

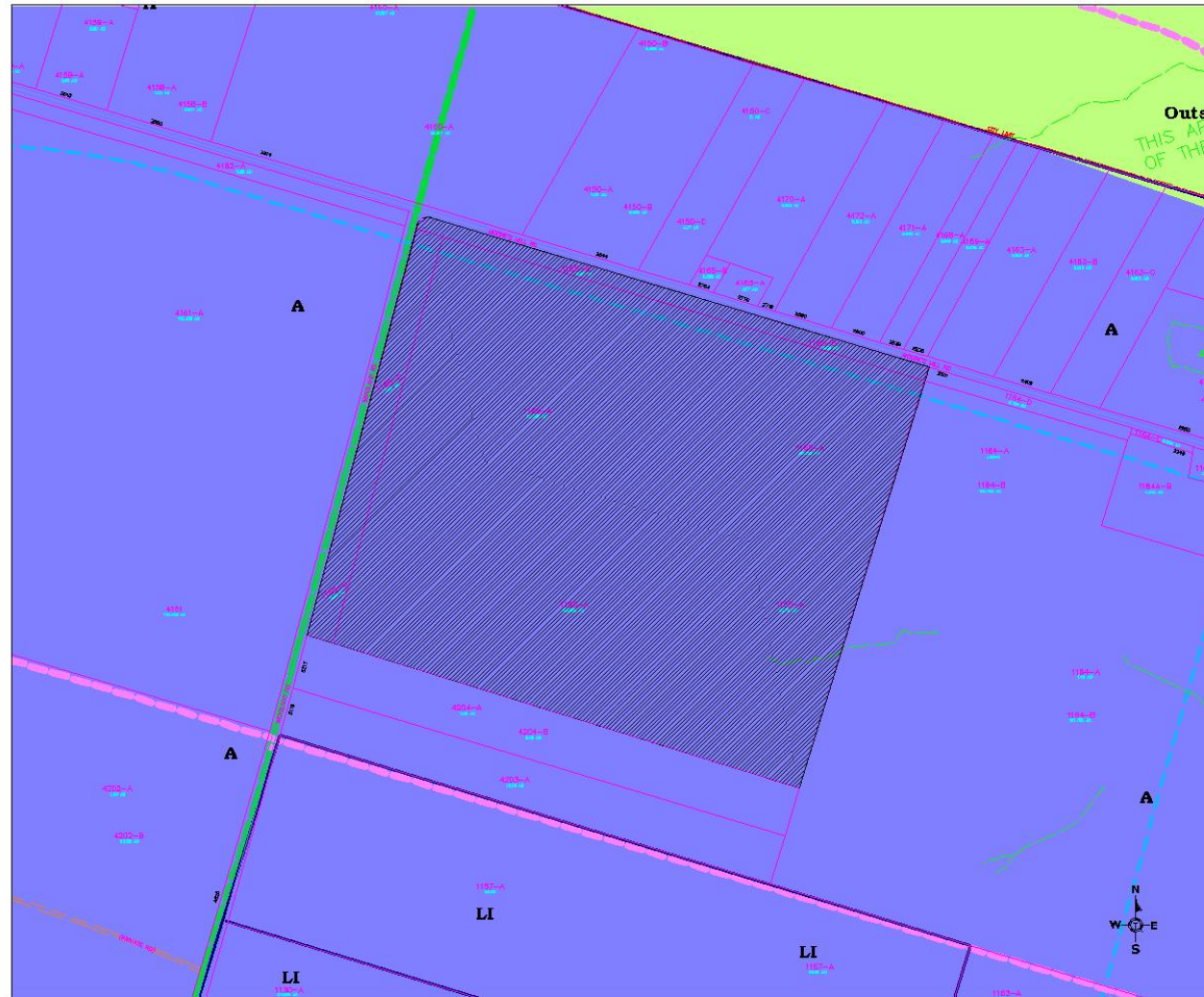
[Land Use Map](#)
[Zoning Map](#)
[Notice Map](#)
[Location Map](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance](#)



Z-FY-07-33 Cor. of Moore's Mill Rd. & Wendland Rd. OB #1165-A, B & C 87.396 AC

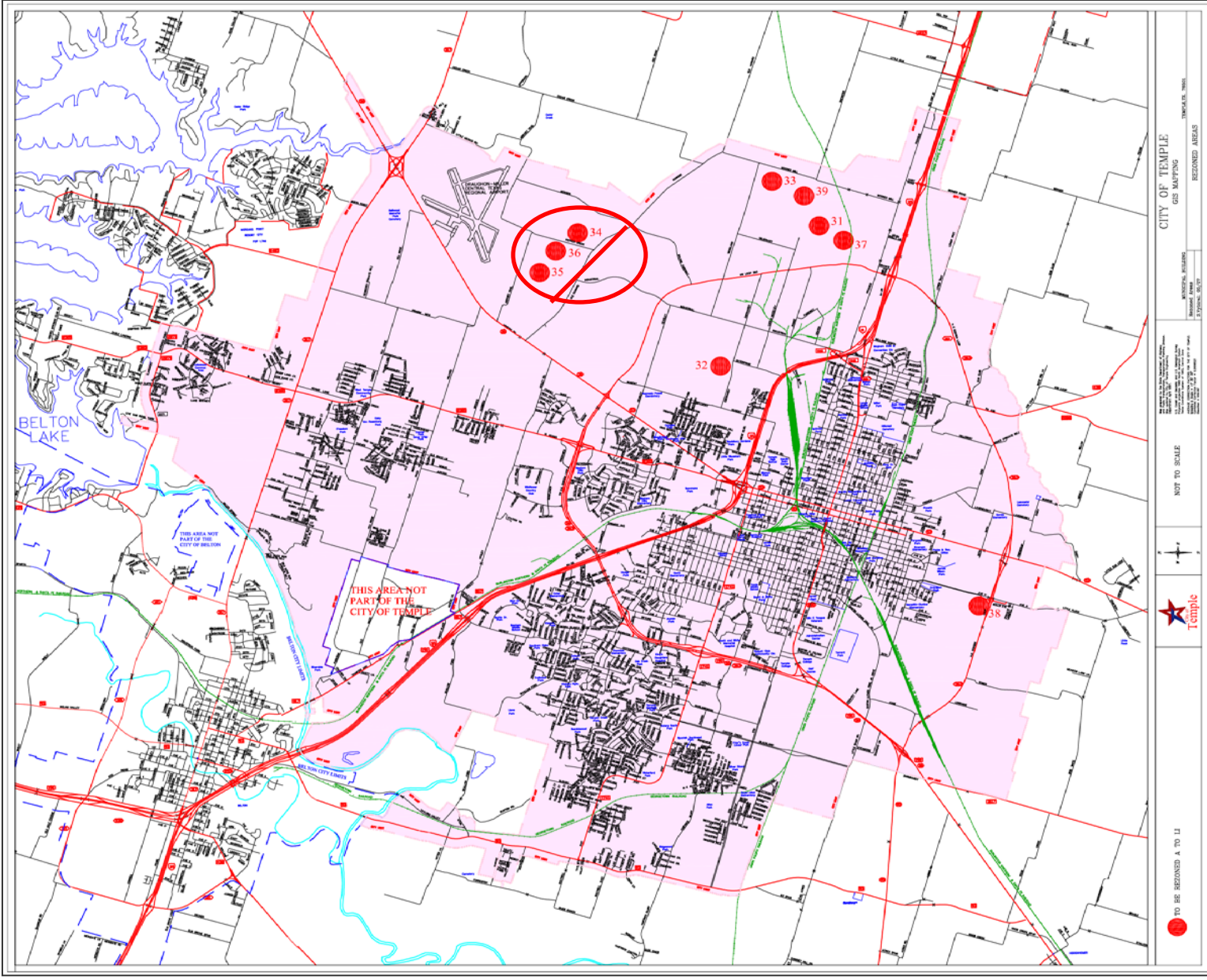
- AGRICULTURAL**
- Agricultural (A)
- RESIDENTIAL**
- Low Density (0-2 DU/ACRE) (UE)
 - Moderate Density (2-6 DU/ACRE) (SF-1, SF-2, SF-3, MH, 2-F)
 - Medium Density (6-12 DU/ACRE) (MH, 2-F, TH, MF-1)
 - High Density (12-25 DU/ACRE) (MF-2)
- COMMERCIAL**
- Neighborhood and Community Retail (NS, GR)
 - Office (O-1, O-2)
 - Regional Commercial (C, CA)
- MIXED USE**
- Mixed Use Areas
- INDUSTRIAL**
- Light and Heavy Industrial (LI, HI)
- COMMUNITY FACILITIES**
- CF-E (Schools)
 - CF-G (General)
 - CF-M (Medical)
 - CF-R (Religious)
 - PARKS

 **Proposed Rezone**



A - LI

**S. Vybiral/GIS Mapping
05-08-07**





PLANNING AND ZONING COMMISSION AGENDA ITEM

06/0407
Item 5
Page 1 of 2

APPLICANT / DEVELOPMENT: (City of Temple/Staff)

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

Public Hearing- Z-FY-07-33: Consider a zone change from Agricultural District to Light Industrial District on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B, and C, City Addition, located at the southeast corner of Moore's Mill Road and Wendland Road. (City of Temple/Staff)

BACKGROUND:

The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Commission consider this Item and Items 2-11, with the exception of Items 6-8, at the same time; it should have a separate public hearing for each zoning case with a separate motion, second and vote for each individual zoning case.

Surrounding Property and Uses

The subject area is surrounded by properties that are zoned Agriculture (A) and Light Industrial (LI) and undeveloped with residential uses north of Moore's Mill Road.

Future Land Use Plan

The subject area complies with the Future Land Use Plan as an Industrial Use.

Thoroughfare Plan

The subject area complies with the Thoroughfare Plan, with access to Wendland Road, a Minor Arterial Roadway.

Adequacy of Public Facilities

This area will be served by water and sewer as part of the CIP and RZ projects.

Development Regulations

The purpose of the Light Industrial District serves a transition from other commercial or retail areas to industrial uses. The LI area should be isolated from planned areas of residential development.

The land uses allowed are manufacturing and assembly, subject to performance standards of odor, noise, glare, smoke, air contaminants, vibration, and open storage.

The maximum lot coverage for LI is 55% for a main building, and maximum lot coverage of 65% for a main building and all accessory buildings. The front setback requirements are thirty feet (30.0') from the centerline of a road, no side or rear yard setback for industrial uses, and a ten foot (10.0') setback from properties adjacent to a residential district.

Public Notice

A total of 11 notices were sent out. As of May 31, 2007 at 5:00 PM, two were returned opposing the request. The letters were mailed and the newspaper printed the public hearing on May 25, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION:

Staff recommends approval of Z-FY-07-33 since the subject area complies with:

4. The Future Land Use Plan Map showing the area as Industrial
5. The Thoroughfare Plan showing Industrial as a Minor Arterial Roadway, and
6. The Adequacy of Public Facilities shows the area as part of the CIP and RZ areas for water and wastewater improvements.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map

Land Use Map

Aerial

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 4, 2007

ACTION ITEMS

ZONE CHANGE

3. **Z-FY-07-31** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, Adjacent to and west of the Burlington Northern and Santa Fe Railroad. (Applicant: City of Temple/Staff)
4. **Z-FY-07-32** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 28.348 acres out of land commonly know as Outblock 1143-A, City Addition, located at the southwest corner of Eberhardt Road and Enterprise Road. (Applicant: City of Temple/Staff)
5. **Z-FY-07-33** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B, and C, City Addition, located at the southeast corner of Moore's Mill Road and Wendland Road. (Applicant: City of Temple/Staff)
9. **Z-FY-07-37** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 76.921 acres of land commonly known as Outblock 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive. (Applicant: City of Temple/Staff)
10. **Z-FY-07-38** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 25.15 acres of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H. (Applicant: City of Temple/Staff)
11. **Z-FY-07-39** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 98 acres of land commonly known as Outblocks 1164-A, B, and D, City Addition, located on the south side of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road. (Applicant: City of Temple/Staff)

Mr. Tim Dolan, Planning Director, presented all six (6) zone changes consecutively. He said the Comprehensive Plan shows all of the above areas, which are now zoned Agricultural, to be Industrial uses. He said the purpose of presenting all the case together is so they can be done collectively. Mr. Dolan said staff recommends approval of this zone change. He said all of the properties are part of the Planned Industrial Parks as shown on the Future Land Use Plan and are also being considered as part of CIP projects for road, water and sewer extensions or for the reinvestment zone programs. Mr. Dolan suggested opening the public hearing for these cases, collectively, close the public hearing and proceed with a vote on each one. He said for zone case Z-FY-07-31 one (1) response letter was returned in favor of the request and none in opposition to the request; zone case Z-FY-07-32 one (1) response letter was returned in favor and three (3) in opposition to the request; zone case Z-FY-07-33 one (1) response letter was

returned in favor of the request and three (3) in opposition to the request; and zone case Z-FY-07-37 one (1) response letter was returned in favor and none in opposition to the request.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the above zone change requests, to address the Commission. Seeing no one, Chair Thomas closed the public hearing.

Motion to recommend approval for Z-FY-07-31 by Commissioner Hurd; seconded by Vice-Chair Luck.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-32 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-33 by Commissioner Hurd; seconded by Commissioner Pilkington.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-37 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-38 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-39 by Commissioner Kasberg; seconded by Commissioner Hurd.

Motion passed (8/0).

ORDINANCE NO. _____
(ZONING NO. Z-FY-07-33)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 87.396 ACRES OUT OF LAND COMMONLY KNOWN AS OUTBLOCKS 1165-A, B AND C , CITY ADDITION, LOCATED AT THE SOUTHEAST CORNER OF MOORE'S MILL ROAD AND WENDLAND ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Light Industrial District (LI) on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B and C, City Addition, located on the southeast corner of Moore's Mill Road and Wendland Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 3: 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 4: 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 5: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **June**, 2007.

PASSED AND APPROVED on Second Reading on the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #9
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - Z-FY-07-37: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 76.921 acres of land commonly known as Outblock 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented item description, on first reading, and schedule second reading and final adoption for July 5, 2007.

ITEM SUMMARY: The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Council consider this and the following items, #6 - #11, at the same time. Separate public hearings and votes may be made for each zoning case or they may be considered collectively.

Please refer to the Staff Report and draft minutes of case Z-FY-07-37 from the Planning and Zoning Commission meeting on June 4, 2007.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Land Use Map](#)
[Zoning Map](#)
[Notice Map](#)
[Location Map](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance](#)



Z-FY-07-37

**S. of Moore's Mill Rd., N. of NW Loop 363 & W. of Pegasus Dr.
OB #1158-A & OB #1160-A 76.921 AC**

AGRICULTURAL

Agricultural
(A)

RESIDENTIAL

Low Density
(0-2 DU/ACRE)
(UE)

Moderate Density
(2-6 DU/ACRE)
(SF-1, SF-2, SF-3, MH, 2-F)

Medium Density
(6-12 DU/ACRE)
(MH, 2-F, TH, MF-1)

High Density
(12-25 DU/ACRE)
(MF-2)

COMMERCIAL

Neighborhood and
Community Retail
(NS, GR)

Office
(O-1, O-2)

Regional Commercial
(C, CA)

MIXED USE

Mixed Use Areas

INDUSTRIAL

Light and Heavy
Industrial
(L, HI)

**COMMUNITY
FACILITIES**

CF-E (Schools)

CF-G (General)

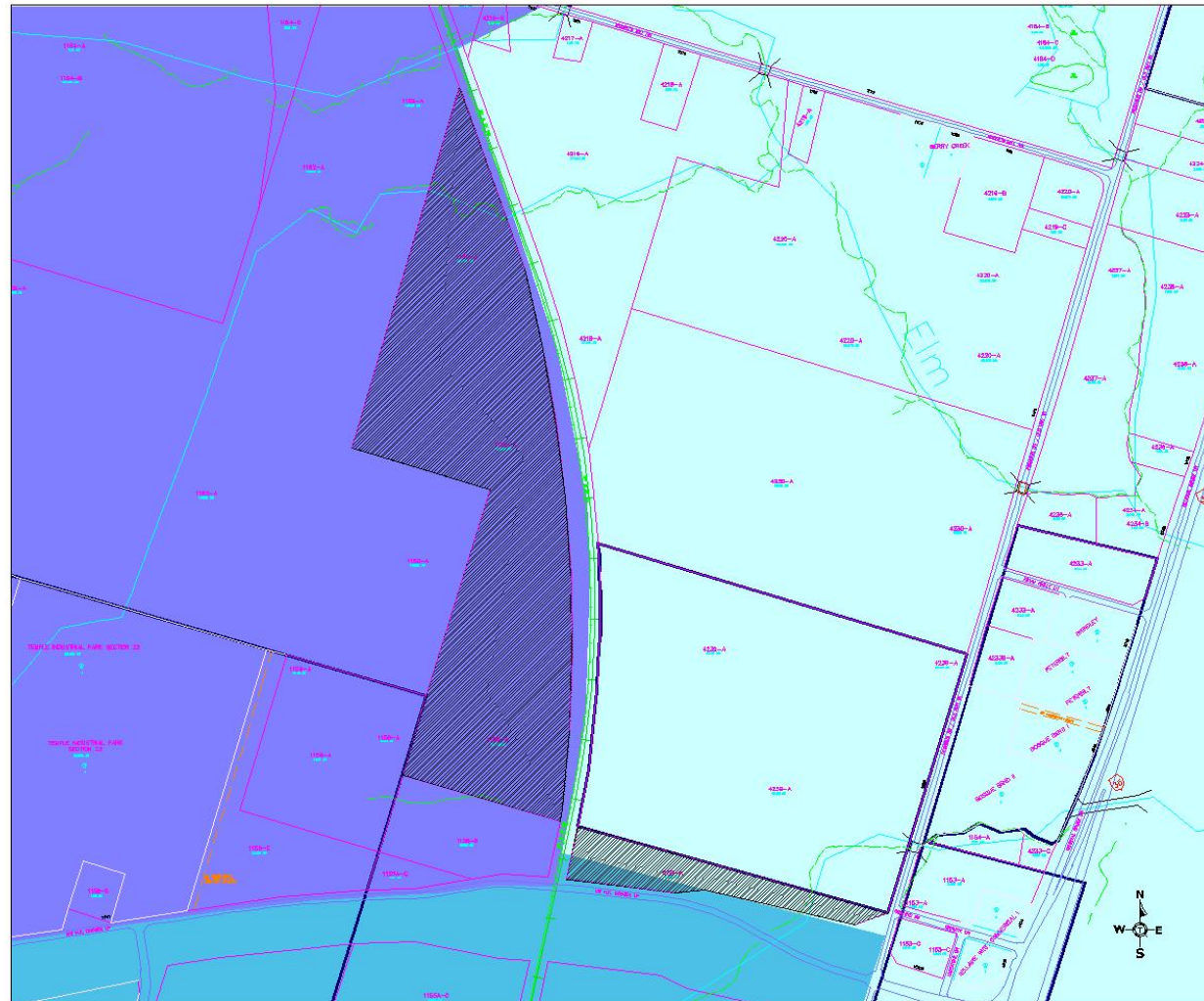
CF-M (Medical)

CF-R (Religious)

PARKS

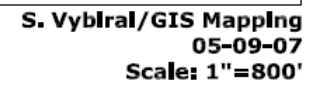


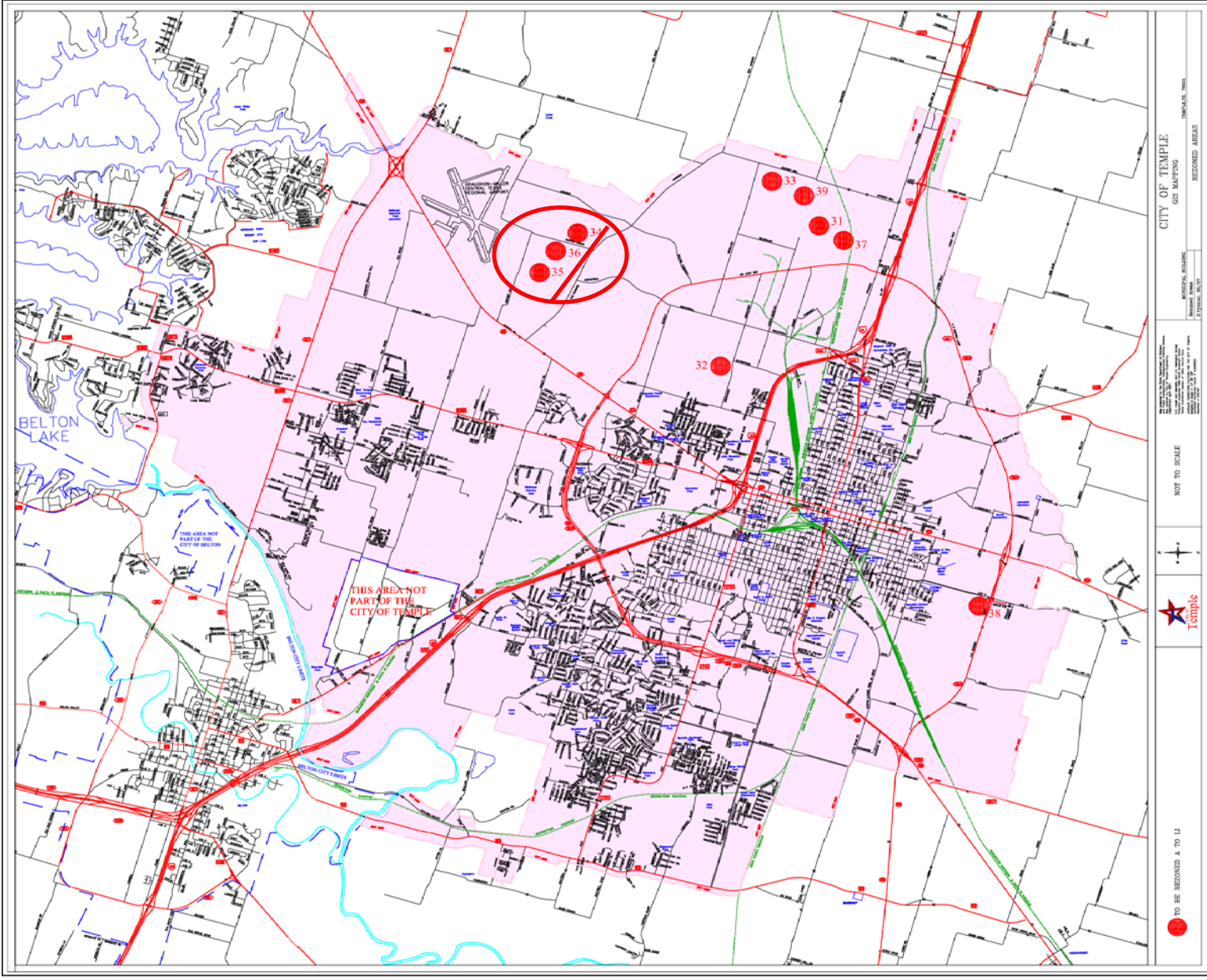
**Proposed
Rezone**



A - LI

**S. Vybiral/GIS Mapping
05-09-07**







PLANNING AND ZONING COMMISSION AGENDA ITEM

06/04/07
Item 9
Page 1 of 2

APPLICANT / DEVELOPMENT: (City of Temple/Staff)

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

PUBLIC HEARING-Z-FY-07-37: Consider a zone change from Agricultural District to Light Industrial District on approximately 76.921 acres of land commonly known as Outblock 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive. (City of Temple/Staff)

BACKGROUND:

The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Commission consider this Item and Items 2-11, with the exception of Items 6-8, at the same time; it should have a separate public hearing for each zoning case with a separate motion, second and vote for each individual zoning case.

Surrounding Property and Uses

The subject area is surrounded by properties that are zoned Agriculture (A) and Light Industrial (LI) and undeveloped with residential uses north of Moore's Mill Road.

Future Land Use Plan

The subject area complies with the Future Land Use Plan as an Industrial Use.

Thoroughfare Plan

The subject area complies with the Thoroughfare Plan, with access to Loop 363, a Minor Arterial Roadway.

Adequacy of Public Facilities

This area will be served by water and sewer as part of the CIP and RZ projects.

Development Regulations

The purpose of the Light Industrial District serves a transition from other commercial or retail areas to industrial uses. The LI area should be isolated from planned areas of residential development.

The land uses allowed are manufacturing and assembly, subject to performance standards of odor, noise, glare, smoke, air contaminants, vibration, and open storage.

The maximum lot coverage for LI is 55% for a main building, and maximum lot coverage of 65% for a main building and all accessory buildings. The front setback requirements are thirty feet (30.0') from the centerline of a road, no side or rear yard setback for industrial uses, and a ten foot (10.0') setback from properties adjacent to a residential district.

Public Notice

A total of six (6) notices were sent out. As of May 31, 2007 at 5:00 PM, none were returned. The letters were mailed and the newspaper printed the public hearing on May 25, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION:

Staff recommends approval of Z-FY-07-37 since the subject area complies with:

7. The Future Land Use Plan Map showing the area as Industrial
8. The Thoroughfare Plan showing Industrial as a Minor Arterial Roadway, and
9. The Adequacy of Public Facilities shows the area as part of the CIP and RZ areas for water and wastewater improvements.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map

Land Use Map

Aerial

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 4, 2007

ACTION ITEMS

ZONE CHANGE

3. **Z-FY-07-31** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, Adjacent to and west of the Burlington Northern and Santa Fe Railroad. (Applicant: City of Temple/Staff)
4. **Z-FY-07-32** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 28.348 acres out of land commonly know as Outblock 1143-A, City Addition, located at the southwest corner of Eberhardt Road and Enterprise Road. (Applicant: City of Temple/Staff)
5. **Z-FY-07-33** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B, and C, City Addition, located at the southeast corner of Moore's Mill Road and Wendland Road. (Applicant: City of Temple/Staff)
9. **Z-FY-07-37** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 76.921 acres of land commonly known as Outblock 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive. (Applicant: City of Temple/Staff)
10. **Z-FY-07-38** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 25.15 acres of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H. (Applicant: City of Temple/Staff)
11. **Z-FY-07-39** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 98 acres of land commonly known as Outblocks 1164-A, B, and D, City Addition, located on the south side of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road. (Applicant: City of Temple/Staff)

Mr. Tim Dolan, Planning Director, presented all six (6) zone changes consecutively. He said the Comprehensive Plan shows all of the above areas, which are now zoned Agricultural, to be Industrial uses. He said the purpose of presenting all the case together is so they can be done collectively. Mr. Dolan said staff recommends approval of this zone change. He said all of the properties are part of the Planned Industrial Parks as shown on the Future Land Use Plan and are also being considered as part of CIP projects for road, water and sewer extensions or for the reinvestment zone programs. Mr. Dolan suggested opening the public hearing for these cases, collectively, close the public hearing and proceed with a vote on each one. He said for zone case Z-FY-07-31 one (1) response letter was returned in favor of the request and none in opposition to the request; zone case Z-FY-07-32 one (1) response letter was returned in favor and three (3) in opposition to the request; zone case Z-FY-07-33 one (1) response letter was

returned in favor of the request and three (3) in opposition to the request; and zone case Z-FY-07-37 one (1) response letter was returned in favor and none in opposition to the request.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the above zone change requests, to address the Commission. Seeing no one, Chair Thomas closed the public hearing.

Motion to recommend approval for Z-FY-07-31 by Commissioner Hurd; seconded by Vice-Chair Luck.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-32 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-33 by Commissioner Hurd; seconded by Commissioner Pilkington.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-37 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-38 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-39 by Commissioner Kasberg; seconded by Commissioner Hurd.

Motion passed (8/0).

ORDINANCE NO. _____
(ZONING NO. Z-FY-07-37)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 76.921 ACRES OUT OF LAND COMMONLY KNOWN AS OUTBLOCKS 1158-A AND 1160-A, CITY ADDITION, LOCATED SOUTH OF MOORE'S MILL ROAD, NORTH OF NW LOOP 363 AND WEST OF PEGASUS DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Light Industrial District (LI) on approximately 76.921 acres out of land commonly known as Outblocks 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 3: 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 4: 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 5: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **June**, 2007.

PASSED AND APPROVED on Second Reading on the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #10
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING -Z-FY-07-38: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 25.15 acres of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented item description, on first reading, and schedule second reading and final adoption for July 5, 2007.

ITEM SUMMARY: The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Council consider this and the following items, #6 - #11, at the same time. Separate public hearings and votes may be made for each zoning case or they may be considered collectively.

Please refer to the Staff Report and draft minutes of case Z-FY-07-38 from the Planning and Zoning Commission meeting on June 4, 2007.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Land Use Map](#)
[Zoning Map](#)
[Notice Map](#)
[Location Map](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance](#)



Z-FY-07-38

2601 E. Ave. H

OB #991-A

25.15 AC

AGRICULTURAL

Agricultural
(A)

RESIDENTIAL

Low Density
(0-2 DU/ACRE)
(UE)

Moderate Density
(2-6 DU/ACRE)
(SF-1, SF-2, SF-3, MH, 2-F)

Medium Density
(6-12 DU/ACRE)
(MH, 2-F, TH, MF-1)

High Density
(12-25 DU/ACRE)
(MF-2)

COMMERCIAL

Neighborhood and
Community Retail
(NS, GR)

Office
(O-1, O-2)

Regional Commercial
(C, CA)

MIXED USE

Mixed Use Areas

INDUSTRIAL

Light and Heavy
Industrial
(LI, HI)

**COMMUNITY
FACILITIES**

CF-E (Schools)

CF-G (General)

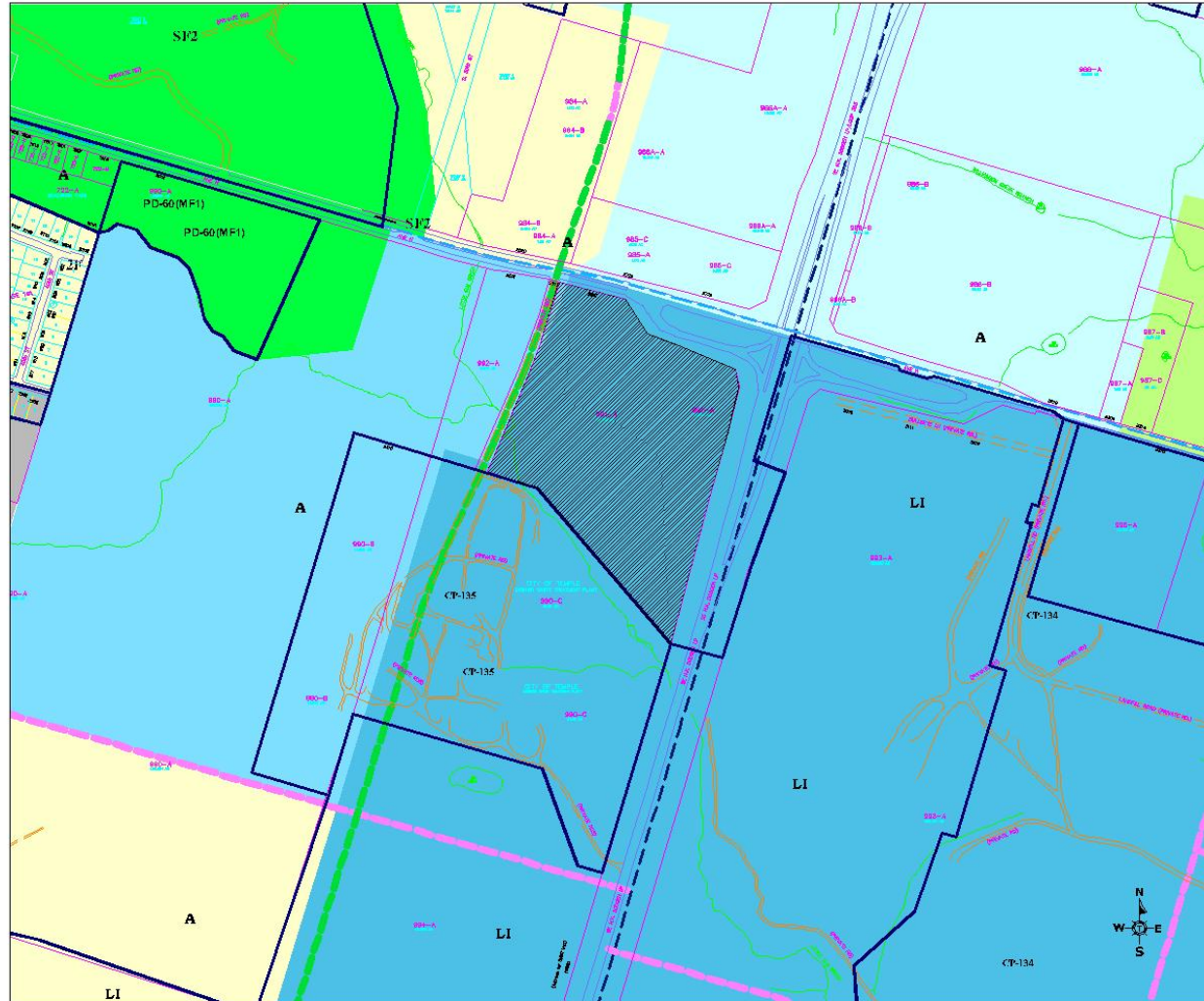
CF-M (Medical)

CF-R (Religious)

PARKS



**Proposed
Rezone**



A - LI

**S. Vybiral/GIS Mapping
05-10-07**

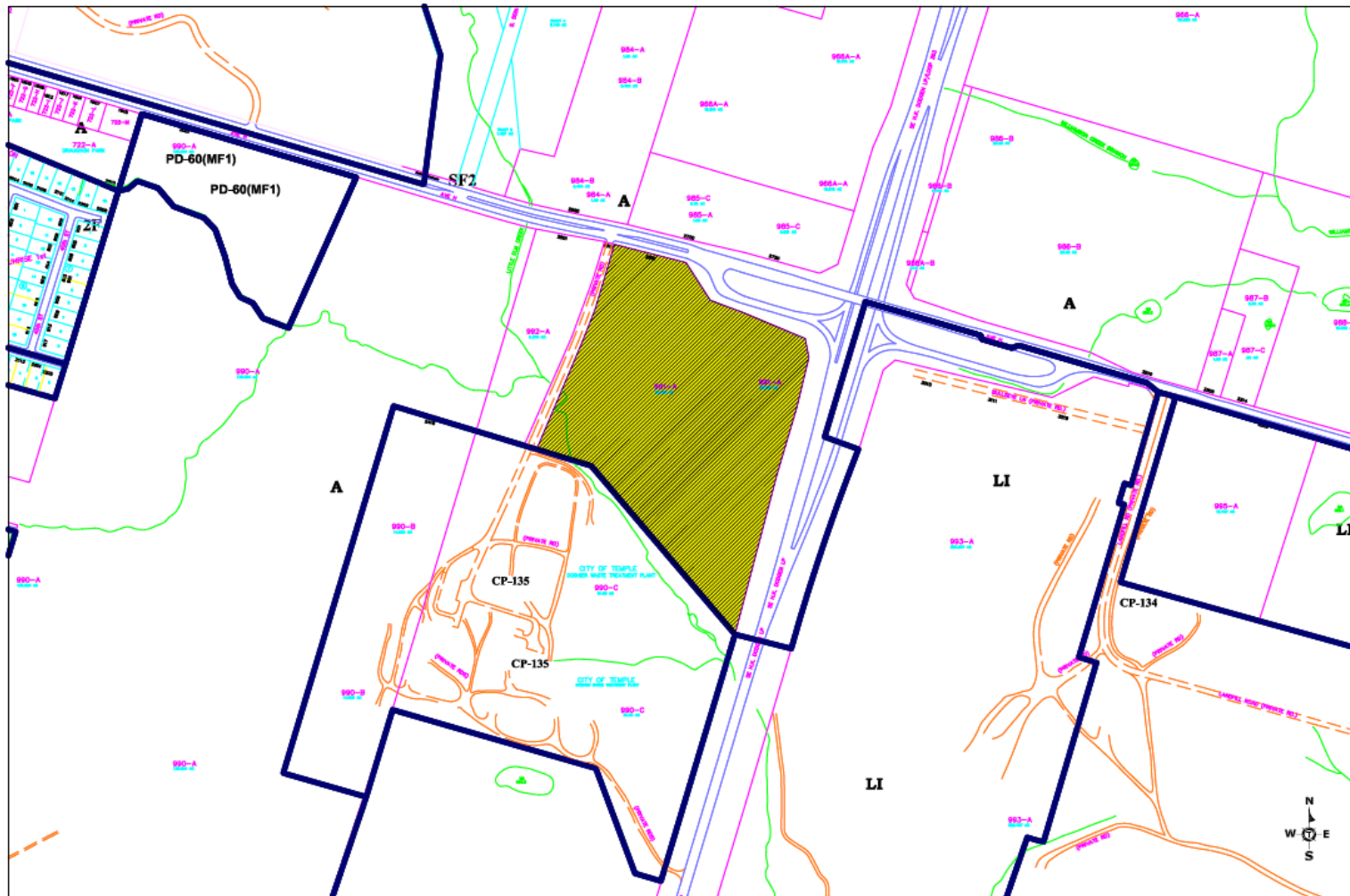



Z-FY-07-38

2601 E. Ave. H

OB #991-A

25.15 AC



 **Area of Proposed
Zone Change**

A - LI

**S. Vybiral/GIS Mapping
05-10-07
Scale: 1"=600'**

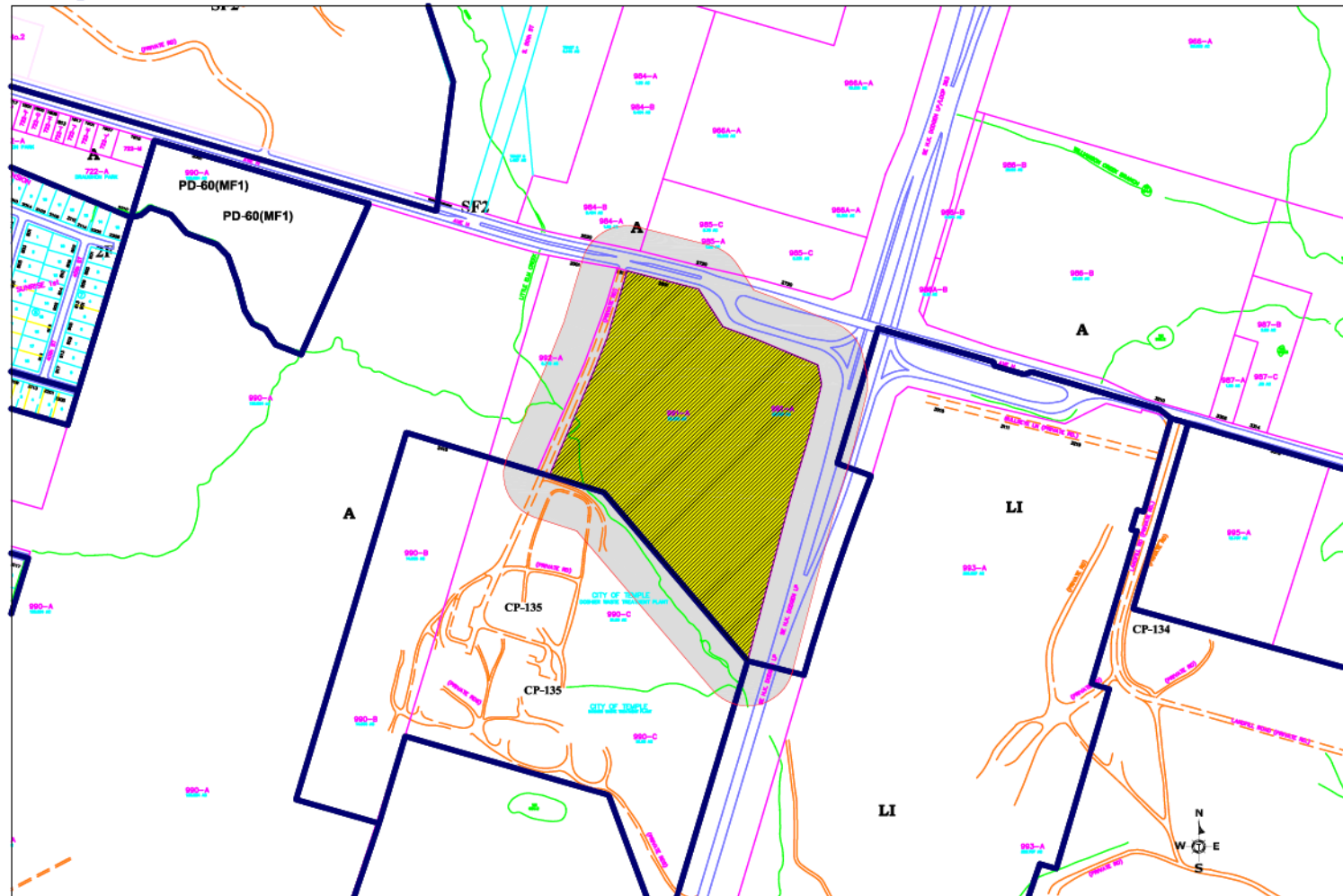



Z-FY-07-38

2601 E. Ave. H

OB #991-A

25.15 AC

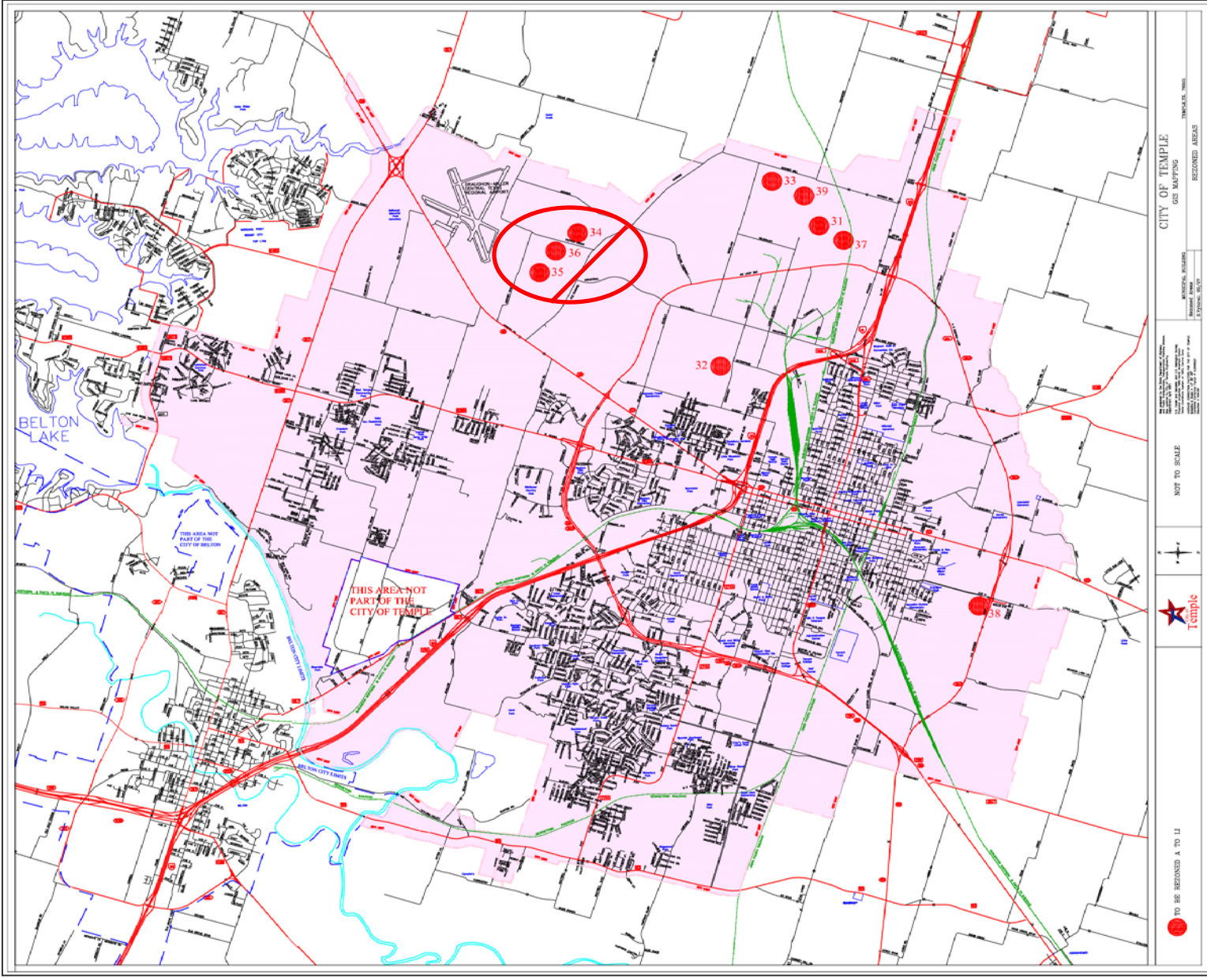


 **Area of Proposed Zone Change**

 **200' Radius**

A - LI

S. Vybral/GIS Mapping
05-10-07
Scale: 1"=600'





PLANNING AND ZONING COMMISSION AGENDA ITEM

06/04/07
Item 10
Page 1 of 2

APPLICANT / DEVELOPMENT: (City of Temple/Staff)

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

PUBLIC HEARING -Z-FY-07-38: Consider a zone change from Agricultural District to Light Industrial District on approximately 25.15 acres of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H. (City of Temple/Staff)

BACKGROUND:

The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Commission consider this Item and Items 2-11, with the exception of Items 6-8, at the same time; it should have a separate public hearing for each zoning case with a separate motion, second and vote for each individual zoning case.

Surrounding Property and Uses

The subject area is surrounded by properties that are zoned Agriculture (A) and Light Industrial (LI) and undeveloped. The property is north of the City water treatment plant.

Future Land Use Plan

The subject area complies with the Future Land Use Plan as an Industrial Use.

Thoroughfare Plan

The subject area complies with the Thoroughfare Plan, with access to Avenue H and Dodgen Loop, both Minor Arterial Roadways.

Adequacy of Public Facilities

This area will be served by water and sewer as part of the CIP and RZ projects.

Development Regulations

The purpose of the Light Industrial District serves a transition from other commercial or retail areas to industrial uses. The LI area should be isolated from planned areas of residential development.

The land uses allowed are manufacturing and assembly, subject to performance standards of odor, noise, glare, smoke, air contaminants, vibration, and open storage.

The maximum lot coverage for LI is 55% for a main building, and maximum lot coverage of 65% for a main building and all accessory buildings. The front setback requirements are thirty feet (30.0') from the centerline of a road, no side or rear yard setback for industrial uses, and a ten foot (10.0') setback from properties adjacent to a residential district.

Public Notice

A total of three (3) notices were sent out. As of May 31, 2007 at 5:00 PM, none were returned. The letters were mailed and the newspaper printed the public hearing on May 25, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION:

Staff recommends approval of Z-FY-07-38 since the subject area complies with:

10. The Future Land Use Plan Map showing the area as Industrial
11. The Thoroughfare Plan showing Industrial as a Minor Arterial Roadway, and
12. The Adequacy of Public Facilities shows the area as part of the CIP and RZ areas for water and wastewater improvements.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map
Land Use Map
Aerial

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 4, 2007

ACTION ITEMS

ZONE CHANGE

3. **Z-FY-07-31** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, Adjacent to and west of the Burlington Northern and Santa Fe Railroad. (Applicant: City of Temple/Staff)
4. **Z-FY-07-32** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 28.348 acres out of land commonly know as Outblock 1143-A, City Addition, located at the southwest corner of Eberhardt Road and Enterprise Road. (Applicant: City of Temple/Staff)
5. **Z-FY-07-33** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B, and C, City Addition, located at the southeast corner of Moore's Mill Road and Wendland Road. (Applicant: City of Temple/Staff)
9. **Z-FY-07-37** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 76.921 acres of land commonly known as Outblock 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive. (Applicant: City of Temple/Staff)
10. **Z-FY-07-38** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 25.15 acres of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H. (Applicant: City of Temple/Staff)
11. **Z-FY-07-39** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 98 acres of land commonly known as Outblocks 1164-A, B, and D, City Addition, located on the south side of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road. (Applicant: City of Temple/Staff)

Mr. Tim Dolan, Planning Director, presented all six (6) zone changes consecutively. He said the Comprehensive Plan shows all of the above areas, which are now zoned Agricultural, to be Industrial uses. He said the purpose of presenting all the case together is so they can be done collectively. Mr. Dolan said staff recommends approval of this zone change. He said all of the properties are part of the Planned Industrial Parks as shown on the Future Land Use Plan and are also being considered as part of CIP projects for road, water and sewer extensions or for the reinvestment zone programs. Mr. Dolan suggested opening the public hearing for these cases, collectively, close the public hearing and proceed with a vote on each one. He said for zone case Z-FY-07-31 one (1) response letter was returned in favor of the request and none in opposition to the request; zone case Z-FY-07-32 one (1) response letter was returned in favor and three (3) in opposition to the request; zone case Z-FY-07-33 one (1) response letter was

returned in favor of the request and three (3) in opposition to the request; and zone case Z-FY-07-37 one (1) response letter was returned in favor and none in opposition to the request.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the above zone change requests, to address the Commission. Seeing no one, Chair Thomas closed the public hearing.

Motion to recommend approval for Z-FY-07-31 by Commissioner Hurd; seconded by Vice-Chair Luck.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-32 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-33 by Commissioner Hurd; seconded by Commissioner Pilkington.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-37 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-38 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-39 by Commissioner Kasberg; seconded by Commissioner Hurd.

Motion passed (8/0).

ORDINANCE NO. _____
(ZONING NO. Z-FY-07-38)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 25.15 ACRES OUT OF LAND COMMONLY KNOWN AS OUTBLOCK 991-A, CITY ADDITION, LOCATED AT 2601 EAST AVENUE H; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Light Industrial District (LI) on approximately 25.15 acres out of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 3: 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 4: 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 5: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **June**, 2007.

PASSED AND APPROVED on Second Reading on the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #11
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - Z-FY-07-39: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 98 acres commonly known as Outblocks 1164-A, B, D, City Addition, located on the south side of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented item description, on first reading, and schedule second reading and final adoption for July 5, 2007.

ITEM SUMMARY: The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Council consider this and the following items, #6 - #11, at the same time. Separate public hearings and votes may be made for each zoning case or they may be considered collectively.

Please refer to the Staff Report and draft minutes of case Z-FY-07-39 from the Planning and Zoning Commission meeting on June 4, 2007.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Land Use Map](#)
[Zoning Map](#)
[Notice Map](#)
[Location Map](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance](#)



Z-FY-07-39

2501 MOORE'S MILL RD.

OB #1164-A, B & D

96.81 AC

AGRICULTURAL

Agricultural
(A)

RESIDENTIAL

Low Density
(0-2 DU/ACRE)
(UE)

Moderate Density
(2-6 DU/ACRE)
(SF-1, SF-2, SF-3, MH, 2-F)

Medium Density
(6-12 DU/ACRE)
(MH, 2-F, TH, MF-1)

High Density
(12-25 DU/ACRE)
(MF-2)

COMMERCIAL

Neighborhood and
Community Retail
(NS, GR)

Office
(O-1, O-2)

Regional Commercial
(C, CA)

MIXED USE

Mixed Use Areas

INDUSTRIAL

Light and Heavy
Industrial
(LI, HI)

**COMMUNITY
FACILITIES**

CF-E (Schools)

CF-G (General)

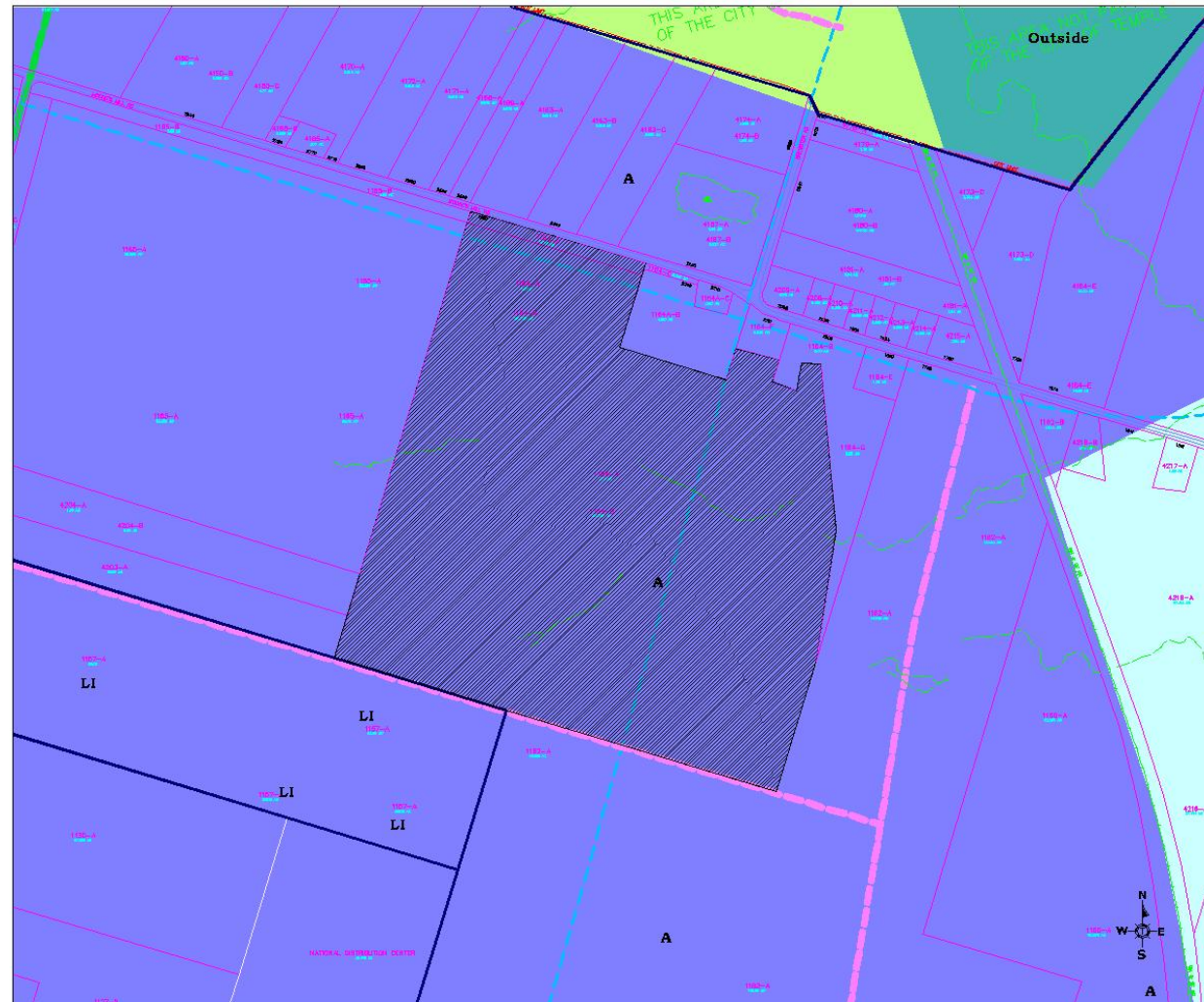
CF-M (Medical)

CF-R (Religious)

PARKS



**Proposed
Rezoning**



A - LI

**S. Vybiral/GIS Mapping
05-16-07**

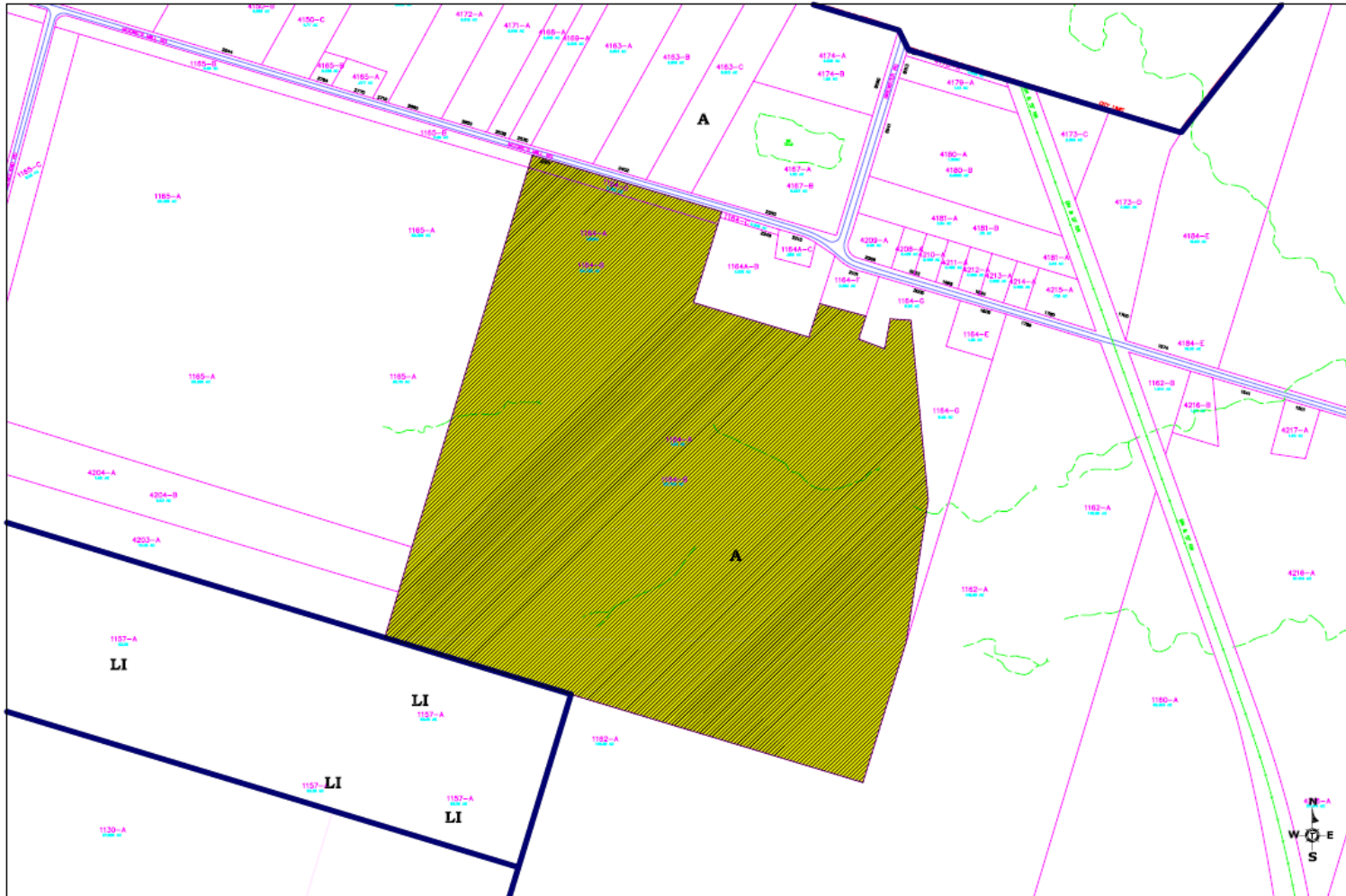



Z-FY-07-39

2501 MOORE'S MILL RD.

OB #1164-A, B & D

96.81 AC



 **Area of Proposed
Zone Change**

A - LI

**S. Vybral/GIS Mapping
05-16-07
Scale: 1"=600'**

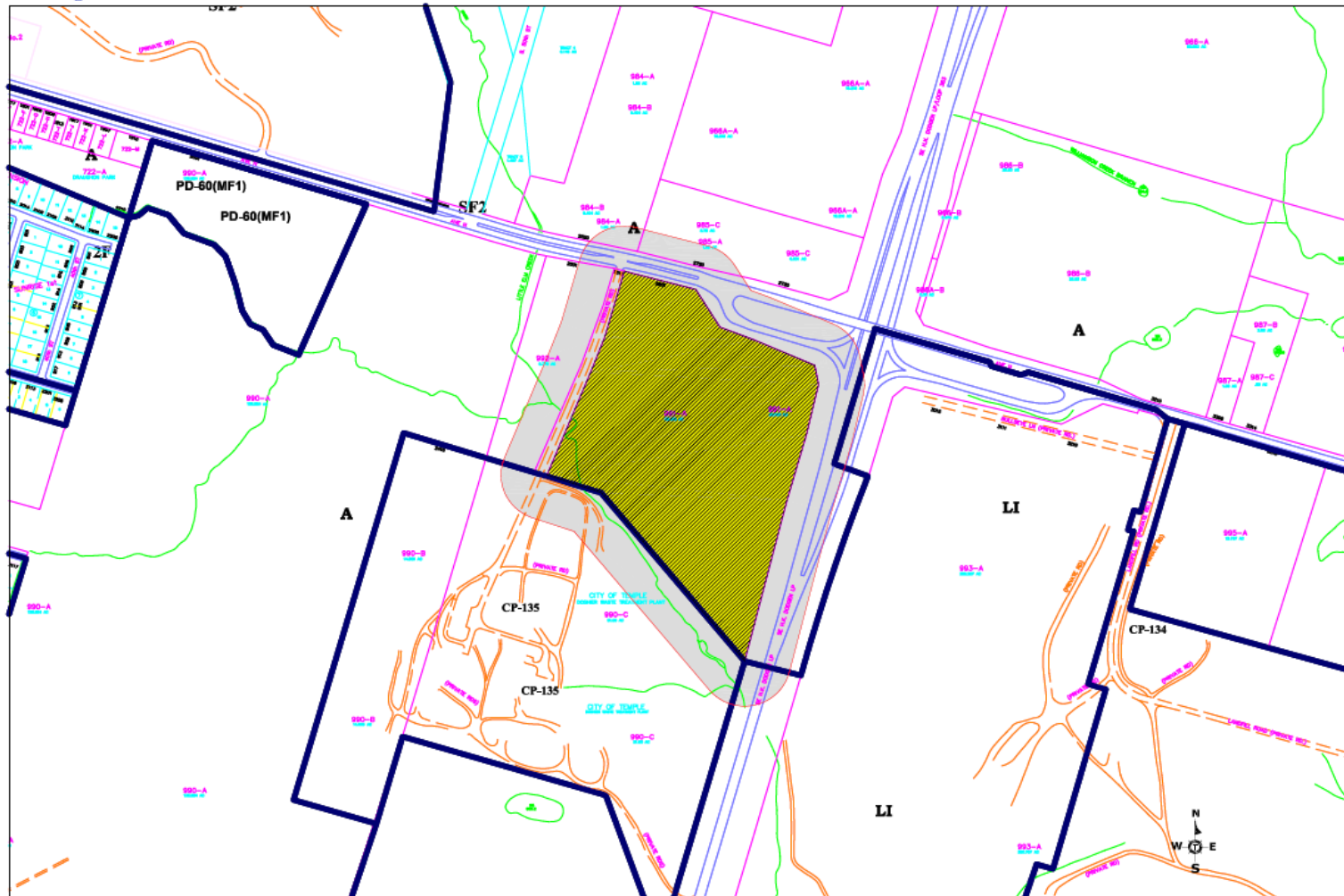



Z-FY-07-38


2601 E. Ave. H

OB #991-A

25.15 AC

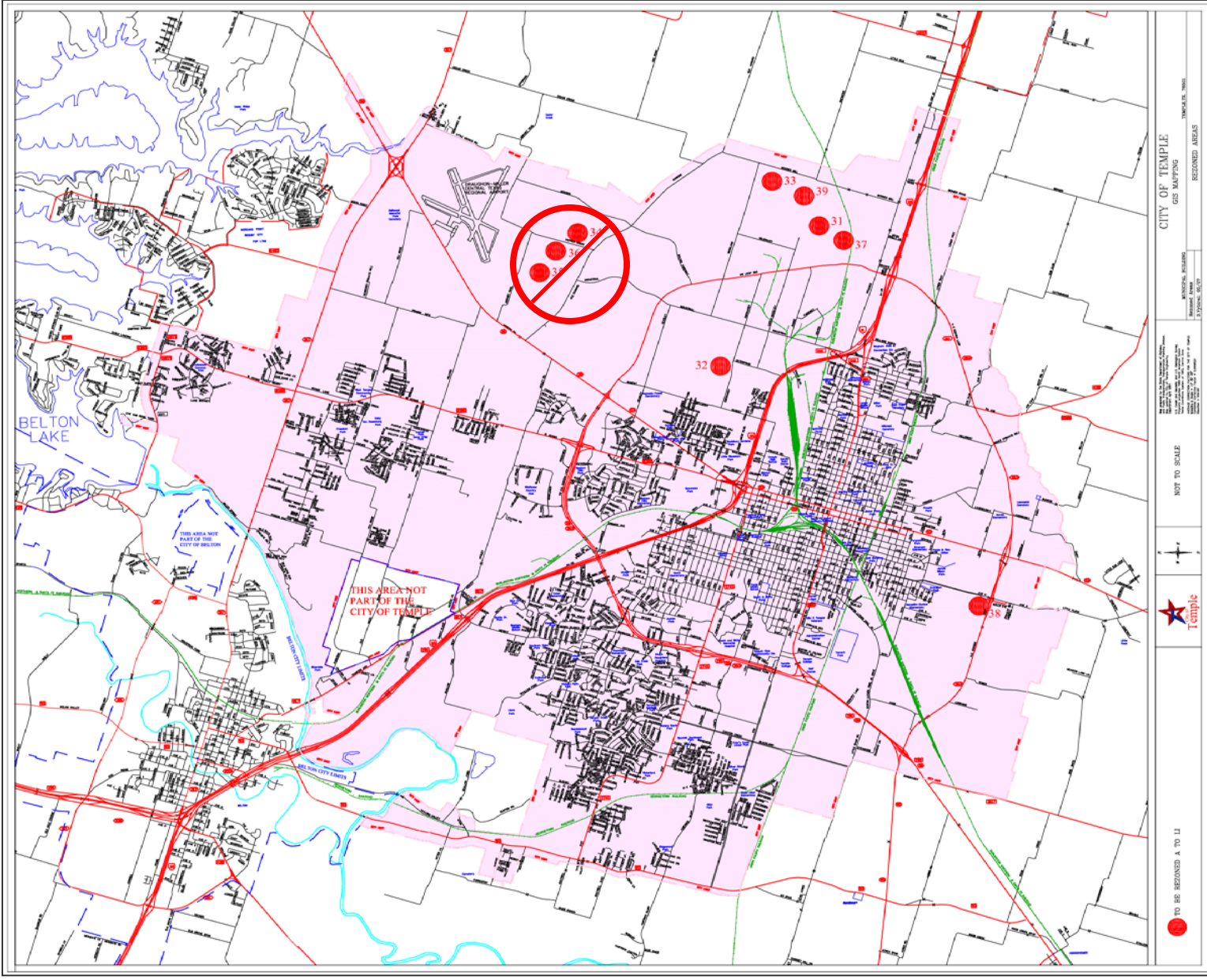


 **Area of Proposed Zone Change**

 **200' Radius**

A - LI

**S. Vybiral/GIS Mapping
05-10-07
Scale: 1"=600'**





PLANNING AND ZONING COMMISSION AGENDA ITEM

06/04/07
Item 11
Page 1 of 2

APPLICANT / DEVELOPMENT: (City of Temple/Staff)

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

PUBLIC HEARING-Z-FY-07-39: Consider a zone change from Agricultural District to Light Industrial District on approximately 98 acres commonly known as Outblocks 1164-A, B, D, City Addition, located on the south side of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road. (Applicant: City of Temple/Staff)

BACKGROUND:

The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Commission consider this Item and Items 2-11, with the exception of Items 6-8, at the same time; it should have a separate public hearing for each zoning case with a separate motion, second and vote for each individual zoning case.

Surrounding Property and Uses

The subject area is surrounded by properties that are zoned Agriculture (A) and Light Industrial (LI) and undeveloped, with single family houses on the north side of Moore's Mill Road.

Future Land Use Plan

The subject area complies with the Future Land Use Plan as an Industrial Use.

Thoroughfare Plan

The subject area complies with the Thoroughfare Plan, with access to Avenue H and Dodgen Loop, both Minor Arterial Roadways.

Adequacy of Public Facilities

This area will be served by water and sewer as part of the CIP and RZ projects.

Development Regulations

The purpose of the Light Industrial District serves a transition from other commercial or retail areas to industrial uses. The LI area should be isolated from planned areas of residential development.

The land uses allowed are manufacturing and assembly, subject to performance standards of odor, noise, glare, smoke, air contaminants, vibration, and open storage.

The maximum lot coverage for LI is 55% for a main building, and maximum lot coverage of 65% for a main building and all accessory buildings. The front setback requirements are thirty feet (30.0') from the centerline of a road, no side or rear yard setback for industrial uses, and a ten foot (10.0') setback from properties adjacent to a residential district.

Public Notice

A total of 14 notices were sent out. As of May 31, 2007 at 5:00 PM, none were returned. The letters were mailed and the newspaper printed the public hearing on May 25, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION:

Staff recommends approval of Z-FY-07-39 since the subject area complies with:

13. The Future Land Use Plan Map showing the area as Industrial
14. The Thoroughfare Plan showing Industrial as a Minor Arterial Roadway, and
15. The Adequacy of Public Facilities shows the area as part of the CIP and RZ areas for water and wastewater improvements.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map
Land Use Map
Aerial

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 4, 2007

ACTION ITEMS

ZONE CHANGE

3. **Z-FY-07-31** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, Adjacent to and west of the Burlington Northern and Santa Fe Railroad. (Applicant: City of Temple/Staff)
4. **Z-FY-07-32** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 28.348 acres out of land commonly know as Outblock 1143-A, City Addition, located at the southwest corner of Eberhardt Road and Enterprise Road. (Applicant: City of Temple/Staff)
5. **Z-FY-07-33** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B, and C, City Addition, located at the southeast corner of Moore's Mill Road and Wendland Road. (Applicant: City of Temple/Staff)
9. **Z-FY-07-37** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 76.921 acres of land commonly known as Outblock 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive. (Applicant: City of Temple/Staff)
10. **Z-FY-07-38** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 25.15 acres of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H. (Applicant: City of Temple/Staff)
11. **Z-FY-07-39** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 98 acres of land commonly known as Outblocks 1164-A, B, and D, City Addition, located on the south side of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road. (Applicant: City of Temple/Staff)

Mr. Tim Dolan, Planning Director, presented all six (6) zone changes consecutively. He said the Comprehensive Plan shows all of the above areas, which are now zoned Agricultural, to be Industrial uses. He said the purpose of presenting all the case together is so they can be done collectively. Mr. Dolan said staff recommends approval of this zone change. He said all of the properties are part of the Planned Industrial Parks as shown on the Future Land Use Plan and are also being considered as part of CIP projects for road, water and sewer extensions or for the reinvestment zone programs. Mr. Dolan suggested opening the public hearing for these cases, collectively, close the public hearing and proceed with a vote on each one. He said for zone case Z-FY-07-31 one (1) response letter was returned in favor of the request and none in opposition to the request; zone case Z-FY-07-32 one (1) response letter was returned in favor and three (3) in opposition to the request; zone case Z-FY-07-33 one (1) response letter was

returned in favor of the request and three (3) in opposition to the request; and zone case Z-FY-07-37 one (1) response letter was returned in favor and none in opposition to the request.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the above zone change requests, to address the Commission. Seeing no one, Chair Thomas closed the public hearing.

Motion to recommend approval for Z-FY-07-31 by Commissioner Hurd; seconded by Vice-Chair Luck.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-32 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-33 by Commissioner Hurd; seconded by Commissioner Pilkington.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-37 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-38 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-39 by Commissioner Kasberg; seconded by Commissioner Hurd.

Motion passed (8/0).

ORDINANCE NO. _____
(ZONING NO. Z-FY-07-39)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 98 ACRES OUT OF LAND COMMONLY KNOWN AS OUTBLOCKS 1164-A, B AND D, CITY ADDITION, LOCATED ON THE SOUTH SIDE OF MOORE'S MILL ROAD, EAST OF THE BN&SF RAILROAD ACROSS FROM BREWSTER ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Light Industrial District (LI) on approximately 98 acres out of land commonly known as Outblocks 1164-A, B and D, City Addition, located south of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 3: 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 4: 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 5: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **June**, 2007.

PASSED AND APPROVED on Second Reading on the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #12
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-07-42: Consider adopting an ordinance amending the Thoroughfare Plan to realign a portion of the collector known as Hartrick Bluff Road, south of Waters Dairy Road and north of Allen Way.

P&Z RECOMMENDATION: **Ordinance B:** The Planning and Zoning Commission voted 7/0 (Chair Thomas abstained) on June 4, 2007, to recommend approval of an amendment to the Thoroughfare Plan to realign a portion of the collector known as Hartrick Bluff Road, as shown in realignment design exhibit “D” submitted by Turley Associate, Inc. (please see attachments).

STAFF RECOMMENDATION: **Ordinance A:** Staff recommends an amendment to the Thoroughfare Plan for the realignment of Hartrick Bluff Road that not only carries out the City Council’s 2004 recommendation (Resolution 2004-4053-R), but also satisfies the Subdivision Ordinance’s minimum 375 feet curve radius requirement, and meets AASHTO (American Association of State Highway and Transportation Officials) regulations regarding railroad crossings. Although none of the applicant’s exhibits comply with the Subdivision Ordinance’s minimum 375 feet curve radius requirement, staff prefers alternate design “C” because of its angle of crossing at the railroad and it is the safest design regarding road curvature for a collector such as Hartrick Bluff Road.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-07-42, from the Planning and Zoning Commission meeting, June 4, 2007. This item is to resolve issues associated with the realignment of Hartrick Bluff Road and its impact on property currently being platted as the Preliminary Plat of Hidden Villages. The Preliminary Plat of Hidden Villages was designed with the current alignment of Hartrick Bluff Road and not according to the realignment of Hartrick Bluff Road as recommended in the attached Resolution 2004-4053-R. The Thoroughfare Plan was never amended according to the recommended realignment of Hartrick Bluff Road as shown in Resolution 2004-4053-R.

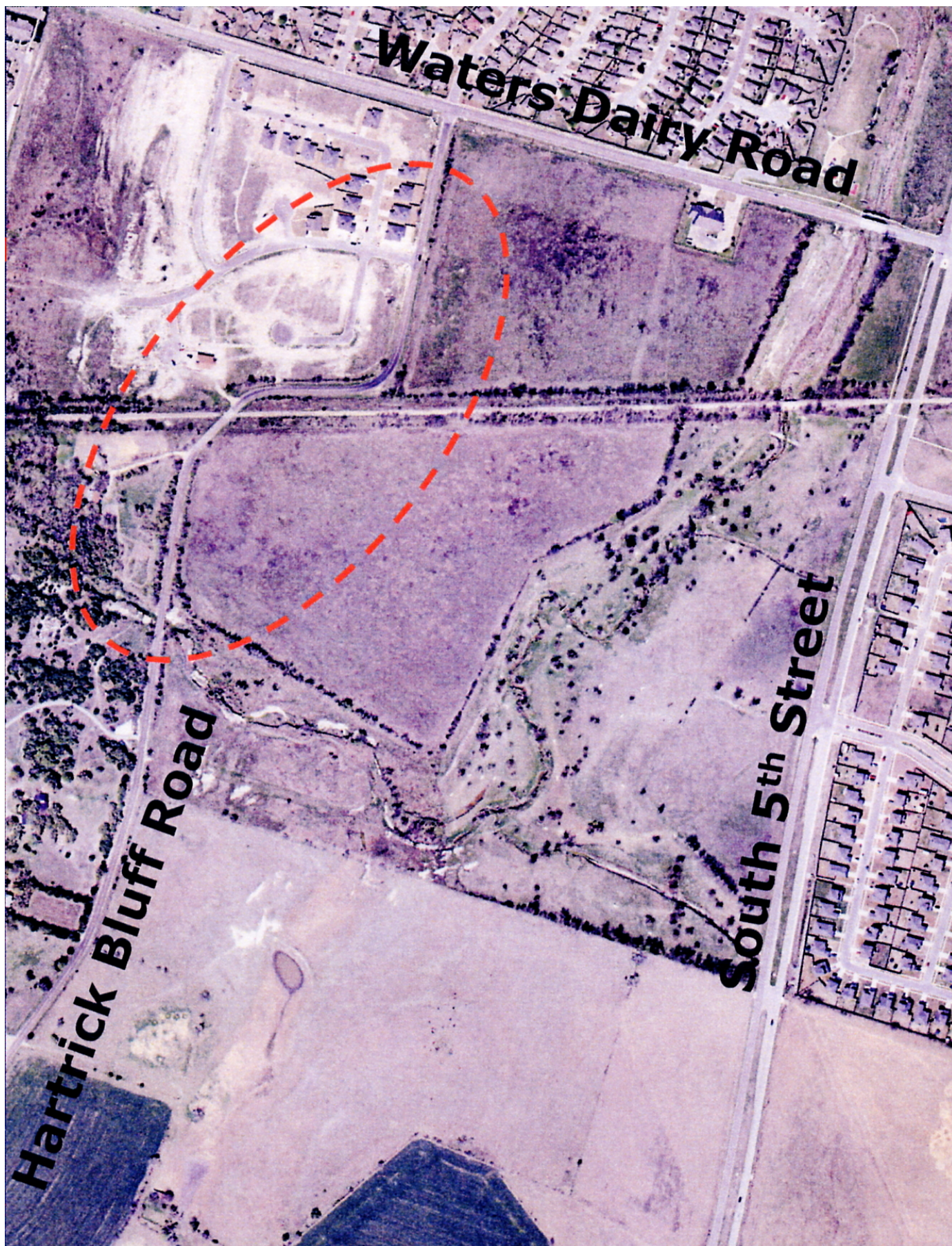
At its June 4th meeting, the Planning and Zoning Commission reviewed several Hartrick Bluff Road realignment options submitted by Turley Associates, Inc. None of the options meet the Subdivision Ordinance’s minimum 375 feet curve radius for collectors. During the meeting, Mr. Victor Turley, engineer for Hidden Villages, requested that the Commission pick design option “D” for the

realignment of Hartrick Bluff Road. Although design option "D" would only make a slight change in the angles in the current "S"-curve design of Hartrick Bluff Road, it would involve the use of stop signs and "slow down" signage. Lou Dusek, representative for the Allen Family, endorsed Mr. Turley's recommendation for design option "D".

FISCAL IMPACT: Perimeter street fees collected during the platting of Estates of Friars Creek (\$297) and Stonegate I (\$10,732) along Hartrick Bluff Road will be used for its reconstruction. Perimeter street fees for Hidden Villages will also be used for the reconstruction of Hartrick Bluff Road.

ATTACHMENTS:

[Aerial](#)
[Thoroughfare Plan](#)
[Platting Chronology](#)
[Letter](#)
[Resolution 2004-4053-R](#)
[Turley Associate's Realignment Exhibits](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance \(A\) – Staff Recommendation](#)
[Ordinance \(B\) – P&Z Recommendation](#)

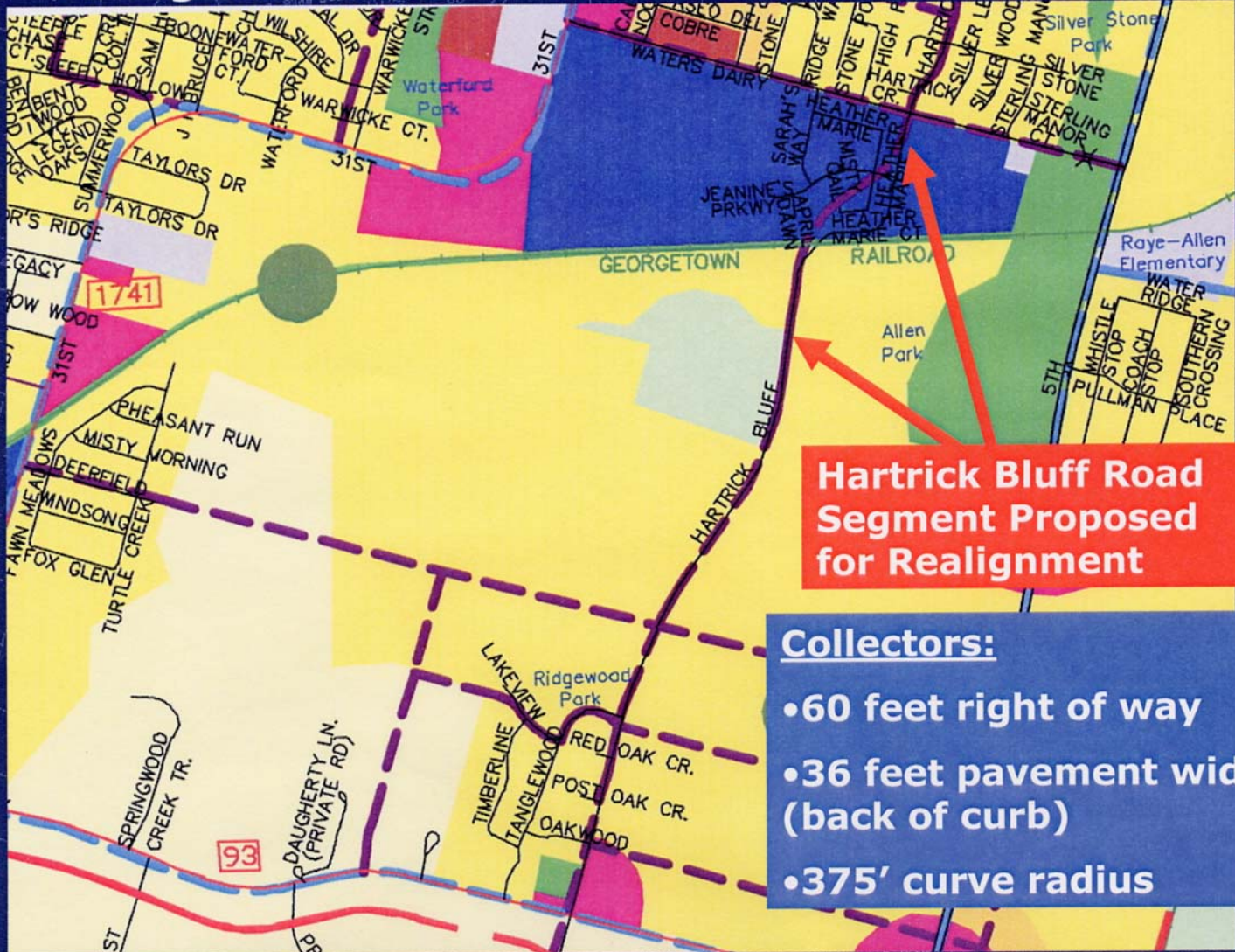


Waters Dairy Road

South 5th Street

Hartrick Bluff Road

Thoroughfare Plan



Platting Chronology

Estates at Friars Creek (Turley Associates, Inc.):

February 20, 2003 - Preliminary Plat: City Council Resolution 2003-3635-R

- an exception to the requirement for the developer's obligation for perimeter street fees [Section 33-93 (p)] approving \$297 as the proportional share to be paid prior to final plat recordation instead of the calculated cost of \$29,784; and
- an exception to the 500 foot maximum length of a cul-de-sac [Section 33-93 (h) (l)] approving a 600' length for the Allen Way cul-de-sac

March 3, 2003 – Final Plat: P&Z Resolution

- 4' sidewalk required along one side of Hartrick Bluff Road (note on plat)
- \$297 for streets as a proportional share for the 18 residential lots being created (figure established by City Council at the preliminary plat)
- \$4,050 in park fees required for 18 lots

Stonegate I (Turley Associates, Inc.):

May 20, 2004 – Preliminary Plat: City Council Resolution 2004-4053-R

- an exception to Subdivision Ordinance Sections 33.93 (i) *Street Proposed by Comprehensive Plan* and 33-90 (a)(l) *Conformity with Comprehensive Plan* regarding the requirement for conformity with the Thoroughfare Plan, a component of the Comprehensive Plan, regarding the realignment of Hartrick Bluff Road, according to the attached exhibit "A"
- Preliminary Plat established the perimeter street fees in the sum of \$10,732 to be paid for the development of Hartrick Bluff Road
- Park fees in the sum of \$16,875 to be paid for the development of a neighborhood park within ½ mile vicinity of the subdivision

June 21, 2004 – Final Plat: P&Z Resolution

- Perimeter street fees in the sum of \$10,732 paid for the development of Hartrick Bluff Road
- Park fees in the sum of \$16,425 paid for the development of a neighborhood park within ½ mile vicinity of the subdivision

(DRC notes state: Four feet wide sidewalk to be constructed along Waters Dairy Road. No mention of sidewalk requirement along Hartrick Bluff Road in post DRC notes, and no sidewalk note recorded on Final Plat)

Stonegate II (Turley Associates, Inc.):

January 13, 2005 - Post DRC Notes states the following regarding sidewalks:

1. Four feet wide sidewalks will be required along one side of the collector streets (Waters Dairy and Hartrick Bluff)
2. Please provide a note on the plat

January 18, 2005 – Preliminary Plat: P&Z Resolution

Sidewalk note on plat states: Sidewalks will be constructed along collector streets as per city standards.

February 21, 2005 – Final Plat: P&Z Resolution

Hidden Villages (Turley Associates, Inc.):

November 22, 2006 – Hidden Villages Concept Plan (proposed Planned Development for gated community) reviewed by DRC.

- Alerted applicants of need for Planned Development amenities]

December 19, 2006 – Hidden Villages Preliminary Plat reviewed by DRC

- Discussed Park amenities
- Discussed sidewalk waiver along Hartrick Bluff Road
- Discussed Planned Development amenities and requested PD amenities letter
- Requested Draft of Covenants regarding amenities
- Discussed non-compliance of cul-de-sac length
- Discussed fencing for gated community
- Discussed future submittal of utility extension application
- Discussed insufficient number of fire hydrants. Requested a revised design of fire hydrant placement and emergency access at north property boundary.

February 6, 2007 – Hidden Villages Preliminary Plat reviewed by DRC

- Requested letter of exceptions
- Discussed Fire Department's need for emergency entrance at gate
- Discussed 4' wide sidewalk requirement along Hartrick Bluff Road
- Engineering request for Turley's submittal of his best estimate for perimeter street fees for Hartrick Bluff Road improvements

February 19, 2007 – At the Planning and Zoning Commission meeting, Mr. Turley requested the tabling of the Hidden Villages zone change and preliminary plat until March 19, 2007 to address Planned Development and Preliminary Plat issues.

February 27, 2007 – Staff received letter from Aldrich-Thomas Group amending the property's zoning request from Planned Development Single Family Two to Single Family Two District. Removal of the Planned Development meant the Plat would need to be amended to meet setback requirements that it previously did not meet.

March 12, 2007 – Staff meeting with Turley Associates, Inc. to discuss plat issues concerning compliance with building setback requirements; non-compliance with minimum 200 foot radius for curvilinear streets; emergency entrance for Fire Department; revised letter of exceptions for the required sidewalk along Hartrick Bluff Road and required park fees.

March 14, 2007 – Received revised Letter of Requested Exceptions concerning cul-de-sac length, 4 foot wide sidewalk required along Hartrick Bluff Road, and a complete waiver of park fee requirements.

March 23, 2007 – Revised Hidden Villages Preliminary Plat reviewed by DRC

- First discussion of Park Development Agreement Plan involving Legal and Parks Departments and the developer.

April 2, 2007 – Planning and Zoning Commission recommended approval of preliminary plat (4/3)

April 12, 2007 – Hidden Villages Preliminary Plat and street use license for gate removed from April 19, 2007 City Council Agenda to allow completion of the Park Development Agreement Plan.

April 19, 2007 – City Council discussed opposition to the S-Curve of Hartrick Bluff Road during the public hearing for the Hidden Villages zone change case.

April 24, 2007 – Staff met with the developer, his engineer, and a representative from Aldrich-Thomas Group to discuss the realignment of Hartrick Bluff Road. Mr. Turley, developer's engineer, agreed to design and submit proposals of Hartrick Bluff Road's realignment (based on City Council's prior directive in 2004).

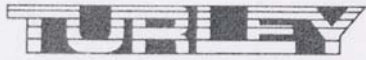
April 26, 2007 – Formal request from developer, Will Sears, to remove Hidden Villages Preliminary Plat, street use license for gated entry, and park development agreement plan from the May 3rd City Council Agenda until issues can be resolved. Staff received submittal of three realignment options for Hartrick Bluff Road.

May 1, 2007 – City Engineer's meeting with Turley Associates, Inc. to discuss the proposed realignment submittals.

May 2, 2007 – Submittal of a fourth realignment option for Hartrick Bluff Road, according to prior City Council directive.

May 10, 2007 – Staff met with Turley Associates, Inc. to discuss the realignment submittals and Thoroughfare Plan amendment options.

May 16, 2007 – Turley Associates, Inc. submittal of letter and official realignment options "B", "C", and "D" for Thoroughfare Plan amendment.

**TURLEY ASSOCIATES, INC.**

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

To: Members of the City Council of the City of Temple, Texas
and Member of Planning and Zoning Commission
of the City of Temple, Texas

RECEIVED**MAY 16 2007**

City of Temple
Planning & Development

In 2003, the plan for Estates of Friars Creek was approved by the City of Temple for design. Monies for perimeter street fees for Hartrick Bluff Road were collected from the developer of Estates of Friars Creek. The final plat for Estates of Friars Creek was filed of record on August 19, 2003.

In early 2004, the Stonegate Subdivision came into the City of Temple approval process. On May 20, 2004 the City Council of the City of Temple passed and approved a resolution (Resolution No. 2004-4053-R) to approve the preliminary plat of the Stonegate Subdivision with an exception to the requirement for conformity with the Thoroughfare Plan. I have included a copy of this resolution (Exhibit "A") for your convenience. Monies were collected by the City of Temple from the developer of Stonegate Subdivision for perimeter street fees for Hartrick Bluff Road. The final plat for Stonegate Subdivision was filed of record on October 27, 2004.

Very quickly thereafter the Stonegate II Subdivision came in. Again, consistent with previous developments in this area, monies were collected by the City of Temple from the developer of Stonegate II Subdivision for perimeter street fees for Hartrick Bluff Road. The final plat for Stonegate II Subdivision was filed of record on April 26, 2005.

In the meantime, focus was shifted to the newly improved South 5th Street as the main thoroughfare for this part of town instead of Hartrick Bluff Road. Hartrick Bluff Road continued to be utilized basically as a neighborhood street.

In early 2006, the Master Plan for Wyndham Hills was approved by the City of Temple. This time however, no monies were collected by the City of Temple from the developer for perimeter street fees for Hartrick Bluff Road. Wyndham Hills will front along approximately 1600 linear feet of Hartrick Bluff Road. This was a decision inconsistent with all of the previous recent developments along Hartrick Bluff Road, and sets a precedence for any further development southward along Hartrick Bluff Road. This decision also places the responsibility with the City of Temple for any realignment, maintenance or improvements to Hartrick Bluff Road from Waters Dairy Road southward to the south line of the Georgetown Railroad and from Friars Creek southward to Farm-to-Market Road No. 93. This was also further evidence of the City of Temple shifting its focus from Hartrick Bluff Road to South 5th Street as the main thoroughfare for this part of town and the inclination to continue to utilize Hartrick Bluff Road as it is being used today.

In September of 2006, Turley Associates, Inc. met with the City of Temple (Jim Walker and staff) regarding a proposed subdivision (Hidden Villages) located adjacent to the Georgetown Railroad and on the east side of Hartrick Bluff road. It was brought to Mr. Walker's attention that the realignment of Hartrick Bluff Road was going to be an issue with this tract of land. It was pointed out that not only did the alignment of Hartrick Bluff Road as called for in Resolution No. 2004-4053-R in essence bisect this tract, rendering it basically useless for development, it would also require obtaining a new railroad crossing site as well as removing the existing bridge which spans Friars Creek and constructing a new bridge at great expense to the City. Turley Associates, Inc. was told by Mr. Walker and staff that the expense of this scenario was not in the best interest of the City of Temple since South 5th Street had become the main thoroughfare.

As an alternative, Turley Associates, Inc, was asked to submit an alternate alignment for Hartrick Bluff Road which would utilize the existing right-of-way and railroad crossing as well as the existing bridge spanning Friars Creek. In addition, the "residential local" street design would serve to keep traffic slowed to a safe speed through this residential area which had been a concern to Mr. Walker. This alternative, which is attached hereto as Exhibit "B", was submitted and agreed to by Jim Walker and staff in September of 2006. All future design of Hidden Villages Subdivision was based on this agreement.

In November, 2006 the concept plan for Hidden Villages was approved by the current City of Temple Design Review Committee and in December of 2006 the preliminary platting process was begun.

The preliminary plat passed through the Design Review Committee and the zoning was approved by the Planning and Zoning Commission. The preliminary plat for Hidden Villages was forwarded on to the City Council for consideration.

In late April, 2007 the current City of Temple staff raised the question of why Hartrick Bluff Road as shown on the Preliminary Plat of Hidden Villages did not match the layout as shown in Resolution No. 2004-4053-R. The current City of Temple staff said they had no knowledge of any Hartrick Bluff realignment approval from the previous staff and that the "agreed-to design" did not specifically meet the City of Temple Subdivision Ordinance requirement for collector street curve radius length (375 feet). Comments were also made regarding the angle of intersection of the crossing of the Georgetown Railroad.

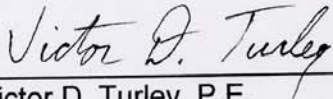
Please find attached drawing labeled "Exhibit "C". This drawing depicts a scenario which would shift the "resolution plan" northward. While this option would utilize the existing bridge (22' in width) which spans Friars Creek, it would still require obtaining a new railroad crossing. As you can see, this option also renders this tract virtually un-developable. The long sweeping curves would also promote a much faster rate of travel through this area, making for less safe ingress and egress to and from the subdivisions along Hartrick Bluff Road.

Please find attached drawing labeled "Exhibit "D". This drawing depicts a much safer option, both for pedestrian and vehicular traffic. This scenario would utilize the existing right-of-way as well as the existing railroad crossing and bridge over Friars Creek.

Traffic would be slowed to 25 mph through the residential area, making the entrances much safer. Traffic would be stopped at the railroad crossing. The angle of the railroad crossing would also be increased, providing much better sight distance and providing a much safer crossing.

The speed control through this residential area also makes sense due to the stop intersection situation only 800 feet northward at Waters Dairy Road. We feel that this option is the safest and most cost feasible of all of the presented options for all parties concerned.

Thank you for your consideration on this matter.



Victor D. Turley, P.E.

RECEIVED

MAY 16 2007

City of Temple
Planning & Development

RECEIVED

MAY 16 2007

City of Temple
Planning & Development

RESOLUTION NO. 2004-4053-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE PRELIMINARY PLAT OF THE STONEGATE SUBDIVISION, A 20.993 ACRE, 75 LOT RESIDENTIAL PLAT LOCATED SOUTH OF WATER'S DAIRY ROAD, WEST OF HARTRICK BLUFF ROAD, WITH EXCEPTIONS TO REQUIREMENTS OF THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 3, 2004, the Planning and Zoning Commission approved the preliminary plat of the Stonegate Subdivision, a 20.993 acre, 75 lot residential plat located south of Water's Dairy Road, west of Hartrick Bluff Road, with the following exceptions to the Subdivision Ordinance: street proposed by comprehensive plan; and conformity with comprehensive plan; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the preliminary plat of the Stonegate Subdivision.

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


Part 1: The City Council approves the preliminary plat of the Stonegate Subdivision, a 20.993 acre, 75 lot residential plat located south of Water's Dairy Road, west of Hartrick Bluff Road, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exception to the Subdivision Ordinance:

Section 33.93(I) and Section 33-90(a)(1) – an exception to the requirement for conformity with the Thoroughfare Plan, a component of the comprehensive plan, regarding the realignment of Hartrick Bluff Road, according to the attached Exhibit A.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

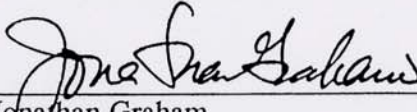
PASSED AND APPROVED this the 20th day of May, 2004.

THE CITY OF TEMPLE, TEXAS



WILLIAM A. JONES, III, MAYOR

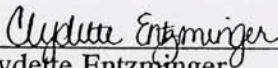
APPROVED AS TO FORM:



Jonathan Graham
City Attorney

ATTEST:

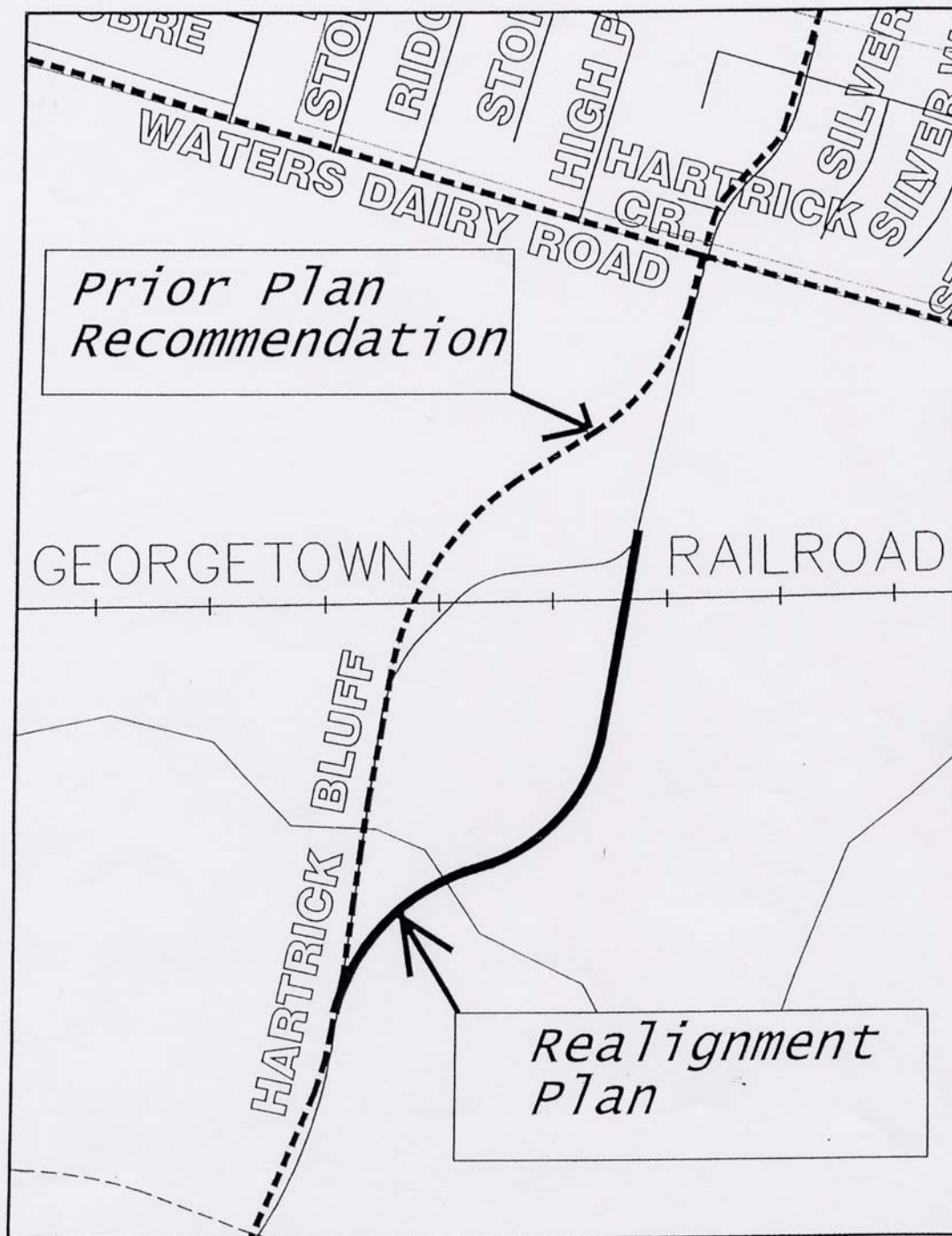




Clydette Entzminger
City Secretary

RECEIVED
MAY 11 2004
CITY OF TEMPLE, TEXAS

EXHIBIT "A"



Hartrick Bluff Realignment



EXHIBIT "B"

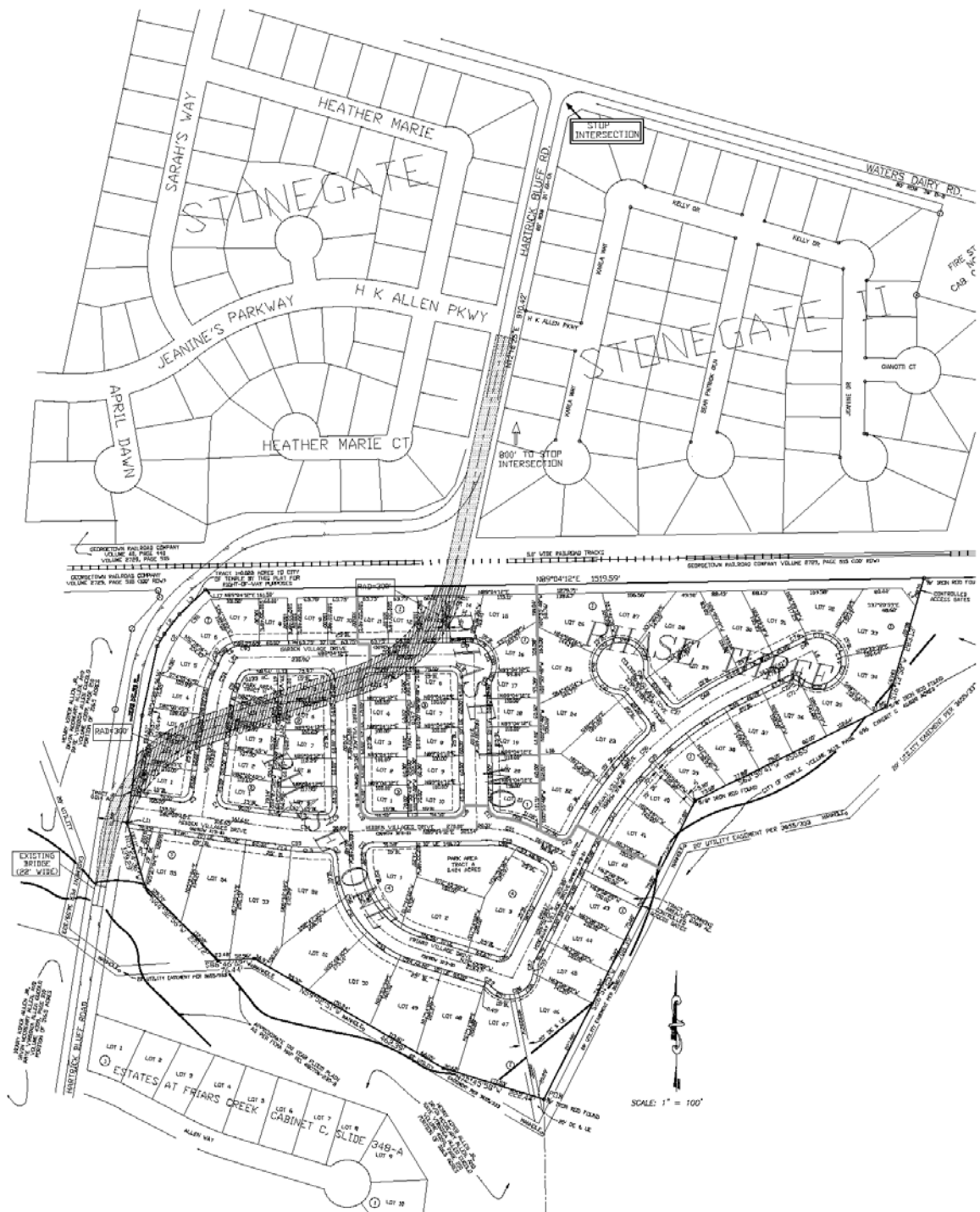


EXHIBIT "C"



EXHIBIT "D"



PLANNING AND ZONING COMMISSION AGENDA ITEM

06/04/07
Item 13
Page 1 of 2

APPLICANT / DEVELOPMENT: City of Temple and Turley Associates, Inc.

CASE MANAGER: Tammy A. Lyerly, Planner

ITEM DESCRIPTION: Z-FY-07-42 Hold a public hearing and consider an amendment to the Thoroughfare Plan to realign a portion of a collector sized road (55' wide right-of-way), known as Hartrick Bluff Road, south of Waters Dairy Road and north of Allen Way. (Applicants: City of Temple Staff and Turley Associates, Inc.)

BACKGROUND: This item is to resolve issues associated with the realignment of Hartrick Bluff Road and its impact on property currently being platted as the Preliminary Plat of Hidden Villages. On April 2, 2007, the Planning and Zoning Commission recommended approval of the Preliminary Plat of Hidden Villages with exceptions to the Subdivision Ordinance Sections 33-98 (sidewalk requirement); 33-93 (cul-de-sac length); and 33-102 (park land dedication/fee payment). The proposed plat awaits City Council's review, pending direction on Hartrick Bluff Road's realignment. Turley Associates, Inc., engineering firm for Hidden Villages, has submitted several options for Hartrick Bluff Road's realignment.

The Preliminary Plat of Hidden Villages was designed according to the Thoroughfare Plan's current depiction of Hartrick Bluff Road's alignment, but not according to the recommended realignment of Hartrick Bluff Road as shown in Exhibit "A" in Resolution 2004-4053-R. This was City Council's resolution which granted approval of the Preliminary Plat of Stonegate Addition with an exception to the Thoroughfare Plan's recommended alignment of Hartrick Bluff Road on May 20, 2004. Stonegate Addition is located at the northwest corner of Hartrick Bluff Road and the Georgetown Railroad.

During the public hearing for the Hidden Villages zone change case (Z-FY-07-08) on April 19, 2007, Mayor Pro-Tem Tyroch expressed her concerns that the existing "S"-curve design of Hartrick Bluff Road be straightened as approved by Resolution 2004-4053-R with the Preliminary Plat of Stonegate Addition. Council Member Schneider echoed Mayor Pro-Tem Tyroch's concerns.

Mr. Victor Turley, who was also the engineer for Stonegate Addition and Estates at Friars Creek to the south, requests an alternative design for Hartrick Bluff Road's realignment, rather than the realignment recommended in Resolution 2004-4053-R. Mr. Turley has submitted alternative designs "B", "C", and "D", none of which conform to the Subdivision Ordinance's minimum required curve radius of 375 feet. Since all the designs require crossing Georgetown Railroad, the City's Engineering Department requests a design that meets AASHTO's (American Association of State Highway and Transportation Officials) regulations regarding railroad crossings.

Public Notice

The newspaper printed the public hearing on May 25, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends an amendment to the Thoroughfare Plan that not only carries out the Commissions' wishes, but also satisfies the Subdivision Ordinance's minimum 375' curve radius requirement and meets AASHTO's regulations regarding railroad crossings. Although none of the applicant's exhibits comply with the Subdivision Ordinance's minimum 375' curve radius requirement, staff prefers alternate design "C" because of its angle of crossing at the railroad and it is the safest design regarding road curvature for a collector.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Thoroughfare Plan

Platting Chronology

Letter

Resolution 2004-4053-R

Applicant's Realignment Exhibits

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 4, 2007**

ACTION ITEMS

ZONE CHANGE

- 13. Z-FY-07-42** Hold a public hearing and consider an amendment to the Thoroughfare Plan to realign a portion of the collector known as Hartrick Bluff Road, south of Waters Dairy Road and north of Allen Way. (Applicant: Turley Associates, Inc. and City of Temple/Staff)

Ms. Tammy Lyerly, Planner, presented this item as outlined in the Planning and Zoning Commission agenda background. She said this request is to resolve issues associated with the realignment of Hartrick Bluff Road and its impact on property currently being platted as the preliminary plat of Hidden Villages. Ms. Lyerly showed the Thoroughfare Plan and aerial of the area in question. She said the proposed Hidden Villages plat awaits City Council's review, pending direction on Hartrick Bluff Road's realignment. She pointed out that Hartrick Bluff Road is a Collector road which requires 60 feet of right-of-way with a 36 foot pavement measured from back of curb to back of curb and a minimum 375 feet curve radius. Turley Associates, Inc., engineering firm for Hidden Villages, has submitted several options for Hartrick Bluff Road's realignment rather than the realignment recommended in Resolution 2004-4053-R. Mr. Turley's alternative designs "B", "C", and "D" do not conform to the Subdivision Ordinance's minimum required curve radius of 375 feet. Ms. Lyerly went on to say that the City's Engineering Department requests a design that meets AASHTO's (American Association of State Highway and Transportation Officials) regulations regarding railroad crossings. Ms. Lyerly said Staff recommendation is for approval of the amendment to the Thoroughfare Plan that most fits the resolution of 2004-4053-R and in addition, one that also satisfies the Subdivision Ordinance's 375 foot curve radius requirement and last, one that meets AASHTO's regulations regarding railroad crossings.

Mr. Michael Newman, City of Temple Engineer, addressed the Commission. He said the main concern of the configuration that was submitted by the applicant, is related to how the railroad crossing's curve exists at an acute angle. Mr. Newman said the Engineering Department suggests that the design follow the City Council's recommendation which is straight across the railroad tracks. He said as City staff and City Engineer, he feels the safest and best alignment would be something that is 90 degrees which follows what City Council recommended.

Commissioner Kjelland asked why the issue of the Georgetown railroad is being brought up at this time. Mr. Newman said that until that railroad is abandoned completely to include the tracks being removed and the land given over to some entity for a specific use, it would be an issue.

Vice-Chair Luck opened the public hearing asking anyone wishing to speak in favor or in opposition to the above zone change request, to address the Commission.

Mr. Victor Turley, Turley Associates, 301 N. 3rd St., Temple, represented the applicant. He said after discussion with Mr. Newman and the discussion with the Commissioners at this meeting, there is only one way to improve this crossing and that is to bring it in as some improvement as

it is today and then stop because once stop signs are put on both sides the reason for the 375 foot radius curve is because of a continuous travel speed. Mr. Turley recommends exhibit "D" for the alignment.

Ms. Trudi Dill, Deputy City Attorney, said Resolution 2004-4053-R should not be described as "just" a recommendation. She said it reads as a condition for the exception to the Thoroughfare Plan that was granted.

Ms. Lou Dusek, representing the Allen family, said option one would go through the subdivision that is already platted and would interfere with the 28 acres that the Allen family is trying to sell for development.

Vice-Chair Luck closed the public hearing.

Motion to recommend approval of the amendment to the Thoroughfare Plan using exhibit "D" as the plan for the realignment, by Commissioner Kjelland; seconded by Commissioner Kasberg.

Motion passed (7/0). Chair Thomas abstained.

(A)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CITY'S THOROUGHFARE PLAN TO REALIGN A PORTION OF THE COLLECTOR KNOWN AS HARTRICK BLUFF ROAD, SOUTH OF WATERS DAIRY ROAD AND NORTH OF ALLEN WAY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETING CLAUSE.

Whereas, on June 4, 2007, the Planning and Zoning Commission considered an amendment to the City's Thoroughfare Plan to realign a portion of the collector known as Hartrick Bluff Road, south of Waters Dairy Road and north of Allen Way;

Whereas, the Staff recommends *Design C*, attached hereto, because of its angle of crossing at the railroad and the fact that it is the safest design regarding road curvature for a collector such as Hartrick Bluff;

Whereas, with the analysis of current traffic conditions, future traffic projections, and the intentions of the Thoroughfare Plan, the Staff recommends this action; 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: The City Council approves an amendment to the City's Thoroughfare Plan to realign a portion of the collector known as Hartrick Bluff Road, south of Waters Dairy Road and north of Allen Way, more fully shown on *Design C*, attached hereto and made a part hereof for all purposes as Exhibit A.

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

Part 3: This ordinance shall take effect immediately 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 4: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time,

place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **June**, 2007.

PASSED AND APPROVED on Second Reading and Public Hearing on the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

(B)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CITY'S THOROUGHFARE PLAN TO REALIGN A PORTION OF THE COLLECTOR KNOWN AS HARTRICK BLUFF ROAD, SOUTH OF WATERS DAIRY ROAD AND NORTH OF ALLEN WAY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETING CLAUSE.

Whereas, on June 4, 2007, the Planning and Zoning Commission recommended an amendment to the City's Thoroughfare Plan to realign a portion of the collector known as Hartrick Bluff Road, south of Waters Dairy Road and north of Allen Way, more fully shown on *Design D*, attached hereto as Exhibit A;

Whereas, the City Council has considered the analysis of current traffic conditions, future traffic projections, and the intentions of the Thoroughfare Plan; 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: The City Council approves an amendment to the City's Thoroughfare Plan to realign a portion of the collector known as Hartrick Bluff Road, south of Waters Dairy Road and north of Allen Way, more fully shown on *Design D*, attached hereto and made a part hereof for all purposes as Exhibit A.

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

Part 3: This ordinance shall take effect immediately 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 4: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **June**, 2007.

PASSED AND APPROVED on Second Reading and Public Hearing on the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #13
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: P-FY-07-31: Consider adopting a resolution authorizing the revised preliminary plat of Country Lane Addition, a 55.386 acres commercial and residential subdivision, located at the northwest corner of SE H K Dodgen Loop and Martin Luther King Jr. Drive, subject to the applicant's requested exceptions to Subdivision Ordinance Section 33-93 regarding the maximum allowed cul-de-sac length of 500 feet for proposed River Hills Court and Pleasant Ridge Court.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 8/0 to recommend approval of the revised preliminary plat of Country Lane Addition with the following exceptions requested by the developer:

1. Exception to the Subdivision Ordinance requirement of a maximum allowed cul-de-sac length of 500 feet (Section 33-93. Streets) for River Hills Court (625').
2. Exception to the Subdivision Ordinance requirement of a maximum allowed cul-de-sac length of 500 feet (Section 33-93. Streets) for Pleasant Ridge Court (883'), a secondary "private" cul-de-sac extension from the River Hills Court cul-de-sac.

STAFF RECOMMENDATION: Staff supports the Planning and Zoning Commission's recommendation for plat approval, subject to approval of the applicant's requested exceptions to Subdivision Ordinance Section 33-93 regarding the maximum allowed 500' cul-de-sac length for River Hills Court (625') and Pleasant Ridge Court (883').

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case P-FY-07-31, from the Planning and Zoning Commission meeting, June 4, 2007. This plat is a revision to the original preliminary plat of Country Lane Addition, approved by City Council Resolution #2005-4588-R on December 1, 2005. The revised preliminary plat of Country Lane Addition proposes 46 additional residential lots, 2 additional commercial lots, and a roadway configuration not shown on the original preliminary plat of Country Lane Addition. This plat consists of public and private roadways, easements, and utilities. The developer seeks exceptions to Subdivision Ordinance Section 33-93 regarding the maximum allowed cul-de-sac length of 500 feet for River Hills Court and Pleasant Ridge Court. The attached letter explains the applicant's requested exceptions using the criteria established by the Subdivision Ordinance.

Design Review Committee

This plat was reviewed by the Design Review Committee (DRC) on April 10, 2007 and May 14, 2007. It was considered administratively complete on May 31, 2007.

Subdivision Ordinance and Planned Development District Requirements

Subdivision Ordinance Section 33-50 allows a minimum 26 feet pavement width for private streets within Planned Development Districts such as this development. The two private streets, Pleasant Ridge Court and Parkhills Court, are in compliance with this requirement.

Parkland Dedication Ordinance

Park fees are requested at \$225 for each addition of single family and/or duplex dwelling unit. This total sum is calculated at \$10,350 provided individual dwelling units are located on each of the 46 residential lots. Park fees for are not required for commercial lots unless they are associated with apartment units or assisted living apartment units. Those park fees are calculated at \$225 for ½ the number of units. Park fees for Country Lane, Lot 1, Block 1 and Grand Reserve, Lot 1, Block 1 were paid during the final plat process of those plats.

FISCAL IMPACT: N/A

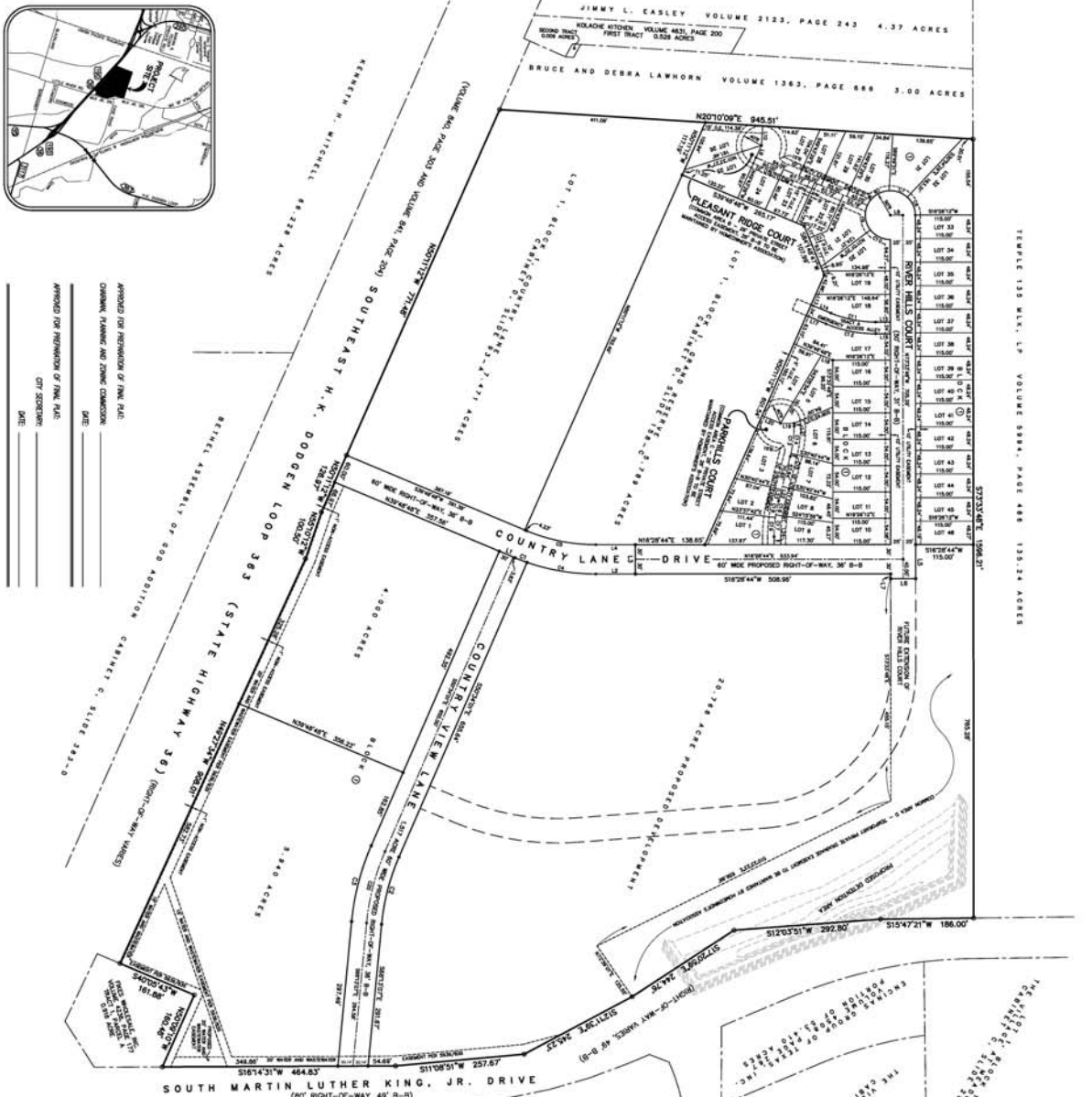
ATTACHMENTS:

Plat
Applicant's Exceptions Letter
P&Z Staff Report
P&Z Minutes
Resolution



VICINITY MAP

APPROVED FOR PREPARATION OF FINAL PLAT
CITY PLANNING AND ZONING COMMISSION
DATE: _____
APPROVED FOR PREPARATION OF FINAL PLAT
CITY SECRETARY
DATE: _____



LOT	ACRES	AREA	PERCENT
1	0.00	0.00	0.00
2	0.00	0.00	0.00
3	0.00	0.00	0.00
4	0.00	0.00	0.00
5	0.00	0.00	0.00
6	0.00	0.00	0.00
7	0.00	0.00	0.00
8	0.00	0.00	0.00
9	0.00	0.00	0.00
10	0.00	0.00	0.00
11	0.00	0.00	0.00
12	0.00	0.00	0.00
13	0.00	0.00	0.00
14	0.00	0.00	0.00
15	0.00	0.00	0.00
16	0.00	0.00	0.00
17	0.00	0.00	0.00
18	0.00	0.00	0.00
19	0.00	0.00	0.00
20	0.00	0.00	0.00
21	0.00	0.00	0.00
22	0.00	0.00	0.00
23	0.00	0.00	0.00
24	0.00	0.00	0.00
25	0.00	0.00	0.00
26	0.00	0.00	0.00
27	0.00	0.00	0.00
28	0.00	0.00	0.00
29	0.00	0.00	0.00
30	0.00	0.00	0.00
31	0.00	0.00	0.00
32	0.00	0.00	0.00
33	0.00	0.00	0.00
34	0.00	0.00	0.00
35	0.00	0.00	0.00
36	0.00	0.00	0.00
37	0.00	0.00	0.00
38	0.00	0.00	0.00
39	0.00	0.00	0.00
40	0.00	0.00	0.00
41	0.00	0.00	0.00
42	0.00	0.00	0.00
43	0.00	0.00	0.00
44	0.00	0.00	0.00
45	0.00	0.00	0.00
46	0.00	0.00	0.00
47	0.00	0.00	0.00
48	0.00	0.00	0.00
49	0.00	0.00	0.00
50	0.00	0.00	0.00
51	0.00	0.00	0.00
52	0.00	0.00	0.00
53	0.00	0.00	0.00
54	0.00	0.00	0.00
55	0.00	0.00	0.00
56	0.00	0.00	0.00
57	0.00	0.00	0.00
58	0.00	0.00	0.00
59	0.00	0.00	0.00
60	0.00	0.00	0.00
61	0.00	0.00	0.00
62	0.00	0.00	0.00
63	0.00	0.00	0.00
64	0.00	0.00	0.00
65	0.00	0.00	0.00
66	0.00	0.00	0.00
67	0.00	0.00	0.00
68	0.00	0.00	0.00
69	0.00	0.00	0.00
70	0.00	0.00	0.00
71	0.00	0.00	0.00
72	0.00	0.00	0.00
73	0.00	0.00	0.00
74	0.00	0.00	0.00
75	0.00	0.00	0.00
76	0.00	0.00	0.00
77	0.00	0.00	0.00
78	0.00	0.00	0.00
79	0.00	0.00	0.00
80	0.00	0.00	0.00
81	0.00	0.00	0.00
82	0.00	0.00	0.00
83	0.00	0.00	0.00
84	0.00	0.00	0.00
85	0.00	0.00	0.00
86	0.00	0.00	0.00
87	0.00	0.00	0.00
88	0.00	0.00	0.00
89	0.00	0.00	0.00
90	0.00	0.00	0.00
91	0.00	0.00	0.00
92	0.00	0.00	0.00
93	0.00	0.00	0.00
94	0.00	0.00	0.00
95	0.00	0.00	0.00
96	0.00	0.00	0.00
97	0.00	0.00	0.00
98	0.00	0.00	0.00
99	0.00	0.00	0.00
100	0.00	0.00	0.00

REVISED PRELIMINARY PLAT OF:
COUNTRY LANE ADDITION
55.386 ACRES
A SUBDIVISION IN THE
CITY OF TEMPLE, BELL COUNTY, TEXAS

PREPARED FOR:
KENNETH H. MITCHELL
1005 SHADY RIVER COURT NORTH
BENBROOK, TEXAS 76126-2915

TURLEY
ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC.
301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400
E-MAIL: VDTURLEY@AOL.COM FAX NO. (254) 773-3998

DATE: 02/09/07
DWN. BY: JMO
REF: 11738-D
FIELD BOOK: -
JOB NO.: 07044
SHEET: 1 OF 3
DRAWING NUMBER: 11737-D

**COUNTRY LANE ADDITION
PRELIMINARY PLAT
CITY OF TEMPLE, TEXAS**

REQUESTED EXCEPTIONS

The following exceptions are requested on the above mentioned project:

I. Exceeding maximum allowed cul-de-sac length of River Hills Court.

Section 33-93. Streets

Section 33-10. Exceptions

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of this land. ***Due to the original master plan design as approved, the length of cul-de-sac is necessary to access and develop westernmost part of tract.***
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area. ***The granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.***
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter. ***No other land to be developed in area. Client completes development of west side of his property by the plat of Phase III.***

II. Exceeding maximum allowed cul-de-sac length of Pleasant Ridge Court as secondary extension to River Hills Court.

Section 33-93. Streets

Section 33-10. Exceptions

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of this land. ***Under Ordinance No. 2005 – 4049 granting PD-02 Zoning, Individual lots can access dedicated access easements or private roadways. This area of development, due to the nature of the location of previous development (Grand Reserve) does not lend itself to any reasonable access design other than exceeding the maximum allowed cul-de-sac length.***

- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area. ***The granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.***
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter. ***No other land to be developed in area. Client completes development of west side of his property by the plat of Phase III.***

RECEIVED

MAY 29 2007

City of Temple
Planning & Development



PLANNING AND ZONING COMMISSION AGENDA ITEM

06/04/07
Item#14
Page 1 of 2

APPLICANT / DEVELOPMENT: Kenneth H. Mitchell of Temple Country Lane, LLC

CASE MANAGER: Tammy A. Lyerly, Planner

ITEM DESCRIPTION: P-FY-07-31 Consider a recommendation to approve the revised preliminary plat of Country Lane Addition, a 55.386 acre commercial and residential subdivision, located at the northwest corner of SE H K Dodgen Loop and South Martin Luther King Jr. Drive.

STAFF RECOMMENDATION: Staff recommends approval of the revised preliminary plat, subject to the applicant's requested exceptions:

3. Exception to the Subdivision Ordinance requirement of a maximum allowed cul-de-sac length of 500 feet (Section 33-93. Streets) for River Hills Court.
4. Exception to the Subdivision Ordinance requirement of a maximum allowed cul-de-sac length of 500 feet (Section 33-93. Streets) for Pleasant Ridge Court, a secondary "private" cul-de-sac extension from the River Hills Court cul-de-sac.

BACKGROUND: This revised preliminary plat of Country Lane Addition consists of 46 additional residential lots, 2 additional commercial lots, and a roadway configuration not shown on the original preliminary plat of Country Lane Addition which was approved by City Council Resolution #2005-4588-R on December 1, 2005. The original preliminary plat of Country Lane Addition was a 2 Block, 3-lot commercial and multi-family subdivision. The property is a Planned Development Office Two District, established in 2005 by Ordinance #2005-4049 for the development of the Country Lane Seniors Campus.

The subdivision will obtain water and sewer through 6" and 8" water lines and sewer lines in the rights-of-way of Country Lane Drive, Country View Lane, and River Hills Court, and from public and private easements throughout the development. Tract "D" of the revised preliminary plat reflects a proposed detention pond to be constructed at the northeast corner of the subdivision along the South Martin Luther King, Jr. Drive right-of-way.

Country Lane Drive and Country View Lane are collector sized roads (60' wide right-of-way) which require a 4 feet wide sidewalk on one side of the street. South Martin Luther King, Jr. Drive is an arterial sized road (80' wide right-of-way) which requires a 6 feet wide sidewalk. This information is reflected in plat notes on the revised preliminary plat.

Design Review Committee

This plat was reviewed by the Design Review Committee (DRC) on April 10, 2007 and May 14, 2007. It was considered administratively complete on May 31, 2007.

Subdivision Ordinance and Planned Development District Requirements

Subdivision Ordinance Section 33-50 allows a minimum 26 feet pavement width for private streets within Planned Development Districts such as this development. The two private streets, Pleasant Ridge Court and Parkhills Court, are in compliance with this requirement.

Parkland Dedication Ordinance

Park fees are requested at \$225 for each addition of single family and/or duplex dwelling unit. This total sum is calculated at \$10,350 provided individual dwelling units are located on each of the 46 residential lots. Park fees for are not required for commercial lots unless they are associated with apartment units or assisted living apartment units. Those park fees are calculated at \$225 for ½ the number of units. Park fees for Country Lane, Lot 1, Block 1 and Grand Reserve, Lot 1, Block 1 were paid during the final plat process of those plats.

The City Council is the final plat authority since exceptions have been requested.

ATTACHMENTS:

Requested Exceptions Letter

Resolution #2005-4588-R

Ordinance #2005-4049

Plat

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 4, 2007**

ACTION ITEMS

PLATS

- 14. P-FY-07-31** Consider a recommendation to approve the revised preliminary plat of Country Lane Addition, an 88.386 acres commercial and residential subdivision, located at the northwest corner of SE H K Dodgen Loop and Martin Luther King Jr. Drive. (Applicant: Ken Mitchell)

Ms. Tammy Lyerly, Planner, presented this revised preliminary plat of Country Lane Addition as outlined in the Planning and Zoning Commission Agenda Background. She said Staff recommends approval of the revised plat subject to the applicant's requested exceptions. The applicant has requested two exceptions; 1) Exception to the Subdivision Ordinance requirement of a maximum allowed cul-de-sac length of 500 feet (Section 33-93. Streets) for River Hills Court, and 2) Exception to the Subdivision Ordinance requirement of a maximum allowed cul-de-sac length of 500 feet (Section 33-93. Streets) for Pleasant Ridge Court, a secondary "private" cul-de-sac extension from the River Hills Court cul-de-sac. Ms. Lyerly stated that City Council will be the final plat authority due to the requested exceptions. She showed a vicinity map of the area, an aerial of the area, preliminary plat that was approved in 2005, and the revised preliminary plat. She said park fees are required for this plat. Ms. Lyerly pointed out that Staff had a concern that it shows on the revised preliminary plat, the orange colored area as a private easement. However, the plat does not reflect the wording that it is a private easement so it needs to be on record that this was discussed. The reason for the private utility easement is that it doesn't meet the minimal width for the sewer line.

There was discussion between Staff, Commissioners, and City Engineer regarding the 5 foot private easement. Mr. Michael Newman said there was not a public easement on the previous plat.

Motion to recommend approval of P-FY-07-31 with the exceptions requested, by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE REVISED PRELIMINARY PLAT OF COUNTRY LANE ADDITION, A 55.386 ACRE COMMERCIAL AND RESIDENTIAL SUBDIVISION, LOCATED AT THE NORTHWEST CORNER OF SE H.K. DODGEN LOOP AND MARTIN LUTHER KING, JR., DRIVE, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTIONS TO THE SUBDIVISION ORDINANCE, SECTION 33-93, REGARDING THE MAXIMUM ALLOWED CUL-DE-SAC LENGTH OF 500 FEET FOR PROPOSED RIVER HILLS COURT AND PLEASANT RIDGE COURT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 4, 2007, the Planning and Zoning Commission approved the revised preliminary plat of Country Lane Addition, a 55.386 acre commercial and residential subdivision located at the northeast corner of SE H.K. Dodgen Loop and Martin Luther King, Jr., Drive, subject to the developer's requested exceptions to the Subdivision Ordinance, Section 33-93, regarding the maximum allowed cul-de-sac length of 500 feet for proposed River Hills Court and Pleasant Ridge Court;

Whereas, there was no citizen opposition expressed at the June 4, 2007, Planning and Zoning Commission meeting; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the revised preliminary plat of Country Lane Addition.

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

Part 1: The City Council approves the revised preliminary plat of Country Lane Addition, a 55.386 acre commercial and residential subdivision located at the northwest corner of SE H.K. Dodgen Loop and Martin Luther King, Jr., Drive, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exceptions to the Subdivision Ordinance: *Section 33-93*, "Streets," allowing a 625 foot cul-de-sac length for River Hills Court; and an 883 foot cul-de-sac length for Pleasant Ridge Court, a secondary "private" cul-de-sac extension from the River Hills Court cul-de-sac.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **21st** day of **June**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/21/07
Item #14
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: P-FY-07-36: Consider adopting a resolution authorizing the final plat of Wildflower Court II, a 11.37 acre, 7 lot commercial subdivision located at the northeast corner of SE H K Dodgen Loop and South General Bruce Drive (I-35), subject to the applicant's requested exception to Subdivision Ordinance, Section 33-92(b) pertaining to access to Lot 4.

STAFF RECOMMENDATION: Staff recommends approval of this plat, subject to the applicant's requested exception to the Subdivision Ordinance, Section 33-92(b): Access to a public way for Lot 4 shall be provided by two 25' access easements established with the plat of Wildflower Court II.

ITEM SUMMARY: The City Council is the final plat authority since an exception has been requested. The Planning & Zoning Commission, at its meeting June 4, 2007, recommended approval of the final plat subject to the exception of Lot 4 access being provided from two access easements measuring 25' into two driveway locations along the service road of Interstate 35 (General Bruce Drive) and the SE H K Dodgen Loop. Except for the regulation for *Access to Lots* from a public street pertaining to Lot 4, the plat meets the requirements of the Subdivision Ordinance. The Design Review Committee (DRC) deemed this plat administratively complete on May 15, 2007 after reviewing it on April 29th and May 14th. Adequate public facilities serve the site.

In the attached letter, Mr. Morris requests an exception to Subdivision Ordinance, Section 33-92(b) *Access to lots*. This section states that, "Each lot shall front upon a public street or, in the case of a planned development, have access to a public way by access easement sufficient to meet the requirements of the Standard Fire Prevention Code, governing access to buildings by fire apparatus." This property is not part of a Planned Development; however, the proposed plat does provide access to Lot 4 from 2 access easements that are acceptable to the Fire Marshall.

Subdivision Ordinance, Section 33-10 says that in considering, recommending and granting an exception, the City Council shall prescribe such conditions that it deems necessary or desirable in the public interest.

The City Council is required to take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

This section of the Ordinance goes on to state that, "No exception shall be granted unless the Planning and Zoning Commission finds and recommends, and the City Council concurs:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land;
2. That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
3. That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter."

These criteria are addressed in the attached letter from the applicant.

Please refer to the Staff Report and draft minutes of case P-FY-07-36 from the Planning and Zoning Commission meeting on June 4, 2007.

FISCAL IMPACT: NA

ATTACHMENTS:

Plat
Applicant's Exception Request
P&Z Staff Report
P&Z Minutes
Resolution

**WILDFLOWER COURT II
CITY OF TEMPLE, TEXAS
REQUESTED EXCEPTIONS**

The following exception is requested on the above mentioned project:

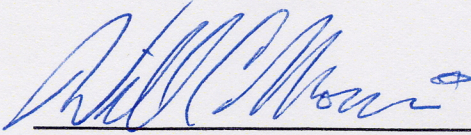
Section 33-92d. Requirement for Access to lots

Each lot shall front upon a public street or, in the case of a planned development, have access to a public way by access easement sufficient to meet the requirements of the Standard Fire Prevention Code, governing access to buildings by fire apparatus.

Section 33-10. Exceptions

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of this land. ***The property is planned as shopping center with driveway access governed by permits from the Texas Department of Transportation (TXDOT). The depth of the planned center makes it difficult to plat lots because of the governed driveway locations.***
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area. ***The proposed plat contains at least two access easements to the proposed lot which links it to driveway locations.***
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter. ***The property is located off of the Interstate 35 and the Loop, and is planned a shopping center. The surrounding property is planned as a shopping center and is subdivided according to City of Temple regulations.***

Owner's Signature

 5/31/07

William C. Morris IV

Morris Venture Partners II, Ltd

RECEIVED

MAY 31 2007

City of Temple
Planning & Development



PLANNING AND ZONING COMMISSION AGENDA ITEM

06/04/07
Item#16
Page 1 of 2

APPLICANT / DEVELOPMENT: Morris Venture Parnters II, Ltd./Wildflower Court II Final Plat

CASE MANAGER: Aaron Adel, AICP

ITEM DESCRIPTION: P-FY-07-36 Consider a recommendation to approve the final plat of the proposed Wildflower Court II, a 11.37 acre, 7 lot commercial subdivision located at the northeast corner of SE HK Dodgen Loop and South General Bruce Drive (I-35) and an exception to Subdivision Ordinance, Section 33-92(b) pertaining to access provision for Lot 4.

BACKGROUND: The Design Review Committee (DRC) deemed it administratively complete on May 15, 2007 after review it on April 29th and May 14th. Adequate public facilities serve the site. Except for the regulation for lot access to a public street, the plat meets the requirements of the Subdivision Ordinance. City Council is the final plat authority since the exception has been requested.

In the attached letter, Mr. Morris requests an exception to Subdivision Ordinance, Section 33-92(b) *Access to lots*. This section states that, "Each lot shall front upon a public street or, in the case of a planned development, have access to a public way by access easement sufficient to meet the requirements of the Standard Fire Prevention Code, governing access to buildings by fire apparatus." This property is not part of a Planned Development; however, the proposed plat does provide access to Lot 4 from 2 access easements that are acceptable to the Fire Marshall.

Subdivision Ordinance, Section 33-10 says that the Commission may recommend to the City Council an exception when, in its opinion, undue hardship will result from requiring strict compliance of the Ordinance. In considering, recommending and granting an exception, either the Commission or the City Council shall prescribe such conditions that it deems necessary or desirable in the public interest.

The Commission and City Council are required to take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

This section of the Ordinance goes on to state that, "No exception shall be granted unless the Planning and Zoning Commission finds and recommends, and the City Council concurs:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land;
2. That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
3. That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter."

These requested criteria are attached in the applicant's letter.

ATTACHMENTS:

Plat

Exception Request

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 4, 2007**

ACTION ITEMS

PLATS

- 16. P-FY-07-36** Consider a recommendation to approve the final plat of Wildflower Court II, an 11.37 acre, 7 lot commercial subdivision located at the northeast corner of SE H K Dodgen Loop and South General Bruce Drive (I-35). (Applicant: Will Morris)

Ms. Aaron Adel, Special Projects Planner, presented this case as outlined in the Planning and Zoning Commission Agenda. She briefly went over background information on this plat. Ms. Adel showed an aerial and ground level photos of the property. She said there are adequate facilities serving the plat and the plat meets the Subdivision Ordinance with the requested exception pertaining to access for Lot 4. Section 33-92 (b) regarding access to lots states that each lot shall front upon a public street or, in the case of a planned development, should have access to a public way by access easements sufficient to meet the requirements of the standard fire prevention code governing access to buildings by fire apparatus. The applicant's letter included in the Commissioner's packet addresses the criteria for granting an exception. Ms. Adel said after recommendation from the Planning and Zoning Commission, this item would go before the City Council for 1st reading on June 21, 2007.

Motion to recommend approval of P-FY-07-36 with exceptions requested by the applicant, by Commissioner Pope; seconded by Commissioner Pilkington.

Motion passed (8/0).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF WILDFLOWER COURT II, AN 11.37 ACRE, 7 LOT COMMERCIAL SUBDIVISION LOCATED AT THE NORTHEAST CORNER OF SE H.K. DODGEN LOOP AND SOUTH GENERAL BRUCE DRIVE (I-35), SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTION TO THE SUBDIVISION ORDINANCE, SECTION 33-92(b) PERTAINING TO ACCESS TO LOT 4; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 4, 2007, the Planning and Zoning Commission approved the final plat of Wildflower Court II, an 11.37 acre, 7 lot commercial subdivision located at the northeast corner of SE H.K. Dodgen Loop and South General Bruce Drive (I-35), subject to the developer's requested exception to the Subdivision Ordinance, Section 33-92(b) pertaining to access to Lot 4;

Whereas, there was no citizen opposition expressed at the June 4, 2007, Planning and Zoning Commission meeting; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the final plat of Wildflower Court II.

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

Part 1: The City Council approves the final plat of Wildflower Court II, an 11.37 acre, 7 lot commercial subdivision located at the northeast corner of SE H.K. Dodgen Loop and South General Bruce Drive (I-35), more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exception to the Subdivision Ordinance: *Section 33-92(b)*, "Access to Lots," allowing access to a public way for Lot 4 to be provided by two 25 foot access easements established with the plat of Wildflower Court II.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **21st** day of **June**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney