



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

**2<sup>nd</sup> FLOOR – COUNCIL CHAMBERS**

**THURSDAY, MAY 3, 2012**

**1:30 P.M.**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 3, 2012.
2. Receive presentations from the following public service agencies regarding their activities and funding requests for FY 2012-2013:

Bell County Expo Center  
Bell County Public Health District  
Cultural Activities Center  
Hill Country Transit District  
Hillcrest Cemetery  
Keep Temple Beautiful  
Railroad & Heritage Museum  
Ralph Wilson Youth Clubs of Temple, Inc.  
Ronald McDonald House of Temple  
Temple Business Incubator  
Temple Civic Theatre  
Temple College Foundation  
Temple HELP Center

**5:00 P.M.**

**MUNICIPAL BUILDING**

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

**TEMPLE CITY COUNCIL**

**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC 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) | Motorcycle Safety Month       | May, 2012        |
|    | (B) | Youth Week, Temple Elks Lodge | May 1-7, 2012    |
|    | (C) | National Salvation Army Week  | May 14- 20, 2012 |

**IV. CONSENT AGENDA**

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

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

## **Minutes**

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

## **Contracts, Leases & Bid**

- (B) [2012-6600-R](#): Consider adopting a resolution authorizing a construction contract with Temple Lawn & Landscape, LLC of Temple for the installation of an irrigation system along Blackland Road in the amount of \$33,400.
- (C) [2012-6601-R](#): Consider adopting a resolution authorizing a term contract with Bank of America Merrill Lynch for bank depository services.
- (D) [2012-6602-R](#): Consider adopting a resolution authorizing the City Manager to enter into an agreement with the Texas Lobby Group for legislative lobbying services through September 30, 2013.

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

- (E) [2012-4530](#): SECOND READING - Z-FY-12-33: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption of more than 50% and less than 75% of the gross revenue for Spare Time Entertainment, on Lot 5, Block 1, Friendship Plaza, located at 5434 205 Loop.
- (F) [2012-4531](#): SECOND READING: Consider adopting an ordinance amending Chapter 24, "Noise," of the Code of Ordinances of the City of Temple, Texas by repealing Section 24-5, "Building Operations."

## **Misc.**

- (G) [2012-6603-R](#): Consider adopting a resolution authorizing funding from the Child Safety Fees for the 2012 Junior Fire Cadet Program in the amount of \$24,612.
- (H) [2012-6604-R](#): Consider adopting a resolution authorizing renaming the Doctors Park to Dr. Jose Rodarte and Dr. Jesse Ibarra, Jr. Doctor's Park.
- (I) [2012-6605-R](#): Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

## **V. REGULAR AGENDA**

### **ORDINANCES**

5. [2012-4532](#): FIRST READING – PUBLIC HEARING - Z-FY-12-04: Consider adopting an ordinance amending Article 6 of the City of Temple Unified Development Code establishing a 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay, add standards for development in the specified area and consider a zoning map amendment defining the boundaries of the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay.
6. [2012-4533](#): FIRST READING - PUBLIC HEARING - A-FY-12-06: Consider adopting an ordinance abandoning 0.067 acres of a 15-foot wide public utility easement along the rear property lines of Lots 2 and 1, Block 1, Westfield Development Phase VII, more commonly known as 207 and 219 Westfield Boulevard.

### **RESOLUTIONS**

7. [2012-6606-R](#): Z-FY-12-41: Consider adopting a resolution authorizing an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for sign requirements for Starbucks Coffee, located at 111 North General Bruce Drive.
8. [2012-6607-R](#): Z-FY-12-44: Consider adopting a resolution authorizing an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for an existing Commercial property with multiple tenants located at 2001 West Adams Avenue.

### **BOARD APPOINTMENTS**

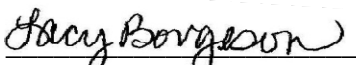
9. [2012-6595-R](#): Consider adopting a resolution appointing one alternate member to the Bell County Public Health District Board of Directors.

---

***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 12:10 PM, on April 30, 2012.



Lacy Borgeson  
City Secretary

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building at \_\_\_\_\_ on the



## COUNCIL AGENDA ITEM MEMORANDUM

---

05/03/12  
Item #3(A-C)  
Regular Agenda  
Page 1 of 1

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

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Presentation of Proclamation:

- |     |                               |                 |
|-----|-------------------------------|-----------------|
| (A) | Motorcycle Safety Month       | May, 2012       |
| (B) | Youth Week, Temple Elks Lodge | May 1-7, 2012   |
| (C) | National Salvation Army Week  | May 14-20, 2012 |

**STAFF RECOMMENDATION:** Present proclamation as presented in item descriptions.

**ITEM SUMMARY:** (A) This proclamation was requested by and will be presented to Billy Miller on behalf of motorcyclist in the Temple community.

(B) This proclamation was requested by and will be presented to Willie Capps with the Temple Elks Lodge.

(C) This proclamation was requested by Salvation Army of Temple, and will be presented to Captain Martha Higdon.

**FISCAL IMPACT:** None

**ATTACHMENTS:** None



## **COUNCIL AGENDA ITEM MEMORANDUM**

---

05/03/12  
Item #4(A)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

(A) April 19, 2012 Special Called and Regular Meeting

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

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

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[April 19, 2012 Special Called and Regular Meeting](#)

## TEMPLE CITY COUNCIL

**APRIL 19, 2012**

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

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

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

Regular Agenda Item #4(E) - Zoning Case Z-FY-12-30 as it relates to rezoning. Mayor Pro Tem Schneider inquired as to whether we need to pull for voting purposes as Councilmember Dunn vote nay on first reading.

Regular Agenda Item #7 - Alternate Board Member for the Bell County Health District. Mayor Jones stated there were no recommendations at this time.

Mayor Jones stated the Temple City Council would enter into executive session at this time approximately 3:37 p.m.

**2. Executive Session: Chapter 551, Government Code, §551.074 - Personnel Matter - The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the City Manager. No final action will be taken.**

Mayor Jones reconvened the work session at approximately 4:40 p.m., with no final action being taken by the Temple City Council.

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

**Present:**

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

**I. CALL TO ORDER**

**1. Invocation**

Pat Patterson, Chair the Economic Development Board voiced the Invocation.

## **2. Pledge of Allegiance**

Kennedy Powell Elementary Student Council lead the Pledge of Allegiance.

## **II. PUBLIC COMMENTS**

Ms. Janice Trost, 519 West French Avenue addressed the Council and requested assistance for residents with special needs. Mr. Trost provided photographs of areas in the City that needs attention.

Mr. Robert Wells, resident of Temple expressed his wishes for venues in the downtown area, to include the Sante Fe Depot.

## **III. PROCLAMATIONS & SPECIAL RECOGNITIONS**

### **3. (A) Fair Housing Month April 2012**

Councilmember Danny Dunn presented this proclamation.

### **(B) Texas Municipal Clerks Week April 29 - May 5, 2012**

Mayor Jones presented Lacy Borgeson, City Secretary and Jana Henderson, Deputy City Secretary with the proclamation.

Mayor Jones recognized Lacy Borgeson, City Secretary for completing the Texas Municipal Clerks Certification Program and becoming the first Texas Registered Municipal Clerk for the City of Temple.

### **(C) Administrative Professionals Week April 22 - 28, 2012**

Mayor Jones and City Councilmembers presented roses in appreciation to the City Staff.

### **(D) Arbor Day April 27, 2012**

Mayor Jones presented Val Roming, Parks and Leisure Services Department with the proclamation.

**(E) Recognition from the Arbor Day Foundation naming the City of Temple a Tree City Community for its commitment to urban forestry.**

Val Roming explained what being a Tree City Community means and what is done to accomplish this each year. Mr. Roming invited all to join the Arbor Day Celebration set for Friday, April 27th at the Meridith-Dunbar Elementary.

#### **IV. CONSENT AGENDA**

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

**(A) April 5, 2012, Special Called and Regular Meeting**

**(B) 2012-6597-R: Consider adopting a resolution authorizing the purchase of boom mower from Alamo Industrial of Sequin utilizing a BuyBoard contract in the amount of \$111,769.**

**(C) 2012-6598-R: Consider adopting a resolution authorizing the purchase of Fleet Tracking hardware and service for 82 City vehicles through GPS Insight, LLC, of Scottsdale, Arizona, utilizing GSA Contract, in the amount of \$27,391.76 for the hardware and approximately \$2,500 per month for the service.**

**(D) 2012-4527: SECOND READING - Z-FY-12-29: Consider adopting an ordinance authorizing a rezoning from Single Family One District (SF1) to General Retail District (GR) on Lot 3, Block 8, Parklawn Addition, Bell County, Texas, located at 2007 North 7th Street, and on 0.25-acre of an abandoned portion of North 7th Street.**

**(E) 2012-4528: SECOND READING - Z-FY-12-30: Consider adopting an ordinance authorizing a rezoning from General Retail District (GR), Single Family One District (SF1), and Single Family Two District (SF2) to Multiple Family Two (MF2) on a 15 ± acre tract of land out of the McKinney and Williams Survey, City of Temple, Bell County, Texas, located on the north side of SW H.K. Dodgen Loop, west of Bird Creek Crossing shopping center and east of Hopi Trail.**

**(F) 2012-4529: SECOND READING - Z-FY-12-32: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption less than 75% of the gross revenue in a restaurant, on Lot 1, Block 1, The Market Place Section One, located at 3008 South 31st Street.**

**(G) 2012-6599-R: Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.**

Motion by Councilmember Judy Morales adopt resolution approving the Consent Agenda with exception of item 4(E). seconded by Councilmember Danny Dunn.

**(E) 2012-4528: SECOND READING - Z-FY-12-30: Consider adopting an ordinance authorizing a rezoning from General Retail District (GR), Single Family One District (SF1), and Single Family Two District (SF2) to Multiple Family Two (MF2) on a 15 ± acre tract of land out of the McKinney and Williams Survey, City of Temple, Bell County, Texas, located on the north side of SW H.K. Dodgen Loop, west of Bird Creek Crossing shopping center and east of Hopi Trail.**

Councilmember Dunn voted nay, All others vote aye.

Motion by Councilmember Perry Cloud adopt resolution. seconded by Mayor Pro Tem Russell Schneider.

## **V. REGULAR AGENDA**

### **ORDINANCES**

- 5. 2012-4530: FIRST READING - PUBLIC HEARING - Z-FY-12-33: Consider adopting an ordinance approving a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption of more than 50% and less than 75% of the gross revenue for Spare Time Entertainment, on Lot 5, Block 1, Friendship Plaza, located at 5434 205 Loop.**

Kim Foutz, Assistant City Manager presented this case to the Council and Staff. This CUP is for on-premise consumption of alcohol for Spare Time Entertainment. The property is currently zoned commercial. Ms. Foutz stated the proposed hours for the sale of alcohol would be Sunday through Friday from 12:00 p.m. 12:00 a.m. and Saturday from 12:00 p.m. to 1:00 a.m. Ms. Foutz provided photos of the surrounding properties. This request is in compliance with the Future Land Use Plan. Ms. Foutz added the property is served by water and waste water services. The applicant has provided staff with site plans and floor plans as required. Ms. Foutz stated this site plan's landscaping is subject to change as this area is part of a grant project and there may be some betterments. Notices were mailed out the surrounding property owners; two were returned in favor and zero disagreed. Ms. Foutz added that eight courtesy notices were mailed out and one response was

returned in favor. The Planning and Zoning Commission heard this case on April 2, 2012 and recommended approval by vote of 9/0.

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

Motion by Councilmember Danny Dunn adopt ordinance, with second reading and final adoption set for May 3, 2012. seconded by Councilmember Perry Cloud.

**6. 2012-4531: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance amending Chapter 24, "Noise," of the Code of Ordinances of the City of Temple, Texas by repealing Section 24-5, "Building Operations."**

Jonathan Graham, City Attorney presented this item to the Council. Mr. Graham stated this would repeal Section 24-5 of the Code, which prohibits construction work within a set time. The Code Enforcement & Construction Safety Department has received very few complaints of the years regarding this matter. Mr. Graham stated there are other sections within the Chapter that address noise and will be used to enforce and complaints.

Mayor Jones declared the public hearing open with regards to agenda item 6 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Judy Morales adopt ordinance, with second reading and final adoption set for May 3, 2012. seconded by Mayor Pro Tem Russell Schneider.

## **BOARD APPOINTMENTS**

**7. 2012-6595-R: Consider adopting a resolution appointing one alternate member to the Bell County Public Health District Board of Directors.**

Mayor Jones stated there were recommendations at this time.

Motion by Councilmember Danny Dunn table seconded by Councilmember Judy Morales.

---

William A. Jones, III, Mayor

ATTEST:

---

Lacy Borgeson, TRMC  
City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

---

05/03/12  
Item #4(B)  
Consent Agenda  
Page 1 of 1

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

Ken Cicora, Parks and Leisure Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with Temple Lawn & Landscape, LLC of Temple for the installation of an irrigation system along Blackland Road in the amount of \$33,400.

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

**ITEM SUMMARY:** This project will result in the installation of irrigation systems in 6 traffic islands on Blackland Road beginning at South 5<sup>th</sup> Street and continuing east to Little River Road.

On April 17, 2012 the City of Temple received two bids to install irrigation systems on these 6 traffic islands as a continuation of the Beautification Project scheduled for South 5<sup>th</sup> Street, Canyon Creek, and Blackland Road. Two bids were received with Temple Lawn & Landscape, LLC providing the low bid of \$33,400.

The project includes installing irrigation systems with bubbler heads in these 6 islands that will water 63 trees that will be installed at a later date. The trees will match the landscaping on the islands that have been completed on South 5<sup>th</sup> Street and will be provided by Keep Temple Beautiful. These irrigation systems will be controlled by solar powered controllers so there will be no need for electrical service or a monthly electric bill for these systems.

**FISCAL IMPACT:** In the FY 2012 operating budget, \$50,000 was appropriated in account #110-5935-552-6318, project #100767 to fund Phase V of the Beautification Project for South 5<sup>th</sup> Street, Canyon Creek, and Blackland Road. After funding design a balance of \$48,747 is available to fund this construction contract.

### **ATTACHMENTS:**

[Resolution](#)  
[Bid tabulation](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH TEMPLE LAWN & LANDSCAPE, LLC OF TEMPLE, TEXAS, FOR THE INSTALLATION OF AN IRRIGATION SYSTEM ALONG BLACKLAND ROAD; IN THE AMOUNT OF \$33,400; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on April 17, 2012, the City received two bids to install an irrigation system on six traffic islands as a continuation of the Beautification Project scheduled for South 5<sup>th</sup> Street, Canyon Creek, and Blackland;

**Whereas**, the project includes installing irrigation systems with bubbler heads in six islands that will water 63 trees – these irrigation systems will be controlled by solar powered controllers so there will be no need for electrical service or a monthly electric bill for these systems;

**Whereas**, Staff recommends authorizing a contract with Temple Lawn & Landscape, LLC of Temple for the installation of an irrigation system along Blackland Road in the amount of \$33,400 - funds are budgeted for this purchase in Account No. 110-5935-552-6318, Project No. 100767; 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 installation of an irrigation system along Blackland Road by Temple Lawn & Landscape, LLC of Temple, Texas, in the amount of \$33,400.

**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 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 3<sup>rd</sup> day of May, 2012.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

---

Lacy Borgeson  
City Secretary

APPROVED AS TO FORM:

---

Jonathan Graham  
City Attorney

Tabulation of Bids Received  
on April 17, 2012 at 2:00 p.m.  
Blackland Road Irrigation  
Bid# 35-02-12

	Bidders	
	Heart of Texas Landscape & Irrigation  Belton	Temple Lawn & Landscape LLC  Temple
Description		
West Island	17,490.00	16,700.00
East Island	21,890.00	16,700.00
Total Bid Price	39,380.00	33,400.00
Bid Bond	Cashiers Check	Cashiers Check

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

*Belinda Mattke*

*17-Apr-12*

Belinda Mattke, Director of Purchasing

Date



## COUNCIL AGENDA ITEM MEMORANDUM

---

05/03/12  
Item #4(C)  
Consent Agenda  
Page 1 of 2

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a term contract with Bank of America Merrill Lynch for bank depository services.

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

**ITEM SUMMARY:** This item is to seek approval of a new City of Temple depository contract for municipal funds in accordance with Chapter 105 of the Texas Local Government Code. The initial contract term is for the period of three (3) years commencing June 1, 2012 through May 31, 2015, with an option for one (1) 2-year continuation.

The City advertised for proposals in February 2012. On March 28, 2012, five (5) proposals were received from banking institutions located in Temple. Submitting proposals were Bank of America, BBVA Compass Bank, Extraco Banks, JPMorgan Chase Bank, and Wells Fargo.

The proposals were analyzed by the Finance Department staff, a representative from the Utility Business Office, and a staff member from the Information Technology Department. The proposals were analyzed based on the following criteria:

- Ability to perform and provide the required and requested services – 20%
- Completeness and agreement to points outlined in the RFP – 15%
- Financial strength and stability – 15%
- Ability to provide sufficient collateralization – 15%
- Cost of banking services – 15%
- Funds availability; interest rates paid on accounts; earnings credit on account balance – 15%
- Convenience of location – 5%

The City's current depository contract is with Bank of America. The City staff recommends that we retain Bank of America Merrill Lynch for the new contract period. Bank of America is capable of providing all of the banking services required by the City, is offering collateralization in excess of what is required by law (110%), is financially stable, is offering competitive fees with a 3-month waiver of fees, is offering competitive interest rates and earnings credit, and is conveniently located.

The staff would like to thank all of the banking institutions for their efforts in defining their proposals and assisting in clarifications of points in their proposals.

**FISCAL IMPACT:** Estimated banking costs on average months will total \$2,700 before interest paid and earnings credit on available balances. This amount will vary from month to month depending on transaction volume and services elected. Current banking costs average \$2,700 monthly.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A TERM CONTRACT FOR BANK DEPOSITORY SERVICES WITH BANK OF AMERICA MERRILL LYNCH; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on March 28, 2012, five proposals were received from banking institutions in Temple, which proposals were evaluated by a Staff committee;

**Whereas**, the committee recommends that the City execute a term contract for bank depository services with Bank of America Merrill Lynch for the period of three (3) years commencing June 1, 2012 through May 31, 2015 – with an option for one (1) 2-year continuation;

**Whereas**, Bank of America is capable of providing all of the banking services required by the city, is offering collateralization in excess of what is required by law (110%), is financially stable, offers competitive fees with a 3-month waiver of fees, offers competitive interest rates and earnings credit, and is conveniently located; 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 to execute a term contract with Bank of America Merrill Lynch, after approval as to form by the City Attorney, for bank depository services.

**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 3<sup>rd</sup> day of **May**, 2012.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

---

05/03/12  
Item #4(D)  
Consent Agenda  
Page 1 of 1

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

David Blackburn, City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the City Manager to enter into an agreement with the Texas Lobby Group for legislative lobbying services through September 30, 2013.

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

**ITEM SUMMARY:** The City has engaged the services of the Texas Lobby Group for the past several state legislative sessions the City of Temple has engaged the services of the Texas State Lobby Group for state legislative consulting services. The Texas Lobby Group monitors and engages in negotiations on behalf of the City related to legislation items of interest to the City as well as assisting in the communication of the City's position on legislative items to members of the Legislature and other Texas agencies.

This contract will be retroactive from February 1, 2012 and go through September 30, 2013 to fit our fiscal year. Fees associated with this contract shall not exceed \$104,500.

**FISCAL IMPACT:** The fee for the services of the lobbying services is \$5,500 per month. Funding in the amount of \$38,500 is available in account 110-1023-511-2616 to fund the agreement through September 30, 2012. Additional funding will be requested in the FY 2013 to fund the agreement through the end of the term of the agreement.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF TEMPLE, TEXAS, AND THE TEXAS LOBBY GROUP FOR LEGISLATIVE LOBBYING SERVICES THROUGH SEPTEMBER 30, 2013; IN AN AMOUNT NOT TO EXCEED \$104,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City has engaged the services of the Texas Lobby Group for the past several state legislative sessions – the Texas Lobby Group consulting services include monitoring and engaging in negotiations on behalf of the City related to legislative items of interest as well as assisting in the communication of the City’s position on legislative items to members of the Legislature and other Texas agencies;

**Whereas**, this contract will be retroactive from February 1, 2012 and go through September 30, 2013 to fit the City’s fiscal year

**Whereas**, fees for services shall be \$5,500 per month and shall not exceed \$104,500 - funding for this contract is available in Account No. 110-1023-511-2616; 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 to execute a contract, not to exceed \$104,500, between the City of Temple, Texas, and The Texas Lobby Group, after approval as to form by the City Attorney, for Legislative Lobbying services.

**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 3<sup>rd</sup> day of **May**, 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

---

05/03/12  
Item #4(E)  
Consent Agenda  
Page 1 of 2

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

Kim Foutz, Assistant City Manager

**ITEM DESCRIPTION:** SECOND READING - Z-FY-12-33: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption of more than 50% and less than 75% of the gross revenue for Spare Time Entertainment, on Lot 5, Block 1, Friendship Plaza, located at 5434 205 Loop.

**P&Z COMMISSION RECOMMENDATION:** At its April 2, 2012 meeting, the Planning and Zoning Commission voted 8/0 to recommend approval of a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption of more than 50% and less than 75% of the gross revenue for Spare Time Entertainment at 5434 205 Loop with the following condition:

1. The landscaping plan meets minimum requirements, however it is subject to change and staff will offer to bring it back for review if City Council desires.

Chair Martin was absent.

**STAFF RECOMMENDATION:** Adopt ordinance as presented in item description, on second and final reading with the following condition:

1. The landscaping plan meets minimum requirements, however it is subject to change and staff will offer to bring it back for review if City Council desires.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-12-33, from the Planning and Zoning Commission meeting, April 2, 2012. This requested Conditional Use Permit is for Spare Time Entertainment.

This CUP request exceeds the 300-foot distance separation required from public schools, public hospitals, and places of worship. The nearest residential structure, from the Summit Ridge Apartments, is approximately 407 feet from the CUP site.

If approved, Spare Time Entertainment will require all servers and bartenders to successfully complete TABC training prior to working their first non-training shift. They will also be required to follow the attached Spare Time Temple Alcohol Service Policies.

The CUP site plan shows adequate traffic circulation throughout the property. The applicant's site plan submittals will be exhibited to the ordinance for this CUP if it is approved by City Council. Staff seeks direction from City Council on future amendments to the landscaping plan which may change due to possible economic development requirements.

**PUBLIC NOTICE:** Staff mailed notices of the Planning and Zoning Commission's public hearing to the seven property owners within the 200-foot radius surrounding the C.U.P. site. As of Wednesday, April 4, 2012 at 10:00 AM, two notices from property owners were returned in favor of the request and none were returned in opposition to the request. One courtesy notice from surrounding was received in favor of the request and none were received in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on March 22, 2012 in accordance with state law and local ordinance.

**FISCAL IMPACT:** NA

**ATTACHMENTS:**

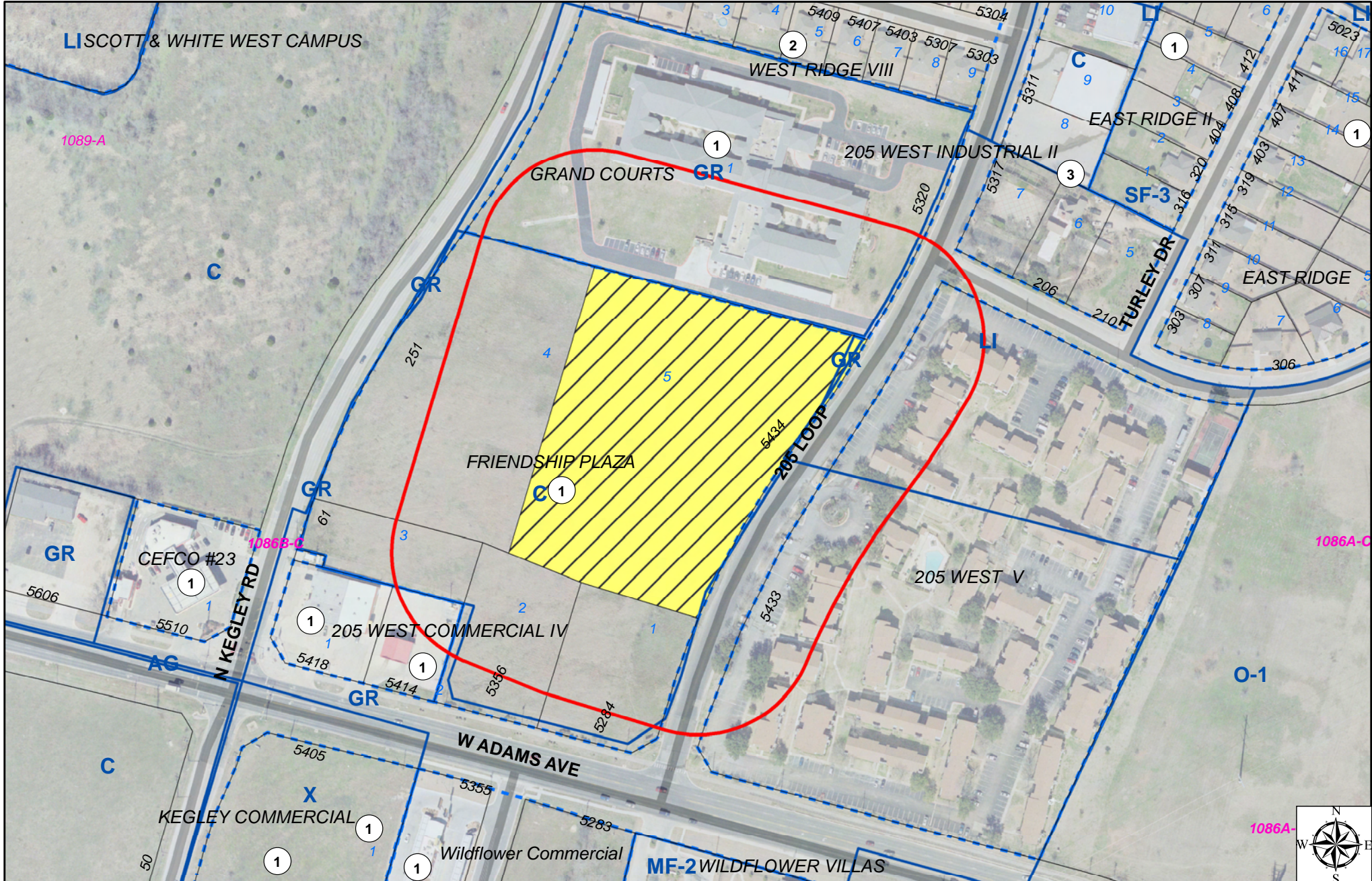
[Planning and Zoning Commission Staff Report and Attachments April 2, 2012](#)  
[Planning and Zoning Commission Minutes April 2, 2012](#)  
[Ordinance](#)



Z-FY-12-33

CUP - Alcohol  
> 50% + < 75%

5434 205 Loop



ZFY 1233



Zoning Boundary

1234-A Outblock Number

① Block Number

0 50 100



200' Buffer



Subdivision Boundary

1234 Address

1 Lot Number

Feet

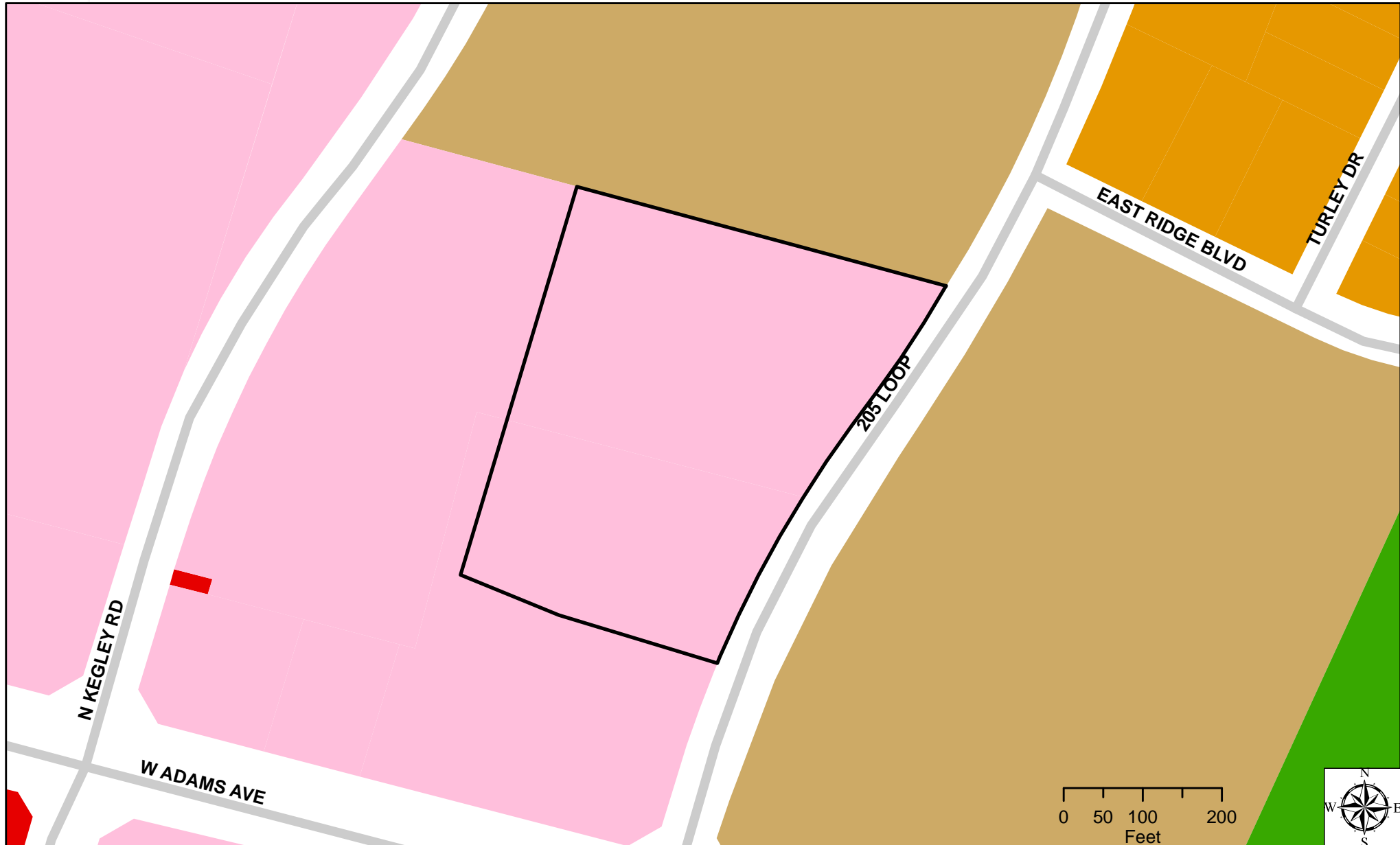
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-12-33

CUP - Alcohol  
> 50% + < 75%

5434 205 Loop



#### Future Land Use

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

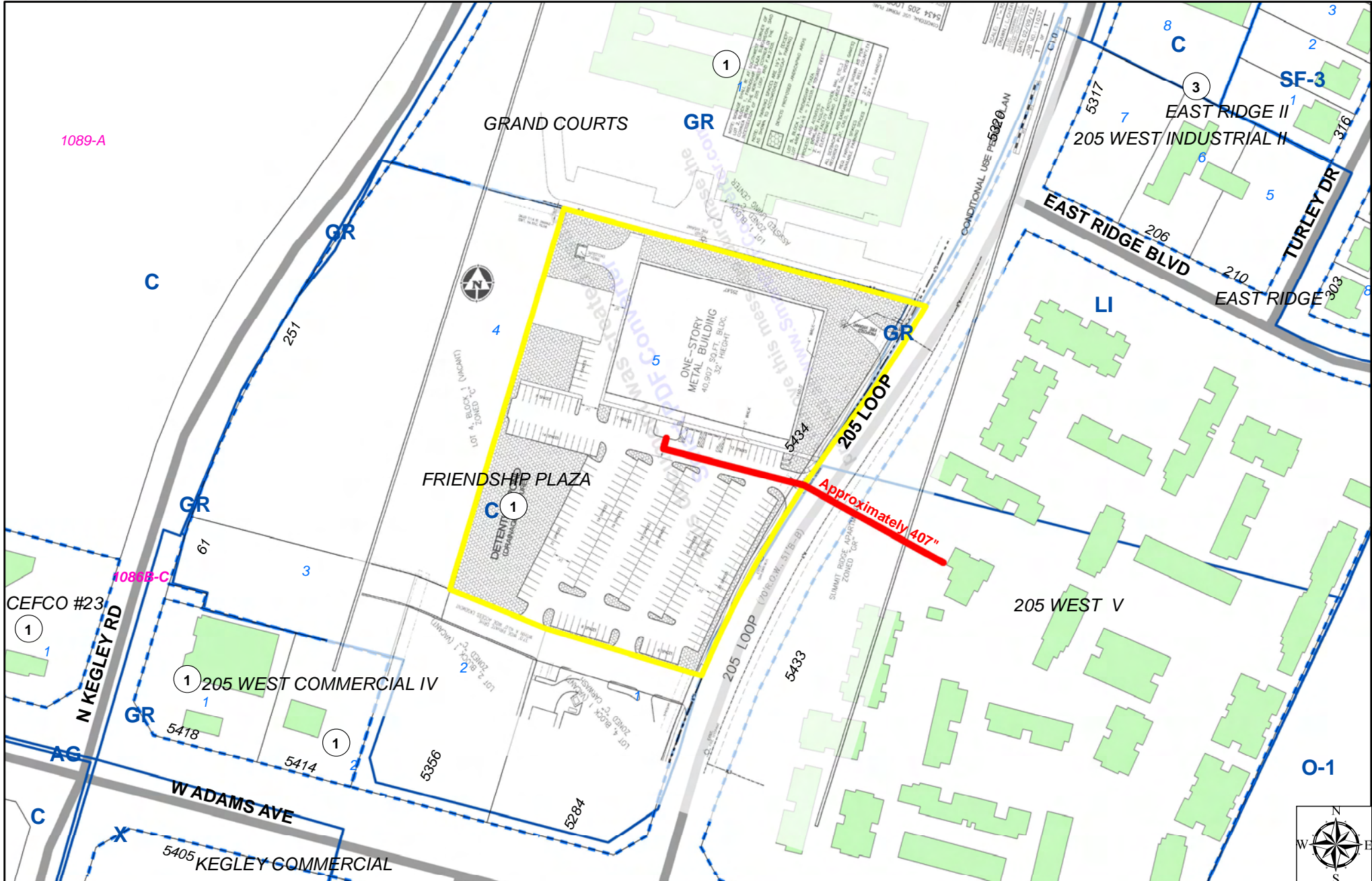
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-12-33

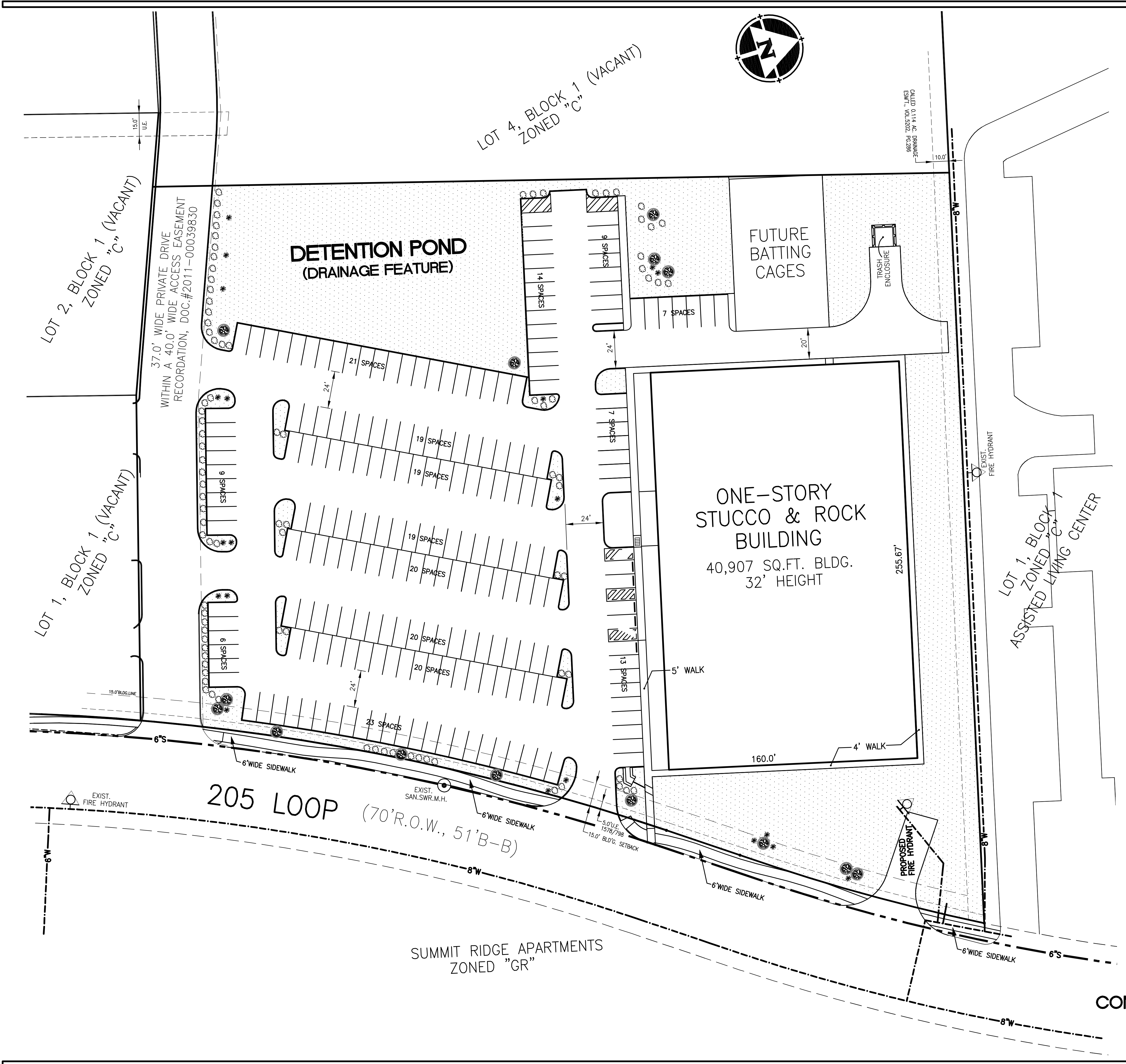
CUP - Alcohol  
> 50% + < 75%




5434 205 Loop



— Residence Distance    1234 Address    1 Lot Number    [Dashed Blue Box] Subdivision Boundary    0    100    200  
[Yellow Box] ZFY 1233    ① Block Number    1234-A Outblock Number    [Blue Box] Zoning Boundary    Feet

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



LOT 5, BLOCK 1, FRIENDSHIP PLAZA LOT AREA EQUALS = 214035.4 SQUARE FEET	
	5 GALLON SHRUB
	CANOPY TREE
	NON-CANOPY TREE
REQUIRED LINEAR FOOTAGE OF LOT ON 205 LOOP = 560 ft. DIVIDED BY 40 = 14 CANOPY TREES 5% OF LOT = 10702 SQ.FT. LANDSCAPE	
PROPOSED AREA OF SOD = 29% OF LOT (63010 SQ.FT.)(BERMUDA) 14 CANOPY TREES 24 NON-CANOPY TREES 92 SHRUBS - 5 GALLON	

CONDITIONAL USE PERMIT -LANDSCAPING






FIRM # F-13392

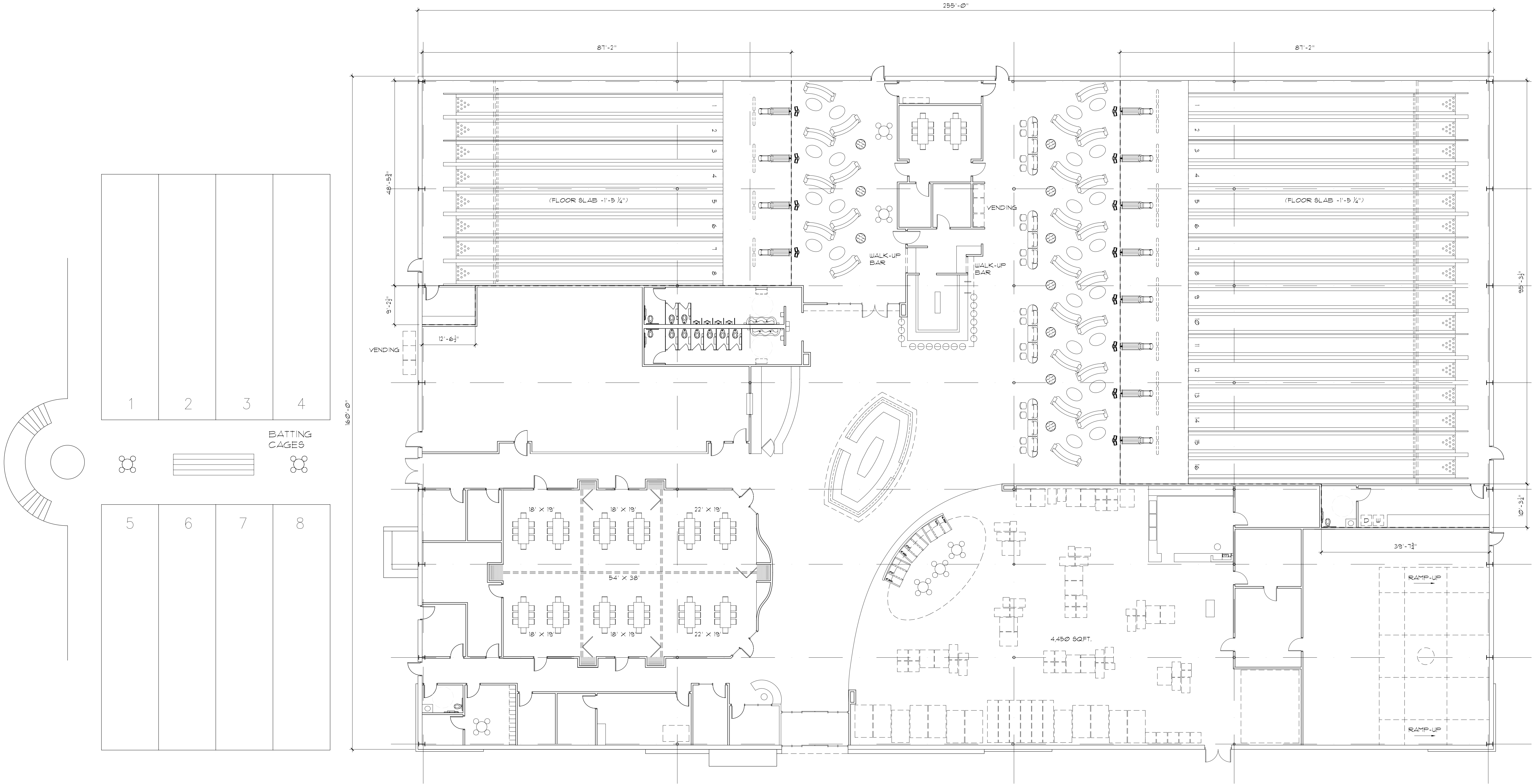
**BELTON  
ENGINEERING  
INC.**

106 NO. EAST STREET  
BELTON, TEXAS 76513  
OFFICE (254)731-5600  
MOBILE (254)289-7273  
beltonengineeringinc.com

- Engineering
- Design/Build
- Planning

CONDITIONAL USE PERMIT LANDSCAPING:  
**5434 205 LOOP**  
CITY OF TEMPLE, BELL COUNTY, TEXAS  
**SPARE TIME ENTERTAINMENT CENTER**  
5434 205 LOOP, CITY OF TEMPLE TX

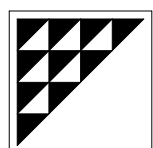
SCALE: 1"=30'  
DRAWN.: S.H.  
ELEC. DRAWING FILE  
C:11038-CUPermit.DWG  
DATE: 03/09/12  
JOB NO.: 11037  
2 OF 2



# CONCEPTUAL PRELIMINARY FLOOR PLAN

24 LANE FAMILY ENTERTAINMENT CENTER - TEMPLE, TX  
DATE: 10.7.2011

SCALE: 3/32" = 1'-0"



FITZGERALD+ASSOCIATES

2800 N. GARCIA RD. SUITE 100  
OKLAHOMA CITY, OKLAHOMA 73118  
405.251.1980  
WWW.FITZGERALD.COM



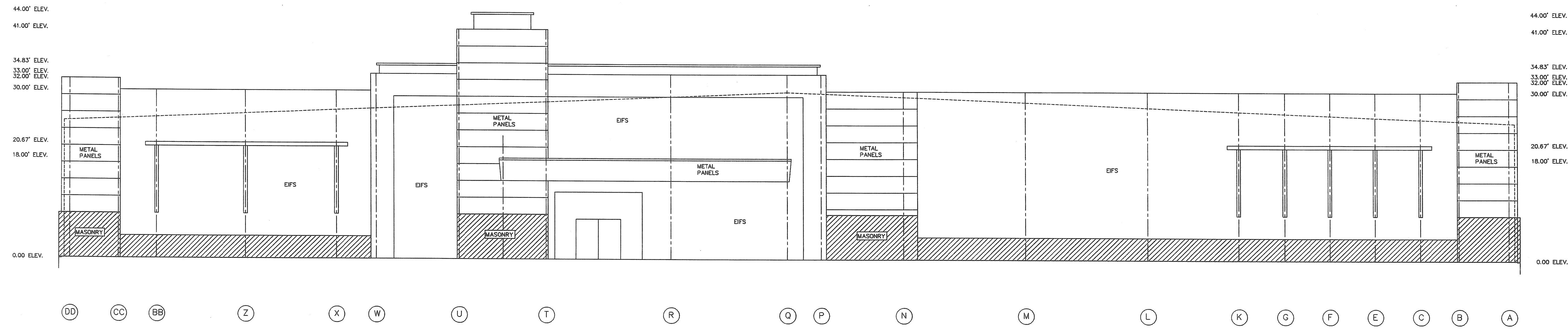
BOWLING

ARCADE

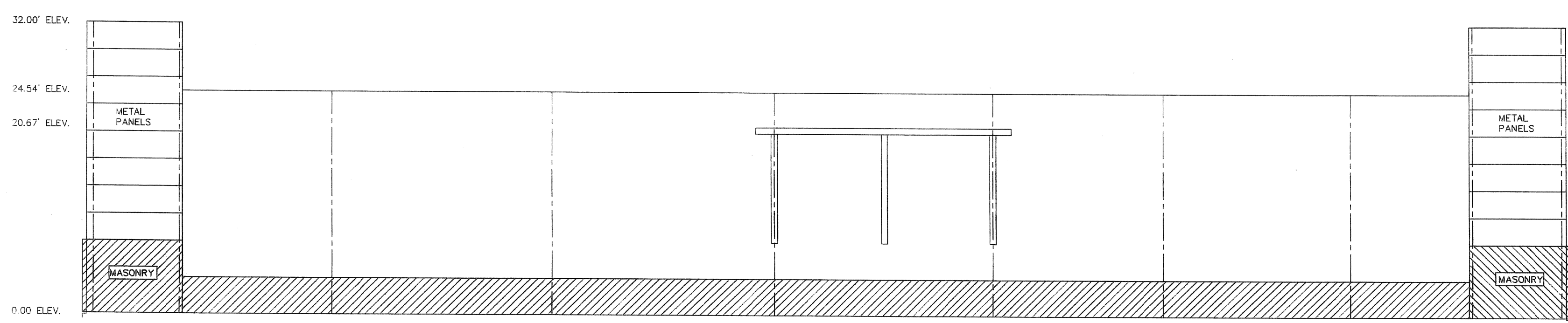
SPARE TIME  
FAMILY FUN

LASER TAG

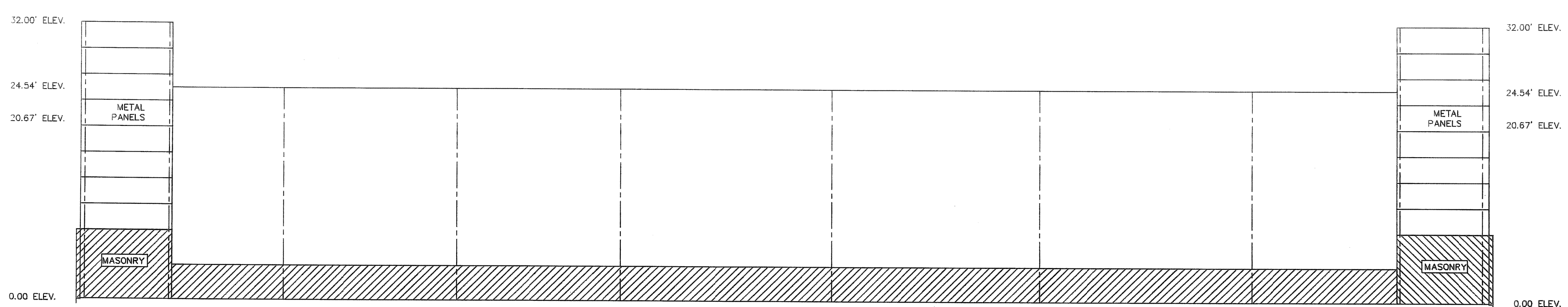
FOOD & FUN



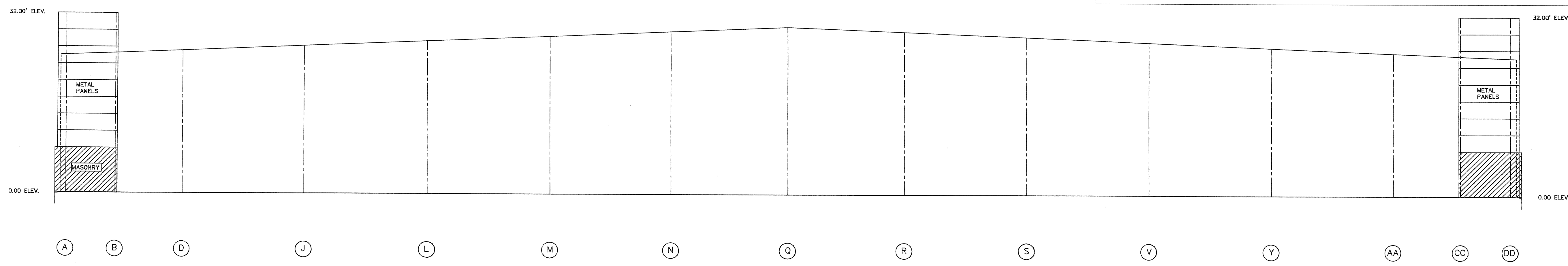
GRID LINE A ELEVATION



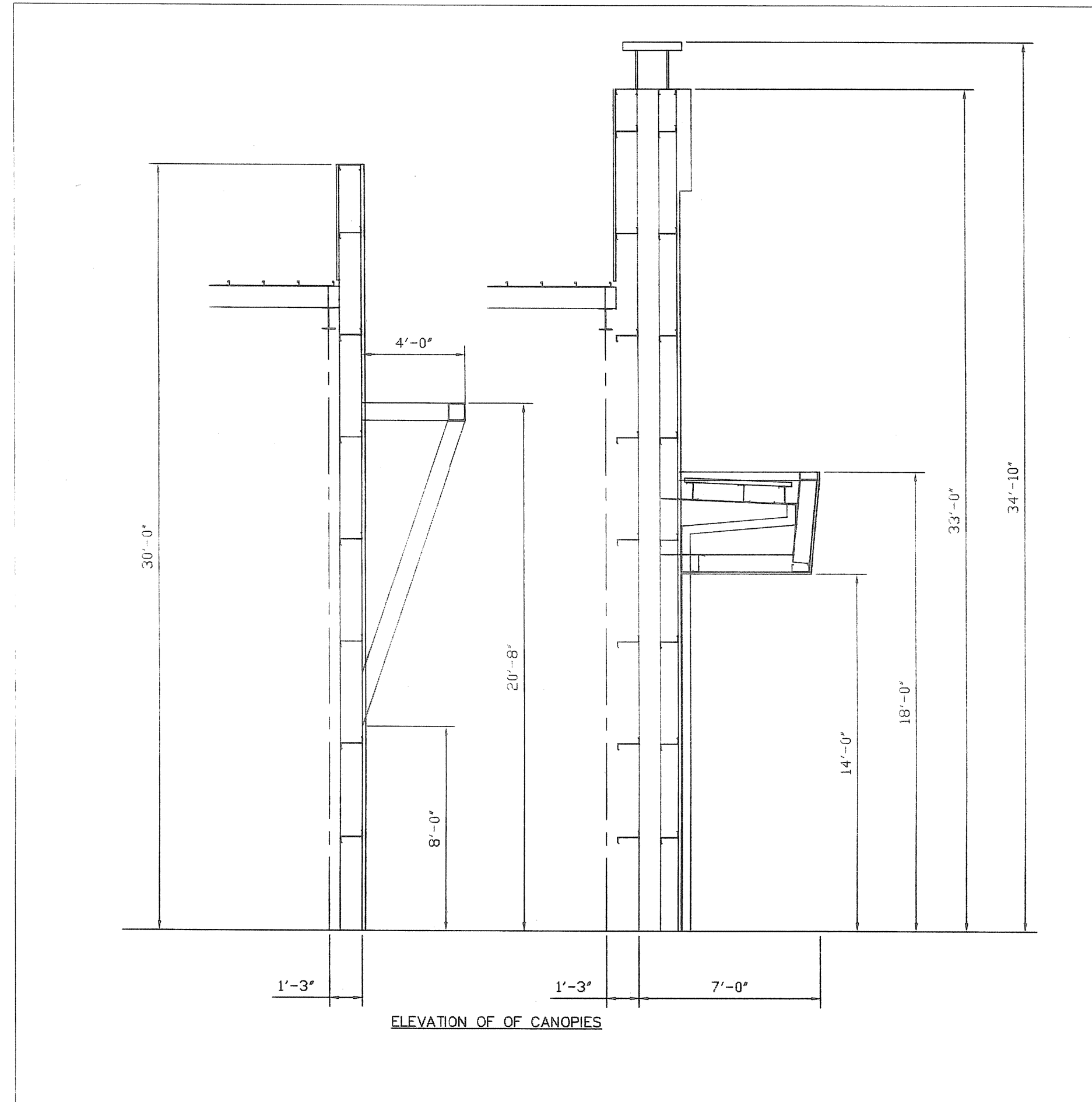
GRID LINE DD ELEVATION



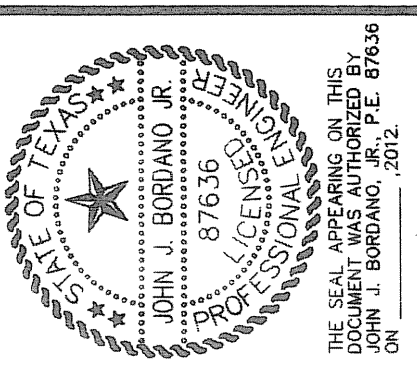
GRID LINE A ELEVATION



GRID LINE 1 ELEVATION



ELEVATION OF OF CANOPIES



**Horizon Structural Systems, Inc.**  
 3950 Hwy. 46 West  
 New Braunfels, Texas 78132  
 (830) 629-8000 Fax (830) 629-2611  
 EMAIL: horizon@horizonstructural.com

DISTRIBUTION:	DATE:

ENGINEER
DETAILER

ELEVATIONS  
DRAWINGS

HORIZON JOB NO.
DRAWING NO.

**Project:** SPARE TIME  
**Builder:** DESIGN BUILD SERVICES  
**BUILDING CODE:**  
 Building Code: IBC 2009  
 Live Load: 12/20 PSF  
 Collateral Load: 3.0 PSF  
 Wind Load: 90 MPH EXP. C  
 Snow Load: 3.0 PSF

## SPARE TIME TEMPLE ALCOHOL SERVICE POLICIES

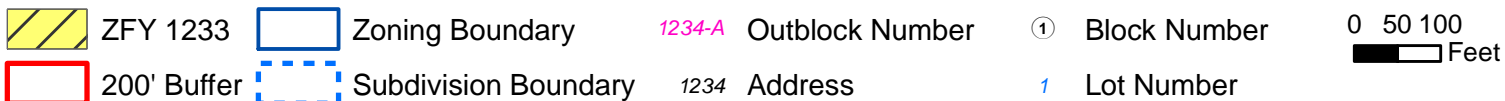
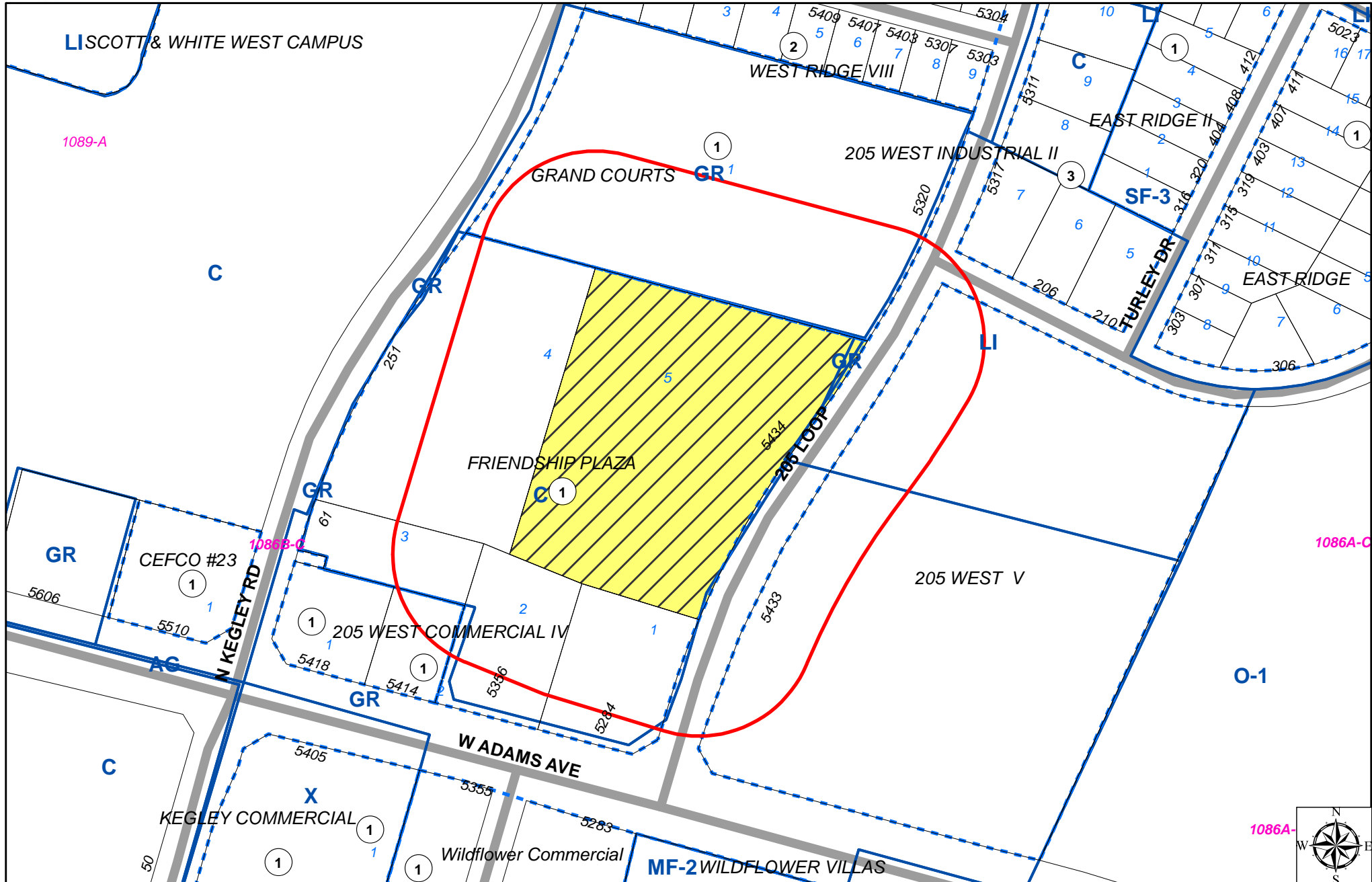
- ALL SERVERS & BARTENDERS WILL SUCCESSFULLY COMPLETE TABC TRAINING PRIOR TO WORKING THEIR FIRST NON-TRAINING SHIFT.
- ADDITIONALLY, TIPS GROUP TRAINING FOR RESPONSIBLE ALCOHOL SERVICE WILL BE CONDUCTED FOR STAFF ON A QUARTERLY BASIS.
- NO STAFF PERSON CAN KNOWINGLY SERVE AN UNDERAGE GUEST OR A GUEST THAT IS SHOWING VISIBLE SIGNS OF INTOXICATION.
- ALL GUESTS THAT APPEAR TO BE AGE 40 AND UNDER WILL HAVE THEIR AGE VERIFIED BY ID INSPECTION.
- ALL GUESTS THAT ARE OF AGE AND CONSUMING ON THE LANES OR IN THE GAME ROOM WILL HAVE A WRISTBAND APPLIED, INDICATING THAT THEY ARE OF THE DRINKING AGE.
- THE BAR POINT OF SALE SYSTEM IS EQUIPPED WITH AGE VERIFICATION SOFTWARE THAT READS THE STATE OF TEXAS DRIVER'S LICENSES. ANY QUESTIONABLE LICENSES WILL BE TAKEN TO THE BAR FOR VERIFICATION PRIOR TO ALCOHOL BEING SERVED.
- PITCHERS OF BEER WILL BE SERVED TO NO LESS THAN 2 PATRONS; ALL CONSUMERS OF PITCHERS MUST PRODUCE VALID IDs.
- NO DOUBLES WILL BE SERVED AT LAST CALL.
- ALL LIQUOR DRINKS WILL BE SERVED AT THE MEASURED AMOUNT OF THE RESPECTIVE DRINK RECIPE. OVERPOURING IS CONSIDERED AT TERMINABLE VIOLATION OF POLICY.
- ALL SERVERS AND BARTENDERS CAN ACCEPT THE FOLLOWING AS ACCEPTABLE FORMS OF ID:
  - DRIVER'S LICENSES ISSUED BY THE STATE OF TEXAS
  - MILITARY PICTURE IDS
  - ALL OTHER FORMS OF ID MUST BE VERIFIED BY MANAGEMENT PRIOR TO THE SERVICE OF ALCOHOL.
- IF A STAFF MEMBER IS DETECTED TO HAVE SERVED A MINOR OR AN INTOXICATED GUEST, AN INVESTIGATION WILL BE CONDUCTED. IF THE STAFF MEMBER IS FOUND TO HAVE VIOLATED THE COMPANY ALCOHOL SERVICE POLICES, THEY WILL BE SUBJECT TO TERMINATION OF EMPLOYMENT.
- AN INCIDENT LOG BOOK IS MAINTAINED BEHIND THE MAIN BAR. ALL INCIDENTS RELATED TO ALCOHOL SERVICE WILL BE RECORDED IN THE LOG BOOK.
- STAFF MEMBERS CANNOT CONSUME ALCOHOL WHILE ON DUTY. OFF DUTY STAFF MEMBERS CANNOT CONSUME ALCOHOL WHILE IN UNIFORM. STAFF MEMBERS CANNOT RUN BAR TABS AT ANY TIME.
- NO HUSBANDS, WIVES, BOYFRIENDS OR GIRLFRIENDS OF BARTENDERS ARE ALLOWED TO SIT AT THE BAR WHILE THEIR PARTNER IS BARTENDING.
- EVERY EFFORT WILL BE MADE TO KEEP AN INTOXICATED PERSON FROM DRIVING AN AUTOMOBILE, INCLUDING CALLING A CAB FOR A GUEST OR CALLING THE POLICE .



Z-FY-12-33

CUP - Alcohol  
> 50% + < 75%

5434 205 Loop



GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



RESPONSE TO PROPOSED  
CONDITIONAL USE PERMIT  
CITY OF TEMPLE

William G. Rosier  
1111 Mill Creek Drive  
Salado, Texas 76571

Zoning Application Number: Z-FY-12-33

Project Manager: Tammy Lyerly

Location: 5434 205 Loop

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption in a proposed bowling alley. 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 Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval ( ) denial of this request.

Comments:

THIS NEW FAMILY ENTERTAINMENT  
CENTER WILL BE A MUCH NEEDED ADDITION  
TO THE QUALITY OF LIFE IN BELL COUNTY.

W. Grady Rosier  
(Signature)

W. GRADY ROSIER  
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 27 2012

City of Temple  
Planning & Development

Number of Notices Mailed: 7

Date Mailed: March 22, 2012

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, APRIL 2, 2012**

**ACTION ITEMS**

**Item 3: Z-FY-12-33:** Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption of more than 50% and less than 75% of the gross revenue for Spare Time Entertainment, on Lot 5, Block 1, Friendship Plaza, located at 5434 205 Loop.

Ms. Lyerly stated this case would go forward to City Council for first reading on April 19th and second reading and final action on May 3rd.

The subject property is zoned Commercial (C) district and the request is for a CUP for the sale of alcoholic beverages on premises consumption more than 50% and less than 75% of gross revenue for Spare Time Entertainment Center.

The proposed hours of operation for Spare Time are Sunday through Wednesday from 11:00 a.m. to 11:00 p.m.; Thursday and Friday from 11:00 a.m. to 1:00 a.m.; and Saturday from 9:00 a.m. to 1:00 a.m. The proposed hours for alcohol sales would be Sunday through Friday from 12:00 p.m. (noon) to 12:00 a.m. and Saturday from 12:00 p.m. (noon) to 1:00 a.m.

Surrounding properties include a retirement center to the north, mostly undeveloped property to the south and west, and Summit Ridge apartments to the east.

The Future Land Use and Character Map show this area as Suburban-Commercial so the proposed request is in compliance.

The utility map shows sewer and water facilities to serve the proposed business.

Alcohol CUPs must exceed the 300 foot distance requirement from all public schools, hospitals, and places of worship. The proposed business exceeds the required boundary distance.

The proposed site plan is shown. Ms. Lyerly stated the property is also part of the economic development area so the landscaping may be subject to change based on those requirements.

If approved, Spare Time Entertainment would require all servers and bartenders to successfully complete TABC training. Tips/group training for responsible alcohol serving will be conducted on a quarterly basis. Guests that are of drinking age and consuming alcohol on the lanes and/or in the game room will have wrist bands applied indicating they are legal.

Seven notices were mailed out. Two notices were received in favor, zero in opposition.

Staff recommends approval of this requested CUP to allow the sale of alcoholic beverages for on premise consumption, more than 50% and less than 75% of the gross revenues, in the Spare Time Entertainment center for the following reasons:

The request is compatible with the Future Land Use and Character Map;

It complies with the Thoroughfare Plan;

There are public facilities available to serve the property; and

The landscaping plan meets current requirements; however, it may be subject to change depending on development standards and Staff would bring it back for P&Z review should City Council require it.

Vice-Chair Staats opened the public hearing. There being no speakers, the public hearing was closed.

Commissioner Pope made a motion to approve Item 3, **Z-FY-12-33**, as presented, and Commissioner Talley made a second.

*Motion passed: (8:0)*

Chair Martin absent

[PLANNING NO. Z-FY-12-33]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION, MORE THAN 50% AND LESS THAN 75% OF THE TOTAL GROSS REVENUE FOR SPARE TIME ENTERTAINMENT, LOCATED AT 5434 205 LOOP; 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, after due consideration of the location and zoning classification of the establishment, has recommended that the City Council approve this application; 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 concerning the establishment at 5434 205 Loop, and has heard the comments and evidence presented 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 the sale of alcoholic beverages, more than 50% and less than 75% of the total gross revenue, for on-premise consumption for Spare Time Entertainment located at Lot 5, Block 1, Friendship Plaza, located at 5434 205 Loop, 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:

- (a) The landscaping plan meets the minimum requirements, however, it is subject to change and staff will offer to bring it back for review if necessary.
- (b) The sale and consumption of alcoholic beverages shall occur only within the designated area, in accordance with the site plan attached as Exhibit B.
- (c) 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.
- (d) The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six (6) months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
- (e) The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
- (f) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (g) The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his obligations hereunder.
- (h) The establishment must provide adequate parking spaces to accommodate its members and their guests. Provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
- (i) 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.
- (j) The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of

property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.

- (k) 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.
- (l) 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 7-609.

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

PASSED AND APPROVED on Second Reading on the **3<sup>rd</sup>** day of **May**, 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

---

05/03/12  
Item #4(F)  
Consent Agenda  
Page 1 of 1

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

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** SECOND READING: Consider adopting an ordinance amending Chapter 24, "Noise," of the Code of Ordinances of the City of Temple, Texas by repealing Section 24-5, "Building Operations."

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

**ITEM SUMMARY:** Section 24-5 of the City Code dates from 1961 and prohibits any type of construction work (new construction, excavation, demolition, etc.) at any time other than 7 a.m. to 6 p.m. Monday through Friday except in cases of public emergency. The ordinance has not been consistently enforced in its present form for at least the past two decades. Construction work (industrial, commercial and residential typically does occur on Saturdays, for example. Most contractors who work begin work mornings, early evenings, or on weekends try to be considerate and for the most part their activities generate few complaints to the City. There are other sections of Chapter 24, for example Section 24-2, which prohibits "unreasonably loud, disturbing, unnecessary noise" should construction on weekends or early or late in the day become a problem.

After consultation with Richard Therriault, the City's Superintendent of Construction Safety, we recommend repeal of Section 24-5 rather than having an ordinance that is not being enforced, and doesn't reflect current practices in the community. Mr. Therriault advises me that he receives very few complaints about construction related noise. The Staff feels that complaints about unreasonably loud noises due to construction that might occur on weekends or before during the early morning or late evening hours of weekdays can be adequately addressed through enforcement of other sections of Chapter 24 (Noise). If Section 24-5 is repealed, we will continue to monitor the situation, and if complaints about construction-related noise do begin to occur, we will address those complaints with a future ordinance more narrowly tailored to reflect current practices in the community.

**FISCAL IMPACT:** None

**ATTACHMENTS:**  
[Ordinance](#)

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REPEALING SECTION 24-5, ENTITLED "BUILDING OPERATIONS," OF CHAPTER 24 ENTITLED "NOISE," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, Section 24-5 entitled "Building Operations" of the City Code dates from 1961 and prohibits any type of construction work (new construction, excavation, demolition, etc.) at any time other than 7a.m. to 6p.m. Monday through Friday, except in the cases of public emergency;

**Whereas**, Staff advises Section 24-5 entitled "Building Operations" of the Code of Ordinances has been infrequently enforced on a complaint basis in its present form for at least the past two decades, therefore staff recommends repealing Section 24-5; and

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

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

**Part 1:** Section 24-5 entitled "Building Operations" of Chapter 24, "Noise," of the Code of Ordinances of the City of Temple, Texas, is hereby repealed.

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

PASSED AND APPROVED on Second Reading on the **3<sup>rd</sup>** day of **May**, 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

---

05/03/12  
Item #4(G)  
Consent Agenda  
Page 1 of 2

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

Lonzo Wallace, Jr., Fire Chief

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing funding from the Child Safety Fees for the 2012 Junior Fire Cadet Program in the amount of \$24,612.

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

**ITEM SUMMARY:** Under the authority of the Texas Transportation Code, in 2001, the Bell County Commissioners Court imposed a \$1.50 per vehicle Child Safety registration fee to be collected by our County Tax Assessor-Collector. The City of Temple's allocation is based on population. These funds must be used for a school crossing guard program if the City operates one. Since the City does not operate a crossing guard program, the funds may be spent on programs designed to enhance child safety, health or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention.

I am recommending that \$24,612 of the child safety fees collected be provided to the 2012 Junior Fire Cadet Program. Firefighters serve as instructors to youngsters between the ages of 9 to 13. The cadets participate in hands-on activities such as confidence building, ladders, fire hose, and CPR/first-aid. Students learn the importance of setting goals, working as a team, ethics, and respect of self and others. The goal of the program is to give kids the opportunity to improve themselves. Guest speakers explain the importance of exercise, proper nutrition, and staying in school. The Temple Independent School District has partnered with the department and has provided a campus for the program since 2002.

The department started the program in the summer of 1999 with 31 boys and girls attending the four-week long class. We quickly learned the value of this program by seeing the young faces in the classroom and feeling the difference firefighter's role models in their lives. It is impossible to put an exact value on the benefits of this program but we do know that we enrich the lives of all the people participating in the program. Funding will be used to operate the class which will last for four weeks, and one day. The proposed dates of the class are June 4 – June 29, 2012. We anticipate a class of 50 participants.

**FISCAL IMPACT:** A budget adjustment is presented for Council's approval appropriating \$24,612 to account 110-0000-452-0164, from the Child Safety Fees collected by the County on behalf of the City, to Temple Fire and Rescue's overtime account and associated benefit accounts, 110-2221-522-11-19, 12-20, 12-21 & 12-23, in the amount of \$19,517; food account, 110-2221-522-21-12, in the amount of \$475; office supply account, 110-2221-522-21-10, in the amount of \$275, and Contributions and Prizes, account 110-2221-522-25-10 in the amount of \$4,345.

If funding for this expenditure is approved, there will be \$67,848 available in Child Safety Funds for future eligible expenditures.

**ATTACHMENTS:**

[Budget Adjustment  
Resolution](#)

FY 2012**BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.  
Adjustments should be rounded to the nearest \$1.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-0000-452-01-64		Child Safety Fee Revenue	\$ 24,612			
110-2221-522-11-19		Fire Overtime	16,652			
110-2221-522-12-20		Firemen's Pension	2,446			
110-2221-522-12-21		Medicare	224			
110-2221-522-12-23		Worker's Comp Insurance	195			
110-2221-522-21-12		Food Items	475			
110-2221-522-21-10		Office Supplies	275			
110-2221-522-25-10		Contributions and Prizes	4,345			
<b>TOTAL.....</b>			<b>\$ 49,224</b>		<b>\$ -</b>	

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

To appropriate Child Safety Fees received from Bell County to fund the Jr. Fire Cadet Program for 2012. The child safety fees must be used on programs designed to enhance child safety, health or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention. The Jr. Fire Cadet Program is a four week long class in which the cadets participate in hands on activities such as confidence building, ladders, fire hose, and CPR/first aid. Students learn the importance of setting goals, working as a team, ethics, and respect of self and others. After approval of this budget adjustment, \$67,848 will remain available in Child Safety Fees for future allocation.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

5/3/2012

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING FUNDING FROM THE CHILD SAFETY FEES FOR THE 2012 JUNIOR FIRE CADET PROGRAM, IN THE AMOUNT OF \$24,612; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas,** the City of Temple receives an annual allocation of child safety fees from Bell County that are collected on every vehicle registered in Bell County;

**Whereas,** these funds must be used for programs such as school crossing guards, child safety, health or nutrition, child abuse prevention and intervention and drug and alcohol abuse prevention;

**Whereas,** from those funds, the Fire Department requests an amount of \$24,612 for the 2012 Junior Fire Cadet Program;

**Whereas,** an amendment to the FY11-2012 budget needs to be approved to transfer the funds to the appropriate expenditure 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 approves providing funding from the Child Safety Fees-Bell County for the 2012 Junior Fire Cadet Program in the amount of \$24,612.

**Part 2:** The City Council approves an amendment to the FY11-2012 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 3<sup>rd</sup> day of **May**, 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

---

05/03/12  
Item #4(H)  
Consent Agenda  
Page 1 of 2

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

Ken Cicora, Parks and Leisure Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing renaming the Doctors Park to Dr. Jose Rodarte and Dr. Jesse Ibarra, Jr. Doctor's Park.

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

**ITEM SUMMARY:** On March 20, 2008, City Council approved naming the 3 acre open space area across from 34<sup>th</sup> street from Wilson Park, as Doctors Park. The park was so named at the request of the Bell County Medical Alliance who wanted to dedicate a park, or part of a park, in honor of retiring physicians. The Medical Alliance agreed to donate a tree annually to Doctors Park for each retiring doctor. In addition, the Medical Alliance agreed to help construct the park to fulfill the park master plan that was developed by the Parks and Leisure Services staff. That includes park signage, park benches and a walking trail.

Earlier this year, Edward Luna approached the Parks and Leisure Service Department to consider naming a park or city facility after Doctors Jesse D. Ibarra Jr. and Jose Gamme Rodarte. Both doctors had an outstanding career in Temple working at Scott and White.

Dr. Ibarra helped spearhead the 1962 massive Bell County, county wide polio oral vaccine drive that was lauded as among the state's most successful. He served as a Scott and White Clinic trustee from 1973 – 1984. He was a member of the State Board of Medical Examiners from 1977 to 1988. Dr. Ibarra served as chairman of the Scott & White Latin America Task Forces until 1999. Dr. Ibarra turns 93 in 2012

Dr. Rodarte worked at Scott and White from 1938 – 1977. While there he served as a trustee on the initial Board of Scott and White Memorial Hospital. In 1968, he served as President of the American Association of Medical Clinics. Dr. Rodarte was active for over 20 years in the Federation state Medical Board of the United States. He was President of the Texas State Board of Medical Examiners.

We approached the Medical Alliance about considering renaming Doctor's Park after these two outstanding physicians. Maureen Villamaria, President of the Bell County Medical Alliance sent a letter to the Department indicating their support and appreciated the "opportunity to offer our support of City efforts to recognize these two distinguished physicians". She also stated that ..." it is clear that Dr. Rodarte and Dr. Ibarra are both outstanding examples of the impact that physicians have had, and continue to have, in Central Texas".

On April 10, at their monthly meeting, the Parks and Leisure Services Advisory Board considered the request to recommend to City Council to rename Doctors Park, the park between Ave D (north), 34<sup>th</sup> St. (east), Curtis B. Elliott (south) and 32<sup>nd</sup> St. C (west), to Dr. Jose Rodarte and Dr. Jesse Ibarra, Jr. Doctor's Park and voted unanimously to do so.

The selection of Dr. Jose Rodarte and Dr. Jesse Ibarra, Jr. Doctor's Park Doctor's Park meets the guidelines approved by City Council for naming a new city park.

We are requesting City Council approved the recommendation of the Parks and Recreation Advisory Board and name Dr. Jose Rodarte and Dr. Jesse Ibarra, Jr. Doctor's Park Doctor's Park.

**FISCAL IMPACT:** There is no fiscal impact on this item.

**ATTACHMENTS:**  
[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RENAMING DOCTORS PARK TO DR. JOSE RODARTE AND DR. JESSE IBARRA, JR. DOCTOR'S PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on March 20, 2008, City Council approved naming the 3 acre open space area across from 34<sup>th</sup> street from Wilson Park as Doctor's Park;

**Whereas**, earlier this year, the Parks and Leisure Services Department was approached and asked to consider naming a park or city facility after Doctors Jesse D. Ibarra, Jr. and Jose Gamme Rodarte – both doctors have had an outstanding career in Temple working at Scott and White;

**Whereas**, on April 10, 2012, the Parks and Leisure Services Advisory Board considered the request and recommends to City Council that Doctors Park be renamed to Dr. Jose Rodarte and Dr. Jesse Ibarra, Jr. Doctor's Park;

**Whereas**, the selection of Dr. Jose Rodarte and Dr. Jesse Ibarra, Jr. Doctor's Park meets the guidelines approved by City County for naming a new park; 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 changes the name of Doctor's Park, located between Avenue D, 34<sup>th</sup> Street, Curtis B. Elliott and 32<sup>nd</sup> Street, to Dr. Jose Rodarte and Dr. Jesse Ibarra, Jr. Doctor's Park.

**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 3<sup>rd</sup> day of **May**, 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**

---

05/03/12  
Item #4(I)  
Consent Agenda  
Page 1 of 1

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

Traci Barnard, Director of Finance

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

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

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

**FISCAL IMPACT:** The total amount of budget amendments is \$24,779.

**ATTACHMENTS:**

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

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2012 BUDGET**  
**May 3, 2012**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2011-521-2229		OCU Seized Funds/State (Police)	\$ 18,017	
110-0000-313-0330		Reserved for Seized Funds		\$ 18,017
State seized funds are needed to purchase fitness machines for the Police Gym due to mandatory fitness review.				
110-2350-540-2516		Judgments & Damages (Solid Waste - Frontload)	\$ 2,166	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 2,166
Settlement of claim filed against the City seeking reimbursement for damage to 2004 Honda Civic when Solid Waste Collection vehicle backed up into passenger side of car while making a collection pickup behind McDonald's and Chili's.				
110-3280-551-2540		Mayor's Fitness Council (Recreation)	\$ 1,000	
110-0000-445-1587		Donations - Parks		\$ 1,000
This budget adjustment recognizes a donation received from Materials Transportation Company for sponsorship support of the Mayor's Council on Physical Fitness.				
110-3500-552-2119		Botanical Supplies (Parks)	\$ 700	
110-3500-552-2311		Buildings & Grounds	\$ 2,696	
110-0000-445-1587		Donations - Parks		\$ 3,396
This budget adjustment recognizes donations received from the Temple Parks Foundation for memorial trees and mulch/trex/paint for the Whistlestop Playground.				
110-4000-555-2510		Contributions/Prizes (Library)	\$ 200	
110-0000-461-0841		Donations/Gifts		\$ 200
This budget adjustment recognizes donations received from the City Federated Women's Club to be expended as designated				
<b>TOTAL AMENDMENTS</b>			<b>\$ 24,779</b>	<b>\$ 24,779</b>
<b>GENERAL FUND</b>				
Beginning <b>Contingency</b> Balance			\$ -	
Added to Contingency Sweep Account			\$ -	
Carry forward from Prior Year			\$ -	
Taken From Contingency			\$ -	
Net Balance of Contingency Account			\$ -	
Beginning <b>Judgments &amp; Damages</b> Contingency			\$ 80,000	
Added to Contingency Judgments & Damages from Council Contingency			\$ -	
Taken From Judgments & Damages			\$ (30,217)	
Net Balance of Judgments & Damages Contingency Account			\$ 49,783	
Beginning <b>Compensation</b> Contingency			\$ 863,600	
Added to Compensation Contingency			\$ -	
Taken From Compensation Contingency			\$ (828,585)	
Net Balance of Compensation Contingency Account			\$ 35,015	
<b>Net Balance Council Contingency</b>			<b>\$ 84,798</b>	
Beginning Balance <b>Budget Sweep</b> Contingency			\$ -	
Added to Budget Sweep Contingency			\$ -	
Taken From Budget Sweep			\$ -	
Net Balance of Budget Sweep Contingency Account			\$ -	

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2012 BUDGET**  
**May 3, 2012**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>WATER &amp; SEWER FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	50,000
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(31,738)
		Net Balance of Contingency Account	\$	18,262
		Beginning <b>Compensation</b> Contingency	\$	97,000
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(84,685)
		Net Balance of Compensation Contingency Account	\$	12,315
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>	<b>\$</b>	<b>30,577</b>
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	79,303
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	79,303
		Beginning <b>Compensation</b> Contingency	\$	11,300
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(9,855)
		Net Balance of Compensation Contingency Account	\$	1,445
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	<b>\$</b>	<b>80,748</b>
		<b>DRAINAGE FUND</b>		
		Beginning <b>Compensation</b> Contingency	\$	13,200
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(12,386)
		Net Balance of Compensation Contingency Account	\$	814
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	24,387
		Carry forward from Prior Year	\$	12,105
		Added to Contingency Sweep Account	\$	22,327
		Taken From Contingency	\$	(29,131)
		Net Balance of Contingency Account	\$	29,688

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

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

---

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

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2011-2012 City Budget.

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

**Part 1:** The City Council approves amending the 2011-2012 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 3<sup>rd</sup> day of **May**, 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

---

05/03/12  
Item #5  
Regular Agenda  
Page 1 of 3

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

Kim Foutz, Assistant City Manager

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-12-04: Consider adopting an ordinance amending Article 6 of the City of Temple Unified Development Code establishing a 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay, add standards for development in the specified area and consider a zoning map amendment defining the boundaries of the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay.

**P&Z COMMISSION RECOMMENDATION:** At its April 16, 2012, meeting, the Planning and Zoning Commission voted 9/0 to recommend approval of the proposed ordinance and map with the recommended map exclusions staff proposed.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description on first reading, and set second reading and final adoption for May 17, 2012.

**ITEM SUMMARY:** Please refer to the draft minutes of case Z-FY-12-04, from the Planning and Zoning meeting, April 16, 2012. The City of Temple is proposing an overlay district for the South 1<sup>st</sup> Street and North 3<sup>rd</sup> Street Corridor to promote enhanced development and redevelopment. This corridor is a Strategic Investment Zone. The adopted three prong approach to redevelopment in SIZ zones is to: perform code enforcement, establish incentives, and enhance development code provisions. The City has already conducted code enforcement in this corridor for approximately three years. An incentive ordinance is in place that allows for grants for facades, landscaping, sidewalks, signs, and demolition. This ordinance is the final step to the SIZ approach.

The proposed overlay incorporates enhanced public realm requirements such as wider sidewalks and street trees as well as includes minimal enhanced standards for on-site development including landscaping and smaller signs. The proposal does not change or amend any zoning or uses that are currently permitted in the area.

The overlay area is generally being defined as tracts of land that abut or adjoin South 1st Street from the north intersection of Avenue M to the south intersection of Avenue E and from the north intersection of Avenue E and South 3<sup>rd</sup> Street to the north intersection of South 3<sup>rd</sup> Street and Avenue D, generally following the curve where South 1<sup>st</sup> and South 3<sup>rd</sup> join, and tracts of land that abut or adjoin North 3rd Street from the north intersection of Houston Avenue to the south intersection with West Bellaire North.

**PROCESS:** The Planning staff walked the City Council through a Strength, Weakness, Opportunity, Threat (SWOT) exercise on January 19, 2012 to brainstorm about issues and potential for this area. On February 9, 2012, Staff presented a Visual Preference Survey to City Council to better understand their desires and direction for the proposed overlay. Based upon the results of City Council direction, staff drafted the proposed ordinance and presented information to the property owners at a public meeting on March 27, 2012 for input and questions.

**DISTRICT FORMAT:** **Applicability:** Applicability of the various sections of the ordinance is defined based on the development and/or redevelopment on each property as well as specific applicability to districts stated in each section.

**General Standards:** General Standards refer the reader to Article 4 Zoning Districts which applies in its entirety with the addition of the impervious lot coverage percentages; Article 5 Use Standards applies in its entirety; and Article 7 General Development Standards, Section 7.1 Performance Standards applies in its entirety.

**Access and Circulation Standards:** This section includes specific prohibition of cul-de-sacs and flag lots. It also defines driveway specifications.

**Public Frontage Standards:** This section deals with the areas in public ROW, or the areas between back of curb and property line. Three public frontage types are defined and assigned to applicable locations in the overlay. Public frontage includes planting bed, street trees, and sidewalks.

**Private Property Landscape Standards:** This section addresses minimum landscape area and the amount of trees and shrubs required on private property. Landscaping is based on the type of use.

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

**Sign Standards:** This section refers the reader to Article 7 General Development Standards, Section 7.5 Signs, applies in its entirety with the additions that all signs must be internally illuminated and pole signs and roof signs are prohibited in the 1st and 3rd Street Overlay.

**Off-Street Parking and Loading:** This section refers the reader to Article 7 General Development Standards, Section 7.4 Off-street Parking and Loading, applies in its entirety with the addition that all surface parking areas must be constructed with raised curb and gutter.

**Screening and Buffering:** The section refers the reader to Article 7 General Development Standards, Section 7.6 Screening, and adds specific standards for the screening of mechanical equipment, waste containers, loading docks and includes fence standards. This section also prohibits outdoor storage and specifies requirements for outdoor display of goods.

**Utility Standards:** This section states that new service line utilities must be underground for non-residential and multi-family development if triggered by new construction.

**Exception Requests:** This section establishes the appeal process to the Planning and Zoning Commission and City Council for applicants wishing to appeal the requirements of the 1st and 3rd Street Overlay District.

**PUBLIC NOTICE:** The newspaper printed notice of the Planning and Zoning Commission public hearing on March 22, 2012 in accordance with state law and local ordinance. Staff mailed out 380 property owner notices and 306 property owner notices to properties within 200'.

As of April 16, 2012, staff has received the following responses:

Type	In Favor	In Denial
Property Owners	6	20 properties (16 owners)
200' Neighbors	16	15

**FISCAL IMPACT:**

NA

**ATTACHMENTS:**

[Proposed Ordinance](#)

[Notices Received](#)

[Planning and Zoning Commission Minutes April 2, 2012](#)

[Planning and Zoning Commission Minutes April 16, 2012](#)

[Ordinance](#)

## Sec. 6.7. 1st and 3rd Overlay District

### 6.7.1 Boundary

The 1st and 3rd Overlay District is defined as tracts of land that abut or adjoin South 1st Street from the north intersection of Avenue M to the south intersection of Avenue E and from the north intersection of Avenue E and South 3rd Street to the north intersection of S 3rd Street and Avenue D, generally following the curve where S 1st and S 3rd join and tracts of land that abut or adjoin North 3rd Street from the north intersection of Houston Avenue to the south intersection with West Bellaire North.

Any property that is consolidated into property that meets the above criteria or is shown on the following map must also conform to the Overlay Standards.

The 1st and 3rd Overlay District is more specifically shown in the map below, which is adopted by reference and declared a part of this UDC.

North Section:



South Section:



### 6.7.2 Applicability

- A. The provisions of 1st and 3rd Overlay District apply to development types in the table below.
- B. Improvements to existing buildings are cumulative within a 15-year period when determining which of the following provisions apply.
- C. All other provisions of the UDC apply unless otherwise stated.

<b>Nonresidential and Multiple-Family Development Type</b>	<b>General Standards</b>	<b>Circulation Standards</b>	<b>Private Property Landscaping Standards and General Planting Criteria</b>	<b>Screening Standards</b>	<b>Public Frontage Standards</b>	<b>Sign Standards</b>	<b>Utility Standards</b>
New construction (Non-residential and Multiple-Family)	✓	✓	✓	✓	✓	✓	✓
Change in use from single-family residential to multiple-family and nonresidential use (See City Code 12-16 Business Registration)	✓	✓	✓	✓	✓	✓	
Increase in gross floor area of 50% or more or modifications with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	✓	✓	✓	✓	✓	✓	
Increase in gross floor area of 25%-49% or modifications with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll	✓		✓	✓			
Increase in gross floor area of 10%-24% or modifications with a cost equal to 10%-24% of the assessed value of improvements per the current tax roll	✓						
Interior or exterior maintenance of existing structure with like or similar materials; no increase in gross floor area or remodeling							
New Sign						✓	

Single Family Development Type	General Standards	Public Frontage Standards and general Planting Criteria
New construction (Single family attached and detached)	✓	✓

### 6.7.3 1st and 3rd Overlay District Site Plan Review Process

All redevelopment and new development in the 1st and 3rd Overlay District must follow the TMED site plan review process as described in Article 3.

### 6.7.4 General Standards

- A. **Article 4, Zoning Districts, applies in its entirety with the addition of the following:**
  - 1. Maximum impervious lot coverage for residential uses is 50%.
  - 2. Maximum impervious lot coverage for non-residential uses is 70%.
- B. **Article 5, Use Standards, applies in its entirety.**
- C. **Article 7, General Development Standards, Section 7.1 Performance Standards applies in its entirety.**

### 6.7.5 Access and Circulation Standards

- A. **Applicability**

The 1st and 3rd Overlay District circulation standards in this Section apply to all zoning districts and uses unless otherwise stated.
- B. **Article 7, General Development Standards, Section 7.2 Access and Circulation does not apply.**
- C. **Thoroughfare Standards**
  - 1. Cul-de-sacs are prohibited in the 1st and 3rd Overlay District.
  - 2. Flag lots are prohibited in the 1st and 3rd Overlay District.
- D. **Access and Connectivity**
  - 1. **General**
    - a. All driveway connections must be constructed and stubbed or connected to any existing stub.

- b. Driveway spacing must be based on the appropriate alignment with any existing or proposed median breaks as approved by the City Engineer and TxDOT.
- c. Each business is permitted one 24' wide curb cut per street frontage.
- d. If a site has greater than 300' of frontage on South 1st or greater than 400' of frontage on North 3rd, it may have two 24' wide curb cuts for that street frontage.

#### **6.7.6 Public Frontage Standards**

##### **A. Applicability**

The 1st and 3rd Overlay District public frontage standards in this Section apply to all zoning districts and uses.

##### **B. Public Frontage**

- 1. Public frontage is generally the space between the existing or proposed back-of-curb and the property line.
- 2. Total public frontage depth is measured from back-of-curb. If existing right-of-way does not accommodate all requirements, private property must be used to account for the additional required depth.
- 3. Raised curb and gutter installation is required.
- 4. The table below establishes public frontage type and assigns standards to each public frontage type.

Public Frontage Type	Location	On-Street Parking Permitted	Typical Public Frontage Depth (ft.)	Sidewalk Width (ft.)	Planting Strip and Buffer Zone (ft.) Behind Sidewalk
A	South 1st Street from Avenue M to Avenue E and South 3rd Street from Avenue E to Avenue D	No	12'	8' Sidewalk Back of Curb	4'
B	North 3rd Street Houston to South Intersection with Munroe Avenue	No	15'	5' Sidewalk 8' From back of Curb	2' or greater
C	North 3rd Street North Intersection with Munroe to West Bellaire North	No	14'	8' Sidewalk Back of Curb	4' or greater

### C. Public Frontage Landscape Standards

#### 1. Street Trees

- a. One tree per 25' linear street frontage is required. Trees must be planted in a regularly spaced pattern. Spacing of trees may be offset to allow a view corridor into the primary entry of a nonresidential use.
- b. Trees must be a single species selected from the table in Section 6.7.9.
- c. Trees must be planted within the required planting strip and buffer zone adjacent to the back of sidewalk based on public frontage type.
- d. Large canopy trees must be planted if overhead utilities are not present. Medium canopy trees must be planted if overhead utilities are present.
- e. Public Frontage Type A – Trees must be planted a minimum 10' from back-of-curb in the required planting strip.
- f. Public Frontage Type B – Trees must be planted a minimum thirteen feet from back-of-curb in the required planting strip. If TxDOT right-of-way is greater than 13', the required street trees must be located 1' away from TxDOT right-of-way. The planting strip and buffer zone must be increased 1' for every 1' of additional TxDOT controlled right-of-way.
- g. Public Frontage Type C – Trees must be planted a minimum twelve feet from back-of-curb in the required planting strip. If

TxDOT right-of-way is greater than 12', the required street trees must be located 1' away from TxDOT right-of-way. The Planting strip and buffer zone must be increased 1' for every 1' of additional TxDOT controlled right-of-way.

## **2. Planting Area**

- a. Public Frontage Planting Strip Type A – must be planted with approved shrubs in accordance with Section 6.7.9 at a rate of one one-gallon container per 3 linear feet of street yard planting area and filled with river rock.
- b. Public Frontage Planting Strip Type B – must be planted in sod or evergreen groundcover in accordance with Section 6.7.9.
- c. Public Frontage Planting Strip Type C – must be planted in sod or evergreen groundcover in accordance with Section 6.7.9.

## **D. Parking Lot Screen**

This subsection applies only to non-residential and multiple-family development and uses in the 1st and 3rd Overlay District. Additional parking lot screening is not required for Type A public frontage sections.

1. All parking must be screened from public rights-of-way a minimum 36" in height, through one of the following methods:
  - a. Planting screen of evergreen shrubs;
  - b. Masonry wall;
  - c. Combination of evergreen shrubs and wall.
2. Planted screening must be capable of providing a solid, opaque 36" screen within two years, and must be planted in the public frontage planting strip and buffer zone.
3. Parking lot screening shrubs and landscape area count towards the general site landscaping requirements established in Section 6.7.8 but not towards public frontage planting area.

## **E. Public Frontage Sidewalk Standards**

1. Public Frontage Type A sidewalks must include an 18" concrete band on both sides of a 5' paver sidewalk.
2. Sidewalks must extend the entire length of the development's frontage on a public street and must be constructed in accordance with the Design and Development Standards Manual and related provisions in this UDC.

3. Sidewalks must be constructed before the Director of Construction Safety issues a Certificate of Occupancy.
4. Sidewalks must be constructed at the back of curb.
5. Sidewalks must connect to existing adjacent sidewalks, or be designed and placed to allow connection to future adjacent sidewalks.
6. Sidewalks of different widths must be transitioned within a length of sidewalk by two expansion joints not less than six feet apart as required by state and federal accessibility standards.
7. Sidewalks must connect to parking within the lot and to primary entrances of each nonresidential building.
8. Pedestrian walkways must connect the principal building entrances to all associated outdoor amenities, such as courtyards and other outdoor gathering places.
9. Residential sidewalks must be installed from the primary entrance of the residence to the perimeter street sidewalk system.

#### **6.7.7 Public Frontage Lighting**

##### **A. Applicability**

1. This subsection applies only to City initiated projects in the 1st and 3rd Overlay District.
2. Pedestrian-scale lighting must be provided at all intersections and at 100' intervals along all public and private roadways within the development. Refer to the TMED Design Criteria Manual for the specific pedestrian-scale lighting models and styles that are permitted in the 1st and 3rd Overlay District.

#### **6.7.8 Private Property Landscape Standards**

##### **A. Applicability**

The private property landscape standards in this Section apply to all non-residential and multiple-family zoning districts and uses in the 1st and 3rd Overlay District.

##### **B. Article 7, General Development Standards, Section 7.3 Landscaping does not apply.**

##### **C. General Site Landscape**

1. A minimum percentage of the total area of the private property on which development, construction or reconstruction is proposed

must be dedicated to landscape area including trees, shrubs, groundcover, sod or other living plant material.

2. The table below establishes minimum site landscape requirements for the 1st and 3rd Overlay District.

Development Type	Minimum Landscape Area (%)	Trees and Shrubs per Lot
Multiple-family	40%	2 trees and 8 shrubs per 1,000 sq ft landscape area
Non-residential	30%	1 tree and 4 shrubs per 600 sq ft landscape area

#### **D. Foundation Planting**

1. Foundation plantings are required within a planting area a minimum of four feet in depth along 50% of the length of any façade visible to the public.
2. Foundation planting shrubs and landscape area count towards the general site landscaping requirements established in Section 6.7.8.

#### **E. Tree Mix**

1. Private property trees must be selected from the table in Section 6.7.9.
2. A minimum of 50 percent of required trees must be selected from the medium or large size tree list.
3. A minimum of 40 percent of required trees must be evergreen species.

### **6.7.9 General Planting Criteria**

#### **A. Applicability**

The 1st and 3rd Overlay District general planting criteria in this Section apply to all zoning districts and uses.

#### **B. Approved Tree List**

The table below lists the tree species that are eligible to fulfill the tree planting requirements in 1st and 3rd Overlay District. The Planning Director and City Arborist may determine as acceptable other species for plantings other than street trees.

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

### C. Approved Groundcover List

The table below lists the groundcover species that are eligible to fulfill the groundcover planting requirements in the 1st and 3rd Overlay District.

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

### D. Approved Shrubs

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

## **E. Approved Lawn Grass**

Grass areas must be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia or Buffalo.

## **F. Landscape Installation**

### **1. Trees**

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

### **2. Shrubs**

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

### **3. Groundcover**

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

### **4. Lawn Grass**

Grass areas must be sodded, plugged, sprigged, or seeded. However, solid sod must be used in swales, berms or other areas subject to erosion.

### **5. Landscape Maintenance**

- a. All new plant material must be planted and maintained in accordance with the latest edition of the American National Standards Institute requirements for Tree, Shrub, and Other Woody Plant Maintenance (ANSI A300 Parts 1 through 6).
- b. All required public frontage and private frontage landscaping must be maintained in good condition after installation.
- c. The owner must replace, within 30 days, any plant material that is diseased, deteriorated or dead. The Planning Director may issue up to a 90-day extension of time for replacement during drought or summer months.

## **6. Irrigation**

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

### **6.7.10 Off-Street Parking and Loading**

- A. Article 7, General Development Standards, Section 7.4 Off-street Parking and Loading applies in its entirety with the following additions.**

#### **1. General**

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

- a. Surface parking areas must be constructed with raised curb and gutter.

### **6.7.11 Signs**

- A. Article 7, General Development Standards, Section 7.5 Signs applies in its entirety with the following additions and exceptions.**

#### **1. Lighting**

All signs must be internally illuminated.

#### **2. Prohibited Signs**

Pole signs and roof signs are prohibited in the 1st and 3rd Street Overlay.

### **6.7.12 Screening and Buffering**

- A. Article 7, General Development Standards, Section 7.6 Screening and Buffering applies in its entirety with the following additions and exceptions.**

**B. Screening of Mechanical Equipment**

This subsection applies to all nonresidential and multiple-family development and uses in the 1st and 3rd Overlay District.

1. All roof, ground and wall-mounted mechanical equipment (e.g., air handling equipment, compressors, duct work, transformers and elevator equipment) must be screened from view or isolated so as not to be visible from any residential districts or uses, streets, rights-of-way or public park areas within 150 feet of the property line of the subject lot or tract, measured from a point five feet above grade in accordance with this Section.

2. Roof-mounted mechanical equipment must be shielded from view on all sides using parapet walls.
3. Wall or ground-mounted equipment screening must be constructed of:
  - a. Vegetative screens; or
  - b. Brick, stone, architecturally finished concrete, or other similar masonry materials; and
  - c. All fence or wall posts must be concrete-based masonry or concrete pillars.
4. Exposed conduit, ladders, utility boxes and drain spouts must be painted to match the color of the building.
5. Mechanical equipment screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Section 6.7.8.

#### **C. Screening of Waste Containers**

This subsection applies to all nonresidential and multiple-family development and uses in the 1st and 3rd Overlay District.

1. Waste containers must be located at the rear of the building and screened on all sides, including gates, from public view to minimize visibility. If the property has two public frontages the waste container must be placed on the side of the structure.
2. Waste containers must be located a minimum of 50 feet away from any residential use or district's property lines.
3. Waste containers must be located a minimum of 50 feet away from a multi-family entryway.
4. Screening must be at least as tall as the waste container(s) and comprised of materials and color schemes that are visually and aesthetically compatible with the overall project that incorporate the following:
  - a. Brick;
  - b. Stone;
  - c. Stucco;
  - d. Architecturally finished concrete; or
  - e. Other similar masonry materials.

5. Waste containers with fence posts must be rust-protected metal, concrete based, masonry or concrete pillars; and waste containers must have six-inch concrete filled steel pipes (bollards) that are located to protect the enclosure from truck operations and not obstruct operations associated with the waste container.
6. Waste container enclosures must have steel gates with spring-loaded hinges or the equivalent and fasteners to keep them closed. When in use, tie-backs must be used to secure the steel gates in the open position.
7. Waste container screening must be maintained by the owner at all times.
8. The ingress, egress, and approach to all waste container pads must conform to fire lane requirements.
9. Waste container pad and aprons requirements must be constructed in accordance with the Design and Development Standards Manual.
10. Waste container screening shrubs and landscape area count towards the general site landscaping requirements established in Section 6.7.8.

#### **D. Screening of Loading Docks**

This subsection applies to all nonresidential development and uses in the 1st and 3rd Overlay District.

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

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

6. Loading dock screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Section 6.7.8.

#### **E. Fence and Wall Standards for All Uses**

This subsection applies to all development and uses in the 1st and 3rd Overlay District.

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

#### **F. Nonresidential and Multiple-Family Uses - Fences**

This subsection is applicable to all nonresidential and multiple-family development and uses in the 1st and 3rd Overlay District.

1. Fences and walls must be constructed of wood panels on steel posts, decorative blocks, brick, stone, vinyl, woodcrete and wrought iron.
2. Breaks in the fence or wall must be made to provide for required pedestrian connections to the perimeter of the site and to adjacent developments.

#### **G. Single-Family Uses - Fences**

This subsection is applicable to all single family-detached or attached dwelling, row house and townhouse uses in the 1st and 3rd Overlay District. Fences and walls must be constructed of decorative blocks, brick, stone, vinyl, wood, woodcrete and wrought iron.

#### **H. Outdoor Storage**

Outdoor storage is not permitted in the 1st and 3rd Overlay District. Prohibited outdoor storage includes open storage of inventory and equipment, portable containers, portable buildings or any other

structure not fixed onto a permanent slab and that adheres to the architectural standards defined in Section 7.7.

**I. Outdoor Retail Display**

Commodities must not be displayed outdoors for sale in the 1st and 3rd Overlay District, except that temporary outdoor display for a sidewalk sale is permitted that does not extend more than five feet from a front façade and reserves at least five feet of sidewalk or walkway for pedestrian use. Commodities must be brought indoors at the end of each business day.

**6.7.13 Building Exterior Materials**

**A. Article 7, General Development Standards, Section 7.7 Building Exterior Materials Applies in its entirety.**

**6.7.14 Utility Standards**

**A. Applicability**

The 1st and 3rd Overlay District utility standards in this Section apply to all nonresidential and multiple-family development zoning districts and uses.

**B. Underground Utilities Required**

All electric, telephone and cable television wires and cables from the property line to all structures being served on the site must be located underground.

**6.7.15 Exception Requests**

Any party aggrieved by a decision of the Planning Director on a development review application in the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District district may appeal to the Planning and Zoning Commission and City Council for final action.



OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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 recommend the <sup>re-</sup>move of the big ugly handrail on the corner of Wroughton and North Third Street. In all the years it has been there, I have never seen a wheel chair use the ramp or the handrail. It increases lettering with kids and some adults just sitting on the rail and talking loudly.*

*Fred J. Henry*  
Signature

FRED J. HENRY  
Print Name

Your Address: 804 North 3rd St.  
Temple, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

**MAR 29 2012**

City of Temple  
Planning & Development

Date Mailed: March 16, 2012



**OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04**

**Subject Property:** Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

**Zoning Application Number:** Z-FY-12-04      **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:**

---

---

---

---

---

---

---

*Arnita Jackson*  
Signature

Arnita Jackson  
Print Name

**Your Address:**

2201 N. 3<sup>rd</sup> Street  
Temple, Texas 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

**MAR 28 2012**

**Date Mailed:** March 16, 2012

City of Temple  
Planning & Development



OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

---

---

---

---

---

---

---

Rebecca M. Ellis  
Signature

Rebecca M. Ellis  
Print Name

Your Address:

1613 North 5th  
Temple Texas 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 16, 2012

RECEIVED

MAR 27 2012

City of Temple  
Planning & Development



**OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04**

**Subject Property:** Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

**Zoning Application Number:** Z-FY-12-04      **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:**

---

---

---

---

---

---

---

Harry B. Macey, III  
Signature

Harry B. Macey, III  
Print Name

**Your Address:**      1401 North 3rd Street (as well as 1501, 1515  
and 1519 North 3rd)

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**Date Mailed:**      March 16, 2012

**RECEIVED**

**MAR 21 2012**

City of Temple  
Planning & Development



OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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 see zoning change only if it will attract retail businesses to the north side, example being a grocery store willing to compete with Walmart & HEB.*

*S.H. Hudgins*

Signature

*Shelton Gene Hudgins*

Print Name

Your Address:

*306 W. Upshaw Ave*

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

Date Mailed: March 16, 2012

**MAR 26 2012**

City of Temple  
Planning & Development



OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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 ARE IN FAVOR OF BEAUTIFYING ALL OF THE CITY OF TEMPLE, BUT  
ESPECIALLY IN OUR AREA, WHICH HAS BEEN IN DECLINE FOR A NUMBER OF  
YEARS. LET US KNOW HOW WE CAN HELP.

L. Jeff Harris, pastor  
Signature

L. JEFF HARRIS, PASTOR  
Print Name

Your Address: GRACE COMMUNITY PRIMITIVE BAPTIST CHURCH  
3111 N. 3<sup>RD</sup> ST., TEMPLE, TX 79501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

Date Mailed: March 16, 2012

MAR 26 2012

City of Temple  
Planning & Development



OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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.

*Vehemently opposed*

Comments:

*South 1st Street businesses would all need significant exceptions. We will be PROHIBITED cost-wise from making improvements. We will let S. 1st sit & rot. No improvements. ALSO- S. 1st should be a separate consideration from N. 3rd street!*

*Marilyn Simon*

*Randall Simon* Vice President

Signature

*MRSRS, LTD. CO.*

*RANDALL SIMMON*

Print Name

*(254) 766-3128*

Your Address: *816 S. 1st, Temple 76501*

*Mailing address 5218 Sunflower Lane, Temple, Tx. 76502*

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

**MAR 27 2012**

Date Mailed: March 16, 2012

City of Temple  
Planning & Development



OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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 are concerned about the long-term  
effects your plan will have on Ballade North.

Raymond R. Sharp  
Signature

RAYMOND R. THARP  
Print Name

Your Address:

304 W. Killen Lane

Temple, Texas 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

**APR 02 2012**

Date Mailed: March 16, 2012

City of Temple  
Planning & Development



200' NEIGHBOR  
**RESPONSE TO ZONING CHANGE**  
**1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District**  
**Z-FY-12-04**

4  
properties

**Subject Property:** Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

**Zoning Application Number:** Z-FY-12-04

**Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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. (as written)

**Comments:**

We like the idea of having some standards, but in this Southern Overlay of 1st/3rd Street, there is very old construction. By limiting restoration or extensions of existing buildings, family businesses will be hurt and will become rundown because of being unable to pay for the added expensive requirements in addition to any renovations. If the overlay was similar to the residential one, with only new construction affected, we feel the overlay could be beneficial. Otherwise it is too restrictive for the type of family businesses in the area. Please consider the overlay restrictions to be similar to the residential ones. Thank you.

Kenneth McGuire  
Signature

Kenneth McGuire  
Print Name

**Your Address:**

603 S. 1st  
519 S. 1st  
609 S. 1st  
611 S. 1st

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

**Date Mailed:** March 19, 2012

**APR 02 2012**

City of Temple  
Planning & Development

## Autumn Speer

---

**From:** Brenda McGuire [kmcguire@vvm.com]  
**Sent:** Tuesday, April 10, 2012 10:04 AM  
**To:** FTalley735@aol.com; Hbbrown76502@sbcglobal.net; David@belltec.net; mpilkington@pilkington-homes.com; mvpbep@sbcglobal.net; Greg@2thetopllc.com; willsears@hotmail.com; jmmstaats@aol.com; james@asm-tx.com; derekmartin@templeproventures.com  
**Cc:** Autumn Speer; McGuire Tire  
**Subject:** 1st/3rd Street Overlay District

Dear Planning & Zoning Commission members,

We were unable to attend the meeting held on Monday, April 2nd, about the 1st/3rd Street Overlay. We hand delivered our "Neighbor Response to Zoning Change" form to the appropriate office on that date, which was listed as the deadline. However, when I checked online, our form wasn't posted in the packet you received. You may have received our form, but to be sure you know our ideas, we wanted to email you with our comments.

On the form we checked to recommend DENIAL OF THIS REQUEST as it is written. Our comments were:

"We like the idea of having some standards, but in this Southern Overlay of 1st/3rd Street, there is very old construction. By limiting restoration or extensions of existing buildings, family businesses will be hurt and will become rundown because of being unable to pay for the added expensive requirements in addition to any renovations. If the overlay was similar to the residential one, with only new construction affected, we feel the overlay could be beneficial. Otherwise it is too restrictive for the type of family businesses in the area. Please consider the overlay restrictions to be similar to the residential ones. Thank you."

We own these properties within this overlay district:

603 South 1st  
519 South 1st  
609 South 1st  
611 South 1st

We DO want our business area to be attractive to customers and visitors, but the highly restrictive requirements suggested in the proposed overlay district would prohibit many possible improvements that owners could afford. Some of the requirements would actually be impossible to accomplish because of the layout of existing buildings. Please keep these things in mind while meeting again on Monday, April 16th.

(This was sent to the Planning & Zoning Commission members listed on the city website. I realize that Barbara Brown is not on the meeting minutes as being a current member and that Chris Magana is now listed, but there is not contact information for Chris on the website. Please share this email with Chris.)

Thank you,  
Kenneth and Brenda McGuire  
McGuire Tire LLC  
Temple, Texas



**OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04**

**Subject Property:** Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

**Zoning Application Number:** Z-FY-12-04

**Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:**

---

---

---

---

---

---

---

---

Bill Metcalf  
Signature

Bill Metcalf  
Print Name

**Your Address:**

1004 S 1<sup>st</sup>

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

**MAR 29 2012**

**Date Mailed:** March 16, 2012

City of Temple  
Planning & Development



OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

*Not such a good idea for Commercial —  
Small Business owners are already struggling  
in this economy. This will deter them from  
making improvements that they can afford.  
They would have to disclose this to potential buyers as  
well - so they are stuck in place - can't expand —  
can't sell*

*Karen E. Hargrove*  
Signature

*KAREN E HARGROVE*  
Print Name

*\* Residential doesn't seem to be too bad —*

Your Address: *6018 Wildcat Drive*  
*Temple, Tx 76504*

*Property is 1016 N. 3<sup>RD</sup> St*

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

**APR 02 2012**

Date Mailed: March 16, 2012

City of Temple  
Planning & Development



OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

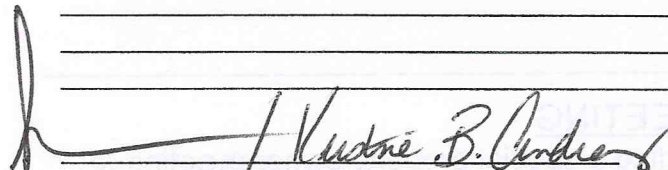
The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

We are owners of: Andrews Industries, LLC; Armadillo Box, LLC;  
Comprehensive Engineering Solutions, Inc.; and Impact ~~Systems~~  
Systems Engineering, LLC. Please see the attached letter.

  
Signature

Scot Andrews, PE / Kristine B. Andrews, PE  
Print Name

Your Address: 319 South 1<sup>st</sup> St.  
Temple, Texas 76504

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

**APR 02 2012**

City of Temple  
Planning & Development

Date Mailed: March 16, 2012



***Comprehensive Engineering Solutions, Inc.***

***319 South First St., Suite A     Temple, Texas 76504***

***Voice: (254) 742-2050     FAX: (254) 742-2055***

---

April 2, 2012

Ms. Autumn Speer  
City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

Re: 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District

Dear Ms. Speer:

This proposed ordinance will be detrimental to businesses, property owners, and to Temple. As engineers, investors, and property owners, we believe it will discourage new construction and major remodel projects. Thus, the intended result of enhanced aesthetics down this popular corridor will not be achieved. In fact, it will be discouraged. We understand and appreciate the spirit of this legislation. However, we ask the commission to respectfully consider alternatives that are not detrimental to businesses and property owners.

Specifically, the way this ordinance is written will make it difficult if not impossible for existing businesses with limited parking to improve their facilities. It will add costs that could potentially double and thus kill small improvement projects. This will result in even more abandoned or neglected properties down the South 1<sup>st</sup> Street and North 3<sup>rd</sup> Street corridor. We also suggest there is little room for new construction down the North 3<sup>rd</sup> Street area. Thus the extreme sidewalk width will result in at best a few 8' wide islands of sidewalk in a 10 – 20 year period. It will more than likely force a homeowner to abandon a North 3<sup>rd</sup> Street lot and build elsewhere.

In many cases, affected businesses cannot comply with the stringent requirements simply because there is no physical way to comply. Thus, city officials will be required to review each variance request. We strongly object to this 'review with variance' approach as a cover up for bad legislation as it creates an environment of uncertainty and favoritism. Overall, as new construction and improvements to existing facilities are discouraged, existing property along this corridor will degrade over time.

Finally, specific to our property on 319 South 1st Street, we question why our property was gerrymandered into this ordinance. We front onto the non-corridor part of South 1<sup>st</sup> Street that is a quiet, two-lane road. We do NOT front onto the four-lane corridor we believe this ordinance was intended to beautify.

We ask:

- 1) Any ordinance focused on the South 1<sup>st</sup> and North 3<sup>rd</sup> Street corridor not include our property or any other property that is not along that traffic route;



***Comprehensive Engineering Solutions, Inc.***

***319 South First St., Suite A Temple, Texas 76504***

***Voice: (254) 742-2050 FAX: (254) 742-2055***

---

- 2) That Planning and Zoning and Temple City Council vote against this ordinance;  
and
- 3) That any future ordinances be developed with a mindset to encourage and  
support businesses and property owners.

Thank you,

Kristine B. Andrews, P.E.



Scot Andrews, P.E.



OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

---

---

---

---

---

---

---

Kenny M. Marlin  
(Signature)

KENNY M. MARLIN  
Print Name

Your Address: 1115 South 1st STREET  
Temple, TEXAS

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 27 2012

City of Temple  
Planning & Development

Date Mailed: March 16, 2012



OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Called 1/48  
03/16/12  
Left Message

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

A lot of reasons

Jerry L. Benjamin  
Signature

Jerry L. Benjamin  
Print Name

Your Address:

510 S Third ST  
Temple 76504

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 27 2012

City of Temple  
Planning & Development

Date Mailed: March 16, 2012



OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

DONT KNOW ENOUGH ABOUT WHY WE  
NEED THIS CHANGE.

Harold D. Eaks  
Signature

HAROLD D. EAKS  
Print Name

Your Address:

312 W. KILLEN LANE  
TEMPLE, TX, 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 20 2012

Date Mailed: March 16, 2012

City of Temple  
Planning & Development



**OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04**

**Subject Property:** Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

**Zoning Application Number:** Z-FY-12-04      **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:**

---

---

---

---

---

---

---

---

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Anyse Sue Mayborn, President

\_\_\_\_\_  
**Print Name**  
Frank Mayborn Enterprises, Inc.

**Your Address:**      10 South Third Street

Temple, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

**MAR 22 2012**

**Date Mailed:**      March 16, 2012

City of Temple  
Planning & Development



OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

My house is considered to be in the Historical District as a single family dwelling. I do not believe or feel this area should be rezoned for anything but single family structures. I am at 1101 N. 3<sup>rd</sup> St.

Scott Branscum  
Signature

Scott Branscum  
Print Name

Your Address: 1101 N 3<sup>rd</sup> ST.  
Temple, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 23 2012

City of Temple  
Planning & Development

Date Mailed: March 16, 2012



**OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04**

**Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)**

**Zoning Application Number: Z-FY-12-04**

**Project Manager Autumn Speer**

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:**

---

---

---

---

---

---

---

---

Dan Kaciv  
Signature

Dan Kaciv  
Print Name

**Your Address:**

1304 North First  
Temple, Texas 76501

Please mail or hand-deliver this comment form to the address shown below, no later than **April 2, 2012**.

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

**Date Mailed: March 16, 2012**



OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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 money to implement a program like this should be spent to upgrade existing sewer and water lines that need to be replaced!*

Garry B. Graham  
Signature

Garry B. Graham  
Print Name

Your Address: 1312 N. 3rd  
Temple, Texas 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

APR 10 2012

Date Mailed: March 16, 2012

City of Temple  
Planning & Development



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

2 owner  
1 200'

Property owner: 510 S 1st St. (Woods Flowers) owner  
513 S 1st St. (Jirasek Realty) owner

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

POOR PLAN - TOO MUCH TO MENTION  
DIDNT WORK FOR J35 EITHER -

Raymond David Jirasek  
Signature

Raymond David Jirasek  
Print Name

Your Address:

513 S 1st St  
Temple TX 76504

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

APR 02 2012

Date Mailed: March 19, 2012

City of Temple  
Planning & Development



OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

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

Comments:

I do not approve due to startup of my new business. Any extra cost would be bad for my business. Zoning change is going to hurt the bottom line. The city needs to let businesses grow before repairing the city.

Malcolm Harmon  
Signature

Malcolm Harmon  
Print Name

Your Address: 503 S 1<sup>st</sup>  
Temple, TX 76504

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

APR 10 2012

City of Temple  
Planning & Development

Date Mailed: March 16, 2012



OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

---

---

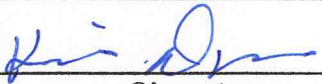
---

---

---

---

---

  
Signature

Kira Dunn  
Print Name

Your Address: put stop BARBER  
502 South 1st St Temple TEXAS 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 16, 2012

RECEIVED

APR 10 2012

City of Temple  
Planning & Development



**OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04**

**Subject Property:** Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

**Zoning Application Number:** Z-FY-12-04

**Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:**

---

---

---

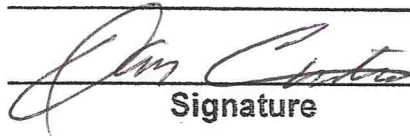
---

---

---

---

---

  
Signature

Dan Curtis  
Print Name

**Your Address:** 1620 N 3rd St.

---

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**  
APR 12 2012  
City of Temple  
Planning & Development

**Date Mailed:** March 16, 2012



OWNERS  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

---

---

---

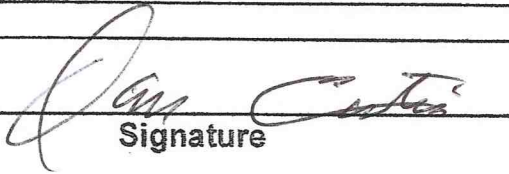
---

---

---

---

---

  
Signature

DAN CURTIS  
Print Name

Your Address:

"French Quarter" Business  
2001 N 3rd St, Temple

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 16, 2012

REC'D

APR 12 2012

City of Temple  
Planning & Development



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

---

---

---

---

---

---

---

---

Robert Allen  
Signature

Robert SAWICKY  
Print Name

Your Address: 1610 N 5th  
Temple, TX

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012

**RECEIVED**

**APR 02 2012**

City of Temple  
Planning & Development



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

---

---

---

---

---

---

---

---

Bill Metcalf  
Signature

Bill Metcalf  
Print Name

Your Address:

1004 S 1st  
Temple TX 76502

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

**MAR 29 2012**

City of Temple  
Planning & Development

Date Mailed: March 19, 2012



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

---

---

---

---

---

---

---

Margaret Ely  
Signature

MARGARET ELY  
Print Name

Your Address:

210 W. Upshaw  
TEMPLE, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

**APR 02 2012**

Date Mailed: March 19, 2012

City of Temple  
Planning & Development



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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 city has already restricted property owners enough with current zoning and ordinances. The TMED is example of how this type of proposal can become unreasonable and a burden to property owners.

Dianne McClure  
Signature

Dianne McClure  
Print Name

Your Address: P.O. Box 2721  
Temple, Texas 76503

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**  
**MAR 29 2012**  
City of Temple  
Planning & Development

Date Mailed: March 19, 2012



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

---

---

---

---

---

---

---

---

Bernice Talasek  
Signature

Bernice Talasek  
Print Name

Your Address:

502 W Zenith  
Temple TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012

RECEIVED

MAR 23 2012

City of Temple  
Planning & Development



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

---

---

---

---

---

---

---

---

Mary Wiscarver  
Signature

Mary Wiscarver  
Print Name

Your Address:

1819 N. 7th St.  
Temple, TX 76501-1674

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 22 2012

Date Mailed: March 19, 2012

City of Temple  
Planning & Development



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

---

---

---

---

---

---

---

---

Jerry H. Lyon  
Signature

Jerry H. Lyon  
Print Name

Your Address:

211 W. Killen  
Temple, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

**MAR 27 2012**

City of Temple  
Planning & Development

Date Mailed: March 19, 2012



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

---

---

---

---

---

---

---

---

G. Patel

Signature

Gordhan C. Patel

Print Name

Your Address:

3309 N. General Bruce Dr

Temple TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012

RECEIVED

MAR 26 2012

City of Temple  
Planning & Development



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

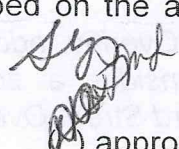
Zoning Application Number: Z-FY-12-04

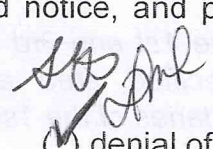
Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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

DEIDRE & STEVEN DRAKE  
Print Name

Your Address:

804 N 1st St.  
Temple, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012





200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

---

---

---

---

---

---

---

---

Billy K. Schwertner  
Signature

Billy Schwertner  
Print Name

Your Address: 113 West Ave N  
Temple, TX

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ( ) approval ☒ denial of this request.

Comments:

I do not want my property (1203 South 3rd)  
rezoned for business.

Evelyn Frances Brockman  
Signature

EVELYN FRANCES BROCKMAN  
Print Name

Your Address: 5588 LAKEAIRE BLVD  
TEMPLE, TX 76502-6827

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ( ) approval ☒ denial of this request.

Comments: I do not believe 8' sidewalk is necessary.  
Perhaps a 4' foot.

[Signature]  
Signature

Kelsey Taylor  
Print Name

Your Address:

1214 North 1<sup>st</sup>  
Temple

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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 MAKE NO CHANGES WHAT  
SO EVER. ANY CHANGES END UP  
COSTING TAXPAYERS MORE MONEY!

Frank Pinon  
Signature

FRANK PINON  
Print Name

Your Address: 12 W. WALKER Ave  
TEMPLE TEXAS 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

APR 03 2012

Date Mailed: March 19, 2012

City of Temple  
Planning & Development



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ( ) approval ☒ denial of this request.

Comments:

I do not want property taxes to go up.

Angelica Garcia  
Signature

Angelica Garcia  
Print Name

Your Address:

302 W. Upshaw Ave.

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

Date Mailed: March 19, 2012

**APR 03 2012**

City of Temple  
Planning & Development



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

---

---

---

---

---

---

---

---

Ross Vest

Signature

ROSS VEST

Print Name

Your Address:

1719 W. AVE M - STE-C

TEMPLE TX 76504

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

REC

MAR 27 2012

Date Mailed: March 19, 2012

City of Temple  
Planning & Development



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

---

---

---

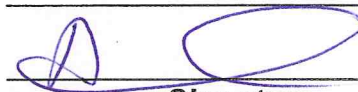
---

---

---

---

---

  
Signature

Amanda Boyel (Flores)  
Print Name

Your Address:

4110 North Main Street  
Tempe, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012

RECEIVED

MAR 26 2012

City of Temple  
Planning & Development



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

*It is important for people to see  
Temple as a caring City.  
Thanks to those who are doing  
the planning*

*Johnell Ellison*  
Signature

*Johnell Ellison*  
Print Name

Your Address:

*918 North 1<sup>st</sup> St.  
Temple, Texas*

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012

**RECEIVED**

MAR 26 2012

City of Temple  
Planning & Development



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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 recommend that any new business in this area not be allowed to have loud music or bright lights or late business hours that would interfere with the residents' rest and sleep after 9:00 PM*

*Joyce M. Kattner*  
Signature

*Joyce M. Kattner*  
Print Name

Your Address:

*302 West Victory Avenue*  
*Temple, TX 76501-1719*

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 26 2012

Date Mailed: March 19, 2012

City of Temple  
Planning & Development



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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 like what you have done  
w/ 3rd keep it up -  
I want it in my area!!!  
Zone me in!

[Signature]  
Signature

TOR. MARKS  
Print Name

Your Address:

905 N. 5th  
Temple, Tx 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 27 2012

City of Temple  
Planning & Development

Date Mailed: March 19, 2012



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

---

---

---

---

---

---

---

---

Timothy C. Hobbs  
Signature

Timothy C. Hobbs  
Print Name

Your Address:

705 Hesston Circle  
Robinson, Tx 76706

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012

**RECEIVED**  
MAR 23 2012  
City of Temple  
Planning & Development



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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 hope all this means an over all  
improvement of the appearance of  
these areas.

Edwards  
Signature

Trina Edwards  
Print Name

Your Address: 814 No. First St. Temple

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 23 2012

City of Temple  
Planning & Develop

Date Mailed: March 19, 2012



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

---

---

---

---

---

---

---

---

Larry W. Johnson  
Signature

Larry W. Johnson  
Print Name

Your Address:

410 W. Nugent Ave.

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

**MAR 22 2012**

City of Temple  
Planning & Development

Date Mailed: March 19, 2012



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

EAITHER WAY, FINE WITH ME

W.R. Lagrone  
Signature

W.R. LAGRONE  
Print Name

Your Address: 1515 N 5TH ST.

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

Date Mailed: March 19, 2012

MAR 22 2012

City of Temple  
Planning & Development



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

---

---

---

---

---

---

---

---

Vidal Ruiz  
Signature

Vidal Ruiz  
Print Name

Your Address:

110 W. Virginia  
Temple, TX 76501-1720

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 22 2012

City of Temple  
Planning & Development

Date Mailed: March 19, 2012



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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

Billy W. Reddis  
Print Name

Your Address:

1417 N. 15<sup>th</sup> St.

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012

**RECEIVED**

MAR 22 2012

City of Temple  
Planning & Development



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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

David Jennings  
Print Name

Your Address:

1304 S. 1<sup>st</sup>  
Temple, TX 76504

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012

RECEIVED

MAR 22 2012

City of Temple  
Planning & Development



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

---

---

---

---

---

---

---

---

*Lois Redwine*  
Signature

Lois Redwine  
Print Name

Your Address: 1317 N. 1st St.

Temple, Texas 76501 - 2048

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

MAR 21 2012

City of Temple  
Planning & Development

Date Mailed: March 19, 2012



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

**Subject Property:** Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

**Zoning Application Number:** Z-FY-12-04

**Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:**

---

---

---

---

---

---

---

---

Mrs. M.W. Stallings  
Signature

Neve Stallings  
Print Name

**Your Address:**

---

---

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

**APR 02 2012**

City of Temple  
Planning & Development

**Date Mailed:** March 19, 2012



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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:

GO FOR IT - DO A QUALITY JOB 1ST TIME!

THANKS

Gordon Kattner

Signature

GORDON KATTNER

Print Name

Your Address: 218 W VICTORY AVE

TEMPLE, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

**MAR 29 2012**

City of Temple  
Planning & Development

Date Mailed: March 19, 2012



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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.

PICK THE  
ONE YOU  
WANT !!

Comments:

---

---

---

---

---

---

---

---

C.T. Goolsby  
Signature

C.T. GOOLSBY  
Print Name

Your Address:

2611 N 13TH  
TEMPLE 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012

RECEIVED  
MAR 26 2012  
City of Temple  
Planning & Development



200' NEIGHBOR  
RESPONSE TO ZONING CHANGE  
1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District  
Z-FY-12-04

Subject Property: Proposed 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District.

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

John C. Dungan  
Signature

JOHN C. DUNGAN  
Print Name

Your Address:

606 West ZENITH AVE.

TEMPLE, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

**RECEIVED**

APR 13 2012

Date Mailed: March 19, 2012

City of Temple  
Planning & Development

Gentlemen:

I fully support consideration in the affirmative the rezoning of property described in zoning application number Z-FY-12-04 with the caveat that such consideration would include standards for signage, reasonable parking lots and building fascias. As members of the P&Z Commission are aware, most of the adjacent neighborhoods are residential. Reasonable citizens support commercial development, but not at the expense of home values. Provide standards which protect home values, and both home owners and businesses will prosper. With guidance, this can be a win-win situation.

Thank you for your consideration,



John C. Dungan

606 West Zenith Ave.

Temple, TX 76501

**RECEIVED**

**APR 13 2012**

City of Temple  
Planning & Development

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, APRIL 2, 2012**

**ACTION ITEMS**

**Item 4: Z-FY-12-04:** Hold a public hearing to discuss and consider action on an amendment to the City of Temple Unified Development Code to amend Article 6 of the Unified Development Code to create an overlay called the 1<sup>st</sup> and 3rd Street Overlay and add standards for development in the specified area and consider a zoning map amendment defining the boundaries of the 1st and 3rd Street Overlay generally being defined as tracts of land that abut or adjoin South 1st Street from the north intersection of Avenue M to the north intersection of Avenue D and tracts of land that abut or adjoin North 3<sup>rd</sup> Street from the north intersection of Houston Avenue to the south intersection with West Bellaire North.

Ms. Autumn Speer, Director of Community Services, stated an overlay is a planning tool used to put standards in place for specific areas. It is a special zone which may be used on top of existing zoning or in place of. In this instance, it has been placed on top of the existing zoning and the change would be to add a boundary called the 1st and 3rd Street Overlay.

A SWOT (strength, weakness, opportunity, threat) exercise was done with City Council in January 2012. City Council and Staff brainstormed on issues and concerns, along with positive things, for the area. That information was then put into a Summary of Findings which was presented to City Council on February 2nd, along with a Visual Preference Survey (VPS) as a follow-up. From that information, City Council chose several things they were interested in seeing in the subject area.

The P&Z Commission had a work shop on this issue on March 5th and a public hearing was held on March 27, 2012.

The boundary for this overlay would be 1st Street from Avenue M up to the bridge, North 3rd Street, Houston to Munroe, is predominately residential, and from Nugent to the Mayborn Center is a mixed use area.

**Residential:** The only time anything in the proposed ordinance would apply is with brand new construction. If a house is torn down and a new one rebuilt, or if a vacant lot is being built on, the proposed ordinance would apply. The items that would specifically apply are General Standards and Public Frontage Standards.

General Standards deal with Article 4, Zoning District of the UDC, and the use standards.

Public Frontage is an eight foot landscaped strip, back of curb, a five foot sidewalk, and street trees behind the sidewalk. The City would like to maintain the existing character and feel of the area.

Non-residential properties have applicability triggers. New construction requires compliance with all of the new standards.

Ms. Speer gives the formulas for applicability and describes what changes have been made from the Special Meeting held on March 27th due to public comment.

At 50 percent or more, or a change in use from residential to non-residential, the following standards will apply:

- General Standards
- Landscaping
- Screening
- Public Frontage
- Circulation
- Signs

Twenty-five to 49 percent:

- General Standards
- Private property landscaping
- Screening

Ten to 24 percent requires compliance to General Standards only.

Interior or exterior maintenance with like or similar materials, no standards apply.

General Standards: (10 to 24%) deal with Article 4 of the Zoning District (the only addition is the maximum impervious (paved or built upon) lot coverage of 70 percent; Article 5, Use Standards, there are no changes and Article 7, General Development Standards.

Landscaping (25 to 49%) ratios are given.

Screening and Fencing (25 to 49%) is required for HVAC, waste containers, loading docks, etc. New chain link fences are prohibited for both residential and non-residential uses.

New outdoor storage will not be permitted in the proposed overlay. Any current outdoor storage is permitted to remain.

Outdoor retail display is provided for in the Ordinance.

Public Frontage (50%+) includes sidewalks and street trees.

From Avenue M to the bridge, a required eight foot sidewalk with a concrete band on both sides and pavers, and a four foot planting bed with street trees, shrubs and river rock. This matches the design the City will be installing on the west side only from Avenue M to F.

From Munroe to the Mayborn Center is an eight foot sidewalk (reduced from ten feet) and a four foot landscaping strip with street trees.

If parking is in between the building and street, shrubs are required for the street scape area.

Circulation standards also apply at 50%. Cul-de-sacs and flag lots are prohibited.

Existing businesses are permitted one 24 foot curb cut per street frontage unless they take up the entire block.

Sign standards kick in at 50%+ or if a new sign is needed. Only monument signs are permitted freestanding signs in the overlay district.

Public frontage lighting has been removed from the requirements after the public meeting. If installed it will be included by the City, not the developer(s).

Underground utilities apply to 50%+ for non-residential which is standard practice.

Approximately 380 notification letters were mailed to property owners. Six responses were received in favor, eight responses were received in opposition, along with an additional nine denial responses received after the packet was sent out, equaling 17 responses opposed. Approximately 306 notification letters were mailed to 200 foot radius owners with 15 responses received in favor and nine opposed.

Staff recommends approval of Unified Development Code Amendment Article 6, the map change as shown with the exclusion of properties at 307, 319, 401, 405, 409 and 415 S. 1st Street. This section was added to the proposal and Staff would like to exclude it.

The next step for this process is a public hearing on April 19th with City Council.

Commissioner Sears asked Ms. Speer to be more specific about the recommendation for the exclusion. Ms. Speer stated the original overlay proposal was intended to take into account property that fronted South 1st and North 3rd. These properties were added in because it was believed they were part of the view corridor, but they are not. These properties may make more sense to include them in a downtown study which would be more appropriate.

Chair Staats opened the public hearing and stated stipulations for speaking.

Mr. Scot Andrews, 319 S. 1st Street, Temple, Texas, stated this proposal was detrimental to business and property owners and will achieve the opposite of what is intended. The area is already developed and lots are built and limited in space. There is on-street parking and buildings located on property lines and some businesses would not be able to meet these standards. This type of legislation has discouraged Mr. Andrews from building outside the lot and/or purchasing additional nearby property.

This area needs new construction, new buildings, people to come in and make investments, but people will not invest if they have to ask for variances. Mr. Andrews is opposed to a grandfathering effect, a variance effect, and legislation that has to be treated that way. Mr. Andrews strongly encouraged the Commissioner to consider another approach.

Mr. Andrews stated if he did something to their building that triggered the ten percent variance (less than what the expense was for the EFIS on the front of their building) they would have to ask for variances to establish what they wanted to do, plus expenses. At a 25 percent improvement they would incur approximately \$18,000 of expense on a \$300,000 property, plus having to ask for variances. At 50 percent, they are looking at approximately \$40,000 expense, in addition to remodeling, plus they lose their parking, and there is no other parking available.

These types of examples will discourage building and investment in the area.

Mr. Andrews asked the Commission to oppose this Ordinance as written and the property owners are willing to work with the City in other ways to achieve a better outcome.

Mr. Randall Simmon, 816 S. 1st Street, Temple, Texas, stated his property has been a family business for approximately 50 years and was thankful to Staff for delineating and/or removing some items from the meeting held on March 27th.

Businesses will not be able to do improvements since it would be too costly. The same plan for I35 will not work for this area. South 1st Street is its own entity. The buildings and small businesses have been there for years. North 3rd is a residential area and is a completely different neighborhood. These two areas cannot be lumped together since they are vastly different. The economics do not fit with this area.

Mr. Simmon stated he would like to wait and see what happens with the funding for sidewalks that are to be located on the west side only. See how that project goes through, and then take another look at South 1st Street.

Mr. Simmon would like South 1st Street taken off this project at least until it has been looked at individually and the sidewalk project has been completed. Mr. Simmon stated the vast majority of property owners on South 1st Street were opposed to this project.

Ms. Nancy Taylor, 1314 N. 1st Street, Temple, Texas, stated her property adjoined the subject property. Ms. Taylor asked about the sidewalks and only new construction would be required to put in eight foot sidewalks. Ms. Speer stated it depended on where one was located; if residential it would be for new construction and would be a five foot sidewalk in order to match what is currently there. The South 1st and North 3rd section north of that has new eight foot sidewalks. The trigger would be 50 percent of the value.

Ms. Taylor stated she did not see many vacant lots for starting businesses nor a lot of people buying up small lots to put in a new development. It will be spotty. Ms. Taylor asked what property people are coming in to purchase and putting in new sidewalks?

Mr. Dan Kacir, 1304 N. 1st Street, Temple, Texas, asked from Munroe to the Mayborn Center which side the sidewalks would be located. Ms. Speer stated sidewalks would be required on both sides of the street in the entire district. The City has a funded project for just the west side from Avenue M to Avenue F and the sidewalk description is a little different. The rest of the sidewalks would be dependent on new development. Ms. Speer gives the Family Dollar as an example for new sidewalks. The North 3rd area has several opportunities for redevelopment. Almost all of the residential part already has sidewalks and the overlay matches the same sidewalks. Ms. Speer also stated south of Avenue M in the TMED district (Temple Medical Education District), there is a lot of activity and TMED has similar but more requirements for development. Surplus Warehouse and Family Dollar have complied with the standards in effect.

Mr. Steven Drake, 804 N. 1st St., Temple, Texas, asked if there was any plan outside of new construction for North 1st Street going in to change the look of the street. Ms. Speer stated this does not apply to North 1st (north of downtown). North 3rd is the area that is involved. Mr. Drake probably received a 200 foot notification letter since his property adjoins.

Ms. Kristy Andrews, 319 S. 1st St., Temple, Texas, stated she has researched property values through Bell Cad along South 1st Street (mostly commercial development) required to incur costs if remodeling or improvements occurred. Most of these values range from \$20,000 to \$50,000. The 10 percent trigger would kick in on a \$20,000 property if \$2,000 of improvements were done. These amounts are cumulative over a period of 15 years. Ms. Andrews stated the implications of this proposal are fairly stringent and cumbersome for small business owners.

Mr. Eddie Cox, 608 S. 1st Street, Temple, Texas, asked why this proposal was occurring. Ms. Speer responded the City adopted a Comprehensive Plan in 2008 which is a long range plan for the City. The Comprehensive Plan addresses issues such as transportation, land use, water, etc., and this is one of the items listed. This item came to Staff under City Council's direction early in 2012. This is an important corridor into downtown from both the north and south.

Mr. Cox stated his disappointment about the Avenue H Corridor and many improvements the City has made or suggested in the past. Mr. Cox asked why sidewalks were so important; he did not understand it. Mr. Cox asked if more sidewalks and concrete were needed and does this really beautify Temple.

There being no further speakers, Vice-Chair Staats closed the public hearing.

Commissioner Pope stated he was just finishing his second term on the Commission. Commissioner Pope was raised in Temple and remembers different businesses being located along 1st Street at the time he grew up. He stated the City needs to start somewhere and improve parts of the City that have been neglected and/or left behind and it was time to address these issues and fix them. Commissioner Pope thanked the public for their concern and opinions on the matter but felt some changes were needed at some point.

Commissioner Pope responded to the comment about sidewalks and stated many of them should be removed because they were dangerous and many were cracked and in need of repair. The P&Z Commission is trying to help the City by being involved and helping all citizens of Temple and there has to be a starting point or nothing will ever change.

Commissioner Sears stated agreed with Commissioner Pope and stated he has only been in Temple since 1998. From a business perspective, Commissioner Sears stated some businesses can be lost by the aesthetics of a community and some residential increase can be lost by not having the businesses and people not wanting to live in the community and going somewhere else. Commissioner Sears has adopted Temple as his home and likes the changes that have been made. On this particular corridor, Commissioner Sears is not certain it would be successful without more incentives and tax plans, however, he is in favor of the overall plan.

Vice-Chair Staats stated he was a big proponent of sidewalks, especially for people using wheelchairs, motorized wheelchairs, ladies with baby strollers, people out walking, etc., and sidewalks provide a certain amount of safety as opposed to walking in the streets. They are not all pretty but this effort would enhance their appeal. Vice-Chair Staats stated no one really likes change and like leaving things alone, however, age renders things obsolete and requires them to be changed to improve the City.

Vice-Chair Staats stated even though this would affect the business owners directly, it would also affect the entire community of Temple, its longevity, and what people think of Temple overall when they drive through, visit, etc. Vice-Chair Staats asked that the public think about the far-reaching effects of this matter. If change does not take place, the City will die.

Vice-Chair Staats reopens the public hearing for rebuttal comments.

Mr. Randall Simmon returned and stated in this case, starting somewhere is stopping somewhere. Putting the percentage numbers on their properties, they will not be improved and progress will stop. This is not a good plan.

Mr. Steve Drake returned and asked what the City's public investment would be to coincide with what they are expecting businesses to do for the improvements. It seems to Mr. Drake the City is waiting for the backs of the businesses to improve the City but the City is doing nothing to help.

Ms. Speer stated the City would be doing the west side project. Also, there is a grant program through the City on a first come-first served basis with matches for façade and repair improvements and several properties along the South 1st Street area have been helped.

Mr. Drake asked what the City's plan was for improvements and maintenance of those public spaces (sidewalk or road improvements). Ms. Speer responded the streets are all TxDOT right-of-way which would be their roads to maintain. The City is working with TxDOT on a project on the Loop to improve sections and the City is working on a project to fund sidewalks for a portion of this. There is also funding for the Avenue M to Avenue F project on the west and the City is making strides in that project. In the same regard, the development community also needs to help in order to obtain the end goal, maintain property values and keep interest in the City for people to remain living here and/or move here.

Mr. Scot Andrews returned and stated he appreciated the Commissioner's comments but they were wrong. On these properties with this type of ordinance, nothing will get developed as needed. The TMED project has federal money. The I35 project has outside money. Temple does not have this type of money. There needs to be something to coordinate with the property owners to do this in a way it does not rely on the backs of the property owners. Mr. Andrews stated there were properties just sitting because of these types of ordinances and no one wants them if they have to spend extra money to fix them. Mr. Andrews strongly opposes this proposal.

Mr. Eddie Cox returned and stated he was very interested in the incentive programs along 1st Street a couple of years ago. Mr. Cox spoke with someone in the City office, made some contacts and plans, and was told by the City they would come out, see the property, and help out with the advancement and improvements. Mr. Cox stated it never happened.

Commissioner Sears asked if there was a dollar limit on the current matches by the City. Ms. Speer stated she thought there was but could not state what it is.

Vice-Chair Staats closed the second public hearing.

Commissioner Sears stated part of his concern was not the actual ordinances since he liked the desired effect. His concern was that the Ordinance would not achieve the desired effect

without more incentive programs and he would be interested in learning what the financial incentives were for construction improvements.

Ms. Speer stated the City Manager's office handles grant applications. Commissioner Pilkington stated he would like to obtain more information if it is available.

Commissioner Pope made a motion to approve Item 4, Z-FY-12-04, amendment to the Unified Development Code to amend Article 6 and create an overlay called 1st and 3rd Street Overlay and add standards for development and defining the boundaries, including removal of the South 1st Street addresses previously mentioned.

No second made so no action was taken.

Commissioner Pilkington made a motion to table the Item 4, Z-FY-12-04, until the April 16th P&Z meeting in order to obtain additional information of cost incentive programs and Commissioner Sears made a second.

*Motion passed: (8:0)*  
Chair Martin absent

Ms. Speer explained to the public audience that this item would not go forward to City Council on April 19th but would return to the P&Z Commission on April 16, 2012 at 5:30 p.m.

Commissioner Jones asked if this information would be available on the City's website for the public to view. Ms. Speer stated it was currently available and located on the 1st and 3rd Street Overlay website under Planning Department section.

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, APRIL 16, 2012**

**ACTION ITEMS**

**Item 5: Z-FY-12-04** - Discuss and make a recommendation on an amendment to the City of Temple Unified Development Code to amend Article 6 of the Unified Development Code to create an overlay called the 1st and 3rd Street Overlay and add standards for development in the specified area and consider a zoning map amendment defining the boundaries of the 1st and 3rd Street Overlay generally being defined as tracts of land that abut or adjoin South 1st Street from the north intersection of Avenue M to the south intersection of Avenue E and from the north intersection of Avenue E and South 3rd Street to the north intersection of S 3rd Street and Avenue D, generally following the curve where S 1st and S 3rd join and tracts of land that abut or adjoin North 3rd Street from the north intersection of Houston Avenue to the south intersection with West Bellaire North.

Ms. Speer stated Ms. Kim Foutz, Assistant City Manager, would be presenting information on the available grant programs in relation to this item.

An overlay is a planning tool used to put standards in place for specific areas. It is a special zone which may be used on top of existing zoning or in place of.

A SWOT (strength, weakness, opportunity, threat) exercise was done with City Council in January 19, 2012. A Visual Preference Survey (VPS) was done with City Council on February 9th and a P&Z work shop on March 5th and a public meeting was held on March 27, 2012.

The general themes heard from City Council had to do with public realm, aesthetics, residential uses, non-residential uses, impacts, incentives, and economic impacts.

For purposes of the presentation, the proposed overlay is divided into two sections, residential and non-residential. The boundary for this overlay would be 1st Street from Avenue M up to the bridge, North 3rd Street, Houston to Munroe, is predominately residential, and from Nugent to the Mayborn Center is a mixed use area.

Residential: The only time anything in the proposed ordinance would apply is with brand new construction. If a house is torn down and a new one rebuilt, or if a vacant lot is being built on, the proposed ordinance would apply. The items that would specifically apply are General Standards and Public Frontage Standards.

General Standards deal with Article 4, Zoning District of the UDC, and the use standards.

Public Frontage is an eight foot landscaped strip of grass, back of curb, a five foot sidewalk, and street trees behind the sidewalk. The City would like to maintain the existing character and feel of the area.

Non-residential properties have applicability triggers. New construction requires compliance with all of the new standards.

Ms. Speer gives the formulas for applicability which is based on Bell County appraisal value of improvements.

At 50 percent or more, or a change in use from residential to non-residential, the following standards will apply:

- General Standards
- Landscaping
- Screening
- Public Frontage
- Circulation
- Signs

Twenty-five to 49 percent:

- General Standards
- Private property landscaping
- Screening

Ten to 24 percent requires compliance to General Standards only.

Interior or exterior maintenance with like or similar materials, no triggers apply.

General Standards: (10 to 24%) deal with Article 4 of the Zoning District (the only addition is the maximum impervious (paved or built upon) lot coverage of 70 percent; Article 5, Use Standards, and Article 7, General Development Standards.

Landscaping (25 to 49%) ratios are given. Foundation plantings for 50 percent of the façade visible from the right-of-way would be required and counted towards the total.

Screening and Fencing (25 to 49%) is required for HVAC, waste containers, loading docks, etc. Any vegetation will count towards the total landscaping.

New chain link fences are prohibited for both residential and non-residential uses.

New outdoor storage will not be permitted in the proposed overlay. Any current outdoor storage is permitted to remain.

Outdoor retail display is provided for in the Ordinance.

Public Frontage (50%+) includes sidewalks and street trees.

From Avenue M to the bridge, a required eight foot sidewalk with a concrete band on both sides and pavers, and a four foot planting bed with street trees, shrubs and river rock. This matches the design the City will be installing on the west side only from Avenue M to F.

From Munroe to the Mayborn Center is an eight foot sidewalk (reduced from ten feet) and a four foot landscaping strip with street trees.

If parking is in between the building and street, shrubs are required for the street scape area.

Circulation standards also apply at 50%. Cul-de-sacs and flag lots are prohibited.

Existing businesses are permitted one 24 foot curb cut per street frontage unless they take up the entire block.

Sign standards kick in at 50%+ or if a new sign is needed. Only monument signs are permitted freestanding signs in the overlay district.

Public frontage lighting has been removed from the requirements after the public meeting. If installed it will be included by the City, not the developer(s).

Underground utilities apply to 50%+ for non-residential which is standard practice.

Approximately 380 notification letters were mailed to property owners. Six responses were received in favor, twenty responses were received in opposition. Approximately 306 notification letters were mailed to 200 foot radius owners with 16 responses received in favor and 15 opposed.

Staff recommends approval of Unified Development Code Amendment Article 6, the map change as shown with the exclusion of properties at 307, 319, 401, 405, 409 and 415 S. 1st Street. This section was originally added to the proposal and Staff would like to exclude it for a potential downtown overlay.

The next step is a public hearing on May 3rd with City Council.

Ms. Kim Foutz stated the incentive program is under the Strategic Zone Investment program and has been in existence for about four years. There are several types of incentives available and cover four separate areas. South 1st Street, North 3rd, Martin Luther King area, and Avenue G and H. All of these areas encompass part of downtown.

There are number of grants that may be applied for in this area and there are also tax abatements. Categories eligible for the grant program include façade improvements, signs, landscaping, irrigation, demolition, asbestos abatement, sidewalk improvements, and waiver of permits and fees. The City accepts applications for grants four times a year which are then submitted to the City Manager's office and then City Staff process the applications.

Depending on the level of the grant, some can be approved by the City Manager's office and all others go straight to City Council for consideration. Anyone awarded a grant is required to enter into a Development Agreement which basically states what the City will be reimbursing for and what improvements will be made.

The other funding program referenced by Ms. Speer is located on the west side of South 1st Street between Avenue F and M. A Public Works project is scheduled that will pay for and install all the sidewalks to the specifications in the Ordinance along the west side including a strip of landscaping. Once this project is completed, the other side will be considered.

Ms. Foutz stated the sidewalk project should be started within the next few months.

Vice-Chair Staats asked where this grant information was located and Ms. Foutz stated it was located on the City's website under the Business Section under Strategic Investment Zones

and can also be found through the Planning Department. The applications are available through the City Manager's office and through Keep Temple Beautiful. Ms. Foutz is the contact for the program.

Although this item does not require a public hearing, Chair Martin asked if anyone wanted to speak on this matter and to state the individual's name and address for the record.

Mr. James Dean, 1301 S. 1st Street, asked about underground utilities and what was meant by 'typical.' Ms. Speer explained underground utilities are required from the right-of-way to the property throughout the City and overhead utilities are allowed in the right-of-way. Mr. Dean felt the overhead utilities looked tacky if the concern was mainly aesthetics. Commissioner Sears stated safety issues would be a potential reason for putting utilities underground. Vice-Chair Staats stated multiple overhead utilities would not be feasible if everyone did it. Mr. Dean stated it put a burden on the property owner to have them install underground utilities.

Mr. Dean asked when this overlay was being studied, what was the percentage of property owners on South 1st Street whose property will be deemed basically worthless because of this proposal. Mr. Dean stated that his property would be worthless and knows of numerous other properties that would have the same result. It is an old section of town with different structures, lot sizes, etc. If you take away the right-of-way and install an eight foot sidewalk, the lots will not be large enough to accommodate this. Ms. Speer stated the right-of-way is TxDOT right-of-way and no one should be parking in the right-of-way. None of the items will be triggered until an owner proposes to do something to the property. The circulation standards do not apply until 50 percent of the value or square footage is proposed. If there is not enough to add on to the existing portion, it will be very hard to get to the triggers.

Mr. Dean commented if the City comes in and puts in the sidewalk project and narrows down your driveway, that is something they can do because of the right-of-way. Some of the properties on the west side are in better shape than the east side for this. Mr. Dean stated there were a number of properties that currently have access to 1st Street now so their customers can have access to their properties. If the sidewalks were put in, they would not. He continued that In Mr. Dean's case, his business at 1301 South 1st Street, has no curb so people can pull in to the front of his business. If the proposed sidewalk were put in, he would literally not have any parking. Mr. Dean stated there were other properties on South 1st Street with the same situation.

Chair Martin stated he also has property located on South 1st Street that is in the same situation with his parking in the right-of-way. Chair Martin stated he is cutting down the size of his building to accommodate parking since he has no other choice. Mr. Dean stated he does not have the finances to do that with his business. Chair Martin asked Mr. Dean what he would do if the City decided to come in and install an eight foot sidewalk, taking up all of the parking. Mr. Dean stated it would basically put him out of business but it is not capable of that type of remodeling. Chair Martin stated the reason Mr. Dean's business was thriving currently is because the parking is located in the right-of-way. Mr. Dean stated that is the way it has existed for a number of years and now someone wants to change that which he understands.

Ms. Speer stated Mr. Dean's business is located on the east side and if the City moves in and does the east side sidewalk improvements, it will affect his parking. In all probability, Mr. Dean will not trigger having to put in the public frontage himself.

Ms. Foutz stated the City will work with the property owners. It is not the City's intent to do projects without working with the public, especially if it affects curb cut and/or circulation, and even if public right-of-way is being used.

Mr. Scot Andrews, 319 S. 1st Street, Temple, Texas stated as investors and property owners, they were against this proposal. This is not I35. The triggers of 15 to 20 percent are significant remodel projects. The property value along 1st Street corridor, according to Bell County tax records, is in the range of \$50,000 to \$100,000. Any remodeling or upgrades will be discouraged with this type of ordinance. Mr. Andrews stated fifty percent of the property owners cannot comply based on space, not cost.

Mr. Andrews was looking at two properties in the corridor but based on the amount of money needed to remodel in order to meet the proposed requirements, he is no longer interested. The properties would also have no parking except in the right-of-way, which is typical of the properties along 1st Street. Vice-Chair Staats stated the building Mr. Andrews was interested in was not included in the discussion and Mr. Andrews agreed but stated it was very similar to other business properties along South 1st Street.

Mr. Andrews stated the four foot sidewalk has worked for 50 years and the City wants to put in an eight foot sidewalk. He finds this offensive as a business and property owner.

Mr. Andrews objects to this proposal and would welcome other alternatives which would allow the business and property owners to work as a team and not feel forced to comply.

Commissioner Pope asked what Mr. Andrews would like to have done, short of providing funding, to encourage development in the area. A lot of complaints have been voiced but would like to hear some positive suggestions. Mr. Andrews stated personally if there were a standard that was trying to be achieved, not forced to achieve, as property owners they would be eager to cooperate. Mr. Andrews stated he fears doing anything and opening the door to eight foot sidewalks, losing property, losing parking, and maybe dealing with the unknown, but he does not want to have to come before P&Z and beg to keep his parking. Commissioner Pope stated in all the years he has lived in Temple, very little change has occurred in some areas and has even deteriorated in others which is unfortunate. Mr. Andrews agreed but did not feel the proposal was the way to encourage development.

Commissioner Pope encouraged anyone with suggestions to contact the P&Z Commission. Mr. Andrews's suggestion was to table this ordinance and get together to work and make the area better.

Vice-Chair Staats stated the Staff was asked if anyone had contacted them to discuss this since the last meeting and the answer was no. Vice-Chair Staats how long everyone should wait? Mr. Andrews stated he were in a waiting mode for this presentation. It takes time to make improvements but there is a definite fear of improvements in triggering the ordinance. Mr. Andrews does not want to be forced into doing it.

Vice-Chair asked Mr. Andrews about his comment regarding not being required to do things and working as a team. If there are no standards set then there is nothing. Mr. Andrews stated the difference between standards and ordinances forcing compliance when one is trying to do improvements in the first place. Vice-Chair Staats stated that was standards are. Mr. Andrews agreed but stated standards could be applied up and down the entire street or apply

standards that trigger based on when someone remodels. He felt as a City they would want to encourage remodeling and development, not discourage it. Mr. Andrews stated if a standard were applied to make your business better, that was fine; globally apply it up and down the entire street. Right now there is some federal money, City money, lots of developer money and mostly nothing up and down the 1st Street corridor. Mr. Andrews fears it is selective with one side of the street being paid for and the other is not.

Vice-Chair Staats asked what would make the public do it if there were not requirements. Mr. Andrews responded there were no requirements and then there was discouragement. The requirements the City is proposing discourage the exact activity they want to accomplish.

Vice-Chair Staats stated he agreed with Commissioner Pope that there have been a lot of complaints but no viable constructive suggestions have been offered. There have been no meetings with City Staff since last meeting. Mr. Andrews stated he and his wife wanted to hear what would be said at this meeting.

Commissioner Magaña agreed with Commissioner Pope and stated for the last 50 years the businesses on South 1st Street have been neglected and if the City did not start somewhere the area would continue to deteriorate. There had to be a starting point and not everyone would be happy but standards were needed for the area. Commissioner Magaña stated the major objection previously stated at the meeting was money. Commissioner Magaña stated the City has shown there are grants available to assist the public with this proposal and that grant information was offered to the public. Ms. Speer stated the link to this grant information was placed on the City's website the day after the meeting.

Mr. Andrews said he understood the comments by Commissioner Magaña but stated his issue was the way the ordinance is written and targeted at businesses trying to remodel is going to directly discourage what the City is trying to achieve. It is the other businesses not remodeling and all of the businesses being discouraged from remodeling that this ordinance will hurt. Mr. Andrews stated it was wonderful to set a standard but when standards discourage development people will go elsewhere and the area will go downhill. Mr. Andrews stated this was the first they heard about available City funds which was great.

Commissioner Pilkington asked Ms. Speer about McGuire Tire. Ms. Speer stated she has spoken with the McGuires and they would need to request an exception if the 50 percent were triggered. The McGuires have legitimate issues, as do others, but there are some options available for them.

Mr. Randall Simmon, 816 S. 1st Street, Temple, Texas, asked Ms. Foutz how much money has the City been giving out each year per project and how would this affect small properties. Ms. Foutz stated this was a one to one matching program and if \$30,000 were spent on the façade then the City would match up to \$15,000 for the façade. Same thing on the sidewalks; the grants go up to \$10,000. The owner pays half and the City would pay half.

Ms. Foutz also stated there was an Oversized Program. If there were an eight foot sidewalk and the general provisions required a six foot sidewalk, the City would pay 100 percent for the two feet, 50/50 on the balance, and this amount would include labor and materials.

Mr. Simmon asked what utilities would cost and Ms. Foutz stated that issue is still being misunderstood because we are talking about the service lines to the building for putting electric

underground for service lines. We are not affecting the distribution lines that are running parallel to the street. Ms. Foutz stated utilities would not be an eligible expense. The eligible categories are available on the City's website. Mr. Simmon asked how much the program provided last year and Ms. Foutz stated approximately \$135,000, which is about the same amount as this year. Fortunately, the City has never been in the situation where an applicant who has applied was denied. If an application is received which exceeds the amount already allocated, then City Council is asked for possible grant supplementation.

Ms. Foutz stated grant applications do not have to be associated with this overlay and some limitations do exist.

Ms. Kristine Andrews, 319 S. 1st Street, Temple, Texas, stated she spoke with Ms. Foutz about these improvements and there has been some discussion not presented. Ms. Andrews agrees with the comments made against this proposed ordinance so far. The Commission has heard from the very business owners the improvements are to be made from and those people are telling you that this proposed ordinance will discourage people from making improvements. Ms. Andrews urged the Commission to listen to them because they are the ones that will be making the improvements. What is wanted will not be accomplished by this ordinance.

Ms. Andrews stated up until two weeks ago most of the business owners did not know about the incentive programs. Now that the information is known, give the business owners a chance to utilize the grants to make improvements.

Ms. Andrews stated Chair Martin and Commissioner Pope had property directly affected by this proposed overlay. Chair Martin stated his property was affected by the TMED standards which were stricter than this overlay. Ms. Andrews then asked Commissioner Pope if he were going to recuse himself from voting on this item. Commissioner Pope asked Ms. Trudi Dill, Deputy City Attorney, if he needed to recuse himself and was told no, he only resides there. Commissioner Pope stated it had little effect on his residential status.

Ms. Andrews asked the Commission to consider doing the same for businesses as the residential areas and not having the ordinance kick in or be triggered unless new construction takes place.

Ms. Andrews stated she was asked by another business owner to please convey to the Commission to please consider the realistic impact this overlay will have which will be to discourage business improvements, the very thing the City encourages.

Vice-Chair Staats asked Ms. Andrews what kind of time frame she have in mind to allow the businesses involved to take advantage of the incentives available. Ms. Andrews replied somewhere between two to four years because of the various aspects involved such as remodeling, design, pricing, etc., and allowing time for City Council, if needed, actual construction time, etc. Ms. Andrews clarified this time allotment was for the completion of everything involved.

Mr. Thomas Baird, 15 N. Main, Temple, Texas, stated he has been a developer and property owner up and down 1st and 3rd and all over Temple. Mr. Baird was attending the meeting to represent himself since he is concerned about the community and the future. Temple needs to do something to bring it up to date. The only through streets in Temple are 5th, 3rd and 1st. Mr. Baird's own business is on the property line and understands the comments made by other

property owners. Mr. Baird stated the City of Temple has bent over backwards time and again to work with people to improve the community and help during difficult times.

Mr. Baird stated the standards being requested from the City of Temple are minimal. These steps will make a huge difference in the future and the City continues to look for grant money, city, state and federal money, etc., to assist with these matters to create a better environment for its current and future citizens. The process has to be allowed to work a little at a time. The proposal has been cut back, pared, changed for consideration of comments, and presents a minimum of requirements.

There being no further speakers, Chair Martin allowed for further comments from citizens with a three minute time limit.

Mr. James Dean stated he also wanted to live in a great place and good looking community and realized the City was trying to make improvements. Mr. Dean urged the Commission to at least know what properties will be affected and hindered by this proposal. Mr. Dean stated a number of properties on South 1st Street would be put in a very poor position if this proposal is approved. Mr. Dean realized it was not the City's intent to put anyone out of business or in more of a financial bind.

Mr. Randall Simmon stated there was an inclination this proposal would pass but with respect to South 1st Street there are buildings people are considering purchasing that once this additional cost is included, they will not purchase the buildings which stops progress. Mr. Simmon stated the investment numbers do not match for the types of properties and improvements even with the City's assistance. Mr. Simmon stated South 1st Street will be stalled because of this proposal.

Mr. Scot Andrews stated this was the wrong area to ask for this type of money and this type of ordinance and expect to encourage improvement. These are low dollar properties and not the right area even though the City has painted a great picture with the matching funds but not near what it would cost to fix the area. Mr. Andrews stated when this was presented to the public, there were some landscape only funds which would not affect or benefit his property. Now that the program has improved, give the owners a chance to take advantage of it and let them do it on their own terms. Mr. Andrews commended the work done for residential properties but for property directly in the zone, he felt it was unethical for Commissioner Pope to vote on.

Ms. Trudi Dill, Deputy City Attorney, stated how potential conflicts are analyzed and a member may need to abstain when the matter is reasonably foreseeable that action on the matter would confer an economic benefit to the real property that is distinguishable from the affect on the general public. The analysis for this was in the event of a major remodel or tearing down a house and building a new one that the Ordinance would not confer an economic benefit but there would be additional costs to the owner to meet the requirements. The Commission is not voting on grants or offering the incentives, those are already in place.

Commissioner Pope stated he did not know how this could benefit him residentially since his house is 100 years old. The Masonry Ordinance created a huge stir, especially with TABA, but at the end when it was passed, TABA asked that records be kept of all the people that do not build because of this and two years later there were no names. The Ordinance did not sound

good to them but the City did not want metal buildings on the main streets. Commissioner Pope stated this proposal was altogether different but felt it was minimal and deserved a try.

Commissioner Sears stated some of the concerns about delaying progress by these ordinances are actually hindering new development to come in. This corridor started in the TMED area and has improved already so there is progress being made. To encourage the progress to continue down 1st Street, changes need to occur. Commissioner Sears stated the City has been cooperative with individual properties and it was not the intent to put anyone out of business. Commissioner Sears felt this would encourage more development in the area due to the existing improvements and possibly increase property values and felt this was a good way to start.

Commissioner Talley thanked everyone for participating in the discussion and appreciated the concessions the City has made in order to try and get this Ordinance through. Commissioner Talley also stated this was very difficult for him since he empathized with Mr. Dean and was uncomfortable being on the panel for this issue. Commissioner Talley stated it was not an easy decision for anyone on the P&Z and even harder since he was not in the same dilemma as the property owners involved. Commissioner Talley stated last time Commissioner Pope made a motion and Commissioner Talley could not make a second. However, he would be agreeable this time if Commissioner Pope made a motion.

Commissioner Rhoads stated he also grew up in the area and even though he was not always ready for changes, Temple has to move forward somehow even if it is a hard decision. Commissioner Pilkington agreed it was a difficult issue for the P&Z members. He was not in favor of the Masonry Ordinance when it came up and still sees developers having issues but felt the Staff has been working hard with the public to accommodate changes.

Commissioner Magaña stated at the last meeting no one wanted to make a second to the motion made, including him, since he was against it at the time. Since then, the matter has weighed heavy on his mind and he has made several trips to the area and talked with different business owners. This is not an easy decision for the Commissioners.

Chair Martin agreed with all the comments made by the Commissioners and stated as hard as it was the Commissioners want to do what is best for all concerned.

Commissioner Jones stated he appreciated the citizens participating in this issue over time and his main concern was, if the City waited, and those who have not done anything during that waiting period, then what? That would be another several years Temple would be behind where nothing has happened. Even with all the valid arguments presented by the citizens, Commissioner Jones felt the City should move forward since nothing has been improved over the past.

Commissioner Pope made a motion to approve Item 5, Z-FY-12-04, to amend the Unified Development Code, Article 6, and create an overlay called the 1st and 3rd Street Overlay per Staff recommendation (which includes the excluded properties). Commissioner Talley made a second.

*Motion passed: (9:0)*

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2010-4413, THE “UNIFIED DEVELOPMENT CODE,” ARTICLE 6, ESTABLISHING A 1<sup>ST</sup> AND 3<sup>RD</sup> STREET OVERLAY; ADDING STANDARDS FOR DEVELOPMENT IN THE SPECIFIED AREA; AND ADOPTING A ZONING MAP AMENDMENT DEFINING THE BOUNDARIES; 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 April 16, 2012 meeting, the Planning and Zoning Commission voted to amend Article 6 of the UDC to create an overlay called the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay and add standards for development in the specified area and consider a zoning map amendment defining the boundaries of the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay;

**Whereas**, the proposed amendment to Article 6 of the UDC is being done to promote enhanced development and redevelopment in this Strategic Investment Zone;

**Whereas**, the Staff recommends amending the Unified Development Code to address the amendment to Article 6 as outlined in Exhibit A attached hereto; and

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

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

**Part 1:** The City Council approves an amendment to Ordinance No. 2010-4413, the “Unified Development Code,” by amending Article 6 to create an overlay called the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay and adding standards for development in the specified area and consider a zoning map amendment defining the boundaries, 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 **3<sup>rd</sup>** day of **May**, 2012.

PASSED AND APPROVED on Second Reading on the **17<sup>th</sup>** day of **May**, 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

---

05/03/12

Item #6

Consent Agenda

Page 1 of 1

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

Kim Foutz, Assistant City Manager/Acting Planning Director

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING - A-FY-12-06: Consider adopting an ordinance abandoning 0.067 acres of a 15-foot wide public utility easement along the rear property lines of Lots 2 and 1, Block 1, Westfield Development Phase VII, more commonly known as 207 and 219 Westfield Boulevard.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description on first reading, and set second reading and final adoption for May 17, 2012.

**ITEM SUMMARY:** The property owner at 207 Westfield Boulevard requests an abandonment of the existing 15-foot wide public utility easement, which contains a private 4-inch sewer line, a private 2-inch water line, and a private 2-inch irrigation line. These private utilities do not meet minimum UDC standards and are buried under a concrete parking lot for the dental office at 207 Westfield Boulevard. Rather than upgrade the under-sized utilities to UDC standards or pursue a street use license for private utilities within this public utility easement, the applicant wants to replace this public utility easement with a private 15-foot wide utility easement to serve the dental office and the adjacent property at 219 Westfield Boulevard.

If abandoned, the adjacent property owner/builder at 219 Westfield Boulevard would be able to use the existing private utilities within a private 15-foot wide utility easement proposed by the applicant at 207 Westfield Boulevard.

Planning staff contacted all utility providers, including the Public Works Department, regarding the proposed easement abandonment. There are no objections to the easement abandonment request.

**FISCAL IMPACT:** Staff recommends this easement be transferred at no cost to the underlying fee owners, as state law allows.

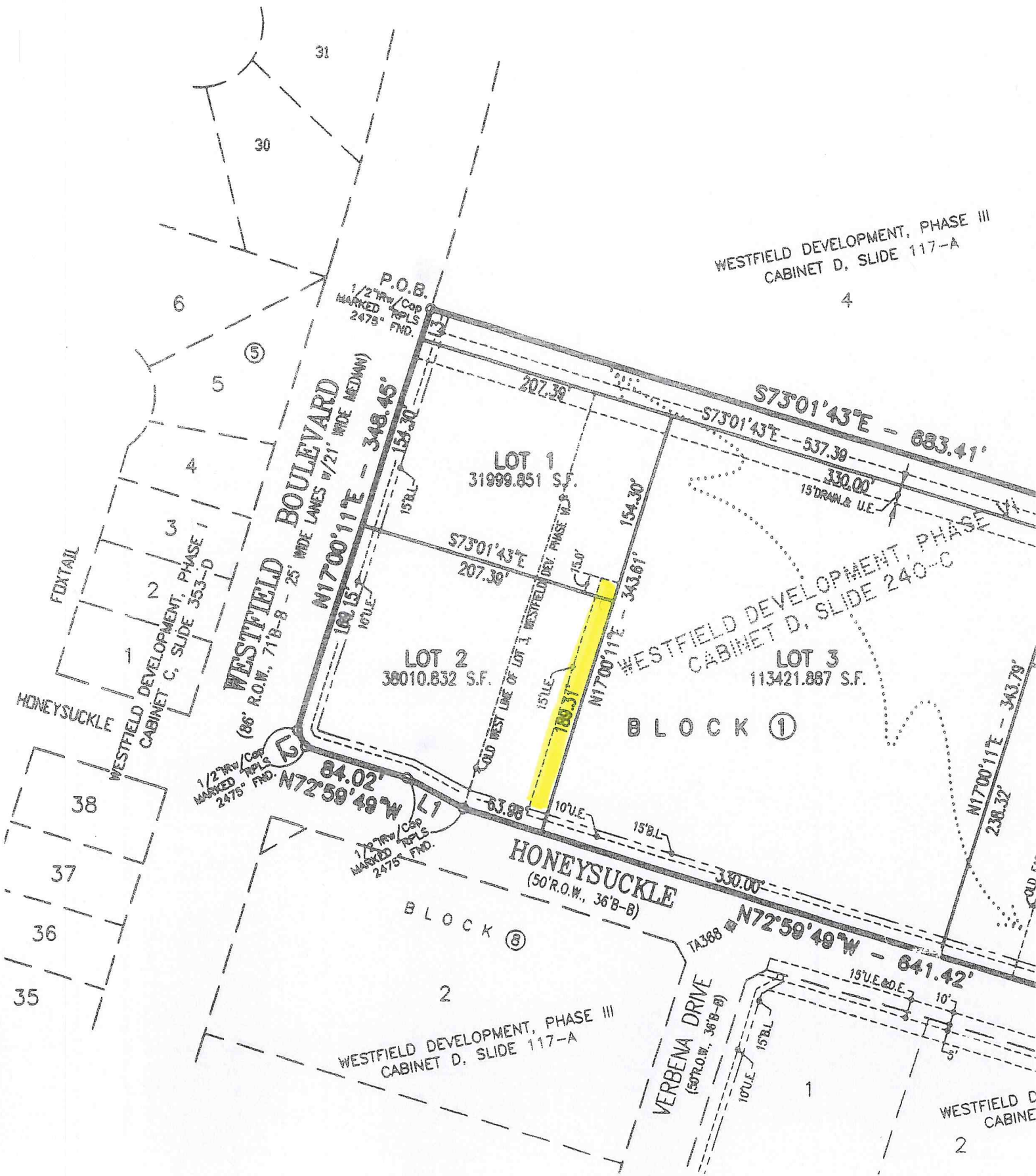
### **ATTACHMENTS:**

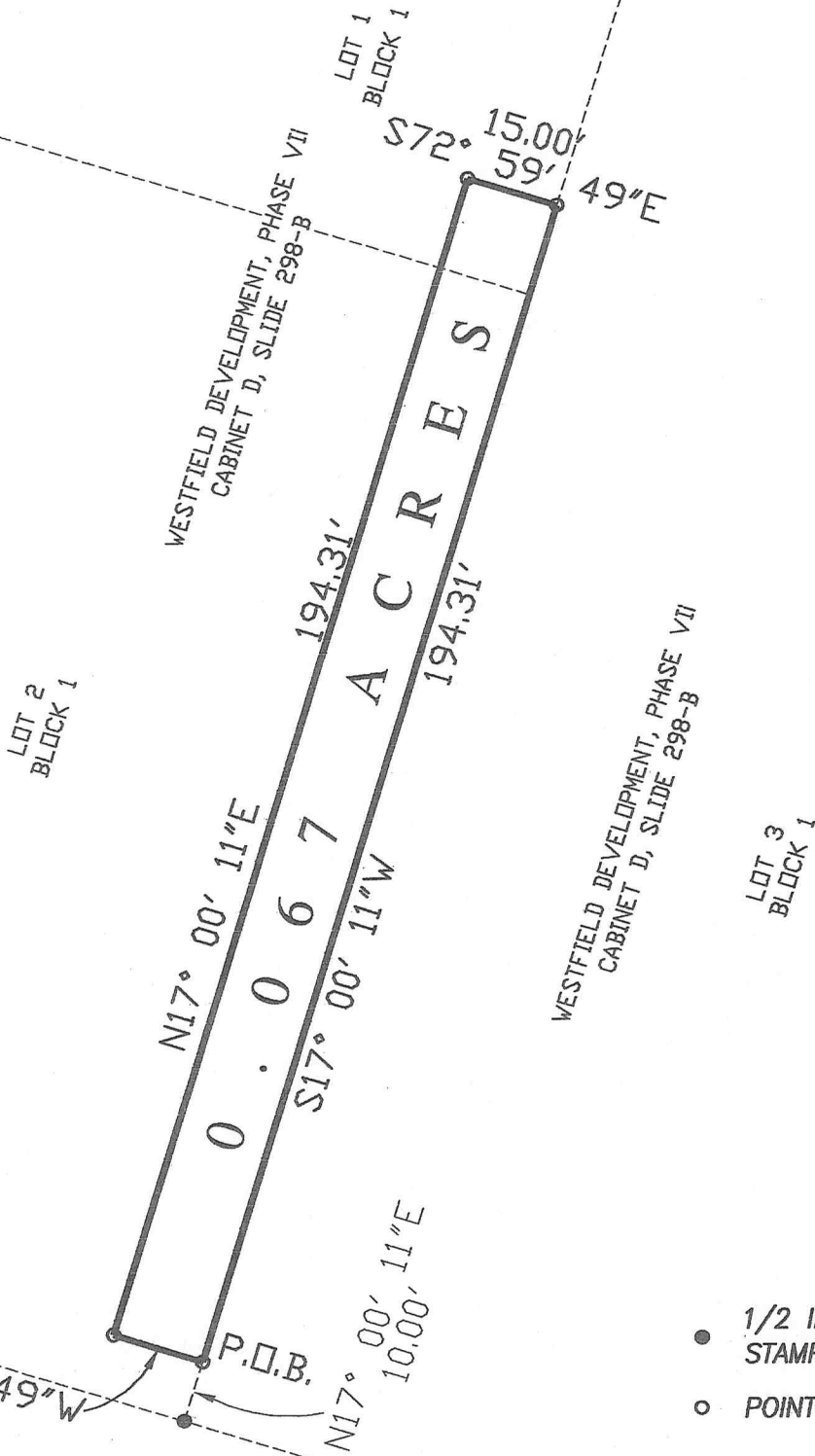
[Vicinity Exhibit](#)

[Survey](#)

[Turley Associates Letter](#)

[Ordinance](#)





HONEYSUCKLE  
(50' R.O.W., 36' B-B)

STATE OF TEXAS §  
COUNTY OF BELL §

KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described herein and is correct.

IN WITNESS THEREOF, my hand and seal, this the 15th day of March, 2012.

*Michael E. Alvis*

Michael E. Alvis, R.P.L.S., No. 5402



BEING a 0.067 acre tract of land situated in the BALDWIN ROBERTSON LEAGUE SURVEY, ABSTRACT No. 17, City of Temple, Bell County, Texas and being a part or portion of that certain 6.315 acre tract of land described as Westfield Development, Phase VII, being an amending plat of Westfield Development Phase VI, and Lot 4, Block 1, Westfield Development Phase IV and being of record in Cabinet D, Slide 298-B, Plat Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point being in the east boundary line of Lot 2, Block 1 said Westfield Development, Phase VII and being in the west boundary lined of Lot 3, said Block 1 which bears N. 17° 00' 11" E., 10.00 feet from a ½" iron rod with cap stamped "RPLS 2475" found at the southeast corner of the said Lot 2, Block 1 and the southwest corner of the said Lot 3, Block 1 and being in the northerly right-of-way line of Honeysuckle Street as described in said Cabinet D, Slide 298-B for corner;

THENCE N. 72° 59' 49" W., 15.00 feet departing the said east and west boundary lines and the said Lot 3, Block 1 and over and across the said Lot 2, Block 1 to a point for corner;

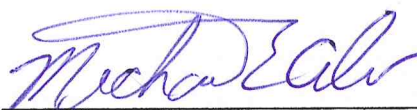
THENCE N. 17° 00' 11" E., over and across the said Lot 2, Block 1 at 179.31 feet pass a point bering in the north boundary line of the said Lot 2, Block 1 and being in the south boundary lined of Lot 1, said Block 1 and continuing over and across said Lot 1, said Block 1 at 194.31 feet in all to a point for corner;

THENCE S. 72° 59' 49" E., 15.00 feet continuing over and across the said Lot 1, Block 1 to a point being in the east boundary line of the said Lot 1, Block 1 and being in the west boundary line of the said Lot 3, Block 1 for corner;

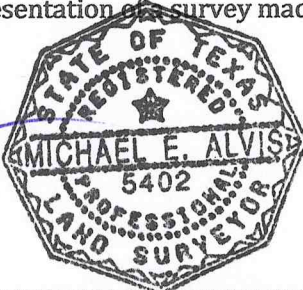
THENCE S. 17° 00' 11" W., with the said east boundary line and the said west boundary line at 15.00 feet pass a ½" iron rod with cap stamped "RPLS 2475" found being the southeast corner of the said Lot 1, Block 1 and being the northeast corner of the said Lot 2, Block 1 and continuing with the east boundary line of the said Lot 2, Block 1 and the west boundary line of the said Lot 3, Block 1 at 194.31 feet in all to the Point of BEGINNING and containing 0.067 acres of land.

\*\*\*\*\*

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.

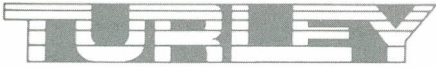


Michael E. Alvis, R.P.L.S. #5402  
March 15, 2012



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

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 4004  
THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 30' 24"  
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999884  
PUBLISHED CITY COORDINATES ARE X = 3,206,128.30 Y = 10,383,154.518  
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS  
N. 84° 01' 15" E., 1198.15 FEET.  
GRID DISTANCE = SURFACE DISTANCE X CCF  
GEODETIC NORTH = GRID NORTH + THETA ANGLE



## **TURLEY ASSOCIATES, INC.**

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

### **MEMORANDUM**

**DATE:** March 13, 2012

**TO:** Construction Safety, City of Temple

**CC:** Engineering, Planning and Legal Departments

**FROM:** Jennifer Ryken, P.E.  
Turley Associates, Inc.

**RE:** Kiella Homebuilders, 219 Westfield Blvd., 12-93635

This memo is in response to comments received from your office dated March 8, 2012.

The "Utility" sheet is correct with a proposed 1" water service thru the 15' U.E. to provide water to the proposed building.

When Westfield Phase VII was platted the utility easement was included on the plat for a 6" sewer line to be constructed. This line was not constructed at that time. It appears that during the site construction of Lot 2, Block 1 (dental site) the contractor did install a 4" sewer service within the current 15' utility easement, across Lot 2, and stubbed it out to service Lot 1 in the future. At that time the contractor also installed a 2" water service and a 2" irrigation service within the easement to service Lot 1 in the future. All these services are currently located within the 15' utility easement and underneath the existing concrete parking lot of Dr. Sieh's building. The developer/builder for Lot 1, Block 1 would like to utilize the existing services that are currently in place within this easement for the proposed building to be constructed. We would like to propose a solution to the issues that were brought up with this building permit concerning having private services within a public easement.

We propose to have the public utility easement abandoned and a private easement granted by the current property owner of Lot 2, Block 1. With time being an issue regarding the need to begin construction we propose that the private easement be executed and filed now and the abandonment of the public easement be put on the next available City Council agenda. If the Legal Department, Engineering Department and Planning Department are supportive of this solution we feel the Council will approve the abandonment.

The property owner of Lot 2, Block 1 has agreed to grant a private easement to the property owner of Lot 1, Block 1 for the services that currently lay within the platted utility easement and across her property. This is the most satisfactory solution to her because it avoids the necessity to remove existing services under her concrete parking and to dedicate an additional 5' utility easement to the City.

We feel keeping the current services as they are and abandoning the public utility easement also benefits the City. In order to meet UDC standards within the 15 ft UE we would need the property owner to sign an additional 5 ft UE to the City of Temple, remove the existing services and install public sewer and waterlines. These lines service only one building and will not be extended in the future. All adjacent property is developed. If constructed as public lines they would have to be City maintained and meters would be located behind the buildings instead of within the right of way.

The developer is extremely anxious to get a building permit and begin construction on this project. If this solution is acceptable to everyone please email me so that I can get the private easement signed and filed immediately. On behalf of the developer/builder we are requesting that the building permit be issued at the time the private easement is filed. If you have any questions or concerns please call me so that we can discuss these items and expedite the process for the builder. I greatly appreciate your timely response.

Construction Safety  
254-298-5640



2 N. Main St.  
Room 102  
Temple, TX 76501

March 8, 2012

Kiella Homebuilders  
219 Westfield Blvd.  
12-93635

Electrical: Approved

Engineering: Return for Revision

Sheet 2 of 5 "As-Built" shows an existing 1.5" WS tie-in to the existing 8" Flush Assembly off Westfield BLVD. However, the "Utility" sheet shows a proposed 1" WS thru the 15 ft U.E. Please clarify which option is proposed to provide water service to the lot.

The "Utility" sheet shows proposed 1" water lines thru the 15 ft U.E. Per the Uniform Development Code (UDC) the minimum diameter in the U.E. is 6". The proposed lines do not meet min. standards for a public water main. Revise to show property served by a connection to a public water main meeting min. standards. Or, alternatively, submit a "Street Use License" application to install the undersized lines as private utility services in a public utility easement. To avoid applying for a "Street Use License", the existing public easement may be vacated.

The "Utility" sheet shows that a 4" Sewer is proposed within the existing 15 ft U.E. Per the Uniform Development Code (UDC) the minimum diameter in the U.E. is 8". The proposed line does not meet min. standards for a public sewer main. Revise to show property served by a connection to a public sewer main meeting min. standards. Or, alternatively, submit a "Street Use License" application to install the undersized line as a private utility service in a public utility easement. To avoid applying for a "Street Use License", the existing public easement may be vacated.

To accommodate both water and sewer mains within an easement (if both lines meet min. standards for public mains), a 20 ft wide easement would be required.

Fire Marshal: Return for Revision

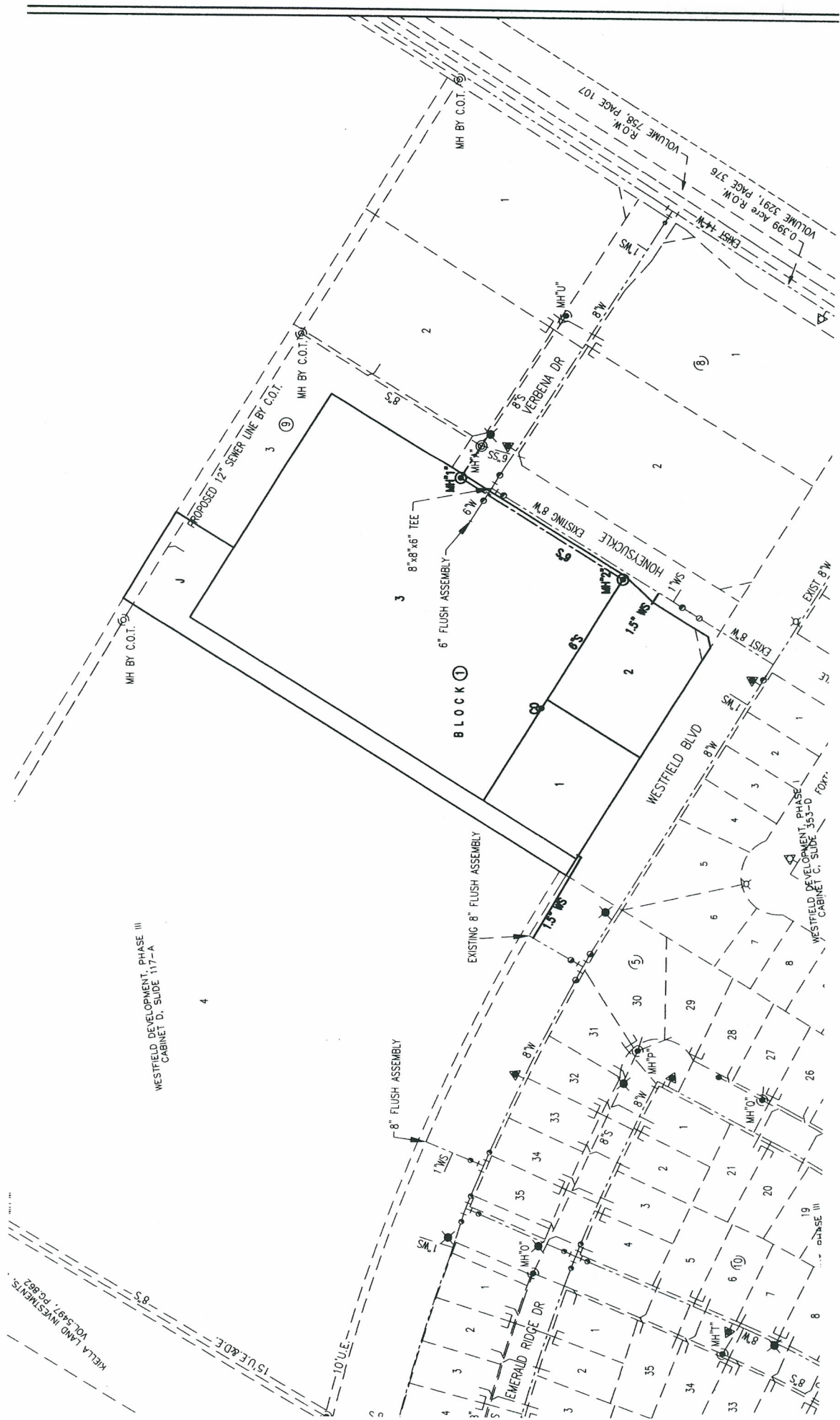
Planning:                      Approved

Please send revisions to 2 N. Main St. Room 102, Temple, TX 76501 or e-mail them to us at [permitapplications@ci.temple.tx.us](mailto:permitapplications@ci.temple.tx.us).

If you have any questions please call us at 254-298-5640.

Thank you,  
Robin  
Permit Clerk





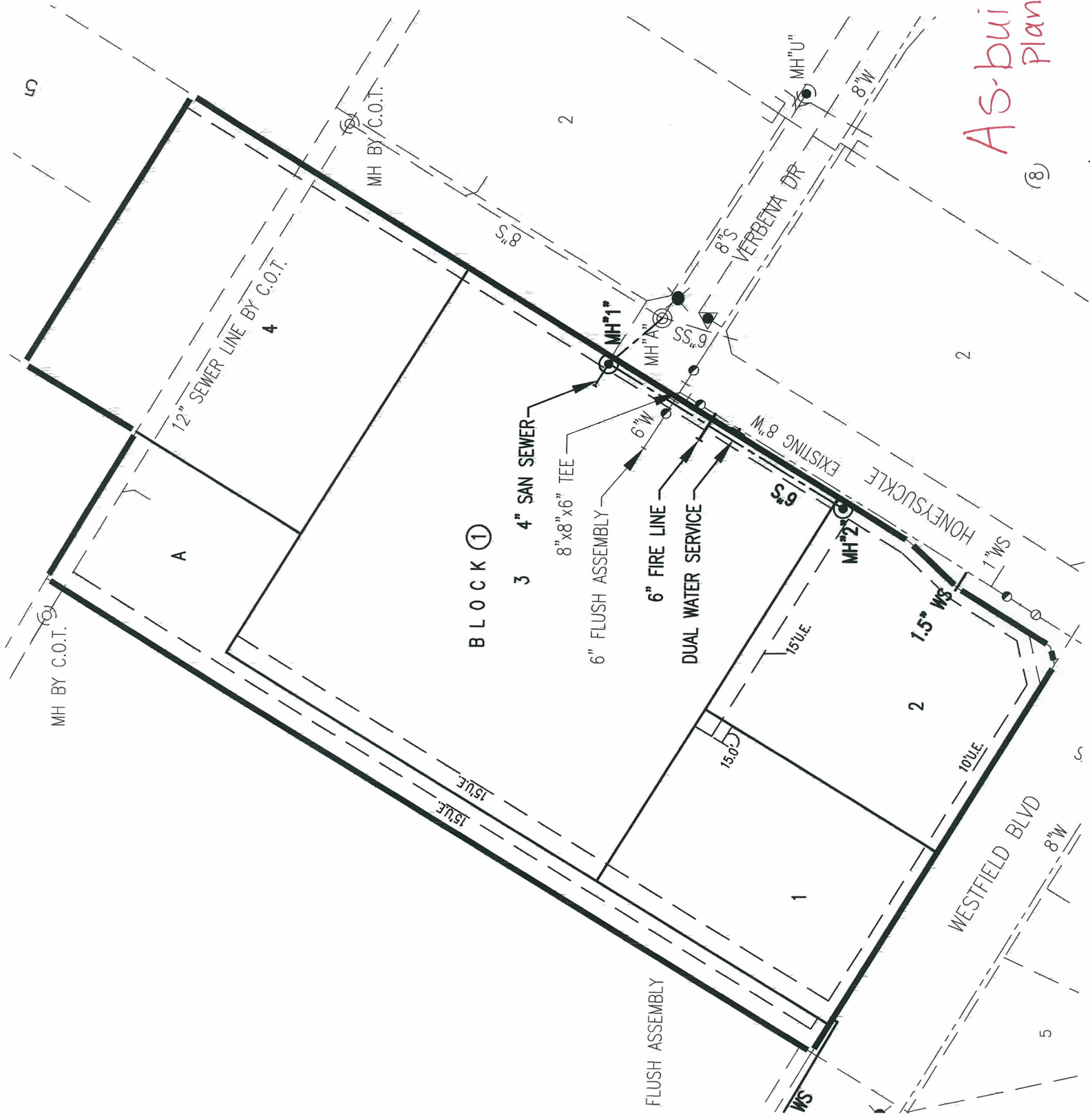
Original Plans

KELLA LAND INVESTMENTS  
VOL. 5497, PG. 822

WESTFIELD DEVELOPMENT, PHASE III  
CABINET D, SLIDE 117-A

VOLUME 3291, PAGE 376  
0.399 Acre R.O.W.  
EXIST. 14"W  
VOLUME 758, PAGE 107  
R.O.W.

WESTFIELD DEVELOPMENT, PHASE I  
CABINET C, SLIDE 353-D FORM



As-built.  
Plans.



KIELLA

COMMERCIAL

This drawing is not to be reproduced or used for contracting any building without the written authorization of Kiella Commercial DFB

7462 W. Adams Ave.  
Temple, Texas 76502  
(254) 778-0085

Revision:

Project:  
Woodward  
Creative Group

Address:  
Westfield Ph VII  
209 Westfield Blvd.  
Lot 1 Block 1  
Temple, Texas  
76502

Square Footage:

BUILDING SPACE: 4800 SQFT  
FRONT PORCH: 116 SQFT  
TOTAL SLAB: 4916 SQFT

Finish:

WOOD

Date:

03.13.2012

Drawn By:

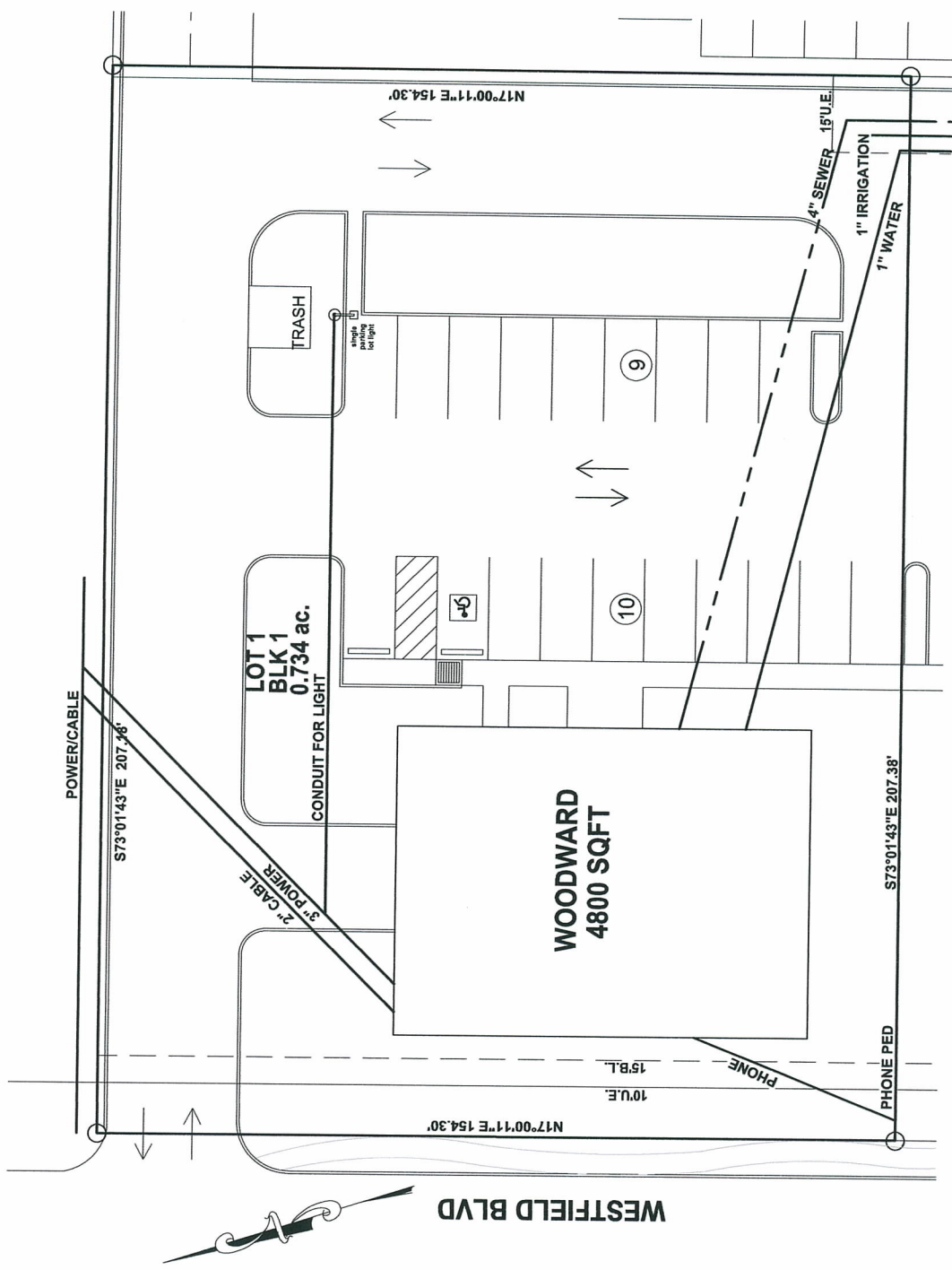
MCW

Sheet Title:

Utility Plan

Sheet #:

UTIL



UTILITY PLAN

Scale: 1" = 10'-0"



Google earth

feet 300  
meters 100



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

[A-FY-12-06]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING APPROXIMATELY 0.067 ACRES OF A 15-FOOT WIDE PUBLIC UTILITY EASEMENT, LOCATED IN WESTFIELD DEVELOPMENT, PHASE VII, MORE COMMONLY KNOWN AS 207 AND 219 WESTFIELD BOULEVARD, AND RESERVING A TEMPORARY 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 property owner at 207 Westfield Boulevard has requested an abandonment of the existing 15-foot wide public utility easement, which contains a private 4-inch sewer line, a private 2-inch water line, and a private 2-inch irrigation line;

**Whereas**, if abandoned, the adjacent property owner/builder at 219 Westfield Boulevard would be able to use the existing private utilities within a private 15-foot wide utility easement proposed by the applicant at 207 Westfield Boulevard;

**Whereas**, Staff has contacted all utility providers regarding the proposed easement abandonment and there are no objections to the abandonment request; 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 authorizes the abandonment of approximately 0.067 acres of a 15-foot wide public utility easement along the rear property lines of Lots 2 and 1, Block 1, Westfield Development, Phase VII, more commonly known at 207 and 219 Westfield Boulevard, more fully described in Exhibit A, attached hereto for all purposes.

**Part 2:** The City Council reserves a temporary public easement for drainage and utilities in the entire abandoned right-of-way until such time as the property owner records an approved plat of the abandoned right-of-way and the City accepts the public improvements required for the development.

**Part 3:** Upon request the City of Temple will provide a copy of this resolution and any other evidence of abandonment of the utility easement, which may be reasonably required.

**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 **3<sup>rd</sup>** day of **May**, 2012.

PASSED AND APPROVED on Second Reading the **17<sup>th</sup>** day of **May**, 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

---

05/03/12  
Item #9  
Regular Agenda  
Page 1 of 1

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

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Consider adopting a resolution appointing one alternate member to the Bell County Public Health District Board of Directors.

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

**ITEM SUMMARY:** Dr. Ray Ashcraft was appointed to the Bell County Public Health District Board of Directors in June 2009 to fill the position vacated by Dr. William Hardin. The Health District has now requested the City appoint an alternate member to serve in the absence of Dr. Ashcraft. The appointment of an alternate is provided for in the Cooperative Agreement with the Health District.

In 2010 Dr. Jim Madsen was appointed as the alternate member and is unable to fulfill this position.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:** N/A



## COUNCIL AGENDA ITEM MEMORANDUM

---

05/03/12  
Item #7  
Regular Agenda  
Page 1 of 4

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

Kim Foutz, Assistant City Manager

**ITEM DESCRIPTION:** Z-FY-12-41: Consider adopting a resolution authorizing an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for sign requirements for Starbucks Coffee, located at 111 N. General Bruce Drive.

**P&Z COMMISSION RECOMMENDATION:** At its April 16, 2012, meeting, the Planning and Zoning Commission voted 9/0 to recommend approval of an appeal to the I-35 Standards relating to freestanding signage.

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

Staff recommends this for the following reasons:

In order to be compliant with the I-35 sign standards, the applicant would need to remove the large 75' tall pole sign and add a 6' wide masonry enclosure/base around the existing 40' tall pole sign. Staff was in discussion with City Council concerning the I-35 sign requirements at the time the Starbucks appeal request was made. They were not made aware of this requirement when they submitted their original request. Therefore staff recommends approval of this sign appeal to the I-35 Corridor Overlay standards for Z-FY-12-41 to allow the two existing signs to remain.

Staff also recommends returning to the Commission and City Council in the near future to potentially amend the triggers specifically concerning existing signage in the I-35 Overlay for existing properties.

**ITEM SUMMARY:** Please refer to the draft minutes of case Z-FY-12-41, from the Planning and Zoning meeting, April 16, 2012. The owner of Starbucks Coffee proposes to remodel the inside of the building and add exterior improvements such as a new alignment for the drive-through lane, paint for the exterior, and a pergola over the exterior patio.

The cost of the proposed exterior and interior improvements, as compared to the assessed value of improvement to the property, is greater than 50% of that value. This threshold triggers the entire I-35 overlay zoning district requirements, which are:

- Tree Preservation (not applicable to this site)
- Landscaping
- Architectural Design
- Screening and Wall Standards
- Parking
- Lighting
- Utilities

The Applicant requested relief from complying with these standards in the form of an appeal. The appeal was approved by City Council March 1, 2012.

However, during the original request, freestanding signs were not addressed. City staff has initiated this second appeal request as a clean-up to address the sign appeal in conjunction with the previously approved appeals. The Starbucks site has two freestanding pole signs, one on North General Bruce Drive and another in between Whataburger and Starbucks. The existing sign on North General Bruce measures approximately 75' tall and the second sign between Whataburger and Starbucks measures approximately 40' tall.

The I-35 overlay permits pylon signs up to 40' tall for travel related uses such as the Starbucks site. The sign support (s) must be enclosed in masonry a minimum of 1:15 of the height.



Large sign



Small sign between Starbucks and adjacent property



I-35 Overlay/City Entry Sub District 
  I-35 Expressway 
  Major Arterial 
  Minor Arterial 
  Proposed Trail 
  Starbucks

**I-35 APPEAL SUMMARY:** Below is a summary of the General and the City Entry sub-district standards in the I-35 Overlay as they relate to signs and how the applicant's existing signs compare with them.

I-35 Requirements/City Entry Additional Requirements	Existing Sign 1	Meets Requirements?
<b>Signs</b>		
Height – 40'	40'	Yes
Maximum Area – 300 sq ft	78.5 sq ft	Yes
Minimum Setback - 5'	Approximately 10'	Yes
Minimum Spacing between signs – 100'	Approximately 120'	Yes
Masonry Pylon Enclosure Width 1:15 Height to Width	None	No
Maximum Signs Per Site – 1	2	No

I-35 Requirements/City Entry Additional Requirements	Existing Sign 2	Meets Requirements?
<b>Signs</b>		
Height – 40'	75'	<b>No</b>
Maximum Area – 300 sq ft	300 sq ft	Yes
Minimum Setback - 5'	Approximately 30'	Yes
Minimum Spacing between signs – 100'	Approximately 120'	Yes
Masonry Pylon Enclosure Width 1:1.15 Height to Width	None	<b>No</b>
Maximum Signs Per Site – 1	2	<b>No</b>

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Planning and Zoning Commission Minutes April 16, 2012  
Resolution](#)

**EXCERPTS FROM THE**  
**PLANNING & ZONING COMMISSION MEETING**  
**MONDAY, APRIL 16, 2012**

**ACTION ITEMS**

**Item 3: Z-FY-12-41** - Consider and make a recommendation on an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for sign requirements for Starbucks Coffee, located at 111 North General Bruce Drive.

Ms. Autumn Speer, Director of Community Services, stated this was an I35 appeal request which coincided with a more recent appeal request that Starbucks Coffee did. The applicant proposed the interior remodel that triggered I35 compliance at 50% or higher level signs are suppose to be addressed at P&Z level. However, Staff was working with P&Z and City Council to rewrite the I35 sign ordinance and it was not brought up. The applicants did get approval for an appeal from City Council on March 1st and this matter is being brought back to make sure the appeal is on the record and they have this with their other appeal.

There are two existing freestanding signs: one on North General Bruce that measures 75 feet tall which was previously allowed on I35, and one between Whataburger and Starbucks that measures 40 feet tall. The current I35 standards allow up to a 45 feet tall pylon sign so the sign between Whataburger and Starbucks would be allowed to remain. The 75 foot tall sign would have to be removed if they were in full compliance with the trigger percentage.

The site plan is shown for location of signs.

The 40 foot tall sign could remain and would also have to be wrapped in masonry for a total of 3.75 feet in width and could be done with one or two poles.

Staff recommends approval of this appeal to allow those two remaining signs because of the timing of their appeal request. Staff also recommends coming back before P&Z and City Council to discuss the sign requirements as they relate to existing signs and how they are triggered. This site did not extend their footage, only interior remodeling.

Vice-Chair Staats asked if this would apply to the 75 foot sign even if Starbuck's closed and another business moved in. Ms. Speer stated yes, the sign could remain, even if the face changed.

Commissioner Talley made a motion to approve Item 3, **Z-FY-12-41**, as presented, and Commissioner Pope made a second.

*Motion passed: (9:0)*

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

[PLANNING NO. Z-FY-12-41]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN EXCEPTION TO SECTION 6.7 OF THE UNIFIED DEVELOPMENT CODE RELATED TO THE I-35 CORRIDOR OVERLAY ZONING DISTRICT FOR SIGN REQUIREMENTS FOR STARBUCKS COFFEE LOCATED AT 111 NORTH GENERAL BRUCE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on April 16, 2012, the Planning and Zoning Commission approved an appeal of Section 6.7 of the Unified Development Code related to freestanding signage;

**Whereas**, in order to be compliant with the I-35 sign standards, the applicant would need to remove the large 75' tall pole sign and add a 6' wide masonry enclosure/base around the existing 40' tall pole sign;

**Whereas**, the applicant was not made aware of this requirement when they submitted their original request, therefore staff recommends approval of this sign appeal to the I-35 Corridor Overlay standards to allow the two existing freestanding signs to remain; and

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

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

**Part 1:** The City Council authorizes an exception to Section 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District allowing the two existing freestanding pole signs to remain at 111 N. General Bruce Drive.

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

PASSED AND APPROVED this the **3<sup>rd</sup>** day of **May**, 2012.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson

\_\_\_\_\_  
Jonathan Graham

City Secretary

City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

---

05/03/12  
Item #8  
Regular Agenda  
Page 1 of 8

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

Kim Foutz, Assistant City Manager/Acting Planning Director

**ITEM DESCRIPTION:** Z-FY-12-44: Consider adopting a resolution authorizing an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for an existing Commercial property with multiple tenants located at 2001 West Adams Avenue.

**P&Z COMMISSION RECOMMENDATION:** At its April 16, 2012, meeting, the Planning and Zoning Commission voted 9/0 to recommend approval of an appeal to the I-35 Standards relating to landscaping, parking and lighting.

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

The appeal is based on the applicant's efforts to meet the intent and spirit of the I-35 ordinance and the limited amount of space remaining for adequate parking.

**ITEM SUMMARY:** Please refer to the draft minutes of case Z-FY-12-44, from the Planning and Zoning meeting, April 16, 2012. The building located at 2001 West Adams Avenue is approximately 63,000 square feet in size. The interior space is currently finished out in four tenant lease spaces; including a bingo hall, liquor store, proposed church and proposed bakery. The property is zoned Commercial District and is located in the I-35 City Entry Sub District.

**I-35 TRIGGER CALCULATION:** 2011 Bell County Appraised Value of Improvements= \$961,744

Date	Address	Permit Number	Type	Value	Cumulative Percent
6/4/2010	2001 W Adams	10-88417	Retail Finish Out (Liquor store & Bingo Hall)	\$86,300	9%
2/9/2012	2001 W Adams Avenue	12-93539	Retail finish out	\$35,000	13%
2/9/2012	2 N. General Bruce Drive	12-93541	Church remodel	\$150,000	28%
2/9/2012	6 N. General Bruce Drive	12-93540	Bakery Finish Out	\$25,000	31%

Since the inception of the I-35 ordinance four building permits have been requested (see above) by the property owner and have triggered the second level of I-35 standards including site plan review, tree preservation, parking, screening and wall standards, landscaping and lighting.

I-35 Triggers Development Type	Site Plan Review	Tree Preservation	Parking	Screening and Wall Standards	Architectural Design	Landscape	Signs	Lighting	Utilities
Increase in gross floor area of 25%-49% or modifications with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll	✓	✓	✓	✓		✓		✓	

The applicant is also in negotiations with TxDOT for row acquisition for the I-35 expansion project currently underway and will be losing property on West Adams Avenue and potentially along the I-35 Frontage Road. The West Adams property loss is approximately 45' deep and the property loss on the I-35 frontage road is yet to be determined.

The applicant has worked closely with City Staff to develop a plan that meets the spirit and intent of the I-35 Overlay District. The applicant still desires to pursue a request for relief from complying with all standards in the form of this appeal.



**I-35 APPEAL SUMMARY:** Below is a summary of the General and the City Entry sub-district standards in the I-35 Overlay as they relate to this specific site.

I-35 Requirements City Entry Sub District	Proposed	Meets Requirements?	Mitigation or Rationale for Exception
<b>Site Plan Review (General)</b>			
Required	Met requirements	Yes	n/a
<b>Tree Preservation (General)</b>			
Required	n/a	n/a	n/a

I-35 Requirements City Entry Sub District	Proposed	Meets Requirements?	Mitigation or Rationale for Exception
<b>Parking (General)</b>			
Parking Spaces required 7.4 – Treat as All other Retail sales and Service (1 per 250 sq ft) 252 spaces  <i>Parking spaces con't</i>	Exceeds requirements – 311 spaces	Yes	n/a
Curb and gutter, 6" in height, required around perimeter and all parking islands	Meets requirements	Yes	n/a
Parking aisles must be designed to be perpendicular to entry	Parallel parking aisles on both sides	<b>NOT MET – EXCEPTION IS REQUESTED AS PER PROPOSED</b>	The depth of the site area in the front reduces the ability to meet Applicant's desired parking number count if the aisles are perpendicular
Parking areas must be planned so that vehicles are not required to back out of parking spaces directly into a public or private street	Meets requirements	Yes	n/a
Parking lots must be designed to preserve the maximum amount of existing trees on site as possible	n/a	n/a	n/a
Parking spaces that face and are adjacent to a building must utilize wheel stops	n/a	n/a	n/a

I-35 Requirements City Entry Sub District	Proposed	Meets Requirements?	Mitigation or Rationale for Exception
<b>Parking (General)</b>			
Wheel stops are required adjacent to all landscaped areas Wheel stops are required adjacent to all sidewalks, except for raised sidewalks at least 6 feet in width (8 feet if parking spaces front both sides)	n/a	n/a	n/a
No parking is allowed in the landscape buffer	Meets requirements	Yes	n/a
<b>Screening and Wall Standards (General)</b>			
Garage and service bays must be located to rear of building or on side not visible to traffic flow on abutting side of I-35	Meets requirements - located to rear of building	Yes	n/a
Loading zones and mechanical equipment must not be clearly visible at eye level from any public street or located within 100' of any public street, unless screened	Meets requirements - located at rear of building and not clearly visible	Yes	n/a
<b>Landscape (General)</b>			
Areas not covered by building or pavement must be landscaped	Meets requirements	Yes	n/a
Landscape Area 15% (27,600 sq ft without I-35 taking)	Approximately 15% area after TxDOT Acquisition	Yes	n/a
Foundation Plantings required along 70% of the length of any visible façade in a bed a minimum 6' deep	175' required on I-35 Side – 126' proposed 145' required on West Adams Side – 145' proposed	<b>PARTIALLY MET – EXCEPTION IS REQUESTED AS PER PROPOSED</b>	Entryway configuration limits the amount on the I-35 side
Landscape Buffer 25' adjacent to street row on I-35 and Adams	16' proposed on I-35 Side 10' shown on West Adams Side	<b>NOT MET – EXCEPTION IS REQUESTED AS PER PROPOSED</b>	Applicant desires to maintain desired level of parking; also TxDOT r-o-w impact unknown on Adams

I-35 Requirements City Entry Sub District	Proposed	Meets Requirements?	Mitigation or Rationale for Exception
<b>Landscape (General)</b>			
20% Required landscape buffer must have native grass beds or wildflowers	Native grass beds in buffer	Yes	n/a
Parking screen of hedge row 2.5 to 4' high for all parking areas visible from public view	I-35 Side = 82 Shrubs West Adams Frontage = 40 shrubs	Yes	n/a
Interior parking islands 1 per every 10 spaces minimum 170 sq ft (1 3" tree required in each) = 31	34 shown in conjunction with Terminal Island requirements	Yes	n/a
Terminal parking islands at the end of each row minimum 360 sq ft (2 3" tree required in each)	Meets requirements for all but rear parking row and along front buffer area	<b>PARTIALLY MET – EXCEPTION IS REQUESTED AS PER PROPOSED</b>	Rear parking does not include terminal islands to allow more parking & the front area run into the req'd landscape buffer
Median islands minimum 10' in width must be located after every third parking bay ( 3" tree required every 30')	None proposed - One area would apply on the northern side	<b>NOT MET – EXCEPTION IS REQUESTED AS PER PROPOSED</b>	Applicant desires to maintain # of proposed parking spaces
Landscape Buffer 10' rear	None proposed	<b>NOT MET – EXCEPTION IS REQUESTED AS PER PROPOSED</b>	Adequate space is not available in conjunction w/loading & parking areas
Landscape Buffer 10' side	Approximately 60'	Yes	n/a
60% Required Trees must be evergreen	100% Deciduous – red oaks and crepe myrtles proposed	<b>NOT MET– EXCEPTION IS REQUESTED AS PER PROPOSED</b>	None

<b>I-35 Requirements City Entry Sub District</b>	<b>Proposed</b>	<b>Meets Requirements?</b>	<b>Mitigation or Rationale for Exception</b>
Minimum 2' tall berm must be installed for minimum 50% of the buffer area	50% of 610' = 305' Required; 410' Proposed on I-35 Side	Yes – exceeds requirement	n/a
<b>Landscape (City entry Sub-District)</b>			
Additional 10% vegetation required in landscape area	None proposed	<b>NOT MET – EXCEPTION IS REQUESTED AS PER PROPOSED</b>	Exception in reduction in buffer depth is not conducive to additional landscaping
1 - 3" Caliper tree per 25' frontage 16 on I-35 Side 8 on West Adams	10 on I-35 Side 8 on West Adams Side	<b>NOT MET – EXCEPTION IS REQUESTED AS PER PROPOSED</b>	Applicant is providing the standard tree requirement of 1 per 30'
1 - 2" Ornamental tree planted in buffer 30' frontage 14 on I-35 Side 7 on West Adams Side	10 on I-35 Side 5 on West Adams Side	<b>PARTIALLY MET – EXCEPTION IS REQUESTED AS PER PROPOSED</b>	If exception for reduced depth of landscape buffer, also reduces the number of trees
Driveways must have enhanced paving of stone, brick or patterned concrete for minimum 50% driveway throat	Not provided	<b>NOT MET – EXCEPTION IS REQUESTED AS PER PROPOSED</b>	Access is from adjacent property and denied on Adams at this time
<b>Lighting (General)</b>			
Light sources must be housed in full cut-off fixtures	Additional lighting is not proposed – but will be required in plans for work on the parking lot	Will Meet	n/a
All on-premise outdoor lighting fixtures in the City Entry Sub District must be ornamental or decorative where appropriate	Additional lighting is not proposed – but will be required in plans for work on the parking lot. Existing security lighting will be maintained.	<b>NOT MET – EXCEPTION IS REQUESTED AS PER PROPOSED</b>	None

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Site Plan](#)

[Landscape Detail](#)

[Planning and Zoning Commission Meeting Minutes April 16, 2012](#)

[Resolution](#)

10 April 2012

ARCHITECT SEAL

ENGINEER SEAL

PROJECT/LOCATION

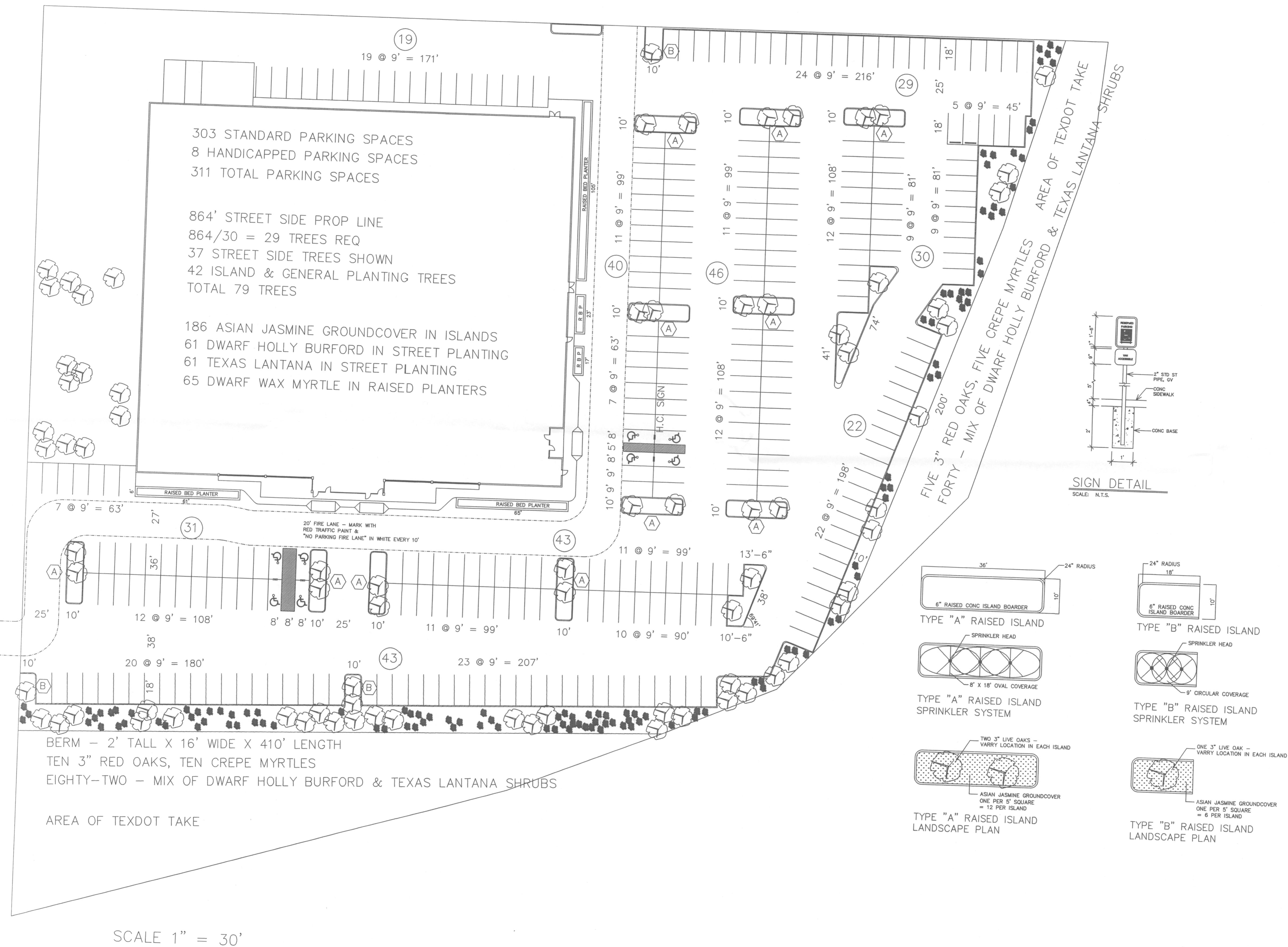
LANDSCAPE LAYOUT  
2001 WEST ADAMS STREET  
TEMPLE, TEXAS

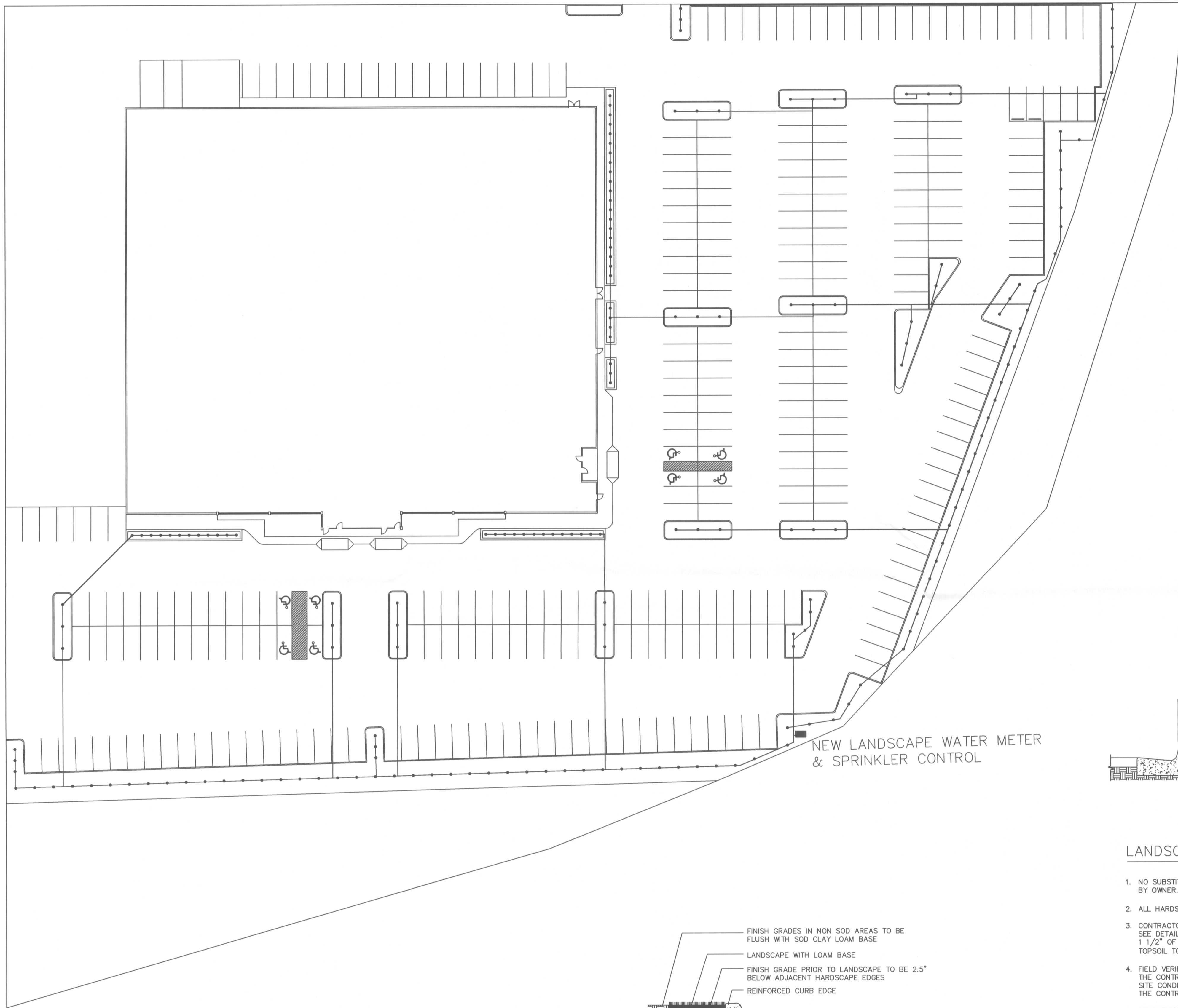
ARCHITECT:  
PHILIP A. MARLEY  
ARCHITECTS INC.  
263 BUGGY ROAD  
KILLEEN, TEXAS 76542

SITE LANDSCAPE

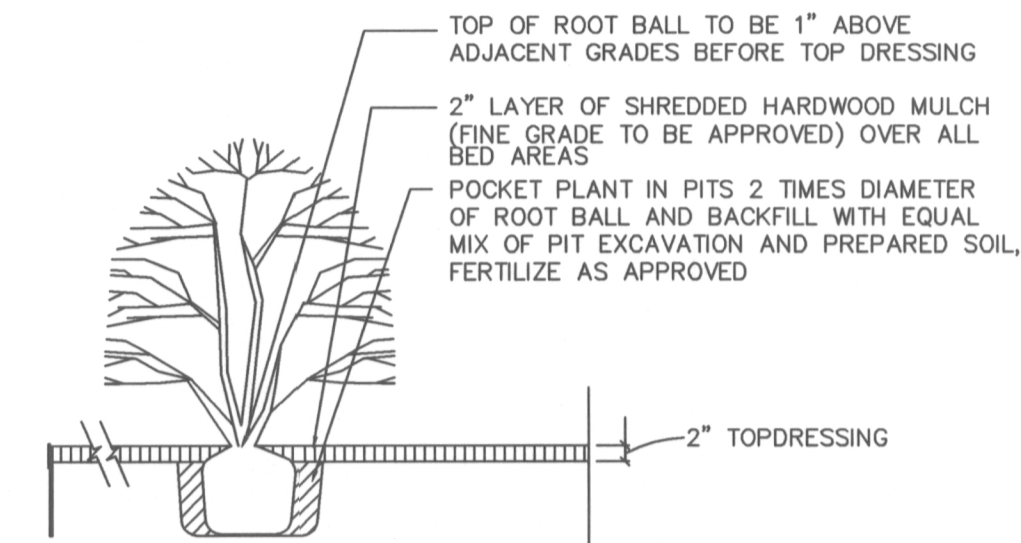
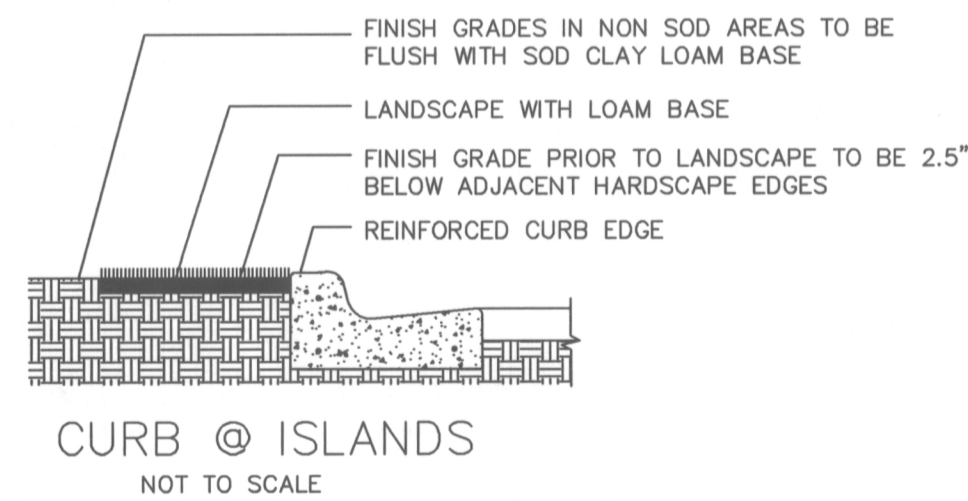
SHEET NUMBER

L-1

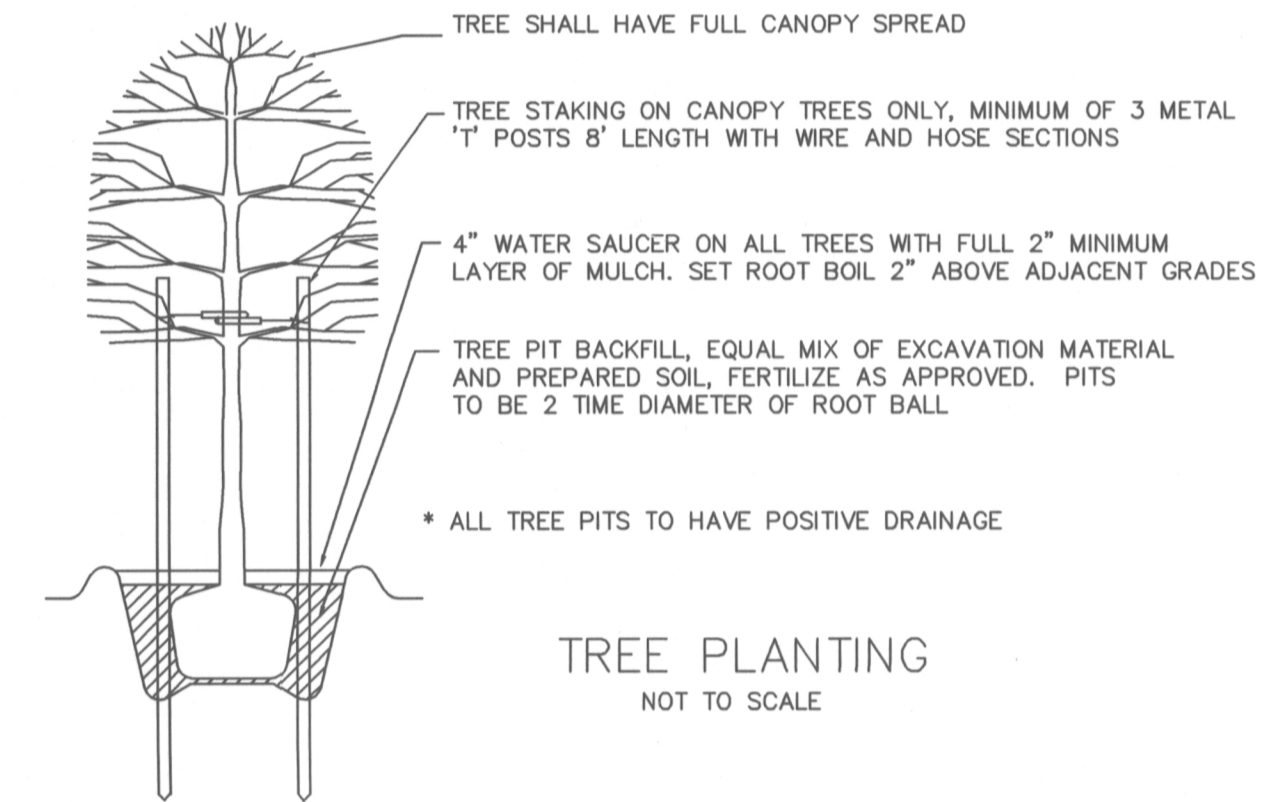




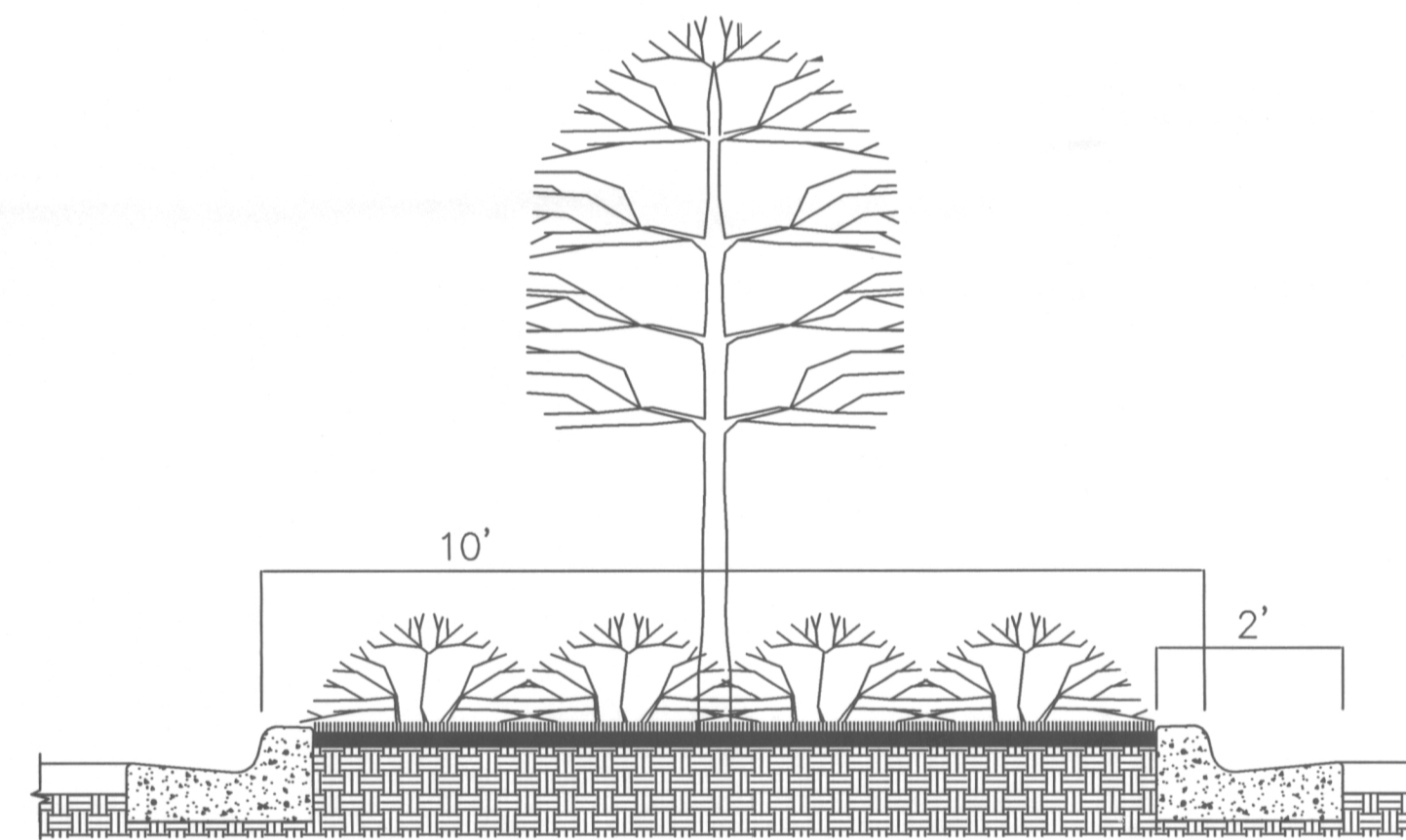
SCALE 1" = 30'



SHRUB PLANTING  
NOT TO SCALE



TREE PLANTING  
NOT TO SCALE



CROSS SECTION AT CURB ISLANDS  
NOT TO SCALE

#### LANDSCAPE NOTES

1. NO SUBSTITUTES IN SPECIFIED MATERIALS OR PRODUCTS SHALL BE MADE WITHOUT WRITTEN APPROVAL BY OWNER.
2. ALL HARDSCAPE LAYOUT AND PLANTING LOCATIONS TO BE FIELD APPROVED BY OWNER'S REPRESENTATIVE.
3. CONTRACTOR TO FILL OR EXCAVATE TO ACHIEVE REQUIRED GRADES PRIOR TO PLANTING OPERATIONS. SEE DETAILS THIS SHEET FOR BED GRADE REQUIREMENTS. ALL LAWN AREAS TO BE FINISHED WITHIN 1 1/2" OF ADJACENT HARDSCAPE EDGES. ANY REQUIRED FILL SHALL BE WITH SCREENED SANDY LOAM TOPSOIL TO BE APPROVED.
4. FIELD VERIFY LOCATIONS OF UNDERGROUND AND OVERHEAD UTILITIES AND REPORT ANY OBSTRUCTIONS TO THE CONTRACTING OFFICER. CONTRACTOR IS RESPONSIBLE FOR REPAIR OF ALL DAMAGED UTILITIES. ANY SITE CONDITION WHICH WILL LIMIT WORK UNDER THIS CONTRACT SHALL BE BROUGHT TO THE ATTENTION OF THE CONTRACTING OFFICER FOR REMEDY PRIOR TO COMMENCEMENT OF WORK.
5. DECOMPOSED ORGANIC MULCH SHALL BE THOROUGHLY COMPOSTED MATERIAL FROM APPROVED PRODUCTS AND SUPPLIERS.
6. FURNISH AND INSTALL WORK WHERE AND HOW INDICATED ON THE DRAWING AND AS IDENTIFIED IN THE PLANT LIST. ANY ITEMS NOT SPECIFICALLY INDICATED OR SPECIFIED BUT NORMALLY REQUIRED TO PERFORM PLANTING OPERATIONS ARE CONSIDERED PART OF THE WORK. USE ONLY TOP QUALITY PLANTS THAT ARE NORMAL TO THE SPECIES IDENTIFIED AND FROM REPUTABLE SUPPLIERS OF INDUSTRY PRODUCTS.
7. WARRANTY ALL MATERIALS FOR ONE YEAR FROM DATE OF PROJECT 'FINAL ACCEPTANCE'. ACTS OF GOD OR MAINTENANCE NEGLECT ARE NOT INCLUDED.
8. CLEAN ALL DEBRIS AND UNDESIRABLE VEGETATION, INCLUDING ROOTS, FROM ALL GROUND AREAS TO BE PLANTED. CLEANING SHALL OCCUR BEFORE PREPARING ANY SURFACES FOR PLANTING. DISPOSE OF ALL DEBRIS OFF SITE ON A DAILY BASIS THROUGHOUT CONSTRUCTION.
9. MAINTAIN ALL PLANTS AND PLANTED AREAS IN OPTIMUM GROWING CONDITION. BEGIN MAINTENANCE WITH DELIVERY OF THE FIRST PLANT OR PLANTING MATERIALS AND CONTINUE WITH ALL MAINTENANCE INCLUDING WEEDING, WATERING, FERTILIZING, MOWING, ETC. UNTIL PROJECT 'FINAL ACCEPTANCE'.
10. FINAL INSPECTION WILL BE PERFORMED AT THE REQUEST OF THE CONTRACTOR. AT TIME OF INSPECTION ALL NEWLY PLANTED AREAS SHALL BE FREE OF WEEDS, GENERAL DEBRIS, NEATLY CULTIVATED AND RAKED. ALL TREE STAKES AND PLANT WATER SAUCERS SHALL BE IN PROPER CONDITION, LAWNS CUT AND CLIPPINGS REMOVED.



ARCHITECT SEAL

ENGINEER SEAL

PROJECT/LOCATION

LANDSCAPE LAYOUT  
2001 WEST ADAMS STREET  
TEMPLE, TEXAS

ARCHITECT:  
PHILIP A. MARLEY  
ARCHITECTS INC.  
263 BUGGY ROAD  
KILLEEN, TEXAS 76542

SPRINKLER LAYOUT

SHEET NUMBER  
L-2

**EXCERPTS FROM THE**  
**PLANNING & ZONING COMMISSION MEETING**  
**MONDAY, APRIL 16, 2012**

**ACTION ITEMS**

**Item 4: Z-FY-12-44** - Consider and make a recommendation on an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for the commercial property located at 2001 West Adams Drive.

Ms. Speer stated this was an I35 appeal request and the applicant is addressing several topics required by I35 related to an existing building (old Albertsons) located at Adams Avenue and I35. The building is approximately 193,000 square feet and they have four tenant lease spaces: two spaces are occupied with a liquor store and bingo hall. The other two available spaces would be a proposed church and proposed bakery.

Ms. Speer shows an aerial of the subject property before TxDOT takes I35 acquisition (in red). I35 triggers are incorporated through building permits. Ms. Speer shows the applicant's previous permits which did not trigger any I35 standards. However, in February of 2012, the applicant submitted three permits for interior finishes which equals 31 percent and trigger the site plan review, tree preservation, parking, screening and wall standards, landscaping and lighting. The site plan review is basic and there are no trees on the site.

Part of the issue on this site is their retail space would technically require 772 parking spaces. TxDOT is taking approximately 45 feet off of the Adams side and some property on the I35 frontage road side (unsure of the amount). After this property is taken there will only be space for 311 spaces. Curb and gutter meet requirements. Parking isles must be designed to be perpendicular to the entry. Currently they are parallel on both sides, however, if they do them perpendicular to the entry they would lose more spaces and has been discussed with the applicant.

Parking areas must be planned so drivers do not back out of the spaces onto a street. The applicant meets this requirement along with no parking in the landscaping aisle.

Screening and wall standards and loading zones—all of the service bays, loading and other items are in the back so the applicant meets these requirements.

Landscaping is right at 15 percent after the I35 acquisition for total landscaping so they need to meet that requirement. Foundation plantings are very close but 70% is required in visible areas. The landscape buffer is required to be 25 feet adjacent to I35 and Adams—they have 10 feet on Adams and 16 feet on I35 and do not meet the standard. However, if they met this requirement, they would lose additional parking spaces.

The required landscape buffer has native grass or wildflowers and the parking screen of hedge row should be two and a half to four feet high for parking areas and the applicant meets these standards. Interior parking islands, one per 10 spaces, are also met.

Terminal parking islands at the end of each row meet standards except for the rear which is employee and ancillary parking and is partially met. Median islands, one median island 10 feet

in depth on the north side, are normally required, but again, the applicant would lose more parking spaces so they do not meet that standard.

Landscape buffer in the rear requires 10 feet but they do not have this space for this and do not meet the requirement. The 10 foot landscape buffer on the side is met.

The required 60 percent of the trees must be evergreen and the applicant has 100 percent deciduous proposed red oaks and crepe myrtles due to the size of the buffer. They also have a two foot tall berm on 50 percent of the buffer area and applicant exceeds the standards.

The applicant is located on the City Entry Sub District which requires extra landscaping standards and additional 10 percent vegetation is required in the landscape area. The applicant has nothing proposed over the standard requirements so technically they do not meet the standards. However, they have a reduction in the buffer area which would make it difficult to add even more.

The applicant requires one three-inch caliper tree per 25 feet of frontage. They have 16 required on I35 and eight on West Adams. The applicant is providing 10 on I35 and eight on West Adams (one per 30 feet) which partially meets the standards and Staff feels is adequate. Ornamental trees require 14 on I35 and seven on West Adams and this is partially met too.

Driveways must have enhanced paving of stone or brick but applicant does not meet this since they do not have the space. The applicant is taking access from the adjacent property and would have to put the entrance there but that has not yet been proposed.

Lighting is required to be full cut off and the applicant currently has no proposed lighting. This will be reviewed when they come in for the parking. Decorative lighting fixtures are also required for the lot and they are not proposed as yet.

Staff recommends approval for this applicant.

Commissioner Rhoads asked about the lighting and Ms. Speer stated if it was approved it would be part of the appeal. Commissioner Pope asked if lighting was currently there and Ms. Speer stated there was. The applicant would only need security cut off lighting in the parking lot, no decorative lighting.

Ms. Speer shows the green space for the subject area.

Commissioner Pilkington stated the applicant has shown good intent to comply with the standards as much as possible. Chair Martin agreed.

Commissioner Pope made a motion to approve Item 4, **Z-FY-12-44**, as presented, and Commissioner Talley made a second.

*Motion passed: (9:0)*

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

[PLANNING NO. Z-FY-12-44]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN EXCEPTION TO SECTION 6.7 OF THE UNIFIED DEVELOPMENT CODE RELATED TO THE I-35 CORRIDOR OVERLAY ZONING DISTRICT RELATED TO LANDSCAPING, PARKING AND LIGHTING IN AN EXISTING COMMERCIAL PROPERTY WITH MULTIPLE TENANTS LOCATED AT 2001 WEST ADAMS AVENUE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on April 16, 2012, the Planning and Zoning Commission approved an appeal to the I-35 Standards related to landscaping, parking and lighting for an existing commercial property;

**Whereas**, the building located at 2001 West Adams Avenue is approximately 63,000 square feet in size and the interior space is currently finished out in four tenant leased spaces; and

**Whereas**, the applicant has requested relief from certain elements of the I-35 Corridor Overlay Standards, and staff recommends approval of such relief.

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

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

**Part 1:** The City Council authorizes an exception to Section 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District related to landscaping, parking and lighting for an existing commercial property with multiple tenants located at 2001 West Adams Avenue, as outlined below and in Exhibit A attached hereto:

- 1) Allow parallel parking aisles on both sides of entry in lieu of perpendicular parking aisles;
- 2) Allow 126' of foundation plantings in lieu of 175' of foundation plantings in a bed 6' minimum in depth on I-35 side;
- 3) Allow landscape buffer to be 16' in depth on I-35 side in lieu of a 25' depth and 10' depth on West Adams side in lieu of 25' depth;
- 4) Waive requirement for terminal parking islands on rear parking row and on row along front buffer;
- 5) Allow exemption for 10' wide median islands located every third parking bay;
- 6) Allow exemption of required 10' wide landscape buffer in rear of property line;
- 7) Allow 100% deciduous trees, red oaks and crepe myrtles, in lieu of 60% evergreen trees;
- 8) Allow exemption for an additional 10% required vegetation in landscaping area;
- 9) Allow 10 1-3" caliper trees on I-35 side in lieu of 16;

- 10) Allow 10 1-2" ornamental trees planted in buffer on I-35 side, in lieu of 14; and allow 5 1-2" caliper trees on West Adams side, in lieu of 7;
- 11) Allow exemption for driveway enhanced paving stone, brick or patterned concrete for minimal 50% driveway throat;
- 12) Allow existing lighting to remain; and any new lighting installed will meet development standards of ornamental or decorative lighting

**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 **3<sup>rd</sup>** day of **May**, 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

---

05/03/12  
Item #9  
Regular Agenda  
Page 1 of 1

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

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Consider adopting a resolution appointing one alternate member to the Bell County Public Health District Board of Directors.

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

**ITEM SUMMARY:** Dr. Ray Ashcraft was appointed to the Bell County Public Health District Board of Directors in June 2009 to fill the position vacated by Dr. William Hardin. The Health District has now requested the City appoint an alternate member to serve in the absence of Dr. Ashcraft. The appointment of an alternate is provided for in the Cooperative Agreement with the Health District.

In 2010 Dr. Jim Madsen was appointed as the alternate member and is unable to fulfill this position.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:** N/A