



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

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

THURSDAY, FEBRUARY 16, 2012

5:00 P.M.

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. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) [National School Counselors Week](#) [February 6 – 10, 2012](#)
(B) [Receive presentation from the Texas Council on Cardiovascular Disease and Stroke](#)

IV. REPORTS

4. Receive the City of [Temple Comprehensive Annual Financial Report](#) for fiscal year ended September 30, 2011.

V. CONSENT AGENDA

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

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

Minutes

- (A) [February 2, 2012 Special Called and Regular Meeting](#)

Contracts, Leases & Bid

- (B) [2012-6543-R](#): Consider adopting a resolution authorizing a renewal agreement with Central Texas 4C, Inc., for lease of space in the Robert M. Blackmon, Jr., Neighborhood Center for preschool programs.
- (C) [2012-6544-R](#): Consider adopting a resolution authorizing a facility user's agreement through December 31, 2014, with Justice Enterprises of Belton for the operation of the Lions Park Softball Complex concession stand with a monthly usage fee paid to the City in the amount of \$100 per month.
- (D) [2012-6545-R](#): Consider adopting a resolution authorizing a Discretionary Service Agreement with Oncor Electric Deliver Company for the relocation of a portion of their system along Loop 363 in association with the Loop 363 Pass Through project.
- (E) [2012-6546-R](#): Consider adopting a resolution authorizing the purchase of ten (10) wireless ticket writers and printers with associated software from Advanced Public Safety in the amount of \$66,873.

Ordinances – Second & Final Reading

- (F) [2012-4509](#): SECOND READING - 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.

- (G) [2012-4510](#): SECOND READING - 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.
- (H) [2012-4511](#): SECOND READING - 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.
- (I) [2012-4512](#): SECOND READING - 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.
- (J) [2012-4514](#): SECOND READING - 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.

Misc.

- (K) [2012-6547-R](#): Consider adopting a resolution suspending the March 6, 2012 effective date of Atmos Energy Corp's requested rate change to permit the City time to study the request and to establish reasonable rates.
- (L) [2012-6548-R](#): Consider adopting a resolution authorizing the acceptance of grant funds from Oncor's City Matching Grant Program, to complete lighting upgrades at seven City facilities in the amount of \$126,144.32, with \$63,072 cost-shared by the City.
- (M) [2012-6549-R](#): Consider adopting resolution authorizing joint election agreements with the Temple Independent School District and Temple College for the May 12, 2012 election.
- (N) [2012-6550-R](#): Consider adopting a resolution approving first quarter financial results for Fiscal Year 2012.
- (O) [2012-6551-R](#): Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

V. REGULAR AGENDA

ORDINANCES – SECOND & FINAL READING

- 6. [2012-4508](#): SECOND READING - 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.

7. [2012-4513](#): SECOND READING - 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.

ORDINANCES- FIRST READING- PUBLIC HEARING:

8. [2012-4515](#): FIRST READING – PUBLIC HEARING – A-FY-12-05: Consider an ordinance abandoning 0.25 acres of unimproved North 7th Street right of way in Parklawn Addition, located between Lot 3, Block 8 and Lot 1, Block 9 of Parklawn Addition, between properties more commonly known as 2007 North 7th Street and 402 Mayborn Drive; and reserving a public drainage and utility easement in the entire abandoned right-of-way.
9. [2012-4516](#): FIRST READING – PUBLIC HEARING - Z-FY-12-19: Consider adopting an Ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5, 7, 8 and 11 of the Unified Development Code to: add “Kiosk” as permitted uses in the use table of certain zoning districts with specifications; remove “home occupation” as an allowable residential accessory use in the LI and HI zoning districts; Clarify all parking areas must be paved with either asphalt or concrete; Clarify that vehicular backing motions are prohibited into a public street from a parking area on all non-residential sites; Clarify utility poles or other obstructions are not permitted in sidewalks; and to establish or amend definitions related to such uses and standards.
10. [2012-4517](#): FIRST READING – PUBLIC HEARING - Z-FY-12-21: Consider adopting an ordinance authorizing a rezoning from Agricultural District (A) to Commercial District (C) on Tract 1, being a ±7.684 acre tract of land and Tract 2, being a ±5.779 acre tract of land both out of the George Givens Survey, Abstract No. 345 and the Nancy Chance Survey, Abstract No. 5, Bell County, Texas located on the east side of South Kegley Road, north of the Caddy Shack Golf Range.

RESOLUTIONS

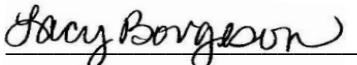
11. [2012-6552-R](#): Consider adopting a resolution authorizing the purchase of eight (8) unmarked police vehicles from Caldwell Country of Caldwell in the amount of \$130,448.
12. [2012-6553-R](#): Consider adopting a resolution authorizing support for the submittal of an application for 2012 Housing Tax Credits and Home Investment Partnership (HOME) Program funds to the Department of Housing and Community Affairs by Bill Encinas dba EGFW Del Mar LP for senior rental housing to be located at/near the 2700 block of Martin Luther King Drive.
13. [2012-6554-R](#): Consider adopting a resolution authorizing a one year lease contract with the Bell County HELP Center for 4,917 square feet in the Public Services Annex (old Sears Building).

BOARD APPOINTMENTS

14. [2012-6555-R](#): Consider adopting a resolution appointing a member to fill unexpired term through September 1, 2012 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 2:30 PM, on February 10, 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

02/16/12
Item #3(A)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamation:

National School Counselor's Week

February 6 -- 10, 2011

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY: This proclamation was requested by, and will also be received by, Thomas Jones with the Temple Independent School District.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

02/16/12
Item #3(B)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Receive presentation from the Texas Council on Cardiovascular Disease and Stroke.

STAFF RECOMMENDATION: Accept presentation as presented in item description.

ITEM SUMMARY: The Texas Council on Cardiovascular Disease and Stroke will recognize the City of Temple for being a Silver Award Recipient in the Heart and Stroke Healthy City Community Assessment.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

02/16/12
Item #4
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Receive the City of Temple Comprehensive Annual Financial Report for fiscal year ended September 30, 2011.

STAFF RECOMMENDATION: Receive the audit report as presented in item description.

ITEM SUMMARY: According to the City Charter of the City of Temple, an annual independent audit is required to be made of the financial records of the City by a Certified Public Accountant selected by the City Council. The City of Temple engaged the firm of Brockway, Gersbach, Franklin & Niemeier, P.C.

The City of Temple Comprehensive Annual Financial Report (CAFR) for fiscal year ending September 30, 2011, will be presented by Steve Niemeier, CPA. Mr. Niemeier is a partner with the accounting firm of Brockway, Gersbach, Franklin and Niemeier, P.C. and will be available to address the Council members' questions.

In the previous year's financial statements, the City implemented a dramatic change in governmental financial reporting. We believe this new presentation provides better information to users of the comprehensive annual financial report. The new reporting model issued by the Governmental Accounting Standards Board requires that the management provide a narrative introduction, overview, and analysis to accompany the basic financial statements in the form of Management's Discussion and Analysis (MD&A). The City's MD&A can be found immediately following the independent auditors' report.

The comprehensive annual financial report is presented in four sections: introductory, financial, statistical and compliance. The introductory section includes this transmittal letter, the City's organizational chart and a list of principal officials. The financial section includes the MD&A, Government-wide and Major Fund presentations, notes to the financial statements, Required Supplementary Information, Combining Individual Fund Statements, as well as the independent

auditors' report on the financial statements and schedules. The statistical section includes selected financial and demographic information, generally presented on a multiyear basis.

FISCAL IMPACT: The fee for the FY 2011 annual audit is \$ 65,600. The audit fee is proportionally allocated to each fund.

ATTACHMENTS:

Audit - Available in the City Secretary's Office



COUNCIL AGENDA ITEM MEMORANDUM

02/16/12
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) February 2, 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:

February 2, 2012 Special Called and Regular Meeting – To be provided



COUNCIL AGENDA ITEM MEMORANDUM

2/16/12
Item #5(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a renewal agreement with Central Texas 4C, Inc., for lease of space in the Robert M. Blackmon, Jr., Neighborhood Center for preschool programs.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The annual lease for the Robert M. Blackmon, Jr. Neighborhood Center, located in Wilson Park, expired September 30, 2011. Central Texas 4C, Inc., would like to keep leasing the facility for their preschool programs. The center will continue to be leased in two year increments; this lease will expire January 31, 2014.

4C has been occupying the Blackmon Center since 1986. Under the lease the City pays water, sewer and garbage. 4C pays for electrical services. The City maintains the exterior walls, drives, etc., of the building and pipes and wiring which are internal to the walls of the building. 4C pays for plumbing and electrical within the building such as toilets, light fixtures, etc. The total cost anticipated to be expended for FY2012 for all costs by the City at the Blackmon Center, to include water, sewer and garbage pickup, is budgeted at \$750.

FISCAL IMPACT: The total annual rent is \$9,261.48, with City expenditures estimated at \$750.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING A 2-YEAR RENEWAL AGREEMENT BETWEEN THE CITY OF
TEMPLE, TEXAS, AND CENTRAL TEXAS 4C, INC., FOR LEASE OF SPACE IN
THE ROBERT M. BLACKMON, JR., NEIGHBORHOOD CENTER FOR
PRESCHOOL PROGRAMS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the annual lease for the Robert M. Blackmon, Jr. Neighborhood Center, located in Wilson Park, has requested a renewal of the lease of space for preschool programs;

Whereas, 4C has been occupying the Blackmon Center since 1986 and is responsible for costs associated with water, sewer, garbage, electrical services as well as plumbing and electrical within the building, such as toilets, light fixtures, etc. – the City maintains the exterior walls, drives, pipes and wiring which are internal to the walls of the building;

Whereas, the Staff recommends approval of the lease in 2 year increments at the rate of \$771.79 per month (\$9,261.48 per year); 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 lease agreement between the City of Temple and Central Texas 4C, Inc., after approval as to form by the City Attorney, for lease of space in 2-year increments at the rate of \$771.79 per month (\$9,261.48 per year) in the Robert M. Blackmon, Jr., Neighborhood Center for preschool programs.

Part 2: The City's anticipated expenditures associated with the Robert M. Blackmon, Jr. Neighborhood Center for FY2011-12 are approximately \$750.

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

PASSED AND APPROVED this the **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

02/16/12
Item #5(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a facility user's agreement through December 31, 2014, with Justice Enterprises of Belton for the operation of the Lions Park Softball Complex concession stand with a monthly usage fee paid to the City in the amount of \$100 per month.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On January 20, 2012, Justice Enterprises of Belton and Cory's Creation of Temple submitted proposals for providing concessionaire services at Lions Park Softball Complex. These services have been outsourced for several years, with concessionaire services being provided by Justice Enterprises for the last five years.

The proposed concessionaire agreement allows for the contracted concessionaire to have the exclusive right to operate the concession stand at the Lions Park Complex during all events at the Complex and to pay the City \$100 per month for this right. In addition to supervising the concession stand and operating it in accordance with all laws and ordinances, the concessionaire also has the responsibility of turning on and off lights and raising and lowering the flags.

A committee involving Parks & Leisure Services personnel and the Purchasing Director reviewed and evaluated the two proposals. The evaluation criteria as outlined in the RFP were as follows: 35%, proposed menu pricing; 35%, proposed menu content, including variety of selection offered; and 30%, qualifications, experience, and reputation of concessionaire. Each offeror presented to the City a proposed menu with pricing, knowing that any future changes to the menu content or pricing must be approved by Parks and Leisure Services.

The menu and pricing of both vendors was very comparable to each other. Hence, it came down to the qualifications, experience, and reputation of the concessionaire. Ultimately, it was the committee's conclusion that Justice Enterprises had more experience than Cory's Creation in providing concessionaire services, and accordingly, it is staff's unanimous recommendation to award the concessionaire services contract to Justice Enterprises.

Staff has been working with Justice Enterprises for the last five years and finds them to be a very responsive and responsible concessionaire.

The proposed contract is for a 34-month period beginning on March 1, 2012, and ending on December 31, 2014, with the option to extend the contract for two additional one-year periods, if agreeable to both parties.

FISCAL IMPACT: Revenue will be generated in the amount of \$1,200 per year.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A FACILITY USER'S AGREEMENT WITH JUSTICE ENTERPRISES OF BELTON, TEXAS, FOR OPERATION OF THE LIONS PARK SOFTBALL COMPLEX CONCESSION STAND; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on January 20, 2012, Justice Enterprises of Belton, Texas and Cory's Creation of Temple, Texas submitted proposals for providing concessionaire services at Lions Park Softball Complex – these services have been outsourced for several years, with concessionaire services being provided by Justice Enterprises for the last five years;

Whereas, the proposed contract is for a 34-month period beginning March 1, 2012 and ending December 31, 2014, with the option to extend the contract for two additional one-year periods, if agreeable to both parties;

Whereas, the menu and pricing of both vendors was comparable – Staff unanimously recommends award of the concessionaire service contract to Justice Enterprises of Belton, Texas; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an agreement with Justice Enterprises of Belton, Texas, after approval as to form by the City Attorney, for operation of the concessionaire services at Lions Park Softball Complex, for a term of 34-months beginning March 1, 2012.

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 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

02/16/12
Item #5(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Discretionary Service Agreement with Oncor Electric Deliver Company for the relocation of a portion of their system along Loop 363 in association with the Northwest Loop 363 Pass Through project in an amount of \$263,818.94 and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Due to the Loop 363 expansion, 70 Oncor Delivery's electricity poles must be moved. Fifty of those poles are in private easements or street right of way and are Oncor's responsibility to relocate. Twenty of them are in public easements for which the City has the financial responsibility associated with the movement of the poles. Oncor Delivery has presented the City with an offer to move these poles at cost for a total of \$263,818.94.

FISCAL IMPACT: Pass-Through Financing Bonds will be issued to fund the city's share of costs related to the Northwest Loop 363 Pass-Through project. Initial funding for this expenditure will be allocated from General Fund Balance Designated for Capital Project-Unallocated.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DISCRETIONARY SERVICE AGREEMENT WITH ONCOR ELECTRIC DELIVERY COMPANY, LLC, FOR THE RELOCATION OF A PORTION OF THEIR SYSTEM ALONG LOOP 363, IN ASSOCIATION WITH THE LOOP 363 PASS THROUGH PROJECT, IN THE AMOUNT OF \$263,818.94; DECLARING AN OFFICIAL INTENT TO REIMBURSE ASSOCIATED EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, due to the Loop 363 expansion, 70 electricity poles belonging to Oncor Delivery Company must be relocated – 50 of those poles are located in private easements or street right-of-ways;

Whereas, Oncor has financial responsibility associated with the movement of 50 of the electricity poles and the City has financial responsibility for the movement of the remaining 20 poles - Oncor has presented the City with an offer to move the City's 20 electricity poles at Oncor's cost – a total of \$263,818.94;

Whereas, the City of Temple anticipates the issuance of one or more series of obligations, the interest on which will be excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended, in order to finance all or a portion of these costs;

Whereas, certain expenditures relating to this project will be paid prior to the issuance of the Obligations;

Whereas, the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

Whereas, upon issuance of the Obligations, the City desires to reimburse these prior expenditures with proceeds of the Obligations;

Whereas, Section 1.150-2 of the Treasury Regulations provides that an expenditure on the project may not be reimbursed from Obligation proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid; 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 Discretionary Service Agreement with Oncor Electric Delivery Company, LLC, after approval as to form by the City Attorney, to move the City's 20 electricity poles at Oncor's cost, in the amount of \$263,818.94.

Part 2: The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

Part 3: This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse these expenditures with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

Part 4: The expenditures described are capital expenditures under general Federal income tax principles or a cost of issuance.

Part 5: Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group to pay for these expenditures.

Part 6: 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 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

02/16/12
Item #5(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of eighteen (18) wireless ticket writers and printers with associated software from Advanced Public Safety in the amount of \$91,451.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple Police Department Traffic Unit has 8 Officers that are using ticket writer hardware and software from Advanced Public Safety Systems for the past four years. The Police Department and Municipal Court have found that the automated ticket writers have worked well and would now like to purchase an additional ten units for the patrol units as well as eight replacement units. One of the goals of the ticket writers is to reduce the amount of time officers spend filling out tickets on the roadside—a risky proposition and to improve the efficiency of both Police and Courts.

As part of an effort to make this a more efficient and safe process for Police Officers writing citations, it was recommended that the officers have access to technology that can more efficiently and safely conduct their jobs. Running on the handhelds is a version of Pocket Citation application that automates common data entry tasks involved in filling out traffic citations. The system also can check remotely a vehicle or license number against local and national databases, eliminating the need for an officer to call a dispatcher to verify plate numbers. The handhelds communicate to the printers via a high-speed wireless connection, allowing officers to print tickets for motorists at the scene.

Pocket Citation helps officers issue tickets more quickly by eliminating much of the repetitive data entry. Because the devices are ruggedized for wear and tear, they are well-suited for police officers, especially motorcycle officers.

Benefits of the system include:

- Citation completed with only six to 10 clicks on the device
- Auto-populates citations with driver's license information
- Provides a cost-effective, portable electronic citation solution
- Eliminates data errors on traffic citations
- Produces professional, easy-to-read tickets
- Reduces contact time with violators

- Stores data electronically for entry into the APS ReportBeam database
- Works with a wide array of hardware
- Allows for transfer to the City's Records Management or Court systems

Currently the Traffic Unit produces almost 60% of the tickets which are already in electronic format and the patrol units still use handwritten tickets accounting for the remainder of the tickets. This solution for the patrol officers will help to significantly reduce the amount of paper tickets that the Municipal Court has to process and the number of errors that occur.

The APS software is also the application of choice for local governments across the country and has become the technological standard for Auto Citation applications. Some of Agencies in Texas and across the country that use the APS solution are Addison, Amarillo, Corpus Christi, Dallas, El Paso, Harris County, Richardson, Atlanta, Chicago, Charlotte, Jacksonville, Kansa City, Miami, Minneapolis, and Tampa Bay among many others.

Staff is proposing to purchase the necessary Virtual Partner software and eighteen (18) wireless ticket writers and printers from APS. In accordance with the Local Government Code Section 252.022, this particular product is sole sourced due to patent rights through APS.

FISCAL IMPACT: The total purchase price of the ticket writer hardware, software and services is \$91,451 and includes the first year warranty for the Software and a three year warranty on the Hardware.

A budget adjustment is presented for Council's approval appropriating \$91,451 of Municipal Court technology funds to account 110-2031-521-62-18, project #100846.

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

FY 2012**BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

		+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE	
110-2031-521-62-18	100846	Instruments/Special Equipment	\$ 91,451		
110-0000-317-00-00		Technology Fee Funds		\$ 91,451	
		DO NOT POST			
TOTAL.....			\$ 91,451	\$ 91,451	

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

This budget adjustment appropriates \$91,451 of Technology Restricted Funds to purchase eighteen ticket writers and ten printers with the associated software. Ten ticket writers are additions and eight are replacement units. The Police Department and Municipal Court have found that the automated ticket writers have worked well.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

February 16, 2012

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division DirectorDate☐

Approved

☐

Disapproved

FinanceDate☐

Approved

☐

Disapproved

City ManagerDate☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 10 WIRELESS TICKET WRITERS, PRINTERS AND SOFTWARE FROM ADVANCED PUBLIC SAFETY, IN THE AMOUNT OF \$66,873; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, for the past four years, several officers from the City of Temple Police Department Traffic Unit have been using ticket writer hardware and software from Advanced Public Safety;

Whereas, currently the Traffic Unit produces approximately 60% of the tickets which are already in electronic format, however, many of the patrol units still write tickets by hand – purchasing additional ticket writing hardware and software will help significantly reduce the amount of paper tickets the Municipal Court has to process and the number of errors that occur;

Whereas, the automatic ticket writers reduce the amount of time officers spend filling out tickets on the roadside, and desire to purchase an additional 10 units for the patrol cars from Advanced Public Safety, as a sole source provider, in the amount of \$66,873, and Staff recommends this purchase;

Whereas, funds are available for this purchase in Account No. 110-2031-521-62-18, Project No. 100846, but an adjustment to the FY2011-12 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the purchase of 10 wireless ticket writers, printers and software from Advanced Public Safety, as a sole source provider, in the amount of \$66,873 and authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for this purchase.

Part 2: The City Council approves an adjustment to the FY2011-12 budget, substantially in the form of the copy attached as Exhibit A, for this purchase.

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

PASSED AND APPROVED this the **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

02/016/12
Item #5(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: SECOND READING - 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: Adopt ordinance as presented in item description, on second and final reading.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-09, 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 map. 18pm

RECEIVED

NOV 29 2011

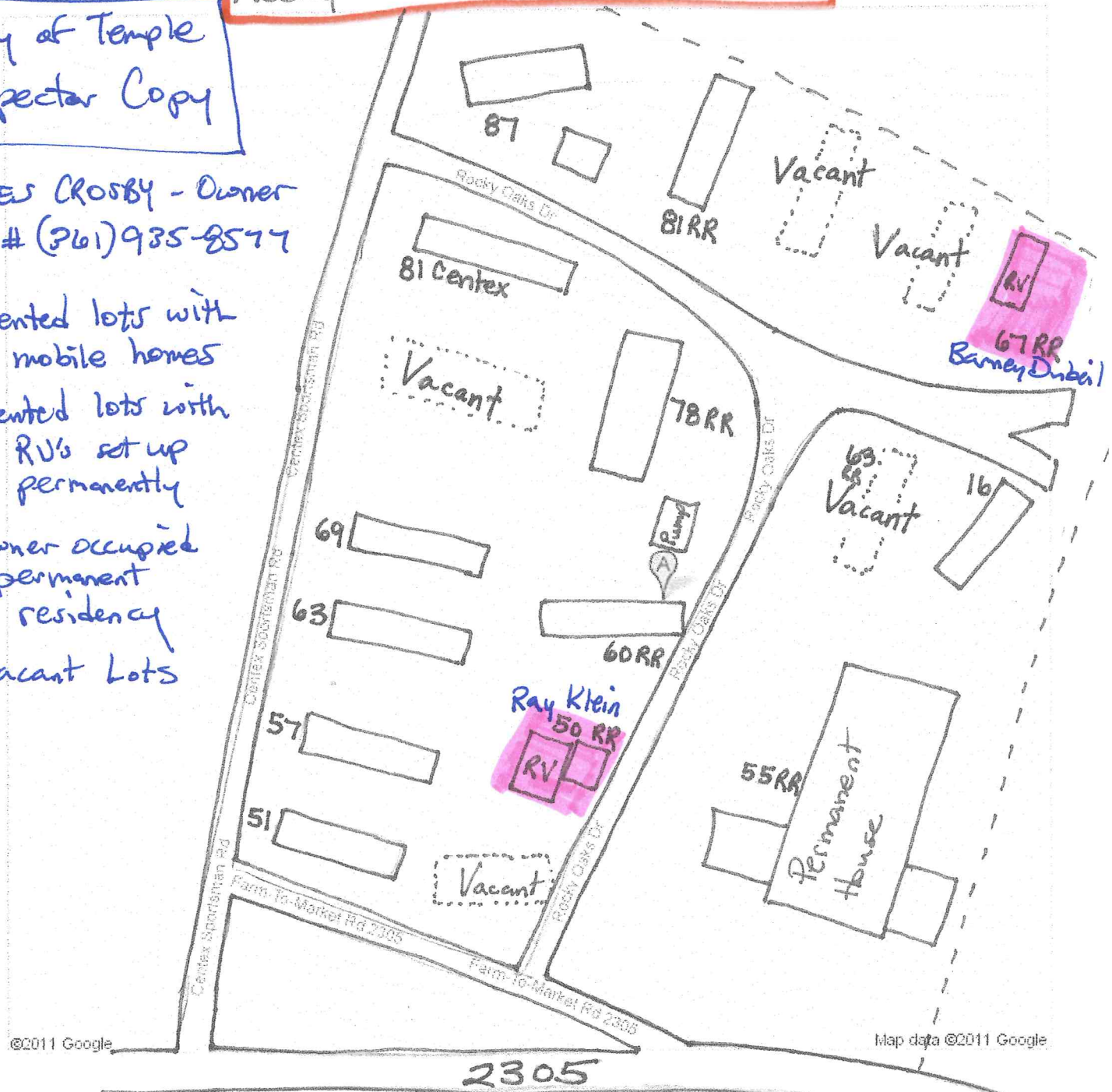
City of Temple
Planning & Development

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

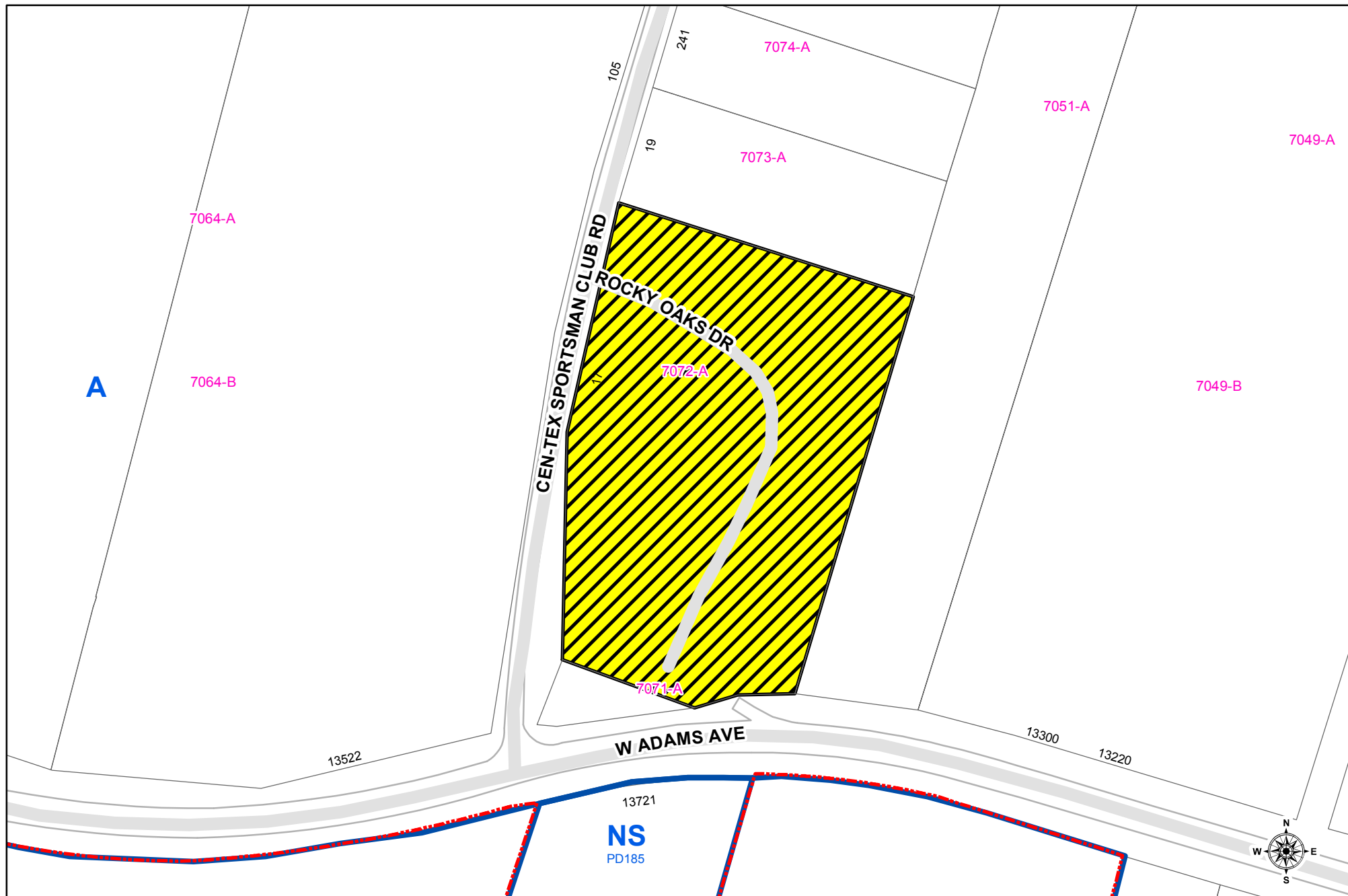


 55 Rocky Oaks Dr.

Feet 0 100 200 300 400 500



Rocky Oaks Mobile Home Park



55 Rocky Oaks Dr.



Current Temple Boundary

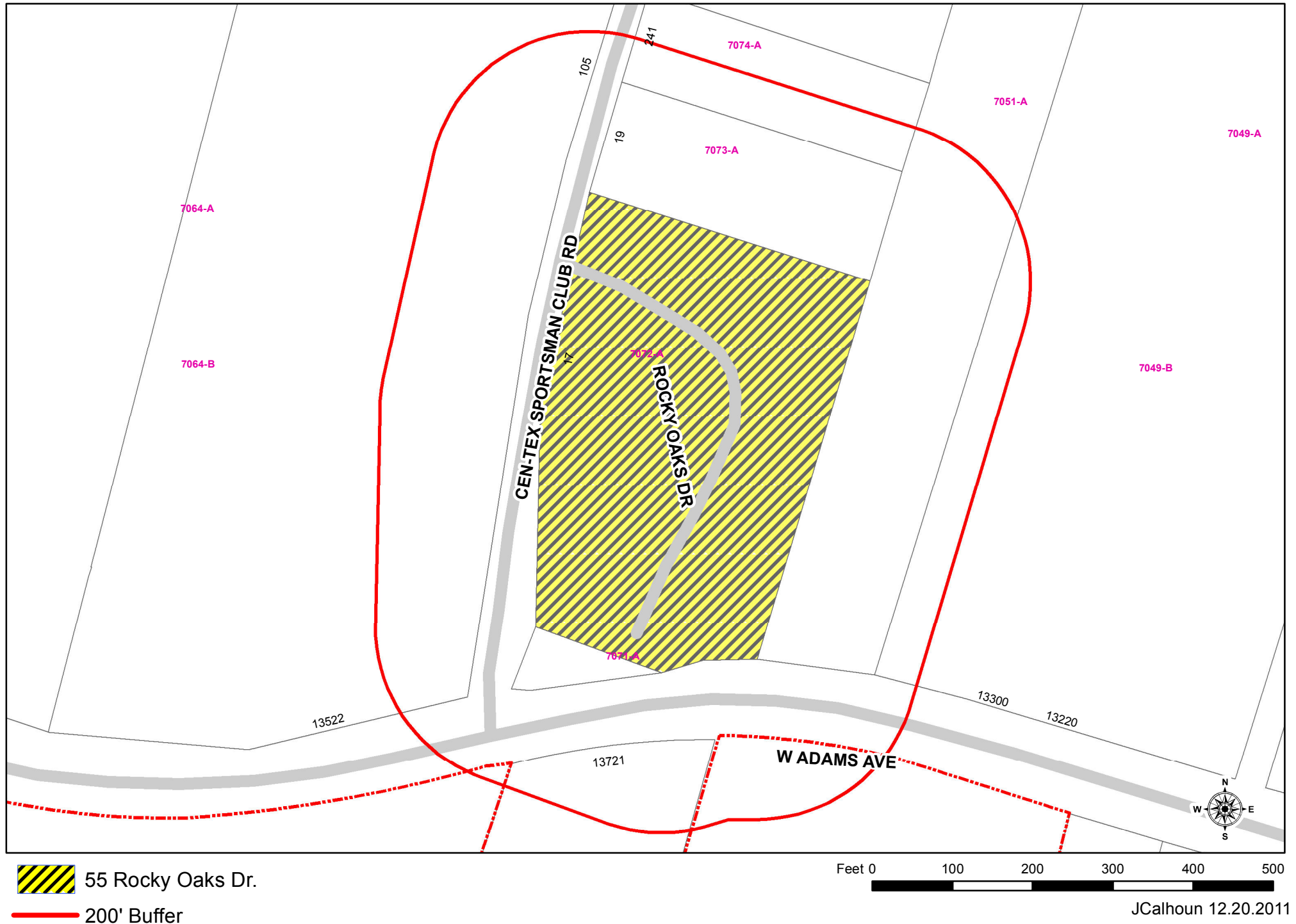
Feet 0 100 200 300 400 500

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

02/16/12
Item #5(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: SECOND READING - 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: Adopt ordinance as presented in item description, on second and final reading.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-10, 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 Park 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 Siboy 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

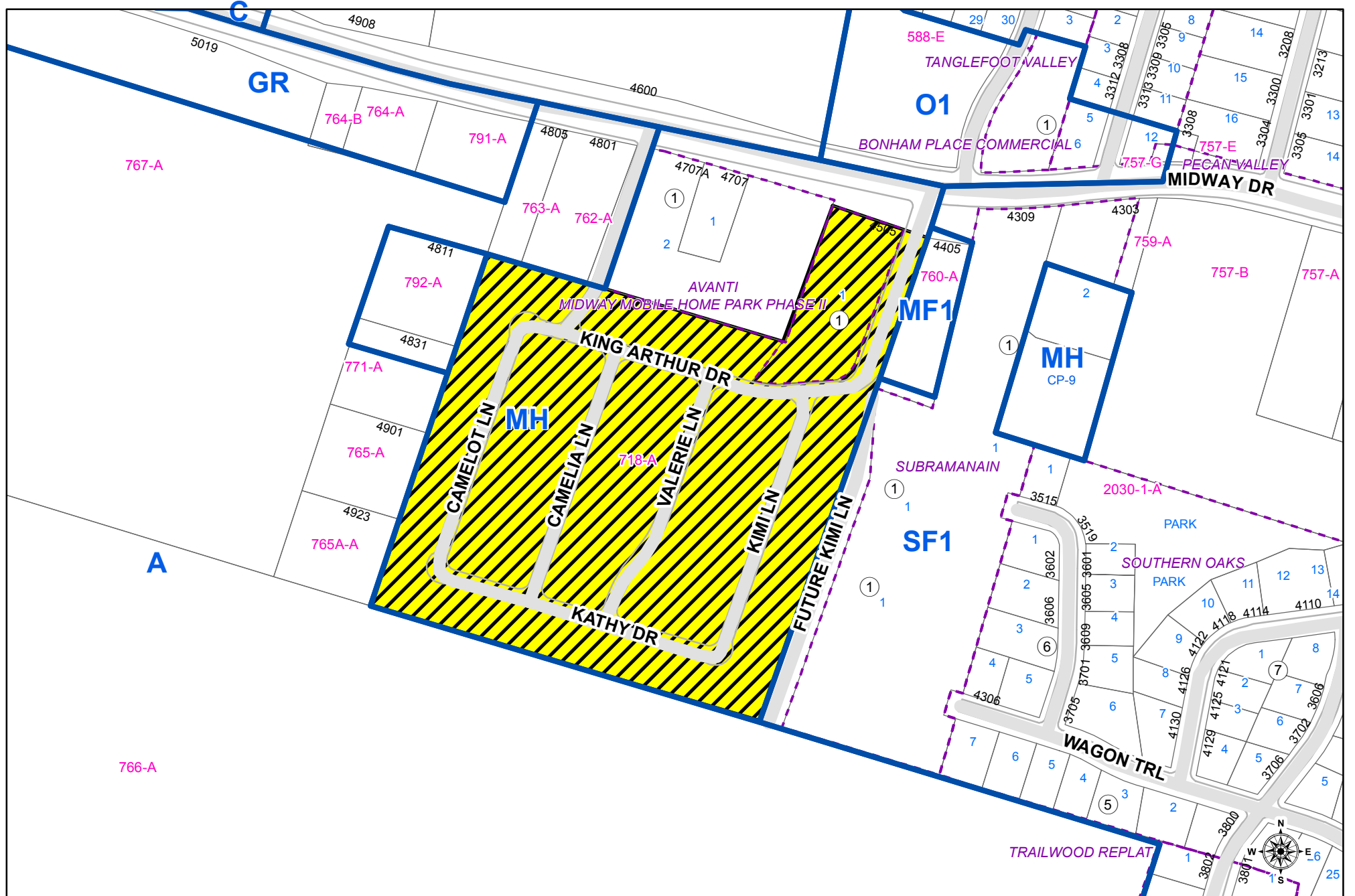
Midway Mobile Home Park




 4505 Midway Dr.

Feet 0 200 400 600 800 1,000

Midway Mobile Home Park



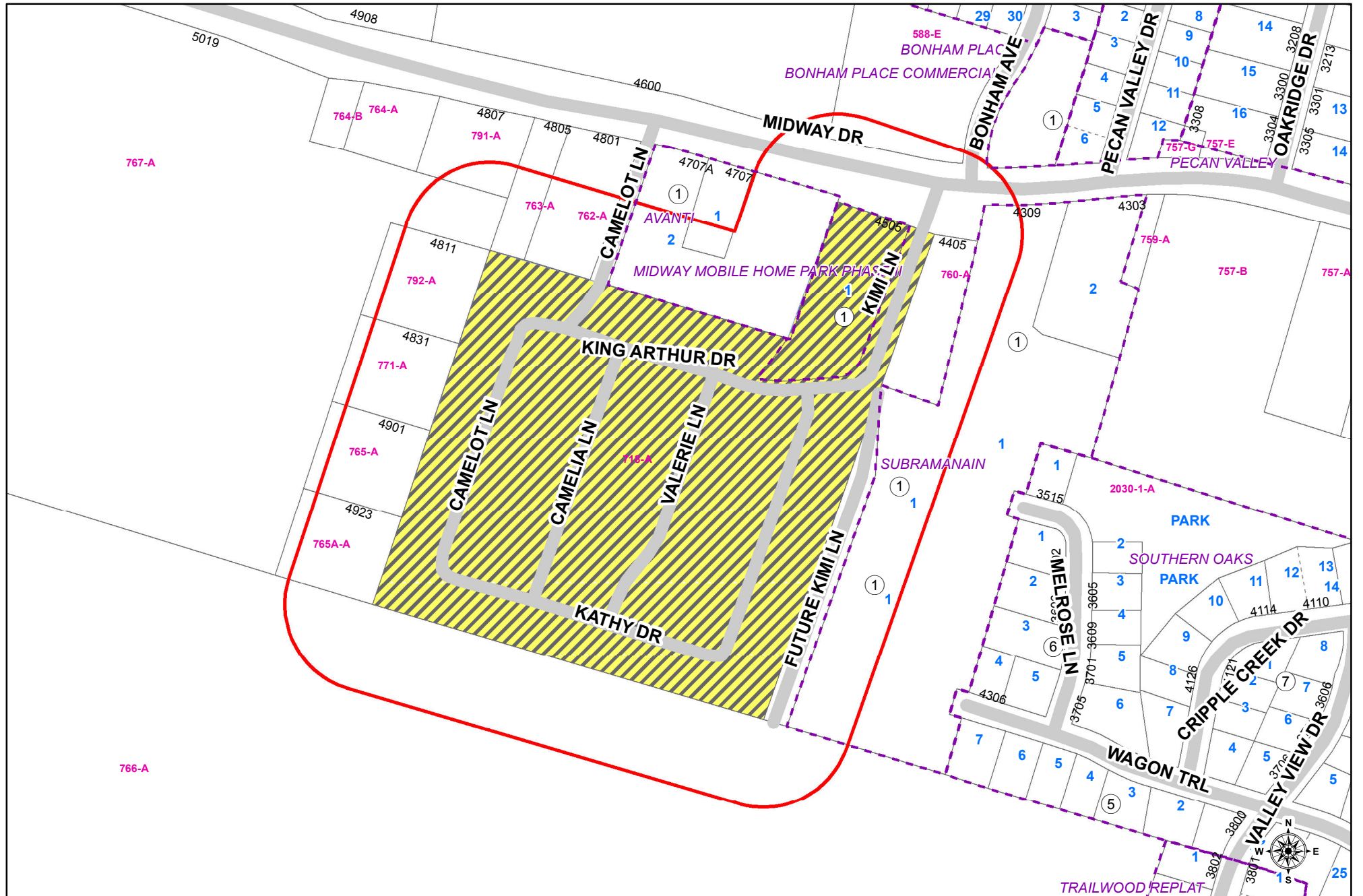
 4505 Midway Dr.

Feet 0 200 400 600 800 1,000



Z-FY 12-10

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.

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 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

02/16/12
Item #5(H)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: SECOND READING - 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: Adopt ordinance as presented in item description, on second and final reading.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-11, 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

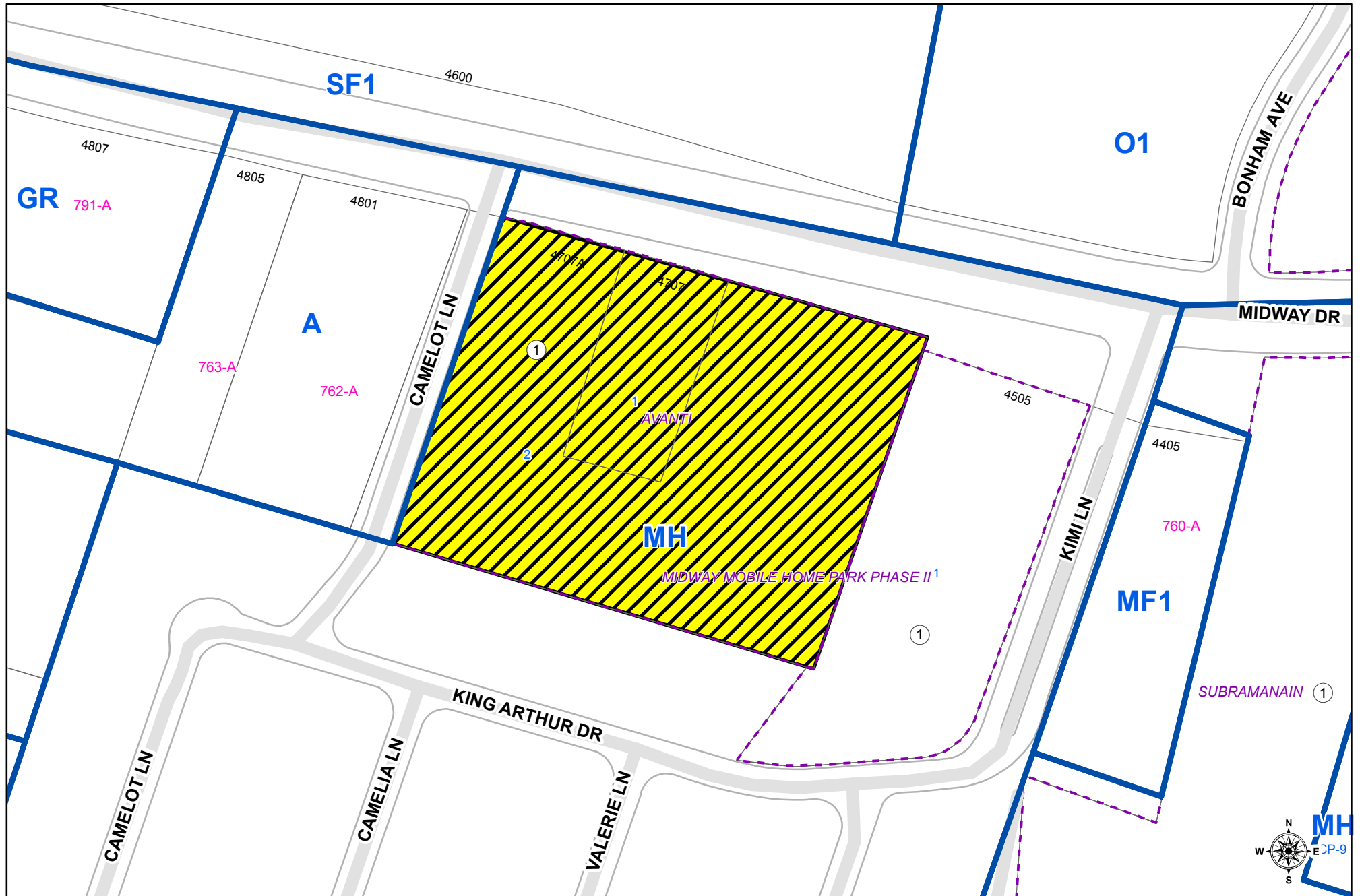



 4707 Midway Dr.

Feet 0 50 100 150 200 250

JCalhoun 12.07.2011

Robbins Mobile Home Park

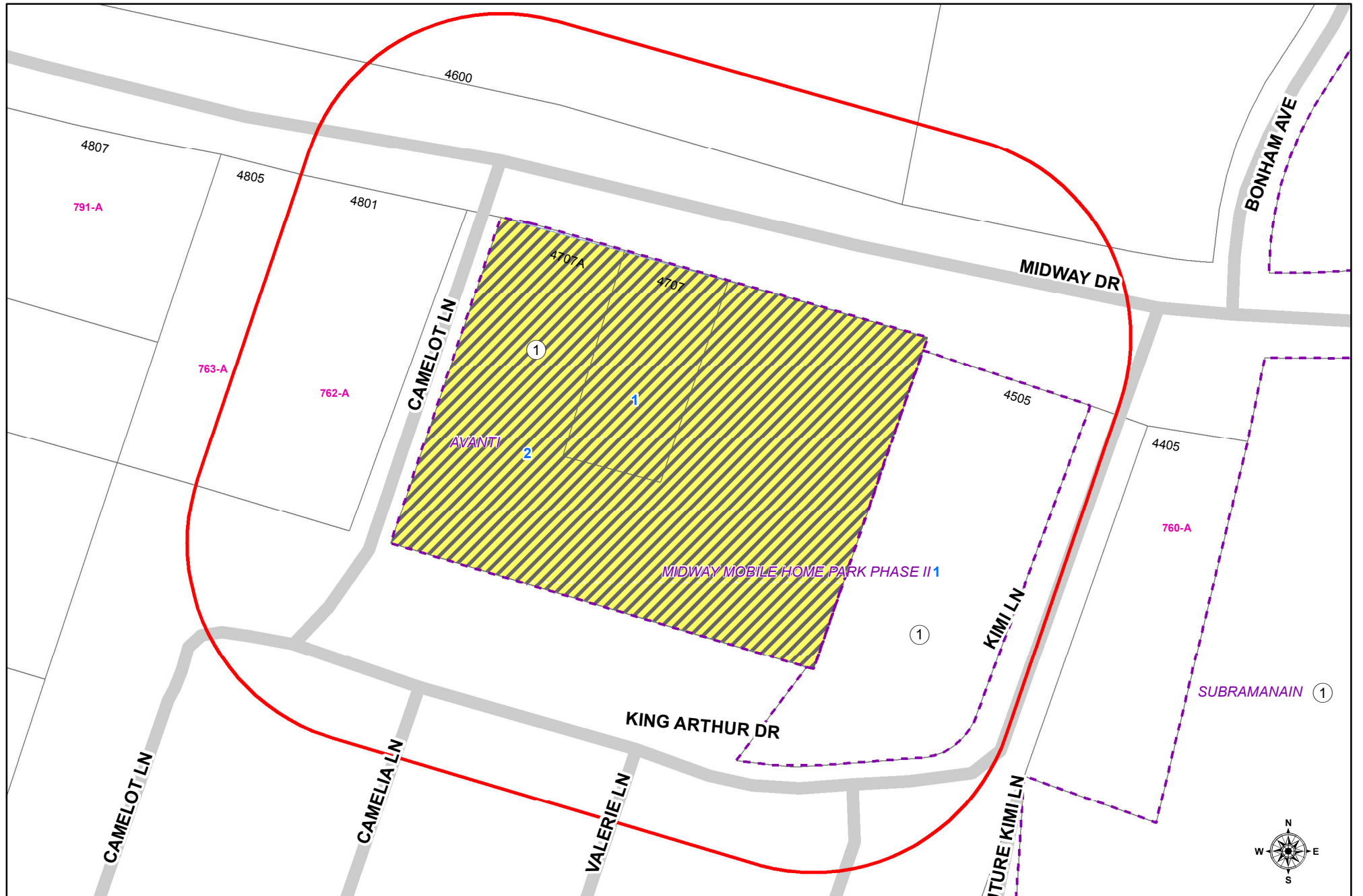


 4707 Midway Dr.



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

02/16/12
Item #5(I)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: SECOND READING - 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: Adopt ordinance as presented in item description, on second and final reading.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-12, 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, 5 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

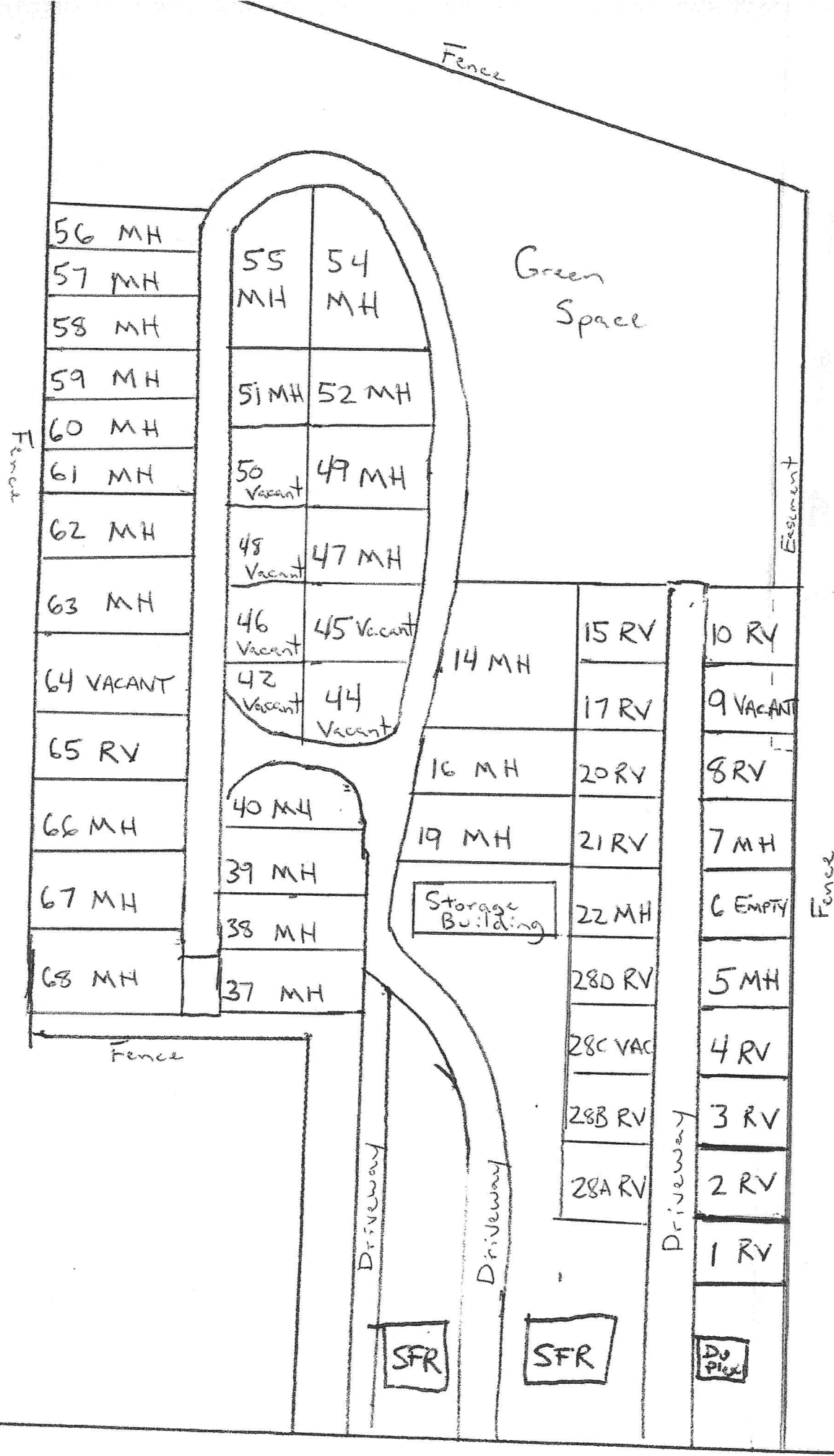
City of Temple
Planning & Development

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-CVDA 40292 2. Prowler Lynx VIN unknown 3. 2006 Cavalier 57-G-T CVDA 48079 4. 2006 Cavalier 67-G-T CVDA 28074 8. Pace Arrow 17N530125JW010249 10. Prowler DUR28344M91 15. Huckabery VIN UNKNOWN 17. Prowler SN190TST9225 20. 2006 Cavalier 54-GT-CVDA 307 21. Executive Dream 45E200R22X1010871 23D. 2006 Cavalier 67-G-7 CVDA 2409 28. B Layton by Skyline 171200R264000409 28A. 2006 Cavalier 332163020963 65. Hitchhiker 1NW32HR046A03845

14 RV's



Santa Fe Trails Mobile Home Park

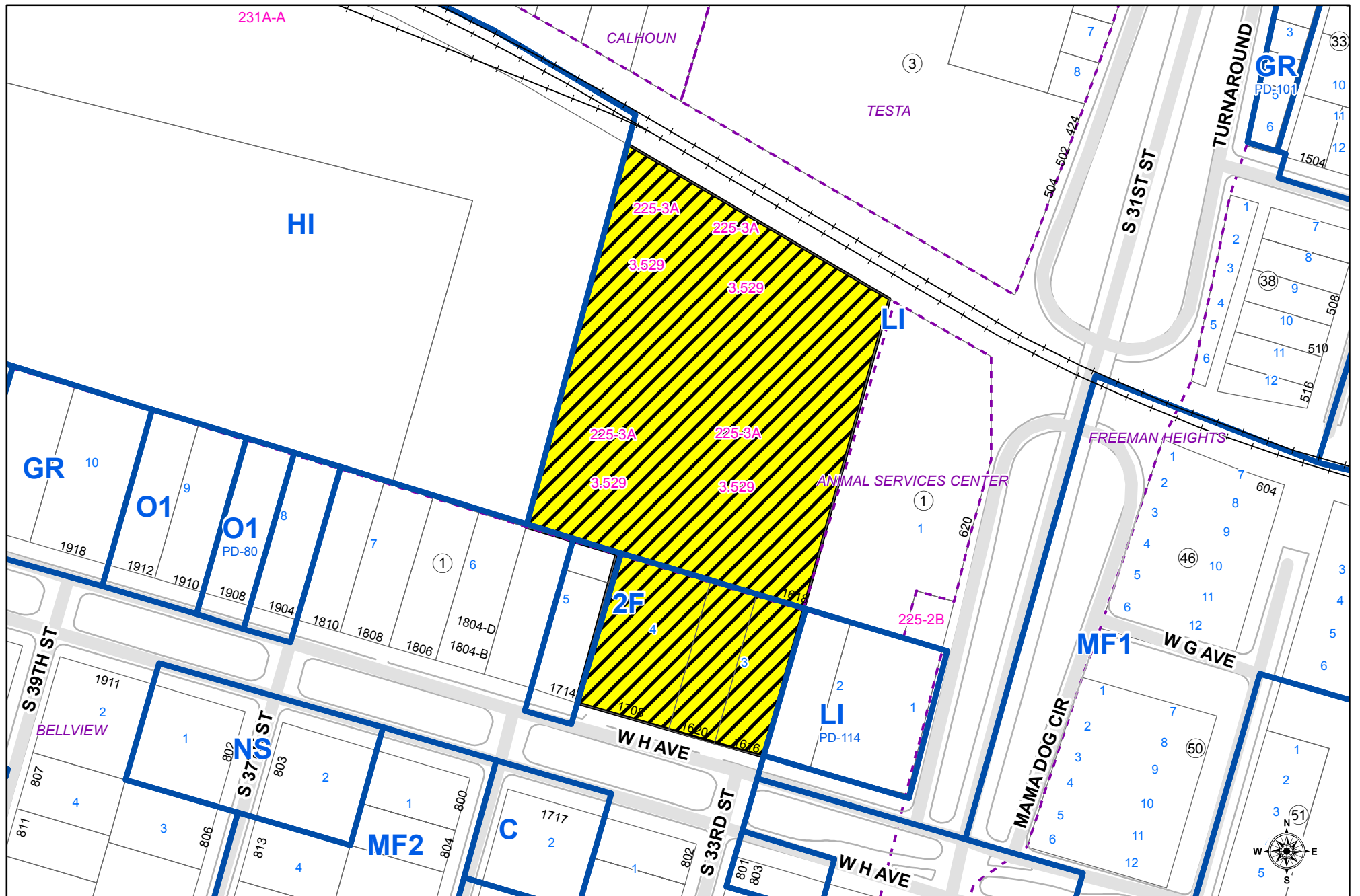



 1618 W Ave H

Feet 0 100 200 300 400 500

JCalhoun 12.06.2011

Santa Fe Trails Mobile Home Park



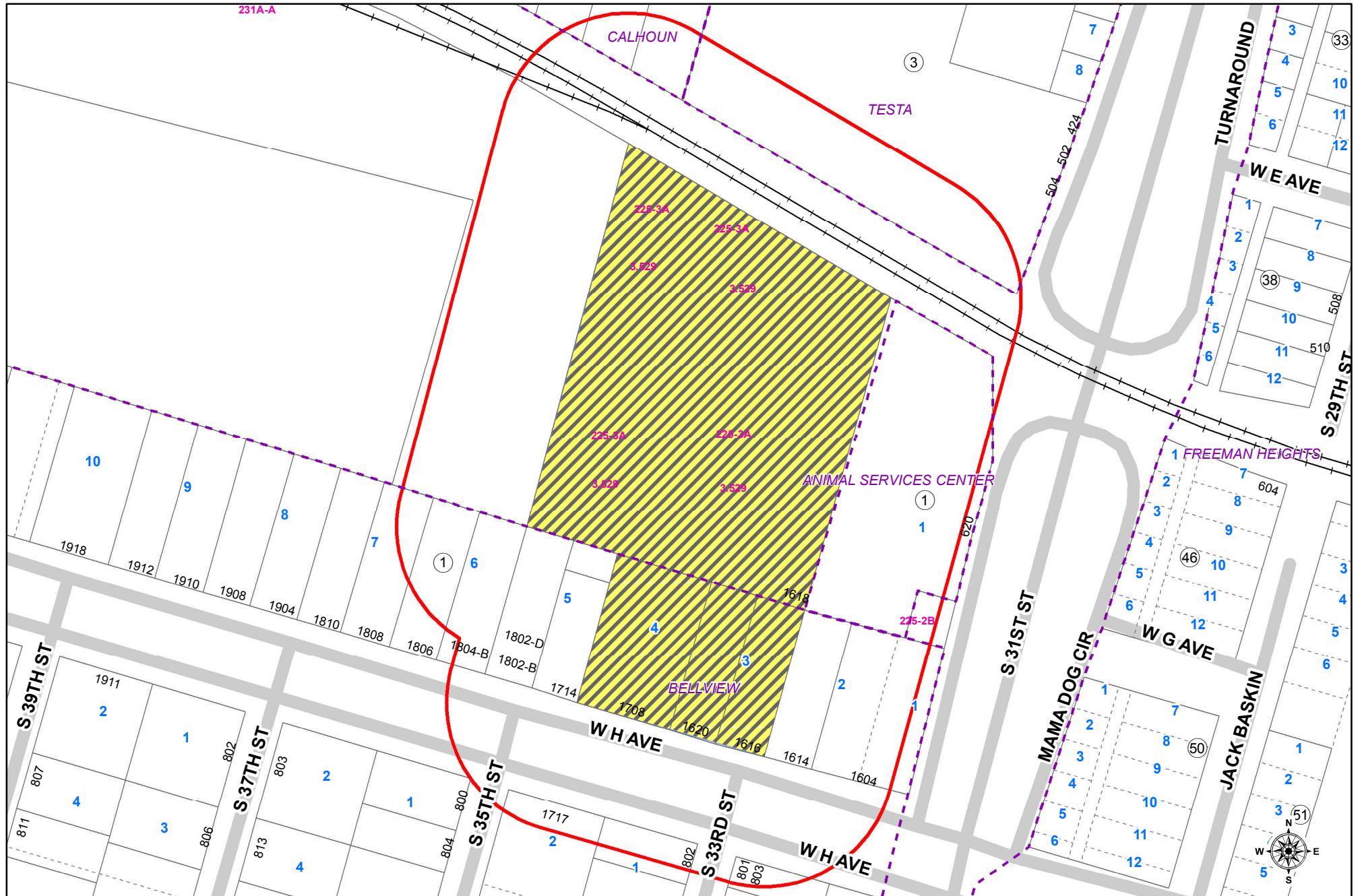
 1618 W Ave H

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

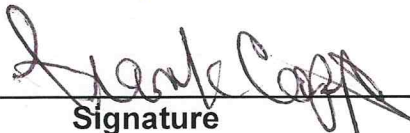
Project Manager: Autumn Speer

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

FRANK CAPP
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

02/16/12
Item #5(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: SECOND READING - 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: Adopt ordinance as presented in item description, on second and final reading.

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 for recommendation and 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

02/16/12
Item #5(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution suspending the March 6, 2012 effective date of Atmos Energy Corp's requested rate change to permit the City time to study the request and to establish reasonable rates.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Cities have historically exercised jurisdiction over the level of gas rates charged within their boundaries. Atmos Energy Corp., Mid-Tex Division, pursuant to Gas Utility Regulatory Act §104.102, desires to file a Statement of Intent to change gas rates effective March 6, 2012. Due to the amount of time needed to review and evaluate Atmos Mid-Tex's rate application, it is recommended that we suspend the rate change for 90 days after the date the rate change would otherwise be effective.

FISCAL IMPACT: NA

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SUSPENDING THE EFFECTIVE DATE OF THE REQUESTED RATE CHANGE OF ATMOS ENERGY CORP., MID-TEX DIVISION, TO PERMIT THE CITY OF TEMPLE TIME TO STUDY THE REQUEST AND ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ATMOS CITIES STEERING COMMITTEE (“ACSC”), AND OTHER CITIES IN THE ATMOS MID-TEX SERVICE AREA, TO HIRE LEGAL AND CONSULTING SERVICES, AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF THE CITIES’ RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND ATMOS CITIES STEERING COMMITTEE’S LEGAL COUNSEL.

Whereas, on or about January 31, 2012, Atmos Energy Corp., Mid-Tex Division, pursuant to Gas Utility Regulatory Act §104.102 filed with the City of Temple, Texas, a Statement of Intent to change gas rates in all municipalities exercising original jurisdiction within its Mid-Tex Division service area, effective March 6, 2012;

Whereas, the City is a regulatory authority under the Gas Utility Regulatory Act, and under Chapter 104, §104.001 et seq. of the Gas Utility Regulatory Act has exclusive original jurisdiction over Atmos Mid-Tex’s rates, operations, and services within the City of Temple;

Whereas, in order to maximize the efficient use of resources and expertise, it is reasonable for the City to maintain its involvement in the Atmos Cities Steering Committee and to cooperate with the more than 150 similarly situated city members of ACSC and other city participants in conducting a review of the Company’s application, to hire and direct legal counsel and consultants, to prepare a common response, and to negotiate with the Company and direct any necessary litigation;

Whereas, Atmos Mid-Tex proposed March 6, 2012, as the effective date for its requested increase in rates – however, it is not possible for the City to complete its review of Atmos Mid-Tex’s filing by March 6, 2012;

Whereas, the City will need an adequate amount of time to review and evaluate Atmos Mid-Tex’s rate application to enable the City to adopt a final decision as a local regulatory with regard to Atmos Mid-Tex’s requested rate increase; and

Whereas, the Gas Utility Regulatory Act §104.107, grants local regulatory authorities the right to suspend the effective date of proposed rate changes for 90 days, and the Gas Utility Regulatory Act §103.022 provides that costs incurred by Cities in ratemaking activities, are to be reimbursed by the regulated utility.

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

Part 1: The March 6, 2012 effective date of the rate request submitted by Atmos Mid-Tex on January 31, 2012, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

Part 2: The City is authorized to cooperate with ACSC and its member cities in the Mid-Tex service area and under the direction of the ACSC Executive Committee to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City of Railroad Commission.

Part 3: The City's reasonable rate case expenses shall be reimbursed by Atmos.

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

Part 5: A copy of this Resolution shall be sent to Atmos, care of David Park, Vice President Rates & Regulatory Affairs, Atmos Entergy Corporation, Mid-Tex Division, 5420 LGJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this 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

02/16/12
Item #5(L)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing the acceptance of grant funds from Oncor's City Matching Grant Program, to complete lighting upgrades at seven City facilities in the amount of \$126,144.32 with \$63,072.16 cost-shared by the City.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Oncor offered a matching grant program entitled "City Matching Grant Program." The program provides cost-shared funding for municipalities to conduct lighting upgrade projects, to include labor and materials.

The final application was due on January 15, 2012. Staff submitted an application, because the program was closing and wanted to ensure that the City would not fail to benefit from the program. Grant recipients were notified of receipt on January 27, 2012.

The project scope, which funds were received for, involves upgrading lighting fixtures at seven City facilities to more efficient lighting options.

The seven City facilities are identified below:

Facility	Total Estimated Cost
Mayborn Center	\$ 44,862.32
Parks and Leisure Admin Office	\$ 3,682.00
Sammons Senior Center	\$ 11,694.00
Purchasing	\$ 18,060.00
Fleet	\$ 32,656.00
Summit Recreation Center	\$ 4,510.00
Wilson Recreation Center	\$ 10,680.00
TOTAL ESTIMATED PROJECT COST	\$ 126,144.32

The total estimated cost for labor and materials is \$126,144.32, of which \$63,072.16 will be funded by the program. City required match is 50% of the project costs, totaling \$63,072.16.

FISCAL IMPACT: Funding program guidelines provide for a 50/50 match. It is anticipated that the City will provide a \$63,072.16 cash match. The cash match will be funded from Designated for Capital Projects-Unallocated funds, account 110-0000-352-13-45, in the amount of \$40,641 for the General Fund's share and from Unreserved Fund Balance, account 240-0000-358-1110 in the amount of \$22,432 for the Mayborn Center's share.

With this investment, the simple payback period of the entire project is estimated to be less than two years, with a first year savings of approximately \$35,000. Assuming an average life-cycle of eight-years, over the course of the upgrades the total avoided costs due to more efficient lighting use is approximately \$220,000.

ATTACHMENTS:

[Budget Amendment
Resolution](#)

FY 2012

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

+

—

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-2400-519-63-10	100847	Buildings & Grounds	\$ 81,282			
110-0000-461-08-65		Misc Reimbursements	\$ 40,641			
110-0000-352-13-45		Designated for Cap. Proj/Unallocated			\$ 40,641	
240-4400-551-63-10	100847	Buildings & Grounds	\$ 44,864			
240-0000-461-08-65		Misc Reimbursements	\$ 22,432			
240-0000-358-11-10		Unreserved Fund Balance-Hot/Mot Fund			\$ 22,432	
		Do Not Post				
TOTAL.....			\$ 189,219		\$ 63,073	

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

Appropriate revenue and expenditures related to Oncor's City Matching Grant Program. The City was awarded funds in the amount of \$63,072.16 from Oncor from their City Matching Grant Program to fund lighting upgrade projects. This program is a 50/50 matching program that will fund the upgrade of lighting fixtures at seven City facilities to more efficient lighting options. The total cost of the project is estimated to be \$126,144.32 with a City match of \$63,072.16 required.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

x	Yes
----------	-----

☐ No

DATE OF COUNCIL MEETING 2/16/2012

WITH AGENDA ITEM?

x	Yes
---	-----

☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

☐ Approved
☐ Disapproved

City Manager

Date _____

	Approved
	Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM ONCOR ELECTRIC DELIVERY'S "CITY MATCHING GRANT PROGRAM", TO CONDUCT LIGHTING UPGRADES IN THE APPROXIMATE AMOUNT OF \$126,144.32, WITH COSTS SHARED BY THE CITY, IN THE APPROXIMATE AMOUNT OF \$63,072.16; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Oncor Electric Delivery has offered a matching grant program entitled "City Matching Grant Program," which provides cost-shared funding for municipalities to conduct lighting upgrade projects, including labor and materials – applications for the program were due on January 15, 2012;

Whereas, Staff was notified on January 27, 2012 that the City was a grant recipient - the City's project scope involves upgrading lighting fixtures at seven City facilities to more efficient lighting;

Whereas, the total estimated cost for this project, which includes labor and materials is \$126,144.32, of which \$63,072.16 will be funded by this program and the City's required 50% match totals \$63,072.16 – a budget adjustment has been submitted to transfer funds to the appropriate accounts; 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 acceptance of grant funds in the amount of \$126,144.32 from Oncor Electric Delivery, and authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for receipt of these grant funds.

Part 2: The City Council approves an amendment to the FY2011-12 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

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

PASSED AND APPROVED this the **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

02/16/12
Item #5(M)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting resolution authorizing joint election agreements with the Temple Independent School District and Temple College for the May 12, 2012 election.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This proposed resolution authorizes joint election agreements with the Temple Independent School District and Temple College to conduct joint elections and share expenses for the May 12, 2012 general election. The City will be responsible for all duties associated with conducting the election and the costs will be shared equally between those parties holding elections. Should any of the entities declare the May 12, 2012 election to be canceled because of unopposed candidates, then the agreement will become void.

FISCAL IMPACT: All other entities holding joint elections with the City will pay their pro rata share of the total cost of conducting the election. Costs will be paid by the City and reimbursed by each entity.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE JOINT ELECTION AGREEMENTS WITH THE TEMPLE INDEPENDENT SCHOOL DISTRICT AND TEMPLE COLLEGE FOR THE MAY 12, 2012 GENERAL ELECTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, State law authorizes two or more political subdivisions to enter into an agreement to hold elections jointly when the political subdivisions are holding elections on the same day in all or part of the same territory or when State law makes holding a joint election mandatory;

Whereas, the Temple Independent School District and Temple College, share all or part of the voting districts of the City of Temple and desire to conduct joint elections with the City of Temple for the May 12, 2012, election;

Whereas, all entities holding joint elections with the City will pay their pro rata share of the total cost of conducting the election; 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 Manager, or his designee, is authorized to execute Joint Election Agreements, after approval as to form by the City Attorney, authorizing a joint election between the City of Temple, the Temple Independent School District and Temple College for the May 12, 2012, election.

Part 2: If any entity declares the May 12, 2012 election to be canceled, in compliance with Section 2.051 through Section 2.054 of the Texas Election Code, because the candidates' names that are to appear on the ballot are unopposed and there are no propositions on the ballot, the agreement with that particular entity will become void.

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

PASSED AND APPROVED this 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

02/16/12
Item #5(N)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving first quarter financial results for Fiscal Year 2012.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item will present in detail the first quarter ending December 31, 2011, for the General, Water & Sewer, Hotel/Motel Tax, Drainage, and Internal Service Fund.

Included with these first quarter results will be various schedules detailing grants, sales tax, capital projects, investments and an update on redevelopment grants and incentive programs within the Strategic Investment Zones.

FISCAL IMPACT: N/A

ATTACHMENTS:

Quarterly Financial Statements – Available in the City Secretary's Office
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FIRST QUARTER FINANCIAL RESULTS FOR THE FISCAL YEAR 2011-2012; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the first quarter 2011-2012 fiscal year financial results need to be approved by the City Council;

Whereas, included in the first quarter results are various schedules detailing grants, sales tax, capital projects, investments and an update on redevelopment grants and incentive programs within the Strategic Investment Zones; and

Whereas, the City Council 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 approves the first quarter 2011-2012 fiscal year financial results, 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 **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

02/016/12
Item #5(O)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2011-2012.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

FISCAL IMPACT: The total amount of budget amendments is \$244,770.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
February 16, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2011-521-2516		Judgments & Damages (Police Dept.)	\$ 643	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 643
Deductible reimbursement to the Texas Municipal League for settlement of a claim seeking reimbursement for damage to a vehicle struck by a police vehicle at the intersection of South 1st Street and West Avenue H on May 16, 2011.				
110-2210-522-2513		Special Services (Fire Dept.)	\$ 1,149	
110-0000-442-1629		Fire Donations/Gifts		\$ 1,149
Donations were received that are to be used for the Fire Department Annual Christmas party in the amount of \$272 (\$50 from Lois Sullivan and \$222 from Friends of Temple Fire & Rescue). There were also donations received in the amount of \$877.13 (\$50 from CATO, \$175 from Texas Roadhouse, \$350 from Wilson Art, \$100 from Harper Talasek Funeral Home, and \$202.13 cash donations from various citizens) to be used specifically for the Rescue Elves program. These funds need to be added to the Special Services account for the Fire Department.				
110-2234-522-2123		Medical Supplies (Fire Dept.)	\$ 1,988	
110-0000-442-0931		County Fire Service		\$ 1,988
To reimburse supplies, such as medical supplies (drugs, gloves, etc.) used for county runs.				
110-2330-540-2516		Judgments & Damages (Solid Waste Residential)	\$ 121	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 121
Deductible reimbursements to the Texas Municipal League for damage to a vehicle after it was assumed that it was struck by a garbage truck at 1500 blk of W. Avenue N.				
110-2330-540-2516		Judgments & Damages (Solid Waste Residential)	\$ 1,041	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 1,041
Settlement of a claim filed against the City seeking reimbursement for damage to his vehicle when Solid Waste Truck made an unsafe lane change. (DOL 1.10.12 - Richard Curtis)				
110-3300-519-2584		EDC-O&M Funding Allocation	\$ 175,329	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 175,329
Per the 2007 Funding and Operating Agreement between the City of Temple and the Temple Economic Development Corporation (TEDC), the City shall contribute a portion of its annual revenue from sales tax to TEDC. The City's contribution shall include a "Base Contribution" which is comprised of two components: (1) an "Operating Expense Component" and (2) an "Incentive Matrix Component". This budget adjustment appropriates additional funds for the FY 2012 "Incentive Matrix Component" to TEDC as a result of an adjustment to the amount of economic development incentives paid by TEDC. Funds are available in Designated Capital Projects - Unallocated.				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
February 16, 2012

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 1,497	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 1,497
Deductible reimbursement to the Texas Municipal League for expenses related to lawsuit filed against Code Enforcement.				
260-1100-519-6310	100838	Buildings & Grounds - Fueling Station	\$ 10,434	
260-0000-490-2582		Transfer In - General Fund		\$ 10,434
110-9100-591-8160		Transfer Out - Grant Fund	\$ 10,434	
110-0000-352-1345		Designated for Capital Projects- Unallocated		\$ 10,434
520-5200-535-6310	100838	Buildings & Grounds - Fueling Station	\$ 2,600	
520-5200-535-6213	100794	Automotive		\$ 1,300
520-5400-535-6213	100787	Automotive		\$ 1,300
Budget adjustment to cover the installation of electric utilities, crash guards, dispenser, nozzle and phone line extension for the installation of a fuel card reader to the fueling station. The fueling station is funded using grant funds from the Emerging Clean Energy Technologies for the Alternative Fuels Initiative Grant Program through the State Energy Conservation Office. The City received funding to convert five fleet vehicles to liquefied petroleum (LPG), also known as propane autogas and install a LPG fueling station on site at the Fleet Service Center. The cost of these additions to the fueling station were not included in the original project cost.				
351-3500-552-6311	100848	Buildings & Grounds - Bridges Jackson Park	\$ 19,767	
351-0000-490-2582		Transfer In - General Fund		\$ 19,767
110-9100-591-8151		Transfer Out - Designated Capital Projects	\$ 19,767	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 19,767
Appropriate General Fund Unallocated Fund Balance for engineering services related to repair work of two bridges at Jackson Park.				
TOTAL AMENDMENTS			\$ 244,770	\$ 244,770
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			\$	(20,707)
Net Balance of Judgments & Damages Contingency Account			\$	59,293
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			\$	94,308

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
February 16, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	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 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

02/16/12
Item #6
Regular Agenda
Page 1 of 6

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Mabry, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING – 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: Deny request as presented in the item description, on second and final reading.

If approved by Council, the following conditions, as approved by the Planning and Zoning Commission and as requested by the City Council at the first reading of the proposed CUP, should be made part of the ordinance that grants the CUP:

- 1) This Conditional Use Permit is initially valid for six months only, starting from the effective date of this Ordinance, 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) Prior to the end of the initial six-month permit period, the applicant must submit to the Planning Director a phased conceptual development plan for the property and its surroundings. The plan must show an estimated schedule for completion of each phase of development. The Director must consider the degree to which the applicant is following the plan when the Conditional Use Permit becomes eligible for renewal. Failure to submit the phased concept plan before the expiration of the initial six-month period will result in the Director not renewing the Conditional Use Permit and the batch plant being required to cease operation.

- 3) The phased concept plan does not vest any property within its boundaries to any City standards in place at the time of approval of this Conditional Use Permit.
- 4) 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.
- 5) All parking and vehicle maneuvering surfaces must be concrete or asphalt covered as required.
- 6) A fire suppression tank and fire department connection must be installed as shown on the attached Conditional Use Permit site plan.
- 7) Prior to the end of the initial six-month permit period, established in paragraph 1 above, the subject property must be landscaped as shown on the attached Conditional Use Permit site plan with irrigation extending to within 50 feet of all required landscaped areas.
- 8) Septic service must be permitted and built as approved through the Bell County Sanitarian's Office.
- 9) 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.
- 10) 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.

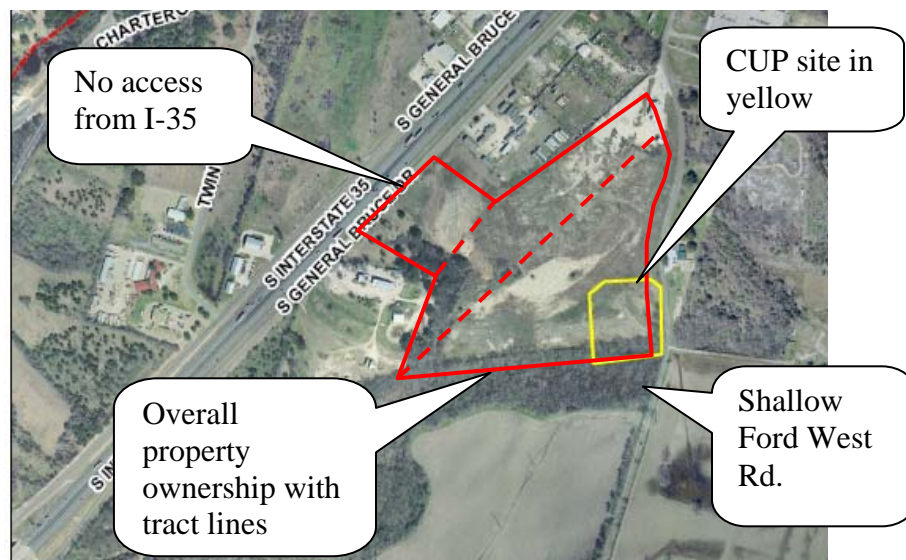
ITEM SUMMARY: This case was originally scheduled to appear before the Planning and Zoning Commission in October 2011. However, a series of table requests from the applicant resulted in it being heard by the Commission on January 3, 2012. Please refer to the Staff Report and minutes of case Z-FY-11-49,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

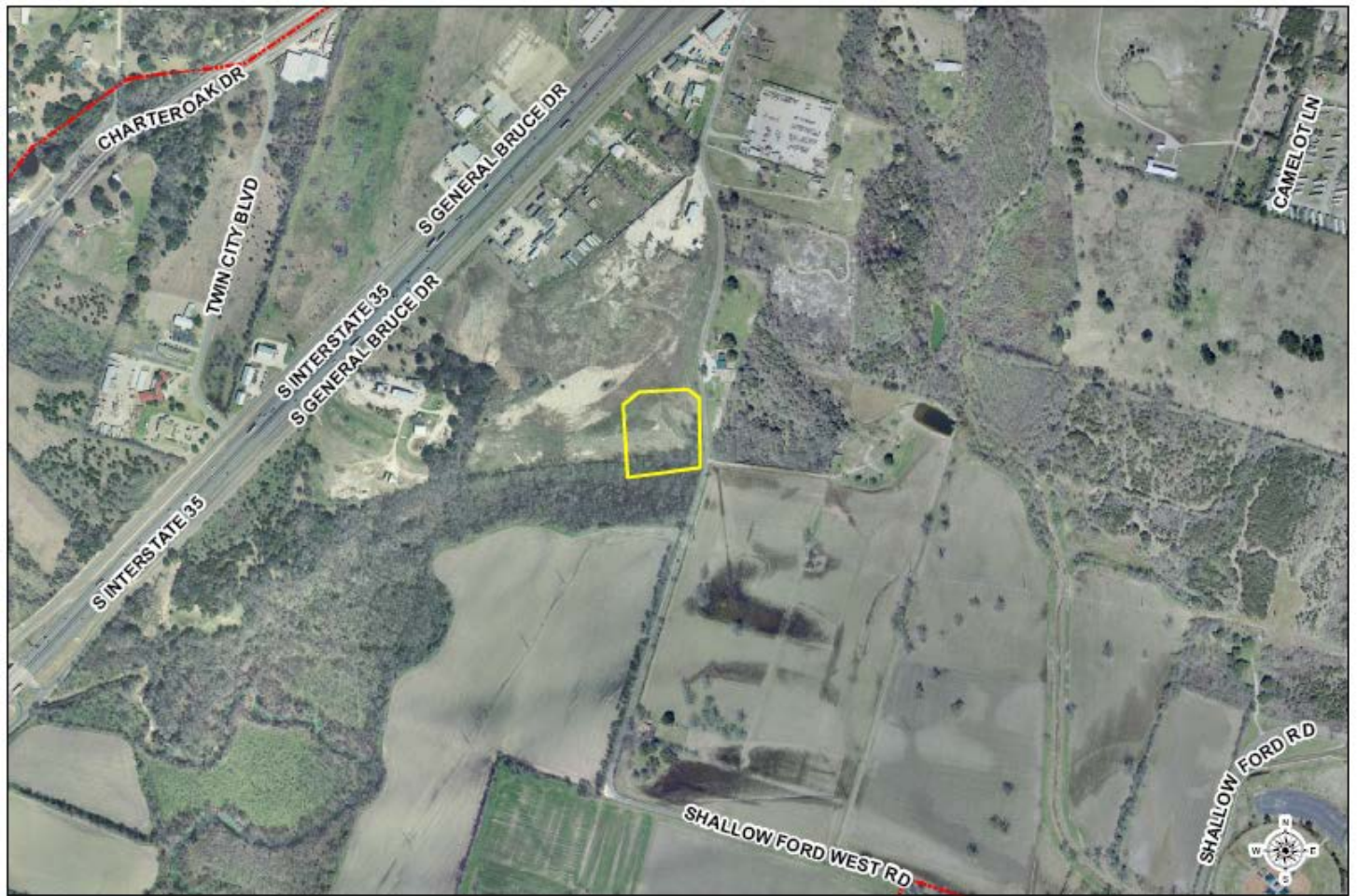
[Aerial](#)
[Land Use and Character Map](#)
[Zoning Map](#)
[Thoroughfare Map](#)
[Utility Map](#)
[Notice Map](#)
[Responses](#)
[Applicant's Narrative](#)
[Applicant's Site Plan](#)
[Applicant's Site Plan with Topo and Drainage Area](#)
[Applicant's Site Plan with Landscaping](#)
[P&Z Staff Report \(Z-FY-11-49\)](#)
[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

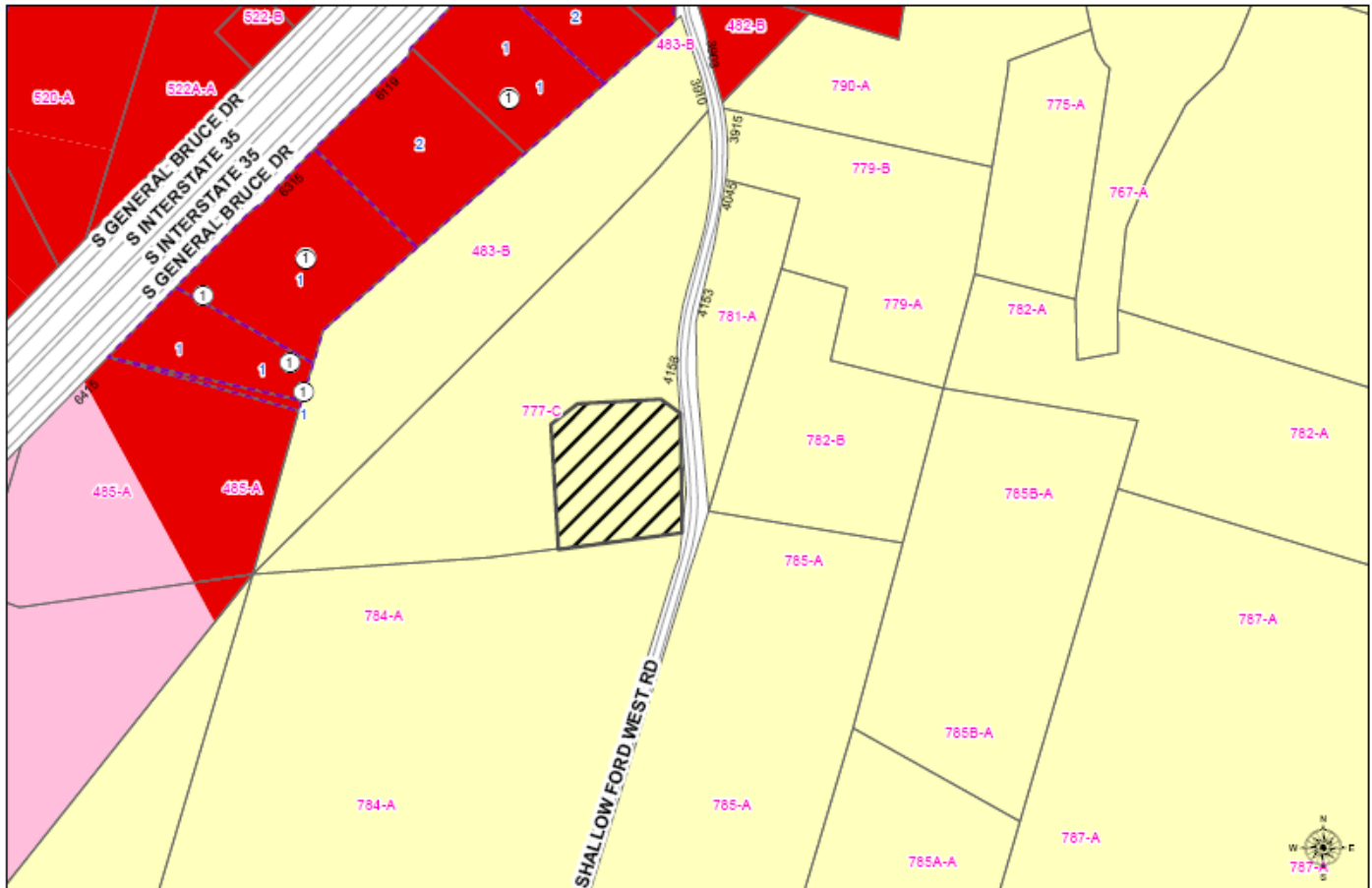
LMatlock Planning 9.15.11



Z-FY-11-49

3.787 Acre Portion of the
Nancy Chance Survey #5

4158 Shallow Ford West Road



- | | | | | | |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| ZFY 11-49 | Auto-Urban Mixed Use | Business Park | Neighborhood Conservation | Suburban Commercial | Urban Center |
| Agricultural/Rural | Auto-Urban Multi-Family | Estate Residential | Parks & Open Space | Suburban Residential | |
| Auto-Urban Commercial | Auto-Urban Residential | Industrial | Public Institutional | Temple Medical Education District | |

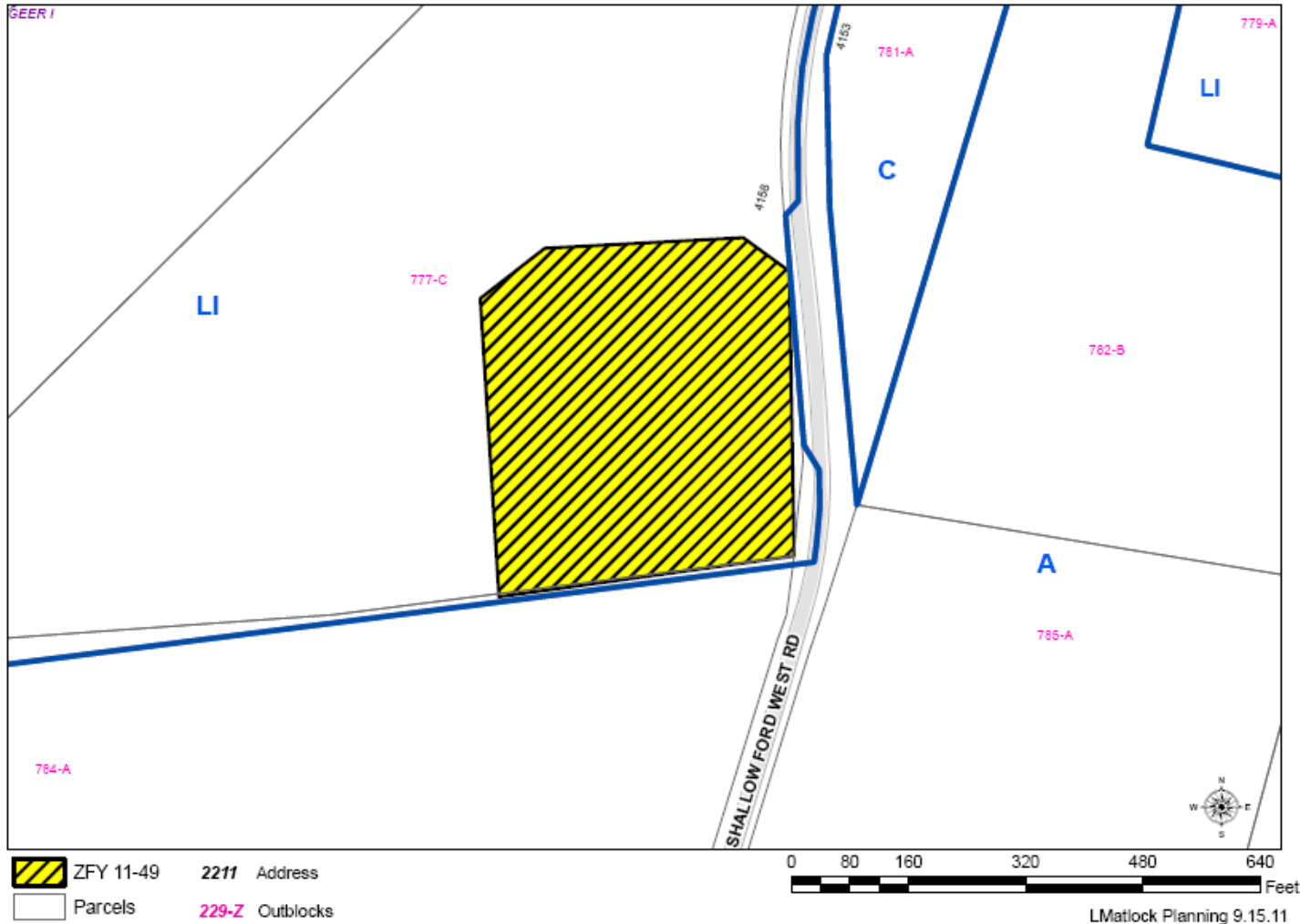
1 inch = 430 feet
LMatlock Planning 9.15.11



Z-FY-11-49

3.787 Acre Portion of the
Nancy Chance Survey #5

4158 Shallow Ford West Road





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

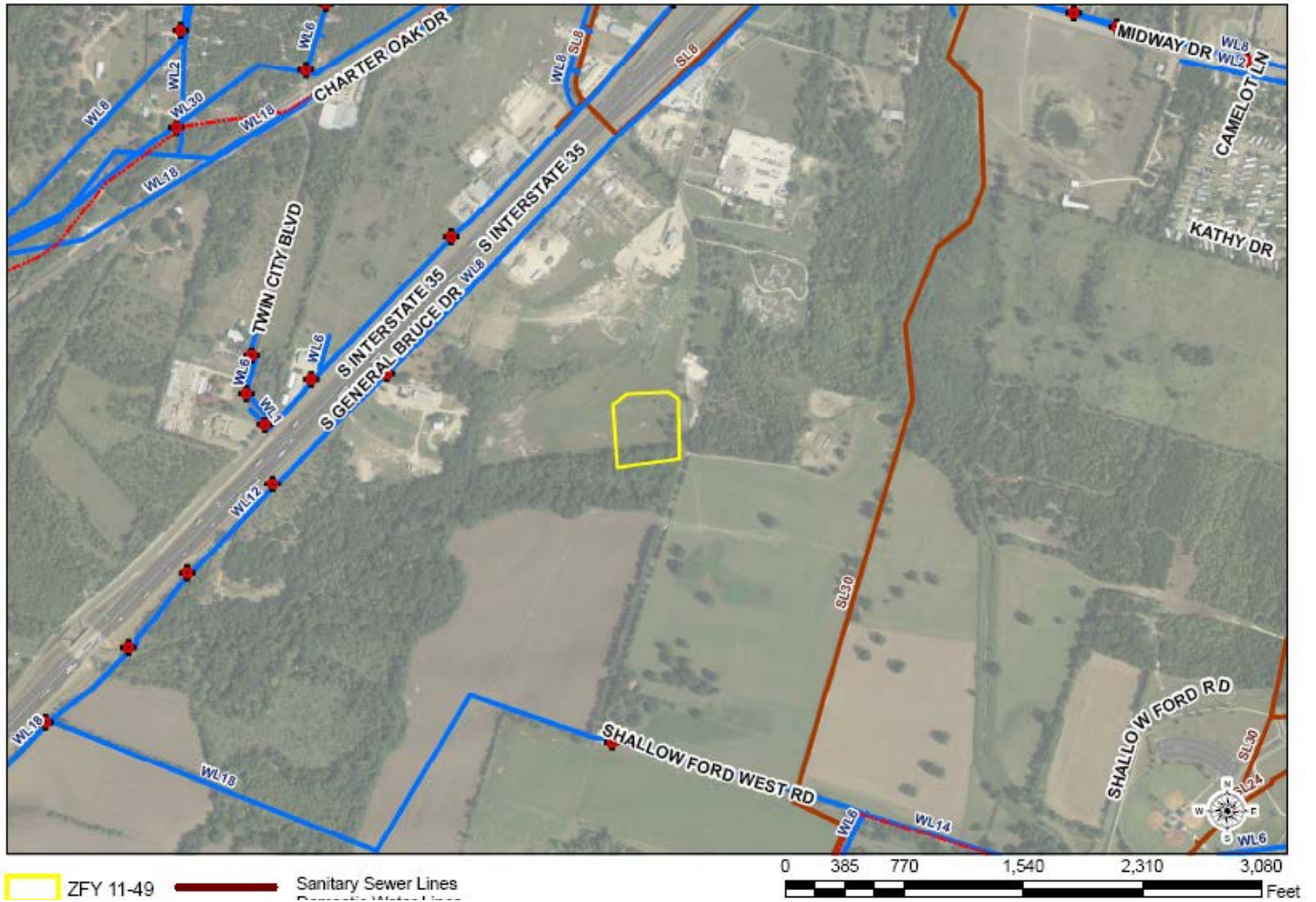
LMatlock Planning 9.15.11



Z-FY-11-49

3.787 Acre Portion of the
Nancy Chance Survey #5

4158 Shallow Ford West Road

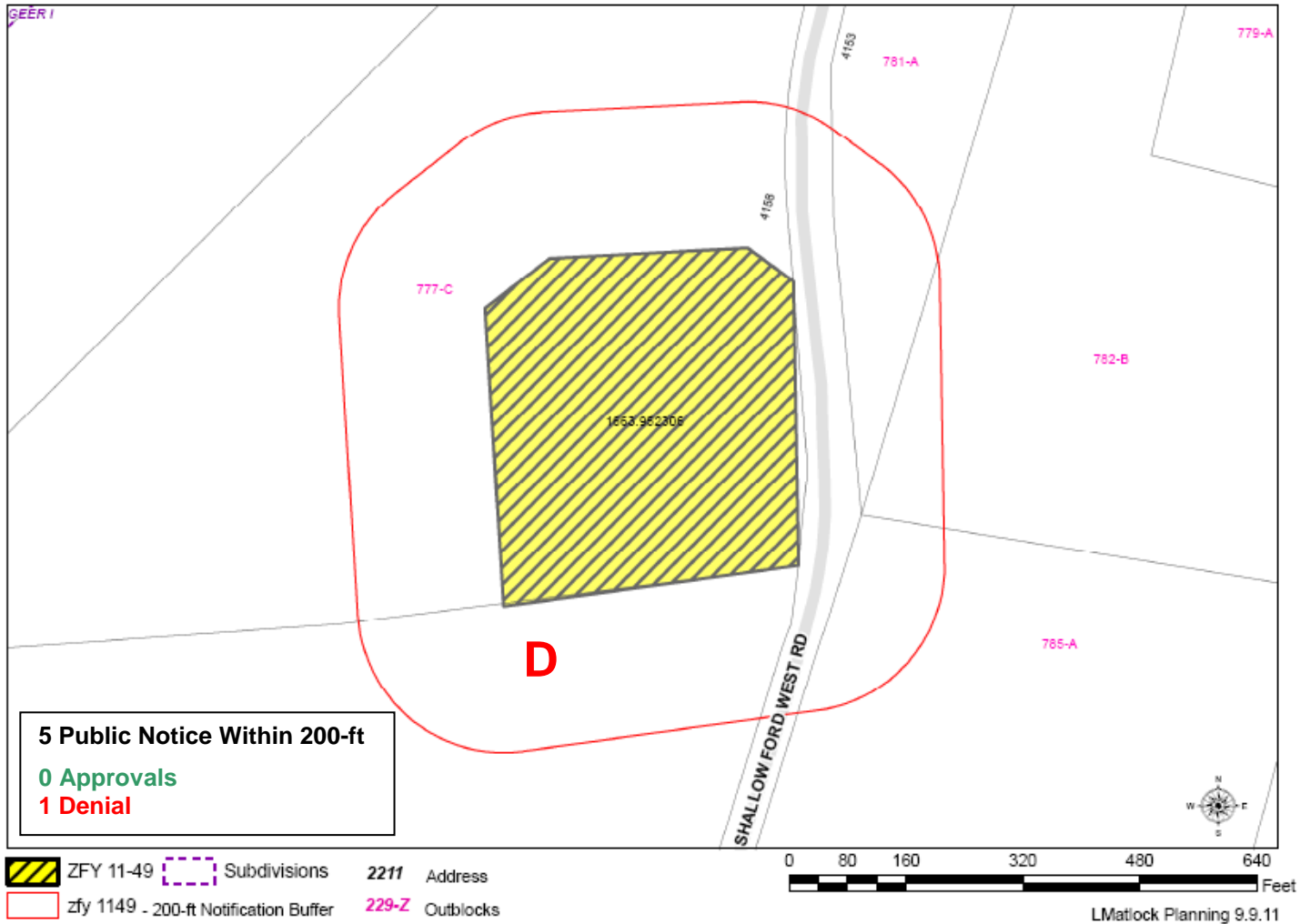




Z-FY-11-49

3.787 Acre Portion of the
Nancy Chance Survey #5

4158 Shallow Ford West Road



LMatlock Planning 9.9.11



**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

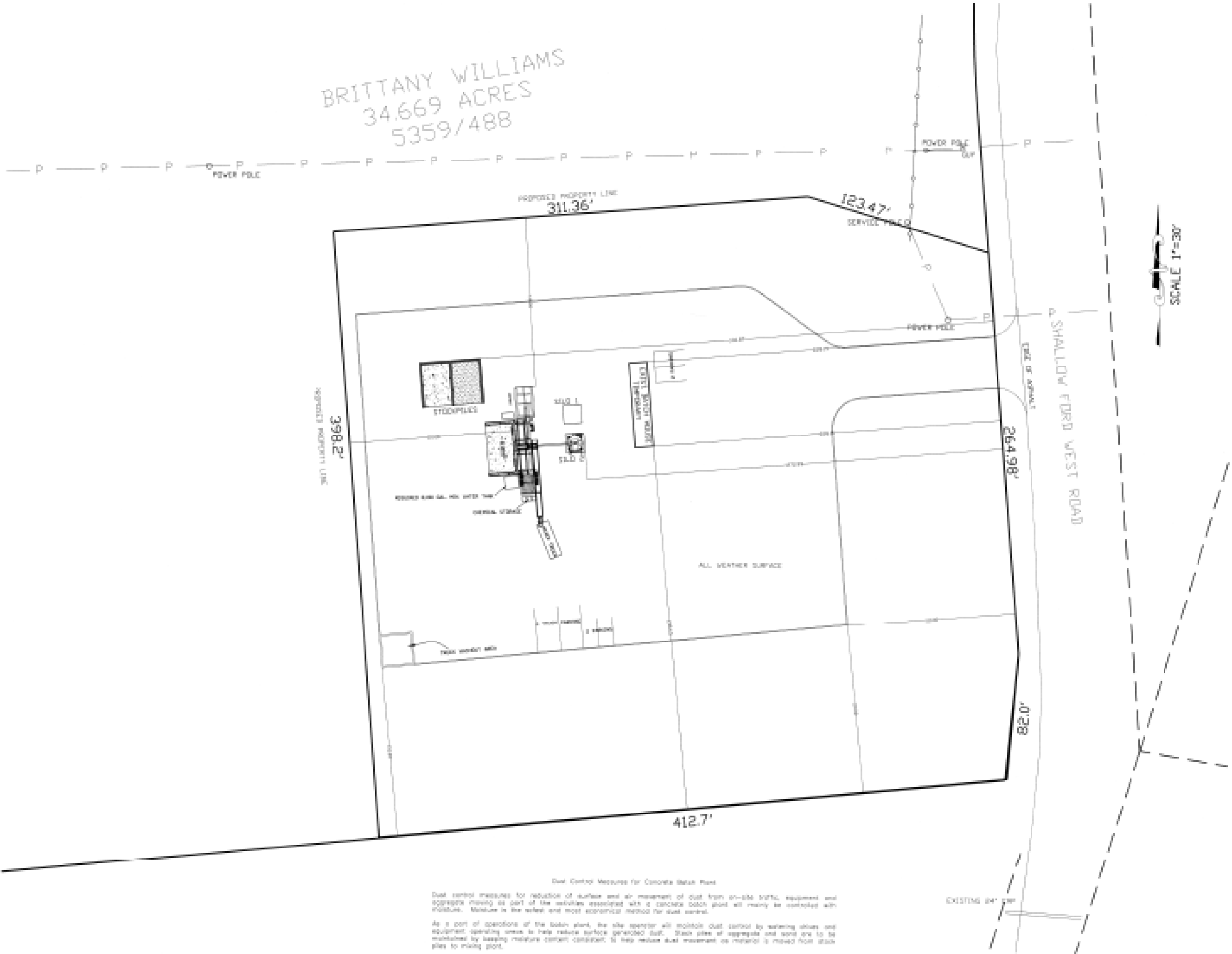
Applicant's Narrative

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'

Dust Control Measures for Concrete Batch Plant

Dust control measures for reduction of surface and air movement of dust from on-site traffic, equipment and aggregate moving as part of the activities associated with a concrete batch plant will require be controlled with measures. Measure is the safest and most economical method for dust control.

As a part of operations of the batch plant, the site operator will maintain dust control by watering drives and equipment, operating areas to help reduce surface generated dust. Stock piles of aggregate and sand are to be maintained by keeping moisture content consistent to help reduce dust movement as material is moved from stock piles to mixing plant.

Site operator will visually inspect and maintain dust control measures during plant operation to facilitate watering and moisture control as required.

ENGINEERING - PLANNING - SURVEYING
CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC.
301 N. 3rd St. Temple, Texas (254) 773-2400
FAX NO. (254) 775-3338
E-MAIL: VOTURLEY@TURLEY.COM

FIRM No. F-1638

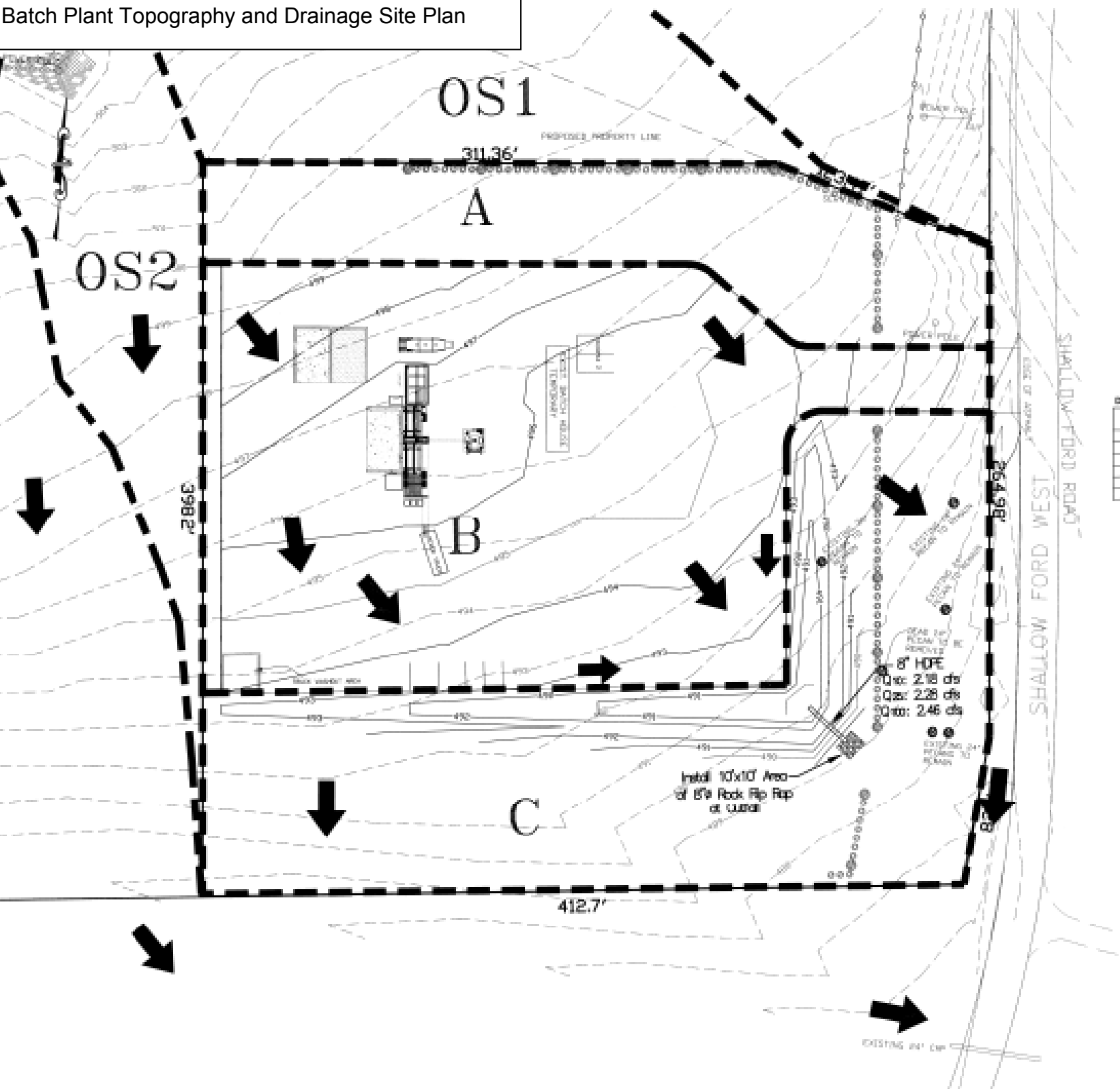


SITE PLAN of
CONCRETE BATCH PLANT
4115 NORTH CENTRAL EXPRESS DRIVE
TEMPLE, TEXAS

DRAWN BY
I-CONCRETE, LLC
4115 WILLOW FORK WEST ROAD
TEMPLE, HILL COUNTY, TX

REVISIONS		
NO.	DATE	BY
01	07/20/11	RNB
02	07/20/11	RNB
03	07/20/11	RNB
DATE: 7/20/11		
DRAWN BY: RNB		
REF:		
FIELD BOOK -		
JOB NO.: 11186		
SHEET: 07		
CONCRETE INC. 10185		
12406-D		
DRAWING NUMBER		

Batch Plant Topography and Drainage Site Plan



- NOTES:
1. THE DESIGNER, THROUGH HIS OWNERS (OR AUTHORIZED REPRESENTATIVE), SHALL ACQUIRE ALL REQUIRED INFORMATION FROM HIS, OWNER'S, AND ANY/OTHERS, AS APPROPRIATE FROM THE US GOVERNMENT, PRIVATE AGENCIES, THE STATE, TOWNSHIP OR JURISDICTION, QUALITY AND/OR THE TOWN OF OWNERS.
 2. DRAINAGE CALCULATIONS WERE PERFORMED USING THE RATIONAL METHOD, THE TIME OF CONCENTRATION REFLECTING THE CITY OF TEMPLE ROADWAYS, DRAINAGE, AND COEFFICIENTS.
 3. AREA TOPOGRAPHY IS APPROXIMATE, BASED ON THE CITY OF TEMPLE TOPOGRAPHY AND SURETY ASSOCIATES, INC. TOPOGRAPHIC DATA.
 4. DESIGNER AND/OR CONTRACTOR IS RESPONSIBLE FOR DEVELOPING AND MAINTAINING STORM WATER POLLUTION PREVENTION PLAN AND ALL EROSION CONTROL MEASURES.

DRAINAGE LEGEND

- ← DIRECTION OF POST-DEVELOPMENT RUNOFF FLOW
- POST-DEVELOPMENT DRAINAGE AREAS
- 2' CONTOURS (SURETY ASSOCIATES, INC. TOPO SURVEY, 2017)
- FINISHED GROUND CONTOURS FROM GRADING PLAN

Drainage Calculations, Developed Conditions, Calculated by:

Sub	AREA (acres)	C_p (imp.)	L_e (ft)	Q_{10} (cfs)	Q_{50} (cfs)	Q_{100} (cfs)	t_p (min)	Q_{10} (cfs)	Q_{50} (cfs)	Q_{100} (cfs)	t_p (min)	Q_{10} (cfs)
OS1	1.81	0.35	5.30	3.64	9.42	9.07	4.91	0.49	7.34	8.35		
OS2	0.70	0.35	5.19	1.38	9.42	9.98	1.76	0.49	7.2	2.46		
A	0.82	0.80	5.17	1.58	9.55	9.93	2.31	0.82	7.17	2.74		
B	1.74	0.80	5.72	8.25	9.88	9.54	10.01	0.87	7.87	13.27		
C	1.43	0.42	5.48	3.28	9.46	9.28	4.72	0.83	7.98	8.73		
A+B+C	3.79	0.82	5.17	12.50	9.97	9.93	16.98	0.75	7.17	30.27		

STAGE STORAGE TABLE

STAGE	ELEVATION (ft)	AREA (sq ft)	INCREMENTAL STORAGE (cu ft)	TOTAL CUMULATIVE STORAGE (cu ft)	TOTAL POND CAPACITY (cfs)
0	498	321	0	0	0.00
1	491	2,208	1,887	1,887	1.37
2	483	5,820	3,931	5,818	2.77
3	481	11,763	5,945	11,763	2.74

DESIGN STORM OUTFLOW

DESIGN STORM	PEAK INFLOW (cfs)	POST-DEVELOPED POND OUTFLOW (cfs)	STORAGE VOLUME (cu ft)	MAX ELEVATION (ft)
10	0.49	0.18	4,944	492.30
25	12.50	2.28	8,235	492.17
100	13.79	2.46	8,181	492.08

Pre vs Post-Development

DESIGN STORM	Pre (cfs)	Post (cfs)
10	0.49	0.18
25	12.50	2.28
100	13.79	2.46



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC.
308 N. 3rd ST. TEMPLE, TEXAS
E-MAIL: info@turleyinc.com FAX NO. (254) 773-3599

FIRM No. F-1658



POST-DEVELOPMENT DRAINAGE PLAN
CONCRETE BATCH PLANT
WILEY DRIVE, JARVIS, TEXAS 77026

DEVELOPED BY:
J-CRISTE
4008 WILSON ROAD, SUITE 200
TEMPLE, TEXAS 76788

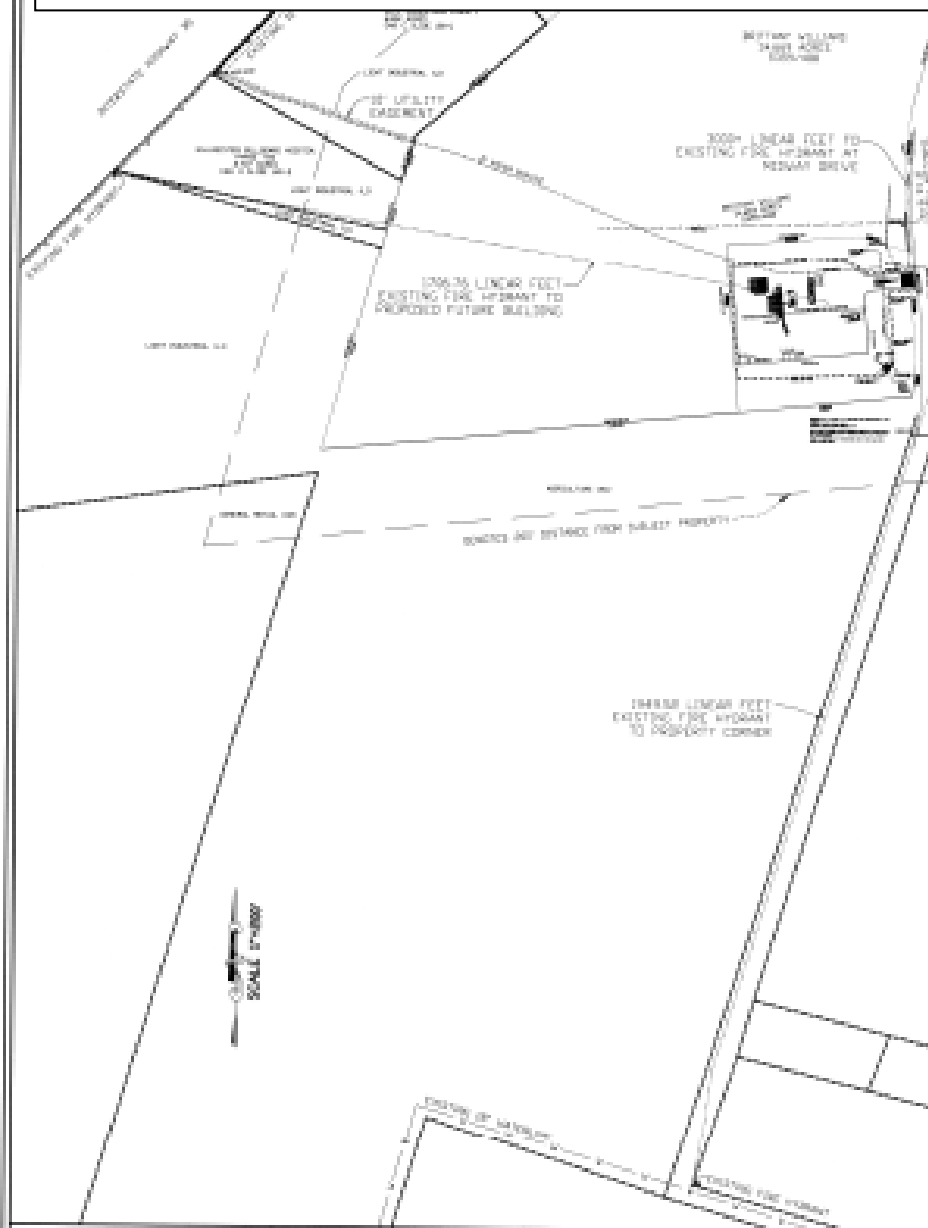
REVISIONS		
NO.	DESCRIPTION	DATE

DATE: 7/26/20
DRN. BY: JCR
REF:

FIELD BOOK: —
JOB NO.: 18-185
SHEET: CS
COMPUTED BY: JCR
DATE: 8/1/20

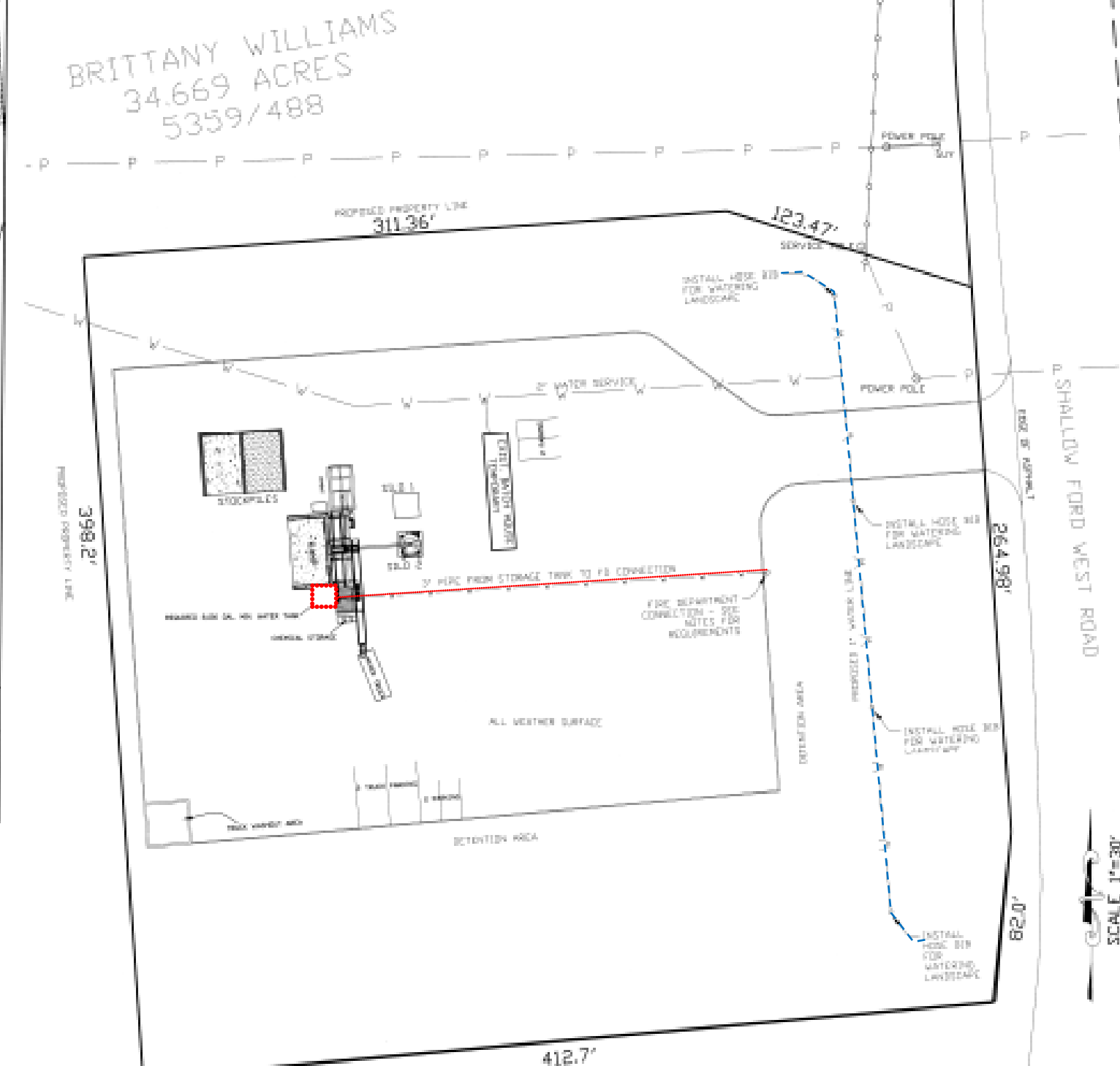
12406-D
DRAWING NUMBER

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"



APPROXIMATELY 875 ACRES TO BE DISTURBED FOR CONSTRUCTION OF THIS PROJECT.

TEMPORARY BATCH TRAILER USING
TEMPORARY ON-SITE SEPTIC HOLDING TANK

ON-SITE SEPTIC SYSTEM TO BE APPROVED THROUGH GOLL COUNTY HEALTH DEPT. BEFORE CONSTRUCTION OF PERMANENT OFFICE IF CITY SEWER IS STILL UNAVAILABLE.

WATER IS SERVICED BY 8" WATER METER AND 6" WATER LINE FROM
CENTRAL BRUCE DRIVE.



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.
CONSULTING MANAGEMENT
2700 W. 10th Street
Minneapolis, MN 55425
(612) 338-8800

100 N. 3rd St.
Denville, Texas
E-MAIL: info@turley.com
FAX NO. (254) 773-1898
(254) 773-2400

FORM NO. F-1638



UTILITY 344 Ave.
CONCRETE BATCH PLANT
4015 SOUTH GERRARD STREET WEST
THORNHILL, ONTARIO

DEVELOPED BY:
I-CONCRETE, LLC

REVISIONS		
R12	CST COMMENTS	12/13/11
R12		11/16/11
R12	CST COMMENTS	11/28/11

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

FIELD BOOK -	
JOB NO.:	11885
SHEET C-3	
DATE	11/88

12406-D
DRAWING NUMBER

Batch Plant Landscaping Proposal



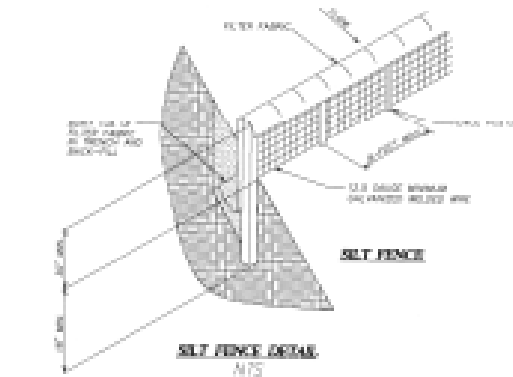
STABILIZED CONSTRUCTION ENTRANCE

NOTES:

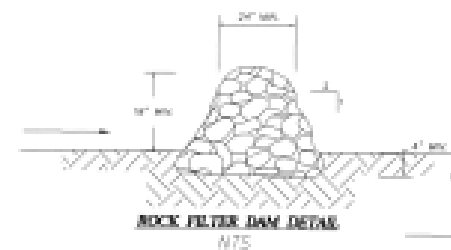
1. STORM DRAIN SHALL BE 4" - 6" OPEN GRADED ROCK MANHOLE IN AREA WITH
2. THICKNESS OF DRAINAGE (STONE) SHALL BE NOT LESS THAN 6".
3. LENGTH SHALL BE A MINIMUM OF 20' FROM ACTUAL ROADWAY
4. AND WITH NOT LESS THAN FULL WIDTH OF ROADWAY/STREET.
5. ENTRANCE SHALL BE PROPERLY GRADED TO PREVENT ROADWAY
6. FROM LEAVING THE CONSTRUCTION SITE.

THE ENTRANCE SHALL BE MAINTAINED AS A CONSTRUCTION WHICH WILL PREVENT TRUCKING OR FLOWING OF SEDIMENT INTO PUBLIC RIGHTS OF WAY. ALL SEDIMENT DITCHES, DITCHES, DRAINAGE OR TRUCKS ONLY PUBLIC RIGHTS OF WAY MUST BE REMOVED IMMEDIATELY BY CONTRACTOR.

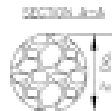
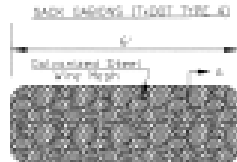
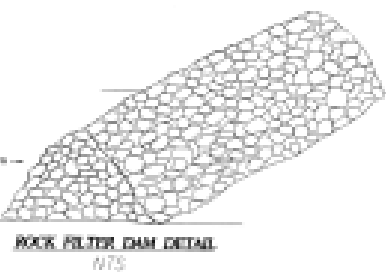
AS NECESSARY, SEDIMENT MUST BE REMOVED TO PREVENT SEDIMENT FROM TO ENTRANCE (AND PUBLIC RIGHTS OF WAY). WHEN SEDIMENT IS REQUIRED, IT SHALL BE DONE ON AN AREA ESTABLISHED WITH DRAINAGE STONE WHICH DRAINAGE INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN. ALL SEDIMENT SHALL BE PREVENTED FROM ENTERING ANY STORM DRAIN DITCH OR WATERCOURSE LEADING ADJACENT THERETO.



- NOTES:
1. POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SLIGHT ANGLE TOWARD THE UNPROTECTED "UPWIND" SOURCE.
 2. THE TOP OF THE SILT FENCE SHALL BE TRIMMED IN WITH A GRASS OR MECHANICAL TRIMMER, SO THAT THE DOWN-SLOPE FACE OF THE FENCE IS FLAT AND EVEN - CLEAR TO THE LINE OF FLOW.
 3. THE FENCE SHOULD BE 4" MIN OF 6" DEEP AND 6" WIDE TO ALLOW FOR THE SILT FENCE TO BE Laid IN THE GROUND AND BARRIAGED.
 4. SILT FENCE SHOULD BE SECURELY FASTENED TO EACH STEEL SUPPORT POST OR TO WOODEN BARS, WHICH IS IN TURN ATTACHED TO THE STEEL FENCE POSTS.



- NOTES:
1. USE ONLY OPEN-GRASSED ROCK, WITH MOST OF THE FINEST FILLING.
 2. STONE SHALL BE DOLOMITE AND, UNLESS OTHERWISE SPECIFIED, SHALL BE 3/4" (MIN) TO 1 1/2" (MAX) IN DIAMETER AND LESS THAN 1 CUBIC FOOT IN VOLUME.
 3. THE ROCK FILTER DAM SHALL BE EMERGED INTO SOIL A MINIMUM OF 12" INCHES.
 4. THE ROCK FILTER DAM SHALL BE INSPECTED AFTER EACH DAY, AND THE STONE SHALL BE REPLACED WHEN THE DAM BECOMES CHAINED TO FUNCTION AS INTENDED, DUE TO SILT ACCUMULATION AMONG THE ROCKS, BARRIAGE, CONSTRUCTION TRAFFIC DAMAGE, ETC.



ROCK CLOSURES SHOULD BE STAKED DOWN WITH 1/2" DIAMETER REBAR STAKES.

BRITTANY WILLIAMS
34.669 ACRES
5359/488

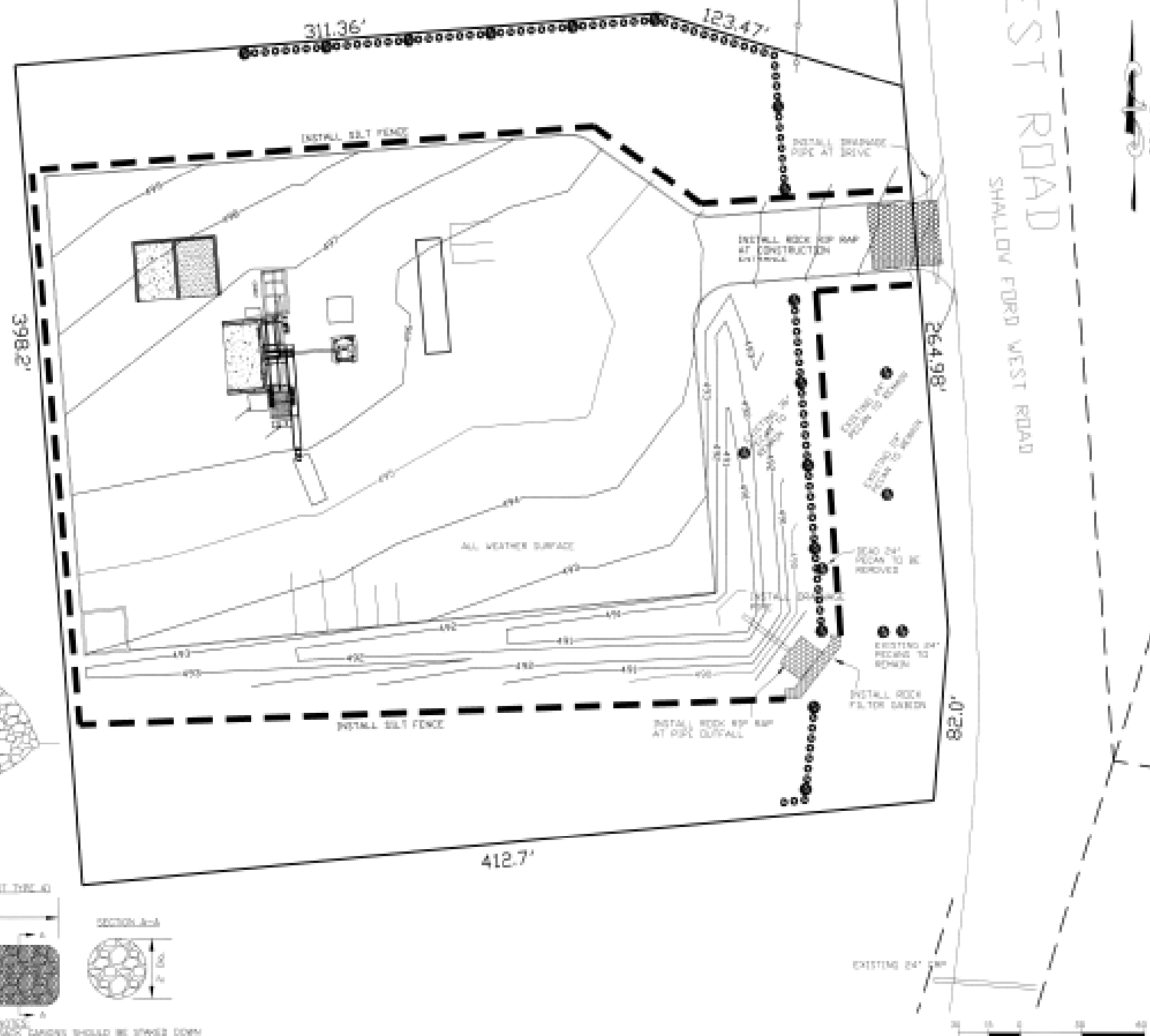
LOT FRONTAGE = 346.89'
TREES REQUIRED = 1 TREE FOR EVERY 60' OF ROAD FRONTAGE
TREES REQUIRED 346.89/60 = 5.78 TREES OF TREES REQUIRED - MIN. 2' CALIPER AND 3' OVERALL HEIGHT
THREE (3) SHRUBS 5 GALLONS IN SIZE MAY BE SUBSTITUTED FOR ONE REQUIRED TREE

- 1. TREE = TEXAS AGH (TRAUBIUS TEXENSIS) SPACES 40' APART (15 TOTAL)
- 2. SHRUB = TEXAS SAGE (LEUCODORNYLIUM FRUTESCENS) SPACES 5' APART (136 TOTAL)

ALL REQUIRED LANDSCAPING SHALL BE PROVIDED BY AN AUTOMATIC SPRINKLER SYSTEM OR HAVE ACCESS TO A HOSE CONNECTION WITHIN 50 FEET OF ALL LANDSCAPING

5% OF LOT AREA USED 37,043.2 SQ FT (NOT INCLUDING DRIVEWAYS, PAVED WALKS OR STREET AND ALLEY RIGHTS OF WAY) = APPROXIMATELY 2077.28 SQ FT NEW LANDSCAPE AREA REQUIRED

ALL TREES AND SHRUBS SHALL BE UNDERPLANTED WITH GROUND COVER CONSISTING OF RYE GRASS 300 LB PURE LIVE SEED PER ACRE COMBINED WITH BERBERIS GRASS, UNPAVED, 20 LB PURE LIVE SEED PER ACRE



TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
301 W. 3rd ST. TEMPLE, TEXAS 76788
P-MAIL: TURLEYFIRMAL.COM (254) 773-3400 (254) 773-1598

FIRM No. F-1658



DESIGN CONTROL / LANDSCAPING
CONCRETE BATCH PLANT
2400 SOUTH CENTRAL EXPRESS DRIVE
TEMPLE, TEXAS

DEVELOPED BY:
I-CONCRETE, LLC
4000 HUNTER ROAD WEST ROAD
TEMPLE, TEXAS 76708

REVISIONS		
NO.	DATE	DESCRIPTION
1	01/28/11	ISSUED FOR PERMIT
2	02/08/11	REVISED FOR COMMENTS
3	02/08/11	REVISED FOR COMMENTS

DATE:	2/28/11
DWN. BY:	RAD
REF:	
FIELD BOOK -	
JOB NO.:	11085
SHEET	08
DATE:	02/28/11
BY:	11085

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. 2012-4508

[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) Except as modified by the specific conditions below, 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 initially valid for 6 months from the effective date of this Ordinance 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) Prior to the end of the initial 6-month permit period, the applicant must submit to the Planning Director, a phased conceptual development plan for the property and its surroundings. The plan must show an estimated schedule for completion of each phase of development. The Director must consider the degree to which the applicant is following the plan when the CUP becomes eligible for renewal. Failure to submit the phased concept plan before the expiration of the initial six-month period, will result in the Director not renewing the CUP and the batch plant being required to cease operation;
- (i) The phased concept plan does not vest any property within its boundaries to any City standards in place at the time of approval of this CUP;
- (j) 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;
- (k) All parking and vehicle maneuvering surfaces will be concrete or asphalt covered as required;

- (l) A fire suppression tank and fire department connection must be installed as shown on the CUP site plan attached;
- (m) Prior to the end of the initial six-month period, established in paragraph G above, the subject property must be landscaped as shown on the accompanying CUP site plan with irrigation extending to within 50 feet of all required landscaped areas;
- (n) Septic service must be permitted and built as approved through the Bell County Sanitarian's Office; and
- (o) 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.

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

02/16/12
Item #7
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: SECOND READING - 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: Adopt ordinance as presented in item description, on second and final reading.

ITEM SUMMARY: *At the First Reading Council voted to approve the CUP without the 5 year time limit as proposed by the Planning and Zoning Commission. 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

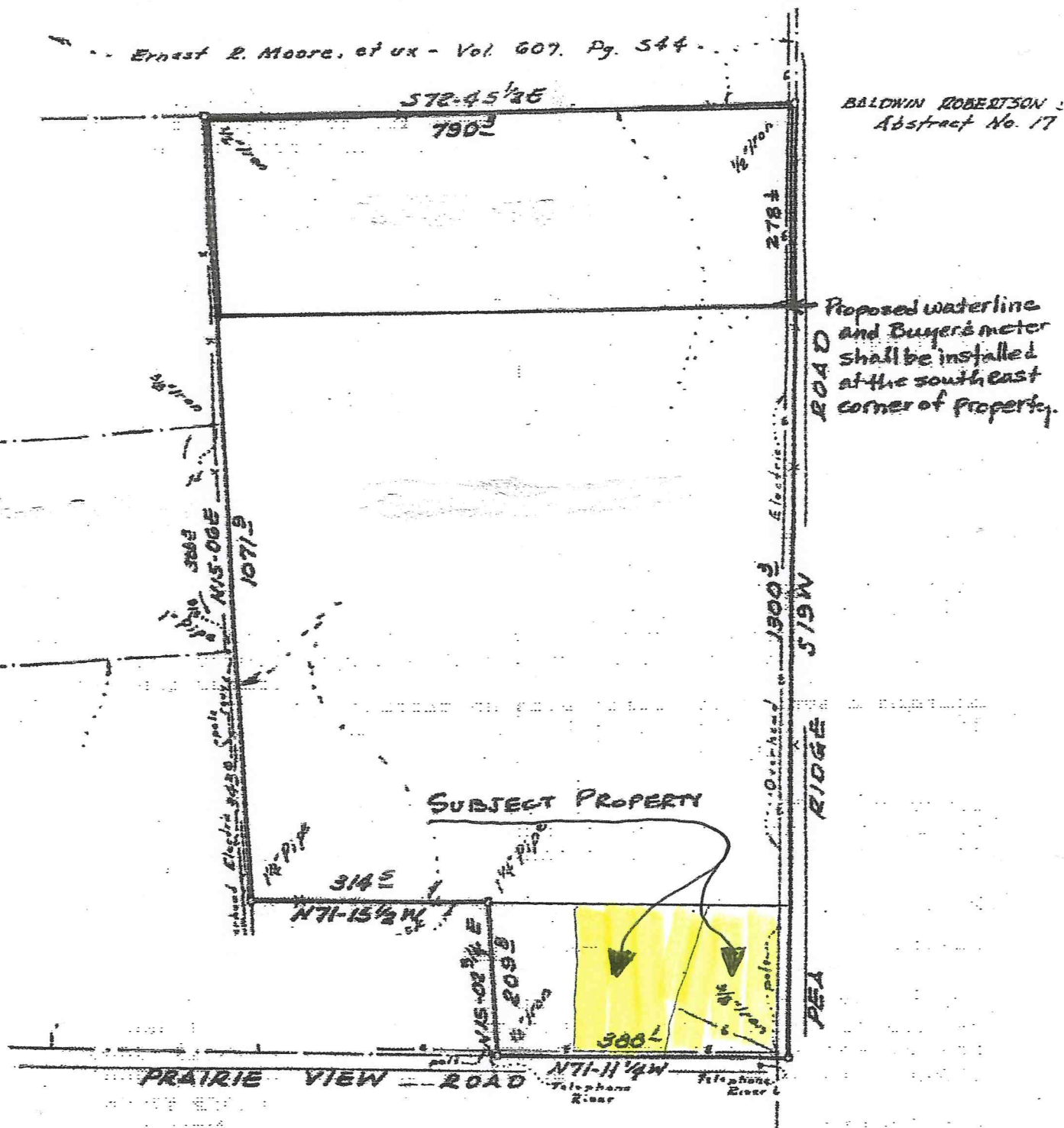
RONALD CARROLL Surveyors

Temple (817) 773-1447

Killeen (817) 526-0117

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.

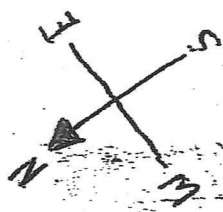


fire
hydrant

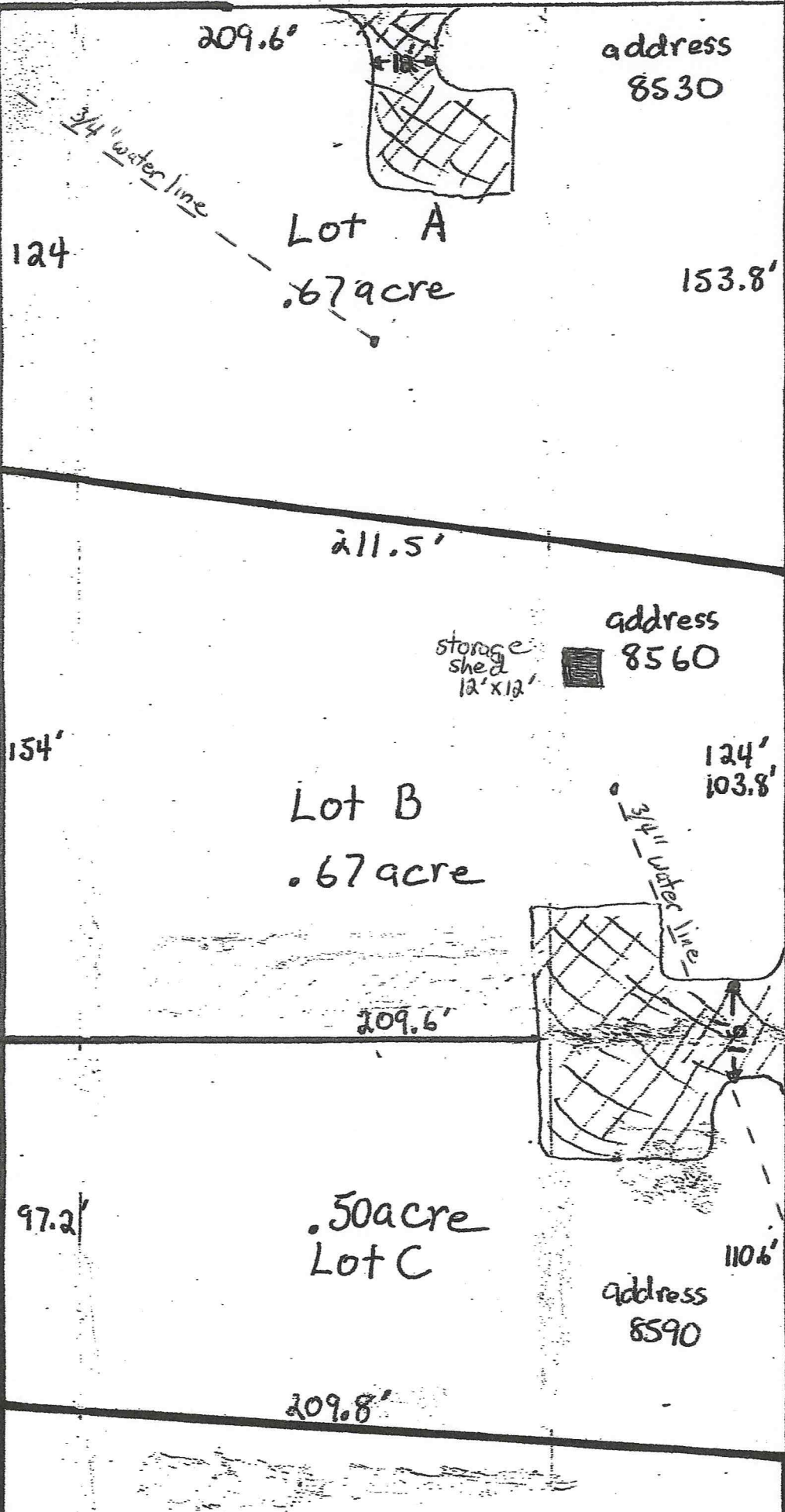
N Pea Ridge Road

5/14/98
Gregory Bethune
913-0360
owner/applicant

— existing fences
▤ - driveways



1" = 40'



fire
hydrant
N
P
e
a
R
i
d
g
e
R
o
a
d
V
i
e
w
R
o
a
d

Livingston Farms Mobile Home Park

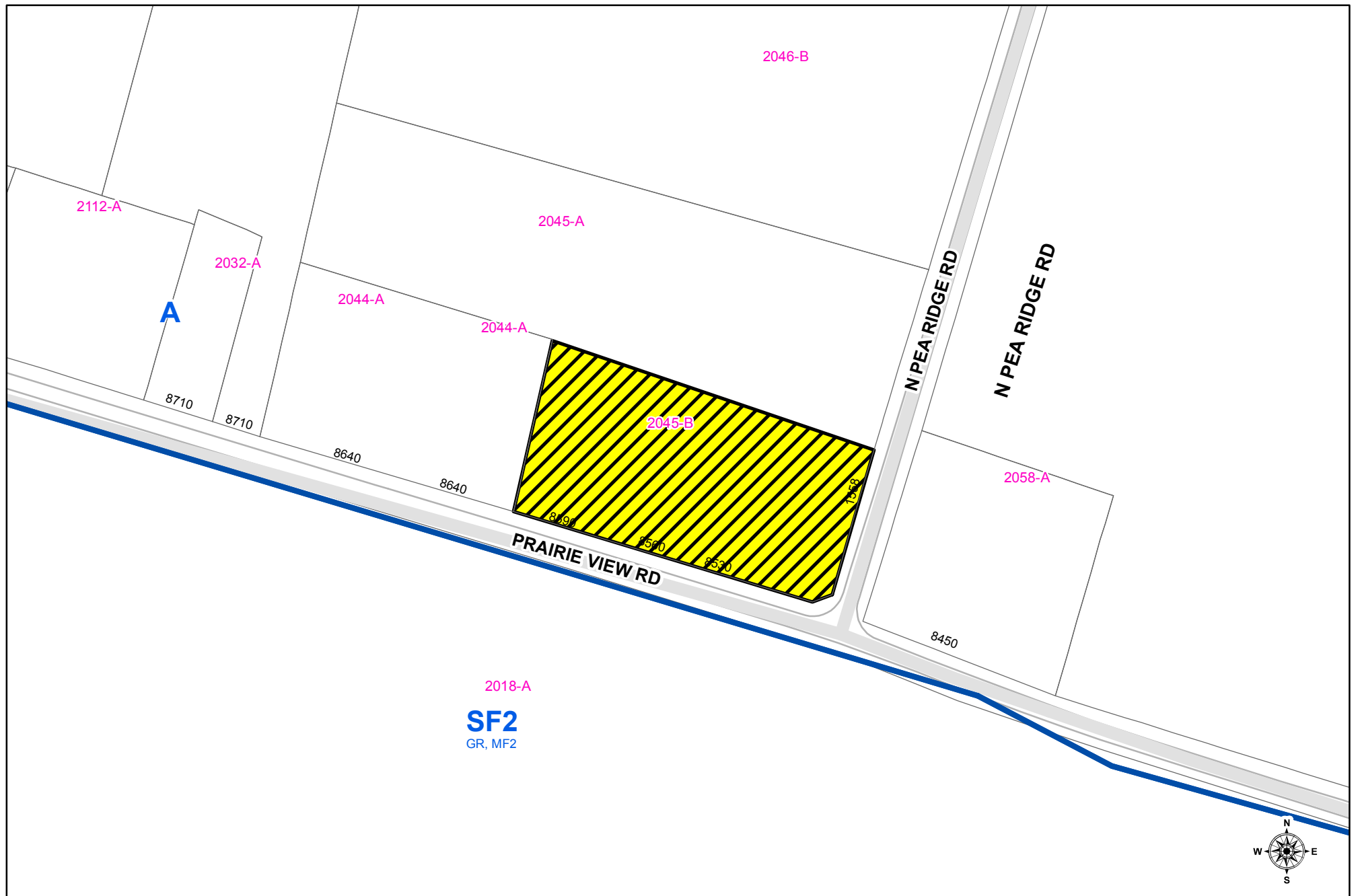


8560 Prarie View Rd.

Feet 0 100 200 300 400 500

JCalhoun 12.13.2011

Livingston Farms Mobile Home Park



 8560 Prarie View Rd.

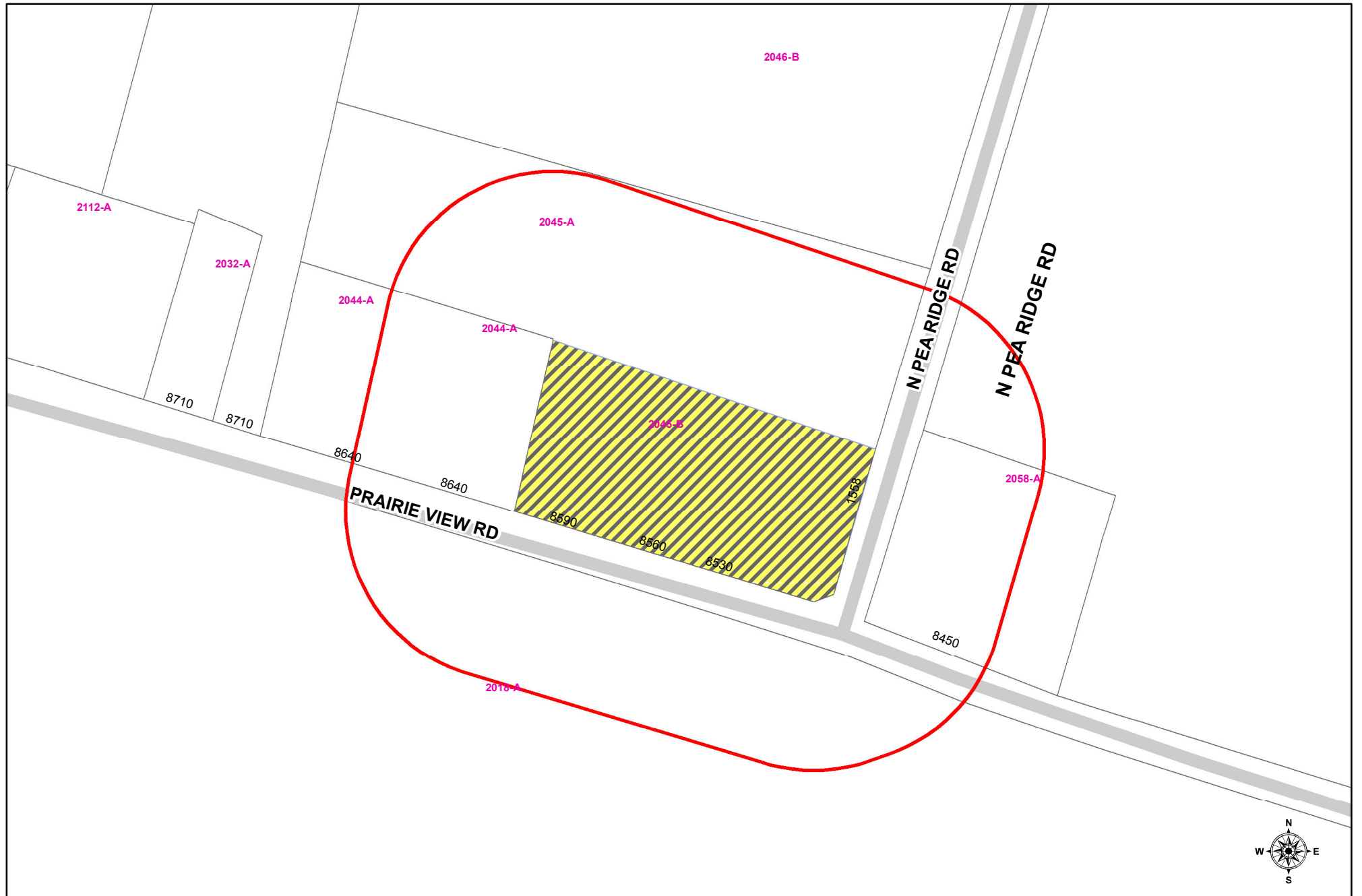
Feet 0 100 200 300 400 500

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


Print Name

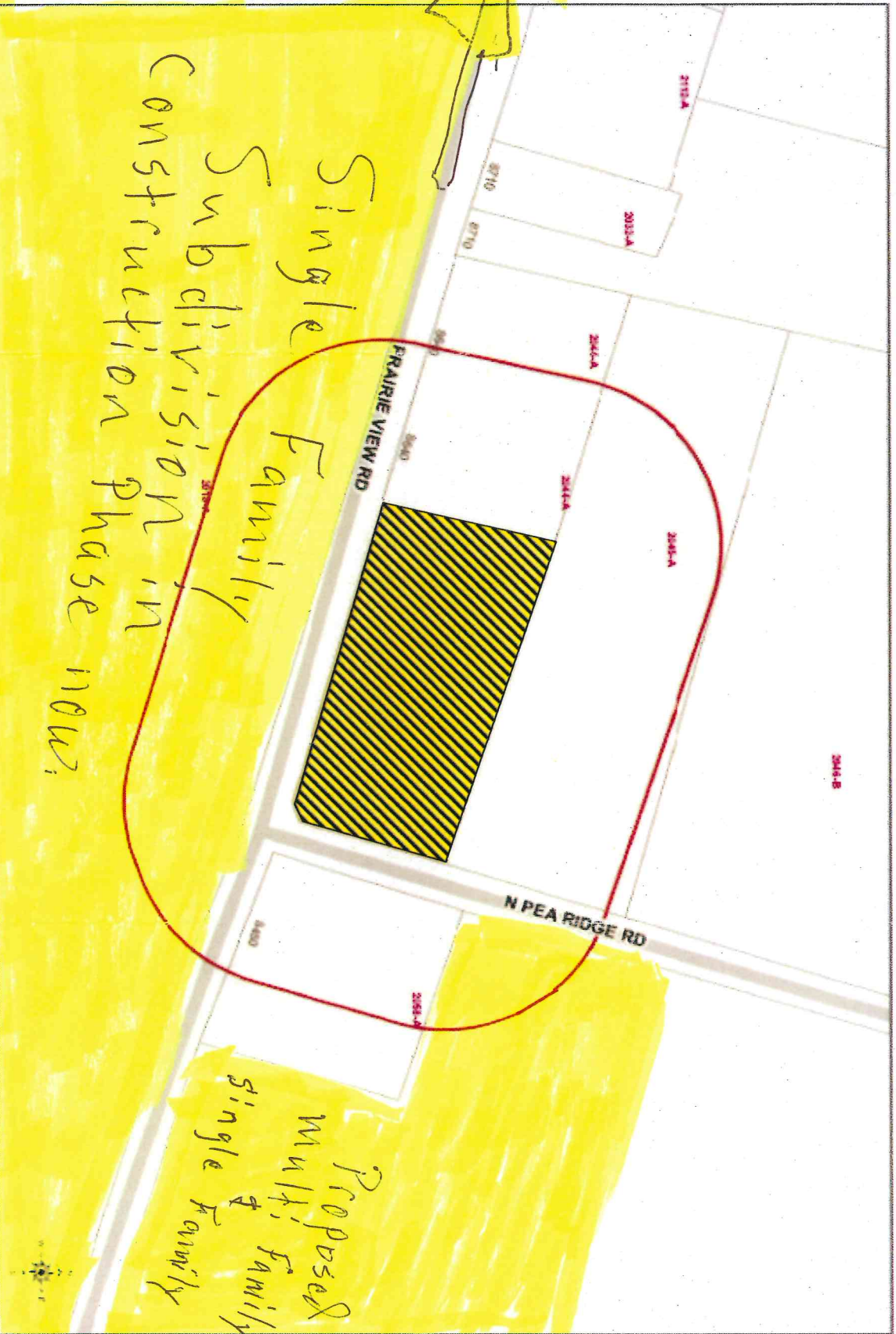
Please mail or hand-deliver this comment form to the address shown below, no later than January 3, 2012

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



Z-FY-12-17

Livingston Farms
Mobile Home Park



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. 2012-4513

[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 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.

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

02/16/12
Item #8
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – A-FY-12-05: Consider an ordinance abandoning 0.25 acres of unimproved North 7th Street right of way in Parklawn Addition, located between Lot 3, Block 8 and Lot 1, Block 9 of Parklawn Addition, between properties more commonly known as 2007 North 7th Street and 402 Mayborn Drive; and reserving a public drainage and utility easement in the entire abandoned right-of-way.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for March 1, 2012.

ITEM SUMMARY: The applicant, RBA Investments, LLC, for property owner Crispin Landeros, requests this street right-of-way abandonment for development of a Dollar General Store between North 3rd Street and North 7th Street. The applicant's property includes 2006 North 3rd Street and 2007 North 7th Street. Both properties are adjacent to each other and abut the North 7th Street right of way, which is unimproved.

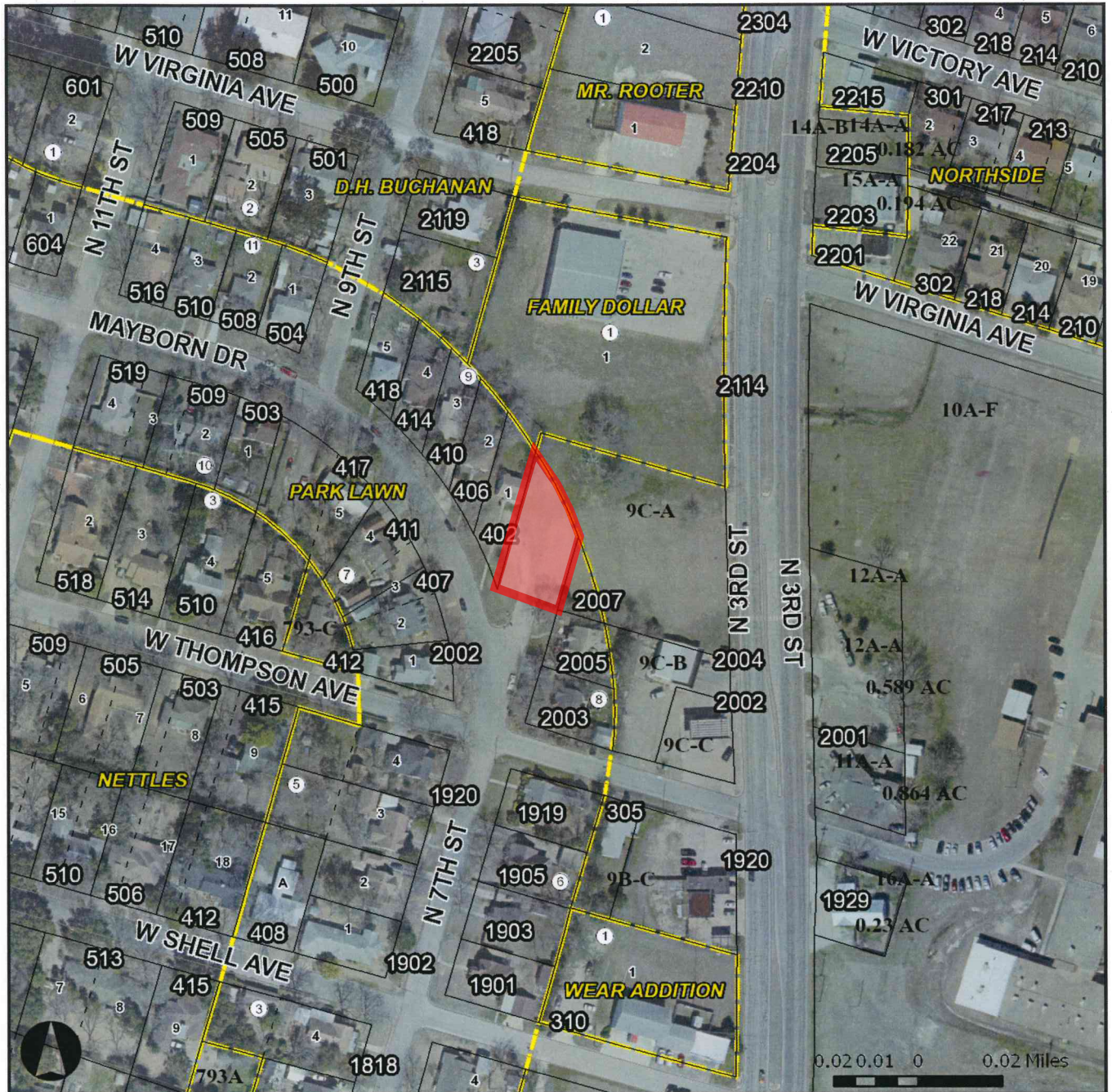
Planning staff contacted all utility providers, including all divisions of the Public Works Department, the Fire Department, and Police Department regarding the proposed street abandonment. There are no objections to the abandonment request. Staff requests a public drainage and utility easement in the entire abandoned right-of-way to protect existing water and wastewater lines.

FISCAL IMPACT: If approved, the applicant will be allowed to purchase the abandoned right-of-way, which has a total fair market value of \$7,440. The abutting property owner at 402 Mayborn Drive has no interest in purchasing his half of the abandoned right-of-way.

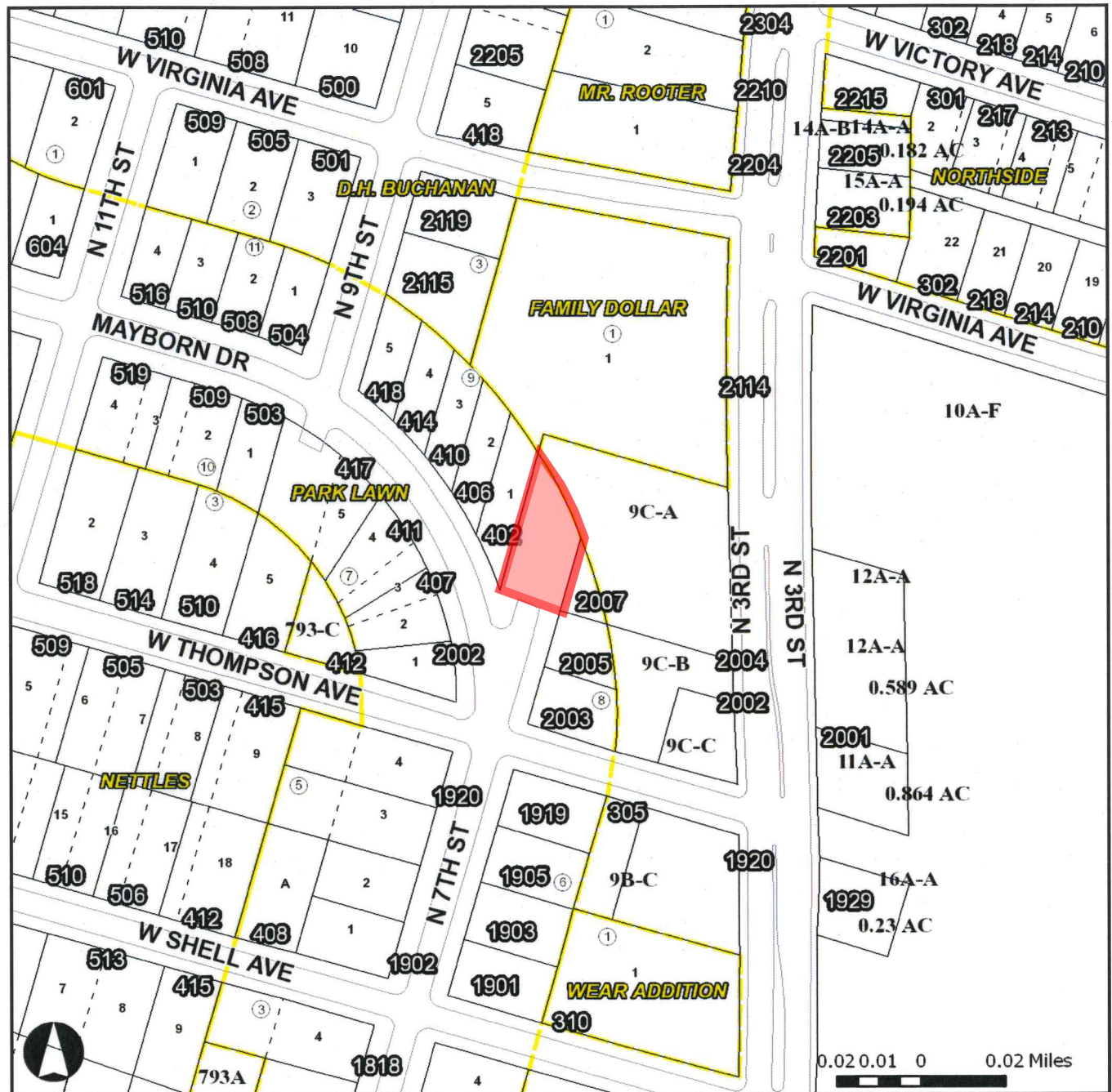
ATTACHMENTS:

[Aerial](#)
[Vicinity Map](#)
[Survey](#)
[Ordinance](#)

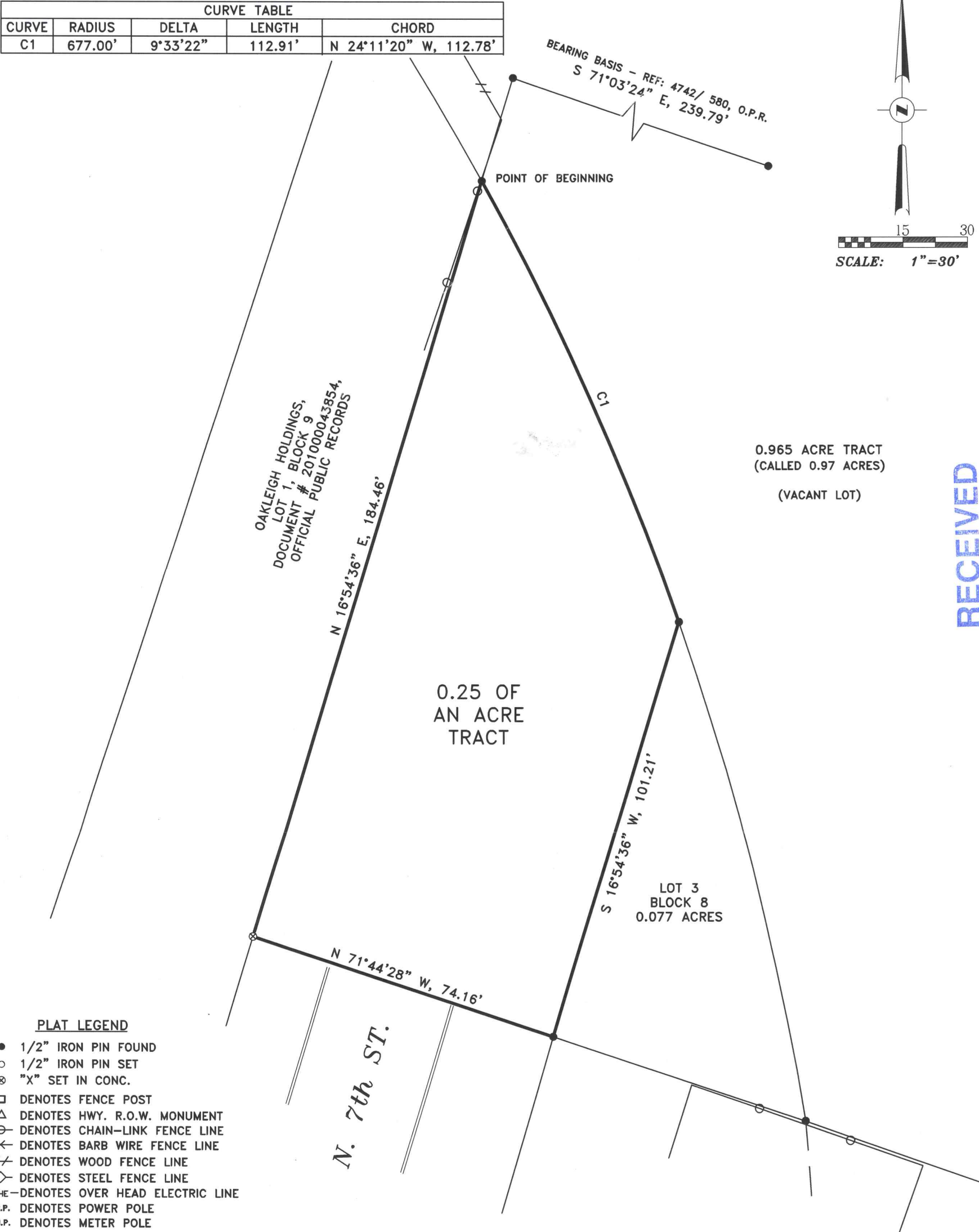
City of Temple



City of Temple



CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	677.00'	9°33'22"	112.91'	N 24°11'20" W, 112.78'



- PLAT LEGEND**
- 1/2" IRON PIN FOUND
 - 1/2" IRON PIN SET
 - ⊗ "X" SET IN CONC.
 - DENOTES FENCE POST
 - △ DENOTES HWY. R.O.W. MONUMENT
 - ⊖ DENOTES CHAIN-LINK FENCE LINE
 - ✕ DENOTES BARB WIRE FENCE LINE
 - ≡≡ DENOTES WOOD FENCE LINE
 - ◇ DENOTES STEEL FENCE LINE
 - DHE— DENOTES OVER HEAD ELECTRIC LINE
 - P.P. DENOTES POWER POLE
 - M.P. DENOTES METER POLE

MSM MARTINEZ
 SURVEYING AND MAPPING CO.
 8546 BROADWAY SUITE 225
 SAN ANTONIO, TX, 78217
 (210) 829-4244

SURVEY PLAT OF
 0.25 OF AN ACRE IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, OUT OF THE MAXIMO MORENO SURVEY, ABSTRACT 14, BEING A PORTION OF A STREET KNOWN AS N. 7TH STREET, SHOWN ON PLAT OF PARKLAWN ADDITION, SITUATED BETWEEN LOT 3, BLOCK 8 AND LOT 1, BLOCK 9, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 384, PAGE 292, DEED RECORDS OF BELL COUNTY, TEXAS.



STATE OF TEXAS
 COUNTY OF BELL

I hereby certify that the above plat is true and correct according to an actual survey made on the ground under my supervision and that there are no visible easements or encroachments of buildings on adjoining property, and that all buildings are wholly located on this property except as shown above and that all pins have been located as indicated above on the date on this plat.

This 16th day of JANUARY, 20 12 A.D.

Reynaldo Martinez Jr.
 REGISTERED PROFESSIONAL LAND SURVEYOR No. 5482

JOB No. 11-10-20D

(SEE ATTACHED FIELD NOTES)

RECEIVED

JAN 17 2012

City of Temple
 Planning & Development

ORDINANCE NO. _____

[A-FY-12-05]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING THE 0.25 ACRES OF UNIMPROVED NORTH 7TH STREET RIGHT-OF-WAY IN PARKLAWN ADDITION, LOCATED BETWEEN LOT 3, BLOCK 8 AND LOT 1, BLOCK 9, OF PARKLAWN ADDITION, BETWEEN PROPERTIES MORE COMMONLY KNOWN AS 2007 NORTH 7TH STREET AND 402 MAYBORN DRIVE, AND RESERVING A PUBLIC DRAINAGE AND UTILITY EASEMENT IN THE ENTIRE ABANDONED RIGHT-OF-WAY; DECLARING FINDINGS OF FACT; AUTHORIZING CONVEYANCE OF SUCH PROPERTY BY A DEED WITHOUT WARRANTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has a request to abandon the 0.25 acres of unimproved N. 7th Street right-of-way in Parklawn Addition, located between Lot 3, Block 8 and Lot 1, Block 9 of Parklawn Addition, between properties more commonly known as 2007 N. 7th Street and 402 Mayborn Drive;

Whereas, the applicant, RBA Investments, LLC, for property owner Crispin Landeros, requests the street right-of-way abandonment for development of a Dollar General Store between N. 3rd Street and N. 7th Street – both properties are adjacent to each other and abut the N. 7th Street right-of-way, which is unimproved;

Whereas, the Staff has no objections to the abandonment request but does request a public drainage and utility easement in the entire abandoned right-of-way to protect existing water and wastewater lines; and

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

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

Part 1: The City Council abandons the 0.25 acres of unimproved N. 7th Street right-of-way in Parklawn Addition, located between Lot 3, Block 8 and Lot 1, Block 9 of Parklawn Addition, between properties more commonly known as 2007 N. 7th Street and 402 Mayborn Drive, more fully described in Exhibit A, attached hereto for all purposes, but retains the public drainage and utility easement in the entire abandoned right-of-way to protect existing water and wastewater lines.

Part 2: The City Council authorizes the Mayor of the City of Temple, Texas, for the consideration set out in Part 3, to execute a Deed Without Warranty conveying the rights and interests of the City of Temple, Texas, to the property owner, retaining the public drainage

and utility easement in the entire abandoned right-of-way to protect existing water and wastewater lines, which when done, shall be and become a binding act and deed of the City of Temple.

Part 3: As consideration for the conveyance described in Part 2 hereof, the property owner shall pay the appraised fair market value of \$7,440 for the property.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **16th** day of **February**, 2012.

PASSED AND APPROVED on Second Reading the **1st** day of **March**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of _____, 2012, by WILLIAM A. JONES, III, Mayor of the City of Temple, Texas.

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

02/16/12
Item #9
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-12-19: Consider adopting an ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5, 7, 8 and 11 of the Unified Development Code to: add “Kiosk” as permitted uses in the use table of certain zoning districts with specifications; remove “home occupation” as an allowable residential accessory use in the LI and HI zoning districts; Clarify all parking areas must be paved with either asphalt or concrete; Clarify that vehicular backing motions are prohibited into a public street from a parking area on all non-residential sites; Clarify utility poles or other obstructions are not permitted in sidewalks; and to establish or amend definitions related to such uses and standards.

P&Z COMMISSION RECOMMENDATION: At its January 17, 2012, the Planning and Zoning Commission voted 6/0 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 March 1, 2012.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-19, from the Planning and Zoning meeting, January 17, 2012.

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 the use “Kiosk” to the use table in specific zoning districts.
2. Remove “Home Occupation” uses in the Light industrial (LI) and Heavy Industrial (HI) zoning districts.
3. Clarify all parking areas must be paved with either asphalt or concrete.

4. Clarify vehicular backing motions are prohibited into a public street from a parking area on all newly developed non-residential sites.
5. Clarify utility poles or other obstructions are not permitted in sidewalks.
6. Add definitions related to the above additions.

KIOSK USE (ATTACHMENT 1): This proposed amendment modifies Article 5 of the UDC. The proposed amendment adds the use "Kiosk". Kiosks are defined as free-standing, non-manned, primary or accessory structures, within a pedestrian circulation or parking area, from which commercial activities are conducted. Examples include, but are not limited to, ice machines, automatic teller machines, and water vending machines. This definition does not include kiosk food sales. Kiosks are permitted in all non-residential zoning districts except Central Area with specific limitations.

HOME OCCUPATION IN LI AND HI ZONING DISTRICTS (ATTACHMENT 2): This proposed amendment modifies Article 5 of the UDC. The proposed amendment removes the ability for home occupation uses to be located in the Light Industrial (LI) and Heavy Industrial (HI) zoning districts. Residential uses were removed from these zoning districts several years ago and this change coincides with that previous amendment.

PARKING AREA MATERIALS REQUIRED (ATTACHMENT 3): This proposed amendment modifies Article 7 of the UDC. The proposed amendment clarifies all parking areas whether required or optional, must be paved with either asphalt or concrete.

BACKING MOTIONS IN PUBLIC ROW (ATTACHMENT 4): This proposed amendment modifies Article 7 of the UDC. The proposed amendment clarifies that vehicular backing motions are prohibited into public right-of-way from a parking area. All parking maneuvering must be provided for on site. This is a safety and traffic issue.

OBSTRUCTIONS IN SIDEWALKS (ATTACHMENT 5): This proposed amendment modifies Article 8 of the UDC. The proposed amendment clarifies utility poles or other obstructions are not permitted in sidewalks. ADA requirements must be met for these types of facilities.

DEFINITIONS (ATTACHMENT 6): This proposed amendment modifies Article 11 of the UDC. A definition for Kiosk has been included.

PUBLIC NOTICE:

The newspaper printed notice of the Planning and Zoning Commission public hearing on January 5, 2012, in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

P&Z Staff Report (Z-FY-12-19)

Proposed Amendment to UDC Articles 5, 7, 8 and 11

P&Z Minutes (1/17/12)

Ordinance



PLANNING & ZONING COMMISSION ITEM MEMORANDUM

01/17/12
Item #3
Regular Agenda
Page 1 of 2

APPLICANT: City of Temple

DEPT. /DIVISION SUBMISSION & REVIEW: Autumn Speer, Director of Community Services

ITEM DESCRIPTION: Z-FY-12-19 Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2010-4413, Temple Unified Development Code, Articles 5, 7, 8 and 11 of the Unified Development Code to: add “Kiosk” as permitted uses in the use table of certain zoning districts with specifications; remove “home occupation” as an allowable residential accessory use in the LI and HI zoning districts; Clarify all parking areas must be paved with either asphalt or concrete; Clarify that vehicular backing motions are prohibited into a public street from a parking area on all non-residential sites; Clarify utility poles or other obstructions are not permitted in sidewalks; and to establish or amend definitions related to such uses and 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 the use “Kiosk” to the use table in specific zoning districts.
2. Remove “Home Occupation” uses in the Light industrial (LI) and Heavy Industrial (HI) zoning districts.
3. Clarify all parking areas must be paved with either asphalt or concrete.
4. Clarify vehicular backing motions are prohibited into a public street from a parking area on all newly developed non-residential sites.
5. Clarify utility poles or other obstructions are not permitted in sidewalks.
6. Add definitions related to the above additions.

KIOSK USE (ATTACHMENT 1): This proposed amendment modifies Article 5 of the UDC. The proposed amendment adds the use “Kiosk”. Kiosks are defined as free-standing, non-manned, primary or accessory structures, within a pedestrian circulation or parking area, from which commercial activities are conducted. Examples include, but are not limited to, ice machines, automatic teller machines, and water vending machines. This definition does not include kiosk food sales. Kiosks are permitted in all non-residential zoning districts except Central Area with specific limitations.

HOME OCCUPATION IN LI AND HI ZONING DISTRICTS (ATTACHMENT 2): This proposed amendment modifies Article 5 of the UDC. The proposed amendment removes the ability for home occupation uses to be located in the Light Industrial (LI) and Heavy Industrial (HI) zoning districts. Residential uses were removed from these zoning districts several years ago and this change coincides with that previous amendment.

PARKING AREA MATERIALS REQUIRED (ATTACHMENT 3): This proposed amendment modifies Article 7 of the UDC. The proposed amendment clarifies all parking areas whether required or optional, must be paved with either asphalt or concrete.

BACKING MOTIONS IN PUBLIC ROW (ATTACHMENT 4): This proposed amendment modifies Article 7 of the UDC. The proposed amendment clarifies that vehicular backing motions are prohibited into public right-of-way from a parking area. All parking maneuvering must be provided for on site. This is a safety and traffic issue.

OBSTRUCTIONS IN SIDEWALKS (ATTACHMENT 5): This proposed amendment modifies Article 8 of the UDC. The proposed amendment clarifies utility poles or other obstructions are not permitted in sidewalks. ADA requirements must be met for these types of facilities.

DEFINITIONS (ATTACHMENT 6): This proposed amendment modifies Article 11 of the UDC. A definition for Kiosk has been included.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on January 5, 2012, in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendments.

FISCAL IMPACT: NA

ATTACHMENTS:

[Attachment 1: Article 5 Use Standards](#)

[Attachment 2: Article 5 Residential Accessory Uses](#)

[Attachment 3: Article 7 Parking Materials and Vehicular Backing Motions](#)

[Attachment 4: Article 8 Sidewalk Obstructions](#)

[Attachment 5: Article 11 Definitions](#)

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
Discount or department store																	P	P	P	P	P	
Drug store or pharmacy															P	P	P	P	P	P	P	
Exercise gym	C										C	C	C		P	C	P	P	P	P	P	
Fabric store																P	P	P	P	P	P	
Florist or garden shop															P	P	P	P	P	P	P	
Food or beverage sales store without fuel sales																P	P	P	P	P	P	
Furniture and appliance sales and service																	P	P	P	P	P	
Greenhouse or nursery (retail)																P	P	P	P	P	P	
Handcraft and art objects shop															P	P	P	P	P	P	P	
Hardware store or hobby shop																	P	P	P	P	P	
Key shop															P	P	P	P	P	P	P	
Kiosk														L	L	L	L	L	L	L	L	Sec. 5.3.24
Laboratory medical, dental, scientific or research	C													C	P	C	P	P	P	P	P	
Laundry and cleaning (self-service)															P	P	P	P	P	P	P	
Medical appliances, fitting, sales or rental															P	P	P	P	P	P	P	
Mixed media store or newsstand															P	P	P	P	P	P	P	
Mortuary or funeral home															P		P	P	P	P	P	
Office supply store															P	P	P	P	P	P	P	
Pawn shop																	P	P	P	P	P	
Pet shop																	P	P	P	P	P	
Retail shop, gift, apparel, accessory and similar items															P	P	P	P	P	P	P	
Retail Sales and Service uses other than listed																P	P	P	P	P	P	

Article 5: Use Standards

Sec. 5.3. Specific Use Standards

5.3.24 Kiosk

A kiosk is permitted in accordance with the use table in Sec. 5.1 subject to the following standards:

- A. All of the Dimensional and General Development Standards in Article 4 and Article 7 of this UDC apply to a kiosk as if it were the principal use of the property.
- B. Drive-through kiosks must provide 3, 8-ft by 22-ft. queuing spaces per kiosk service window.
- C. Wall signs on the wall of a kiosk itself are the only sign type allowed for advertising the services of the kiosk. Wall signs on a kiosk are limited to a maximum of 25 percent of the surface area of each wall. Wall signs are permitted only on the sides of a kiosk that are visible from the public right-of-way.
- D. Pedestrian access to the kiosk use must be included from all pedestrian facilities, including but not limited to sidewalks.

Parking that serves as required parking for another use must not be used for either placement of the kiosk or for parking or vehicle maneuvering required by the kiosk unless additional parking exists for the adjacent use and a shared parking agreement is agreed upon by both property owners and submitted with the building permit application.

Article 5: Use Standards

Sec. 5.4. Accessory Uses and Structures

A. Residential Accessory Uses

P= Permitted by Right L = Permitted by Right Subject to Limitations
 [blank cell] = Prohibited C= Conditional Use Permit

Specific Use	A	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
Accessory building (residential)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Accessory building (agricultural)	P	P	P	P	P																	
Accessory dwelling unit														L	L	L	L	L	L	L	L	5.4.3
Backyard compost operation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home occupation	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.4.4
Stable, residential or noncommercial	L	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	C	L	L	5.4.5
Swimming pool, private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	City Code Ch 34

.....

7.4.5 Off-Street Parking Design Standards

A. Dimensional and Access Standards

- ~~1. A typical 90 degree parking space must be striped and measure nine feet by 18 feet. Such space must not be located on a public street or in an alley. Parking areas must be paved with either asphalt or concrete. A parking space or areas must include an asphalt or concrete driveway connecting the parking space or area with a street or alley permitting free ingress and egress to the street or alley.~~
2. Off-street parking spaces and areas must be designed so that a driver can exit the space or area without backing a vehicle into a public street, right of way or alley. This provision does not apply to residential uses in the following zoning districts: AG, UE, SF-1, SF-2, SF-3, SFA, SFA-2, SFA-3, 2-F, TH and MH.

~~B. Head-In Parking~~

- ~~1. No off-street parking space or area may be designed to require or allow parking maneuvers to take place on the public street.~~
- ~~2. The above provision does not apply to residential uses in the following zoning districts: AG, UE, SF-1, SF-2, SF-3, SFA, SFA-2, SFA-3, 2-F, TH and MH.~~

B. Material Standards

All parking areas (required and optional) must be paved with either asphalt or concrete. A parking space or area must include an asphalt or concrete driveway connecting the parking space or area with a street or alley permitting free ingress and egress to the street or alley.

8.2.3 Sidewalks

...

C. Dimensional and Construction Standards

1. Sidewalks along local and collector streets must be a minimum of four feet wide.
2. Sidewalks along arterial streets must be a minimum of six feet wide.
3. Sidewalks must be built in line with existing sidewalks. In the absence of an adjoining sidewalk, the edge of the sidewalk closest to the street must be a minimum of two feet from the curb. This section should not be construed to prohibit paving the area between the sidewalk and the street.
4. Sidewalks must be built in accordance with the Design and Development Standards Manual.
5. Construction plans must be submitted with the Building Permit application. Required sidewalks must be constructed before the Director of Construction Safety issues a Certificate of Occupancy.
6. Obstructions including, but not limited to utility poles and signs are not permitted in sidewalks.

Article 11: Definitions

Sec. 11.2. Defined Terms

...

Kiosk. A free-standing, non-manned, primary or accessory structure, within a pedestrian circulation or parking area, from which commercial activities are conducted. Examples include, but are not limited to, ice machines, automatic teller machines, and water vending machines. This definition does not include kiosk food sales.

Laundry and Cleaning (Self-Service). To be of the customer self-service type and not a commercial laundry or cleaning plant.

Layer: A range of depth of a lot within which certain elements are permitted. (Ord. 2010-4415)

Livestock Auction. Barns, pens and sheds for the temporary holding and sale of livestock.

Live/Work Unit: A mixed use unit consisting of both commercial and residential functions. The commercial function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the commercial activity or industry. (Ord. 2010-4415)

Living Unit. The room or rooms occupied by a family and must include cooking facilities.

Loading Space. An off-street space or berth used for the loading or unloading of commercial or industrial vehicles.

Logo. Any registered trademark of an organization, individual, company or product that is commonly used in advertising to identify that organization, individual company or product.

Lot. An undivided parcel of land, identified by a number and designated as a distinct and separate property on a fully approved subdivision plat properly filed of record.

Lot, Corner. A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

Lot Line. A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

Lot of Record. A lot that is part of a subdivision, the plat of which has been recorded in

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
TUESDAY, JANUARY 17, 2012**

ACTION ITEMS

Item 3: Z-FY-12-19 - Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2010-4413, Temple Unified Development Code, Articles 5, 7, 8 and 11 of the Unified Development Code to: add "Kiosk" as a permitted use in the use table for certain zoning districts with specifications; remove "home occupation" as an allowable residential accessory use in the LI and HI zoning districts; Clarify all parking areas must be paved with either asphalt or concrete; Clarify that vehicular backing motions are prohibited into a public street from a parking area on all non-residential sites; Clarify utility poles or other obstructions are not permitted in sidewalks; and establish or amend definitions related to such uses and standards. (Applicant: City of Temple)

Ms. Autumn Speer, Director of Community Services, stated this was the second in the UDC cleanups and more would be coming forward as the year progresses.

Kiosks would essentially clarify what type of requirements is needed for free-standing kiosks and they are to be treated as a primary use. Sidewalks are required, signage is required specifically for kiosks, parking spaces, and design standards would be required.

Queuing spaces have also been included for drive-through kiosks. Temple does not currently have any queuing spaces required in drive-through uses and this would be the first of that kind.

Removing home occupation from the use table as an allowed use in LI and HI.

Clarification that all required or optional parking areas be paved with asphalt or concrete.

Parking design language needs clarification that any off-street parking does not use the street, alley, or any other public right-of-way to make maneuvers; it must all be made on-site.

Sidewalks obstructions are not permitted. If there is an obstruction that cannot be removed, go around it.

Staff recommends approval of these UDC modifications.

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

Commissioner Talley made a motion to approve Item 3, Z-FY-12-19, and Commissioner Pilkington made a second.

Motion passed: 6:0

ORDINANCE NO. _____

[PLANNING NO. Z-FY-12-19]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2010-4413, THE “UNIFIED DEVELOPMENT CODE,” ARTICLE 5, “USE OF STANDARDS”, ARTICLE 7, “PARKING MATERIALS AND VEHICULAR BACKING MOTIONS”, ARTICLE 8, “SIDEWALK OBSTRUCTIONS” AND ARTICLE 11, “DEFINITIONS”; 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 17, 2012 meeting, the Planning and Zoning Commission voted to amend the UDC to add “Kiosk” as permitted uses in the use table; remove “home occupation” as an allowable residential accessory use in the LI and HI zoning districts; clarify all parking areas must be paved with either asphalt or concrete; clarify that vehicular backing motions are prohibited into a public street from a parking area on all non-residential sites; clarify utility poles or other obstructions are not permitted in sidewalks; and to establish or amend definitions related to such uses and standards, and Staff recommends this action; and

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

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

Part 1: The City Council approves an amendment to Ordinance No. 2010-4413, the “Unified Development Code,” by amending Article 5, “Use of Standards,” Article 7, “Parking Materials and Vehicular Backing Motions,” Article 8 “Sidewalk Obstructions,” and Article 11, “Definitions”.

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 **16th** day of **February**, 2012.

PASSED AND APPROVED on Second Reading on the **1st** day of **March**, 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

02/16/12
Item #10
Regular Agenda
Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-12-21: Consider adopting an ordinance authorizing a rezoning from Agricultural District (A) to Commercial District (C) on Tract 1, being a ±7.684 acre tract of land and Tract 2, being a ±5.779 acre tract of land both out of the George Givens Survey, Abstract No. 345 and the Nancy Chance Survey, Abstract No. 5, Bell County, Texas located on the east side of South Kegley Road, north of the Caddy Shack Golf Range.

P&Z COMMISSION RECOMMENDATION: At its January 17, 2012, meeting, the Planning and Zoning Commission voted 5/0 to recommend approval of a rezoning from AG to C.

Vice-Chair Staats abstained, Commissioner Rhoads was absent and two places on the Commission were vacant at the time of the meeting.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for March 1, 2012.

Staff recommends approval of Z-FY-12-21, the requested zone change to Commercial District for the following reasons:

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-21, from the Planning and Zoning meeting, January 17, 2012. The applicant, Edgar Smith for Jim Trnum, requests a rezoning from AG, Agricultural District to C, Commercial District for the subject property on the east side of South Kegley Road, north of the Caddy Shack Golf Range to allow commercial uses on this property. The applicant operates Smith Supply Company at 2822 S. General Bruce Drive. Right-of-way acquisition by TxDOT is forcing Mr. Smith to relocate his business. A rezoning from the AG to the C zoning district would allow many uses that would not have been allowed before. Those uses include the proposed janitorial supply sales and warehousing, but also include the following:

- Alcoholic beverage sales, on- or off-premise consumption, beer and wine only
- Building material sales
- Cabinet shop
- Contractor storage
- Family or group home
- Heavy machinery sales, storage and repair
- Mini-storage warehouse
- Trailer, recreational vehicle, portable building or manufactured home sales or rental
- Truck stop
- Two-family dwelling
- Welding or machine shop
- Wholesale storage and sales
- Institution for alcoholic or narcotic patients

COMPREHENSIVE PLAN COMPLIANCE:

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

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance?
CP	Map 3.1 - Future Land Use and Character	Auto-Urban Commercial. North and west boundary is Suburban Residential	Yes, partially**
CP	Map 5.2 - Thoroughfare Plan	S. Kegley Road is a Minor Arterial.	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	12-inch water line and 30-inch sewer line west right-of-way of S. Kegley Road	Yes
CP	Land Use Policy 9 – New development or redevelopment on infill parcels in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area.	Land use pattern to south and east is compatible to C-Commercial zoning. Vacant and agricultural land to north and west.	Yes
STP	Page F3- A community-wide connector trail is shown along the east side of S. Kegley Road	Not on this property	n/a

CP = Comprehensive Plan STP = Sidewalk and Trails Plan **See Analysis below

DEVELOPMENT REGULATIONS: The Commercial zoning district permits all retail and most commercial land uses, including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. Residential uses are allowed, except apartments. This district is intended to serve citywide or regional service areas.

According to the district's purpose statement in the Unified Development Code, the Commercial zoning district should be located at the intersection of major thoroughfares or highways. This district should be located away from low and medium density residential development and may be used as a

buffer between retail and industrial uses. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

Commercial Zoning District	Minimum Standards
Front Setback	30-ft from Center of Street
Side Setback	0-ft *
Back Setback	0-ft **
Height	Any Legal Height
* Unless adjacent to Residential District, then 10-ft. If building exceeds 40-ft, increase setback 1 foot for each 3-ft over 40-ft in height	
** Unless adjacent to Residential District, then 10-ft. (0-ft if boundary is alley)	

STAFF ANALYSIS: Across the street, to the west of the subject property, is an agricultural use with a single house on multiple acres. Vacant undeveloped land lies to the north. The low density agricultural land and the properties to the north of the subject property are both identified as Suburban Residential, as shown on the attached Future Land Use and Character map (FLUMC).

The Comprehensive Plan projects that the ultimate zoning of a Suburban Residential area should be to a medium residential density district, which includes SF2, Single-Family Two; SF3, Single-Family Three; 2F, Two-Family (duplex); or TH, Townhouse. In support of this analysis, the subject property could be zoned to a lower intensity nonresidential district to be more compatible with the projected residential area, such as NS, Neighborhood Services or O1, or O2, Office districts. The part of the property closer to the already developed nonresidential areas, east and south, could be GR, General Retail or C, Commercial. However, these options do not allow the use that the applicant requests on his application.

All uses to the south and east are basically commercial uses; therefore this zoning is partially appropriate. The subject property fronts on a designated Minor Arterial, which is a major thoroughfare (as recommended in the district's purpose statement). The property backs to the railroad and other retail and heavier commercial uses that are adjacent to I-35, many of which are contractor and warehouses uses. These uses are consistent with what the applicant is proposing. The change to C, Commercial is basically consistent with the current adjacent development.

PUBLIC NOTICE: Staff mailed notices of the Planning and Zoning Commission's public hearing to the six property owners within the 200-foot radius surrounding the zone change site. As of Wednesday, January 11, 2012 at 12:00 PM, no notices were returned in favor of the request and none were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 5, 2012 in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial, Thoroughfare and Sidewalk and Trails Plan Map
Land Use and Character Map
Zoning and Notice Map
Utility Map
P&Z Staff Report (Z-FY-12-21)
P&Z Minutes (January 17, 2012)
Ordinance



Z-FY-12-21

AG to C - Tr. 1, 7.684-ac & Tr. 2, 5.779-ac
out of George Givens Survey and
Nancy Chance Survey #5

2700 and 2800 Block
of S. Kegley Road



Legend:
ZFY 12-21 (Yellow hatched)
Expressway (Red line)
Minor Arterial (Green line)
Proposed, Community Wide Connector Trail (Yellow dashed line)

0 125 250 500 750 1,000 Feet

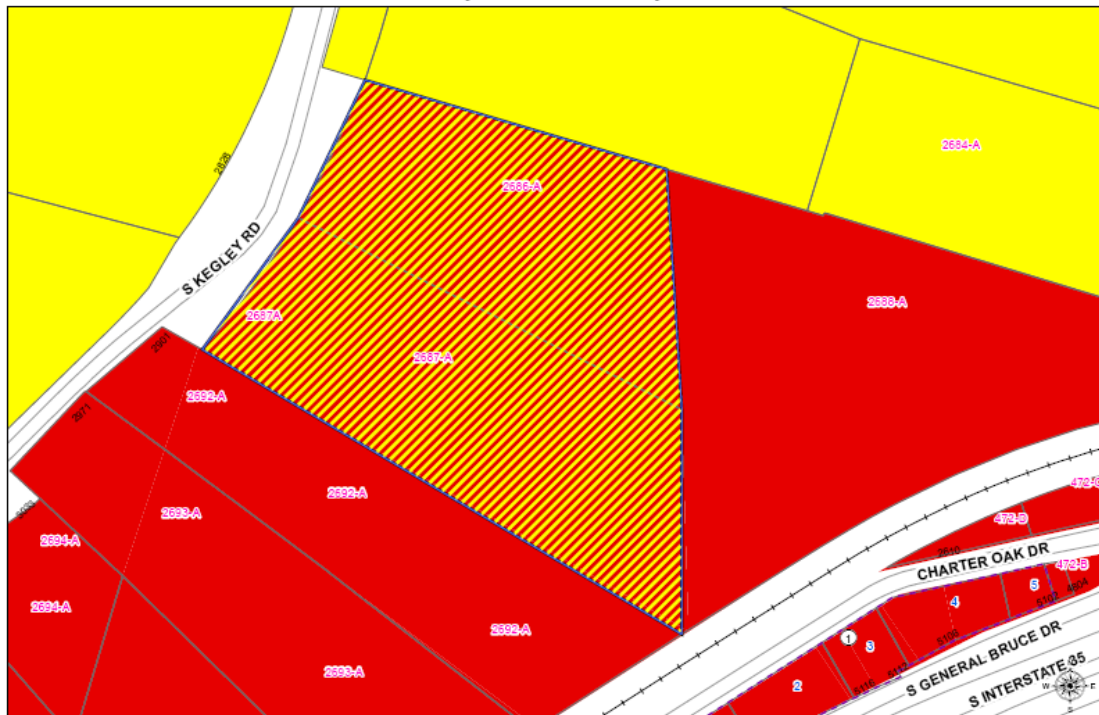
JCalhoun 12.21.11



Z-FY-12-21

AG to C - Tr. 1, 7.684-ac & Tr. 2, 5.779-ac
out of George Givens Survey and
Nancy Chance Survey #5

2700 and 2800 Block
of S. Kegley Road



Legend:
ZFY 12-21 (Yellow hatched)
Agricultural/Rural (Yellow)
Auto-Urban Commercial (Red)
Auto-Urban Mixed Use (Brown)
Auto-Urban Multi-Family (Orange)
Auto-Urban Residential (Light Orange)
Business Park (Purple)
Estate Residential (Light Yellow)
Industrial (Dark Purple)
Neighborhood Conservation (Light Gray)
Parks & Open Space (Green)
Public Institutional (Blue)
Suburban Commercial (Pink)
Suburban Residential (Light Yellow)
Temple Medical Education District (Dark Blue)
Urban Center (Dark Brown)

1 inch = 208 feet

JCalhoun Planning 01.03.12



PLANNING AND ZONING COMMISSION AGENDA ITEM

01/17/12
Item 2
Regular Agenda
Page 1 of 5

APPLICANT / DEVELOPMENT: Edgar Smith for Jim Trantum

CASE MANAGER: Leslie Matlock, AICP, Senior Planner

ITEM DESCRIPTION: [Z-FY-12-21](#) Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District to Commercial District on Tract 1, being a 7.684 acre \pm tract of land and Tract 2, being a 5.779 acre \pm tract of land both out of the George Givens Survey, Abstract No. 345 and the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located on the east side of South Kegley Road, north of the Caddy Shack Golf Range.


BACKGROUND: The applicant requests a zone change from AG, Agricultural District to C, Commercial District to allow commercial uses on this property. A rezoning from the AG to the C zoning district would allow many uses that would not have been allowed before. Those uses include, but are not limited to, the following:




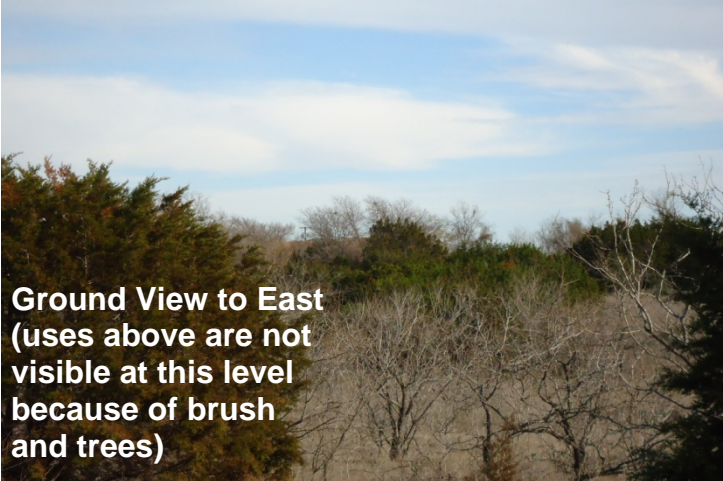
- Alcoholic beverage sales, on- or off-premise consumption, beer and wine only
- Building material sales
- Cabinet shop
- Contractor storage
- Family or group home
- Heavy machinery sales, storage and repair
- Institution for alcoholic or narcotic patients
- Mini-storage warehouse
- Trailer, recreational vehicle, portable building or manufactured home sales or rental
- Truck stop
- Two-family dwelling
- Welding or machine shop
- Wholesale storage and sales

According to the application, the applicant is proposing a janitorial retail sales use and warehouse.

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	AG	Undeveloped Land	

Direction	Zoning	Current Land Use	Photo
North	AG	Undeveloped Land	
South	AG	View of Driving Range property at ground level (above the subject property)	
East	AG	Storage Yard	<p>Aerial View of uses to East</p> 
			<p>Ground View to East (uses above are not visible at this level because of brush and trees)</p> 

Direction	Zoning	Current Land Use	Photo
West	AG	Home with multiple acres and Agricultural Land	

COMPREHENSIVE PLAN COMPLIANCE:

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

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance?
CP	Map 3.1 - Future Land Use and Character	Auto-Urban Commercial. North and west boundary is Suburban Residential	Yes Marginally**
CP	Map 5.2 - Thoroughfare Plan	S. Kegley Road is a Minor Arterial.	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	12-inch water line and 30-inch sewer line west right-of-way of S. Kegley Road	Yes
CP	Land Use Policy 9 – New development or redevelopment on infill parcels in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area.	Land use pattern to south and east is compatible to C-Commercial zoning. Vacant and agricultural land to north and west.	Yes
STP	Page F3- A community-wide connector trail is shown along the east side of S. Kegley Road	Not on this property	n/a

CP = Comprehensive Plan STP = Sidewalk and Trails Plan **See Analysis below

DEVELOPMENT REGULATIONS:

The Commercial zoning district permits all retail and most commercial land uses, including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. Residential uses are allowed, except apartments. This district is intended to serve citywide or regional service areas.

According to the district's purpose statement in the Unified Development Code, the Commercial zoning district should be located at the intersection of major thoroughfares or highways. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

Commercial Zoning District	Minimum Standards
Front Setback	30-ft from Center of Street
Side Setback	0-ft *
Back Setback	0-ft **
Height	Any Legal Height
* <i>Unless adjacent to Residential District, then 10-ft. If building exceeds 40-ft, increase setback 1 foot for each 3-ft over 40-ft in height</i>	
** <i>Unless adjacent to Residential District, then 10-ft. (0-ft if boundary is alley)</i>	

STAFF ANALYSIS

Across the street, to the west of the subject property, is an agricultural use with a single house on multiple acres. Vacant undeveloped land lies to the north. The low density agricultural land and the properties to the north of the subject property are both identified as Suburban Residential, as shown on the attached Future Land Use and Character map (FLUMC).

The Comprehensive Plan projects that the ultimate zoning of a Suburban Residential area should be to a medium residential density district, which includes SF2, Single-Family Two; SF3, Single-Family Three; 2F, Two-Family (duplex); or TH, Townhouse. In support of this analysis, the subject property could be zoned to a lower intensity nonresidential district to buffer the projected residential area, such as NS, Neighborhood Services or O1, or O2, Office districts. The part of the property closer to the already developed nonresidential areas, east and south, could be GR, General Retail or C, Commercial. However, these options do not allow the use that the applicant requests on his application.

All uses to the south and east are basically commercial uses; therefore this zoning is marginally appropriate. The subject property fronts on a designated Minor Arterial, which is a major thoroughfare (as recommended in the district's purpose statement). The property backs to the railroad and other retail and heavier commercial uses that are adjacent to I-35, many of which are contractor and warehouses uses. These uses are consistent with what the applicant is proposing. The change to C, Commercial is basically consistent with the current adjacent development.

PUBLIC NOTICE:

Staff mailed notices of the Planning and Zoning Commission's public hearing to the six property owners within the 200-foot radius surrounding the zone change site. As of Wednesday, January 11, 2012 at 12:00 PM, no notices were returned in favor of the request and none were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 5, 2012 in accordance with state law and local ordinance.

STAFF RECOMMENDATION:

Staff recommends approval of the requested zone change to Commercial District for the following reasons:

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

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

Aerial, Thoroughfare and Sidewalk and Trails Plan Map

Land Use and Character Map

Zoning and Notice Map

Utility Map

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
TUESDAY, JANUARY 17, 2012**

ACTION ITEMS

Item 2: Z-FY-12-21 - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District to Commercial District on Tract 1, being a 7.684 acre ± tract of land and Tract 2, being a 5.779 acre ± tract of land both out of the George Givens Survey, Abstract No. 345 and the Nance Chance Survey, Abstract No. 5, Bell County, Texas, located on the east side of South Kegley Road, north of the Caddy Shack Golf Range. (Applicant: Edgar A. S Smith for James Trantum)

Ms. Leslie Matlock, Senior Planner, stated if this case were approved it would go to City Council on February 16, 2012 for first reading and March 1, 2012 (incorrectly stated on the record as March 8th) for second reading and final action.

The surrounding land includes undeveloped land to the north, working ranch with a house on multiple acres to the west, golf range to the south, and vacant undeveloped land to the east. Current land uses include retail, commercial, and agricultural. This property is not affected by the Master Trails Plan.

The Future Land Use and Character Map designate this area as Auto-Urban Commercial to the south and east and Suburban-Residential to the west and north.

Seven notices were mailed out; zero notices were received.

The Thoroughfare Plan designates south Kegley as a minor arterial and public facilities are available to the site.

Staff recommends approval of this request since it complies with the Future Land Use and Character Map, the Thoroughfare Plan, and utilities are available for the site.

Chair Martin opened the public hearing.

Mr. Edgar Smith, Smith Supply Company, 2822 S. General Bruce Drive, Temple, Texas, stated they would like to find a place to have a new building due to TxDOT expansion. They have a warehouse located on Avenue K but would like another building with warehouse area and store front.

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

Commissioner Talley made a motion to approve Item 2, Z-FY-12-21 and Commissioner Jones made a second.

Motion passed: (5:0:1)

Vice-Chair Staats abstained; Commissioner Rhoads absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-12-21]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT TO COMMERCIAL DISTRICT ON TRACT 1, BEING APPROXIMATELY 7.684 ACRES OF LAND AND TRACT 2, BEING APPROXIMATELY 5.779 ACRES OF LAND, BOTH OUT OF THE GEORGE GIVENS SURVEY, ABSTRACT NO. 345 AND THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, LOCATED ON THE EAST SIDE OF SOUTH KEGLEY ROAD, NORTH OF THE CADDY SHACK GOLF RANGE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (AG) to Commercial District (C) on Tract 1, being approximately 7.684 acres of land, and Tract 2, being approximately 5.779 acres of land, both out of the George Givens Survey, Abstract No. 345 and the Nancy Chance Survey, Abstract No. 5, located on the east side of South Kegley Road, north of the Caddy Shack Golf Range, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **16th** day of **February**, 2012.

PASSED AND APPROVED on Second Reading on the **1st** day of **March**, 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

02/16/12
Item #11
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police Department
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of eight (8) unmarked police vehicles from Caldwell Country of Caldwell in the amount of \$130,448.

STAFF RECOMMENDATION: Adopt resolution as presented in item description or consider local preference options as noted below.

ITEM SUMMARY: Included in the adopted FY 2012 budget is the replacement of eight (8) unmarked police vehicles. The vehicles will be used by detectives and administration, and hence, it is the desire of the police department to vary the exterior appearance of each vehicle. In order to accomplish this objective, the invitation to bid was structured as a best value bid to allow the consideration of factors other than price in the evaluation of the bids.

As shown on the attached bid tabulation, on January 24, 2012, ten (10) bids were submitted bids for eight (8) unmarked police vehicles. A committee comprised of employees from the Police Department, Fleet Services, and the City Manager's office was formed to evaluate the bids. Based on the evaluation criteria defined in the invitation to bid, it is staff's recommendation to purchase four (4) Chevrolet Malibu mid-size sedans with varying colors in the amount of \$65,100 and four (4) Ford Fusion mid-size sedans with varying colors in the amount of \$65,348 from Caldwell Country.

Johnson Brothers Ford declared the right to be considered a local business under the City's Local Preference Policy. Per the City's Local Preference Policy, for non-construction expenditures less than \$500,000, if the City receives a competitive sealed bid from a bidder whose principal place of business is within the City limits and whose bid is within five percent of the lowest bid price, the Council has the option to consider awarding the purchase to the local bidder if the Council determines that the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the contract award.

In accordance with the City's adopted Local Preference Policy, Council has the option to award the purchase of the eight (8) vehicles to Johnson Brothers Ford. However, due to the desire to vary the exterior appearance of the vehicles, it is staff's recommendation that Council only consider application of the local preference policy to the four (4) Ford Fusions. Johnson Brother's bid for the Ford Fusion is \$16,564 compared to Caldwell Country's bid of \$16,337, a difference of \$227 per vehicle (1.4%) or a total of \$908 for all four (4) Ford Fusions.

FISCAL IMPACT: Funding for the purchase of the eight (8) vehicles is included in the Council-adopted FY 2012 budget in the account 110-5900-521-6213, project #100769, in the amount of \$128,000, which is short of the recommended purchase of \$130,448 by \$2,448. The budget shortfall of \$2,448, or \$3,356 if local preference is enacted for four (4) of the vehicles, is available from savings on previous purchases of other vehicles.

ATTACHMENTS:

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

**Tabulation of Bids Received
on January 24, 2012 at 2:00 p.m.
Eight (8) 5-Passenger Mid-Size Sedans
Bid# 13-14-12**

Bidders											
		Grapevine Dodge Chrysler Jeep LLC Grapevine, Texas		Grapevine Dodge Chrysler Jeep LLC Grapevine, Texas		Grapevine Dodge Chrysler Jeep LLC Grapevine, Texas		Leif Johnson Ford Austin, Texas		Gunn Chevrolet San Antonio, Texas	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Total Bid Price	8	\$17,057.00	\$136,456.00	\$18,254.00	\$146,032.00	\$18,522.00	\$148,176.00	\$16,547.75	\$132,382.00	\$17,355.75	\$138,846.00
Make, Model, Year		2012 Dodge Avenger SE		2012 Dodge Avenger SXT		2012 Chrysler 200		2012 Ford Fusion SE		2012 Chevrolet Malibu	
Delivery within 120 days?		Yes		Yes		Yes		Yes		Yes	
Local Preference?		No		No		No		No		No	
Exceptions?		Yes		Yes		Yes		No		Yes	
Credit Check Authorization		Yes		Yes		Yes		Yes		Yes	

Bidders											
		Johnson Brothers Ford Temple, Texas		Meador Dodge Chrysler Jeep Ft. Worth, Texas		Caldwell Country Caldwell, Texas		Caldwell Country Ford Caldwell, Texas		Chrysler Jeep Dodge City of McKinney McKinney, Texas	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Total Bid Price	8	\$16,564.00	\$132,512.00	\$16,920.00	\$135,360.00	\$16,275.00	\$130,200.00	\$16,337.00	\$130,696.00	\$22,581.38	\$180,651.04
Make, Model, Year		2012 Ford Fusion SE		2012 Dodge Avenger SE		2012 Chevrolet Malibu LS		2012 Ford Fusion		2012 Dodge Charger	
Delivery within 120 days?		No		Yes		Yes		Yes		Yes	
Local Preference?		Yes		No		No		No		No	
Exceptions?		Yes		Yes		No		No		Yes	
Credit Check Authorization		NO		Yes		Yes		Yes		Yes	

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

Belinda Mattke

24-Jan-12

Belinda Mattke, Director of Purchas Date

Quantity of Four (4) Recommended for Council Award

Quantity of Four (4) Recommended for Council Award

Local Preference Option Available for Council Consideration

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 8 UNMARKED POLICE VEHICLES FROM CALDWELL COUNTRY OF CALDWELL, TEXAS, IN THE AMOUNT OF \$130,448, OR CONSIDER LOCAL PREFERENCE OPTIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, included in the adopted FY2012 budget is the replacement of 8 unmarked police vehicles – the vehicles will be used by detectives and administration;

Whereas, 10 bids were received for this purchase and the Staff recommends award of the bids for: (A) 4 Chevrolet Malibu mid-size sedans with varying colors in the amount of \$65,100; (B) 4 Ford Fusion mid-size sedans with varying colors in the amount of \$65,348 from Caldwell Country of Caldwell, Texas, in the combined amount of \$130,448;

Whereas, per the City's Local Preference Policy, Council has the option to award the purchase of the 8 vehicles to Johnson Brothers Ford – due to the desire to vary the exterior appearance of the vehicles, it is Staff's recommendation that Council only consider application of the local preference policy to the 4 Ford Fusions;

Whereas, funding for the purchase of the 8 vehicles is included in the Council-adopted FY 2012 budget, in Account No. 110-5900-521-62-13, Project No. 100769 as well as from savings on previous purchases of other vehicles; 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 purchase of: (A) 4 Chevrolet Malibu mid-size sedans with varying colors in the amount of \$65,100; (B) 4 Ford Fusion mid-size sedans with varying colors in the amount of \$65,348 from Caldwell Country of Caldwell, Texas, in the combined amount of \$130,448.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for these purchases.

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

PASSED AND APPROVED this the **16th** day of **February**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/16/12
Item #12
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing support for the submittal of an application for 2012 Housing Tax Credits and Home Investment Partnership (HOME) Program funds to the Department of Housing and Community Affairs by Bill Encinas dba EGFW Del Mar LP for senior rental housing to be located at/near the 2700 block of Martin Luther King Drive and Case Road.

STAFF RECOMMENDATION: Not Applicable.

ITEM SUMMARY: EGFW Del Mar LP submitted a pre-application for tax credits through TDHCA on January 9, 2012. In order to receive points for City support, the applicant must submit a Resolution of Support from the City of Temple. In addition, Mr. Encinas intends to apply for HOME Investment Partnership (HOME) Program Funds to serve as the required matching funds from the City. The final application deadline to TDHCA is March 1 with awards expected in late July 2012.

The proposed affordable senior living community would include 180 rental duplex units located on an approximately 18 acre tract directly adjacent to the Village of Meadow Bend. The total capital investment is \$15,600,000 with \$75 per square foot vertical construction costs. Tax credit financed projects are required to provide amenities and special services, but specific information about the proposed project is unavailable at this time.

Rental restrictions are as follows:

Rent Calculation

Bedroom	Unit Type	Unit Mix	Max Rents	Actual Rents	Monthly Rents	Annual	Sqft.
1 BR	market			\$0	\$0	\$0	700
1 BR	60%	40	\$638	\$589	\$23,560	\$282,720	700
1 BR	50%	10	\$531	\$482	\$4,820	\$57,840	700
1 BR	30%	4	\$319	\$270	\$1,080	\$12,960	700
2 BR	market			\$0	\$0	\$0	950
2 BR	60%	95	\$766	\$699	\$66,358	\$796,290	950
2 BR	50%	22	\$638	\$571	\$12,551	\$150,612	950
2 BR	30%	9	\$383	\$316	\$2,840	\$34,074	950

Staff has not conducted due diligence on the project (evaluation of financials, legal review of corporate structure, utilization of HOME Funds as match) except for a tour of the existing Temple facility.

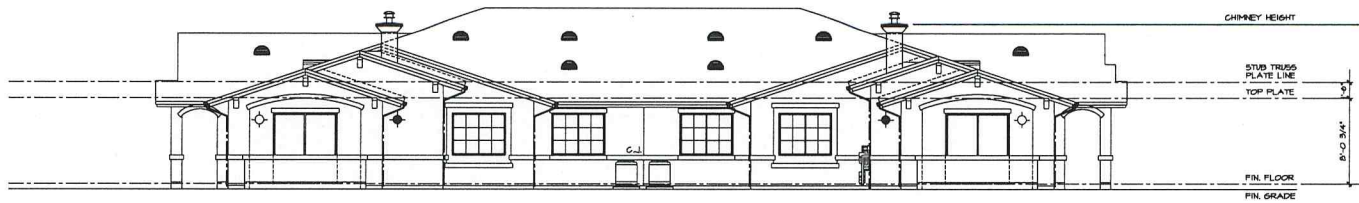
EGFW Del Mar LP has met the notice requirements to the City. In order for the applicant to receive full points with the TDHCA tax credit application, a \$160,000 HOME Grant is proposed by the developer to provide city matching funds for the project. The supporting Resolution indicates that city matching funds are dependent upon receipt of the HOME fund grant.

Also note that the application requires evidence of local support, from elected officials and neighborhood groups. In addition, support from Senator Fraser and Representative Sheffield will be required to obtain the additional points. City staff is unaware at this time whether letters of support have been obtained by either group to date.

FISCAL IMPACT: This senior living project would not require any direct financial contribution by the City since the City's contribution would come from, and is dependent on, funding from the HOME Program. Capital investment by EGFW will be approximately \$15,600,000 and is anticipated to be subject to property taxes.

ATTACHMENTS:

[Project elevations and site plan](#)
[Resolution](#)



ELEVATION 1

BUILDING I

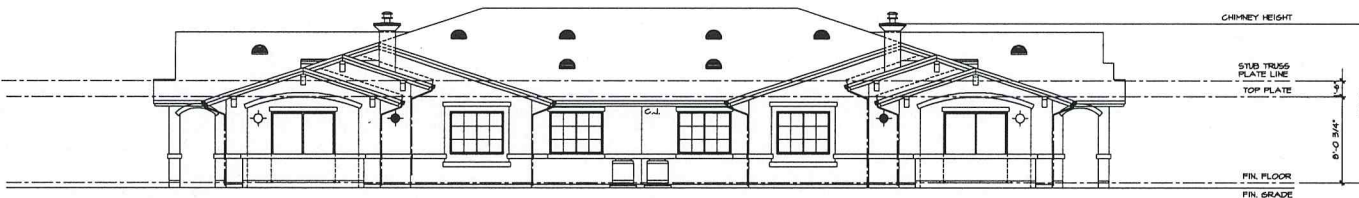
SCALE: 3/8" = 1'-0"



ELEVATION 2 & 4 [ELEVATION 4 IS IDENTICAL & REVERSED TO ELEVATION 2]

BUILDING I NOTE: FOR TYPICAL INFORMATION AND DETAILS REFER TO ELEVATION 1 ABOVE.

SCALE: 3/8" = 1'-0"



ELEVATION 3

BUILDING I NOTE: FOR TYPICAL INFORMATION AND DETAILS REFER TO ELEVATION 1 ABOVE.

SCALE: 3/8" = 1'-0"

RODRIGUEZ ASSOCIATES ARCHITECTS & PLANNERS, INC.

3445 FIFTH AVENUE SUITE 220, SAN DIEGO, CA 92101 (619) 544-8951 FAX (619) 544-8941 FAX

AMENITIES PROVIDED IN EVERY UNIT

- 100% MASONRY ON EXTERIOR - STUCCO
- CEILING PICTURES IN ALL ROOMS
- COVERED ENTRIES
- COVERED PATIOS
- RIS HALLS AND RIS CEILING
- THIRTY YEAR ARCHITECTURAL ROOFING
- 14 SEER HVAC AIR CONDITIONERS, EVAPORATIVE COOLERS OR RADIANT BARRIER IN ATTICS.
- STORAGE ROOM

SITE AMENITIES

- BARBACUE GRILLS AND PICNIC TABLES
- ONE (1) CHILDREN'S PLAYSCAPE OR TOT LOT
- COMMUNITY LAUNDRY ROOM
- SWIMMING POOL

VIA DEL MAR



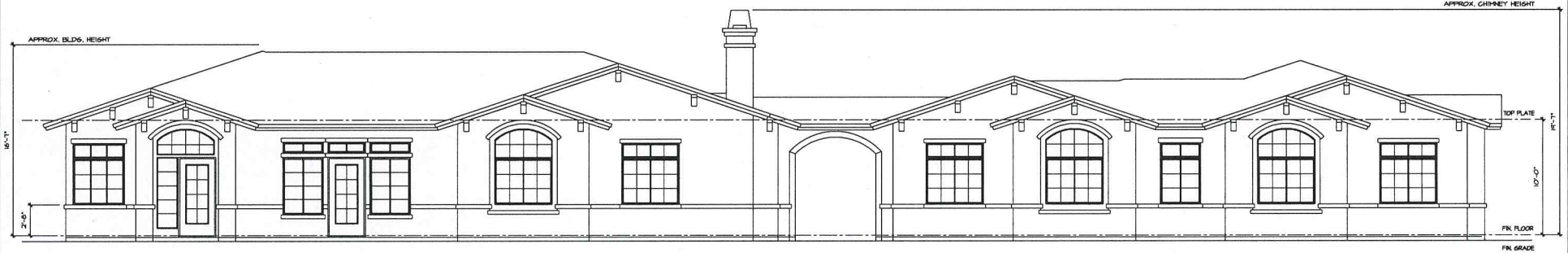
CESAR CHAVEZ FOUNDATION

316 WEST SECOND STREET, SUITE 600 LOS ANGELES, CALIF. 90012
(213) 362-0260 PHONE (213) 549-8936 FAX

BLDG. 1 - EXT. ELEVATIONS

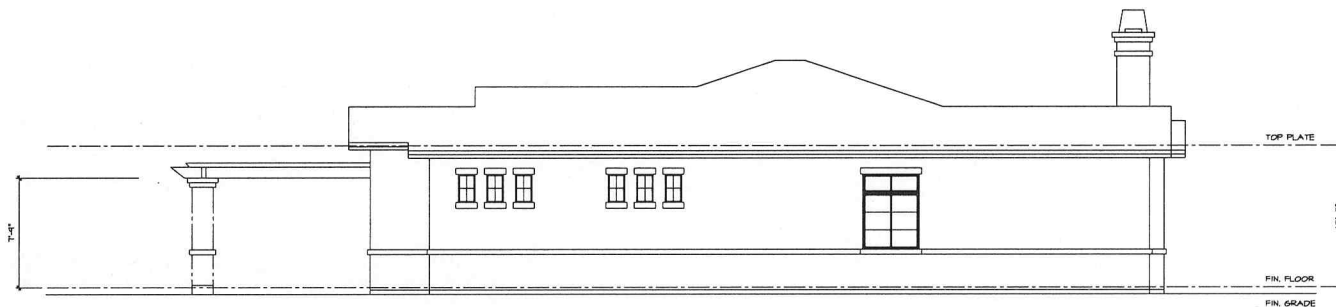
REV. NO.	DESCRIPTION	DATE	REV. NO.	DESCRIPTION	DATE
▲			▲		
▲			▲		
▲			▲		
<div>DATE</div> <div>FEBRUARY 1, 2012</div>			<div>SHEET</div> <div>A1.3</div>		
<div>JOB NO.</div>					
<div>DRAWN</div>					
<div>CHECKED</div>					

ALL LOCAL PERMITS, ORDINANCES AND LAWS MUST BE OBTAINED BY THE DRAWING. THE DRAWING IS THE PROPERTY OF RODRIGUEZ ASSOCIATES ARCHITECTS & PLANNERS, INC. AND NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF RODRIGUEZ ASSOCIATES ARCHITECTS & PLANNERS, INC.



ELEVATION 1
 RECREATION BUILDING

SCALE: 3/16" = 1'-0"



ELEVATION 2
 RECREATION BUILDING

SCALE: 3/16" = 1'-0"

**AMENITIES PROVIDED
 IN EVERY UNIT**

- 100% MASONRY ON EXTERIOR - STUCCO
- CEILING FIXTURES IN ALL ROOMS
- COVERED ENTRIES
- COVERED PATIOS
- RIS HALLS AND RISO CEILINGS
- THIRTY YEAR ARCHITECTURAL ROOFING
- 14 SEER HVAC AIR CONDITIONERS, EVAPORATIVE COOLERS OR RADIANT BARRIER IN ATTICS.
- STORAGE ROOM

SITE AMENITIES

- BARBECUE GRILLS AND PICNIC TABLES
- ONE (1) CHILDREN'S PLAYSCAPE OR TOT LOT
- COMMUNITY LAUNDRY ROOM
- SWIMMING POOL

VIA DEL MAR

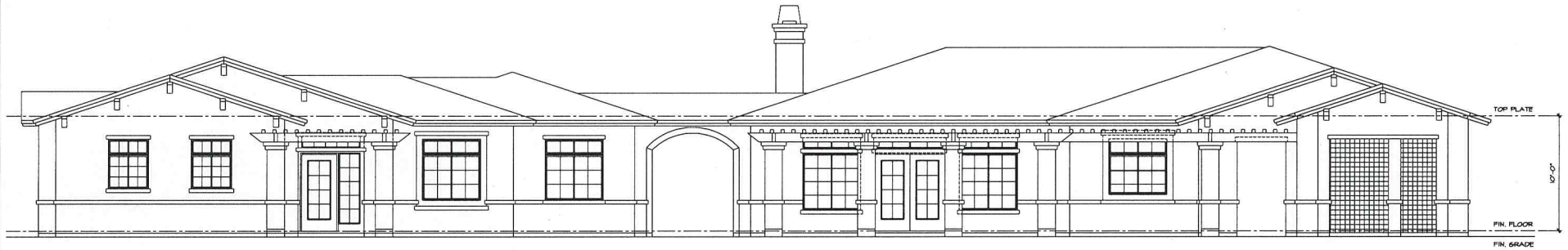


**CESAR CHAVEZ
 FOUNDATION**

316 WEST SECOND STREET, SUITE 600 LOS ANGELES, CALIF. 90012
 (213) 362-0260 PHONE (213) 549-8936 FAX

REC. BLDG. - EXT. ELEVATIONS

REV.	NO.	DESCRIPTION	DATE	REV.	NO.	DESCRIPTION	DATE
▲				▲			
▲				▲			
▲				▲			
			DATE	10/06/2013		SHEET	
			JOB NO.			A2.3	
			DRAWN				
			CHECKED				



ELEVATION 3

RECREATION BUILDING

SCALE: 3/16" = 1'-0"



ELEVATION 4

RECREATION BUILDING

SCALE: 3/16" = 1'-0"

AMENITIES PROVIDED IN EVERY UNIT

- 100% MASONRY ON EXTERIOR - STUCCO
- CEILING PICTURES IN ALL ROOMS
- COVERED ENTRIES
- COVERED PATIOS
- RIS HALLS AND RIS CEILINGSS
- THIRTY YEAR ARCHITECTURAL ROOFING
- 14 SEER HVAC AIR CONDITIONERS, EVAPORATIVE COOLERS OR RADIANT BARRIER IN ATTICS
- STORAGE ROOM

SITE AMENITIES

- BARBACUE GRILLS AND PICNIC TABLES
- ONE (1) CHILDREN'S PLAYSCAPE OR TOT LOT
- COMMUNITY LAUNDRY ROOM
- SWIMMING POOL

VIA DEL MAR



**CESAR CHAVEZ
FOUNDATION**

316 WEST SECOND STREET, SUITE 600 LOS ANGELES, CALIF. 90012
 (213) 362-0260 PHONE (213) 549-8936 FAX

REC. BLDG. - EXT. ELEVATIONS

REV. NO.	DESCRIPTION	DATE	REV. NO.	DESCRIPTION	DATE
1			1		
2			2		
3			3		

DATE FEBRUARY 09/012

JOB NO.

DRAWN

CHECKED

SHEET

A2.4

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SUPPORTING THE APPLICATION OF BILL ENCINAS dba EGFW DEL MAR, LP, FOR 2012 HOUSING TAX CREDITS AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FUNDS THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, FOR A SENIOR RENTAL HOUSING PROJECT TO BE LOCATED AT/NEAR THE 2700 BLOCK OF MARTIN LUTHER KING DRIVE AND CASE ROAD; AND PROVIDING AN OPEN MEETING CLAUSE.

Whereas, Bill Encinas dba EGFW Del Mar, LP, has requested the City of Temple's support for the development of a senior rental housing project to be located at/near the 2700 block of Martin Luther King Drive and Case Road;

Whereas, EGFW Del Mar, LP, submitted a pre-application for tax credit through TDHCA on January 9, 2012 – in order to receive points for City support, the applicant must submit a Resolution of Support from the City of Temple;

Whereas, Mr. Encinas intends to apply for HOME Investment Partnership (HOME) Program Funds to serve as the required matching funds from the City – final application deadline to TDHCA is March 1st with awards expected in late July, 2012;

Whereas, the proposed affordable senior living community would include 180 rental duplex units located on approximately 18 acres of land adjacent to the Village of Meadow Bend; and

Whereas, the project meets the criteria established by the City Council for tax credit projects in Resolution No. 2005-4280-R; 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 of Temple, Texas, expresses full support of Bill Encinas dba EGFW Del Mar, LP, for the development of senior rental housing to be located at/near the 2700 block of Martin Luther King Drive and Case Road, Temple, Texas, and authorizes

the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for the applicant's submission to the State.

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 the 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 **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

02/16/12
Item #13
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one year lease contract with the Bell County HELP Center for 4,917 square feet in the Public Services Annex (old Sears Building).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Bell County HELP Center has been providing services out of this location since 1991. Due to a recent vacation of space, the HELP Center is relocating downstairs and is increasing their square footage by 1,058 square feet. The rent will continue to be \$0.55 per square foot per month, for a monthly base rent of \$2704.35.

Under the lease, the HELP Center will be responsible for all utilities, janitorial services, and other daily maintenance. This is an as-is lease, the City will not be making any adjustments or upgrades to the space.

FISCAL IMPACT: Total anticipated HELP Center rent is \$32,452.20 per year.

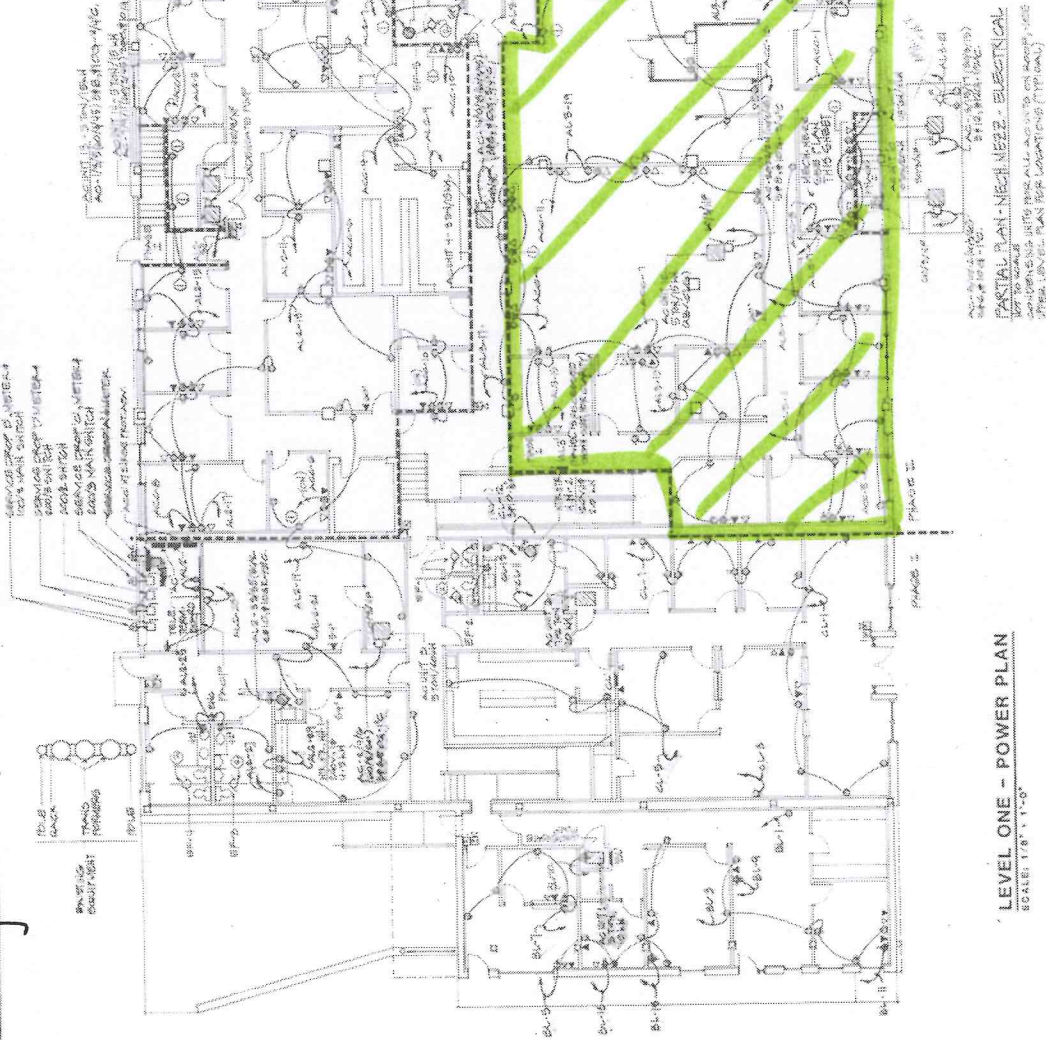
ATTACHMENTS:

[Location map](#)
[Resolution](#)

Attachment A

Sears Building Floor Plan

HELP Center Lease



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE YEAR LEASE WITH THE BELL COUNTY HELP CENTER FOR 4,917 SQUARE FEET OF SPACE IN THE PUBLIC SERVICES ANNEX; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Bell County HELP Center has been providing services in the City's Public Service Annex since 1991 – due to a recent vacation of space, the HELP Center is relocating downstairs and desires to increase their square footage by 1,058 square feet;

Whereas, the rent will continue to be \$.055 per square foot per month, for a monthly base rent of \$2,704.35;

Whereas, the HELP Center will be responsible for all utilities, janitorial services, and other daily maintenance; 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 lease agreement between the City of Temple and the Bell County HELP Center, after approval as to form by the City Attorney, for the lease of space in the City's Public Service Annex (old Sears Building) at a rate of \$.055 per square foot per month, for a monthly base rent of \$2,704.35.

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 16th day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/16/12
Item #14
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing a member to fill an unexpired term through September 1, 2012 to the Planning and Zoning Commission.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Staff received notice from Mr. Erchinger, who was appointed at the February 2, 2012 Council Meeting, that he has other commitments on Monday evenings that would not allow him to make the PZ meetings. We request the Council appoint one member to fill an unexpired term through September 2012.

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.

FISCAL IMPACT: N/A

ATTACHMENTS:

Resolution - to be provided after appointment