



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

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

**THURSDAY, JANUARY 19, 2012**

**2:30 P.M.**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, January 19, 2012.
2. Discuss the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay Districts.
3. Discuss the terms of an agreement with Panda Temple Power, LLC, for the purchase of effluent from the Temple Belton Wastewater Treatment Plant and receive a presentation from Panda Temple Power.

*Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect the public discussion of which would adversely affect ongoing economic development negotiations.*

4. Discuss 2012 tax credit projects and applications identified within the City limits and receive presentations from one or more of the applicants.

*Executive Session – Pursuant to Chapter 551, Government Code, §551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.*

*Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect the public discussion of which would adversely affect ongoing economic development negotiations.*

5:00 P.M.

**MUNICIPAL BUILDING**

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

**TEMPLE CITY COUNCIL**

**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC APPEARANCE**

3. Receive comments from [Mr. William Woods](#) regarding safety concerns by allowing churches to provide overnight accommodations.

**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. PROCLAMATIONS & SPECIAL RECOGNITIONS**

4. [1<sup>st</sup> Medical Brigade Day](#) [January 19, 2012](#)

**V. REPORTS**

5. [Receive the Temple Economic Development Committee Annual Report.](#)

## **VI. 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.

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

### **Minutes**

- (A) [January 5, 2012 Special Called and Regular Meeting](#)

### **Contracts, Leases & Bid**

- (B) [2012-6529-R](#): Consider adopting a resolution authorizing the purchase of a dump truck from Temple Freightliner of Temple in the amount of \$98,263.
- (C) [2012-6530-R](#): Consider adopting a resolution authorizing a contract with Black Topper Technology, Inc. of Blanco for the FY 2012 Seal Coat Program in the estimated amount of \$1,101,753.13.
- (D) [2012-6531-R](#): Consider adopting a resolution authorizing a Chapter 380 grant agreement with Sparetime Entertainment, LLC for redevelopment improvements at 5434 Loop 205.
- (E) [2012-6532-R](#): Consider adopting a resolution accepting the City of Temple Sustainable Management Plan that provides guidance on how to integrate and increase the practice of sustainable and energy efficient measures within City operations.

### **Ordinances – Second & Final Reading**

- (F) [2012-4505](#): SECOND READING - Z-FY-12-05(B): Consider adopting an ordinance authorizing amendments to Articles 3, 5, 6 and 11 of the Unified Development Code to: allow the City Council to add a time limit to the approval of a Conditional Use Permit; add “Transitional Shelter” as Conditional Uses in the use table; increase the setbacks for street trees in the TMED zoning district; amend sidewalk and sign requirements in the Interstate 35 Corridor Overlay zoning district; and to establish definitions related to such standards.
- (G) [2012-4506](#): SECOND READING: Consider adopting an ordinance establishing school zones and setting speed limits and crosswalks within the school zones to conform to school schedules.



**Misc.**

- (H) [2012-6533-R](#): Consider adopting a resolution approving a grant application to the Texas Parks and Wildlife Department for a Hike and Trike Trail in Jaycee Park in the amount of \$106,000.
- (I) [2012-6534-R](#): Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

**VI. REGULAR AGENDA**

**RESOLUTIONS**

- 7. [2012-6526-R](#): P-FY-12-05: Consider adopting a resolution authorizing the Final Plat of Lake Pointe Phase II, a 132.85±-acre, 347-lot single-family residential, 1 lot commercial and 1 lot multi-family residential subdivision, with a requested exception to Unified Development Code, Section 8.2.4, regarding utility easements, located southeast of S.H. 317 and Prairie View Road.
- 8. [2012-6535-R](#): P-FY-12-03: Consider adopting a resolution authorizing the Final Plat of Westfield Development Phase VIII, a subdivision with 71 single-family residential lots and one 2.25±-acre nonresidential lot, with developer's requested exception to Unified Development Code Section 8.2.3 requiring sidewalks, located at the southeast corner of Stonehollow Drive and North Pea Ridge Road.

**BOARD APPOINTMENTS**

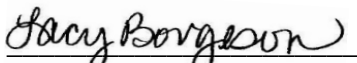
- 9. [2012-6536-R](#): Consider adopting a resolution appointing two members to fill unexpired term through September 1, 2012 and September 1, 2014 to the Planning and Zoning Commission.

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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 January 13, 2012.

  
Lacy Borgeson  
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 \_\_\_\_\_ 2012. \_\_\_\_\_



## COUNCIL AGENDA ITEM MEMORANDUM

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01/19/12  
Item #3  
Regular Agenda  
Page 1 of 2

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

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Receive comments from Mr. William Woods regarding safety concerns by allowing churches to provide overnight accommodations.

**STAFF RECOMMENDATION:** Receive comments as presented in item description.

**ITEM SUMMARY:** Mr. Woods filed a Request for Placement on the City Council Agenda, please see attached form.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Request for placement on agenda](#)

CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

\_\_\_\_\_ Priority

NAME OF PRESENTER: WILLIAM "BRAD" WOODS

ADDRESS: 214 SOUTH 21<sup>ST</sup> STREET

TELEPHONE NO. (254) 773-6277

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note - The City Council meets the first and third Thursdays of each month.) THURSDAY, JANUARY 19, 2012

SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.) \_\_\_\_\_

CONCERN ABOUT THE CONSEQUENCES AND PRECEDENCE  
SET BY PROVIDING OVERNIGHT ACCOMODATIONS IN CHURCHES,  
THEREBY TURNING THEM INTO HOMELESS "SHELTERS".

Note: Separate requests must be completed for each subject presented.

I, the above identified presenter, have read the procedures for public appearances before the City Council of the City of Temple, Texas, and will abide by these procedures.

William B. Woods  
SIGNATURE OF PRESENTER

1-12-2012  
DATE

For Office Use:

Rcd 1-12-12



## **COUNCIL AGENDA ITEM MEMORANDUM**

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01/19/12  
Item #6(A)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

(A) January 5, 2012 Special Called and Regular Meeting

**STAFF RECOMMENDATION:** Approve minutes as presented in item description.

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

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

January 5, 2012 Special Called and Regular Meeting - To be provided.



## COUNCIL AGENDA ITEM MEMORANDUM

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1/19/12  
Item #6(B)  
Consent Agenda  
Page 1 of 1

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

Sam Weed, Fleet Services Director  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a dump truck from Temple Freightliner of Temple in the amount of \$98,263.

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

**ITEM SUMMARY:** On January 5, 2012, three (3) bids were received for the purchase of a new dump truck for the Sewer Collection Division of Public Works. As shown on the attached bid tabulation, the company submitting the low bid for the purchase in the amount of \$95,780 was Longhorn International of Temple; however, Longhorn International took two (2) exceptions to the bid specification that staff is not recommending to accept, that being (1) the size of the engine being 466 cubic inches instead of the specified minimum of 500 cubic inches and (2) and the use of an Advanced EGR technology as opposed to a world-wide industry standard SCR/DEF emissions reduction strategy. Accordingly, it is staff's recommendation to award to the second lowest bidder, Temple Freightliner, in the amount of \$98,263.

This 10-12 cubic yard dump truck will be used by the sewer collection construction crew that was added in FY 2008 and will be a new addition to the City's vehicle fleet. There is an approximate five month lead time to receive the truck; accordingly, the new truck should be in service in June 2012.

The City has purchased equipment from Temple Freightliner in the past and finds them to be a responsible vendor. Accordingly, staff recommends award of the bid to Temple Freightliner.

**FISCAL IMPACT:** Funds in the amount of \$95,000 are budgeted in account 520-5400-535-6220, project # 100786 for the purchase of a 12-yard dump truck. Total purchase price for the dump truck is \$98,263. Additional funds are available from savings of a backhoe purchase to cover the \$3,263 budget shortfall and are available in the same account.

**ATTACHMENTS:**

[Bid Tabulation](#)  
[Resolution](#)

Tabulation of Bids Received  
on January 5, 2012 at 2:30 p.m.  
Dump Truck  
Bid # 54-02-12

	Bidders		
	MHC Truck Robinson, TX	Longhorn International Temple, TX	Temple Freightliner LP Temple, TX
Description			
Total Bid Price	\$99,899.00	\$95,780.00	\$98,263.00
Delivery	Yes	Yes	No -150 days
Acknowledged Addendum	Yes	Yes	Yes
Exceptions	Yes (Acceptable)	Yes (Not Acceptable)	Yes (Acceptable)
Local Preference	No	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes

I hereby certify that this is a correct and true tabulation of all bids received.

*Belinda Mattke*

*1/5/2012*

Belinda Mattke, Director of Purchasing

Date

**Recommended for Council Award**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A DUMP TRUCK FOR THE SEWER COLLECTION DIVISION FROM TEMPLE FREIGHTLINER OF TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on January 5, 2012, the City received three (3) bids for the purchase of a new dump truck for the sewer collection division;

**Whereas**, Longhorn International of Temple, Texas submitted a bid with two exceptions to the bid specifications - the size of the engine being 466 cubic inches instead of the specified minimum of 500 cubic inches and the use of an Advanced EGR technology as opposed to a world-wide industry standard SCR/DEF emissions reduction strategy, which the City deems to be nonresponsive because it doesn't meet the bid specifications;

**Whereas**, it is Staff's recommendation to accept the low bid meeting the City's specifications from Temple Freightliner of Temple, Texas in the amount of \$98,263 for the purchase of a 10-12 cubic yard dump truck - the City has purchased equipment from Temple Freightliner in the past and finds them to be a responsible vendor;

**Whereas**, funds are available in Account No. 520-5400-535-6220, Project No. 100786 for this purchase; 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 any documents, after approval as to form by the City Attorney, that may be necessary for this purchase.

**PART 2:** The City Council accepts the low bid of \$98,263 for the purchase of a 10-12 cubic yard dump truck from Temple Freightliner of Temple, Texas, for the Sewer Collection Division.

**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 19<sup>th</sup> day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary

APPROVED AS TO FORM:

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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01/19/12  
Item #6(C)  
Consent Agenda  
Page 1 of 1

**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 contract with Black Topper Technology, Inc. of Blanco for the FY 2012 Seal Coat Program in the estimated amount of \$1,101,753.13.

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

**ITEM SUMMARY:** On January 5, 2012, the City received four (4) bids for construction of the FY 2012 Seal Coat Program. The bid tabulation with unit costs and streets being recommended for seal coat with estimated quantities are attached.

The low bidder on the project is Black Topper Technology, Inc. of Blanco, Texas. The City has done business with Black Topper in the past and finds them a responsible bidder.

**FISCAL IMPACT:** Funds in the amount of \$1,083,380 are budgeted in the FY 2012 Operating budget in account 110-3400-531-23-22. An additional \$100,000 is available within the Reinvestment Zone No. 1's Financing Plan in account 795-9500-531-6317, project 100693, to fund the seal coat program for streets within the Reinvestment Zone Boundaries. The unit price award amount is \$1.795 per square yard.

(Estimated annual expenditure of \$1,183,380; if additional funds are identified for seal coating throughout the contract term, then the contract amount will increase accordingly.)

**ATTACHMENTS:**

[Bid Tabulation](#)  
[Project Map](#)  
[Resolution](#)

**Tabulation of Bids Received  
on January 5, 2012 at 2:00 p.m.  
Seal Coat  
Bid# 34-03-12**

		Bidders							
		F.N. Ploch Construction Company Inc. New Braunfels, TX		Newman & Keng Paving Company Inc. Giddings, TX		Big Tex Paving Inc. Johnson City, TX		BlackTopper Technology Inc. Blanco, TX	
Description	Est Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Seal Coat	594,841	\$1.86	\$1,106,404.26	\$2.50	\$1,487,102.50	\$1.82	\$1,082,610.62	\$1.795	\$1,067,739.60
4" White Thermoplastic Striping	600	\$1.00	\$600.00	\$1.00	\$600.00	\$1.00	\$600.00	\$1.00	\$600.00
8" White Thermoplastic Striping	125	\$1.75	\$218.75	\$1.75	\$218.75	\$1.75	\$218.75	\$1.75	\$218.75
4" Double Yellow Thermoplastic Striping	35,472	\$0.74	\$26,249.28	\$0.74	\$26,249.28	\$0.74	\$26,249.28	\$0.74	\$26,249.28
24" White for X-Walks Thermoplastic Striping	500	\$6.50	\$3,250.00	\$6.50	\$3,250.00	\$6.50	\$3,250.00	\$6.50	\$3,250.00
24" White Thermoplastic Striping for Stop Bars	507	\$6.50	\$3,295.50	\$6.50	\$3,295.50	\$6.50	\$3,295.50	\$6.50	\$3,295.50
Left Arrows	2	\$100.00	\$200.00	\$100.00	\$200.00	\$100.00	\$200.00	\$100.00	\$200.00
Right Arrows	2	\$100.00	\$200.00	\$100.00	\$200.00	\$100.00	\$200.00	\$100.00	\$200.00
Total Bid Price		\$1,140,417.79		\$1,521,116.03		\$1,116,624.15		\$1,101,753.13	
Bid Bond?		Not on our form		Yes		Yes		Yes	
Insurance Affidavit?		Yes		Yes		Yes		Yes	
Bond Affidavit?		Yes		Yes		Yes		Yes	
Credit Check?		Yes		Yes		Yes		Yes	

I hereby certify that this is a correct and true tabulation of all bids received.

**Note: Highlighted bid is recommended  
for Council approval.**

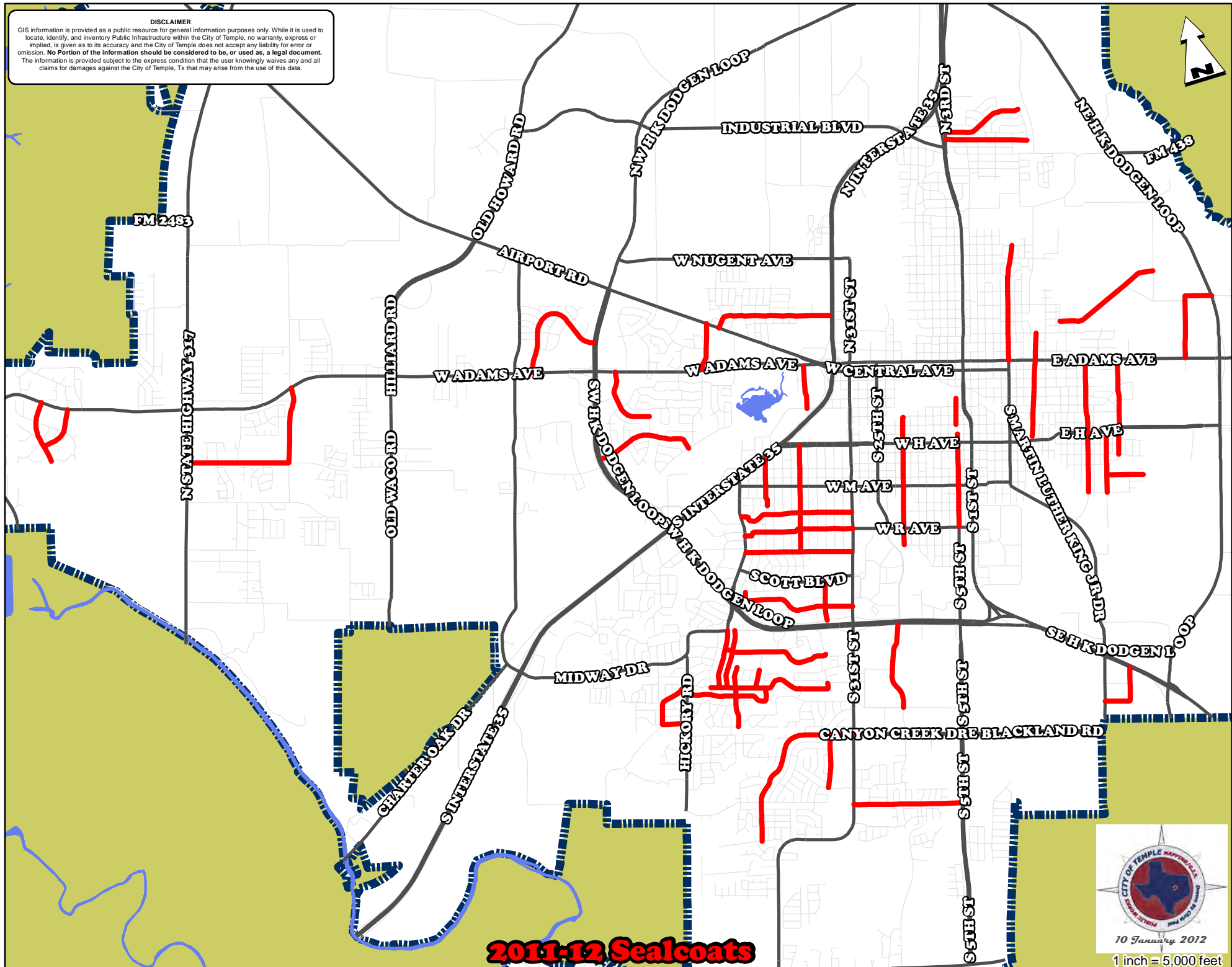
**Belinda Mattke**

Belinda Mattke, Director of Purchasing

**5-Jan-12**

Date

**DISCLAIMER**  
GIS information is provided as a public resource for general information purposes only. While it is used to locate, identify, and inventory Public Infrastructure within the City of Temple, no warranty, express or implied, is given as to its accuracy and the City of Temple does not accept any liability for error or omission. No Portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against the City of Temple, Tx that may arise from the use of this data.



**2011-12 Sealcoats**



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH BLACK TOPPER TECHNOLOGY, INC., OF BLANCO, TEXAS, FOR CONSTRUCTION OF THE FY2012 SEAL COAT PROGRAM BASED ON A UNIT PRICE OF \$1.795 PER SQUARE YARD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on January 4, 2012, the City received 4 bids for the construction of the FY2012 Seal Coat Program;

**Whereas**, Staff recommends accepting the bid from Black Topper Technology, Inc., of Blanco, Texas, based on a unit price of \$1.795 per square yard – the City has done business with Black Topper in the past and finds them to be a responsible bidder;

**Whereas**, funds are available in Account No. 110-3400-531-2322 and 795-9500-531-6317, Project No. 100693 – estimated annual amount is \$1,183,380; and

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

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

**PART 1:** The City Council authorizes the City Manager, or his designee, to execute a contract between the City of Temple and Black Topper Technology, Inc., of Blanco, Texas, after approval as to form by the City Attorney, for construction of the FY2012 Seal Coat Program based on a unit price of \$1.795 per square yard.

**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 **19<sup>th</sup>** day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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01/19/12  
Item #6(D)  
Consent Agenda  
Page 1 of 1

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

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Chapter 380 grant agreement with Sparetime Entertainment, LLC for redevelopment improvements at 5434 Loop 205.

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

**ITEM SUMMARY:** This agreement outlines the obligations and representations of Sparetime Entertainment, LLC and also defines the City's incentive package.

The proposed agreement with Sparetime Entertainment, LLC commits the City to make \$250,000 in public improvements in the vicinity of the proposed entertainment facility. The City Staff is working to identify projects which will both benefit the public and the proposed development, for example, street, drainage or landscaping on public property adjacent to the facility. The City previously authorized a tax abatement agreement with Sparetime at its January 5<sup>th</sup> meeting.

**FISCAL IMPACT:** The total maximum grant by the City is \$250,000.

**ATTACHMENTS:**

[Chapter 380 Economic Development Agreement Resolution](#)

## **ECONOMIC DEVELOPMENT AGREEMENT**

This Economic Development Agreement (this "Agreement") is entered between the CITY OF TEMPLE, a home rule city in Bell County, Texas ("CITY"), TEMPLE ECONOMIC DEVELOPMENT CORPORATION, a Texas non-profit corporation ("TEDC"), and SPARE TIME FAMILY ENTERTAINMENT, LLC, a Texas limited liability company ("SPARE TIME"). CITY, TEDC and SPARE TIME are individually sometimes called a "Party" or referred to herein as the "Parties."

### **Recitals**

- A. SPARE TIME desires to invest not less than approximately SIX MILLION DOLLARS (\$6,000,000.00) in the construction and operation of a family entertainment facility, which will include bowling and other such activities (the "Facility"), within the CITY on property owned by SPARE TIME; and
- B. SPARE TIME shall construct the Facility, together with parking, on a tract of land (the "Tract"), more particularly described as follows:

Lot Five (5), Block One (1), Friendship Plaza, a subdivision in the City of Temple, Bell County, Texas, according to the map or plat of record in Cabinet D, Slide 340-C, Plat Records of Bell County, Texas.
- C. TEDC and the CITY will provide to SPARE TIME certain incentives and public improvements to the Tract and appurtenant public property in connection with the development of the Facility; and
- D. In order to induce SPARE TIME to develop the Facility in the CITY and thereby promote state and local economic development and stimulate business and commercial activity in the CITY, and TEDC has agreed to provide an economic development package (hereinafter the "Economic Incentive"); and

- E. The Economic Incentive shall consist of the grant of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) by TEDC, provided that the terms and conditions of the Contract (as defined below) are met, together with a commitment by the CITY to construct or modify existing infrastructure, including but not limited to providing assistance with landscaping, at a cost not to exceed TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00); and
- F. Development of the Facility will result in a significant increase in ad valorem tax base for the CITY; and
- G. The Facility is projected to result in the creation of over SEVENTY-FIVE (75) new jobs within the City; and
- H. TEDC and the CITY have the authority to give incentives for economic development purposes such as the Economic Incentive contemplated herein; and
- I. TEDC and the CITY have each concluded and hereby find that this Agreement clearly promotes economic development in the CITY and is in the best interests of the TEDC and the CITY; and
- J. TEDC and the CITY, after due and careful consideration, have each concluded that the development of the Facility will benefit the CITY; and
- K. This Agreement, including the agreement to make the Economic Incentive, has been submitted to CITY and TEDC for their consideration and review, and CITY and TEDC have taken all actions required to be taken prior to the execution of this Agreement to make the same binding upon themselves according to the terms hereof; and
- L. The Parties wish to set forth their respective rights and obligations with respect to the Facility.



NOW, THEREFORE, in consideration of the promises and agreements herein set forth, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties contract and agree as follows:

1. **SPARE TIME Obligations.** SPARE TIME currently intends, but is not obligated, to construct and operate the Facility, and may elect, in its sole discretion, whether to construct or operate the Facility. SPARE TIME acknowledges that if it does not construct and operate the Facility as described in this Agreement, then the Economic Incentive will not be made to SPARE TIME, and TEDC and/or the CITY may exercise the remedies described in Paragraph 3, below. As an inducement for TEDC and the CITY to provide the incentives hereinafter described, and subject to the election by SPARE TIME to construct and operate the Facility, SPARE TIME agrees:

- a. To construct, occupy and operate during the Term as provided herein, the Facility at a cost of not less than approximately \$6,000,000.00 (the "Investment Goal").
- b. To commence construction of the Facility no later than twelve (12) months following the date of the closing of this Agreement and to diligently pursue such construction so that the Facility will be completed and occupied (pursuant to a temporary or permanent Certificate of Occupancy issued by the CITY) no later than twenty-four (24) months following the date of the closing of the Contract, subject to force majeure (the "Construction Goal").

- c. To continuously employ, from the date of the commencement of business activities and continuing for twenty-four (24) months therefrom (the "Term"), an annual average minimum of 75 persons, including part-time employees, at the Facility (the "Employment Goal"). SPARE TIME's employment records shall determine the number of persons employed at the Facility, subject to CITY's or TEDC's right to conduct a reasonable on-site review of the non-confidential portions of such employment records (at any reasonable time and upon at least three (3) days' prior notice) for the purposes of counting the number of persons at the Facility.
- d. Notwithstanding anything in this Paragraph 1 to the contrary, (i) SPARE TIME shall have no obligation to commence construction, complete construction, or open for business or continuously operate on the Tract, but if SPARE TIME fails to do so, CITY or TEDC may exercise their respective remedies as provided in this Agreement, and (ii) if following the date that SPARE TIME commences business operations within the Facility, SPARE TIME (including its successors, assigns or sublessees) thereafter ceases business operations within the Facility for any reason beyond the control of SPARE TIME (e.g., fire, storm, strike, remodeling or reconstruction or for any other event of force majeure) or condemnation or conveyance in lieu of condemnation of any material portion of the Tract ("Permitted Discontinuance"), and such Permitted Discontinuance does not exceed one (1) year in length, such Permitted Discontinuance shall not

constitute a default by SPARE TIME of its obligations under this Agreement.

2. **TEDC Obligations.** In consideration of SPARE TIME's commencement, completion and operation of the Facility as herein provided, TEDC agrees:

- a. to provide SPARE TIME with TWO HUNDRED FIFTY THOUSAND and 00/100 dollars (\$250,000.00), to be tendered to SPARE TIME by TEDC upon receipt by TEDC of a temporary or permanent Certificate of Occupancy, issued by the CITY to allow occupancy of the Facility by SPARE TIME following completion of the construction of the Facility; and
- b. to provide SPARE TIME with an additional TWO HUNDRED FIFTY THOUSAND and 00/100 dollars (\$250,000.00), to be tendered to SPARE TIME by TEDC upon receipt by TEDC a certified statement from SPARE TIME averring that SPARE TIME has created seventy-five (75) employed positions at the Facility within twenty-four (24) months from the date SPARE TIME commences business operations at the Facility. SPARE TIME shall maintain an average of seventy-five (75) employment positions at the Facility during the twenty-four (24) month period.
- c. TEDC will assist SPARE TIME in obtaining work force recruitment and training resources funded by the State of Texas.
- d. TEDC will assist SPARE TIME in applying for a five (5) year abatement of ad valorem taxes, equal to 100% of the increased value of real property on the Tract, from the City, Temple College, and Bell County, Texas. It is understood and hereby accepted by SPARE TIME that TEDC cannot and

does not guarantee that the tax abatements will be provided, and a failure to obtain the tax abatements shall not constitute an Event of Default.

3. **City of Temple Obligations.** In consideration of SPARE TIME's commitment to construct and operate the Facility as described herein, including the creation by SPARE TIME of seventy-five (75) new employment positions at the Facility, the CITY agrees pursuant to Chapter 380 of the Local Government Code:

- a. To construct or fund, as may be allowed under law, new or existing public infrastructure, including but not limited to providing assistance with landscaping, at a cost not to exceed TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00)

4. **Events of Default.** Each of the following shall constitute an event of default under this Agreement:

- a. Any Party's failure to comply with and adhere to their respective obligations hereunder, or under the terms of the Contract.
- b. SPARE TIME's failure to meet the terms of the Investment Goal; SPARE TIME's failure to commence construction within twelve (12) months of the Effective Date of this Agreement; SPARE TIME's failure to complete and operate the Facility as provided herein; or SPARE TIME's failure to employ an average minimum of seventy-five (75) employees at the Facility for twenty-four (24) months after the commencement of business operations at the Facility.
- c. Notwithstanding the foregoing, before any failure of any Party to perform its obligations under this Agreement shall be deemed to be a breach of this

Agreement such that another Party's remedies are available, the Party claiming such failure (the "Claiming Party") shall notify, in writing, the Party alleged to have failed to perform (the "Offending Party") of the alleged failure and shall demand performance. No breach of this Agreement may be found to have occurred if performance has commenced within thirty (30) days of the receipt of such notice, and such performance is diligently prosecuted thereafter so that such breach will be cured within a commercially reasonable time thereafter.

Upon a breach of this Agreement by SPARE TIME beyond the applicable notice and cure period, TEDC or the CITY may terminate this Agreement by the delivery of written notice to SPARE TIME. Alternatively, TEDC and the CITY, at their sole respective discretion, may elect to suspend and not be liable for any portion of the Economic Incentive due after the date of an uncured default by SPARE TIME.

In the event of a breach of this Agreement by CITY or TEDC beyond the applicable notice and cure period, SPARE TIME may (i) terminate this Agreement by the delivery of written notice to TEDC, (ii) enforce specific performance of this Agreement, and/or (iii) pursue any remedies available to it at law or in equity.

d. Notwithstanding anything in this Agreement which is or may appear to be to the contrary, if the performance of any covenant or obligation to be performed hereunder by any Party is delayed as a result of circumstances which are beyond the reasonable control of such Party

(which circumstances may include, without limitation, pending or threatened litigation, acts of God, war, acts of civil disobedience, fire or other casualty, shortage of materials, adverse weather conditions [such as, by way of illustration and not limitation, severe rain storms or below freezing temperatures, hurricanes or tornados] labor action, strikes or similar acts) the time for such performance shall be extended by the amount of time of such delay. The Party claiming delay of performance as a result of any of the foregoing "force majeure" events shall deliver written notice of the commencement of any such delay resulting from such force majeure event not later than thirty (30) days after the claiming Party becomes aware of the same, and if the claiming Party fails to so notify the other Party of the occurrence of a "force majeure" event causing such delay, the claiming Party shall not be entitled to avail itself of the provisions for the extension of performance contained in this paragraph unless the claiming party can reasonably adequately prove the event of force majeure during the notice and cure period after the other Party has alleged a default on the basis of delay.

- e. This Agreement does not, and is not intended to set forth the terms and conditions of the Tax Abatement. Such terms and conditions will be stated in separate agreements between SPARE TIME and the CITY, Bell County and Temple College.
- f. Time is of the essence of this Agreement.

4. **Authority; Covenants.**

- a. TEDC covenants and agrees that TEDC will use its best efforts to the extent permitted by law to take such actions as may be required and necessary to assist SPARE TIME in engaging the CITY in an effort to process any amendments, variations, special use approvals and permit applications relating to the CITY's ordinances, codes and regulations, as may be necessary or proper in order to ensure the development of the Tract and the Facility in accordance with this Agreement and to carry out fully and perform the terms, covenants, agreements, duties and obligations on its part to be kept and performed as provided by the terms and provisions hereof.
- b. The CITY hereby represents and warrants that the CITY has full constitutional and lawful right, power and authority, under currently applicable law, to execute and deliver and perform the terms and obligations of this Economic Development Agreement, and all of the foregoing have been or will be duly and validly authorized and approved by all necessary CITY proceedings, findings and actions. Accordingly, this Agreement constitutes the legal, valid and binding obligation of the CITY, is enforceable in accordance with its terms and provisions and does not require the consent of any other governmental authority.
- c. SPARE TIME, CITY and TEDC hereby represent and warrant that each has full lawful right, power, and authority to execute and deliver and perform the terms and obligations of this Agreement and all of the

foregoing have been or will be duly and validly authorized and approved by all necessary actions.

5. **Miscellaneous Provisions.** The following miscellaneous provisions are a part of this Agreement:

- a. **Amendments.** This Agreement constitutes the entire understanding and agreement of the Parties as to the matters set forth in this Agreement. No alteration of, or amendment to, this Agreement shall be effective unless given in writing and signed by all of the Parties hereto.
- b. **Applicable Law and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and all obligations of the Parties created hereunder are performable in Bell County, Texas. Venue for any action arising under this Agreement shall lie in the state district courts of Bell County, Texas.
- c. **Binding Obligation.** This Agreement shall become a binding obligation on the signatories upon execution by all signatories hereto. CITY and TEDC warrant and represent that the individuals executing this Agreement on behalf of CITY and TEDC have full authority to execute this Agreement and bind TEDC to the same. SPARE TIME warrants and represents that the individual executing this Agreement on its behalf has full authority to execute this Agreement and bind it to the same.
- d. **Severability.** In the event any provision in this Agreement shall be determined by any court of competent jurisdiction to be invalid or unenforceable, the Agreement shall, to the extent reasonably possible,



remain in force as to the balance of its provisions as if such invalid provision were not a part hereof.

- e. Notices. All notices required to be given under this Agreement shall be given in writing and shall be effective when actually delivered or when deposited in the United States mail, first class, postage prepaid, addressed to the Party to whom the notice is to be given at the addresses shown below. Any Party may change its address for notices under the Agreement by giving formal written notice to the other Parties, specifying that the purpose of the notice is to change the Party's address. For notice purposes, each Party agrees to keep the other informed at all times of its current address. The addresses of the Parties are:

SPARE TIME

TEDC

1111 Mill Creek Drive  
Salado, Texas 76571  
Attn: Grady Rosier

1 South First Street  
Temple, Texas 76501  
Attn: Lee Peterson

CITY

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Attn: City Manager  
2 North Main Street, Suite 306  
Temple, TX 76501

- f. Effective Date and Expiration. The effective date (the "Effective Date") of this Agreement shall be the date upon which this Agreement is fully executed by all of the Parties hereto, and this Agreement shall be null and void if it has not been executed by all of the Parties on or prior to December 1, 2011.

- g. Counterparts. This Economic Development Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same document.
- h. Personal liability of Public Officials. To the extent permitted by State law, no public official or employee shall be personally responsible for any liability arising under or growing out of this Agreement.
- i. Press Releases and Communications. To the extent permissible by law, any formal written press release concerning this Agreement issued in the name of TEDC, SPARE TIME, or the CITY shall be subject to mutual written pre-approval by SPARE TIME, the President of TEDC, and the City Manager of the CITY.

[Remainder of Page Left Intentionally Blank – Signature Page Follows]

Executed to be effective the \_\_\_\_ day of \_\_\_\_\_, 2011.

**SPARE TIME FAMILY ENTERTAINMENT,  
LLC**, a Texas limited liability company

By: William Grady Rosier  
WILLIAM GRADY ROSIER, Manager

12-1-11  
Date signed

**TEMPLE ECONOMIC DEVELOPMENT  
CORPORATION**,  
a Texas non-profit corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Date signed

***CITY OF TEMPLE***

By: \_\_\_\_\_  
David Blackburn, City Manager

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

ATTEST:

\_\_\_\_\_  
Lacy Borgeson, City Secretary

APPROVED AS TO FORM:

Jonathan Graham  
Jonathan Graham, City Attorney

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 GRANT AGREEMENT BETWEEN THE CITY OF TEMPLE AND SPARETIME ENTERTAINMENT, LLC FOR THE REDEVELOPMENT IMPROVEMENTS AT 5435 LOOP 205; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, at the request of the Temple Economic Development Corporation, the Staff has been working with Sparetime Entertainment, LLC to draft a Chapter 380 Development Agreement which will potentially give Sparetime the equivalent of 100% tax abatement for 5 years on future real property improvements;

**Whereas**, Sparetime wishes to purchase a tract of land to construct a family entertainment facility, together with parking located at 5434 Loop 205;

**Whereas**, the proposed agreement commits the City to make \$250,000 in public improvements in the vicinity of the proposed facility as well as waiving certain City developmental fees – City Staff is working to identify projects which will both benefit the public and the proposed development; 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, attached hereto as Exhibit A, with Sparetime Entertainment, LLC, after approval as to form by the City Attorney, for the property located at 5434 Loop 205.

**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 19<sup>th</sup> day of January, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/19/12  
Item #6(E)  
Consent Agenda  
Page 1 of 2

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

Brynn Reynolds, Director of Administrative Services  
Ashley Williams, Sustainability and Grant Manager

**ITEM DESCRIPTION:** Consider adopting a resolution accepting the City of Temple Sustainable Management Plan that provides guidance on how to integrate and increase the practice of sustainable and energy efficient measures within City operations.

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

**ITEM SUMMARY:** **Background:** In 2009 the City was awarded the Energy Efficiency and Conservation Block Grant from the US Department of Energy. Through the acceptance of this grant the City committed to developing a Sustainability Program, to encourage and guide energy efficient projects and programs. In March 2011 the City approved the Sustainability and Energy Efficiency Policy, which supported the development of this plan and subsequent programs.

The purpose of a City-wide Sustainability Management Plan is to demonstrate the City of Temple's commitment to economic vitality, environmental stewardship and community responsibility. The document acts as a strategic plan, enabling Temple to move towards more sustainable and efficient operations. Actions taken under this plan will yield cost savings to the City's operating funds through reduced operating costs, actions will contribute to enhancing regional resources, and actions will provide healthy work environments for staff and visitors.

The Sustainable Management Plan outlines the following:

- **Current Assessment**

- Evaluation of current utility use, existing conditions and current initiatives of selected departments.

- **Opportunities**

- Identifies opportunities for innovation through the description of tools and best practices, case studies, policy recommendations and suggested metric for measuring future progress;
- Provides suggestions on how goals of each identified department/focus area may be met; and
- Helps to structure actions within an implementation plan.

- **Implementation**

- Summarizes discussed opportunities through a ranking system determined by the benefit the project will provide the City and the current capability the City has to complete the project.

Staff is recommending the adoption of the Sustainable Management Plan because the City is in a position to set a community standard of sustainable and energy efficient practices.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

A copy of the Sustainable Management Plan is available for review in the City Manager's office  
[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
TEMPLE, TEXAS, ADOPTS THE CITY OF TEMPLE SUSTAINABLE  
MANAGEMENT PLAN; AND PROVIDING AN OPEN MEETINGS  
CLAUSE.

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**Whereas**, in 2009, the City was awarded the Energy Efficiency and Conservation Block Grant from the U.S. Department of Energy – through the acceptance of this grant, the City committed to developing a Sustainability Program to encourage and guide energy efficient projects and programs;

**Whereas**, In March 2011, the City approved the Sustainability and Energy Efficiency Policy, which supported the development of this plan and subsequent programs;

**Whereas**, the purpose of a City-wide Sustainability Management Plan is to demonstrate the commitment to economic vitality, environmental stewardship and community responsibility – actions taken under this plan will yield cost savings to the City's operating funds through reduced operating costs, actions will contribute to enhancing regional resources, and actions will provide healthy work environments for staff and visitors; 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 adopts the City of Temple Sustainable Management Plan attached hereto as Exhibit A, a copy of which shall be made available for review in the Office of the City Manager of the City of Temple.

**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 19<sup>th</sup> day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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01/19/12  
Item #6(F)  
Consent Agenda  
Page 1 of 3

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

Autumn Speer, Director of Community Services

**ITEM DESCRIPTION:** SECOND READING - Z-FY-12-05(B): Consider adopting an ordinance authorizing amendments to Articles 3, 5, 6 and 11 of the Unified Development Code to: allow the City Council to add a time limit to the approval of a Conditional Use Permit; add "Transitional Shelter" as Conditional Uses in the use table; increase the setbacks for street trees in the TMED zoning district; amend sidewalk and sign requirements in the Interstate 35 Corridor Overlay zoning district; and to establish definitions related to such standards.

**P&Z COMMISSION RECOMMENDATION:** At its November 21, 2011 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of the amendment to the Unified Development Code set forth in the item description above with an addition to increase the spacing requirement for multi-tenant signs in I-35 from 200' to 300'.

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

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-12-05, from the Planning and Zoning meeting, November 21, 2011.

Staff considers this package of proposed amendments house-keeping items to address issues and questions that have come up in Planning and Code Enforcement cases over the past year.

The purpose of this package of amendments to the text of the Unified Development Code (UDC) is to:

1. Add language to provide the option for City Council to add a time limit for the approval of Conditional Use Permits.
2. Add the use "Transitional Shelter" to the use table as a Conditional Use Permit in specific zoning districts.
3. Increase the setbacks for street trees on South First Street per TxDOT request.
4. Require sidewalks in the I-35 Corridor in specific locations, rather than along the entire I-35 frontage;
5. Amend the sign requirements in the I-35 Corridor Overlay; and
6. Add definitions related to the above additions.

**CONDITIONAL USE PERMIT (CUP) TIME LIMIT (ATTACHMENT 1):** This proposed amendment modifies Article 3 of the UDC. The proposed amendment provides a clear option for City Council to approve a CUP with a time limit and requirements for reapplying for a continuation of the CUP.

**TRANSITIONAL OR EMERGENCY SHELTER USE (ATTACHMENT 2):** This proposed amendment modifies Article 5 of the UDC. The current use table in Article 5 does not address Transitional or Emergency Shelters as a permitted use. The proposed amendment provides for the use as a CUP request for either type of shelter in the Light Industrial (LI) zoning district with the following conditions:

- The transitional shelter must be a minimum of 1,000 feet from the following uses:
  - Alcoholic beverage sales, on-premise or off-premise consumption
  - All residential uses or zoning districts
  - Daycares or schools
  - Other transitional shelters
- Adequate space must be provided inside the shelter so that clients or potential clients are not required to wait outside.
- Must have working HVAC.
- Occupancy load (maximum number of people based on size of building) and building construction must meet International Fire and Building Code.
- One shelter staff member must be present per 25 clients on-premise. A minimum of 1 staff member must always be present.
- An emergency shelter may not provide shelter to a person for a period exceeding 30 consecutive days.
- A transitional shelter may not provide shelter to a person for a period exceeding one year. (added after P&Z by staff)
- Transitional Shelters are proposed to be prohibited within the I-35 Corridor overlay zoning district.

**STREET TREE SETBACKS IN TMED ON FIRST STREET (ATTACHMENT 3):** This proposed amendment modifies Article 6 of the UDC. It is a result of a request from TXDOT to increase the required setback for street trees from the back of curb from 7.5' to 8.5' along South First Street to better accommodate safety and maintenance requirements.

**I-35 CORRIDOR OVERLAY SIDEWALKS (ATTACHMENT 4):** This proposed amendment modifies Article 6 of the UDC. It removes the blanket requirement for the I-35 Corridor Overlay zoning district for sidewalks within the private property unless the Trails Master Plan recommends a sidewalk along a street that intersects or runs parallel to Interstate 35. The proposed amendment provides width and material standards identical to those proposed for the Industrial Park.

**I-35 CORRIDOR OVERLAY SIGNS (ATTACHMENT 5):** This proposed amendment modifies Article 6 of the UDC. It provides new standards for taller freestanding signs in the form of pylons as well as clarifies existing and unclear requirements for other type of signs. The current ordinance limits sign height to 8' tall. Current practice is to require a developer to submit a Planned Development to request and permit a taller sign. The proposed amendments allow administrative approval and present an option for a pylon sign for all uses as well as provide specifications for multi-tenant users. As proposed, travel related businesses and multi-tenant users are permitted to have taller signs.

**DEFINITIONS (ATTACHMENT 6):** This proposed amendment provides definitions for:

- Emergency Shelter
- Multi-Tenant Sign
- Multi-Tenant Site
- Pole Sign
- Pylon Sign
- Transitional Shelter

**PUBLIC NOTICE:**The newspaper printed notice of the Planning and Zoning Commission public hearing on November 10, 2011 in accordance with state law and local ordinance

**FISCAL IMPACT:** NA

**ATTACHMENTS:**

Proposed Amendment to UDC Articles 3, 5, 6 and 11  
P&Z Staff Report (Z-FY-12-05)  
P&Z Minutes (11/21/11)  
Ordinance

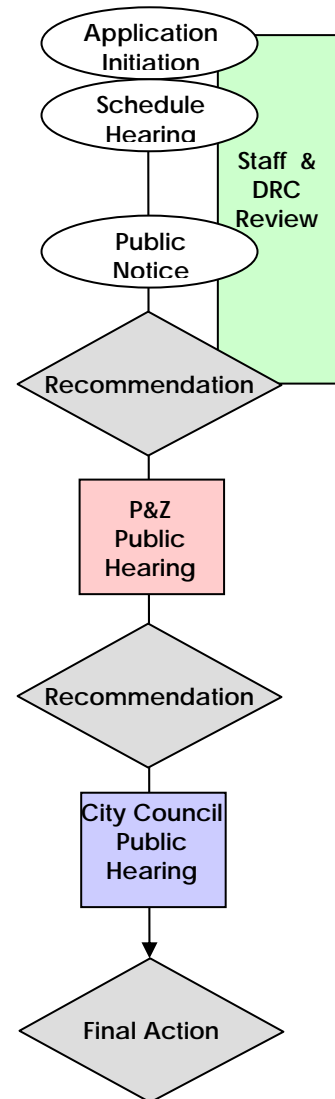
## Sec. 3.5. Conditional Use Permit

### 3.5.1 Applicability

- A. The Conditional Use Permit (CUP) provides a means for developing certain uses in a manner in which the conditional use will be compatible with adjacent property and consistent with the desired character of the area according to the Comprehensive Plan. These uses generally have unusual nuisance characteristics or are of a public or semi-public character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of the use or possible adverse impact on neighboring properties of the use, review, evaluation and exercise of planning judgment relative to the location and site plan of the proposed use are required.
- B. Conditional uses are identified in the use table in Article 5.

### 3.5.2 Review Process

- A. Except as described below, the Planning and Zoning Commission and City Council review of a CUP application must follow the review process, public notice, public hearing, protest and limitation on resubmittal requirements for a Zoning District Map Amendment set forth in Sec. 3.3.
- B. Application for a CUP must occur in conjunction with the submittal of a site plan.
- C. The Planning Director must review the CUP application and, with input from the Development Review Committee, make a recommendation to the Planning and Zoning Commission and City Council. Development Review Committee review must focus on the operational and design elements of the submitted CUP site plan.
- D. A Building Permit or Certificate of Occupancy may not be issued for any use that requires a CUP unless a CUP has first been approved in accordance with the provisions of this Section.



### 3.5.3 Duration

An approved CUP runs with the land and does not expire without City Council revocation as set forth in Sec. 3.5.6. At its discretion, the City Council may impose an expiration date on an approved CUP. The City Council may require that the property owner reapply for CUP approval prior to expiration in order for the conditional use to continue operation.

### 3.5.4 Review Criteria

In determining whether to approve, approve with conditions or deny a CUP application, the review bodies in Sec. 3.5.2 above must consider the following criteria.

## Attachment 2 - Shelter Use Tables

### Article 5: Use Standards

#### Sec. 5.1. Use Table

P= Permitted by Right    L = Permitted by Right Subject to Limitations

[blank cell] = Prohibited    C= Conditional Use Permit

Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
<u>Transitional or emergency shelter</u>																				C		<u>5.3.12</u>
<b>INDUSTRIAL USES</b>																						
Animal feedlot	C																				C	
Asphalt or concrete batching plant (permanent)																				C	P	
Asphalt or concrete batching plant (temporary)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	
Brick kiln or tile plant																					C	
Cement or hydrated lime plant																					C	
Compost operations																				C	C	5.3.13
Landfill																				C	C	
Industrial uses other than listed																					C	
Recycling collection location	C																L	L		L	L	5.3.14
Recycling operation inside a building																				C	L	5.3.14
Recycling operation outside a building																					L	5.3.14
Slaughterhouse or meat packing plant																				C	C	
Smelter, refinery or chemical plant																					C	
Wrecking yard																				C	C	
<b>NATURAL RESOURCE STORAGE AND EXTRACTION USES</b>																						
Caliche pit and caliche storage	C																	C		C	P	
Mining and storage of mining waste	C																			C	C	
Petroleum or gas well	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Petroleum storage and collection facilities	C																	C		C	P	
Sand or gravel extraction or storage	C																	C		C	P	
Top soil, earth, clay or stone extraction or storage	C																	C		C	P	

**Temple, Texas Unified Development Code**

Effective 12/16/10    •    Last Amended 10/06/11

Attachment 2 - Shelter Use Tables - I-35  
Overlay Industrial Subdistrict

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

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
use table in Sec. 5.1 except as follows:			
Multiple-family dwelling (apartment)		✓	5.3.3
<b>Nonresidential</b>			
Animal feed lot	✓		
Animal shelter (public or private)	✓		
Auto storage or auto auction	✓		
Boat sales or repair	✓		
Bottling works	✓		
Building material sales	✓		
Car wash		✓	
Child care facility		✓	5.3.9 and 5.3.10
Contractor storage and equipment yard	✓		
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair	✓		
Industrial Uses listed in the use table in Sec. 5.1	✓		
Kennel	✓		
Live stock auction	✓		
Major vehicle repair	✓		
Milk depot, dairy or ice cream plant	✓		
Minor vehicle servicing		✓	5.3.23
Motorcycle or scooter sales and repair		✓	
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
<u>Recreational Vehicle Park</u>	<u>✓</u>		
Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental sales or rental	✓		
<u>Transitional or Emergency Shelter</u>	<u>✓</u>		

**Attachment 2 - Shelter Use Tables - I-35  
Overlay Freeway / Retail Subdistrict**

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

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
use table in Sec. 5.1 except as follows:			
Multiple-family dwelling (apartment)		✓	5.3.3
<b>Nonresidential</b>			
Animal feed lot	✓		
Animal shelter (public or private)		✓	
Auto storage or auto auction	✓		
Boat sales or repair		✓	
Bottling works	✓		
Building material sales	✓		
Car wash		✓	
Child care facility		✓	5.3.9 and 5.3.10
Contractor storage and equipment yard	✓		
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair	✓		
Industrial Uses listed in the use table in Sec. 5.1	✓		
Kennel	✓		
Live stock auction	✓		
Major vehicle repair		✓	5.3.22
Milk depot, dairy or ice cream plant	✓		
Minor vehicle servicing		✓	5.3.23
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
<u>Recreational Vehicle Park</u>	<u>✓</u>		
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or noncommercial	✓		
<u>Transitional or Emergency Shelter</u>	<u>✓</u>		
Trailer, recreational vehicle, portable building or HUD-	✓		

**Attachment 2 - Shelter Use Tables - I-35  
Overlay City Entry Subdistrict**

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

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
equipment yard			
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair		✓	
Industrial Uses listed in the use table in Sec. 5.1		✓	
Kennel		✓	
Live stock auction	✓		
Major vehicle repair		✓	5.3.22
Milk depot, dairy or ice cream plant		✓	
Minor vehicle servicing		✓	5.3.23
Motorcycle or scooter sales and repair		✓	
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
<u>Recreational Vehicle Park</u>	<u>✓</u>		
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or noncommercial	✓		
Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental		✓	
<u>Transitional or Emergency Shelter</u>	<u>✓</u>		
Upholstery shop		✓	
Veterinarian hospital (kennels)		✓	
Wrecking or salvage yard	✓		5.3.24

**C. Dimensional Standards**

Dimensional standards for the base zoning districts as found in Sec. 4.5 of this UDC apply except that the following regulations supersede such requirements for properties in the Industrial Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.



## Sec. 5.4 Specific Use Standards

...

### 5.4.1.1 Transitional or Emergency Shelter

A transitional or emergency shelter may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A. The transitional or emergency shelter must be a minimum of 1,000 feet from the following uses:
  - 1. Alcoholic beverage sales (on-premise or off-premise consumption);
  - 2. All residential uses or zoning districts as specified in the zoning district table in Section 4.1.1 and in the use table in Section 5.1.3;
  - 3. Child care uses;
  - 4. Elementary or secondary schools (public or private); and
  - 5. Other transitional or emergency shelters.
- B. The distance required above must be measured in a straight, direct line from the property line of a use listed above to the property line of the transitional or emergency shelter, and in a direct line across intersections.
- C. Space must be provided inside the transitional or emergency shelter so that prospective and current residents are not required to wait on sidewalks or any other public right-of-way.
- D. The transitional or emergency shelter must be equipped with a functioning central heating, ventilation and air conditioning system.
- E. The occupancy load and construction of the building must meet the most recent version of the International Fire Code and Building Code adopted by the City, including all Fire Safety requirements.
- F. A minimum of one shelter staff member must be present per 25 clients on-premise of the transitional or emergency shelter. A minimum of one shelter staff member must be present at the shelter at all times.
- G. Emergency shelters are facilities designed and operated in a manner that clients are provided temporary housing for stays of up to thirty (30)

consecutive days. ~~may not provide shelter to a person for a period exceeding 30 consecutive days.~~

- H. Transitional shelters are facilities designed and operated in a manner that clients are provided temporary housing for periods up to one year. ~~may not provide shelter to a person for a period exceeding one year.~~
- I. Occasional, unplanned short term stays that exceed the thirty day or one year normal stay by clients of emergency and transitional shelters shall not constitute a violation of this ordinance.

## Attachment 3 - TMED Street Trees

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

#### Sec. 6.3. TMED, Temple Medical and Educational

Street Name	Type A	Type B	Type C	Type D	Type E
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 eight 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

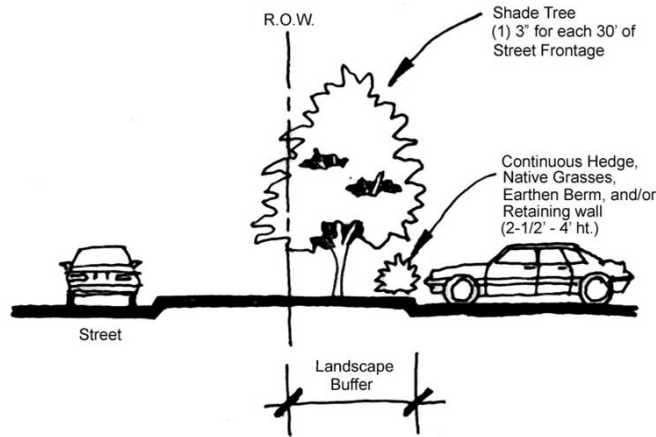
The street yard planting strip must be planted in evergreen groundcover as shown in the table in subsection 6.3.12C at a rate of one one-gallon container per 4 square feet of street yard planting area.

## Attachment 4 - I-35 Sidewalks

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

#### Sec. 6.7. I35, Interstate 35 Corridor Overlay

- f. Berms not less than 24 inches nor more than 48 inches in height at no more than a four to one slope are required in the landscape buffer, covering a minimum of 50 percent of the buffer area.
- 9. Any of the following must be screened by a continuous hedge or shrubs, earthen berms, or retaining walls that are two and one-half to four feet in height:
  - a. Parking lot or vehicle use area;
  - b. Fuel pumps visible from the direction of traffic flow; or
  - c. Vehicle drive-through window facing the street or traffic flow.



- 10. Meandering sidewalks a minimum of five feet in width are required in accordance with City standards within the landscape buffer the entire length of the street frontage in the following locations. ~~Such sidewalks are not required in the Industrial Sub-District.~~
  - a. Along any street in the Civic Sub-District; and
  - b. Along any street that intersects or runs immediately parallel with I-35, if the Trails Master Plan recommends a sidewalk adjacent to the property.
- 11. The width and composition of a sidewalk required in subsection 10 above must be in accordance with the following standards.
  - a. A sidewalk that is a minimum of 10 feet in width is required where the Trails Master Plan shows a Citywide Spine Trail adjacent to the property.
  - b. A sidewalk that is a minimum of eight feet in width is required where the Trails Master Plan shows a Community-Wide Connector Trail adjacent to the property.
  - c. A sidewalk that is a minimum of six feet in width is required where the Trails Master Plan shows a Local Connector Trail adjacent to the property.
- 12. Landscaped parking islands are required as follows in all parking lots, but are not required adjacent to industrial truck docks. Parking islands may count toward the required minimum landscape area set forth in the sub-district Area Regulations.

## Attachment 5 – I-35 Signs

### Sec. 6.7 I35, Interstate Corridor Overlay

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#### 6.7.5 General Design Requirements

.....

##### G. Signs

##### ~~G. Signs~~

- ~~1. The sign standards for the I-35 Corridor Overlay zoning district are the same as required for Low Profile Signs in the Central Avenue Corridor as found in Sec. 7.5.12.~~
- ~~2. The General Standards for Off-Premise Signs as found in Sec. 7.5.11 apply to the I-35 Corridor Overlay District.~~
- ~~3. Design, materials and finish of monument signs must match those of the buildings on the same lot.~~
- ~~4. Signs require approval of a sign permit prior to construction in accordance with Sec. 3.14. The sign standards in this section apply to all Sub-Districts in the I-35 Interstate Corridor Overlay.~~

##### 1. Permitted Sign Types

The table below establishes the sign types and standards that are permitted.

Use	Sign Type	Maximum Number of Sign Faces	Maximum Height	Maximum Area (per sign face)	Minimum Setback (from property line)	Minimum Spacing Between Signs
All permitted Uses	Wall Sign	1 per public façade (maximum 2)	NA (no projection above building)	10% of façade face or 300 sq ft max (whichever is greater)	NA	NA
All permitted Uses	Window Sign	NA	NA	20% of window area	NA	NA
All permitted Uses	Monument Sign	2	8'	50 sq ft	0'	25'
All permitted Uses	Pylon Sign	2	25'	200 sq ft	10'	50'
Fuel Sales	Pylon Sign	2	40'	300 sq ft	15'	100'
Overnight Accommodations	Pylon Sign	2	40'	300 sq ft	15'	100'

Restaurant Uses	Pylon Sign	2	40'	300 sq ft	15'	100'
Multi-Tenant Site	Monument Sign	2	10'	65 sq ft	0'	25'
Multi-Tenant Site	Pylon Sign	2	40'	400 sq ft	15'	<del>200'</del> 300'

## **2. Maximum Signs per Site**

All sites are permitted one freestanding sign (monument or pylon) per site unless they are part of a development requiring multi-tenant signs.

## **3. Multi-Tenant Sign Provisions**

- a.** Developments containing three or more businesses, whether in single or multiple buildings, must share freestanding sign structures for advertisement of multiple businesses within the development. This provision applies to businesses located on the same lot upon which the sign is located as well as to businesses located on different lots within the development.
- b.** Multi-tenant sites are permitted a maximum of one freestanding sign (monument or pylon) per 200 feet of frontage on I-35 Frontage Road. Both individual business freestanding signs and multi-tenant signs count towards the total for the entire development. Signs must comply with the following standards:
  - 1.** Multi-tenant pylon signs must be oriented to I-35 frontage roads, not to side streets.
  - 2.** Multi-tenant monument signs may be used at primary entranceways (spacing permitting) on streets not directly fronting I-35.
  - 3.** Businesses may not advertise on both multi-tenant pylon signs and individual single-site pylon signs;
  - 4.** One monument sign is permitted per individual business advertised on multi-tenant signs.

## **4. Freestanding Sign Materials**

Freestanding signs must be finished in the same primary masonry building material.

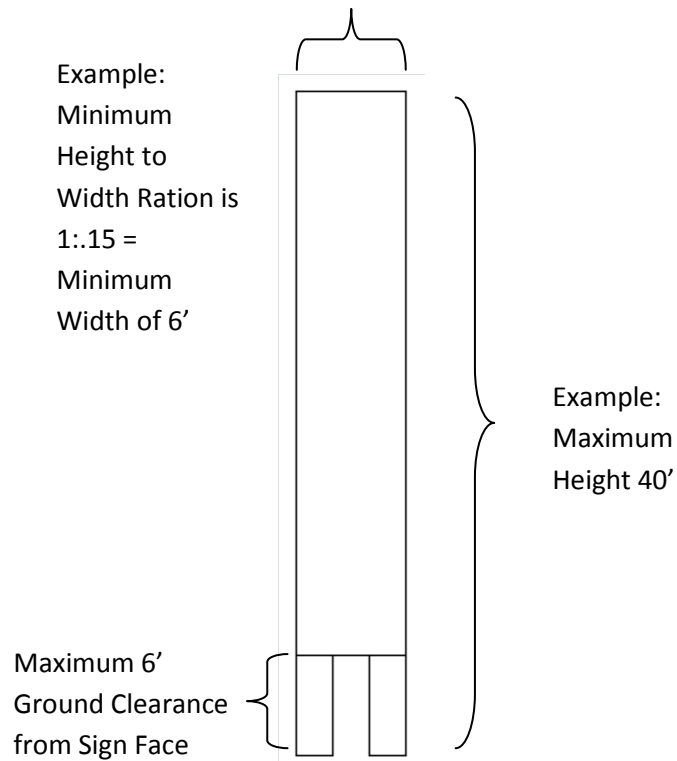
## **5. Sign Illumination**

Monument signs may be externally lit. All other illuminated signs must be internally lit.

## 6. Pylon Sign Provisions

a. For all pylon signs in the I-35 Overlay Corridor I-35 the following shall apply:

1. The minimum height to width ratio is 1:15;
2. The bottom of the sign face may be no more than 6' from the ground level.



## 7. Prohibited Sign Types

- a. Roof Signs
- b. Banner or Pole Banner
- c. Fence Sign
- d. Inflatable Device
- e. Message Board
- f. Pole Sign

## Attachment 6 – Definitions

### Sec 11.2 Defined Terms

...

**Emergency Shelter.** A facility providing temporary shelter, over a period of less than 30 days, for persons who are indigent, needy, homeless or transient.

...

**Multi-Tenant site.** A unified development site that contains multiple commercial uses and businesses under the same primary ownership or lease agreement.

**Multi-tenant sign.** A freestanding sign that advertises for more than two businesses on a site containing multiple commercial uses and businesses under the same ownership or lease agreement in a unified development or shopping center.

...

**Pole sign.** A freestanding sign with visible support structure (s).

...

**Pylon Sign.** A freestanding sign in which the support structure is concealed and enclosed with a decorative masonry material.

...

**Transitional Shelter.** A facility providing shelter, over a period of more than 30 days, for persons who are receiving therapy or counseling from support staff who are present at all times the residents are present, for one or more of the following purposes:

- (a) To help residents recuperate from the effects of drugs or alcohol addiction;
- (b) To help homeless persons or families achieve independence and obtain permanent housing;  
or
- (c) To provide temporary shelter for persons who are victims of domestic abuse.





# PLANNING AND ZONING COMMISSION AGENDA ITEM

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11/21/11  
Item #9  
Regular Agenda  
Page 1 of 3

**APPLICANT / DEVELOPMENT:** City of Temple

**CASE MANAGER:** Brian Mabry, AICP, Planning Director

**ITEM DESCRIPTION:** Z-FY-12-05 Hold a public hearing to consider and recommend action on amendments to Articles 3, 5, 6 and 11 of the Unified Development Code to: allow the City Council to add a time limit to the approval of a Conditional Use Permit; add "Recreational Vehicle Park" and "Transitional Shelter" as Conditional Uses in the use table; increase the setbacks for street trees in the TMED zoning district; amend sidewalk and sign requirements in the Interstate 35 Corridor Overlay zoning district; and to establish definitions related to such standards.

**BACKGROUND:** Staff considers this package of proposed amendments house-keeping items to address issues and questions that have come up in Planning and Code Enforcement cases over the past year.

The purpose of this package of amendments to the text of the Unified Development Code (UDC) is to:

1. Add language to provide the option for City Council to add a time limit for the approval of Conditional Use Permits.
2. Add the use "Recreational Vehicle Park" to the use table as a Conditional Use Permit in specific zoning districts.
3. Add the use "Transitional Shelter" to the use table as a Conditional Use Permit in specific zoning districts.
4. Increase the setbacks for street trees on South First Street per TxDOT request.
5. Require sidewalks in the I-35 Corridor in specific locations, rather than along the entire I-35 frontage;
6. Amend the sign requirements in the I-35 Corridor Overlay; and
7. Add definitions related to the above additions.

**CONDITIONAL USE PERMIT (CUP) TIME LIMIT (ATTACHMENT 1):** This proposed amendment modifies Article 3 of the UDC. The proposed amendment provides a clear option for City Council to approve a CUP with a time limit and requirements for reapplying for a continuation of the CUP.

**RECREATIONAL VEHICLE PARK USE (ATTACHMENT 2):** This proposed amendment modifies Article 5 and Article 6 of the UDC. Chapter 31 of the City Code addresses standards and requirements for Recreational Vehicle Parks. However, the current use tables in Article 5, Use Standards, and Section 6.1, Manufactured Housing, do not address Recreational Vehicle Parks as a permitted use. The proposed amendment provides for the use as a CUP request in the following zoning districts:

- Manufactured Housing (MH)
- General Retail (GR)
- Light Industrial (LI) and
- Agriculture (AG)

These are the zoning districts in which Recreation Vehicle parks currently exist in Temple.

**TRANSITIONAL OR EMERGENCY SHELTER USE (ATTACHMENT 3):** This proposed amendment modifies Article 5 of the UDC. The current use table in Article 5 does not address Transitional or Emergency Shelters as a permitted use. The proposed amendment provides for the use as a CUP request for either type of shelter in the Light Industrial (LI) zoning district with the following conditions:

- The transitional shelter must be a minimum of 1,000 feet from the following uses:
  - Alcoholic beverage sales, on-premise or off-premise consumption
  - All residential uses or zoning districts
  - Daycares or schools
  - Other transitional shelters
- Adequate space must be provided inside the shelter so that clients or potential clients are not required to wait outside.
- Must have working HVAC.
- Occupancy load (maximum number of people based on size of building) and building construction must meet International Fire and Building Code.
- One shelter staff member must be present per 25 clients on-premise. A minimum of 1 staff member must always be present.
- An emergency shelter may not provide shelter to a person for a period exceeding 30 consecutive days.

Transitional Shelters are proposed to be prohibited within the I-35 Corridor overlay zoning district.

**STREET TREE SETBACKS IN TMED ON FIRST STREET (ATTACHMENT 4):** This proposed amendment modifies Article 6 of the UDC. It is a result of a request from TXDOT to increase the required setback for street trees from the back of curb from 7.5' to 8.5' along South First Street to better accommodate safety and maintenance requirements.

**I-35 CORRIDOR OVERLAY SIDEWALKS (ATTACHMENT 5):** This proposed amendment modifies Article 6 of the UDC. It removes the blanket requirement for the I-35 Corridor Overlay zoning district for sidewalks within the private property unless the Trails Master Plan recommends a sidewalk along a street that intersects or runs parallel to Interstate 35. The proposed amendment provides width and material standards identical to those proposed for the Industrial Park.

**I-35 CORRIDOR OVERLAY SIGNS (ATTACHMENT 6):** This proposed amendment modifies Article 6 of the UDC. It provides new standards for taller freestanding signs in the form of pylons as well as clarifies existing and unclear requirements for other type of signs. The current ordinance limits sign height to 8' tall. Current practice is to require a developer to submit a Planned Development to request and permit a taller sign. The proposed amendments allow administrative approval and

present an option for a pylon sign for all uses as well as provide specifications for multi-tenant users. As proposed, travel related businesses and multi-tenant users are permitted to have taller signs.

**I-35 CORRIDOR OVERLAY SIGNS (ATTACHMENT 7):** This proposed amendment provides definitions for:

- Emergency Shelter
- Multi-Tenant Sign
- Multi-Tenant Site
- Pole Sign
- Pylon Sign
- Recreational Vehicle Park
- Transitional Shelter

**PUBLIC NOTICE:**

The newspaper printed notice of the Planning and Zoning Commission public hearing on November 10, 2011 in accordance with state law and local ordinance

**STAFF RECOMMENDATION:** Staff recommends approval of the proposed amendments.

**FISCAL IMPACT:** NA

**ATTACHMENTS:**

[Conditional Use Permit Time Limit \(Attachment 1\)](#)

[Recreational Vehicle Park Use \(Attachment 2\)](#)

[Transitional Shelter Use \(Attachment 3\)](#)

[Street Tree Setbacks in TMED on First Street \(Attachment 4\)](#)

[I-35 Corridor Overlay Sidewalks \(Attachment 5\)](#)

[I-35 Corridor Overlay Signs \(Attachment 6\)](#)

[Associated Definitions \(Attachment 7\)](#)

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

**ACTION ITEMS**

**Item 9: Z-FY-12-05** – Hold a public hearing to consider and recommend action on amendments to Articles 3, 5, 6 and 11 of the Unified Development Code to: allow the City Council to add a time limit to the approval of a Conditional Use Permit; add “Recreational Vehicle Park” and “Transitional Shelter” as Conditional Uses in the use table; increase the setbacks for street trees in the TMED zoning district; amend sidewalk and sign requirements in the Interstate 35 Corridor Overlay zoning district; and to establish definitions related to such standards. (Applicant: City of Temple)

Mr. Mabry stated these items were considered housekeeping issues which relate mainly to Planning and Code Enforcement.

1. Granting of a Conditional Use Permit (CUP) by City Council would provide a clear option for the City Council to approve a CUP with an attached associated time limit and a requirement for reapplying for the CUP to get a continuance on the use of the property for that CUP.

Mr. Mabry stated if things were not going as expected under the CUP, it could be revoked. This time limit would apply to new CUPs only.

2. Recreational Vehicle Parks - The UDC does not have provisions for where and what zoning districts an RV park may take place in. The proposed amendment would require a CUP for RV parks and they would be located in the Manufactured Home (MH), General Retail (GR), Light Industrial (LI) and Agricultural (AG) districts. RV parks would be prohibited in the I35 Overlay.
3. Transitional Shelter – Transitional or Emergency Shelter would be the same as far as the land use table in the UDC was concerned (although the uses differ). The proposed amendment would require a CUP for a transitional or emergency shelter located in the LI district. Some standards have been developed and proposed in order for these shelters to comply with eligibility for a CUP.

Separation standards of 1000 feet between the shelter and alcohol beverage sales (on- or off-premise sales—package store, convenience store, bar, etc.), 1000 foot separation between all residential uses and zoning districts—SF up to MF both in use and zoning districts), 1000 foot separation between day cares and schools (includes all levels of day care, businesses, public/private schools from K-12, etc.), and from other shelters as well.

Other standards include having adequate space for potential clients to wait inside the building, have working HVAC units in the building, meet International Fire and Building Codes, ratio of one staff person per 25 on-site clients, and limit emergency shelters to provide shelter not to exceed 30 days. As far as regulations, time limits are the only difference between emergency and transitional shelters.

Shelters would be prohibited in the I35 Overlay.

4. Increase the setbacks for street trees on South First Street per TxDOT request from 7.5 feet to 8.5 feet. This would allow for better safety, visibility, and maintenance.
5. Require sidewalks in the I-35 Corridor in specific locations, rather than along the entire I-35 frontage. Width and material standards would comply with the Trails Plan.

Trails Plan overlay is shown to provide additional details and locations.

6. Currently in the I35 Overlay some types of signs are addressed and others are not.

All permitted uses in the I35 Corridor may have a wall sign limited to 10% of the façade of the building and no projection of the wall sign will be over the building.

Window signs would be the same with 20% of the window area.

Monument signs are allowed, eight feet in height, 50 square feet, no setbacks needed. The proposed spacing standards would be 25 feet. Currently it is a 10 foot separation citywide and 20 feet in the Central Area.

Any permitted use within the overlay may have a pylon sign (large monument sign with encased base), 20 feet in height, 200 square foot sign face, 10 foot setback with 50 feet spacing between each sign.

Fuel sales, overnight accommodations, and restaurant uses (travel related) would be allowed a larger sign of 40 feet in height, 300 square foot sign face, a 15 foot setback from the property line, and 100 foot spacing between signs. For example, if a single restaurant had 200 feet of frontage, it could have one sign.

A multi-tenant site, 3 or more tenants on a unified site, may have a pylon sign, 40 feet in height and 400 square foot area, and same setbacks as travel related uses with a minimum spacing of 200 feet from other signs.

A multi-tenant monument sign may be 10 feet in height, 65 square foot area, no setback required, and 25 foot spacing between signs.

Specific provisions for multi-tenant signs:

1 freestanding per 200 feet of frontage on I-35;

Multi-tenant pylon signs oriented to I-35 frontage roads;

Multi-tenant monument signs may be used at primary entranceways (spacing permitting) on streets not directly fronting I-35;

Businesses may not advertise on both multi-tenant pylon signs and individual single-site pylon signs; and

1 monument sign per individual business advertised on multi-tenant signs

**Example:**

Bird Creek – +/- 1600' frontage on I-35 = Maximum 8 pylon signs  
Unlimited monument signs (spacing)  
Multi-Tenant monument on Loop side

**Now (I-35 Side):**

3 Multi-tenant pylon signs (2 on Loop)  
0 Monument signs  
3 Individual pole signs

**Pylon Sign Provisions:**

Minimum height to width ratio is 1:.15

Bottom of the sign face may be no more than 6' from the ground

**Example:**

40' tall pylon must be minimum 6' wide and 6' from ground

**Prohibited Signs:**

Roof Signs  
Banner or Pole Banner  
Fence Sign  
Inflatable Device  
Message Board  
Pole Sign (pole with sign at the top)

7. Defining Terms related to the standards:

**Recreational Vehicle Park**

From City Code

**Emergency Shelter**

30 consecutive days or less

**Transitional Shelter**

Drug & alcohol, homelessness, domestic abuse  
Longer-term

**Multi-Tenant Site**

Unified development that contains multiple commercial uses under same primary ownership or lease

**Multi-Tenant Sign**

Freestanding sign that advertises for more than two businesses on a multi-tenant site

**Pole Sign**

Freestanding sign with visible support structures

**Pylon Sign**

Freestanding sign with support structures concealed and enclosed with decorative masonry material

Staff supports the proposed amendments to UDC Articles 3, 5, 6, and 11 as presented:

1. Time limit for CUPs
2. Add RV Park as CUP in certain districts
3. Add Transitional or Emergency Shelter in certain districts
4. Increase street tree setback on S. 1st
5. Specify where sidewalks are required along I-35
6. Modify sign requirements along I-35
7. Add definitions related to above

Commissioner Talley asked for clarification of 'emergency' since some churches help out families periodically and would the church have to take out a permit? Mr. Mabry stated no, churches are usually temporary uses, such as Family Promise, are rotating and not an established use part of the church.

Commissioner Talley also asked what the procedure would be in a natural disaster and how would the 30 day time limit work. Mr. Mabry stated the intent was not meant to stand in the way of a declared emergency. This was directed toward shelters doing this as a living/profession.

Mr. Mabry clarified that any of the signs allowed in I35 under the proposal would not be pole signs. The support would need to be encased in some type of masonry from bottom to top.

Vice-Chair Staats asked about the 200 foot spacing (such as Bird Creek example) and there would be too many signs. Ms. Speer stated the Commission could increase the distance if desired. Vice-Chair Staats suggested regardless of the size of the property, the number of signs should be limited. A pylon sign may be 40 feet in height in the proposal. Optimum spacing would be 300 to 400 feet.

Discussion about various signs and pads along I35.

Commissioner Sears asked if there were currently any RVs or shelters located in the I35 overlay. Ms. Speer stated there was one, permitted, RV park with a CUP, called Lucky's, located on the north side of Temple along I35 and would not be affected by this proposal. Ms. Speer also stated there were seven mobile home parks within Temple that do have RVs in them and all are licensed but have no code enforcement or restrictions on RV uses. The City has offered a one-time CUP for an RV park with those specific RV sites grandfathered in.

Chair Martin opened the public hearing.

There being no speakers, Chair Martin closed the public hearing.

Commissioner Talley moved to accept the recommendation presented by Staff of Item 9, **Z-FY-12-05**, and Commissioner Pilkington made a second.

Vice-Chair Staats amended the motion by Commissioner Talley to recommend a 300 foot spacing increase opposed to the stated 200 foot spacing, and Commissioner Sears made a second to the amendment.

*Amendment passed: (6:1)*

Commissioner Pilkington voted nay

*Amended Motion passed: (7:0)*



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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2010-4413, THE “UNIFIED DEVELOPMENT CODE,” ARTICLES 3, 5, 6 AND 11, TO ALLOW THE CITY COUNCIL TO ADD A TIME LIMIT TO THE APPROVAL OF A CONDITIONAL USE PERMIT; ADD “TRANSITIONAL SHELTER” AS A CONDITIONAL USE IN THE USE TABLE; INCREASE THE SETBACKS FOR STREET TREES IN THE TMED ZONING DISTRICT; AMEND SIDEWALK AND SIGN REQUIREMENTS IN THE I-35 CORRIDOR OVERLAY ZONING DISTRICT; AND ESTABLISH DEFINITIONS RELATED TO SUCH STANDARDS; 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 November 21, 2011 meeting, the Planning and Zoning Commission voted to amend the UDC to amend Articles 3, 5, 6 and 11 which requests City Council to add a time limit to the approval of a Conditional Use Permit, add “Transitional Shelter” as a Conditional Use in the use table, increase the setbacks for street trees in the TMED Zoning District, amend sidewalk and sign requirements in the I-35 Corridor Overlay Zoning District, and to establish definitions related to such standards;

**Whereas**, the proposed amendment to Article 3 of the UDC provides a clear option for City Council to approve a CUP with a time limit and requirements for reapplying for a continuation of the CUP, as outlined in Exhibit A attached;

**Whereas**, the proposed amendment to Article 5 of the UDC addresses “Transitional Shelter” as a CUP request for either a “Transitional Shelter” or a “Emergency Shelter” in the Light Industrial (LI) zoning districts with the conditions outlined in Exhibit B attached;

**Whereas**, the first proposed amendment to Article 6 of the UDC is a request from TXDOT to increase the required setback for street trees along South First Street to better accommodate safety and maintenance requirements – the second amendment removes the blanket requirement for the I-35 Corridor Overlay Zoning District for

sidewalks within the private property unless the Trails Master Plan recommends a sidewalk along a street that intersects or runs parallel to I-35. This proposed amendment provides width and material standards identical to those proposed for the Industrial Park, and as outlined in Exhibit C attached;

**Whereas**, the third proposed amendment to Article 6 of the UDC provides new standards for taller freestanding signs in the form of pylons as well as it clarifies existing and unclear requirements for other types of signs, as outlined in Exhibit D attached;

**Whereas**, the proposed amendments to Article 11 simply establishes definitions related to such standards as outlined above, and as outlined in Exhibit E attached;

**Whereas**, the Staff recommends amending the Unified Development Code to address the above-referenced amendments to Articles 3, 5, 6 and 11; 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 Articles 3, 5, 6 and 11, to allow the City Council to add a time limit to the approval of a conditional use permit; add “Transitional Shelter” as a conditional use in the Use Table; increase the setbacks for street trees in the TMED Zoning District; amend sidewalk and sign requirements in the I-35 Corridor Overlay Zoning District; and establish definitions related to such standards, said amendments being more fully described in the exhibits 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 **5<sup>th</sup>** day of **January**, 2012.

PASSED AND APPROVED on Second Reading on the **19<sup>th</sup>** day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/19/12  
Item #6(G)  
Consent Agenda  
Page 1 of 1

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

Nicole Torralva, P.E., Director of Public Works

Kenny Henderson, Superintendent of Street and Drainage Services

**ITEM DESCRIPTION:** SECOND READING: Consider adopting an ordinance establishing school zones and setting speed limits and crosswalks within the school zones to conform to school schedules.

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

**ITEM SUMMARY:** In August of 2010 the City adopted an ordinance establishing school crosswalk and setting limits within school zones as agreed upon by the City, TISD and BISD. TISD has requested a school zone be established on Lavendusky Road between SE HK Dodgen Loop and North 50<sup>th</sup> Street for Hector P. Garcia Elementary School, reducing the speed limit from 30 mph to 20 mph from 6:30 am to 8:30 am and 2:45 pm to 4:30 pm on school days.

TISD has also requested that a school zone be established on East Avenue J between South 12<sup>th</sup> Street and South 10<sup>th</sup> Street and South 10<sup>th</sup> Street between East Avenue I and E Avenue J for Bethune Elementary School, reducing the speed limit from 30 mph to 20 mph from 6:30 am to 8:30 am and 2:45 pm to 4:30 pm on school days.

**FISCAL IMPACT:** Budgeted Amount \$33,200 in account 110-3400-531-23-34. Estimated Expenditures \$620.00

**ATTACHMENTS:**

[List of School Crossings](#)

[Proposed School Zone Maps](#)

[Ordinance](#)

**City of Temple  
School Zones**

Schools	Cones	Flags	Zone Times
<b>Bethune Elementary</b> <b>510 E Ave J</b> A. Crossing guard works crosswalk on MLK Blvd and Ave J B. School Zone is on E Ave J and S 10th St. The front and westside of school C. One Way on S 10th St from E Ave I to E Ave J	Yes	Yes	<b>School Zone Signs</b> <b>7:00 to 8:30</b> <b>14:00 to 15:30</b>  <b>One Way Time as Posted</b> <b>7:00 to 8:30</b> <b>14:00 to 15:30</b>
<b>Cater Elementary</b> <b>4111 Lark Trail</b> A. Crossing guard works Crosswalk in school parking area B. School Zone is on Lark Trail in front of School	Yes	Yes	
<b>Emerson Elementary</b> <b>1400 E Ave B</b> A. Crossing Guard works Crosswalk Works E Ave B and S 24th ST	Yes	Yes	
<b>Hector P. Garcia Elementary</b> <b>2525 Lavendusky Dr</b> A. No Crosswalk	No	No	<b>Flashing Lights</b>  <b>06:30 to 08:30</b> <b>14:45 to 16:30</b>
<b>Jefferson Elementary</b> <b>400 W. Walker Ave</b> A. Crossing Guards (2) Works Crosswalk At N 3rd St and W. Walker Ave B. Crossing Guard works Crosswalk at N 3rd ST and Industrial Blvd this is a controlled signal light. C. Flashing lights on N 3rd St are North of W. Walker Ave and North of W Shell Ave.	Yes	Yes	<b>Flashing Lights</b>  <b>06:30 to 08:30</b> <b>14:45 to 16:30</b>
<b>Kennedy-Powell Elementary</b> <b>3707 W. Nugent Ave</b> A. Crossing Guard will work Crosswalks W. Nugent Ave and Cearley Rd. B. Flashing lights on W. Nugent Ave west and east of Cearley Rd	Yes	Yes	<b>Flashing Lights</b>  <b>06:30 to 08:30</b> <b>14:45 to 16:30</b>
<b>Dickson Elementary</b> <b>1100 S 33rd St</b> A. One way south from W Ave K to W Ave L			<b>One Way Time as Posted</b> <b>7:00 to 8:30</b> <b>14:00 to 15:00</b>
<b>Meridith-Dunbar</b> <b>1717 E Ave J</b>			<b>Flashing Lights</b>

A. Crossing Guard will work Crosswalks at S 30th St and E. Ave J B. Flashing lights on S 30th St C. One Way on E Ave J from S 30th St to S 34th St at posted times	Yes	Yes	<b>06:30 to 08:30</b> <b>14:45 to 16:30</b>  <b>One Way Time as Posted</b> <b>7:00 to 8:30</b> <b>14:00 to 15:00</b>
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**City of Temple  
School Zones**

Schools	Cones	Flags	Zone Times
<b>Raye Allen Elementary</b> <b>5015 S 5th St</b> A. Crossing Guards will work Crosswalks on S 5th St B. Flashing lights on S 5th St north and south of school	Yes	Yes	<b>Flashing Lights</b>  <b>06:30 to 08:30</b> <b>14:45 to 16:30</b>
<b>Scott Elementary</b> <b>2301 W Ave P</b> A. Crossing Guard will work Crosswalk on W Ave P B. Crossing Guard will work Crosswalk on W Ave M @ S 45th St. C. Flashing lights on W Ave P east of S 49th St and west of S 39th St.	Yes	Yes	<b>Flashing Lights</b>  <b>06:30 to 08:30</b> <b>14:45 to 16:30</b>
<b>Thornton Elementary</b> <b>2900 Pin Oak Dr</b> A. Crossing Guard will work Crosswalk on Pin Oak @ East Dr. B. One way on Pin Oak from East Dr. to Mesquite at posted times	Yes	Yes	<b>School Zone Signs</b> <b>07:30 to 8:30</b> <b>14:30 to 16:00</b>  <b>One Way Time as Posted</b> <b>7:30 to 8:30</b> <b>14:30 to 16:00</b>
<b>Western Hills Elementary</b> <b>600 Arapaho</b> A. Crossing Guard will work Crosswalk on Apache @ Deer Tr B. Crossing Guard will work Crosswalk on Apache @ Gila C. Flashing lights on Apache North of Deer Tr. South of Gila.	Yes	Yes	<b>Flashing Lights</b>  <b>06:30 to 08:30</b> <b>14:45 to 16:30</b>
<b>Bonham Middle School</b> <b>4600 Midway Dr</b> A. Flashing Lights on Midway Dr. east and west of school.			<b>Flashing Lights</b>  <b>07:00 to 08:30</b> <b>15:00 to 16:30</b>
<b>Lamar Middle School</b> <b>2120 N 1st St</b> A. Flashing lights on N 3rd St are North of W. Walker Ave and North of W Shell Ave.			<b>Flashing Lights</b>  <b>06:30 to 08:30</b> <b>14:45 to 16:30</b>

B. One way on N 1st St from W Park Ave to W. Virginia Ave at posted times			<b>One Way Time as Posted</b> <b>7:30 to 8:30</b> <b>15:00 to 16:00</b>
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**City of Temple  
School Zones**

Schools	Cones	Flags	Zone Times
<b>Travis Middle School</b> <b>1500 S 19th St</b> A. Crossing Guard will work Crosswalk on W Ave M @ S 19th St B. One way on S 19th St from W Ave R to W Ave M			<b>One Way Time as Posted</b> <b>7:30 to 8:30</b> <b>14:30 to 16:00</b>
<b>Temple High School</b> <b>415 N 31st St</b> A. Flashing Lights on N 31st St north of W Barton Ave and North of W Houston Ave			<b>Flashing Lights</b>  <b>07:00 to 16:00</b>
<b>Temple High School Campus</b> <b>1414 W Barton Ave</b> A. School Zone on Barton from N 31st St to North 27th St			<b>School Zone Signs</b>  <b>07:00 to 16:30</b>
<u><b>B.I.S.D</b></u>  <b>Lakewood Elementary</b> <b>11200 FM 2305</b> A. Flashing lights on FM 2305 in front of school			 <b>Flashing Lights</b>  <b>7:15 to 8:00</b> <b>14:15 to 15:00</b>
<b>Joe M. Pirtle Elementary</b> <b>714 South Pea Ridge Rd</b> A. Flashing lights on South Pea Ridge in from of school			<b>Flashing Lights</b>  <b>7:15 to 8:00</b> <b>14:15 to 15:00</b>
<b>Tarver Elementary</b> <b>7949 Shone Hollow Dr</b> A. School Zone on Stone Hollow Dr in front of school. B. School Zone on Prairie Lark on northside of school B. School Zone on on Westfield on southside of school			<b>School Zone Signs</b>  <b>7:00 to 8:30</b> <b>14:30 to 16:00</b>
<b>Lake Belton Middle School</b> <b>8815 Tarver</b> A. Flashing lights on Tarver in front of			<b>Flashing Lights</b>  <b>7:00 to 8:30</b>

school.			14:30 to 16:30
B. School zone on Cedar Ln from Tarver to just north of school			School Zone Signs
			7:00 to 8:30 14:30 to 16:30



**DISCLAIMER**  
GIS information is provided as a public resource for general information purposes only. While it is used to locate, identify, and inventory Public Infrastructure within the City of Temple, no warranty, express or implied, is given as to its accuracy and the City of Temple does not accept any liability for error or omission. No Portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against the City of Temple, Tx that may arise from the use of this data.



S MARTIN LUTHER KING JR DR

S 12TH ST

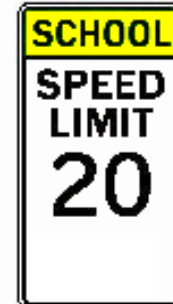
E I AVE

S 10TH ST

E J AVE

S 12TH ST

Install New  
School Zone Signs  
with Times:  
7 to 8:30  
2 to 3:30



## Bethune Elementary School Zone Times



7 December 2011

1 inch = 100 feet

**DISCLAIMER**  
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NE H K DODGEN LOOP

LAVENDUSKY DR

LAVENDUSKY DR

N 50TH ST

**Hector P. Garcia Elementary School Zone**



7 December 2011

1 inch = 150 feet

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING SCHOOL ZONES AND SETTING SPEED LIMITS AND CROSSWALKS WITHIN A SCHOOL ZONE TO CONFORM TO SCHOOL SCHEDULES; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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WHEREAS, in August 2010, the City adopted an ordinance establishing school crosswalks and setting speed limits within school zones as agreed upon by the City, TISD and BISD;

WHEREAS, TISD has requested a school zone be established on Lavendusky Road between SE HK Dodgen Loop and North 50<sup>th</sup> Street for Hector P. Garcia Elementary School – reducing the speed limit from 30 mph to 20 mph from the hours of 6:30 a.m. to 8:30 a.m. and 2:45 p.m. to 4:30 p.m. on school days; and

WHEREAS, the City Council has considered the matter and deems it in the public interest to establish this school zone for the benefit of the citizens for the promotion of the public health, welfare, and safety.

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

**Part 1:** The City Council finds that a school zone shall be on Lavendusky Road between SE HK Dodgen Loop and North 50<sup>th</sup> Street for Hector P. Garcia Elementary School – reducing the speed limit from 30 mph to 20 mph from the hours of 6:30 a.m. to 8:30 a.m. and 2:45 p.m. to 4:30 p.m. on school days, more fully shown on Exhibit A which is attached hereto and made a part hereof for all purposes.

**Part 2:** It shall be unlawful for any person to drive or operate a motor vehicle, bicycle, or other vehicle of any kind, whether or not motor powered, on that portion of the roadways described above under the conditions described herein, at a speed greater than is reasonable and prudent under the circumstances then existing, but any speed in excess of the reasonable and prudent prima facie maximum speed limits as set forth in Part 1 hereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful.

**Part 3:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

**Part 4:** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Part 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 on the **5<sup>th</sup>** day of **January**, 2012.

PASSED AND APPROVED on Second Reading on the **19<sup>th</sup>** day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/19/12  
Item #6(H)  
Consent Agenda  
Page 1 of 2

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

Ken Cicora, Parks and Leisure Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution approving a grant application to the Texas Parks and Wildlife Department for a Hike and Trike Trail in Jaycee Park in the amount of \$132,500.

**STAFF RECOMMENDATION:** Adopt resolution as provided in the item description.

**ITEM SUMMARY:** We are requesting City Council approval to apply to the Texas Parks and Wildlife Department (TPWD) for a Texas Recreational Trail Fund grant. The purpose of the grant will be to construct a Hike and Trike Trail that will be a ½ mile long trail, 8 feet in width, constructed of concrete, and located in Jaycee Park.

When surveyed, the residents living in the Jaycee Park area requested that their first choice for this park was to have a trail built that could be utilized by all ages. The demographics that surround the park include a high number of older adults and young children. The second desire for the park was to add and/or upgraded play items.

In order to serve this demographic and demand, Parks and Leisure Services has proposed (as the first phase of development) a ½ mile trail wide enough to serve, walkers, joggers, trikes, scooters and wheel chairs.

A second phase, once the trail itself is funded and built, would include placing play nodes along the trail to entice youth to keep moving and playing their way around the trail. Play nodes will have themes. For example, one play node will have a gas station for trikes and scooters highlighting alternative forms of fuel and another node will be a sensory garden of many textures, colors and scents made of plant material and creative landscape items. The play nodes would be constructed as funding allows.

The grant allows applicants to request up to \$200,000 in funding. We are going to request a \$132,500 grant project, of which \$106,000 will be from TPWD and \$26,500 would be the City's required 20% match of funds.

**FISCAL IMPACT:** The total project cost is \$132,500. We are requesting grant funds in the amount of \$106,000. Of the City's 20% match which is \$26,500, \$11,500 will come from the Parks and Leisure Services budget as in-kind services (\$7,200) and from the operations budget (\$4,300). The additional amount needed of \$15,000 will come from the General Fund Designated for Capital Projects – Unallocated fund balance.

A budget adjustment is presented for Council's approval designating \$15,000 of the match from Designated Capital Projects – Unallocated. This budget adjustment also designates \$4,300 from the Parks Department operations budget. The remainder of the required match will be from in-kind services which will include trail design services and labor for trail construction performed by Parks employees.

**ATTACHMENTS:**

[Budget Adjustment  
Resolution](#)

FY 2012

## 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. Capital Proj-Jaycee Park Trail Grant Match	\$ 19,300			
110-0000-352-13-45		Desg. Capital Proj-Unallocated			15,000	
110-3500-552-21-19		Botanical Supplies			3,800	
110-3500-552-23-11		Buildings & Grounds			500	
		<b><i>Do not post</i></b>				
<b>TOTAL.....</b>			\$ 19,300		\$ 19,300	

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

To designate a portion of the City's 20% match of \$26,500 for the Texas Recreational Trail Fund grant through the Texas Parks and Wildlife Department (TPWD). If awarded this grant, the City will construct a Hike and Trike Trail at Jaycee Park. The proposed concrete trail will be 1/2 mile long and 8 feet wide . The total project costs is estimated at \$132,500. The remaining \$7,200 of required match will be in-kind services which will include trail design and labor for trail construction to be performed by Parks employees.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

**x**

Yes

☐ No

DATE OF COUNCIL MEETING

1/19/2012

WITH AGENDA ITEM?

**x**

☐ Yes☐ No

Department Head/Division Director

Date \_\_\_\_\_

	Approved
	Disapproved

Finance

Date \_\_\_\_\_

☐ Approved  
☐ Disapproved

City Manager

Date \_\_\_\_\_

☐ Approved  
☐ Disapproved

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS; AUTHORIZING A GRANT APPLICATION TO THE TEXAS  
PARKS AND WILDLIFE DEPARTMENT, IN THE AMOUNT OF  
\$132,500 FOR A HIKE AND TRIKE TRAIL IN JAYCEE PARK; AND  
PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Parks and Leisure Services Department desires to submit a grant application to the Texas Parks and Wildlife Department for a Texas Recreational Trail Fund Grant to construct a Hike and Trike trail;

**Whereas**, the trail will be a ½ mile long, 8 feet wide, constructed of concrete and located in Jaycee Park – where the demographics that surround this park include a high number of older adults and young children;

**Whereas**, the construction of this trail will be completed in two phases – the first phase will be to construct the ½ mile long trail wide enough to serve walkers, joggers, trikes, scooters and wheel chairs;

**Whereas**, the second phase would include placing play nodes along the trail to entice youth to keep moving and playing their way around the trail;

**Whereas**, the total cost of this project is \$132,500. The grant, if awarded would fund approximately \$106,000 to which the city would match 20% (\$26,500) and the remaining costs (\$11,500) would come from the Parks and Leisure Services budget (either in-kind service or from the operations budget); 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 a grant application be submitted to the Texas Parks and Wildlife Department for funding to construct a Hike and Trike Trail in Jaycee Park, and authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for the grant application.

**Part 2:** The City Council accepts any funds that may be received for this grant, and commits to the City's 20% match (\$26,500) and the remaining costs (\$11,500) would



come from the Parks and Leisure Services budget (either in-kind service or from the operations budget).

**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 **19<sup>th</sup>** day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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01/19/12  
Item #6(I)  
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 2011-2012.

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

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2011-2012 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$4,628.

**ATTACHMENTS:**

[Budget Amendments  
Resolution](#)

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2012 BUDGET**  
January 19, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2011-521-2516 110-1500-515-6531		Judgments & Damages (Police Dept.) <b>Contingency - Judgments &amp; Damages</b>	\$ 562	\$ 562
Deductible reimbursement to the Texas Municipal League for settlement of a claim seeking reimbursement for property damage as a result of an auto accident on October 29, 2011, involving a Temple police vehicle.				
110-2320-540-2516 110-1500-515-6531		Judgments & Damages (Solid Waste Brush/Bulk) <b>Contingency - Judgments &amp; Damages</b>	\$ 206	\$ 206
Deductible reimbursements to the Texas Municipal League for damage to a vehicle after it was assumed that it was struck by a garbage truck at 1500 blk W. Avenue N.				
110-3700-524-2516 110-1500-515-6531		Judgments & Damages (Construction Safety) <b>Contingency - Judgments &amp; Damages</b>	\$ 717	\$ 717
Deductible reimbursement to the Texas Municipal League for expenses related to a former employee's termination appeal.				
520-5300-535-2516 520-5000-535-6532		Judgments & Damages (Water Distribution) <b>Contingency - Judgments &amp; Damages</b>	\$ 3,143	\$ 3,143
Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City seeking reimbursement for damage to a vehicle after the driver of a City vehicle hit the side of a van owned by Centex Alcohol Rehab in the 2500 Block of West Avenue K.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 4,628</b>	<b>\$ 4,628</b>

**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	\$ (17,256)
Net Balance of Judgments & Damages Contingency Account	\$ 62,744
Beginning <b>Compensation</b> Contingency	\$ 863,600
Added to Compensation Contingency	\$ -
Taken From Compensation Contingency	\$ (828,585)
Net Balance of Compensation Contingency Account	\$ 35,015
<b>Net Balance Council Contingency</b>	<b>\$ 97,759</b>
Beginning Balance <b>Budget Sweep</b> Contingency	\$ -
Added to Budget Sweep Contingency	\$ -
Taken From Budget Sweep	\$ -
Net Balance of Budget Sweep Contingency Account	\$ -

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2012 BUDGET**  
January 19, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>WATER &amp; SEWER FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	50,000
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(4,272)
		Net Balance of Contingency Account	\$	45,728
		Beginning <b>Compensation</b> Contingency	\$	97,000
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(84,685)
		Net Balance of Compensation Contingency Account	\$	12,315
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>	<b>\$</b>	<b>58,043</b>
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	79,303
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	79,303
		Beginning <b>Compensation</b> Contingency	\$	11,300
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(9,855)
		Net Balance of Compensation Contingency Account	\$	1,445
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	<b>\$</b>	<b>80,748</b>
		<b>DRAINAGE FUND</b>		
		Beginning <b>Compensation</b> Contingency	\$	13,200
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(12,386)
		Net Balance of Compensation Contingency Account	\$	814
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	24,387
		Carry forward from Prior Year	\$	12,105
		Added to Contingency Sweep Account	\$	22,327
		Taken From Contingency	\$	(29,131)
		Net Balance of Contingency Account	\$	29,688

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO  
THE 2011-2012 CITY BUDGET; AND PROVIDING AN OPEN  
MEETINGS CLAUSE.

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**Whereas**, on the 1<sup>st</sup> day of September, 2011, the City Council approved a budget for the 2011-2012 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2011-2012 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 2011-2012 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 19<sup>th</sup> day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/19/12  
Item #7  
Regular Agenda  
Page 1 of 3

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

Brian Mabry, AICP, Planning Director

**ITEM DESCRIPTION:** P-FY-12-05: Consider adopting a resolution authorizing the Final Plat of Lake Pointe Phase II, a 132.85±-acre, 347-lot single-family residential, 1 lot commercial and 1 lot multi-family residential subdivision, with a requested exception to Unified Development Code, Section 8.2.4, regarding utility easements, located southeast of S.H. 317 and Prairie View Road.

**P&Z COMMISSION RECOMMENDATION:** At its December 19, 2011, meeting, the Planning and Zoning Commission voted 4/1 to recommend approval of the Final Plat of Lake Point II Subdivision, **with** the developer's requested exception to Section 8.2.4 of the Unified Development Code requiring a minimum utility easement of 15 feet in width at the rear of each lot, and with the additional plat notes recommended by staff.

Commissioner Jones and Sears were absent.  
Two Commission seats remain unfilled.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description subject to the following additions and corrections to plat notes and park site plan:

1. Add Plat Note "Park fees for multi-family development will be paid prior to the issuance of any building permit for the multi-family Lot 1, Block 14".
2. Provide at least 10 parking spaces in the private park and the minimum setback and landscaping as required in the UDC.

Staff recommends DENIAL of the requested exception to UDC Section 8.2.4.

**ITEM SUMMARY:** At its January 5, 2012, meeting, the City Council voted to table this Final Plat due to the absence of the applicant.

Please refer to the Staff Report and draft minutes of case P-FY-12-05, from the Planning and Zoning Commission meeting on December 19, 2011.

The Development Review Committee (DRC) reviewed the Final Plat of this development on November 7, 2011, and deemed it a complete submittal on December 9, 2011.

Park dedication or fees, in lieu of dedication, is required for this subdivision. A private park is being proposed, with amenities exceeding the park fee amount (\$166,050) required for the 738 single family lots in all phases of this subdivision as approved in the Preliminary Plat. This phase of the development includes 347 single family lots.

The attached park plan is acceptable to Parks and Leisure Services Department, provided at least 10 parking spaces are shown and the minimum landscape and setback requirements of the UDC are being met. The site plan should be further updated to show the additional parking and six street trees.

Park fees for the multi-family development of this subdivision will be paid prior to issuance of a building permit for multi-family dwellings. The developer has added a plat note to reiterate when fees will be paid for multi-family uses. However, the wording for this plat note should read exactly as follows, "Park fees for multifamily development will be paid prior to the issuance of any building permit for the multi-family, Lot 1, Block 14."

The Preliminary Plat for this subdivision was approved with the provision of a conforming trail dedication through the eastern most property area of this plat and is noted and shown on the plat face.

Park fees are not required for the commercial lot(s) in the subdivision.

**EXCEPTION REQUEST:** This Final Plat meets the minimum requirements of the Unified Development Code (UDC) except for Section 8.2.4, subdivision requirements, which states that each lot must have access to a utility easement at the rear of all lots not served by a public alley. Lot 1, Block 13 and Lot 1, Block 14, which are the commercial and multi-family zoned lots of this plat, do not have a utility easement to serve them at the rear of the lots. There is a 100-ft dedicated electrical transmission easement adjoining the lots. However, Oncor, the electricity provider for the area, does not have the ability to utilize it for distribution of electricity to the proposed lots. For this reason, Oncor requests a 15-foot wide utility easement adjacent to the transmission easement. Unified Development Code Sec. 8.2.4. states, in part, that:

Each block that does not contain an alley must contain or have access to a utility easement at the rear of all lots, or at other appropriate locations *as determined by utility providers or the City Engineer*, reserved for the use of all public utility lines, conduits and equipment. In the case of rear lot or side lot locations, the utility easements must be a minimum of 15 feet in width.

There has been extensive discussion between City staff, the developer and Oncor, and solutions have been proposed, however the developer does not wish to dedicate the utility easement and is requesting an exception. Please see attached emails from Bob Fajkus of Oncor Energy and to and from Brian Mabry to Garrett Nordyke of Yalco Engineering.

Staff does not support the requested exception to the UDC Section 8.2.4 as, although the developer does not plan to develop these lots himself at this time, the lots remain noncompliant to the easement requirement.

**ATTACHMENTS:**

Emails from Developer, Oncor Representative and Planning Director

Park Plan

Plat sheets (3 pages)

P&Z Staff Report

Resolution



**Email correspondence:**

**-From Robert Fajkus, Oncor Representative; email to Planning**

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**From:** Robert.Fajkus@oncor.com  
**Sent:** Friday, November 18, 2011 3:48 PM  
**To:** Leslie Matlock  
**Cc:** Brian Mabry  
**Subject:** RE: Utility Easement Request for Lake Point II Addition, Temple

Oncor has no existing facilities on these commercial and multifamily lots. The easements we are requesting will serve the future developments on these lots.

We are proposing 2 new overhead electric circuits from our Lake Belton Substation located just north of this subdivision. These new circuits are being routed to FM 2305 to serve the current and future growth in the western area of Temple. They are also required for serving the commercial, multifamily and 738 residential lots proposed in the Lake Pointe Development.

We selected the requested easement locations to minimize the impact of these overhead facilities on the underground residential portion of this development. However, if the developer does not want to grant platted utility easements, Oncor's next option may be to construct the overhead lines along the street right-of-way of Amber Dawn Dr. and Lake Pointe Dr. The proposed 20 ft wide easement area can be reduced to 15 ft if necessary.

The primary reason for allowing franchised utilities to comment on plats submitted to the city is so we can secure the platted easements necessary for construction of our facilities.

Please let me know how you plan to respond to this developer and if you want to meet for a more detailed discussion about this subdivision.

*Bob Fajkus*

**Oncor Electric Delivery**  
**350 Texas Ave**  
**Round Rock, TX 78664**  
**Ofc 512-244-5691**  
**Fax 512-244-5689**

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**From:** Leslie Matlock [<mailto:lmotlock@templetx.gov>]  
**Sent:** Wednesday, November 16, 2011 8:18 AM  
**To:** Fajkus, Bob  
**Cc:** Brian Mabry  
**Subject:** Utility Easement Request for Lake Point II Addition, Temple

Mr. Fajkus,

Please see the letter below. WB Development is not wanting to provide the easement you asked for on this development. We were wondering if you have any thoughts?

Thanks,

Leslie Matlock, AICP

Senior Planner

City of Temple

254-298-5668

*Brian:*

*I just spoke with Bruce about the Oncor easements. The easements Oncor is requesting on the commercial and multifamily lots are not required to serve this property. They are wanting them for other purposes, and there is a monetary value to them. Therefore, we don't intend to give them those easements without compensation from them. Since this is not really a plat-related issue, I'm curious what the City's position is - will the City require us to show those easements on our re-submittal? I would hope not, since it would constitute an illegal taking. Please let us know your thoughts.*

*Thanks,*

*Scott A. Brooks, P.E., CFM*

*Yalgo, LLC and W & B Development, Ltd.*

*(254) 953-5353, x-232*

**Email correspondence:**

**-From Brian Mabry email to Garrett Nordyke, Yalgo Engineering**

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**From:** Brian Mabry  
**Sent:** Monday, December 12, 2011 11:38 AM  
**To:** 'Garrett Nordyke'  
**Cc:** Leslie Matlock; Scott Brooks ; Robert. Fajkus@oncor.com; Trudi Dill; Autumn Speer; Michael Newman  
**Subject:** RE: Lake Pointe 2

Garrett,

This is to confirm our phone conversation we just had.

My discussions with Oncor continue to portray the requested easement as a *distribution* easement, not a *transmission* easement. As you know, one reason for platting is to ensure that all lots have infrastructure and utility service. If this plat is approved without the easement, then the apartment and commercial lot will have no planned out route for electrical service at the time of approval. I realize that through Oncor's franchise agreement, they could run aerial lines through local public right-of-way. But the City will bear the brunt of aesthetic complaints and safety concerns from future homeowners about utility lines running along the fronts of their lots. I understand that you would not want this to happen for the sake of the marketability of the subdivision, but I have to look at worst case scenarios.

I disagree that an easement is not required as part of this plat and I have consulted with our Legal department on this interpretation. As I've let you know, Sec. 8.2.4.A of the Unified Development Code requires a 15' public utility easement "at the rear of all lots, or at other appropriate locations as determined by utility providers or the City Engineer, reserved for the use of all public utility lines, conduits and equipment."

We appear to be at a stalemate as to whether an easement is required or not and as to whether you are required to submit an exception request or not. We agree that in cases like this, holding the plat in DRC is not the solution. When this goes to P&Z on December 19<sup>th</sup>, if there is no exception request submitted, we will recommend denial of the plat due to not complying with Sec. 8.2.4.A. If there is an exception request submitted, we will recommend approval of the plat but not support the exception request.

Brian

Mr. Fajkus,

Please see the letter below. WB Development is not wanting to provide the easement you asked for on this development. We were wondering if you have any thoughts?

Thanks,

Leslie Matlock, AICP

Senior Planner

City of Temple

254-298-5668

*Brian:*

*I just spoke with Bruce about the Oncor easements. The easements Oncor is requesting on the commercial and multifamily lots are not required to serve this property. They are wanting them for other purposes, and there is a monetary value to them. Therefore, we don't intend to give them those easements without compensation from them. Since this is not really a plat-related issue, I'm curious what the City's position is - will the City require us to show those easements on our re-submittal? I would hope not, since it would constitute an illegal taking. Please let us know your thoughts.*

*Thanks,*

*Scott A. Brooks, P.E., CFM*

*Yalgo, LLC and W & B Development, Ltd.*

*(254) 953-5353, x-232*

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**Email correspondences:**  
**-Exception Request from Garrett Nordyke, Yalgo Engineering**

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**From:** Brian Mabry  
**Sent:** Tuesday, December 13, 2011 11:34 AM  
**To:** Leslie Matlock  
**Subject:** FW: Lake Pointe electrical  
**Attachments:** Oncor Master Plan Lake Pointe phases one and two.pdf

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**From:** Garrett Nordyke [<mailto:Garrett@wbdevelopment.com>]  
**Sent:** Tuesday, December 13, 2011 11:13 AM  
**To:** Brian Mabry  
**Cc:** Trudi Dill; Scott Brooks  
**Subject:** Lake Pointe electrical

Brian,

Attached is Oncor's proposed distribution system for Lake Pointe phases one and two. I have made notes on this illustration related to commercial electrical service.

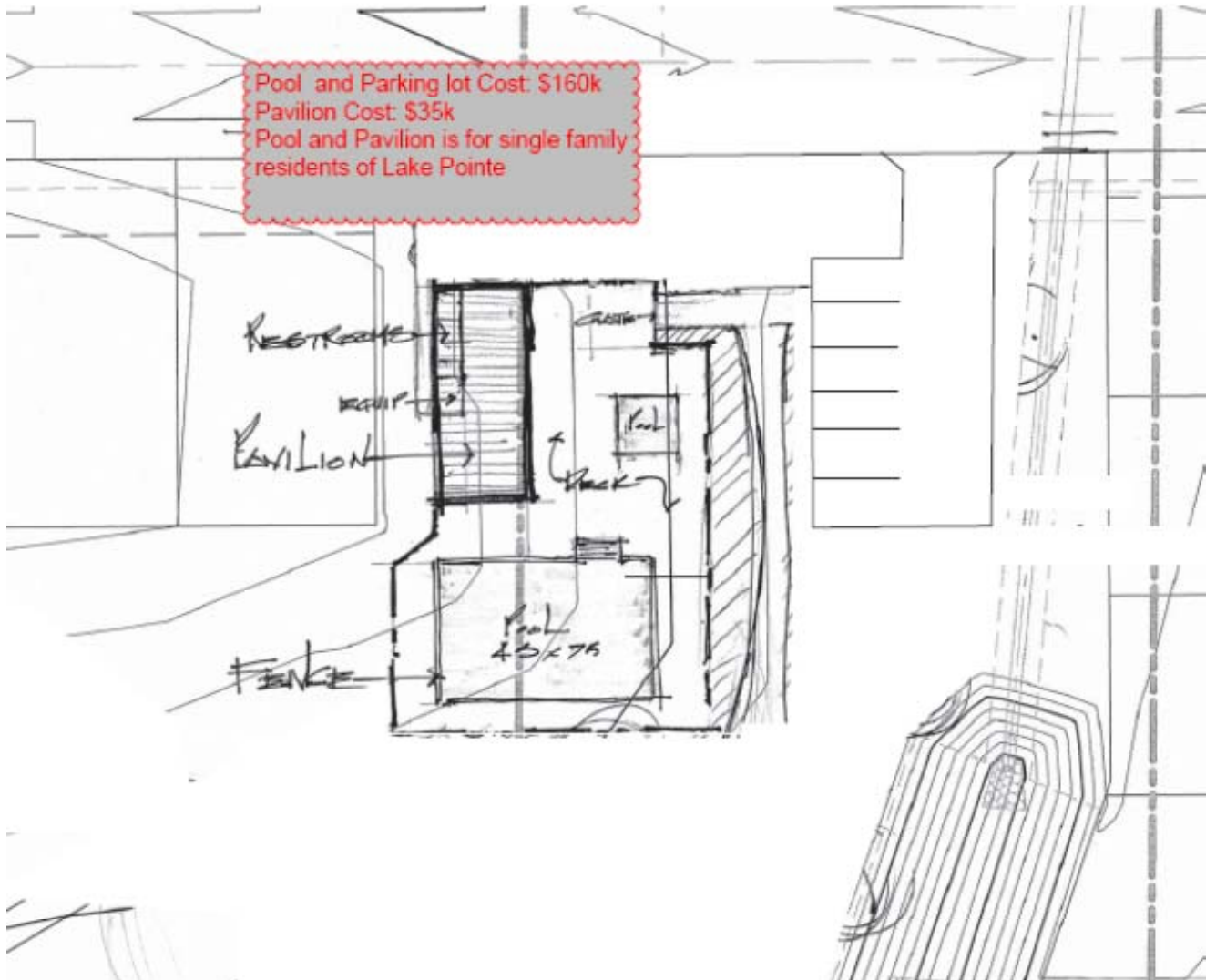
Oncor's requested easement is not necessary to distribute electricity throughout Lake Point. The tracts adjacent to F.M. 317 may be served from the overhead line along the west side of F.M. 317 and the residential lots may be served as proposed by Oncor (see attached illustration). We request an exception to UDC 8.2.4.a which requires easements to be placed "at the rear of all lots, or at other appropriate locations as determined by utility providers." We further express our concerns in regards to allowing utility providers to determine any and all appropriate easement locations. Temple should not structure entitlements to allow private companies to extort easements.

The easement requested by Oncor is neither necessary for this subdivision nor intended for this subdivision.

Thanks,  
Garrett

**Exhibit**  
**Lake Pointe Addition**  
**Private Park Site Plan Submission**

- \*Parking Lot proposes 5 parking spaces – 10 parking spaces have been required.
- \*Landscaping including at least 6 street trees should be provided along Right-Of-Way (ROW). Parks additionally wants to see placement of a minimum of 6 trees along the frontage of the ROW.
- \*Minimum building setback from street for this zoning district should be shown and improvements should be setback behind it.







# PLANNING AND ZONING COMMISSION AGENDA ITEM

12/19/11  
Item #3  
Page 1 of 2

**APPLICANT / DEVELOPMENT:** Garrett Nordyke of Yalgo Engineering, on behalf of Bruce Whittus of WB Development.

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

**ITEM DESCRIPTION:** P-FY-12-05 Consider and recommend action on the Final Plat of Lake Pointe Phase II, a 132.85±-acre, 347-lot single-family residential, 1 lot commercial and 1 lot multi-family residential subdivision, with a requested exception to Unified Development Code, Section 8.2.4, regarding utility easements, located southeast of S.H. 317 and Prairie View Road.

**BACKGROUND:** The Development Review Committee (DRC) reviewed the Final Plat of this development on November 7, 2011, and deemed it a complete submittal on December 9, 2011.

This Final Plat meets the minimum requirements of the Unified Development Code (UDC) except for Section 8.2.4, subdivision requirements, which states that each lot must have access to a utility easement at the rear of all lots not served by a public alley. Lot 1, Block 13 and Lot 1, Block 14, which are the commercial and multi-family zoned lots of this plat, do not have a utility easement to serve them at the rear of the lots. There is a 100-ft dedicated electrical transmission easement adjoining the lots. However, Oncor, the electricity provider for the area, does not have the ability to utilize it for distribution of electricity to the proposed lots. For this reason, Oncor requests a 15-foot wide utility easement adjacent to the transmission easement. Unified Development Code Sec. 8.2.4. states, in part, that:

Each block that does not contain an alley must contain or have access to a utility easement at the rear of all lots, or at other appropriate locations *as determined by utility providers or the City Engineer*, reserved for the use of all public utility lines, conduits and equipment. In the case of rear lot or side lot locations, the utility easements must be a minimum of 15 feet in width.

There has been extensive discussion between City staff, the developer and Oncor, and solutions have been proposed, however the developer does not wish to dedicate the utility easement and is requesting an exception. Please see attached emails from Bob Fajkus of Oncor Energy and to and from Brian Mabry to Garrett Nordyke of Yalgo Engineering.

The Planning and Zoning Commission is not the final plat authority since the developer has requested an exception to the UDC. The City Council makes the final decision on all plats that have associated exception requests by the developer.

City Council is also the final decision maker on the easement abandonment requested as part of this plat. This easement is a wastewater utility easement which will be rerouted around residential lots. Public Works has no objections to this plan.

**DEVELOPMENT REVIEW:** Park dedication or fees, in lieu of dedication, is required for this subdivision.

A private park is being proposed, with amenities exceeding the park fee amount (\$166,050) required for the 738 single family lots in all phases of this subdivision as approved in the Preliminary Plat. This phase of the development includes 347 single family lots.

The attached park plan is acceptable to Parks and Leisure Services Department, provided at least 10 parking spaces are shown and the minimum landscape and setback requirements of the UDC are being met. The site plan should be further updated to show the additional parking and six street trees.

Park fees for the multi-family development of this subdivision will be paid prior to issuance of a building permit for multi-family dwellings. The developer has added a plat note to reiterate when fees will be paid for multi-family uses. However, the wording for this plat note should read exactly as follows, "Park fees for multifamily development will be paid prior to the issuance of any building permit for the multi-family, Lot 1, Block 14."

The Preliminary Plat for this subdivision was approved with the provision of a conforming trail dedication through the eastern most property area of this plat and is noted and shown on the plat face.

Park fees are not required for the commercial lot(s) in the subdivision.

**STAFF RECOMMENDATION:** Staff recommends APPROVAL of the Final Plat of Lake Pointe Phase II as submitted subject to the following additions and corrections to plat notes and park site plan:

1. Add Plat Note "Park fees for multi-family development will be paid prior to the issuance of any building permit for the multi-family Lot 1, Block 14".
2. Provide at least 10 parking spaces in the private park and the minimum setback and landscaping as required in the UDC.

Staff recommends DENIAL of the requested exception to UDC Section 8.2.4.

**ATTACHMENTS:**

**Email correspondences:**

- [From Robert Fajkus, Oncor Representative email to Planning](#)
- [From Brian Mabry email to Garrett Nordyke, Yalgo Engineering](#)
- [Exception Request from Garrett Nordyke, Yalgo Engineering](#)

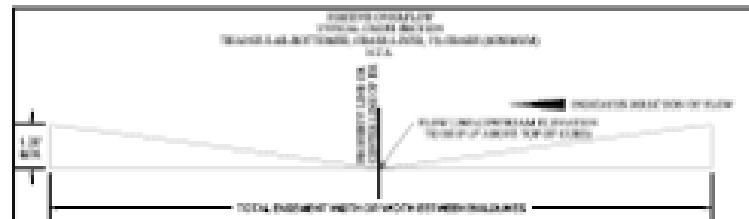
**Private Park Site Plan Exhibit  
Plat (Three Pages)**





[illegible]

PFR DATA TABLE				PFR DATA TABLE				PFR DATA TABLE			
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[illegible]

1. All boundary corners and all 10° trees shall be clearly marked with 100" radius aluminum paint (white).
2. 17.00 Acres reserved for storage and parking, 17.00 Acres reserved for right-of-way, 15.00 Acres reserved for residential lots, 17.00 Acres reserved for public facility, and 18.00 Acres reserved for Commercial.

1000

1. **Shooting range** shall be 100 to 200 yards long and 50 to 100 yards wide (minimum perimeter width of 50 to 100 yards) to be built on vacant land. Shooting range within 100 to 200 yards of any shall have a minimum perimeter of width of 50 to 100 yards to be built on vacant land.
2. A shooting range shall be constructed within the south side of Lake or Talarpo river Dersing the lower boundary.
3. There is a (2-45 acres) to be built dedicated to the RGA. There is a to be maintain a good land (plantation) managed by the RGA.
4. All other natural resources are existing and open city completely of ownership of the Government and the city shall be maintained.
5. **Shooting range** shall be built on vacant land (about Lake (25 and 30, 30 and 1 and Lake 2, 3 and 4, 3 and 5). The shooting range shall be constructed on the land dedicated to the city and the shooting area shall be:
6. The shooting range shall be located in the lower side of the river and the shooting area shall be 100 to 150 yards long and 50 to 100 yards wide.
7. Initially, the city shall have to be built on the corner of original south boundary building.

DOI: 10.1002/for

To allow for proper drainage conditions, all drainage elements shall be properly graded, maintained free and clear of obstructions, and good positive surface runoff conditions shall be provided and maintained for the life span.



The City of Chicago's Design Criteria and Design Manual serves as the major design resource available to consultants at the top of each project. These resources and guidelines are critical to consider the

Portions of this map are shown to be within a Special Flood Hazard Area Zone A, per FEMA's Flood Insurance Rate Map (FIRM) Flood for Ball County, Texas dated September 30, 2003, project number 68017-03-7070. The Surveyor does not certify as to the accuracy or lawfulness of information on and adjacent to water, or any of the structures placed within the Special Flood Hazard Areas shown herein, or any of the adjacent areas, and the flow from surface or flood drainage.

[illegible]





**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, DECEMBER 19, 2012**

**ACTION ITEMS**

**Item 3: P-FY-12-05** – Consider and recommend action on the Final Plat of Lake Pointe Phase II, a 132.85±-acre, 347-lot single-family residential, 1 lot commercial and 1 lot multi-family residential subdivision, located southeast of S.H. 317 and Prairie View Road. (Applicant: Garrett Nordyke of Yalgo Engineering, on behalf of WB Development)

Ms. Leslie Matlock, Senior Planner, stated this development was 347 lots, single family (SF), one lot multi-family (MF), and one lot commercial (C). City Council is the final authority due to the requested exception and requested abandonment. This final plat meets the minimum requirements of the Development Code except for Section 8.2.4 of the Subdivision requirements which state that every lot must have access to a utility easement at the rear of the lot if they are not served by a public alley. There is a private HOA maintained park and a hike and bike trail. Sanitary sewer line abandonment and realignment is shown on the site plan and these realignments are acceptable to Staff. There is an existing 100 foot electrical utility easement.

The most recent park plan shows five parking spaces, two pools, two restrooms and a covered pavilion. Staff requests that a note be placed on the plat about the timing of the MF park fee payments as they will not be included in the HOA Park and that the plan is revised to show the landscaping, a setback line, and additional required parking spaces.

The C and multi-family zoned lots do not have utility easements to serve the rear of them. Oncor cannot use the 100 foot dedicated electrical easement that adjoins the lots since it goes along the back of the lots through the middle of the MF2 lots.

Discussions between Oncor, Staff and developer have taken place, however, the developer is asking for this exception to be approved and not to have to dedicate the required 15 foot wide easement.

Staff recommends approval of the plat with the following additions:

Add a plat note regarding park fees for MF development will be paid prior to the issuance of any building permit for the MF Lot 1, Block 14;

Provide at least 10 parking spaces in the private park; and

The minimum setback and landscaping as required in the Unified Development Code (UDC).

Staff recommends denial of the requested exception to Section 8.2.4 of the UDC.

This is not a public hearing but Chair Martin allows the representatives to speak.

Mr. Garrett Nordyke, WB Development, 3000 Illinois Avenue, Killeen, Texas, stated previously Oncor approached the developer about getting an easement across the property. During these discussions Oncor felt it may be easier to use this Section of the UDC to get the easement they require. The easement they requested is not for this subdivision and is not necessary for this subdivision. The exception was requested because that easement is not required for this section and the developer would prefer to continue negotiations with Oncor without Temple being a party to those negotiations.

Mr. Nordyke shows an electrical distribution plan produced by Oncor and gives directional information. Oncor's electrical routing for primaries and secondaries are coming off of North Prairie View Road. Mr. Nordyke stated Oncor needs the easement to serve the C and MF property which is not being developed any time soon. All the properties along the east side (SH 317) are served by power lines that are located on the west side of 317. Oncor could provide distribution service to the C and MF lots in the same way they provide service to everyone else. The easement that Oncor is requesting is not for this subdivision and WB would continue to negotiate that with Oncor.

Vice-Chair Staats asked what the underlying purpose of the easement was for. Mr. Nordyke stated Oncor did not explain it in detail but were reworking their distribution in west Temple. Vice-Chair Staats asked why they would not upgrade the existing lines on the west side of 317. Mr. Nordyke was not told this information.

Mr. Nordyke stated it was difficult for WB with the Commercial property because they do not have any buyers, do not know what will go in there, and providing a 15 foot utility easement constrains future plans.

Commissioner Rhoads asked what the developer's opinion was of Staff's recommendation. Mr. Nordyke stated Staff was in a difficult position because according to the UDC, the developer is required to put a 15 foot utility easement in. If the utility easement were required for this subdivision he would support it. However, this easement is not required for this subdivision. The developer has agreed to all the parking requirements.

Commissioner Talley made a motion to approve Item 3, **P-FY-12-05**, with the two exceptions and Commissioner Rhoads made a second.

*Motion passed: (4:1)*

Commissioner Pilkington voted Nay; Commissioners Jones and Sears absent

Ms. Autumn Speer, Director of Community Services, asked for clarification on the motion made by Commissioner Talley. Chair Martin stated the motion made was to approve the plat with the one exception and two additions and Commissioner Talley agreed that was what he meant.

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

(PLANNING NO. P-FY-12-05)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE FINAL PLAT OF LAKE POINT PHASE II, AN APPROXIMATELY 132.85 ACRE, 347-LOT SINGLE-FAMILY RESIDENTIAL, 1 LOT COMMERCIAL AND 1 LOT MULTI-FAMILY RESIDENTIAL SUBDIVISION, WITH DEVELOPER'S REQUESTED EXCEPTION TO SECTION 8.2.4 OF THE UNIFIED DEVELOPMENT CODE REQUIRING UTILITY EASEMENTS, LOCATED SOUTHEAST OF S.H. 317 AND PRAIRIE VIEW ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on December 19, 2011, the Planning and Zoning Commission approved the final plat of Lake Point Phase II Subdivision, an approximately 132.85 acre, 347-lot single-family residential, 1 lot commercial and 1 lot multi-family residential subdivision, located southeast of S.H. 317 and Prairie View Road, with the developer's requested exception to Section 8.2.4 of the Unified Development Code requiring a minimum utility easement of 15 feet in width at the rear of each lot not served as a public alley;

**Whereas**, the Staff recommends approval of the final plat of Lake Point Phase II Subdivision, **without** the developer's requested exception to Section 8.2.4 of the Unified Development Code requiring utility easements; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve the final plat of the Lake Point II Subdivision.

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

**Part 1:** The City Council approves the final plat of Lake Point II Subdivision, an approximately 132.85 acre, 347-lot single-family residential, 1 lot commercial and 1 lot multi-family residential subdivision, located southeast of S.H. 317 and Prairie View Road, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, ***including*** the exception to the Unified Development Code; *Section 8.2.4* requiring a minimum utility easement of 15 feet in width at the rear of each lot not served by a public alley.

**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 **January**, 2012.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, MAYOR

ATTEST:

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Lacy Borgeson  
City Secretary

APPROVED AS TO FORM:

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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01/19/12  
Item #8  
Regular Agenda  
Page 1 of 3

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

Brian Mabry, Planning Director

**ITEM DESCRIPTION:** P-FY-12-03: Consider adopting a resolution authorizing the Final Plat of Westfield Development Phase VIII, a subdivision with 71 single-family residential lots and one 2.25±-acre nonresidential lot, with developer's requested exception to Unified Development Code Section 8.2.3 requiring sidewalks, located at the southeast corner of Stonehollow Drive and North Pea Ridge Road.

**P&Z COMMISSION RECOMMENDATION:** At its January 3, 2012, meeting, the Planning and Zoning Commission voted 6/0 to recommend approval of the Final Plat of Westfield Development Phase VIII, with the developer's requested exception to Unified Development Code Section 8.2.3 requiring sidewalks.

Commissioner Rhoades was absent.

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

**Staff recommends denial of the requested exception to Section 8.2.3 of the UDC requiring sidewalks. Due to the large volume of planned residential lots and the proposed school north of this development, multiple pedestrian access routes are needed. In addition, the Lake Pointe subdivision north of the Westfield development will be installing sidewalks on the west side of Pea Ridge in the near future.**

**ITEM SUMMARY:** Please refer to the Staff Report and minutes of case P-FY-12-03, from the Planning and Zoning Commission meeting on January 3, 2012.

The proposed subdivision consists of 71 residential lots and a 2.25-acre nonresidential lot at the southeast corner of Stonehollow Drive and North Pea Ridge Road. The development is the continuation of the adjacent Westfield development to the east. The residential lots are zoned Single Family Three (SF3) and the nonresidential lot is zoned General Retail (GR).

The Development Review Committee reviewed the Final Plat of Westfield Development Phase VIII on October 26, 2011. It was deemed administratively complete on December 22, 2011.

Park fees in the amount of \$15,975 (\$225 per dwelling) are required for this subdivision.

**EXCEPTION REQUEST:**

The developer requests an exception to Unified Development Code Section 8.2.3 requiring a four-foot wide sidewalk along North Pea Ridge Road, a collector. At the Planning and Zoning Commission meeting on January 3, 2012, the developer stated that the sidewalks have been placed in previous phases of the subdivision on Stonehollow Road, Bracken Drive and Westfield Boulevard so that pedestrians could internally make their way to various destinations such as the nearby elementary school. The developer claimed that this negated the need for a sidewalk along North Pea Ridge Drive. On the attached exhibit, showing existing sidewalks in Westfield, Bracken is the only sidewalk internal to the subdivision. A block of developed lots prevents this sidewalk from connecting to Tarver Elementary School on the right side of the page. A sidewalk along North Pea Ridge Road would provide a connection to the school for residents on the west side of the subdivision.

In addition, the developer states in the attached Exception Request that sidewalks should not be required along North Pea Ridge Road because such road has not yet been widened to Collector standards (55' of right-of-way and 36' from back-of-curb to back-of-curb). He is concerned that future widening of the road would destroy the sidewalk. The graphic below shows a rural street (2 lanes, turning lane, and culvert) in another community with a sidewalk in place along the street. Ample room is available for a four-foot sidewalk along North Pea Ridge, if the sidewalk is placed so that abuts the right-of-way line and room is left for the expansion of the street.

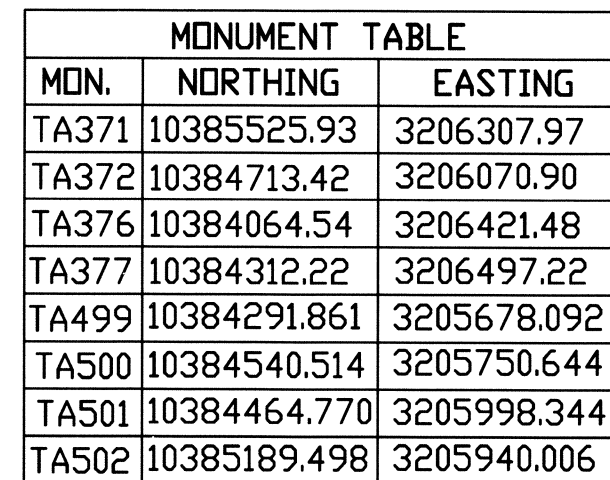


**FISCAL IMPACT:** NA

**ATTACHMENTS:**

Plat  
Developer's Exception Request  
Developer's Exhibit Showing Existing Sidewalks in Westfield  
P&Z Commission Staff Report (01/03/12)  
Resolution





LINE TABLE		
LINE	LENGTH	BEARING
L1	50.40	S66°33'03"E
L2	22.17	N16°15'58"E
L3	17.90	N72°59'49"W
L4	50.16	S12°25'45"W

ALL LOTS IN WESTFIELD DEVELOPMENT PHASE VIII EXCEPT LOT 29 BLOCK 14 ARE CURRENTLY ZONED AS "SF-3". LOT 29 BLOCK 14 IS CURRENTLY ZONED AS "GR".

ALL BOUNDARY CORNERS ARE 1/2" IRON ROD WITH CAP MARKED "RPLS 2475"

FOUND UNLESS NOTED OTHERWISE.

RESIDENTIAL LOTS SHALL HAVE NO ACCESS OFF OF PEA RIDGE.

UTILITY COMPANIES HAVE BEEN PROVIDED A FINAL PLAT AND UTILITY PLAN FOR REVIEW.

WESTFIELD DEVELOPMENT, PHASE VIII IS NOT WITHIN THE 100-YEAR FLOOD BOUNDARY PER F.E.M.A. FEDERAL INSURANCE RATE MAP No. 48027C0170E AND MAP No. 48027C0335E BOTH DATED SEPTEMBER 26, 2008.

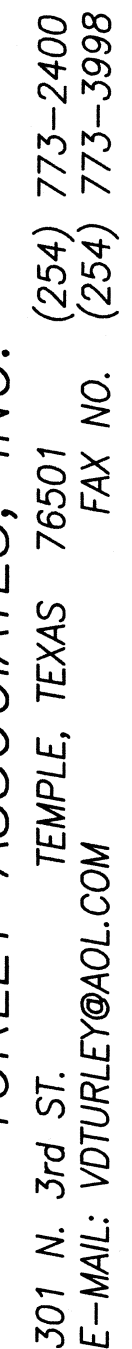
THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 4004. THE BEARING ANGLE AT SAID CITY MONUMENT IS 013022.0000000000000000. THE COMBINED CORRECTION FACTOR (CCF) IS 0.999884. PUBLISHED CITY COORDINATES ARE X=3,206,128.30 Y=10,383,154.18. THE BEARING ANGLE AT SAID CITY MONUMENT TO THE POINT OF BEGINNING IS N12°06'10" E, 829.33 FEET.

VICTOR D. TURLEY  
NO. 2475



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



DEVELOPED BY:  
KIELLA DEVELOPMENT, INC.

DATE:	OCTOBER 4, 2011
DRAWN BY:	BJL
REF.:	08-372, 11523-DD 04-281, 11362-D (Master)

COMPUTER  
DWG NO WESTFIELD VII PLAT.DWG

12435-D

DRAWING NUMBER



## **TURLEY ASSOCIATES, INC.**

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

December 28, 2011

City of Temple  
Attn: Autumn Spears  
2 North Main Street  
Temple, TX 76501

**RE: Final Plat Westfield Development, Phase VIII**

Dear Autumn:

On behalf of our client, Turley Associates, Inc. respectfully requests that the City Council grant an exception to the City's Unified Development Code Section 8.2.3 requiring a sidewalk to be built along Pea Ridge Road.

It was our understanding that our client was granted an exception to the sidewalk requirement along Pea Ridge Road during the Preliminary Platting process of the Westfield Development. The Planning Department has not been able to confirm this so we would like to take the Plat of Westfield Development, Phase VIII before City Council to grant this exception.

At the present time, there is no design (confirmed by the City's Public Works Department) for the future improvements of Pea Ridge Road. Future improvements would include additional right-of-way taking on the west side of Pea Ridge, widening of the road from its current width to 36' back to back, drainage infrastructure, utility relocation, etc. In the current conditions of Pea Ridge Road, it would be difficult and costly to install a 4' wide sidewalk. Water and sewer are currently located on the east side of Pea Ridge Road and would likely be relocated and upgraded within the 10' right-of-way dedicated along the east side of the street. Power poles also run along the east side of Pea Ridge Road that would need to be relocated in the future. Another consideration is the current drainage ditches along Pea Ridge Road.

It is our understanding that the City of Temple had already requested the 4' collector sidewalk to be located on the west side of Pea Ridge Road to be built with the Lake Pointe Subdivision. It makes more sense to have a continuous sidewalk on one side of the street rather than random sections on each side of the road.

We feel that the lack of a design for future improvements will ultimately result in the destruction and relocation of any sidewalk that would be constructed along Pea Ridge Road at this time. We also feel an extension in the future from the Lake Pointe Subdivision along the west side of Pea Ridge Road would be more appropriate.

We greatly appreciate your consideration in this matter.

Thank you,  
**TURLEY ASSOCIATES, INC.**

A handwritten signature in blue ink that reads "Jennifer Ryken". The signature is fluid and cursive, with the first name "Jennifer" written in a larger, more prominent script than the last name "Ryken".

Jennifer Ryken, P.E.  
Project Engineer

JR/sb





31°07'24.55" N 97°25'29.63" W elev 639 ft

© 2011 Google



# PLANNING AND ZONING COMMISSION AGENDA ITEM

01/03/12  
Item #2  
Regular Agenda  
Page 1 of 1

**APPLICANT / DEVELOPMENT:** Turley Associates for Kiella Development

**CASE MANAGER:** Tammy Lyerly, Planner

**ITEM DESCRIPTION:** P-FY-12-03 Consider and recommend action on the Final Plat of Westfield Development Phase VIII, a 71-lot residential and a 2.25± acre non-residential tract subdivision, with developer's requested exception to Section 8.2.3 of the Unified Development Code requiring sidewalks, located at the southeast corner of Stonehollow Drive and North Pea Ridge Road.

**STAFF RECOMMENDATION:** Staff recommends approval of the Final Plat of Westfield Development Phase VIII, subject to City Council's approval of rezoning case Z-FY-12-16 and thoroughfare amendment case Z-FY-12-08 on January 5, 2012. Staff recommends denial of the exception to Section 8.2.3 of the UDC requiring sidewalks. Due to the large volume of planned residential lots and the proposed school north of this development, multiple pedestrian access routes are needed. In addition the Lake Pointe subdivision north of the Westfield development will be installing sidewalks on the west side of Pea Ridge in the near future.

**BACKGROUND:** The Development Review Committee reviewed the Final Plat of Westfield Development Phase VIII on October 26, 2011. It was deemed administratively complete on December 22, 2011. This plat is the continuation of the Westfield Development along North Pea Ridge Road, north of FM 2305 and south of Stonehollow Road.

The plat's 2.25± acre non-residential tract adjacent to Stonehollow Drive is zoned General Retail District for non-residential development. The residential portion of this plat is currently zoned Single Family Two and is awaiting City Council's second reading on January 5, 2012 for rezoning case Z-FY-12-16 to allow front yard setbacks of 20 feet.

The Director of Community Services denied the developer's waiver for the required 4-foot wide sidewalk required along North Pea Ridge Road, currently a minor arterial awaiting City Council's potential reclassification to a collector on January 5, 2012 with its second reading of Thoroughfare Plan amendment case Z-FY-12-08.

Park fees in the amount of \$15,975 (\$225 per dwelling) are required for this subdivision.

**ATTACHMENTS:**

Sidewalk Exception Letter  
Plat

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

(PLANNING NO. P-FY-12-03)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE FINAL PLAT OF WESTFIELD DEVELOPMENT PHASE VIII, AN APPROXIMATELY 2.25 ACRE SUBDIVISION WITH 71 SINGLE-FAMILY RESIDENTIAL LOTS AND 1 NON-RESIDENTIAL LOT, WITH DEVELOPER'S REQUESTED EXCEPTION TO SECTION 8.2.3 OF THE UNIFIED DEVELOPMENT CODE REQUIRING SIDEWALKS, LOCATED AT THE SOUTHEAST CORNER OF STONEHOLLOW DRIVE AND NORTH PEA RIDGE ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, at its January 3, 2012, the Planning and Zoning Commission approved the final plat of Westfield Development Phase VIII, an approximately 2.25 acre subdivision with 71 single-family residential lots and one non-residential lot, located at the southeast corner of Stonehollow Drive and North Pea Ridge Road, with the developer's requested exception to Section 8.2.3 of the Unified Development Code requiring a four-foot wide sidewalk;

**Whereas**, the Staff recommends approval of the final plat of Westfield Development Phase VIII, **with** the developer's requested exception to Section 8.2.3 of the Unified Development Code requiring a four-foot wide sidewalk; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve the final plat of the Lake Point II Subdivision.

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

**Part 1:** The City Council approves the final plat of Westfield Development Phase VIII, an approximately 2.25 acre subdivision with 71 single-family residential lots and 1 non-residential lot, located at the southeast corner of Stonehollow Drive and North Pea Ridge Road, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, ***authorizing*** an exception to the Unified Development Code; *Section* 8.2.3 requiring a four-foot wide sidewalk.

**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 19<sup>th</sup> day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

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





## **COUNCIL AGENDA ITEM MEMORANDUM**

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01/19/12  
Item #9  
Regular Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution appointing two members to fill unexpired terms through September 1, 2012 and September 1, 2014 to the Planning and Zoning Commission.

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

**ITEM SUMMARY:** Bert Pope and Barbara Brown have both resigned from the Planning and Zoning Commission. We request the Council appoint one member to fill an unexpired term through September 2012 and one member to fill an unexpired term through September 2014.

Please see the attached summary form for these boards which list the current board member, purpose, membership requirements, term and meeting time/ place for the boards. Board applications from citizens requesting service on a city board are also attached.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

[Board member lists](#)  
[Resolution](#)



## PLANNING & ZONING COMMISSION

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
H. Allan Talley <a href="mailto:FTalley735@aol.com">FTalley735@aol.com</a>	09/07	2013	5004 Wildflower Lane (h) Temple, TX 76502	770-0289 H
Barbara Brown-resigned 11/2011 <a href="mailto:Hbbrown76502@sbcglobal.net">Hbbrown76502@sbcglobal.net</a>	01/11	2014	4402 Lonestar Temple, TX 76502	771-2832 H
David Jones <a href="mailto:David@belltec.net">David@belltec.net</a>	04/11	2014	11704 Meredith Dr. Belton, TX 76513	939-9404 W 780-1433 H 718-2221 C
Mike Pilkington <a href="mailto:mpilkington@pilkington-homes.com">mpilkington@pilkington-homes.com</a>	09/06	2012	Hm: 8352 Poison Oak Rd Temple, TX 76502 Ofc: 3082 W. Hwy. 190 Belton, TX	780-9596 W 780-3605 H 534-1472 C 939-3500 F
Bert Pope – attendance 10/2011 <a href="mailto:mvpbep@sbcglobal.net">mvpbep@sbcglobal.net</a>	09/06	2012	1206 North 3 <sup>rd</sup> Street Temple, TX 76501	773-4198 H 231-1470 C
Greg Rhoads <a href="mailto:Greg@2thetopluc.com">Greg@2thetopluc.com</a>	01/11	2014	2506 Legend Oaks Dr Temple, TX 76502	774-8301 W 770-1844 H 931-0637 C
Will Sears <a href="mailto:willsears@hotmail.com">willsears@hotmail.com</a>	09/10	2013	3401 Mesquite Drive Temple, TX 76502 Mail: PO Box 4820 76505	931-2485 W/C 771-0919 H
James Staats (Vice-Chair) <a href="mailto:jmmstaats@aol.com">jmmstaats@aol.com</a> <a href="mailto:james@asm-tx.com">james@asm-tx.com</a>	08/09	2012	2214 Fox Glen Lane Hm: Temple, TX 76502-H	760-4633W 773-3464 H 534-1233 C
Derek Martin (Chair) <a href="mailto:derekmartin@templeproventures.com">derekmartin@templeproventures.com</a>	09/07	2013	Ofc: 3500 SW HK Dodgen, #102 P O Box 310 76503 Hm: 1903 Deerfield 76502	771-2084 W 541-9173 C 771-4120 F

Created originally by Ordinance 149, February 1961; most recently by Ordinance 2030, March 1, 1990.

**Purpose:** Serves in an advisory capacity to City Council by making recommendations on land use proposals including zone changes, subdivision plats, and annexations; work with City Staff, the community and the Council in the development and updating of the Comprehensive Plan and the Area Plans for the City, as well as the Capital Improvement Program for community facilities.

**Membership:** 9 members – all residents of City

**Term:** 3 years

**Meeting Time/Place:** 1<sup>st</sup> and 3<sup>rd</sup> Mondays of each month, 5:30 p.m., Council Chambers, Municipal Building **City Staff:** Planning Director

REVISED 08/18/11