



MEETING OF THE TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, FEBRUARY 2, 2012

3:30 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 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.

3. Discuss acquisition of real property related to Northwest Loop 363 Pass-Thru Project.

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.

5:00 P.M.

MUNICIPAL BUILDING

**2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR
TEMPLE, TX**

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. 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.

III. 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.

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

Minutes

- (A) [January 10, 2012 Special Called Meeting](#)
[January 19, 2012 Special Called and Regular Meeting](#)

Contracts, Leases & Bid

- (B) [2012-6537-R](#): Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for surveying, easements, civil design, landscape design, and electrical design required to modify the South First Street Improvement Project Phase II plans within the Temple Medical and Education District (TMED) in an amount not to exceed \$39,000.
- (C) [2012-6538-R](#): Consider adopting a resolution authorizing the acquisition of certain real property interests related to the Northwest Loop 363 Pass-Thru Project.

Misc.

- (D) [2012-6539-R](#): Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

IV. REGULAR AGENDA

ORDINANCES

- 4. [2012-4507](#): THIRD READING – Z-FY-12-05(B): Consider adopting an ordinance authorizing amendments to Articles 6 of the Unified Development Code to amend sign requirements in the Interstate 35 Corridor Overlay zoning district.
- 5. [2012-4508](#): FIRST READING – PUBLIC HEARING - Z-FY-11-49: Consider adopting an ordinance authorizing a Conditional Use Permit to allow a permanent concrete batch plant on 3.787 ± acres of land situated in the City of Temple, Bell County, Texas, being a part of the Nancy Chance Survey, Abstract #5 and the T.M. Boggus Survey, Abstract #84, located at 4158 Shallow Ford West Road.
- 6. [2012-4509](#): FIRST READING – PUBLIC HEARING - Z-FY-12-09: Consider adopting an ordinance authorizing a Conditional Use Permit to allow two recreational vehicle (RV) spaces at the Rocky Oaks Mobile Home Park, located at the northeast corner of FM 2305 and Cen-Tex Sportsman Club Road.
- 7. [2012-4510](#): FIRST READING – PUBLIC HEARING - Z-FY-12-10: Consider adopting an ordinance authorizing a Conditional Use Permit to allow two recreational vehicle (RV) spaces at the Midway Mobile Home Park, located at 4505 Midway Drive.
- 8. [2012-4511](#): FIRST READING – PUBLIC HEARING - Z-FY-12-11: Consider adopting an ordinance authorizing a Conditional Use Permit to allow four recreational vehicle (RV) spaces at the Robbins Mobile Home Park, located at 4707 Midway Drive.
- 9. [2012-4512](#): FIRST READING – PUBLIC HEARING - Z-FY-12-12: Consider adopting an ordinance authorizing a Conditional Use Permit to allow fourteen (14) recreational vehicle (RV) spaces at the Santa Fe Trails Mobile Home Park, located at 1618 West Avenue H.

10. [2012-4513](#): FIRST READING – PUBLIC HEARING - Z-FY-12-17: Consider adopting an ordinance authorizing a Conditional Use Permit to allow two recreational vehicle (RV) spaces at the Livingston Farms Mobile Home Park, located at the northwest corner of Prairie View Road and North Pea Ridge Road.
11. [2012-4514](#): FIRST READING – PUBLIC HEARING - Z-FY-12-20: Consider adopting an ordinance authorizing an amendment to Article 3 of the Unified Development Code to change approval authority for the I-35 Corridor Overlay zoning district from the Planning and Zoning Commission to the City Council.

BOARD APPOINTMENTS

12. [2012-6540-R](#): Consider adopting a resolution designating the Chair of the Tax Increment Financing Reinvestment Zone No. 1 Board of Directors for 2012.
13. [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.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:00 PM, on January 30, 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

02/02/12
Item #3(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) January 10, 2012 Special Called Meeting
- January 19, 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 10, 2012 Special Called Meeting
January 19, 2012 Special Called and Regular Meeting

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

JANUARY 10, 2012

The City Council of the City of Temple, Texas conducted a Special Meeting on Tuesday, January 10, 2012, at 6:00 PM at the Wilson Park Recreation Center, 2205 Curtis B. Elliott Drive, Temple, TX 76501

Present:

Councilmember Perry Cloud
Councilmember Judy Morales
Mayor William A. Jones, III

Absent:

Councilmember Danny Dunn
Mayor Pro Tem Russell Schneider

1. Conduct a Neighborhood Curbside Recycling meeting.

Mayor Jones welcomed the residents of the area to the Neighborhood meeting. This is a great opportunity for the community.

David Blackburn, City Manager and Nicole Torralva, Director of Public Works gave a brief presentation to the citizen and explained the pilot program for Curbside Recycling.

Both Councilmember Morales and Councilmember Cloud added positive comments regarding the program.

William A. Jones, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary

TEMPLE CITY COUNCIL

JANUARY 19, 2012

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, January 19, 2012, at 2:30 P.M., at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:

Councilmember Perry Cloud
Councilmember Danny Dunn
Councilmember Judy Morales
Mayor William A. Jones, III

Absent:

Mayor Pro Tem Russell Schneider

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, January 19, 2012.

Regular Agenda Item #6(F) - Sign portion/ Article 6 as it relates to signs requirement on I-35. Mr. Blackburn asked that this article be tabled and brought back to Council for consideration on February 2, 2012.

Regular Agenda Item #8 - Final Plat for Westfield Development Phase VIII as it relates to the sidewalk requirements. Mr. Mabry noted there was a negative recommendation by staff upon the receipt of the original plan, but now staff has a favorable recommendation. An alternative sidewalk plan was submitted late today.

Mayor Jones stated that item #4 would be presented at this time.

2. Discuss the 1st and 3rd Street Overlay Districts.

Ms. Speer provide background on 1st and 3rd Street boundaries and review the process of a SWOT (Strengths, Weaknesses, Opportunities, and Threats). At this time Council and Staff participated in the SWOT exercise.

Mayor Jones stated the City Council would enter into executive session at this time approximately, 3:58 pm for items 3 and 4 as posted.

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.

Mayor Jones reconvened the Worksession at approximately 5:00 pm, with no action being taken by the City Council.

- 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.

Mr. Blackburn reviewed the council's policy and criteria that was adopted in 2004 and 2005 for tax credit project applications.

Kim Foutz, Assistant City Manager presented Council will some background as related to the applications received for tax credits. At this time the City has received three public notices for support of tax credit projects - Kolt Development, Encinas #1 (Case Creekside Villa), and Encinas #2 (EGFW Del Mar LP). Ms. Foutz noted the TDHCA deadline for applications is March 1st. Ms. Foutz reviewed the process for selecting a project and the criteria used.

Mr. Blackburn noted that staff is looking for direction from Council regarding the scoring criteria?

Ms. Morales asked what the vacancy status was for our community? What is the overall need for our community?

Ms. Foutz noted there are 20 properties quoted by Housing Authority with 96%-91% occupancy. There are market studies that can show the need of the community. Ms. Foutz provided a map of the area with all the Housing Credit projects noted.

Ms. Foutz continued by reviewing the requested participation from Kolt Development for their project.

Councilmember Cloud asked if the point system used is only with competing projects?

Mayor Jones replied yes.

C.W. Fields, Kolt Development made a brief presentation to the Council and Staff for the Brownstone project. Mr. Fields noted the total capital investment for this project is \$17.9 million. This project will compliment the City's plan for a park area near downtown. Kolt Development targets downtown areas and uses federal tax credits to purchase the land. Mr. Fields reviewed some of the criteria used when recruiting residents for the property such as credit check, background checks, proof of employment as well as income. Mr. Fields provide the Council with photos of existing properties in other cities and reviewed some of the features of each property.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, January 19, 2012 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Perry Cloud
Councilmember Danny Dunn
Councilmember Judy Morales
Mayor William A. Jones, III

Absent:

Mayor Pro Tem Russell Schneider

I. CALL TO ORDER

1. Invocation

2. Pledge of Allegiance

SPC Jason Villar, 1st Medical Brigade led the Pledge of Allegiance.

II. PUBLIC APPEARANCE

- 3. Receive comments from Mr. William Woods regarding safety concerns by allowing churches to provide overnight accommodations.**

Mr. Woods 214 South 21st Street, Temple, TX expressed his concerns for the safety of those in the neighborhood. The church at 120 South 21st is located across the street from his mother's house and is being allowed to serve as a shelter.

III. PUBLIC COMMENTS

Dr. Sue Hamby, 1706 W. Avenue M, Temple, Texas - addressed Mr. Woods' concerns. This a warming shelter not a shelter and this site has only been opened on two different nights. Dr. Hamby also recognized and commended an Officer of the Temple Police Department for his efforts in helping "Polly". Dr. Hamby thanked the leaders of the City for their support in the helping the community.

IV. PROCLAMATIONS & SPECIAL RECOGNITIONS

- 4. 1st Medical Brigade Day January 19, 2012**

Mayor Jones presented the proclamation to members of the 1st Medical Brigade.

V. REPORTS

- 5. Receive the Temple Economic Development Committee Annual Report.**

Lee Peterson, President of TEDC presented the 2011 Annual Report. This is possible with the Multiple partners in Temple, assistance and support from the community. We measure our success by growth in sales tax revenue, growth in number or jobs and per capita personal income and increase in taxable real property and personal property. There have been a wide variety of things done to improve Temple's image. We are in the final phase of an industry study. Mr. Peterson noted that the heart & soul of our program is business retention and expansion. The most difficult part of Economic Development is business recruitment; but very important to our success. In 2011, The Chamber, City of Temple, and Scott & White joined forces and conducted a retail study to grow our economy. Mr. Peterson reviewed some of the projects in the city as well as the the 2011 sales tax revenues totals.

VI. CONSENT AGENDA

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

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

(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.

(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.

(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.

Motion by Councilmember Danny Dunn adopt resolution approving Consent Agenda with exceptoin on 6F. seconded by Councilmember Judy Morales.

(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.

Motion by Councilmember Perry Cloud to adopt ordinance with exception of Article 6 and attachment 5 as related to Signs. seconded by Councilmember Judy Morales.

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.**

Brian Mabry, Director of Planning presented this case and provided background for to the Council. This item was tabled at the last meeting due to the applicant not being present. The applicant is requesting an exception to utility easement requirements. Mr. Mabry noted that a utility distribution easement can not be located within a transmission easement. There is a portion of the UDC that states any lot without an alley must have access to 15 foot utility easement at the rear. Staff is not recommending approval of the exception as related to the UDC Code/ easement. Mr. Mabry noted this case was heard by Planning and Zoning on December 19, 2011 in approval of plat and requested exceptions.

Councilmember Cloud noted that these public utility easements are available to any utility provider

Mr. Mabry stated yes.

Mr. Garrett Nordak, 3000 Illinois Ave, WB Development stated that Oncor requested this easement in middle of this process. Oncor is restructuring their distribution system to serve other areas.

Mr. Blackburn asked how utility services would be provided for this area?

Mr. Nordak stated this can be done through the right-of-ways.

Mr. Newman, Assistant Director of Public Works/ Engineering Services stated that wet utilities can be served by other avenues. But there may be other areas of interest in providing other utilities to the neighborhood.

Motion by Councilmember Perry Cloud adopt resolution approving the plat; and deny the requested exception as it relates to utility easements. seconded by Councilmember Danny Dunn.

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.**

Brian Mabry, Director of Planning presented and reviews background information as related to this case. Mr. Mabry stated the applicant has submitted an alternative sidewalk route. Staff supports this plan for a 5' sidewalk along Fieldstone and Prairie Lake. The developer continues to work with BISD to fill in some gaps in the sidewalk for this area. Mr. Mabry stated the Planning and Zoning Commission heard this request on January 3, 2012 and recommends approval.

Motion by Councilmember Perry Cloud adopt resolution. seconded by Councilmember Judy Morales.

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.**

No motion made, Item will remain tabled.

William A. Jones, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

02/02/12
Item #3(B)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

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

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for surveying, easements, civil design, landscape design, and electrical design required to modify the South First Street Improvement Project Phase II plans within the Temple Medical and Education District (TMED) in an amount not to exceed \$39,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: *The Reinvestment Zone No. 1 Board met on January 25, 2012, to recommend approval to the Council.* Phase 1 of the TMED South First Street Improvements Project is under construction. Modification of the Phase 2 plans is necessary to take advantage of additional funding available from the STEP grant funds. Additional surveying and design services are required.

The contract amendment will add scope of work to the TMED South First Street Project by adding:

- Landscaping and lighting improvements from 5th Street to Friars Creek along the Friars Creek Trail
- Sidewalk, landscaping, and lighting improvements along 5th Street from the Friars Creek Trail intersection to the intersection of Friars Creek Drive and 5th Street
- Sidewalk, landscaping, and lighting improvements along 5th Street from the Friars Creek Trail intersection to the Temple College Science Lab Building
- Sidewalk, landscaping, and lighting improvements along the south side of Avenue U from 5th Street to 1st Street
- Sidewalk, landscaping, and lighting improvements along the west side of 1st Street from Avenue U to the intersection of the new Temple College parking lot

All of the construction improvements have been authorized by TxDOT for use in the STEP grant project.

The City Council has authorized the following professional services agreements with KPA and Bury + Partners (Bury) for work related to the TMED South First Street project:

<u>Engineer</u>	<u>Contract</u>	<u>Council Date</u>	<u>Amount</u>
KPA	Phase I	July 16, 2009	\$114,800
KPA	Phase II	November 19, 2009	\$ 76,200
Bury	Phase III	November 19, 2009	\$ 40,300*
KPA	Phase II	December 16, 2010	\$ 93,200

*reduced by \$18,120 in September, 2010

The consultant services authorized under this resolution include the following tasks and costs:

Civil Design	\$ 12,500
Design Survey	\$ 6,750
Landscape Design	\$ 8,250
Electrical Design	\$ 1,500
Easements	<u>\$ 10,000</u>
TOTAL	<u>\$ 39,000</u>

The time required to complete additional easement services is 45 days.

FISCAL IMPACT: Funds are available in the Reinvestment Zone No. 1 Financing and Project Plans to fund this professional services contract amendment in the amount of \$39,000, in account 795-9600-531-6552, project 100585.

ATTACHMENTS:

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



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

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

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

January 19, 2012

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

Re: City of Temple, Texas
TMED First Street Phase II

Dear Mr. Bond:

At the request of the City of Temple, we are submitting this Contract Amendment for the above referenced project. This Contract Amendment will allow for additional scope of work to utilize STEP Grant funds in TMED First Street Phase II.

The Contract Amendment will add scope of work to the TMED First Street Project by adding:

- Landscaping and lighting improvements from 5th Street to Friars Creek along the Friars Creek Trail
- Sidewalk, landscaping and lighting improvements along 5th Street from the Friars Creek Trail intersection to the intersection Friars Creek Drive and 5th Street
- Sidewalk, landscaping and lighting improvements along 5th Street from the Friars Creek Trail intersection to the Temple College Science Lab Building
- Sidewalk, landscaping and lighting improvements along the south side of Avenue U from 5th Street to 1st Street
- Sidewalk, landscaping and lighting improvements along the west side of 1st Street from Avenue U to the intersection of the new Temple College Parking Lot

All of these improvements have been authorized by TxDOT for use in this grant project. We have attached Contract Amendment #2 which corresponds to the following table of services and costs. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Mr. Don Bond, P.E., CFM

January 19, 2012

Page Two

Design Survey	\$ 6,750
Civil Design	\$ 12,500
Landscape Design	\$ 8,250
Electrical Design	\$ 1,500
Easements	<u>\$ 10,000</u>
	\$ 39,000

Sincerely,

A handwritten signature in blue ink, appearing to read "R. David Patrick", with a stylized flourish at the end.

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

RDP/crc

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR SURVEYING, EASEMENTS, CIVIL DESIGN, LANDSCAPE DESIGN, AND ELECTRICAL DESIGN REQUIRED TO MODIFY THE SOUTH FIRST STREET IMPROVEMENT PROJECT PHASE II PLANS WITHIN THE TEMPLE MEDICAL EDUCATION DISTRICT (TMED), IN AN AMOUNT NOT TO EXCEED \$39,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Phase I of the TMED South First Street Improvement Project is under construction – modification of Phase II plans are necessary to take advantage of additional funding available from the STEP grant funds which require additional surveying and design services;

Whereas, the proposed construction improvements have been authorized by TxDOT for use in the STEP grant project;

Whereas, Kasberg, Patrick & Associates, L.P., submitted a Contract Amendment outlining the proposed scope of work in the amount of \$39,000, and Staff recommends accepting it;

Whereas, funds are available for this project in Account No. 795-9600-531-6552, Project # 100585; 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 amendment, not to exceed \$39,000, to the professional services agreement between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for surveying, easements, civil design, and electrical design required to modify the South First Street Improvement Project Phase II plans within the Temple Medical Education District (TMED).

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 **2nd** day of **February**, 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

02/02/12
Item #3(C)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, Director of Public Works
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution approving the acquisition of certain real property interests related to the northwest Loop 363 pass-thru project

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City has been working with Lone Star Right of Way to acquire a number of tracts needed for the northwest Loop 363 project. The City obtained appraisals for each of the tracts, and working through Lone Star made offers to acquire each of the tracts. We are ready to begin closing on a number of tracts (but not all of the tracts in question). We will discuss these items in executive session with the City Council during the workshop portion of today's meeting. In addition, with respect to a few of the tracts that we haven't yet reached an agreement on with respect to a purchase price, we may request authority to enter into "possession and use agreements." With possession and use agreements, we get the right to immediate possession of the property, but defer the final purchase price for the tract until a later date—for example, after an eminent domain proceeding.

During the executive session, we will brief the City Council on the amount of our offers for the tracts and the details of any other possession agreements.

FISCAL IMPACT: On September 16, 2010, Council approved a resolution authorizing a pass through financing agreement with the Texas Department of Transportation for improvements to Northwest Loop 363. As a result, \$841,112 was designated in the Reinvestment Zone No. 1 Financing Plan for the purchase of right of way and right of way acquisition services.

On December 10, 2010, Council authorized a professional services agreement with Lone Star Right of Way Services, Inc. for services related to right of way acquisition in an amount not to exceed \$291,400.

After funding right of way acquisition services a balance of \$549,712 is available to purchase right of way.

ATTACHMENTS:

[Resolution](#)



COUNCIL AGENDA ITEM MEMORANDUM

02/02/12
Item #3(D)
Consent Agenda
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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 \$9,421.

ATTACHMENTS:

[Budget Amendments](#)
[Resolution](#)

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
February 2, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2011-521-2516		Judgments & Damages (Police Dept.)	\$ 149	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 149
Settlement of claim against Temple Police Department for damaged cell phone				
110-2100-529-2210		Furniture & Fixtures (Animal Services)	\$ 300	
110-0000-461-0841		Donations/Gifts		\$ 300
This budget adjustment recognizes donations received to purchase a folding table for the dishwasher room at the animal shelter.				
110-3270-551-6310	100627	Capital Buildings & Grounds (Recreation)	\$ 3,672	
110-3270-551-2112		Food Items & Supplies		\$ 918
110-3270-551-2120		Education Recreation		\$ 918
110-3500-552-2311		Buildings & Grounds		\$ 1,836
Appropriate additional funds needed to complete the carpet project at Sammons Community Center.				
110-3291-551-2513		Special Services (Recreation)	\$ 300	
110-0000-445-1587		Donations - Parks		\$ 300
Appropriate additional funds in the Special Services account to pay security at youth basketball games. TISD will reimburse the City for the service and those funds will be deposited into the donations account.				
110-3500-552-2311		Buildings & Grounds (Parks)	\$ 5,000	
110-0000-445-1587		Donations - Parks		\$ 5,000
Appropriate funds received from the Temple Parks Foundation on 12/19/2011 to reimburse part of the cost to repair the special event stage.				
TOTAL AMENDMENTS			\$ 9,421	\$ 9,421
GENERAL FUND				
Beginning Contingency Balance			\$	-
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	-
Taken From Contingency			\$	-
Net Balance of Contingency Account			\$	-
Beginning Judgments & Damages Contingency			\$	80,000
Added to Contingency Judgments & Damages from Council Contingency			\$	-
Taken From Judgments & Damages			\$	(17,405)
Net Balance of Judgments & Damages Contingency Account			\$	62,595

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
February 2, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Compensation Contingency	\$	863,600
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(828,585)
		Net Balance of Compensation Contingency Account	\$	35,015
		Net Balance Council Contingency	\$	97,610
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	50,000
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(4,272)
		Net Balance of Contingency Account	\$	45,728
		Beginning Compensation Contingency	\$	97,000
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(84,685)
		Net Balance of Compensation Contingency Account	\$	12,315
		Net Balance Water & Sewer Fund Contingency	\$	58,043
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	79,303
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	79,303
		Beginning Compensation Contingency	\$	11,300
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(9,855)
		Net Balance of Compensation Contingency Account	\$	1,445
		Net Balance Hotel/Motel Tax Fund Contingency	\$	80,748
		DRAINAGE FUND		
		Beginning Compensation Contingency	\$	13,200
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(12,386)
		Net Balance of Compensation Contingency Account	\$	814
		FED/STATE GRANT FUND		
		Beginning Contingency 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.

Whereas, on the 1st 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 2nd day of **February**, 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

02/02/12
Item #4
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: THIRD READING –Z-FY-12-05(B): Consider adopting an ordinance authorizing amendments to Articles 6 of the Unified Development Code to amend sign requirements in the Interstate 35 Corridor Overlay zoning district.

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 third 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 and City Council meeting on January 5, 2012. Further amendments were discussed to Article 6 at the City Council meeting on January 19, 2012.

Staff considers this part of a 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. Amend the sign requirements in the I-35 Corridor Overlay; and

I-35 CORRIDOR OVERLAY SIGNS (ATTACHMENT 1): This proposed amendment modifies Article 6 of the UDC. It provides new standards for taller freestanding signs in the form of pylons and poles 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 or pole 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.

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 6](#)
[P&Z Staff Report \(Z-FY-12-05\)](#)
[P&Z Minutes \(11/21/11\)](#)
[CC Minutes \(1/5/12\)](#)
[Ordinance](#)

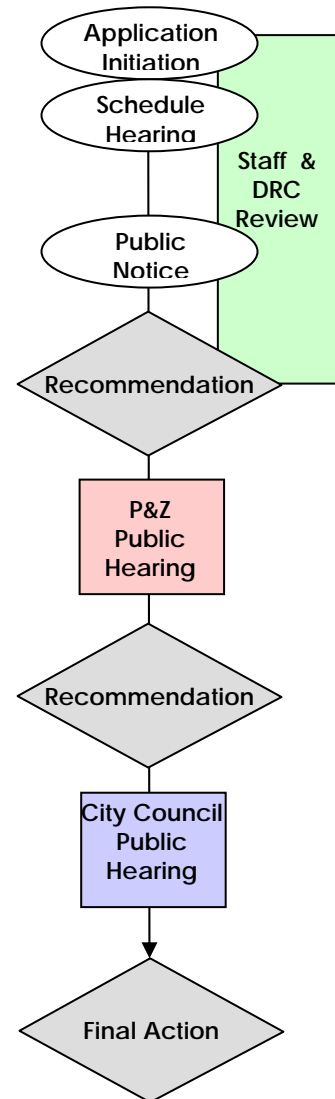
Sec. 3.5. Conditional Use Permit

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>
INDUSTRIAL USES																						
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	
NATURAL RESOURCE STORAGE AND EXTRACTION USES																						
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
Nonresidential			
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
Nonresidential			
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

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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

I. 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

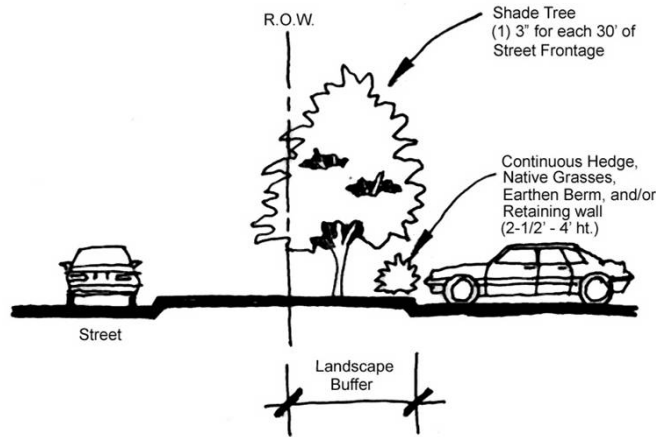
The street yard planting strip must be planted in evergreen groundcover as shown in the table in subsection 6.3.12C at a rate of one one-gallon container per 4 square feet of street yard planting area.

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'	200' 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.

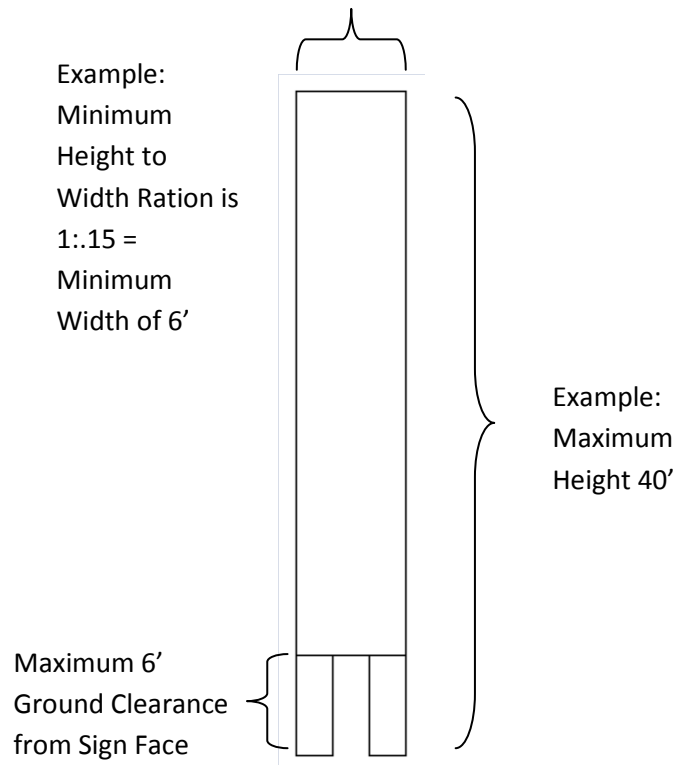
5. Sign Illumination

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

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)

TEMPLE CITY COUNCIL

JANUARY 5, 2012

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, January 5, 2012, at 4:00 P.M., at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present: Councilmember Perry Cloud
Councilmember Danny Dunn
Mayor Pro Tem Russell Schneider
Councilmember Judy Morales
Mayor William A. Jones, III

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, January 5, 2012.

Regular Agenda Item #3(S) - Economic Development Policy - Mr. Graham reviewed the proposed amendments, clarified the tax abatement investment chart, permit fees, and the approval process.

Regular Agenda Item #7 - Final Plat of Lake Pointe Phase II with exceptions to the UDC - Ms. Speer gave a brief explanation of the exceptions being requested.

Regular Agenda Item #3(K) - Purchase of police vehicles - Ms. Mattke explained that the request is to purchase 9 marked units through the co-op and the remaining 8 unmarked would be taken out to bid.

Regular Agenda Item #8 - Purchase of various vehicles - Ms. Mattke explained the item and the request for local preference on some of the vehicles.

Regular Agenda Item #3(R) - Sparetime tax abatement reinvestment zone number twenty-three - Mr. Graham mentioned this is a significant project for Temple.

Regular Agenda Item #9 - Mayor Jones stated that there were no recommendations for the Planning and Zoning Commission opening; therefore the item needed to be tabled.

Regular Agenda Item #5 - Amendments to the UDC as related to definition of "Transitional Shelters" - Councilmember Morales requested that the time be defined.

2. Receive briefing on FY 2013 Strategic Planning & Budget processes and issues.

David Blackburn, City Manager gave a presentation to Council. He noted the purpose is to help prepare the FY 2013 budget. Mr. Blackburn reviewed the mission and vision for Temple and the four areas of focus; expanding the tax base, grow the Health & Bioscience District, improve transportation structure, and servicing our community. He also noted the corporate values - integrity, excellence and dedication. Mr. Blackburn also mentioned due to community changes, the Choices 08 document should be reviewed and updated by Council and staff every 10-12 years.

Mr. Blackburn stated that the Council's budget retreat was scheduled for a full day on February 9, 2013.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, January 5, 2012 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Perry Cloud
Councilmember Danny Dunn
Mayor Pro Tem Russell Schneider
Councilmember Judy Morales
Mayor William A. Jones, III

I. CALL TO ORDER

1. Invocation

Reverend Shelton Rhodes voiced the Invocation.

2. Pledge of Allegiance

Nicole Torralva, Director of Public Works led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Ms. Betty Elliott, 305 E. Xavier requested that the streets in her neighborhood be evened out.

III. CONSENT AGENDA

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

**(A) May 23, 2011 Special Called Meeting December 1, 2011
Special Called and Regular Meeting December 15, 2011 Special
Called and Regular Meeting**

(B) 2012-6513-R: Consider adopting a resolution accepting the annual Child Care Standards report form Parks and Leisure Services Department.

(C) 2012-6514-R: Consider adopting a resolution authorizing a construction contract with Structural Protection Services, LLC, of Louisiana, for construction services required to rehabilitate Nugent elevated storage tank (EST) in an amount not to exceed \$451,249.12.

(D) 2012-6515-R: Consider adopting a resolution authorizing a construction contract with Wolff Construction, LP, of Salado for construction services required to construct Phase 1 of the Replacement of the 18" waterline from the WTP to Loop 363, distribution mains in the 720 pressure plane, in an amount not to exceed \$664,893.20.

(E) 2012-6516-R: Consider adopting a resolution authorizing a construction contract with Lewis Contractors, Inc., of Bertram for construction services required to install wastewater main improvements from IH 35, through Bird Creek to Loop 363 in an amount not to exceed \$919,986.

(F) 2012-6517-R: Consider adopting a resolution authorizing an amendment to a professional services agreement with Carter Burgess, Inc., now Jacobs Engineering Group, Inc. (Jacobs) for construction phase services in an amount not to exceed \$96,100 for Phase 2A of the Bird Creek Interceptor Project.

(G) 2012-6518-R: Consider adopting a resolution authorizing an annual contract for large meter inventory testing and repair with Great Southwest Meters, Inc. of Waxahachie for an estimated annual amount of \$40,000.

(H) 2012-6519-R: Consider adopting a resolution authorizing the purchase of various replacement parts for the Membrane Water Treatment Plant from Pall System Services of Cortland, NY, as a sole source provider for specialized membrane components in the estimated amount of \$112,478.20.

(I) 2012-6520-R: Consider adopting a resolution authorizing the purchase of twelve (12) mobile digital video systems for the new police vehicles from L-3 Mobile Vision utilizing the Houston-Galveston Area Council Interlocal Cooperative contract in the amount of \$62,461.25.

(J) 2012-6521-R: Consider adopting a resolution authorizing the purchase of approximately 105 Panasonic CF-31 Mobile Data Laptops and equipment for Police and Fire Departments in an amount of \$485,150 and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project

(K) 2012-6522-R: Consider adopting a resolution authorizing the purchase of nine marked police vehicles and eight unmarked police vehicles from Caldwell County in Caldwell, utilizing BuyBoard contract and two (2) State of Texas contracts, for a total price for vehicles and equipment of \$424,658.

(L) 2012-6523-R: Consider adopting a resolution authorizing the purchase of the following vehicles in the amount of \$308,750.14:

- 1. Two (2) Ford Focus passenger cars from Johnson Brothers Ford of Temple in the amount of \$28,832.82 (Bid Tabulation #1);**
- 2. Eight (8) ½-ton light duty full-size pickups (F150's) from Johnson Brothers Ford of Temple in the amount of \$161,659.04 (Bid Tabulation #2);**
- 3. One (1) ½-ton super crew/quad cab pickup with short bed (Ram 1500) from Meador Dodge Chrysler Jeep of Fort Worth in the amount of \$20,663.00(Bid Tabulation #3);**
- 4. One (1) 1-ton crew cab and chassis with utility body (F350) from Johnson Brothers Ford of Temple in the amount of \$34,126.76 (Bid Tabulation #7); and**
- 5. Two (2) 1-ton cab and chassis with utility body (F350) from Johnson Brothers Ford of Temple in the amount of \$63,468.52 (Bid Tabulation #8).**

(M) 2011-4498: SECOND READING - Z-FY-12-01: Consider adopting an ordinance authorizing an amendment to Ordinance 2008-4230, Temple Comprehensive Plan, Section 3: Future Land Use and Character Plan Map, Figure 3.1.

(N) 2011-4499: SECOND READING - Z-FY-12-05(A): Consider adopting an ordinance authorizing amendments to Articles 5, 6 and 11 of the Unified Development Code to add "Recreational Vehicle Park" as a Conditional Use in the use tables and to

establish a definition related to such addition.

(O) 2011-4500: SECOND READING - Z-FY-12-06: Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) to Urban Estates (UE) on 11.759 acres in the George W. Lindsey survey, Abstract No. 513, Bell County, TX, located North of FM 2305 and North of Inverness Drive.

(P) 2011-4501: SECOND READING - Z-FY-12-07: Consider adopting an ordinance authorizing a rezoning from Agriculture (AG) to Single Family One (SF1) on 19.065 acres in Abstract 513, located on the southeast corner of Morgan's Point Road and Bonnie Lane.

(Q) 2011-4502: SECOND READING - Z-FY-12-08: Consider adopting an ordinance authorizing an amendment to Ordinance 2008-4230, Temple Comprehensive Plan, Section 5: Transportation Plan Map, Figure 5.2, to designate the existing and future Westfield Boulevard from West Adams Avenue to State Highway 36 as an arterial road and to reclassify North Pea Ridge Road from West Adams Avenue to State Highway 36 from a minor arterial to a collector road.

(R) 1. 2011-4503: SECOND READING: Consider adopting an ordinance designating a tract of land consisting of approximately 4.91 acres and described as Lot 5, Block 1, Friendship Plaza Subdivision, located at 5434 205 Loop, as City of Temple Tax Abatement Reinvestment Zone Number Twenty-Three for commercial/industrial tax abatement.

2. 2012-6524-R: Consider adopting a resolution authorizing a tax abatement agreement with Sparetime Entertainment, LLC, for real property on a tract of land located at 5434 205 Loop, Temple, Bell County, Texas.

(S) 2011-4504: SECOND READING: Consider adopting an ordinance designating the Martin Luther King, Jr. Strategic Investment Zone as Tax Abatement Reinvestment Zone Number Twenty-Four for Commercial/Industrial Tax Abatement and authorizing a number of other SIZ economic development incentives for property redevelopment and amending the City's Comprehensive Economic Development Ordinance to reflect those changes.

(T) 2012-6525-R: Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

Motion by Councilmember Danny Dunn adopt resolution approving Consent Agenda with exception of Item 3(K). seconded by Councilmember Perry Cloud.

(K) 2012-6522-R: Consider adopting a resolution authorizing the purchase of nine marked police vehicles and eight unmarked police vehicles from Caldwell Country in Caldwell, utilizing BuyBoard contract and two (2) State of Texas contracts, for a total price for vehicles and equipment of \$424,658.

Motion by Councilmember Perry Cloud adopt resolution approving Consent Agenda seconded by Councilmember Judy Morales.

IV. REGULAR AGENDA

ORDINANCES- SECOND & FINAL READING - PUBLIC HEARING

- 4. 2011-4497: SECOND READING - PUBLIC HEARING - Z-FY-12-16: Consider adopting an ordinance authorizing a rezoning from Single Family Two District (SF2) to Single Family Three District (SF3) on a 13.57-acre tract of land situated in the Baldwin Robertson League Survey, Abstract 17, located along the east side of North Pea Ridge Road, and south of Stonehollow Drive.**

Autumn Speer, Director of Community Services presented this item to the Council. Ms. Speer noted this request is to allow a reduced front yard set back which matches the others in the Westfield Development. Ms. Speer provided photos of the area as well as adjacent properties. This request is in compliance with the comprehensive plan. Planning and Zoning reviewed this case on December 6, 2011 and voted 7/0 to recommend approval.

Mayor Jones declared the public hearing open with regards to agenda item 4 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Danny Dunn adopt ordinance as presented on second and final reading. seconded by Councilmember Perry Cloud.

ORDINANCES

- 5. 2012-4505: FIRST READING - PUBLIC HEARING - 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.

Autumn Speer, Director of Community Services presented this item to the Council. Ms. Speer reviewed the six proposed amendments with Council. The purpose is to address some of the issues that have come forward in 2011.

Mayor Pro Tem Schneider asked for clarification on the pole sign requirements and pylon signs width ratios. He was not in favor of the the 6 foot enclosed pole sign regulations.

Mayor Jones mentioned that some would be grandfathered.

Mr. Speer replied yes, and also mentioned that a developer may also submit a sign plan with specific requests. Ms. Speer noted that the desire on I-35 is to prohibit pole signs for on-premises business developments.

Councilmember Morales requested the time allowed for "transitional housing" being clarified.

Mayor Jones declared the public hearing open with regards to agenda item 5 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Danny Dunn adopt ordinance, with second reading and final adoption set for January 19, 2012. seconded by Councilmember Perry Cloud.

6. 2012-4506: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance establishing school zones and setting speed limits and crosswalks within the school zones to conform to school schedules.

Nicole Torralva, Director of Public Works presented this item to the Council. The school zones will be for two TISD campuses, Bethune and Hector P. Garcia.

Mayor Jones declared the public hearing open with regards to agenda item 6 and asked if anyone wished to address this item.

There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Judy Morales adopt ordinance, with second reading and final adoption set for January 19, 2012. seconded by Mayor Pro Tem Russell Schneider.

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.**

Autumn Speer, Director of Community Services presented this item to the Council. Ms. Speer requested to table this item since the applicant was not present. Ms. Speer also noted that staff is recommending denial of the exceptions for the additional 15 feet of utility easement.

Motion by Councilmember Danny Dunn to table seconded by Councilmember Perry Cloud.

8. **2012-6527-R: Consider adopting a resolution authorizing the purchase of the following vehicles in the amount of \$78,265.00:**

(A) One (1) ½-ton super crew cab pickup with regular bed (F150) from Sam Pack's Five Star Ford of Carrollton in the amount of \$25,127 (Bid Tabulation #4);

(B) One (1) ¾-ton medium duty pickup with utility body (F250) from Sam Pack's Five Star Ford of Carrollton in the amount of \$29,795 (Bid Tabulation #5); and

(C) One (1) 1-ton medium duty full size pickup (F350) from Sam Pack's Five Star Ford of Carrollton in the amount of \$23,343 (Bid Tabulation #6).

Belinda Mattke, Director of Purchasing presented this item to the Council. Ms. Mattke explained this is being brought forward due to local preference. Ms. Mattke reviewed the bids as they were submitted as well as the local preference options available. There were two bids submitted with local preference

declaration, from both Johnson Brothers Ford and Caldwell Automotive Partners.

Mr.Blackburn noted that staff recommendation is low bid.

Motion by Councilmember Danny Dunn adopt resolution utilizing the local preference for A,B, and C. seconded by Councilmember Judy Morales.

BOARD APPOINTMENTS

- 9. 2012-6528-R: Consider adopting a resolution appointing members to the following City boards and commissions:**

(A) Planning and Zoning Commission - two members to fill unexpired terms through September 1, 2012 & September 1, 2014.

(B) Tree Advisory Board - one member to fill an ex-officio for BISD

Motion by Councilmember Perry Cloud to table the appointments for the Planning and Zoning Commission, and to appoint Scott Moger as the BISD representative to the Tree Advisory Board. seconded by Councilmember Judy Morales.

William A. Jones, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2010-4413, THE “UNIFIED DEVELOPMENT CODE,” ARTICLE 6, TO AMEND SIGN REQUIREMENTS IN THE I-35 CORRIDOR OVERLAY ZONING DISTRICT; AND ESTABLISH A DEFINITION 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.

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 Article 6 of the UDC which relates to sign requirements in the I-35 Corridor Overlay Zoning District, and to establish a definition related to such standards;

Whereas, the proposed amendment to Article 6 of the UDC provides new standards for taller, freestanding signs as well as clarifying existing and unclear requirements for other types of signs;

Whereas, the Staff recommends amending the Unified Development Code to address the amendment to Article 6 as outlined in Exhibit A attached hereto; 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 Article 6 relating to sign requirements in the I-35 Corridor Overlay Zoning District and establish a definition related to such standards, said amendment being more fully described in Exhibit A attached hereto for all purposes.

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

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **January**, 2012.

Second Reading on the **19th** day of **January**, 2012.

PASSED AND APPROVED on Third Reading on the **2nd** day of **February**, 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

02/02/12
Item #5
Regular Agenda
Page 1 of 6

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Mabry, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-11-49: Consider adopting an ordinance authorizing a Conditional Use Permit to allow a permanent concrete batch plant on 3.787 ± acres of land situated in the City of Temple, Bell County, Texas, being a part of the Nancy Chance Survey, Abstract #5 and the T.M. Boggus Survey, Abstract #84, located at 4158 Shallow Ford West Road.

P&Z COMMISSION RECOMMENDATION: At its January 3, 2012, meeting, the Planning and Zoning Commission voted 5/0 to recommend approval of the CUP subject to the staff recommended conditions listed below and the additional condition that a bond be secured within 45 days of approval and final action by City Council which would entail removal of any hard surfaces and/or footings for equipment and buildings that are placed on the site.

Commissioner Rhoads and Talley were absent. Two Commission posts are vacant.

STAFF RECOMMENDATION: Conduct public hearing and deny the request presented in the item description, on first reading, and schedule second reading and final adoption for February 16, 2012.

If approved by Council, the following conditions, as approved by the Planning and Zoning Commission, should be considered on first reading:

- 1) This Conditional Use Permit is valid for 12 months only and may be reissued for consecutive 12-month periods with administrative approval. Should the permit expire, the business must cease operation of all batch plant activities, and the applicant or his successors must re-apply for formal Conditional Use Permit approval from the City Council.
- 2) All work, including remedial work, must be permitted and built to current standards adopted by the City of Temple. The substandard flatwork identified on the site plan for the subject property must be removed and correctly installed by March 30, 2012.
- 3) All parking and vehicle maneuvering surfaces must be concrete or asphalt covered as required.
- 4) A fire suppression tank and fire department connection must be installed as shown on the attached Conditional Use Permit site plan.
- 5) The subject property must be landscaped as shown on the attached Conditional Use Permit site plan.

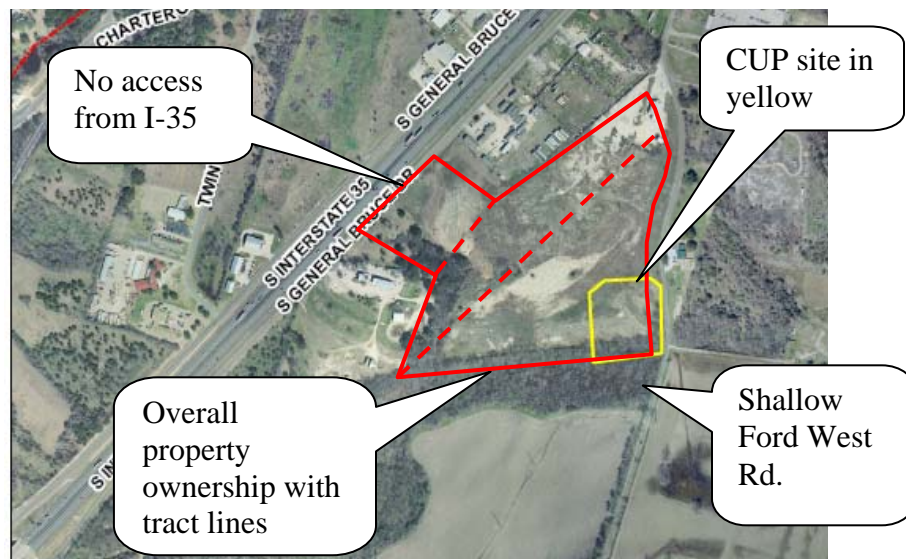
- 6) Irrigation must extend to within 50-ft of all required landscaped areas.
- 7) Septic service must be permitted and built as approved through the Bell County Sanitarian's Office.
- 8) The property owner, plant operator or their successors must remove all hard surfaces, equipment and buildings, and footings for equipment and buildings when the batch plant ceases operation. For the purpose of this Conditional Use Permit, "cease operations" means:
 - a. The plant has neither produced nor sold concrete for more than 31 days;
or
 - b. The Conditional Use Permit allowing the plant has been revoked in accordance with Sec. 3.5.6 of the Unified Development Code.
- 9) Within 45 days from approval of this Conditional Use Permit, the property owner or plant operator must deliver to the Planning Director a surety bond as a guaranty that the removal work specified in part 8 of the Conditional Use Permit will be completed. The bond must be made in an amount to completely pay for removal of any hard surfaces, equipment and buildings, and footings for equipment and buildings on the subject property should the batch plant cease operations either voluntarily or as a result of revocation of this Conditional Use Permit. Along with the bond, the property owner or plant operator must also submit to the Planning Director a cost estimate for doing the required removal work.

ITEM SUMMARY: This case was originally scheduled to appear before the Planning and Zoning Commission in October 2011. However, a series of table requests from the applicant resulted in it being heard by the Commission on January 3, 2012. Please refer to the Staff Report and minutes of case Z-FY-11-49, from the Planning and Zoning Commission meeting on this date.

The applicant is requesting to make a recently established temporary concrete batch plant permanent. Batch plants are used to mix large quantities of concrete and to fill concrete trucks traveling to building sites. The purpose of this particular batch plant is to provide concrete for proposed development on-site for longer than the 6-month period allowed for temporary plants. The applicant also proposes to sell concrete for off-site developments as a secondary source of revenue. Temporary batch plants are allowed by right in the Light Industrial (LI) zoning district. In order to establish the business permanently in the LI zoning district, a concrete batch requires a CUP.

Mitigation, or easing of any negative impacts of the use on surrounding properties, would be needed in this case because of the industrial nature of the business, the outdoor bulk storage of materials, the appearance of the concrete mixing machinery, possible dust and particulate production, runoff and erosion from site conditions, and the amount of heavy load traffic produced or long term damage to public infrastructure, such as road deterioration.

The subject property has approximately 347 feet of frontage along Shallow Ford West Road. A separate tract under common ownership with the subject property has frontage on I-35, as shown in the aerial photo below, but the I-35 corridor overlay zoning district prohibits the proposed use. Therefore, all access to the batch plant facility must take place from Shallow Ford West Road.



The temporary batch plant began operations in mid-July 2011. If this CUP request is denied, then the batch plant will have to cease operation and remove all equipment from the property. Since the CUP for the plant is currently going through the review process, the plant may continue to operate until the City Council makes a final decision on the request.

COMPREHENSIVE PLAN COMPLIANCE REVIEW: The proposed CUP relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

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

* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (CP Map 3.1)

The request does not conform to the Future Land Use and Character Map (FLUCM) which designates the property, and the land surrounding it, as Estate Residential. The Auto-Urban Commercial future land use category is identified nearby, along I-35.

Availability of Public Facilities (CP Goal 4.1)

Water and sanitary sewer do not currently serve the site from Shallow Ford West Road. The temporary batch plant is using water from a 2-inch line connected and metered on a public line along S. General Bruce Drive. The applicant also proposes a 2-inch extension for the irrigation of proposed landscaping. This private line is not large enough to support a fire hydrant.

Thoroughfare Plan (CP Map 5.2)

This request conforms to the Thoroughfare Plan in that the subject tract takes access from Shallow Ford West Road, a Collector classed road. The existing public right-of-way for Shallow Ford West Road is adequate for a Collector, but this road is built to county rural street standards with a paved width of approximately 22 feet with no curb or gutter. Concrete mixing trucks are considered heavy load trucks, and this use could place trucks going both ways on Shallow Ford West Road. In the recent Mobility Report published by the Public Works Department, Shallow Ford West Road received a "C" rating on its pavement condition, with "A" being best and "F" being worst.



View looking to the north on Shallow Ford West,
toward the pet resort located behind the trees on the right.

CONDITIONAL USE PERMIT SITE PLAN REVIEW

If the Planning and Zoning Commission recommends and City Council approves this CUP request, it must be built according to the approved CUP site plan.

Site Layout and Fire & Dust Suppression

The site plan shows the arrangement of the batch plant on an approximately 25-acre disturbed area on the larger unplatted lot. The plan shows that all above-ground improvements are portable. An on-site septic system is proposed to serve this development.

On this plan, fire suppression has been addressed with an 8,000-gallon tank with a 3-inch pipe leading to a fire department connection near front of the lot. This was a solution that was coordinated between the applicant and the Fire Marshal, and is an acceptable solution to the Marshal.

A note on the plans states that dust suppression will be manually performed, with watering drives and operation areas as needed.

Paving

The previous operators of the site did not receive permits for the flatwork performed on the site in summer of 2011. The concrete work also appears to the Director of Construction Safety to be incorrectly reinforced and doweled. The applicant has stated that the improperly poured concrete will be removed and any new flatwork will be properly permitted.

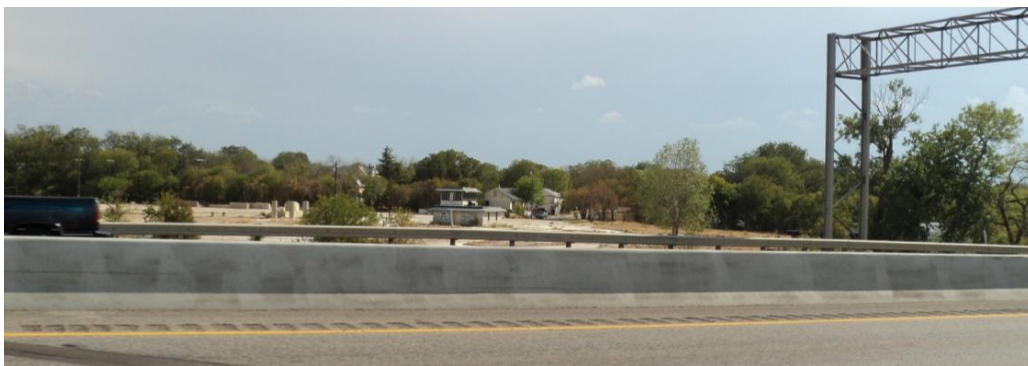
Landscaping Plans

Landscaping is shown along the front and across the north side of the site plan as requested by Staff. Nine 2-inch caliper approved trees would be normally required on a project not requiring a CUP. This CUP is showing 15 Texas Ash trees and 96 Red Tip Photinia shrubs on 5-ft centers planted across the frontage and north side area of the lot as view mitigation. Four hose bibs are shown along an irrigation line. While the note on the landscaping plans say that all required landscaping will be within 50-ft of a hose bib, the plan does not show this. The north side of the lot should have an extension and bibs shown within 50 feet of the landscaping screen. Bermuda turf planting under all required landscaping is noted on plan. This note should be reworded to state that all disturbed areas on the total lot, including landscaping areas, will be underplanted with Bermuda turf.

Site Cleanup Bond

The Staff recommendation included an option for recommendation that the applicant submit a 12-month bond for the amount of money to clean the site up, should the CUP be approved and the batch plant subsequently cease operation. This is to prevent the site from becoming a visual eye sore and brownfield site if the plant closes down and the site is not cleaned up after closing. The City would be able to collect on the bond and pay to have the site cleaned up. Another concrete batch plant along I-35, shown below, ceased operation and remains in the state it was in while it was operating, thus making it more difficult to market or use the site for any other permitted use.

While the applicant was not adverse to this bond, he found that the insurance company was reluctant to issue such a bond. Staff is prepared to resolve this issue through Code Enforcement measures if it becomes necessary in the future.



View of the abandoned permanent batch plant location, east of I-35 and north of Avenue H.

PUBLIC NOTICE: Five notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Wednesday, September 28, at 5 PM, no notice was returned in favor of and one notice was returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on September 16, 2011 in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

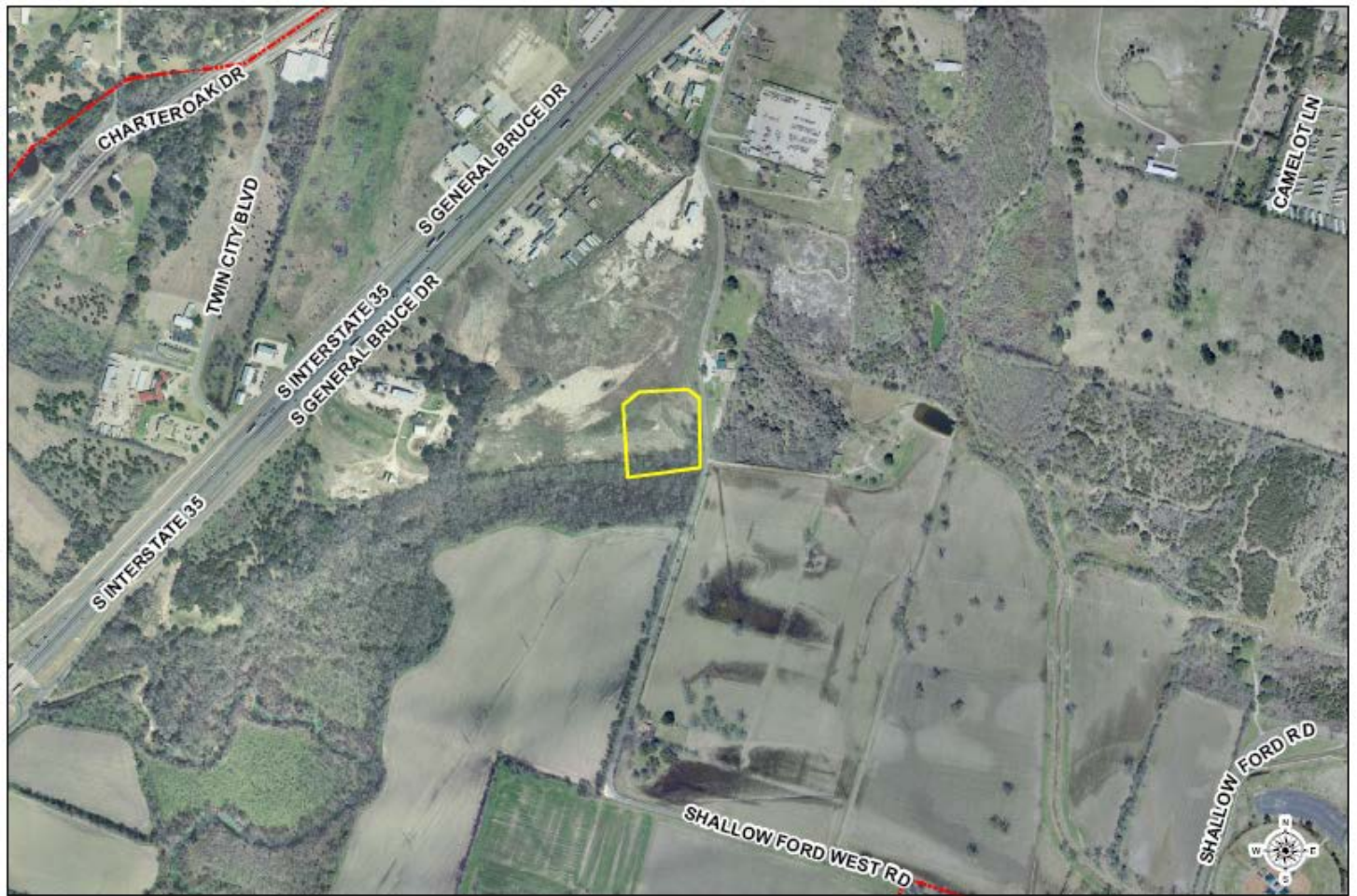
Aerial
Land Use and Character Map
Zoning Map
Thoroughfare Map
Utility Map
Notice Map
Responses
Applicant's Narrative
Applicant's Site Plan
Applicant's Site Plan with Topo and Drainage Area
Applicant's Site Plan with Landscaping
P&Z Staff Report (Z-FY-11-49)
P&Z Minutes (January 3, 2012)
Ordinance



Z-FY-11-49

3.787 Acre Portion of the
Nancy Chance Survey #5

4158 Shallow Ford West Road



2008 Bell County Aerial

ZFY 11-49

Temple City Limits

Feet 0 1,000 2,000 3,000

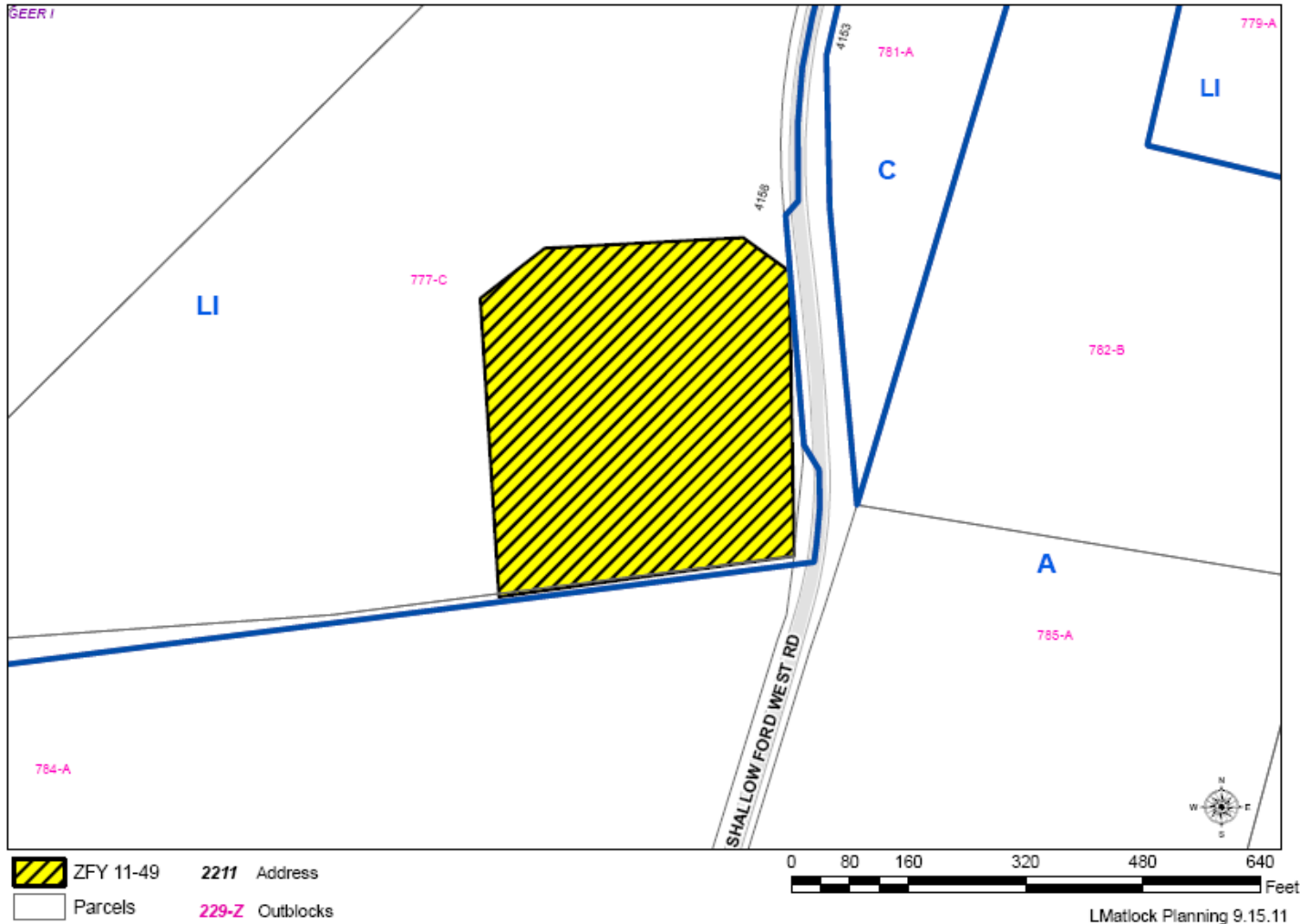
LMatlock Planning 9.15.11



Z-FY-11-49

3.787 Acre Portion of the
Nancy Chance Survey #5

4158 Shallow Ford West Road





Z-FY-11-49

3.787 Acre Portion of the
Nancy Chance Survey #5

4158 Shallow Ford West Road



ZFY 11-49

Collector Class Street



Local Class Street



0 80 160 320 480 640 Feet

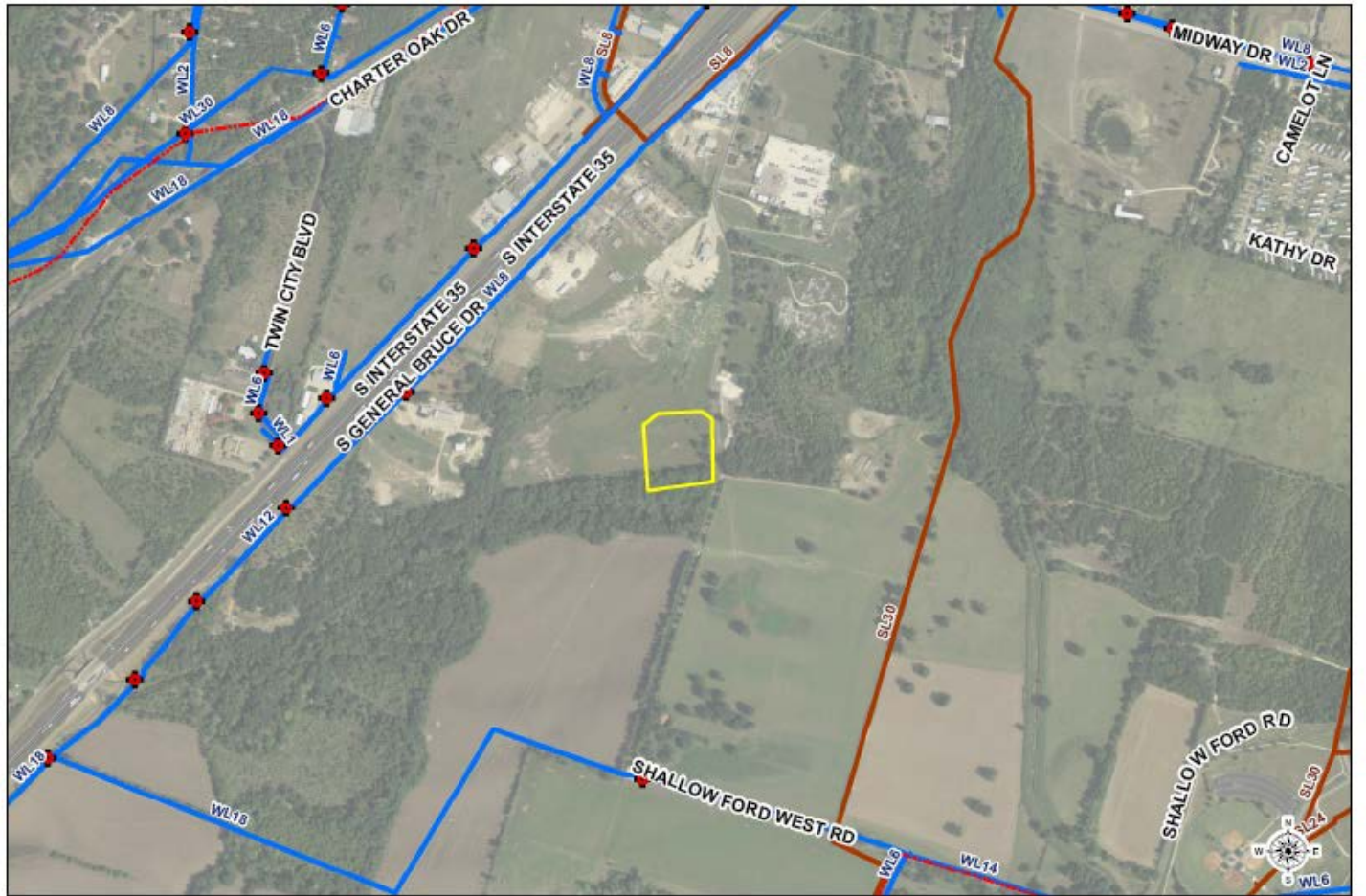
LMatlock Planning 9.15.11



Z-FY-11-49

3.787 Acre Portion of the
Nancy Chance Survey #5

4158 Shallow Ford West Road



ZFY 11-49 Sanitary Sewer Lines

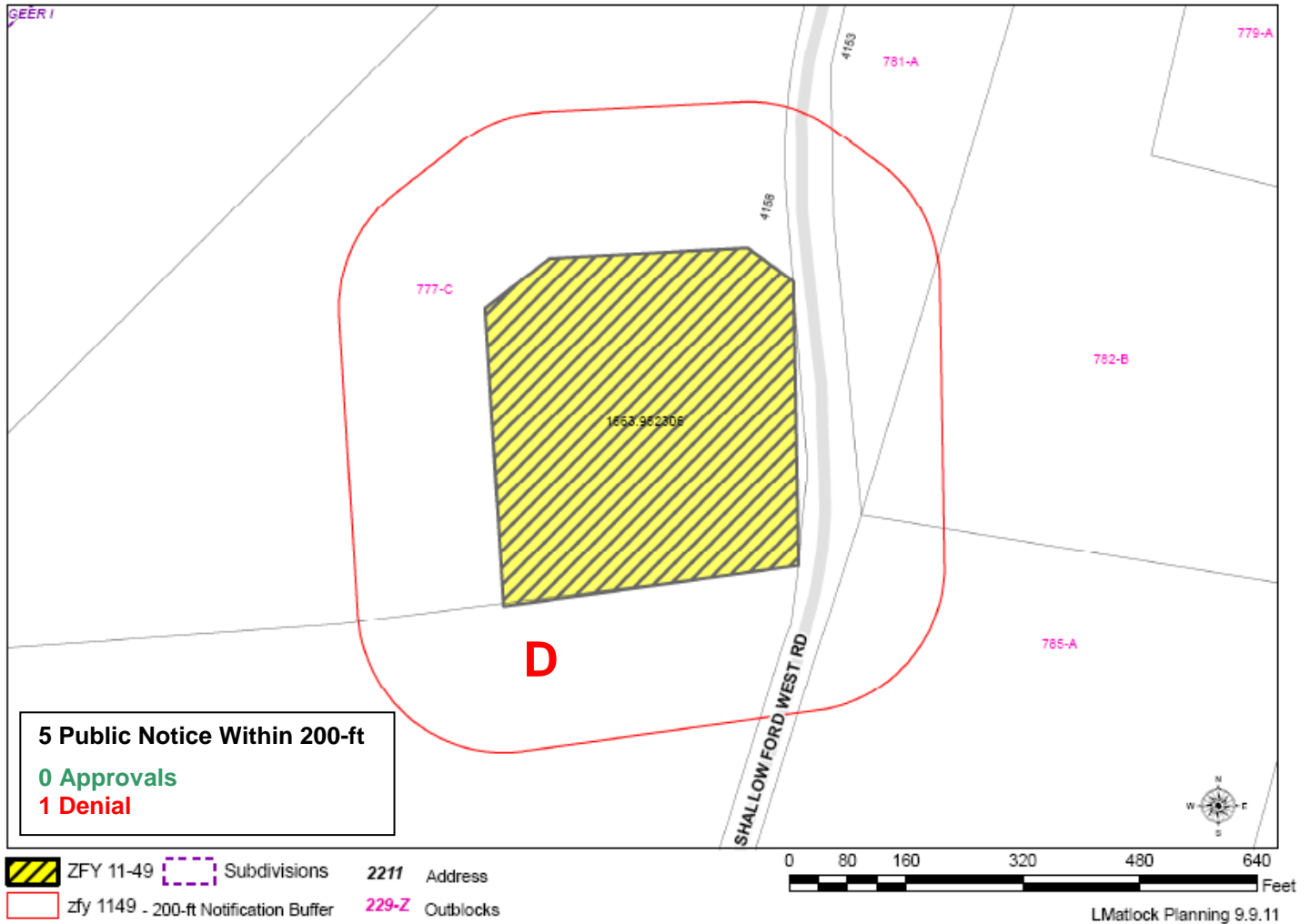
0 385 770 1,540 2,310 3,080
Feet



Z-FY-11-49

3.787 Acre Portion of the
Nancy Chance Survey #5

4158 Shallow Ford West Road





**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT REQUEST
CITY OF TEMPLE**

Protex Family Limited Partners
Attn: Dr. Richard Tay
5508 Summerhill Lane
Temple, Texas 76502

Zoning Application Number: Z-FY-11-49

Project Manager: Leslie Matlock

Location: 4158 Shallow ford West Road, west from the Barking Oaks Pet Resort

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

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

Comments:

The requested use will negatively impact the appearance
and lower property value in the area.

Richard Tay
Signature

RICHARD TAY for PROTEX, FLP
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than October 3, 2011

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

RECEIVED

SEP 28 2011

City of Temple
Planning & Development

Number of Notices Mailed: 4

Date Mailed: September 22, 2011

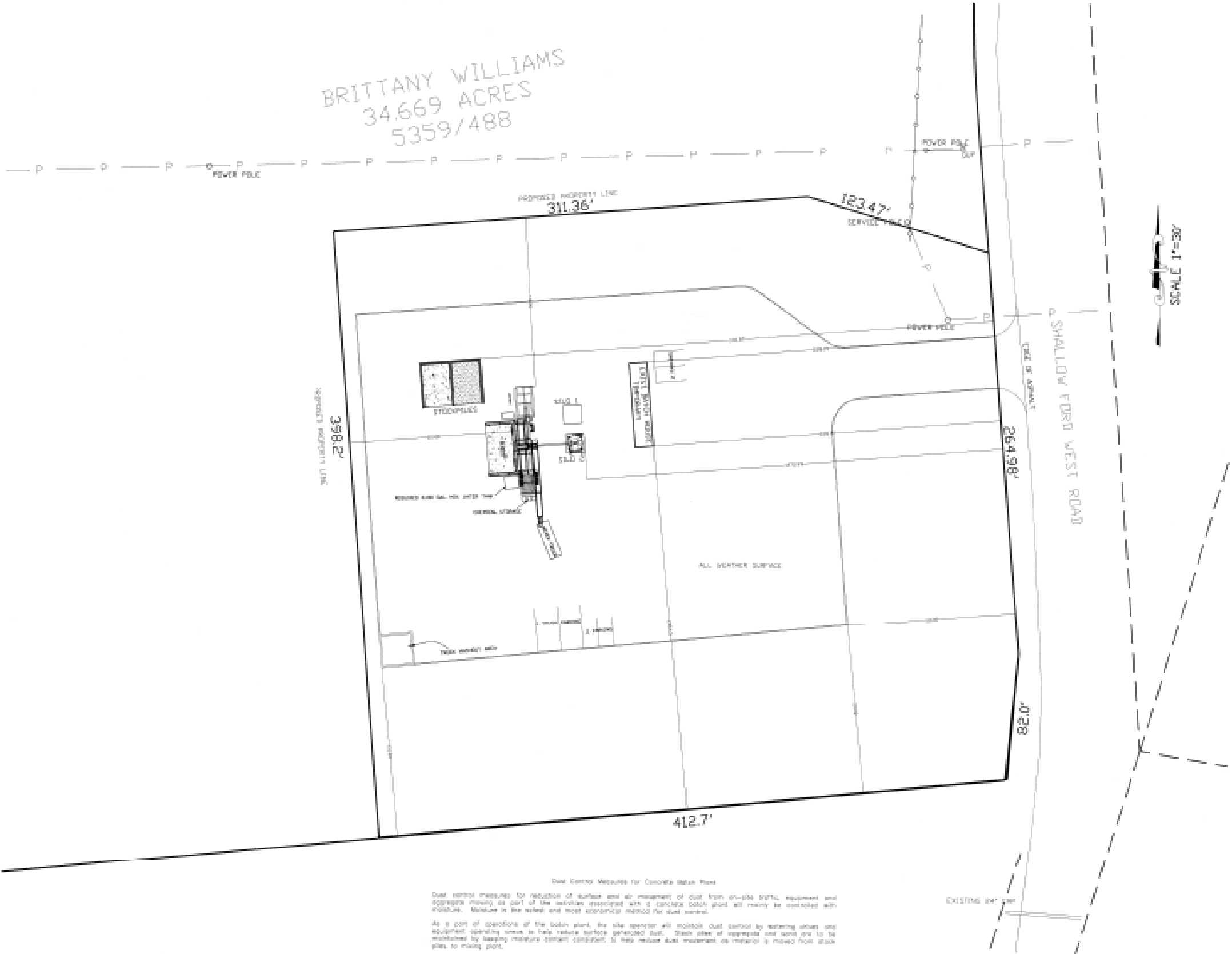
Applicant's Narrative

The process includes delivery of aggregates (rock and sand) put in stock piles. Cement and fly ash materials are delivered and transferred into silos.

The operations include the aggregates being loaded into cement machine to be sifted together. The cement machine is computer operated from a batch house where all the operations of the system is controlled. While the cement machine is operational it mixes the aggregates (rock and sand) with the powders (cement and fly ash) to make a dry mixture that is loaded into a concrete truck. Wet products are in the cement truck which is provider from the system to finalize the concrete mixture.

December 15, 2011
Batch Plant Overall Site Plan

BRITTANY WILLIAMS
34.669 ACRES
5359/488



SCALE 1"=30'

12406-D
DRAWING NUMBER

TURLEY ASSOCIATES, INC.
ENGINEERING - PLANNING - SURVEYING
CONSTRUCTION MANAGEMENT
301 N. 3rd St.
Temple, Texas
E-MAIL: VOTURLEY@TURLEY.COM
FAX NO. (254) 775-3338
FIRM No. F-1638

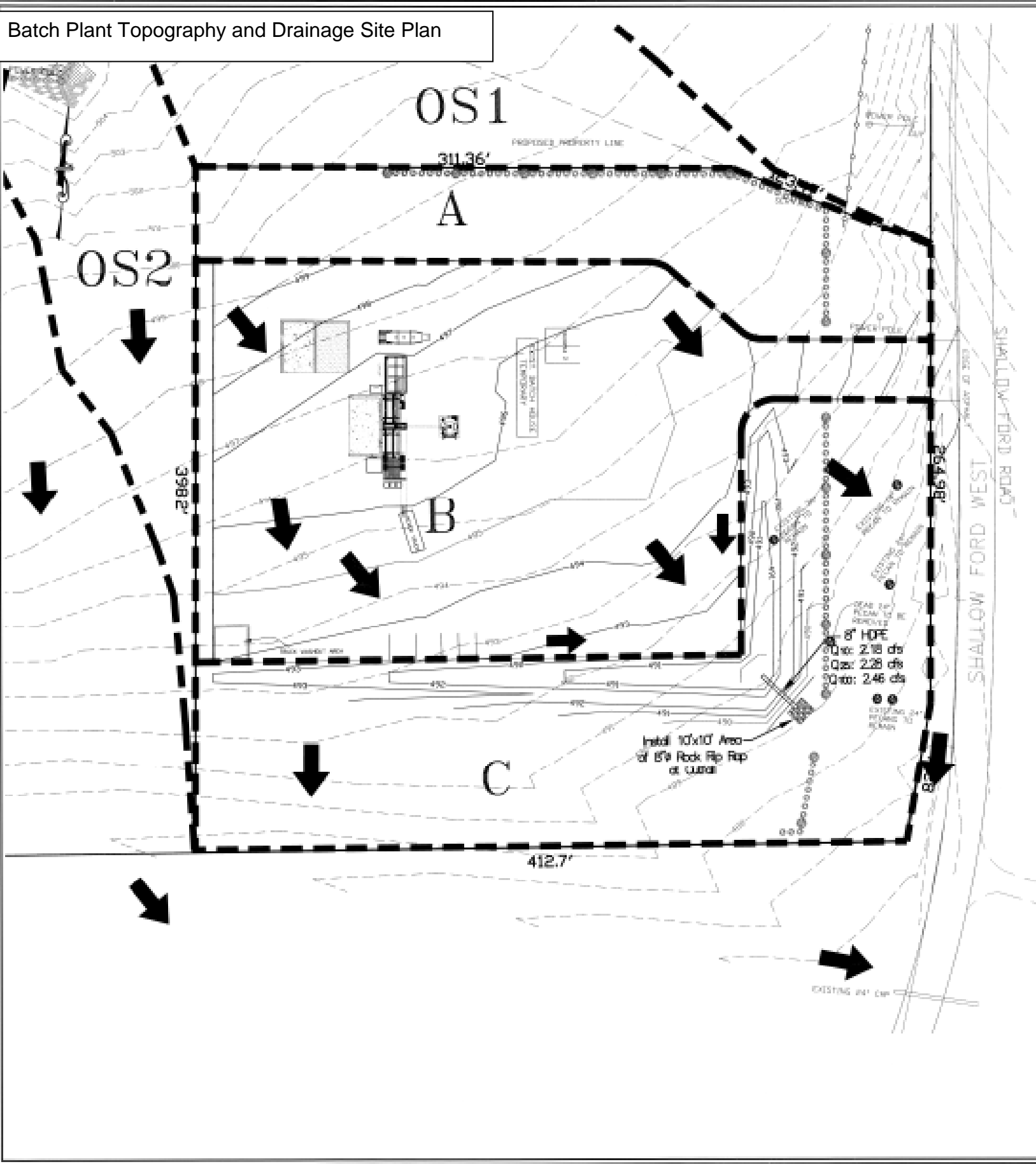


CONCRETE BATCH PLANT
4115 NORTH CENTRAL EXPRESS DRIVE
TEMPE, TEXAS

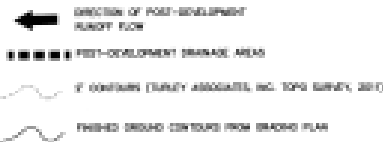
I-CONCRETE, LLC
4115 NORTH CENTRAL EXPRESS DRIVE
TEMPE, TEXAS

REVISIONS		
NO.	DESCRIPTION	DATE
01	CONCRETE	01/08/11
02	CONCRETE	01/08/11
03	CONCRETE	01/08/11
DATE: 7/30/11		
DRAWN BY: RNB		
REV:		
FIELD BOOK -		
JOB NO.: 11186		
SHEET: 07		
CONCRETE INC. 10185		

Batch Plant Topography and Drainage Site Plan

[illegible]

DRAINAGE LEGEND



Drainage Calculations, Developed Conditions, Calculated to:

[illegible]

STANDARDIZATION TABLE

STAGE	DESCRIPTION	AREA (SQ FT)	INCREMENTAL STORAGE (VOL./DAY) (CU. FT)	TOTAL CUMULATIVE VOL./DAY (CU. FT)	TOTAL PUMP CONCENTR. (CFS)
0	400	0	0	0	0.00
1	401	2,500	1.00	1.00	1.37
2	402	6,000	3.50	4.50	2.50
3	403	10,700	6.40	11.00	3.50

CONCRETE SUPPLY OUTFLOW

DESIGN STORM	PEAK INFLOW (MGD)	POST-DEVELOPED FLOOD CRESTING (MGD)	STORAGE VOLUME (CU FT)	MAX. ELEVATION (FT)
10	0.48	2.18	4,544	800.00
25	1.28	2.28	6,336	800.12
100	15.76	2.46	8,184	800.25

How was Pouchi-Chang prepared?

DESIGN NOTATION	Pop. (mm)	Peak (mm)
10	6.107	7.107
20	6.186	6.47
50	10.01	6.107



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.
CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.
309 W. 3rd ST. TEMPLE, TEXAS (254) 773-2400
E-MAIL: MTURLEY@AOL.COM FAX NO. (254) 773-3898

FIRM No. F-1658



© 2004 Blackwell Publishing Ltd, *Journal of Internal Medicine* 255: 105–112

POST-DEVELOPMENT DRAINAGE PLAN
CONCRETE BATCH PLANT
6018 SOUTH CENTRAL AVENUE UNIT
TUCUMCARI, TEXAS 79801

THOMSON CONSULTING INC.

1-CRETE

REVISIONS		
DATE	REVISIONS	BY

DATE: 7/20/03

DATE:	BY:	FOR:
-------	-----	------

100

FIELD BOOK -

JOB NO. 11-105

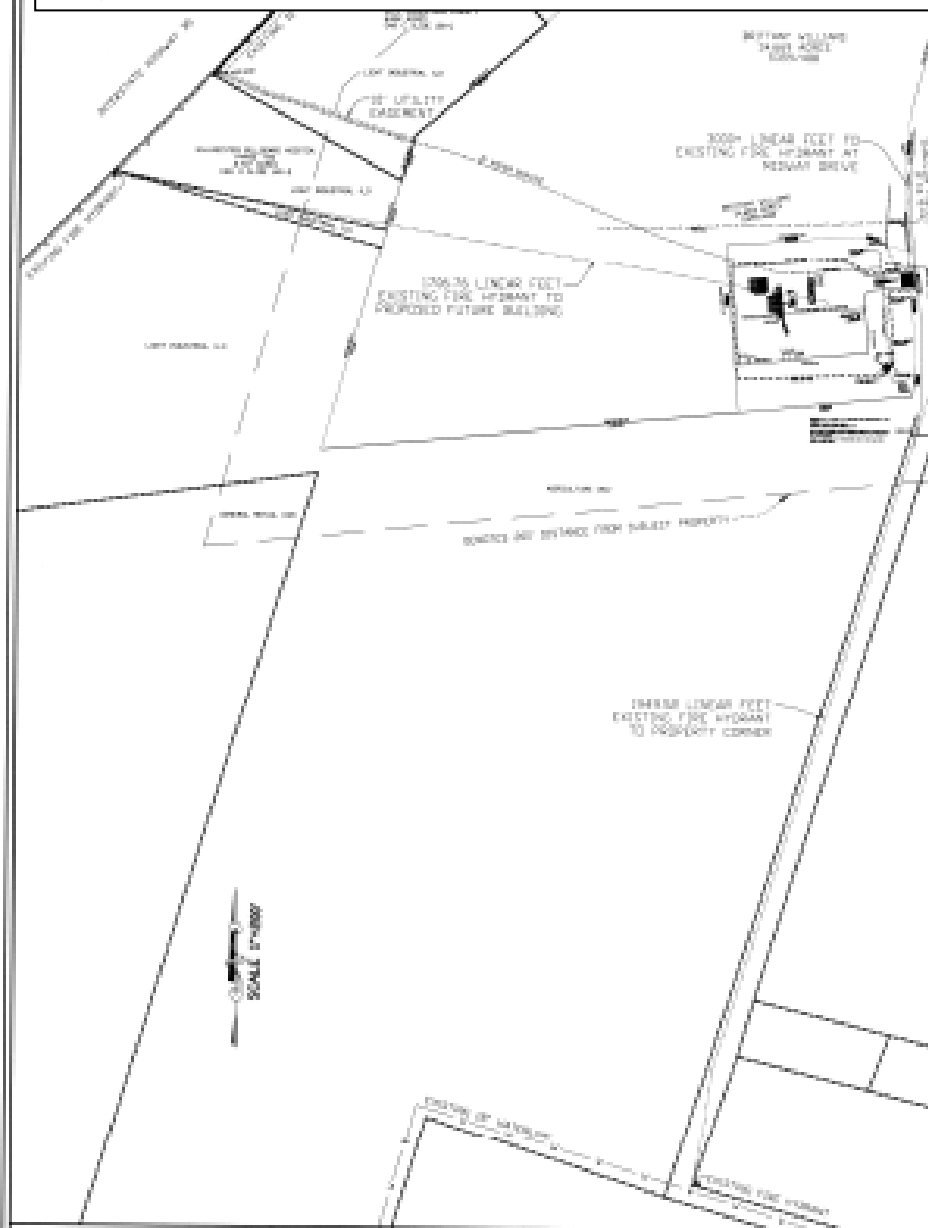
SHEET 05

DATE	TIME	11:58:10
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10405 0

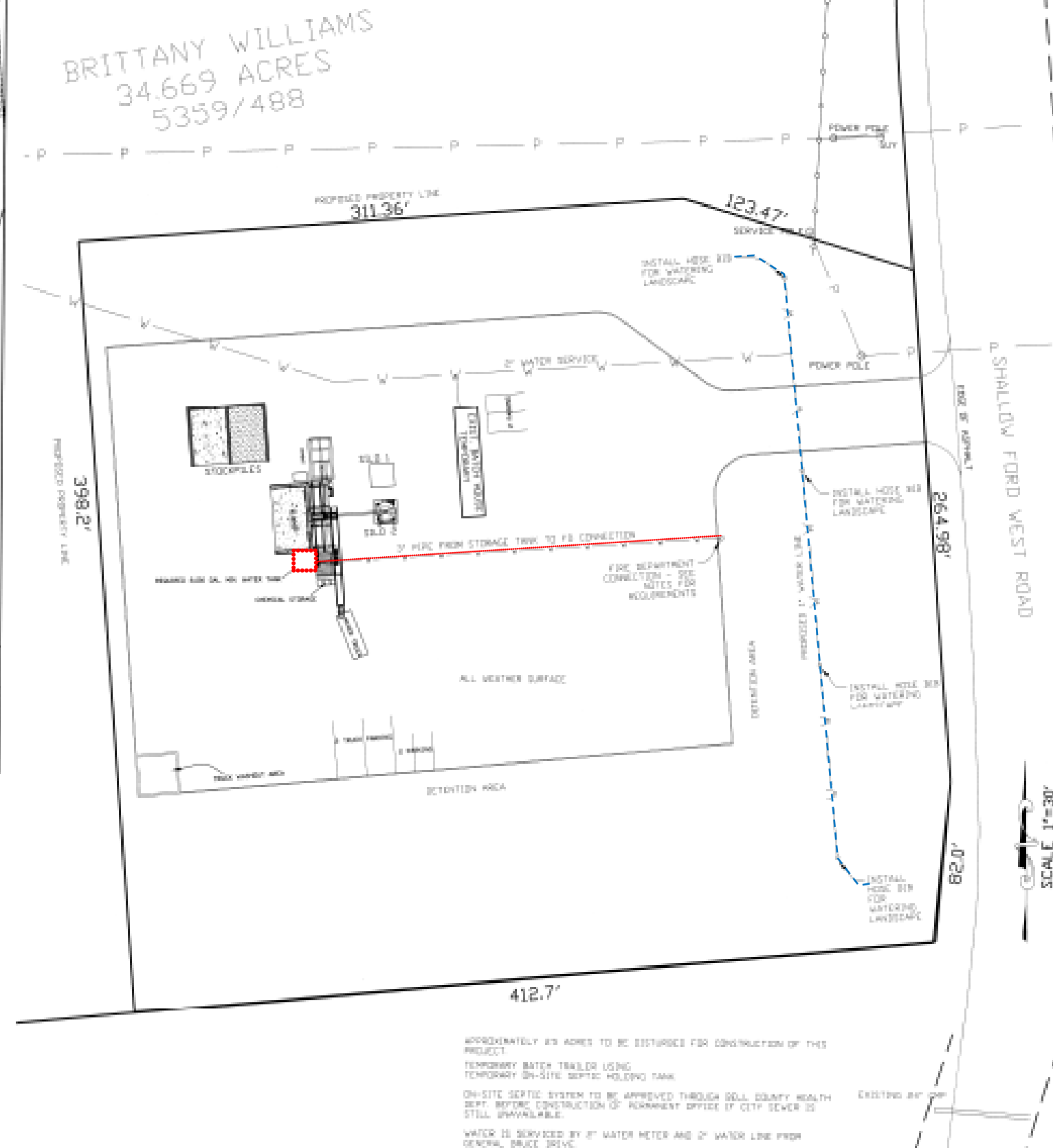
12406-D

Private Fire Suppression Tank and Fire Connection In Red
Irrigation Lines Shown In Blue



OWNER / DEVELOPER WILL PROVIDE TEMPORARY WATER SUPPLY WITH THE FOLLOWING RESTRICTIONS AND LOCATED APPROXIMATELY 100 FEET AWAY FROM THE BUILDING:

1. MINIMUM OF 8,000 GALLON STORAGE TANK
2. FIRE DEPARTMENT SUPPLY/HOOK-UP WITH THE FOLLOWING:
 - * 3" PIPE RUN FROM STORAGE TANK
 - * VALVE WITH 2½" MALE CONNECTION THAT MUST MEET NST (NATIONAL STANDARD THREAD)
 - * 10 FOOT HARD Suction HOSE WITH 2½" MALE CONNECTION THAT MUST MEET NST (NATIONAL STANDARD THREAD)
 - * BALLVALVE PROTECTION
 - * PAINTED RED AND LABELED AS "EMERGENCY WATER SUPPLY"



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.

1201 N. 34th ST. TEMPE, TEXAS (204) 773-2400
E-MAIL: INFO@TURLEY.COM FAX NO. (204) 773-1998

FIRM No. F-1638



QUALITY TEAM ARE:
CONCRETE BATCH PLANT
4818 SOUTH CENTRAL AVENUE
TAMPA, FL 33611

DEVELOPED BY:
I-CONCRETE, LLC
4100 SHILOH ROAD WEST SUITE
10000, SUITE 1000, WILSONVILLE, OR 97158

REVISIONS		
R12	CST COMMENTS	11/13
R12		11/16
R12	CST COMMENTS	11/28

DATE:	7/20/11
DRN. BY:	RAB
REF.:	

FIELD BOOK -	
JOB NO.:	11005
SHEET	C3
DATE	11/005

12406-D
DRAWING NUMBER

Batch Plant Landscaping Proposal



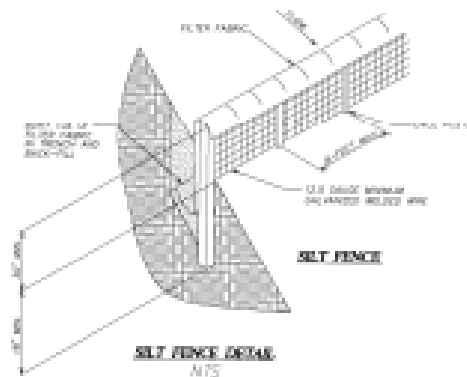
STANDARDIZED CONSTRUCTION ENTRANCES

Discussion

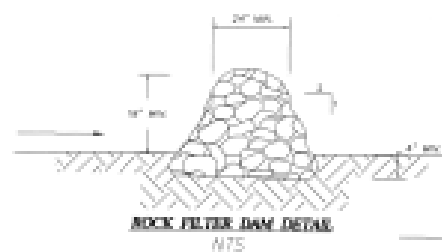
1. STIFFNESS SHALL BE 4" - 6" OPEN GRADES EACH STRAPING IS 4000 POUNDS
2. DIMENSIONS OF CHANNELS SHALL BE TO BE NOT LESS THAN 4"
3. LENGTH SHALL BE A MINIMUM OF 10' FROM EACH END, BROADWAY AND NORTH NOT LESS THAN 100' AND S. BROADWAY/EXPRESS
4. SPACING SHALL BE PROPORTIONALLY CHANGED TO MAINTAIN STIFFNESS
Along Length AND CONSTRUCTION ETC.

THE LICENSEE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PERMIT TRACKING OF PLACEMENT OF LICENSEE'S OWN PUBLIC RIGHTS OF WAY. ALL DISPOSITIONS, INTERESTS, RIGHTS OR TRACKS OF ANY PUBLIC RIGHTS OF ANY LAND BE SUBJECT UNLESS BY CONTRACT.

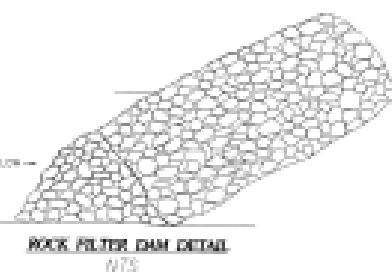
43. ATTENTION: WHILE MUST BE CALLED TO SPEAK BEFORE
FROM TO EXCHANGE (only FIRST part of mtg. ONLY MEETING
IS REQUIRED, IF PART OF TIME ON AN AREA (SPEAKER) AND
CHILDREN (TWO CHILDREN) ONLY AN APPROVED SECOND PART
OF (SPEAKER) PART. ALL MEETING PART OF (SPEAKER) TIME
ENTERED BY (TWO CHILDREN) ON (SPEAKER) LINE
APPROVED: (SPEAKER)



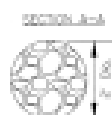
1. POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SLIGHT ANGLE TOWARD THE DISPERSED RUNOFF SOURCE.
2. THE TOP OF THE SILT FENCE SHALL BE TRIMMED IN WITH A SHARP OR MECHANICAL TRIMMER, SO THAT THE COMPOSITE FACE OF THE FENCE IS FLAT AND PERPENDICULAR TO THE LINE OF FLOW.
3. THE FENCE SHOULD BE A MIN. OF 6" DEEP AND 8" HIGH TO ALLOW FOR THE SILT FENCE TO BE LAIN IN THE GROUND AND SHAKED.
4. SILT FENCE SECTIONS SHOULD BE FASTENED TO EACH STEEL SUPPORT POST ON 10' INTERVAL, WHICH IS IN TURN ATTACHED TO THE STEEL FENCE POSTS.



- [illegible]



BACK CARS SHOULD BE SPWED DOWN
WITH A 4" DIAMETER RUBBER STOPPER.



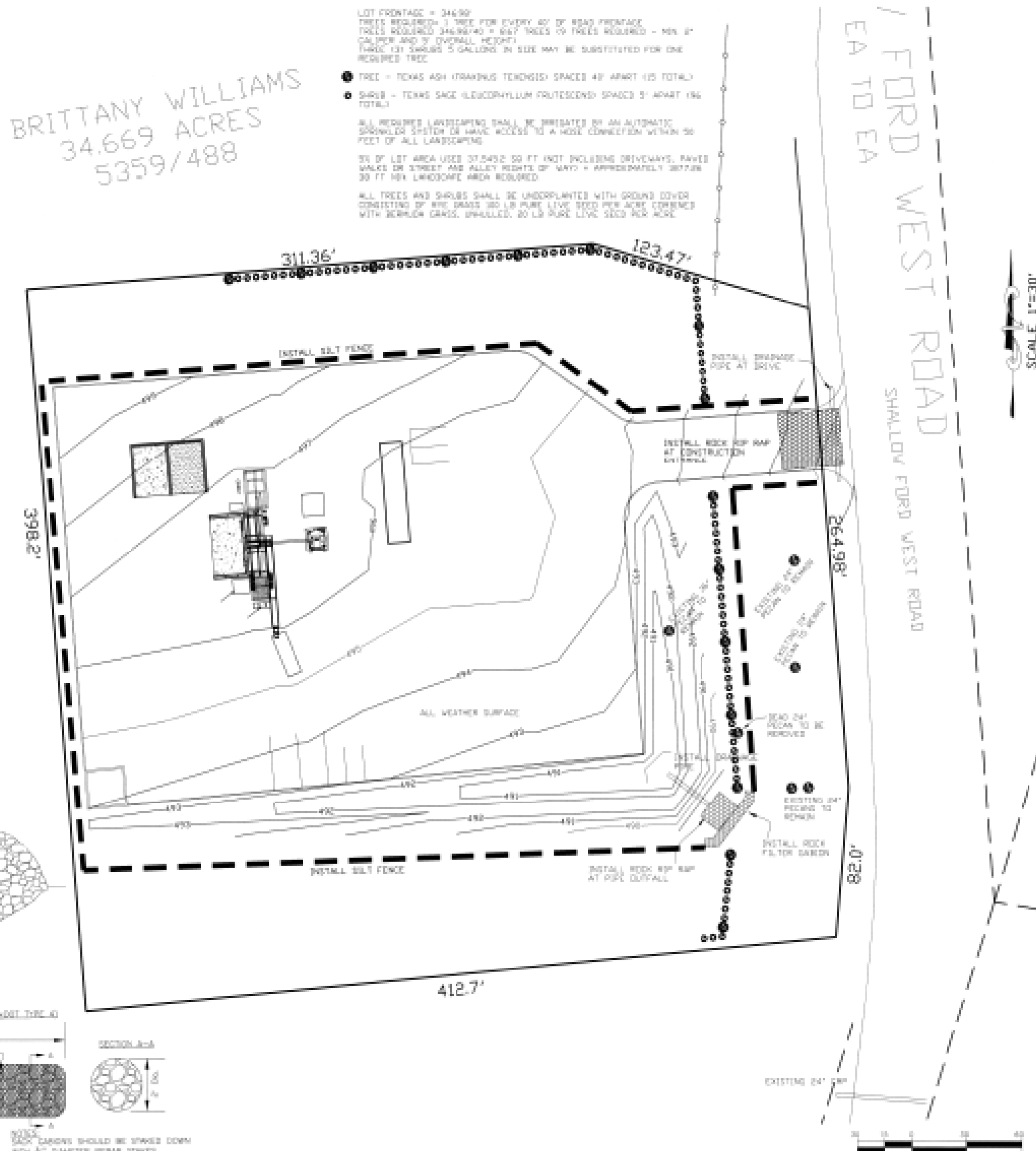
LOT FRONTAGE = 346.99'
TREES REQUIRED= 1 TREE FOR EVERY 40' OF ROAD FRONTAGE
TREES REQUIRED 346.99/40 = 8.67 TREES (9 TREES REQUIRED - MIN. 8'
CALIPER AND 9' OVERALL HEIGHT)
THREE (3) 50 GALLON 5 GALLON IN SIZE MAY BE SUBSTITUTED FOR ONE
REQUIRED TREE

- SHRUB - TEXAS SAGE (*LEUCOPHYLLUM FRUTESCENS*) SPACED 5' APART (96 TOTAL)

ALL REQUIRED LANDSCAPING SHALL BE IRRIGATED BY AN AUTOMATIC SPROINKLER SYSTEM OR HAVE ACCESS TO A HOSE CONNECTION WITHIN FEET OF ALL LANDSCAPING.

5% OF LOT AREA USED 37,545.2 SQ FT (NOT INCLUDING DRIVEWAYS, PAVED WALKS ON STREET AND ALLEY RIGHTS OF WAY) + APPROXIMATELY 307,736 SQ FT NON-LANDSCAPE AREA RECLOSED

ALL TREES AND SHRUBS SHALL BE UNDERPLANTED WITH GRASS COVER
CONSISTING OF WHE GRASS 350 LB PURE LIVE SEED PER ACRE COMBINED
WITH BERBER GRASS, UNHULLED, 20 LB PURE LIVE SEED PER ACRE.



FIRM No. F-1638



EROSION CONTROL/ LANDSCAPING
CONCRETE BATCH PLANT
4015 SOUTH CENTRAL SERVICE DRIVE
IRVING, TEXAS 75039

1-CONCRETE, LLC
4100 S. GILBERT AVE. SUITE 100
TAMPA, FL 33611
813.889.1111
WWW.1-CONCRETE.COM

REVISIONS		
NO.	DATE COMMENTS	BY
NO.		
NO.	DATE COMMENTS	BY

DATE:	7/20/11
DWN. BY:	RAD
REF:	

FIELD BOOK -	
JOB NO.:	11185
SHEET 08	
COMPANY DATE	11185

12406-D
DRAWING NUMBER



PLANNING AND ZONING COMMISSION AGENDA ITEM

1/03/12
Item #9
Regular Agenda
Page 1 of 9

APPLICANT: W.B. Worton and Yong Mullins of Americrete Concrete and Iconcrete for Brittney Williams, property owner

CASE MANAGER: Leslie Matlock, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-11-49 Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow a permanent concrete batch plant on 3.787 ± acres of land situated in the City of Temple, Bell County, Texas, being a part of the Nancy Chance Survey, Abstract #5 and the T.M. Boggus Survey, Abstract #84, located at 4158 Shallow Ford West Road.

BACKGROUND: This item has been brought to the Commission and tabled at the following meetings:

P&Z Meeting	Reason for Tabling	Date Tabled To
October 3	P&Z requested tabled for lack of Applicant	Tabled to October 17
October 17	Tabled at request of Engineer in order to contact Owner and Applicant	Tabled to indefinite date
October 26	Letter received from Owner to bring back to agenda for consideration: at meeting, Engineer requested that it again be tabled to next meeting	Tabled to November 4
November 4	Tabled at request of Engineer and Applicant	Tabled to November 21
November 21	Tabled at request of Engineer for meeting with Staff	Tabled to December 6
December 6	Table request to January 3, 2012, by Engineer to prepare exhibits because of reported change of Applicant	Tabled to January 3, 2012

The applicant and his engineer have delivered revisions per staff comments on December 15, 2011. This report is written for these revisions.

CASE BACKGROUND: The applicant is requesting to make a recently established temporary concrete batch plant permanent. Batch plants are used to mix large quantities of concrete and to fill concrete trucks traveling to building sites. Temporary batch plants are allowed by right in the Light Industrial (LI) zoning district, and are

primarily used for building a large development that is too far from a permanent concrete plant. Temporary plants are removed when the development is completed. The time limit is 6 months for a temporary batch plant to be in one place in Temple. The temporary plant setup is completely on wheels and can be moved with a truck. A temporary trailer for programming the plant machinery is also currently in place and able to be moved. The applicants additionally have a second temporary trailer onsite being used as an office.

In order to establish the business permanently in the LI zoning district, a concrete batch plant must receive CUP recommendation from the P&Z and approval from the City Council. This approval process is set up in the Unified Development Code to allow review of the use and establish any mitigation for the use to be acceptable in its particular location.

Mitigation, or easing of any negative impacts of the use on surrounding properties, would be needed in this case because of the industrial nature of the business, the outdoor bulk storage of materials, the appearance of the concrete mixing machinery, possible dust and particulate production, runoff and erosion from site conditions, and the amount of heavy load traffic produced or long term damage to public infrastructure, such as road deterioration.

The P&Z and Council may impose additional conditions on the CUP that will impact the plant's operations at this site. A CUP is revocable at any time by the City Council if the use that received the CUP violates any of the terms of its approval.




The subject property has approximately 347 feet of frontage along Shallow Ford West Road. A separate tract under common ownership with the subject property has frontage on I-35, as shown in the aerial photo below, but the I-35 corridor overlay zoning district prohibits the proposed use. Therefore, all access to the batch plant facility must take place from Shallow Ford West Road.





The temporary batch plant began operations in mid-July 2011. If this CUP request is denied, then the batch plant will have to cease operation and remove all equipment from the property by January 16, 2012.

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use	Photo
Subject Property	LI	Temporary Concrete Batch Plant	
North	LI	Vacant Land	
South	AG	Vacant Land	

Direction	Zoning	Current Land Use	Photo
East	AG & C	Vacant Land & Pet Boarding / Training Business (across Shallow Ford West Rd)	
West	LI and I-35 Overlay	Vacant Land (yellow circle indicates top of batch plant barely visible from S. General Bruce Drive)	

COMPREHENSIVE PLAN COMPLIANCE REVIEW: The proposed CUP relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

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

* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (CP Map 3.1)

The request does not conform to the Future Land Use and Character Map (FLUCM) which designates the property, and the land surrounding it, as Estate Residential. The Auto-Urban Commercial future land use category is identified nearby, along I-35.

Availability of Public Facilities (CP Goal 4.1)

Water and sanitary sewer do not currently serve the site from Shallow Ford West Road. The temporary batch plant is using water from a 2-inch line connected and metered on a public line along S. General Bruce Drive. The applicant also proposes a 2-inch extension for the irrigation of proposed landscaping. This private line is not large enough to support a fire hydrant.

Thoroughfare Plan (CP Map 5.2)

This request conforms to the Thoroughfare Plan in that the subject tract takes access from Shallow Ford West Road, a Collector classed road. The existing public right-of-way for Shallow Ford West Road is adequate for a Collector, but this road is built to county rural street standards with a paved width of approximately 22 feet with no curb or gutter. Concrete mixing trucks are considered heavy load trucks, and this use could place trucks going both ways on Shallow Ford West Road. In the recent Mobility Report published by the Public Works Department, Shallow Ford West Road received a “C” rating on its pavement condition, with “A” being best and “F” being worst.



View looking to the north on Shallow Ford West, toward the pet resort located behind the trees on the right.

CONDITIONAL USE PERMIT SITE PLAN REVIEW: **For Revised Plans Delivered December 15**

If the Planning and Zoning Commission recommends and City Council approves this CUP request, it must be built according to the approved CUP site plan. The originally submitted site plan was not drawn in regards to staff's original comments. The new plans with proposed changes are attached to the end of this report. This review is in response to the revisions.

Site Layout

The site plan continues to show the arrangement of the batch plant on an approximately 25-acre disturbed area on the larger unplatted lot. The plan depicts the site as it is built right now, with the cement machinery and trailers, but has removed the future office building shown on the first drawing. This makes all above ground improvements portable. An on-site septic system is proposed to serve this development.

Originally, this site did not have fire coverage. The water line that was brought in for the development was a connection from the city line along I-35. Staff requested that a complying public water line and hydrant be installed in conformity with the City of Temple fire protection ordinance. On this plan, fire suppression has been addressed with an 8,000-gallon tank with a 3-inch pipe leading to a fire department connection near front of the lot. This was a solution was worked on between the applicant and the Fire Marshal, and is an acceptable solution to the fire department.

The applicant has not changed the note on the plans that dust suppression will be manually performed, with watering drives and operation areas as needed.

Below is a photo looking southward, taken of the property as it remains, from the north of the vehicle driveway to the rock gabion. The soil has been cleared on this site, but it is not apparent that the drainage detention pond has been built yet.



View from North portion of site along Shallow Ford West, showing the gabion constructed at the SE corner of the site, and area where detention pond will be graded.

A drainage detention area continues to be shown on the plans at the east and south portion of this site. A rock gabion is also depicted at the southeast corner of site, at the outfall of the drainage pipe, as a filter for site runoff that drains into this detention area and onto the right of way. At the southwest corner, to the back of the lot, a truck washout is depicted on the site plan, and appears to be properly sited at the top of the detention area.

The previously poured concrete as shown below has not been touched since being poured last summer. The plans now show gravel or rock on an approved base for the vehicular maneuvering areas, parking areas and truck washout areas. Rock riprap is still shown at the entrance of the site and serves as the connection to the right of way.

The site did not received permits for the flatwork that is shown below. It was done during the summer of 2011. The concrete work also appears to the Building Official to be incorrectly reinforced and doweled. The applicant has stated that the improperly poured concrete will be removed and any new flatwork will be properly permitted. The photos below show the area as it remains.



Code Enforcement Photos: The site has not received permits for the flatwork that is currently being done. The work also appears to the Building Official to be incorrectly reinforced and sections not doweled together.



View from the edge of the property with the site in question in the distance.
Batch plant is on the right side of the photo.

Landscaping Plans

Landscaping is shown along the front and across the north side of the site plan as requested by staff. Nine 2-inch caliper approved trees would be normally required on a project not requiring a CUP. This CUP is showing 15 Texas Ash trees and 96 Red Tip Photinia shrubs on 5-ft centers planted across the frontage and north side area of the lot as view mitigation. Four hose bibs are shown along an irrigation line. While the note on the landscaping plans say that all required landscaping will be within 50-ft of a hose bib, the plan does not show this. The north side of the lot should have an extension and bibs shown within 50 feet of the landscaping screen. Bermuda turf planting under all required landscaping is noted on plan. This note should be reworded to state that all disturbed areas on the total lot, including landscaping areas, will be underplanted with Bermuda turf.

Site Cleanup Bond

The Staff recommendation included an option for recommendation that the applicant submit a 12-month bond for the amount of money to clean the site up, should the CUP be approved and the batch plant subsequently cease operation. This is to prevent the site from becoming a visual eye sore and brownfield site if the plant closes down and

the site is not cleaned up after closing. The City would be able to collect on the bond and pay to have the site cleaned up. Another concrete batch plant along I-35, shown below, ceased operation and remains in the state it was in while it was operating, thus making it more difficult to market or use the site for any other permitted use.

While the applicant was not adverse to this bond, he found that the insurance company was reluctant to issue such a bond. Staff is prepared to resolve this issue through Code Enforcement measures if it becomes necessary in the future.



View of the abandoned permanent batch plant location, east of I-35 and north of Avenue H.

PUBLIC NOTICE: Five notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Wednesday, September 28, at 5 PM, no notice was returned in favor of and one notice was returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on September 16, 2011 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends denial of the requested CUP for a Permanent Concrete Batch Plant as shown on the PD exhibits.

Staff recommends denial because:

1. The request does not comply with the Future Land Use and Character Map, which shows Estate Residential.
2. While the request complies with the Thoroughfare Plan, the street section built along Shallow Ford Road is not built for heavy load transportation.
3. Public facilities do not serve the property and fire coverage does not currently exist.
4. The DRC recommended additional landscaped screening from Shallow Ford West ROW, which the applicant is not providing on the submitted CUP site plan.

If the Planning and Zoning Commission decides to recommend approval this CUP, staff requests that the recommendation is made with the following conditions:

- a. This CUP be allowed for 12 months only and be able to be reissued for consecutive 12 month periods with administrative approval. Should the permit expire, the business must cease operation, and formal CUP approvals again must be sought from the City.
- b. All work shall be properly permitted and built to current standards adopted by the City of Temple, including any remedial work that

needs to be done to bring that work already performed on site to city standards.

- c. All parking and vehicle maneuvering surfaces will be concrete or asphalt covered as required.
- d. A fire suppression tank and fire department connection shall be installed as shown on the CUP site plan attached.
- e. The area as a whole shall be landscaped as shown on the accompanying CUP site plan.
- f. The entire disturbed area of the site and required landscape area shall be underplanted with turf or another ground cover.
- g. Irrigation shall extend to within 50-ft of all required landscaped areas.
- h. Septic service shall be permitted and built as approved through the Bell County Sanitarian's Office.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Aerial](#)

[Land Use and Character Map](#)

[Zoning Map](#)

[Thoroughfare Map](#)

[Drainage Area](#)

[Utility Map](#)

[Notice Map](#)

[2011](#)

[Responses](#)

[Applicant's Narrative](#)

[Applicant's Site Plan](#)

[Applicant's Site Plan with Topo and](#)

[Applicant's Site Plan with Landscaping](#)

[Applicant's Request to Table dated Nov. 18,](#)

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
TUESDAY, JANUARY 3, 2012**

ACTION ITEMS

Item 9: Z-FY-11-49 - Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow a permanent concrete batch plant on 3.787 ± acres of land situated in the City of Temple, Bell County, Texas, being a part of the Nancy Chance Survey, Abstract #5 and the T.M. Boggus Survey, Abstract #84, located at 4158 Shallow Ford West Road. (Applicant: Turley Associates and Yong Mullins of Americrete Concrete for Brittney Williams, property owner)

Ms. Leslie Matlock, Senior Planner, stated this item would go forward to City Council on February 7th for first reading and February 16th for second and final action.

The subject property is zoned LI and the UDC requires a CUP be approved before placement of a permanent concrete batch plant in this district. This temporary batch plant will be required to be moved after January 18th, six months after it was originally permitted.

Surrounding area and businesses are shown with zoning districts including AG to the south, Commercial (C) to the east, and LI to the north and west.

The Future Land Use and Character Map designate the surrounding area of the subject property as Estate-Residential.

Shallow Ford West Road is designated as a collector road and is in need of repair and has not been upgraded to City road standards since its annexation.

Water and sewer map show no direct service to the site. A water line has been extended from I35 for private service, however, public fire coverage is unavailable at this time.

Revised site plans are shown. The vehicle maneuverability area is shown as an all weather surface and should be paved with concrete or asphalt. No permanent structure is being proposed on the revised site. An 8,000 gallon fire suppression tank is proposed for the south area of the loading ramp.

A wash-out area and storm water detention area are proposed. In order to screen the intense use from view of the right-of-way, the applicant also proposes 15 conforming trees and 95 conforming shrubs along the north property line and down adjacent to Shallow Ford West. The site plan should also be revised to show irrigation extending to all required landscaping and adequate water lines extending from the fire suppression tank and the batch plant.

Five notices were mailed and one response was received in opposition. Staff recommends denial of this request since it does not comply with the Future Land Use and Character Map and although it does comply with the Thoroughfare Plan, the road section is not built to heavy load transportation and public facilities are not available or proposed to be extended to City conformance standards.

If approved by P&Z, the following conditions should be considered:

This CUP be allowed for 12 months only and be able to be reissued for consecutive 12 month periods with administrative approval. Should the permit expire, the business must cease operation, and formal CUP approvals again must be sought from the City;

All work shall be properly permitted and built to current standards adopted by the City of Temple, including any remedial work that needs to be done to bring that work already performed on site to city standards;

All parking and vehicle maneuvering surfaces will be concrete or asphalt covered as required;

A fire suppression tank and fire department connection shall be installed as shown on the CUP site plan attached;

The area as a whole shall be landscaped as shown on the accompanying CUP site plan;

Irrigation shall extend to within 50-ft of all required landscaped areas; and

Septic service shall be permitted and built as approved through the Bell County Sanitarian's Office.

Vice-Chair Staats asked if the requirement for a bond was still in place. Ms. Matlock stated this request was removed since it was decided the current owner is more forthcoming and cooperative and this item will also be reviewed every 12 months. Vice-Chair Staats did not like that idea since the applicant could put the site in and just leave it at will allowing the area to become a wasteland.

Ms. Speer stated it was difficult for both the applicant and Staff to find an insurance company that would actually do the bond requested. Staff was also more comfortable with the efforts made by the new applicant on many improvements to the plan. If this were approved Code Enforcement procedures could be implemented for any cleanup needed once the applicant was gone. Vice-Chair Staats asked about the applicant going bankrupt and Ms. Speer stated the same procedures would be implemented since it is currently done on commercial and residential properties that are cleaned up. Commissioner Jones asked if there were an estimate of clean up costs available and Ms. Speer stated no, which was also one of the problems in securing the requested bond.

Vice-Chair Staats asked about building an escrow account. Ms. Speer stated they could, it would be a matter of determining an appropriate amount. Commissioner Jones asked if any contractors were contacted regarding what it would cost to return the area to the natural state and Ms. Speer stated no, since there are no permanent structures proposed or items to be removed.

Commissioner Jones asked about the water connection from I35 to the back of the plant. Ms. Matlock stated this was a private two inch water line from the highway to the batch plant. Commissioner Jones has a serious concern about the degradation of Shallow Ford with numerous heavy trucks running back and forth and was it up to the applicant to take care of

the road? Ms. Matlock stated this would have also been included in the language of the requested bond, however, it was unquantifiable to do so. The solution was to come back in 12 months and review and reevaluate the road situation for any degradation.

Ms. Speer stated the only way to put a value on the road would be to do a Traffic Impact Analysis (TIA) study which Temple does not require since it is an expensive study. The road is already in bad shape and it would be very difficult to determine what amount of damage the applicant's trucks added to the degradation. Vice-Chair Staats asked about adjacent road fees and if it was applicable in this case. Ms. Speer stated no.

Chair Martin opened the public hearing.

Mr. Victor Turley, 301 N. 3rd Street, Temple, Texas, stated one of the biggest problems with this matter has been the cleanup issue. The Fire Department asked how they could provide for a 600 square foot trailer since that was the only thing on the site. This issue was worked out by a large tank and connections to suppress fires. Mr. Turley stated he had several discussions with Mr. Richard Therriault, Chief Building Official, regarding the paving requirements. Mr. Turley suggested using good compacted road base material which would be economical and practical for the plant and would not have to be removed.

Mr. Turley stated Shallow Ford Road is a county road and has been used for over 30+ years by various trucks, especially gravel trucks, and asked how one quantifies a user of a road.

Vice-Chair Staats stated cement trucks always have remaining yards of concrete left over which are normally disposed of on a site. Vice-Chair Staats asked what the anticipated remediation was for the subject property.

Mr. C.W. Wharton, 4785 Mackey Ranch Road, Eddy, Texas, stated he was a general contractor for the site. Mr. Wharton stated, what he understood the City's required cleanup issues to be for the limited development would cost approximately \$20,000 to 30,000 to have it moved. If asphalt and/or concrete parking area were installed there would be additional costs. A wash-out pit is used to separate the aggregate from the cement and return it to the premixed condition and TECQ has strict standards regarding these pits.

Mr. Wharton stated a lot of the current problems for the subject site occurred with the previous people involved before Mr. Wharton who did not seem to follow the appropriate procedures. Mr. Wharton is an experienced developer, has spent time and money on the project, and will follow the Ordinance as required. Mr. Wharton did not expect the plant to be located at the site for a lengthy period of time since it was primarily there to develop the 20 acres. Mr. Wharton did not feel there would be any issues before the Commission had the project been handled correctly from the beginning.

Mr. Wharton stated they would work with the City and Staff in any way possible to get the project going. They had difficulty in obtaining the requested bond even though they obtain bonds all the time. The road is not starting out in perfect condition to begin with and there is no way to determine what damage their trucks would cause to the road.

Vice-Chair Staats asked Mr. Wharton if he would be willing to agree to the cost of the cleanup when the plant was moved and Mr. Wharton stated yes, it was their intention to develop the

whole area. It would not serve them to have an eyesore situated on the backside of their development.

Mr. Wharton stated they have done everything Staff has requested of them, bent over backwards to obtain the bond, without success, and even if the project failed, the site would be removed and cleaned up.

Vice-Chair Staats was very concerned about current cleanup problems in the area and possibly having more problems with this case should the site be abandoned and no one being responsible for cleaning up the mess. Mr. Wharton stated it was his company's intention to remove the concrete plant once the area was developed since there would be no reason to keep it there. Mr. Wharton has a professional company with a strong reputation and would follow the required rules.

Commissioner Jones was concerned about the condition of Shallow Ford and the daily traffic impact and asked about cutting in an access road to I35 from the plant. Ms. Matlock stated this was not allowed as an opening onto I35.

(Commissioner Talley leaves meeting at 6:57 p.m.)

Discussion about TxDOT and cross-access roads.

Ms. Speer stated for the record Temple does not allow the use on I-35 so Mr. Wharton could not take access off of I-35.

Mr. Roger Dunlap, 11345 Brewer Road, Temple, Texas, stated he worked for Turley Associates and the information regarding other trucks on the road may have come from him since other trucks had been seen while they were out there working on the site.

Chair Martin closed the public hearing.

Chair Martin stated this was a perfect example of something Temple does not want and was in agreement with Vice-Chair Staats on the escrow account. Commissioner Jones was also in agreement to have some means of assurance in place.

Ms. Trudi Dill, City Attorney's Office, stated an escrow is ordinarily money held to complete a pending transaction. A similar concept would be a cash bond or insurance bond that would secure a promise to perform a certain detail. This was suggested at DRC early on, however, at that point the description of cleanup was too general. The requirements have to be definite in order to know if someone had performed or not performed and the bond seemed to expand toward public improvements and road repairs. Infrastructure requirements go beyond what is required of zoning. Ms. Dill stated the City is limited when it comes to zoning and cannot exchange public infrastructure and maintenance. There is a big dividing line between reclamation of the site as part of the CUP and improvement and/or repair of public infrastructure that would be different from the demands on the rest of public that uses the road. Commissioner Pilkington stated it would then be possible to obtain a bond for reclamation of the site but not the street repairs/maintenance and Ms. Dill confirmed.

Mr. Wharton stated they were trying to get two bonds; a bond for site cleanup and a bond for the road. It has been difficult to find someone to sell them any bonds in order to comply with the City's requests. Ms. Emily Mikeska helped Mr. Wharton in this endeavor.

Chair Martin suggested tabling this item for another two months until a bond could be obtained for reclamation of the site. Vice-Chair Staats was in agreement.

Commissioner Pilkington asked about the hard surface paving requirement and Ms. Matlock stated the requirement for all vehicle maneuverability areas and parking are to be a permanent solution—i.e., asphalt or concrete, which keeps down dust and blowing articles.

Mr. Wharton asked if this item could be passed with the hard surface as a contingent since they had to meet several other requirements. Ms. Trudi Dill stated the CUP needs to define what the reclamation would consist of.

Ms. Speer suggested if the P&Z approved the request with the condition the applicant has 30 to 45 days within the granting of the CUP to secure a bond to take the site back to its natural state, which would remove all hard surface and all structures and basically return the site to dirt. This would move the item on to City Council and allow the applicant the specified time indicated by P&Z to secure the bond. If the bond cannot be secured the CUP would go away.

Vice-Chair Staats made a motion to approve Item 9, **Z-FY-11-49**, as presented by Staff with recommended conditions, along with an additional stipulation that a bond be secured within 45 days of approval and final action by City Council which would entail removal of any hard surfaces and/or footings for equipment and buildings that are placed on the site. Commissioner Jones made a second.

Motion passed: (5:0)

Commissioners Talley and Rhoads absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-11-49]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW A PERMANENT CONCRETE BATCH PLANT ON APPROXIMATELY 3.787 ACRES OF LAND, SITUATED IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, COMMONLY KNOWN AS 4158 SHALLOW FORD WEST ROAD; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the Unified Development Code of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, voted 5/0 to recommend approval of the CUP, subject to staff recommended conditions listed below, the additional condition that a bond be secured within 45 days of approval and final action by City Council, which would entail removal of any hard surfaces and/or footings for equipment and buildings that are placed on the site; and

WHEREAS, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit authorizing a permanent concrete batch plant on approximately 3.787 acres of land situated in the City of Temple, Bell County, Texas, commonly known as 4158 Shallow Ford West Road, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

Part 2: The owner/applicant, his employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

General:

- (a) The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- (b) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (c) The establishment must provide adequate parking spaces in accordance with the standards in Section 7.4 of the Unified Development Code.
- (d) The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
- (e) The City Council may deny or revoke this conditional use permit in accordance with Section 3.5 of the Unified Development Code if it affirmatively determines that the issuance of the permit is incompatible with the surrounding uses of property, or detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- (f) A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment. All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 3.5. of the Unified Development Code.

Specific to this CUP:

- (g) This CUP is valid for 12 months only and may be reissued for consecutive 12-month periods with administrative approval. Should the permit expire, the business must cease operation, and formal CUP approvals again must be sought from the City;
- (h) All work shall be properly permitted and built to current standards adopted by the City of Temple, including any remedial work that needs to be done to bring that work already performed on the site to City standards;
- (i) All parking and vehicle maneuvering surfaces will be concrete or asphalt covered as required;
- (j) A fire suppression tank and fire department connection must be installed as shown on the CUP site plan attached;
- (k) The area as a whole must be landscaped as shown on the accompanying CUP site plan;
- (l) Irrigation must extend to within 50-feet of all required landscaped areas;
- (m) Septic service must be permitted and built as approved through the Bell County Sanitarian's Office; and
- (n) A bond must be secured within 45 days of approval and final action by the City Council which would entail removal of any hard surfaces and/or footings for equipment and buildings that are placed on the site.

These conditions run with the land and will be express conditions of any building permit issued for construction on the property. These conditions may be enforced by the City of Temple by an action either at law or in equity, including an action to specifically enforce the requirements of the ordinance.

Part 3: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

Part 4: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Part 5: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

Part 6: 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 7: 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 **2nd** day of **February**, 2012.

PASSED AND APPROVED on Second Reading on the **16th** day of **February**, 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

02/02/12
Item #6
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-12-09: Consider adopting an ordinance authorizing a Conditional Use Permit to allow two recreational vehicle (RV) spaces at the Rocky Oaks Mobile Home Park, located at the northeast corner of FM 2305 and Cen-Tex Sportsman Club Road.

P&Z COMMISSION RECOMMENDATION: At its January 3, 2012 meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of the CUP request.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 16, 2012.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-09, from the Planning and Zoning meeting, January 3, 2012.

In December 2011, all manufactured home parks were notified that they must pass an annual basic inspection in order to receive a renewed Manufactured Home Land Lease Community License in 2012. Part of the inspection process includes inspecting whether or not the parks have recreational vehicles (RV's) on site.

The City is proposing a process to permit existing RV's in mobile home parks by the granting of a Conditional Use Permit (CUP). Construction Safety Staff notified all mobile home park managers and owners who have RV's on site of this opportunity in November of this year.

This opportunity affords the owners a one-time opportunity to request a CUP for the existing RV(s) on their site. The CUP, once granted, will allow the existing RV(s) to continue to be located in the Rocky Oaks Mobile Home Park. However, if the RVs are removed they will not be permitted to be brought back or to be replaced with additional RVs. The CUP only applies to the specific RVs on site at the time of this CUP approval.

The Rocky Oaks Mobile Home Park was established over 10 years ago and annexed in 2008. The property is zoned Agriculture. The park contains two RV sites as shown on the attached site plan. They include lots 50 and 67.

CONDITIONAL USE SITE PLAN REVIEW: This CUP request would allow the existing RV sites to remain in perpetuity. If the RVs are removed they will not be permitted to be brought back or be replaced with additional RVs. Construction Safety staff will verify compliance with this CUP each December during the annual inspection process.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on December 20, 2011 in accordance with state law and local ordinance.

Six notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. Two notices returned in favor.

FISCAL IMPACT: NA

ATTACHMENTS:

[Planning and Zoning Commission Staff Report January 3, 2012](#)

[Planning and Zoning Commission Minutes January 3, 2012](#)

[Returned Notices](#)

[Ordinance](#)



PLANNING AND ZONING COMMISSION AGENDA ITEM

01/03/12
Item #3
Regular Agenda
Page 1 of 2

APPLICANT: Staff on behalf of Rocky Oaks Mobile Home Park, James Crosby

CASE MANAGER: Autumn Speer, Director of Community Services

ITEM DESCRIPTION: Z-FY-12-09 Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow two recreational vehicle (RV) spaces at the Rocky Oaks Mobile Home Park, located at the northeast corner of FM 2305 and Cen-Tex Sportsman Club Road.

BACKGROUND: In December 2011, all manufactured home parks were notified that they must pass an annual basic inspection in order to receive a renewed Manufactured Home Land Lease Community License in 2012. Part of the inspection process includes inspecting whether or not the parks have recreational vehicles (RV's) on site.

The City is proposing a process to permit existing RV's in mobile home parks by the granting of a Conditional Use Permit (CUP). Construction Safety Staff notified all mobile home park managers and owners who have RV's on site of this opportunity in November of this year.

This opportunity affords the owners a one-time opportunity to request a CUP for the existing RV(s) on their site. The CUP, once granted, will allow the existing RV(s) to continue to be located in the Rocky Oaks Mobile Home Park. However, if the RVs are removed they will not be permitted to be brought back or to be replaced with additional RVs. The CUP only applies to the specific RVs on site at the time of this CUP approval.

The Rocky Oaks Mobile Home Park was established over 10 years ago and annexed in 2008. The property is zoned Agriculture. The park contains two RV sites as shown on the attached site plan. They include lots 50 and 67.

CONDITIONAL USE SITE PLAN REVIEW:

This CUP request would allow the existing RV sites to remain in perpetuity. If the RVs are removed they will not be permitted to be brought back or be replaced with additional RVs. Construction Safety staff will verify compliance with this CUP each December during the annual inspection process.

PUBLIC NOTICE:

Six notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Thursday, December 22 at 5 PM, no notices had been returned.

The newspaper printed notice of the Planning and Zoning Commission public hearing on December 20, 2011 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the CUP request allowing the two RV sites to remain in perpetuity. If the RV's that are currently located there now are ever removed, the sites will revert back to mobile home sites only.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

CUP Application, Inspection Form and Site Plan

Aerial

Zoning Map

Notice Map

Sample Staff Letter

CONDITIONAL USE PERMIT (CUP) APPLICATION

(this application may be filled out digitally by clicking each blank space and typing in your information)

Date: 11-20-11

Property Owner: JAMES CROSBY 55 Rocky Oaks Dr. 935-8577
Name Address Belton TX 76513 Phone #

Applicant: SAME
Name Address Phone #

Email: jcrosby13@juno.com Fax Number: _____

Address of Property: 55 Centex Sportsman Club Road Lot: _____ Block: _____ Subdivision: Rocky Oaks mobile home park

Outblock (if not platted): _____

Present Zoning: _____ Requested Zoning: _____

Certification: You as the property owner certify with your signature that the following statements are true:

- This application is complete and all of the information provided is accurate.
- Approval of this request by the City Council does not in itself constitute a waiver of conformance with the Code of Ordinances.
- Any staff assistance in applying for a CUP is based on the explanation indicated above of what specific activities are intended to take place on the rezoned property and that such staff assistance does not in any manner indicate or guarantee any specific action or approval of such request.
- The person signing below as applicant may act as my agent for the processing and presentation of this request. The designated agent shall be the principal contact person with the City in processing and responding to requirements or issues relevant to this request.

Applicant's Signature

Property Owner's Signature

For Office Use Only

____ Completed Application ____ Field Notes ____ Site Plan ____

Case #: 2-FY-12-09 Zoning Map Page: _____ Project Manager: Autumn Speer

P&Z Date: January 3, 2012 City Council Date: February 2, 2012

(this application may be filled out digitally by clicking each blank space and typing in your information)

RECEIVED

NOV 29 2011

City of Temple
Planning & Development

2-FY-12-09

CODE ENFORCEMENT INSPECTION FORM
CUP FOR EXISTING RV(S) IN EXISTING MOBILE HOME PARK

Mobile Home Park Name:	Rocky Oaks Mobile Home Park		
Address:	55 Rocky Oaks Drive Belton TX 76513		
Date of Inspection:	November 29, 2011		
Name of Manager or Owner Present:	JAMES CROSBY		
Contact Phone Number:	(361) 935-8577		
Number of RVs Present: (For each RV, identify by model, location and VIN)	① <u>Ray Klein</u>	Model - Corsair	
		Lot # - 50	
		VIN # - ?	
	② <u>Barney Dubel</u>	Model - Aljo Aly by Skyline	
		Lot # - 67	
		VIN # - G203063	

Barb's Ken have a map. 18p

RECEIVED

NOV 29 2011

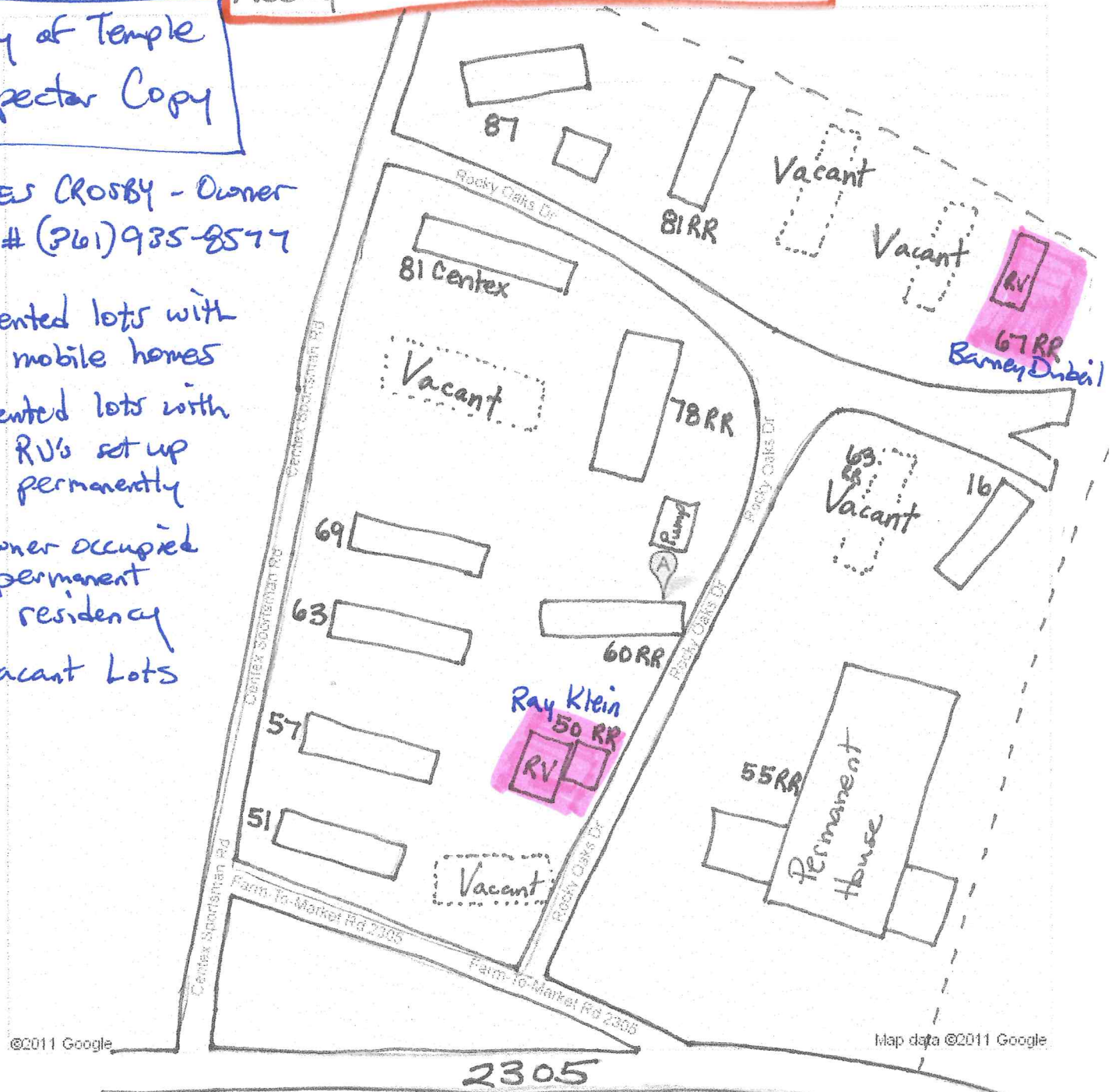
City of Temple
Planning & Development

Google

Address 55 Centex Sportsman Club Rd
Belton, TX 76513Get Google Maps on your phone
Text the word "GMAPS" to 466453City of Temple
Inspector CopyJAMES CROSBY - Owner
Ph # (261) 935-8577

- 10 rented lots with mobile homes
- 2 rented lots with RV's set up permanently
- 1 owner occupied permanent residency
- 5 Vacant Lots

Rocky Oaks Mobile Home Park



← To Temple Lake Park
and Lake Belton

To Temple →

RR = Rocky Oaks Drive

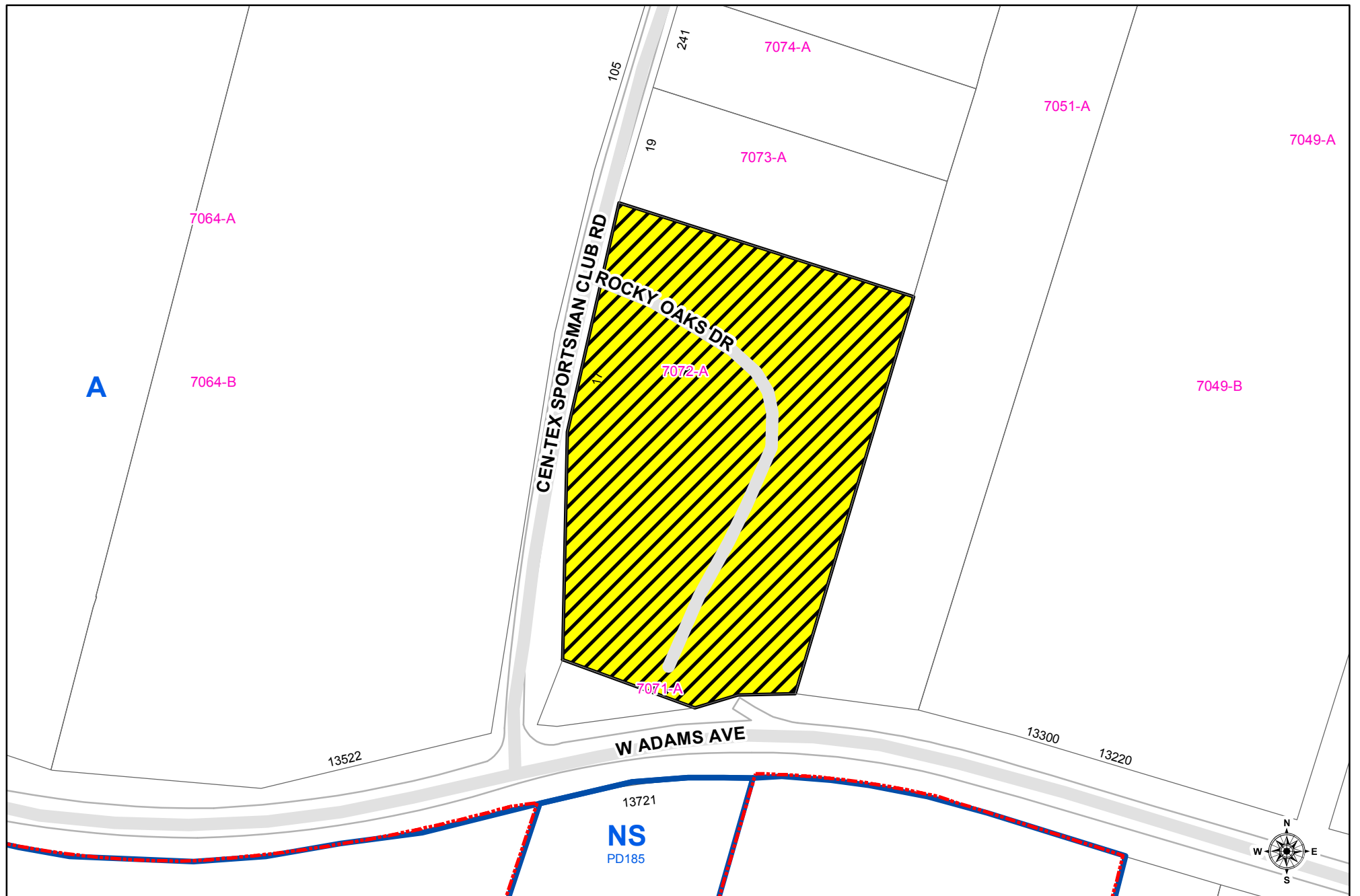
Rocky Oaks Mobile Home Park



 55 Rocky Oaks Dr.

Feet 0 100 200 300 400 500

Rocky Oaks Mobile Home Park



55 Rocky Oaks Dr.



Current Temple Boundary

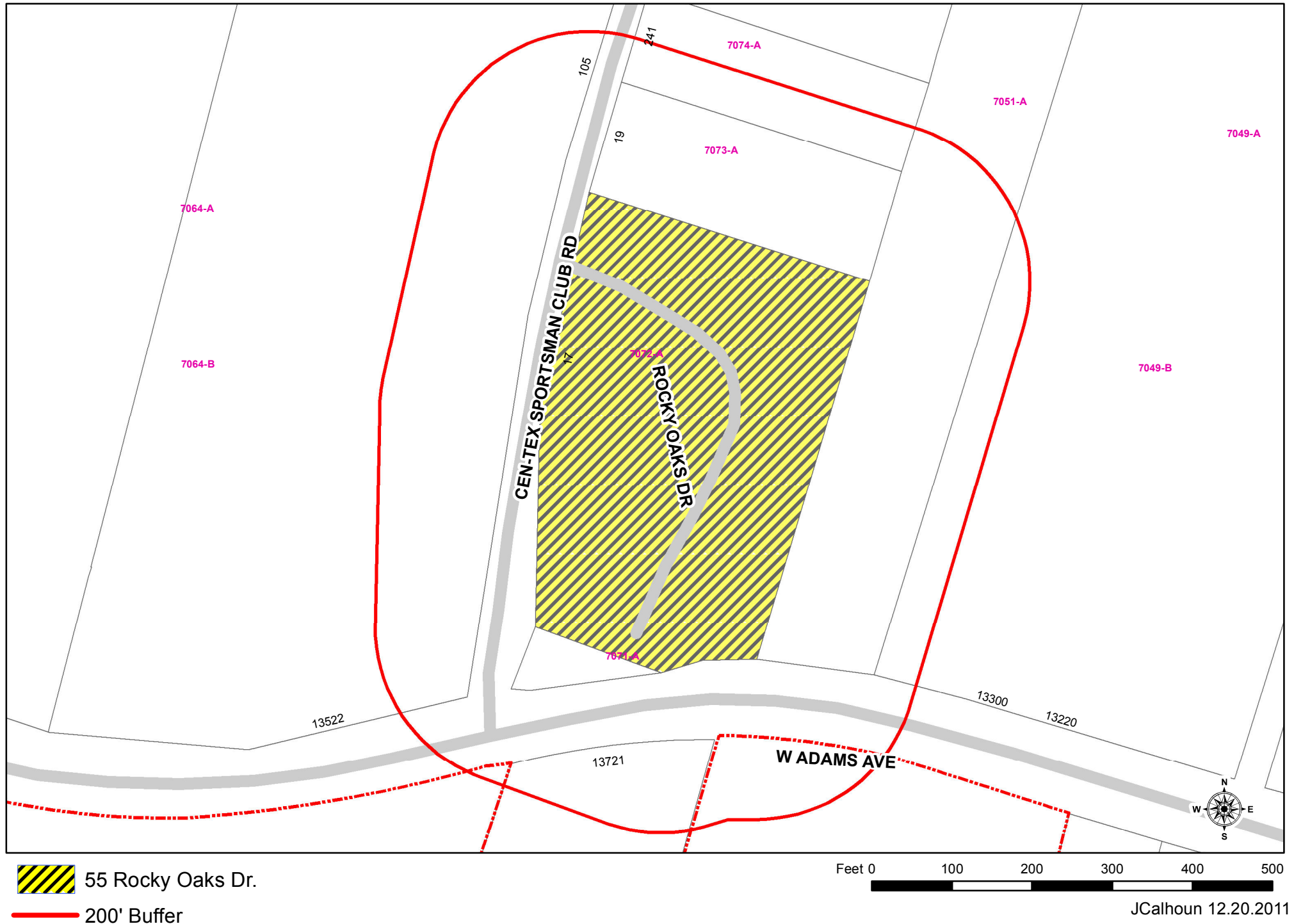
Feet 0 100 200 300 400 500

JCalhoun 12.06.2011



Z-FY 12-09

Rocky Oaks Mobile Home Park





November 1, 2011

[Recipient]

Re: Upcoming Manufactured Home Land Lease Community License Renewal

Dear [Recipient]:

Last year you were notified that in December 2011 all manufactured home parks must pass an annual basic inspection in order to receive a renewed Manufactured Home Land Lease Community License. Part of the inspection process includes inspecting whether or not you have recreational vehicles (RV's) on site.

RV's are not permitted in the City Limits of Temple for more than 2 weeks for any 6 month period. However the City is considering a process to permit existing RV's by the granting of a Conditional Use Permit (CUP). CUP's require notification to adjacent property owners and two public hearings before the Planning and Zoning Commission and City Council.

At this time we would like to notify you of a one-time opportunity to request a CUP for the existing RV(s) in your mobile home park. The CUP, once granted, will allow the existing RV(s) to continue to be located in your mobile home park. However, if the RVs are removed they will not be permitted to be replaced with additional RVs or brought back. The CUP would only apply to the specific RVs on your property at the time of approval. Our preliminary research shows your Mobile Home Park currently has xx RVs on site.

In order to apply for the CUP process, you must fill out the attached application in its entirety and provide the location, model and vin number for the existing RV(s) on site. After you have completed the application contact Code Enforcement at 257-298-5670 to arrange a time for a Code Enforcement Officer to inspect and document the RV's you have on site in person. The in-person inspection must take place before November 20, 2011. The application and Code Enforcement Officer inspection form must be returned to the Planning Department by December 1, 2011 at 12:00 pm.

Failure to provide the information requested by December 1, 2011 will result in the denial of this request and any existing RVs on site will be cited during the annual basic inspection process and must be removed or additional legal action will follow.

The Public Hearing at the Planning and Zoning Commission will be held January 3, 2012 at 5:30 pm. The second public hearing will be held on February 2, 2012 before City Council at 5:00 pm. Your attendance is requested for both meetings, but not mandatory.

All additional items you were originally informed of will be inspected in December 2011. Among the primary things that City inspectors will be checking are violations of: (1) the International Property Maintenance Code and (2) the City's Unified Development Code. The elements that Inspectors will check in your park include, but are not limited to:

1. Skirting
2. Hand rails
3. Steps
4. Broken windows
5. Exterior surface repair (paint)
6. Junk & debris
7. Junk vehicles

Please let me know if you have any questions and I will be happy to assist you.

Very truly yours,

Autumn Speer, Community Services Director

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
TUESDAY, JANUARY 3, 2012**

ACTION ITEMS

Item 3: Z-FY-12-09 - Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow two recreational vehicle (RV) spaces in the Rocky Oaks Mobile Home Park, located at the northeast corner of FM 2305 and Cen-Tex Sportsman Club Road. (Applicant: James Crosby)

Ms. Speer stated the next five cases were all very similar in nature and involved Conditional Use Permits (CUP) approval for mobile home parks in town with existing recreational vehicles (RV) sites or actual vehicles.

Rocky Oaks Mobile Home Park can have two RVs on-site now. This park has been in existence for over ten years. The subject property is zoned Agricultural (AG) and the adjacent zoning is Neighborhood Services (NS) and AG.

No responses were received in favor or denial of this request and Staff recommends approval.

The CUP request is to allow the two existing RVs on-site to stay. If either RV moves/leaves, another RV cannot be brought in since the subject property is a mobile home park.

Chair Martin asked if this was a 12 month request and Ms. Speer stated no, it was a final provisional use permit.

Vice-Chair Staats asked if there were any flagrant violations for the mobile home park and Ms. Speer stated part of this process was doing annual inspections on the parks. All of the parks had early notification that inspections would be done this year to make sure everything was up to code.

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

Vice-Chair Staats made a motion to approve Item 3, **Z-FY-12-09**, as presented and Commissioner Sears made a second.

Motion passed: (6:0)
Commissioner Rhoads absent



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT REQUEST
CITY OF TEMPLE**

Frances Berrier
241 Sportsman Club Road
Belton, Texas 76513

Zoning Application Number: Z-FY-12-09

Project Manager: Autumn Speer

Location: Rocky Oaks MHP, NE corner of FM 2305 and Cen-Tex Sportsman Club Road

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

I recommend ☒ approval () denial of this request.

Comments:

Frances Berrier
Signature

FRANCES BERRIER
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2012

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

RECEIVED

DEC 29 2011

City of Temple
Planning & Development

Number of Notices Mailed: 6

Date Mailed: December 20, 2011



RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT REQUEST
CITY OF TEMPLE

RECEIVED

JAN 05 2012

City of Temple
Planning & Development

William & Mary Dunham
P.O. Box 527
Troy, Texas 76579-527

Zoning Application Number: Z-FY-12-09

Project Manager: Autumn Speer

Location: Rocky Oaks MHP, NE corner of FM 2305 and Cen-Tex Sportsman Club Road

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

I recommend ☒ approval () denial of this request.

Comments:

The properties south of us have really cleaned up good.
We are pleased to have all of them as neighbors.

William R. Dunham
Signature

William R. Dunham
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2012

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

ORDINANCE NO. _____

[PLANNING NO. Z-FY-12-09]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW TWO RECREATIONAL VEHICLE (RV) SPACES AT THE ROCKY OAKS MOBILE HOME PARK, LOCATED AT THE NORTHEAST CORNER OF FM 2305 AND CEN-TEX SPORTSMAN CLUB ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, voted 6/0 to recommend approval of this amendment to the Unified Development Code, and

Whereas, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the establishment finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit to allow two recreational vehicle (RV) spaces at the Rocky Oaks Mobile Home Park, located at the northeast corner of FM 2305 and Cen-Tex Sportsman Club Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

General:

A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.

B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.

C. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.

D. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration.

E. Adequate nuisance prevention measures have been taken to prevent or control offensive odors, fumes, dust, noise and vibration.

F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.

Part 3: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **February**, 2012.

PASSED AND APPROVED on Second Reading on the **16th** day of **February**, 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

02/02/12
Item #7
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-12-10: Consider adopting an ordinance authorizing a Conditional Use Permit to allow two recreational vehicle (RV) spaces at the Midway Mobile Home Park, located at 4505 Midway Drive.

P&Z COMMISSION RECOMMENDATION: At its January 3, 2012 meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of the CUP request.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 16, 2012.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-10, from the Planning and Zoning meeting, January 3, 2012.

In December 2011, all manufactured home parks were notified that they must pass an annual basic inspection in order to receive a renewed Manufactured Home Land Lease Community License in 2012. Part of the inspection process includes inspecting whether or not the parks have recreational vehicles (RV's) on site.

The City is proposing a process to permit existing RV's in mobile home parks by the granting of a Conditional Use Permit (CUP). Construction Safety Staff notified all mobile home park managers and owners who have RV's on site of this opportunity in November of this year.

This opportunity affords the owners a one-time opportunity to request a CUP for the existing RV(s) on their site. The CUP, once granted, will allow the existing RV(s) to continue to be located in the Rocky Oaks Mobile Home Park. However, if the RVs are removed they will not be permitted to be brought back or to be replaced with additional RVs. The CUP only applies to the specific RVs on site at the time of this CUP approval.

The Midway Mobile Home Park was established in 1970 and annexed in 1971. The property is zoned Manufactured Home (MH). The park contains two RV sites on lot 96 3803 Camelia Lane and Lot 5 at 4704 King Arthur.

CONDITIONAL USE SITE PLAN REVIEW: This CUP request would allow the existing RV sites to remain in perpetuity. If the RVs are removed they will not be permitted to be brought back or be replaced with additional RVs. Construction Safety staff will verify compliance with this CUP each December during the annual inspection process.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on December 20, 2011 in accordance with state law and local ordinance.

Eleven notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. No notices have been returned.

FISCAL IMPACT: NA

ATTACHMENTS:

[Planning and Zoning Commission Staff Report January 3, 2012](#)
[Planning and Zoning Commission Minutes January 3, 2012](#)
[Ordinance](#)



PLANNING AND ZONING COMMISSION AGENDA ITEM

01/03/12
Item #4
Regular Agenda
Page 1 of 2

APPLICANT: Staff on behalf of Midway Mobile Home Park, Malek Family Trust

CASE MANAGER: Autumn Speer, Director of Community Services

ITEM DESCRIPTION: Z-FY-12-10 Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow two recreational vehicle (RV) spaces at the Midway Mobile Home Park, located at 4505 Midway Drive.

BACKGROUND: In December 2011, all manufactured home parks were notified that they must pass an annual basic inspection in order to receive a renewed Manufactured Home Land Lease Community License in 2012. Part of the inspection process includes inspecting whether or not the parks have recreational vehicles (RV's) on site.

The City is proposing a process to permit existing RV's in mobile home parks by the granting of a Conditional Use Permit (CUP). Construction Safety Staff notified all mobile home park managers and owners who have RV's on site of this opportunity in November of this year.

This opportunity affords the owners a one-time opportunity to request a CUP for the existing RV(s) on their site. The CUP, once granted, will allow the existing RV(s) to continue to be located in the Midway Mobile Home Park. However, if the RVs are removed they will not be permitted to be brought back or to be replaced with additional RVs. The CUP only applies to the specific RVs on site at the time of this CUP approval.

The Midway Mobile Home Park was established in 1970 and annexed in 1971. The property is zoned Manufactured Home (MH). The park contains two RV sites on lot 96 3803 Camelia Lane and Lot 5 at 4704 King Arthur.

CONDITIONAL USE SITE PLAN REVIEW:

This CUP request would allow the existing RV sites to remain in perpetuity. If the RVs are removed they will not be permitted to be brought back or be replaced with additional RVs. Construction Safety staff will verify compliance with this CUP each December during the annual inspection process.

PUBLIC NOTICE:

Eleven notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Thursday, December 22 at 5 PM, no notices had been returned.

The newspaper printed notice of the Planning and Zoning Commission public hearing on December 20, 2011 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the CUP request allowing the two RV sites to remain in perpetuity. If the RV's that are currently located there now are ever removed, the sites will revert back to mobile home sites only.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

CUP Application and Inspection Form

Aerial

Zoning Map

Notice Map

Sample Staff Letter

CONDITIONAL USE PERMIT (CUP) APPLICATION

(this application may be filled out digitally by clicking each blank space and typing in your information)

Date: 11/16/11

Property Owner: MALEK Family Trust P.O. Box 1425 TORRANCE, CALIFORNIA
Name Address Phone #

Applicant: Midway Property Mgt. 4505 Midway Dr. Temple, TX 773-7686
Name Address Phone #
LARRY WRIGHT

Email: _____ Fax Number: _____

Address of Property: 4505 Midway Dr. Lot: _____ Block: _____ Subdivision: _____

Outblock (if not platted): _____

Present Zoning: Mobile Home Park Requested Zoning: R.V.

Certification: You as the property owner certify with your signature that the following statements are true:

- This application is complete and all of the information provided is accurate.
- Approval of this request by the City Council does not in itself constitute a waiver of conformance with the Code of Ordinances.
- Any staff assistance in applying for a CUP is based on the explanation indicated above of what specific activities are intended to take place on the rezoned property and that such staff assistance does not in any manner indicate or guarantee any specific action or approval of such request.
- The person signing below as applicant may act as my agent for the processing and presentation of this request. The designated agent shall be the principal contact person with the City in processing and responding to requirements or issues relevant to this request.

LARRY WRIGHT Property Mgt.
Applicant's Signature

Property Owner's Signature

For Office Use Only

____ Completed Application ____ Field Notes ____ Site Plan ____

Case #: Z-FK-12-10 Zoning Map Page: _____ Project Manager: Autumn Speer

P&Z Date: January 3, 2012 City Council Date: February 2, 2012

(this application may be filled out digitally by clicking each blank space and typing in your information)

RECEIVED

NOV 21 2011

City of Temple
Planning & Development

CODE ENFORCEMENT INSPECTION FORM
CUP FOR EXISTING RV(S) IN EXISTING MOBILE HOME PARK

Mobile Home Park Name:	Midway Mobile Home Park
Address:	4505 Midway Rd. Temple, Tx
Date of Inspection:	11/16/11
Name of Manager or Owner Present:	F. Smith on site mgt. Lanny Wright owner Midway Parkmgt mgt.
Contact Phone Number:	Park # 773-9686 Lanny Wright 778-2736
Number of RVs Present: 2 (For each RV, identify by model, location and VIN)	① LT # 96 3803 CAMELIA LANE James Sibony model - 1998 SARDINIA VIN - 4Y0T30526W/003477
	② LT # 5 4704 King Arthur Jeanne Wharton model - CORRIE LITE 2700 VIN - 16F62CEM7L1006197


RECEIVED

NOV 21 2011

City of Temple
Planning & Development

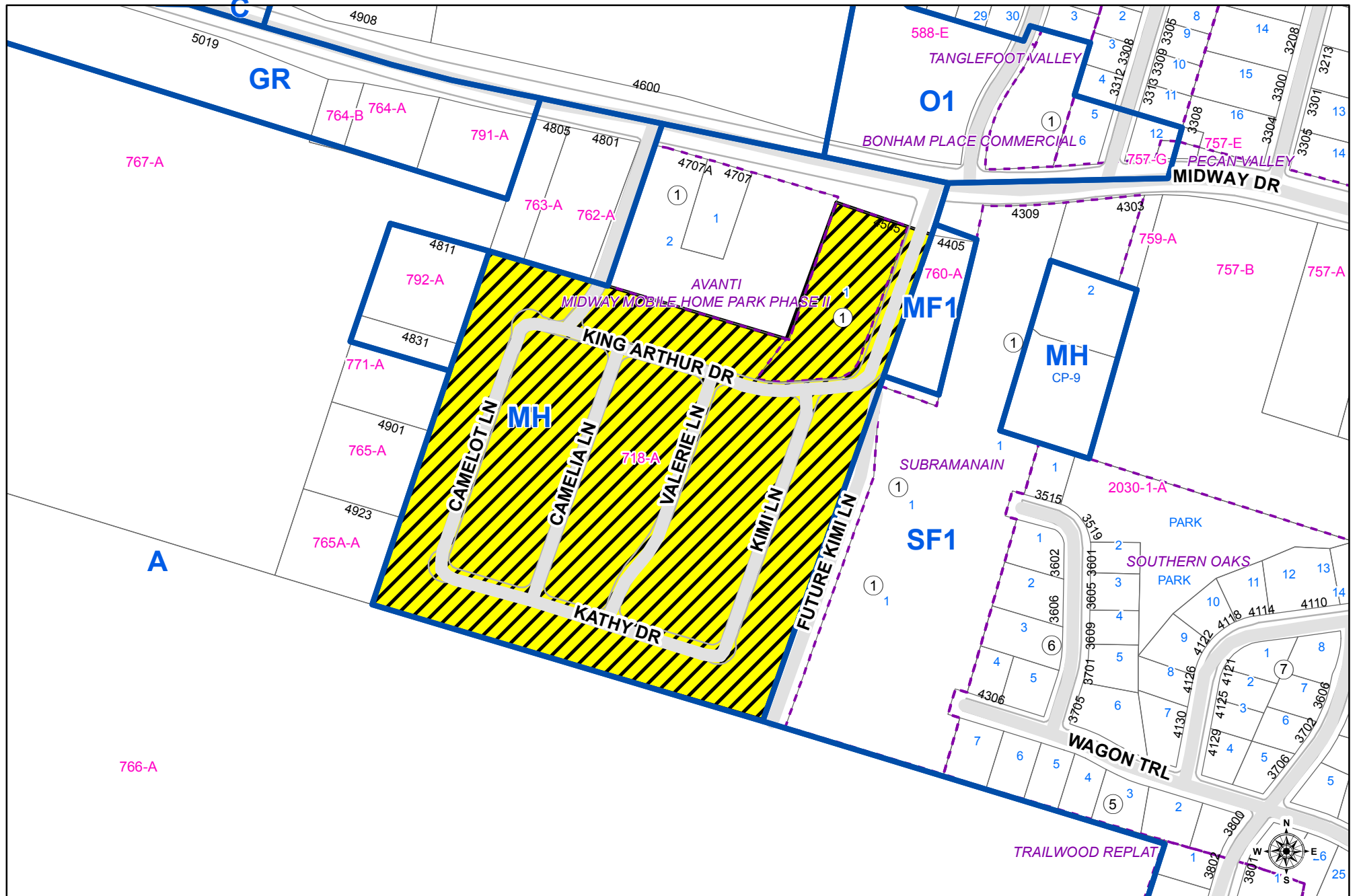
Midway Mobile Home Park




 4505 Midway Dr.

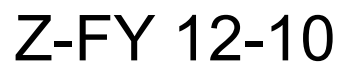
Feet 0 200 400 600 800 1,000

Midway Mobile Home Park



 4505 Midway Dr.

Feet 0 200 400 600 800 1,000



Midway Mobile Home Park



4505 Midway Dr.

- 200' Buffer

Feet 0 200 400 600 800 1,000

JCalhoun 12.20.2011



November 1, 2011

[Recipient]

Re: Upcoming Manufactured Home Land Lease Community License Renewal

Dear [Recipient]:

Last year you were notified that in December 2011 all manufactured home parks must pass an annual basic inspection in order to receive a renewed Manufactured Home Land Lease Community License. Part of the inspection process includes inspecting whether or not you have recreational vehicles (RV's) on site.

RV's are not permitted in the City Limits of Temple for more than 2 weeks for any 6 month period. However the City is considering a process to permit existing RV's by the granting of a Conditional Use Permit (CUP). CUP's require notification to adjacent property owners and two public hearings before the Planning and Zoning Commission and City Council.

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In order to apply for the CUP process, you must fill out the attached application in its entirety and provide the location, model and vin number for the existing RV(s) on site. After you have completed the application contact Code Enforcement at 257-298-5670 to arrange a time for a Code Enforcement Officer to inspect and document the RV's you have on site in person. The in-person inspection must take place before November 20, 2011. The application and Code Enforcement Officer inspection form must be returned to the Planning Department by December 1, 2011 at 12:00 pm.

Failure to provide the information requested by December 1, 2011 will result in the denial of this request and any existing RVs on site will be cited during the annual basic inspection process and must be removed or additional legal action will follow.

The Public Hearing at the Planning and Zoning Commission will be held January 3, 2012 at 5:30 pm. The second public hearing will be held on February 2, 2012 before City Council at 5:00 pm. Your attendance is requested for both meetings, but not mandatory.

All additional items you were originally informed of will be inspected in December 2011. Among the primary things that City inspectors will be checking are violations of: (1) the International Property Maintenance Code and (2) the City's Unified Development Code. The elements that Inspectors will check in your park include, but are not limited to:

1. Skirting
2. Hand rails
3. Steps
4. Broken windows
5. Exterior surface repair (paint)
6. Junk & debris
7. Junk vehicles

Please let me know if you have any questions and I will be happy to assist you.

Very truly yours,

Autumn Speer, Community Services Director

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
TUESDAY, JANUARY 3, 2012**

ACTION ITEMS

Item 4: Z-FY-12-10 - Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow two recreational vehicle (RV) spaces in the Midway Mobile Home Park, located at 4505 Midway Drive. (Applicant: Larry Wright for John Malek Family Trust)

Ms. Speer stated Midway Mobile Home Park has two RVs sites. This park was established in approximately 1970, annexed shortly thereafter and zoned Manufactured Home (MH). A variety of zoning districts surround the subject property.

No responses were received in favor or denial of this request and Staff recommends approval of the CUP for the two sites and the existing RVs.

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

Vice-Chair Staats made a motion to approve Item 4, **Z-FY-12-10**, as presented and Commissioner Jones made a second.

Motion passed: (6:0)
Commissioner Rhoads absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-12-10]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW TWO RECREATIONAL VEHICLE (RV) SPACES AT THE MIDWAY MOBILE HOME PARK, LOCATED AT 4505 MIDWAY DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

Whereas, at its January 3, 2012 meeting, the Planning and Zoning Commission of the City of Temple, Texas, voted 6/0 to recommend approval of this amendment to the Unified Development Code, and

Whereas, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the establishment finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit to allow two recreational vehicle (RV) spaces at the Midway Mobile Home Park, located at 4505 Midway Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

General:

A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.

B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.

C. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.

D. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration.

E. Adequate nuisance prevention measures have been taken to prevent or control offensive odors, fumes, dust, noise and vibration.

F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.

Part 3: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **February**, 2012.

PASSED AND APPROVED on Second Reading on the **16th** day of **February**, 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

02/02/12
Item #8
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-12-11: Consider adopting an ordinance authorizing a Conditional Use Permit to allow four recreational vehicle (RV) spaces at the Robbins Mobile Home Park, located at 4707 Midway Drive.

P&Z COMMISSION RECOMMENDATION: At its January 3, 2012 meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of the CUP request.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 16, 2012.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-11, from the Planning and Zoning meeting, January 3, 2012.

In December 2011, all manufactured home parks were notified that they must pass an annual basic inspection in order to receive a renewed Manufactured Home Land Lease Community License in 2012. Part of the inspection process includes inspecting whether or not the parks have recreational vehicles (RV's) on site.

The City is proposing a process to permit existing RV's in mobile home parks by the granting of a Conditional Use Permit (CUP). Construction Safety Staff notified all mobile home park managers and owners who have RV's on site of this opportunity in November of this year.

This opportunity affords the owners a one-time opportunity to request a CUP for the existing RV(s) on their site. The CUP, once granted, will allow the existing RV(s) to continue to be located in the Rocky Oaks Mobile Home Park. However, if the RVs are removed they will not be permitted to be brought back or to be replaced with additional RVs. The CUP only applies to the specific RVs on site at the time of this CUP approval.

The Robbins Mobile Home Park was established in the 70's and annexed in 1971. The property is zoned Manufactured Home (MH). The park contains four RV sites located on Lot 5 at 4707 Midway Drive, Lot 10 at 4702 Midway Drive, Lot 16B at 4707 Midway Drive and Lot 21 at 4707 Midway Drive.

CONDITIONAL USE SITE PLAN REVIEW: This CUP request would allow the existing RV sites to remain in perpetuity. If the RVs are removed they will not be permitted to be brought back or be replaced with additional RVs. Construction Safety staff will verify compliance with this CUP each December during the annual inspection process.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on December 20, 2011 in accordance with state law and local ordinance.

Four notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. No notices have been returned.

FISCAL IMPACT: NA

ATTACHMENTS:

[Planning and Zoning Commission Staff Report January 3, 2012](#)
[Planning and Zoning Commission Minutes January 3, 2012](#)
[Ordinance](#)



PLANNING AND ZONING COMMISSION AGENDA ITEM

01/03/12
Item #5
Regular Agenda
Page 1 of 2

APPLICANT: Staff on behalf of Robbins Mobile Home Park, Malek Family Trust

CASE MANAGER: Autumn Speer, Director of Community Services

ITEM DESCRIPTION: Z-FY-12-11 Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow four recreational vehicle (RV) spaces at the Robbins Mobile Home Park, located at 4707 Midway Drive.

BACKGROUND: In December 2011, all manufactured home parks were notified that they must pass an annual basic inspection in order to receive a renewed Manufactured Home Land Lease Community License in 2012. Part of the inspection process includes inspecting whether or not the parks have recreational vehicles (RV's) on site.

The City is proposing a process to permit existing RV's in mobile home parks by the granting of a Conditional Use Permit (CUP). Construction Safety Staff notified all mobile home park managers and owners who have RV's on site of this opportunity in November of this year.

This opportunity affords the owners a one-time opportunity to request a CUP for the existing RV(s) on their site. The CUP, once granted, will allow the existing RV(s) to continue to be located in the Robbins Mobile Home Park. However, if the RVs are removed they will not be permitted to be brought back or to be replaced with additional RVs. The CUP only applies to the specific RVs on site at the time of this CUP approval.

The Robbins Mobile Home Park was established in the 70's and annexed in 1971. The property is zoned Manufactured Home (MH). The park contains four RV sites located on Lot 5 at 4707 Midway Drive, Lot 10 at 4702 Midway Drive, Lot 16B at 4707 Midway Drive and Lot 21 at 4707 Midway Drive.

CONDITIONAL USE SITE PLAN REVIEW:

This CUP request would allow the existing RV sites to remain in perpetuity. If the RVs are removed they will not be permitted to be brought back or be replaced with additional RVs. Construction Safety staff will verify compliance with this CUP each December during the annual inspection process.

PUBLIC NOTICE:

Four notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Thursday, December 22 at 5 PM, no notices had been returned.

The newspaper printed notice of the Planning and Zoning Commission public hearing on December 20, 2011 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the CUP request allowing the four RV sites to remain in perpetuity. If the RV's that are currently located there now are ever removed, the sites will revert back to mobile home sites only.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

CUP Application and Inspection Form

Aerial

Zoning Map

Notice Map

Sample Staff Letter

CONDITIONAL USE PERMIT (CUP) APPLICATION

(this application may be filled out digitally by clicking each blank space and typing in your information)

Date: 11/16/11

Property Owner: MALEK Family Trust P.O. Box 1425 TORRANCE, CALIFORNIA
Name Address Phone #

Applicant: Midway Property Mgt. 4505 Midway Dr. Temple TX 773-7686
Name Address Phone #
LARRY WRIGHT

Email: _____ Fax Number: _____

Address of Property: 4505 Midway Dr. Lot: _____ Block: _____ Subdivision: _____

Outblock (if not platted): _____

Present Zoning: Mobile Home Park Requested Zoning: R.V.

Certification: You as the property owner certify with your signature that the following statements are true:

- This application is complete and all of the information provided is accurate.
- Approval of this request by the City Council does not in itself constitute a waiver of conformance with the Code of Ordinances.
- Any staff assistance in applying for a CUP is based on the explanation indicated above of what specific activities are intended to take place on the rezoned property and that such staff assistance does not in any manner indicate or guarantee any specific action or approval of such request.
- The person signing below as applicant may act as my agent for the processing and presentation of this request. The designated agent shall be the principal contact person with the City in processing and responding to requirements or issues relevant to this request.

LARRY WRIGHT Property Mgt.
Applicant's Signature

Property Owner's Signature

For Office Use Only

____ Completed Application ____ Field Notes ____ Site Plan ____

Case #: Z-FK-12-11 Zoning Map Page: _____ Project Manager: Autumn Speer

P&Z Date: January 3, 2012 City Council Date: February 2, 2012

(this application may be filled out digitally by clicking each blank space and typing in your information)

RECEIVED

NOV 21 2011

City of Temple
Planning & Development

CODE ENFORCEMENT INSPECTION FORM
CUP FOR EXISTING RV(S) IN EXISTING MOBILE HOME PARK

Mobile Home Park Name:	Robbins Mobile Home Park
Address:	4707 Midway Dr
Date of Inspection:	11/16/11
Name of Manager or Owner Present:	F. Smith on site manager Lanny Wright owner Midway Apartments mgt.
Contact Phone Number:	F. Smith 773-7680 L. Wright 778-2736
Number of RVs Present: 4 (For each RV, identify by model, location and VIN)	<div> <div>①</div> <div>4707 Midway Dr</div> <div>LT # 5 Alan Strickland</div> <div>Model - FirstStream</div> <div>VIN - 1STAEAS29GT504028</div> </div> <div> <div>②</div> <div>4702 Midway Dr</div> <div>LT # 10 Pat Colacino</div> <div>Model - Challenger</div> <div>VIN - 3B7HC13Y718807145</div> </div> <div> <div>③</div> <div>4707 Midway Dr</div> <div>LT # 16 B Michael Brewer</div> <div>Model - Capra CT</div> <div>VIN - 4SE260P26K1000551</div> </div> <div> <div>④</div> <div>4707 Midway Dr.</div> <div>LT # 21 David Hunt</div> <div>Model - Cedar Creek Forest River</div> <div>VIN - 4X4FCRK281A181985</div> </div>

RECEIVED

NOV 21 2011

City of Temple
Planning & Development

Robbins Mobile Home Park

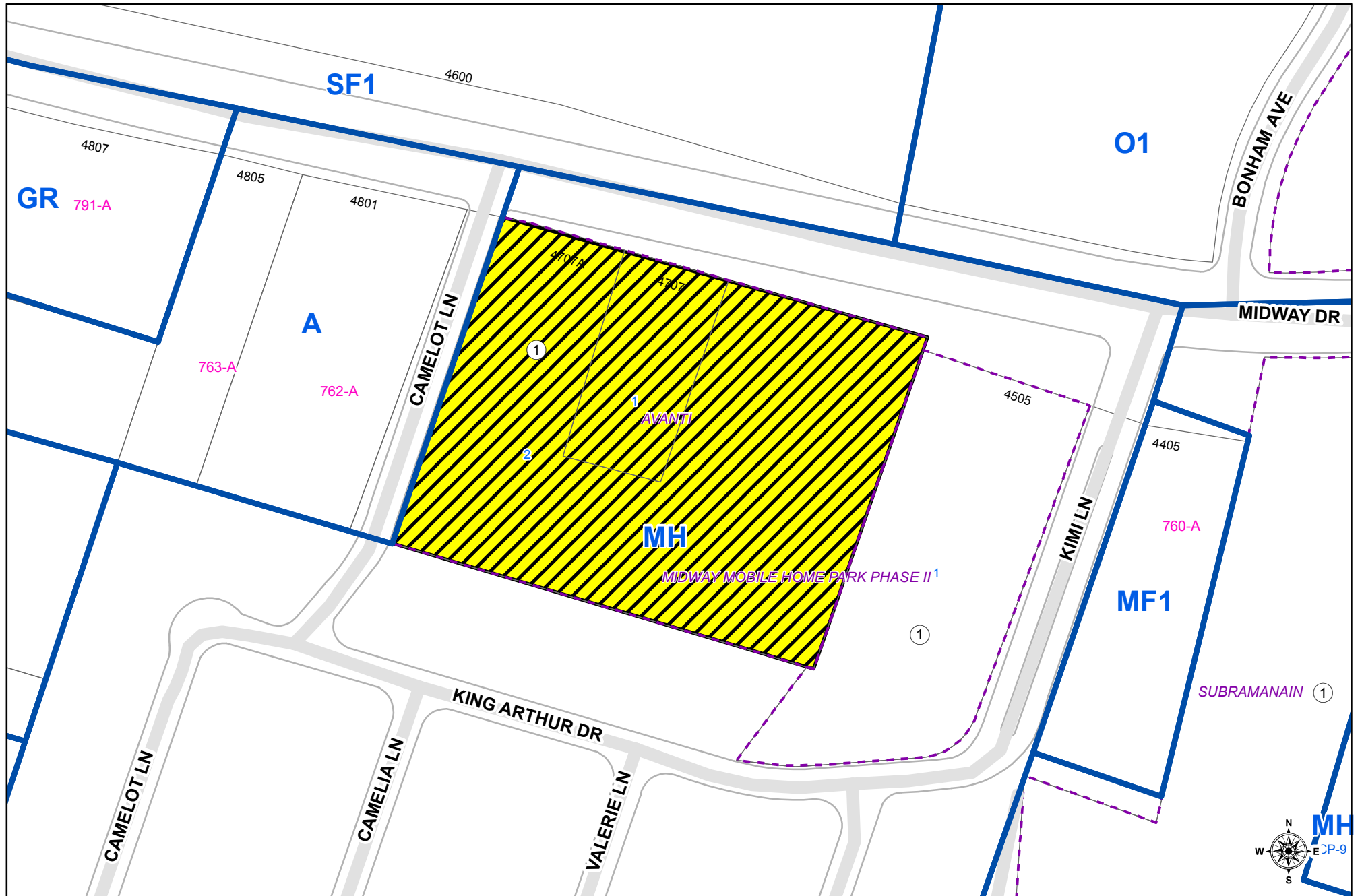



 4707 Midway Dr.

Feet 0 50 100 150 200 250

JCalhoun 12.07.2011

Robbins Mobile Home Park

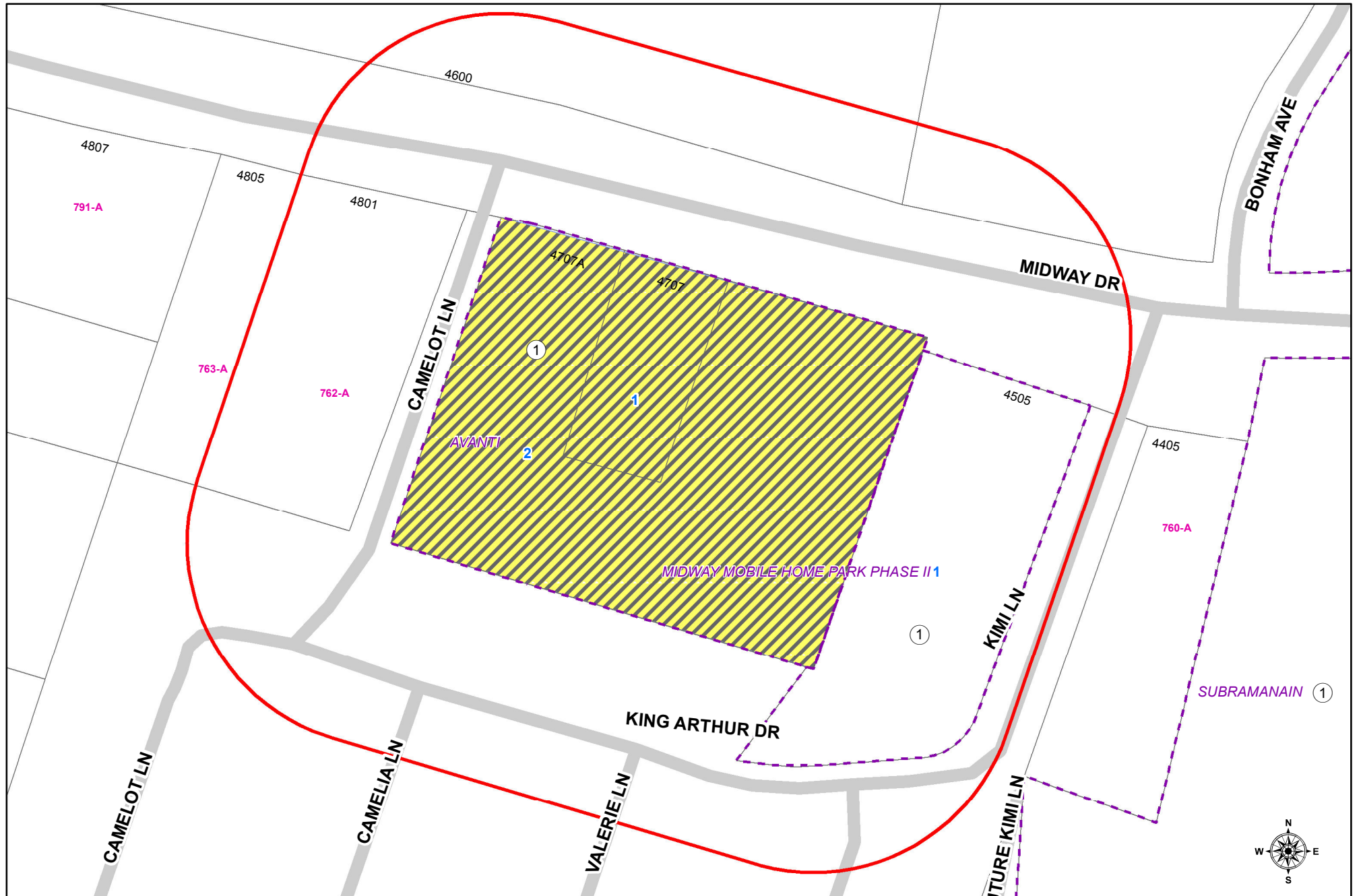


 4707 Midway Dr.



Z-FY 12-11

Robbins Mobile Home Park



4707 Midway Dr.



200' Buffer

Feet 0 50 100 150 200 250

JCalhoun 12.21.2011



November 1, 2011

[Recipient]

Re: Upcoming Manufactured Home Land Lease Community License Renewal

Dear [Recipient]:

Last year you were notified that in December 2011 all manufactured home parks must pass an annual basic inspection in order to receive a renewed Manufactured Home Land Lease Community License. Part of the inspection process includes inspecting whether or not you have recreational vehicles (RV's) on site.

RV's are not permitted in the City Limits of Temple for more than 2 weeks for any 6 month period. However the City is considering a process to permit existing RV's by the granting of a Conditional Use Permit (CUP). CUP's require notification to adjacent property owners and two public hearings before the Planning and Zoning Commission and City Council.

At this time we would like to notify you of a one-time opportunity to request a CUP for the existing RV(s) in your mobile home park. The CUP, once granted, will allow the existing RV(s) to continue to be located in your mobile home park. However, if the RVs are removed they will not be permitted to be replaced with additional RVs or brought back. The CUP would only apply to the specific RVs on your property at the time of approval. Our preliminary research shows your Mobile Home Park currently has xx RVs on site.

In order to apply for the CUP process, you must fill out the attached application in its entirety and provide the location, model and vin number for the existing RV(s) on site. After you have completed the application contact Code Enforcement at 257-298-5670 to arrange a time for a Code Enforcement Officer to inspect and document the RV's you have on site in person. The in-person inspection must take place before November 20, 2011. The application and Code Enforcement Officer inspection form must be returned to the Planning Department by December 1, 2011 at 12:00 pm.

Failure to provide the information requested by December 1, 2011 will result in the denial of this request and any existing RVs on site will be cited during the annual basic inspection process and must be removed or additional legal action will follow.

The Public Hearing at the Planning and Zoning Commission will be held January 3, 2012 at 5:30 pm. The second public hearing will be held on February 2, 2012 before City Council at 5:00 pm. Your attendance is requested for both meetings, but not mandatory.

All additional items you were originally informed of will be inspected in December 2011. Among the primary things that City inspectors will be checking are violations of: (1) the International Property Maintenance Code and (2) the City's Unified Development Code. The elements that Inspectors will check in your park include, but are not limited to:

1. Skirting
2. Hand rails
3. Steps
4. Broken windows
5. Exterior surface repair (paint)
6. Junk & debris
7. Junk vehicles

Please let me know if you have any questions and I will be happy to assist you.

Very truly yours,

Autumn Speer, Community Services Director

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
TUESDAY, JANUARY 3, 2012**

ACTION ITEMS

Item 5: Z-FY-12-11 - Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow two recreational vehicle (RV) spaces in the Midway Mobile Home Park, located at 4505 Midway Drive. (Applicant: Larry Wright for John Malek Family Trust)

Ms. Speer stated the Robbins Mobile Home Park is located in front of Midway Mobile Home Park and they were also developed and annexed in the 1970s and zoned MH. Robbins has four RV sites in the park. Surrounding zoning includes Single Family One (SF1), AG, and Multi-Family One (MF1).

No responses have been received in favor or denial of this CUP and Staff recommends approval of the four existing RVs on site.

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

Vice-Chair Staats made a motion to approve Item 5, **Z-FY-12-11**, as presented and Commissioner Sears made a second.

Motion passed: (6:0)

Commissioner Rhoads absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-12-11]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOUR RECREATIONAL VEHICLE (RV) SPACES AT THE ROBBINS MOBILE HOME PARK, LOCATED AT 4707 MIDWAY DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

Whereas, at its January 3, 2012 meeting, the Planning and Zoning Commission of the City of Temple, Texas, voted 6/0 in accordance with Staff recommendation to recommend approval of this amendment to the Unified Development Code, and

Whereas, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the establishment finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit to allow four recreational vehicle (RV) spaces at the Robbins Mobile Home Park, located at 4707 Midway Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

General:

A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.

B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.

C. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.

D. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration.

E. Adequate nuisance prevention measures have been taken to prevent or control offensive odors, fumes, dust, noise and vibration.

F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.

Part 3: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **February**, 2012.

PASSED AND APPROVED on Second Reading on the **16th** day of **February**, 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

02/02/12
Item #9
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-12-12: Consider adopting an ordinance authorizing a Conditional Use Permit to allow fourteen (14) recreational vehicle (RV) spaces at the Santa Fe Trails Mobile Home Park, located at 1618 West Avenue H.

P&Z COMMISSION RECOMMENDATION: At its January 3, 2012 meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of the CUP request.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 16, 2012.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-12, from the Planning and Zoning meeting, January 3, 2012.

In December 2011, all manufactured home parks were notified that they must pass an annual basic inspection in order to receive a renewed Manufactured Home Land Lease Community License in 2012. Part of the inspection process includes inspecting whether or not the parks have recreational vehicles (RV's) on site.

The City is proposing a process to permit existing RV's in mobile home parks by the granting of a Conditional Use Permit (CUP). Construction Safety Staff notified all mobile home park managers and owners who have RV's on site of this opportunity in November of this year.

This opportunity affords the owners a one-time opportunity to request a CUP for the existing RV(s) on their site. The CUP, once granted, will allow the existing RV(s) to continue to be located in the Rocky Oaks Mobile Home Park. However, if the RVs are removed they will not be permitted to be brought back or to be replaced with additional RVs. The CUP only applies to the specific RVs on site at the time of this CUP approval.

The Santa Fe Trails Mobile Home Park was established in the 70's and annexed in 1949. The property is zoned Light Industrial (LI) and Two-Family (2-F). The park contains 14 RV sites as shown on the attached site plan.

CONDITIONAL USE SITE PLAN REVIEW: This CUP request would allow the existing RV sites to remain in perpetuity. If the RVs are removed they will not be permitted to be brought back or be replaced with additional RVs. Construction Safety staff will verify compliance with this CUP each December during the annual inspection process.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on December 20, 2011 in accordance with state law and local ordinance.

Thirteen notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. Two notices in approval, two notices in denial and one notice no objections have been returned.

FISCAL IMPACT: NA

ATTACHMENTS:

[Planning and Zoning Commission Staff Report January 3, 2012](#)
[Planning and Zoning Commission Minutes January 3, 2012](#)
[Notices Received](#)
[Ordinance](#)



PLANNING AND ZONING COMMISSION AGENDA ITEM

01/03/12

Item #6

Regular Agenda

Page 1 of 2

APPLICANT: Staff on behalf of Santa Fe Trails Mobile Home Park, TempTex Properties, LLC

CASE MANAGER: Autumn Speer, Director of Community Services

ITEM DESCRIPTION: Z-FY-12-12 Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow fourteen (14) recreational vehicle (RV) spaces at the Santa Fe Trails Mobile Home Park, located at 1618 West Avenue H.

BACKGROUND: In December 2011, all manufactured home parks were notified that they must pass an annual basic inspection in order to receive a renewed Manufactured Home Land Lease Community License in 2012. Part of the inspection process includes inspecting whether or not the parks have recreational vehicles (RV's) on site.

The City is proposing a process to permit existing RV's in mobile home parks by the granting of a Conditional Use Permit (CUP). Construction Safety Staff notified all mobile home park managers and owners who have RV's on site of this opportunity in November of this year.

This opportunity affords the owners a one-time opportunity to request a CUP for the existing RV(s) on their site. The CUP, once granted, will allow the existing RV(s) to continue to be located in the Santa Fe Trails Mobile Home Park. However, if the RVs are removed they will not be permitted to be brought back or to be replaced with additional RVs. The CUP only applies to the specific RVs on site at the time of this CUP approval.

The Santa Fe Trails Mobile Home Park was established in the 70's and annexed in 1949. The property is zoned Light Industrial (LI) and Two-Family (2-F). The park contains 14 RV sites as shown on the attached site plan.

CONDITIONAL USE SITE PLAN REVIEW:

This CUP request would allow the existing RV sites to remain in perpetuity. If the RVs are removed they will not be permitted to be brought back or be replaced with additional RVs. Construction Safety staff will verify compliance with this CUP each December during the annual inspection process.

PUBLIC NOTICE:

Thirteen notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Thursday, December 22 at 5 PM, no notices had been returned.

The newspaper printed notice of the Planning and Zoning Commission public hearing on December 20, 2011 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the CUP request allowing the 14 RV sites to remain in perpetuity. If the RV's that are currently located there now are ever removed, the sites will revert back to mobile home sites only.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

CUP Application, Inspection Form and Site Plan

Aerial

Zoning Map

Notice Map

Sample Staff Letter

CONDITIONAL USE PERMIT (CUP) APPLICATION

(this application may be filled out digitally by clicking each blank space and typing in your information)

Date: 11/17/11

Property Owner: TempTex Properties, LLC 139 Lakeview Dr Sugar Land Tx 77498
Name Address Phone #

Applicant: Andrew Spiwak 139 Lakeview Dr Sugar Land, Tx 77498 (832) 689-5840
Name Address Phone #

Email: spiwak95@gmail.com Fax Number: 281-494-9596

Address of Property: 1616, 1618, 1620, 1708 W Ave H Lot: 3, 4, 13, 14, 15 Block: 1 Subdivision: Bentley's Bellview Addition
Temple Tx 76501

Outblock (if not platted): _____

Present Zoning: HUD Manufactured Home Land Lease Community Requested Zoning: CUP for permanent RV's

Certification: You as the property owner certify with your signature that the following statements are true:

- This application is complete and all of the information provided is accurate.
- Approval of this request by the City Council does not in itself constitute a waiver of conformance with the Code of Ordinances.
- Any staff assistance in applying for a CUP is based on the explanation indicated above of what specific activities are intended to take place on the rezoned property and that such staff assistance does not in any manner indicate or guarantee any specific action or approval of such request.
- The person signing below as applicant may act as my agent for the processing and presentation of this request. The designated agent shall be the principal contact person with the City in processing and responding to requirements or issues relevant to this request.

[Signature]
Applicant's Signature

[Signature]
Property Owner's Signature

For Office Use Only

____ Completed Application ____ Field Notes ____ Site Plan ____

Case #: 2-FY-12-12 Zoning Map Page: ____ Project Manager: Autumn Speer

P&Z Date: January 3, 2012 City Council Date: February 2, 2012

(this application may be filled out digitally by clicking each blank space and typing in your information)

RECEIVED

NOV 30 2011

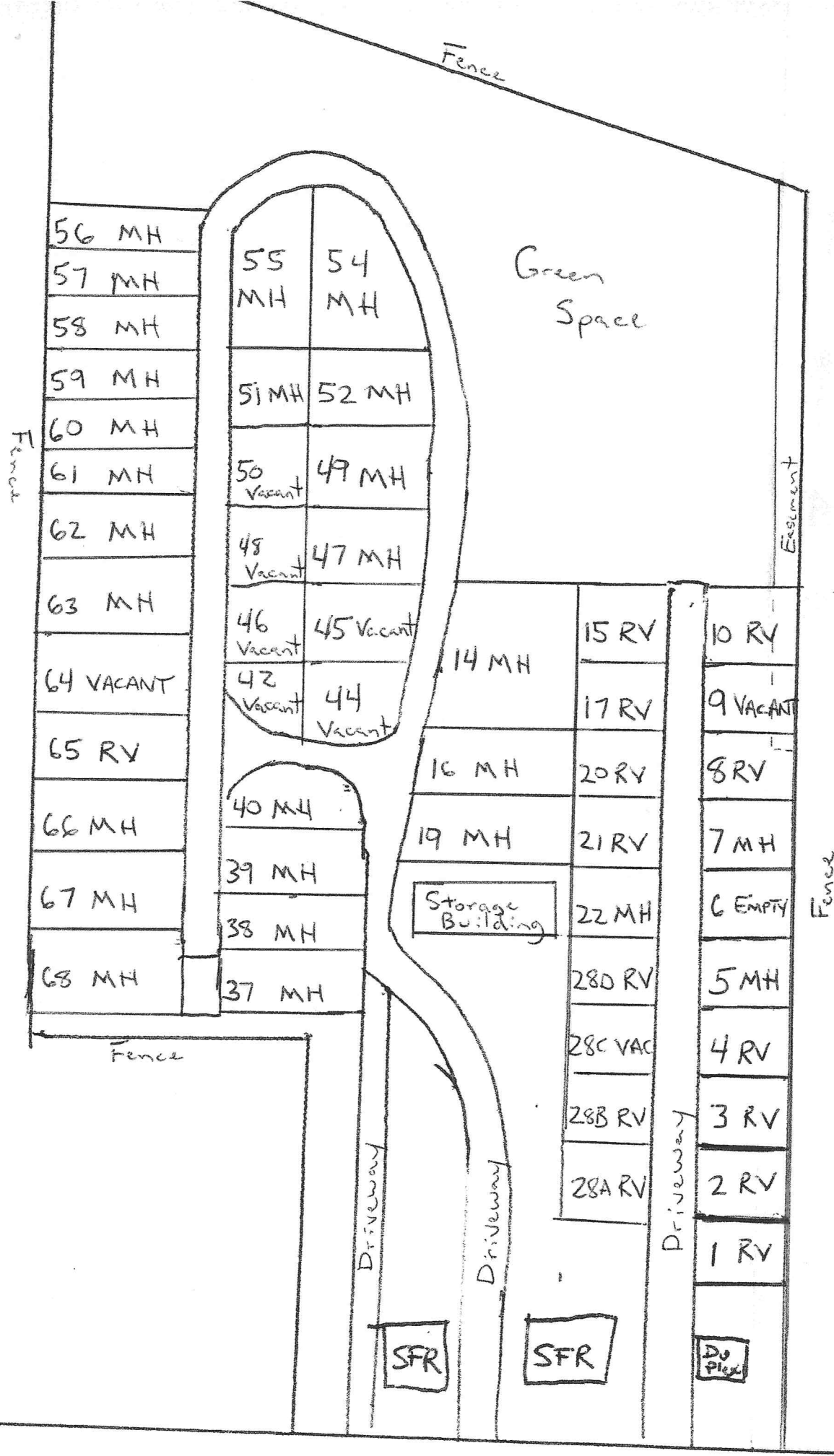
City of Temple
Planning & Development

2-FY-12-12

CODE ENFORCEMENT INSPECTION FORM
CUP FOR EXISTING RV(S) IN EXISTING MOBILE HOME PARK


Mobile Home Park Name:	Santa Fe Trails Mobile Home Community
Address:	1616, 1618, 1620, 1708 W. Ave H
Date of Inspection:	
Name of Manager or Owner Present:	ANDREW SPIWAK
Contact Phone Number:	832-689-0840
Number of RVs Present: (For each RV, identify by model, location and VIN)	1. 2006 Cavalier 57-G-T-CVDH 40292 2. Prowler Lynx VIN unknown 3. 2006 Cavalier 57-G-T CVDH 48079 4. 2006 Cavalier 67-G-T CVDH 28074 8. Pace Arrow 17N530125JW010249 10. Prowler DUR28344msl 15. Huckabery VIN UNKNOWN 17. Prowler SN190TST9225 20. 2006 Cavalier 54-GT-CVDH307 21. Executive Dream 45E200R22X1010871 23D. 2006 Cavalier 67-G-7 CVDH2469 28. B Layton by Skyline 171200R264000469 28A. 2006 Cavalier 332163020963 65. Hitchhiker 1NW32HR046A03845

14 RV's



Santa Fe Trails Mobile Home Park

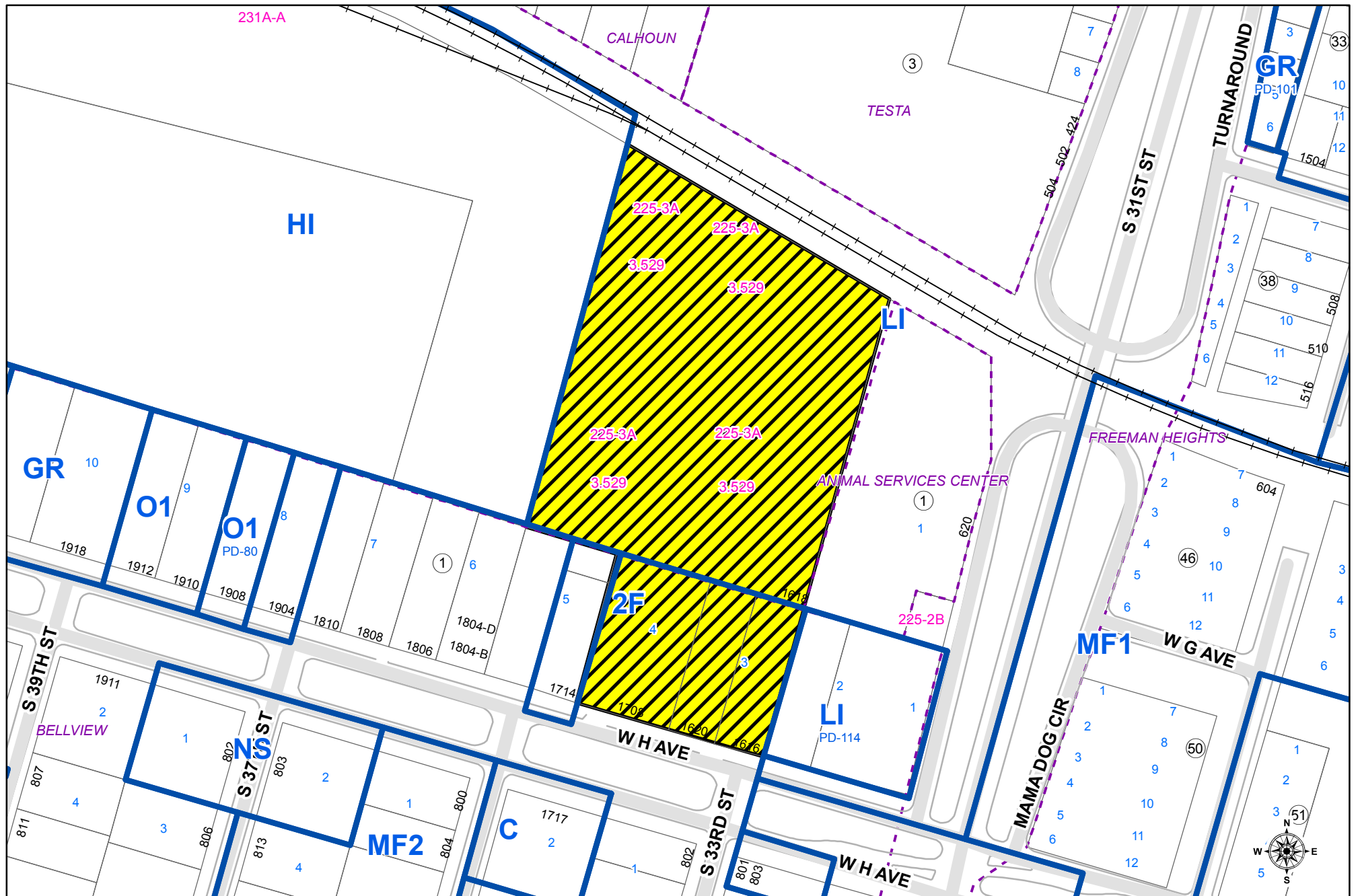



 1618 W Ave H

Feet 0 100 200 300 400 500

JCalhoun 12.06.2011

Santa Fe Trails Mobile Home Park



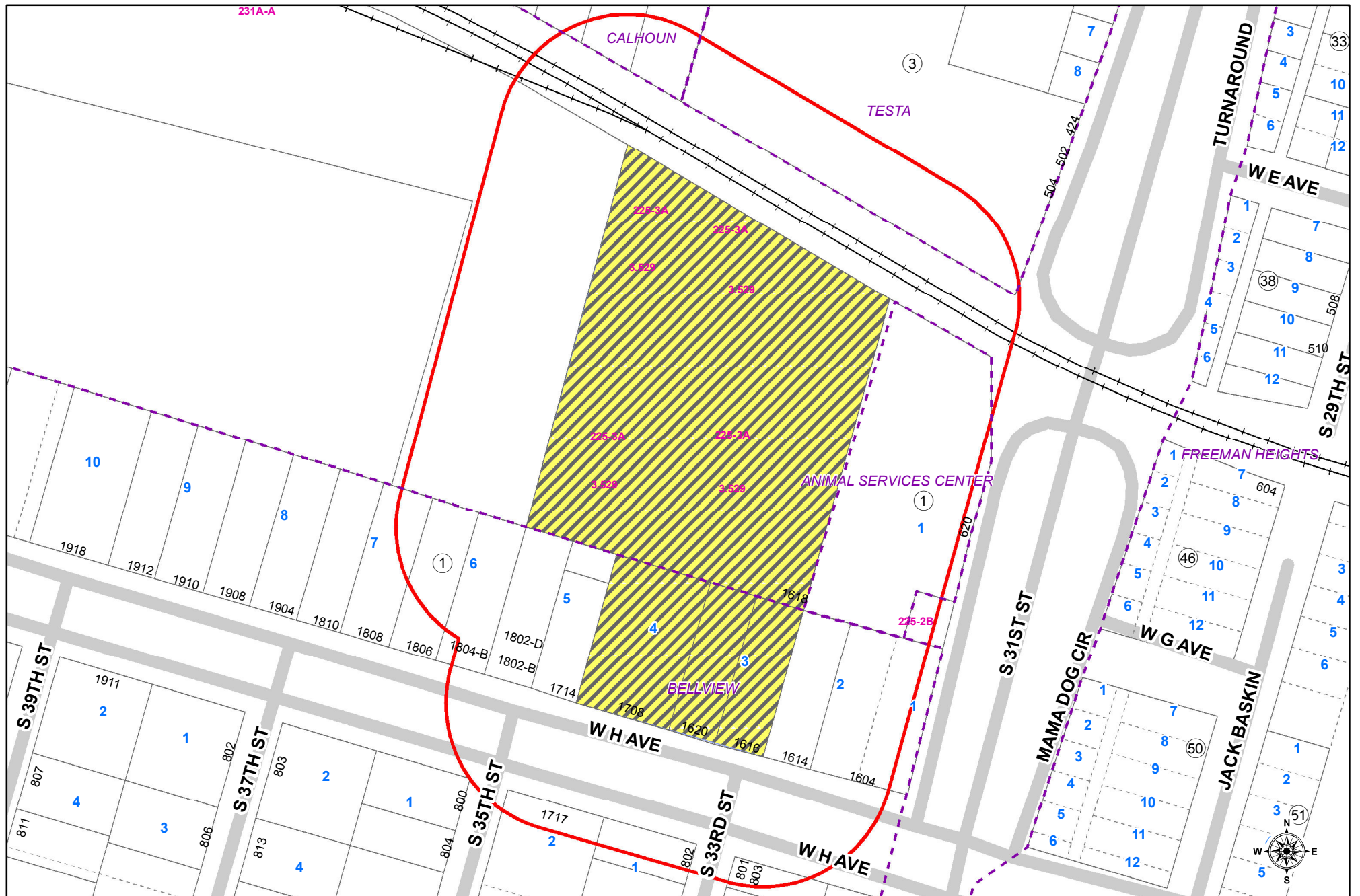
 1618 W Ave H

Feet 0 100 200 300 400 500



Z-FY 12-12

Santa Fe Trails Mobile Home Park



1618 W Ave H

— 200' Buffer

Feet 0 100 200 300 400 500

JCalhoun 12.21.2011



November 1, 2011

[Recipient]

Re: Upcoming Manufactured Home Land Lease Community License Renewal

Dear [Recipient]:

Last year you were notified that in December 2011 all manufactured home parks must pass an annual basic inspection in order to receive a renewed Manufactured Home Land Lease Community License. Part of the inspection process includes inspecting whether or not you have recreational vehicles (RV's) on site.

RV's are not permitted in the City Limits of Temple for more than 2 weeks for any 6 month period. However the City is considering a process to permit existing RV's by the granting of a Conditional Use Permit (CUP). CUP's require notification to adjacent property owners and two public hearings before the Planning and Zoning Commission and City Council.

At this time we would like to notify you of a one-time opportunity to request a CUP for the existing RV(s) in your mobile home park. The CUP, once granted, will allow the existing RV(s) to continue to be located in your mobile home park. However, if the RVs are removed they will not be permitted to be replaced with additional RVs or brought back. The CUP would only apply to the specific RVs on your property at the time of approval. Our preliminary research shows your Mobile Home Park currently has xx RVs on site.

In order to apply for the CUP process, you must fill out the attached application in its entirety and provide the location, model and vin number for the existing RV(s) on site. After you have completed the application contact Code Enforcement at 257-298-5670 to arrange a time for a Code Enforcement Officer to inspect and document the RV's you have on site in person. The in-person inspection must take place before November 20, 2011. The application and Code Enforcement Officer inspection form must be returned to the Planning Department by December 1, 2011 at 12:00 pm.

Failure to provide the information requested by December 1, 2011 will result in the denial of this request and any existing RVs on site will be cited during the annual basic inspection process and must be removed or additional legal action will follow.

The Public Hearing at the Planning and Zoning Commission will be held January 3, 2012 at 5:30 pm. The second public hearing will be held on February 2, 2012 before City Council at 5:00 pm. Your attendance is requested for both meetings, but not mandatory.

All additional items you were originally informed of will be inspected in December 2011. Among the primary things that City inspectors will be checking are violations of: (1) the International Property Maintenance Code and (2) the City's Unified Development Code. The elements that Inspectors will check in your park include, but are not limited to:

1. Skirting
2. Hand rails
3. Steps
4. Broken windows
5. Exterior surface repair (paint)
6. Junk & debris
7. Junk vehicles

Please let me know if you have any questions and I will be happy to assist you.

Very truly yours,

Autumn Speer, Community Services Director

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
TUESDAY, JANUARY 3, 2012**

ACTION ITEMS

Item 6: Z-FY-12-12 - Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow fourteen (14) recreational vehicle (RV) spaces in the Santa Fe Trails Mobile Home Park, at 1618 West Avenue H. (Applicant: Andrew Spiwak for TempTex Properties)

Ms. Speer stated Santa Fe Trails Mobile Home Park currently has more than 14 RVs in existence dispersed throughout the park. The land was annexed in 1949 and the park was established in the 1970s and zoned Light Industrial (LI) and Two Family (2F). Adjacent zonings include Heavy Industrial (HI) and LI.

One response in favor of and one response in opposition were received by Staff. The CUP would not allow any additional RVs; only the existing 14 on site. Staff recommends approval of the request.

Commissioner Sears stated once the RVs leave then they are not allowed to be replaced by another RV and Ms. Speer confirmed his comment. They would need to be replaced with mobile homes that met City requirements.

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

Commissioner Talley asked if Staff had spoken to Melinda Bulls regarding this matter and Ms. Speer responded no. Ms. Bulls was also not in attendance for the meeting.

Vice-Chair Staats made a motion to approve Item 6, **Z-FY-12-12**, as presented and Commissioner Sears made a second.

Motion passed: (6:0)

Commissioner Rhoads absent



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT REQUEST
CITY OF TEMPLE**

Tree Top Properties LLC
920 Austin Avenue
Waco, Texas 76701

Zoning Application Number: Z-FY-12-12

Project Manager: Autumn Speer

Location: Santa Fe Trails MHP, 1618 West Avenue H

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

I recommend ☒ approval () denial of this request.

Comments:

G.G. Huddleston
Signature

G.G. Huddleston
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2012

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

RECEIVED
DEC 29 2011
City of Temple
Planning & Development

Number of Notices Mailed: 13

Date Mailed: December 20, 2011



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT REQUEST
CITY OF TEMPLE**

Frank Capps
1723 West Avenue D
Temple, Texas 76504

RECEIVED

DEC 27 2011

City of Temple
Planning & Development

Zoning Application Number: Z-FY-12-12

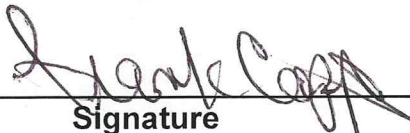
Project Manager: Autumn Speer

Location: Santa Fe Trails MHP, 1618 West Avenue H

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

I recommend ☒ approval () denial of this request.

Comments:


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2012

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



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT REQUEST
CITY OF TEMPLE**

Melinda Etvir Bryan Bulls
405 Cole Avenue
Temple, Texas 76501

Zoning Application Number: Z-FY-12-12

Project Manager: Autumn Speer

Location: Santa Fe Trails MHP, 1618 West Avenue H

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

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

Comments:

There's too many transient people in this area
already.

Melinda Bulls
Signature

Melinda Bulls
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2012

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



RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT REQUEST
CITY OF TEMPLE

Teofilo Etux Leonida Cepillo
12902 West Greenwich Loop
Houston, Texas 77085

Zoning Application Number: Z-FY-12-12

Project Manager: Autumn Speer

Location: Santa Fe Trails MHP, 1618 West Avenue H

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

I recommend () approval

☒ denial of this request.

Comments:

I WOULD LIKE TO PRESERVED THE LAND VALUE
AND I DON'T LIKE THE MASS OF PEOPLE. WE
KNOW HOW THE MOBILE HOME PARKS IS.
SPECIALLY MY PROPERTY IS INSIDE THE ZOO ZONE.

Julio 1/6/12
Signature

TEOFILO CEPILLO
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2012

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

RECEIVED

JAN 17 2012

City of Temple
Planning & Development

Number of Notices Mailed: 13

Date Mailed: December 20, 2011



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT REQUEST
CITY OF TEMPLE**

WilsonArt International
P.O. Box 6110
Temple, Texas 76503-6110

Zoning Application Number: Z-FY-12-12

Project Manager: Autumn Speer

Location: Santa Fe Trails MHP, 1618 West Avenue H

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

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

Comments:

We do not recommend approval, but have no
objections.

Don Case
Signature

Don Case
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2012

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

RECEIVED

JAN 05 2012

City of Temple
Planning & Development

ORDINANCE NO. _____

[PLANNING NO. Z-FY-12-12]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOURTEEN RECREATIONAL VEHICLE (RV) SPACES AT THE SANTA FE TRAILS MOBILE HOME PARK, LOCATED AT 1618 WEST AVENUE H; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

Whereas, at its January 3, 2012 meeting, the Planning and Zoning Commission of the City of Temple, Texas, voted 6/0 in accordance with Staff recommendation to recommend approval of the amendment to the UDC, and

Whereas, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the establishment finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit to allow fourteen recreational vehicle (RV) spaces at the Santa Fe Trails Mobile Home Park, located at 1618 West Avenue H, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

General:

A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.

B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.

C. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.

D. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration.

E. Adequate nuisance prevention measures have been taken to prevent or control offensive odors, fumes, dust, noise and vibration.

F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.

Part 3: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **February**, 2012.

PASSED AND APPROVED on Second Reading on the **16th** day of **February**, 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

02/02/12
Item #10
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-12-17: Consider adopting an ordinance authorizing a Conditional Use Permit to allow two recreational vehicle (RV) spaces at the Livingston Farms Mobile Home Park, located at the northwest corner of Prairie View Road and North Pea Ridge Road.

Three property adjacent property owners have opposed the proposal thus requiring a supermajority vote from City Council.

P&Z COMMISSION RECOMMENDATION: At its January 3, 2012 meeting, the Planning and Zoning Commission voted 5/1 (Commissioner Pilkington voted nay) in accordance with staff recommendation to recommend approval of the CUP with a five year time limit on the Conditional Use Permit for the two recreational vehicle spaces.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 16, 2012.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-17, from the Planning and Zoning meeting, January 3, 2012.

In December 2011, all manufactured home parks were notified that they must pass an annual basic inspection in order to receive a renewed Manufactured Home Land Lease Community License in 2012. Part of the inspection process includes inspecting whether or not the parks have recreational vehicles (RV's) on site.

The City is proposing a process to permit existing RV's in mobile home parks by the granting of a Conditional Use Permit (CUP). Construction Safety Staff notified all mobile home park managers and owners who have RV's on site of this opportunity in November of this year.

This opportunity affords the owners a one-time opportunity to request a CUP for the existing RV(s) on their site. The CUP, once granted, will allow the existing RV(s) to continue to be located in the Livingston Farms Mobile Home Park.

Because Mr. Bethune was required to remove two RV's from the Livingston Farms Mobile Home Park prior to this process being proposed, staff is recommending he be granted the use of the two RV spaces shown on the attached site plan as optional RV spaces as long as the property remains in the same configuration and primary use as a mobile home park.

CONDITIONAL USE SITE PLAN REVIEW: This CUP request would allow the existing RV spaces to remain as long as the property remains in the same configuration and primary use as a mobile home park.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on December 20, 2011 in accordance with state law and local ordinance.

Four notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. Three notices in denial have been returned.

Supermajority vote is required at City Council.

FISCAL IMPACT: NA

ATTACHMENTS:

[Planning and Zoning Commission Staff Report January 3, 2012](#)

[Planning and Zoning Commission Minutes January 3, 2012](#)

[Notices Received](#)

[Ordinance](#)



PLANNING AND ZONING COMMISSION AGENDA ITEM

01/03/12

Item #7

Regular Agenda

Page 1 of 2

APPLICANT: Staff on behalf of Livingston Farms Mobile Home Park, Gregory Bethune

CASE MANAGER: Autumn Speer, Director of Community Services

ITEM DESCRIPTION: Z-FY-12-17 Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow two recreational vehicle (RV) spaces at the Livingston Farms Mobile Home Park, located at the northwest corner of Prairie View Road and North Pea Ridge Road.

BACKGROUND: In December 2011, all manufactured home parks were notified that they must pass an annual basic inspection in order to receive a renewed Manufactured Home Land Lease Community License in 2012. Part of the inspection process includes inspecting whether or not the parks have recreational vehicles (RV's) on site.

The City is proposing a process to permit existing RV's in mobile home parks by the granting of a Conditional Use Permit (CUP). Construction Safety Staff notified all mobile home park managers and owners who have RV's on site of this opportunity in November of this year.

This opportunity affords the owners a one-time opportunity to request a CUP for the existing RV(s) on their site. The CUP, once granted, will allow the existing RV(s) to continue to be located in the Livingston Farms Mobile Home Park.

Because Mr. Bethune was required to remove two RV's from the Livingston Farms Mobile Home Park prior to this process being proposed, staff is recommending he be granted the use of the two RV spaces shown on the attached site plan as optional RV spaces as long as the property remains in the same configuration and primary use as a mobile home park.

CONDITIONAL USE SITE PLAN REVIEW:

This CUP request would allow the existing RV spaces to remain as long as the property remains in the same configuration and primary use as a mobile home park.

PUBLIC NOTICE:

Four notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Thursday, December 22 at 5 PM, no notices had been returned.

The newspaper printed notice of the Planning and Zoning Commission public hearing on December 20, 2011 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the CUP request allowing the two RV spaces to remain in perpetuity.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

CUP Application and Site Plan

Aerial
Zoning Map
Notice Map
Sample Staff Letter

CONDITIONAL USE PERMIT (CUP) APPLICATION

(this application may be filled out digitally by clicking each blank space and typing in your information)

Date: 11/15/2011

Property Owner: Gregory Bethune 1900 N Pea Ridge Rd 254-913-0360
Name Address Phone #

Applicant: Gregory Bethune 1900 N Pea Ridge Rd 254-913-0360
Name Address Phone #

Email: gtbinc6@yahoo.com Fax Number: none

Address of Property: 8530+8560 Lot: 8530+8560 Block: 8530+8560 Subdivision: Prairie View Rd

Outblock (if not platted): A0017BC Baldwin Robertson, 19-4 Acres 2.0

Present Zoning: Mobile Home Park Requested Zoning: RV+Mobile Home Park

Certification: You as the property owner certify with your signature that the following statements are true:

- This application is complete and all of the information provided is accurate.
- Approval of this request by the City Council does not in itself constitute a waiver of conformance with the Code of Ordinances.
- Any staff assistance in applying for a CUP is based on the explanation indicated above of what specific activities are intended to take place on the rezoned property and that such staff assistance does not in any manner indicate or guarantee any specific action or approval of such request.
- The person signing below as applicant may act as my agent for the processing and presentation of this request. The designated agent shall be the principal contact person with the City in processing and responding to requirements or issues relevant to this request.

Gregory Bethune
Applicant's Signature

Gregory Bethune
Property Owner's Signature

For Office Use Only

☒ Completed Application ☐ Field Notes ☐ Site Plan ☒

Case #: 2-FY-12-17 Zoning Map Page: Project Manager: Autumn Speer

P&Z Date: January 3, 2012 City Council Date: February 2, 2012

(this application may be filled out digitally by clicking each blank space and typing in your information)

RECEIVED

NOV 15 2011

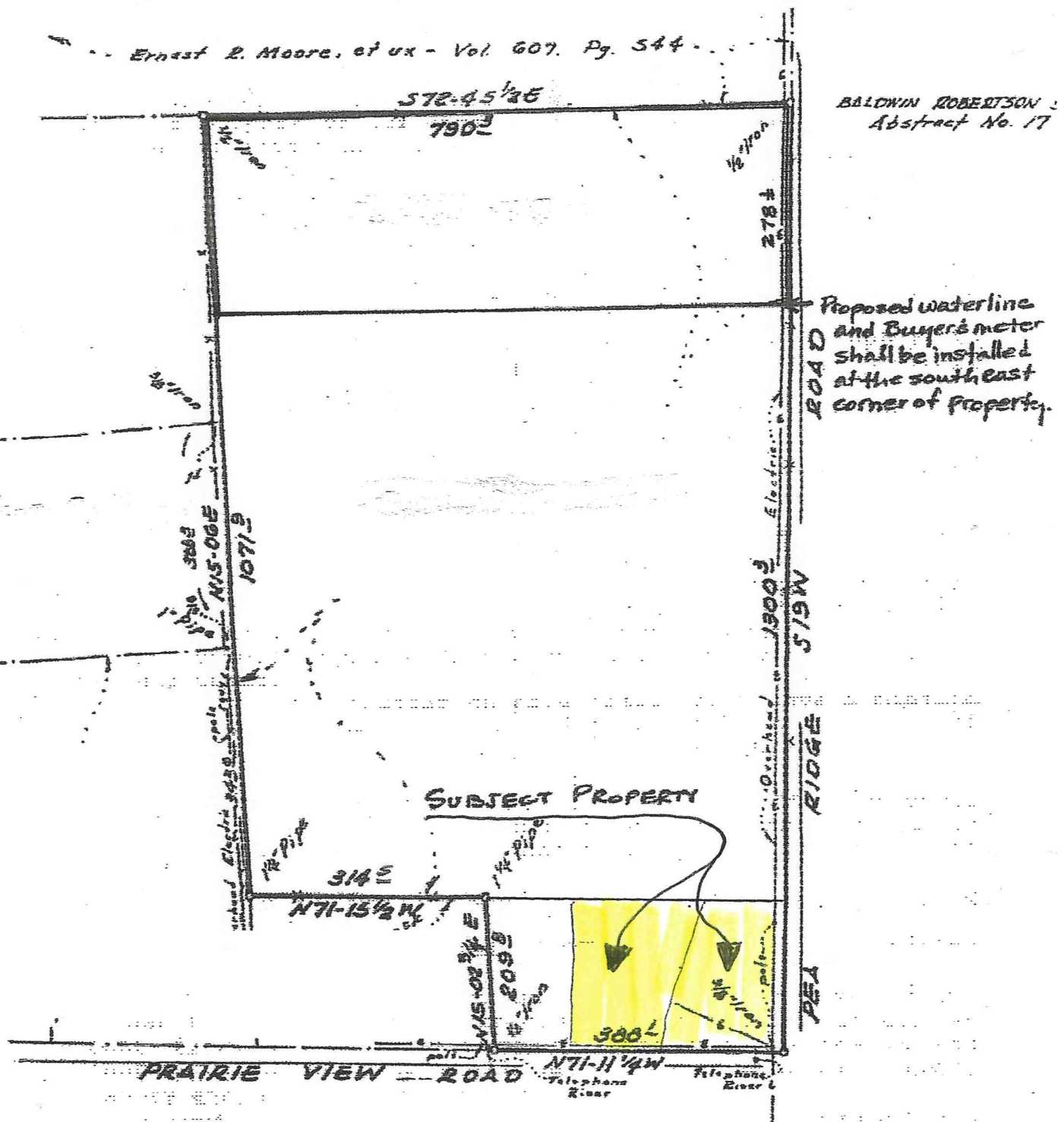
City of Temple
Planning & Development

[illegible]

City of Temple
Planning & Development

Round Rock (512) 244-9238

Sketch showing part of the BALDWIN ROBERTSON Survey, Abstract number 17, situated about 6 miles N20E from the courthouse in Belton, in Bell County, Texas.



fire
hydrant

N Pea Ridge Road

5/14/98

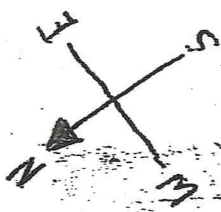
Gregory Bethune

913-0360

owner/applicant

— existing fences

▨ - driveways



1" = 40'

209.6'

address
8530

3/4" water line

124'

Lot A
.67 acre

153.8'

211.5'

address
8560

storage
shed
12' x 12'

154'

Lot B
.67 acre

124'
103.8'

3/4" water line

209.6'

97.2'

.50 acre
Lot C

address
8590

110.6'

209.8'

fire
hydrant
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Livingston Farms Mobile Home Park

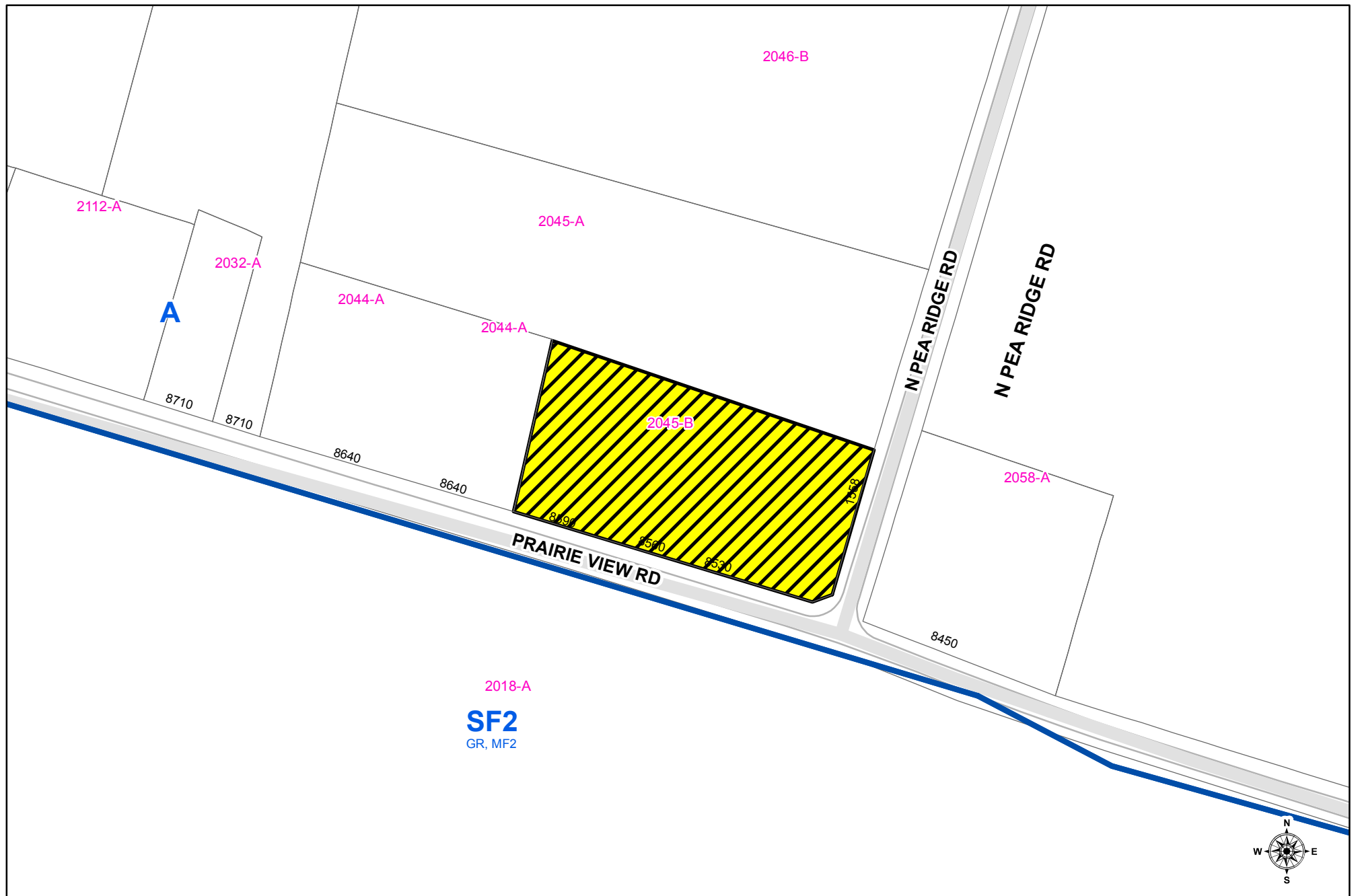


 8560 Prairie View Rd.

Feet 0 100 200 300 400 500

JCalhoun 12.13.2011

Livingston Farms Mobile Home Park



 8560 Prarie View Rd.

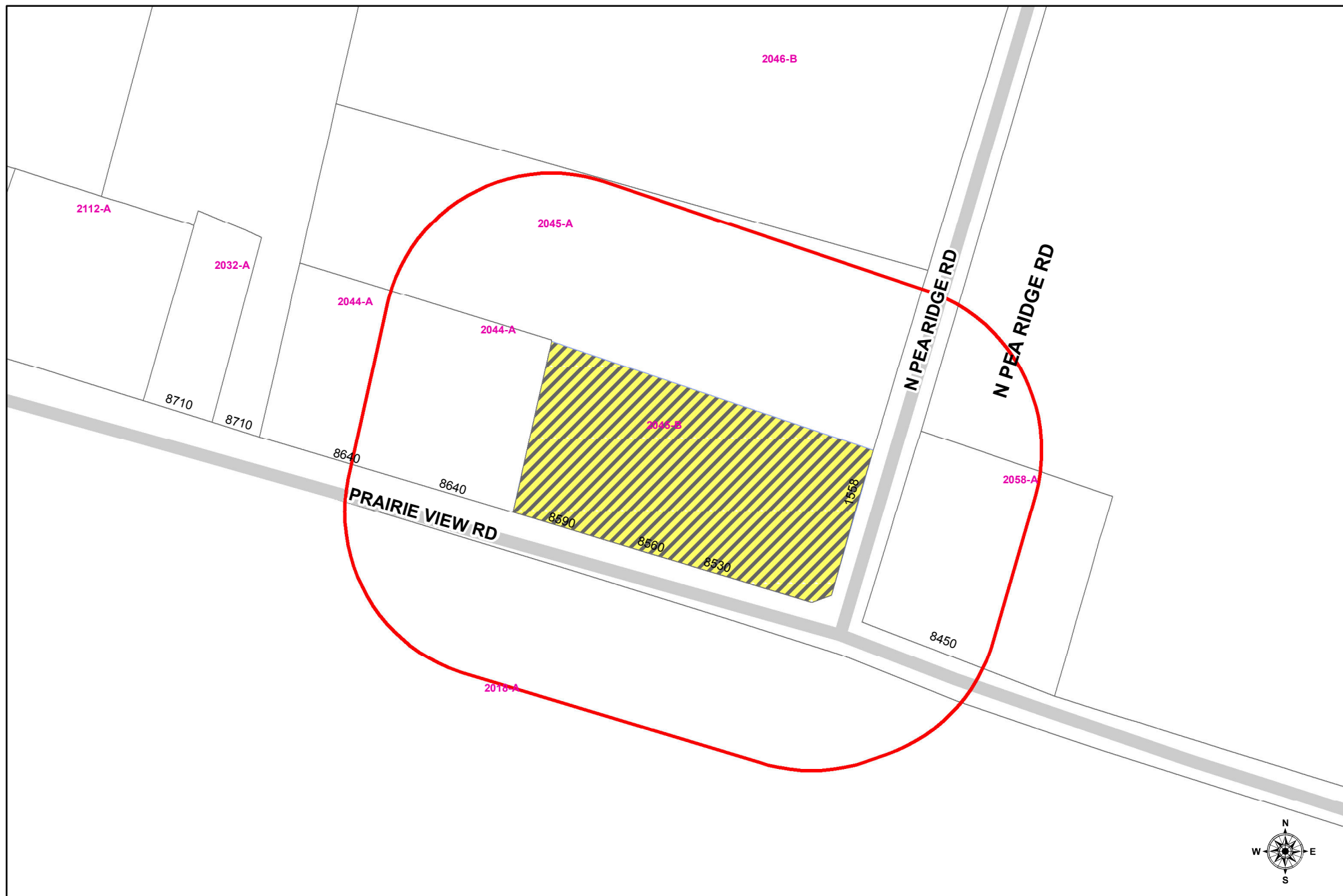
Feet 0 100 200 300 400 500

JCalhoun 12.13.2011



Z-FY 12-10

Livingston Farms Mobile Home Park



8560 Prarie View Rd.



200' Buffer

Feet 0 100 200 300 400 500



JCalhoun 12.25.2011



November 1, 2011

[Recipient]

Re: Upcoming Manufactured Home Land Lease Community License Renewal

Dear Mr. Bethune:

Last year you were notified that in December 2011 all manufactured home parks must pass an annual basic inspection in order to receive a renewed Manufactured Home Land Lease Community License. Part of the inspection process includes inspecting whether or not you have recreational vehicles (RV's) on site.

RV's are not permitted in the City Limits of Temple for more than 2 weeks for any 6 month period. However the City is considering a process to permit existing RV's by the granting of a Conditional Use Permit (CUP). CUP's require notification to adjacent property owners and two public hearings before the Planning and Zoning Commission and City Council.

At this time we would like to notify you of a one-time opportunity to request a CUP for the two previously existing RV(s) in your mobile home park. The CUP, once granted, will allow the two previously existing RV spaces to be rented out in your mobile home park for RV's as well as mobile homes.

In order to apply for the CUP process, you must fill out the attached application in its entirety and provide the location for the existing RV on sites. After you have completed the application contact Code Enforcement at 257-298-5670 to arrange a time for a Code Enforcement Officer to inspect and document the sites you have in person. The in-person inspection must take place before November 20, 2011. The application and Code Enforcement Officer inspection form must be returned to the Planning Department by December 1, 2011 at 12:00 pm.

Failure to provide the information requested by December 1, 2011 will result in the loss of this opportunity.

The Public Hearing at the Planning and Zoning Commission will be held January 3, 2012 at 5:30 pm. The second public hearing will be held on February 2, 2012 before City Council at 5:00 pm. Your attendance is requested for both meetings, but not mandatory.

All additional items you were originally informed of will be inspected in December 2011. Among the primary things that City inspectors will be checking are violations of: (1) the International Property Maintenance Code and (2) the City's Unified Development Code. The elements that Inspectors will check in your park include, but are not limited to:

1. Skirting
2. Hand rails
3. Steps
4. Broken windows
5. Exterior surface repair (paint)
6. Junk & debris
7. Junk vehicles

Please let me know if you have any questions and I will be happy to assist you.

Very truly yours,

Autumn Speer, Community Services Director

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
TUESDAY, JANUARY 3, 2012

ACTION ITEMS

Item 7: Z-FY-12-17 - Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow two recreational vehicle (RV) spaces in the Livingston Farms Mobile Home Park, located at the northwest corner of Prairie View and North Pea Ridge Road. (Applicant: Gregory Bethune)

Ms. Speer stated this item was a little different from the preceding items. Two RV spaces (rather than units) were currently vacant and this is a three unit mobile home park and zoned AG. Mr. Bethune, the applicant, was required to remove two RVs from the mobile home park prior to this process being proposed. This case prompted additional investigation of City requirements for mobile home parks. The difference in this CUP request is that the two spaces in Livingston Farms Mobile Home Park may be occupied by RVs or mobile homes. Adjacent zoning include SF2 and AG.

The responses received were equal to 26% in opposition to the request which would require a supermajority vote at City Council for final decision. Two of the letters were new and received after delivery of the packet to the Commissioners.

Staff recommends approval of the CUP to allow the two RV spaces as long as the property remains a mobile home park.

Vice-Chair Staats asked if RVs would be able to move in and out at-will and Ms. Speer stated yes, if it is an RV space.

Ms. Speer stated there were three spaces on the property that have hook-ups; one is currently a mobile home and the other two spaces are vacant. The current requirements allow for those spaces to be used for mobile homes. The CUP request would allow those two spaces to also be rented out to RVs for long-term living situations.

Chair Martin opened the public hearing.

Mr. James Crosby, 55 Rocky Oaks, Temple, Texas, stated he was the owner of Rocky Oaks Mobile Home Park (Item 3) and would hate to see the elderly gentleman living in Rocky Oaks Mobile Home Park to have to move since he lives in a permanent RV. It was Mr. Crosby's opinion that some people do not have the means to move, if required, and is the only home they have.

Mr. Greg Bethune, 1900 N. Pea Ridge Road, Temple, Texas, stated he owned the subject property. Mr. Bethune stated when he received the packet there was only one denial, Mr. Laminack, who had a complaint that the property would be an eyesore and decrease property values. Mr. Bethune was unaware of the other two denial responses. Mr. Bethune took pictures of their common property line and showed these pictures to the Commissioners.

Mr. Bethune stated citations were originally sent in 2009 to the renters of Lot A and Lot B (the RV spaces) which were addressed to Mr. Bethune. Mr. Bethune stated he did not receive these citations from his renters. Mr. Bethune stated more citations were sent to and received by the renters which required signatures but these letters were not picked up from the post office and were returned. Finally, court summons were sent to and received by the renters and one renter brought his court summons to Mr. Bethune's home and placed it in his mailbox. When Mr. Bethune received the documents he was surprised by the information. Mr. Bethune stated he took the citation and went downtown to ask what this was all about. Mr. Bethune stated he was instructed to evict the two RVs which he did. Since the eviction of the RVs, Mr. Bethune states he has lost income and feels like he has been harassed. Mr. Bethune stated he continued to receive court summons up through August of 2010 even though the RVs had been removed. Mr. Bethune spoke with a lawyer and was told he could handle it himself through small claims court, which he did. Mr. Bethune's case was dismissed in December of 2011. Currently the matter is in arbitration.

Mr. Bethune would like to keep the mobile home park since it provides an additional source of income and would like to put the RVs and/or mobile homes back in.

Commissioner Talley asked what the difference was between a mobile home and manufactured home. Mr. Bethune stated they were basically the same thing. An RV is usually pulled behind a vehicle.

Commissioner Jones asked if Mr. Bethune was agreeable to a time period that this matter is re-reviewed for it to move from an RV to a mobile home only, which might help alleviate concerns from neighbors regarding how it looks. Mr. Bethune did not think it would matter in his situation since Mr. Bethune is already receiving offers of purchase for the property. When the right offer is available, Mr. Bethune will be selling his property. The CUP goes with the property, not the ownership.

Commissioner Jones asked if it were possible to state when the property is sold, the CUP goes away and reverts back to mobile homes. Ms. Speer stated the Commission could place a time limit, such as five years, on the CUP.

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

Commissioner Talley made a motion to approve Item 7, Z-FY-12-17. Commissioner Jones asked if there would be a time frame included in the motion. Commissioner Talley withdrew his motion.

Commissioner Jones made a motion to approve **Z-FY-12-17** with a five year time limit on the Conditional Use Permit for the two recreational vehicle spaces and Vice-Chair Staats made a second.

Motion passed: (5:1)

Commissioner Pilkington voted nay; Commissioner Rhoads absent



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT REQUEST
CITY OF TEMPLE**

Gregory S. Etux Wanda Laminack
8640 Prairie View Road
Temple, Texas 76502

RECEIVED
DEC 27 2011

City of Temple
Planning & Development

Zoning Application Number: Z-FY-12-17

Project Manager: Autumn Speer

Location: Livingston Farms MHP, 1900 North Pea Ridge Road

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

I recommend () approval

☒ denial of this request.

Comments:

In my opinion, mobile homes and RV's would only devalue surrounding properties. In the past, the City of Temple has denied Gregory Bethune the right to use this property for this purpose. New homes are being built in the surrounding properties. It is not feasible to have an RV facility in this section of Temple. I trust the Planning Dept and the City Council will consider the other projects that are currently underway. Nobody will want or appreciate a decision in favor of this request.


Signature

Gregory S. Laminack
Print Name

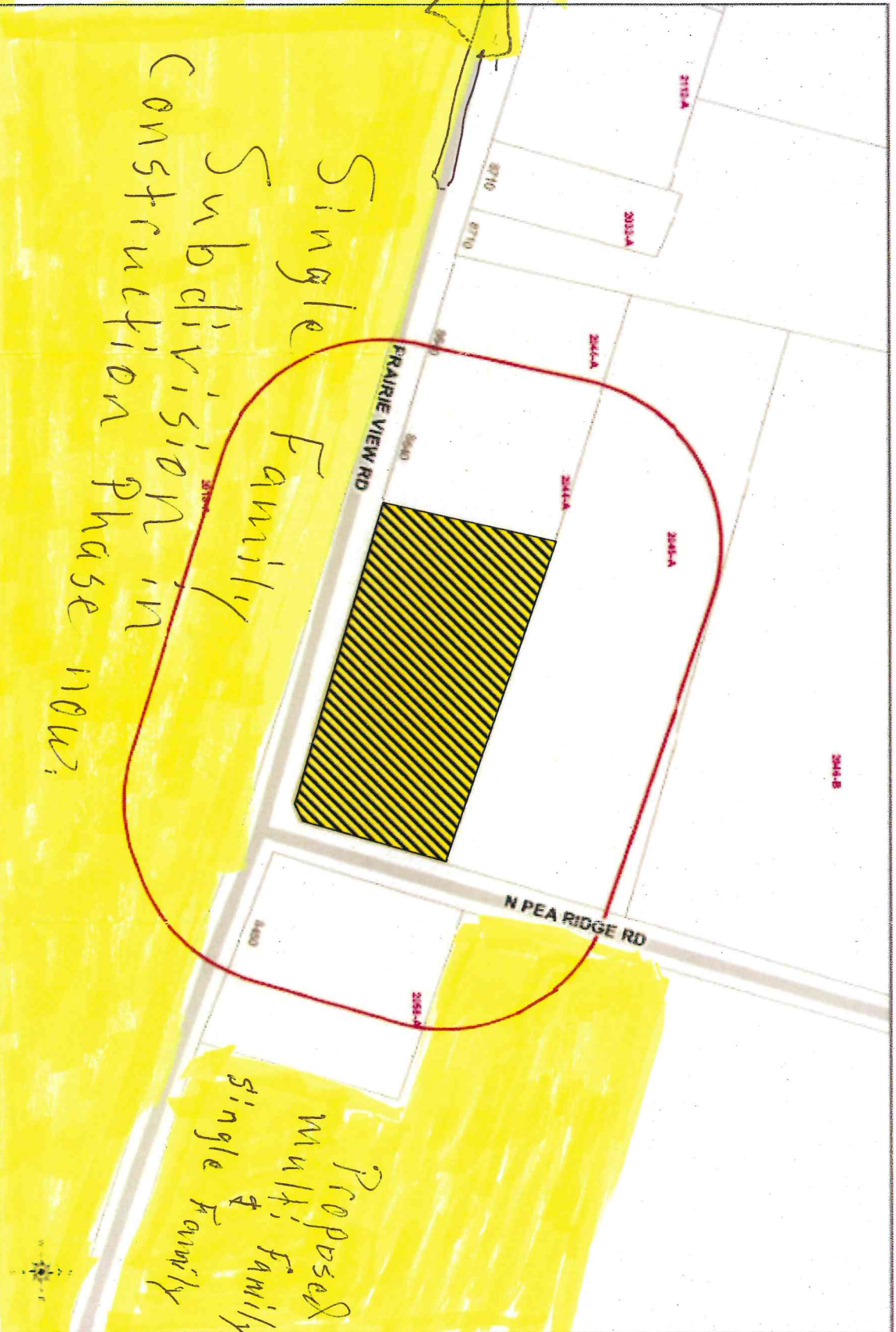
Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2012

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



Z-FY-12-17

Livingston Farms
Mobile Home Park



8560 Prairie View Rd.
200' Buffer

Feet 0 100 200 300 400 500
JCalhoun 11.26.2011



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT REQUEST
CITY OF TEMPLE**

Cathy Jo Clawson *Young*
8450 Prairie View Road
Temple, Texas 76502

Zoning Application Number: Z-FY-12-17

Project Manager: Autumn Speer

Location: Livingston Farms MHP, 1900 North Pea Ridge Road

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

I recommend () approval ☒ denial of this request.

Comments:

Please see attached.

Cathy J. Young
Signature

Cathy Jo Clawson Young
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2012

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

RECEIVED
JAN 03 2012
City of Temple
Planning & Development

Number of Notices Mailed: 4

Date Mailed: December 20, 2012

Cathy Young
8450 Prairie View Road, Temple, Texas

I oppose the proposed zoning change at 1900 North Pea Ridge Road for the following reasons:

Traffic

Both roads bordering the proposed mobile home park are narrow two-lane roads with no shoulders and no lane markings. The intersection of Prairie View Road and North Pea Ridge Road has no signage, and it is a blind intersection as it sits at the crest of a hill. Traffic is already a problem on Prairie View Road, with cars traveling at high speeds at all times of the day, and it is a small miracle that we have not had a major traffic accident resulting in injury or death. Adding traffic to this area before improving the roads and adding controls would be a very bad idea.

Neighborhood character/housing density

This neighborhood is rural, with single-family homes on acreage. Neighbors to the proposed mobile home park have cattle, horses, donkeys, goats, and chickens. There is a significant amount of space between houses.

A high-density development, such as a mobile home park, will negatively impact the character of our neighborhood. Roaming dogs could injure livestock. Creating flat, open space for the mobile homes would require clearing trees and destroying ground cover.

Noise

Because of the distance between houses in this neighborhood, noise is almost non-existent. The largest source of noise is from traffic. A mobile home park would create significant noise simply from the number of people, pets, and vehicles added to a small area.

Property values

The surrounding area is beginning to be developed as single-family housing. The property immediately to the south of the proposed mobile home park was recently rezoned, and dirt work has begun on what appears to be a large subdivision. The owner of the property immediately to my west and north is negotiating with a developer.

Developers are not going to want to invest millions of dollars to build subdivisions that are in close proximity to a mobile home park. Homebuyers are not going to want to purchase homes that are in close proximity to a mobile home park. This rezoning would negatively impact property values and potential rezoning of properties surrounding it.

Cathy J. Young

Autumn Speer

From: Leslie Evans
Sent: Tuesday, January 03, 2012 8:44 AM
To: Autumn Speer
Cc: Mary Maxfield
Subject: FW: rezoning for trailers

FYI for Livingston MHP

From: Joyce Novak [<mailto:jbillnovak3@hotmail.com>]
Sent: Monday, January 02, 2012 3:52 PM
To: Leslie Evans
Subject: rezoning for trailers

Leslie, I am not sure of who I talked to the other day. We have been out of town and we have misplaced that letter. I want to respond, but do not have the correct number. I would like to ask for a postponement of the proposal. I need to do some more research. I talked to Loyd Hall our neighbor and he is very much opposed to the trailers too.

Outside of not being zoned a trailer park and 2 or 3 trailers are placed on that property, then the lot will not support 3 cars. Most people have two cars and the property certainly would not support 6 cars. They would be parking along the street and this would be a safety issue. Who would want to rent there? It would be low income and this lot was set up for single family. We already have a house that was built right down the street that was not built to city code. The trailer would not have a security system and if vacant would be a potential break-in problem.

We got this letter before Christmas and that is a very busy time of year. I have not had time to work on this and am very much opposed to this change.

Joyce and Bill Novak

ORDINANCE NO. _____

[PLANNING NO. Z-FY-12-17]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW TWO RECREATIONAL VEHICLE (RV) SPACES AT THE LIVINGSTON FARMS MOBILE HOME PARK, LOCATED AT THE NORTHWEST CORNER OF PRAIRIE VIEW ROAD AND NORTH PEA RIDGE ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

Whereas, at its January 3, 2012 meeting, the Planning and Zoning Commission of the City of Temple, Texas, voted 5/1 in accordance with Staff recommendation to recommend approval of the CUP with a five year time limit on the Conditional Use Permit, and

Whereas, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the establishment finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit, with a five year limit, to allow two recreational vehicle (RV) spaces at the Livingston Farms Mobile Home Park, located at the northwest corner of Prairie View Road and North Pea Ridge Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

General:

A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.

B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.

C. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.

D. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration.

E. Adequate nuisance prevention measures have been taken to prevent or control offensive odors, fumes, dust, noise and vibration.

F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.

Part 3: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **February**, 2012.

PASSED AND APPROVED on Second Reading on the **16th** day of **February**, 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

02/02/12
Item #11
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-12-20: Consider adopting an ordinance authorizing an amendment to Article 3 of the Unified Development Code to change approval authority for the I-35 Corridor Overlay zoning district from the Planning and Zoning Commission to the City Council.

P&Z COMMISSION RECOMMENDATION: At its January 3, 2012 meeting, the Planning and Zoning Commission voted 4/2 (Commissioners Pilkington and Talley voted nay) in accordance with staff recommendation to recommend approval of the amendment to the Unified Development Code set forth in the item description above.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 16, 2012.

ITEM SUMMARY: Planning staff presented a presentation concerning the I-35 expansion plans and a review of the I-35 Overlay standards on December 1, 2011. Due to the extensive changes that are planned along I-35 in the next several years and the importance of the I-35 Overlay zoning district, City Council directed staff to amend the UDC to change the appeal authority from the Planning and Zoning Commission to the City Council. Please refer to the Staff Report and draft minutes of case Z-FY-12-20, from the Planning and Zoning meeting, January 3, 2012.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on December 20, 2011 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

[Article 3 - I-35 Appeal Amendment \(Attachment 1\)](#)
[Ordinance](#)

Sec. 3.1.3 Appeals

...

A. Administrative Decisions

With the exception of decisions related to building exterior material requirements set forth in **Error! Reference source not found.**, or the provisions of the I-35 Corridor Overlay zoning district, any party aggrieved by any final decision of any administrative official regarding the provisions of this UDC may appeal to the Zoning Board of Adjustment in accordance with **Error! Reference source not found.**

B. Quasi-Judicial Decisions

Any party aggrieved by any decision of the Zoning Board of Adjustment may present to the court of competent jurisdiction a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition must be presented to the court within 10 days after the filing of the decision by the Zoning Board of Adjustment.

C. Building Exterior Materials

Any party aggrieved by a decision of the Planning Director on building exterior material requirements set forth in **Error! Reference source not found.** may appeal to City Council. In deciding an appeal, the City Council will consider the same criteria applicable to exceptions found in subsection **Error! Reference source not found.**

D. I-35 Corridor Overlay Zoning District

Any party aggrieved by a decision of the Planning Director on a development review application in the I-35 Corridor Overlay zoning district may appeal to the ~~Planning and Zoning Commission~~ City Council for final action.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2010-4413, THE “UNIFIED DEVELOPMENT CODE,” SECTION 3.1.3(D), “APPEALS - I-35 CORRIDOR OVERLAY ZONING DISTRICT”; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, at its January 3, 2012 meeting the Planning and Zoning Commission voted, in accordance with Staff recommendation, to amend the UDC to change approval authority for the I-35 Corridor Overlay Zoning District from the Planning and Zoning Commission to the City Council; and

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

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

Part 1: The City Council approves an amendment to Ordinance No. 2010-4413, the “Unified Development Code,” by amending Section 3.1.3(D), entitled, “Appeals – I-35 Corridor Overlay Zoning District,” said amendment being more fully described in Exhibit A, attached hereto for all purposes.

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

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been

enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 2nd day of **February**, 2012.

PASSED AND APPROVED on Second Reading on the 16th day of **February**, 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

02/02/12
Item #12
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution designating the Chair of the Tax Increment Financing Reinvestment Zone No. 1 Board of Directors for 2012.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Chapter 311 of the Tax Code, Tax Increment Financing Act, specifies that each year the governing body of the municipality shall appoint one member of the board to serve as chairman for a term of one year that begins on January 1 of the following year. The board of directors may elect a vice-chairman to preside in the absence of the chair.

Bob Browder is currently serving as Chair of the TIF RZ No. 1 Board of Directors. Please see the attached board member list.

We recommend the Council designate one member of the board to serve as Chair for a one year term beginning January 1, 2012.

FISCAL IMPACT: N/A

ATTACHMENTS:

[RZ No. 1 Board Member List](#)
[Resolution](#)

REINVESTMENT ZONE NUMBER ONE

TERM EXPIRATION: SEPTEMBER - 2 YEAR TERMS

APPOINTED BY: C.C., TJC, BELL COUNTY, & TISD

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Scott Allen svallen@sbcglobal.net OMA	02/08	2012	818 North 11 th Street Temple, TX 76501	774-9565 W 718-3025 M 774-8579 F
Pat Patterson Pat.patterson@patcoconstruction.com	09/11	2013	2116 West Avenue H Temple, TX 76504	771-2228 W 760-6062 C
Jacob (Jay) Bojorquez jaynbetty@sbcglobal.net	10/08	2013	7311 Rickey Drive Temple, TX 76502	771-3299 H 931-3269 C
Jack W. Jones, Jr. (Temple College Rep.) jackj@vvm.com	08/07 appt.by TC	2013	P O Box 3310 Temple, TX 76505	774-7167 H 771-1855 W 760-0827 M
Bob Browder, Chair bobbrowder@bcswlaw.com	10/08	2013	4101 Briar Cliff Road Temple, TX 76502	774-8333 ext 255 W 778-8956 H 760-6164 C
Wendell Williams wwilliams@cnbtemple.com	09/11	2013	104 Coleta Court Belton, TX 76512	743-6960 W 913-1806 C
Hugh Shine hughdshine@yahoo.com	09/10	2012	P.O. Box 793 Temple, TX 76503	742-1885 W 774-9685 H 760-6007 C
Gail Peek peek@vvm.com	09/06	2012	3409 Whispering Oak Temple, Texas 76502	778-7892 H/W 493-2000 M
Steve Wright (TISD Rep.) steve@wrightbuilders.com	6/06 appt.by TISD	2013	Wright Builders 5640 Kegley Place Ln Temple, TX 76502	778-4495 W 541-5124 M
Thomas Baird thomasbaird@bcswlaw.com	06/11	2013	15 N. Main Temple, TX 76501	743-7310 W 913-2170 M
Commiss. Eddy Lange (Bell Co. Rep.) william.lange@co.bell.tx.us	01/05- appt.by Bell Co.	2011	P.O. Box 768 Belton, Texas 76513	933-5103 W 933-5179 Fax
Michael Thompson mthompson@extracobanks.com	09/06	2012	18 South Main Street Temple, TX 76501	774-5550 W
John Kiella (BISD Rep.) jkiella@kiella.com	09/05	2012	P O Box 1344 Temple, TX 76503	778-0085 W 774-7231 Fax 541-3360 M
Gary Schmidt (Troy ISD Rep.) gschmidt@cnb-temple.com	02/2000	2012	Central National Bank P O Box 4107 Temple, TX 76505	743-6965 W 938-2429 H 770-3186 Fax
Edward Coufal (Elm Crk) edwardc@cpetem.com	05/05	2013	8576 FM 3117 Temple, Texas 76501	721-9696 773-9916 W

Created pursuant to Section 311.004(a)(2) of the Tax Increment Financing Act; Ordinance 1457, December 16, 1982. **Purpose:** Make recommendations to the City Council concerning the administration of the Zone. The board of directors exercise powers necessary to implement the project plan which is delegated by ordinance of the Council. **Membership:** 15 directors - 9 appointed by the Council; 1 director each of every taxing entity with levies taxes within the Zone, currently: TC, TISD, BISD, Troy ISD, Bell County and Elm Creek Water District. To be eligible for appointment to the board an individual must be a qualified voter of the municipality or be at least 18 years of age and own real property in the zone, whether or not the individual resides in the municipality. **Term:** 2 years
Revised 08/18/11



COUNCIL AGENDA ITEM MEMORANDUM

02/02/12
Item #13
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 FTalley735@aol.com	09/07	2013	5004 Wildflower Lane (h) Temple, TX 76502	770-0289 H
Barbara Brown-resigned 11/2011 Hbbrown76502@sbcglobal.net	01/11	2014	4402 Lonestar Temple, TX 76502	771-2832 H
David Jones David@belltec.net	04/11	2014	11704 Meredith Dr. Belton, TX 76513	939-9404 W 780-1433 H 718-2221 C
Mike Pilkington mpilkington@pilkington-homes.com	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 mvpbep@sbcglobal.net	09/06	2012	1206 North 3 rd Street Temple, TX 76501	773-4198 H 231-1470 C
Greg Rhoads Greg@2thetopluc.com	01/11	2014	2506 Legend Oaks Dr Temple, TX 76502	774-8301 W 770-1844 H 931-0637 C
Will Sears willsears@hotmail.com	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) jmmstaats@aol.com james@asm-tx.com	08/09	2012	2214 Fox Glen Lane Hm: Temple, TX 76502-H	760-4633W 773-3464 H 534-1233 C
Derek Martin (Chair) derek martin@templeproventures.com	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: 1st and 3rd Mondays of each month, 5:30 p.m., Council Chambers, Municipal Building **City Staff:** Planning Director

REVISED 08/18/11