



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

**3<sup>rd</sup> FLOOR - CONFERENCE ROOM**

**THURSDAY, MAY 5, 2011**

**4:00 P.M.**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 5, 2011.
2. Receive an update on the Strategic Investment Zone (SIZ) grants.

5:00 P.M.

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET  
CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR**

**TEMPLE, TX**

**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PROCLAMATIONS & SPECIAL RECOGNITIONS**

3. (A) [Nurses' Week 2011](#) [May 6-12, 2011](#)

**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. 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.

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

**Contracts, Leases & Bid**

- (A) [2011-6286-R](#): Consider adopting a resolution authorizing a one-year extension to the contract for BlackTopper Technology, Inc. of Blanco, Texas for the FY 2011 Seal Coat Program in the estimated amount of \$260,204.

- (B) [2011-6287-R](#): Consider adopting a resolution authorizing the execution of an economic development agreement between Panda Temple Power, LLC, Temple Economic Development Corporation and the City of Temple regarding a proposed 500 megawatt natural gas fueled power plant in the Southeast Industrial Park, south of Lorraine Drive.
- (C) [2011-6288-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for data collection and design services associated with Avenue U and 13<sup>th</sup> to 17<sup>th</sup> Connector, in an amount not to exceed \$347,450.
- (D) [2011-6289-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for survey and design services associated with intersections for Avenue R at Scott & White Boulevard and 19<sup>th</sup> Street, in an amount not to exceed \$50,000.
- (E) 1. [2011-6290-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services required to replace the 18" water transmission main (from WTP to Loop 363) and construct additional water distribution mains in the 720 pressure zone in an amount not to exceed \$945,000.
- 2. [2011-6291-R](#): Consider adopting a resolution authorizing a professional services agreement with Lone Star Right of Way Services, Inc., for easement acquisition required to replace the 18" water transmission main (from WTP to Loop 363) and construct additional water distribution mains in the 720 pressure zone in an amount not to exceed \$342,500.
- (F) [2011-6292-R](#): Consider adopting a resolution authorizing a grant application to the Bureau of Justice Assistance Bulletproof Vest Partnership Program of 2011 to purchase ballistic vests and replacement vests for the Police Department in the amount of \$3,750.

### **Ordinances – Second and Final Reading**

- (G) [2011-4438](#): SECOND READING -- Z-FY-11-20: Consider adopting an ordinance authorizing an amendment to Unified Development Code (UDC) Article 6.3 TMED, Temple Medical and Education District, including additions to the use table concerning nursing home/assisted living, amending parking and garage requirements for special districts, designating specific trees for street tree application and addressing residential applicability.
- (H) [2011-4439](#): SECOND READING -- Z-FY-11-21: Consider adopting an ordinance authorizing a zoning change from TMED (T4) to TMED (T5-c) on the south 31.31 feet of Lot 9 and Lots 10, 11 and 12, Block 6, Hollywood Addition located at 2114 South 5<sup>th</sup> Street.
- (I) [2011-4440](#): SECOND READING -- Z-FY-11-22: Consider adopting an ordinance authorizing an amendment to Unified Development Code (UDC) Section 3.14, Sign Permit, related to the re-facing of signs.

- (J) [2011-4441](#): SECOND READING -- Z-FY-11-23: Consider adopting an ordinance authorizing a zoning change from Single Family Two District (SF2) to Two Family District (2F) on 30.9 ± acres of land being out of the Maximo Moreno Survey, Abstract 14, City of Temple, Bell County, Texas, located along the west of South 5<sup>th</sup> Street, between Canyon Creek Drive and Silver Stone Drive.
- (K) [2011-4442](#): SECOND READING – Z-FY-11-24: Consider adopting an ordinance authorizing a zoning change from Neighborhood Services District (NS) to General Retail District (GR) on Lot 1-A, Block 1, Canyon Creek Place II Addition, located at 1710 Canyon Creek Drive. **(Approval of this item on Consent Agenda will rezone the subject property to Planned Development Neighborhood Services plus beer and wine sales for off-premise consumption as approved on first reading by the City Council.)**

### **Misc.**

- (L) [2011-6293-R](#): Consider adopting a resolution authorizing the conveyance of a 3.205 acre tract to the Texas Department of Transportation (TxDOT) for the IH35 widening project from North Loop 363 to the north city limits of Troy.
- (M) [2011-6294-R](#): Consider adopting a resolution appointing the presiding and alternate judges for the May 14, 2011 City of Temple – Temple ISD Joint Election.
- (N) [2011-6295-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

## **VI. REGULAR AGENDA**

### **ORDINANCES**

5. [2011-4444](#): FIRST READING - PUBLIC HEARING - Z-FY-11-08: Consider adopting an ordinance authorizing a zoning change from multiple zoning district classifications to Temple Medical and Education District (TMED) zones being T4, T5-e, and T5-c, for the remaining 165 residential properties identified in the original zoning change request.

### **RESOLUTIONS**

6. [2011-6284-R](#): Consider adopting a resolution authorizing a tax abatement agreement with Panda Temple Power, LLC, for a portion of a 238.55 acre tract of land in the Southeast Industrial Park, south of Lorraine Drive.

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:45 PM, on April 29, 2011.

Clydette Entzminger  
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 at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 2011. \_\_\_\_\_



## COUNCIL AGENDA ITEM MEMORANDUM

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05/05/11  
Item #3(A)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Presentation of Proclamation:

(A) Nurses' Week 2011 May 6-12, 2011

**STAFF RECOMMENDATION:** Present proclamation as indicated in item description.

**ITEM SUMMARY:** This proclamation was requested by Kristy France, Texas Nurses Association, District 7 President. Ms. France and other nurses from the District will be present to receive the proclamation.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:** N/A



## COUNCIL AGENDA ITEM MEMORANDUM

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05/05/11  
Item #4(A)  
Consent Agenda  
Page 1 of 2

**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Director of Public Works  
Kenny Henderson, Superintendent of Street and Drainage Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year extension to the contract for BlackTopper Technology, Inc. of Blanco, Texas for the FY 2011 Seal Coat Program in the estimated amount of \$260,204.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** On May 20, 2010, the City Council authorized an annual contract for the Seal Coat Program to BlackTopper Technology. The contract was awarded for the items listed below.

Description	Unit Price
Seal Coat	\$1.68/SY
4" White Thermoplastic Striping	\$0.28/LF
8" White Thermoplastic Striping	\$0.65/LF
4" Double Yellow Thermoplastic Striping	\$0.55/LF
24" White for X-Walks Thermoplastic Striping	\$5.20/LF
24" White Thermoplastic Striping for Stop Bars	\$5.20/LF
Left Arrows	\$95.00/EA
Right Arrows	\$95.00/EA
Straight Arrows	\$95.00/EA
Straight /Turn Combo	\$110.00/EA
RxR Symbols	\$395.00/EA

The current contract expires on April 30, 2011. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is pleased with the services provided by BlackToppers Technology and staff believes that the pricing established in 2010 is still a good value. Accordingly, staff recommends that Council authorize an extension of the contract. This will be the first renewal available under this contract, with three (3) years remaining.

**FISCAL IMPACT:** Funds in the amount of \$193,038 are budgeted in the FY 2011 Operating budget in account 110-3400-531-2322. An additional \$73,574 is available within the Reinvestment Zone No. 1's Financing Plan in account 795-9500-531-6317, to fund seal coat program for streets within the Reinvestment Zone boundaries. The unit price award amount is \$1.68 per square yard.

**ATTACHMENTS:**

[Project Areas](#)  
[Location Map](#)  
[Resolution](#)

## 2010 Seal Coat

Street Name	From/To	Sq. Yards	Seal Coat Cost	Striping Cost	Total Cost
<b>General Fund</b>					
Blackland	S 5th/Little River Rd	34746	\$58,373	\$2,473	<b>\$60,846</b>
S 5th	W Ave R/Fryers Creek	15383	\$25,843	\$2,878	<b>\$28,721</b>
W Ave R	S1st/S 31st	26736	\$44,916	\$7,234	<b>\$52,150</b>
S Pea Ridge	W Adams/ Bottleneck	23933	\$40,207	\$6,031	<b>\$46,238</b>
			\$0		<b>\$0</b>
				Total Gen.	<b>\$187,957</b>
<b>RZ Zone</b>					
Wendland Rd	HK dodgen Lp/ Wilsonart	29333	\$49,279	\$6,031	<b>\$55,310</b>
			\$0		<b>\$0</b>
			\$0		<b>\$0</b>
			\$0		<b>\$0</b>
			\$0		<b>\$0</b>
				Total RZ	<b>\$55,310</b>
				<b>Total</b>	<b><u>\$243,267</u></b>

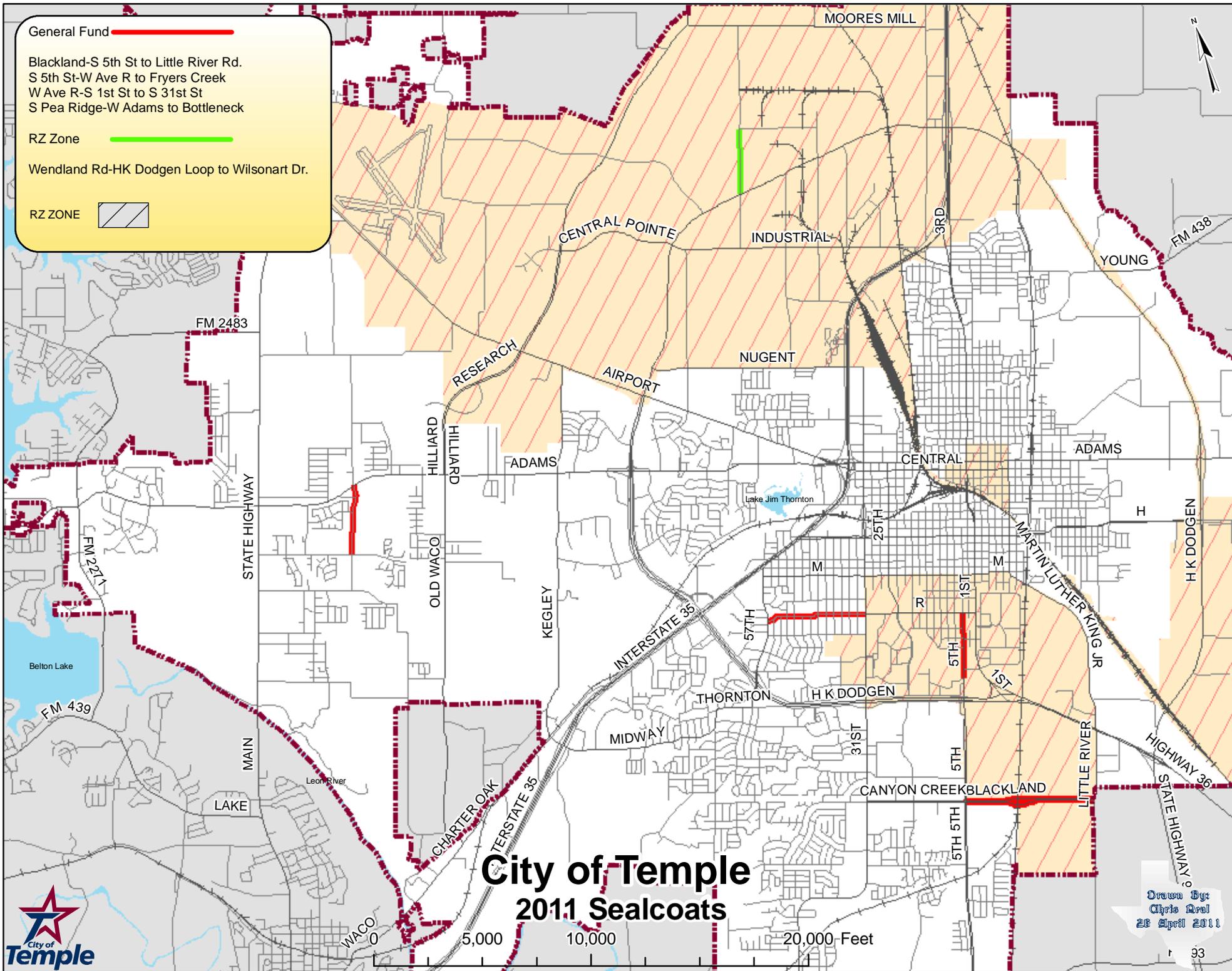
General Fund 

Blackland-S 5th St to Little River Rd.  
S 5th St-W Ave R to Fryers Creek  
W Ave R-S 1st St to S 31st St  
S Pea Ridge-W Adams to Bottleneck

RZ Zone 

Wendland Rd-HK Dodgen Loop to Wilsonart Dr.

RZ ZONE 



# City of Temple 2011 Sealcoats



Drawn By:  
Chris Reul  
28 April 2011

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR EXTENSION TO THE CONTRACT WITH BLACKTOPPER TECHNOLOGY, INC., OF BLANCO, TEXAS, FOR CONSTRUCTION OF THE FY 2011 SEAL COAT PROGRAM BASED ON A UNIT PRICE OF \$1.68 PER SQUARE YARD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on May 20, 2010, the City Council authorized an annual contract for the seal coat program with BlackTopper Technology, Inc., of Blanco, Texas, based on a unit price of \$1.68 per square yard;

**Whereas**, the original bid allowed for 4 additional one-year extensions as long as the vendor agreed to hold their prices firm for an additional year;

**Whereas**, the Staff recommends a one-year extension to the contract with Blacktopper Technology, Inc., for the FY 2011 seal coat program based on a unit price of \$1.68 per square yard;

**Whereas**, funds are available in Account Nos. 110-3400-531-2322 and 795-9500-531-6317 for this project – estimated annual expenditure is \$260,204; 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 one year extension to the contract between the City of Temple and BlackTopper Technology, Inc., of Blanco, Texas, after approval as to form by the City Attorney, for construction of the FY 2011 Seal Coat Program based on a unit price of \$1.68 per square yard, in the estimated amount of \$260,204.

**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 5<sup>th</sup> day of May, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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05/05/11  
Item #4(B)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

David Blackburn, City Manager  
Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the execution of an economic development agreement between Panda Temple Power, LLC, Temple Economic Development Corporation and the City of Temple regarding a proposed 500 megawatt natural gas fueled power plant in the Southeast Industrial Park, south of Lorraine Drive.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** As part of project by Panda to construct a natural gas fired power plant in the southeast industrial park, the City, Panda Temple Power, LLC, and TEDC has worked together to ensure that the necessary infrastructure is in place to serve their facility. As part of the project, Panda proposes to build: (1) an extension of Lorraine Drive (approximately 2,050 feet) to serve their facility, (2) associated stormwater improvements associated with Lorraine Drive, (3) an eight inch wastewater line, and (4) a twelve inch water line to serve their facility. The City has requested that certain aspects of Panda's water and wastewater project be expanded to better serve the City's ability to serve other properties in the area, and as such as agreed to pay the cost of "oversizing" or "betterment" of those improvements. With respect to Lorraine Drive, Panda will construct the base, cur, gutter and surface treatments according to City design specifications. The City will come back after Panda builds their facility and apply the final top coat to the extension of Lorraine Drive—this will prevent the new street from being torn up during the construction of the Panda power plant. After completion of the street, wastewater and water improvements, those improvements will be dedicated to the City. Other aspects of the EDA, involve commitments by and between TEDC and Panda and do not impact the City. Panda's plans have been reviewed and approved by the City.

**FISCAL IMPACT:** Panda estimates that their investment will be approximately \$500 million with about \$130 million of that amount tax exempt in the form of required emissions control equipment. The actual taxable value of improvements is dependent on appraisal by the Bell County Tax Appraisal District. This project is located within the Reinvestment Zone No. 1. The date of commercial operation will determine timing of future tax increment revenues.

A pending tax abatement agreement would have the potential of abating approximately \$9,602,004 in City taxes over the 10 year life of the agreement assuming the FY 2011 tax rate of \$0.5679 per \$100 value over the 10 years. The terms of the tax abatement agreement with Panda are ten years of 50% tax abatement on the increased taxable value of real property improvements. The assumptions used to calculate the approximate amount of abated taxes also include changes in value of improvements due to depreciation and inflation. The actual value of the abatement to Panda, and the value of the taxes received by the City after abatement can vary substantially from the amounts shown as an estimated investment by Panda.

The City's share of oversizing/bettering the wastewater and water improvements is the not to exceed amount of \$564,580, and payment of the City's share is due one year after Panda's power plant becomes operational. Panda is also reimbursing the City in the amount of \$12,000 for access to City easements.

**ATTACHMENTS:**

Agreement

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEVELOPMENT AGREEMENT WITH PANDA TEMPLE POWER, L.L.C., THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION AND THE CITY OF TEMPLE REGARDING A PROPOSED 500 MEGAWATT NATURAL GAS FUELED POWER PLANT IN THE SOUTHEAST INDUSTRIAL PARK, SOUTH OF LORRAINE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Panda Temple Power, L.L.C., plans to construct an approximately 500 megawatt electric generation plant in southeast Temple – the proposed plant will use gas turbines to generate electricity and use water (effluent) to generate steam and cool the system;

**Whereas**, the City, Panda Temple Power, LLC, and the Temple Economic Development Corporation have worked together to ensure the necessary infrastructure is in place to serve the facility since this project will provide regional benefits to further stimulate business and commercial activity in the city;

**Whereas**, the Staff recommends entering into an economic development agreement with Panda and TEDC to specify the rights and obligations of each party to the agreement;

**Whereas**, the City's share of oversizing/bettering the wastewater and water improvements will not exceed \$564,580 – Panda will also reimburse the City in the amount of \$12,000 for access to City easements; 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 an economic development agreement between Panda Temple Power, L.L.C., the Temple Economic Development Corporation, and the City of Temple, after approval as to form by the City Attorney, regarding a proposed 500 megawatt natural gas fueled power plant in the Southeast Industrial Park, south of Lorraine Drive.

**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 5<sup>th</sup> day of **May**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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05/05/11  
Item #4(C)  
Consent Agenda  
Page 1 of 2

**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Director of Public Works  
Michael C. Newman, P.E., CFM, City Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract for professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for data collection and design services associated with Avenue U and 13<sup>th</sup> to 17<sup>th</sup> Connector, in an amount not to exceed \$347,450.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** This Project will design the roadway, drainage, utilities, striping, and signage, landscaping, pedestrian facilities and features for Avenue U from Scott & White Boulevard to 1<sup>st</sup> Street and 13<sup>th</sup> to 17<sup>th</sup> Connector from Avenue R to Loop 363. The final product will be shelf ready plans, specifications and estimates. Consultant services recommended under this resolution include the following tasks and costs:

**Data Collection Services**

Survey Design Services	\$ 38,000
Environmental Services	\$ 6,500

**Design Services**

Geotechnical Services	\$ 14,500
Schematic Design (Civil)	\$ 81,930
Schematic Design (Structural)	\$ 12,740
Schematic Design (Landscape)	\$ 9,800
Final Design and Project Documents (Civil)	\$ 142,120
Final Design and Project Documents (Structural)	\$ 23,660
Final Design and Project Documents (Landscape)	\$ 18,200

**TOTAL** **\$ 347,450**

**FISCAL IMPACT:** Funds are available in the Reinvestment Zone No. 1 Financing Plan, (Line 457 on the Project Plan), Acct # 795-9500-531-6555, for Project # 100718 for this professional services contract in the amount of \$347,450.

**ATTACHMENTS:**

[Engineer's Proposal](#)  
[Project Area Map](#)  
[Resolution](#)



**KASBERG, PATRICK & ASSOCIATES, LP**  
CONSULTING ENGINEERS  
Texas Firm F-510

RICK N. KASBERG, P.E.

R. DAVID PATRICK, P.E., C.F.M.

THOMAS D. VALLE, P.E.

Temple  
One South Main Street  
Temple, Texas 76501  
(254) 773-3731

Georgetown  
3613 Williams Drive, Suite 406  
Georgetown, Texas 78628  
(512) 819-9478

March 7, 2011

Mr. Don Bond, P.E., CFM  
City of Temple  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple, Texas  
Temple Reinvestment Zone #1 – Avenue U from Scott & White Boulevard to 1<sup>st</sup> Street and  
13<sup>th</sup> to 17<sup>th</sup> Connector from Avenue R to Loop 363

Dear Mr. Bond:

At the request of the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this proposal for the above referenced project. This project will design the roadway, drainage, utilities, striping and signage, landscaping, pedestrian facilities and features for Avenue U from Scott & White Boulevard to 1<sup>st</sup> Street and 13<sup>th</sup> to 17<sup>th</sup> Connector from Avenue R to Loop 363. (see attached exhibit) The final product will be shelf ready plans, specifications and estimates.

This project will design, prepare specifications and develop construction estimates for the project limits. The scope of work, at this time, will only include preparing shelf ready documents to be bid and constructed at a later date. Meetings with City of Temple Staff, The Temple Reinvestment Zone #1, Temple College, Scott & White, other TMED Partners and TxDOT are included in the work. Included in the project will be surveying, geotechnical investigations, drainage analysis and design, intersection design, roadway horizontal and vertical geometry, structural design for substructure and bridge, sidewalk/pedestrian way design, monumentation, landscaping, intersection design and Phase I environmental . As a part of the scope of work, we will design in accordance with the standards set forth for the TMED District. These will be engineered with the current practices to comply with the concepts developed for the TMED District. Drainage for the project will be designed to convey to existing facilities and in conjunction with existing models created by KPA for Friars Creek.

This project will be developed in accordance with the Temple Reinvestment Zone 2022 Master Plan. We will keep members of the TRZ included in the entire project process. The project can be completed in design within three hundred and sixty calendar days after the notice to proceed. This anticipates the meetings with the various entities to complete this project and incorporate the comments into the project.

The scope of services for this project will include the following:

**Final Design and Project Documents**

- Design Surveys.
- Geotechnical investigations.
- Structural design for the substructure of the intersection features.
- Structural design for bridge conveyance at Friars Creek.
- Drainage analysis for the project limits.
- Hydrological design of storm water flows within the project.
- Storm water conveyance design.
- Horizontal design for the roadway facilities.
- Vertical design for the roadway facilities.
- Plan and profile for the roadway facilities.
- Horizontal design for the pedestrian facilities.
- Vertical design for the pedestrian facilities.
- Plan and profile for the pedestrian facilities.
- Intersection enhancements at Avenue U and 13<sup>th</sup> to 17<sup>th</sup> Connector.
- Design for crossing Friars Creek.
- Connection to Loop 363 facilities.
- Connection to Avenue R facilities.
- Connection to Scott & White Boulevard.
- Connection to 1<sup>st</sup> Street.
- Alignment with and in coordination with existing infrastructure.
- Striping and signage design.
- Landscape design.
- Water utility design in accordance with the Water Master Plan and TMED.
- Wastewater utility design in accordance with the Wastewater Master Plan and TMED.
- Utility conflict design.
- Coordination with Travis Science Academy.
- Intersection signage design
- TxDOT coordination.
- Meetings with City of Temple Staff, the Temple Reinvestment Zone, Temple College, Scott & White, other TMED Partners and TxDOT.
- Final cost estimates with detailed quantities.
- Project specifications.

Mr. Don Bond, P.E., CFM

March 7, 2011

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Data Collection Services

Survey Design Services	\$	38,000
Environmental Services	\$	6,500
<b>Total Data Collection Services</b>	<b>\$</b>	<b>44,500</b>

Design Services

Geotechnical Services	\$	14,500
Schematic Design (Civil)	\$	81,930
Schematic Design (Structural)	\$	12,740
Schematic Design (Landscape)	\$	9,800
Final Design and Project Documents (Civil)	\$	142,120
Final Design and Project Documents (Structural)	\$	23,660
Final Design and Project Documents (Landscape)	\$	18,200
<b>Total Design Services</b>	<b>\$</b>	<b>302,950</b>

**TOTAL SERVICES \$ 347,450**

We can complete all the tasks represented for the lump sum cost of \$347,450. We are available to discuss the scope of the project at your convenience. Exhibit B outlines rates which would be used to charge for special or additional services authorized beyond the scope as described in this proposal.

As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,



R. David Patrick, P.E., C.F.M.

RDP/crc

**EXHIBIT "B"**

**Charges for Additional Services**

**City of Temple  
Temple Reinvestment Zone #1 - Avenue U from Scott & White Boulevard  
to 1<sup>st</sup> Street and 13<sup>th</sup> to 17<sup>th</sup> Connector from Avenue R to Loop 363**

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 60.00 - 80.00/hour
Project Manager	2.4	45.00 - 58.00/hour
Project Engineer	2.4	40.00 - 45.00/hour
Engineer-in-Training	2.4	32.00 - 40.00/hour
Engineering Technician	2.4	22.00 - 40.00/hour
CAD Technician	2.4	18.00 - 40.00/hour
Clerical	2.4	13.00 - 25.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	95.00 - 120.00/hour
Registered Public Surveyor	1.0	110.00/hour
On-Site Representative	2.1	30.00 - 40.00/hour

FEE SCHEDULE

Project Name: Temple Reinvestment Zone Avenue U from Scott & White Blvd. to 1st Street and 13th - 17th connector from Ave. R to Loop 363

Kasberg, Patrick & Associates, Temple, Texas

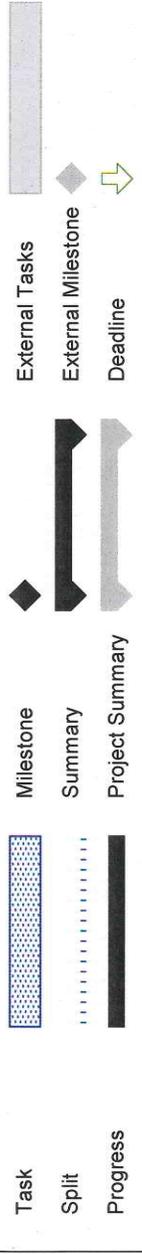
Task	Clerical	CADD Tech	Graduate Engineer	Project Engineer	Project Manager	Principal	Total Hours
<b>Schematic Design</b>							
Coordination of sub consultants					16		16
Prepare surface model for the project		58	22	10	8		98
Develop hydrology for the project		22	32	18	8		80
Develop storm water conveyance for the project		18	22	14	8	1	63
Develop alignments for pedestrian facilities		22	14	10	6	1	53
Develop schematic layout for drainage system		28	18	14	8		68
Develop intersection layout		22	18	14	8	2	64
Develop schematic connections		18	12	8	4	2	44
Develop options for Friars Creek Crossing		32	24	18	10	2	86
Develop schematic layout for water utilities		38	28	18	12		96
Develop schematic layout for wastewater utilities		28	18	8	4		58
Review meetings with City Staff	6					6	12
Review meetings with TRZ	18						18
Total Hours for Schematic Design	24	286	208	132	92	30	
Hourly Rate	\$ 55.00	\$ 80.00	\$ 90.00	\$ 105.00	\$ 125.00	\$ 175.00	
Reimbursable							
<b>Total Cost Schematic Design</b>	<b>\$ 1,320.00</b>	<b>\$ 22,880.00</b>	<b>\$ 18,720.00</b>	<b>\$ 13,860.00</b>	<b>\$ 11,500.00</b>	<b>\$ 5,250.00</b>	<b>\$ 8,400.00</b>

Task	Clerical	CAD Tech	Graduate Engineer	Project Engineer	Project Manager	Principal	Total Hours
<b>Final Design and Project Documents</b>							
Coordination of sub consultants					20		20
Develop roadway plan profiles		78	52	36	28	10	204
Develop drainage plan profiles		42	26	16	10	2	96
Design water utilities plan profiles		52	38	28	18	6	142
Design wastewater plan profiles		38	24	14	8	1	85
Design Friars Creek Crossing plan profile and details		26	16	10	6	1	59
Develop pedestrian facility plan profiles		46	32	18	10	1	107
Design intersection connections		44	30	20	12	1	107
Design connections to existing facilities (roadway)		36	28	18	10	2	94
Design details		32	22	16	8	1	79
Develop general sheets		22	14	8	4	1	49
Develop project specifications	20	16	40	28	16	2	122
Develop project documents	16	12	28	16	10	1	83

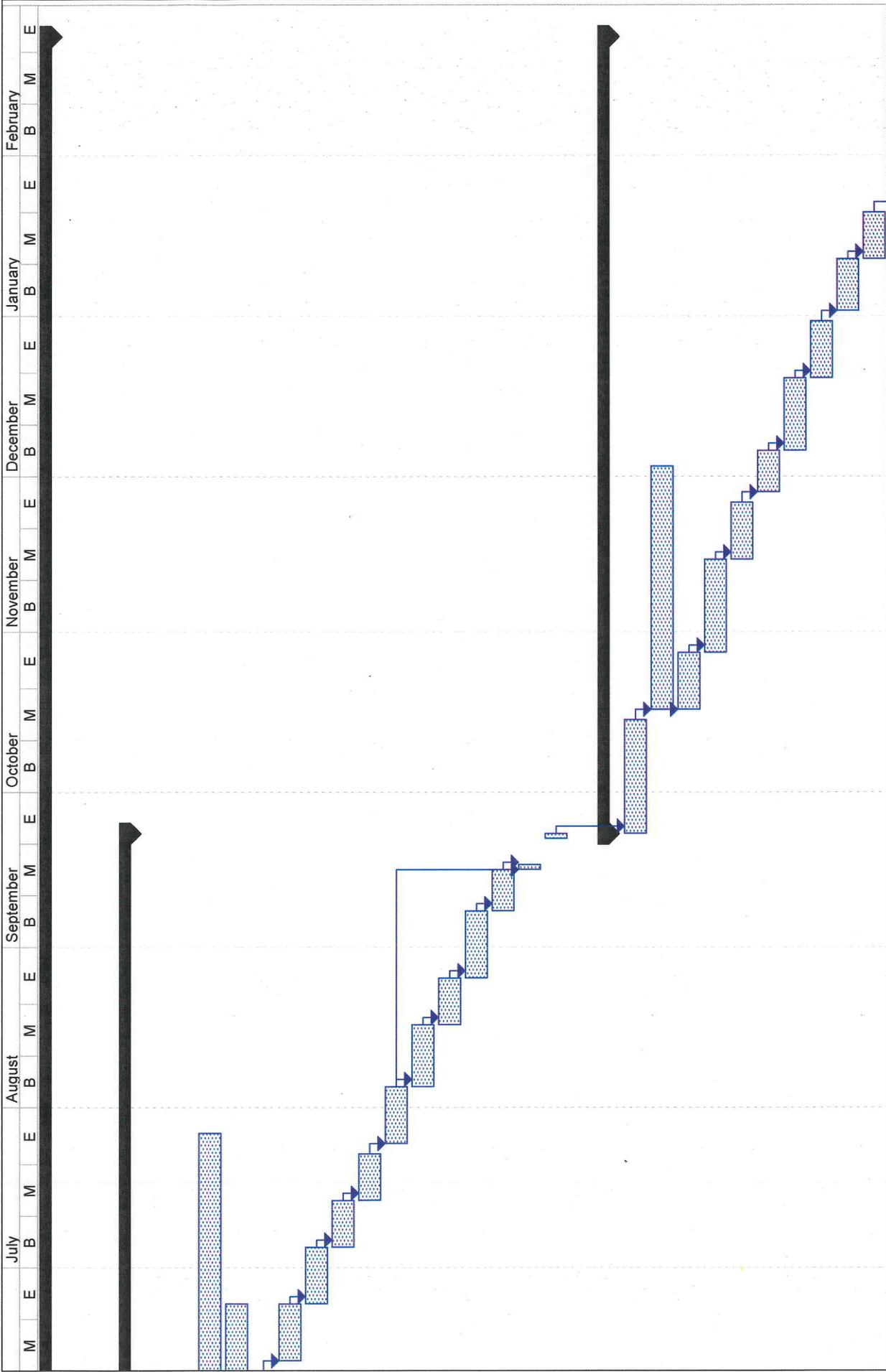




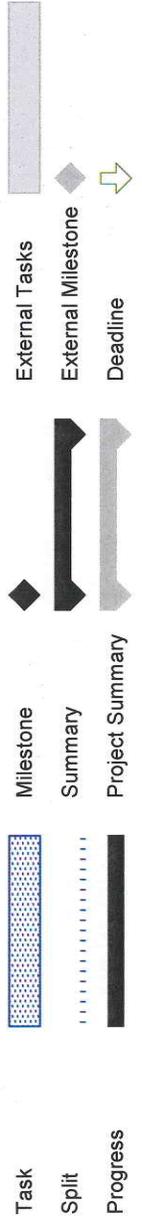
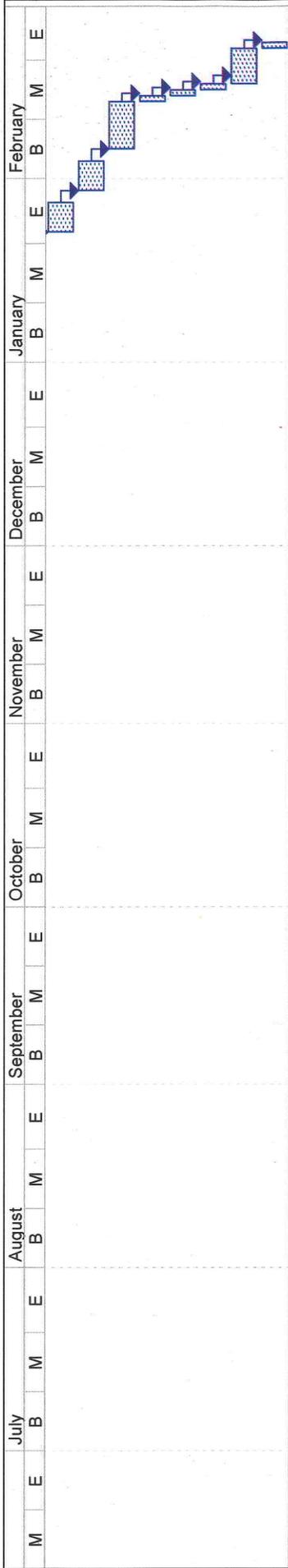
ID	Task Name	Duration	Start	Finish	April			May			June	
					E	B	M	E	B	M	E	B
33	Develop General Sheets	5 days	Mon 1/23/12	Fri 1/27/12								
34	Develop project specifications	5 days	Mon 1/30/12	Fri 2/3/12								
35	Develop project documents	6 days	Mon 2/6/12	Mon 2/13/12								
36	Review with City Staff	1 day	Tue 2/14/12	Tue 2/14/12								
37	Review with TRZ	1 day	Wed 2/15/12	Wed 2/15/12								
38	Review with TMED Partners	1 day	Thu 2/16/12	Thu 2/16/12								
39	Incorporate all comments	4 days	Fri 2/17/12	Wed 2/22/12								
40	Complete documents	1 day	Thu 2/23/12	Thu 2/23/12								



Project: TMED Ave U TMED Ave.mpp  
Date: Thu 4/14/11



Project: TMED Ave U TMED Ave.mpp  
 Date: Thu 4/14/11



Project: TMED Ave U TMED Ave.mpp  
 Date: Thu 4/14/11



**PROPOSED  
17TH TO 13TH ST.  
CONNECTOR  
& AVENUE U**



HORIZONTAL SCALE IN FEET



**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR DATA COLLECTION AND DESIGN SERVICES ASSOCIATED WITH THE AVENUE U AND 13<sup>TH</sup> TO 17<sup>TH</sup> STREETS CONNECTOR, IN AN AMOUNT NOT TO EXCEED \$347,450; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, professional engineering services are required for a project for data collection and design services associated with the Avenue U and 13<sup>th</sup> to 17<sup>th</sup> Streets Connector;

**Whereas**, Kasberg, Patrick & Associates, L.P., submitted a proposal for this project in the amount of \$347,450, and the Staff recommends accepting it;

**Whereas**, funds are available for this project in Account No. 795-9500-531-6555, project # 100718; 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 professional services agreement, not to exceed \$347,450, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for data collection and design services associated with the Avenue U and 13<sup>th</sup> – 17<sup>th</sup> Streets Connector.

**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 5<sup>th</sup> day of May, 2011.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

\_\_\_\_\_  
Clydette Entzminger  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

---

05/05/11  
Item #4(D)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Director of Public Works  
Michael C. Newman, P.E., CFM, City Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract for a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for survey and design services associated with intersections for Avenue R at Scott & White Boulevard and 19<sup>th</sup> Street, in an amount not to exceed \$50,000.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** This Project will design the intersections for Avenue R at Scott & White Boulevard and 19<sup>th</sup> Street. Included in the project will be surveying, geotechnical investigations, drainage analysis and design, intersection design, intersection horizontal and vertical geometry, sidewalk/pedestrian way design, monumentation and landscaping. Consultant services recommended under this resolution include the following tasks and costs:

**Data Collection Services**

Survey Design Services	\$ 4,500
------------------------	----------

**Design Services**

Geotechnical Services	\$ 2,000
Schematic Design (Civil)	\$ 11,075
Schematic Design (Landscape)	\$ 4,500
Final Design and Project Documents (Civil)	\$ 14,925
Final Design and Project Documents (Landscape)	\$ 13,000

**TOTAL** **\$ 50,000**

**FISCAL IMPACT:** Funds are available in the Reinvestment Zone No. 1 Financing Plan, Acct # 795-9500-531-65-53, for Project # 100696 for this professional services contract in the amount of \$50,000.

**ATTACHMENTS:**

[Engineer's Proposal](#)  
[Project Area Map](#)  
[Resolution](#)



**KASBERG, PATRICK & ASSOCIATES, LP**

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

R. DAVID PATRICK, P.E., C.F.M.

THOMAS D. VALLE, P.E.

Temple  
One South Main Street  
Temple, Texas 76501  
(254) 773-3731

Georgetown  
3613 Williams Drive, Suite 406  
Georgetown, Texas 78628  
(512) 819-9478

March 7, 2011

Mr. Don Bond, P.E., CFM  
City of Temple  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple, Texas  
Temple Reinvestment Zone #1 - Intersection Design for Avenue R at Scott & White  
Boulevard and 19<sup>th</sup> Street

Dear Mr. Bond:

At the request of the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this proposal for the above referenced project. This project will design the intersections for Avenue R at Scott & White Boulevard and 19<sup>th</sup> Street. (see attached exhibit) The final product will be shelf ready plans, specifications and estimates.

This project will design, prepare specifications and develop construction estimates for the project limits. The scope of work, at this time, will only include preparing shelf ready documents to be bid and constructed at a later date. Meetings with City of Temple Staff, The Temple Reinvestment Zone #1, Temple Independent School District and Scott & White, are included in the work. Included in the project will be surveying, geotechnical investigations, drainage analysis and design, intersection design, intersection horizontal and vertical geometry, sidewalk/pedestrian way design, monumentation and landscaping. As a part of the scope of work, we will design in accordance with the standards set forth for the TMED District. These will be engineered with the current practices to comply with the concepts developed for the TMED District. The intersections will layout traffic signals as required, but construction of the signals will not occur without warrants met.

This project will be developed in accordance with the Temple Reinvestment Zone 2022 Master Plan. We will keep members of the TRZ included in the entire project process. The project can be completed in design within one hundred and fifty calendar days after the notice to proceed. This anticipates the meetings with the various entities to complete this project and incorporate the comments into the project.

The scope of services for this project will include the following:

**Final Design and Project Documents**

- Design Surveys.
- Geotechnical investigations.
- Drainage analysis for the project limits.
- Hydrological design of storm water flows within the project.
- Storm water conveyance design to existing facilities.
- Horizontal design for the intersection facilities.
- Vertical design for the intersection facilities.
- Plan and profile for the intersection facilities.
- Horizontal design for the pedestrian facilities.
- Vertical design for the pedestrian facilities.
- Plan and profile for the pedestrian facilities.
- Landscape treatments and design.
- Special landscape site features such as monuments.
- Landscape site elements to include material selection, finishes, colors, plant massing and palette and irrigation.
- Connection to Scott & White Campus.
- Connection to Travis Science Academy.
- Alignment with and in coordination with existing infrastructure.
- Striping and signage design.
- Water utility design as required for landscaping.
- Utility conflict design.
- Meetings with City of Temple Staff, the Temple Reinvestment Zone, Temple College, Scott & White, other TMED Partners and TxDOT.
- Final cost estimates with detailed quantities.
- Project specifications.

Page Three  
Mr. Don Bond, P.E., CFM  
March 7, 2011

Data Collection Services

Survey Design Services	\$	4,500
<b>Total Data Collection Services</b>	<b>\$</b>	<b>4,500</b>

Design Services

Geotechnical Services	\$	2,000
Schematic Design (Civil)	\$	11,075
Schematic Design (Landscape)	\$	4,500
Final Design and Project Documents (Civil)	\$	14,925
Final Design and Project Documents (Landscape)	\$	13,000
<b>Total Design Services</b>	<b>\$</b>	<b>45,500</b>

**TOTAL SERVICES \$ 50,000**

We can complete all the tasks represented for the lump sum cost of \$50,000. We are available to discuss the scope of the project at your convenience. Exhibit B outlines rates which would be used to charge for special or additional services authorized beyond the scope as described in this proposal.

As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,



R. David Patrick, P.E., C.F.M.

RDP/crc

**EXHIBIT "B"**

**Charges for Additional Services**

**City of Temple  
Temple Reinvestment Zone #1 – Intersection Design for Avenue R at  
Scott & White Boulevard and 19<sup>th</sup> Street**

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 60.00 – 80.00/hour
Project Manager	2.4	45.00 – 58.00/hour
Project Engineer	2.4	40.00 – 45.00/hour
Engineer-in-Training	2.4	32.00 – 40.00/hour
Engineering Technician	2.4	22.00 – 40.00/hour
CAD Technician	2.4	18.00 – 40.00/hour
Clerical	2.4	13.00 – 25.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	95.00 – 120.00/hour
Registered Public Surveyor	1.0	110.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour

FEE SCHEDULE

Project Name: Temple Reinvestment Zone Intersection Design for Avenue R at Scott & White Blvd. and 19th Street.

Kasberg, Patrick & Associates, Temple, Texas

Task	Clerical	CADD Tech	Graduate Engineer	Project Engineer	Project Manager	Principal	Total Hours
<b>Schematic Design</b>							
Coordination of sub consultants				4			4
Prepare surface model for the project		4	4	4			12
Develop hydrology for the project		3	4	4	1		12
Develop storm water conveyance for the project		3	4	4	1		12
Develop alignments for pedestrian facilities		5	3	2	1		11
Develop schematic layout for drainage system		2	3	1	1		7
Develop intersection layout		3	2	1	1		7
Develop schematic connections		3	2	2	1		8
Develop layout for signals		3	2	2	1		8
Develop schematic layout for water utilities		3	2	2	1		8
Review meetings with City Staff	4					2	6
Review meetings with TRZ	8					4	4
Total Hours for Schematic Design	12	29	26	21	12	6	
Hourly Rate	\$ 55.00	\$ 80.00	\$ 90.00	\$ 105.00	\$ 125.00	\$ 175.00	
Reimbursable							
<b>Total Cost Schematic Design</b>	\$ 660.00	\$ 2,320.00	\$ 2,340.00	\$ 2,205.00	\$ 1,500.00	\$ 1,050.00	\$ 11,075.00

Task	Clerical	CAD Tech	Graduate Engineer	Project Engineer	Project Manager	Principal	Total Hours
<b>Final Design and Project Documents</b>							
Coordination of sub consultants					4		4
Develop roadway plan profiles		6	4	2	1		13
Develop drainage plan profiles		6	3	1	1		10
Develop water utilities plan profiles		4	2	1	1		8
Develop pedestrian facility plan profiles		8	4	2	2		14
Design intersection connections		4	2	1	1		8
Design connections to existing facilities (roadway)		4	2	1	1		8
Design details		6	4	1	1		11
Develop general sheets		6	5	1	1		13
Develop project specifications	5	6	5	1	1		18
Develop project documents	5	6	4	2			17
Meetings with TRZ	6					2	8
Meetings with TMED Partners	4					2	6
Review documents with City Staff	2				2		4

FEE SCHEDULE

Project Name: Temple Reinvestment Zone Intersection Design for Avenue R at Scott & White Blvd. and 19th Street.

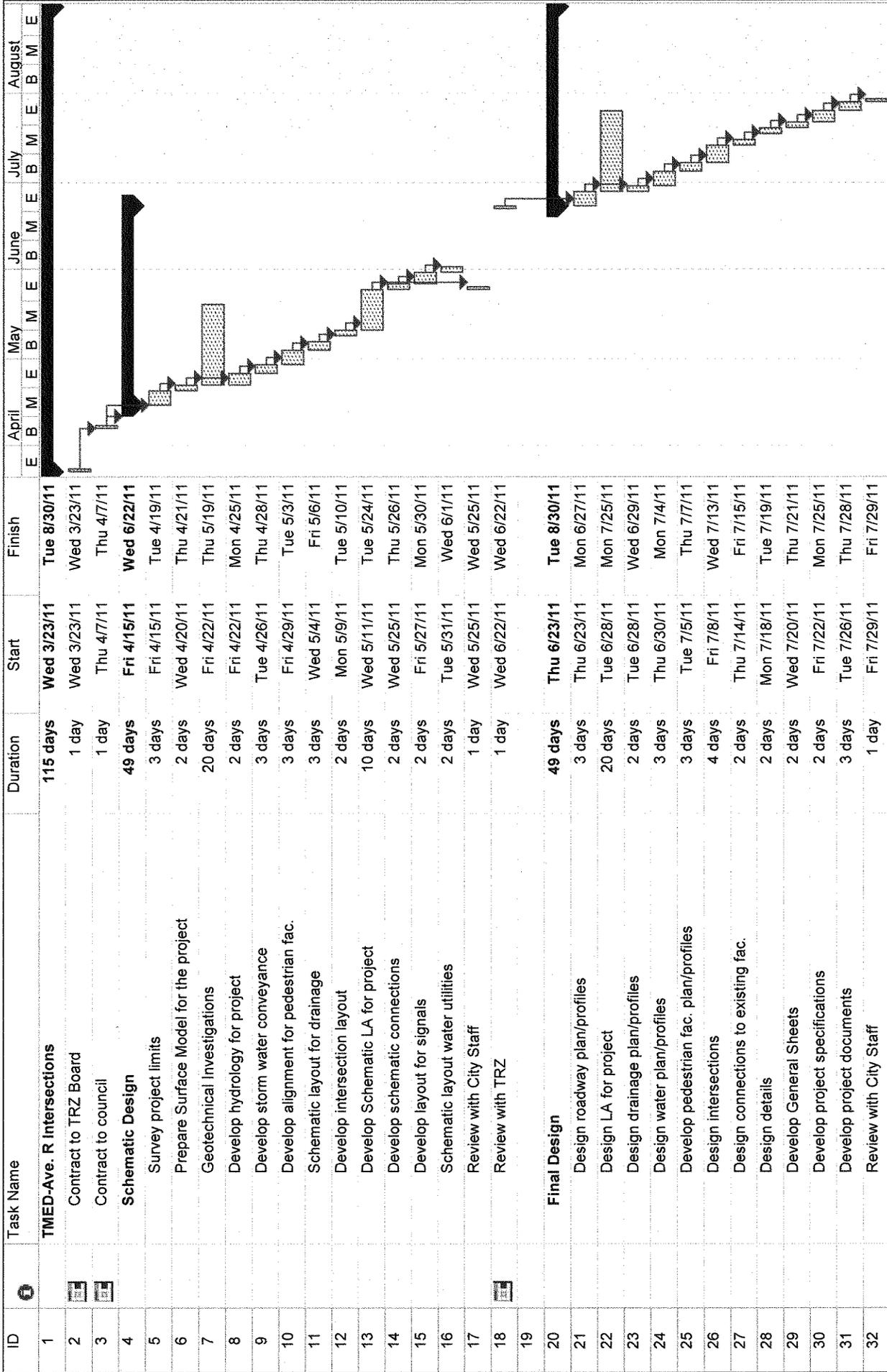
Kasberg, Patrick & Associates, Temple, Texas

Incorporate all comments and develop final documents	2	4	4	1	1	12
Total Hours for Final Design and Project Documents	24	60	39	14	13	154
Hourly Rate	\$ 55.00	\$ 80.00	\$ 90.00	\$ 105.00	\$ 125.00	\$ 175.00
Reimbursable						\$ 1,500.00
<b>Total Cost Final Design and Project Documents</b>	<b>\$ 1,320.00</b>	<b>\$ 4,800.00</b>	<b>\$ 3,510.00</b>	<b>\$ 1,470.00</b>	<b>\$ 1,625.00</b>	<b>\$ 14,925.00</b>

Task						
Sub consultants						
Surveying - All County Surveying						\$ 4,500.00
Geotechnical - Terracon						\$ 2,000.00
Landscape Architecture - TBG						\$ 17,500.00
<b>Total Cost Sub consultants</b>						<b>\$ 24,000.00</b>

Project Total

\$ 50,000.00



Task  
 Split  
 Progress  
 Milestone  
 Summary  
 Project Summary  
 External Tasks  
 External Milestone  
 Deadline

Project: Avenue R Intersections  
Date: Mon 3/7/11

ID	Task Name	Duration	Start	Finish	April		May		June		July		August	
					E	B	M	T	W	Th	F	S	S	M
33	Review with TRZ	1 day	Wed 8/24/11	Wed 8/24/11										
34	Review with TMED Partners	1 day	Thu 8/25/11	Thu 8/25/11										
35	Incorporate all comments	2 days	Fri 8/26/11	Mon 8/29/11										
36	Complete documents	1 day	Tue 8/30/11	Tue 8/30/11										

Project: Avenue R Intersections  
Date: Mon 3/7/11

	Task		Milestone		External Tasks
	Split		Summary		External Milestone
	Progress		Project Summary		Deadline



# PROPOSED Avenue R Intersections

INTERSECTION TO BE ENHANCED

INTERSECTION TO BE ENHANCED

PROPOSED TRAVIS MIDDLE SCHOOL SCIENCE ACADEMY

25TH STREET

AVENUE R

19TH STREET

17TH STREET

15TH STREET

AVENUE T

SCOTT & WHITE BLVD.



**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR SURVEY AND DESIGN SERVICES ASSOCIATED WITH INTERSECTIONS FOR AVENUE R AT SCOTT & WHITE BOULEVARD AND 19<sup>TH</sup> STREET, IN AN AMOUNT NOT TO EXCEED \$50,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, professional engineering services are required for a project for survey and design services associated with intersections for Avenue R at Scott & White Boulevard and 19<sup>th</sup> Street;

**Whereas**, Kasberg, Patrick & Associates, L.P., submitted a proposal for this project in the amount of \$50,000, and the Staff recommends accepting it;

**Whereas**, funds are available for this project in Account No. 795-9500-531-6553, project # 100696; 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 professional services agreement, not to exceed \$50,000, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for survey and design services associated with intersections for Avenue R at Scott & White Boulevard and 19<sup>th</sup> Street.

**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 5<sup>th</sup> day of May, 2011.

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

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05/05/11  
Item #4(E-1)  
Consent Agenda  
Page 1 of 3

**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E. Director of Public Works

Michael Newman, P.E., CFM Assistant Director of Public Works/City Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services required to replace the 18" water transmission main (from WTP to Loop 363) and construct additional water distribution mains in the 720 pressure zone in an amount not to exceed \$945,000.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** Over the past several years, one of the primary water transmission mains that provide water directly to the City from the Water Treatment Plant has shown severe signs of deterioration and aging. This water main has experienced numerous failures in the recent past and has reached the end of its useful service life. This waterline is estimated to be over 70 years old, and is made of cast iron pipe. The transmission main is the primary artery for the system and routes water northward, generally along the I-35 corridor, toward the ground storage tanks at the intersection of Ave G and 31<sup>st</sup> Street.

As this pipe ages and line breaks occur, multiple maintenance crews are called in to fix the main requiring substantial effort, many times installing clamps next to clamps to hold the piping together. In addition, repairs to this critical main disrupt plant operations, sometimes resulting in significant shutdowns of the plant until repairs are made. In addition to the normal pipe aging process, this particular section of main experiences daily surges as the high service pump station at the plant cycles on and off throughout the day. Customers still receiving service off this waterline are impacted when leaks occur, and need to be removed altogether from this transmission main. To address this concern, this project will also expand the 720 pressure plane by extending additional distribution mains into the area, thereby removing these customers from the aging system and providing new infrastructure along Charter Oak to function solely as a transmission main, resulting in a more reliable water supply for the City.

In 2010, KPA completed preliminary engineering to determine sizing and preferred alignments for a new transmission main and the associated distribution lines. Two construction contracts are

anticipated as part of the overall project. The proposed 24" transmission main is approximately 18,000 feet and there are approximately 15,000 feet of distribution lines required to remove existing service connections from the transmission main. These proposed improvements are shown on the attached exhibits A and B.

The proposed timeline for design completion will be 270 calendar days once right of entry is obtained. Per the attachment, specific tasks are broken down as follows:

**Basic Services**

• Final Design	\$ 387,000
• Bidding (2 Separate Construction Contracts)	\$ 16,000
• Construction Administration	\$ 139,000
<b>Sub-Total Basic Services</b>	<b>\$ 542,000</b>

**Additional Services**

• Design Surveys	\$ 67,000
• Construction Staking	\$ 19,500
<b>Sub-Total Additional Services</b>	<b>\$ 86,500</b>

**Special Services**

• Preparation of Easement Documents (50 parcels)	\$ 60,000
• Daily On-Site Representation (Distribution Lines)	\$ 50,625
• Daily On-Site Representation (Transmission Mains)	\$ 151,875
• Archeological Assessment	\$ 21,000
• Environmental Assessment	\$ 15,000
• Coordination with Right of Way Agent	\$ 18,000
<b>Sub-Total Special Services</b>	<b>\$ 316,500</b>

**TOTAL ENGINEERING SERVICES      \$      945,000**

The engineer's opinion of probable cost for construction of this project is \$4.3 million.

**FISCAL IMPACT:** Funding in the amount of \$4,750,000 was appropriated in account 561-5200-535-6939, project #100608 for the 18" Charter Oak Waterline Replacement project from the 2010 Utility Revenue Bond Issue. After funding preliminary engineering in the amount of \$73,385 and this contract in the amount of \$945,000 for final design, a balance of \$3,731,615 remains available for construction.

This project was approved by Council as part of the FY 2010 Capital Improvement Program as revised on November 19, 2009.

**ATTACHMENTS:**

Engineer's Proposal  
Project Map  
Resolution



**KASBERG, PATRICK & ASSOCIATES, LP**

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

R. DAVID PATRICK, P.E., C.F.M.

THOMAS D. VALLE, P.E.

Temple  
One South Main Street  
Temple, Texas 76501  
(254) 773-3731

Georgetown  
3613 Williams Drive, Suite 406  
Georgetown, Texas 78628  
(512) 819-9478

April 1, 2011

Mr. Salvador Rodriguez, P.E., C.F.M.  
Assistant City Engineer  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple  
Transmission Main from Water Treatment Plant to Loop 363  
and 720 Zone Distribution Lines

Dear Mr. Rodriguez:

This letter proposal is in response to your request for engineering services required to replace the transmission main from the Water Treatment Plant to Loop 363 and construct additional 720 Zone Distribution Lines to remove the remaining connections from the transmission main. The existing 18” Water Line is one of the primary water mains providing water to the City and was constructed approximately 70 years ago. This water transmission main has experienced numerous failures in the recent past and has reached the end of its useful service life. The replacement of the transmission main was identified in the 2008 Master Plan.

In 2010, KPA completed preliminary engineering to determine sizing and preferred alignments for a new transmission main and the associated distribution lines. Two construction contracts are anticipated as part of the overall project. The proposed 24” transmission main is approximately 18,000 ft and there are approximately 15,000 ft. of distribution lines required to remove existing service connections from the transmission main. These proposed improvements are shown on the attached Exhibits A and B. Our Opinion of Probable Construction Cost for this project is \$ 4.3 million.

In order for us to provide services required for completion of this project, the following not-to-exceed lump sum amounts will be applicable:

**Basic Services**

- Final Design \$ 387,000.
- Bidding (2 Separate Construction Contracts) \$ 16,000.
- Construction Administration \$ 139,000.

**Sub-Total Basic Services** \$ 542,000.

**Additional Services**

• Design Surveys	\$ 67,000.
• Construction Staking	\$ 19,500.
<b>Sub-Total Additional Services</b>	<b>\$ 86,500.</b>

**Special Services**

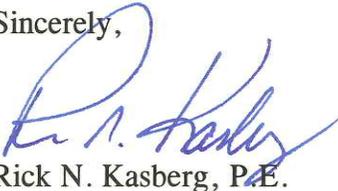
• Preparation of Easement Documents (50 parcels)	\$ 60,000.
• Daily On-Site Representation (Distribution Lines)	\$ 50,625.
• Daily On-Site Representation (Transmission Main)	\$ 151,875.
• Archeological Assessment	\$ 21,000.
• Environmental Assessment	\$ 15,000.
• Coordination with Right of Way Agent	\$ 18,000.
<b>Sub-Total Special Services</b>	<b>\$ 316,500.</b>

**TOTAL ENGINEERING SERVICES \$ 945,000.**

The cost for on-site representation is based on a six month construction period for the 720 Water Distribution Lines and a twelve month construction period for the Transmission Main. Completion of the distribution lines is required so that the existing transmission main can be abandoned. Also, as part of the Special Services, KPA will coordinate with the right of way agent for the City to provide the necessary alignment information to obtain rights of entry. We will also provide assistance during the right of way acquisition process as questions arise. Further, we will incorporate items negotiated as part of the easement agreements in the plans as required. Attachment C outlines the rates which would be used to charge for special or additional services authorized beyond the scope.

KPA will begin work once a written notice to proceed is received in our office. The Contract Documents and Specifications will be completed within a 270 calendar day period once right of entry is obtained. We are available to address any questions or comments that you may have about this proposal.

Sincerely,



Rick N. Kasberg, P.E.

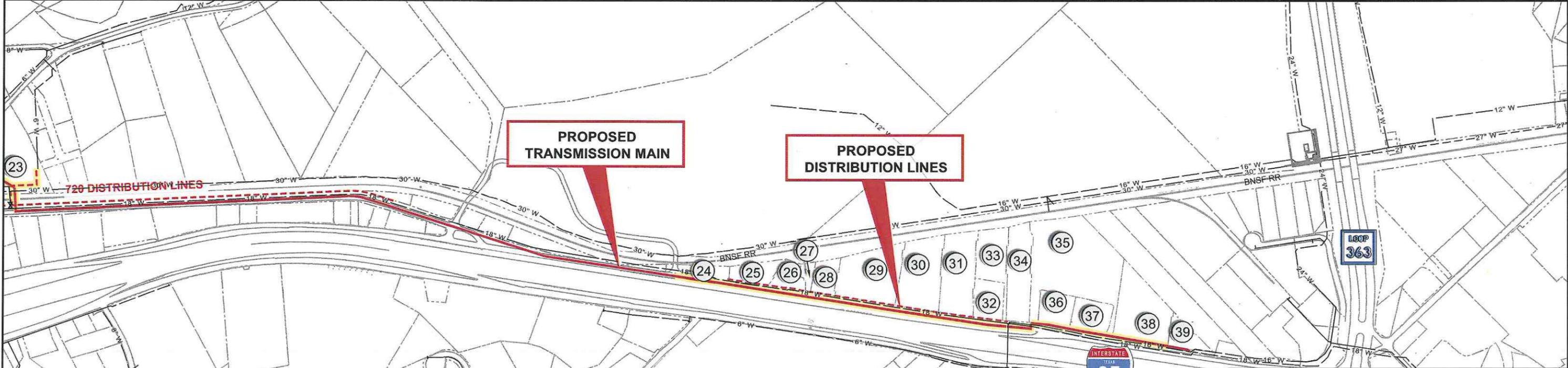
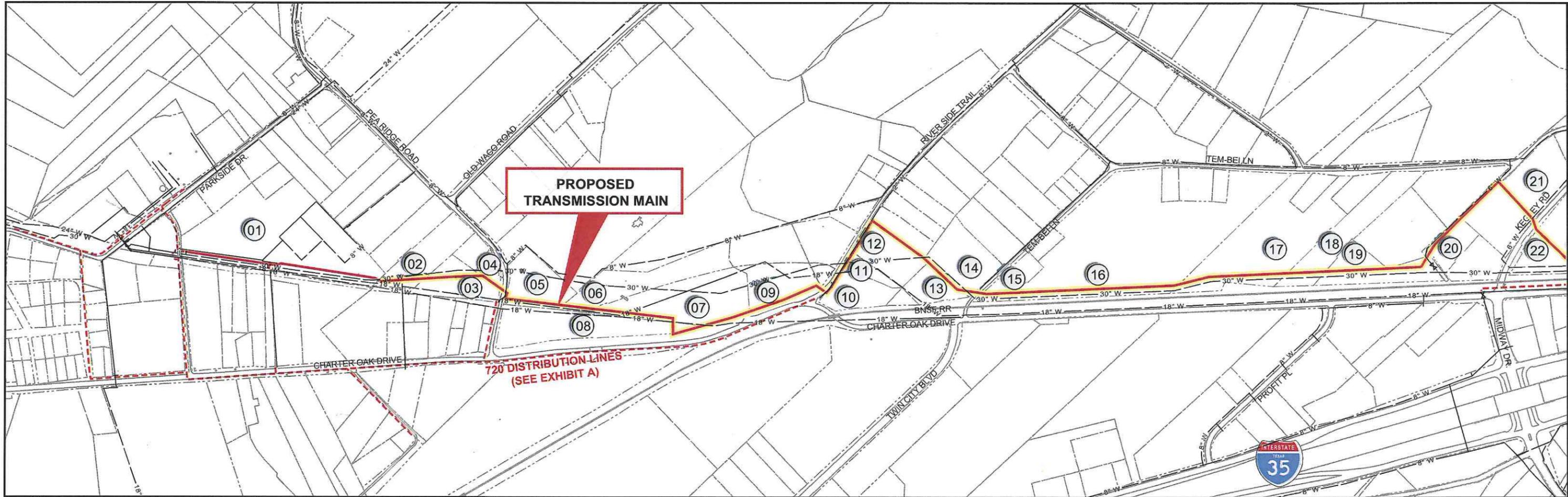
GRT/

EXHIBIT "C"

**Charges for Additional Services**

**City of Temple  
Transmission Main from Water Treatment Plant to Loop 363  
and 720 Distribution Lines**

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 60.00 – 80.00/hour
Project Manager	2.4	45.00 – 58.00/hour
Project Engineer	2.4	40.00 – 45.00/hour
Engineer-in-Training	2.4	32.00 – 40.00/hour
Engineering Technician	2.4	22.00 – 40.00/hour
CAD Technician	2.4	18.00 – 40.00/hour
Clerical	2.4	13.00 – 25.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	95.00 – 120.00/hour
Registered Public Surveyor	1.0	110.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour



GRAPHIC SCALE IN FEET

- PROPOSED DISTRIBUTION LINES
- PROPOSED EASEMENTS
- PROPOSED TRANSMISSION MAIN

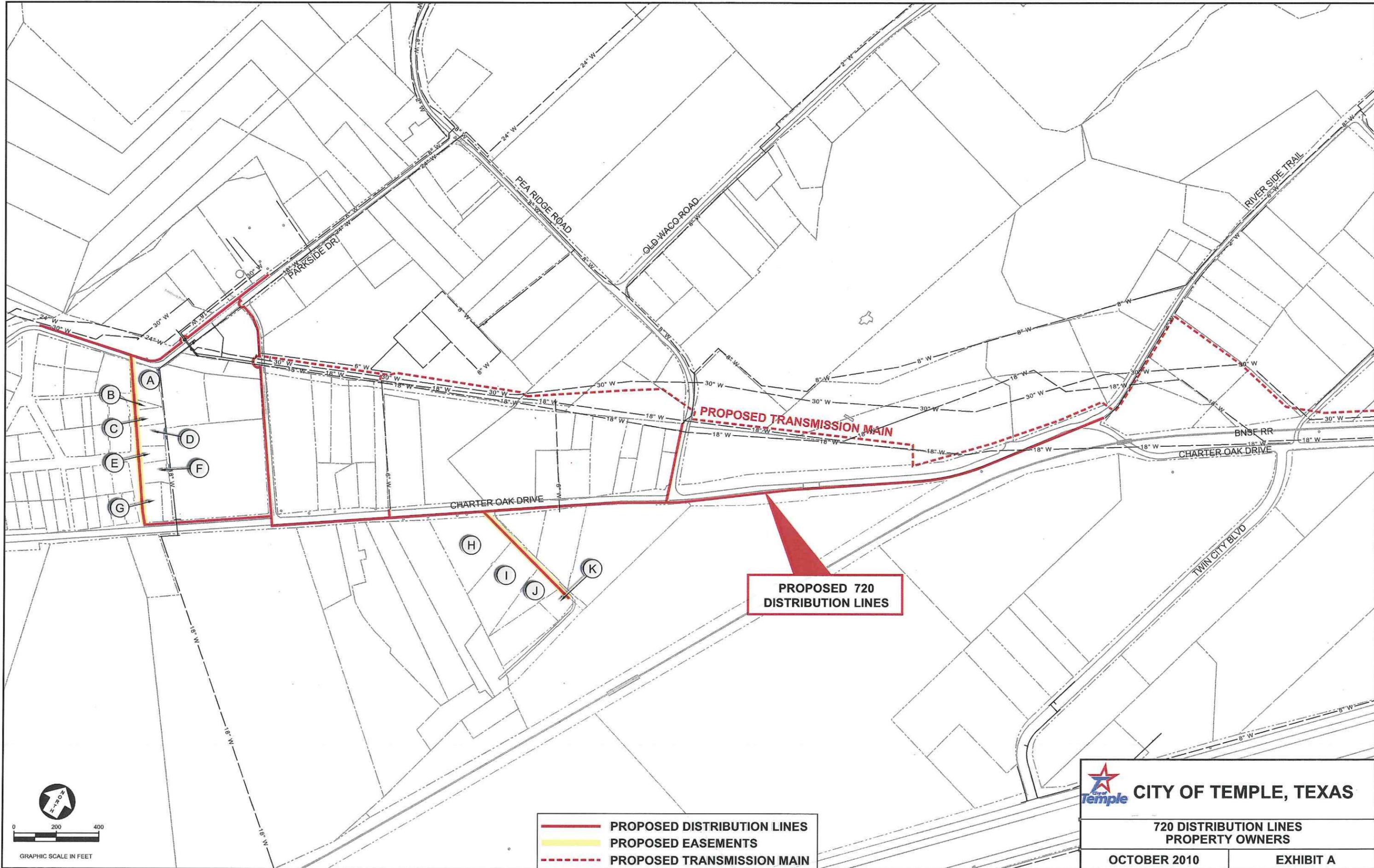
**CITY OF TEMPLE, TEXAS**

TRANSMISSION MAIN  
PROPERTY OWNERS

OCTOBER 2010      EXHIBIT B

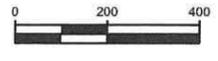
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**PROPOSED 720  
DISTRIBUTION LINES**

- PROPOSED DISTRIBUTION LINES
- PROPOSED EASEMENTS
- - - PROPOSED TRANSMISSION MAIN



GRAPHIC SCALE IN FEET

 **CITY OF TEMPLE, TEXAS**

<b>720 DISTRIBUTION LINES PROPERTY OWNERS</b>	
<b>OCTOBER 2010</b>	<b>EXHIBIT A</b>

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR ENGINEERING SERVICES REQUIRED TO REPLACE THE 18-INCH WATER TRANSMISSION MAIN (FROM THE WATER TREATMENT PLANT TO LOOP 363) AND CONSTRUCT ADDITIONAL WATER DISTRIBUTION MAINS IN THE 720 PRESSURE ZONE, IN AN AMOUNT NOT TO EXCEED \$945,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, professional engineering services are required for a project for engineering services required to replace the 18-inch water transmission main (from the Water Treatment Plant to Loop 363) and construct additional water distribution mains in the 720 pressure zone;

**Whereas**, Kasberg, Patrick & Associates, L.P., submitted a proposal for this project in the amount of \$945,000, and the Staff recommends accepting it;

**Whereas**, funds are available for this project in Account No. 561-5200-535-6939, project # 100608; 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 professional services agreement, not to exceed \$945,000, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for engineering services required to replace the 18-inch water transmission main (from the Water Treatment Plant to Loop 363) and construct additional water distribution mains in the 720 pressure zone.

**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 5<sup>th</sup> day of **May**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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05/05/11  
Item #4(E-2)  
Consent Agenda  
Page 1 of 2

**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E. Director of Public Works

Michael Newman, P.E., CFM Assistant Director of Public Works/City Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Lone Star Right of Way Services, Inc., for easement acquisition required to replace the 18" water transmission main (from WTP to Loop 363) and construct additional water distribution mains in the 720 pressure zone in an amount not to exceed \$342,500.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** Over the past several years, one of the primary water transmission mains that provide water directly to the City from the Water Treatment Plant has shown severe signs of deterioration and aging. This water main has experienced numerous failures in the recent past and has reached the end of its useful service life. This waterline is estimated to be over 70 years old, and is made of cast iron pipe. The transmission main is the primary artery for the system and routes water northward, generally along the I-35 corridor, toward the ground storage tanks at the intersection of Ave G and 31<sup>st</sup> Street.

As this pipe ages and line breaks occur, multiple maintenance crews are called in to fix the main requiring substantial effort, many times installing clamps next to clamps to hold the piping together. In addition, repairs to this critical main disrupt plant operations, sometimes resulting in significant shutdowns of the plant until repairs are made. In addition to the normal pipe aging process, this particular section of main experiences daily surges as the high service pump station at the plant cycles on and off throughout the day. Customers still receiving service off this waterline are impacted when leaks occur, and need to be removed altogether from this transmission main. To address this concern, this project will also expand the 720 pressure plane by extending additional distribution mains into the area, thereby removing these customers from the aging system and providing new infrastructure along Charter Oak to function solely as a transmission main, resulting in a more reliable water supply for the City

Professional services to be performed by Lone Star Right of Way related to temporary and permanent utility easements include Project Administration (communications, file management, et cetera), Title Services, Initial Appraisal Work, Initial Appraisal Review, Negotiation Services, and Closing Services (as needed). Lone Star ROW will make initial property owner contacts, provide necessary paperwork, and perform negotiations for all necessary parcels identified for the project (approximately 50). Applicable fees proposed under this contract are on a per parcel basis, as follows:

Project Administration, Communication, File Management & Negotiation Services	\$3,500 per parcel
Title & Closing Services	\$ 500 per parcel
Initial Appraisal	\$2,800 - \$3,600 per parcel
Appraisal Review	\$ 900 - \$1,500 per parcel
Appraiser Services	\$ 175 / hour
Negotiator Services	\$ 150 / hour
Obtain Right of Entry	\$1,000
Value Findings	\$ 300 per parcel

In acknowledgement that some parcels may be acquired through donation, the proposal submitted is based upon a cost per task. Should a donation occur, some professional services tasks related to property acquisition may not be necessary, and will therefore not occur nor be billed. Property purchase expenses are not included in this professional services agreement, and will be considered separately.

Design of Phase I of this project is anticipated to be complete and ready to bid by winter of 2011. Property acquisitions are scheduled to occur over the next several months (prior to bidding the project). Should any parcel necessary for the project not be acquired within this timeframe, additional professional services related to eminent domain may be necessary are not included within the scope of this professional services contract.

**FISCAL IMPACT:** Funding in the amount of \$4,750,000 was appropriated in account 561-5200-535-6939, project #100608 for the 18" Charter Oak Waterline Replacement project from the 2010 Utility Revenue Bond Issue. After funding preliminary engineering in the amount of \$73,385, pending council approval of final design in the amount of \$945,000, and this professional services agreement in the amount of \$342,500, a balance of \$3,389,115 remains available to purchase easements and fund construction.

This project was approved by Council as part of the FY 2010 Capital Improvement Program as revised on November 19, 2009.

**ATTACHMENTS:**

[Proposal \(Schedule of Fees\)](#)

[Project Map](#)

[Resolution](#)

**EXHIBIT “A”  
FEE SCHEDULE  
Lone Star Right of Way Services, Inc.  
Charter Oak Water Transmission Main Project**

All fees are on a per parcel basis

Any item listed under the scope of services not performed on a parcel will not be charged

**I. Project Administration, Communication, File Management & Negotiation Services**

A. Easement or Fee acquisition or donation: \$3,500.00 per parcel

**II. Title Services & Closing Services (easement or fee)**

Title Insurance is required

Legal description will be delivered to Title Company in order to secure preliminary title commitment to establish current ownership. Provider will attempt to secure all documents to clear any defects in title. We will also work with the title company to remove any exceptions from “Schedule C” of the title policy that are not considered standard exception in order to provide City clear title to property. All fees charged by the title company for vesting information, preliminary title commitments and any and all closing costs charged by the title company on the closing statement, including but not limited to, title insurance premiums, recording fees, document preparation, tax certificates, courier fees, guaranty fee, overnight fees, escrow and/or closing fees will be a pass through expense and billed directly to City by the title company. Provider’s assistance in clearing title and fulfilling requirements of the title commitment results in expedited closings.

\$500.00 per parcel

IF REQUIRED, Lone Star Right of Way Services, Inc. will enter into a Sub-Contract with the Appraiser and Review Appraiser in order to have appraisals prepared in accordance with TxDOT requirements. Appraisals and Appraisal Reviews will be delivered directly to us for review and distribution in accordance with TxDOT policies and procedures. The firms listed below will be utilized, provided they can complete the appraisals in a timely manner. \*Any Appraiser or Review Appraiser utilized will not only be certified by the State of Texas, but they will also be on the approved TxDOT list to qualify for this project. It should be noted that many of the Appraisers on the approved list are currently working for TxDOT on the IH 35 project.

**III. Initial Appraisal (for both easement or fee)  
Kokel-Oberrender-Wood Appraisal Ltd. Or  
Cervenka and Associates, Inc.**

Vacant Land: \$2800 \$3200\*  
With Site Improvements: \$3200 -\$3600\*

**IV. Appraisal Review (easement or fee)  
Property Research Network – Galen Morrison**

Vacant Land: \$900 - \$1100\*  
With Site Improvements: \$1100 - \$1500\*

**V. Appraiser Services (easement or fee)**

Post appraisal time: Appraiser or Review Appraiser appearing as an expert witness for testimony and/or preparation for hearing will be billed at a separate hourly rate. This rate also applies to meeting/consulting services outside the scope of services.

\$175/hour

**VI. Negotiator Services**

Agent and Project Manager hourly rate for services not defined in the Scope of Services provided will be billed at an hourly rate. This hourly rate also applies when an Agent of Lone Star Right of Way Services, Inc. is requested to participate in hearings, public or company meetings held outside the office of Lone Star Right of Way Services, Inc..

\$150/hr

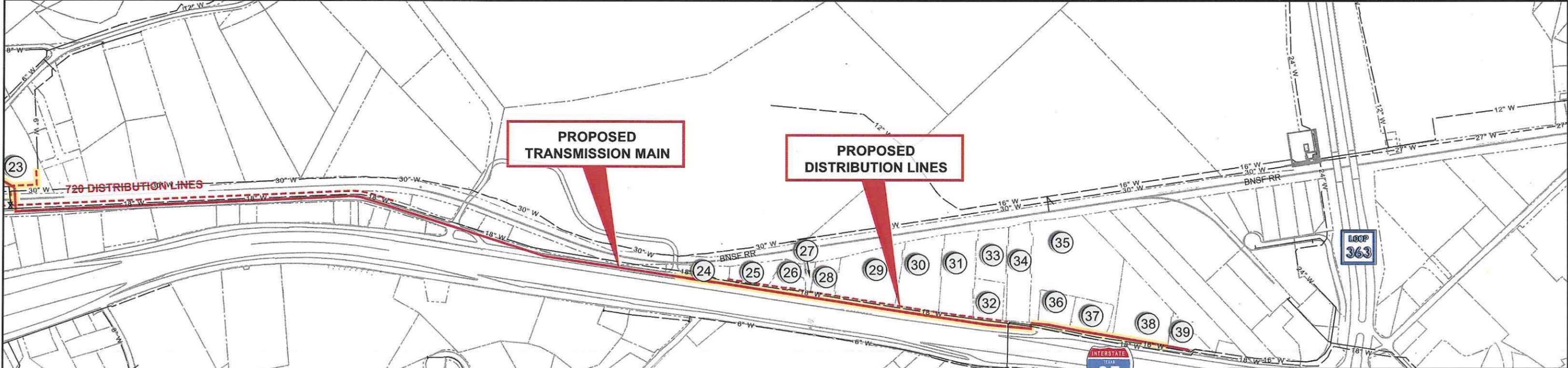
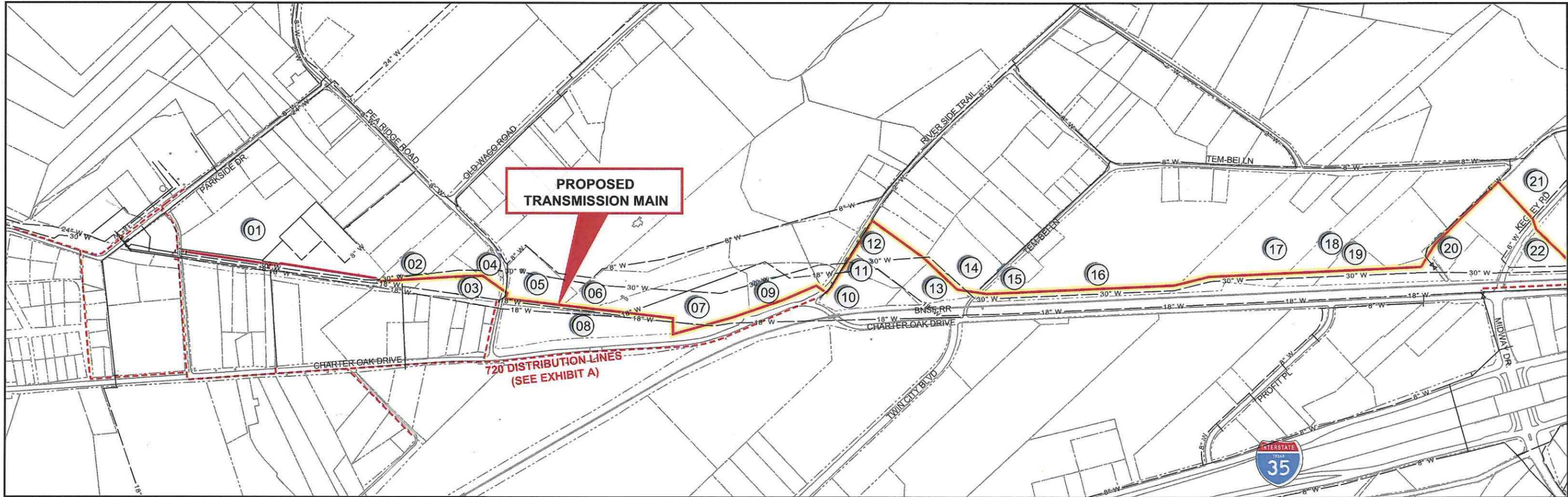
**VII. Obtain Right of Entry or Possession and Use Agreement**

\$1,000.00 (Bell County)

**VIII. Value Findings as allowed under the Uniform Act will be charged on a per parcel basis.(In Lieu of Appraisal and Appraisal Review).**

\$300.00 per parcel

\*Once project right of way maps and surveys are complete, should it be determined that an appraisal including the valuation of building improvements is required, or any parcel remainder has an extensive denial of access, we will provide a revised proposed fee for such parcel(s).



GRAPHIC SCALE IN FEET

**PROPOSED DISTRIBUTION LINES**

**PROPOSED EASEMENTS**

**PROPOSED TRANSMISSION MAIN**

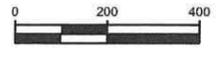
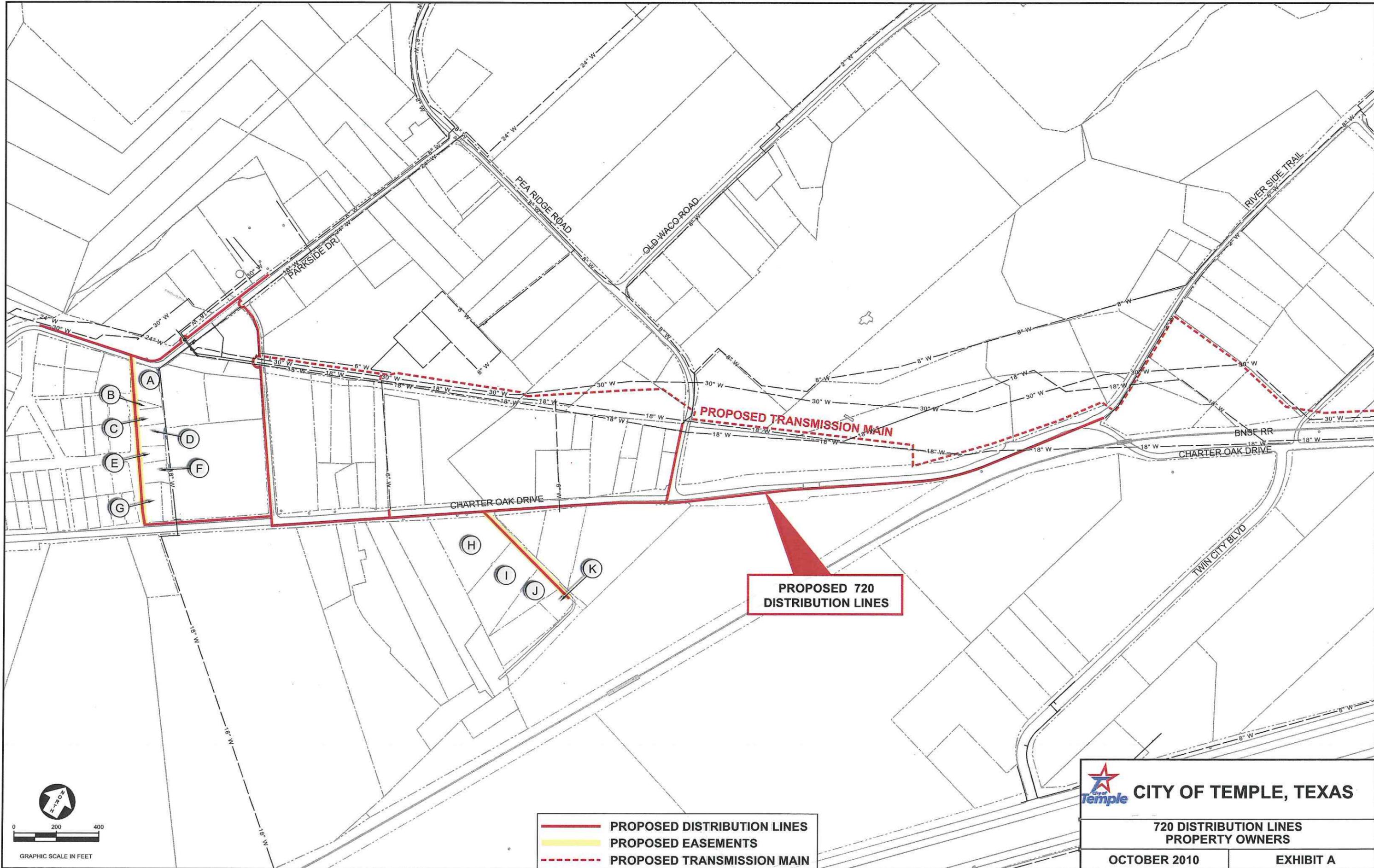
**CITY OF TEMPLE, TEXAS**

**TRANSMISSION MAIN  
PROPERTY OWNERS**

**OCTOBER 2010**      **EXHIBIT B**

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GRAPHIC SCALE IN FEET

- PROPOSED DISTRIBUTION LINES
- PROPOSED EASEMENTS
- - - PROPOSED TRANSMISSION MAIN

**CITY OF TEMPLE, TEXAS**

**720 DISTRIBUTION LINES  
PROPERTY OWNERS**

**OCTOBER 2010**      **EXHIBIT A**

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LONE STAR RIGHT OF WAY SERVICES, INC., OF BELTON, TEXAS, FOR PROFESSIONAL SERVICES RELATED TO EASEMENT ACQUISITION REQUIRED TO REPLACE THE 18-INCH WATER TRANSMISSION MAIN (FROM THE WATER TREATMENT PLANT TO LOOP 363) AND CONSTRUCT ADDITIONAL WATER DISTRIBUTION MAINS IN THE 720 PRESSURE ZONE, IN THE AMOUNT NOT TO EXCEED \$342,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Charter Oak Waterline Replacement project will replace the 18-inch water transmission main from the Water Treatment Plant to Loop 363 and construction additional distribution mains in the 720 pressure zone;

**Whereas**, the Staff recommends securing the services of Lone Star Right of Way Services, Inc., of Belton, Texas, to make initial property owner contacts, provide necessary paperwork, and perform negotiations for all necessary parcels identified for the project (approximately 50);

**Whereas**, the City has used Lone Star Right of Way Services in the past on various Public Works projects and their services have been exceptional – the services for this project will not exceed \$342,500;

**Whereas**, funds are available for this project in Account 561-5200-535-6929, project #100608

**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 Manager, or his designee, is authorized to execute a professional services agreement between the City of Temple, Texas, and Lone Star Right of Way Services, Inc., of Belton, Texas, after approval as to form by the City Attorney, for professional services related to easement acquisition required to replace the 18-inch water transmission main (from the Water Treatment Plant to Loop 363) and construction additional water distribution mains in the 720 pressure zone, in an amount not to exceed \$342,500.

**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 5<sup>th</sup> day of **May**, 2011.

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

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05/05/11  
Item #4(F)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Gary Smith, Chief of Police

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a grant application to the Bureau of Justice Assistance Bulletproof Vest Partnership Program of 2011 to purchase ballistic vests and replacement vests for the Police Department in the amount of \$3,750.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** The Temple Police Department is seeking approval to apply for grant funds available through the Department of Justice, Bureau of Justice Assistance Bulletproof Vest Partnership Program. If awarded, this will be the 8<sup>th</sup> grant received from this program. The grant requires a City match of 50% of the cost associated with the purchase of new ballistic vests. The Police Department buys vests on a yearly basis and budgets for the matching funds required by the grant.

**FISCAL IMPACT:** If awarded the grant, the City will receive \$3,750 in grant funds. The City's match will be \$3,750. Total funding for the purchase of approximately 10 vests will be \$7,500.

A budget adjustment is presented for Council's approval designating the City's grant match of \$3,750 in account 110-0000-352-1345, from the Police Department's FY 2011 operating budget, account 110-2031-521-2113, Clothing and Uniforms.

The grant funds are reimbursed to the City after the purchase is completed.

### **ATTACHMENTS:**

[Budget Adjustment  
Resolution](#)

### 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
110-0000-352-13-45		Desg Cap Proj-Bulletproof Vest Grant	\$ 3,750		
110-2031-521-21-13		Clothing & Uniform			3,750
		<b>DO NOT POST</b>			
<b>TOTAL.....</b>			\$ 3,750		\$ 3,750

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

To designate funds for 2011 Bulletproof Vest Partnership Program Grant match.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?  Yes  No

DATE OF COUNCIL MEETING \_\_\_\_\_ 5/5/2011 \_\_\_\_\_

WITH AGENDA ITEM?  Yes  No

Department Head/Division Director	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
Finance	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
City Manager	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A GRANT APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE BULLETPROOF VEST PARTNERSHIP PROGRAM OF 2011 FOR THE PURCHASE OF BALLISTIC VESTS AND REPLACEMENTS FOR THE POLICE DEPARTMENT, IN THE AMOUNT OF \$3,750; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Temple Police Department desires to submit an application to the Bureau of Justice Assistance Bulletproof Vest Program which is available to provide units of local government funds to purchase bulletproof vests for police officers;

**Whereas**, the grant requires a City match of 50% of the cost associated with the purchase of new ballistic vests;

**Whereas**, if awarded the grant, the City will receive \$3,750 in grant funds, and the City's match will be \$3,750.

**Whereas**, the City's matching funds have been budgeted in the FY 2010-2011 Police Department budget – a budget amendment 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 an application to the Bureau of Justice Assistance (BJA) funding under the Bulletproof Vest Partnership Grant Program of 2011 to purchase bulletproof vests and replacements for the Temple Police Department, and commits to the City's matching funds of \$3,750.

**Part 2:** The City Council approves an amendment to the FY 2010-2011 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

**Part 3:** The City Manager, or his designee, is authorized to execute any documents which may be necessary to apply, accept funds, implement or renew this grant, after approval as to form by the City Attorney.

**Part 4:** 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 **5<sup>th</sup>** day of **May**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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05/05/11  
Item #4(G)  
Consent Agenda  
Page 1 of 4

**DEPT./DIVISION SUBMISSION & REVIEW:**

Autumn Speer, Director of Community Services

**ITEM DESCRIPTION:** SECOND READING – Z-FY-11-20: Consider adopting an ordinance authorizing an amendment to Unified Development Code (UDC) Article 6.3 TMED, Temple Medical and Education District, including additions to the use table concerning nursing home/assisted living, amending parking and garage requirements for special districts, designating specific trees for street tree application and addressing residential applicability.

**PLANING AND ZONING COMMISISON RECOMMENDATION:** At its March 21, 2011 meeting, the Planning and Zoning Commission voted 8/0 in accordance with staff recommendation to recommend approval of the proposed UDC amendments.

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

**ITEM SUMMARY:** In February 2008, the City entered into a Letter of Understanding (LOU) with Scott & White Memorial Hospital, Central Texas Veterans Healthcare System, Temple Health & Bioscience Economic Development District, Texas A&M Health Science Center College of Medicine, and Temple College. The sponsoring entities entered into the LOU as a cooperative and collaborative relationship to jointly promote education and medical activities of Scott & White, the VA, Temple College, the Bioscience District, and Texas A&M Health Science Center and to advance the redevelopment of both residential and commercial neighborhoods surrounding the campuses. This community-wide redevelopment effort, entitled “TMED”, is aimed at ensuring the long term economic vitality of a critical area in our City.

The vision for the TMED is to enhance and protect the existing opportunities for medical, educational, and research-related activity in the area, while identifying new public and private sector investment for the area. To accomplish these goals, the sponsoring entities are implementing redevelopment tools and funding sources to benefit the TMED.

The purpose of the zoning district and related specifications is to assist the City of Temple and landowners to create the unique environment for TMED by providing criteria that will coordinate the character and quality of the entire district. This coordination creates identity, quality of place and an enhanced value that will attract and retain a vibrant mixed use environment. It is a result of detailed

attention to the form and the feel of buildings and landscape design that anchors a project in its local and regional environmental setting.

The standards for the TMED District were approved on January 6, 2011 by City Council. The associated zoning map changes to the TMED districts (excluding 165 residential properties) were approved on February 3, 2011. The Public Hearing was tabled for the residential properties.

During and after the public hearing process staff has received requests and direction to amend the written standards of the TMED District. The following four major amendments to the TMED standards are proposed:

- Adding nursing home/assisted living uses to the use table (as requested during the public hearing)
- Addressing 1st floor requirements for parking structures in special districts (as requested by TC)
- Defining residential applicability (proposed by CC and the cause for the rezoning not being complete)
- Defining specific species approved for street trees (Council discussion during zoning process)

**PROPOSED AMENDMENTS:** The TMED zoning district includes three transect zones and four special districts. Each of the transect zones represent greater intensity of use and density permitted. The four special districts include the land owned by Scott and White Hospital and Texas A&M Health Science Center, Central Texas Veterans Health Care System, Temple College and Temple ISD.

The following summary highlights the proposed changes in the TMED zoning districts by applicable section:

**Applicability:** Applicability of the various sections of the ordinance is defined based on the development and or redevelopment on each property as well as specific applicability to districts stated in each section. Residential applicability is amended to require compliance with the new requirements of TMED only for new construction or a change in use from residential to non-residential uses.

**General Regulations:** General regulations define all setback and lot dimensions required in each district. Impervious lot coverage, primary and secondary frontage build-out is also defined. Permitted encroachments are addressed as well as structure height and minimum residential density. We have proposed an amendment to require compliance with principal frontage requirements for Special Districts on 13<sup>th</sup>/17<sup>th</sup> (TMED Avenue). This applies directly to the Scott and White property in the Greenfield area of TMED, Scott and White is aware and is comfortable with the change.

**Use Standards:** Uses are addressed for each of the TMED zoning districts and specific limitations are included. This section also addresses prohibited uses, outside storage and display and home occupations. This amendment proposes to add nursing home/assisted

living uses to the use table (as requested during the public hearing) in the T5e, T5-c, SD-h and SD-v districts. The use will be required to comply with non-residential standards.

The amendment concerning the 1st floor requirements for enclosed parking structures in special districts is also addressed in this section. Under the use 'parking structure' a new condition has been added for Special Districts requiring compliance with parking screening and additional ornamental trees to screen the parking structure on primary and secondary frontages.

**Circulation Standards:** No changes.

**Parking and Loading Standards:** No changes.

**Bicycle Facility Standards:** No changes.

**Private Property Landscape Standards:** This section addresses minimum landscape area and the amount of trees and shrubs required on private property. Landscaping is based on zoning district and the type of use. Landscaping is required in the parking lot and for screening parking, mechanical, loading areas and refuse containers.

This amendment includes an addition applicable to 1<sup>st</sup> Street only to include four small canopy street trees on private property in the parking lot screen area in accordance with the Design and Development Standards Manual. The requirements on 1<sup>st</sup> Street are unique in TMED because of the TxDOT row. The typical spacing of the street trees is limited and the four additional street trees will alleviate the spacing issue.

**Public Frontage Standards:** This section provides requirements for landscape, amenities and sidewalks in the public row.

The proposed amendment increases the requirements for pedestrian benches and trash receptacles to all intersections rather than 50% of intersections. This is for consistency and implementation purposes.

**General Planting Criteria:** This section provides the list for specific trees, shrubs and groundcover required, as well as installation, maintenance and irrigation requirements.

The proposed amendment includes a new category on the permitted trees table which addresses what trees are allowed as street trees.

**Architectural Standards:** No changes.

**Private Property Common Open Space Standards:** No changes.

**Sign Standards:** The proposed amendment includes a clarification of what applies to Special Districts (excluding the Veterans Administration). The table clarifies what signs are permitted and which signs refer to the Design and Development Standards Manual. Monument signs and directional signs will be included in the Design and Development Standards Manual. Previously all signs in the Special District were referred to in the Design and Development Standards Manual.

**Street Light Standards:** No changes.

**Utility Standards:** No changes.

**PUBLIC NOTICE:**

The newspaper printed notice of the Planning and Zoning Commission public hearing on March 10, 2011 in accordance with state law and local ordinance. No comments have been received to date.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[Proposed Amendment to UDC Article 6.3 TMED \(Attachment 1\)](#)

[P&Z Minutes \(03/21/11\) \(Attachment 2\)](#)

[Ordinance](#)

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, MARCH 21, 2011**

**ACTION ITEMS**

**Item 8: Z-FY-11-20:** Hold a public hearing to discuss and recommend action on an amendment to Article 6.3, TMED, Temple Medical and Educational District, of the Unified Development Code including additions to the use table concerning nursing home/assisted living, amending parking and garage requirements for special districts, designating specific trees for street tree application and addressing residential applicability.

Ms. Speer stated the TMED standards (text of the document) were approved on January 6, 2011 then the rezoning process went through on February 3rd. 165 residential properties on Avenue M, 3rd and 5th Streets were tabled until future changes were made to residential applicability. Basically, half of TMED was rezoned but not the residential portion.

Ms. Speer briefly reviewed the changes:

General Regulations additions had to do with frontage requirements on 13th and 17th Streets specifically for Scott & White property.

Use Standards for nursing homes/assisted living were added to the table and will also address the first floor requirements for parking structures in the Special Districts.

The private property landscape addition has to do with screening trees on 1st Street.

The Public Frontage section addition includes the requirement for benches at all intersections.

The planting criteria addition talks about new less invasive tree species for street trees; and

The sign clarification addition will change the special district sign portion to be consistent with the regular sign portion..

Concern about applicability of these standards was raised regarding residential properties. Originally the Ordinance stated that if size was increased, even if it was a single family use, compliance with certain aspects of the Code was required. City Council asked for standards to only apply with change in use to non-residential or new construction. A new chart with Residential and Non-Residential Applicability Standards has been separated out. The chart still makes some things apply to residential such as the review process which is an internal staff review. General Standards deal with lot dimensions and setbacks.

§7.4.4 adds off street parking ratio that the rest of the City complies with for single family structures. The City would not regulate coming into compliance with TMED, but if the size were to double, required parking spaces would be required.

§7.7.2 cover metal façade for accessory and primary structures which also applies to the rest of the City.

Once these text amendments are approved and the residential applicability is amended, the plan is to go back to City Council and consider approval of those residential properties. Again, the only time a residential property would have to come into compliance with any of the regulations is when they change use or demolish and start over.

General Regulations for Building Frontage were a Staff initiated change. TMED Avenue (13th & 17th connecting through to Scott & White Blvd. and Avenues U and V) contain a lot of greenfield land area which is owned by Scott & White. There is some concern that the TMED regulations and standards are not being carried through to the green field area. After discussions with S&W, S&W has agreed to comply with the building frontage requirements on these areas.

In the Use Standards, Staff has added nursing home/assisted living to the use standards. This is under T5-e, T5-c, SD-h, and SD-v transects as a limited use in accordance with Commercial standards. This would not be allowed on Avenue M or 5th Street.

Parking Structures was initiated by Temple College after public hearing process. T5-8 standard says “first floor parking structure space in a primary or secondary frontage has to have a retail use.” The proposed language would say, “all structured parking on public frontages in SD districts must adhere to screening requirements (for a parking lot) and plant one additional ornamental tree every 25 feet.” Rather than having to do a retail use on the first floor of the parking structure, they would have to screen it as if it were a parking lot and add an additional ornamental tree.

The final design for street trees in this district would include four small ornamental trees at the intersections but on private property. This only applies on 1st Street due to the larger visibility triangles needed for those intersections.

Public Frontage Pedestrian Benches is a Staff initiated addition. Would require a pedestrian bench at 50% of all intersections, but which two corners would do it? The City would propose that benches are placed at all intersections, similar to downtown, in public right-of-way.

General Planting Criteria changes for street trees were initiated at City Council work session. Concern over potential damage to sidewalks and infrastructure due to tree species was expressed so the options have been limited. Large tree options include Bald Cypress, Arizona Cypress, and Cedar Elm which make for good street and shade trees. Three medium street tree options include Chinese Pistache, Texas Red Oak, and Lacy Oak. Large street trees would be required if there are no overhead utilities, otherwise, medium trees would be utilized.

Sign Standards in Special Districts was Staff initiated. Previously the Ordinance referred to the Design Manual for special district signs but did not clearly state what signs could be done since they were not included. It is proposed to treat special districts the same as the rest and can do all the various types of signs and a warrant is required for a multi-tenant sign. The Veteran's Administration is still exempt from all sign requirements.

Next steps for Code Amendment schedule will be City Council public hearing on April 21, 2011. After the Code Amendments make it through first reading the rezoning will be scheduled so the 165 properties will be rezoned and TMED Phase I will be complete.

Discussion regarding the residential "doughnut" will begin in the summer of 2011 (the hole in the middle of TMED).

Commissioner Sears thanked staff for working on this issue and asked about the benches located at the corners and would the owners of the corner lots pay for the benches? Ms. Speer stated they would. Currently there is a specific bench requirement, a Victor Stanley model, which cost approximately \$1,000 each. With benches require trash receptacles as well. In the future, the City may need to look at a way to assist with that cost, such as with grant money. This cost would not apply to residential properties, just commercial properties on 1st and 3rd Streets.

Commissioner Sears asked how the trees would be purchased and Ms. Speer stated the current Ordinance will not change for street trees. It will be the developer that supplies the landscaping. There has been some discussion about street trees and the tree farm, but it revolved around the residential properties only. Commercial development will still be required to do the street trees which they would obtain on their own. Discussion is ongoing about how to obtain these trees but they are standard trees and easy to find and purchase.

Commissioner Staats asked about the mixture of evergreens or non-evergreens and Ms. Speer stated there was a site mixture requirement for street trees and there are only a couple of evergreen species to choose from. Certain streets would also require certain tree types.

Commissioner Staats asked about the benches and trash receptacles and if there were a possibility of getting some type of locked in price. Ms. Speer stated yes and she has already taken care of that.

Chair Talley opened the public hearing. There being no speakers, the public hearing was closed.

Commissioner Pope made a motion to approve **Z-FY-11-20** as described and Commissioner Sears made a second.

*Motion passed: (8:0)*

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2010-4413, THE “UNIFIED DEVELOPMENT CODE,” SECTION 6.3, ENTITLED “TMED, TEMPLE MEDICAL AND EDUCATIONAL DISTRICT,” INCLUDING ADDITIONS TO THE USE TABLE CONCERNING NURSING HOME/ASSISTED LIVING, AMENDING PARKING AND GARAGE REQUIREMENTS FOR SPECIAL DISTRICTS, DESIGNATING SPECIFIC TREES FOR STREET TREE APPLICATION AND ADDRESSING RESIDENTIAL APPLICABILITY; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on December 16, 2010, the City of Temple adopted Ordinance No. 2010-4413, the “Unified Development Code,” which is a consolidated set of land development regulations related to zoning, platting and site design;

**Whereas**, at its March 21, 2011, meeting the Planning and Zoning Commission voted to amend Section 6.3, TMED, of the Unified Development Code regarding additions to the use table concerning nursing home/assisted living, amending parking and garage requirements for special districts, designating specific trees for street tree application and addressing residential applicability, and the Staff recommends this action; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve 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 Ordinance No. 2010-4413, the “Unified Development Code,” by amending Section 6.3, entitled, “TMED, Temple Medical and Educational District,” regarding additions to the use table concerning nursing home/assisted living, amending parking and garage requirements for special districts, designating specific trees for street tree application and addressing residential applicability, said amendment being more fully described in Exhibit A, attached hereto for all purposes.

**Part 2:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

**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 and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid 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 **21<sup>st</sup>** day of **April**, 2011.

PASSED AND APPROVED on Second Reading on the **5<sup>th</sup>** day of **May**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

**6.3.2 Establishment of Transect Zones**

The TMED zoning district includes two transect zones plus Special Districts (SD) as defined below. The T5 zone contains two subsets, which are denoted by the T5 abbreviation in this Section when referencing both subsets. Four institutional Special Districts are established and denoted by the SD abbreviation in this Section when referencing all four Special Districts.

**A. T4 General Urban Zone**

This transect zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single, side yard and row houses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.

**B. T5-e Neighborhood Edge Zone**

This transect zone consists of a mid-density mixed use but primarily commercial, retail and office urban fabric. It typically has a single row of teaser parking located in front of the principal building, with strong vehicular cross-connection among adjacent properties. It primarily has attached buildings with wide sidewalks, rhythmic street tree planting and buildings set close to the sidewalks.

**C. T5-c Urban Center Zone**

This transect zone consists of higher-density, mixed use buildings that accommodate retail, offices, row houses and apartments. It has a tight network of streets with wide sidewalks, rhythmic street tree planting and buildings set close to the sidewalks.

**D. Special Districts**

These districts consist of institutions with buildings that by their current function, disposition or configuration cannot, or should not, conform to one or more of the transect zones. The referencing to a particular institution in a Special District is as follows:

1. S&W Memorial Hospital and Texas A&M Health Science Center (SD-h)
2. The Central Texas Veterans Health Care System (SD-v)
3. Temple College (SD-c)
4. Temple Independent School District (SD-t)

**6.3.3 Applicability**

The provisions of the TMED zoning district apply to ~~all~~ non-residential and multi-family development as established in the table below.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

<b>Non-Residential &amp; Multi-Family Development Type</b>	<b>Review Process</b>	<b>General Standards</b>	<b>Use Standards</b>	<b>Circulation Standards</b>	<b>Parking and Loading Standards</b>	<b>Bicycle Facility Standards</b>	<b>Private Property Landscaping Standards</b>	<b>Screening Standards</b>	<b>Public Frontage Standards</b>	<b>General Planting Criteria</b>	<b>Architectural Standards</b>	<b>Common Area</b>	<b>Sign Standards</b>	<b>Lighting Standards</b>	<b>Utility Standards</b>
New construction	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Increase in gross floor area of 50% or more or modifications with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Increase in gross floor area of 25%-49% or modifications with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		
Increase in gross floor area of 10%-24% or modifications with a cost equal to 10%-24% of the assessed value of improvements per the current tax roll	✓	✓	✓		✓	✓	✓	✓		✓	✓		✓		
Restoration or rehabilitation of existing structure with no increase in gross floor area	✓					✓					✓		✓		
Interior only restoration or rehabilitation of existing structure with no increase in gross floor area (non-residential & multiple-family)															

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

The provisions of the TMED zoning district apply to single family development as established in the table below.

<b>Single-Family Residential Development Type</b>	<b>Review Process</b>	<b>General Standards</b>	<b>Use Standards</b>	<b>Circulation Standards</b>	<b>Parking and Loading Standards</b>	<b>Bicycle Facility Standards</b>	<b>Private Property Landscaping Standards</b>	<b>Screening Standards</b>	<b>Public Frontage Standards</b>	<b>General Planting Criteria</b>	<b>Architectural Standards</b>	<b>Common Area</b>	<b>Sign Standards</b>	<b>Lighting Standards</b>	<b>Utility Standards</b>
New construction	✓	✓	✓	✓	✓		✓		✓	✓	✓			✓	✓
Change in Use from Single-Family Residential to Multi-family and Non-residential Use (See City Code 12-18 Business Registration)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Increase in gross floor area of 50% or more or modifications with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	✓	✓	✓		7.4.4 Applies						7.7.2 Applies to				
Increase in gross floor area of 25%-49% or modifications with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll	✓	✓	✓		7.4.4 Applies						7.7.2 Applies to				
Increase in gross floor area of 10%-24% or modifications with a cost equal to 10%-24% of the assessed value of improvements per the current tax roll	✓	✓	✓		7.4.4 Applies						7.7.2 Applies to				
Interior or exterior restoration or rehabilitation of existing structure with no increase in gross floor area															

**6.3.4 TMED Site Plan Review Process**

All development in the TMED zoning district must follow the site plan review process as described in Sec. 3.11.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

**6.3.5 General Regulations**

**A. Applicability**

The TMED general regulations in this Section apply to all transect zones.

**B. General to all Districts**

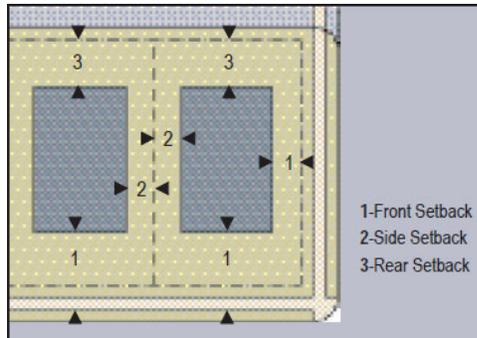
The tables below establish the general requirements for the TMED transect zones as they relate to lot dimensions, setbacks, structure configuration and type permitted.

Lot Dimensional Standards	SD				
	T4	T5-e	T5-c	SD-c; SD-t	SD-v; SD-h
Min. Lot Area	NA	NA	NA	NA	NA
Min. Lot Width (ft.)	18	18	18	NA	NA
Max. Lot Width (ft.)	120	700	700	NA	NA
Min. Lot Depth (ft.)	NA	NA	NA	NA	NA
Max. Lot Depth (ft.)	NA	NA	NA	NA	NA
Max. Impervious Lot Coverage – Res. Uses (%)	70	70	80	NA	NA
Max. Impervious Lot Coverage – Nonres. Uses (%)	80	80	80	NA	NA
Principal Street Frontage Build out (%)	60	80	80	60	NA <u>except</u> 13 <sup>th</sup> /17 <sup>th</sup> , TMED Avenue and Avenue V require 60
Secondary Street Frontage Build out (%)	30	40	40	30	NA <u>except</u> 13 <sup>th</sup> /17 <sup>th</sup> , TMED Avenue and Avenue V require 30

Setback Dimensional Standards	SD				
	T4	T5-e	T5-c	SD-c; SD-t	SD-v; SD-h
Min. Front Yard Setback (ft.)	6	4	4	6	NA
Min. Front Yard Private Landscape Area (see Table I I) (ft.)	6	4	4	6	NA
Max. Front Yard Setback (ft.)	16	12	12	18	NA
Min. Side Yard Setback (ft.)	0	0	0	12	NA
Max. Side Yard Setback (ft.)	NA	30	24	12	NA
Min. Side Yard Setback at Street (ft.)	6	2	2	6	NA
Max. Side Yard Setback at Street (ft.)	10	12	12	18	NA
Min. Rear Yard Setback (ft.)	3	3	3	12	NA
Min. Rear Yard Setback - Rear Entry Garage Only (ft.)	20	20	20	20	20

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational



**C. Permitted Encroachments Into Setbacks**

- The table below establishes encroachments that are permitted in required setbacks. Encroachment must comply with all other standards of this and other applicable Sections of this UDC.

Type of Encroachment	T4			T5 & SD		
	Front	Side	Rear	Front	Side	Rear
Main Entry Stairways, single-family (%)	50	100	--	100	100	--
Main Entry Stairways, multifamily (%)	--	100	--	--	100	--
Balconies, 8' ground clearance required (%)	50	100	--	100	100	--
Awnings, Arcades, Galleries, 8' ground clearance required (%)	50	100	--	100	100	--
Covered Porches (%)	50	100	--	100	100	--
Bay Windows (%)	50	100	50	100	100	50
Fire Escapes (%)	--	100	--	--	100	--
Dining Areas, nonresidential (%)	100 outside of required front yard private landscape area	100	--	100 outside of required front yard private landscape area	100	--

-- = Encroachment not permitted

- Except for row houses or townhouses, buildings are not permitted to overlap property lines.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

**D. Building Configuration**

The table below establishes the building configuration requirements for the TMED transect zones. In the TMED zoning district, height is measured as the distance from finished floor to the top plate.

Setback Dimensional Standards	T4	T5-e	T5-c	SD	
				SD-c; SD-t	SD-v; SD-h
Min. Building Height	1 story	1 story except S. 1 <sup>st</sup> St. requires 2 stories	2 stories	NA	NA
Max. Building Height	3 stories	3 stories	5 stories	NA	NA
Minimum Story Height	12'	12'	14'	NA	NA
Minimum Density (residential units per acre)	NA	8 units per acre	24 units per acre	NA	NA
Maximum Density (residential units per acre)	14 units per acre	24 units per acre	40 units per acre	NA	NA
Maximum Density by Warrant (residential units per acre)	24 units per acre	30 units per acre	60 units per acre	NA	NA
Maximum Residential Units Per Attached Structure	6	10	10	NA	NA
Maximum Accessory Structure	1 per residential lot	1 per residential lot		--	

-- = Not permitted

**6.3.6 Use Standards**

**A. Applicability**

The TMED use standards in this Section apply to all transect zones.

**B. Prohibited Uses**

In addition to those uses prohibited in Sec. 5.1.1, the following uses are prohibited in the TMED zoning district:

1. Agricultural Uses as listed in the use table in Sec. 5.1.3;
2. Auto parts sales;
3. Commercial Uses as listed in the use table in Sec. 5.1.3;
4. Industrial Uses as listed in the use table in Sec. 5.1.3;
5. Kiosk;
6. Natural Resource Storage and Extraction Uses as listed in the use table in Sec. 5.1.3;
7. Package store;
8. Two-family dwelling (Duplex); and
9. Vehicle Sales and Service Uses as listed in the use table in Sec. 5.1.3.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

**C. Legend for Interpreting Use Table**

The table below establishes the meaning of the symbols used in the use table in subsection D.

Symbol	Meaning
P	Permitted by right in district indicated
L	Permitted by right subject to limitations in district indicated
C	Requires Conditional Use Permit in district indicated
[blank cell]	Prohibited in district indicated

**D. Use Table**

The following principal uses are permitted by right, permitted subject to limitations or require a Conditional Use Permit approved in accordance with Sec. 3.5.

	T4	T5-e	T5-c	SD-t	SD-h	SD-v	SD-c	Standards
<b>RESIDENTIAL USES</b>								
Multiple-family dwelling		L	L				P	T5-e: 3 T5-c: 12
Live/work unit	P	P	P					
Single-family attached dwelling, Row house or Townhouse (3 or more attached units)	P	P	P				P	
Single-family detached dwelling	P	P						
Accessory dwelling unit	L	L	L					7
<b>NONRESIDENTIAL USES</b>								
<b>Educational &amp; Institutional Uses</b>								
<u>Assisted Living/Nursing Home</u>		<u>L</u>	<u>L</u>		<u>L</u>	<u>L</u>		<u>14</u>
Bus shelter	P	P	P	P	P	P	P	
Childcare: family home	L	L	L					9
Childcare: group day care center	L	L	L	L	L	L	L	9
Childcare: group day care home	L	L	L					9
College		P	P	P	P	P	P	
Commercial surface parking lot					L	L	L	5
Convention, conference or exhibition center		P	P	P	P	P	P	
Drug store or pharmacy (drive-thru permitted)	L	L	L		P	P		T4: 1,2 T5: 2
Fountain or public art	P	P	P	P	P	P	P	
Governmental use	P	P	P	P	P	P	P	
Hospital			P		P	P		
Library		P	P	P	P	P	P	
Medical clinic		P	P		P	P	P	
Medical office or lab	L	P	P		P	P	P	I
Museum	L	P	P	P	P	P	P	I

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

	<b>T4</b>	<b>T5-e</b>	<b>T5-c</b>	<b>SD-t</b>	<b>SD-h</b>	<b>SD-v</b>	<b>SD-c</b>	<b>Standards</b>
Park, playground, open space	P	P	P	P	P	P	P	
Parking structure		L	L	L	L	L	L	T5: 8 SD: 13
Place of worship	P	P	P	P	P	P	P	
Pre-school	L	L	L	L	L	L	L	9
Public or private education facility	P	P	P	P	P	P	P	
Research facility		L	P	P	P	P	P	6
Trade or vocational school		P	P	P	P	P	P	
<b>Entertainment &amp; Recreation, Office and Retail Sales &amp; Service</b>								
Alcoholic beverage sales for on-premise consumption – Less than 50% revenue		C	C					
Alcoholic beverage sales for on-premise consumption – Less than 75% revenue			C					
Bar - Alcoholic beverage sales for on-premise consumption – More than 75% revenue			C					
Drug store or pharmacy (drive-thru permitted)	L	L	L		P	P		T4: 1,2 T5: 2
Financial institution (drive-thru permitted)	L	L	L		L	L	L	T4: 1, 10 T5: 10 SD: 10
Fuel sales		L						11
Live Theatre (indoor)		P	P	P	P	P	P	
Live Theatre (outdoor)		P	P	P	P	P	P	
Movie Theatre			P	P	P	P	P	
Office	L	P	P	P	P	P	P	I
Outdoor Auditorium/Stadium			P	P	P	P	P	
Restaurant (no drive-thru permitted)	L	P	P		P	P	P	I
Retail Sales not listed above (no drive-thru permitted)	L	P	P		P	P	P	I
Retail Service not listed above (no drive-thru permitted)	L	P	P		P	P	P	I
<b>Overnight Accommodations</b>								
Hotel		L	L		L			4
Bed and breakfast (max. 5 sleeping rooms)	P							
School dormitory			P		P	P	P	

**E. Specific Use Standards**

The following specific limitations apply to uses with the “L” designation in the use table above.

1. Uses are limited to a maximum of gross floor area of 10,000 square feet.

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

2. In addition to vehicle space in front of drive-through window, three spaces are required for stacking in the drive-through. The drive-through is only permitted to the rear or side of the principal building.
3. Multiple-family dwellings are permitted only if they are part of a mixed use development in which 40 percent of the nonresidential uses are constructed with or prior to multiple-family construction.
4. Hotels are permitted in accordance with the following provisions:
  - a. External balconies and walkways must be set back 200 feet from any residential zoning district.
  - b. Hotel staff must be present on-site 24 hours a day.
  - c. All rooms must be accessed through an internal hallway, lobby or courtyard. Exterior entrances to individual rooms are prohibited.
  - d. The hotel site must contain a minimum of three amenities from the list below:
    - i. Indoor/outdoor pool;
    - ii. Spa/sauna;
    - iii. Weight room/fitness center;
    - iv. Playground;
    - v. Sports court;
    - vi. Plaza/atrium;
    - vii. Game room;
    - viii. Conference room (1,000 square foot minimum); or
    - ix. Full service restaurant (minimum seating capacity of 35).
5. All commercial surface parking lots must adhere to screening requirements in subsection 6.3.10D.5.
6. Overhead doors are prohibited.
7. Accessory dwelling units are only permitted on lots with single-family detached structures. Accessory dwelling units are not permitted in the required garage. Accessory dwelling units must comply with all setback and coverage requirements. Accessory dwelling units count toward the maximum of one accessory structure per lot.
8. Parking structures must integrate commercial uses on the first floor on primary and secondary frontages. Parking structures must be treated the same as nonresidential structures for the application of TMED standards.
9. The Specific Use Standards in Sec. 5.3 apply to these uses.
10. The drive-through is only permitted to the rear or side of the principal building and must be screened in accordance with parking lot screening requirements in subsection ~~6.3.10D.5~~~~6.3.10E~~.

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

11. Fuel stations are only permitted on South 31st Street. Fuel pumps must be located to the rear or side of the principal building and must be screened in accordance with parking lot screening requirements in subsection ~~6.3.10D.56.3-10E~~. The number of pumps is limited to eight fueling stations.
12. Multiple-family dwellings are not permitted on the first floor of structures fronting on collectors or arterials without approval of a Warrant.
13. All structured parking on public frontages in SD districts must adhere to screening requirements in subsection 6.3.10D.5. In addition to screening requirements, one additional ornamental tree must be planted every 25'.
14. All non-residential standards apply.

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**F. Uses Not Addressed**

Uses not specifically addressed in the use table above are prohibited unless the Planning Director determines the use to fall into a permitted category.

**G. Outdoor Storage**

Outdoor storage is not permitted in TMED. Prohibited outdoor storage includes open storage, portable containers, portable buildings or any other structure not fixed onto a permanent slab and that adheres to the architectural standards defined in Sec. 6.3.13.

**H. Outdoor Retail Display**

1. Commodities must not be displayed outdoors for sale in a transect zone or Special District where such sale is not an allowed use.
2. Commodities must not be displayed outdoors for sale in the TMED zoning district, except that temporary outdoor display for a sidewalk sale is permitted that does not extend more than five feet from a front façade and reserves at least five feet of sidewalk or walkway for pedestrian use.

**I. Home Occupations**

Home Occupations are permitted in accordance with the standards in Sec. 5.5.4.

**6.3.7 Circulation Standards**

**A. Applicability**

The TMED circulation standards in this Section apply to all transect zones unless otherwise stated in individual subsections.

**B. Thoroughfare Standards**

1. Cul-de-sacs are prohibited in the TMED zoning district.
2. New thoroughfares must comply with the Design and Development Standards Manual.

**C. Block Perimeter**

The table below establishes maximum block perimeter requirements for all newly constructed streets in the TMED zoning district.

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

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	<b>T4</b>	<b>T5-e</b>	<b>T5-c</b>	<b>SD</b>
<b>Maximum Block Perimeter</b>	2,500	2,500	2,000	NA

**D. Access and Connectivity**

**1. General**

- a. Access and Connectivity standards do not apply to Special Districts.
- b. Nonresidential driveway connections to adjacent property must be provided.
- c. All driveway connections must be constructed and stubbed or connected to any existing stub.
- d. Driveway spacing must be based on the Design and Development Standards Manual and the appropriate alignment with any existing or proposed median breaks as approved by the City Engineer.
- e. The requirement for a driveway connection may be waived by the Planning Director when unusual topography or site conditions would make such a driveway or access easement useless to adjoining properties.

**2. Specific to T5-e on First Street**

In order to reduce the number of pedestrian and vehicular conflicts at sidewalk and driveway intersections, driveway cuts are limited to a maximum of two per block face, regardless of currently allotted driveway cuts.

**6.3.8 Parking and Loading Standards**

**A. Applicability**

The TMED parking and loading standards in this Section apply to all transect zones unless otherwise stated in individual subsections.

**B. Required Parking Ratios**

- 1. Required Parking Ratios do not apply to Special Districts.
- 2. The standards in Sec. 7.4.4 apply with the following exceptions:
  - a. The minimum requirements for all nonresidential uses and multiple-family uses are reduced by 25 percent.
  - b. If parking in excess of 100 percent of the minimum parking spaces required is provided, additional landscaping area and planting equivalent to two percent of the parcel's impervious cover must be provided per each additional parking space.

**C. Parking Space Dimensions**

The standards in Sec. 7.4.5 apply to parking space dimension.

**D. Parking Requirements for New or Unlisted Uses**

The standards in Sec. 7.4.6 apply for uses that are determined to be permitted by the Planning Director.

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**E. Off-Street Loading Regulations**

The standards in Sec. 7.4.7 apply with the following exceptions:

1. Common or shared loading and delivery entrances must be provided between adjacent buildings or developments.
2. Off-street loading areas and truck staging areas must be located in the rear yard and must not be visible from the public right-of-way.

**F. Shared Parking**

The total amount of parking required may be adjusted according to the shared parking factor established in the table to the right to determine the effective parking. The shared parking factor is available for any two uses within any pair of adjacent property.

Use	With	Use
Residential		Residential
Overnight Accom.		Overnight Accom.
Office		Office
Retail Sales & Svc.		Retail Sales & Svc.

1	1	1	1	1	1
1.4	1	1.4	1	1.4	1
1.2	1.7	1.7	1.7	1.2	1.2
1.3	1	1	1	1.3	1.3
1.2	1.2	1.2	1.2	1.2	1.2
1	1	1	1	1	1

**G. Parking Location**

**1. General**

All surface parking shall be constructed on-site in accordance with the following standards:

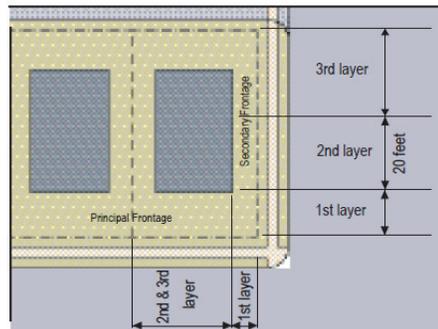
- a. Surface parking areas must be screened from all public rights of way by a building or screen in accordance with Screening Standards.
- b. Surface parking areas must be constructed with curb and gutter.

**2. Single-Family Detached or Attached Dwelling, Townhouses, Row Houses and Live/Work Units**

All parking areas and garages must be located at the second or third layer of the principal frontage, and must be accessed by rear alleys.

**3. Mixed Use, Multiple-family and Nonresidential Uses**

- a. Mixed use, multiple-family and nonresidential driveways must be no wider than 24 feet in the first layer.
- b. All parking areas and garages must be located at the second or third layer of the principal frontage, and must provide access to rear alleys.



**4. Alleys**

When alleys are not in existence, right of way must be dedicated and access drive constructed as part of the development. Alleys must be constructed in accordance with the Design and Development Standards Manual.

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**H. Specific to Zone T5-e on First Street**

1. A single row of teaser parking not exceeding 40 feet in pavement depth is permitted parallel to South 1st Street.
2. Where parking is located in the front of the building there must be a minimum setback of ten feet from the right-of-way line to the parking area.

**I. On-Street Parking**

1. On-street parking spaces may be located on streets as identified in the table in subsection 6.3.11B.5.
2. On-street parking may be used to satisfy 50 percent of the off-street parking standards for nonresidential uses excluding multiple-family dwellings.
3. On-street parking may only be achieved through parallel parking.

**6.3.9 Bicycle Facility Standards**

**A. Applicability**

The TMED bicycle facility standards in this Section apply to all transect zones.

**B. Bicycle Facilities**

1. The table below establishes minimum required bicycle rack spaces.

Transect Zone	Min Required Bicycle Rack Spaces
T4	1 per 8 nonresidential spaces
T5-e	1 per 15 required parking spaces
T5-c	1 per 10 required parking spaces
SD	1 per 10 required parking spaces (not to exceed 25 per project)

2. Bicycle facilities must be placed in clearly designated, safe and convenient locations, so that no tenant entrance is greater than 200 feet from a bike facility.
3. Bike facilities must be separated from motor vehicle parking in order to protect both bicycles and vehicles from accidental damage. Facilities must be separated from the building or other walls, landscaping, other features a minimum of three feet to make such facilities easy to use.
4. Refer to the TMED Design Criteria Manual for the specific bicycle facility models and styles that are permitted in the TMED zoning district.

**6.3.10 Private Property Landscape Standards**

**A. Applicability**

The TMED private property landscape standards in this Section apply to all transect zones.

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**B. General Site Landscape**

1. A minimum percentage of the total area of the private property on which development, construction or reconstruction is proposed must be dedicated to landscape area including trees, shrubs, groundcover, sod or other living plant material.
2. The table below establishes minimum site landscape requirements for the TMED transect zones.

Transect Zone	Minimum Landscape Area (%)	Minimum Trees and Shrubs Per Lot	
		Single-Family Detached or Attached Dwelling, Row House, Townhouse	Multi-family, Mixed Use or Other Uses
T4	30	2 Trees per lot 2 Shrubs per 10' front foundation	NA
T4	20	NA	1 tree and 4 shrubs per 500 sq ft landscape area
T5-e	20	2 Trees per lot 2 Shrubs per 10' front foundation	1 tree and 4 shrubs per 600 sq ft landscape area
T5-c	20	2 Trees per lot 2 Shrubs per 10' front foundation	1 tree and 4 shrubs per 600 sq ft landscape area
SD	NA	NA	1 tree and 4 shrubs per 1,000 sq ft landscape area

**C. Tree Mix**

1. Private property trees must be selected from the table in subsection 6.3.12B.
2. A minimum of 50 percent of required trees must be selected from the medium or large size tree list.
3. A minimum of 50 percent of required trees must be evergreen species.

**D. Parking Lot Landscaping**

1. Landscaped parking islands are required in all parking lots.
2. One landscaped island must be provided for every 10 parking spaces. Islands may be located throughout the parking lot except all parking rows must begin and terminate in a curbed landscape island.
3. Islands must be a minimum of 170 square feet in area and eight feet in width back-of-curb to back-of-curb. One small or medium tree from the approved planting list is required in each island.
4. All islands must be raised at least six inches, curbed and planted with approved landscaping materials.
5. Parking islands shrubs, trees and landscape area may be counted towards the general site landscaping requirements established in Sec. 6.3.10.

**E. Parking Lot Screen**

This subsection applies to nonresidential and multiple-family development and uses in TMED.

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1. All parking must be screened from public rights-of-way a minimum 36 inches in height, through one of the following methods:
  - a. Planting screen of evergreen shrubs;
  - b. Masonry wall;
  - c. Combination of evergreen shrubs and berm; and
  - d. Combination of evergreen shrubs and wall.
2. Planted screening must be capable of providing a solid, opaque 36-inch screen within two years, and must be planted in a prepared bed that is at least three feet in width.
3. Parking lot screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Sec. 6.3.10.
- 3.4. In addition to required parking lot screen shrubs, four small canopy street trees are required in accordance with the Design and Development Standards Manual on First Street at all intersections.

**F. Screening of Mechanical Equipment**

This subsection applies to all nonresidential and multiple-family development and uses in TMED.

1. All roof, ground and wall-mounted mechanical equipment (e.g., air handling equipment, compressors, duct work, transformers and elevator equipment) must be screened from view or isolated so as not to be visible from any residential districts or uses, streets, rights-of-way or public park areas within 150 feet of the property line of the subject lot or tract, measured from a point five feet above grade in accordance with this Section.
2. Roof-mounted mechanical equipment must be shielded from view on all sides using parapet walls.
3. Wall or ground-mounted equipment screening must be constructed of:
  - a. Vegetative screens; or
  - b. Brick, stone, architecturally finished concrete, or other similar masonry materials; and
  - c. All fence or wall posts must be concrete-based masonry or concrete pillars.
4. Exposed conduit, ladders, utility boxes and drain spouts must be painted to match the color of the building.
5. Mechanical equipment screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Sec. 6.3.10.

**G. Screening of Waste Containers**

This subsection applies to all nonresidential and multiple-family development and uses in TMED.

1. Waste containers must be located on the rear of the building and screened from public view to minimize visibility. If the property has two public frontages the waste container must be placed on the side of the structure.

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2. Waste containers must be located a minimum of 50 feet away from any residential use or district's property lines with the exception of multiple-family.
3. Waste containers must be screened on all four sides, using an enclosure that screens the waste container from view at the property line.
4. Screening must be at least as tall as the waste container(s) and comprised of materials and color schemes that are visually and aesthetically compatible with the overall project that incorporate the following:
  - a. Brick;
  - b. Stone;
  - c. Stucco;
  - d. Architecturally finished concrete; or
  - e. Other similar masonry materials.
5. Waste containers with fence posts must be rust-protected metal, concrete based, masonry or concrete pillars; and waste containers must have six-inch concrete filled steel pipes (bollards) that are located to protect the enclosure from truck operations and not obstruct operations associated with the waste container.
6. Waste container enclosures must have steel gates with spring-loaded hinges or the equivalent and fasteners to keep them closed. When in use, tie-backs must be used to secure the steel gates in the open position.
7. Waste container screening must be maintained by the owner at all times.
8. The ingress, egress, and approach to all waste container pads must conform to fire lane requirements.
9. Waste container pad and aprons requirements must be constructed in accordance with the Design and Development Standards Manual.
10. Waste container screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Sec. 6.3.10.

**H. Screening of Loading Docks**

This subsection applies to all nonresidential development and uses in TMED.

1. Loading and service areas must be located at the rear of the building and screened from public view to minimize visibility. If the property has two public frontages the waste container must be placed on the side of the principal building.
2. Loading areas must not be located closer than 50 feet to any single-family lot, unless wholly within an enclosed building.
3. Off-street loading areas must be screened from view from any street or adjacent property of differing land use.
4. All loading areas must be enclosed on three sides by a wall or other screening device a minimum of eight feet in height.
5. Loading areas that are visible from any public right-of-way must also include a combination of evergreen trees and shrubs that will result in solid opaque vegetative

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screening a minimum of eight feet in height within two years of planting. The planting area must be a prepared bed that is at least three feet in width.

6. Loading dock screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Sec. 6.3.10.

**I. Fence and Wall Standards for All Uses**

This subsection applies to all development and uses in TMED.

1. Fences and walls on the primary and secondary frontage may have a maximum height of three feet.
2. Fences and walls to the rear of the site may have a maximum height of six feet, unless they are required for loading dock screening.
3. Fencing and walls must not be placed within the required line of sight as determined by the sight triangle established in Sec. 4.4.8.
4. Chain link, barbed wire, razor wire and metal or corrugated panels are prohibited.

**J. Nonresidential and Multiple-Family Uses**

This subsection is applicable to all nonresidential and multiple-family development and uses in TMED.

1. Fences and walls must be constructed of decorative blocks, brick, stone, vinyl, woodcrete and wrought iron. Alternative materials may be approved by Warrant.
2. Breaks in the fence or wall must be made to provide for required pedestrian connections to the perimeter of the site and to adjacent developments.

**K. Single-Family Uses**

This subsection is applicable to all single family-detached or attached dwelling, row house and townhouse uses in TMED. Fences and walls must be constructed of decorative blocks, brick, stone, vinyl, wood, woodcrete and wrought iron. Alternative materials may be approved by Warrant.

**6.3.11 Public Frontage Standards**

**A. Applicability**

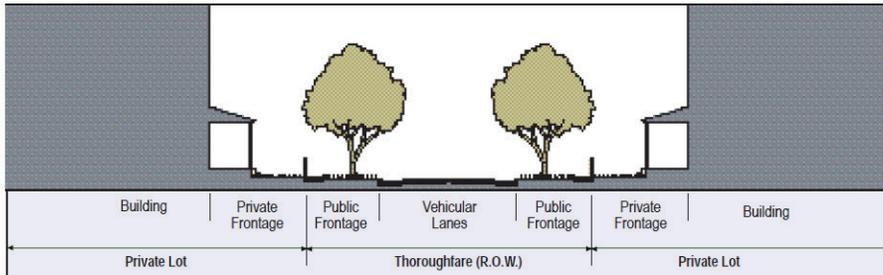
The TMED public frontage standards in this Section apply to all transect zones.

**B. Public Frontage**

1. Public frontage is the space between the existing or proposed back-of-curb and the property line.
2. Total public frontage depth is measured from back-of-curb. If existing right-of-way does not accommodate all requirements, private property must be used to account for the additional required depth.
3. Refer to the TMED Design Criteria Manual for examples of Public Frontage requirements.
4. Curb and gutter installation is required.

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5. The table below establishes five public frontage types and assigns standards to each public frontage type.

Public Frontage Type	On-Street Parking Permitted	Total Public Frontage Depth (ft.)	Street Yard Planting Strip (ft.)	Sidewalk Width (ft.)
Type A (Arterial)	No	20	10	10
Type B (Urban 1)	No	12	6	6
Type C (Urban 2)	Yes	14	6	8
Type D (Urban 3)	No	14	6	8
Type E (Collector/ Local)	Yes	12	6	6

**C. Public Frontage Implementation**

The table below assigns specific streets in the TMED zoning district with a public frontage type.

Street Name	Type A	Type B	Type C	Type D	Type E
New Streets in T4			✓		✓
New Streets in T5-c			✓		
New Streets in SD		✓	✓		✓
1st Street	✓				
5th Street from Friar's Creek to Avenue V	✓				
5th Street North of Avenue V		✓			
25th Street		✓			
S 31st Street (trail on west side)				✓	
13th Street				✓	
17th Street				✓	
West Avenue R (trail on north side)				✓	
West Avenue M					✓
All others					✓

## D. Public Frontage Landscape Standards

### 1. Street Trees

- a. One tree per 25' linear street frontage is required. Trees must be planted in a regularly spaced pattern. Spacing of trees may be offset to allow a view corridor into the primary entry of a nonresidential use.
  - i. Type A, B, C and D Public Frontage  
Street trees must be a single species selected from the table in subsection 6.3.12B.
  - ii. Type E Public Frontage.  
Street trees must be an alternating species selected from the table in subsection 6.3.12B.
- b. Public frontage trees must be planted within the required street yard planting strip adjacent to the back-of-curb.
  - i. Type A Public Frontage  
Trees must be planted seven and one-half feet from back-of-curb in the required planting strip.
  - ii. Type B, C, D, and E Public Frontage  
Trees must be planted a minimum three feet from back-of-curb in the required planting strip.
- c. Large canopy trees must be planted if overhead utilities are not present. Medium canopy trees must be planted if overhead utilities are present.

### 2. Planting Area

- a. **Type A, B, C and D Public Frontage**  
The street yard planting strip must be planted in evergreen groundcover as shown in the table in subsection 6.3.12C at a rate of one one-gallon container per 4 square feet of street yard planting area.
- b. **Type E Public Frontage**  
The street yard planting strip must be planted in living evergreen groundcover as shown on the approved groundcover list at a rate of one one-gallon container per five square feet of street yard planting area or approved sod material as listed in General Planting Criteria.

## E. Public Frontage Sidewalk Standards

1. Sidewalks must extend the entire length of the development's frontage on a public street and must be constructed in accordance with the Design and Development Standards Manual and related provisions in this UDC.
2. Sidewalks must be constructed before the Director of Construction Safety issues a Certificate of Occupancy.

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3. Sidewalks must connect to existing adjacent sidewalks, or be designed and placed to allow connection to future adjacent sidewalks.
4. Sidewalks of different widths must be transitioned within a length of sidewalk by two expansion joints not less than six feet apart as required by Texas Accessibility Standards.
5. Sidewalks must connect to parking within the lot and to primary entrances of each nonresidential building.
6. Pedestrian walkways must also connect the principal building entrances to all associated outdoor amenities, such as courtyards and other outdoor gathering places.
7. Residential sidewalks must be installed from the primary entrance of the residence to the perimeter street sidewalk system.

**F. Public Frontage Amenities**

In addition to required landscaping and sidewalks, pedestrian amenities are required as follows:

1. Benches must be provided at ~~50% of~~ all intersections within the public ROW surrounding the development. Refer to the TMED Design Criteria Manual for the specific bench models and styles that are permitted in the TMED zoning district.
2. Trash receptacles must be placed next to required seating areas. Refer to the TMED Design Criteria Manual for the specific trash receptacle models and styles that are permitted in the TMED zoning district.
3. Pedestrian-scale lighting must be provided at all intersections and at 100' intervals along all public and private roadways within the development. Refer to the TMED Design Criteria Manual for the specific pedestrian-scale lighting models and styles that are permitted in the TMED zoning district.

**G. Public Frontage Hike and Bike Trail Implementation**

Hike and bike trail dedication is required for implementation of the Citywide Trails Master Plan.

**6.3.12 General Planting Criteria**

**A. Applicability**

The TMED general planting criteria in this Section apply to all transect zones.

**B. Approved Tree List**

The table below lists the tree species that are eligible to fulfill the tree planting requirements in TMED. Other species for plantings other than street trees, may be determined acceptable at the discretion of the Planning Director and City Arborist.

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<b>Large Canopy Trees</b>			
<b>Common Name</b>	<b>Scientific Name</b>	<b>Type</b>	<b>Street Tree</b>
American Sycamore	<i>Platanus occidentalis</i>	Deciduous	
Cypress, Bald	<i>Taxodium distichum</i>	Deciduous	Yes
Cypress, Arizona	<i>Cupressus arizonica</i>	Evergreen	Yes
Elm, Cedar	<i>Ulmus crassifolia</i>	Deciduous	Yes
Oak, Chinkquapin	<i>Quercus muhlenbergii</i>	Deciduous	
Oak, Live	<i>Quercus virginiana</i>	Evergreen	
Pecan	<i>Carya illinoensis</i>	Deciduous	
Southern Magnolia	<i>Magnolia grandiflora</i>	Evergreen	
<b>Medium Canopy Trees</b>			
<b>Common Name</b>	<b>Scientific Name</b>	<b>Type</b>	<b>Street Tree</b>
Chinese Pistache	<i>Pistacia chinensis</i>	Deciduous	Yes
Elm, Lacebark	<i>Ulmus parvifolia</i>	Deciduous	
Oak, Lacey	<i>Quercus laceyi</i>	Deciduous	Yes
Oak, Mexican White	<i>Quercus polymorpha</i>	Deciduous	
Oak, Texas Red	<i>Quercus texana</i>	Deciduous	Yes
<b>Small Trees</b>			
<b>Common Name</b>	<b>Scientific Name</b>	<b>Type</b>	<b>Screening Street Trees (1st Street only)</b>
Buckeye, Mexican	<i>Ungnadia speciosa</i>	Deciduous	
Crape Myrtle	<i>Lagerstroemia indica</i>	Deciduous	Yes
Holly, Yaupon	<i>Ilex vomitoria</i>	Evergreen	Yes
Laurel, Texas Mountain	<i>Sophora secundiflora</i>	Evergreen	
Persimmon, Texas	<i>Diospyros texana</i>	Deciduous	
Pistache, Texas	<i>Pistacia texana</i>	Deciduous	Yes
Plum, Mexican	<i>Prunus mexicana</i>	Deciduous	
Possumhaw Holly	<i>Ilex decidua</i>	Deciduous	
Redbud, Eastern	<i>Cercis canadensis</i>	Deciduous	Yes
Southern Wax Myrtle	<i>Myrica cerifera</i>	Evergreen	
Vitex (Chaste Tree)	<i>Vitex agnus castus</i>	Deciduous	
Willow, Desert	<i>Chilopsis linearis</i>	Deciduous	

**C. Approved Groundcover List**

The table below lists the groundcover species that are eligible to fulfill the groundcover planting requirements in TMED.

<b>Groundcover</b>		
<b>Common Name</b>	<b>Scientific Name</b>	<b>Type</b>
Asian Jasmine	<i>Trachelospermum asiaticum</i>	Evergreen
English Ivy	<i>Hedera helix</i>	Evergreen
Liriope	<i>Liriope muscari</i>	Evergreen
Monkey Grass (Mondo Grass)	<i>Ophiopogon japonicus</i>	Evergreen

**D. Approved Shrubs**

Shrubs must be appropriate perennial and evergreen species for the Central Texas region.

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**E. Landscape Installation**

**1. Trees**

- a. All required large trees must be a minimum of three inches in diameter at breast height or 65-gallon container size at planting.
- b. All required medium trees must be a minimum of two and one-half inches in diameter at breast height at planting.
- c. All required small trees must be a minimum of two inches in diameter at breast height at planting at planting.

**2. Shrubs**

All required shrubs must be a minimum three-gallon container size at planting.

**3. Groundcover**

All required groundcover must be a minimum one-gallon container size at planting.

**4. Lawn Grass**

- a. Grass areas must be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia or Buffalo.
- b. Grass areas must be sodded, plugged, sprigged, or seeded. However, solid sod must be used in swales, berms or other areas subject to erosion.

**5. Landscape Maintenance**

- a. All new plant material must be planted and maintained in accordance with the latest edition of the American National Standards Institute requirements for Tree, Shrub, and Other Woody Plant Maintenance (ANSI A300 Parts 1 through 6).
- b. All required public frontage and private frontage landscaping must be maintained in good condition after installation. The owner must replace any plant material that ever becomes diseased, deteriorates or dies within 30 days of death of the plant material.

**6. Irrigation**

Permanent irrigation is required for all landscape. City Code Chapter 7, Buildings, Article 7, Landscape Irrigation Standards, applies in its entirety.

**6.3.13 Architectural Standards**

**A. Applicability**

The TMED architectural standards in this Section apply to all transect zones unless otherwise stated in individual subsections.

**B. Materials Required**

- 1. The exterior finish material on all facades is limited to brick, stone, cementitious siding and stucco.

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2. Cementitious siding is limited to a maximum 20 percent per façade plane for multiple-family and nonresidential uses.
3. A minimum of two distinct materials are required on all facades. Materials may be combined on each facade only horizontally, with the heavier below the lighter.
4. Balconies and porches must be made of painted wood, concrete or metal.

**C. Accent Materials**

The following may be permitted as accent materials for a maximum of 20 percent of each façade face:

1. Tile;
2. Exterior Insulation Finishing System (EIFS);
3. Wood Siding or shingles;
4. Architecturally finished concrete block;
5. Architectural metal; and
6. Other materials may be approved by warrant.

**D. Building Design**

Building design standards do not apply to Special Districts. The table below establishes building design requirements based on the type of use in the T4 and T5 transect zones.

Design Element	Single-Family Detached	Single-Family Attached, Row House, Townhouse	Multiple-Family and Mixed Use Structures	Nonresidential Structures
Roof Pitch	Pitch roof – minimum 5:12  Flat roof – require parapet screening minimum of 42 inches high, or as required to conceal mechanical equipment  Shed roof, porch roof and arcade roofs - minimum 2:12.			
Permitted Roof Materials	30 year asphalt shingles Standing seam metal Tile Other materials as approved by the Planning Director			
Roof Articulation (does not apply to flat roofs)	1 Elements from the following: • 2 roof materials: • Masonry chimneys • Dormers along public façade (1/20') • Eaves that overhang a minimum of 24" with a minimum fascia depth of 8"			
Vertical Articulation	No more than 20 linear feet (horizontally) without a minimum 5' offset	No more than 50 linear feet (horizontally) without a minimum 5' offset	No more than 50 linear feet (horizontally) without a minimum 5' offset	
Horizontal Articulation	No more than 20 linear feet (horizontally)	No more than 50 linear feet (horizontally) without a minimum 5' offset		

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<b>Design Element</b>	<b>Single-Family Detached</b>	<b>Single-Family Attached, Row House, Townhouse</b>	<b>Multiple-Family and Mixed Use Structures</b>	<b>Nonresidential Structures</b>
	without a minimum 5' offset  Minimum one horizontal offset per building	Minimum one horizontal offset per building		
Transparency (windows and doors)	Minimum 30% of all public facades must be doors and windows Burglar bars or other exterior coverings are prohibited Overhead or roll up doors are prohibited on primary or secondary frontages.			
Window and Door Treatment	Minimum 4" trim required on all windows and doors appropriate to style of structure			NA
Window Articulation	50% of all public façade windows must include one of the following: • Balcony (accessible for single units) minimum 2' deep • Trellis • Shed roof awning • 20" projection • Bay window • Transom Windows • Shutters	25% of all public façade windows must include one of the following: • Balcony (accessible for single units) minimum 2' deep • Trellis • Shed roof awning • 20" projection • Bay window • Transom Windows • Shutters		NA
Façade Repetition	No elevation shall be repeated on the same block	All units must be designed to have distinct characteristics	Residential units must be designed to appear as townhome units with entries onto the public façade	NA
Top Floor Articulation	Shall contain a distinctive finish, consisting of cornice, banding or other architectural termination			
Building Orientation	All buildings must be oriented towards the public right of way or public open space			
Primary Entry Location	Main entrances must be from a public sidewalk or common open space (if not adjacent to Public ROW)			
Entry Articulation	Entry must be covered or inset with distinct architectural detail such as:			
Building Access – Ground Floor Residential Units	50% of residential entrances must be raised from the finished ground floor level of the sidewalk a minimum of 15"		50% of all ground floor units adjacent to a public ROW must have exterior entrances from a public sidewalk or common open space. Entrances must be raised from the finished ground	NA

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Design Element	Single-Family Detached	Single-Family Attached, Row House, Townhouse	Multiple-Family and Mixed Use Structures	Nonresidential Structures
			floor level of the sidewalk a minimum of 15"	
Building Access – Above Ground Floor Residential Units	NA		Multi-family uses above the ground floor shall have interior unit entrances from a centralized corridor except:  Exterior stairs are permitted for access to second and third floor units only if they are oriented towards a central courtyard not visible from any street	NA

**6.3.14 Parking and Garage Standards**

The table below establishes parking and garage standards. Parking and garage standards do not apply to Special Districts.

Design Element	Single-Family Detached	Single-Family Attached, Row House or Townhouse	Multiple-Family and Mixed Use Structures
Enclosed Garage Required	1 (20x20) space per unit	1 (10x20) space per unit	1 (10x20) space per 2 units
Minimum Driveway Width	20'	10'	
Garage Integration	Attached and Detached <del>is</del> <b>are</b> permitted	50% of all required garages must be integrated into primary structures	
Garage Location general	Garages are not permitted to front onto Public Streets		
Garage Materials	Same materials and mix as primary structures		

**6.3.15 Private Property Common Area Standards**

- A. Private property common area requirements do not apply to Special Districts or single-family detached and single-family attached residential uses in T4 and T5.
- B. Common area requirements are in addition to required public and private landscaping.
- C. Multiple open space areas may be created, however all open space areas must contain a minimum of 100 sq ft.
- D. Common areas must have defined edges, either through grade change, perimeter edging or the integration of buildings as perimeter edging.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

- E. The table below establishes minimum private property common area standards for the TMED zoning district.

<b>Design Element</b>		<b>Multi-Family and Mixed Use Structures</b>	
Minimum Common Area Size		Minimum 500 sq ft and additional 100 sq ft per 1000 sq ft gross floor area	
Common Area Amenities		For each 5,000 sq ft of open space required a minimum of 1 amenity from the following: <ul style="list-style-type: none"> <li>• 1 Water feature</li> <li>• 1 Pavilion, gazebo, or other covered outdoor space (minimum 144 sq ft)</li> <li>• Sculpture garden</li> </ul>	
		For each 200 sq ft of open space provided a minimum of 1 amenities from the following: <ul style="list-style-type: none"> <li>• 1 Bench or seating area (4 seats minimum)</li> <li>• 1 Dining area (4 seats minimum)</li> <li>• 1 Tree (3" caliper at the time of planting)</li> <li>• 2 Large Planters</li> <li>• Decorative paving (2 locations) (minimum 64 sq ft)</li> <li>• Decorative lighting (2 locations) (above ground)</li> </ul>	
Complex Amenities Required		Required Community Amenities: <ul style="list-style-type: none"> <li>• Washer and dryer hookup in every unit</li> </ul>	
		For every 50 units provided a minimum of 1 amenity from the following: <ul style="list-style-type: none"> <li>• Resident Clubhouse</li> <li>• Community Garden Area</li> <li>• Swimming Pool</li> <li>• Tennis Court</li> <li>• Basketball Court</li> <li>• Volleyball Court</li> <li>• Billiards Room</li> <li>• Amphitheatre</li> <li>• Gazebo or other covered shelter</li> <li>• Exercise Facility</li> <li>• Office Center</li> <li>• Media Room – Theatre</li> <li>• Sauna</li> <li>• Racquetball Court</li> <li>• Other amenity as approved by Planning Director</li> </ul>	
Minimum Common Area Size		Minimum 100 sq ft and additional 50 sq ft per 1,000 sq ft gross floor area	
Common Area Amenities		For each 5,000 sq ft of open space required a minimum of 1 amenity from the following: <ul style="list-style-type: none"> <li>• 1 Water feature</li> <li>• 1 Pavilion, gazebo, or other covered outdoor space (minimum 144 sq ft)</li> <li>• Sculpture garden</li> </ul>	
		For each 200 sq ft of open space provided a minimum of 1 amenity from the following: <ul style="list-style-type: none"> <li>• 2 Benches or seating area (4 seats minimum)</li> <li>• 1 Dining areas (4 seats minimum)</li> <li>• 1 Tree (3" caliper at the time of planting)</li> <li>• 2 Large Planters</li> </ul>	

**Temple, Texas Unified Development Code**

Effective 12/16/10 • Last Amended 1/6/11

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

Design Element	Multi-Family and Mixed Use Structures
	<ul style="list-style-type: none"> <li>• Decorative paving (2 locations) (minimum 64 sq ft)</li> <li>• Decorative Lighting (2 locations) (above ground)</li> </ul>

**6.3.16 Sign Standards**

**A. Applicability**

The TMED sign standards in this Section apply to all Special Districts and transect zones with the exception of SD-v.

**B. Permitted Sign Types**

The table below establishes the sign types that are permitted in the TMED zoning district.

Sign Type	T4	T5-e	T5-c	SD
Sandwich Board	✓	✓	✓	✓
Projecting Sign	✓	✓	✓	✓
Wall Sign	✓	✓	✓	✓
Monument Sign	✓	Warrant		See TMED Design Criteria Manual
Multi-Tenant Sign	✓	Warrant		Warrant
Directional Sign		Warrant	Warrant	See TMED Design Criteria Manual

✓ = Permitted sign type

**C. Specific Sign Type Standards**

**1. Sandwich Board Sign**

One sandwich board sign may be used during normal operating hours for each business. The sign must be placed on private property and not interfere with pedestrian access. Sandwich board signs may not exceed a total of six square feet.

**2. Projecting Sign**

One projecting sign for each business may be permanently installed perpendicular to the facade within the first layer. Projecting signs may not exceed a total of four square feet in T4 and six square feet in T5. Projecting signs must have a minimum clearance of eight feet above the sidewalk or walkway.

**3. Wall Sign**

A single permanent attached band sign, board sign, window sign or painted wall sign may be applied to the facade of each building. Attached signs may be a maximum of three feet in height by 50 percent of the total length of the tenant space or building, whichever is less. Wall signs have a minimum clearance of 12 feet above the sidewalk or walkway. Attached signs must not extend past the top of the structure.

**4. Monument Sign**

- a. Monument signs may be approved by Warrant only. If approved, they are limited to one per lot with a maximum of 50 square feet per sign face, a maximum height of six feet and a maximum width of two feet.

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

- b. A monument sign must not interrupt the required tree planting and spacing or be located within three feet of a hike and bike trail.
- c. Sign material must consist of a limestone or brick base and columns that are architecturally compatible to the principal building. Other materials may be approved by Warrant if architecturally compatible.

**5. Multi-Tenant Sign**

- a. Multi-tenant signs may be approved by Warrant only. If approved they must be limited to one per lot and a maximum of 60 square feet per sign face, 8 feet in height and 2 feet in width.
- b. Such sign must not interrupt the required tree planting and spacing or be located within 3 feet of a Hike and Bike Trail.
- c. Signage material must consist of limestone or brick that is architecturally compatible to the Principal Building. Other materials must be approved by warrant if architecturally compatible.

**6. Directional Sign**

Directional signs may be approved by warrant only. Directional signs may not be located off-site. If approved, they are limited to a maximum of eight square feet per sign face, a maximum height of four feet and a maximum width of two feet. Directional signs must comply with the standards in the Traffic Manual of Uniform Control Devices.

**7. Exceptions**

Entertainment and recreational uses such as movie theaters or bowling alleys may have a neon or specially designed sign if approved by Warrant.

**8. Lighting**

Monument signs must be externally illuminated, except for signs within the shop front windows, which may be neon-lit.

**9. Prohibited Signs**

Signs other than those stated in the table in paragraph B above are prohibited.

**6.3.17 Street Light Standards**

**A. Applicability**

The TMED lighting standards in this Section apply to all TMED transect zones.

**B. Street Light Policy**

Street light design and installation must comply with the City's Street Light Policy.

**6.3.18 Utility Standards**

**A. Applicability**

The TMED utility standards in this Section apply to all transect zones.

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

**B. Underground Utilities Required**

All proposed new electric, telephone and cable television wires along the public street right-of-way must be located underground.

(Ord. 2010-4415)



## COUNCIL AGENDA ITEM MEMORANDUM

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05/05/11  
Item #4(H)  
Consent Agenda  
Page 1 of 2

**DEPT. / DIVISION SUBMISSION & REVIEW:**

Autumn Speer, Director of Community Services

**ITEM DESCRIPTION:** SECOND READING – Z-FY-11-21: Consider adopting an ordinance authorizing a zoning change from TMED (T4) to TMED (T5-c) on the south 31.31 feet of Lot 9 and Lots 10, 11 and 12, Block 6, Hollywood Addition located at 2114 South 5<sup>th</sup> Street.

**P&Z COMMISSION RECOMMENDATION:** At its March 21, 2011, meeting, the Planning and Zoning Commission voted 8/0 in accordance with staff recommendation to recommend approval of a rezoning from TMED (T4) to TMED (T5-c).

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

Staff recommends approval of Z-FY-11-21, a rezoning from TMED (T4) to TMED (T5-c), for the subject property for the following reasons:

1. The request complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan Map; and
3. Adequate public facilities are available to serve the property.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-11-21 from the Planning and Zoning meeting, March 21, 2011. The applicant requests a zoning change from TMED (T4) to TMED (T5-c) to allow the existing apartment complex use to remain in compliance with permitted uses. The TMED zoning change that was approved on February 3, 2011 identified this property as T4. However, T4 does not allow multi-family uses. The property is also directly north of the newly created T5-c zone which does permit multi-family uses. The applicant made mention of this early on in the zoning change process and Staff requested they pursue the zoning change with full support from Staff to correct the mapping issue.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan, Trails Master Plan and other adopted plans:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	Y
CP	Map 5.2 - Thoroughfare Plan	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y
AMP	NA	NA
CTMP	NA	NA

CP = Comprehensive Plan      AMP = Airport Master Plan      CTMP = Citywide Trails Master Plan

Future Land Use and Character (CP Map 3.1):

The Future Land Use and Character Map designates the property as Temple Medical and Educational District (TMED). The TMED District encourages a blend of housing types within an urban context. The proposed zoning change is compatible with this designation.

Thoroughfare Plan (CP Map 5.2):

The site has existing access to South 5<sup>th</sup> Street, a minor arterial and West Avenue V, a local street.

Availability of Public Facilities (CP Goal 4.1):

Water and sewer services are currently serving the property.

**PUBLIC NOTICE:** Staff mailed nine notices of the Planning and Zoning Commission public hearing. As of March 16, 2011 at 9 AM, no notices were returned in favor of and none were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on Thursday, February 10, 2011, in accordance with state law and local ordinance

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

- [Aerial Map](#)
- [Land Use and Character Map](#)
- [Zoning Map](#)
- [Thoroughfare Map](#)
- [Utility Map](#)
- [Notice Map](#)
- [P&Z Staff Report](#)
- [P&Z Minutes \(3-21-11\)](#)
- [Ordinance](#)



Z-FY-11-21

Part of Lot 9, and Lots 10, 11, and 12, Block 6, Hollywood Addition

2114 South 5th Street



2008 Bell County Aerial

Feet 0 50 100 150

LMatlock Planning 2.23.11



Z-FY-11-21

Part of Lot 9 and Lots 10, 11, and 12, block 6, Hollywood Addition

2114 South 5th Street



- |  |                       |  |                         |  |                    |  |                           |  |                                   |  |              |
|--|-----------------------|--|-------------------------|--|--------------------|--|---------------------------|--|-----------------------------------|--|--------------|
|  | ZFY1121, <Null>       |  | Auto-Urban Mixed Use    |  | Business Park      |  | Neighborhood Conservation |  | Suburban Commercial               |  | Urban Center |
|  | Agricultural/Rural    |  | Auto-Urban Multi-Family |  | Estate Residential |  | Parks & Open Space        |  | Suburban Residential              |  |              |
|  | Auto-Urban Commercial |  | Auto-Urban Residential  |  | Industrial         |  | Public Institutional      |  | Temple Medical Education District |  |              |

1 inch = 96 feet

LMatlock Planning 2.25.11

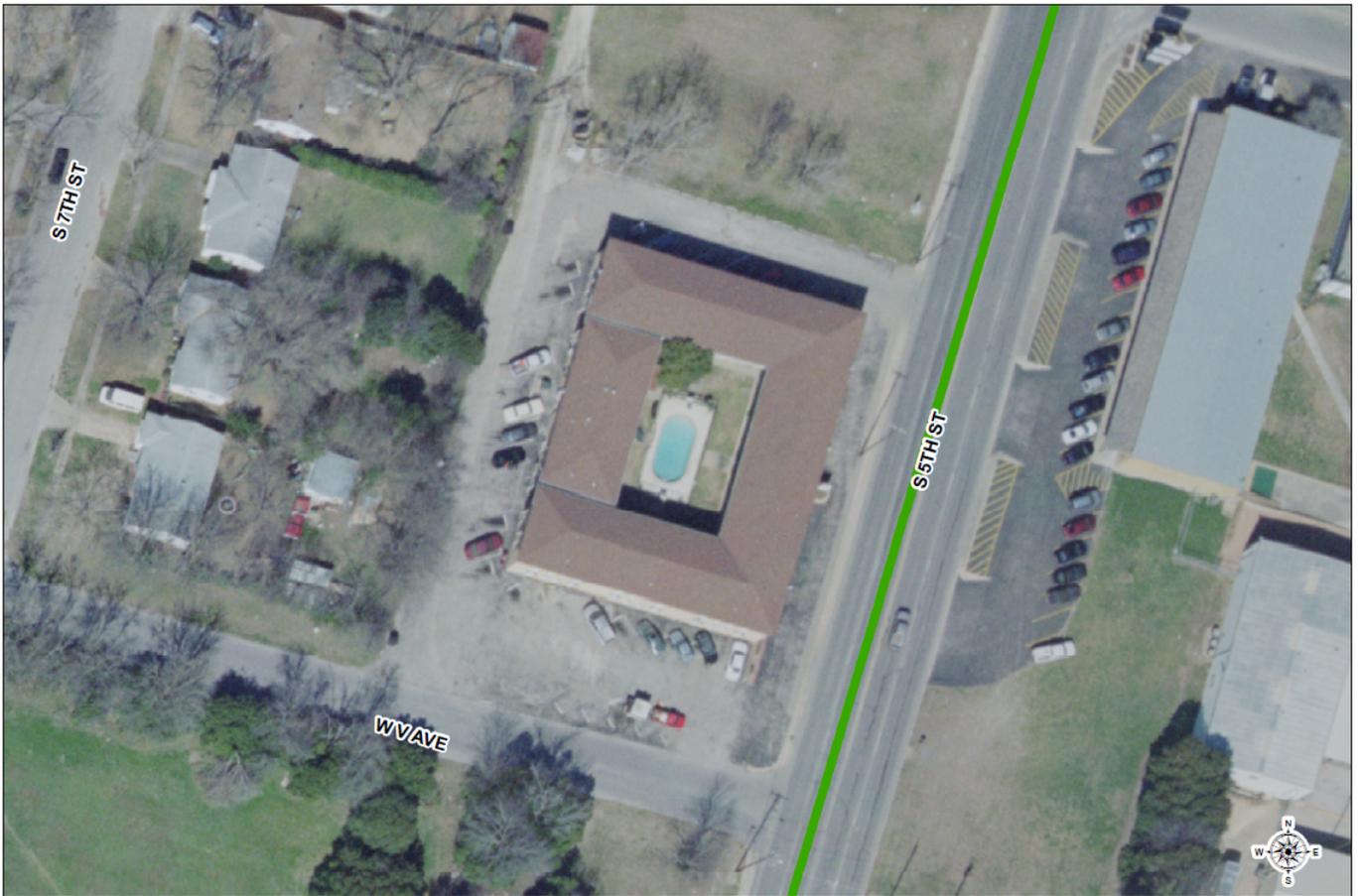




Z-FY-11-21

Part of Lot 9, and Lots 10, 11, and 12, Block 6, Hollywood Addition

2114 South 5th Street



2008 Bell County Aerial  Minor Arterial

Feet 0 50 100 150

LMatlock Planning 2.23.11



Z-FY-11-21

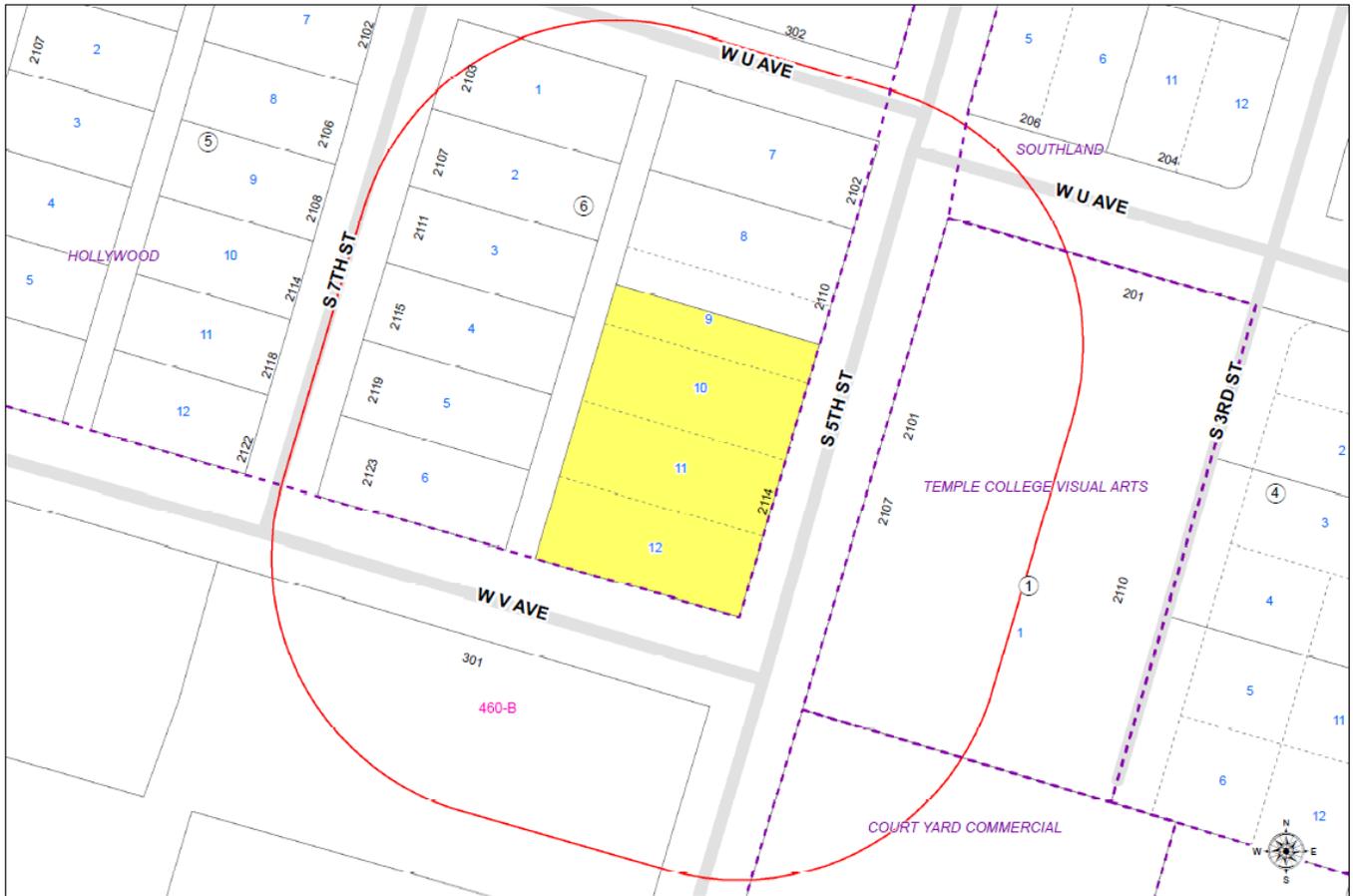
Part of Lot 9, and Lots 10, 11, and 12, Block 6, Hollywood Addition

2114 South 5th Street



- Sanitary Sewer
- Domestic Water
- Case number Z FY 11-21
- Fire Hydrant

Feet 0 50 100 150  
LMatlock Planning 2.23.11



— 200' buffer      — Lot Line  
 Case number Z-FY-11-21      - - - - Historic Lot Line

Feet 0 50 100 150  
 LMatlock Planning 2.23.11



# PLANNING AND ZONING COMMISSION AGENDA ITEM

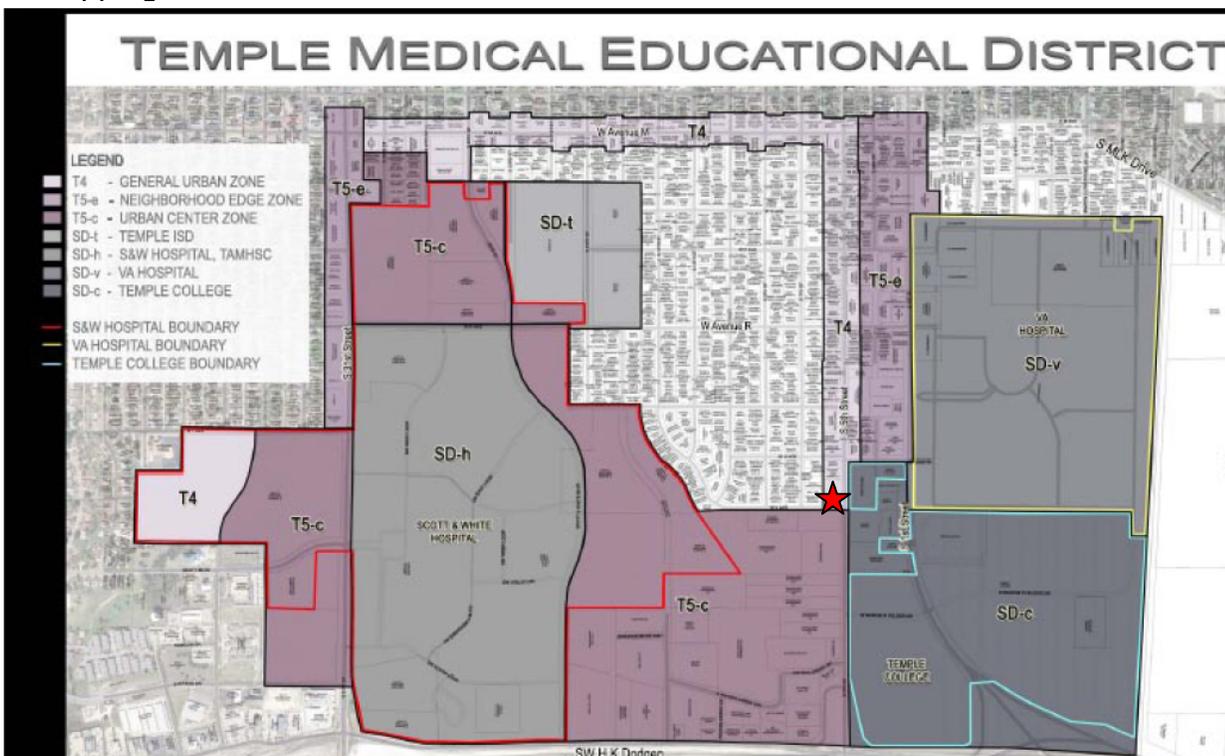
03/21/11  
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Regular Agenda  
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**APPLICANT / DEVELOPMENT:** Debra Campbell for Pat Campbell

**CASE MANAGER:** Autumn Speer, Director of Community Services

**ITEM DESCRIPTION:** Z-FY-11-21 Hold a public hearing to discuss and recommend action on a rezoning from TMED (T4) to TMED (T5-c) on the South 31.31 Feet of Lot 9 and Lots 10, 11 and 12, Block 6, Hollywood Addition located at 2114 South 5<sup>th</sup> Street. (Debra Campbell for Pat Campbell)

**BACKGROUND:** The applicant requests a rezoning from TMED (T4) to TMED (T5-c) to allow the existing apartment complex use to remain in compliance with permitted uses. The TMED zoning change that was approved on February 3, 2011 identified this property as T4. However, T4 does not allow multi-family uses. The property is also directly north of the newly created T5-c zone which does permit multi-family uses. The applicant made mention of this early on in the rezoning process and staff requested they pursue the zoning change with full support from staff to correct the mapping issue.



**SURROUNDING PROPERTY AND USES:**

The following table shows the existing zoning and current land uses for the subject property and its general vicinity:

Direction	Zoning	Current Land Use	Photo
Subject Property	T4 (Proposed T5-c)	Harmony Court Apartment Complex	
North	T4	Vacant – Duplex permitted	
South	T5-c	Vacant	

Direction	Zoning	Current Land Use	Photo
East	SD-C	Temple College Visual Arts	
West	2F	Single Family	

**COMPREHENSIVE PLAN COMPLIANCE:**

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan, Trails Master Plan and other adopted plans:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	Y
CP	Map 5.2 - Thoroughfare Plan	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y
AMP	NA	NA
CTMP	NA	NA

CP = Comprehensive Plan    AMP = Airport Master Plan    CTMP = Citywide Trails Master Plan

**Future Land Use and Character (CP Map 3.1):**

The Future Land Use and Character Map designates the property as Temple Medical and Educational District (TMED). The TMED District encourages a blend of housing types within an urban context. The proposed zoning change is compatible with this designation.

**Thoroughfare Plan (CP Map 5.2):**

The site has existing access to South 5<sup>th</sup> Street, a minor arterial and West Avenue V, a local street.

Availability of Public Facilities (CP Goal 4.1):

Water and sewer services are currently serving the property.

**PUBLIC NOTICE:**

Staff mailed nine notices of the Planning and Zoning Commission public hearing. As of March 16, 2011 at 9 AM, no notices were returned in favor of and none were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on Thursday, February 10, 2011, in accordance with state law and local ordinance

**STAFF RECOMMENDATION:** Staff recommends approval of Z-FY-11-21, a rezoning from T4 to T5-c on the subject property for the following reasons:

1. The request is compatible with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan Map; and
3. Public facilities are available to serve the property.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Aerial](#)

[Land Use and Character Map](#)

[Zoning Map](#)

[Thoroughfare Map](#)

[Utility Map](#)

[Notice Map](#)

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING**

**MONDAY, MARCH 21, 2011**

**ACTION ITEMS**

**Item 7: Z-FY-11-21:** Hold a public hearing and discuss and recommend action on a rezoning from TMED (T4) to TMED (T5-c) on the South 31.31 Feet of Lot 9 and Lots 10, 11 and 12, Block 6, Hollywood Addition located at 2114 South 5th Street.

Ms. Autumn Speer, Director of Community Services, stated this property was originally identified as T4 which does not allow multi-family uses. T5-c is a request made early on in the TMED process which would allow the apartment complex to remain in compliance. Ms. Speer stated she was representing the applicant requesting this change.

To the north of the subject property is a vacant lot which has been staked out for a duplex, across the street is the Temple College Fine Arts building.

Nine notices were sent out: one response was received in denial.

Staff recommends approval of this zoning request since it complies with the Comprehensive Plan, Thoroughfare Plan, and utilities are already on site.

Commissioner Sears asked if the only changes any existing structures, houses, apartment complexes, etc., would have to undergo would be if they increased their size and Ms. Speer agreed. If the applicant makes any physical changes to the property, she would have to comply with the standards but the primary reason for the request is for the use itself.

Chair Talley opened the public hearing. There being no speakers, the public hearing was closed.

Commissioner Sears made a motion to approve **Z-FY-11-21** from T4 to T5-c and Commissioner Staats made a second.

*Motion passed: (8:0)*

ORDINANCE NO. \_\_\_\_\_

[PLANNING NO. Z-FY-11-21]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM TMED (T4) TO TMED (T5-c) ON THE SOUTH 31.31 FEET OF LOT 9 AND LOTS 10, 11 AND 12, BLOCK 6, HOLLYWOOD ADDITION, LOCATED AT 2114 SOUTH 5<sup>TH</sup> STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a rezoning from TMED (T4) to TMED (T5-c) on the south 31.31 feet of Lot 9 and Lots 10, 11, and 12, Block 6, Hollywood Addition, located at 2114 South 5<sup>th</sup> 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 **21<sup>st</sup>** day of **April**, 2011.

PASSED AND APPROVED on Second Reading on the **5<sup>th</sup>** day of **May**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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05/05/11  
Item #4(I)  
Consent Agenda  
Page 1 of 2

**DEPT./DIVISION SUBMISSION & REVIEW:**

Autumn Speer, Director of Community Services

**ITEM DESCRIPTION:** SECOND READING – Z-FY-11-22: Consider adopting an ordinance authorizing an amendment to Unified Development Code (UDC) Section 3.14, Sign Permit, related to the re-facing of signs.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At its March 21, 2011 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of the proposed UDC amendments to:

1. Section 3.14, Sign Permit, related to the re-facing of signs.

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

**ITEM SUMMARY:** Staff presented this item for informational purposes at the Planning and Zoning Commission workshop on March 7, 2011. The general consensus from the Commission was that it is a good idea to require a Sign Permit to re-face a sign, even if no structural changes are proposed.

Currently, Section 3.14, Sign Permit, of the Unified Development Code (UDC) does not require a sign permit for re-facing a sign, provided that no structural alteration occurs to the existing sign. Planning Staff requests that the UDC be amended to require a Sign Permit for such action.

Requiring review prior to re-facing a sign would allow Construction Safety staff to perform a quick check on the sign structure to make sure that it is free from rust, chipped paint and other maintenance deficiencies. This amended procedure allows Staff to better keep track of nonconforming signs and to ensure that new, additional sign faces are not being proposed to be added to already nonconforming signs.

In addition, this process would allow Staff to more proactively require existing signs to meet maintenance requirements when an owner is making an investment in a new sign face, rather than relying on Code Enforcement patrols alone to require compliance.

Administratively, Construction Safety would not charge a fee for this review (the usual Sign Permit fee is \$15 for non-illuminated signs and \$20.75 per illuminated sign) and would provide a fast turnaround of three business days for approving or denying the re-facing request.

**PUBLIC NOTICE:**

The newspaper printed notice of the Planning and Zoning Commission public hearing on March 10, 2011 in accordance with state law and local ordinance. No comments have been received to date.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[Proposed Amendment to UDC Sec. 3.14, Sign Permit \(Attachment 1\)](#)

[Proposed Sign Modification Review Application and Process \(Attachment 2\)](#)

[P&Z Minutes \(03/21/11\)](#)

[Ordinance](#)

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, MARCH 21, 2011**

**ACTION ITEMS**

**Item 9: Z-FY-11-22:** Hold a public hearing to discuss and recommend action on an amendment to Section 3.14, Sign Permit, of the Unified Development Code related to the re-facing of signs.

Mr. Brian Mabry stated this case, and all the others, will go forward to City Council on April 21, 2011 for first reading and in May for second reading. This case is related only to sign permitting related to refacing of signs and does not include the I35 standards.

This amendment is to clarify the existing provisions relating to refacing of signs and requirements. The applicability provisions for a sign permit currently in the sign regulations state a permit is not required if you are physically changing out a panel of a sign and not doing any structural alteration. Also a permit is not required if changing the message or copy on a sign and not doing any structural alteration. Staff proposes the requirement of a review whenever someone does either of the previous two changes. (Mr. Mabry gave examples on the Powerpoint).

There is currently no opportunity for staff to review signs for maintenance or condition of the existing sign structure, such as rust, dilapidation, etc., and this would allow an opportunity to review the signs to be in compliance with the standards. It would also allow tracking of new panels added to existing signs.

Staff's proposal is to change sign provisions in the UDC so a simple administrative review would be required if the panel were changed out without structural alteration, if the copy were changed out on a sign face without structural alteration, or if there were an addition of a panel to an existing structure.

If approved, the impact of this would:

- Allow staff to perform a quick check for maintenance issues;

- Would ensure new additional panels were not added to a sign that was already a non-conforming sign;

- Provide a more proactive stance for City Staff in catching signs possibly in bad shape rather than relying on Code Enforcement or complaints; and

- Not apply to billboards or message boards (where the copy changes on a frequent basis)/

The normal sign permit is approximately \$21.00 but there would be no fee request for this review.

Staff recommends approving the proposed amendment to the UDC Section 3.14 Sign Permit requiring a sign permit for the refacing of an existing sign or the replacement of a sign.

Commissioner Staats stated if the fee is nominal to begin with, there would be additional cost to the City for Staff time, travel, gas, vehicle, etc., so why not have a nominal fee involved. Mr. Mabry stated Commissioner Staats was correct that the fee is nominal. The original recommendation was made in anticipation of an easy administrative review.

Commissioner Staats' recommendation was to consider charging a fee for this action. Commissioner Pope asked if the Board had the authority to change fees and Mr. Mabry stated it was up to City Council. Mr. Mabry would prefer to wait until further presentations and studies were made before any recommendations or suggestions regarding fees were discussed.

Vice-Chair Martin stated he did not think charging a fee was a good idea since there were several multi-tenant properties throughout the City and a lot of those signs are just face plates with no logo, just letters. It was not fair to any citizen who owns multi-tenant properties to pay money to the City just to change out a face panel from 21 characters of the same font to 16 characters of the same font.

Ms. Speer stated that was why a fee was not proposed. This request is primarily coming from Code Enforcement which spends more money reactively looking for signs. The multi-tenant users may fax or email in a permit request and the turnaround would be quick. There will probably only be a 10-15% chance that one would actually require a trip to look at the sign(s). Once a sign is registered into a database, the citizen can call in, relay what they are going to change on the copy, and hopefully get quick approval. The purpose is to catch the 10-15% that is causing the violations. Ms. Speer stated most of the work could be done without actually having to travel to a site.

Commissioner Pope asked if the City worked with the sign companies as far as permits. Ms. Speer stated most of the sign companies do everything correctly or will call first to ask. The problem is with the people that do not work with the sign companies who have issues. The City would rather help those people spend more money on a nice sign than to charge them fees.

Commissioner Staats stated that the City should not have to incur additional costs that are unfunded and a nominal fee would be appropriate. Ms. Speer stated she did not believe it would cost the City anything. Front line people are available to train for this and Code Enforcement Officers are already out in the field so it would balance out.

Chair Talley opened the public hearing. There being no speakers, the public hearing was closed.

Commissioner Pilkington asked about the turnaround time for review and would like something in place that was more substantial and concrete for protection. Mr. Mabry stated tying a definite time period might be difficult and may cause unintended consequences. If the images submitted are clear enough and there are no problems, it should only take a day or so.

Vice-Chair Martin clarified all the citizens would have to do is send in, email, or fax, a pdf of the current sign and attach a copy of the new sign face and once that was reviewed, that permit could be returned to the applicant stating if it was approved or not. Mr. Mabry confirmed this was correct and it was also a way to make sure the current signs are in good maintenance, repair, and compliance.

Commissioner Staats stated now the Planning Department, Code Enforcement and Construction Safety are all involved and Ms. Speer stated she envisioned the permits coming through Construction Safety, with a few selected and trained people who look for certain issues and either approve it or send out a Code Enforcement Officer, only if needed. Otherwise, it should be a very quick process.

Commissioner Staats stated he believed it was a good process and would support it, but felt a fee should be put in place.

Commissioner Rhoads made a motion to approve **Z-FY-11-22** as described and Commissioner Sears made a second.

*Motion passed: (7:0)*

Commissioner Pope left the meeting before vote was taken.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2010-4413, THE “UNIFIED DEVELOPMENT CODE,” SECTION 3.14, ENTITLED “SIGN PERMIT,” RELATED TO THE RE-FACING OF SIGNS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on December 16, 2010, the City of Temple adopted Ordinance No. 2010-4413, the “Unified Development Code,” which is a consolidated set of land development regulations related to zoning, platting and site design;

**Whereas**, at its March 21, 2011, meeting the Planning and Zoning Commission voted to amend Section 3.14, entitled, “Sign Permit,” related to the re-facing of signs, and the Staff recommends this action; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve 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 Ordinance No. 2010-4413, the “Unified Development Code,” by amending Section 3.14, entitled, “Sign Permit,” related to re-facing of signs, said amendment being more fully described in Exhibit A, attached hereto for all purposes.

**Part 2:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

**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 and sections of this ordinance, since the same would have been

enacted by the City Council without the incorporation in this ordinance of any such invalid 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 **21<sup>st</sup>** day of **April**, 2011.

PASSED AND APPROVED on Second Reading on the **5<sup>th</sup>** day of **May**, 2011.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

---

Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney

# Attachment 1: Proposed Amendment to UDC Sec. 3.14, Sign Permit

## Sec. 3.14. Sign Permit

### 3.14.1 Applicability

- A. It is unlawful for any person to erect, relocate, ~~or~~ structurally alter, or change the face panel or copy of any sign within the City, ~~any sign for which that requires~~ a Sign Permit ~~is required~~ without first obtaining a Sign Permit.
- B. A Sign Permit is not required for repair, repainting or maintenance that does not entail structural change or for changing the copy on a permitted message board sign as described in Sec. 7.5.
- ~~C. The modification of a sign face does not require a Sign Permit in accordance with this Section, provided that such modification does not increase the sign area or height or change the sign type.~~

### 3.14.2 Review Process

#### A. Planning Director Review

The Planning Director must review the submitted application and make a recommendation to the Director of Construction Safety.

#### B. Director of Construction Safety Final Action

The Director of Construction Safety must approve, approve with conditions or deny the Sign Permit.

### 3.14.3 Review Criteria

In determining whether to approve, approve with conditions or deny a Sign Permit, the review bodies listed in Sec. 3.14.2 above must consider whether the proposed sign complies with the sign standards in Sec. 7.5 and all other standards of the City.

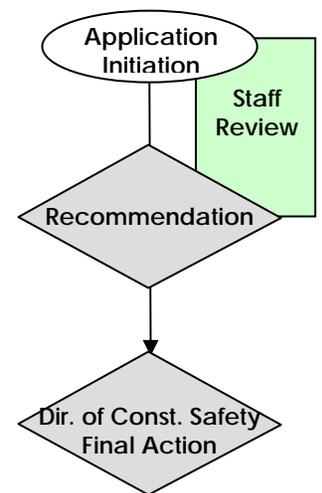
### 3.14.4 Expiration

If the work authorized under a Sign Permit is not completed within six months after the date of issuance, the permit becomes null and void.

### 3.14.5 Sign Permit Application Contents

Application for a Sign Permit must be made upon a form that the Director of Construction Safety provides and must contain the following information:

- A. Name, address and telephone number of the applicant and name and firm of person erecting sign;
- B. If applicant is not the owner of real property where sign is proposed to be erected, written consent of the property owner;
- C. Location of building, structure, address or legal lot and block to which or upon which the sign or other advertising structure is to be attached or erected;
- D. Site plan, indicating street frontage, property lines, sight visibility triangles, proposed and existing public street rights-of-way, location of sign on property, relationship of



proposed sign to ingress and egress points and relationship of proposed sign to any other sign within 15 feet spacing of the proposed sign;

- E.** Copy of stress diagrams or plans containing information necessary for the Director of Construction Safety to determine safety and structural integrity of sign;
- F.** Indicate whether the sign will require electricity, and if so, obtain an electrical permit as required;
- G.** Copy of Texas Department of Transportation approved permit if state law requires a state permit; and
- H.** Such other information as the Director of Construction Safety may require to show full compliance with this Section and all other City standards.

## EXISTING SIGN MODIFICATION REVIEW PROCEDURES AND SUBMITTAL REQUIREMENTS

**Applicability:** The modification of a sign face does not require a sign permit unless the modification increases the sign area or height or changes the sign type. In addition, no sign permit is required for repair, repainting or maintenance that does not involve structural change of copy or message.

The modification of an existing sign face shall be reviewed in accordance with this application.

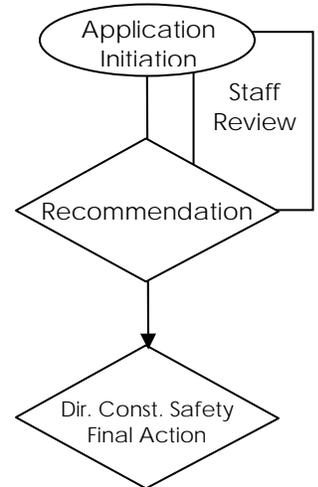
**Complete Application:** A sign review application must contain the following submittals. Incomplete applications will not be processed.

- \_\_\_ Complete EXISTING SIGN MODIFICATION REVIEW APPLICATION (attached)
- \_\_\_ Current High Quality Color photograph(s) of the existing sign with dimensions
- \_\_\_ Detailed image of the proposed changes to sign face and/or written details about maintenance plans

**Director of Construction Safety Final Action:** Following review by staff, the Director of Construction Safety will approve, approve with conditions or deny the sign modifications.

**Filing Fee:** The existing sign review requires no fee.

**Review Period:** The sign review will be completed within three business days. You will be notified if you are required to submit more information concerning maintenance of if you are doing work that will require a sign permit.



## EXISTING SIGN MODIFICATION REVIEW

Date: \_\_\_\_\_

Full Name of Applicant: \_\_\_\_\_

Applicant Address: \_\_\_\_\_  
Street and Number City State ZIP Code

Email: \_\_\_\_\_ Phone & Fax #: \_\_\_\_\_

Address of Property Where Sign is Located: \_\_\_\_\_

**Description of Proposed Work** (please check)

\_\_\_ New Sign Face      \_\_\_ Maintenance to Existing Sign Structure

**Existing Sign Type** (please check all that apply)

<input type="checkbox"/>	Agricultural Sign	<input type="checkbox"/>	Directory Sign	<input type="checkbox"/>	Projecting Sign
<input type="checkbox"/>	Apartment Name Sign	<input type="checkbox"/>	Fence Sign	<input type="checkbox"/>	Roof Sign
<input type="checkbox"/>	Awning Sign	<input type="checkbox"/>	Freestanding Sign	<input type="checkbox"/>	Subdivision Entry Sign
<input type="checkbox"/>	Canopy Sign	<input type="checkbox"/>	Message Board (see Illumination note below)	<input type="checkbox"/>	Wall Sign
<input type="checkbox"/>	Development Sign	<input type="checkbox"/>	Mural	<input type="checkbox"/>	Other

*Note: Portable, bench, cardboard, handmade, home occupation, obscene, obstructing, snipe, and outdated signs are not allowed.*

**Existing Illumination** (please check all that apply)

\_\_\_ Reflectors      \_\_\_ Internal      \_\_\_ Other \_\_\_\_\_  
\_\_\_ Flood lights      \_\_\_ Neon      \_\_\_ None

*Note: No sign shall have any distracting appearance of animated motion of graphics, blinking, flashing, or shimmering. Please reference Sec. 7.5, Signs, in the Unified Development Code.*

**Existing Sign Dimensions**

Height \_\_\_\_\_ ft.      Distance from right-of-way line \_\_\_\_\_ ft.  
Area \_\_\_\_\_ sq. ft.      Distance from other signs \_\_\_\_\_ ft.

Date Sign Erected: \_\_\_\_\_

**Certification:** You as the applicant certify with your signature that all of the following statements are true:

- This application is complete and all of the information provided is accurate.
- I have the authority to sign this application on behalf of the property owner.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Title or Position

\_\_\_\_\_  
Date

**For Office Use Only**

\_\_\_ Completed Application      Address: \_\_\_\_\_      Zoning District: \_\_\_\_\_

Reviewed On: \_\_\_\_\_ by: \_\_\_\_\_

Sign Status: Currently in Use: \_\_\_\_\_ Abandoned (not used for 12 months): \_\_\_\_\_

Sign Compliance: Legal Conforming \_\_\_\_\_ Legal Non-conforming \_\_\_\_\_ Non-conforming \_\_\_\_\_

Sign Dimensions: \_\_\_\_\_ x \_\_\_\_\_

Sign Location: On Site \_\_\_\_\_ In ROW \_\_\_\_\_ Off-premise \_\_\_\_\_

Pole Material: \_\_\_\_\_

Pole Condition: \_\_\_\_\_

Total Number of existing signs and advertising devices on property: \_\_\_\_\_

Approximate Property street frontage: \_\_\_\_\_ft.

Date Approved: \_\_\_\_\_ by: \_\_\_\_\_

Date Denied: \_\_\_\_\_ by: \_\_\_\_\_

**Additional Items Required:**

Sign Permit Required: \_\_\_\_\_

Maintenance Work Required: \_\_\_\_\_

**File with CO or original sign permit application**



## COUNCIL AGENDA ITEM MEMORANDUM

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05/05/11  
Item #4(J)  
Consent Agenda  
Page 1 of 3

### **DEPT. / DIVISION SUBMISSION & REVIEW:**

Autumn Speer, Director of Community Services

**ITEM DESCRIPTION:** SECOND READING – Z-FY-11-23: Consider adopting an ordinance authorizing a zoning change from Single Family Two District (SF2) to Two Family District (2F) on 30.9 ± acres of land being out of the Maximo Moreno Survey, Abstract 14, City of Temple, Bell County, Texas, located along the west of South 5<sup>th</sup> Street, between Canyon Creek Drive and Silver Stone Drive.

**P&Z COMMISSION RECOMMENDATION:** At its March 21, 2011, meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of a zoning change from SF2 to 2F.

Commissioner Staats abstained.

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

Staff recommends approval of Z-FY-11-23, a zoning change from SF2 to 2F, for the subject property for the following reasons:

1. The request basically complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan Map; and
3. Adequate public facilities are available to serve the property.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-11-23 from the Planning and Zoning meeting, March 21, 2011. The Applicant requests this zoning change to establish a two-family residential development on 30.9 ± acres. There is no preliminary plat accompanying this application. The 2F zone change will allow approximately 270 lots, or 540 duplex units, on the parcel. The existing SF2 zoning would allow approximately 202 single family units.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan, Trails Master Plan and other adopted plans:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	*Y
CP	Map 5.2 - Thoroughfare Plan	*Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	*Y
STP	Map F4- Proposed City-wide Spine Trail at south side of property	*N

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan      \* = See below for explanation

Future Land Use and Character (CP Map 3.1)

The Future Land Use and Character Map designates the subject property as Auto-Urban Residential. The request complies with the Future Land Use and Character Map.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates Canyon Creek Drive as a Major Arterial and Hartrick Bluff Road appears as a Collector. Silver Stone Drive is a Local Street.

According to the Institute of Transportation Engineers (ITE,) there are, statistically, approximately 9.75 single family household vehicle trips per day. If the approximately 30.9 acres were developed to full capacity into the minimum of 4,000-sq. foot duplex lots, 270 lots (or 540 total units) would be possible. Approximately 5,265 weekday vehicle trips would be added to the existing street network from a fully-developed duplex subdivision. The difference between the daily trips from 2F duplex to the existing SF2 zoning would be 3,220 weekday vehicle trips.

Hartrick Bluff Road should continue to be classed as a collector street through this neighborhood. Hartrick Bluff opens to both Canyon Creek and Waters Dairy Drive. Waters Dairy is also classed as a Collector. While this request could ultimately increase traffic to the local road system, the surrounding roads are being under-utilized. The request is in compliance with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

There are 8" water lines and 8" and 10" sewer lines in place that can serve the subdivision adjacent to the property.

Citywide Sidewalk and Trails Master Plan (Map F4)

The Citywide Sidewalk and Trails Master Plan calls for a Local Connector Trail at the southern property line of this parcel. Dedication of trail land will be taken up at the time of plat review by the Development Review committee and the Parks and Leisure Department.

**PUBLIC NOTICE:** Thirty-six notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, March 16, at 5 PM, two notices were returned in favor of and two notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on March 10, 2011, in accordance with state law and local ordinance

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

Aerial Map  
Land Use and Character Map  
Zoning Map  
Thoroughfare Plan Map  
Utility Map  
Notice Map  
Notice Responses  
P&Z Staff Report  
P&Z Minutes (3-21-11)  
Ordinance



**Z-FY-11-23**

30.9 Acres, Maximo Moreno Survey,  
Abstract 14, Outblock 726-A

West of S. 5th Street  
Between Canyon Creek Drive  
and Silver Stone Drive



2008 Bell County Aerial

Feet 0 100 200 300 400 500

LMatlock Planning 2.23.11

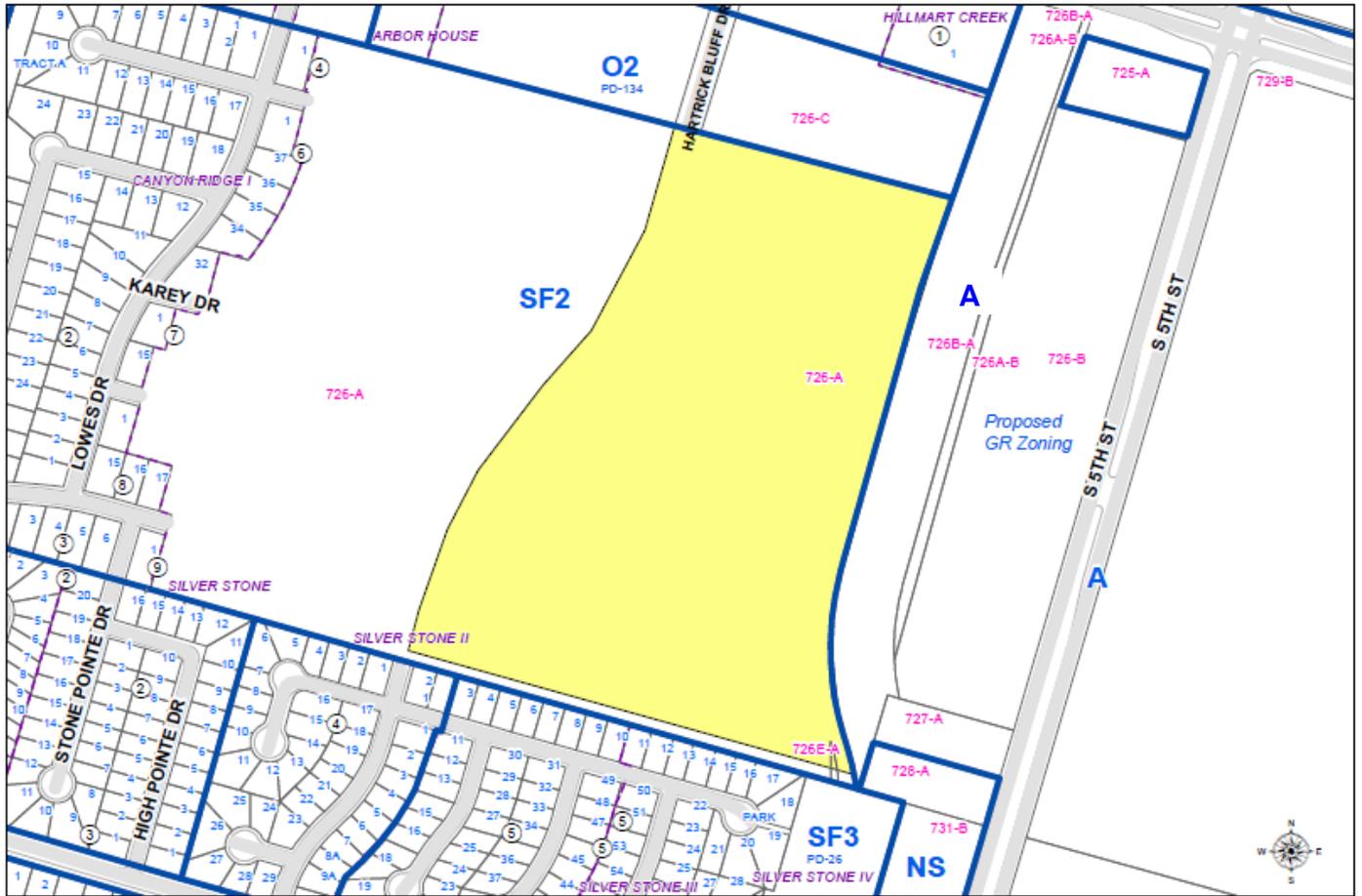




**Z-FY-11-23**

30.9 Acres, Maximo Moreno Survey,  
Abstract 14, Outblock 726-A

West of S. 5th Street  
Between Canyon Creek Drive and Silver Stone Drive



 Z FY 11-23  
 Streets

 123 Lots  
 5 Blocks

 123 Outblocks  
 Addition  
 5 Subdivisions

Feet 0 100 200 300 400 500

LMatlock Planning 2.23.11



Z-FY-11-23

30.9 Acres, Maximo Moreno Survey, Abstract 14, Outblock 726-A

West of S. 5th Street  
Between Canyon Creek Drive  
and Silver Stone Drive



Z FY 11-23

Major Arterial

Local Streets

Collector

Feet 0 100 200 300 400 500

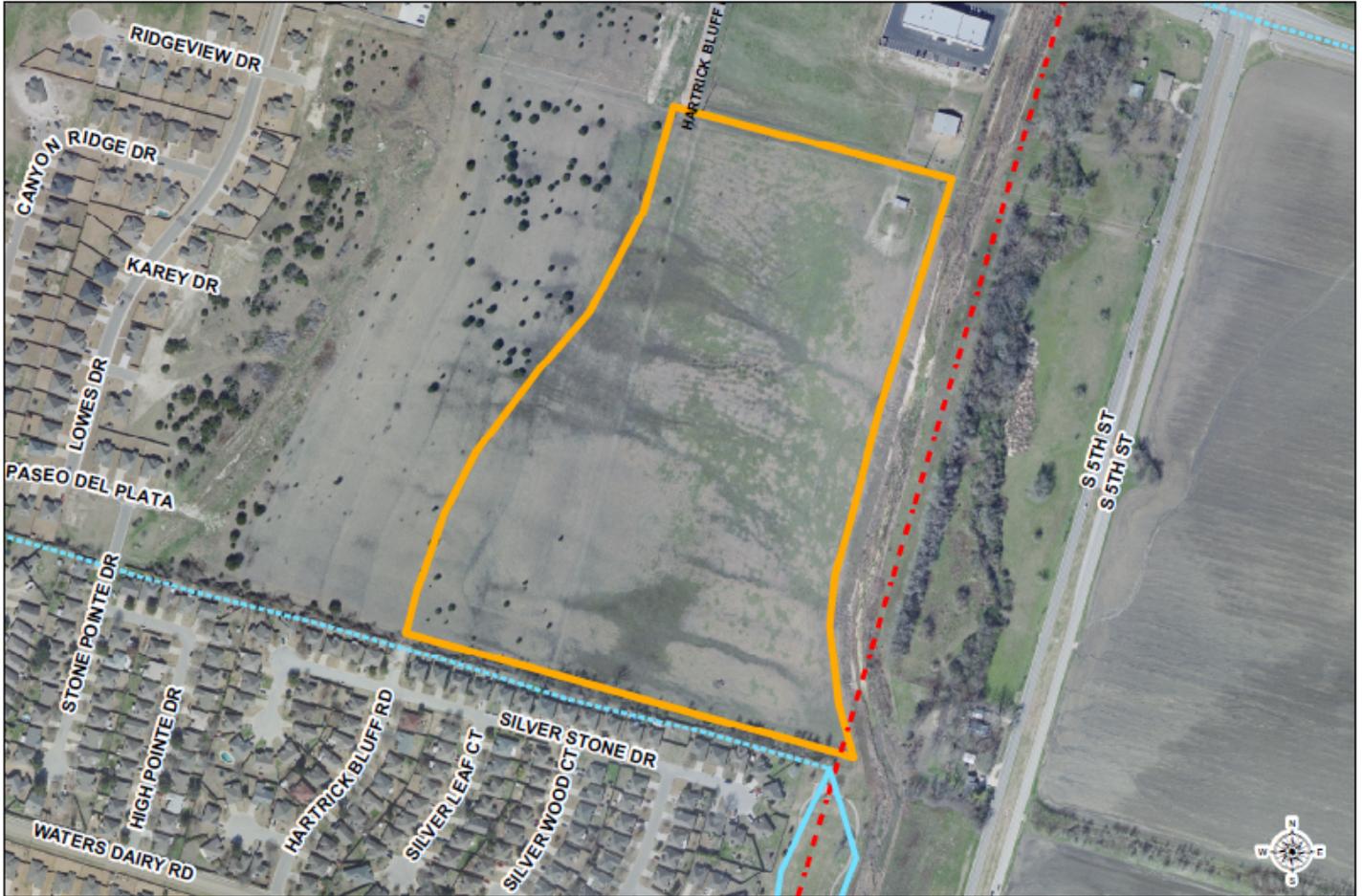
LMatlock Planning 2.23.11



Z-FY-11-23

30.9 Acres, Maximo Moreno Survey, Abstract 14, Outblock 726-A

West of S. 5th Street  
Between Canyon Creek Drive  
and Silver Stone Drive



- Z FY 11-23
- Proposed City Wide Spine Trail
- Existing Local Connector Trail
- Proposed Local Connector Trail

Feet 0 100 200 300 400 500

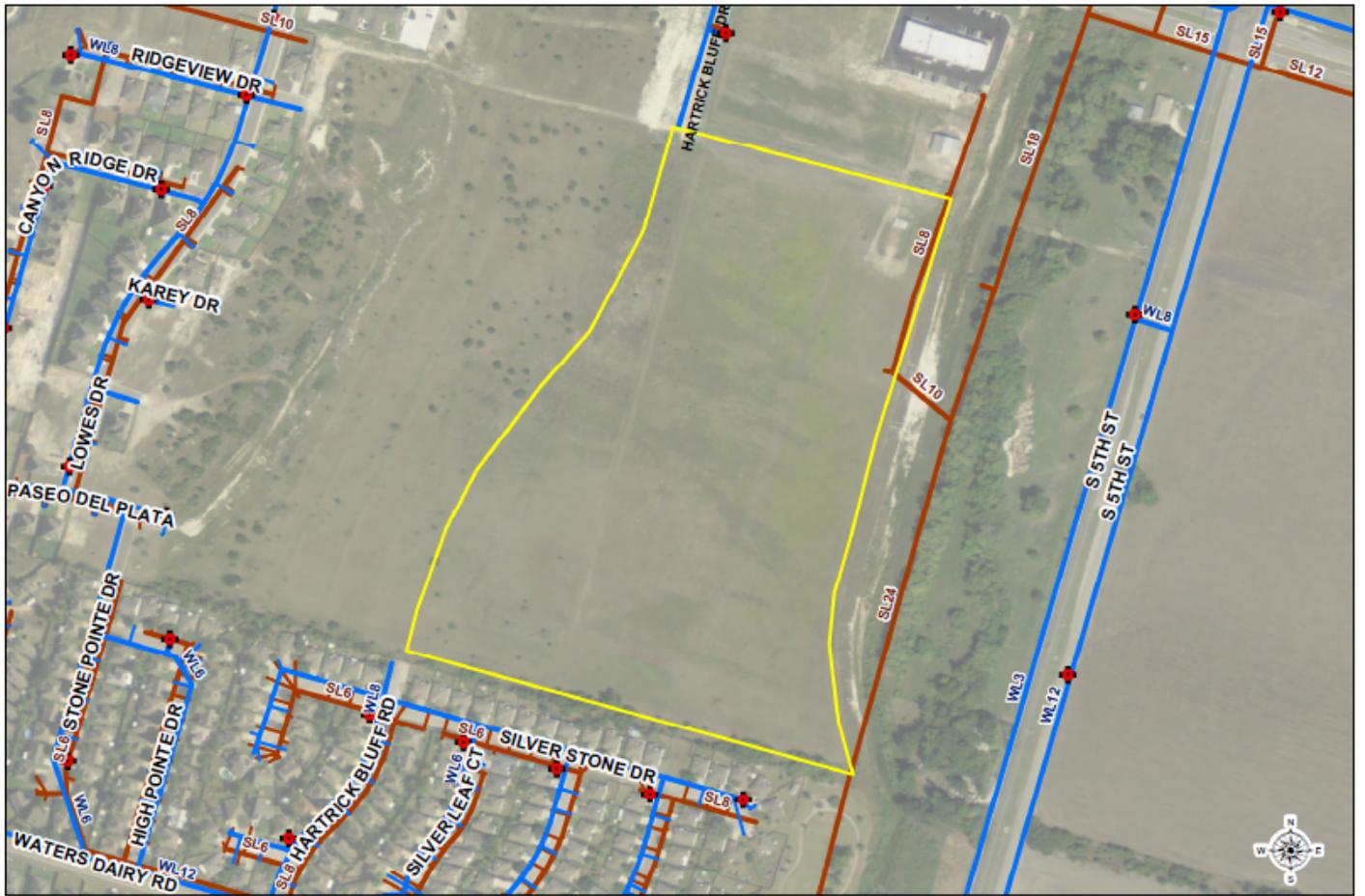
LMatlock Planning 2.23.11



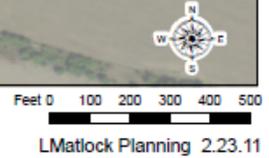
**Z-FY-11-23**

30.9 Acres, Maximo Moreno Survey,  
Abstract 14, Outblock 726-A

West of S. 5th Street  
Between Canyon Creek Drive  
and Silver Stone Drive



- Z FY 11-23
- Fire Hydrant
- Domestic Water Line
- Sanitary Sewer Line

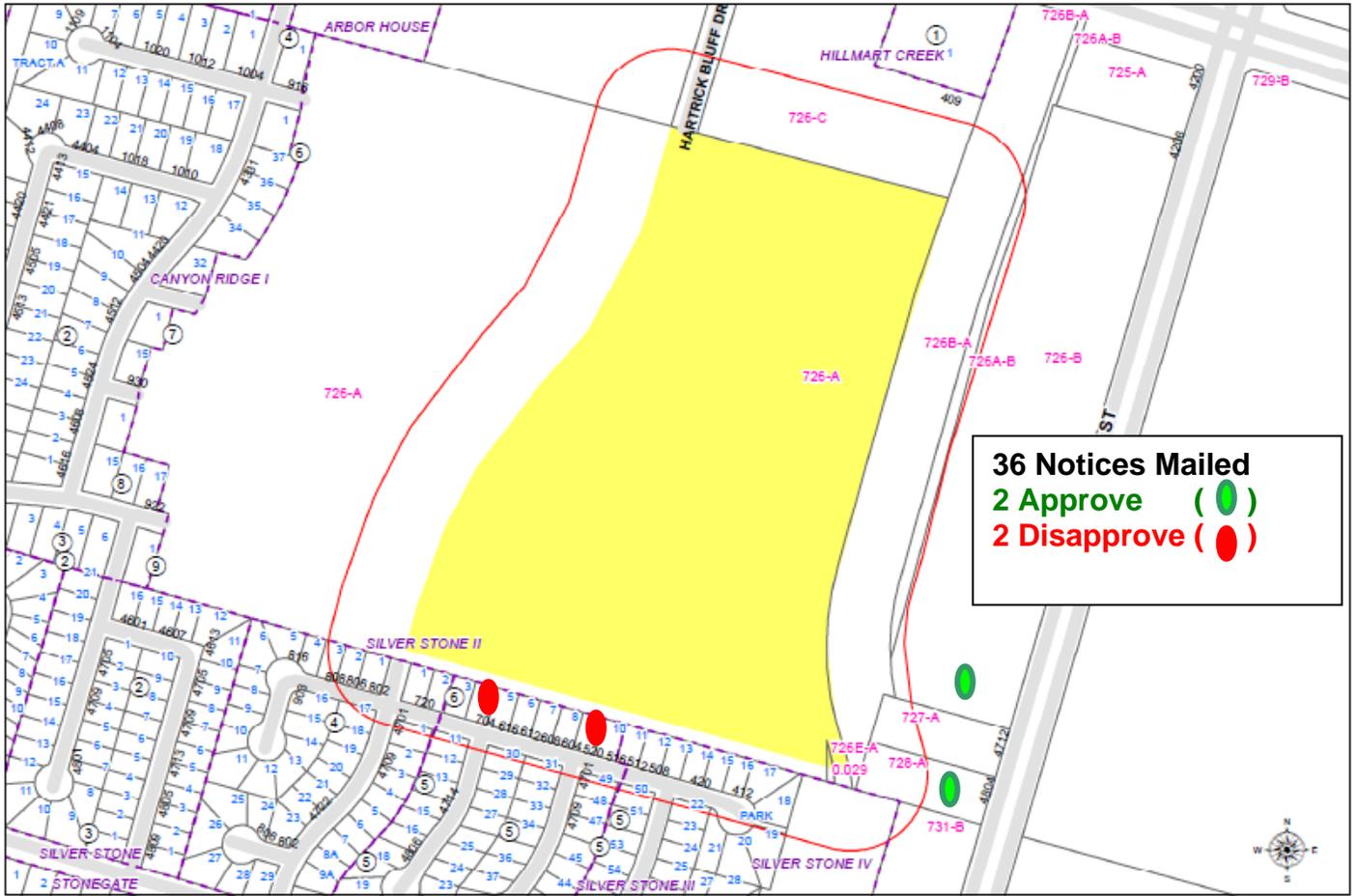




Z-FY-11-23

30.9 Acres, Maximo Moreno Survey, Abstract 14, Outblock 726-A

West of S. 5th Street  
Between Canyon Creek Drive  
and Silver Stone Drive



**36 Notices Mailed**  
**2 Approve** (●)  
**2 Disapprove** (●)

- ZFY 11-23
- 200' Buffer
- Streets
- Parcels
- Subdivisions
- Addresses
- Outblocks
- Lots
- Blocks

Feet 0 100 200 300 400 500  
 LMatlock Planning 2.23.11



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

Charlene E. Lee  
520 Silver Stone Drive  
Temple, Texas 76502

*I request that this objection be read at the April 21 + May 5 meetings (or whatever dates you may select to substitute.)*

Zoning Application Number: Z-FY-11-23

Project Manager: Leslie Matlock

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

I recommend ( ) approval

denial of this request.

*(Deja vu!)*

**Comments:**

*I protested with a petition of a majority of residents in this area requesting (legislation) of commercial zoning on Canyon Creek several years ago - it was passed anyway. I'm sure nothing we say will influence this proposal either - it's just like Wisconsin, you'll do whatever you want to do whether a majority of constituents disapprove or not.*

*Charlene E. Lee*

Signature

*Charlene E. Lee*

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than March 21, 2011

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

**RECEIVED**

MAR 17 2011

City of Temple  
Planning & Development



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

James Jr. Etux Andrea Cyrus  
704 Silver Stone Drive  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-11-23

**Project Manager:** Leslie Matlock

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

I recommend ( ) approval

denial of this request.

**Comments:**

*Thank you*

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*[Signature]*  
\_\_\_\_\_  
**Signature**

*James + Andrea Cyrus*  
\_\_\_\_\_  
**Print Name**

Please mail or hand-deliver this comment form to the address shown below, no later than March 21, 2011

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

**RECEIVED**  
MAR 17 2011

City of Temple  
Planning & Development



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

Jack V. Etux Dorothy Collier  
1296 Pecan Creek Road  
Killeen, Texas 76549

**Zoning Application Number: Z-FY-11-23**

**Project Manager: Leslie Matlock**

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

I recommend  approval      ( ) denial of this request.

**Comments:**

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\_\_\_\_\_  
Signature

*Jack V. Collier*  
\_\_\_\_\_  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than March 21, 2011

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

**RECEIVED**  
MAR 17 2011  
City of Temple  
Planning & Development

Number of Notices Mailed: 36

Date Mailed: March 9, 2011



# PLANNING AND ZONING COMMISSION AGENDA ITEM

03/21/11  
 Item #4  
 Regular Agenda  
 Page 1 of 3

**APPLICANT:** Clark and Fuller on behalf of McLean Commercial LTD

**CASE MANAGER:** Leslie Matlock, AICP, Senior Planner

**ITEM DESCRIPTION:** Z-FY-11-23 Hold a public -hearing to discuss and recommend action on a rezoning from Single Family Two District (SF2) to Two Family District (2F) on 30.9 ± acres of land being out of the Maximo Moreno Survey, Abstract 14, City of Temple, Bell County, Texas, located along the west of South 5<sup>th</sup> Street, between Canyon Creek Drive and Silver Stone Drive.

**BACKGROUND:** The Applicant requests this rezoning in order to build a two-family (duplex) development, with a minimum 4,000-sq.ft. lots, north of the Silver Stone single-family addition.

**SURROUNDING PROPERTY AND USES:**

The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	SF2	Undeveloped	
East	A	Single-family Residential Subdivision	
North	O2	Vacant Land and Strip Shopping Center Building	

Direction	Zoning	Current Land Use	Photo
South	SF3	Future City Trail and Silver Stone Single-family Residential Subdivision	
West	SF2	Undeveloped Property	

**COMPREHENSIVE PLAN COMPLIANCE:**

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	Y*
CP	Map 5.2 - Thoroughfare Plan	Y*
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y*
STP	Map F4- Proposed City-wide Spine trail at south side of property	See Below

\* = See Text Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

**Future Land Use and Character (CP Map 3.1)**

The Future Land Use and Character Map designates the subject property as Auto-Urban Residential. The request complies with the Future Land Use and Character Map.

**Thoroughfare Plan (CP Map 5.2)**

The Thoroughfare Plan designates Canyon Creek Drive as a Major Arterial and Hartrick Bluff Road appears as a Collector. Silver Stone Drive is a Local Street.

According to the Institute of Transportation Engineers (ITE,) there are, statistically, approximately 9.75 single family household vehicle trips per day. If the approximately 30.9 acres were developed to full capacity into the minimum of 4,000-sq. foot duplex lots, 270 lots (or 540 total units) would be possible. About 5,265 weekday vehicle trips would be added to the existing street network from a fully-developed duplex subdivision. The difference between the daily trips from 2F duplex to the existing SF2 zoning would be 3,220 weekday vehicle trips.

Hartrick Bluff Road should continue to be classed as a collector street through this neighborhood. Hartrick Bluff opens to both Canyon Creek and Waters Dairy Drive Waters Dairy is also classed as a Collector. While this request could ultimately add a lot of traffic to the local road system, the surrounding roads are being under-utilized. The request is in compliance with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

There are 8" water lines and 8" and 10" sewer lines in place that can serve the subdivision adjacent to the property.

Citywide Sidewalk and Trails Master Plan (Map F4)

The Citywide Sidewalk and Trails Master Plan calls for a Local Connector Trail at the southern property line of this parcel. Dedication of trail land will be taken up at the time of plat review by the Development Review committee and the Parks and Leisure Department.

**DEVELOPMENT REGULATIONS:**

The purpose of the 2F, Two-Family zoning district is to provide for smaller duplex lots which are not allowed in the SF-2, although single-family units are permitted in the 2F district. The 2F district allows lot sizes a minimum of 4,000-square feet. This duplex district may be best used as a zone of transition from the more restrictive single family district to lesser restrictive or denser residential districts such as a multi-family or retail district. As depicted on the attached zoning map sheet, the application of this district to the subject property would accomplish such a transition with the proposed duplex zoning laying between the single family zoning to the west and the proposed General Retail zoning to the east, along S. 5<sup>th</sup> Street. Additionally the trail that shows along the southern boundary of this development will be a buffer between the single family zoning district to the south and this duplex development.

Typical permitted uses include but are not limited to single-family homes and nonresidential support uses such as schools and places of worship. The following table shows the minimum dimensional requirements for the 2F zoning district.

<b>2F, Two-Family Residential Standards</b>	
<b>Min. Lot Area (sq. ft.)</b>	4,000
<b>Min. Lot Width (ft.)</b>	60
<b>Min. Lot Depth (ft.)</b>	100
<b>Max. Height (stories)</b>	2.5
<b>Min. Yard (ft.)</b>	
Front	25
Side	5
Side (street)	15
Rear	10

**PUBLIC NOTICE:**

Thirty-six notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, March 16, at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on March 10, 2011, in accordance with state law and local ordinance

**STAFF RECOMMENDATION:** Staff recommends approval of Z-FY-11-23 for the following reasons:

1. The request basically complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities will serve the property.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

- |                            |             |                  |
|----------------------------|-------------|------------------|
| Aerial                     | Zoning Map  | Response Letters |
| Land Use and Character Map | Utility Map |                  |
| Thoroughfare Plan Map      | Notice Map  |                  |

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, MARCH 21, 2011**

**ACTION ITEMS**

**Item 4: Z-FY-11-23:** Hold a public hearing to discuss and recommend action on a rezoning from Single Family Two District (SF2) to Two Family District (2F) on 30.9 ± acres of land being out of the Maximo Moreno Survey, Abstract 14, City of Temple, Bell County, Texas, located along the west of South 5<sup>th</sup> Street, between Canyon Creek Drive and Silver Stone Drive.

Ms. Leslie Matlock, Senior Planner, stated this was Outblock 726B of the City of Temple Addition, 30.9± acres of undeveloped land currently zoned Single Family Two (SF2) detached, south of Canyon Creek Drive and north of Silver Stone Drive.

Surrounding properties include residential to the south and west and commercial to the north and east. The Future Land Use Plan shows this area as Auto-Urban Residential and this request complies.

The duplex and single family zoning have relatively the same dimensional standards. Potentially, two homes will be on each lot which would doubly impact the surrounding road systems. The Thoroughfare Plan designates Canyon Creek Drive as a major arterial and Hartrick Bluff Road is a collector. Silver Stone Drive is a local street.

The Trails Master Plan shows a proposed local connector trail running between the single family developed area and the subject property.

Thirty-six notices were mailed: two were received in denial and two were in approval of the request.

Staff recommends approval of this request since it complies with the Future Land Use and Character Map, Thoroughfare Plan, and public facilities are available to serve the property.

Commissioner Sears asked if any preliminary plats were available on this proposal and Ms. Matlock stated no.

Commissioner Pope asked about the minimum lot area for single family (SF) and two family (2F) and Ms. Matlock confirmed they were the same size.

Chair Talley opened the public hearing. There being no speakers, Chair Talley closed the public hearing.

Commissioner Rhoads made a motion to approve **Z-FY-11-23** and Commissioner Pilkington made a second.

*Motion passed: (7:0)*

Commissioner Staats abstained

ORDINANCE NO. \_\_\_\_\_

[PLANNING NO. Z-FY-11-23]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM SINGLE FAMILY TWO DISTRICT (SF2) TO TWO FAMILY DISTRICT (2F) ON APPROXIMATELY 30.9 ACRES OF LAND BEING OUT OF THE MAXIMO MORENO SURVEY, ABSTRACT 14, CITY OF TEMPLE, BELL COUNTY, TEXAS, LOCATED ALONG THE WEST OF SOUTH 5<sup>TH</sup> STREET, BETWEEN CANYON CREEK DRIVE AND SILVER STONE DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a rezoning from Single Family Two District (SF2) to Two Family District (2F) on approximately 30.9 acres of land being out of the Maximo Moreno Survey, Abstract 14, City of Temple, Bell County, Texas, 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 **21<sup>st</sup>** day of **April**, 2011.

PASSED AND APPROVED on Second Reading on the **5<sup>th</sup>** day of **May**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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05/05/11  
Item #4(K)  
Consent Agenda  
Page 1 of 3

### DEPT. / DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

**ITEM DESCRIPTION:** SECOND READING – Z-FY-11-24: Consider adopting an ordinance authorizing a zoning change from Neighborhood Services District (NS) to General Retail District (GR) on Lot 1-A, Block 1, Canyon Creek Place II Addition, located at 1710 Canyon Creek Drive.

**(Approval of this item on Consent Agenda will rezone the subject property to Planned Development Neighborhood Services plus beer and wine sales for off-premise consumption as approved on first reading by the City Council.)**

**CITY COUNCIL ACTION:** At its April 21, 2011, meeting, City Council voted to amend the proposed zoning from General Retail to a Planned Development for Neighborhood Service plus alcohol beverage sales, off-premise consumption, beer and wine store. **A site plan has been included as an exhibit to the ordinance.**

**P&Z COMMISSION RECOMMENDATION:** At its March 21, 2011, meeting, the Planning and Zoning Commission voted 6/2 to recommend **denial** of the zoning from NS to GR. Commissioner Staats and Brown voted against the **denial**, however Commissioner Brown later recanted her vote.

**Due the recommendation for denial from the Planning & Zoning Commission, four affirmative votes from the City Council will be required for approval of the ordinance.**

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

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-11-24 from the Planning and Zoning meeting, March 21, 2011. The Applicant requests this rezoning to establish a General Retail development on 0.6 ± acres in order to expand the amount and type of uses allowed.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan, Trails Master Plan and other adopted plans:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	*Y
CP	Map 5.2 - Thoroughfare Plan	*Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	*Y
STP	Map F4- Proposed City-wide Spine trail at south side of property	*Y

CP = Comprehensive Plan    STP = Sidewalk and Trails Plan    \* = See explanation below

Future Land Use and Character (CP Map 3.1)

The future land use and character map designates the property as Suburban Commercial. This General Retail rezoning request complies with this map.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates Canyon Creek Drive is a Collector street. Mariam Drive is classed as a local street. This collector can handle the increased load that this rezoning may create. The rezoning request complies with the plan.

Availability of Public Facilities (CP Goal 4.1)

An eight-inch water line is along Canyon Creek Drive and a six-inch sewer line serves the property to the west along Mariam Drive. Public facilities are available to the property.

Temple Trails Master Plan Map

The Sidewalk and Trails Plan designates property somewhere along the southern side of Canyon Creek Drive as a community-wide trail. This rezoning will not trigger the Trails Master Plan and development will not affect dedication as the property is already platted.

**PUBLIC NOTICE:** Seventeen notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, March 16<sup>th</sup>, at 5 PM, two notices were returned in favor of and two notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on March 10, 2011, in accordance with state law and local ordinance

**FISCAL IMPACT:** NA

**ATTACHMENTS:**

Aerial Map  
Land Use and Character Map  
Zoning Map  
Thoroughfare Plan Map  
Utility Map  
Notice Map  
Notice Responses  
P&Z Staff Report  
P&Z Minutes (March 21, 2011 and April 4, 2011)  
Ordinance



Z-FY-11-24

Lot 1-A, Block 1,  
Canyon Creek Place II

1710 Canyon Creek Drive



Z FY 11-24   
2008 Bell County Aerial

Feet 0 50 100 150 200

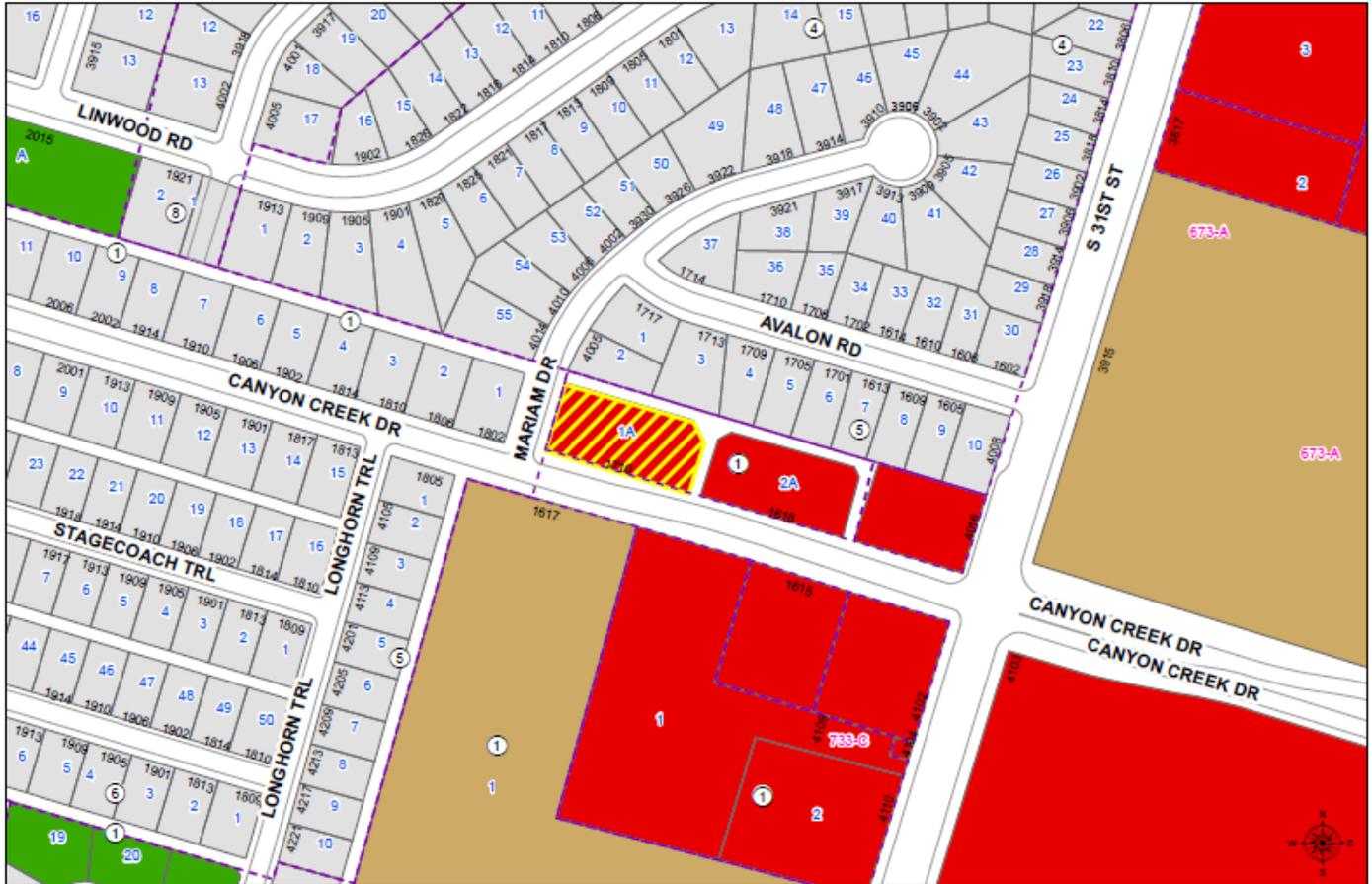
LMatlock Planning 2.25.11



Z-FY-11-24

Lot 1-A, Block 1,  
Canyon Creek Place II

1710 Canyon Creek Drive



- |                       |                         |                    |                           |                                   |              |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| ZFY1124               | Auto-Urban Mixed Use    | Business Park      | Neighborhood Conservation | Suburban Commercial               | Urban Center |
| Agricultural/Rural    | Auto-Urban Multi-Family | Estate Residential | Parks & Open Space        | Suburban Residential              |              |
| Auto-Urban Commercial | Auto-Urban Residential  | Industrial         | Public Institutional      | Temple Medical Education District |              |

1 inch = 208 feet

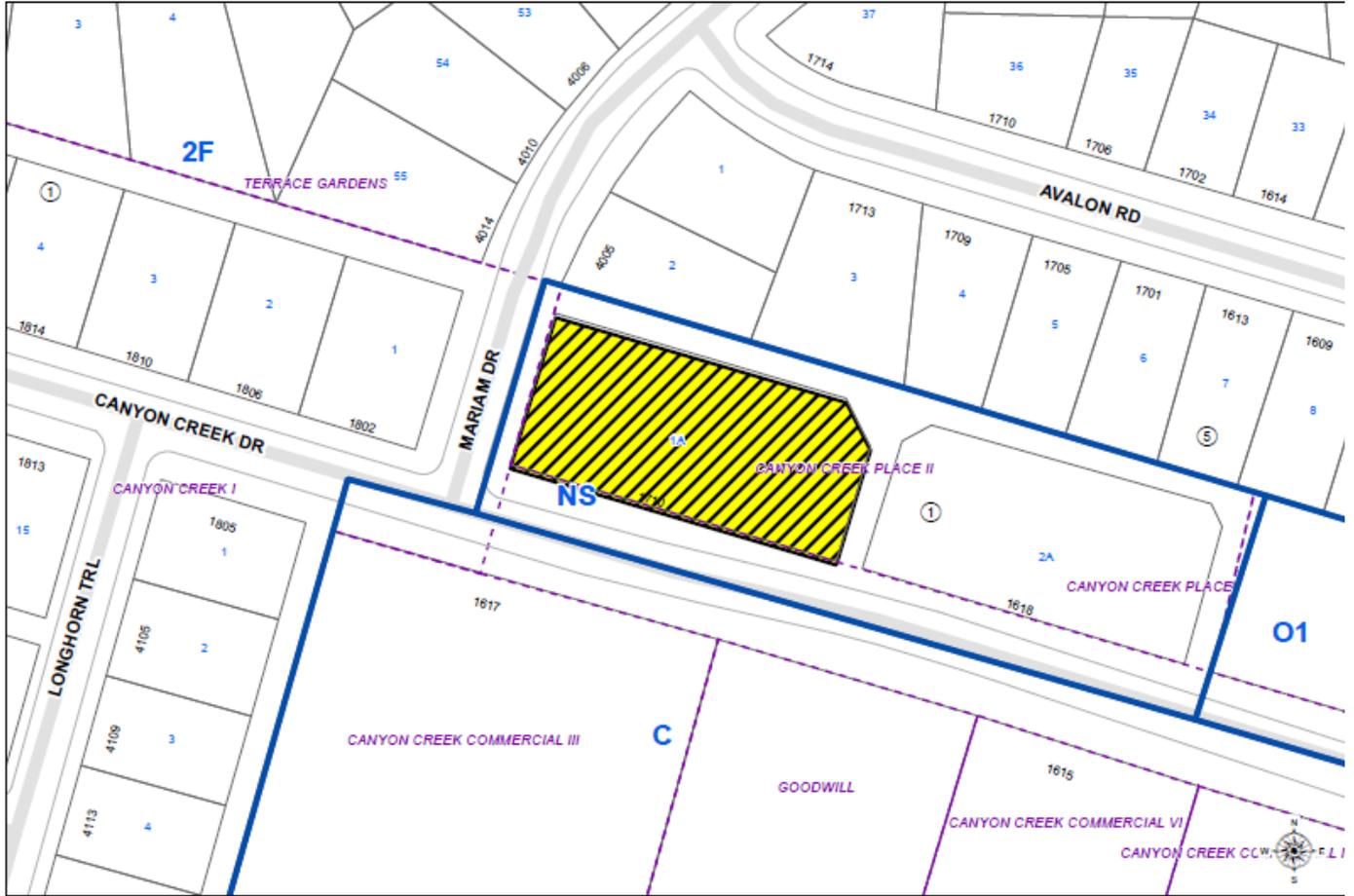
LMatlock Planning 2.25.11



Z-FY-11-24

Lot 1-A, Block 1,  
Canyon Creek Place II

1710 Canyon Creek Drive



Z FY 11-24  
Lots

123

Zoning Boundary  
Blocks

5

Subdivision  
Outblock

Addition  
123

Addresses 321

Feet 0 50 100 150 200

LMatlock Planning 2.25



Z-FY-11-24

Lot 1-A, Block 1,  
Canyon Creek Place II

1710 Canyon Creek Drive



Z FY 11-24



Local Street



Collector Street



Feet 0 50 100 150 200

LMatlock Planning 2.25.11



Z-FY-11-24

Lot 1-A, Block 1,  
Canyon Creek Place II

1710 Canyon Creek Drive



Z FY 11-24  
Fire Hydrants



Domestic Water Line  
Sanitary Sewer Line



Feet 0 50 100 150 200

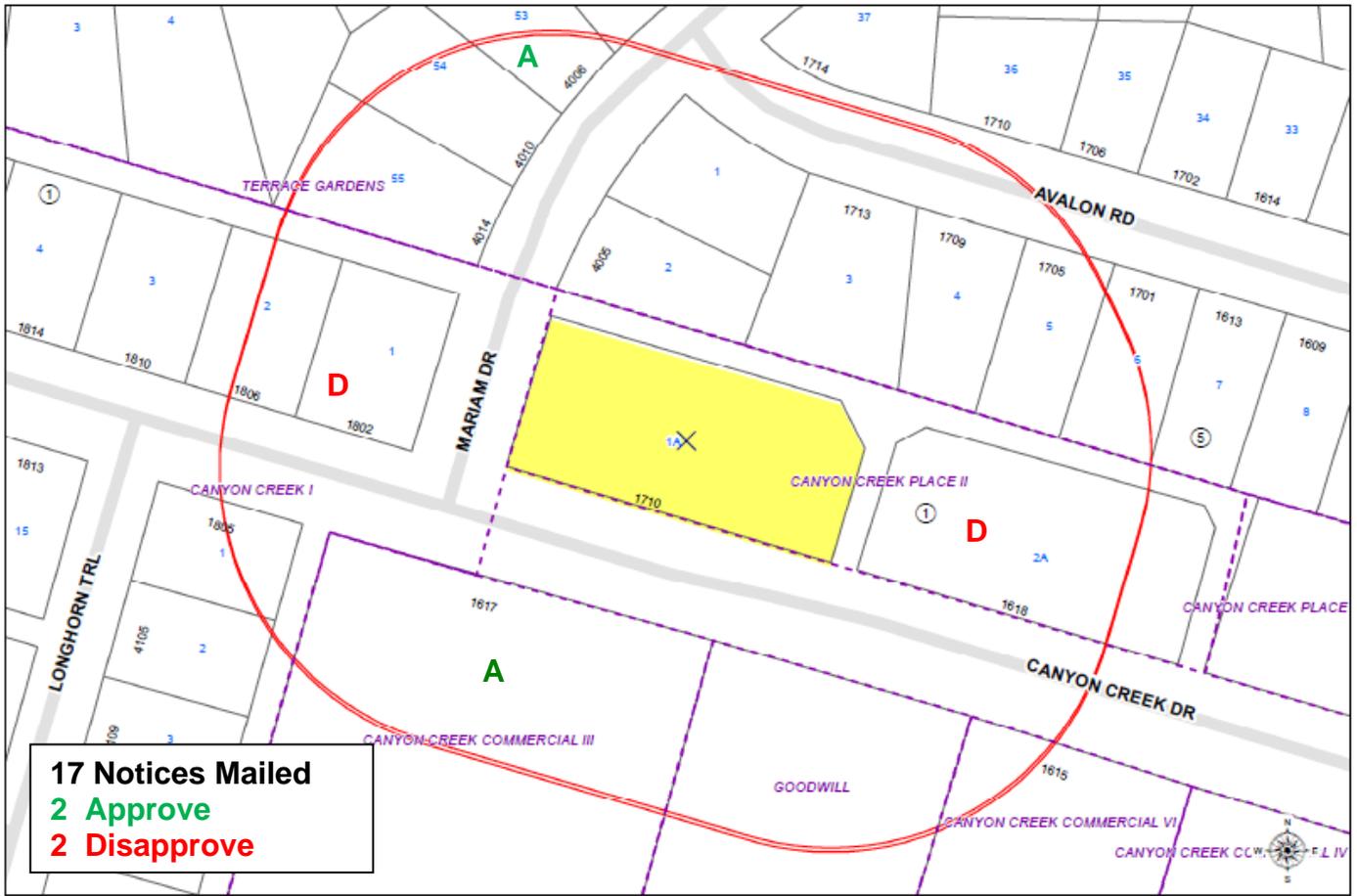
LMatlock Planning 2.25.11



Z-FY-11-24

Lot 1-A, Block 1,  
Canyon Creek Place II

1710 Canyon Creek Drive



**17 Notices Mailed**  
**2 Approve**  
**2 Disapprove**

Z FY 11-24	Streets	123	Addresses	Blocks	 LMatlock Planning 2.25.11
200' Buffer	Addition	123	Outblocks		
	Parcels	123	Lots		



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

Alvin & Aleda Madden  
2601 Tanglewood  
Belton, Texas 76513

Zoning Application Number: Z-FY-11-24

Project Manager: Leslie Matlock

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

I recommend  approval      ( ) denial of this request.

**Comments:**

How will this affect the price of the house if selling it in the future?

How will it affect my tax?

My husband "Alvin R Madden" is deceased; therefore we cannot obtain his signature.

I do have his death certificate if necessary.

If you have any more questions please call @ 254-721-8038 OR 254-939-3473.

This would be good for this area @ the time.

Thank you,

Aleda A Madden  
Signature

Aleda A Madden  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than March 21, 2011

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

**RECEIVED**

MAR 17 2011

City of Temple  
Planning & Development

Number of Notices Mailed: 17

Date Mailed: March 9, 2011



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

Joan Smith Marek
1802 Canyon Creek Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-11-24

Project Manager: Leslie Matlock

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

I recommend ( ) approval (X) denial of this request.

Comments:

I WANT TO KNOW FIRST WHAT TYPE OF STORE - NO LIQUOR STORES - AND THEN CAN MAKE AN INFORMED DECISION.

Handwritten signature of Joan Smith Marek

Signature

JOAN SMITH MAREK

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than March 21, 2011

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

MAR 17 2011

City of Temple
Planning & Development

Number of Notices Mailed: 17

Date Mailed: March 9, 2011



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

RECEIVED  
MAR 10 2011

Housing Authority of City of Temple  
700 West Calhoun Avenue  
Temple, Texas 76501

Zoning Application Number: Z-FY-11-24

Project Manager: Leslie Matlock

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

I recommend  approval      ( ) denial of this request.

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

Barbara B Boyz  
Signature

BARBARA BOZON  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than March 21, 2011

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

RECEIVED  
MAR 17 2011

City of Temple  
Planning & Development

Number of Notices Mailed: 17

Date Mailed: March 9, 2011



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

Wright, Paysse Associates LC  
5640 South Kegley Road  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-11-24

**Project Manager:** Leslie Matlock

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

I recommend ( ) approval      () denial of this request.

**Comments:**

I do not feel this would be an appropriate zoning designation for this neighborhood. A convenience store would not be in the best interest of the residential or business office clients that reside on either side of the proposed lot. It would be considered spot zoning and would allow several other types of businesses to be located there.

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*Steve Wright*  
Signature

Steve Wright  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than March 21, 2011

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

**RECEIVED**

MAR 23 2011

City of Temple  
Planning & Development

Number of Notices Mailed: 17

Date Mailed: March 9, 2011



# PLANNING AND ZONING COMMISSION AGENDA ITEM

3/21/11  
 Item #5  
 Regular Agenda  
 Page 1 of 4

**APPLICANT / DEVELOPMENT:** Ron Barrack for Alan Junes of Goodway Partners, Owners

**CASE MANAGER:** Leslie Matlock, AICP, Senior Planner

**ITEM DESCRIPTION:** Z-FY-11-24 Hold a public hearing to discuss and recommend action on a rezoning from Neighborhood Services District (NS) to General Retail District (GR) on Lot 1-A, Block 1, Canyon Creek Place II Addition, located at 1710 Canyon Creek Drive.

**BACKGROUND:** The applicant requests the rezoning to establish a retail development.

**SURROUNDING PROPERTY AND USES:**

The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	NS	Undeveloped Non-Residential Lot	
North	2F	Single Family Residential	
South	C	Multi Family Housing and Retail	
East	NS	Multiple Tenant Office Building	

Direction	Zoning	Current Land Use	Photo
West	2F	Single Family Residential	

### **COMPREHENSIVE PLAN COMPLIANCE:**

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	Y*
CP	Map 5.2 - Thoroughfare Plan	Y*
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y*
STP	Temple Trails Master Plan Map	Y*

\* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

#### **Future Land Use and Character (CP Map 3.1)**

The future land use and character map designates the property as Suburban Commercial. This General Retail rezoning request complies with this map.

#### **Thoroughfare Plan (CP Map 5.2)**

The Thoroughfare Plan designates Canyon Creek Drive is a Collector street. Mariam Drive is classed as a local street. This collector can handle the increased load that this rezoning may create. The rezoning request complies with the plan.

#### **Availability of Public Facilities (CP Goal 4.1)**

An eight-inch water line is along Canyon Creek Drive and a six-inch sewer line serves the property to the west along Mariam Drive. Public facilities are available to the property.

#### **Temple Trails Master Plan Map**

The Sidewalk and Trails Plan designates property somewhere along the southern side of Canyon Creek Drive as a community-wide trail. This rezoning will not trigger the Trails Master Plan and development will not affect dedication as the property is already platted.

### **DEVELOPMENT REGULATIONS:**

#### **Current Zoning**

The subject property is zoned NS, Neighborhood Services. This district is a less intensive non-residential zoning district, meant to border adjacent neighborhoods. It allows limited office and retail uses that have compatible hours and noise levels similar to residential uses, although it does not allow apartments or patio homes. Setbacks are generally the same in both the existing NS District and in the proposed GR District.

#### **Proposed Zoning**

The GR, General Retail, zoning district is the standard retail district and allows most retail sales, restaurants, grocery stores, department stores, or offices and all residential uses except apartments and patio homes (see comparison of uses below). The area along S. 31<sup>st</sup> Street is zoned GR. The

uses allow convenience stores with fuel sales by right if a proper street setback for the fuel pump island is maintained from the Right-of-Way. NS allows convenience stores by right but allows fuel sales conditionally. A complete list of uses permitted in GR but not in NS is given below.

Any nonresidential use would require buffering (6-8-ft fence or wall or landscaping buffer) along the residential adjacency and light trespass would not be allowed. There is no requirement in GR for early hours or heightened protection against intensity of use.

There is precedent in this area of the Canyon Creek neighborhood to have a non-residential zone at this node adjacent to a single family use, but along this block, the businesses are currently low intensity, with medical type offices having no rear lighting and are closed in the evening.

### Uses Allowed in GR But Not Allowed in NS

If the requested rezoning were approved, the following uses would be allowed on the property, which are currently not allowed with its present NS zoning if use has adequate space to develop.

#### Uses permitted by Right

- Two family dwelling
- Alcoholic beverage sales for on premise consumption (Beer/Wine, < 75%)
- Drive-in Restaurant
- Lithographic or print shop
- Plumbing or upholstery shop
- Fairgrounds or exhibition hall
- Trade School or College
- Hospital
- Military Reserve Center
- Hotel/Motel
- Commercial Indoor amusement
- Country Club
- Roller or Ice Rink
- Indoor flea market

- Discount or Department Store
- Furniture and Appliance Sales and Service
- Hardware Store and Hobby Shop
- Retail Sales and Service uses other than listed
- Tool Rental, indoors
- Emergency Vehicle Station
- Car Wash
- Auto Leasing and Rental
- Motorcycle or Scooter Sales

#### Uses permitted if use is in conformance with Zoning Limitations

- Outdoor Auto Sales (L)
- Minor Vehicle Servicing (L)

#### Uses permitted with approved Conditional Use Permit Only

- Alcoholic Beverage Sales off-premise consumption (Package Store) (C)
- Fuel Sales (C)
- Dance Hall (C)
- Veterinary hospital with or without kennels (C)
- Institution for alcoholic or narcotic patients (C)
- Recycling Collection Location (C)
- Children's Day Camp (C)
- Commercial Swimming Pool (C)
- Commercial Parking Lot (C)
- Warehouse Office (C)
- Zoo (C)

### **PUBLIC NOTICE:**

Seventeen notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, March 16<sup>th</sup>, at 5 PM, 2 notices were returned in favor of and 2 notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on March 10, 2011, in accordance with state law and local ordinance

**STAFF RECOMMENDATION:** Staff recommends approval of the rezoning for case Z-FY-11-24 for the following reasons:

1. While the existing NS, Neighborhood Services District is the most compatible zone next to the adjacent residential district, the change to GR, General Retail District request on this lot generally complies with the Future Land Use and Character Map.
2. The request generally complies with the Thoroughfare Plan.
3. Public and private facilities serve the property.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Aerial  
Land Use and Character Map  
Zoning Map  
Utility Map  
Thoroughfare Plan Map  
Notice Map  
Responses

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, MARCH 21, 2011**

**ACTION ITEMS**

**Item 5: Z-FY-11-24:** Hold a public hearing to discuss and recommend action on a rezoning from Neighborhood Services District (NS) to General Retail District (GR) on Lot 1-A, Block 1, Canyon Creek Place II Addition, located at 1710 Canyon Creek Drive.

Ms. Leslie Matlock stated this was a .6± acre non-residential parcel and currently zoned Neighborhood Services (NS) adjacent to Canyon Creek Drive and Mariam Drive. Surrounding properties include single family units to the north and west, apartment complexes to the south, and low impact offices to the east. Surrounding zoning include single family, multi-family, and retail.

NS zoning district permits limited retail services and is the most restrictive of all retail districts. It is intended to provide retail and service needs for a residential neighborhood and should be located at a corner of a local road and collector that serves the neighborhood.

General Retail (GR) allows most retail uses including retail sales, grocery stores, department stores, and offices intended to serve a larger service area and should be located at the intersection of major arterials. The adjoining zoning districts should be carefully selected due to environmental conflicts such as noise, lighting, and congestion which may be bothersome to the residential uses.

Selected uses for GR were given to show differences from NS zoning.

Seventeen notices were mailed: Two were received in favor and one was received denying the request. Two phone calls were received regarding detrimental/intense uses.

Staff recommends approval of this request for the following reasons:

1. While the existing NS, Neighborhood Services District is the most compatible zone next to the adjacent residential district, the change to GR, General Retail District request on this lot generally complies with the Future Land Use and Character Map;
2. The request generally complies with the Thoroughfare Plan; and
3. Public and private facilities serve the property.

Commissioner Staats asked how the lighting would affect the residential yards. Ms. Matlock replied it would not be allowed to trespass and the applicant would be required a build a 6 to 8 foot solid fence or install solid landscaping across the back.

Commissioner Staats asked about the noise ordinance and if it protected the citizens from this type of situation. Ms. Matlock stated no, the noise ordinance did not include this type of situation.

Ms. Matlock stated the uses currently allowed there now in NS are less intensive and the businesses tend to not stay open past eight p.m. usually. The applicant has not specified what business would be put in but indicated a strip center for retail uses on the application, and possibly a convenience store with fuel sales.

Chair Talley opened the public hearing.

Mr. Ron Barrick, 1907 Mockingbird Lane, Leander, Texas, stated he was appearing on behalf of a potential buyer of the subject property. Mr. Barrick stated the zone change was needed in order to expand the retail uses that might be considered before deciding how to use the land. GR seems to be consistent with what is already in the area and Mr. Barrick did not believe it would ever be used for residential again. Mr. Barrick stated he did not feel anything done there would be detrimental to the area and would, in fact, be advantageous, such as a convenience store or Pizza Hut which would service both the multi-family and residential area. Mr. Barrick asked that the application be approved.

Mr. Muhammed F. Khan, 3524 Cowden Dr., Austin, Texas, stated there was almost a 35 to 50 foot setback behind the proposed shopping center from the nearest neighbor due to a gas pipeline going in which has certain restrictions.

Commissioner Staats asked Mr. Khan if he had spoken to any of the residents and Mr. Khan stated 'not personally.'

Ms. Matlock stated there was a 25 foot setback on the back and a gas line that goes through the center of the property into the back and it was wider, a 50 foot blanket easement that goes through the center of the driveway. Commissioner Pilkington asked if the easement was 100% on the subject lot or split. Ms. Matlock stated it was angled and goes NW/SE and could not say what the split was.

Commissioner Rhoads asked for clarification on the approvals and denials and Ms. Matlock stated two responses were in agreement, one response asked for denial, and she received two telephone calls from citizens who were concerned about what type of business was going to be there. Ms. Matlock explained to the callers anything that was in the zoning district it was changed to would be allowed and read them the various uses.

Commissioner Staats asked if there was any type of ordinance which would protect the residential neighbors from noise. Mr. Brian Mabry, Planning Director, stated there were specific rules in the City Code about noise related to construction and starting up work and preventing night time work next to a house, however, there was nothing in the existing Unified Development Code (UDC) which required people to direct sound away from residential uses. This issue could be considered later on in the UDC projects for certain types of uses.

Commissioner Rhoads asked what the building code was for the subject area regarding masonry. Mr. Mabry stated the City's exterior building provision requirements gives a long list of acceptable masonry materials.

Commissioner Sears asked if under the current NS zoning, would a strip center be allowed and Ms. Matlock said it would, but the uses would be less intense. Commissioner Rhoads asked what some of the NS uses were and Ms. Matlock stated such businesses as a florist, medical, convenience store with no gas sales, small retail business, etc. Commissioner Rhoads asked if these would possibly be businesses that did not close past six o'clock p.m. and Ms. Matlock confirmed that was correct, unless it was a convenience store with no fuel sales.

Commissioner Staats stated he appreciated the effort of the applicant to invest in the community and would ask that the applicants be considerate of the neighbors as the property was being developed and the impact of various businesses.

Chair Talley closed the public hearing.

Commissioner Pilkington stated he felt the NS zoning designation fit the area and did not want to open up the uses. Commissioner Pope stated under Staff recommendations that NS was the most compatible zoning next to the residential district was appropriate.

Vice-Chair Martin made a motion to deny Z-FY-11-24 zone change request from NS to GR and Commissioner Rhoads made a second.

*Motion passed: (6:2)*

Commissioners Brown and Staats voted against.

*[Commissioner Brown stated to Mr. Mabry after the meeting she voted incorrectly on this motion and meant to vote in favor of the denial.]*

[PLANNING NO. Z-FY-11-24]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM NEIGHBORHOOD SERVICES DISTRICT (NS) TO PLANNED DEVELOPMENT NEIGHBORHOOD SERVICE PLUS ALCOHOL BEVERAGE SALES, OFF-PREMISE CONSUMPTION, BEER AND WINE STORE ON LOT 1-A, BLOCK 1, CANYON CREEK PLACE II ADDITION, LCOATED AT 1710 CANYON CREEK 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 rezoning from Neighborhood Services District (NS) to Planned Development Neighborhood Service plus alcohol beverage sales, off-premise consumption, beer and wine store, on Lot 1-A, Block 1, Canyon Creek Place II Addition, located at 1710 Canyon Creek Drive in the City of Temple, Bell County, Texas, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** In accordance with Section 3.4 of the Unified Development Code (UDC) of the City of Temple, the City Zoning Map is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development Neighborhood Service District. The planned development shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- (a) Except as modified by the binding site development plan, attached hereto as Exhibit B, the use and development standards of the property must conform to the requirements of the Neighborhood Services Zoning District.
- (b) In addition to the uses permitted in the Neighborhood Services Zoning District, alcohol beverage sales, off-premise consumption, beer and wine store is a permitted use.
- (c) In the event of a conflict between the site development plan and the text of the Planned Development ordinance, the stricter standard applies.

These conditions shall be express conditions of any building permit issued for construction on the property, which may be enforced by the City of Temple by an action

either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

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

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

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

**Part 6:** It is hereby officially found and determined that the meeting at which this Ordinance 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 **21<sup>st</sup>** day of **April**, 2011.

PASSED AND APPROVED on Second Reading on the **5<sup>th</sup>** day of **May**, 2011.

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

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05/05/11  
Item #4(L)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the conveyance of a 3.205 acre tract to the Texas Department of Transportation (TxDOT) for the IH35 widening project from North Loop 363 to the north city limits of Troy.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** The Texas Department of Transportation (TxDOT) is currently acquiring right-of-way for its IH35 Widening Project from North Loop 363 to the north city limits of Troy. The City of Temple received an offer from TxDOT for a 3.205 acre tract out of the W.H. Hadden Survey, Abstract No. 392, for this project. TxDOT has requested the City to sign a *Possession and Use Agreement for Transportation Purposes* which will allow the State the right of entry and exclusive possession and use of the property for such activities as surveying, inspecting, environmental and archeological studies, clearing, demolition, and improving or locating utility facilities, etc.

**FISCAL IMPACT:** The City will receive the appraised amount of \$41,883.00 from TxDOT for the 3.205 acre tract. In addition, the City will receive an additional \$3,000 for TxDOT's possession and use of the property prior to conveyance of the 3.205 acre tract.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CONVEYANCE OF A 3.205 ACRE TRACT TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE IH-35 WIDENING PROJECT FROM NORTH LOOP 363 TO THE NORTH CITY LIMITS OF TROY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, TxDOT is currently acquiring right-of-way for its IH35 Widening Project from North Loop 363 to the north city limits of Troy;

**Whereas**, the City received an offer from TxDOT for a 3.205 acre tract out of the W.H. Hadden Survey, Abstract No. 392, for this project;

**Whereas**, TxDOT requested the City to sign a *Possession and Use Agreement for Transportation Purposes* which will allow the State the right of entry and exclusive possession for use of the property for surveying, inspecting and other purposes;

**Whereas**, the City will receive the appraised amount of \$41,883.00 from TxDOT for the tract – in addition the City will receive an additional \$3,000.00 for TxDOT's possession and use of the property prior to conveying the property; 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 a 3.205 acre tract to the Texas Department of Transportation (TxDOT) for the IH35 Widening Project from North Loop 363 to the north city limits of Troy.

**Part 2:** The City Council authorizes the City Manager, or his designee, to execute any documents, including the *Possession and Use Agreement for Transportation Purposes*, after approval as to form by the City Attorney, that may be necessary for completion of this transaction.

**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 5<sup>th</sup> day of **May**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary

APPROVED AS TO FORM:

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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05/05/11  
Item #4(M)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Clydette Entzminger, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution appointing the presiding and alternate judges for the May 14, 2011 City of Temple – Temple ISD Joint Election.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** The City Council adopted a resolution ordering the May 14, 2011 general election on February 3, 2011. On April 7<sup>th</sup>, a resolution was adopted appointing the presiding and alternate judges for the election. Since that time, the presiding judge in District 2 and the alternate presiding judge of the Early Voting Ballot Board have informed us of their inability to serve in those capacities so this resolution is necessary to appoint the new presiding judge and alternate presiding judge for the May 14<sup>th</sup> election.

Mary Ramos has agreed to serve as the presiding judge in District 2 and Roy Wells will serve as the alternate presiding judge of the Early Voting Ballot Board. The other judges appointed on April 7<sup>th</sup> will remain the same.

**FISCAL IMPACT:** None

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPOINTING THE PRESIDING AND ALTERNATE JUDGES FOR THE MAY 14, 2011, CITY OF TEMPLE – TEMPLE ISD JOINT ELECTON; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on February 3, 2011, the City Council adopted a resolution ordering the May 14, 2011, general election;

**Whereas**, – on April 7, 2011, the City Council adopted a resolution appointing the presiding and alternate judges for the election;

**Whereas**, since that time, the presiding judge in District 2 and the alternate presiding judge of the Early Voting Ballot Board have informed the City Secretary of their inability to serve in those capacities;

**Whereas**, a new presiding judge for District 2 and a new alternate presiding judge of the Early Voting Ballot Board need to be appointed; 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 appoints Mary Ramos to serve as the presiding judge for District 2 and Roy Wells to serve as the alternate presiding judge of the Early Voting Ballot Board for the May 14, 2011 City of Temple – Temple ISD Joint Election.

**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 5<sup>th</sup> day of May, 2011.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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05/05/11  
Item #4(N)  
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 2010-2011.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2010-2011 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$161,607.

**ATTACHMENTS:**

Budget amendments  
Resolution

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2011 BUDGET**  
 May 5, 2011

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-1600-512-2515		Dues & Subscriptions (Legal Department)	\$ 3,305	
110-0000-413-0231		Gas Franchise		\$ 3,305
<p>To appropriate funds to cover the 2011 assessment for the Atmos Gas Cities Steering Committee for the City of Temple. The fee is based on population. We are projecting that gas franchise revenues will exceed budget by approximately \$47,500 in FY 2011.</p>				
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 95	
110-1500-515-6531		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 95</b>
<p>Attorney fees for lawsuit filed against the City -- Centex Investments, Inc. v. City of Temple</p>				
<b>110-0000-352-1345</b>		<b>Designated Capital Projects - Unallocated</b>	<b>\$ 23,291</b>	
110-3400-531-1110		Administrative (Street)		\$ 16,054
110-3400-531-1126		Longevity		\$ 36
110-3400-531-1220		Retirement/Pension		\$ 2,750
110-3400-531-1221		Social Security		\$ 225
110-3400-531-1222		Health Insurance		\$ 474
110-3400-531-1223		Workers Compensation		\$ 239
110-3900-533-1110		Administrative (Engineering)	\$ 1,410	
110-3900-533-1112		Professional	\$ 28,278	
110-3900-533-1113		Technical	\$ 388	
110-3900-533-1126		Longevity	\$ 70	
110-3900-533-1220		Retirement/Pension	\$ 5,023	
110-3900-533-1221		Social Security	\$ 429	
110-3900-533-1222		Health Insurance	\$ 1,844	
110-3900-533-1223		Workers Compensation	\$ 75	
110-2310-540-1110		Administrative (Solid Waste Admin)		\$ 18,947
110-2310-540-1126		Longevity		\$ 48
110-2310-540-1220		Retirement/Pension		\$ 3,282
110-2310-540-1221		Social Security		\$ 279
110-2310-540-1222		Health Insurance		\$ 455
110-2310-540-1223		Workers Compensation		\$ 383
110-2800-532-1110		Administrative (Traffic Signal)		\$ 4,881
110-2800-532-1126		Longevity		\$ 12
110-2800-532-1220		Retirement/Pension		\$ 846
110-2800-532-1221		Social Security		\$ 71
110-2800-532-1222		Health Insurance		\$ 114
110-2800-532-1223		Workers Compensation		\$ 16
110-3800-519-1110		Administrative (Fleet Services)		\$ 9,473
110-3800-519-1126		Longevity		\$ 24
110-3800-519-1220		Retirement/Pension		\$ 1,641
110-3800-519-1221		Social Security		\$ 139
110-3800-519-1222		Health Insurance		\$ 227
110-3800-519-1223		Workers Compensation		\$ 192
292-2900-534-2317		Drainage Systems		\$ 4,937
292-2900-534-1110		Administrative		\$ 4,175
292-2900-534-1112		Professional	\$ 7,860	
292-2900-534-1113		Technical	\$ 193	
292-2900-534-1126		Longevity		\$ 11
292-2900-534-1220		Retirement/Pension	\$ 591	
292-2900-534-1221		Social Security	\$ 55	
292-2900-534-1222		Health Insurance	\$ 529	
292-2900-534-1223		Workers Compensation		\$ 105

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2011 BUDGET**  
 May 5, 2011

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
520-5000-535-1110		Administrative (PW Admin)	\$ 4,751	
520-5000-535-1112		Professional	\$ 65,959	
520-5000-535-1113		Technical	\$ 388	
520-5000-535-1126		Longevity	\$ 284	
520-5000-535-1220		Retirement/Pension	\$ 12,095	
520-5000-535-1221		Social Security	\$ 1,019	
520-5000-535-1222		Health Insurance	\$ 3,433	
520-5000-535-1223		Workers Compensation	\$ 242	
520-5100-535-1110		Administrative (Water Treatment)		\$ 17,291
520-5100-535-1126		Longevity		\$ 48
520-5100-535-1220		Retirement/Pension		\$ 3,282
520-5100-535-1221		Social Security		\$ 279
520-5100-535-1222		Health Insurance		\$ 455
520-5100-535-1223		Workers Compensation		\$ 383
520-5200-535-1110		Administrative (Water Distribution)		\$ 9,473
520-5200-535-1126		Longevity		\$ 24
520-5200-535-1220		Retirement/Pension		\$ 1,641
520-5200-535-1221		Social Security		\$ 139
520-5200-535-1222		Health Insurance		\$ 227
520-5200-535-1223		Workers Compensation		\$ 192
520-5400-535-1110		Administrative (Sewer Collection)		\$ 9,473
520-5400-535-1126		Longevity		\$ 24
520-5400-535-1220		Retirement/Pension		\$ 1,641
520-5400-535-1221		Social Security		\$ 139
520-5400-535-1222		Health Insurance		\$ 227
520-5400-535-1223		Workers Compensation		\$ 192
520-5500-535-1110		Administrative (Sewer Treatment)		\$ 9,473
520-5500-535-1126		Longevity		\$ 24
520-5500-535-1220		Retirement/Pension		\$ 1,641
520-5500-535-1221		Social Security		\$ 139
520-5500-535-1222		Health Insurance		\$ 227
520-5500-535-1223		Workers Compensation		\$ 192
520-5700-580-7211		Bond Interest		\$ 31,345

This budget adjustment re-appropriates funds to cover distribution changes that resulted from the Public Works Reorganization. Additional funds needed are also appropriated: 1) \$4,811 from Drainage Systems to fund the additional amount needed in the Drainage Fund and 2) \$31,598 from Water & Sewer Bond Interest savings to fund the additional amount needed in the Water & Sewer Fund. The City Manager approved a Public Works Reorganization in September 2010. This reorganization included eliminating the Assistant Director of Public Works for Operations to fund the frozen Assistant City Engineer position.

<b>TOTAL AMENDMENTS</b>	<b>\$ 161,607</b>	<b>\$ 161,607</b>
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**GENERAL FUND**

Beginning <b>Contingency</b> Balance	\$ -
Added to Contingency Sweep Account	\$ -
Carry forward from Prior Year	\$ -
Taken From Contingency	\$ -
Net Balance of Contingency Account	\$ -
Beginning <b>Judgments &amp; Damages</b> Contingency	\$ 80,000
Added to Contingency Judgments & Damages from Council Contingency	\$ -
Taken From Judgments & Damages	\$ (59,420)
Net Balance of Judgments & Damages Contingency Account	\$ 20,580

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2011 BUDGET**  
**May 5, 2011**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning <b>Fuel</b> Contingency	\$	55,841
		Added to Fuel Contingency	\$	-
		Taken From Fuel Contingency	\$	-
		Net Balance of Fuel Contingency Account	\$	55,841
		Beginning <b>Self Insurance Start Up Cost</b> Contingency	\$	628,756
		Added to Self Insurance Start Up Cost Contingency	\$	-
		Taken From Self Insurance Start Up Cost Contingency	\$	(628,756)
		Net Balance of Self Insurance Start Up Cost Contingency Account	\$	-
		<b>Net Balance Council Contingency</b>	\$	<b>76,421</b>
		Beginning Balance <b>Budget Sweep</b> Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
		<b>WATER &amp; SEWER FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	50,000
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(23,790)
		Net Balance of Contingency Account	\$	26,210
		Beginning <b>Self Insurance Start Up Cost</b> Contingency	\$	100,365
		Added to Self Insurance Start Up Cost Contingency	\$	-
		Taken From Self Insurance Start Up Cost Contingency	\$	(100,365)
		Net Balance of Self Insurance Start Up Cost Contingency Account	\$	-
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>	\$	<b>26,210</b>
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Self Insurance Start Up Cost</b> Contingency	\$	10,968
		Added to Self Insurance Start Up Cost Contingency	\$	-
		Taken From Self Insurance Start Up Cost Contingency	\$	(10,968)
		Net Balance of Self Insurance Start Up Cost Contingency Account	\$	-
		<b>DRAINAGE FUND</b>		
		Beginning <b>Self Insurance Start Up Cost</b> Contingency	\$	9,911
		Added to Self Insurance Start Up Cost Contingency	\$	-
		Taken From Self Insurance Start Up Cost Contingency	\$	(9,911)
		Net Balance of Self Insurance Start Up Cost Contingency Account	\$	-
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	2,284
		Carry forward from Prior Year	\$	25,229
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(27,513)
		Net Balance of Contingency Account	\$	-

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2010-2011 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on the 2<sup>nd</sup> day of September, 2010, the City Council approved a budget for the 2010-2011 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2010-2011 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 2010-2011 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 5<sup>th</sup> day of **May**, 2011.

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

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05/05/11  
Item #5  
Regular Agenda  
Page 1 of 5

**DEPT./DIVISION SUBMISSION & REVIEW:**

Autumn Speer, Director of Community Services

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING - Z-FY-11-08: Consider adopting an ordinance authorizing a zoning change from multiple zoning district classifications to Temple Medical and Education District (TMED) zones being T4, T5-e, and T5-c, for the remaining 165 residential properties identified in the original zoning change request.

**CITY COUNCIL PRIOR ACTION:** At its February 3, 2011, meeting, City Council voted 5/0 to change the zoning on all TMED properties excluding the 165 residential properties identified during the meeting.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for May 19, 2011.

**ITEM SUMMARY:** The creation of the TMED zoning district is a two step process. The first part created the TMED Districts and standards in the UDC framework. The standards were approved on January 6, 2011. The second portion dealt with the zoning of the properties in the TMED Districts. The first portion of the zoning change was approved on February 3, 2011. This proposed final zoning change will complete the second part of the process to rezone the property in the TMED zoning district boundaries.

At its February 3, 2011, meeting, City Council tabled action concerning the 165 residential properties identified during the meeting. These properties were to be brought back in the future after consensus was reached concerning residential applicability of TMED standards. On April 21, 2011, City Council held a public hearing and made a motion on first reading to approve the TMED Code amendments including residential applicability changes. The second reading of that ordinance is item # \_\_\_\_ on this agenda.



**RESIDENTIAL STANDARDS:**

Single-Family Residential Development Type	Review Process	General Standards	Use Standards	Circulation Standards	Parking and Loading Standards	Bicycle Facility Standards	Private Property Landscaping Standards	Screening Standards	Public Frontage Standards	General Planting Criteria	Architectural Standards	Common Area	Sign Standards	Lighting Standards	Utility Standards
New construction	✓	✓	✓	✓	✓		✓		✓	✓	✓			✓	✓
Change in Use from Single-Family Residential to Multi-family and Non-residential Use (See City Code 12-18 Business Registration)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Increase in gross floor area of 50% or more or modifications with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	✓	✓	✓		7.4.4 Applies						7.7.2 Applies				
Increase in gross floor area of 25%-49% or modifications with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll	✓	✓	✓		7.4.4 Applies						7.7.2 Applies				
Increase in gross floor area of 10%-24% or modifications with a cost equal to 10%-24% of the assessed value of improvements per the current tax roll	✓	✓	✓		7.4.4 Applies						7.7.2 Applies				
Interior or exterior restoration or rehabilitation of existing structure with no increase in gross floor area															

**COMPREHENSIVE PLAN COMPLIANCE:**

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan:

- **Goal 3.1** - Enhanced character and development guidance around Temple’s key economic assets.
  - The rezoning of this area establishes character based zoning for the TMED.
- **Goal 3.3** - Renewed vitality and development interest in Temple’s oldest neighborhoods.
  - The proposed rezoning targets an area identified for redevelopment potential.
- **Goal 3.4** - Better image and identity for Temple by setting a higher standard for public and private development practices.
  - The TMED districts have increased design standards and requirements.

- **Goal 4.1** - Growth and development patterns should be consistent with the City's infrastructure and public service capacities and desired community form and character.
  - The TMED zoning districts encourage new development in the area and allow for infill and higher density in exchange for increased design standards.
- **Goal 5.4** - A mobility system that is integrated with and complements neighborhood and community character.
  - A key element of the TMED zoning districts is the requirement for wider sidewalks and streetscape and pedestrian amenities.
- **Goal 6.1** - Neighborhood environments and residential living options that make Temple an inviting place to call home.
  - The TMED zoning districts include increased design standards for high-density residential and incorporate anti-monotony provisions for residential development.
- **Goal 6.2** - An expanding housing stock that offers local buyers and renters both affordability and value.
  - The TMED zoning districts include a wide variety of housing types permitted by right and decreased lot area requirements.
- **Goal 6.3** - A diverse mix of residential options to address both life-cycle needs and interests of various niche groups seeking new or existing housing in Temple.
  - The TMED zoning districts include a wide variety of housing types permitted by right and decreased lot area requirements.
- **Goal 7.1** - A vibrant and growing Healthcare and Bioscience economic cluster in Temple.
  - The proposed rezoning is a step towards revitalization for the area which promotes a dense, mixed-use environment.
- **Goal 7.4** - Excellence in Temple schools and higher education to assist in attracting employers and employees.
  - The creation of the TMED district aids in the development of a revitalization plan for the Temple College area.
- **Map 3.1** - Future Land Use and Character map identifies this area as the Temple Medical Education District.

**PUBLIC NOTICE:** Staff mailed 355 notices to property owners within the TMED Districts and 523 courtesy notices to property owners within 200' of the proposed zoning change. As of Friday January 7, 2011, the following responses were received:

Of 355 notices to property owners within the TMED Districts:  
24 in Favor, 11 Opposed

Of 523 courtesy notices to property owners within 200' of the proposed zoning change:  
44 in Favor, 18 Opposed, 1 Neutral

**FISCAL IMPACT:** NA

**ATTACHMENTS:**

[Draft Ordinance](#)

[City Council Minutes \(February 3, 2011\)](#)

[Residential Addresses](#)

ORDINANCE NO. \_\_\_\_\_

[PLANNING NO. Z-FY-11-08]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM MULTIPLE ZONING DISTRICT CLASSIFICATIONS TO TEMPLE MEDICAL AND EDUCATION DISTRICT (TMED) ZONES, BEING T4, T5-e, AND T5-c, FOR THE REMAINING 165 RESIDENTIAL PROPERTIES IDENTIFIED IN THE ORIGINAL ZONING CHANGE REQUEST; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on January 20, 2011, the City Council approved on first reading and public hearing the rezoning of approximately 849 acres from multiple zoning districts to Temple Medical and Education (TMED) Zones, being T4, T5-e, T5-c, SD-t, SD-h, SD-v and SD-c;

**Whereas**, on second reading of the ordinance the City Council tabled 165 of the properties and rezoned 190 properties – the 165 properties were to be brought back in the future after consensus was reached concerning residential applicability of TMED standards;

**Whereas**, on April 21, 2011, the City Council held a public hearing and made a motion on first reading to approve the TMED Code amendments including residential applicability changes; and

**Whereas**, the Staff recommends approval of rezoning the remaining 165 properties identified in the original TMED zoning change request.

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

**Part 1:** The City Council approves a zoning change from multiple zoning district classifications to Temple Medical and Education District (TMED) Zones, being T4, T5-e, and T5-c, for the remaining 165 properties identified in the original zoning change request (Ordinance No. 2011-4420), said 165 properties being identified 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 **20<sup>th</sup>** day of **January**, 2011.

PASSED AND APPROVED on Second Reading on the **5<sup>th</sup>** day of **May**, 2011.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clydette Entzminger  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney

# TEMPLE CITY COUNCIL

**FEBRUARY 3, 2011**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, February 3, 2011, at 4:00 P.M., in the Conference Room, 3rd Floor, Municipal Building, 2 North Main Street.

**Present:**

Councilmember Danny Dunn  
Councilmember Marty Janczak  
Mayor Pro Tem Patsy E. Luna  
Councilmember Russell Schneider  
Mayor William A. Jones, III

**1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 3, 2011.**

Consent Agenda Item 4(G) - TMED rezoning: Mayor Jones stated he would pull this item for presentation and possibly another public hearing.

Consent Agenda Item 4(J) - Amendments to Economic Development Policy: Jonathan Graham, City Attorney, stated a couple of changes have been made to this ordinance since the first reading. A quarterly report of all agreements approved by the City Manager will be included with quarterly financial reports. A provision has also been included to allow the City Manager to waive building permit fees up to \$10,000.

Consent Agenda Item 4(K) - Oncor Rate Schedules: David Blackburn, City Manager, stated a representative from Oncor will be present at the meeting should Council have any questions.

Regular Agenda Item 8 - Planning & Zoning Commission Board Appointment: Councilmember Dunn recommended Greg Rhoads be appointed to fill this unexpired term.

**2. Review and discuss options for a future text amendment to the TMED zoning districts concerning the applicability thresholds for existing residential uses.**

Autumn Speer, Director of Community Services, presented this item to the City Council. She stated this item is being discussed in work session because of some concern expressed by Councilmember Schneider on the first reading of the TMED rezoning ordinance. Mrs. Speer showed the 168 residential locations in TMED, along Avenue M, South 3rd Street and South 5th Street. Next, Mrs. Speer reviewed the residential applicability standards in place and those being proposed for amendment to address Councilmember Schneider's concerns. The parking and loading standards are proposed to be removed from every category except new construction. Architectural standards would be limited to modifications resulting in an increase in floor area or cost of 50% or more and new construction. For public frontage standards, only the landscape requirements would apply. Mrs. Speer showed photos of a home and how each of the residential applicability standards would look on that

home.

Councilmember Schneider stated he felt none of the standards should apply to residential structures unless it is new construction or the use changes. He did not think there would be any changes if these standards were implemented.

Mr. Blackburn asked if the Council is satisfied with what is in place now. The direction that has been given for the TMED is for the City to help facilitate the future long-term redevelopment of this area and these standards are one of mechanisms to help this occur.

Councilmember Janczak stated he did not agree with the approach being recommended for the street trees. Avenue M is very narrow and over time these trees could create traffic problems. They can also cause the sidewalks to 'lift up' if they are not planted correctly.

Mrs. Speer stated special trees will be required for these small spaces to eliminate these problems.

Councilmember Dunn added that part of the success of TMED is built around having tree-lined streets and he likes that idea.

Mrs. Speer explained if the City has residential standards in place it can be used to entice people to invest in these areas.

Mr. Blackburn stated there are many components to TMED. The residential area is just as critical as others and these areas need to be addressed.

**3. Discuss upcoming appointments to the following City boards and commissions:**

**(A) Building & Standards Commission - two regular members and three alternate members to fill expiring terms through March 1, 2013**

**(B) Development Standards Advisory Board - three members to fill expiring terms through March 1, 2014**

**(C) Electrical Board - three members to fill expiring terms through March 1, 2014**

**(D) Parks and Leisure Services Advisory Board - two members to fill expiring terms through March 1, 2014**

**(E) Tree Board - two members to fill expiring terms through March 1, 2014**

**(F) Zoning Board of Adjustment - two regular members and two alternate members to fill expiring terms through March 1, 2013**

Mayor Jones reviewed each of the boards with terms expiring, noting those members that are eligible for reappointment. The Councilmember also discussed the board applications on file for each position.

Mayor Jones stated appointments are scheduled for the February 17th City Council meeting.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, February 3, 2011 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

Councilmember Danny Dunn  
Councilmember Marty Janczak  
Mayor Pro Tem Patsy E. Luna  
Councilmember Russell Schneider  
Mayor William A. Jones, III

**I. CALL TO ORDER**

**1. Invocation**

Councilmember Danny Dunn voiced the Invocation.

**2. Pledge of Allegiance**

Thomas Jones, Temple Independent School District, led the Pledge of Allegiance.

**II. PUBLIC COMMENTS**

There were no public comments made at this meeting.

**III. PROCLAMATIONS & SPECIAL RECOGNITIONS**

**3. National School Counseling Week January 31 -- February 6, 2011**

Mayor Jones presented this proclamation to Thomas Jones and several other counselors with Temple Independent School District.

**IV. REPORTS**

**4. Receive the City of Temple Comprehensive Annual Financial Report for fiscal year ended September 30, 2010.**

Traci Barnard, Director of Finance, introduced Steve Niemeier, with Brockway, Gersbach, Franklin and Niemeier, who presented a summary review of the Comprehensive Annual Financial Report.

Mr. Niemeier began with a review of the City's financial highlights for the year relative to revenues, expenses and investment in capital assets. Revenues have exceeded expenses for each of the past six years resulting in a 32% increase in net assets. Of this \$37 million increase in net assets, \$30 million was invested in the City's capital assets to meet the growing needs of the City. Revenues are diversified, with over one-half generated from charges for services. 2010 revenues rose 2%, with an increase in grant revenues that more

than offset a decline in investment income and a \$1.5 million decline in water sales. Expenses increased by 1.6% as a result of a \$1.6 million increase in business-type expenses.

The City's investment in capital assets continue to increase, Mr. Niemeier explained, evident by \$41 million of unspent bond proceeds. Total net assets have increased to \$153.3 million, which includes \$6.2 million reserved for debt service and \$34.7 million in unrestricted net assets. The value of funded assets to meet the future retirement obligations increased 9.5% in 2010.

Mr. Niemeier concluded with a summary of the audit results. He noted the financial strength of the City and its management is evident in its Finance Department. The independent auditor's report was issued without qualification; no significant or material weaknesses in internal controls were identified; the City continues to be proactive in safeguarding resources within its control; and no questionable costs or findings were found in the single audit procedures. Mr. Niemeier commended the Finance Department for their efforts in producing the Comprehensive Annual Financial Report.

## **V. CONSENT AGENDA**

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

#### **(A) January 20, 2011 Special Called and Regular Meeting**

**(B) 2011-6228-R: Consider adopting a resolution authorizing a construction contract with K&S Backhoe Services of Gatesville for the emergency replacement of an 8" water line crossing of the railroad near Avenue D and South 14th Street, in the amount of \$38,032.41.**

**(C) 2011-6229-R: Consider adopting a resolution authorizing the purchase of Telecommunication/Data infrastructure Cabling for the new Temple Fire Station 8/EOC/Training Center with Titan Datacom of Austin in the amount of \$33,307.27.**

**(D) 2011-6230-R: Consider adopting a resolution authorizing the purchase of janitorial supplies from Gulf Coast Paper of Temple utilizing a BuyBoard contract in the estimated annual amount of \$85,000.**

**(E) 2011-6231-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for development of a master plan and concepts for monuments and gateways for the Temple Medical and Education District in an amount not to exceed \$28,600.**

**(F) 2011-6232-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for development of a conceptual design for a plaza in the downtown area in an amount not to exceed \$25,000.**

**(G) 2011-4420: SECOND READING - Z-FY-11-08: Consider adopting an**

ordinance authorizing a zoning change from multiple zoning district classifications to Temple Medical and Education District (TMED) zones being T4, T5-e, T5-c, SD-t, SD-h, SD-v and SD-c on approximately 849+/- acres.

**(H) 2011-4421: SECOND READING - Z-FY-11-09: Consider adopting an ordinance authorizing a Conditional Use Permit allowing minor vehicle servicing on Lot 5, Block 1, Bird Creek Crossing Subdivision, at 3450 South General Bruce Drive.**

**(I) 2011-4422: SECOND READING - Z-FY-11-10: Consider adopting an ordinance authorizing an amendment to Ordinance No. 2006-4090 from Planned Development Single Family One District (PD-SF1) to Planned Development General Retail District (PD-GR) for a portion of Lot 8, Block 2, Stonegate III Addition.**

**(J) 2011-4423: SECOND READING - Consider adopting an ordinance amending the City's Economic Development Policy ordinance to authorize the City Manager to execute certain types of Chapter 380 agreements in any of the City's Strategic Investment Zones.**

**(K) 2011-6233-R: Consider adopting a resolution suspending the proposed effective date of the proposed rate schedules of the Oncor Electric Delivery Company.**

**(L) 2011-6234-R: Consider adopting a resolution in support of HJR 56 as filed by Representative Solomons to provide relief from unfunded mandates for local governments.**

**(M) 2011-6235-R: Consider adopting a resolution authorizing submission of an application for funding through the U.S. Department of the Interior, Bureau of Reclamation, WaterSMART, Water and Energy Efficiency Grant program in the amount of \$65,000, with \$32,500 cost-shared by the City, to install an electronic irrigation control system at Freedom Park, Miller Park, Wilson Park, and West Temple Park.**

**(N) Consider adopting resolutions:**

- 1. 2011-6236-R: Changing the polling place in City Council District 4 from Vineyard Christian Fellowship Church, 7425 West Adams Avenue (FM 2305), to Holy Trinity Catholic High School, located at 6608 West Adams Avenue (FM 2305);**
- 2. 2011-6237-R: Ordering an election for May 14, 2011, for the election of the District 2 Councilmember, the District 3 Councilmember and the Mayor at-large for three year terms; and**
- 3. 2011-6238-R: Authorizing joint election agreements with the Temple Health & Bioscience Economic Development District and Temple Independent School District for the May 14, 2011 election.**

**(O) 2011-6239-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.**

Motion by Councilmember Danny Dunn to adopt resolution approving Consent Agenda, with the exception of item (G), seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

**(G) 2011-4420: SECOND READING - Z-FY-11-08: Consider adopting an ordinance authorizing a zoning change from multiple zoning district classifications to Temple Medical and Education District (TMED) zones being T4, T5-e, T5-c, SD-t, SD-h, SD-v and SD-c on approximately 849+/- acres.**

Autumn Speer, Director of Community Services, presented this item to the City Council. The issue discussed relates to the applicability of residential standards in the TMED. Mrs. Speer displayed a map of the TMED area, noting the location of the 168 residential homes. The current applicability thresholds were reviewed, with explanations of those that are being proposed for amendment. Mrs. Speer reviewed each of the standards and the events that would require each to be applicable. She also showed several slides of an existing home in the TMED and how the applicability standards would be applied to this particular structure under each level of expansion.

Councilmember Schneider stated a very minimal expansion would trigger meeting more requirements. Most of these houses are built on pier and beam and it would be costly to add brick or masonry. He explained he is 100% in favor of the TMED but would only like to have standards apply if the house is totally reconstructed or the use is changed. There have not been that many expansions in this neighborhood so this will not make much difference to the overall appearance, he added.

Mayor Jones noted the standard for dual materials seems to be the one that would be most required of those expanding over 50%.

Mrs. Speer agreed and noted that standard could be modified or removed if Council desired.

David Blackburn, City Manager, stated if the applicability standards are limited to new construction and land use, it will take more than one generation for changes to occur. The objective of TMED is to create something we do not have in this area, something that is substantial and significant. These triggers help to do this.

Mayor Jones stated at a minimum, landscaping is important even if the triggers are minimal.

Motion by Councilmember Danny Dunn to adopt ordinance on second and final reading. Motion failed due to lack of second.

Motion by Councilmember Russell Schneider to adopt ordinance on second and final reading, with standards applicable to only those residences that are reconstructed or when there is a change in use. Motion failed due to lack of second.

Mrs. Speer discussed with the Council the process for bringing any proposed amendments to the TMED residential applicability standards to the Planning & Zoning Commission and Council in the near future. The changes would amend the ordinance adopted by the Council in December 2010 establishing the TMED, not the rezoning of the properties on the agenda today.

After some discussion, the consensus was to remove 165 residential structures, as identified on the address listing provided by Mrs. Speer, from this rezoning, with the intent these properties be combined with the next phase of residential rezoning in TMED that is brought forward. This will provide an opportunity to amend the applicability standards as desired.

Motion by Councilmember Russell Schneider to adopt ordinance on second and final reading, tabling the rezoning of the 165 residences (identified by address) in T4 and T5 and approving the rezoning of the other properties, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

## VI. REGULAR AGENDA

### ORDINANCES

6. **2011-4425: SECOND READING - PUBLIC HEARING - Consider adopting an ordinance authorizing the annexation of approximately 3,230.43 acres located in the City's western extraterritorial jurisdiction including a portion of Lake Belton and surrounding property.**

Brian Mabry, Planning Director, presented this item to the City Council. The first reading and public hearing was conducted at a special meeting on February 2nd. The Municipal Service Plan was presented at the two required public hearings in December. This property is located west of the existing City limits, contains just under 5 square miles of land, and includes no residents. Mr. Mabry showed a map of the proposed annexation area. The Municipal Service Plan will have no effect on existing service and interlocal agreements. No water or wastewater extensions or capital facilities are proposed for this area.

Mayor Jones declared the public hearing open with regard to agenda item 6 and asked if anyone wished to address this item.

There being no comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance on second and final reading, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

7. **2011-4426: FIRST READING - PUBLIC HEARING - Z-FY-11-14: Consider adopting an ordinance authorizing a zoning change from**

**Agricultural District (AG) to Single Family One District (SF1) on 47.36± acres of land situated in the George W. Lindsey Survey, Abstract No. 513 and the S.P. Terry Survey, Abstract No. 812, Bell County, Texas, located on the west side of Morgan's Point Road, south of Bonnie Lane.**

Brian Mabry, Planning Director, presented this case to the City Council. The property is comprised of 47 acres with 77 lots. Rezoning is a condition of the prior preliminary plat approval. The final plat can be approved only after this rezoning is approved. Mr. Mabry displayed an aerial photo of the subject property, which fronts on Morgan's Point Drive. He also showed photos of the site, known as the Lago Terra Subdivision. The requested rezoning does not comply with the Future Land Use and Character map but the Planning and Zoning Commission and staff recommend approval. Several single family districts surround this subdivision and these properties had the same future land use designation as this tract. Water and sewer lines will be extended to serve the property. Thirty-one notices were mailed to surrounding property owners, with one being returned in agreement and one in disagreement. No responses were received from the notices sent to property owners in the City's extraterritorial jurisdiction as a courtesy. The Planning and Zoning Commission unanimously recommended approval of the rezoning as requested. The final plat will be presented to the Planning and Zoning Commission at its next meeting. The final plat does comply with the preliminary plat and this rezoning, Mr. Mabry stated.

Mayor Jones declared the public hearing open with regard to agenda item 7 and asked if anyone wished to address this item.

There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Danny Dunn to adopt ordinance, with second reading and final adoption set for February 17, 2011, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

## **BOARD APPOINTMENTS**

- 8. 2011-6240-R: Consider adopting a resolution appointing one member to the Planning and Zoning Commission to fill an unexpired term through September 1, 2011.**

Mayor Jones stated this unexpired term is the result of the recent resignation of Marvin Hurd from the Planning and Zoning Commission.

Motion by Councilmember Danny Dunn to adopt resolution appointing Greg Rhoads to the Planning and Zoning Commission to fill the unexpired term, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

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William A. Jones, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary

situs num	situs stre	situs st 1	situs st 2	BASE	Type	Location and New Zoning
1208	S	3RD	ST	GR	RESIDENCE	3rd Street - T5-E
1210	S	3RD	ST	GR	RESIDENCE	3rd Street - T5-E
1215	S	3RD	ST	GR	RESIDENCE	3rd Street - T5-E
1302	S	3RD	ST	GR	RESIDENCE	3rd Street - T5-E
1306	S	3RD	ST	GR	RESIDENCE	3rd Street - T5-E
1307	S	3RD	ST	GR	RESIDENCE	3rd Street - T5-E
1309	S	3RD	ST	GR	RESIDENCE	3rd Street - T5-E
1311	S	3RD	ST	GR	RESIDENCE	3rd Street - T5-E
1312	S	3RD	ST	GR	RESIDENCE	3rd Street - T5-E
1313	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1316	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1401	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1402	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1406	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1407	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1409	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1411	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1413	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1414	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1416	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1418	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1502	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1503	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1505	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1507	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1508	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1510	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1518	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1801	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1802	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1805	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1806	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1809	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1810	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1813	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1814	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
1817	S	3RD	ST	GR	RESIDENCE	3rd Street - T5-E
1818	S	3RD	ST	2F	RESIDENCE	3rd Street - T5-E
2004	S	3RD	ST	LI	RESIDENCE	3rd Street - T5-E
2006	S	3RD	ST	LI	RESIDENCE	3rd Street - T5-E
2008	S	3RD	ST	LI	RESIDENCE	3rd Street - T5-E
1310	S	3RD	ST	GR	RESIDENCE	3rd Street - T5-E
1904	S	5TH		2F	RESIDENCE	5th Street T-4
1207	S	5TH	ST	GR	RESIDENCE	5th Street T-4
1209	S	5TH	ST	GR	RESIDENCE	5th Street T-4
1216	S	5TH	ST	GR	RESIDENCE	5th Street T-4
1301	S	5TH	ST	GR	RESIDENCE	5th Street T-4
1305	S	5TH	ST	GR	RESIDENCE	5th Street T-4
1311	S	5TH	ST	GR	RESIDENCE	5th Street T-4
1313	S	5TH	ST	GR	RESIDENCE	5th Street T-4
1316	S	5TH	ST	MF2	RESIDENCE	5th Street T-4
1317	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1318	S	5TH	ST	MF2	RESIDENCE	5th Street T-4
1401	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1403	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1404	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1405	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1408	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1413	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1414	S	5TH	ST	NS	RESIDENCE	5th Street T-4
1415	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1417	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1501	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1502	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1505	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1506	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1510	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1516	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1517	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1519	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1601	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1603	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1605	S	5TH	ST	2F	RESIDENCE	5th Street T-4

situs num	situs stre	situs st 1	situs st 2	BASE	Type	Location and New Zoning
1606	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1610	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1614	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1618	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1622	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1626	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1704	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1718	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1801	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1802	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1805	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1806	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1809	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1810	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1813	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1814	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1817	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1818	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1902	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1903	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1906	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1907	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1908	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1910	S	5TH	ST	2F	RESIDENCE	5th Street T-4
1912	S	5TH	ST	2F	RESIDENCE	5th Street T-4
309	W	AVE P		2F	RESIDENCE	T4
302	W	AVE R		2F	RESIDENCE	T4
204	W	AVE U		LI	RESIDENCE	T5-e
2007	S	5TH	ST	LI	RESIDENCE	5th Street T-4
1212	S	11TH	ST	GR	RESIDENCE	Avenue M
1214	S	11TH	ST	GR	RESIDENCE	Avenue M
1217	S	11TH	ST	GR	RESIDENCE	Avenue M
1219	S	11TH	ST	GR	RESIDENCE	Avenue M
1214	S	13TH	ST	GR	RESIDENCE	Avenue M
1218	S	13TH	ST	GR	RESIDENCE	Avenue M
1301	S	13TH	ST	GR	RESIDENCE	Avenue M
1302	S	13TH	ST	GR	RESIDENCE	Avenue M
1303	S	13TH	ST	GR	RESIDENCE	Avenue M
1304	S	13TH	ST	GR	RESIDENCE	Avenue M
1215	S	15TH	ST	GR	RESIDENCE	Avenue M
1216	S	15TH	ST	GR	RESIDENCE	Avenue M
1219	S	15TH	ST	GR	RESIDENCE	Avenue M
1303	S	15TH	ST	GR	RESIDENCE	Avenue M
1305	S	15TH	ST	GR	RESIDENCE	Avenue M
1214	S	17TH	ST	GR	RESIDENCE	Avenue M
1217	S	17TH	ST	GR	RESIDENCE	Avenue M
1218	S	17TH	ST	GR	RESIDENCE	Avenue M
1219	S	17TH	ST	GR	RESIDENCE	Avenue M
1303	S	17TH	ST	GR	RESIDENCE	Avenue M
1307	S	17TH	ST	GR	RESIDENCE	Avenue M
1216	S	19TH	ST	GR	RESIDENCE	Avenue M
1218	S	19TH	ST	GR	RESIDENCE	Avenue M
1301	S	19TH	ST	GR	RESIDENCE	Avenue M
1302	S	19TH	ST	GR	RESIDENCE	Avenue M
1303	S	19TH	ST	GR	RESIDENCE	Avenue M
1304	S	19TH	ST	GR	RESIDENCE	Avenue M
1216	S	21ST	ST	GR	RESIDENCE	Avenue M
1219	S	21ST	ST	GR	RESIDENCE	Avenue M
1302	S	21ST	ST	GR	RESIDENCE	Avenue M
1306	S	21ST	ST	GR	RESIDENCE	Avenue M
1211	S	23RD	ST	GR	RESIDENCE	Avenue M
1213	S	23RD	ST	GR	RESIDENCE	Avenue M
1216	S	23RD	ST	GR	RESIDENCE	Avenue M
1301	S	23RD	ST	GR	RESIDENCE	Avenue M
1302	S	23RD	ST	GR	RESIDENCE	Avenue M
1303	S	23RD	ST	GR	RESIDENCE	Avenue M
1217	S	27TH	ST	GR	RESIDENCE	Avenue M
1308	S	27TH	ST	2F	RESIDENCE	Avenue M
1312	S	27TH	ST	2F	RESIDENCE	Avenue M
1402	S	27TH	ST	2F	RESIDENCE	Avenue M
1408	S	27TH	ST	2F	RESIDENCE	Avenue M
1410	S	27TH	ST	2F	RESIDENCE	Avenue M
1214	S	29TH	ST	GR	RESIDENCE	Avenue M

<u>situs num</u>	<u>situs stre</u>	<u>situs st 1</u>	<u>situs st 2</u>	<u>BASE</u>	<u>Type</u>	<u>Location and New Zoning</u>
1215	S	29TH	ST	GR	RESIDENCE	Avenue M
1305	S	29TH	ST	GR	RESIDENCE	Avenue M
1307	S	29TH	ST	GR	RESIDENCE	Avenue M
1309	S	29TH	ST	2F	RESIDENCE	Avenue M
1311	S	29TH	ST	2F	RESIDENCE	Avenue M
1319	S	29TH	ST	2F	RESIDENCE	Avenue M
1401	S	29TH	ST	2F	RESIDENCE	Avenue M
1411	S	29TH	ST	2F	RESIDENCE	Avenue M
1419	S	29TH	ST	2F	RESIDENCE	Avenue M
1209	S	7TH	ST	GR	RESIDENCE	Avenue M
1210	S	7TH	ST	GR	RESIDENCE	Avenue M
1217	S	7TH	ST	GR	RESIDENCE	Avenue M
1220	S	7TH	ST	GR	RESIDENCE	Avenue M
1302	S	7TH	ST	GR	RESIDENCE	Avenue M
1214	S	9TH	ST	GR	RESIDENCE	Avenue M
1215	S	9TH	ST	GR	RESIDENCE	Avenue M
1217	S	9TH	ST	GR	RESIDENCE	Avenue M
1218	S	9TH	ST	GR	RESIDENCE	Avenue M
1303	S	9TH	ST	GR	RESIDENCE	Avenue M



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #6  
Regular Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a tax abatement agreement with Panda Temple Power, LLC, for a portion of a 238.55 acre tract of land in the Southeast Industrial Park, south of Lorraine Drive.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** The proposed resolution authorizes the City Manager to execute an agreement with Panda Temple Power, LLC, which if approved gives the company ten years of 50% tax abatement on the increased taxable value of real property improvements on a portion of a 238.55 acre tract of land in the Southeast Industrial Park, south of Lorraine Drive. The tax abatement applies only to *new* real property improvements. The applicant has requested that the tax abatement period commence in the first full calendar year after their facility goes into commercial operation.

Panda Temple Power, LLC, timely filed an application to receive tax abatement on improvements to real property proposed for a facility to be constructed on the tract described above. The City Council has previously approved an ordinance designating the property on which the improvements will be located as a tax abatement reinvestment zone. Tax abatement is being sought for real property improvements consisting of the development of an electric power generating facility. Panda estimates that their investment will be in the neighborhood of \$500 million, with about \$130 million of that tax exempt in the form of required emissions control equipment. The actual value of the improvements, and the value of our tax abatement, is dependent on appraisal by the Bell County Appraisal District.

The City's Economic Development Policy sets out the criteria and guidelines for granting tax abatement. The renovations proposed meet the minimum criteria established for tax abatement consideration. The proposed improvements fall within the definition of "eligible facilities" in the criteria. The application indicates real property improvements which meet the criteria for granting a 50% tax abatement for ten years.

The Staff has provided the other taxing entities involved with notice and a copy of the proposed agreement. Under State law, the other taxing entities will have 90 days to elect to enter into an

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agreement with identical terms. The proposed agreement is drafted for the signature of each taxing entity, but will be effective between Panda Temple Power, LLC, and any of the taxing entities which sign the agreement even if not all sign. Under State law, taxes on supplies and inventory are not eligible for tax abatement.

Additionally, the agreement has all of the other terms required by Chapter 312 of the Texas Tax Code for tax abatement agreements, including provisions: (1) listing the kind and number of improvements; (2) providing for inspections of the facility by the taxing entities; (3) requiring compliance with State and local laws; (4) recapturing abated taxes in the event of a default under the agreement; and (5) requiring Panda Temple Power, LLC, to annually certify to all the taxing entities that it is in compliance with all of the terms and conditions of the agreement.

Panda Temple Power, LLC's application meets the standards for granting tax abatement on the increase in real property improvements established by the City's Criteria and Guidelines for tax abatement. The City Council has discretion whether to approve an application for tax abatement and to increase the percentage of tax abatement over the recommended percentage specified in the matrix in the City's Criteria and Guidelines for tax abatement. The agreement should add to the continued development of the City's industrial growth, which would not have occurred in the absence of tax abatement.

**FISCAL IMPACT:** The tax abatement agreement would have the potential of abating approximately \$9,602,004 in City taxes over the 10 year life of the agreement assuming the FY 2011 tax rate of \$0.5679 per \$100 value over the 10 years. The assumptions used to calculate the approximate amount of abated taxes also include changes in value of improvements due to depreciation and inflation.

The actual value of the abatement to Panda, and the value of the taxes received by the City after abatement can vary substantially from the amounts shown as an estimated investment by Panda.

**ATTACHMENTS:**

[Application](#)  
[Resolution](#)

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# City of Temple

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**Application for  
City of Temple  
Tax Abatement Program**

Submitted By:

**Panda Temple Power, LLC**

March 15, 2011

**Part One – General Information**

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1. Applicant: *Panda Temple Power, LLC*

Mailing Address: *4100 Spring Valley Road, Suite 1001  
Dallas, TX 75244*

Contact Person: *Mr. Richard Evans  
Vice President, Project Development*

E-Mail Address: *revans@pandafunds.com*

Telephone Number: *(972) 361-2000*

Fax Number: *(512) 455-3874*

2. Contact Person or Agent: *(Same as above)*

3. Current Property Owner: *(Same as above)*

*Note: The ownership of the project property was transferred from to Panda Temple Power, LLC from the Temple Economic Development Corporation on December 22, 2010.*

4. Property Owner's Representative: *(Same as above)*

5. Property Street Address:

*The project site consists of a 250 acre parcel in Synergy Park (formerly the Southeast Industrial Park).*

*The legal description and plat map for this property is provided in Attachment 1.*

6. Is the property located within the City of Temple? *YES*

Is the property in the City's extraterritorial jurisdiction (ETJ)? *NO*

Is the Property located inside the:

City's **Tax Increment Financing Reinvestment Zone?** *YES*

Temple ISD? *YES*

Belton ISD? *NO*

Troy ISD? *NO*

7. Description of the project. Describe the *kind* of business (e.g., manufacturing or distribution) that will be created or expanded. For purposes of drafting an agreement we will need a detailed description of the proposed real and personal property improvements that you will expect to make including **square footage, construction material, etc.**

*A detailed description of the project is provided in Attachment 2.*

8. Date Projected for

(a) Initiation of project: *Construction to be initiated by June 30, 2011*

(b) Completion of project: *COD for Phase 1 is currently scheduled for 2Q 2014.*

9. Percentage and duration of tax abatement requested:

*Panda is requesting a 50% abatement per year over a 10 year period commencing the first calendar year after COD.*

*This is consistent with the Economic Development Agreement between the City of Temple and Panda Temple Power, LLC executed 12/21/10 (EDA).*

**Part Two – Objective Criteria**

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1. What is the existing appraised value of the real property and improvements?  
(Contact the Bell County Appraisal District at (254) 939-5841)

*Since the property has been owned by the City of Temple or the TEDC for the last 18 years, there is no recent tax appraisal information available. However, based on our understanding of recent land transactions in the area, a value of approximately \$5,000 per acre, or \$1,250,000 in total, seems to be a reasonable estimate.*

2. What are the types and value of proposed improvements (broken down to show the kind and dollar value of real and personal property improvements)?

<u>Type</u>	<u>Estimated Expenditure</u>	<u>Useful Life</u>
Real Property	\$365,154,000	20 years
	<i>This figure is a preliminary estimate.</i>	
Personal Property	<i>This estimate has not been completed at this time.</i>	

3. How many existing jobs, if any, will be *retained* by proposed improvements?

*Since this is a new project there are no existing jobs to be retained.*

4. What number, job type, and estimated payroll of new jobs will be created by the proposed project?

<u>Job Type</u>	<u>Number of Jobs</u>	<u>Est. Annual Salary</u>	<u>Total Salary</u>
<i>Management / Supervisory</i>	<i>5</i>	<i>\$100,000</i>	<i>\$500,000</i>
<i>Skilled Technicians</i>	<i>15</i>	<i>\$60,000</i>	<i>\$900,000</i>

*The above figures are very preliminary estimates.*

*In addition to the permanent staff delineated above there may be up to 400 workers both local and from other locations employed onsite during construction. There will also be temporary labor (skilled and unskilled) employed to support maintenance outages after the plant is in operation.*

5. Will the newly created jobs be filled by persons residing or projected to reside within the following jurisdictions:

City of Temple	YES – 70% (est)
Temple ISD:	YES – 70% (est)
Belton ISD:	YES – 20% (est)
Troy ISD:	YES – 10% (est)
Bell County:	YES – 100% (est)

*The above figures are very preliminary estimates.*

6. What is the estimated amount of annual local sales taxes for the City of Temple to be generated directly? (Assume a 1 ½ % city sales tax on applicable purchases within the City).

*A preliminary estimate shows that, during long term operation, the Panda facility may purchase in the neighborhood of \$(estimate is currently being developed) per year of goods and services in the City of Temple. This would generate approximately \$ \_\_\_\_\_ in annual sales tax revenue.*

*During the construction phase a preliminary estimate indicates the project may purchase in the neighborhood of \$(estimate is being developed) per year of goods and services in the City of Temple. This would generate approximately \$ \_\_\_\_\_ in sales tax revenue.*

7. By what amount do you estimate the valuation of the affected property will increase after your real and personal property improvements are completed? Will the increase in appraised value attributable to your improvements be at least \$500,000 (25,000 in the Downtown Development Area)?

*The estimated valuation of improvements is provided in the table in Question 2 above. The amount is significantly greater than \$500,000.*

8. What expenditures, if any, will you request be incurred by the City of Temple to provide facilities or Services to your proposed improvements?

*The only major expenditure to be incurred by the City is a shared cost for extension of Lorraine Drive as put forth in the EDA. See the response to Question #11 below.*

9. What is the amount of ad valorem to be paid to the City of Temple during the Abatement period considering: (a) the existing values; (b) your proposed real and personal property improvement; (c) the percentage of new value abated; and (d) the Abatements period (assume a City tax rate of .5745).

*A table containing preliminary estimates for real property improvements is provided in Attachment 3. Estimates for personal property improvements have not been developed at this time.*

10. What population growth, if any, in the City of Temple do you expect to occur as a direct result of your proposed improvement?

*At Phase 1 COD it is estimated that the facility will have 20 permanent employees who should live in the immediate area. After completion of Phase 2 it is estimated that the number of permanent employees is expected to increase to 30. There will also be temporary workers hired during maintenance outages and overhauls. The multiplier effect upon the local economy will also result in a positive population growth.*

11. What if any, are the types and values of public improvements (e.g., streets, railroad spurs) you intend to make?

*Lorraine Drive - Panda will construct the initial phase of an extension to Lorraine Drive and a connector road from Lorraine Drive to the Panda Site. The final phase of this effort will be performed by the City. This project will include potable water pipelines, waste water pipelines and stormwater drainage facilities. The estimated cost of Panda's portion of this effort is estimated to be \$1,945,000. As set forth in the EDA, Panda will be reimbursed for a portion of the cost for its share of the project in the amount of approximately \$564,000.*

*Doshier Reuse Water System – Panda will construct a pump station at the Doshier Farm wastewater treatment facility and install a 16" pipeline to transport treated wastewater from Doshier to the Panda site. These facilities will be constructed in accordance with City engineering standards as addressed in the EDA and in the Water Services Agreement.*

*Panda will bear the full cost of these improvements and will turn them over to the City. The value of these improvements is estimated to be approximately \$2,000,000.*

12. Will the proposed improvements compete with existing businesses to the detriment of the local economy? Which businesses if any are likely to be impacted?

*There will be no competition with existing businesses since there are no similar businesses in the local economy.*

13. Is your proposed use of the underlying property in compliance with the City's Comprehensive Zoning and Subdivision Ordinances?

*Yes. The property is zoned LI which is compatible with electric power generation.*

Have you discussed your plans with the City's Planning or Engineering Departments?

*Panda has been working with the City's Planning and Engineering Departments on an ongoing basis over for well over two years. Panda submitted and received approval for the Preliminary Plat Application and Planned Development Application in April 2010.*

### Part Three – Minimum Standards

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1. Will the project involve a minimum increase in property value of 300% for construction of a new facility; 50% for expansion of existing facility; or an investment of at least \$1 million in taxable assets? (if outside the Downtown Area) Explain.

*Yes, the project will involve an increase of over 300% for construction of a new facility and will involve an investment of over \$1,000,000. Refer to the table provided for Question 2 in Part 2 above.*

2. Will the project make a substantial contribution to redevelopment efforts or special area plans by enhancing either functional or visual characteristics, (e.g., historical structures, traffic circulation, parking, facades, materials, signs, etc.?) Explain.

*Not Applicable*

3. Will the project have high visibility, image impact, or is it a significantly higher level of development quality? Explain.

*Not Applicable*

4. Is the project an area which might not get otherwise being developed because of constraints of topography, ownership patterns, site configuration, etc.?) Explain.

*No. The project is located in an industrial park area which is suited for development.*

5. Will the project serve as a prototype and catalyst for other development of a higher standard? Explain.

*Due to the large size of the project it should not be considered as a prototype for development of similar electric generating facilities in the area. However, the presence of a large electric generating facility in Temple my provide incentives for large power users to locate nearby to take advantage of potentially lower cost electricity.*

6. Will the project stimulate desirable concentrations of employment or commercial activity? Explain.

*The project will provide employment of management, supervisory, and skilled technical personnel.*

7. Will the project generate greater employment than would otherwise be achieved, e.g., Commercial/Industrial versus residential or manufacturing versus warehousing? Explain.

*The project will generate temporary employment during the approximately two-year construction phase and will employ 20 permanent personnel after Phase 1 COD and 30 permanent personnel after Phase 2 COD on an ongoing basis. . There will also be temporary workers hired during maintenance outages and overhauls. This employment will also lead to a multiplier effect on business and employment in the local economy.*

**ATTACHMENT 1**

**PROJECT SITE LEGAL DESCRIPTION**

**AND**

**PLAT MAP**

**FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.**

February 27, 2008

Surveyor's Field Notes for PANDA ENERGY, for

**230.00 ACRES**, known as the MAXIMO MORENO SURVEY, ABSTRACT 14, Bell County, Texas, being a portion of a called 424.00 Acre tract conveyed to the City of Temple in Volume 3752, Page 147, Official Public Records of Real Property, Bell County, Texas and all of a called 33.748 Acre tract conveyed to the City of Temple in Volume 4372, Page 477, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

**BEGINNING** at a 5/8" iron rod found at the southwest corner of the westernmost portion of a called 200 Acre tract conveyed to the City of Temple in Volume 4572, Page 481, Official Public Records of Real Property, Bell County, Texas, being on the east line of a public roadway known as Loop 363 as conveyed in Volume 1665, Page 348, Deed Records of Bell County, Texas, for the northwest corner of the herein described tract;

**THENCE**, in an easterly direction, with the south line of the western portion of said 200 Acre tract, S 72° 40' 57" E (Record S 72° 40' 57" E, Vol. 4572, Pg. 481), at 1699.32, pass a 5/8" iron rod found at the southeast corner of Best-Rite Subdivision, an addition in the City of Temple, Bell County, Texas, according to the plat of Accord in Cabinet C, Slide 127-B, Plat Records of Bell County, Texas, and continuing with the south line of a called 20.06 Acre tract conveyed to Moore Family Enterprises, LP, in Document No. 43282, Official Public Records of Real Property, Bell County, Texas, for a total distance of 2428.14', to a 5/8" iron rod set, being the southwest corner of the eastern portion of said 200 Acre City of Temple tract;

**THENCE**, continuing in said westerly direction, S 72° 11' 02" E – 2844.84', to a 5/8" iron rod set on the east line of said 424.00 Acre tract, which bears S 16° 30' 57" W – 31.93' from a 5/8" iron rod found at the southeast corner of said 200 Acre tract, same being on the west line of a called 168.23 Acre tract conveyed to Donald Grant Coburn and Kaira June Coburn in Volume 5394, Page 16, Official Public Records of Real Property, Bell County, Texas, for the northeast corner of the herein described tract;

**THENCE**, in a northerly direction, with the west line of said 158.22 Acre tract, S 16° 36' 37" W – 1013.40' (Record S 16° 36' 37" W, Vol. 3252, Pg. 147), to a 5/8" iron rod found at the northwest corner of a called 25.801 Acre tract conveyed to Edward J. Couhal and wife, Luella Couhal in Volume 3182, Page 487, Deed Records of Bell County, Texas;

**THENCE**, continuing in said northerly direction, with the west line of said 25.801 Acre tract, S 16° 20' 23" W – 778.72' (Record S 16° 20' 23" W, Vol. 3252, Pg. 147), to a 5/8" iron rod found, being an ell corner of said 424.00 Acre tract;

**THENCE**, continuing in said southerly direction, severing said 424.00 Acre tract, S 16° 33' 13" W – 231.79', to a 1" iron pipe found on the southern line of said 424.00 Acre tract and the north line of a called 100 Acre tract conveyed to Floy F. Baugh and wife Evelyn Baugh in Volume 851, Page 213, Deed Records of Bell County, Texas, for the easterly-southwest corner of the herein described tract;

**THENCE**, in a westerly direction, with the north line of said 100 Acre tract and the north line of a called 50.2 Acre tract conveyed to Floy Baugh in Volume 852, Page 371, Deed Records of Bell County, Texas, N 73° 30' 47" W – 3261.64' (Record N 73° 30' 47" W, Vol. 3252, Pg. 147), to a 1/2" iron rod found at the northwest corner of said 50.2 Acre tract being the easternmost northeast corner of said 33.748 Acre tract, for an ell corner of the herein described tract;

**THENCE**, in a southerly direction, with the west line of said 50.2 Acre tract, S 47° 40' 16" W – 1080.74' (Record S 47° 38' 50" W – 1080.62', Vol. 4572, Pg. 477), to a steel oak found at an ell corner of said 50.2 Acre tract, for the southernmost southeast corner of the herein described tract;

**Surveyor's Field Notes for PANDA ENERGY (continued)**

**THENCE**, in a westerly direction, with the boundary of said 50.2 Acre tract, N 73° 59' 48" W - 269.21' (Plat 20 W 74° 58' 37" W - 269.93' Sec. 45/12, Pg. 477), to a 5/8" iron rod found on the northeast line of A T & B Railroad as conveyed in 1966, Page 466, [Deed] Records of Bell County, Texas, for the southwest corner of the herein described tract.

**THENCE**, in a northwesterly direction, with the northern line of said railroad, the following north:

1. N 20° 55' 43" W - 1444.54' (Plat 20 W 20° 55' 43" W - 1443.07' Sec. 45/12, Pg. 477), a fence corner post found;
2. N 14° 13' 00" E - 155.13' (Plat 20 W 14° 13' 00" E - 154.72' Sec. 45/12, Pg. 477), a fence corner post found; and
3. N 23° 57' 58" W - 1187.63' (Plat 20 W 23° 57' 58" W - 1186.93' Sec. 45/12, Pg. 477), to a 3/4" iron rod found, being the northwest corner of said 33.748 Acre tract and the southwest corner of said 424.03 Acre tract.

**THENCE**, continuing in said northwesterly direction and with the northeast line of said railroad, N 24° 00' 42" W - 678.50' (Plat 20 W 24° 00' 42" W - 679.30' Sec. 35/12, Pg. 147), to a 5/8" iron rod found at the beginning of a non-tangent curve to the left.

**THENCE**, continuing with said railroad, with said curve to the left, having a radius of 5529.65', a deflection angle of 91° 17' 51" and a long chord which bears N 23° 19' 29" W - 135.27', an arc length of 125.22', to a 1" iron pipe found on the east line of said Loop 393, for the westernmost corner of the herein described tract.

**THENCE**, in a northeasterly direction, with the eastern line of said Loop 363, N 57° 14' 48" E - 382.46' (Plat 20 W 57° 14' 48" E - 382.72' Sec. 10/12, Pg. 147), a concrete monument, and N 47° 51' 53" E - 14.84' (Plat 20 W 47° 51' 53" E - 14.73' Sec. 10/12, Pg. 147), to the **POINT OF BEGINNING** and containing 250.00 Acres of Land.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983 Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 33. The true angle of City Monument No. 33 is 01° 33' 17". The combined correction factor (CCF) is 0.866863. Said distance = Surface distance X CCF. The deflection = 1949' north + deflection angle. The true City coordinate for City Monument No. 33 are N = 10,050,554.80, E = 3,230,500.50. The distance from City Monument No. 33 to the northwest corner of said 250.00 acre tract is 6,681,000" W, 1816.37 feet.

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

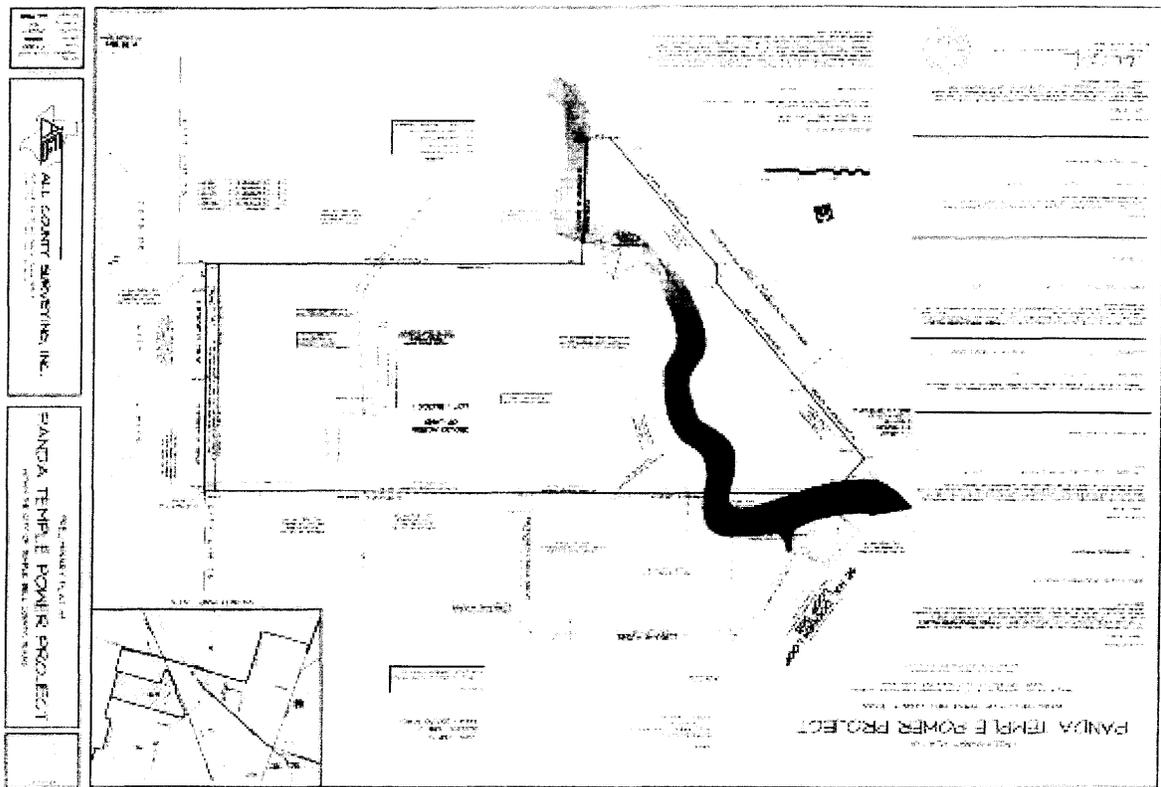
This map and bounds description to accompany a Surveyor's Search showing the herein described 250.00 Acre tract.

Surveyed February 27, 2008

**ALL COUNTY SURVEYING, INC.**  
**1-800-749-PLAT**  
www.allcountysurveying.com

Charles C. Lusk  
Registered Professional Land Surveyor  
Registration No. 4838





**ATTACHMENT 2**

**PANDA TEMPLE POWER, LLC**

**PROJECT DESCRIPTION**

**The following is based on documents submitted with the Planned Development Application to the City in January 2010.**

## **GENERAL PROJECT DESCRIPTION**

Panda Temple Power, LLC (Panda) is developing an electric power generating facility to be located in the City of Temple (City). Specifically the site location is on a 250 acre parcel in the Southeast Industrial Park. Panda has a contract in place with the Temple Economic Development Corporation (TEDC) for an option to purchase this property. The following sections describe the proposed facility including utility interconnections, fuel supply, water and waste water connections, access, permits, and plans for expansion.

### **Technical Description of Power Plant**

The electric generating facility will be a natural gas fired, two-on-one power block in combined cycle configuration. This arrangement consists of two Gas Turbine Generators, two Heat Recovery Steam Generators, and one Steam Turbine Generator. The plant will have a nominal output of 550 MW and a maximum output of approximately 650 MW with duct firing.

The proposed plant will utilize the latest, most efficient and environmentally friendly power generation equipment available on the market today. It will have an overall heat rate of approximately 6900 Btu/kWh and will have one of the lowest emissions profile of any Texas power generation facility.

The general layout of plant equipment and structures on the site is shown on the Project Development (PD) Drawing presented below.

### **Water Supply**

The primary water supply for cooling and makeup to the plant will be treated effluent provided from the Doshier Farm Waste Water Treatment Plant (WTP), which is owned by the City of Temple. A Water Agreement that addresses the purchase of the treated effluent by Panda and the terms of supply and delivery has been executed between Panda the City.

The effluent will be pumped from the Doshier facility through a 16-inch diameter pipeline approximately 1.1 miles to the project site. Panda will be responsible for the design and construction of the pump station and the pipeline. Panda will transfer ownership of these facilities to the City upon completion.

The pipeline will be located on easements on four parcels of City owned property and one privately held parcel. Routing and preliminary survey drawings for the easements have been completed.

Additionally, the project will be supplied with potable water from the City water system. It is planned that an eight-inch water line will be installed, running from the existing line on Lorraine Drive at the Best Rite facility to the Panda project site. Preliminary routing and designation of easements for this line have been accomplished as part of the Lorraine Drive Extension engineering effort.

### Waste Water

The primary source of waste water on the site will be blowdown from the Cooling Towers. This stream will be processed through Reverse Osmosis (RO) units in order to reclaim and reuse as much water as possible. The RO reject stream will then be sent to an onsite evaporation pond. There will be no liquid waste discharge to the environment.

Sanitary sewage will be discharged via a Panda pipeline to the existing 15-inch waste water trunk line, owned by the City, which traverses the Panda site.

### Fuel Supply

Natural gas will be supplied from the Atmos 30-inch pipeline and the Energy Transfer Corporation 20-inch pipeline. These are located approximately 7 and 13 miles east of the Panda site respectively. Panda will construct a compressor station and a lateral pipeline to the interconnection points. Preliminary pipeline routing and engineering have been performed and procurement of the ROW is currently underway.

### Electrical Interconnection

The Panda Temple Project will connect to the existing Oncor 345 kV transmission line, which runs across the Panda site. A new Oncor switching station, located onsite adjacent to the Panda power island, will be constructed concurrently with the Panda project.

All interconnection studies by Oncor have been completed. No system upgrades are required other than the changing of line termination equipment at the Temple and Salado switching stations at a minimal cost. These studies demonstrate that the Panda Temple Project can easily inject its power into the Southern Zone of the ERCOT grid. Oncor is currently preparing a draft Interconnection Agreement for Panda review.

In addition the Panda site will be served by a distribution line to be constructed along Lorraine Drive from Loop 363 and along the Panda Drive connector to the project site boundary. This line will provide power for construction and will serve auxiliary site loads during the operations phase and will also provide power for streetlights along Lorraine Drive and Panda Drive.

### Permitting

Panda received its Air Permit from the Texas Commission on Environmental Quality (TCEQ) on October 10, 2008. The permit was extended on March 1, 2010.

Onsite environmental assessments have been performed and no adverse impacts have been identified. Additional required permits will be applied for and obtained as the project goes forward.

### Site Access

The primary access to the site will be via a planned extension of Lorraine Drive and a north-south connector road to the Panda site. These roadways have already been laid out and preliminary engineering (30% Review Drawings) has been completed for the City by Kasperg, Patrick and Associates. The ROW for these roadways is 80 feet.

A secondary access road is planned which will approach the site from the south. Panda will construct a construction phase access road with the City's permission on easements owned by the City. These easements run north from FM 3117 and then west to the southeast corner of the Panda site. The ROW available for this road ranges from approximately 80 feet up to approximately 200 feet.

All roads, walkways, and parking areas within the site boundary will be the responsibility of Panda. Specific locations and routings will be developed during the final site engineering phase of the project.

### General Floor Area

General areas are indicated by the General Arrangement Drawing. Due to the complexity of the equipment layout and the amount of equipment that is located outside of closed structures, it is difficult to provide a specific number for "floor areas" especially in this stage of the design process.

### Fire Hydrants

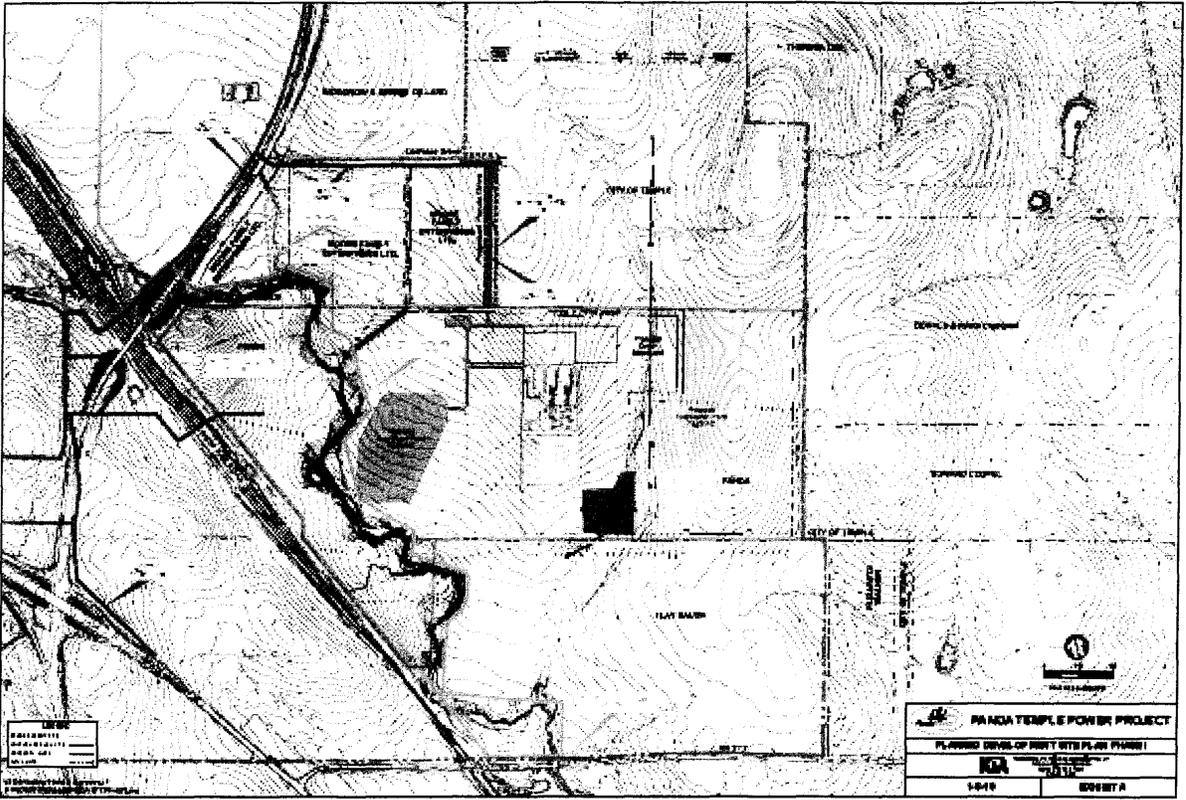
The Panda facility will have its own fire detection and protection system. The fire protection system will include fire water storage, pumps, buried loop piping, interior sprinkler systems, as well as hydrants. The fire systems will be designed and constructed in accordance with applicable provisions of the National Fire Code as well as local requirements. During the final design phase for the project, Panda's engineering and construction contractors will work directly with the City of Temple Fire Marshal to ensure that all requirements are implemented and that all appropriate inspections are performed.

It should also be noted that at all our facilities, Panda's O&M organization works closely with the local fire and emergency services organizations to coordinate emergency response procedures and to ensure that all responders are familiar with the facility. Panda also will implement a detailed hazardous material control and emergency training programs at the facility.

### Expansion

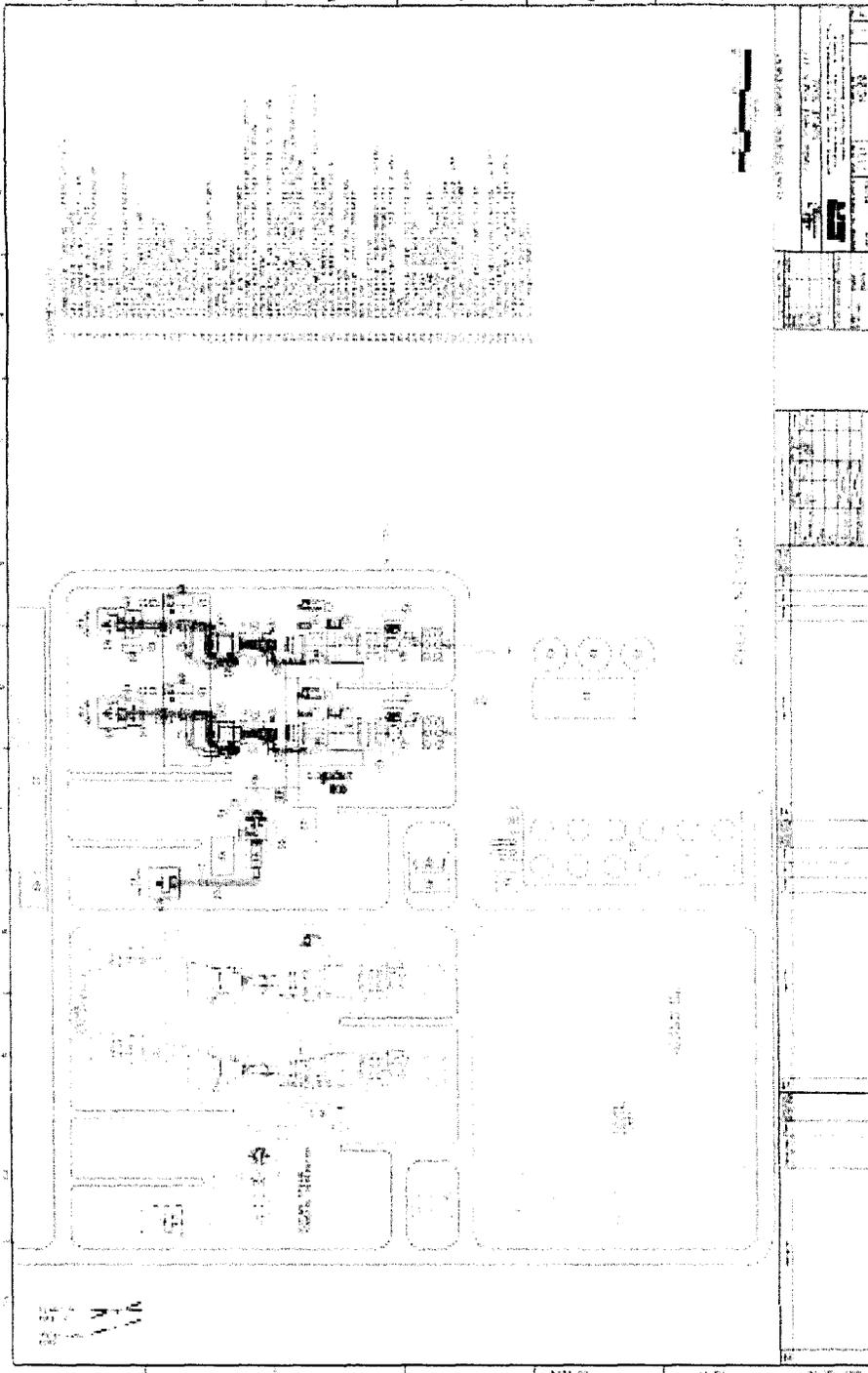
The project is designed to allow future expansion. Specifically, a second power block generally identical to the first block would be added thus doubling the overall plant electrical output to a nominal 1100MW. For planning purposes, this additional capacity is designated as Phase 2.

Both Phase 1 and Phase 2 are shown on the respective Project Development Drawings.





# General Arrangement Drawing – Power Island - Phase 1



**ATTACHMENT 3**

**CITY PROPERTY TAX ESTIMATE**

**DURING ABATEMENT PERIOD**

**TEMPLE POWER PROJECT  
CITY PROPERTY TAX ESTIMATE DURING ABATEMENT PERIOD**

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Estimated land value	1,250,000	1,250,000	1,250,000	1,250,000	1,250,000	1,250,000	1,250,000	1,250,000	1,250,000	1,250,000
Estimated real property improvements (A)	363,904,000	359,775,000	355,049,000	349,725,000	343,805,000	337,288,000	330,173,000	322,462,000	314,153,000	305,248,000
<b>Total estimated assessable property</b>	<b>365,154,000</b>	<b>361,025,000</b>	<b>356,299,000</b>	<b>350,975,000</b>	<b>345,055,000</b>	<b>338,538,000</b>	<b>331,423,000</b>	<b>323,712,000</b>	<b>315,403,000</b>	<b>306,498,000</b>
City tax rate	0.5745%	0.5745%	0.5745%	0.5745%	0.5745%	0.5745%	0.5745%	0.5745%	0.5745%	0.5745%
Estimated property tax before abatement	2,097,810	2,074,089	2,046,938	2,016,351	1,982,341	1,944,901	1,904,025	1,859,725	1,811,990	1,760,831
less 50% abatement on improvements	(1,045,314)	(1,033,454)	(1,019,878)	(1,004,585)	(987,580)	(968,860)	(948,422)	(926,272)	(902,404)	(876,825)
<b>Net estimated property tax after abatement</b>	<b>1,052,495</b>	<b>1,040,635</b>	<b>1,027,060</b>	<b>1,011,766</b>	<b>994,761</b>	<b>976,041</b>	<b>955,603</b>	<b>933,453</b>	<b>909,586</b>	<b>884,006</b>

**NOTE - The estimate is not intended to reflect future changes in tax rates. It does include estimated changes in assessed value of improvements due to depreciation and inflation.**

(A) The project is assumed to be classified for property tax purposes as industrial real property.

**RESOLUTION NO. 2011-6284-R**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A TAX ABATEMENT AGREEMENT WITH PANDA TEMPLE POWER, LLC, FOR REAL PROPERTY ON A 238.55 ACRE TRACT OF LAND IN THE SOUTHEAST INDUSTRIAL PARK, SOUTH OF LORRAINE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City adopted a Resolution dated June 15, 1989, stating that it elects to be eligible to participate in tax abatement;

**Whereas**, on February 3, 2011, the City Council adopted Ordinance No. 2011-4423, establishing a comprehensive economic development policy for the City of Temple, which policy includes criteria and guidelines for granting tax abatement within the City of Temple in accordance with Chapter 312 of the Tax Code;

**Whereas**, Panda Temple Power, LLC, is the owner of property within the City's Tax Abatement Reinvestment Zone Number Twenty, and has requested that the City consider granting tax abatement for proposed real property improvements to said Property;

**Whereas**, the contemplated use by Panda Temple Power, LLC, of the property, as hereinafter described, and the contemplated improvements to said Property in the form and amounts set forth in the agreement, are consistent with encouraging economic development, and in accordance with the criteria and guidelines for tax abatement in the City's Economic Development Policy;

**Whereas**, as required by law the City has notified the other taxing entities of its intent to enter into the agreement; and

**Whereas**, the City Council has considered the matter and finds that the proposed tax abatement with Panda Temple Power, LLC, is in compliance with State law and the City's *Guidelines and Criteria* governing tax abatement, and that the proposed improvements said company are feasible and likely to attract major investment and expand employment within the City.

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

**Part 1:** The City Manager, or his designee, is authorized to execute a tax abatement agreement on eligible real property between the City of Temple and Panda Temple Power, LLC, after approval as to form by the City Attorney, governing a 238.55 acre tract of land in the Southeast Industrial Park, south of Lorraine Drive, 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 **5<sup>th</sup>** day of **May**, 2011.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clydette Entzminger  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney