



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

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

**THURSDAY, JANUARY 3, 2013**

**3:30 P.M.**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, January 3, 2013.
2. Discuss zoning for institutions for alcoholic and narcotic patients.
3. Receive a City Council continuing education briefing on the City Charter.

**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. CONSENT AGENDA**

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

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

**Contracts, Leases, & Bids**

- (A) [2013-6854-R](#): Consider adopting a resolution authorizing an annual service agreement with Magna Flow Environmental of Humble for hauling and disposal of membrane CIP waste for FY 2013 for \$.07/gallon in the estimated annual amount of \$28,000.
- (B) [2013-6855-R](#): Consider adopting a resolution authorizing a Chapter 380 Strategic Investment Zone “matching grant” agreement with Ponderosa Food Service Company Inc. for redevelopment improvements to the existing Presidia building located within the MLK Jr. Boulevard Strategic Investment Zone corridor at 306 East Adams in an amount not to exceed \$44,000 plus waiver of permit fees.

## **IV. REGULAR AGENDA**

### **ORDINANCES**

4. [2013-4571](#): FIRST READING - PUBLIC HEARING - Z-FY-13-01: Consider adopting an ordinance authorizing a permanent zoning from Agricultural District (AG) to Planned Development-Single Family One District (PD-SF-1) at 305 Ben Nevis Lane, located on Lot 4, Block 1, The Highlands Phase 1.
5. [2013-4572](#): FIRST READING - PUBLIC HEARING - Z-FY-13-02: Consider adopting an ordinance authorizing a Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign at 3010 South General Bruce Drive.
6. [2013-4573](#): FIRST READING - PUBLIC HEARING - Z-FY-13-03: Consider adopting an ordinance authorizing a Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign at 2502 North General Bruce Drive.
7. [2013-4574](#): FIRST READING - PUBLIC HEARING - Z-FY-13-04: Consider adopting an ordinance authorizing a zone change from Agricultural District (AG) to Single Family Three District (SF-3) on 64.073 ± acres and Office Two District (O-2) on 9.665 ± acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located on the west side of Old Waco Road, adjacent to Westwood Estates and Hills of Westwood, south of Jupiter Drive.

### **RESOLUTIONS**

8. [2013-6856-R](#): Z-FY-13-05: 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 landscaping and parking improvements for Texas Roadhouse, located at 624 North General Bruce Drive.
9. [2013-6857-R](#): Z-FY-13-06: 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 landscaping and building improvements for Johnson Brothers Ford located at 503 and 615 North General Bruce Drive.

### **BOARD APPOINTMENTS**

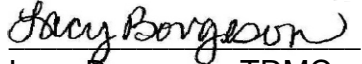
10. [2013-6858-R](#): Consider adopting a resolution designating the Chair of the Tax Increment Financing Reinvestment Zone No. 1 Board of Directors for 2013.

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 4:20 PM, on December 21, 2012.

  
Lacy Borgeson, TRMC  
City Secretary

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 2013. \_\_\_\_\_.





## COUNCIL AGENDA ITEM MEMORANDUM

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01/03/13  
Item #3(A)  
Consent Agenda  
Page 1 of 1

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

Nicole Torralva, P.E., Director of Public Works  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an annual service agreement with Magna Flow Environmental of Humble for hauling and disposal of membrane CIP waste for FY 2013 for \$.07/gallon in the estimated annual amount of \$28,000.

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

**ITEM SUMMARY:** On December 11, 2012, the City received two (2) bids for hauling and disposal of membrane CIP waste. The bids are shown on the attached bid tabulation sheet.

The City has done business with Magna Flow Environmental in the past and finds them to be a responsible vendor.

The proposed agreement will expire on September 30, 2013, with the option to extend the agreement for four (4) additional one-year periods, if so agreed to by both parties.

**FISCAL IMPACT:** The FY 2013 adopted budget for the Water Treatment Plant includes adequate funding to support this contract in account 520-5121-535-2338.

**ATTACHMENTS:**

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

Tabulation of Bids Received  
December 11, 2012  
Hauling and Disposal of Membrane CIP Waste

	Bidders	
	Magna Flow Environmental P# 281-448-8585 Humble, TX	S&M Vacuum & Waste LTD P# 254-526-5541 Killeen, TX
Description		
Price per Gallon for Hauling and Disposal of CIP Waste at Contractor Provided Location	\$0.07	\$0.37
Local Preference	No	No
Exceptions	No	No
Credit Check Authorization	Yes	Yes

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

***Belinda Mattke***

Belinda Mattke, Director of Purchasing

***11-Dec-12***

Date

*Note: Highlighted bid is  
recommended for Council approval*

RESOLUTION NO. 2013-6854-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL SERVICES AGREEMENT WITH MAGNA FLOW ENVIRONMENTAL OF HUMBLE, TEXAS, FOR THE HAULING AND DISPOSAL OF MEMBRANE CIP WASTE FOR FISCAL YEAR 2013, AT \$.07 PER GALLON, IN THE ESTIMATED ANNUAL AMOUNT OF \$28,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on December 11, 2012, the City received two bids for hauling and disposal of membrane clean-in-place ("CIP") waste;

**Whereas**, the City has done business with Magna Flow Environmental in the past and finds them to be a responsible vendor;

**Whereas**, the proposed agreement expires on September 30, 2013, with the option to extend the agreement for 4 additional one-year periods, if so agreed to by both parties;

**Whereas**, funds are available in Account No. 520-5121-535-2338 to fund this services agreement; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute an annual services agreement with Magna Flow Environmental of Humble, Texas, after approval as to form by the City Attorney, for hauling and disposal of membrane clean-in-place ("CIP") waste, with the option to extend the agreement for 4 additional one-year periods, if so agreed to by both parties, in the estimated annual amount of \$28,000.

**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 **January**, 2013.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/03/13  
Item #3(B)  
Consent Agenda  
Page 1 of 2

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

Kim Foutz, Assistant City Manager  
Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Chapter 380 Strategic Investment Zone “matching grant” agreement with Ponderosa Food Service Company Inc. for redevelopment improvements to the existing Presidia building located within the MLK Jr. Boulevard Strategic Investment Zone corridor at 306 East Adams in an amount not to exceed \$44,000 plus waiver of permit fees.

**STAFF RECOMMENDATION:** The proposed incentives are consistent with the incentive guidelines for the MLK Jr. Boulevard Strategic Investment zone adopted by City Council, therefore staff recommends approval of the grant and resolution as presented.

**ITEM SUMMARY:** This agreement outlines the obligations and representations of Johnny Walker representing Ponderosa Food Service Company Inc. (locally known as Emporium Spice) and also defines the City's incentive package for Emporium Spice, located at 306 East Adams Ave., situated on East Adams and within the MLK Jr. Boulevard Street Strategic Investment Zone.

The agreement and resolution will allow Emporium Spice to receive a Chapter 380 SIZ matching grant of up to \$15,000 match for façade improvements; up to \$2,500 match for sign improvements; up to \$4,000 match for asbestos survey and abatement; up to \$10,000 for landscaping; up to \$10,000 for sidewalk improvements and up to \$2,500 for demolition.

Emporium Spice total project investment is \$348,957.37 in renovations and sign improvements. With the City's total cash match being up to \$44,000. The grant agreement must be signed with 60 days of Council approval or the grant is forfeited and the applicant will have to re-apply. Improvements must be completed by within 9 months of the grant execution date. In return, Emporium Spice has agreed to improve the buildings as follows:

- Remove old siding and replace with stucco
- Install exterior lighting and canopy repair/replacement
- Repair, clean and paint existing brick and stucco
- Remove and replace storefront with new glass and entrance system
- Interior demolition; provide new interior partitions, ceilings, flooring, lighting, exterior door, and insulation

- Install new electrical, plumbing fixtures, air handlers
- Replace wood infill wall at South exterior with brick
- Asbestos testing and abatement
- Replace coping on entire roof
- Re-stripe parking
- Sidewalks, landscaping and railing
- Repair or replace awnings
- Install select metal accents on exterior facade

**FISCAL IMPACT:** The total maximum grant match by the City is \$44,000 plus waiver of permits, taps, and fees. A total of \$314,244 has been appropriated for the Strategic Investment Zone matching grant incentives for FY 2013 of which \$182,047 is currently available in account 110-1500-515-2695. If this grant is approved, a balance of \$138,047 will remain available for future grants.

Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City.

**ATTACHMENTS:**

[Grant Agreement](#)

[Location map](#)

[Picture of existing facades](#)

[Resolution](#)



## Martin Luther King Jr. Strategic Investment Zone Chapter 380 Development Agreement

This Agreement is executed by and between the City of Temple, a home rule city in Bell County, Texas (hereinafter “the City”) and Ponderosa Food Service Company, Inc. (hereinafter “Owner”).

City and Owner agree as follows:

**Section 1. Purpose.** Pursuant to authority granted to home rule cities under Chapter 380 of the Local Government Code and pursuant to a program established for the Martin Luther King Jr. Strategic Investment Zone under City Ordinance Number 2011-4504, the City and the Owner enter into this Agreement to promote economic development within the Martin Luther King Jr. Strategic Investment Zone. As an inducement to Owner to make certain specified improvements to the property located at 306 East Adams Ave. (hereinafter the “Property”), City and Owner agree to assume the responsibilities set forth below.

**Section 2. Obligations of Owner.** Owner proposes to make certain improvements to the Property, which are described generally below and as attached, and to use the Property for retail, food product manufacturing, and sales after the Improvements are completed. Owner is seeking matching grants for certain types of additional improvements described in Section 3, and further agrees to complete all of the additional improvements described in the subparts of Section 3.

Improvements, hereinafter collectively referred to as “the Improvements” include the following: asbestos testing and abatement; interior and exterior demolition and disposal; roof repair; exterior stucco repair and replacement; removal and replacement of storefront with new glass and entrance system; replace wood infill wall with brick; landscaping and railing; repairing/replacing sidewalks including installation of metal railings, installation of select metal accents on the exterior façade as per Exhibit “A,” installation of exterior lighting and canopy repair/replacement; interior renovations; restripe parking lot/spaces; and new electrical, plumbing fixtures, and air handlers. Exterior façade improvements will be in accordance with Exhibit “A.” The total anticipated investment in the Property by Owner is \$348,957.37. Any match made by the City, as described in Section 3 below, is limited to \$44,000.

Owner agrees to complete said Improvements on or before December 31, 2013. As a condition to receiving the matching grants from the City described in Section 3, Owner further agrees to complete the improvements described in each subpart of

Section 3. If Improvements are not completed on December 31, 2013, the City may administratively grant a onetime extension of time for 90 days.

**Section 3. Matching Grants by the City.** The City agrees to provide matching grants to the Owner, subject to the maximum cap of \$44,000, as described below if Owner satisfactorily completes and maintains the additional improvements described in each subpart below:

- (a) **Façade Improvement Grant.** The City will make a grant of up to \$15,000 on a 1:1 matching basis for the replacement and repair of an existing façade with an eligible masonry product on the Improvements. Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS, simulated stone block, and such other materials that the City may approve from time to time. Applicant may utilize accent metal/steel materials as depicted and described in Exhibit “A.” A list of eligible materials for the Martin Luther King Jr. Strategic Investment Zone is maintained in the Construction Safety Office, 1st Floor, the Municipal Building, 2 North Main Street. Other façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically exclude design costs.
- (b) **Sign.** The City will make a grant of up to \$2,500.00 on a 1:1 matching basis for sign construction and installation.
- (c) **Sidewalk Improvement Grant.** The City will make a grant of up to \$10,000.00 on a 1:1 matching basis for the construction or replacement of new sidewalks and railings. Sidewalk improvement costs eligible for reimbursement include demolition costs (where applicable) (including labor), landfill costs, and material and construction (including labor) costs and equipment rental, but specifically exclude design costs.
- (d) **Asbestos Survey and Abatement.** The City will make a grant of up to \$4,000 on a 1:1 matching basis for Owner-initiated asbestos survey of the Property. Asbestos survey grant eligible costs include professional fees, labor costs, and replacement materials.
- (e) **Landscaping.** The City will make a grant of up to \$10,000 on a 1:1 matching basis for landscaping. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, large pots, railings, and walls or fences) and material

and construction (including labor) costs, curbed islands, but specifically *exclude* design costs.

- (f) **Demolition Grant.** The City will make a grant of up to \$2,500 on a 1:1 matching basis for demolition costs.

**Section 4. Acceptance of Improvements and Payment of Matching Grants.**

The City's obligation to provide the matching grants described in Section 3 is conditioned upon the Owner completing the Improvements described in Section 2 and the specific additional improvements described in the relevant subparts of Section 3. After the Improvements described in Section 2 and in the subparts of Section 3 are inspected and accepted by the City, the City will make payment to the Owner within 30 days of such acceptance and upon evidence of receipts for expenses.

**Section 5. Maintenance of Improvements.** Owner, or its successors and assigns, agree to maintain the Improvements described in Section 2 and the subparts of Section 3 for a period of not less than five (5) years from the date matching grants are received from the City. Maintenance includes, but is not limited to, maintenance of all buildings, parking, and site improvements; removal of all weeds, removal of dead plants, and replacement of all dead plants with comparable materials. In the case of developments in the Temple Medical Education District, replacement of dead plants must be exact species replacements.

**Section 6. Assignment.** Owner shall have the right to assign this Agreement as collateral for the financing of the construction of the Improvements, and in the event that Owner is unable to complete the project for any reason, its assignee shall have the right, but not the obligation to finish the project, and receive a contribution from the City in the amounts specified in this Agreement upon final inspection and acceptance of the Improvements by the City.

**Section 7. Availability of Records.** Owner agrees to make its books and other records related to the construction of the Improvements available for inspection by the City during reasonable business hours.

**Section 8. Contract Execution.** Execution of this Agreement by Owner must occur within **sixty (60) days** of City Council approval. If execution of the Agreement does not occur within this period, Owner will have to reapply for the matching grant funds.

**Section 9. Waiver of Permit Fees.** All permit fees that would be typically charged by the City of Temple to perform the work outlined in this Agreement are



waived.

Executed on this the \_\_\_\_ day of \_\_\_\_\_, 2013.

City of Temple, Texas

Owner

\_\_\_\_\_  
David A. Blackburn  
City Manager

\_\_\_\_\_  
Johnny Walker  
Ponderosa Food Service  
Company, Inc.

Attest:

Approved as to form:

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

\_\_\_\_\_  
City Attorney

State of Texas       §

County of Bell       §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_,  
2013 by David A. Blackburn, City Manager, for the City of Temple, a Texas home  
rule City.

\_\_\_\_\_  
Notary Public

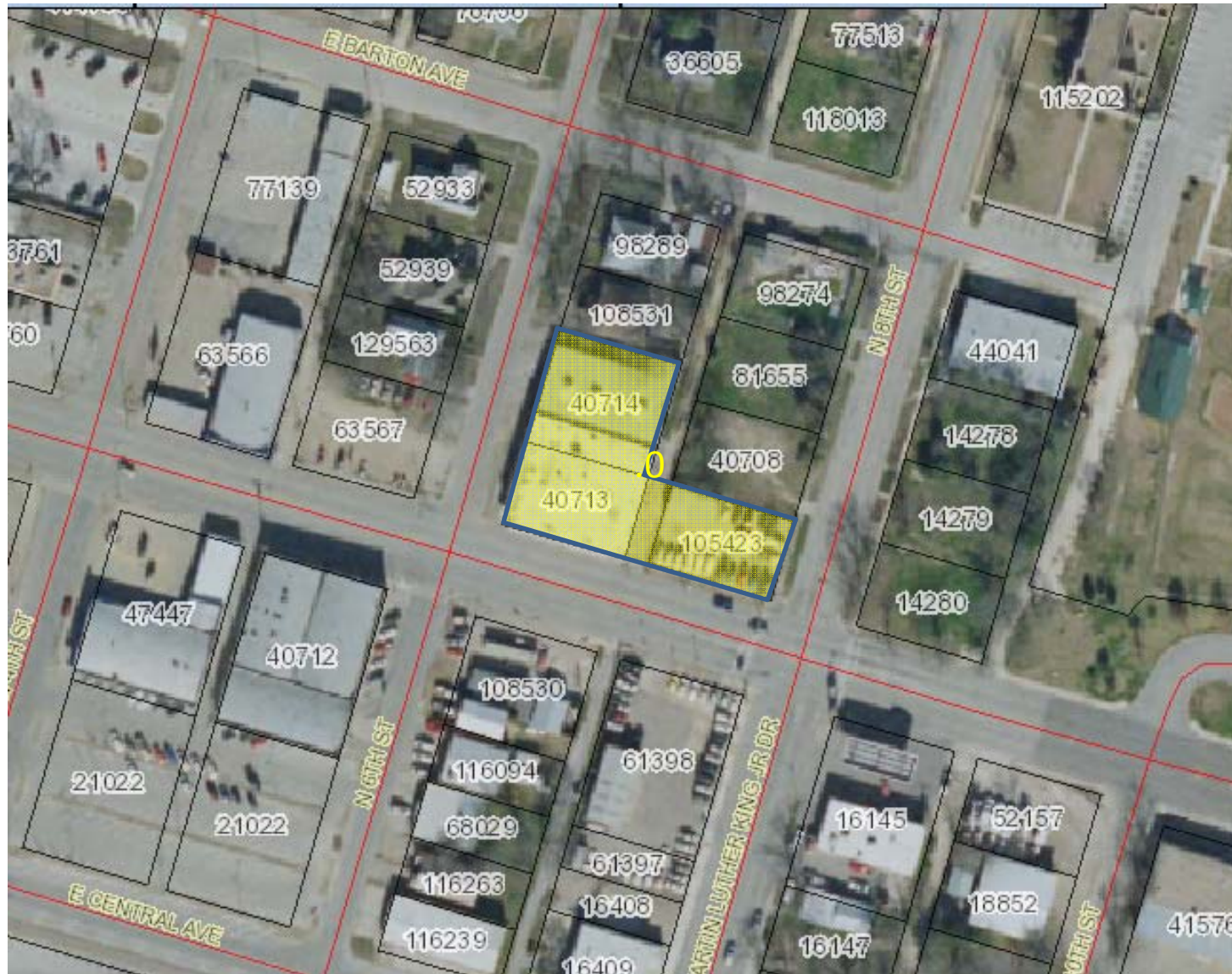
State of Texas       §

County of Bell       §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_,  
2013 by \_\_\_\_\_,  
\_\_\_\_\_ (title) of Ponderosa Food Service Company, Inc.

\_\_\_\_\_  
Notary Public

# Location Map



# Existing Facade



RESOLUTION NO. 2013-6855-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 STRATEGIC INVESTMENT ZONE 'MATCHING GRANT' AGREEMENT WITH PONDEROSA FOOD SERVICE COMPANY, INC., FOR REDEVELOPMENT IMPROVEMENTS TO THE EXISTING PRESIDIA BUILDING LOCATED WITHIN THE MLK JR. BOULEVARD STRATEGIC INVESTMENT ZONE CORRIDOR, LOCATED AT 306 EAST ADAMS AVENUE, IN AN AMOUNT NOT TO EXCEED \$44,000, PLUS A WAIVER OF PERMIT FEES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Chapter 380 Strategic Investment Zone Agreement outlines the obligations and representations of Johnny Walker representing Ponderosa Food Service Company, Inc., and also defines the City's incentive package for property located at 306 East Adams Avenue, situated within the MLK Jr. Boulevard Strategic Investment Zone;

**Whereas**, this agreement will allow Ponderosa Food Service Company, Inc. to receive a Chapter 380 Strategic Investment Zone matching grant of up to \$15,000 for façade improvements, up to \$2,500 for sign improvements, up to \$4,000 for Asbestos Survey and Abatement, up to \$10,000 for landscaping, up to \$10,000 for sidewalk improvements, and up to \$2,500 for demolition;

**Whereas**, Ponderosa Food Service Company, Inc.'s total project investment is \$348,957.37 in renovations and sign improvements – these improvements meet the City's ordinance requirements and improvements must be completed by December 31, 2013 – the grant agreement must be signed within sixty (60) days of approval of City Council or the grant is forfeited and the applicant must re-apply;

**Whereas**, the Staff recommends entering into a Chapter 380 Development Agreement with Ponderosa Food Service Company, Inc. for redevelopment improvements of the property located at 306 East Adams Avenue, situated within the MLK Jr. Boulevard Strategic Investment Zone;

**Whereas**, funds are available for this "Matching Grant" in Account No. 110-1500-515-2695; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a Chapter 380 Strategic Investment Zone "Matching Grant" Agreement with Ponderosa Food Service Company, Inc., after approval as to form by the City Attorney, for redevelopment improvements of the property located at 306 East Adams Avenue, situated within the MLK

Jr. Boulevard Strategic Investment Zone, with the City's matching grant not to exceed \$44,000, plus waiver of permit fees.

**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 **January**, 2013.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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01/03/13  
Item #4  
Regular Agenda  
Page 1 of 6

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

Autumn Speer, Director of Planning and Development

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING- Z-FY-13-01: Consider adopting an ordinance authorizing a permanent zoning from Agricultural District (AG) to Planned Development-Single Family One District (PD-SF-1) at 305 Ben Nevis Lane, located on Lot 4, Block 1, The Highlands Phase 1.

**P&Z COMMISSION RECOMMENDATION:** At its meeting on December 17, 2012, the Planning and Zoning Commission voted 9/0 to recommend approval of the requested zone change to Planned Development-Single Family One District (PD-SF-1), as described in the item description.

**STAFF RECOMMENDATION:** Conduct a public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for January 17, 2013.

Staff recommends approval of the requested zone change to Planned Development Single Family One District (PD SF-1), **subject to the attached site plan**, for the following reasons:

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

**ITEM SUMMARY:** The applicant's requested zone change from Agricultural District (AG) to Planned Development Single Family One District is to establish permanent zoning within a residential zoning district and to allow a reduced side yard setback on the south property line. If approved, the proposed Planned Development District would have a base zoning of Single Family One (SF-1) and would be subject to the attached site plan.

The property's Agricultural District (AG) requires a side yard setback of 15 feet from the property line. Earlier in the year, the applicant submitted a building permit for a proposed expansion of the existing house resulting in a side yard setback of 5-feet-6-inches from the south property line. The septic system's location in the rear yard prevents the applicant from expanding the house into the rear yard.


The building permit was put on hold pending the results of the applicant's variance request for a reduced side yard setback along the south property line.

The applicant's variance request was denied at the November 7, 2011 meeting of the Zoning Board of Adjustment. **This zone change request is the applicant's last attempt to establish a reduced side yard setback for his proposed house expansion.**




This property's plat, The Highlands, Phase I, was platted in 1979. This subdivision was annexed by the City of Temple on January 8, 1997 and given a temporary zoning designation of Agricultural District. The property owners within this subdivision have never pursued permanent residential zone changes for their individual properties.

The recorded plat reflects a 25-foot front yard building setback, which differs from the Agricultural District's more restrictive minimum required 50-foot front yard setback requirement. The plat's recorded 25-foot front yard setback is consistent with the Unified Development Code's (UDC) Single Family One District (SF-1). Although the City of Temple does not enforce restrictive covenants, those of The Highlands Phase I, allow side yard setbacks of 5 feet. **The proposed Planned Development Single Family One District (PD-SF-1) would allow the applicant's reduced yard setbacks, per the attached site plan.**

**SURROUNDING PROPERTY AND USES:** The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Residential	



Direction	Zoning	Current Land Use	Photo
North	AG	Single Family Residential	
South	AG	Single Family Residential	
East	AG	Undeveloped	

Direction	Zoning	Current Land Use	Photo
West	AG	Single Family Residential	 <p>Site</p> <p>Ben Nevis Lane</p>
			 <p>Ben Nevis Lane</p>
			 <p>Ben Nevis Lane</p> <p>St. Andrew Place</p>

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

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance
CP	Map 3.1 - Future Land Use and Character (FLUP)	This property has a Suburban Residential classification. The applicant's requested "base" zoning district of SF-1 for the proposed Planned Development complies with Suburban Residential classification.	Y
CP	Map 5.2 - Thoroughfare Plan	The property fronts Ben Nevis Lane, which is identified as a local street. Local streets are appropriate for single family developments.	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	A 6-inch water line runs along the west right-of-way of Ben Nevis Lane. A fire hydrant is also located on that water line, north of the applicant's property. The property is serviced by a septic system.	Y
STP	Temple Trails Master Plan Map & sidewalks	The Plan does not reflect a proposed trail along Ben Nevis Lane.	Y

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

**DEVELOPMENT REGULATIONS:** According to the City of Temple Comprehensive Plan, the Suburban Residential land use classification is characterized by mid-size single family lots, allowing for greater separation between dwellings and more emphasis on green space versus streets and driveways.

The SF-1 zoning district permits single-family detached residences and related accessory structures and provides standard single-family lots and should serve as a transition between larger and smaller lot single family districts.

The following residential uses are **permitted by right** in the proposed **Single Family One (SF-1)** "base" zoning district:

- Industrialized housing; and
- Single Family Detached Dwelling;

**Prohibited uses** include, single-family attached dwelling, duplex, patio home, townhouse, and apartments, among others.

Dimensional standards are as follows:

- Minimum lot size – 7,500 sq ft
- Minimum Lot Width – 60'
- Minimum Lot Depth – 100'
- Front Yard Setback – 25'
- Side Yard Setback (interior) – 10% of Lot width with 6' (min.) and 7.5 (max.)



- Side Yard Setback (corner yard) – 15'
- Rear Yard Setback – 10'

Rather than observing the minimum required 7.5-foot side yard setback at the applicant's south property line, the Planned Development would allow a reduced side yard setback of 5'-6" (5-feet 6-inches) at the south property line. All other setbacks would be consistent with the requirements of the Single Family One District (SF-1).

**PUBLIC NOTICE:** Twenty-three notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of December 13, 2012, one notice was returned in favor of the request and two notices were returned in opposition.

The newspaper printed notice of the Planning and Zoning Commission public hearing on December 6, 2012, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

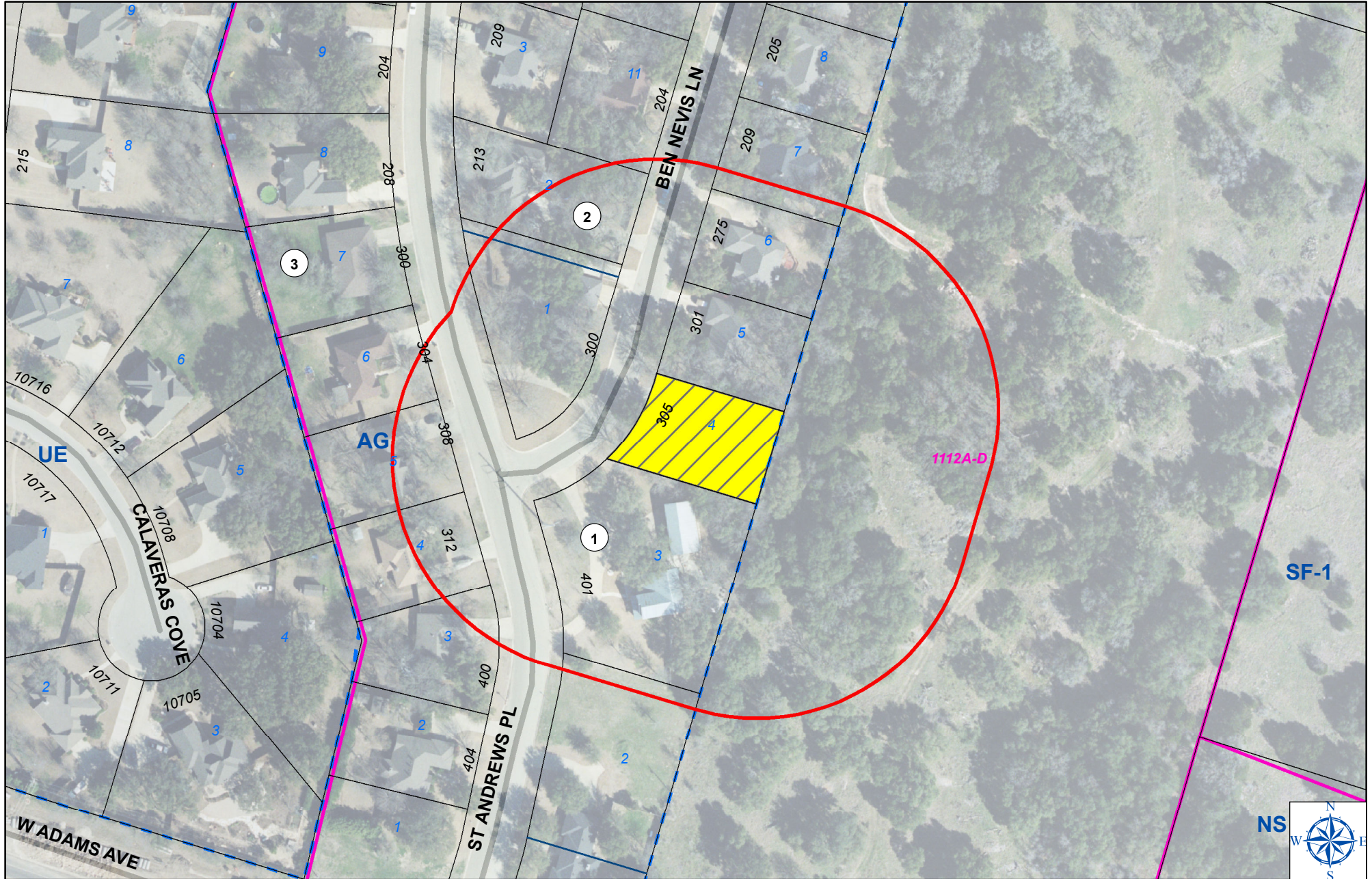
[Zoning and Location Map](#)  
[Future Land Use and Character Map](#)  
[Notification Map](#)  
[Returned Notices](#)  
[PD Site Plan](#)  
[P&Z Excerpts](#)  
[Ordinance](#)













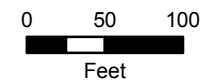
Z-FY-13-01

# Rezoning Request

305 Ben Nevis Lane



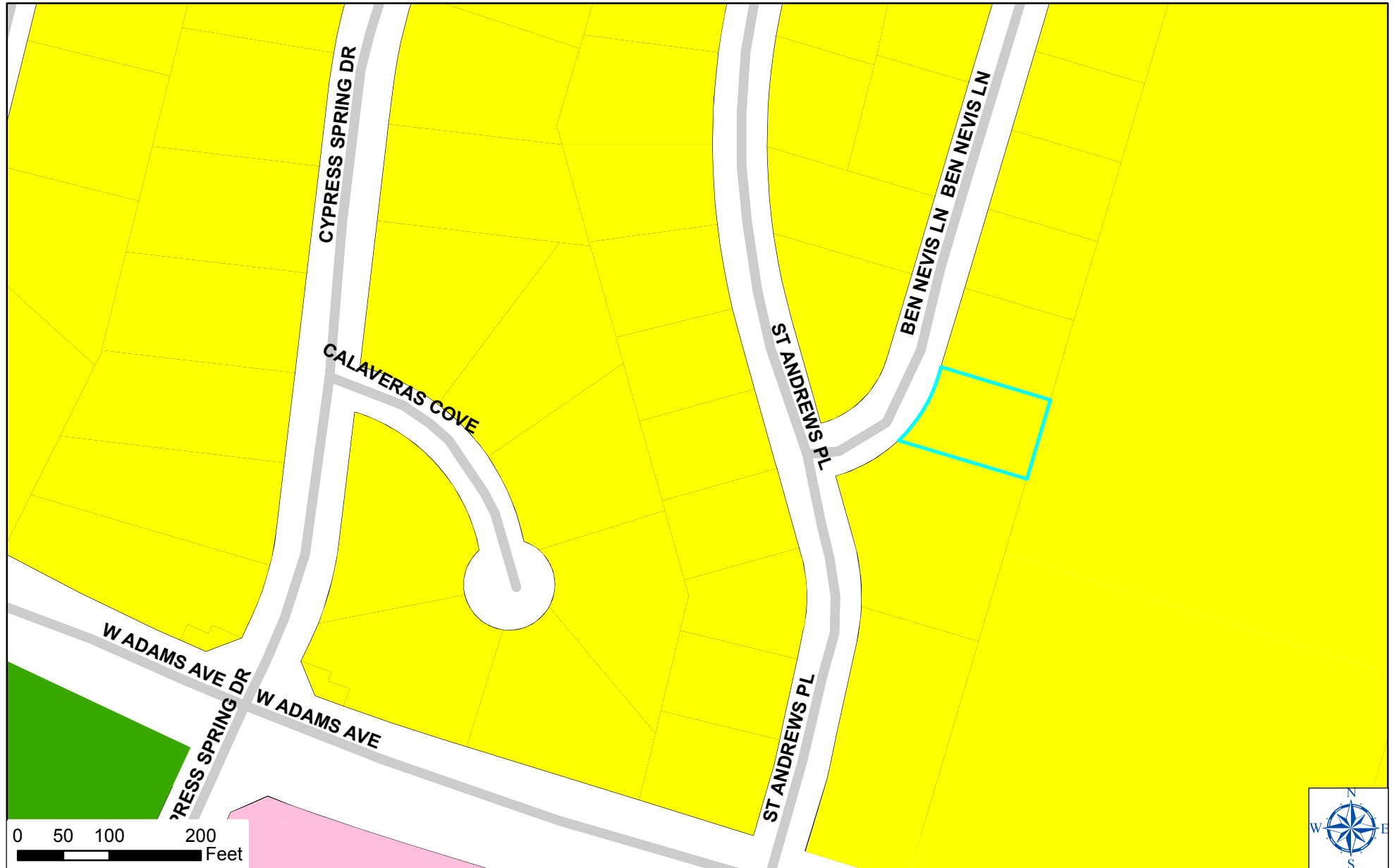
- |   |   |  |   |  |
|---|---|--|---|--|
|  Case       |  Zoning      |  1234-A |  Outblock Number |  Block Number |
|  Buffer_200 |  Subdivision |  1234   |  Address         |  1 Lot Number |



11/20/2012  
City of Temple GIS  
tlyerly

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.





- |                           |                         |                       |                                   |                      |
|---------------------------|-------------------------|-----------------------|-----------------------------------|----------------------|
| 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   |
|                           |                         |                       |                                   | Case                 |
|                           |                         |                       |                                   | Parcel               |

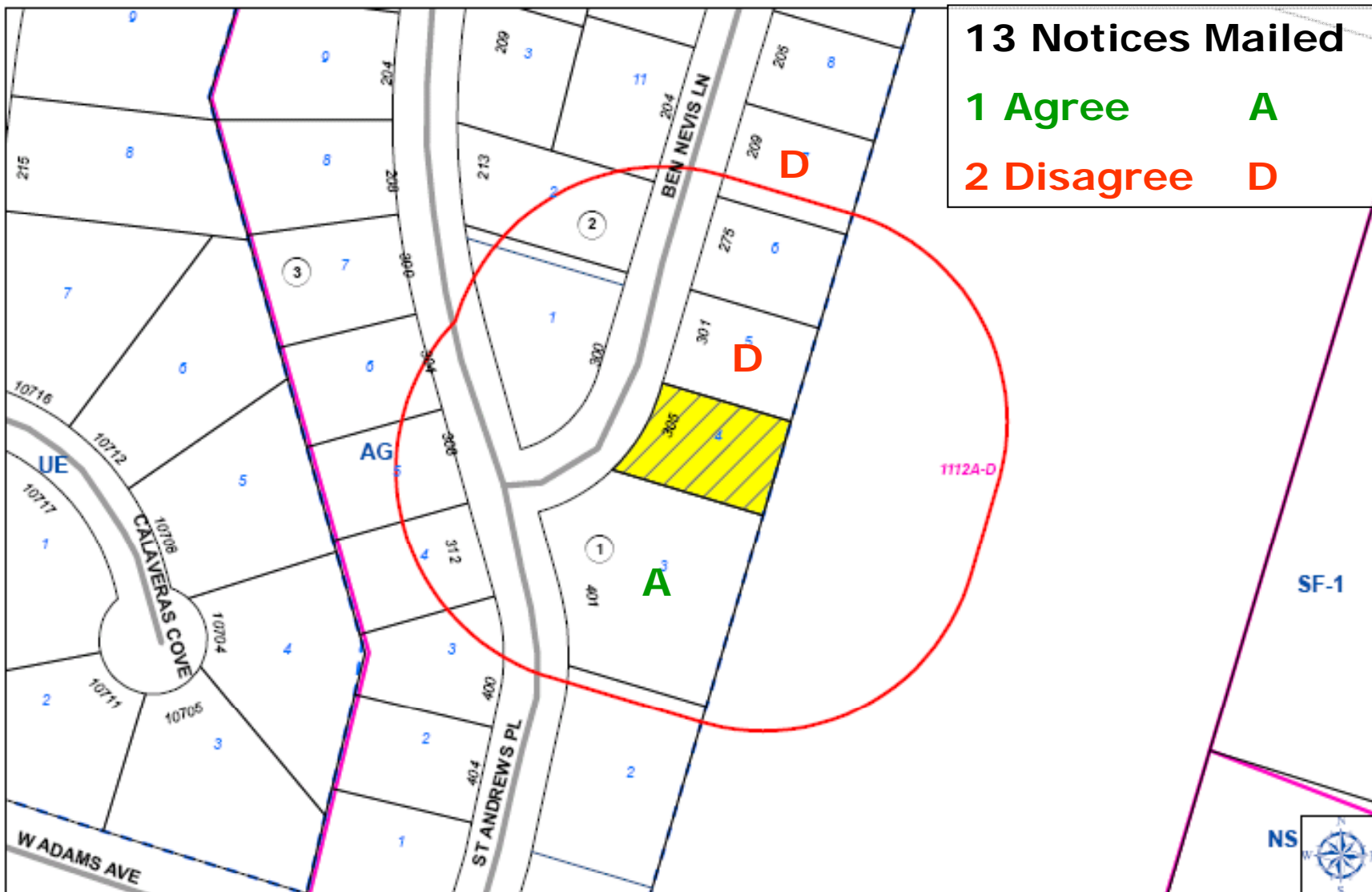
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**Z-FY-13-01**

# Rezoning Request





305 Ben Nevis Lane



**13 Notices Mailed**

**1 Agree**      **A**

**2 Disagree**      **D**

 Case       Zoning      1234-A Outblock Number      ① Block Number  
 Buffer\_200       Subdivision      1234 Address      1 Lot Number

0 50 100  
Feet

11/20/2012  
City of Temple GIS  
Tierly

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

Wayne Etux Judith Parker  
301 Ben Nevis Lane  
Belton, Texas 76513

**Zoning Application Number:** Z-FY-13-01

**Project Manager:** Tammy Lyerly

**Location:** 305 Ben Nevis Lane

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

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

**Comments:**

I have to object to permitting one property owner to obtain permanent zoning, while the City has not established a permanent zoning district of all property owners within the annexed area. It allows a precedence to be set for others to ask for other special zoning district variance.

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Wayne Parker

**Signature**

Wayne Parker

**Print Name**

**Please mail or hand-deliver this comment form to the address shown below, no later than December 17, 2012**

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

**RECEIVED**  
**DEC 10 2012**  
City of Temple  
Planning & Development

**Number of Notices Mailed:** 13

**Date Mailed:** December 6, 2012





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

David M. Stirman  
209 Ben Nevis Lane  
Belton, Texas 76513

RECEIVED

DEC 13 2012

City of Temple  
Planning & Development

Zoning Application Number: Z-FY-13-01

Project Manager: Tammy Lyerly

Location: 305 Ben Nevis Lane

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

I recommend ( ) approval ☒ denial of this request.

Comments:

AS I UNDERSTAND IT, THIS WOULD BE A VIOLATION  
OF CITY CODES + OUR DEED RESTRICTIONS. IT WOULD  
DEVALUE A HOVR NEIGHBORHOOD TO ALLOW EVERYONE TO  
DO THIS. WHY SHOULD ONE BE ALLOWED?

David M. Stirman  
Signature

DAVID M. STIRMAN  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than December 17, 2012

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

Number of Notices Mailed: 13

Date Mailed: December 6, 2012



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Beth Etvir Fayne Holloway  
401 St. Andrews Place  
Belton, Texas 76513

Zoning Application Number: Z-FY-13-01

Project Manager: Tammy Lyerly

Location: 305 Ben Nevis Lane

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

I recommend ☒ approval ( ) denial of this request.

Comments:

It would be great to see the Lewis get  
to add on & make improvements to their  
home.

Fayne Holloway

Signature

Fayne Holloway

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than December 17, 2012

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

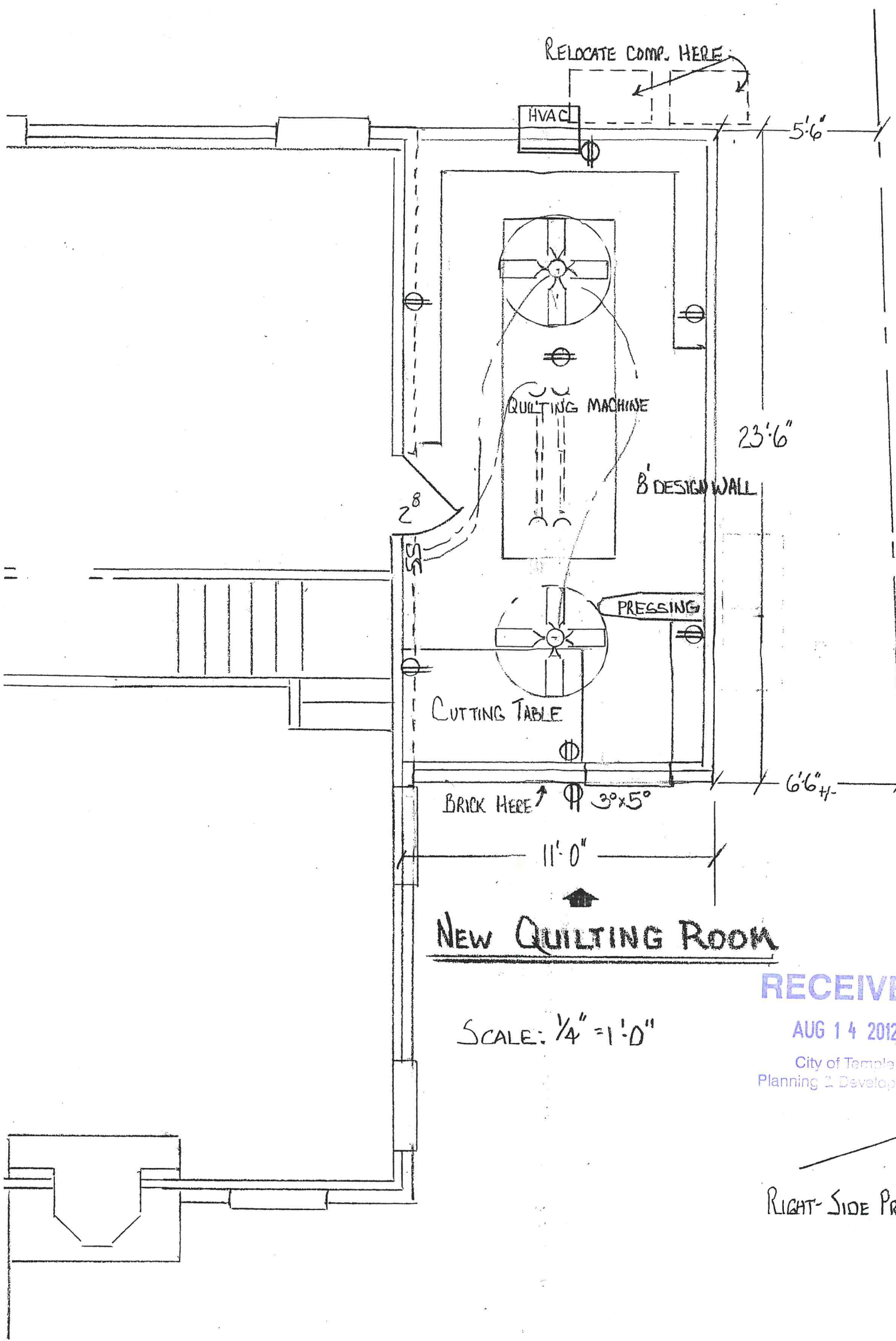
RECEIVED

DEC 13 2012

City of Temple  
Planning & Development

Number of Notices Mailed: 13

Date Mailed: December 6, 2012



RELOCATE COMP. HERE

HVAC

5'-6"

23'-6"

QUILTING MACHINE

8' DESIGN WALL

PRESSING

CUTTING TABLE

BRICK HERE 3'x5'

6'-6" 1/4"

11'-0"

NEW QUILTING ROOM

SCALE: 1/4" = 1'-0"

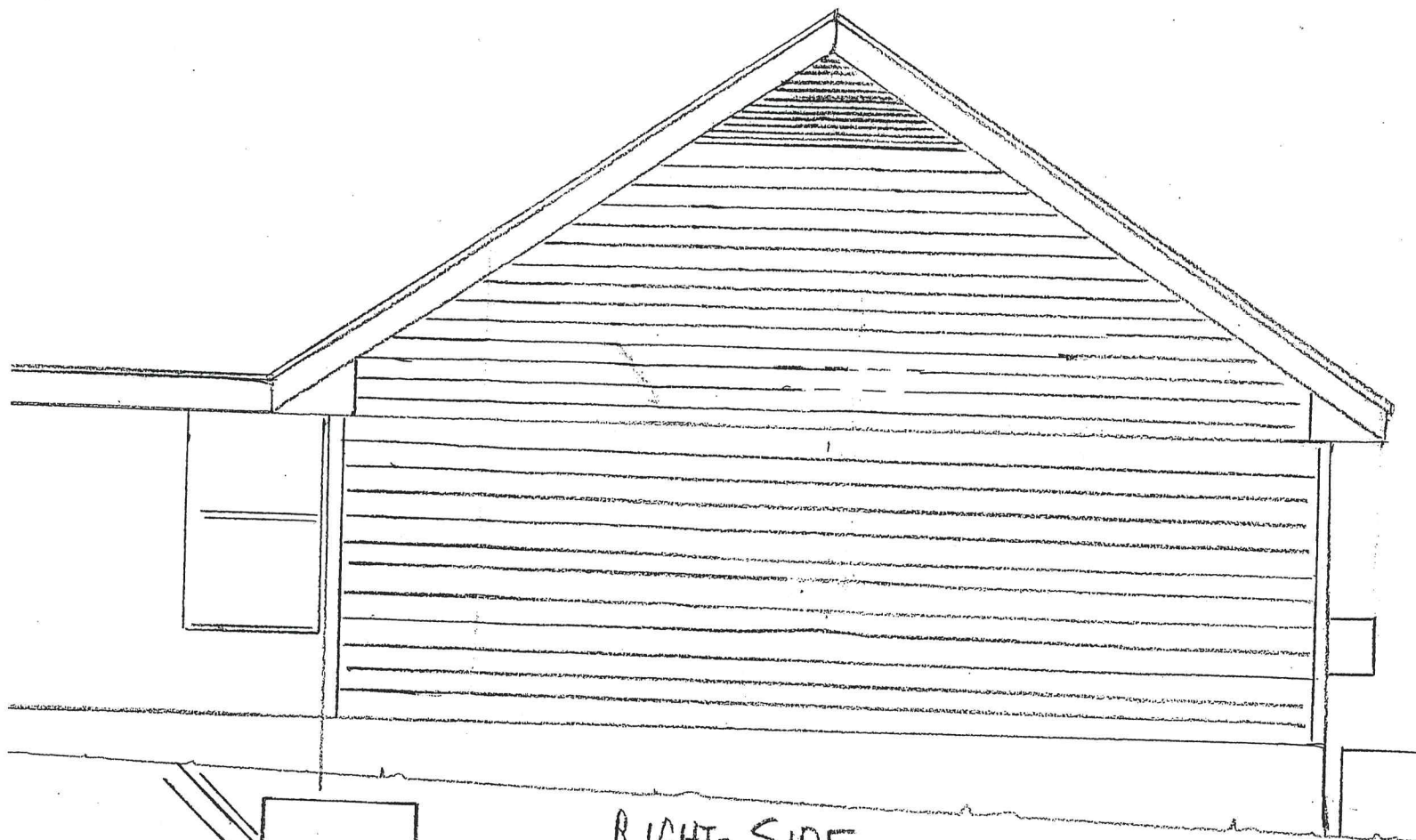
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AUG 14 2012

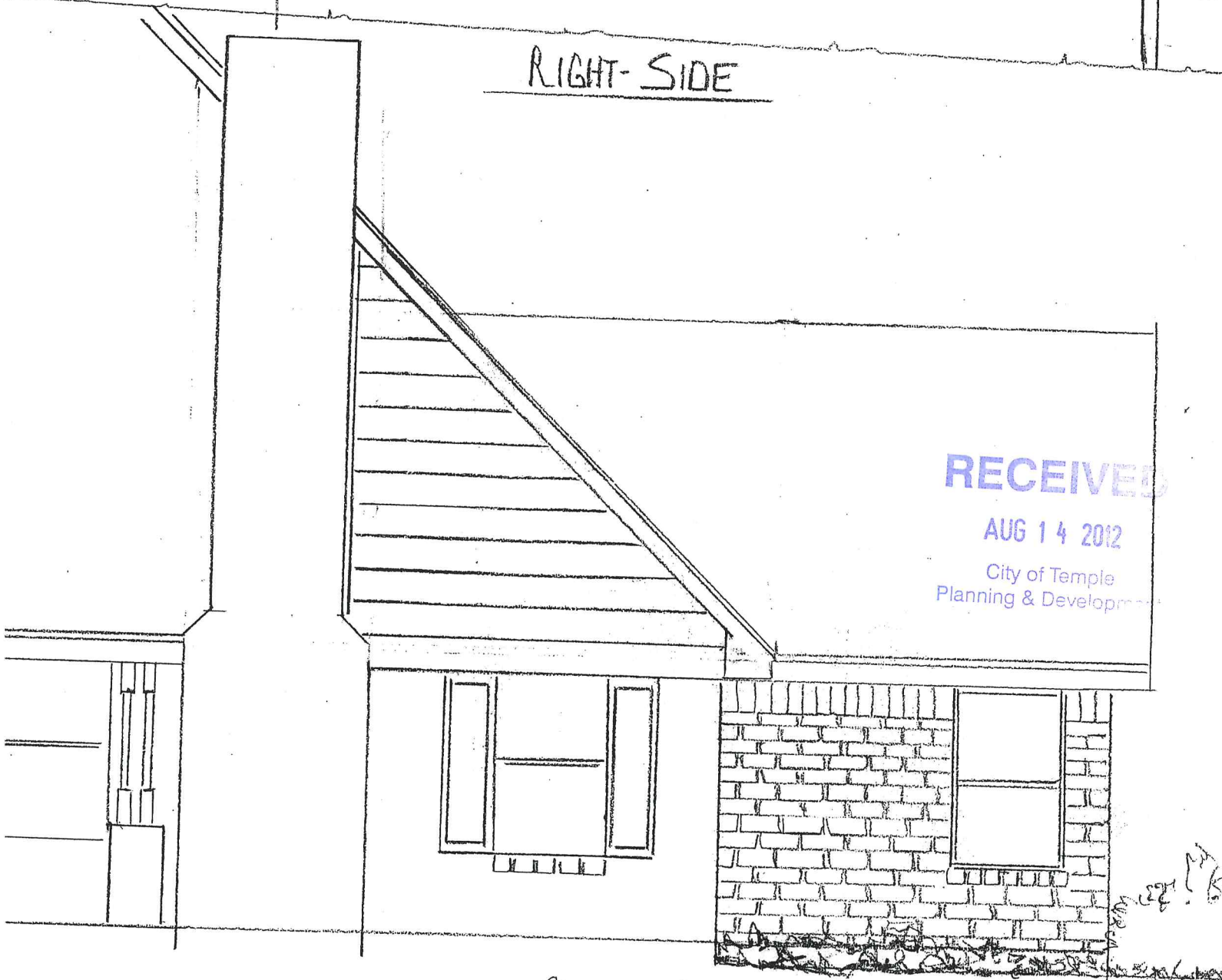
City of Temple  
Planning & Development

RIGHT-SIDE PROPER





RIGHT-SIDE



RECEIVED

AUG 14 2012

City of Temple  
Planning & Development

FRONT VIEW

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, DECEMBER 17, 2012**

**ACTION ITEMS**

**Item 3: Z-FY-13-01:** Hold a public hearing to discuss and recommend action on permanent zoning from Agricultural District (AG) to Planned Development-Single Family One District (PD-SF-1) at 305 Ben Nevis Lane, located on Lot 4, Block 1, The Highlands Phase 1.

Ms. Tammy Lyerly, Senior Planner, stated after P&Z this item would go to City Council on January 3, 2013 for first reading and January 17, 2013 for second reading.

The property is zoned Agricultural (AG) and the request is for a Planned Development Single Family-One (PD-SF-1) district. The applicant's request is to establish a permanent single family residential zoning district to allow a reduced side yard setback at their south property line. A Planned Development is a special, customized zoning district with a base zoning district of SF-1 and all PDs require a site plan.

The plat was recorded in 1979 and the property was annexed by City of Temple in 1997.

Surrounding properties include single family residents to the south, undeveloped land to the east, and single family residents to the north and west.

Ms. Lyerly cites some of the allowed and prohibited uses in a SF-1 base zoning and clarifies that Industrialized housing is not a manufactured home or mobile home.

Development Standards for SF-1 District permits single-family detached residences and related accessory structures and provides standard single-family lots and should serve as a transition between larger and smaller lot single family districts.

Ms. Lyerly cites the dimensional standards for SF-1:

Minimum Lot size: 7,500 square feet

Minimum Lot width: 60 feet

Minimum Lot depth: 100 feet

Front Yard setback: 25 feet

Side Yard setback (interior): 10% of Lot width with 6 feet (minimum) and 7.5 feet (maximum)

Side Yard setback (corner yard): 15 feet

Rear Yard setback: 10 feet

The subject property is a bit different since it was platted prior to annexation. The plat was created and recorded without any zoning standards applied. AG zoning district has a minimum front yard setback of 50 feet and the recorded plat has a front yard setback of 25 feet. The requested SF-1 base zoning agrees with the recorded plat of the 25 foot setback.

In this case, a zone change to SF-1 district would require the applicant's property to observe a seven and a half foot setback on both sides. The PD proposal is to agree with the side yard

setback shown on the site plan for the required development. Site plan is shown to the Commission.

The expansion of the existing house would go out towards the south property line and would leave a minimum setback of five feet six inches which would be the closest to the south property line. This is an expansion of the house and not a separation and would match the materials of the existing house. In SF-1 accessory structures are allowed but if it is not attached to the home a ten foot separation is required.

The Future Land Use and Character Map designate this area as Suburban-Residential and the SF-1 base zoning complies with this designation. Public utilities are available to serve the area and the property has a septic system.

The Thoroughfare Plan shows Ben Nevis as a local street which is appropriate for residential development.

Thirteen notices were mailed out and four were received in agreement and three in opposition. Last minute responses were copied for the Commission.

Staff recommends approval of the zone change request from Agricultural (AG) district to Planned Development Single Family-One district subject to the site plan and following reasons:

The request complies with the Future Land Use and Character Map, the Thoroughfare Plan, and public and private facilities are available to the property.

Commissioner Talley asked if the room could be used for a business in any manner whatsoever and Ms. Lysterly stated a residential property can have a home occupation, but the regulations for a home occupation are very strict: the individuals living in the home are the only ones allowed to conduct the business, no traffic is allowed to come to the home, no sales may be made from the home; however, the product can be made in the home but must be sold somewhere outside of the home, and no advertising is allowed on the property.

Chair Staats opened the public hearing.

*(by direction the following transcription is verbatim)*

Mr. Steven Haire, 312 St. Andrews Place, Temple, Texas: If you look at the map right there, I live right at the intersection of Ben Nevis and St. Andrews. That's my, right where that pointer is right now. I actually look right at the side of this house. My house, when you sit in my dining room or my kitchen, you are looking at the side of this house, his fence, the trees, things like that. So, I really have an interest in that.

I canvassed my neighborhood and I understand that I asked everyone to send in their letters and asked everyone to make the meeting, if possible. Most of them couldn't make the meetings. There's actually four in disagreement because I'm here to disagree. So, I didn't send a letter in because I knew I was coming.

I have a few things to say about it. First of all, I'm going to disagree with the Staff in the Future Lane Use Plan. The Future Land Use Plan calls for this to be a rural type area, talks about open space, big lots, things like that. We came in to the City as a, let me make a statement right quick. Everything I say is my personal opinion. If I say something that is out of a Code or

something, it is your responsibility, the City Attorney is present, I don't want to get sued. I know how that goes.

But anyway, beyond that, and I expect you to go look it up, if you don't know, look it up. Your Future Land Use Plan calls for big lots, things like that. When I moved to this neighborhood that's what attracted us there. My wife wanted to live there. I was so sick I couldn't even get up and go see the house. She wanted to buy the house and I guess you know how that goes.

I talked to all my neighbors and I tried to talk to everyone involved. And I actually talked to the corner lot which is Joel Weatherford and he was against it. I told him to send his letter in and I didn't realize at the time he wasn't in the circle so he didn't get a letter. But anyway, you can call him if you'd like or you can take my word for it or you can disregard it. I talked to everyone else, now my next door neighbor which would be on that same side towards 2305 W. Adams, talked to him he is definitely against it and I hope that's one of his letters that got there. That's Mike, he owns the store there down at the corner. And then my house, my next door neighbor is, that house has been for sale for about a year now. You can't sell it. I said it's for sale, it's vacant. They can't sell it, they haven't got it where they can sell it yet \_\_\_\_\_ for some time, the owners walked off and left it.

People drive up there all the time, stop at that house, they come over to my yard when I'm mowing or out in the yard and ask me, you know, how do I buy this house. And basically, I just tell them, you know, keep calling. I've had people ask me to call them when this house goes for sale. And the reason they're interested in it, and cause I'm curious, there's, you can move probably less than a half a mile away you can buy a brand new house with a five to six foot setback, side yard setback, brand new for the same price or less than you can buy these houses in this neighborhood. The reason this neighborhood holds that value is because, and everyone I've talked to is, big lots, wide open spaces, the country living. One of the people that actually came in and talked, that I went to talk to, and he wasn't interested in talking, he said that they liked it because it was country when they moved out there. Well, it's not country, it's not exactly country anymore, there's houses all around us. So basically, it doesn't meet the Future Land Use Plan. The Future Land Use Plan is put in place to give you, I guess you've heard of fair, your best, highest and best use of property. That's what your Future Land Use Plan does. It basically sets out what you do with this property. If you want to go out and you want to put in a bunch of single family small lot, that sort of thing, you need to go in there and you need to change the Future Land Use Plan, put your lots in, and then get zoning, and then do your subdivision plan, then go ahead and do it. Basically, the, move on to the next so I contend it doesn't meet that Plan. They were talking about a five to six foot lot. Five foot is the minimum you can have without a firewall for residential. It will kill your ISO (?) rating with the state, or the, your insurance rating I guess you could say for people who don't know what I \_\_\_\_\_. But anyway, the, so, it doesn't meet that at all.

As far as the lot sizes, the Ordinance allows your lot sizes to be grandfathered. When you bring a lot in, our lots are half an acre or an acre for AG, but your lot size is grandfathered. It doesn't apply anymore. You've become a nonconforming use, not an illegal use, a nonconforming use and there's specific rules for that. Same thing on your front yard setbacks. You was talking about the 25 foot versus the 50 foot setback. Your setback line in the front yard is not like a side yard or rear yard setback. Basically, the law states out that that line is it. You can't move it, you can't back them up, you can't make them build or move your house back. So basically, you've got that. The only time you can do something about that is if you come in and the City wants to do some kind of overlay and for future use you can keep

building or repairing or doing things like that so that you can tear them out and build a bigger street. So you're really limited on what you can do with the front yard setbacks.

So basically what I'm saying is we meet that, under the AG we actually meet all the requirements. There are some houses there but that have setbacks that may not meet my setbacks on my house or similar to what his are. Mine's about 18 to 20 feet on one side and 17 feet on the other. My neighbor's are all similar, close to 15 feet. You know, that's what we're required.

So basically, my first contention is we don't meet, we're not meeting the Future Land Use Plan. If you put this in you might as well go down and buy the little house down the street or the bigger house down the street for the same money. So you're actually degrading the property values there by allowing this.

My next tenant is they want to go with Planned Development. If you read in your Ordinance, Planned Development lays out why you do Planned Development. Basically it says that when you do a Planned Development you go in and you design the streets, the drainage, it's for heat, light, and air, ventilation, and that sort of thing. So you go in and you design this to fit. You'll see a place once in a while where you do have a Planned Development on a business. The reason you have a Planned Development on a business is because you have traffic in and out, you have to worry about getting traffic in and out, parking, and things like that. So you do see a single, you don't ever see single family houses in the middle of a block zoned like this. This is just unheard of. I've never seen it before and I did Planning and Zoning for a long time. So basically what I'm saying is, it doesn't meet the criteria of your own Ordinance for a Planned Development. Your Ordinance starts out by saying that you shall not violate the intent of the Ordinance. The intent of this Ordinance is to have these open spaces, big yards, big setbacks, and that's where we are now. You're violating that Ordinance by going in and reducing it down to what wouldn't fit that deal. Now you can go back and if you want to do this you can go back and you can redo your Future Land Use Plan. And once you do that you can come back in and you can do what you want to with these houses. That's up to y'all. But you need to meet that Ordinance first. You need to read your Ordinance and make sure you're meeting that because it does meet it all.

The next item is they're doing one lot in a subdivision. We're basically a subdivision and we all should have equal rights. There's one, and actually they came up under this, this particular one went before the Board for a specific use permit or special permit whatever it's called here and I went to that meeting and basically the City, the owners actually told me that the City recommended they go to that Board and when he told me that I said that's illegal, why would they do that? And he said I don't know, it cost me seventy dollars. So I don't know why they sent him there or not. I think they should give him his seventy dollars back. They're really nice people, they're sitting right here. They're really nice people. I know they're not speaking to me and I've got a couple of other neighbors, I see one of my neighbors back here that's really mad at me and he's not speaking to me. I've got three of them that aren't speaking to me. But they're nice people and I don't hold that against them. They have a right to their opinion and they have a right to their say. The big thing is the City is not doing what they should do. This is spot zoning. You've gone in the middle of a neighborhood and you're giving this man this house a right to do something I can't do. You can't promise me that I can do it later because you may not be on this Board. So if I come back later and there's different members on this Board and I want to do this, there's no guarantee that I will be able to do it. You zone, your zoning Ordinance is set out to zone strips of land, large pieces of land, you go from behind my



house there's large lots, big setbacks, transitioned to our side, which is right now AG with big lots and big areas, big setbacks. The whole neighborhood's like that. There's very few houses in there that don't have the large setbacks. Then you've got a, the open area that's beyond that, then you have that, the, I'm not sure how it's zoned, it's the Windmill Farms Addition which has the real narrow setbacks, which is what they're asking for here. Basically, if you want that go buy Windmill Farms.

So I think you violate your Ordinances, you violate the intent of the Ordinance if nothing else because the intent of the Ordinance is to have the, meet the Future Land Use Plan, have the big open spaces, and you violate the intent of the Ordinance in going to one house and saying you can do this when nobody else can. So that's a direct violation. That's like saying, you know, you go sell beer on your lot but the guy next door can't. Well, your lot would be worth a lot of money if you can sell beer on it on the corner but if everybody else, if no one else around can. So basically it's spot zoning, it's illegal, it's like a farmer trying to write a contract \_\_\_\_\_ that you can't do.

I thank you for your time.

Mr. Rick Lewis, 305 Ben Nevis, Temple, Texas and I guess you know me already as the property owner. I have some problems. We did try to do a variance on this and Mr. Haire shot that down. We didn't have that many disagreements so I think there has been some misinformation put out there that wasn't put out to begin with. A case in point, we had a lady that changed her vote. Did we get that in?

Ms. Lyerly: Yes.

Mr. Lewis: Ok. Mrs. Mebane had changed her vote. I guess it is in your packet. So I would like for you to consider that. In addition, I know this is immaterial now that we have been annexed, but the deed restrictions originally when we bought the property back in 1986, showed five foot setbacks, side setbacks and we did not know this until Heffner Brothers Builders who built our original house, came in and we were going to add, do the addition and we found out once we applied for the permit that the five foot was no longer the deal. So that is basically all I have. I just thank you for your consideration and see where it goes from here.

Mr. Fayne Holloway, 401 St. Andrews Place, Temple, Texas: I am the neighbor that basically he is coming up to and I'm here to speak in his behalf because I have no problem with him doing what he is doing. Like Mr. Haire said, he's a very good neighbor and he keeps the best yard in the whole neighborhood as far as I'm concerned. His house with what he is adding on to is going to match what he's got there. He's not going to degrade the value of any property around there by doing this because it's actually going to maybe raise our taxes a little bit if he gets it done on his half and somebody else wants to do it it's going to raise taxes on everybody that gets to do it if they want to add on to.

Now I don't any of the zoning and all this as Mr. Haire speaks, but I do know that probably a lot of the people had been scared into believing that there is going to be traffic coming in to a business because some of the neighbors told me that's what the information they got from Mr. Haire. My understanding from Mr. Lewis and from what this zoning commission says, that won't be happening. This is their own private use, they're wanting a, I understand, a quilting room for him, for her, not him, so I'm all for it and that's all I really have to say about it is I'm for

it and he's a very good neighbor and I think if everybody understood exactly what he was doing over there, they would be for it.

Mr. Haire asked to response.

Again, I'm Steven Haire, 312 St. Andrews Place. I didn't tell anyone, period, that they were going to run a business. No one. Absolutely not. I actually stopped and talked to Mr. Holloway today to tell him exactly what I said. I told everyone that this could be a business if a realtor were going to sell a house and it's got a side piece on there like that, that the realtor, the first thing a realtor is going to say is that's a perfect place for an office.

What I told everyone was that I had heard from two different people that there, she might be teaching classes in there. I don't, and I told them, I don't know. Just like I told y'all, you know, this is speculation I don't what they're doing, go ask them. That's what I told all the people, go ask them. So I didn't say that and I wasn't trying to taint anyone's opinion by saying something that wasn't true or I didn't know. But I don't know what they're going to do with it. They didn't say anything in the other meeting about what they're going to do with it \_\_\_\_\_ in the air so now we know exactly it's on record what they're going to, so it's a moot point.

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

Commissioner Talley asked about the intent of the Ordinance because Mr. Haire indicated the City was not living up to the intent of the Ordinance. Commissioner Talley stated the Staff has approved this and he would like to know more.

Ms. Lyerly stated Staff disagrees with Mr. Haire's theories or what he believes the land use map to be. Staff uses it as a guideline. Ms. Lyerly points out the area designated as Suburban-Residential and open space. When property is brought in with no zoning and undeveloped, that land will usually be zoned AG. Suburban Residential has already been established in the subject area by the plat in 1979. Ms. Lyerly stated Staff is following the land use plans since this fits, the base zoning of Single Family-One fits, the classification of Suburban-Residential and this subdivision is built out for the most part.

Ms. Lyerly stated this was not considered spot zoning. If the applicants wanted to put in a store and asked for nonresidential zoning, such as offices or retail, that would be considered spot zoning. What we have is someone already in an established single family residential neighborhood wanting to solidify their existence as a single family residence.

Mr. Haire wanted to respond and Chair Staats stated the public hearing was closed.

Vice-Chair Sears asked about the spacing on the other side of the house. Ms. Lyerly confirmed it fit the SF-1. The north side is 18 feet from the north property line, the back corner is 19.8 feet and exceeds the AG district and would exceed the SF-1 zoning.

Vice-Chair Sears made a motion to approve Item 3, Z-FY-13-01, and Commissioner Talley made a second.

*Motion passed: (9:0)*

ORDINANCE NO. 2012-4571

(PLANNING NO. Z-FY-13-01)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PERMANENT ZONING FROM AGRICULTURAL DISTRICT (AG) TO PLANNED DEVELOPMENT-SINGLE FAMILY ONE DISTRICT (PD-SF-1) LOCATED AT LOT 4, BLOCK 1, THE HIGHLANDS PHASE 1, ALSO KNOWN AS 305 BEN NEVIS LANE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a permanent zoning from Agricultural District (AG) to Planned Development-Single Family One District (PD-SF-1) located at Lot 4, Block 1, The Highlands Phase 1, also known as 305 Ben Nevis Lane, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **3<sup>rd</sup>** day of **January**, 2013.

PASSED AND APPROVED on Second Reading on the **17<sup>th</sup>** day of **January**, 2013.

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

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01/03/13  
Item #5  
Regular Agenda  
Page 1 of 4

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

Autumn Speer, Director of Planning and Development

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING - Z-FY-13-02: Consider adopting an ordinance authorizing a Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign at 3010 South General Bruce Drive.

**P&Z COMMISSION RECOMMENDATION:** At its December 17, 2012 meeting, the Planning and Zoning Commission voted 9/0 in accordance with staff recommendation to recommend approval of the Conditional Use Permit to allow for decreased spacing between off-premise signs.

**STAFF RECOMMENDATION:** Conduct a public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for January 17, 2013.

Staff recommends approval of the requested Conditional Use Permit. Based on current City spacing requirements of 1,500' this area - approximately 1.9 miles from H.K. Dodgen Loop to Airport Rd. - should not exceed 6-7 billboards on each side if an average spacing were calculated. The existing west side (of this area) of I-35 currently has six off-premise signs and the east side of I-35 has seven off-premise signs. The proposed sign location would place a new sign 650' from the closest off-premise sign to the south and approximately 1,650' from the closest off-premise sign to the north. The addition of one off-premise sign in this location will not significantly diminish the spirit of the ordinance and will add no new signs to this area. Any additional future requests in this immediate area will not receive favorable staff recommendations.

Council may add conditions to the Conditional Use Permit such as:

- Increased setbacks;
- Specific locations on site;
- Reduced height; and
- Specific pole type and materials.

**ITEM SUMMARY:** The UDC limits the number of off-premise signs to the number of signs in existence on March 7, 2002. The UDC provides standards for the erection of replacement signs and for sign relocations necessitated by Texas Department of Transportation (TxDOT) road improvement projects. Specifically Section 7.5.11L of the Unified Development Code (UDC) states,

*If a sign located within the proposed public street right-of-way of a state highway is to be relocated to accommodate a regulated highway project and the Texas Department of Transportation issues a permit for relocation of the sign, the Director of Construction Safety **may** also issue a Sign Permit if the sign meets all current City standards, except that the relocated sign:*

1. *Does not require payment of a permit fee;*
2. *May be erected a minimum of five feet from any highway right-of-way line;*
3. *May be constructed with the same number of poles and same type of materials as the existing sign; and*
4. *May be erected without enlarging the sign face.*

The I-35 expansion project and the subsequent TxDOT right-of-way acquisition have resulted in the displacement of numerous billboards. Lamar Advertising, the applicant, currently has a billboard located at 2914 South General Bruce Drive that will be affected by TxDOT right-of-way acquisition. The applicant is proposing relocating the sign 254' to the south to 3010 S. General Bruce Drive.

Section 7.5.11B of the UDC permits the erection of signs only in Commercial, Light Industrial, and Heavy Industrial districts on property fronting on I-35 and on HK Dodgen Loop. The area proposed for relocation is zoned Light Industrial in compliance with this requirement. Section 7.5.11B further establishes requirements for spacing, area, height, and setbacks of new off-premise signs on I-35. The proposed sign will comply with all area and height standards established in this section and with setback and material standards governing TxDOT initiated relocations. The proposal is for the relocation of a 14' x 48' (area) metal, monopole sign setback 17' from the right-of-way (after expansion is complete). The height of the new sign will be no taller than 42.5'.

City staff has maintained the position that if an existing off-premise sign on I-35 must be relocated because of the I-35 expansion, City staff will approve the sign relocation on the same site. If the existing zoning is not correct the City will consider processing a zoning change to allow compliance or a Planned Development if the straight zoning is not a positive option for the City. If the sign cannot be relocated on the same site, the City will consider an alternate location on I-35 if: the correct zoning is in place (Commercial, Light Industrial and Heavy Industrial); the spacing requirements can be met (1,500 feet of another off-premise sign); and dimensional standards are met (total area per face of 672 square feet or less and no more than 42.5' tall). On September 20, 2012, City Council amended the UDC to include a requirement that an applicant obtain a Conditional Use Permit when any of the criteria above cannot be met. Although the proposed sign complies with dimensional and zoning requirements, the proposed location will not be compliant with spacing requirements. The proposed sign will be erected approximately 650' to an existing sign south of the proposed location.

The Conditional Use Permit is required because the 1,500' spacing requirement between off-premise signs is not met. All other requirements have been satisfied.

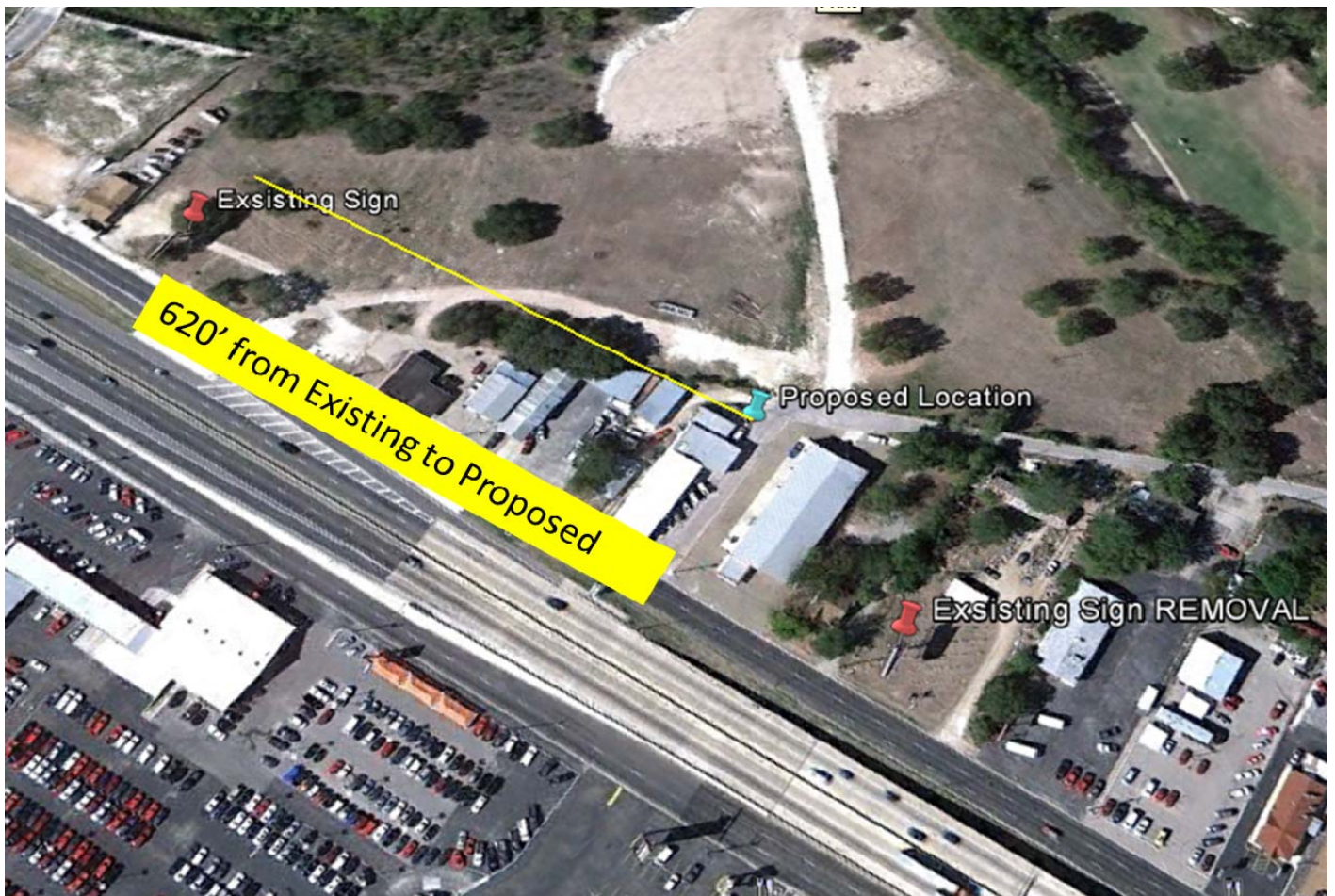


**Current Location**  
2914 South General Bruce Drive

**Proposed Location**  
3010 S. General Bruce Drive



W/S IH 35, .5miles North Of Loop 363 south



**I-35 Corridor - approximate distance between existing and proposed sign locations**

**PUBLIC NOTICE:** Three notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Wednesday, December 12, 2012 at 12:00 PM, no notices had been returned either in favor or in opposition to the proposed Conditional Use Permit. The newspaper printed notice of the Planning and Zoning Commission public hearing on December 6, 2012, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Aerial and Notification Map](#)  
[P&Z Excerpts](#)  
[Ordinance](#)

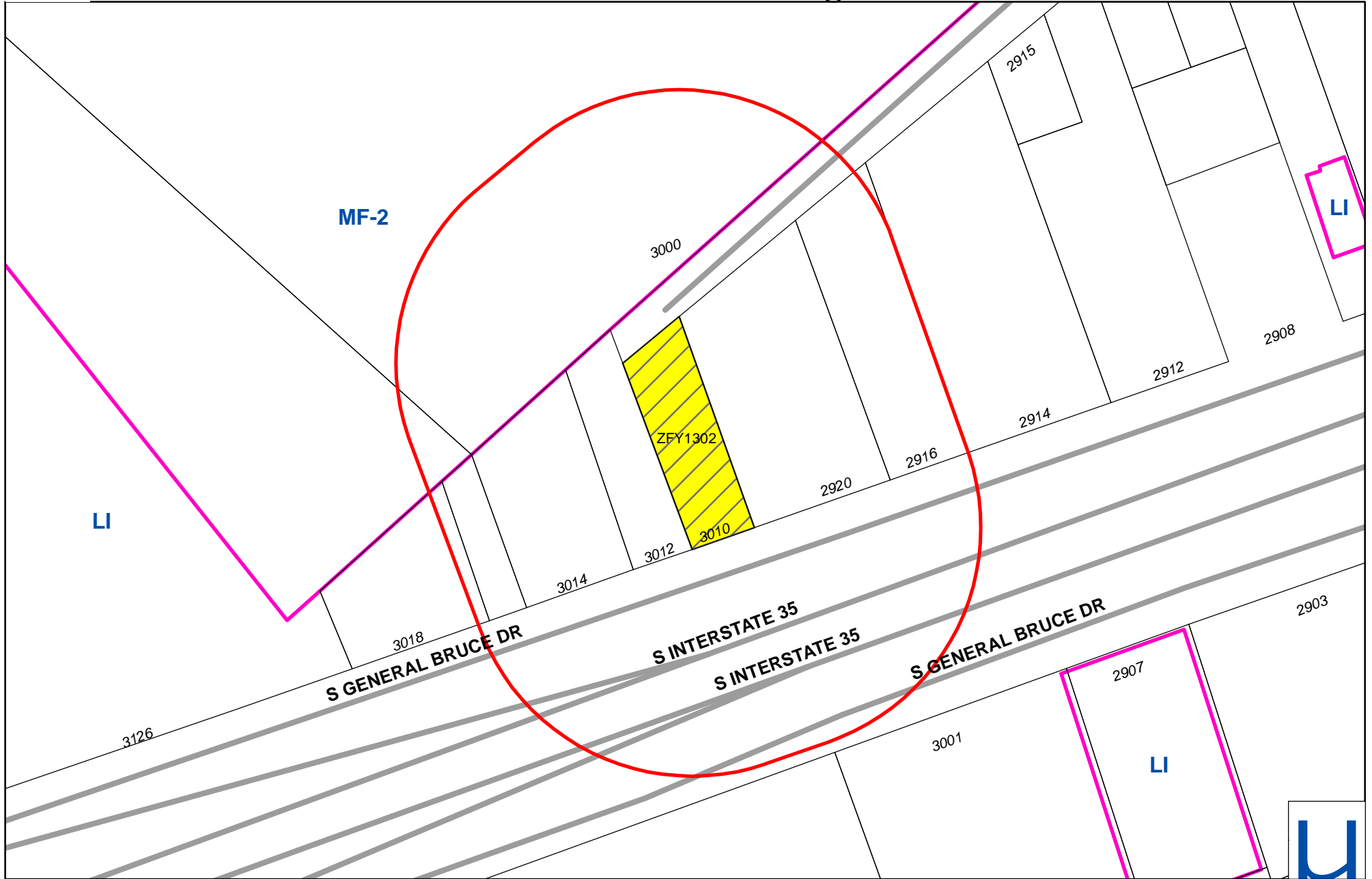




**Z-FY-13-02**

# Conditional Use Permit for Off-Premise Sign

3010 South  
General Bruce Drive



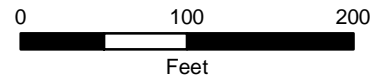
Case



Buffer\_200



Zoning



City of Temple  
Planning Department  
bzndt

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.

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, DECEMBER 17, 2012**

**ACTION ITEMS**

**Item 4: Z-FY-13-02:** Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow an off-premise sign (billboard) on the NW part of Lot 1, Block 1, Hillside Addition, located at 3010 South General Bruce Drive. (Applicant: Lamar Advertising).

Ms. Beverly Zendt, Assistant Planning Director, stated this was for a Conditional Use Permit (CUP) for an off-premise sign that is not compliant with spacing requirements of 1,500 feet. The proposed location to the new sign is 3010 S. General Bruce Drive. This item will go to City Council for final approval on January 3, 2013.

The standards of the Unified Development Code (UDC), specifically Section 7.5.11, address off-premise signs. Ms. Zendt indicated that the chief applicable provisions are found in Sections 7.5.11B-D and 7.5.11L. Section 7.5.11B-D sets out basic standards for new signs and replacement signs and provides dimensional requirements, minimum spacing, setback requirements, appropriate zoning districts, maximum area for sign face, etc. The number of signs in the City is limited to the number that was in place on March 7, 2002. Section 7.5.11L provides specific standards related to signs that are displaced due to a TxDOT project, in this case the I-35 expansion.

This section of the Ordinance states that all signs must comply with the earlier standards established and also states that relocated signs must also meet those standards but do not require a permit fee, may be erected five feet from the right-of-way and may keep the same number of poles and same materials as the existing sign, and may be erected without enlarging the sign face. These are standards specific to signs affected by TxDOT improvement projects. All the signs that do not meet these requirements must get a CUP.

The subject sign is currently located at 2914 S. General Bruce Drive. This location will be affected by the TxDOT expansion project. The applicant proposes to relocate the sign to 3010 S. General Bruce Drive which is approximately 254 feet away from the existing site.

Materials standards, dimensional standards, zoning requirements and setbacks have been met for the proposed sign. The only standard not met is the spacing requirements. The proposed sign would be 620 feet away to the nearest existing sign to the south. There is a 1,650 buffer to the north.

Surrounding properties include Lone Star Drywall to the south and Southern Fastening Systems to the north.

Six notices were mailed out and zero were received in favor or in opposition.

Staff recommends approval of this CUP.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Martin made a motion to approve Item 4, Z-FY-13-02, and Commissioner Rhoads made a second.

*Motion passed: (9:0)*

ORDINANCE NO. 2012-4572

[Z-FY-13-02]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW AN OFF-PREMISE SIGN RELOCATION CLOSER THAN 1,500 FEET FROM ANOTHER OFF-PREMISE SIGN AT 3010 SOUTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of 3010 South General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign.

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 an off-premise sign relocation closer than 1,500 feet from another off-premise sign at 3010 South General Bruce Drive, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

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

- (A) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (B) The City Council may cancel, suspend, deny or revoke this CUP, in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.

- (C) The CUP runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
- (D) The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.

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

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

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

**Part 6:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 7:** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **3<sup>rd</sup>** day of **January**, 2013.

PASSED AND APPROVED on Second Reading on the **17<sup>th</sup>** day of **January**, 2013.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

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

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



## COUNCIL AGENDA ITEM MEMORANDUM

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01/03/13

Item #6

Regular Agenda

Page 1 of 4

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

Autumn Speer – Director, Planning and Development

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING - Z-FY-13-03: Consider adopting an ordinance authorizing a Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign at 2502 N. General Bruce Drive.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its December 17, 2012 meeting, the Planning and Zoning Commission voted 9 / 0 in accordance with staff recommendation to recommend approval of the Conditional Use Permit to allow for decreased spacing between off-premise signs.

**STAFF RECOMMENDATION:** Conduct a public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for January 17, 2013.

Staff recommends approval of the requested Conditional Use Permit. Based on current City spacing requirements of 1,500 feet, this area - approximately 3.16 miles, from S. 53<sup>rd</sup> Street to Industrial Blvd. - should not exceed 12 billboards on each side if an average spacing were calculated. The existing west side of I-35 currently has twelve off-premise signs, which includes the sign under consideration. The east side of the interstate has eight off-premise signs. The proposed sign location would place a new sign 1,200 feet from the closest off-premise sign to the south and approximately 1,625 feet from the closest off-premise sign to the north. The addition of one off-premise sign in this location will not significantly diminish the spirit of the ordinance and will add no new signs to this area. Any additional future requests in this immediate area will not receive favorable staff recommendations.

Council may add conditions to the Conditional Use Permit such as:

- Increased setbacks;
- Specific locations on site;
- Reduced height; and
- Specific pole type and materials.

**ITEM SUMMARY:** The UDC limits the number of off-premise signs to the number of signs in existence on March 7, 2002. The UDC provides standards for the erection of replacement signs and for sign relocations necessitated by Texas Department of Transportation (TxDOT) road improvement projects. Specifically Section 7.5.11L of the Unified Development Code (UDC) states,

*If a sign located within the proposed public street right-of-way of a state highway is to be relocated to accommodate a regulated highway project and the Texas Department of Transportation issues a permit for relocation of the sign, the Director of Construction Safety **may** also issue a Sign Permit if the sign meets all current City standards, except that the relocated sign:*

- 1. Does not require payment of a permit fee;*
- 2. May be erected a minimum of five feet from any highway right-of-way line;*
- 3. May be constructed with the same number of poles and same type of materials as the existing sign; and*
- 4. May be erected without enlarging the sign face.*

The I-35 expansion project and the subsequent TxDOT right of way acquisition have resulted in the displacement of numerous billboards. Lamar Advertising, the applicant, currently has a billboard located at 2810 South General Bruce Drive that will be affected by the TxDOT right-of way acquisition. The applicant is proposing relocating the sign approximately 2.86 miles to the north to 2502 North General Bruce Drive. Both locations are on the west side of I-35. It should be noted that the measurement is taken along the highway corridor alignment and not a straight line as the figure depicts.

Section 7.5.11B of the UDC permits the erection of signs only in Commercial, Light Industrial, and Heavy Industrial districts on property fronting on I-35 and on HK Dodgen Loop. The area proposed for relocation is zoned Light Industrial in compliance with this requirement. Section 7.5.11B further establishes requirements for spacing, area, height, and setbacks of new off-premise signs on I-35. The proposed sign will comply with all area and height standards established in this section and with setback and material standards governing TxDOT initiated relocations. The proposal is for the relocation of a 14' x 48' (area) metal, twin I-beam sign, setback 20 feet from the right-of-way (after expansion is complete). The relocated sign will be constructed with the same type of materials as the existing sign but will replace the two poles with a monopole. The height of the new sign will be no taller than 42.5'.

City staff has maintained the position that if an existing off-premise sign on I-35 must be relocated because of the I-35 expansion, City staff will approve the sign relocation on the same site. If the existing zoning is not correct the City will consider processing a zoning change to allow compliance or a Planned Development if the straight zoning is not a positive option for the City. If the sign cannot be relocated on the same site the City will consider an alternate location on I-35 if: the correct zoning is in place (Commercial, Light Industrial and Heavy Industrial); the spacing requirements can be met (1,500 feet of another off-premise sign); and dimensional standards are met (total area per face of 672 square feet or less and no more than 42.5' tall). On September 20, 2012, City Council amended the UDC to include a requirement that an applicant obtain a Conditional Use Permit when any of the



criteria above cannot be met. Although the proposed sign complies with dimensional and zoning requirements, the proposed location will not be compliant with spacing requirements. The proposed sign will be erected approximately 1200 feet north of an existing off-premise sign.

The Conditional Use Permit is required because the 1,500-foot spacing requirement between off-premise signs is not met. All other requirements have been satisfied.

**Current Location - 2810 S. General Bruce Dr.**

**Proposed Location – 2502 N. General Bruce Dr.**



**I-35 Corridor (approximate distance between existing and proposed locations)**



**PUBLIC NOTICE:** Three notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Wednesday, December 12, 2012 at 12:00 PM, 2 notices had been returned. Two notices have been returned in favor. The newspaper printed notice of the Planning and Zoning Commission public hearing on December 6, 2012, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

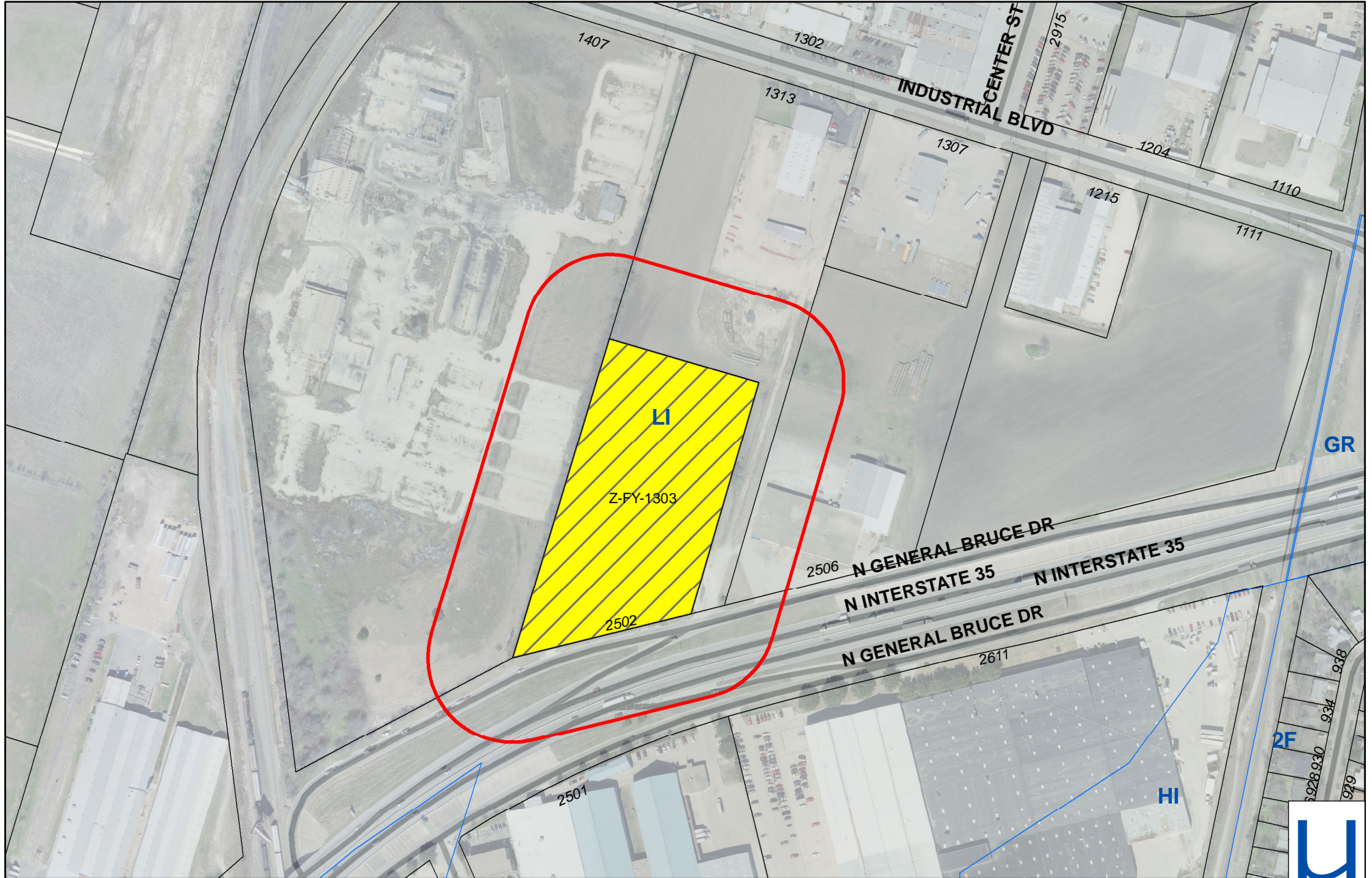
[Aerial and Notification Map](#)  
[Adjacent Property Owner Letters](#)  
[P&Z Excerpts](#)  
[Ordinance](#)





**Z-FY-13-03**

# Conditional Use Permit Request Lamar Billboard

2502 North  
General Bruce Drive



 Case  Buffer\_200  Zoning 1234 Address

0 100 200  
Feet

bzendt  
City of Temple  
Planning Department  
11-26-12

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

Cloud Construction Company Inc.  
P.O. Box 667  
Temple, Texas 76503

RECEIVED

DEC 07 2012

Zoning Application Number: Z-FY-13-03

Project Manager: Beverly Zandt *Cloud Construction Co., Inc.*

Location: 2502 North General Bruce Drive

A request for a Conditional Use Permit has been submitted to the City of Temple. The area proposed for a Conditional Use Permit is shown in hatched marking on the attached map. The Conditional Use Permit will allow relocation of an existing off-premise sign (billboard). 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 proposed 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:

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Perry Cloud  
(Signature)

Perry Cloud  
(Print Name)  
*PRESIDENT*

Please mail or hand-deliver this comment form to the address shown below, no later than December 17, 2012.

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

RECEIVED

DEC 11 2012

City of Temple  
Planning & Development

Number of Notices Mailed: 3

Date Mailed: December 6, 2012



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

H. Wayne & Barbara Chupik  
2413 Spring Lane, Unit A  
Austin, Texas 78703

**Zoning Application Number:** Z-FY-13-03

**Project Manager:** Beverly Zandt

**Location:** 2502 North General Bruce Drive

A request for a Conditional Use Permit has been submitted to the City of Temple. The area proposed for a Conditional Use Permit is shown in hatched marking on the attached map. The Conditional Use Permit will allow relocation of an existing off-premise sign (billboard). 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 proposed 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:**

WE ARE NOT IN FAVOR OF THIS PROPOSED  
CONDITIONAL USE PERMIT

\* PLEASE READ ATTACHED COMMENTS

H. Wayne Chupik

Barbara Chupik  
(Signature)

BARBARA & Wayne  
(Print Name) CHUPIK

Please mail or hand-deliver this comment form to the address shown below, no later than December 17, 2012.

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76701

**Number of Notices Mailed:** 3

**Date Mailed:** December 6, 2012

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

**Zoning Application Number: Z-FY-13-03**

**Location : 2502 North General Bruce Drive**

**Project Manager: Beverly Zendt**

**COMMENTS cont'd**

Our response would have been easier if more specific information had been provided; such as EXACT LOCATION and SIZE of Billboard, on proposed property.

The property we own is within Buffer Zone of "case" property, to the EAST on I-35 frontage road .... (2506 North General Bruce Drive)

We contend that Billboard/signage makes any adjacent properties LESS DESIRABLE and will affect the value of our property ADVERSELY.

It looks as though the other 2 properties involved will not have the same exposure as ours.

There is a good reason the City of Temple does not allow any NEW Billboards ..... we concur!!

Sorry that we cannot be present to comment on this Conditional Use Permit, personally, but would appreciate your consideration of our comments in your deliberations.

Regards,

H Wayne & Barbara Chupik  
2413 Spring Lane, Unit A  
Austin, Tx 78703  
512-334-9198

12/12/12



## Mark Baker

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**From:** Autumn Speer  
**Sent:** Monday, December 17, 2012 10:39 AM  
**To:** Beverly Zendt; Mark Baker  
**Subject:** FW: Today's meeting agendas

FYI

Autumn Speer  
Director of Community Services  
City of Temple  
254.298.5668

-----Original Message-----

**From:** Randy Chupik [<mailto:randy@chupik.com>]  
**Sent:** Monday, December 17, 2012 10:13 AM  
**To:** Autumn Speer  
**Subject:** Today's meeting agendas

Autumn,  
I am contacting you on behalf of my parents H. Wayne and Barbara Chupik who own property next to the Fikes/Lamar conditional use permit sign relocation item on tonights agenda. Originally my family was opposed to this approval but now that we have reviewed all the information and understand the situation, we are not opposed to the approval. Let me know if you need anything else from us. You may retract the form and letter that we sent last week to Beverly Zendt.  
Thank you,

Randy Chupik  
[chupik.com/](http://chupik.com/)  
512-577-2510

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, DECEMBER 17, 2012**

**ACTION ITEMS**

**Item 5: Z-FY-13-03:** Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow an off-premise sign (billboard) on 5.71 acres, part of the Nancy S. Ferguson Survey, Abstract No. 222, City of Temple, Bell County, Texas, located at 2502 North General Bruce Drive. (Applicant: Lamar Advertising).

Mr. Mark Baker, Planner, introduced himself to the public.

Mr. Baker stated this was a request for a CUP to allow the relocation of an off-premise sign closer than 1,500 feet which is the required spacing. This item would go to City Council on January 3, 2013.

As described in the previous item, this sign is being moved due to the TxDOT acquisition and expansion of I-35.

The standards of the Unified Development Code (UDC), specifically Section 7.5.11, addresses off-premise signs. Section 7.5.11B-D sets out basic standards for new signs, replacement signs, gives dimensional requirements, minimum spacing, indicates appropriate zoning districts, maximum area for sign face, etc. The signs must be set 20 feet away from the right-of-way and the number of signs in the City is limited to the number that was in place on March 7, 2002. Section 7.5.11L provides specific standards related to signs that are displaced due to a TxDOT project, in this case the I-35 expansion. All signs that do not meet these standards must have a CUP.

The existing sign is located at 2810 S. General Bruce Drive and proposed to be relocated at 2502 N. General Bruce, a distance of approximately 2.86 miles. The only standard not met is the 1,500 spacing requirement. The relocated sign would be located on the west side of I-35 approximately 1,200 feet of an existing off-premise sign to the south and 1,625 to an existing sign to the north.

Three notices were mailed out and two were received in favor and one in opposition. Staff received an email from property owner's son this morning stating he was now in agreement with the CUP. Staff provided the Commissioners with a copy of this email.

The relocation would not increase or decrease the number of signs and Staff recommends approval of the CUP.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Rhoads made a motion to approve Item 5, Z-FY-13-03, and Commissioner Talley made a second.

*Motion passed: (9:0)*

ORDINANCE NO. 2013-4573

[Z-FY-13-03]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW AN OFF-PREMISE SIGN RELOCATION CLOSER THAN 1,500 FEET FROM ANOTHER OFF-PREMISE SIGN AT 2502 NORTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of 2502 North General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign.

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 an off-premise sign relocation closer than 1,500 feet from another off-premise sign at 2502 North General Bruce Drive, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

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

- (A) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (B) The City Council may cancel, suspend, deny or revoke this CUP, in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.

- (C) The CUP runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
- (D) The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.

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

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

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

**Part 6:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 7:** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **3<sup>rd</sup>** day of **January**, 2013.

PASSED AND APPROVED on Second Reading on the **17<sup>th</sup>** day of **January**, 2013.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/03/13

Item #7

Regular Agenda

Page 1 of 6

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

Autumn Speer, Director of Planning and Development

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING - Z-FY-13-04: Consider adopting an ordinance authorizing a zone change from Agricultural District (AG) to Single Family Three District (SF-3) on 64.073 ± acres and Office Two District (O-2) on 9.665 ± acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located on the west side of Old Waco Road, adjacent to Westwood Estates and Hills of Westwood, south of Jupiter Drive.

**P&Z COMMISSION RECOMMENDATION:** At its meeting on December 17, 2012, the Planning and Zoning Commission voted 9/0 to recommend approval of the applicant's zone change request to SF-3 on 64.073 ± acres and Office Two District (O-2) on 9.665 ± acres, as described in the item description.

**STAFF RECOMMENDATION:** Conduct a public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for January 17, 2013.

Staff recommends approval of the requested zone change to SF-3 District for the following reasons:

1. The request does not comply with the Future Land Use and Character Map, but is consistent with the adjacent SF-3 District in the Hills of Westwood development;
2. The request complies with the Thoroughfare Plan; and
3. Public facilities will be available to subject property.

Staff recommends approval of the requested zone change to O-2 District for the following reasons:





1. The request complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan; and
3. Public facilities will be available to subject property.

**ITEM SUMMARY:** The applicant's request involves dividing this property, currently zoned Agricultural District (AG), into two zoning districts. The applicant's requested zone change to Single Family Three District (SF-3) would allow development of single family dwellings within the interior of the subject property. The applicant's requested zone change to Office Two District (O-2) would allow development of office related uses only along the property's frontage on Old Waco Road.



**SURROUNDING PROPERTY AND USES:** The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Agricultural and Undeveloped Land	
			
			

Direction	Zoning	Current Land Use	Photo
North	AG	Agricultural and Rural Residential	 <p>Old Waco Road</p>
South	AG	Undeveloped Land and Rural Residential	
			
East	AG	Agricultural and Rural Residential	



Direction	Zoning	Current Land Use	Photo
West	SF3	Undeveloped Land and Single Family Residential	

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

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance
CP	Map 3.1 - Future Land Use and Character (FLUP)	The east half of the subject property along Old Waco Road is identified as Suburban Commercial. The applicant's requested O-2 District is in compliance. The west half of the property is identified as Suburban Residential. <b>The applicant's requested SF-3 District is more characteristic of urban densities, and does not comply with the low-density characteristics of Suburban Residential.</b> But, the requested SF-3 would be a continuation of the adjacent SF-3 District to the west in the Hills of Westwood development.	Y (partly)
CP	Map 5.2 - Thoroughfare Plan	The property fronts Old Waco Road, which is identified as a Major Arterial. The requested office uses are appropriate along major arterials.	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	A 14-inch water line runs along the south property line. A 4-inch water line runs along the east property line along Old Waco Road. There are no sewer lines on the subject property, but there are 8-inch sewer lines west of the property in the Hills of Westwood development.	Y
STP	Temple Trails Master Plan Map & sidewalks	The Plan reflects a proposed Citywide Spine Trail along the east edge of the subject property along Old Waco Road. Sidewalks will be required.	Y

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

**DEVELOPMENT REGULATIONS:** According to the City of Temple Comprehensive Plan, the Suburban Residential land use classification is characterized by mid-size single family lots, allowing for greater separation between dwellings and more emphasis on green space versus streets and driveways.

Although the requested SF-3 District does not fit the characteristics of the Suburban Residential land use, it is consistent with the adjacent SF-3 zoning district to the west in the Hills of Westwood development.

The SF-3 zoning district permits single-family detached residences and related accessory structures and provides single-family development at **urban densities** in locations well served by public utilities and roadways. The district should have adequate thoroughfare access and be relatively well connected with community and neighborhood facilities such as schools, parks, and shopping areas and transit services.

The following residential uses are **permitted by right** in the **proposed Single Family Three (SF-3)** zoning district:

- Industrialized housing;
- Single Family Detached Dwelling;
- Place of worship; and
- Fire Station

**Prohibited uses** include Home for the aged, apartment, patio home, single-family attached dwelling, duplex, and townhouse, among others.

Dimensional standards are as follows:

- Minimum lot size – 4,000 sq ft
- Minimum Lot Width – 40'
- Minimum Lot Depth – 100'
- Front Yard Setback – 15'
- Side Yard Setback (interior) – 5'
- Side Yard Setback (corner yard) – 15'
- Rear Yard Setback – 10'

According to the City of Temple Comprehensive Plan, the Suburban Commercial land use is appropriate for office, retail and services uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as at "gateways" and high-profile corridor locations. Therefore, it limits the floor area ratio and requires a higher landscape surface ratio than in the Auto Urban Commercial district. To maintain the suburban character and achieve higher quality development, design standards should be integrated into the zoning ordinance.

The O-2 zoning district permits a variety of low, mid and high rise office development. Apartments are allowed. Buildings in the O-2 District may be built to any legal height. Office buildings over 40 feet in height must provide additional yard space.

**The O-2 zoning district is intended to allow for office uses in an area that is primarily business or high density residential.** This district provides for professional, financial, medical and other office services and may include corporate offices and major employment centers. Uses in this district generally have low traffic generation characteristics and do not require high visibility to conduct business.

A rezoning from the AG to the O-2 zoning district would allow many uses that would not have been allowed before. Those uses include, but are not limited to, the following:

Residential uses

Single Family Attached  
Single Family Detached  
Townhouse  
Duplex  
Triplex

Nonresidential uses

Office  
Home for the aged  
Hospital  
Hotel or motel  
Restaurant

**Prohibited uses** include building material sales, contractor storage or equipment yard, mini-storage warehouse, welding or machine shop, and alcohol beverage sales for off-premise consumption in beer and wine store or package store, among others.

**PUBLIC NOTICE:** Twenty-three notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of December 12, 2012, no notices were returned in favor of the request and no notices were returned in opposition.

The newspaper printed notice of the Planning and Zoning Commission public hearing on December 6, 2012, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Zoning and Location Map](#)  
[Future Land Use and Character Map](#)  
[Notification Map](#)  
[P&Z Excerpts](#)  
[Ordinance](#)

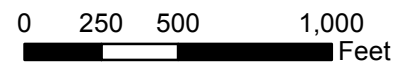
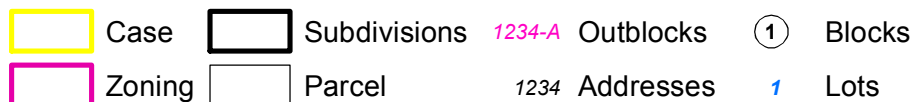
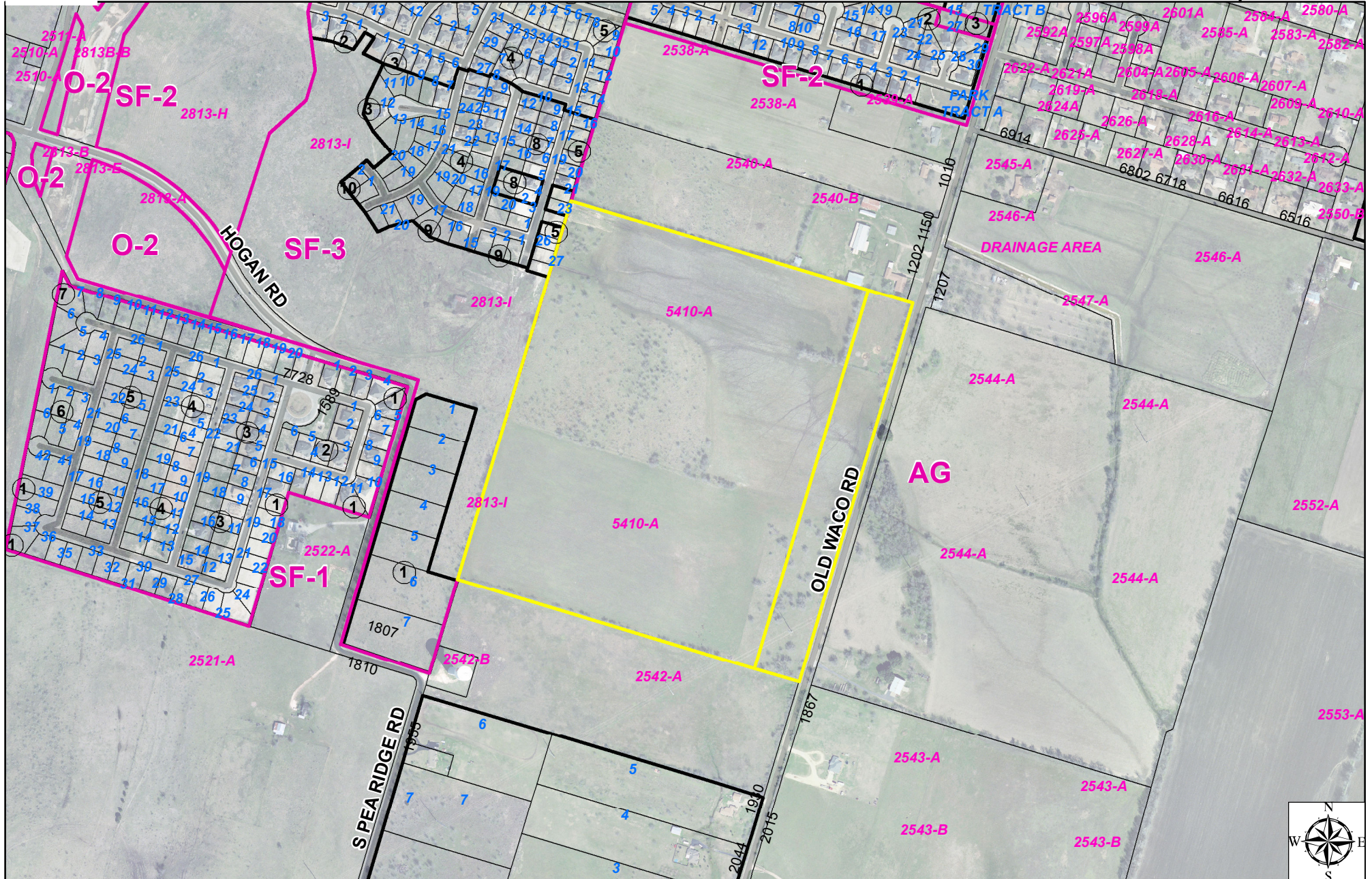




Z-FY-13-04

AG to SE 3, O-2

Old Waco Road  
S of Jupiter



11/26/2012  
City of Temple GIS

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.

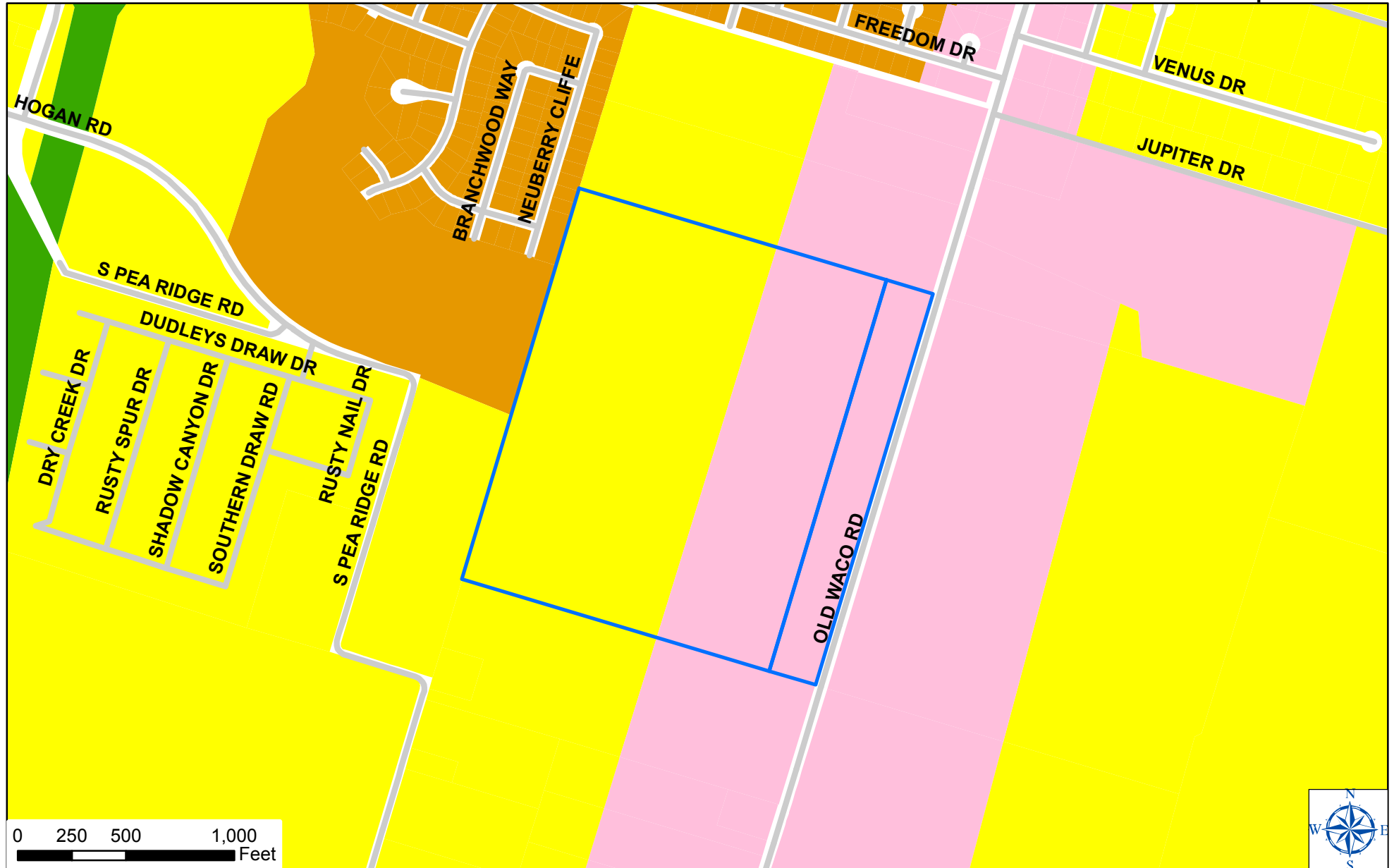




Z-FY-13-04

AG to SE 3, O-2

Old Waco Road  
S of Jupiter



### Future Land Use

Case	Suburban Residential	Auto-Urban Mixed Use	Urban Center	Business Park
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
				Agricultural/Rural

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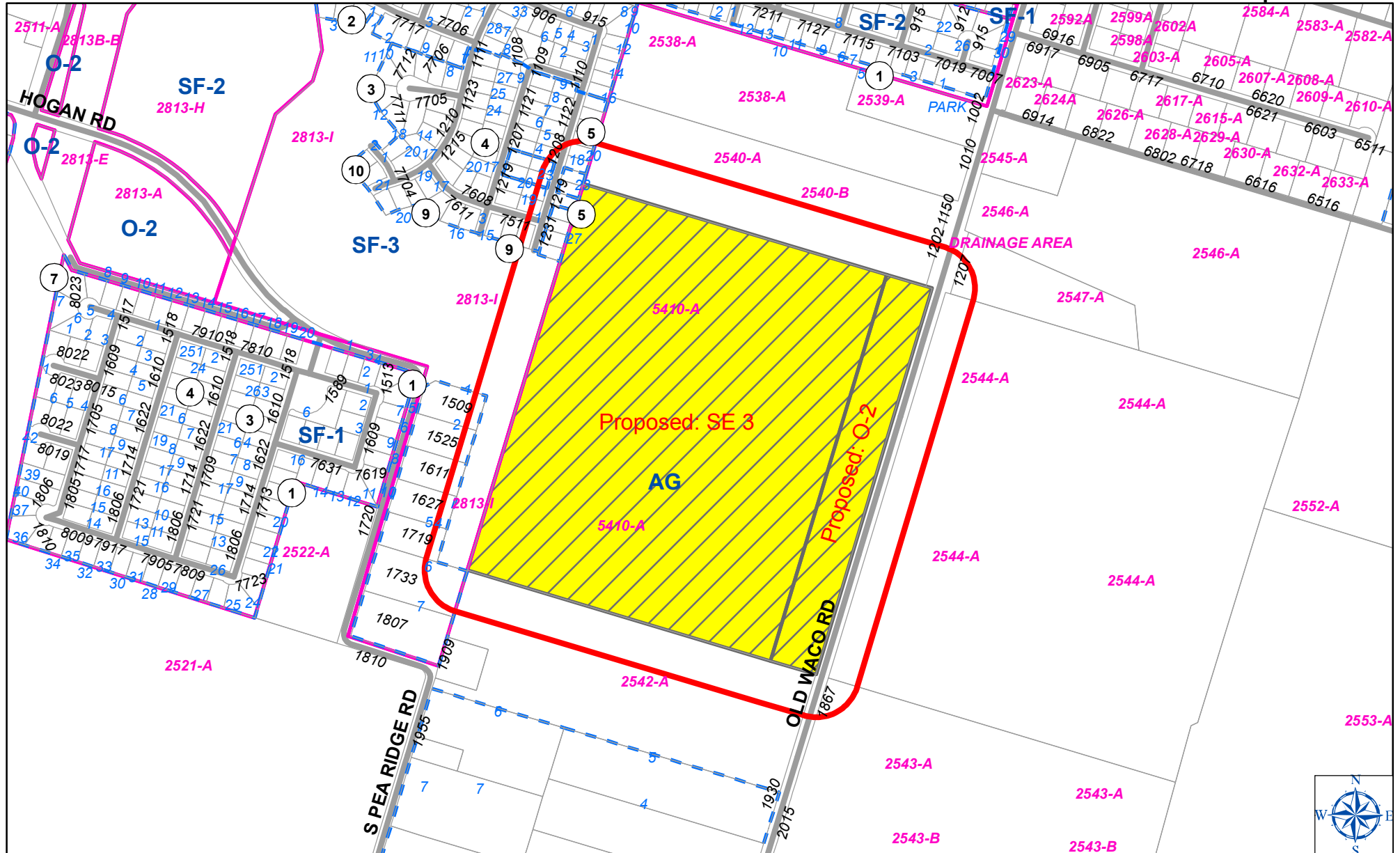
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City of Temple GIS











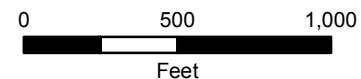
Z-FY-13-04

AG to SE 3, O-2

Old Waco Road  
S of Jupiter



- |  |   |   |   |
|--|---|---|---|
|  Case        |  200' Buffer |  1234-A Block Number |  Outblock Number |
|  Subdivision |  Zoning      |  1234 Address        |  1 Lot Number    |



11/21/2012  
City of Temple GIS  
gkeith

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.

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, DECEMBER 17, 2012**

**ACTION ITEMS**

**Item 6: Z-FY-13-04:** Hold a public hearing to discuss and recommend action on a zone change from Agricultural District (AG) to Single Family Three District (SF- 3) on 64.073 ± acres and Office Two District (O-2) on 9.665 ± acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located on the west side of Old Waco Road, adjacent to Westwood Estates and Hills of Westwood, south of Jupiter Drive.

Ms. Lyerly stated this request is one piece of property but asking for two different zoning changes. One being Single Family-Three (SF-3) for interior to the lot, and Office-Two (O-2) along the Old Waco Road right-of-way area. This is scheduled to proceed to City Council on January 3, 2013.

The requested SF-3 is consistent with the adjacent SF-3 zoning for the Hills of Westwood to the west and O-2 is proposed along all of Old Waco Road.

Surrounding properties include undeveloped and rural residential to the south, AG and rural residential to the east and north, and undeveloped and single family to the west.

Ms. Lyerly cites the allowed and prohibited uses for both SF-3 and O-2, along with dimensional and development standards for each. The subject property is designated on the Future Land Use and Character Map as both Suburban-Residential and Suburban-Commercial. Although SF-3 is a little smaller than recommended by Suburban-Residential, it is consistent with what is already there to the west (Hills of Westwood) and this would continue the Hills of Westwood Development. The O-2 complies with the Suburban-Commercial recommendation.

There are four inch water lines along Old Waco Road and 14 inch on the south edge of the property. There are a series of sewer lines to the west (Hills of Westwood) so water and sewer facilities are available for the property.

The Thoroughfare Plan shows Old Waco Road as a proposed major arterial and there is a citywide spine trail.

Twenty-three notices were mailed out with zero returned in favor and one in opposition.

Staff recommends approval of this request from AG to SF-3 since although it does not fully comply with but is consistent with the adjacent SF-3 subdivision on the Future Land Use and Character Map, the Thoroughfare Plan, and public utilities will be available to serve the public.

Staff recommends approval of the request from AG to O-2 since the request complies with the Future Land Use and Character Map, the Thoroughfare Plan, and public utilities will be available to the subject property.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Talley made a motion to approve Item 6, Z-FY-13-04, and Commissioner Jones made a second.

*Motion passed: (9:0)*



ORDINANCE NO. 2012-4574

(PLANNING NO. Z-FY-13-04)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT (AG) TO SINGLE FAMILY THREE DISTRICT (SF-3) ON APPROXIMATELY 64.073 ACRES AND OFFICE TWO DISTRICT (O-2) ON APPROXIMATELY 9.665 ACRES, SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, LOCATED ON THE WEST SIDE OF OLD WACO ROAD, ADJACENT TO WESTWOOD ESTATES AND HILLS OF WESTWOOD, SOUTH OF JUPITER DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a permanent zoning from Agricultural District (AG) to Single Family Three District (SF-3) on approximately 64.073 acres and Office Two District (O-2) on approximately 9.665 acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located on the west side of Old Waco Road, adjacent to Westwood Estates and Hills of Westwood, South of Jupiter Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **3<sup>rd</sup>** day of **January**, 2013.

PASSED AND APPROVED on Second Reading on the **17<sup>th</sup>** day of **January**, 2013.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/03/13  
Item #8  
Regular Agenda  
Page 1 of 6

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

Autumn Speer, Director of Planning and Development

**ITEM DESCRIPTION:** Z-FY-13-05: 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 landscaping and parking improvements for Texas Roadhouse, located at 624 North General Bruce Drive.

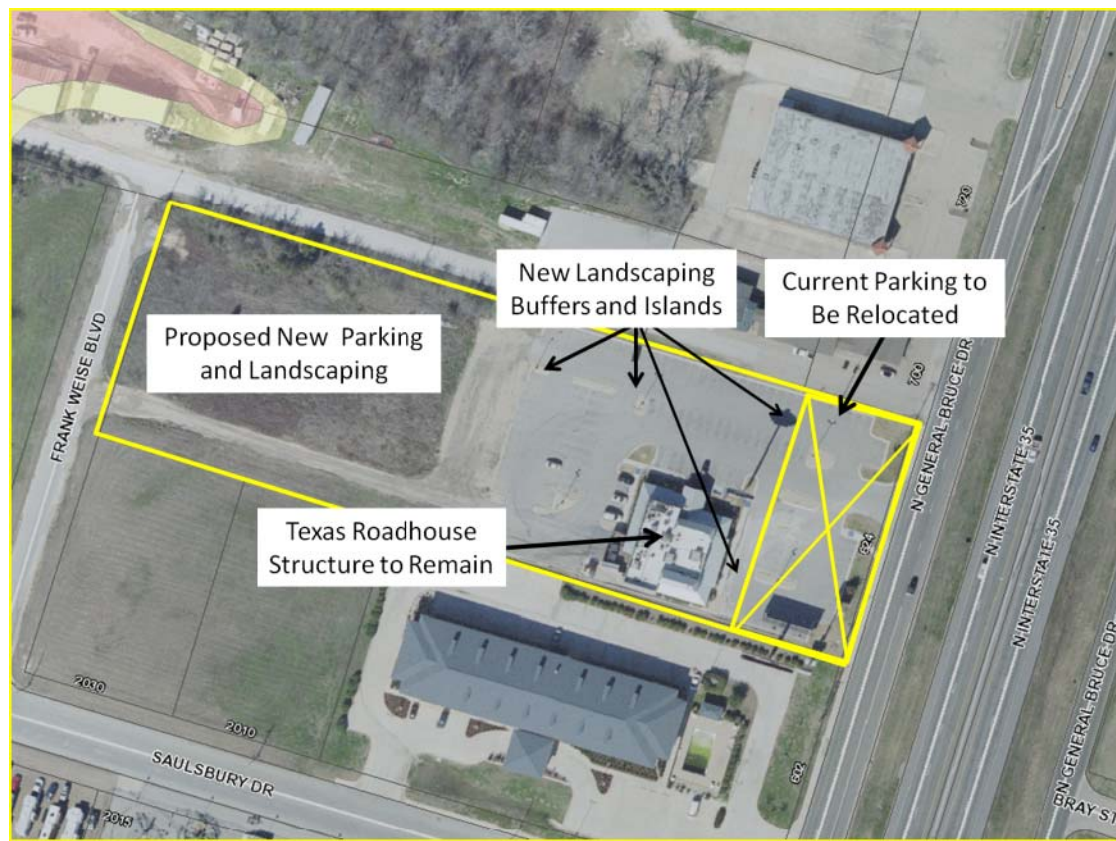
**P&Z COMMISSION RECOMMENDATION:** At its December 17, 2012 meeting, the Planning and Zoning Commission voted 9/0 in accordance with staff recommendation to recommend approval of all appeals submitted.

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

Staff recommends approval of on an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping and parking improvements as presented in this appeal request.

**ITEM SUMMARY:** The project is located in the I-35 Corridor Overlay District in the Freeway Retail/Commercial Sub-District. As a result of the I-35 Expansion Project, the property owner, Road House of Temple LTD., will lose approximately 107' of frontage (depth) and approximately 23,968 sq. ft. of property along I-35. Fifty-two parking spaces and related landscape improvements are currently located in the area proposed for condemnation necessitating a new parking and landscaping configuration for the site. Specifically, the applicant proposes the following changes/improvements:

- The addition of 54 new parking spaces on the undeveloped section of the west side (rear) of the property;
- New landscaped parking islands adjacent to new parking on the west side (rear) of property;
- A new  $\pm 960$  SF landscape buffer/plantings located along the north side of driveway entrance;
- A new  $\pm 3,078$  SF landscape buffer in the front of building extending to the ROW;
- New terminal parking islands located adjacent to existing parking on the north side (side) of property; and
- The relocation of two existing light poles from the front parking area to the rear parking area.



In accordance with Article 6 of the Unified Development Code relating to Interstate 35 Corridor Overlay, all new construction is required to conform to the standards of the I-35 Overlay District. The estimated value for improvements related to landscaping and parking is \$200,000. According to the Bell County Tax Appraisal District, the total assessed value of the property is \$916,776. The cost of improvements is approximately 21% of the total current value per the current tax roll. According to Section 6.7.3 of the Unified Development Code all new construction must comply with I-35 Overlay District standards. Additional standards are applicable per I-35 Overlay District improvement value thresholds.

Development Type	Site Plan Review	Tree Preservation	Parking	Screening and Wall Standards	Architectural Design	Landscape	Signs	Lighting	Utilities
New construction	✓	✓	✓	✓	✓	✓	✓	✓	✓
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	✓	✓		✓		✓			

The following list summarizes all standards that are applicable.

- Site Plan Review
- Tree Preservation
- Parking
- Screening and Wall Standards
- Landscape
- Lighting

The applicant has worked with City Staff to develop a plan that meets the spirit and intent of the I-35 Overlay District. Staff has worked with the applicant to balance the City's overall goals for this important corridor with the planned site reconfiguration and related improvements resulting from the I-35 expansion project. **Any future improvements to this site, that trigger I-35 Overlay District standards, would require renegotiation and approval of any appeals related to such standards thus providing an opportunity for increased compliance in the future.**

The applicant desires to pursue a request for relief from complying with all standards in the form of this appeal.

I-35 Requirements Freeway Retail/Commercial Proposed Sub-District		Standard Met?	Mitigation/ Rationale for Exception
<b>SITE PLAN REVIEW</b>			
Applicant has submitted site plans for review on this project.			
<b>TREE PRESERVATION</b>			
Two trees with calipers greater than 6" are located within the 100 year flood zone (flood plain). Parks Department has advised Planning Department that the trees are not protected species per UDC 6.7.5.			
<b>PARKING (GENERAL)</b>			
The following is a summary of those parking standards the applicant has met: <ul style="list-style-type: none"> <li>• Curb and gutter provided around perimeter of all parking and landscape areas</li> <li>• Parking to the rear and side of building is preferred</li> <li>• Parking must be planned so that vehicles are not required to back out of parking spaces directly into a public or private street.</li> <li>• No parking is allowed in the landscape buffer</li> </ul>			
Parking aisles must be designed to be perpendicular to the front of the building	Most parking is parallel to the front of building	<u>PARTIALLY MET</u> APPEAL REQUESTED	Parking visible from I-35 meet requirements. All other non-compliant parking is in the rear of the structure. <b>Staff recommends approval.</b>
Wheel stops are required adjacent to all landscaped areas.	Curb and gutter provided, no wheel stops	<u>NOT MET</u> APPEAL REQUESTED	Stand up curb is provided and will be maintained by the owner as needed. <b>Staff recommends approval.</b>
<b>SCREENING AND WALL STANDARDS</b>			
Applicant has met all requirements.			
<b>LANDSCAPE (GENERAL)</b>			
The following is a summary of those landscape standards the applicant has met: <ul style="list-style-type: none"> <li>• Foundation plantings are required within a planting area a minimum of 6' in width and 70 % of length of any visible façade</li> <li>• All landscape areas irrigated and maintained</li> <li>• No drainage facilities are planned in landscape areas</li> <li>• Vegetation used to soften the appearance of walls</li> </ul>			
15% of the total site must be landscaped	15% of developed site is landscaped	<u>PARTIALLY MET</u> APPEAL REQUESTED	15% of the developed site is landscaped. Undeveloped portion will be left in a natural undeveloped vegetated state. <b>Staff recommends approval.</b>
Landscape buffer (size) required 25 ft. front and adjacent to public street 10 ft. rear ;10 ft. interior side; 20 ft. street side	Landscape buffer north of driveway entrance is 16'X60' (± 960SF) Landscape buffer south of driveway entrance is 22.8' X 135" (± 3,078 SF)	<u>PARTIALLY MET</u> APPEAL REQUESTED	Building setbacks /site configuration options are limited due to TxDOT taking. Approx. 22.8' between the building and the ROW will remain. Reduced frontage and new site configuration presents challenges to expansive vegetated landscape in close proximity to structure. Proposed buffer meets the spirit of the ordinance. <b>Staff recommends approval.</b>



I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
Landscape buffer plantings- One min. 3" caliper canopy tree must be planted for every 30' of frontage along public ROW. If power lines are present four ornamental trees may be substituted for one canopy tree	Landscape area in front of building is approx. 7' wide will be extended to an approx. width of 22.8' (up to ROW). Total 199' of applicable frontage (approx 64' north side of drive way entrance & 135' of on the south side) Required: <b>six 3" caliper trees.</b> <u>Existing:</u> foundation plantings throughout Leucophyllum, Nandina, Spiraea, 8 mature Ligustrum shrubs and 1 mature <b>Crape Myrtle</b> on south side buffer <b>Proposed:</b> <u>north side buffer: two- 2.5" caliper canopy &amp; three - 2" caliper ornamental south side buffer: two – 3" caliper canopy and three- 2" caliper ornamental</u>	<u>PARTIALLY MET</u> APPEAL REQUESTED	6 canopy trees are required – Applicant has proposed a total of four canopy trees and seven ornamental trees in landscape buffer. Proposed buffer will provide a full landscaped effect and will greatly complement the existing mature landscaping in foundation beds. <b>Staff recommends approval.</b>  Proximity of landscape buffer to the structure and building sign presents challenges to expansive vegetative landscape buffer. Applicant has provided a strong landscape plan that will complement existing plantings located in the foundation beds along the front of the building. <b>Staff recommends approval.</b>
Required landscape buffer must have a minimum of 60% evergreen trees	5 trees provided in the landscape buffer are evergreen – all others are deciduous. Total 45% evergreen trees in the buffer	<u>PARTIALLY MET</u> APPEAL REQUESTED	Existing mature Ligustrum presents as ornamental evergreen trees along the front (east) portion of the building contributing to the overall landscaping effect. Existing landscaping combined with total new evergreens will present a strong year-round attractive landscaped area for the site. <b>Staff recommends approval.</b>
Required landscape buffer berms not less than 24" covering 50% of buffer	No berms provided	<u>NOT MET</u> APPEAL REQUESTED	Reduced frontage and existing site configuration presents challenges to expansive landscape berm in close proximity to building. <b>Staff recommends approval.</b>
Parking screen of hedge row 2.5' to 4' high for all parking areas visible from public view	New landscape buffer proposed just north of entrance and new terminal parking island proposed for existing parking. Landscape features include Red Oak and Sumac (parking island) and Crape Myrtles, and Chinese	<u>PARTIALLY MET</u> APPEAL REQUESTED	New landscape buffer on the north side of property and new terminal parking island will provide sufficient and much improved screening for <b>existing</b> parking on entrance (north) side of the building. <b>Staff recommends</b>

<b>I-35 Requirements Freeway Retail/Commercial Sub-District</b>	<b>Proposed</b>	<b>Standard Met?</b>	<b>Mitigation/ Rationale for Exception</b>
	Pistache (Buffer).		<b>approval.</b>
Interior parking islands 1 per every 10 spaces minimum 170 sq ft (one 3" tree required in each) non-inventory.	One interior island provided; proposed 54 spaces require five interior islands. One 2.5" caliper tree provided in single proposed.	<u>PARTIALLY</u> APPEAL REQUESTED	Proposed landscaping is sufficient for new customer parking located in the rear of building. Parking does not exceed 12 spaces for any single parking row. Overall landscaping plan sufficient. <b>Staff recommends approval.</b>
Terminal parking islands at the end of each row minimum 360 SF; two- 3" caliper tree required in each	Terminal islands are provided at end of all new proposed parking rows. Parking Islands are 565 SF and 693 SF. Two parking islands have two 2.5" caliper trees. All others have one 3" caliper tree and shrub plantings.	<u>PARTIALLY</u> APPEAL REQUESTED	Applicant has exceeded square footage requirements for all new terminal parking islands. Additionally, applicant has added new parking islands to existing parking. Shrub cover combined with trees achieves a fully landscaped effect for parking areas. <b>Staff recommends approval.</b>
Median islands minimum 10' in width must be located after every third parking bay ( 3" tree required every 30' on center)	Parking buffer (landscape island) provided along the 4 <sup>th</sup> parking bay in rear of property. Approx 126' of island provides four 3" caliper trees, one 2.5" ornamental tree, and turf.	<u>PARTIALLY</u> APPEAL REQUESTED	A landscaped island has been provided along the 4 <sup>th</sup> new parking bay in the rear of site creating a substantially landscaped parking area to the rear of the building meeting the spirit of regulations related to landscaping in parking areas. <b>Staff recommends approval.</b>
<b>LIGHTING</b>			
Applicant has requested an appeal for all applicable standards related to the relocation lighting poles (will relocate from front parking lot to back parking lot).		<u>PARTIALLY</u> APPEAL REQUESTED	Lighting poles will be installed in new rear parking to match existing poles already in place. Lighting to the west of property (rear of site) is less visible and should present an overall consistent look. <b>Staff recommends approval.</b>

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[Site Layout Plan](#)  
[Landscape Plan](#)  
[P&Z Excerpts](#)  
[Resolution](#)

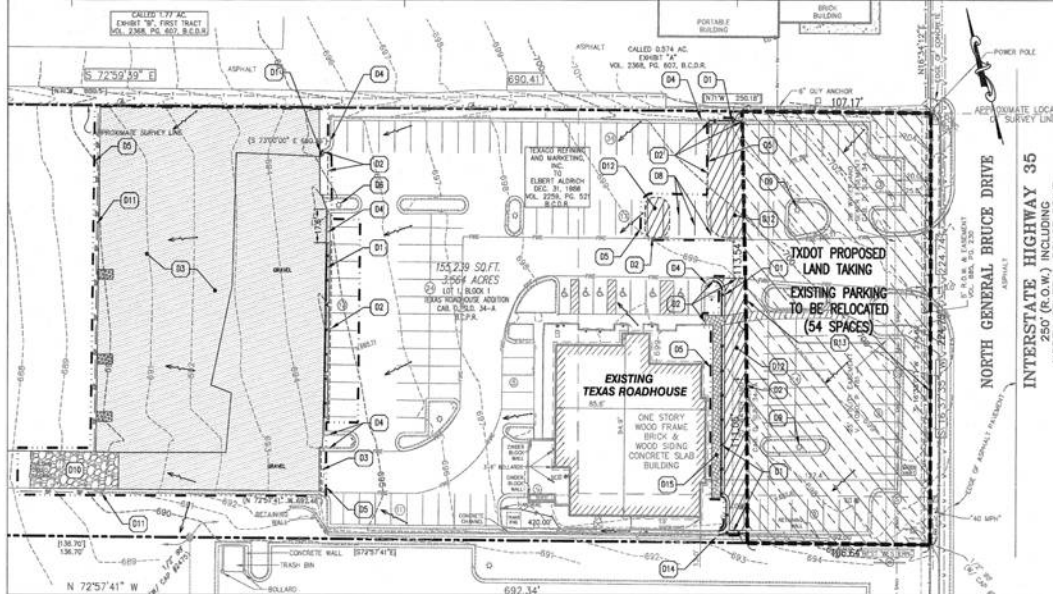
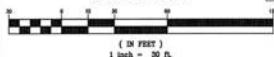
## GENERAL DEMOLITION NOTES:

1. ANY DEMOLITION IS TO BE PERFORMED IN STRICT CONFORMANCE WITH ALL APPLICABLE TOWN, COUNTY AND STATE, AND/OR GOVERNING BODY'S STANDARDS.
2. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF DEMOLITION AND MAINTAINED AT ALL TIMES DURING DEMOLITION AND CONSTRUCTION.
3. THE PURPOSE OF THE DEMOLITION DRAWING IS TO OBTAIN THE OVERALL SCOPE OF WORK AND IT IS NOT INTENDED TO COVER ALL DETAILS OR SPECIFICATIONS REQUIRED TO COMPLY WITH GENERALLY ACCEPTED DEMOLITION PRACTICES. CONTRACTOR SHALL THOROUGHLY FAMILIARIZE HIMSELF WITH THE SITE, SCOPE OF WORK, AND ALL EXISTING CONDITIONS AT THE JOB SITE PRIOR TO BEGINNING AND COMMENCING THE WORK. THE DEMOLITION CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR MEANS, METHODS, TECHNIQUES, OR PROCEDURES USED TO COMPLETE THE WORK IN ACCORDANCE WITH THE CONSTRUCTION DOCUMENTS AND IS LIABLE FOR THE SAFETY OF THE PUBLIC OR CONTRACTOR'S EMPLOYEES DURING THE COURSE OF THE PROJECT.
4. THE DEMOLITION PLAN IS INTENDED TO SHOW REMOVAL OF KNOWN SITE FEATURES AND UTILITIES AS SHOWN ON THE SURVEY. THERE MAY BE OTHER SITE FEATURES, UTILITIES, STRUCTURES, AND MISCELLANEOUS ITEMS BOTH BURIED AND ABOVE GROUND THAT ARE WITHIN THE LIMITS OF WORK THAT MAY NEED TO BE REMOVED FOR THE PROPOSED PROJECT THAT ARE NOT SHOWN HEREON. THE CONTRACTOR IS RESPONSIBLE FOR THE REMOVAL OF SUCH ITEMS AT NO ADDITIONAL COST TO THE OWNER.
5. THE CONTRACTOR SHALL COORDINATE WORK TO ENSURE ACCESS TO ADJACENT PROPERTIES AT ALL TIMES.
6. THE CONTRACTOR SHALL CONTACT RESPECTIVE UTILITY COMPANIES PRIOR TO DEMOLITION TO COORDINATE DISCONNECTION AND REMOVAL OF EXISTING UTILITIES WITHIN THE AREA OF WORK.
7. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES THAT ARE INTENDED TO CONTINUE TO PROVIDE SERVICE WHETHER THESE UTILITIES ARE SHOWN ON THE PLAN OR NOT.
8. UPON DISCOVERY OF ANY UNDERGROUND TANKS, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER'S REPRESENTATIVE. NO REMOVAL OF TANKS SHALL OCCUR UNTIL AUTHORIZED BY OWNER.
9. BUILDING AND APPURTENANCES DESIGNATED FOR DEMOLITION SHALL NOT BE DISTURBED BY THE CONTRACTOR UNTIL HE HAS FURNISHED WITH NOTICE TO PROCEED BY THE OWNER. AS SOON AS SUCH NOTICE HAS BEEN GIVEN, THE CONTRACTOR SHALL PERFORM THE DEMOLITION UNDER THE DIRECTION OF THE OWNER'S REPRESENTATIVE.
10. DEBRIS SHALL NOT BE BURIED ON THE SUBJECT SITE. ALL DISASTROUS MATERIAL AND DEBRIS SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN ACCORDANCE WITH ALL TOWN, STATE, AND FEDERAL LAWS AND ORDINANCES.
11. ALL MATERIAL, EXCEPT THAT BELONGING TO A PUBLIC UTILITY COMPANY OR OWNED FOR SALE, SHALL BECOME PROPERTY OF THE CONTRACTOR. THE CONTRACTOR SHALL NOTIFY THE OWNER OF WATER, ELECTRIC, OR GAS METERS WHEN THE METERS ARE READY FOR REMOVAL, AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR DISCONNECTING ALL UTILITIES IN COMPLIANCE WITH LOCAL REQUIREMENTS. DISCONNECT TRANSFORMERS AS REQUIRED FOR BUILDING DEMOLITION.
12. AS SOON AS DEMOLITION WORK HAS BEEN COMPLETED, THE FINAL GRADE OF BACKFILL IN DEMOLITION AREAS SHALL BE COMPLETED TO PRESENT A NEAT, WELL DRAINED APPEARANCE, AND TO PREVENT WATER FROM DRAINING UNDESIRABLY ONTO ADJACENT PROPERTIES. CONTRACTOR SHALL GRADE SITE TO EXISTING STORM DRAINAGE SYSTEM TO REMAIN ON SITE.
13. EXISTING TREES TO REMAIN SHOULD BE PROTECTED FROM DAMAGE DURING DEMOLITION, RELOCATION AND CONSTRUCTION.

## GENERAL SITE NOTES:

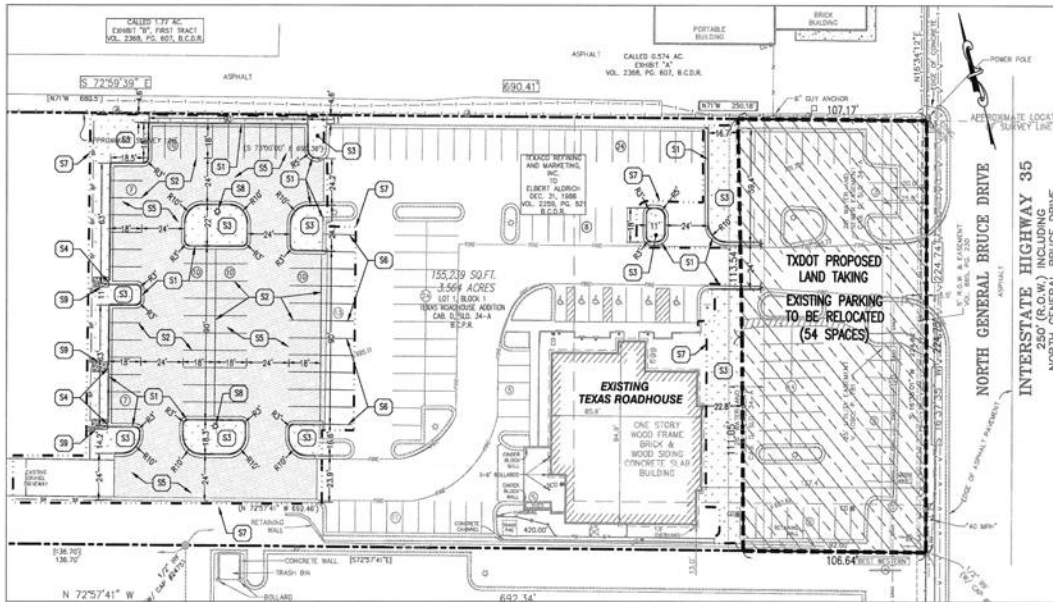
1. CONTRACTOR MUST SECURE ALL NECESSARY PERMITS PRIOR TO STARTING WORK.
2. IF THE CONTRACTOR, IN THE COURSE OF THE WORK, FINDS ANY DISCREPANCIES BETWEEN THE PLANS AND THE PHYSICAL CONDITIONS OF THE LOCALITY, OR ANY ERRORS OR OMISSIONS IN THE PLANS OR IN THE LAYOUT AS GIVEN BY THE ENGINEER, IT SHALL BE HIS DUTY TO IMMEDIATELY NOTIFY THE ENGINEER, IN WRITING, AND THE ENGINEER WILL PROMPTLY VERIFY THE SAME. ANY WORK DONE AFTER SUCH A DISCOVERY, UNTIL AUTHORIZED, WILL BE AT THE CONTRACTOR'S RISK.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL SETBACKS, EASEMENTS, AND DIMENSIONS SHOWN HEREON BEFORE BEGINNING CONSTRUCTION.
4. ALL CONSTRUCTION MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE TO THE STATE AND LOCAL GOVERNMENT AGENCY LATEST CONSTRUCTION SPECIFICATIONS AND DETAILS.
5. ALL HANDICAP SITE FEATURES SHALL BE CONSTRUCTED AND MAINTAINED TO MEET ALL FEDERAL, STATE AND LOCAL CODE.
6. NOTIFY THE MUNICIPAL INSPECTOR TWENTY-FOUR (24) HOURS BEFORE BEGINNING EACH PHASE OF CONSTRUCTION.
7. THE CONTRACTOR SHALL CAREFULLY PRESERVE BENCHMARKS, REFERENCE POINTS, AND STAKES.
8. CONTRACTOR SHALL MAINTAIN THE SITE IN A MANNER SO THAT WORKMEN AND PUBLIC SHALL BE PROTECTED FROM INJURY, AND ASSURING PROPERTY PROTECTED FROM DAMAGE.
9. CONTRACTOR IS RESPONSIBLE FOR DAMAGE TO ANY EXISTING ITEM OR WORKMANSHIP, INSIDE OR OUTSIDE CONTRACT LIMITS DUE TO CONSTRUCTION OPERATION.
10. ALL STREET SURFACES, DRAINAGES, CURBS AND GUTTERS, ROADSIDE DRAINAGE DITCHES AND OTHER STRUCTURES THAT ARE DISTURBED OR DAMAGED IN ANY MANNER AS A RESULT OF CONSTRUCTION SHALL BE REPLACED OR REPAIRED IN ACCORDANCE WITH THE SPECIFICATIONS.
11. ALL ROAD WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE STATE AND LOCAL GOVERNMENT AGENCY SPECIFICATIONS.

GRAPHIC SCALE



## DEMOLITION PLAN

SCALE: 1" = 30'



## SITE LAYOUT PLAN

SCALE: 1" = 30'

## DEMOLITION PLAN KEYNOTES

- (D1) REMOVE EXISTING CURB & GUTTER (4,250 LF TOTAL).
- (D2) SAW CUT EXISTING PAVEMENT/CURB/SIDEWALK TO CREATE CLEAN STRAIGHT EDGE
- (D3) CLEAR AND REMOVE ORGANIC MATERIALS, UNDESIRABLE SOILS AND FILL WITH SUITABLE APPROVED FILL MATERIAL, COMPACT AND GRADE AREA ACCORDING TO GRADING PLAN FOR FIRM BRUSHWOOD CONCRETE INSTALLATION.
- (D4) EXISTING CURB & GUTTER TO REMAIN. PROTECT THROUGH CONSTRUCTION.
- (D5) LIMITS OF CONSTRUCTION/ DISTURBANCE. (33,550 SF)
- (D6) EXISTING LIGHT POLES TO REMAIN. PROTECT THROUGH CONSTRUCTION.
- (D7) EXISTING CONCRETE SIDEWALK TO REMAIN. PROTECT FROM CONSTRUCTION ACTIVITIES.
- (D8) EXISTING STRIPING TO BE REMOVED
- (D9) EXISTING SITE LIGHTING FIXTURES TO BE RELOCATED TO NEW PARKING AREA
- (D10) PROPOSED TEMPORARY CONSTRUCTION DIRT TO BE INSTALLED PRIOR TO DEMOLITION ACTIVITIES. SEE DETAILS.
- (D11) APPROXIMATE LOCATION OF PROPOSED TEMPORARY SILT FENCE TO BE INSTALLED PRIOR TO DEMOLITION ACTIVITIES. SEE DETAILS. (225 LF)
- (D12) REMOVE EXISTING PAVEMENT
- (D13) TYPICAL LAND TAKING AREA. COORDINATION OF UTILITY RELOCATION AND LAYOUT PRIOR TO DEMOLITION. TYPICAL TYPICAL OF ANY DESIGN.
- (D14) EXISTING RETAINING WALL TO REMAIN. PROTECT FROM CONSTRUCTION.
- (D15) EXISTING CONCRETE SIDEWALK TO BE REMOVED. (465 SF).

## DEMOLITION LEGEND:

- |       |   |
|-------|---|
| (D1)  | CLEAR AND GRADE AREA ACCORDING TO GRADING PLAN & PER GEOTECHNICAL REPORT. |
| (D2)  | TEMPORARY CONSTRUCTION DIRT   |
| (D3)  | PAVEMENT REMOVAL  |
| (D4)  | CONCRETE SIDEWALK TO BE REMOVED   |
| (D5)  | TYPICAL PROPOSED LAND TAKING  |
| (D6)  | LIMITS OF CONSTRUCTION/ DISTURBANCE                                       |
| (D7)  | EXISTING CURB TO BE REMOVED.  |
| (D8)  | SAW CUT LINE  |
| (D9)  | PROPOSED SILT FENCE   |
| (D10) | SURFACE WATER RUNOFF FLOW DIRECTION                                       |

GRAPHIC SCALE



## SITE LAYOUT PLAN KEYNOTES

- (S1) TYPE 2 CONCRETE CURB & GUTTER (SEE DETAIL)
- (S2) 4" PAINTED PARKING STALL STRIPING (TYPICAL/ MATCH EXIST. COLOR)
- (S3) IRRIGATED LANDSCAPED AREA (SEE LANDSCAPE PLAN FOR DETAILS)
- (S4) 2" WIDE CURB OPENING.
- (S5) LIGHT DUTY BRUSHWOOD CONCRETE PAVEMENT.
- (S6) 80-STRIPS EXISTING 13 SPACES WITH 4" PARKING STALL STRIPING (MATCH EXIST. COLOR)
- (S7) LIMITS OF CONSTRUCTION/ DISTURBANCE.
- (S8) PROPOSED NEW LOCATION FOR EXISTING SITE LIGHTING FIXTURES RELOCATED FROM THE EXISTING TANKING AREA IN THE FRONT OF THE LOT
- (S9) RP-BAP FOR EROSION CONTROL AT CURB OPENINGS

## PROPOSED LEGEND:

- |       |   |
|-------|---|
| (S1)  | PROPERTY LINE   |
| (S2)  | LIMITS OF DISTURBANCE   |
| (S3)  | CONCRETE CURB & GUTTER  |
| (S4)  | LANDSCAPE AREA (SEE LANDSCAPE PLAN FOR DETAILS)                                     |
| (S5)  | TYPICAL PROPOSED LAND TAKING  |
| (S6)  | RP-BAP FOR EROSION CONTROL AT CURB OPENINGS   |
| (S7)  | FLEXIBLE PAVEMENT SECTION   |
| (S8)  | 3" ASPHALTIC CONCRETE (TYPICAL SPEC. ITEM 340)                                      |
| (S9)  | 1" SURFACE COURSE TYPE 8, 2" UNDER TYPE 8   |
| (S10) | 6-8" AGGREGATE FLEX BASE MATERIAL (TYPICAL SPEC. ITEM 247)                          |
| (S11) | 6" HYDRATED LIME STABILIZED SUBGRADE (TYPICAL SPEC. ITEM 260)                       |
| (S12) | ROAD PAVEMENT SECTION (TYPICAL SPEC. ITEM 360)                                      |
| (S13) | 5" PORTLAND CEMENT CONCRETE PAVEMENT THICKENED TO 6" ON ENTRANCES AND SHAMPOER AREA |
| (S14) | 6" LIME TREATED PAVEMENT SUBGRADE.  |

NOTE:

1. CONTRACTOR TO PROVIDE OWNER WITH 2 ALTERNATIVE BIDS, (1) THE FIRST USING CONCRETE PAVEMENT IN THE REAR PARKING LOT AND FLEXIBLE PAVEMENT IN THE FRONT (2) THE SECOND ALTERNATIVE IS USING ASPHALT PAVEMENT THROUGHOUT THE SITE. THE OWNER WILL MAKE THE FINAL DECISION PRIOR TO CONSTRUCTION.
2. REFER TO THE GEOTECHNICAL REPORT PREPARED BY GILES ENGINEERING ASSOCIATES, INC. ON 9-23-2012 (PROJECT # 40-048804) FOR ADDITIONAL INFORMATION.

## GreenbergFarrow

1450 W. Peachtree St. NW  
Suite 200  
Atlanta, GA 30309  
(404) 501-4000 • F: (404) 501-3870

CONTRACT NO. 201202840  
This drawing is the property of the above engineer and is not to be used for any purpose other than the specific project and site named herein. All other uses without the written consent of the Engineer are prohibited.

ISSUE/REVISION RECORD  
DATE DESCRIPTION  
11/29/11 POINT SET  
12/04/12 REVISION POINT SET

PROFESSIONAL SEAL  
STATE OF GEORGIA  
JONAS H. FARRAR  
12574

PROFESSIONAL IN CHARGE  
JONAS H. FARRAR, P.E.  
PROJECT MANAGER  
CHRIS BLUNETT  
QUALITY CONTROL  
STEPHEN POWERS, P.E.  
DRAWN BY  
ANDRE PHINDEL

PROJECT NAME  
TEXAS  
ROADHOUSE

TEMPLE  
TEXAS  
624 N GENERAL BRUCE DR.

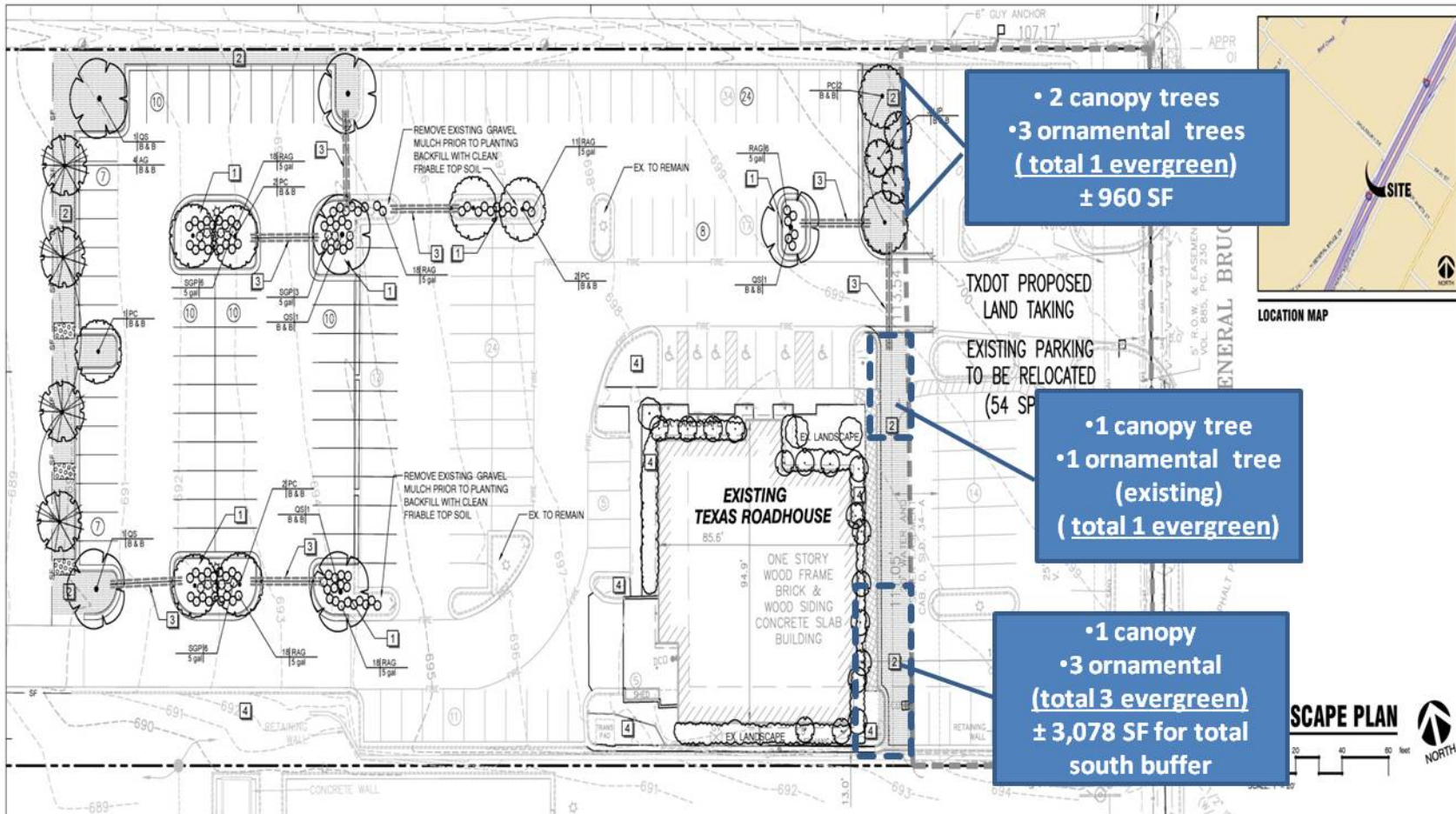
PROJECT NUMBER  
201202840

SHEET TITLE  
SITE LAYOUT AND  
DEMOLITION PLAN

SHEET NUMBER  
C1.0

NOT ISSUED FOR CONSTRUCTION





### PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT.	CAL.	SIZE
	AG	4	Acer grandidentatum FULL BRANCHING, STRONG LEADER	Bigtooth Maple	B & B	3" Cal	12-15 Ht.
	LIP	3	Lagerstroemia indica 'Pink Velour' FULL BRANCHING	Crape Myrtle	B & B	2" Cal	8' Ht. Min.
	PC	9	Pistacia chinensis FULL BRANCHING	Chinese Pistache	B & B	2.5" Cal	12-15 Ht.
	OS	6	Quercus shumardi FULL BRANCHING, STRONG LEADER	Shumard Red Oak	B & B	3" Cal	12-15 Ht.
SHRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT.	HEIGHT	SPREAD
	RAG	89	Rhus aromatica 'Gro-Low'	Gro-Low Fragrant Sumac	5 gal		24" Spr. Min.
	SGP	15	Salvia greggii 'Pink'	Pink Autumn Sage	5 gal		24" HT. MIN.
GROUND COVERS	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT.		
	CD	5,965 sf	Cynodon dactylon	Bermuda Grass	sod		

### EXISTING PLANT SCHEDULE

	LIGUSTRUM SPP.	17
	LAGERSTROMIA SPP.	3
	LONICERA SPP.	1
	NANDINA SPP.	1
	SPIRAEA SPP.	1

### GENERAL NOTES:

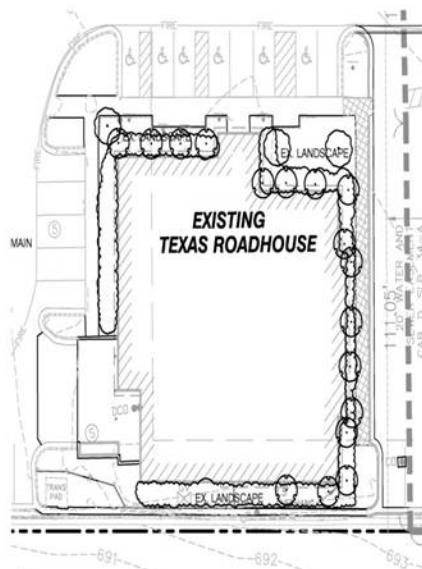
- LANDSCAPE CONTRACTOR TO EXTEND IRRIGATION SYSTEM TO NEW LANDSCAPE AREAS. IRRIGATION COMPONENTS INSTALLED TO BE IN CONFORMANCE WITH CITY OF TEMPLE, TEXAS CITY STANDARDS. IRRIGATION SYSTEM IS TO BE IN COMPLIANCE WITH ALL LOCAL, STATE AND FEDERAL REQUIREMENTS. NEW IRRIGATION SYSTEM TO PROVIDE 100% COVERAGE OF ALL NEW PLANTED AREAS ON SITE. IF SPRAY SYSTEM IS INSTALLED AVOID SPRAYING WATER ONTO BUILDING.
- PRIOR TO SUBMITTAL OF BID LANDSCAPE CONTRACTOR TO REVIEW EXISTING CONDITIONS TO DETERMINE THE EXTENT OF EXISTING IRRIGATION AND TYPE OF SYSTEM ON SITE. SUBMITTAL OF BID IS EVIDENCE THAT THIS ONSITE REVIEW HAS OCCURRED.
- PRIOR TO DEMOLITION/CONSTRUCTION CONTRACTOR IS TO CAP EXISTING SYSTEM BEFORE REMOVAL OF PORTION OF IRRIGATION SYSTEM TO BE AFFECTED BY THE NEW BUILDING ADDITION. REMAINDER OF IRRIGATION SYSTEM ON SITE IS TO REMAIN OPERATIONAL DURING THE ENTIRE CONSTRUCTION PROCESS. IF FOR ANY REASON THE SYSTEM WILL NOT BE OPERATIONAL CONTRACTOR IS TO TAKE SPECIAL CARE TO MAKE SURE EXISTING PLANT MATERIAL IS WATERED DURING DRY PERIODS OR TIMES OF EXTENDED HEAT.
- CONTRACTOR IS TO REPAIR ANY LAWN AREAS DAMAGED DURING CONSTRUCTION WITH MATERIAL COMMON TO SITE AND LOCALITY BY SOODING.

### MAINTENANCE OF LANDSCAPING:

THE OWNER, TENANT, OR AGENT, IF ANY, SHALL BE RESPONSIBLE FOR PROVIDING, PROTECTING AND MAINTAINING ALL LANDSCAPING IN HEALTHY GROWING CONDITIONS, REPLACING IF WHEN NECESSARY TO ENSURE CONTINUOUS CONFORMANCE WITH THESE GUIDELINES AND KEEPING IT FREE FROM REFUSE AND DEBRIS. MAINTENANCE SHALL INCLUDE THE REPLACEMENT OF ALL DEAD PLANT MATERIAL WITHIN THE GUARANTEED CONTRACT PERIOD.

### REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION	QTY
1	3" DEPTH CEDAR MULCH ON WEED BARRIER IN ALL ISLANDS TYPICAL UNLESS OTHERWISE NOTED ON PLAN.	
2	ALL LAWNS ARE TO BE ESTABLISHED WITH BY SOODING WITH VARIETY COMMON TO LOCALITY.	
3	IRRIGATION SLEEVE 3" DIAMETER (TYPICAL) CONTRACTOR TO PROVIDE IRRIGATION DESIGN PER TEXAS ROADHOUSE STANDARDS. COORDINATE WITH CIVIL AND PLUMBING PLANS.	
4	ANY DAMAGE TO EXISTING LANDSCAPE TO BE REPAIR TO ITS ORIGINAL CONDITION WITH LIKE TYPE AND SIZE OF EXISTING PLANT MATERIAL AT CONTRACTORS EXPENSE WITH NO ADDITIONAL COST TO TEXAS ROADHOUSE.	



### EXISTING FOUNDATION PLANTING



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, DECEMBER 17, 2012**

**ACTION ITEMS**

**Item 7: Z-FY-13-05:** Consider and make a recommendation on an Appeal of Standards in Section 6.7, Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping and parking for Texas Roadhouse, located at 624 North General Bruce Drive.

Ms. Zendt stated this was an appeal of the I-35 Overlay standards as they relate to the Texas Roadhouse. This item will go to City Council on January 3, 2013 for first reading.

The subject site will be affected by the I-35 expansion and right-of-way acquisition which will eliminate most of their front parking. Specific improvements proposed to reconfigure this site include 54 new parking spaces in the back of the structure, new parking islands, a 960 square foot north buffer north of the entrance and a 3,078 square foot south buffer just south of the driveway entrance. There will be new parking islands for existing parking located on the north side where the front entrance is and a relocation of existing lighting poles to the back parking area. The structure itself will be unaffected by the acquisition.

The proposed improvements will cost approximately \$200,000 which is 21% of the total assessed value. The level of modifications and amount of investment of the modifications, relative to total value of the property determines what standards apply to the project. All new construction must comply with I-35 standards. The 21% increase will require additional compliance such as: site plan review, tree preservation, screening and wall standards and landscaping for the entire site.

Ms. Zendt showed the proposed landscape plan and described some of the proposals and negotiations discussed. A large amount of standards have been met by the applicant for this request.

Appeals recommended for approval include parking and landscaping. Parking-some of the parking parallel to the front of the building versus perpendicular. Most of the parking is in back and not visible and does not detract from the appearance of the site. No wheel stops are proposed but the applicant has provided curb and gutter. Staff recommends approval of parking appeals.

The landscape buffers are not quite as large as requested but given the available frontage Staff felt it was adequate. No berms provided.

The lighting will be relocated from the front parking area to the rear parking area.

Landscaping items: applicant is in partial compliance but Staff recommends approval as a very strong landscape plan has been developed by the applicant. Staff recommends approval of all appeals submitted.



Chair Staats asked if the overhead sign would be affected and Ms. Zendt stated she did not believe they were moving it.

Chair Staats asked about drainage issues due to the expansion of the parking area. Ms. Zendt stated with the building permit they would be required to meet all requirements by the City in order to prevent any problems. If it is more than an acre it would be looked at carefully.

The applicant approached to respond to this question.

Mr. Craig Burnet, engineer with Greenberg Farrell, the applicant, 11 \_\_\_\_\_ Street, North Grafton Mass, stated it was under an acre and the DOT would be doing all the work in the taking area. All of the relocated parking and the landscaping is under the acre threshold. Should any issues arise, they would be addressed.

Commissioner Rhoads asked if it would still be only one entrance. Ms. Zendt stated they would have the one main driveway entrance.

Commissioner Johnson made a motion to approve Item 7, Z-FY-13-05, and Vice-Chair Sears made a second.

*Motion passed: (9:0)*

RESOLUTION NO. 2012-6856-R

[PLANNING NO. Z-FY-13-05]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN APPEAL OF STANDARDS IN SECTION 6.7 OF THE UNIFIED DEVELOPMENT CODE RELATED TO THE I-35 CORRIDOR OVERLAY ZONING DISTRICT FOR LANDSCAPING AND PARKING IMPROVEMENTS FOR TEXAS ROADHOUSE, LOCATED AT 624 NORTH GENERAL BRUCE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on December 17, 2012, the Planning and Zoning Commission approved an appeal of standards of Section 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping and parking improvements for Texas Roadhouse, located at 624 North General Bruce Drive;

**Whereas**, the applicant is requesting an appeal of the standards relating to the relocating of approximately fifty-two parking spaces and related landscaping which is located in an area proposed for condemnation for the I-35 expansion Project;

**Whereas**, staff recommends approval of the appeal relating to the landscaping and parking improvements for Texas Roadhouse located at 624 North General Bruce Drive, as outlined in Exhibit A attached hereto and incorporated herein; 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 appeal of standards to Section 6.7 of the Unified Development Code, as set forth in Exhibit A attached hereto and incorporated herein, related to the I-35 Corridor Overlay Zoning District for landscaping and parking improvements for Texas Roadhouse, located at 624 North 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 **January**, 2013.

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

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01/03/13  
Item #9  
Regular Agenda  
Page 1 of 8

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

Autumn Speer, Director of Planning and Development

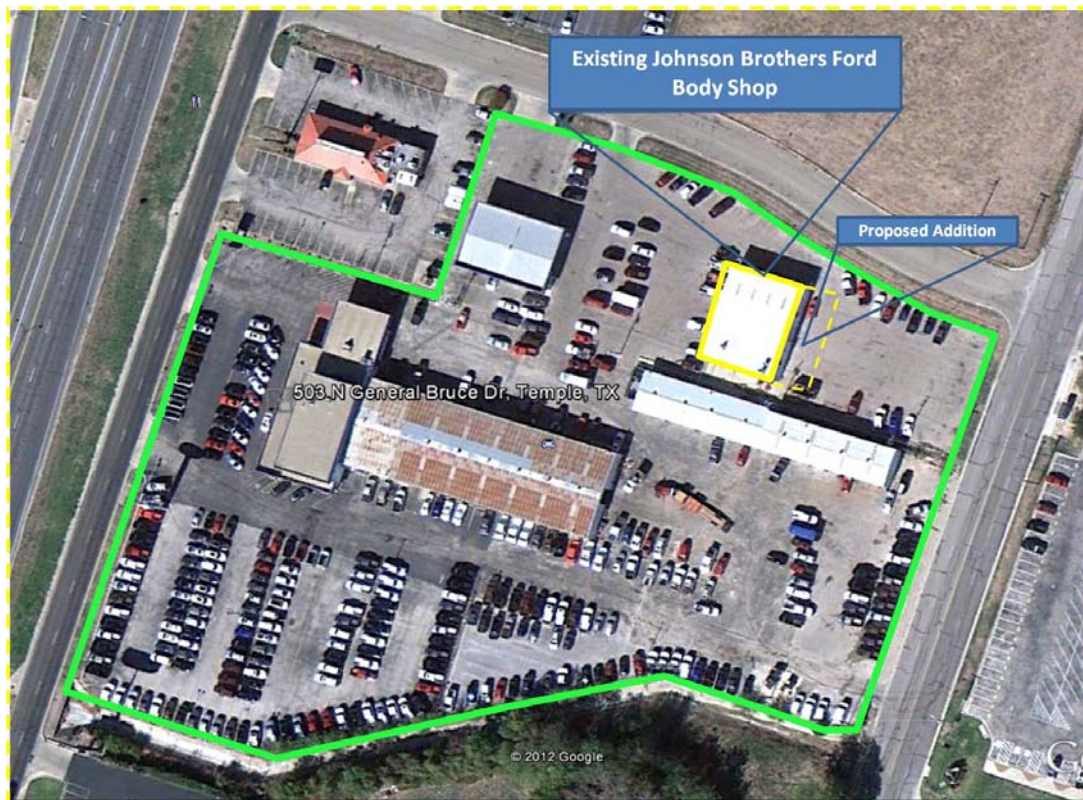
**ITEM DESCRIPTION:** Z-FY-13-06: Consider adopting a resolution authorizing an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping and building improvements for Johnson Brothers Ford located at 503 and 615 North General Bruce Drive.

**P&Z COMMISSION RECOMMENDATION:** At its December 17, 2012 meeting, the Planning and Zoning Commission voted 9/0 in accordance with staff recommendation to recommend approval of all appeals submitted.

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

Staff recommends approval of an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping and building improvements as presented in this appeal request.

**ITEM SUMMARY:** The project is located in the I-35 Corridor Overlay District in the Freeway Retail/Commercial Sub-District. The applicant is proposing a 2,156 SF addition to the existing body shop bringing the overall square footage of the body shop to 8,228 SF. Additional improvements include landscaping improvements along Jack White Boulevard and 31<sup>st</sup> Street



In accordance with Article 6 of the Unified Development Code relating to Interstate 35 Corridor Overlay, all new construction is required to conform to the standards of the I-35 Overlay District. The estimated value for proposed building improvements is \$168, 097. According to the Bell County Tax Appraisal District, the total assessed value of the property is \$790,434. The cost of improvements is approximately 21% of the total current value per the current tax roll. According o Section 6.7.3 of the Unified Development Code all new construction must comply with I-35 Overlay District standards. Additional standards are applicable per I-35 Overlay District improvement value thresholds.



Development Type	Site Plan Review	Tree Preservation	Parking	Screening and Wall Standards	Architectural Design	Landscape	Signs	Lighting	Utilities
<b>New construction</b>	✓	✓	✓	✓	✓	✓	✓	✓	✓
Increase in gross floor area of 10%-24% or modifications or a cost equal to 10%-24% of the assessed value of improvements per the current tax roll	✓	✓		✓		✓			

The following list summarizes all standards that are applicable to this project.

- Site Plan Review
- Tree Preservation
- Screening and Wall Standards
- Landscape
- Architectural design (new construction only)

The applicant has worked with City Staff to develop a plan that meets the spirit and intent of the I-35 Overlay District. Staff has worked with the applicant to balance the City's overall goals for this important corridor with the applicant's plans for this site. Staff has taken into account the scope of this modest project when evaluating and making a recommendation on the range of appeals requested by the applicant. Staff has worked to ensure that the recommendation for required improvements is proportional to the total proposed project, taking into account the overall low assessed value of this 5.4 acre site and proposed value of improvements. **Any future improvements to this site, that trigger I-35 Overlay District standards, would require renegotiation and approval of any appeals related to such standards thus providing an opportunity for increased compliance in the future.**

The applicant desires to pursue a request for relief from complying with all standards in the form of this appeal.

I-35 Requirements Freeway Retail/Commercial Proposed Sub-District		Standard Met?	Mitigation/ Rationale for Exception
<b>SITE PLAN REVIEW</b>			
Applicant has submitted site plans for review on this project.			
<b>TREE PRESERVATION</b>			
Not applicable (not in flood plain area and no 6" caliper trees).			
<b>SCREENING AND WALL STANDARDS</b>			
<p>The following is a summary of those screening and wall standards the applicant agreed to meet or has already met:</p> <ul style="list-style-type: none"> <li>No storage in connexes, shipping containers or portable buildings.</li> <li>Loading zones and mechanical equipment must not be clearly visible at eye level from any public street</li> <li>All ground mounted service equipment must be located at the rear of buildings (unless rear faces I-35), integrated into the building envelope, or enclosed service area</li> <li>All ground mounted service equipment must be located at the rear of buildings</li> <li>Roof mounted equipment must be screened from a vantage point of 6' above finished grade</li> <li>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.</li> <li>Refuse storage/compactors/vehicle loading and unloading must not be clearly visible at eye level from any public street or located within 100' of any public street.</li> </ul>			
<b>LANDSCAPING</b>			
<p>The following is a summary of general landscape requirements the applicant has met:</p> <ul style="list-style-type: none"> <li>No drainage facilities planned for landscape areas</li> <li>Required landscape buffer must have a minimum of 60% evergreen trees</li> <li>All proposed landscape areas will be irrigated</li> </ul>			
Areas not covered by building or pavement must be landscaped	Not compliant — none provided; no new improvements proposed	<u>NOT MET</u> APPEAL REQUESTED	Compliance would require substantial cost and the demolition of many existing elements already in place. <b><u>Staff recommends approval of appeal.</u></b>
Foundation plantings are required within a planting area a minimum of 6' in width and 70 % of length of any visible façade	Not compliant – none provided; no new improvements proposed	<u>NOT MET</u> APPEAL REQUESTED	Compliance would require substantial cost and the demolition of existing elements already in place. <b><u>Staff recommends approval of appeal.</u></b>
15% of the total site must be landscaped	2%	<u>NOT MET</u> APPEAL REQUESTED	Compliance would require substantial cost and the demolition of existing elements already in place. <b><u>Staff recommends approval of appeal.</u></b>
Vegetation must be used to soften the appearance of walls – min 5 gal. shrubs planted every 30" on center	Not compliant – none provided; no new improvements proposed	<u>NOT MET</u> APPEAL REQUESTED	Compliance would require substantial cost and the demolition of existing elements already in place. <b><u>Staff recommends approval of appeal.</u></b>

I-35 Requirements Freeway Retail/Commercial Proposed Sub-District	Standard Met?	Mitigation/ Rationale for Exception	
<p>Meandering sidewalks a minimum of five feet in width are required in accordance with City standards within the landscape buffer the entire length of the street frontage in the following locations.</p> <p>Along any street in the Civic Sub-District; and</p> <p>Along any street that intersects or runs immediately parallel with I-35, if the Trails Master Plan recommends a sidewalk adjacent to the property.</p>	<p>Required community-wide connector identified on the Master Trails Plan along 31<sup>st</sup> St.</p>	<p><u>NOT MET</u> APPEAL REQUESTED</p>	<p>Only 5' available in buffer along 31<sup>st</sup> Street. Limited space presents challenges to meet both sidewalk and landscape buffer requirements. <u>Staff recommends approval of appeal.</u></p>
<p>Landscape buffer size: 25 ft. front and adjacent to public street 10 ft. rear (20 ft. adjacent to residential) 10 ft. interior side 20 ft. street side</p>	<p><b>I-35- NA</b> <b>Jack White</b> – 17.9 ' <b>31<sup>st</sup> St</b> – 5'</p>	<p><u>PARTIALLY</u> APPEAL REQUESTED</p>	<p><b><u>General Bruce Drive</u></b> – Planting will not be permitted in TxDOT ROW. Providing a buffer within the property boundary would require significant reconstruction of existing site to include parking along front. <u>Staff recommends approval of appeal.</u></p> <p><b><u>Jack White Blvd.</u></b> - A sufficient landscape buffer has been provided in the 17.9' available buffer adjacent to the street. <u>Staff recommends approval of appeal.</u></p> <p><b><u>31<sup>st</sup> St</u></b> - Only 5' of buffer is available without demolition and reconstruction of existing rear property boundary. <u>Staff recommends approval of appeal.</u></p>
<p>Landscape buffer plantings- One min. 3" caliper canopy tree must be planted for every 30' of frontage along public ROW. If power lines are present four ornamental trees may be substituted for one canopy tree – 25' front, 10 ft. rear, 10 ft interior side, 20ft street side. Must be not be planted in intervals but in clusters.</p>	<p><b><u>General Bruce Drive</u></b> – 152' of frontage ) 5 trees required - no trees provided</p> <p><b><u>Jack White Blvd</u></b> – 352' of frontage – 11 canopy trees required – 5 canopy trees and 3 ornamental trees provided</p> <p><b><u>31<sup>st</sup> St.</u></b> – 112' of frontage- 4 canopy trees required - 2 ornamental trees</p>	<p><u>PARTIALLY</u> <u>MET</u> APPEAL REQUESTED</p>	<p><b><u>General Bruce Drive</u></b> - Planting will not be permitted in TxDOT ROW. Providing a buffer within the property boundary would require significant reconstruction of existing site to include parking along front. <u>Staff recommends approval of appeal.</u></p> <p><b><u>Jack White Blvd.</u></b> – The addition of 10 trees along Jack White will substantially improve the screening and overall appeal of this part of the site. Landscaping proportional to proposed improvements.</p>

I-35 Requirements Freeway Retail/Commercial Proposed Sub-District		Standard Met?	Mitigation/ Rationale for Exception
	provided		<b><u>Staff recommends approval of appeal.</u></b> <b><u>31<sup>st</sup> St.</u></b> - Staff recommends approval of the landscape plan as presented. Limited space (5') prohibits expansive landscape buffer. <b><u>Staff recommends approval of appeal.</u></b>
Required landscape buffer berms not less than 24" covering 50% of landscape buffer area	No berms provided	<b><u>NOT MET APPEAL REQUESTED</u></b>	Limited space available presents challenges to meet both sidewalk and landscape requirements. <b><u>Staff recommends approval of appeal.</u></b>
Parking screen of hedge row 2.5' to 4' high for all parking areas, fuel pumps pr vehicle drive-thru visible from public view	Native grasses provided in landscape buffer to create vegetative screen	<b><u>PARTIALLY MET APPEAL REQUESTED</u></b>	Additional plantings in landscape buffer will have a screening effect for parking visible from Jack White. <b><u>Staff recommends approval of appeal.</u></b>
Interior parking islands 1 per every 10 spaces minimum 170 sq ft (one 3" tree required in each) non- inventory.	Not compliant – – none provided; no new improvements proposed	<b><u>NOT MET APPEAL REQUESTED</u></b>	Compliance would require substantial cost and the demolition of existing elements already in place. <b><u>Staff recommends approval of appeal.</u></b>
Terminal parking islands at the end of each row minimum 360 sq ft ; two- 3" caliper tree required in each	Not compliant – – none provided; no new improvements proposed	<b><u>NOT MET APPEAL REQUESTED</u></b>	Compliance would require substantial cost and the demolition of existing elements already in place. <b><u>Staff recommends approval of appeal.</u></b>
Median islands minimum 10' in width must be located after every third parking bay ( 3" tree required every 30' on center)	Not compliant – – none provided; no new improvements proposed	<b><u>NOT MET APPEAL REQUESTED</u></b>	Compliance would require substantial cost and the demolition of existing elements already in place. <b><u>Staff recommends approval of appeal.</u></b>

**Architectural Design**

I-35 Requirements Freeway Retail/Commercial Proposed Sub-District	Standard Met?	Mitigation/ Rationale for Exception
All buildings must be architecturally finished on all sides with same materials, detailing and features- higher level of finish on primary facades. Facades not visible from the street may reflect only similar colors if screened with single row of trees planted along the building or in the landscape buffer on offset 30' centers in min. 10' landscape edge where 50% of trees are evergreen.	Existing building and addition will have metal cladding. Both are visible from both Jack White Blvd. and 31 <sup>st</sup> St.	<u>NOT MET</u> <u>APPEAL</u> <u>REQUESTED</u>  Landscape buffer – per staff recommendation – on Jack White and 31 <sup>st</sup> St. should significantly screen proposed body shop/ addition.
All buildings must incorporate no less than 3 architectural elements. > 50,000 SF must incorporate 5 elements; > 100,000 SF 7 elements <b>(UDC 6.7.D2c)</b>	New building is 8,228 SF Not compliant – no new improvements proposed	<u>NOT MET</u> <u>APPEAL</u> <u>REQUESTED</u>  Compliance would require substantial cost and the demolition of existing elements already in place. Addition is consistent with larger structure already constructed. <b><u>Staff recommends approval of appeal.</u></b>
All buildings must be designed and constructed in tri-partite architecture.	Not compliant – no new improvements proposed	<u>NOT MET</u> <u>APPEAL</u> <u>REQUESTED</u>  Compliance would require substantial cost and the demolition of existing elements already in place. Addition is consistent with larger structure already constructed. <b><u>Staff recommends approval of appeal.</u></b>
Windows must be a minimum of 40% up to a maximum of 80% on each building elevation.	No windows (some sky lighting) proposed	<u>NOT MET</u> <u>APPEAL</u> <u>REQUESTED</u>  Compliance would require substantial cost and the demolition of existing elements already in place. Addition is consistent with existing building. <b><u>Staff recommends approval of appeal.</u></b>
Color of structures must be earth-tone in hue. (Planning Dir. may approve 10% variation).	Not compliant – no new improvements proposed	<u>NOT MET</u> <u>APPEAL</u> <u>REQUESTED</u>  Compliance would require substantial cost and the demolition of existing elements already in place. Addition is consistent with larger structure already constructed. <b><u>Staff recommends approval of appeal.</u></b>
No more than three materials for facades of buildings	One material provided- metal cladding	<u>MET</u>
No single building material may cover more than 80% of the front of any building (except for on-site service or	Metal cladding proposed throughout	<u>NOT MET</u> <u>APPEAL</u> <u>REQUESTED</u>  Compliance would require substantial cost and the demolition of existing



I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
utility structures).			elements already in place. Addition is consistent with larger structure already constructed. <b><u>Staff recommends approval of appeal.</u></b>
Windows must not be glazed or re-glazed with mirrored/ reflective glass.	No new windows proposed	<u>MET</u>	
Must select from list of approved building materials (max 90%; min 70%) and accent materials (max 30% and min 10%) <b>(UDC 6.7.9 D. 3.g)</b>	Not compliant - metal cladding proposed throughout	<u>NOT MET</u> APPEAL REQUESTED	Compliance would require substantial cost and the demolition of existing elements already in place. Addition is consistent with larger structure already constructed. <b><u>Staff recommends approval of appeal.</u></b>

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[Site Layout Plan](#)  
[Landscape Plan](#)  
[P&Z Excerpts](#)  
[Resolution](#)



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, DECEMBER 17, 2012**

**ACTION ITEMS**

**Item 8: Z-FY-13-06:** Consider and make a recommendation on an Appeal of Standards in Section 6.7, Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping and building improvements for Johnson Brothers Ford located at 503 and 615 North General Bruce Drive.

Ms. Zendt stated that this was another appeal of standards for the I-35 Overlay District. Ms. Zendt stated that two locations, connected with shared drive aisles and access, were viewed as a single site by Staff. This item will go to City Council on January 3, 2013 for first reading.

Although these are two separate parcels, the way Staff applies I-35 standards, these two areas have been treated as one, single site. The back area, the body shop, is off of Jack White Boulevard. A 2,156 square foot addition to the metal body shop is proposed in addition to landscaping improvements to Jack White and 31st Street at the rear behind the body shop addition.

All new construction triggers I-35 standards. If construction crosses the 20% threshold it will trigger additional standards. This additional 2,000 ± square foot building will trigger several additional standards to include architectural standards as they relate to the new building, masonry and articulation standards, site plan review, tree preservation, screening and wall, and landscaping. These standards apply to the entire site. Staff has tried to make the required compliance proportional to the proposed improvements to the site taking into consideration the low valuation of the site.

The site plan has been submitted. No protected trees were identified in the area. Screening and wall standards were met, no drainage facilities are planned in landscaped areas, the required landscape buffer must have a minimum of 60% evergreen trees, and irrigation will be placed in all the new landscaped areas.

Some standards were not met. Areas not covered by building or pavement are not landscaped. There are no new landscaped areas in areas that were previously covered by pavement. No new foundations plantings were proposed. No new vegetation along the walls of existing or new structure were proposed. No meandering sidewalk was proposed along 31st Street per Master Trails Plan. No buffer berms were proposed. No new parking islands were added to any existing parking. No new parking is proposed.

Items partially met were recommended for approval by Staff.

Staff recommends approval of appeals as submitted. Ms. Zendt stated the applicant proposed new landscaping along Jack White where there is now none and additional landscaping along 31st Street. Staff anticipates that future improvements to the site would trigger the review process all over again allowing for increased compliance. The appeals are not appeals that

would be afforded to the applicant for all future projects. Staff worked to be fair to the applicant for the project anticipated.

Commissioner Magaña made a motion to approve Item 8, Z-FY-13-06, and Commissioner Harrell made a second.

*Motion passed: (9:0)*

RESOLUTION NO. 2013-6857-R

[PLANNING NO. Z-FY-13-06]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN APPEAL OF STANDARDS IN SECTION 6.7 OF THE UNIFIED DEVELOPMENT CODE RELATED TO THE I-35 CORRIDOR OVERLAY ZONING DISTRICT FOR LANDSCAPING AND BUILDING IMPROVEMENTS FOR JOHNSON BROTHERS FORD, LOCATED AT 503 AND 615 NORTH GENERAL BRUCE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on December 17, 2012, the Planning and Zoning Commission approved an appeal of standards of Section 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping and building improvements for Johnson Brothers Ford, located at 503 and 615 North General Bruce Drive;

**Whereas**, the applicant is requesting an appeal of the standards relating to a proposed 2,165 square foot addition to the existing body shop of Johnson Brothers Ford, bringing the overall square footage to 8,228 square feet, as well as landscaping improvements at 503 and 615 North General Bruce Drive;

**Whereas**, staff recommends approval of the appeal relating to the landscaping and building improvements for Johnson Brothers Ford, located at 503 and 615 North General Bruce Drive; 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 appeal of standards to Section 6.7 of the Unified Development Code, as set forth in Exhibit A attached hereto and incorporated herein, related to the I-35 Corridor Overlay Zoning District for landscaping and building improvements for Johnson Brothers Ford located at 503 and 615 North 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 **January**, 2013.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, MAYOR

ATTEST:

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Lacy Borgeson  
City Secretary

APPROVED AS TO FORM:

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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01/03/13  
Item #10  
Regular Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution designating the Chair of the Tax Increment Financing Reinvestment Zone No. 1 Board of Directors for 2013.

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

**ITEM SUMMARY:** Chapter 311 of the Tax Code, Tax Increment Financing Act, specifies that each year the governing body of the municipality shall appoint one member of the board to serve as chairman for a term of one year that begins on January 1 of the following year. The board of directors may elect a vice-chairman to preside in the absence of the chair.

Bob Browder is currently serving as Chair of the TIF RZ No. 1 Board of Directors. Please see the attached board member list.

We recommend the Council designate one member of the board to serve as Chair for a one year term beginning January 1, 2013.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[RZ No. 1 Board Member List](#)  
Resolution

# REINVESTMENT ZONE NUMBER ONE

TERM EXPIRATION: SEPTEMBER - 2 YEAR TERMS

APPOINTED BY: C.C., TJC, BELL COUNTY, & TISD

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
John Howe <a href="mailto:john@omegabuilders.com">john@omegabuilders.com</a>	09/12	2014	11104 Lake Whitney Dr. Temple, TX 76502	773-9966W 541-3090 M 780-1101 H
Pat Patterson <a href="mailto:Pat.patterson@patcoconstructionllc.com">Pat.patterson@patcoconstructionllc.com</a>	09/11	2013	2116 West Avenue H Temple, TX 76504	771-2228 W 760-6062 C
<b>VACANT - forfeit term</b>	10/08	2013		
Jack W. Jones, Jr. (Temple College Rep.) <a href="mailto:jackj@vvm.com">jackj@vvm.com</a>	08/07 appt.by TC	2013	P O Box 3310 Temple, TX 76505	774-7167 H 771-1855 W 760-0827 M
Bob Browder, Chair <a href="mailto:bobbrowder@bcswlaw.com">bobbrowder@bcswlaw.com</a>	10/08	2013	4101 Briar Cliff Road Temple, TX 76502	774-8333 ext 255 W 778-8956 H 760-6164 C
Wendell Williams <a href="mailto:wwilliams@cnbtemple.com">wwilliams@cnbtemple.com</a>	09/11	2013	104 Coleta Court Belton, TX 76512	743-6960 W 913-1806 C
Hugh Shine <a href="mailto:hughdshine@yahoo.com">hughdshine@yahoo.com</a>	09/12	2014	P.O. Box 793 Temple, TX 76503	742-1885 W 774-9685 H 760-6007 C
Kenny Paysse <a href="mailto:Kenny@paysseins.com">Kenny@paysseins.com</a>	09/12	2014	3409 Whispering Oak Temple, Texas 76502	778-7892 H/W 493-2000 M
Steve Wright (TISD Rep.) <a href="mailto:steve@wrightbuilders.com">steve@wrightbuilders.com</a>	6/06 appt.by TISD	2013	Wright Builders 5640 Kegley Place Ln Temple, TX 76502	778-4495 W 541-5124 M
Thomas Baird <a href="mailto:thomasbaird@bcswlaw.com">thomasbaird@bcswlaw.com</a>	06/11	2013	15 N. Main Temple, TX 76501	743-7310 W 913-2170 M
Commiss. Eddy Lange (Bell Co. Rep.) <a href="mailto:william.lange@co.bell.tx.us">william.lange@co.bell.tx.us</a>	01/05- appt.by Bell Co.	2011	P.O. Box 768 Belton, Texas 76513	933-5103 W 933-5179 Fax
Steve Wolfe <a href="mailto:swolfe@extracobanks.com">swolfe@extracobanks.com</a>	09/12	2014	2810 Wickersham Dr. Temple, TX 76502	774-5819 W 771-5386 H 718-8361 C 774-5848 F
John Kiella (BISD Rep.) <a href="mailto:jkiella@kiella.com">jkiella@kiella.com</a>	09/05	2014	P O Box 1344 Temple, TX 76503	778-0085 W 774-7231 Fax 541-3360 M
Gary Schmidt (Troy ISD Rep.) <a href="mailto:gschmidt@cnb-temple.com">gschmidt@cnb-temple.com</a>	02/2000	2014	Central National Bank P O Box 4107 Temple, TX 76505	743-6965 W 938-2429 H 770-3186 Fax
Edward Coufal (Elm Crk) <a href="mailto:edwardc@cpetm.com">edwardc@cpetm.com</a>	05/05	2013	8576 FM 3117 Temple, Texas 76501	721-9696 773-9916 W

Created pursuant to Section 311.004(a)(2) of the Tax Increment Financing Act; Ordinance 1457, December 16, 1982. **Purpose:** Make recommendations to the City Council concerning the administration of the Zone. The board of directors exercise powers necessary to implement the project plan which is delegated by ordinance of the Council. **Membership:** 15 directors - 9 appointed by the Council; 1 director each of every taxing entity with levies taxes within the Zone, currently: TC, TISD, BISD, Troy ISD, Bell County and Elm Creek Water District. To be eligible for appointment to the board an individual must be a qualified voter of the municipality or be at least 18 years of age and own real property in the zone, whether or not the individual resides in the municipality. **Term:** 2 years  
Revised 09/06/12