

### **TEMPLE CITY COUNCIL**

### **MUNICIPAL BUILDING**

### **2 NORTH MAIN STREET**

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

### THURSDAY, JANUARY 16, 2014

### 4:00 P.M.

### WORKSHOP AGENDA

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, January 16, 2014.
- 2. Discuss upcoming City Board appointments and vacancies.
- 3. Receive presentation from Roundstone Development on a proposed tax credit housing project.

### 5:00 P.M.

### **MUNICIPAL BUILDING**

### 2 NORTH MAIN STREET CITY COUNCIL CHAMBERS – $2^{ND}$ FLOOR TEMPLE, TX

### TEMPLE CITY COUNCIL

### **REGULAR MEETING AGENDA**

### I. CALL TO ORDER

- 1. Invocation
- 2. Pledge of Allegiance

### **II. PROCLAMATIONS & SPECIAL RECOGNITIONS**

3. Recognize Scott & White Health Plan and HEB for their continued sponsorship and support in 2013 for various city events.

### III. PUBLIC COMMENTS

Citizens who desire to address the Council on any matter may sign up to do so prior to this meeting. Public comments will be received during this portion of the meeting. Please limit comments to 3 minutes. No <u>discussion</u> or final action will be taken by the City Council.

### IV. REPORTS

4. Receive the Temple Economic Development Committee Annual Report.

### V. CONSENT AGENDA

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

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

#### <u>Minutes</u>

(A) December 19, 2013 Special Called and Regular Meeting

#### Contracts, Leases, & Bids

- (B) 2014-7201-R: Consider adopting a resolution authorizing an asbestos abatement contract with ARC Abatement of Waco for the asbestos abatement of two commercial structures funded through the Community Development Block Grant (CDBG) in the amount of \$44,545.
- (C) 2014-7202-R: Consider adopting a resolution ratifying an emergency contract with Bell Contractors of Belton for the emergency replacement of a 6" sewer line using the pipe bursting method in the area of 1000 Block of North 11<sup>th</sup> Street and King Avenue in the amount of \$96,554.
- (D) 2014-7203-R: Consider adopting a resolution authorizing a construction contract with R.T Schneider Construction Company, Ltd., of Belton, for construction services required for the reconstruction and widening of South Pea Ridge Road from Tarver Road to Hogan Road in the amount of \$481,047.25.
- (E) 2014-7204-R: Consider adopting a resolution authorizing an amendment to a contract with Kasberg, Patrick, & Associates, LP (KPA) of Temple, to provide professional services during construction of Phase 2 of the Panda TBP Reclaimed Water Line in southeast Temple in an amount not to exceed \$221,400.
- (F) 2014-7205-R: Consider adopting a resolution authorizing a construction contract with Bruce Flanigan Construction, Inc. (Flanigan) of Belton, for activities required to construct Phase 2 of the Panda TBP Reclaimed Effluent Line in an amount not to exceed \$2,111,111.20.
- (G) 2014-7206-R: Consider adopting a resolution authorizing the acceptance of assignment of eight (8) permanent utility easements, one (1) lease, and two (2) temporary work space easements from Panda Temple Power II, LLC and authorizing reimbursement to Panda Temple Power II, LLC for the cost of preliminary engineering, right-of-way services, surveying work, and project management in a total amount not to exceed \$900,000.
- (H) 2014-7207-R: Consider adopting a resolution authorizing submission of an application for funding through the US Environmental Protection Agency, Brownfield Assessment Grants program, for the final assessment needs and development of a clean-up plan for the Bend of the River property in the amount of \$200,000.

#### Ordinances - Second & Final Reading

- 2013-4628: SECOND READING: Consider adopting an ordinance amending the calculation method for the certification pay for the certification of Paramedic/EMT in the Fire Department.
- (J) 2013-4630: SECOND READING Z-FY-14-04: Consider adopting an ordinance authorizing a zoning change from TMED T4 District (T4) to Planned Development (T4) District on Lot 3, Block 7, Eugenia Terrace, addressed as 1605 South 5<sup>th</sup> Street.

(K) 2013-4629: SECOND READING – A-FY-12-08: Consider adopting an ordinance authorizing the abandonment and conveyance of two existing alleys, each with a width of 20 feet and depth of 300 feet, located between the north right-of-way line of East Adams Avenue and the south right-of-way line of East Calhoun Avenue and reserving a public drainage and utility easement in the entire abandoned rights-of-way.

#### <u>Misc.</u>

- (L) 2014-7207-R: A-FY-14-2: Consider adopting a resolution authorizing the release of an existing 15' public utility easement located between Lots 7 and 8, Block 1, Summerhill PUD subdivision, located at 5509 and 5515 Summerhill Lane to allow for the construction of a home.
- (M) 2014-7208-R: Consider adopting a resolution authorizing the City Manager or the Director of Finance to act on behalf of the City to review pricing offers submitted for the supply of electricity, and if in the best interest of the City, enter into a contract with the lowest responsible bidder for a period of 12 to 36 months beginning for electrical meter reads after May 2016.

### VI. REGULAR AGENDA

#### ORDINANCES - SECOND READING - PUBLIC HEARING:

2013-4627: SECOND READING – PUBLIC HEARING - Z-FY-14-08: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Single-Family Three District (SF-3) on 54.097+/- acres and from Agricultural District (AG) to Office Two District (O-2) on 2.315 ± acres, being part of the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located along the north side of Prairie View Road, east of North Pea Ridge Road.

#### **ORDINANCES – FIRST READING – PUBLIC HEARING:**

- 7. 2014-4631: FIRST READING PUBLIC HEARING -Z-FY-13-36: Consider adopting an ordinance authorizing an amendment to Ordinance 2010-4413, Temple Unified Development Code, Article 3 to amend notification requirements; Article 4 to amend dimensional standards; Article 5 to add industrial uses; Article 6 to amend TMED landscaping requirements; Article 6 to amend I-35 Overlay window requirements; Article 6 to amend the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District; and Article 7 to amend off street parking requirements.
- 2014-4632: FIRST READING PUBLIC HEARING Z-FY-14-06: Consider adopting an ordinance authorizing a zoning change from Two Family District (2F) to PD (O1) on a portion of Lot 1 and a portion of Lot 3, Block E, Bentley Bellview Addition, addressed as 2003 West Avenue H.
- 2014-4633: FIRST READING –PUBLIC HEARING Z-FY-14-07: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Two-Family District (2-F) on 17.95 +/- acres, being part of the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located on the west side of Old Waco Road and the east side of South Pea Ridge Road, east of Westwood Estates.

- 2014-4634: FIRST READING PUBLIC HEARING Z-FY-14-09 Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Neighborhood Services (NS) on 0.982 +/- acres, situated in the Nancy Chance Survey, Abstract 5, City of Temple, Bell County, Texas located at 6040 West Adams Avenue.
- 11. 2014-4635: FIRST READING –PUBLIC HEARING Z-FY-14-11: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Single- Family Two District (SF-2) on 115.33 +/- acres and from Agricultural District (AG) to General Retail District (GR) on 12.725 +/- acres, both being a portion of 128.05 acres of land, being part of the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, located on the east side of SH 317, north of the FM 2483 intersection, and extending to the west side of North Pea Ridge Road.
- 12. 2014-4636: FIRST READING PUBLIC HEARING Z-FY-14-13 Consider adopting an ordinance authorizing a Conditional Use Permit for a biodiesel manufacturing plant on Lot 1, Block 1, Temple Industrial Park Section Eight on 7.00 +/- acres, located at 3289 & 3111 Eberhardt Road.
- 2014-4637: FIRST READING PUBLIC HEARING Z-FY-14-16: Consider adopting an ordinance authorizing a zoning change from Heavy Industrial (HI) District to PD (HI) District in the I-35 Corridor Overlay on 2.00 +/- being a tract of land out of and a part of the George Givens Survey, Abstract No. 345, addressed as 4206 South General Bruce Drive.

#### RESOLUTIONS

- 14. 2014-7209-R: O-FY-14-04: 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, window, architectural and lighting to build a new 5,000 sf free-standing building that is consistent with the rest of the Bird Creek Crossing Shopping Center.
- 15. Consider adopting a resolution authorizing support for the submittal of a tax credit project for family living projects by the following:
  - (1) 2014-7210-R: Blazer Development; and
  - (2) 2014-7211-R: Roundstone Development
- 16. 2014-7212-R: Consider adopting a resolution authorizing the purchase of an approximately 4.17 acre tract of land near the City of Temple's landfill.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 5:15 PM, on January 10, 2014.

Hacy Borgeon

Lacy Borgeson, TRMC City Secretary



### **COUNCIL AGENDA ITEM MEMORANDUM**

01/16/14 Item #5(A) Consent Agenda Page 1 of 1

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

Lacy Borgeson, City Secretary

#### **ITEM DESCRIPTION:** Approve Minutes:

(A) December 19, 2013 Special Called and Regular Meeting

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

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

FISCAL IMPACT: N/A

ATTACHMENTS: December 19, 2013 Special Called and Regular Meeting - To Be Provided



### **COUNCIL AGENDA ITEM MEMORANDUM**

01/16/14 Item #5(B) Consent Agenda Page 1 of 1

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

Brynn Myers, Director of Administrative Services Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an asbestos abatement contract with ARC Abatement of Waco for the asbestos abatement of two commercial structures funded through the Community Development Block Grant (CDBG) in the amount of \$44,545.

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

**ITEM SUMMARY:** Included in the City's Community Development Block Grant (CDBG) Action Plan is funding for asbestos abatement and demolition with the focus of eliminating spot blight.

On January 7, 2014, competitive sealed bids were opened for the asbestos abatement of the following two commercial structures:

- 615 East Avenue D (First Church of God in Christ)
- 416 West Avenue F (Tutor Apartments)

As shown on the attached bid tabulation, the low bidder for this project is ARC Abatement of Waco. Staff recommends award of these abatements to the lowest bidder. While, the City has not previously done business with ARC Abatement, reference checks were conducted and staff finds them to be a responsible vendor.

As part of this project, the City will also enter into an agreement not to exceed \$20,050 with Austin Environmental, Inc. of Bryan to provide asbestos air monitoring, and asbestos project management services for these abatements in compliance with the Texas Dept. of State Health Services Texas Asbestos Health Protection Rules (TAC 295.34), and EPA National Emissions Standards for Hazardous Air Pollutants (40 CFR Part 61, subpart M) asbestos requirements.

Once abated, these structures are scheduled for demolition. The demolition portion of the project will be bid separately in the upcoming weeks.

**FISCAL IMPACT:** Funding from the Community Development Block Grant in the amount of \$169,428.37 is available in account # 260-6100-571-2698.

#### ATTACHMENTS:

Bid Tabulation Resolution

#### Tabulation of Bids Received on January 7, 2014 at 11:00 a.m. Asbestos Abatement of Two Commercial Properties (CDBG) Bid# 61-01-14

		Bidders											
	AMX Environmental, LTD	AF Environmental Solutions	Five Star Environmental, Inc.	EDRS, Inc.									
	Dallas, TX	FT Worth, TX	Mesquite, TX	Carrollton, TX									
Description													
Base Bid	\$99,899.00	\$46,011.00	\$56,181.78	\$51,785.50									
Unit Price for 615 E. Ave D													
Drywall Texture/Joint Compound	\$2.50/\$2.00	\$0.99	\$1.15	\$2.00									
Floor Tile Mastic	\$2.50/\$2.00	\$0.99	\$1.15	\$1.75									
Sheet Flooring	\$2.50/\$2.00	\$0.99	\$1.15	\$1.75									
Additional Mobilization	\$1,500.00	\$200.00	\$750.00	\$1,000.00									
	Uni	t Price for 416 W. Avenue F											
Drywall Texture/Joint Compound	\$2.50/\$2.00	\$0.99	\$1.15	\$2.00									
Floor Tile Mastic	\$2.50/\$2.00	\$0.99	\$1.15	\$1.75									
Texture on Plaster	\$3.50/\$3.00	\$0.99	\$2.75	\$3.00									
Floor Tile & Mastic	\$2.50/\$2.00	\$0.99	\$1.15	\$1.75									
Additional Mobilization	\$1,500.00	\$200.00	\$750.00	\$1,000.00									

		Bide	ders										
	Clean Air Remediation Environmental Svc	AAR, Inc.	ARC Abatement										
	Mesquite, TX	Liberty Hill, TX	Waco, TX										
Description													
Base Bid	\$59,397.00	\$54,700.00	\$44,545.00										
	Unit Price for 615 E. Ave D												
Drywall Texture/Joint Compound	\$1.90	\$2.00	\$1.75										
Floor Tile Mastic	\$1.00	\$2.50	\$1.75										
Sheet Flooring	\$1.00	\$3.00	\$1.75										
Additional Mobilization	\$500.00	\$650.00	\$550.00										
	Unit F	Price for 416 W. Avenue F											
Drywall Texture/Joint Compound	\$1.90	\$2.50	\$1.75										
Floor Tile Mastic	\$1.00	\$2.00	\$1.75										
Texture on Plaster	\$1.00	\$5.00	\$2.50										
Floor Tile & Mastic	\$1.00	\$2.25	\$1.75										
Additional Mobilization	\$500.00	\$650.00	\$550.00										

Recommended for Council Award

#### RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ASBESTOS ABATEMENT CONTRACT WITH ARC ABATEMENT OF WACO, TEXAS FOR THE ASBESTOS ABATEMENT OF TWO COMMERCIAL STRUCTURES FUNDED THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT, IN THE AMOUNT OF \$44,545; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, included in the City's Community Development Block Grant (CDBG) Action Plan, is funding for asbestos abatement and demolition for the focus of eliminating spot blight;

Whereas, on January 7, 2014, competitive sealed bids were opened for asbestos abatement of two commercial structures located at:

- 615 East Avenue D (First Church of God in Christ)
- 416 West Avenue F (Tutor Apartments)

**Whereas**, staff recommends awarding the abatements to ARC Abatement of Waco, Texas – the City has not previously done business with ARC Abatement however, references were checked and staff finds them to be a responsible vendor;

Whereas, as part of this project, the City will also enter into an agreement with Austin Environmental, Inc., of Bryan, Texas in an amount of \$20,500, to provide asbestos air monitoring and asbestos project management services for these abatements in compliance with the Texas Department of State Health Services Texas Asbestos Health Protection Rules (TAC 295.34), and EPA National Emissions Standards for Hazardous Air Pollutants (40 CFR Part 61, subpart M) asbestos requirements;

Whereas, once abated, these structures will be scheduled for demolition;

Whereas, funding from the Community Development Block Grant is available in Account No. 260-6100-571-2698; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute an asbestos abatement contract with ARC Abatement of Waco, Texas, after approval as to form by the City Attorney, which will be funded through the Community Development Block Grant, in the amount of 44,545, for the asbestos abatement of two commercial structures located at:

- 615 East Avenue D (First Church of God in Christ)
- 416 West Avenue F (Tutor Apartments)

<u>**Part 2:**</u> 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 **16<sup>th</sup>** day of **January**, 2014.

### THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



### **COUNCIL AGENDA ITEM MEMORANDUM**

01/16/14 Item #5(C) Consent Agenda Page 1 of 1

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

Nicole Torralva P.E., Public Works Director Thomas Brown, Utility Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying an emergency contract with Bell Contractors of Belton for the emergency replacement of a 6" sewer line using the pipe bursting method in the area of 1000 Block of North 11<sup>th</sup> Street and King Avenue in the amount of \$96,554.

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

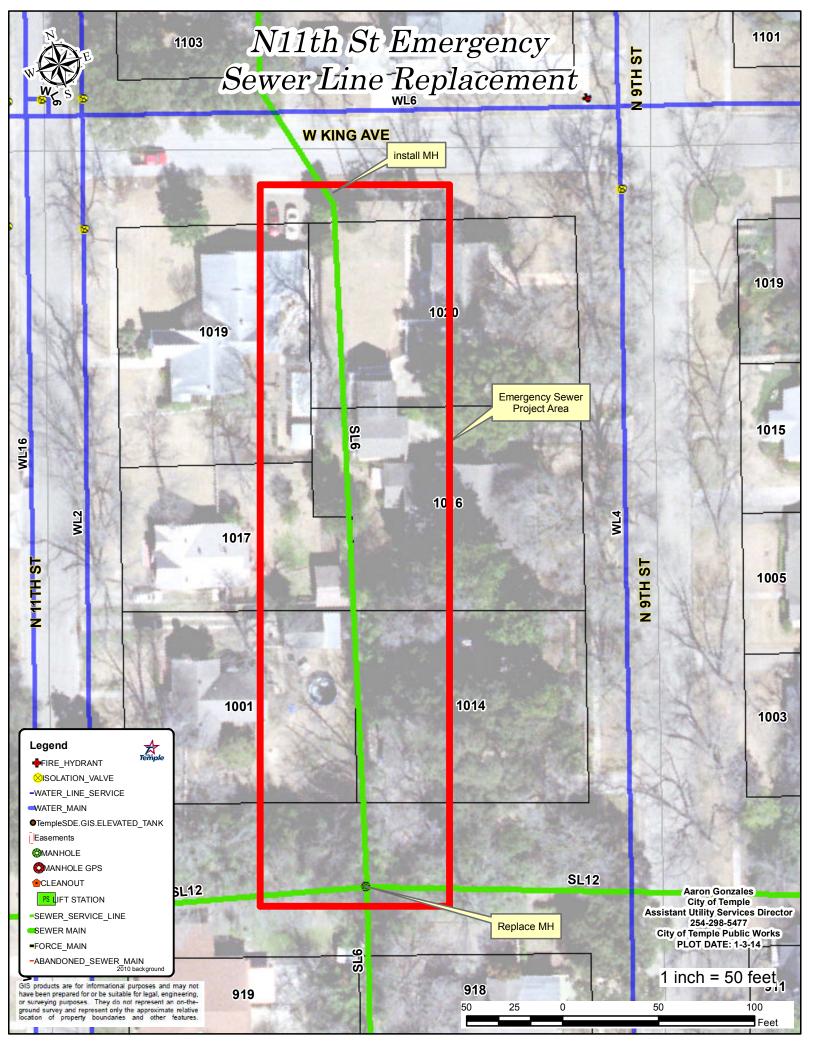
**ITEM SUMMARY:** Over the past several weeks the Public Works Utility Services Division has had numerous wastewater issues in the North 11<sup>th</sup> Street and King Avenue area. Problems escalated in early January and an in-depth investigation subsequently revealed that the existing clay tile line in this area has deteriorated past the point of rehabilitation. Given the severe condition of the broken pipe, collapsed main and loss of collection system all together in this location, staff has determined this issue to be a significant health, safety and environmental hazard. Accordingly, per Local Government Code 252.022, this project is exempt from the competitive bid process.

Due to the urgent nature of the project, the Public Works Utility Services Division obtained a proposal from Bell Contractors to complete the work immediately, as Bell Contractors has the necessary material and equipment on hand to respond quickly. Staff authorized this work as an emergency and a Notice to Proceed was issued on Monday, January 6, 2014. The project is expected to be totally complete to include clean up by the end of April 2014.

**FISCAL IMPACT:** A budget adjustment is being presented to Council appropriating funds in the amount of \$96,554 from Water & Sewer Retained Earnings, account 520-0000-373-0412, to Capital Building & Grounds/Sewer Line Replacement, account 520-5460-535-6361, project 101117 to fund the emergency contract with Bell Contractors.

#### ATTACHMENTS:

Project Map Budget Adjustment Resolution



**FY** 2014

### **BUDGET ADJUSTMENT FORM**

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

				+		-		
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	IN	CREASE	DE	CREASE		
520-5460-535-63-61	101117	Capital Bldg & Grnds/Sewer Line Rplc	\$	96,554				
520-0000-373-04-12		W&S Unreserved Retained Earnings			\$	96,554		
		DO NOT POST						
							T	
							T	
TOTAL			\$	96,554	\$	96,554		
account are available.		T REQUEST- Include justification for increases						
To appropriate funds for the e in the area of 1000 Block of N		ontract with Bell Contractors of Belton for the em reet and King Avenue.	erger	icy replacem	ent of a	6" sewer li	ne	
DOES THIS REQUEST REQ DATE OF COUNCIL MEETIN		ICIL APPROVAL? x 1/16/2014	Yes		No			
WITH AGENDA ITEM?		x	Yes		No			
Department Head/Division	Director	Date			Disappr	Approved Disapproved		
Finance		Date			Approve Disappr			
City Manager		Date		-	Approve Disappr			

Revised form - 10/27/06

#### RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING AN EMERGENCY CONTRACT WITH BELL CONTRACTORS, INC., OF BELTON, TEXAS, FOR THE EMERGENCY REPLACEMENT OF A 6" SEWER LINE USING THE PIPE BURSTING METHOD, IN THE 1000 BLOCK OF NORTH 11<sup>TH</sup> STREET AND KING AVENUE, IN THE AMOUNT OF \$96,554; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, over the past several weeks, the Public Works Utility Services Division has had numerous wastewater issues in the North 11<sup>th</sup> Street and King Avenue area – these problems escalated in early January and an in-depth investigation revealed that the existing clay tile line had deteriorated past the point of rehabilitation;

**Whereas**, given the severe condition of the pipe, collapsed main and loss of collection system in this location, staff determined this issue to be a significant health, safety and environmental hazard – per Local Government Code 252.022, this project is exempt from the competitive bid process;

**Whereas**, due to the urgent nature of the project, the Public Works Utility Services Division obtained a proposal from Bell Contractors, Inc. of Belton, Texas to complete the work immediately, in the amount of \$96,554 – staff authorized this work as an emergency and a Notice to Proceed was issued January 6, 2014;

**Whereas,** funding for this project is available in Account No. 520-5460-535-6361, Project No. 101117 but an amendment to the fiscal year 2013-14 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

Now, Therefore, be it Resolved by the City Council of the City of Temple, Texas, That:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to ratify an emergency contract with Bell Contractors, Inc., of Belton, Texas, after approval as to form by the City Attorney, for the emergency replacement of a 6" sewer line using the pipe bursting method in the 1000 Block of North 11<sup>th</sup> Street and King Avenue, in the amount of \$96,554.

**Part 2:** The City Council authorizes an amendment to the fiscal year 2013-14 budget, substantially in the form of the copy attached hereto as Exhibit A.

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

PASSED AND APPROVED this the **16<sup>th</sup>** day of **January**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



### **COUNCIL AGENDA ITEM MEMORANDUM**

01/16/14 Item #5(D) Consent Agenda Page 1 of 1

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

Nicole Torralva P.E., Public Works Director Kenny Henderson, Director of Street and Drainage Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with R.T Schneider Construction Company, Ltd., of Belton, for construction services required for the reconstruction and widening of South Pea Ridge Road from Tarver Road to Hogan Road in the amount of \$481,047.25.

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

**ITEM SUMMARY:** The South Pea Ridge Road reconstruction and widening project is an integral component of the City's Transportation Capital Improvement Plan (TCIP). This roadway has already been improved from West Adams Ave to Tarver Road, but the stretch from Tarver Road to Hogan Road is an unimproved county type road with no curb and gutter which serves as a collector road to several large subdivisions in the area. This project will provide for increased capacity and connectivity within this region of the City.

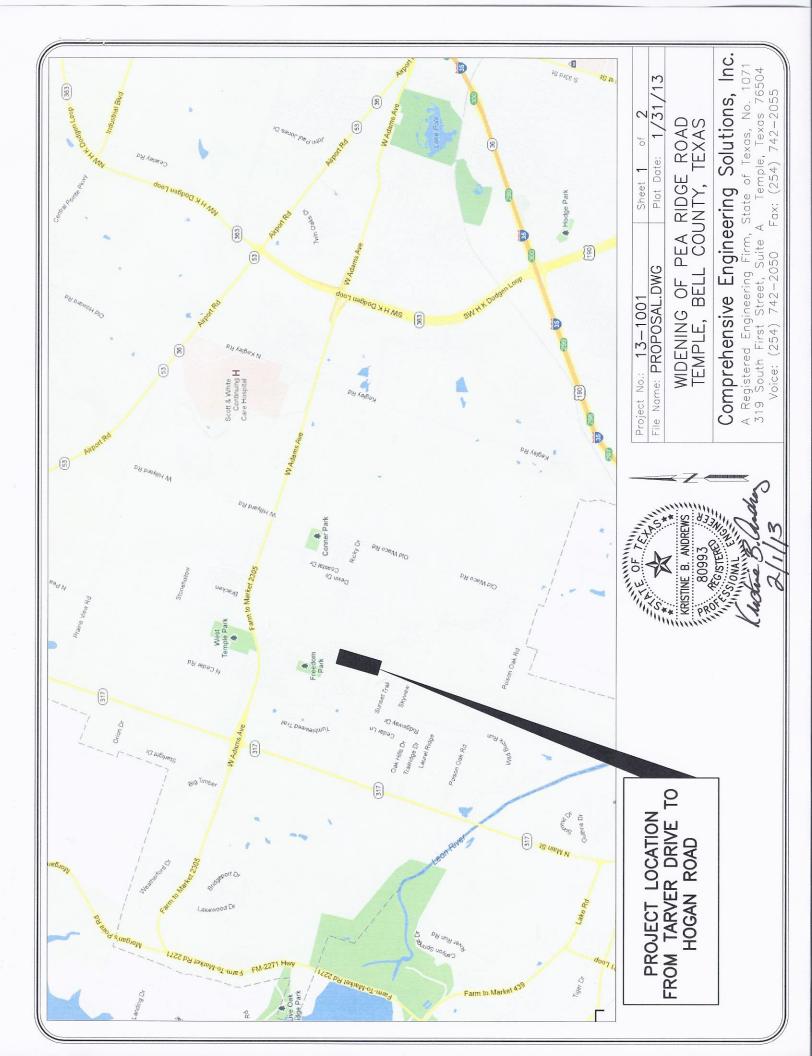
On January 6, 2014, two bids were received for the construction of the project. Per the attached bid tabulation, R.T Schneider Construction Company submitted the low bid in the amount of \$481,047.25. The Engineer's opinion of the probable cost was \$451,569.56. The engineering consultant is familiar with the low bidder, R.T Schneider Construction Company, Ltd., and recommends them for award.

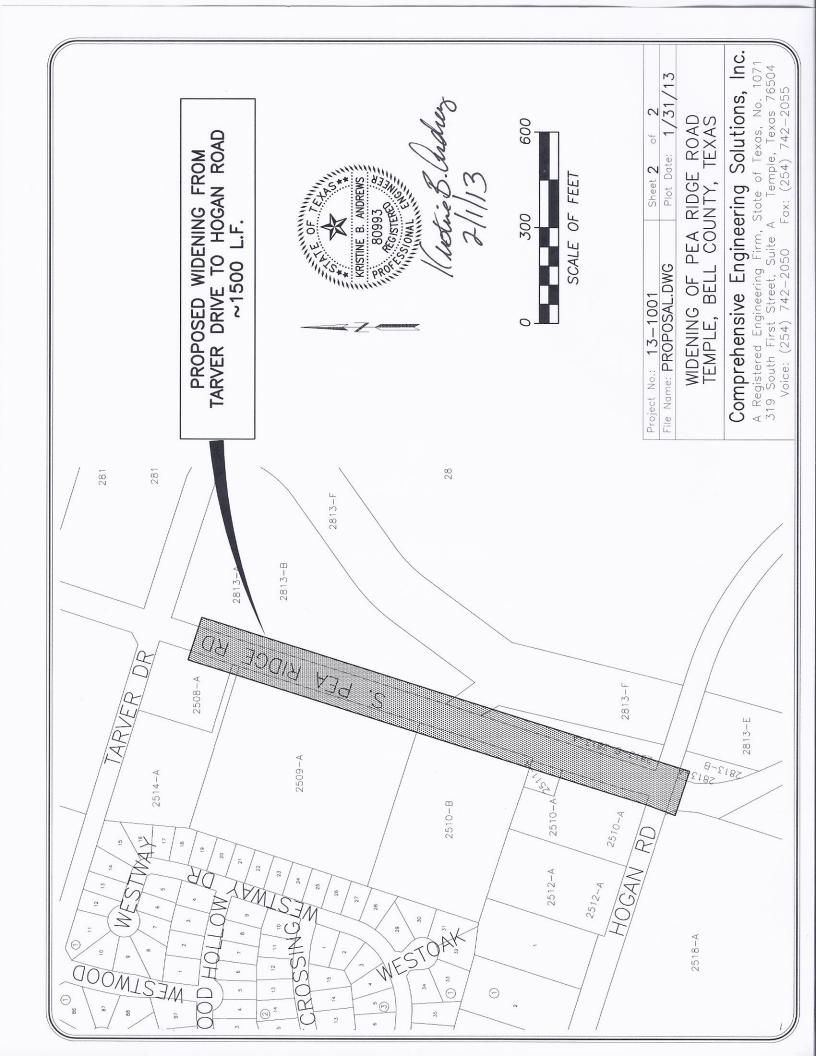
The construction timeline proposes substantial completion within 120 days.

**FISCAL IMPACT:** Funding in the amount of \$1,161,651.78 is available in account 365-3400-531-6860, project 100971, to fund the construction contract with R.T. Schneider Construction Company, Ltd.for \$481,047.25.

#### **ATTACHMENTS:**

Project Area Map Engineer's Letter of Recommendation Bid Tabulation Resolution







Comprehensive Engineering Solutions, Inc.

319 S. First Street Temple, TX 76504 (254) 742-2050 FAX (254) 742-2055 Firm No. F-1071

January 8, 2014

Ms. Nicole Torralva, P.E. Director of Public Works City of Temple 3210 E. Avenue H Temple, Texas 76501

Re: Bid Recommendation Widening of Pea Ridge Road from Hogan Road to Tarver Drive Temple, Bell County, Texas

Dear Ms. Torralva:

The City of Temple received bids on January 6, 2014 for the referenced project. Please see the attached Bid Schedule for detailed pricing. Two companies presented bids for this project. The Total Base Bids ranged from \$153,050.00 (Patin Construction, LLC) to \$236,848.50 (R.T. Schneider Construction Co., Ltd.). However, the Base Bid did not include sidewalks or street pavement sections.

The sidewalks were included in Add Alternates 1A through 3A. We recommend including all sidewalk work in this contract.

Six pavement options were included in this project. We recommend Option 3 from the Geotechnical Report, which is a 2" HMAC with 13" of crushed limestone base. This option appears to be the most appropriate pavement option for this project. The 2" HMAC is included in Add Alternate 4A while the 13" crushed limestone base is included in Add Alternate 10A.

After reviewing the Bid Summary, we recommend that the City of Temple award a contract to R.T. Schneider Construction Co., Ltd. in the amount of \$481,047.25 for the Total Base Bid and Add Alternates 1A, 2A, 3A, 4A, and 10A.

If you have any questions, please call me at 254-743-2050, ext. 101.

Thank you,

Kristine B. Andrews, P.E.

Xc: Mr. Kenny Henderson, Director of Streets and Drainage Services, City of Temple
 Ms. Belinda Mattke, Director of Purchasing, City of Temple
 Ms. Tina Adams, Assistant Director of Purchasing, City of Temple

### WIDENING OF PEA RIDGE ROAD FROM HOGAN ROAD TO TARVER DRIVE

### BASE BID

	-			Patin Construction, LLC Taylor, Texas			R.T. Schneider Construction Co., Ltd. Belton, Texas				
ITEM NO.	DESCRIPTION OF ITEMS	ESTIMATED QUANTITY	UNIT		UNIT PRICE		TOTAL AMOUNT		UNIT PRICE		TOTAL AMOUNT
1	MOBILIZATION & BONDING	1	LS	\$	8,000.00	\$	8,000.00	\$	44,226.00	\$	44,226.00
2	EROSION CONTROL INCLUDING SILT FENCE	1	LS	\$	6,500.00	\$	6,500.00	\$	8,800.00	\$	8,800.00
3	SITE PREPARATION	1	LS	\$	27,000.00	\$	27,000.00	\$	63,386.00	\$	63,386.00
4	TRAFFIC CONTROL PLAN	1	LS	\$	1,500.00	\$	•	\$	3,080.00	\$	3,080.00
5	TESTING & DISINFECTION	1	LS	\$	1,200.00	\$	1,200.00	\$	1,210.00	\$	1,210.00
6	TRENCH SAFETY	1	LS	\$	1,200.00	\$	1,200.00	\$	2,420.00	\$	2,420.00
7	BROADCAST SEEDING	1	LS	\$	1,000.00	\$	.,	\$	19,653.00	\$	19,653.00
8	SAWCUT EXISTING ASPHALT	95	LF	\$	5.00	\$	475.00	\$	5.00	\$	475.00
9	SAWCUT & REMOVE CURB & GUTTER	225	LF	\$	2.00	\$	450.00	\$	6.00	\$	1,350.00
10	CONCRETE VALLEY GUTTER	1	EA	\$	3,000.00	\$	3,000.00	\$	2,220.00	\$	2,220.00
11	STANDARD CURB & GUTTER	3075	LF	\$	10.00	\$	30,750.00	\$	9.10	\$	27,982.50
12	6" C-900 PVC PIPE	45	LF	\$	155.00	\$	6,975.00	\$	94.00	\$	4,230.00
13	RELOCATE EXISTING FIRE HYDRANTS	2	EA	\$	6,000.00	\$	,	\$	4,620.00	\$	9,240.00
14	6" MJ CAP	2	EA	\$	500.00	\$	1,000.00	\$	1,760.00	\$	3,520.00
15	BOX CULVERT	1	EA	\$	15,000.00	\$	15,000.00	\$	15,645.00	\$	15,645.00
16	REMOVE 24" CMP	1	LS	\$	1,000.00	\$	1,000.00	\$	825.00	\$	825.00
17	24" RCP	80	LF	\$	125.00	\$	10,000.00	\$	126.00	\$	10,080.00
18	CONCRETE DRIVE APPROACHES	115	SY	\$	100.00	\$	11,500.00	\$	44.40	\$	5,106.00
19	PAVEMENT MARKINGS	1	LS	\$	14,000.00	\$	14,000.00	\$	12,900.00	\$	12,900.00
20	1	EA	\$	500.00	\$	500.00	\$	500.00	\$	500.00	
	TOTAL			\$	\$ 153,050.00						

### SIDEWALK ADD ALTERNATES

				Patin Construction, LLC Taylor, Texas				R.T. Schneider Construction Co., Ltd. Belton, Texas				
ITEM NO.	DESCRIPTION OF ITEMS	ESTIMATED QUANTITY	UNIT		UNIT PRICE		TOTAL AMOUNT		UNIT PRICE		TOTAL AMOUNT	
1A	6' WEST SIDEWALK	1038	SY	\$	45.00	\$	46,710.00	\$	29.70	\$	30,828.60	
2A	6' EAST SIDEWALK	1072	SY	\$	45.00	\$	48,240.00	\$	29.70	\$	31,838.40	
ЗA	CONCRETE RAMPS	3	EA	\$	850.00	\$	2,550.00	\$	1,000.00	\$	3,000.00	

### **PAVEMENT SECTION ADD ALTERNATES**

				Patin Const Taylor		R.T. Schneider Construction Co., Ltd. Belton, Texas				
ITEM NO.	DESCRIPTION OF ITEMS	ESTIMATED UNIT UNIT PRICE TOTAL AMOUNT UNIT PRICE		UNIT PRICE		TOTAL AMOUNT				
4A	2" HMAC	8175	SY	\$ 13.43	\$ 109,790.25	\$	10.81	\$	88,371.75	
5A	2.5" HMAC	8175	SY	\$ 16.25	\$ 132,843.75	\$	13.25	\$	108,318.75	
6A	3"HMAC	8175	SY	\$ 19.25	\$ 157,368.75	\$	15.40	\$	125,895.00	
7A	4" HMAC	8175	SY	\$ 24.81	\$ 202,821.75	\$	19.50	\$	159,412.50	
8A	10" CRUSHED LIMESTONE BASE	9200	SY	\$ 19.60	\$ 180,320.00	\$	7.90	\$	72,680.00	
9A	12" CRUSHED LIMESTONE BASE	9200	SY	\$ 21.50	\$ 197,800.00	\$	9.20	\$	84,640.00	
10A	13" CRUSHED LIMESTONE BASE	9200	SY	\$ 22.65	\$ 208,380.00	\$	9.80	\$	90,160.00	
11A	8" SUB BASE	9200	SY	\$ 4.70	\$ 43,240.00	\$	6.40	\$	58,880.00	
12A	13" SUB BASE	9200	SY	\$ 6.50	\$ 59,800.00	\$	9.22	\$	84,824.00	
13A	9" CEMENT TREATED BASE	9200	SY	\$ 22.53	\$ 207,276.00	\$	13.30	\$	122,360.00	
14A	GEOGRID	9200	SY	\$ 1.80	\$ 16,560.00	\$	2.00	\$	18,400.00	





January 8, 2014 Comprehensive Engineering Solutions, Inc. F-1071

RECOMMENDED BID AWARD		
Both Sidewalks with 2" HMAC and 13" Crushed Limestone Base	Patin Construction, LLC	R.T. Schneider Construction Co., Ltd.
	Taylor, Texas	Belton, Texas
TOTAL BASE BID + ADD ALT 1A, 2A, 3A, 4A, and 10A	\$568,720.25	\$481,047.25

#### RESOLUTION NO.

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION COMPANY, LTD, OF BELTON, TEXAS, FOR THE RECONSTRUCTION AND WIDENING OF SOUTH PEA RIDGE ROAD FROM TARVER ROAD TO HOGAN ROAD, IN THE AMOUNT OF \$481,047.25; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the South Pea Ridge Road reconstruction and widening project is an integral component of the City's Transportation Capital Improvement Plan (TCIP);

Whereas, this roadway has already been improved from West Adams Avenue to Tarver Road, but the stretch from Tarver Road to Hogan Road is an unimproved county road with no curb or gutter and serves as a collector road to several large subdivisions in this area;

Whereas, on January 6, 2014, two (2) bids were received for construction of this project - the engineering consultant as well as staff recommends awarding this contract to R.T. Schneider Construction Company, Ltd., of Belton, Texas in the amount of \$481,047.25;

Whereas, funding is available for this project in Account No. 365-3400-531-6860, Project No. 100971; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute a contract with R. T. Schneider Construction Company, Ltd., of Belton, Texas, after approval as to form by the City Attorney, for the reconstruction and widening of South Pea Ridge Road from Tarver Road to Hogan Road, in the amount of \$481,047.25.

<u>**Part 2:**</u> 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 16<sup>th</sup> day of January, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



01/16/14 Item #5(E) Consent Agenda Page 1 of 2

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

Nicole Torralva, P.E., Public Works Director Don Bond, P.E., City Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an amendment to a contract with Kasberg, Patrick, & Associates, LP (KPA) of Temple, to provide professional services during construction of Phase 2 of the Panda TBP Reclaimed Water Line in southeast Temple in an amount not to exceed \$221,400.

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

**ITEM SUMMARY:** The City has agreed to provide the Panda Temple Power Plant (Panda) with reclaimed water from the Temple-Belton Wastewater Treatment Plant (TBP). Delivery of this water will require a pump station and approximately 45,000 linear feet of pipeline. This project comprises three phases: Phase 1 – pump station at TBP, Phase 2 – pipeline from Little River Rd to Panda, Phase 3 – pipeline from TBP to Little River Rd (Map attached).

On September 5, 2013, Council authorized a professional services agreement with KPA for engineering services required to design and bid Phase 2 in an amount not to exceed \$579,100. This Council agenda includes a separate item to award a construction contract for Phase 2.

The attached Proposal includes fees for construction administration and inspection of approximately 2.5 miles of 24" pipe and one quarter mile of 36" steel encasement in this phase:

Construction Surveys	\$	23,300
Construction Administration	\$	78,100
Onsite Representation	<u>\$</u> ·	120,000

#### <u>Total \$ 221,400</u>

These services are proposed for an allotted construction time of 210 days.

**FISCAL IMPACT:** This project will be funded with City of Temple, Texas Utility System Revenue Bonds, Series 2014.

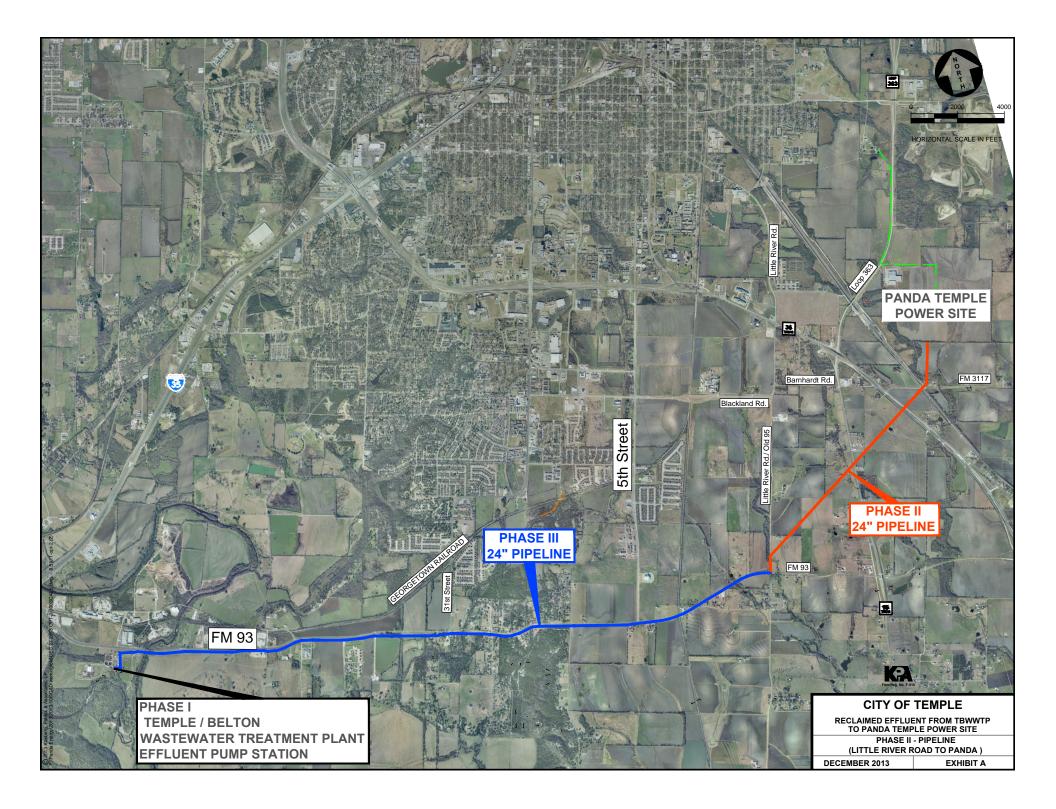
As part of the '2013 Effluent and Water Purchase Agreement' approved by Council on February 14, 2013, the City of Temple will be responsible for designing, permitting, rights of way acquisition, metering, installation, construction and maintenance of the 'Treated Effluent.

Facilities' (TEF) and will also 'own' the facilities. The agreement includes provisions that define Panda's obligation to reimburse the City for those expenditures related to financing the design and construction of the 'TEF'. Pursuant to the Agreement, reimbursement will begin in the month that the debt is incurred by the City and reimbursement is required even if the Agreement is later terminated. The City and Panda also agreed that any unused bond funds will be used to pay down the principal balance of the bonds. Per the agreement, the bonds will be for a term of not less than 360 months and be taxable bonds.

The cost of this contract amendment is \$221,400 and will be charged to account 562-5200-535-6947, project 101097. The City will front the cost of the construction contract until the bonds mentioned above are issued to fund the total cost of the project. The bonds are scheduled to be issued in March 2014.

ATTACHMENTS:

Project Map Engineer's Proposal Resolution





KASBERG, PATRICK & ASSOCIATES, LP CONSULTING ENGINEERS Texas Firm F-510 RICK N. KASBERG, P.E. R. DAVID PATRICK, P.E., C.F.M. TH

THOMAS D. VALLE, P.E.

<u>Temple</u> One South Main Street Temple, Texas 76501 (254) 773-3731 <u>Georgetown</u> 1008 South Main Street Georgetown, Texas 78626 (512) 819-9478

December 27, 2013

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

Re: City of Temple, Texas
Temple – Belton WWTP Reclaimed Effluent Project
Phase II – 24" Reclaimed Effluent Pipeline
Amendment No. 1 to Contract Agreement Dated September 9, 2013

Dear Mr. Bond:

We are submitting this proposal for construction surveys, construction administration and on-site representation services required for the referenced project. As you know, construction bids for this phase were received December 20, 2013 and the recommended low bid was in the amount of \$2,111,111.20.

In order for us to provide the services required for completion of this project, the following not to exceed lump sum amounts will be applicable:

#### **AMENDMENT NO. 1 SERVICES**

1 <b>A</b> .	Construction Surveys	\$ 23,300
1B.	Construction Administration	\$ 78,100
1C.	On-Site Representation	\$ 120,000
	<b>Total Amendment No.1</b>	\$221,400

The following services will be performed:

#### 1A. Construction Surveys

- 1. KPA will utilize All County Surveying for construction surveys. Construction surveys will include offset staking at all points of inflection and at 100 feet interval along the pipeline route. Beginning and ending points of encasement pipe will also be staked.
- 2. Based on construction survey data KPA will prepare cut sheets for submittal to the Contractor.

#### **1B.** Construction Administration

- 1. Prepare for and conduct pre-construction conference and assist in issuance of a Notice to Proceed on behalf of the City of Temple.
- 2. Review, for compliance with design concepts, shop and erection drawings submitted by the contractor.
- 3. Review laboratory, shop, and mill test reports on materials and equipment. The cost for these test are not included in our proposal.
- 4. Visit the project sites at appropriate intervals as construction proceeds to observe and report on the progress and quality of the executed work.
- 5. Issue instructions from the City of Temple to the contractors, issue necessary interpretations and clarifications of contract documents, prepare change orders requiring special inspections and testing of the work, and make recommendation as to acceptability of the work.
- 6. Make recommendations to the Contractor on corrective actions or contractual measures that may be exercised by the City of Temple.
- 7. Prepare sketches required to resolve problems due to actual field conditions encountered.
- 8. Assist the City of Temple in determining amounts of progress payments due for each contract, based on degree of completion of the work.
- 9. Coordinate and conduct the final walk through for the project. After the final walk through is complete a punch list will be generated and monitored.
- 10. Prepare monthly assessment of contractor quality, timeliness and cooperation with City Staff and the public.
- 11. Prepare record drawings from information submitted by the Contractor.
- 12. Make a final review and report on completion of the project, including recommendations concerning final payments to contractors and release of retained percentages.
- 13. Make a written recommendation of final acceptance of the project to the City.

#### 1C. On-Site Representation

- 1. Conduct and/or coordinate field testing and observation of proper bedding materials for the pipeline, pipe and fittings and joints, valves, electrical conduit and control panels for the meter vault installation and other incidentals associated with daily construction activities.
- 2. Observe equipment and pipe materials for compliance with the plans and specifications and approved shop drawing submittals.
- 3. Verify installed quantities and materials on hand for monthly pay estimates to Contractors.
- 4. Confirm and note changes on as-built plans submitted by Contractors.
- 5. Observe trench excavations and backfill for compliance with plans and specifications.
- 6. Prepare written daily reports on construction activities summarizing work performed, quantities installed, number of laborers on site, equipment used, weather conditions and significant activities and test results.
- 7. Participate in pre-construction meetings, progress meetings and final walkthroughs.
- 8. Meet with impacted property owners to address concerns and informing them of project schedules and events which may impact access to their property and resolving complaints.

We will invoice monthly for our services based on a percent completion basis. We look forward to working with you on this next stage of the project and appreciate the opportunity to submit this proposal for the construction phase.

Sincerely,

Rick N. Kasberg, R.E

#### RESOLUTION NO.

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO A CONTRACT WITH KASBERG, PATRICK AND ASSOCIATES, LP OF TEMPLE, TEXAS, TO PROVIDE PROFESSIONAL SERVICES DURING THE CONSTRUCTION OF PHASE II OF THE PANDA TEMPLE-BELTON RECLAIMED WATER LINE IN SOUTHEAST TEMPLE, IN AN AMOUNT NOT TO EXCEED \$221,400; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** the City has agreed to provide the Panda Temple Power Plant (Panda) with reclaimed water from the Temple-Belton Wastewater Treatment Plant (TBP) - delivery of this water will require a pump station and approximately 45,000 linear feet of pipeline;

**Whereas,** this project is comprised of three phases: Phase I – pump station at TBP, Phase II –pipeline from Little River Road to Panda, Phase III – pipeline from TBP to Little River Road;

Whereas, on September 5, 2013, City Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for engineering services required to design and bid Phase II of the project;

Whereas, the amendment will include fees for construction administration and inspection of approximately 2.5 miles of 24" pipe and one quarter mile of 36" steel encasement in Phase II;

**Whereas,** this project will be funded with Utility System Revenue Bonds, Series 2014 and will be charged to Account No. 562-5200-535-6947, Project No. 1010967; 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 amendment to a contract with Kasberg, Patrick & Associates, LP of Temple, Texas, after approval as to form by the City Attorney, to provide professional services during construction of Phase II of the Panda Temple-Belton Wastewater Treatment Plant reclaimed water line, in the amount of \$221,400.

<u>**Part 2:**</u> 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 **16<sup>th</sup>** day of **January**, 2014. THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



### COUNCIL AGENDA ITEM MEMORANDUM

01/16/14 Item #5(F) Consent Agenda Page 1 of 2

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

Nicole Torralva, P.E., Public Works Director Don Bond, P.E., City Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with Bruce Flanigan Construction, Inc. (Flanigan) of Belton, for activities required to construct Phase 2 of the Panda TBP Reclaimed Effluent Line in an amount not to exceed \$2,111,111.20.

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

**ITEM SUMMARY:** The City has agreed to provide the Panda Temple Power Plant (Panda) with reclaimed water from the Temple-Belton Wastewater Treatment Plant (TBP). Delivery of this water will require a pump station and approximately 45,000 linear feet of pipeline. The attached Map depicts three phases: Phase 1 – pump station at TBP, Phase 2 – pipeline from Little River Rd to Panda, Phase 3 – pipeline from TBP to Little River Rd.

On September 5, 2013, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services required to design and bid Phase 2 in an amount not to exceed \$579,100. This Council agenda includes a separate item to amend that contract with construction phase services.

The services authorized under this contract will construct approximately 2.5 miles of 24" ductile iron pipe for conveying reclaimed water, necessary appurtenances, and roughly one quarter mile of 36" steel encasement pipe. Base bids ranged from \$2,111,111.20 to \$2,483,426.10 (see attached Bid Tabulation).

The engineer's OPC for this project was \$3,400,000. KPA recommends awarding the contract to the low bidder, Flanigan, for \$2,111,111.20 (Recommendation attached).

Construction time allotted for this project is 210 days.

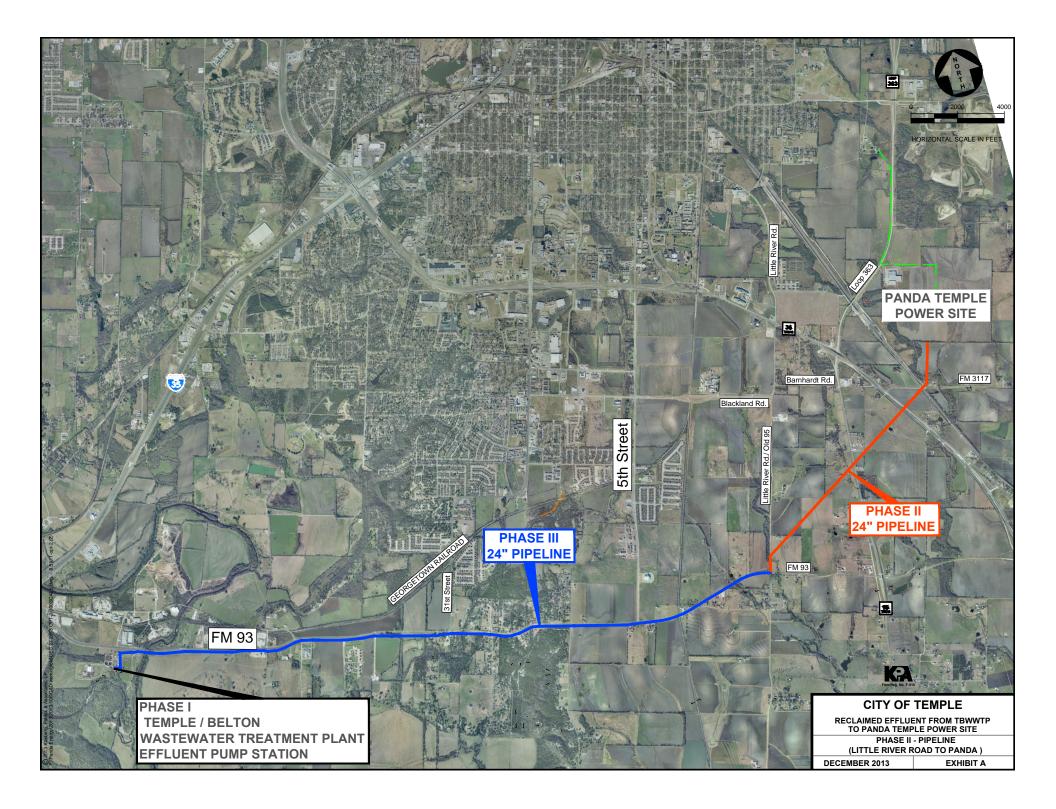
#### 01/16/14 Item #5(F) Consent Agenda Page 2 of 2

**FISCAL IMPACT:** This project will be funded with City of Temple, Texas Utility System Revenue Bonds, Series 2014. As part of the '2013 Effluent and Water Purchase Agreement' approved by Council on February 14, 2013, the City of Temple will be responsible for designing, permitting, rights of way acquisition, metering, installation, construction and maintenance of the 'Treated Effluent Facilities' (TEF) and will also 'own' the facilities. The agreement includes provisions that define Panda's obligation to reimburse the City for those expenditures related to financing the design and construction of the 'TEF'. Pursuant to the Agreement, reimbursement will begin in the month that the debt is incurred by the City and reimbursement is required even if the Agreement is later terminated. The City and Panda also agreed that any unused bond funds will be used to pay down the principal balance of the bonds. Per the agreement, the bonds will be for a term of not less than 360 months and be taxable bonds.

The cost of this construction contract is \$2,111,111.20 and will be charged to account 562-5200-535-6947, project 101097. The City will front the cost of the construction contract until the bonds mentioned above are issued to fund the total cost of the project. The bonds are scheduled to be issued in March 2014.

#### ATTACHMENTS:

Project Map Engineer's Letter of Recommendation Bid Tabulation Resolution





**KASBERG, PATRICK & ASSOCIATES, LP** CONSULTING ENGINEERS Texas Firm F-510 RICK N. KASBERG, P.E.

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

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

THOMAS D. VALLE, P.E.

Georgetown 1008 South Main Street Georgetown, Texas 78626 (512) 819-9478

December 26, 2013

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

#### Re: City of Temple, Texas Temple-Belton Wastewater Treatment Plant 24" Reclaimed Effluent Pipeline – Phase II

Dear Mr. Bond:

On December 20, 2013, the City of Temple received competitive bids from eight (8) contractors for the Temple-Belton Wastewater Treatment Plant 24" Reclaimed Effluent Pipeline - Phase II. A Bid Tabulation is provided for your reference.

The attached Bid Tabulation shows Bruce Flanigan Construction, Inc. of Belton, Texas as the low bidder with a total bid of \$2,111,111.20. The bids ranged from this low bid to \$2,483,426.10. Our final opinion of probable construction (OPC) cost was \$2,960,000, when adjusted to remove preliminary contingencies. The OPC was based on bids received on a 24" waterline in Bell County within the past year. A review of the bids versus the OPC notes considerable cost savings in the installation of the 24" Ductile Iron Pipe, 36" Encasement by Bore, Meter Vault Installation, the Temporary Roadway within Panda's site and trench safety implementation. Additional cost savings were realized in the item for Mobilization, Bonds and Insurance.

Bruce Flanigan Construction, Inc. has completed several projects of similar scope, including the recently completed 16" Doshier Farm Reclaimed Pipeline, and has the experience necessary to complete this work. Therefore, we recommend that a contract be awarded to Bruce Flanigan Construction, Inc. for the Temple-Belton Wastewater Treatment Plant 24" Reclaimed Effluent Pipeline – Phase II Project in the amount of \$2,111,111.20.

Sincerely,

bronus D. 1/a

Thomas D. Valle, P.E.



Ms. Belinda Mattke, City of Temple (Return of Original Bid Documents) XC: 2013-135-40

#### BID TABULATION CITY OF TEMPLE TEMPLE-BELTON WASTEWATER TREATMENT PLANT 24-INCH RECLAIMED EFFLUENT PIPELINE PHASE II 3210 E Avenue H, Bldg C; Temple, TX 76501 December 20, 2013; 11:00 AM

			]	_			BIDDER INFOI	RMATION							BIDDER INF				
					Construction Inc	Rockin Q Co	nstruction LLC	Lewis Cont	ractors Inc.	TTG Ut	ilities LP	Mclean Co	onstruction	Patin Constr			ction Co Inc	Bell Contr	actors Inc
					npasas Lane		wood Loop		ox 2974		ox 299	1 - 120 M - 12	x 10759	3800 W 2	nd Street	PO Bo	x 5003	3082 W	Hwy 190
	E BID	1			TX 76513		os TX 78666		n, TX 78627		TX 76528		76547-0759	Taylor T		Jacksonvill		Belton T	
	Estimat		11354-10-21-221-221-221-221-221-221-221-221-2	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
<i>NO</i> .	Quantin	-	Description     Mobilization, Bonds & Insurance, not-to-exceed 5% of Base	Price \$ 33,443.00	Amount \$ 33,443.00	Price \$ 75,000.00	Amount	Price \$ 50,000.00	Amount	Price	Amount	Price	Amount	Price	Amount	Price	Amount	Price	Amount
÷.	100 %		Bid Amount	\$ 55,445.00	\$ 55,445.00	\$ 75,000.00	\$ 75,000.00	\$ 50,000.00	\$ 50,000.00	\$ 37,500.00	\$ 37,500.00	\$ 86,850.00	\$ 86,850.00	\$ 110,000.00	\$ 110,000.00	\$ 90,000.00	\$ 90,000.00	\$ 113,200.00	\$ 113,200.00
			F Provide Labor, Equipment, Tools & Supervision to Complete Preparation of Right-of-way	2.70	34,511.40	2.00	25,564.00	2.00	25,564.00	1.75	22,368.50	2.60	33,233.20	4.00	51,128.00	3.00	38,346.00	1.90	24,285.80
3			S Submit Trench Safety Plan prepared & signed by PE, in Conformance with State Law & OSHA		990.00	1,500.00	1,500.00	1,000.00	1,000.00	1,000.00	1,000.00	995.00	995.00	1,500.00	1,500.00	3,500.00	3,500.00	900.00	900.00
			F Implement & Follow Trench Safety Plan (Pipe)	0.90	11,503.80	2.00	25,564.00	1.00	12,782.00	1.25	15,977.50	0.80	10,225.60	1.00	12,782.00	1.00	12,782.00	1.30	16,616.60
5			<ul> <li>F Implement &amp; Follow Trench Safety Plan (Bore Pits)</li> <li>S Prepare Stormwater Pollution Prevention Plan, Including</li> </ul>	0.30	4,290.00	1.00	14,300.00	0.01	143.00	0.85	12,155.00	0.60	8,580.00	1.00	14,300.00	3.00	42,900.00	0.76	10,868.00
0			Submission to & Receiving Permits from TCEQ Submission to & Receiving Permits from TCEQ S Prepare & Submit Control Plan prepared & signed by a P.E.	880.00	880.00	3,000.00	1,000.00	1,500.00	2,000.00	1,950.00	1,950.00	1,809.00	1,809.00	2,000.00	2,000.00	2,000.00	2,000.00	900.00	900.00
8			for Vehicular Traffic S. Implement & Administer Barricade, Signing & Traffic Safety	2,708.00	2,708.00	5,000.00	5,000.00	3,000.00	3,000.00	3,050.00	3,050.00	2,224.00	2,224.00	2,500.00	2,500.00	2,500.00	2,500.00	720.00	9,500.00
9			Plan (Vehicular & Pedestrian) S. Provide Project Record Drawings	356.00	356.00	5,000.00	5,000.00	500.00	500.00	5,000.00						15,000.00	15,000.00	9,500.00	
10			S Provide DVD of right-of-way pre-construction & post		165.00	2,500.00	2,500.00	1,500.00	1,500.00	2,150.00	5,000.00 2,150.00	2,050.00 878.00	2,050.00 878.00	5,000.00 850.00	5,000.00 850.00	7,500.00	7,500.00	830.00	830.00 1,100.00
			construction site conditions for total project						1. A. S. A.		100 BALLON C. 100 BALL		678.00	11000000000000	650.00	5,000.00	5,000.00	1,100.00	1,100.00
			F Provide Clean-up & Final Grading Along Final Pipeline Route Complete For		25,564.00	2.00	25,564.00	2.00	25,564.00	2.00	25,564.00	1.60	20,451.20	2.00	25,564.00	2.00	25,564.00	1.90	24,285.80
12	,		JF 24" Diameter Class 200 Ductile Iron Water Line, including Purple 8 Mil Polyethylene Encasement, "Reclaimed Water"	91.00	1,158,885.00	83.00	1,057,005.00	95.00	1,209,825.00	88.50	1,127,047.50	86.20	1,097,757.00	88.00	1,120,680.00	89.63	1,141,438.05	88.60	1,128,321.00
13	47		4" Diameter Ductile Iron Water Line, including Purple 8 Mil Polyethylene Encasement, "Reclaimed Water" Marking Tape		1,974.00	45.00	2,115.00	50.00	2,350.00	60.25	2,831.75	52.30	2,458.10	80.00	3,760.00	55.56	2,611.32	48.70	2,288.90
14		_	JF       36" Diameter Steel Encasement by Bore         JF       36" Diameter Steel Encasement by Open Cut	415.00	478,080.00	410.00	472,320.00	425.00	489,600.00	450.00	518,400.00	459.20	528,998.40	500.00	576,000.00	564.99	650,868.48	560.00	645,120.00
15 16	195 500	_	JF So Diameter Steel Encasement by Open Cut	180.00 71.00	35,100.00 35,500.00	185.00 80.00	36,075.00 40,000.00	210.00	40,950.00	285.00	55,575.00	262.10	51,109.50	260.00	50,700.00	296.88	57,891.60	250.00	48,750.00
10	3	_	A 24" x 6" Tee	991.00	2,973.00	3,800.00	11,400.00	45.00 3,500.00	22,500.00 10,500.00	71.50	35,750.00 7,650.00	47.00	23,500.00	10.00	5,000.00	60.00	30,000.00	49.90	24,950.00
18	1	_	A 24" x 12" Reducer	881.00	881.00	2,750.00	2,750.00	1,200.00	1,200.00	1,450.00	1,450.00		5,091.00 2,218.00	1,750.00	5,250.00	2,862.00	8,586.00	3,300.00	9,900.00
19	13	_	A Ductile Iron 11.25° Bends, 24" Diameter	878.00	11,414.00	2,750.00	36,400.00	1,200.00	20,800.00	2,075.00	26,975.00	2,218.00	2,218.00	1,200.00	1,200.00 20,800.00	3,081.00	3,081.00	1,900.00	1,900.00
20	3	_	A Ductile Iron 22.5° Bends, 24" Diameter	1,287.00	3,861.00	2,800.00	8,400.00	1,650.00	4,950.00	2,075.00	6,375.00	2,241.00	6,723.00	1,000.00	5,100.00	1,527.00 2,719.00	19,851.00 8,157.00	2,700.00 2,800.00	35,100.00 8,400.00
21	9	_	A Ductile Iron 45° Bends, 24" Diameter	1,396.00	12,564.00	2,800.00	25,200.00	1,700.00	15,300.00	2,125.00	20,025.00	1,671.00	15,039.00	1,800.00	16,200.00	2,719.00	25,182.00	2,800.00	26,100.00
22	3		A Ductile Iron 90° Bends, 24" Diameter	1,826.00	5,478.00	3,200.00	9,600.00	2,100.00	6,300.00	2,650.00	7,950.00	1,966.00	5,898.00	2,200.00	6,600.00	3,545.00	10,635.00	3,300.00	9,900.00
23	1	_	A 24" Plug	942.00	942.00	2,500.00	2,500.00	1,100.00	1,100.00	850.00	850.00	983.00	983.00	900.00	900.00	1,177.00	1,177.00	1,500.00	1,500.00
24	1	_	A 16" x 12" Reducer	472.00	472.00	3,000.00	3,000.00	1,100.00	1,100.00	900.00	900.00	800.00	800.00	600.00	600.00	702.00	702.00	1,100.00	1,100.00
25	3	E	A 6" x 4" Reducer	277.00	831.00	500.00	1,500.00	350.00	1,050.00	250.00	750.00	435.00	1,305.00	150.00	450.00	364.00	1.092.00	220.00	660.00
26	5	E	A Ductile Iron 90° Bends, 4" Diameter	271.00	** 1,355.00	500.00	2,500.00	300.00	1,500.00	250.00	1,250.00	435.00	2,175.00	150.00	750.00	123.00	615.00	210.00	1,050.00
27	4	E	A 24" Gate Valve	15,901.00	63,604.00	17,000.00	68,000.00	17,000.00	68,000.00	16,950.00	67,800.00	15,030.00	60,120.00	17,000.00	68,000.00	16,188.00	64,752.00	18,200.00	72,800.00
28	3	E	A Air/Vacuum Release Valve	6,352.00	19,056.00	8,000.00	24,000.00	8,000.00	24,000.00	6,875.00	20,625.00	10,166.00	30,498.00	9,100.00	27,300.00	5,948.00	17,844.00	8,400.00	25,200.00
29	100%	_	S Flow Meter Assembly including Solar Panels per Detail on Sheet D-06 of Plan Set & Electrical Sheets	67,387.00	67,387.00	60,000.00	60,000.00	70,000.00	70,000.00	61,250.00	61,250.00	60,040.00	60,040.00	58,000.00	58,000.00	31,214.00	31,214.00	65,500.00	65,500.00
30	1		A Connecting to Existing 16" HDPE Pipe	3,423.00	3,423.00	6,500.00	6,500.00	3,000.00	3,000.00	2,500.00	2,500.00	1,727.00	1,727.00	5,000.00	5,000.00	3,395.00	3,395.00	2,300.00	2,300.00
31	100%		S Materials, Equipment, Tools & Labor Necessary for Pressure Testing Water Pipe, Including Any Necessary Repairs	4,605.00	4,605.00	5,000.00	5,000.00	5,000.00	5,000.00	21,800.00	21,800.00	2,244.00	2,244.00	5,000.00	5,000.00	15,000.00	15,000.00	11,800.00	11,800.00
32	2	E	A Materials, Equipment, Tools & Labor necessary for installing Electric Fence Access Points	374.00	748.00	400.00	800.00	700.00	1,400.00	1,250.00	2,500.00	927.00	1,854.00	600.00	1,200.00	900.00	1,800.00	1,100.00	2,200.00
33	10		A Materials, Equipment, Tools & Labor Necessary for Installing Access Gate	897.00	8,970.00	1,100.00	11,000.00	1,100.00	11,000.00	1,825.00	18,250.00	2,705.00	27,050.00	780.00	7,800.00	1,200.00	12,000.00	2,900.00	29,000.00
34			S Materials, Equipment, Tools & Labor Necessary for Installing & Removing Temporary Access Road per Details on Sheet AR-1 of Plan Sheets, Including 12" RCP Culvert &	_	14,022.00	6,500.00	6,500.00	18,000.00	18,000.00	28,250.00	28,250.00	38,003.00	38,003.00	6,500.00	6,500.00	34,150.00	34,150.00	31,700.00	31,700.00
35	14,300	0 L	F Furnish, Install, Maintain & Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	1.90	27,170.00	1.50	21,450.00	2.00	28,600.00	2.50	35,750.00	2.00	28,600.00	2.25	32,175.00	2.00	28,600.00	2.00	28,600.00
36	29,300	0 S'	Y Furnish & Install Hydro Mulch Seeding For Permanent Erosion Control, Including water to establish & sustain	0.60	17,580.00	1.00	29,300.00	0.50	14,650.00	1.25	36,625.00	1.90	55,670.00	0.50	14,650.00	1.00	29,300.00	1.60	46,880.00
37	1,000	) L	growth F Provide, Install, Maintain & Remove Rock Berm	19.00	19,000.00	30.00	30,000.00	25.00	25,000.00	27.75	27,750.00	41.00	41,000.00	40.00	40,000.00	9.00	9,000.00	19.20	19,200.00
		_	D AMOUNT - (Items 1 - 37)		\$ 2,111,111.20		\$ 2,157,307.00		\$ 2,221,228.00		\$ 2,268,344.25		\$ 2,287,070.00		\$ 2,306,239.00		\$ 2,454,034.45		\$ 2,483,426.10
Did B	idder Ac	knowl	ledge Addenda No. 1?	1	YES	Y	ES	YE	s	YI	ES	YE	S	YE	s	YE	s	YE	S
Did B	idder Ac	knowl	ledge Addenda No. 2?	1	/ES	Y	ES	YE		YI		YE		YE		YE		YE	
Did B	idder pro	ovide l	Bid Security?	4	/ES	Y	ES	YE	S	YI	ES	YE		YE		YE		YE	
Did B	idder pro	ovide 1	required documents?		YES	Y	ES	YE	S	YI	ES	YE	es	YE		YE		YE	
				2.04									]	1.000					

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

Rick N. Kasberg, PE Kasberg Danie Kasberg, Patrick & Associates, LP



12-23-13 Date

\* Error in addition. Total amount has been corrected. \*\* Error in extension total. Total amount has been corrected.

#### RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH BRUCE FLANIGAN CONSTRUCTION, INC. OF BELTON, TEXAS, FOR ACTIVITIES REQUIRED TO CONSTRUCT PHASE II OF THE PANDA TEMPLE-BELTON RECLAIMED WATER LINE, IN AN AMOUNT NOT TO EXCEED \$2,111,111.20; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** the City has agreed to provide the Panda Temple Power Plant (Panda) with reclaimed water from the Temple-Belton Wastewater Treatment Plant (TBP) - delivery of this water will require a pump station and approximately 45,000 linear feet of pipeline;

Whereas, the services authorized under this contract will construct approximately 2.5 miles of 24" ductile iron pipe for conveying reclaimed water, necessary appurtenances, and roughly one quarter mile of 36" steel encasement pipe;

Whereas, on September 5, 2013, City Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for engineering services required to design and bid Phase 2 of the project;

Whereas, KPA and staff recommend awarding this contract to Bruce Flanigan Construction, Inc., of Belton, Texas in an amount not to exceed \$2,111,111.20 for construction of Phase II of the Panda Temple-Belton Wastewater Treatment Plant reclaimed water line;

Whereas, the City will front the cost of the construction contract until the bonds are issued to fund the total cost of the project - per the agreement, the bonds are scheduled to be issued in early 2014 and will be for a term of not less than 360 months and be taxable bonds;

**Whereas,** this project will be funded with Utility System Revenue Bonds, Series 2014 and will be charged to Account No. 562-5200-535-6947, Project No. 1010967; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute a contract with Bruce Flanigan Construction, Inc., of Belton, Texas, after approval as to form by the City Attorney, for the construction of Phase II of the Panda Temple-Belton Wastewater Treatment Plant reclaimed water line, in the amount of \$2,111,111.20.

**<u>Part 2:</u>** The City will front the cost of the construction contract until the bonds are issued to fund the total cost of the project.

<u>**Part 3:**</u> 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 **16<sup>th</sup>** day of **January**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



# **COUNCIL AGENDA ITEM MEMORANDUM**

01/16/14 Item #5(G) Consent Agenda Page 1 of 2

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

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the acceptance of assignment of eight (8) permanent utility easements, one (1) lease, and two (2) temporary work space easements from Panda Temple Power II, LLC and authorizing reimbursement to Panda Temple Power II, LLC for the cost of preliminary engineering, right-of-way services, surveying work, and project management in a total amount not to exceed \$900,000.

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

**ITEM SUMMARY:** In November, 2012, the City Council authorized an Effluent and Water Purchase Agreement with Panda Temple Power II, LLC ("Panda"). The Agreement authorized the City to sell treated effluent to Panda for use in the operation of Panda's natural gas power plant. The Agreement also requires the City to construct the infrastructure necessary to convey the treated effluent from the Temple Belton Wastewater Treatment Plant (TBP) to the Panda site. This infrastructure includes approximately 45,000 linear feet of 24' pipe for conveying the treated effluent and a pump station to be located at the TBP.

The Effluent Agreement authorized Panda to perform the initial easement procurement work for the pipeline with the agreement of the City to reimburse Panda for any costs incurred. Panda has obtained eight (8) permanent easements, one (1) long-term property lease, and two (2) temporary work space easements from various property owners along the pipeline route, specifically the route that stretches from Little River Road to the Panda site.

At this time Panda is seeking reimbursement for the cost of the easements and leases, as well as reimbursement for preliminary engineering, right-of-way services, surveying work, and project management. The City Attorney's office has reviewed the costs and finds them to be reasonable. The City is in the process of independently obtaining appraisals of the easements. The total amount of reimbursement sought by Panda at this time is \$900,000 which includes a small contingency to cover additional costs that may be occurred after the date of the resolution. Attached is a cost breakdown which shows the incurred costs to date at \$899,072.

#### 01/16/14 Item #5(G) Consent Agenda Page 2 of 2

**FISCAL IMPACT**: This project will be funded with City of Temple, Texas Utility System Revenue Bonds, Series 2014. As part of the '2013 Effluent and Water Purchase Agreement' approved by Council on February 14, 2013, the City of Temple will be responsible for designing, permitting, rightof-way acquisitions, metering, installation, construction and maintenance of the 'Treated Effluent Facilities' (TEF) and will also 'own' the facilities. The agreement includes provisions that define Panda's obligation to reimburse the City for those expenditures related to financing the design and construction of the 'TEF'. Pursuant to the Agreement, reimbursement will begin in the month that the debt is incurred by the City and reimbursement is required even if the Agreement is later terminated. The City and Panda also agreed that any unused bond funds will be used to pay down the principal balance of the bonds. Per the agreement, the bonds will be for a term of not less than 360 months and be taxable bonds.

The total amount of reimbursement sought by Panda for the costs of preliminary engineering, right-ofway services, surveying work, and project management is a total amount of \$900,000 which includes a small contingency to cover additional costs that may occur after the date of the resolution. As of today, actually incurred costs are \$899,072. The City will front these costs until the bonds mentioned above are issued to fund the total cost of the project. The bonds are scheduled to be issued in March 2014.

## ATTACHMENTS:

Cost breakdown Resolution

#### TB Pipeline - Cost Projections - ROW Scope

					1	Actual				Est	imated	
Organization	Scope of Work	<u>Cost Basis</u>	Expended (4/1-8/1/13)	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	Expended to Date	<u>Jan</u>	<u>Total</u>	<u>Comments</u>
KPA	easement procurement.	Task 1 approved proposal 2/7/13 - \$20,000 4/22/13 - increased to \$80,000	\$51,287	\$9,602	\$4,185	\$3,513	\$3,325	\$4,500	\$76,412	\$0	\$76,412	
KPA	Technical support to FM93 survey effort.	Task 2 approved proposal 7/19/13 - \$52,300	\$0	\$22,440	\$8,705	\$21,155	\$0	\$0	\$52,300	\$0	\$52,300	
Lone Star ROW Inc		SA based on a price per unit and hourly rates.	\$125,400	\$8,750	\$4,750	\$6,500	\$13,000	\$30,000	\$188,400	\$6,000	\$194,400	Horizon Bank easement closure in Jan
All County Surveying		Approved proposal for \$95,700 7/16/13	\$0	\$57,338	\$22,173	\$12,665	\$6,335	\$0	\$98,510	\$0	\$98,510	
All County Surveying	surveys of private	Average cost of \$1300 per parcel x 17 parcels = \$22,100	\$3,500	\$0		\$11,322	\$1,407	\$13,037	\$16,229	\$0	\$16,229	Hughling M&B incl in Dec invoice
Titan Engineering	Archeological	Proposal 3/6/13 for \$55,600. Should be less due to TXDOT route	\$1,677	\$4,463	\$5,079	\$2,847	\$11,872		\$25,938	\$2,500	\$28,438	Jenschke est 12/17
Project Management	Provide contract project manager.	SA based on hourly rates.	\$26,327	\$12,110	\$8,767	\$13,017	\$10,547	\$2,470	\$73,238	\$6,000	\$79,238	Ongoing work - CDB estimate
TOTAL SERVICES			\$208,191	\$114,703	\$53,659	\$71,019	\$46,486	\$50,007	\$531,027	\$14,500	\$545,527	

Allegiance Title - Escrow Invoices			\$188,300	\$111,738		\$300,038	\$28,932	. ,	Reconcilation with actual payments
Panda - Direct payments to owners					\$24,575	\$24,575		· · · · ·	Documents signed. Cut checks in Jan.

TOTAL ROW					\$855,640	\$43,432	\$899,072	
PROJECT								

Invoices paid or authorized for payment through December.

Invoices submitted for payment in January.

Estimated cost for invoices to be submitted in January

#### RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ACCEPTANCE OF ASSIGNMENT OF EIGHT (8) PERMANENT UTILITY EASEMENTS, ONE (1) LEASE, AND TWO (2) TEMPORARY WORK SPACE EASEMENTS FROM PANDA TEMPLE POWER, LLC; AND AUTHORIZING REIMBURSEMENT TO PANDA TEMPLE POWER II, LLC FOR THE COST OF THE EASEMENTS AND LEASE, AS WELL AS PRELIMINARY ENGINEERING, RIGHT-OF-WAY SERVICES, SURVEYING WORK, AND PROJECT MANAGEMENT, IN AN AMOUNT NOT TO EXCEED \$900,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in November, 2012, the City Council authorized an Effluent and Water Purchase Agreement (Effluent Agreement) with Panda Temple Power II, LLC (Panda) to sell treated effluent to Panda for use in the operation of Panda's natural gas power plant;

Whereas, the agreement also requires the City to construct the infrastructure necessary to convey the treated effluent from the Temple Belton Wastewater Treatment Plant (TBP) to the Panda site – this infrastructure includes approximately 45,000 linear feet of 24' pipe for conveying the treated effluent as well as a pump station to be located at the TBP;

Whereas, the Effluent Agreement authorized Panda to perform the initial easement procurement work for the pipeline with the agreement of the City to reimburse Panda for any costs incurred – Panda has acquired eight (8) permanent easements, one (1) long-term property lease, and two (2) temporary work space easements from various property owners along the pipeline route;

**Whereas,** Panda is requesting reimbursement in an amount not to exceed \$900,000 for the cost of the easements and leases as well as the preliminary engineering, right-of-way services, surveying work, and project management – the City Attorney's office has reviewed these costs and finds them to be reasonable;

Whereas, this project will be funded with City of Temple, Texas Utility System Revenue Bonds, Series 2014;

Whereas, the Effluent Agreement obligates Panda to reimburse the City for all expenditures related to the design and construction of the pipeline and pursuant to the Agreement, reimbursement will begin in the month that the debt is incurred by the City and reimbursement is required even if the Agreement is later terminated; 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:

<u>Part 1:</u> The City Council authorizes the acceptance of assignment of eight (8) permanent utility easements, one (1) lease, and two (2) temporary work space easements from Panda Temple Power II, LLC and authorizes reimbursement to Panda Temple Power II, LLC for the cost of the easements and lease, as well as preliminary engineering, right-of-way services, surveying work, and project management, in a total amount not to exceed \$900,000

<u>**Part 2:**</u> The City Council authorizes the City Manager, or his designee, to execute any documents, after approval by the City Attorney, that may be necessary for the purchase of this parcel, including all closing documents.

<u>**Part 3:**</u> 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 16<sup>th</sup> day of January, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



# **COUNCIL AGENDA ITEM MEMORANDUM**

01/16/14 Item #5(H) Consent Agenda Page 1 of 1

# DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services Ashley Williams, Sustainability and Grant Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing submission of an application for funding through the US Environmental Protection Agency, Brownfield Assessment Grants program, for the final assessment needs and development of a clean-up plan for the Bend of the River property in the amount of \$200,000.

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

**ITEM SUMMARY:** The US Environmental Protection Agency has announced a grant program entitled "Brownfield Assessment Grants." The program is intended to provide funding for Brownfield revitalization activities, to include assessment and clean-up planning.

Distribution of funding will be allocated to communities and groups who are responsible for assessment and clean-up initiatives.

The final application is due January 22, 2014. Applications will be evaluated by an established EPA application team.

The project scope involves the following elements:

- Finalized and detailed assessment of potential contaminants located on the site;
- Determination of the threat of potential contaminants; and
- Clean-up plan for the development of a Botanical Gardens on the 90+ acre site.

Staff has been and will continue to work in partnership with EPA Region 6 and the Texas Commission on Environmental Quality throughout the project.

**FISCAL IMPACT:** The Brownfield Assessment Grant program does not require a City match.

## ATTACHMENTS:

Resolution

#### RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING THROUGH THE U.S. ENVIRONMENTAL PROTECTION AGENCY, BROWNFIELD ASSESSMENT GRANTS PROGRAM, IN THE AMOUNT OF \$200,000, FOR THE FINAL ASSESSMENT NEEDS AND DEVELOPMENT OF A CLEAN-UP PLAN FOR THE BEND OF THE RIVER PROPERTY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the US Environmental Protection Agency (EPA) has announced a grant program entitled "Brownfield Assessment Grants" which is intended to provide funding for Brownfield revitalization activities, to include assessment and clean-up planning;

Whereas, distribution of funding will be allocated to communities and groups who are responsible for assessment and clean-up initiatives;

Whereas, the project scope involves the finalization and detailed assessment of potential contaminants located at the site, determination of the threat of potential contaminants, and clean-up plan for the development of a Botanical Garden on the approximately 90 acre site;

**Whereas,** staff has been and will continue to work in partnership with the EPA Region 6 and the Texas Commission on Environmental Quality throughout the project;

Whereas, there is no City match requirement for this grant program - final application submission is due January 22, 2014; and

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

# Now, Therefore, Be it Resolved by the City Council of the City of Temple, Texas, That:

<u>**Part 1:**</u> The City Council authorizes submission of an application for funding through the US Environmental Protection Agency, Brownfield Assessment Grants program, in the amount of \$200,000, for the final assessment needs and development of a clean-up plan for the Bend of the River property, which includes:

- the finalization and detailed assessment of potential contaminants located at the site;
- determination of the threat of potential contaminants, and
- clean-up plan for the development of a Botanical Garden on the approximate 90 acre site

**Part 2:** The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, which are necessary to submit the application and accept the grant, if awarded to the City.

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

PASSED AND APPROVED this the 16<sup>th</sup> day of January, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



# **COUNCIL AGENDA ITEM MEMORANDUM**

01/16/14 Item #5(I) Consent Agenda Page 1 of 1

# DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Director of Administrative Services

**ITEM DESCRIPTION:** SECOND READING: Consider adopting an ordinance amending the calculation method for the certification pay for the certification of Paramedic/EMT in the Fire Department.

**<u>STAFF RECOMMENDATION</u>**: Adopt ordinance as presented in item description on second and final reading.

**ITEM SUMMARY:** Chapter 143.44 of the Local Government Code requires that the Council establish certification pay by ordinance. As part of the implementation of the updated Civil Service-Fire Pay Schedules based on a Compensation/Market Study conducted in 2013, staff recommends a change to the calculation method for the Fire-Paramedic certification pay. Currently, the Fire-Paramedic certification is calculated as 12% of the Firefighter Step 2 base salary. Staff proposes to change the calculation to a flat monthly amount. This calculation method is consistent with how most other certifications pay amounts within the department and the organization are calculated. The proposed certification amount for Fire-Paramedic is \$397.46 per month which is equal to the current certification amount and will result in no change to the certification pay of qualified personnel.

**FISCAL IMPACT:** The proposed certification amount for Fire-Paramedic is \$397.46 per month which is equal to the current certification amount and will result in no change to the certification pay of qualified personnel.

## ATTACHMENTS:

Ordinance for Certification Pay

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CALCULATION METHOD FOR THE CERTIFICATION PAY OF PARAMEDIC/EMT IN THE FIRE DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** Chapter 143 of the Local Government Code requires that the City Council establish certification pay by ordinance;

**Whereas,** as part of the implementation of the updated Civil Service-Fire Pay Schedules based on a Compensation/Market Study conducted in 2013, staff recommends a change to the calculation method for the Fire-Paramedic certification pay;

**Whereas**, currently, the Fire-Paramedic certification is calculated as 12% of the Firefighter Step 2 base salary - staff proposes to change the calculation to a flat monthly amount which is consisted with how most other certification pay amounts within the department and the organization are calculated;

Whereas, the proposed certification amount for Fire-Paramedic is \$397.35 per month which is equal to the current certification amount and will result in no change to the certification pay of qualified personnel; and

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

Now, Therefore, Be It Ordained By The City Council Of The City Of Temple, Texas, That:

<u>**Part 1:**</u> The City Council authorizes amending the calculation method for the certification pay for Paramedic-EMT in the Fire Department from 12% of the Firefighter Step 2 base salary to a flat monthly rate of \$397.35.

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

PASSED AND APPROVED on First Reading and Public Hearing on the 19<sup>th</sup> day of **December**, 2013.

PASSED AND APPROVED on Second Reading on the 16<sup>th</sup> day of January, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



# COUNCIL AGENDA ITEM MEMORANDUM

01/16/14 Item #5(J) Consent Agenda Page 1 of 4

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

Phillip Melton, Planning Intern

**ITEM DESCRIPTION** SECOND READING – Z-FY-14-04: Consider adopting an ordinance authorizing a zoning change from TMED T4 District (T4) to Planned Development (T4) District on Lot 3, Block 7, Eugenia Terrace, addressed as 1605 South 5<sup>th</sup> Street.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its November 18, 2013 meeting, the Planning and Zoning Commission failed to second a motion to approve the zone change from TMED T4 District (T4) to Planned Development (T4) District. The failed motion resulted in a recommendation of denial by the Planning and Zoning Commission for the requested zone change.

**<u>STAFF RECOMMENDATION</u>**: Adopt ordinance as presented in item description on second and final reading.

Staff recommends approval of the zoning change from T4 to PD(T4) for the following reasons:

- 1. The request complies with the Thoroughfare, Plan;
- 2. Public facilities are available to serve the property; and,
- 3. The development allows the developer to complete development already on the block.

**ITEM SUMMARY:** The applicant is requesting a zoning change from TMED T4 District to Planned Development-T4 District for the purpose of constructing a triplex. The development will occur on a 5,250 square foot site with one 2,733 square foot triplex. The developer has proposed the following development components more fully depicted in the attached development plan documents.

There is no mechanism to provide the requested relief from the following TMED T4 zoning standards in UDC Section 6.3 and a PD would be required, all other TMED T4 standards would apply:

- Multiple-family dwellings are not permitted in T4; the developer is proposing constructing a triplex;
- Maximum impervious lot coverage of 70%; the developer proposes 73% coverage;
- Parking required to be located in the second or third layer of the principal frontage and accessible by rear alleys; the developer proposes parking in the first layer with no alley access;
- Rear alley ROW dedication; no ROW dedication is proposed;
- Minimum landscaped area of 30%; the developer proposes 27% landscaped area;
- No on street parking allowed; the developer proposes 3 on street parking spaces;
- Sidewalks required to extend the full length of the development; the developer has indicated on the site plan area for future sidewalk extension but no constructed sidewalk;
- Porches required to be made of painted wood, concrete, or metal; the developer has proposed a porch made of brick and stone;
- Building frontage required to face the street; the proposed building is facing south instead of towards 5<sup>th</sup> Street to the west.

# Landscaping

TMED T4 zoning requires a total of 30% of the site to be landscaped. The proposed triplex and other impervious improvements cover 75% of the lot and only a total of 25% of the site will be landscaped. To offset these requirements the applicant has proposed providing additional landscaping on an adjoining lot by adding a parking lot island which would increase the total landscaped area to 27%. The applicant has proposed the following improvements:

- A landscaped frontage with 2 Live Oak trees will be planted along 5<sup>th</sup> street per TMED landscaping standards in UDC Section 6.3.11;
- Along the west side of the site, between the building and the future sidewalk, Dwarf Nandinas and Crepe Myrtles will be planted;
- A landscaped parking island will be added to an existing parking lot, planted with Dwarf Nandinas, to provide additional landscaping;
- The landscaped areas on the south and west sides of the site will be planted in ground cover according to TMED Standards in UDC Section 6.3.11;
- Existing trees on the north and east sides of the site will remain in place.

# **Building Materials and Architecture**

According to the development plans, the applicant has proposed the following:

- Brick and stone as façade material, with cementious siding limited to less than 10% of each side;
- Windows accented in stone or brick to meet the 4" trim requirement;
- Windows facing the street will have shutters;
- All units have different façade materials to have the distinct characteristics;
- Corners will be accented with stone or brick vertically from the foundation to the eve.

#### **Screening**

Shrubs from the approved TMED list will be used to screen the parking lot from the street. Additionally, shrubs will be planted adjacent to 5<sup>th</sup> Street on the south side of the parking lot, off site, to provide a screen for the lot.

**<u>COMPREHENSIVE PLAN COMPLIANCE</u>**. 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	Compliance?
CP	Map 3.1 - Future Land Use and Character (FLUP)	No
CP	Map 5.2 - Thoroughfare Plan	Yes
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	No

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

# Future Land Use and Character Plan (FLUP) (CP Map 3.1)

The Land Use and Character Map identifies this area as the Temple Medical Education District which is designed to develop an "urban village" feel. As the use and the building orientation does not meet the TMED zoning standards nor contribute to an "urban village" feel, the development is not compatible with the Future Land Use Plan.

However, the block where this site is located currently has 20 duplexes owned by the same developer and this development would be a completion of the block. Staff would not be in support for any future requests that do not comply with the TMED standards outside of the block which this site is located.

## Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan identifies 5<sup>th</sup> Street as a Collector. This thoroughfare provides sufficient capacity to accommodate the proposed use.

## Availability of Public Facilities (CP Goal 4.1)

An 8" water line runs along 5<sup>th</sup> Street at the frontage of the property, and a 6" sewer line runs along the rear of the property. These facilities are sufficient for the proposed use.

## Temple Trails Master Plan Map and Sidewalks Ordinance

No trails currently exist or are planned on or near the site, however, 6' sidewalk would be required per TMED standards in UDC Section 6.3.11. While the developer is proposing to set aside the area needed to build the sidewalk there are no plans to construct the sidewalk. As there are no plans to construct the sidewalk, the PD is not compatible with the Trails Master Plan Map and Sidewalk Ordinance.

**<u>DEVELOPMENT REGULATIONS</u>**. The proposed development will meet all TMED T4 District standards in UDC Section 6.3 unless expressly identified in the ordinance.

**<u>PUBLIC NOTICE:</u>** 13 notices of the public hearing were sent out to property owners within 200-feet of case Z-FY-14-04 as required by state law and local ordinance. As of December 5, 2013, no notices were returned in support and or in opposition of the requested zoning change.

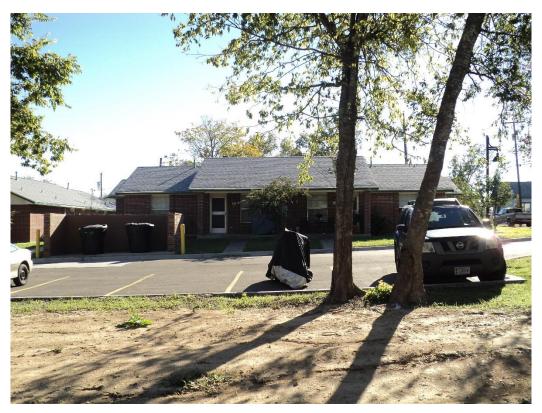
FISCAL IMPACT: Not Applicable

# ATTACHMENTS:

Surrounding Properties and Uses Zoning and Location Map Site Plan Architecture Drawings Surrounding Property Owner Notification Map Ordinance



Subject Property: Undeveloped, T4 Zoning



South: Residential Duplex; T4 Zoning



East: Residential duplex, T5-E Zoning



North: Single Family Residential, T4 Zoning

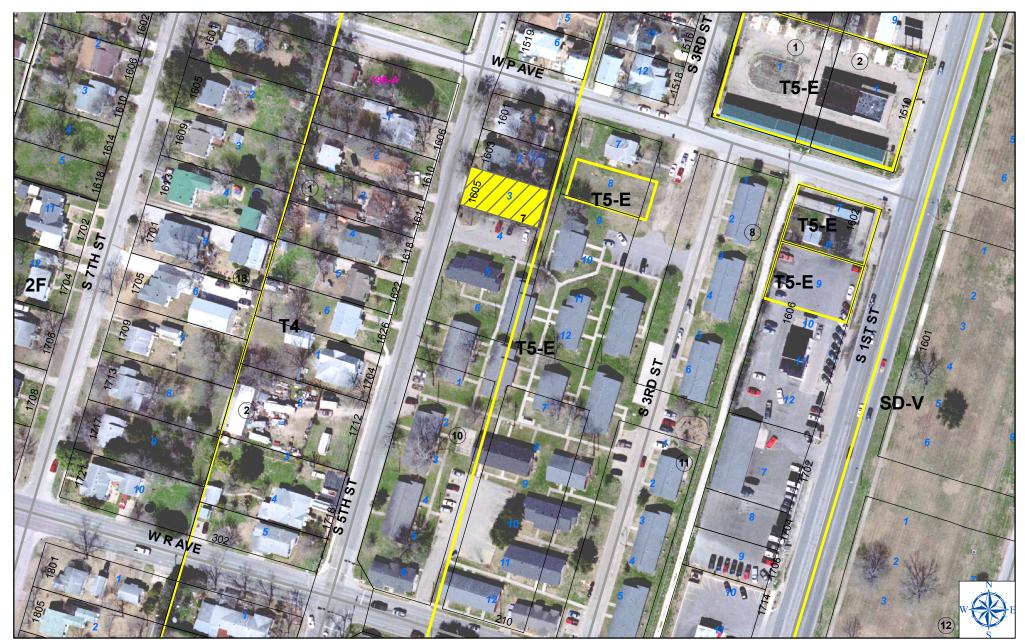


West: Single Family Residential, T4 Zoning



# Rezone from T4 to PD(T4)

# 1605 S. 5th Street



🖾 Subject Property 📩 Parcel

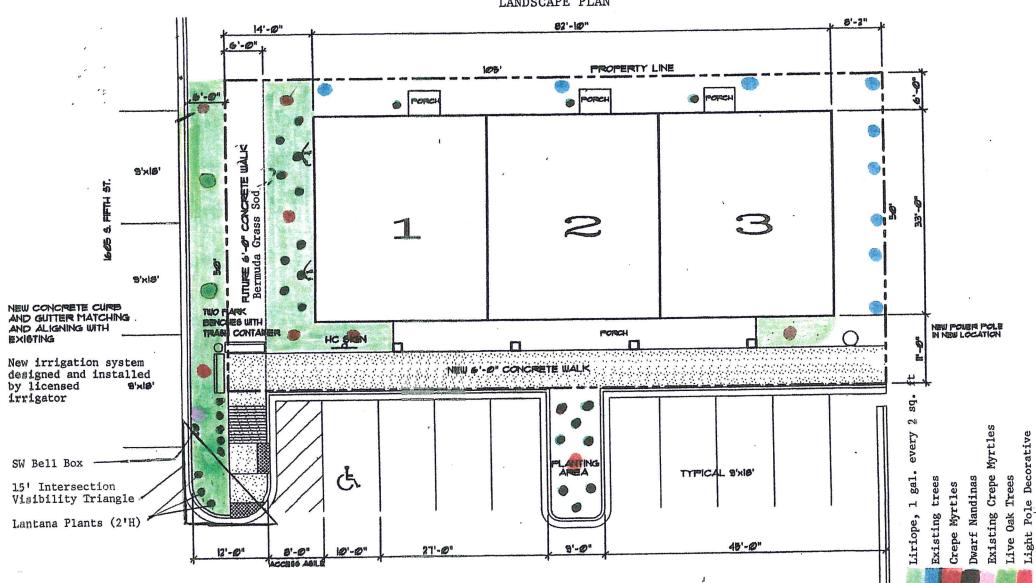
Subdivisions

Zoning

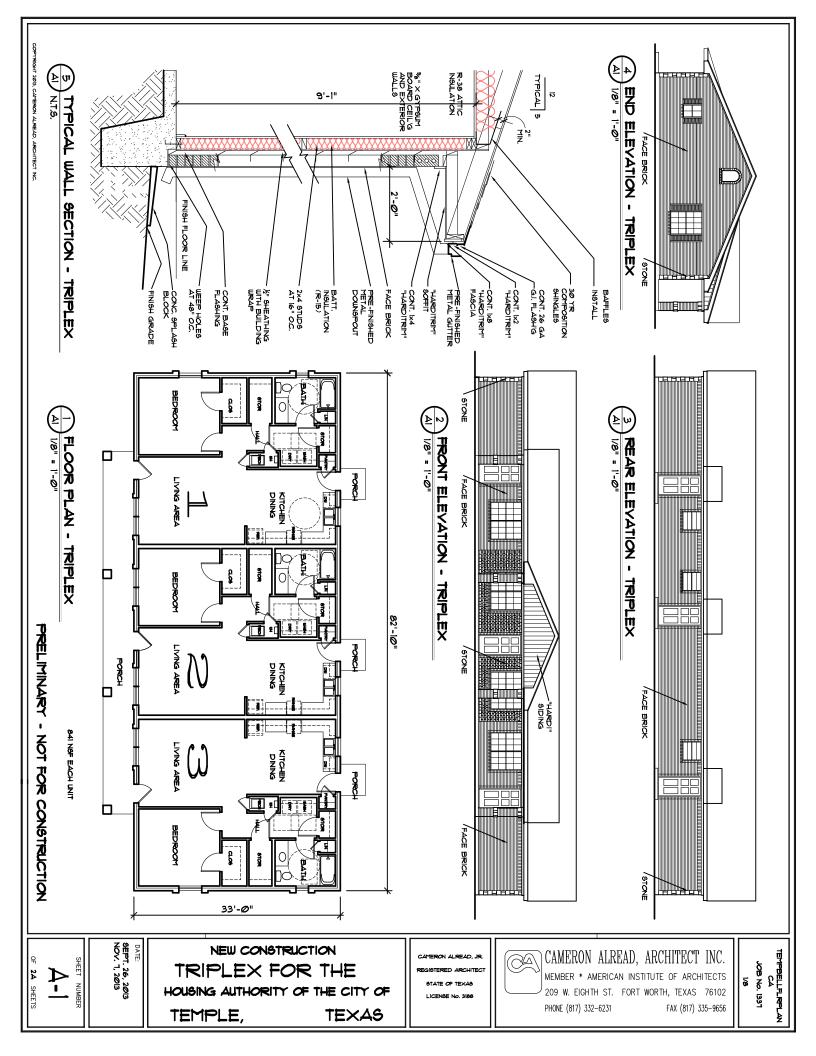
100 20 17/15/2013 Feetbity of Temple GIS

n

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.



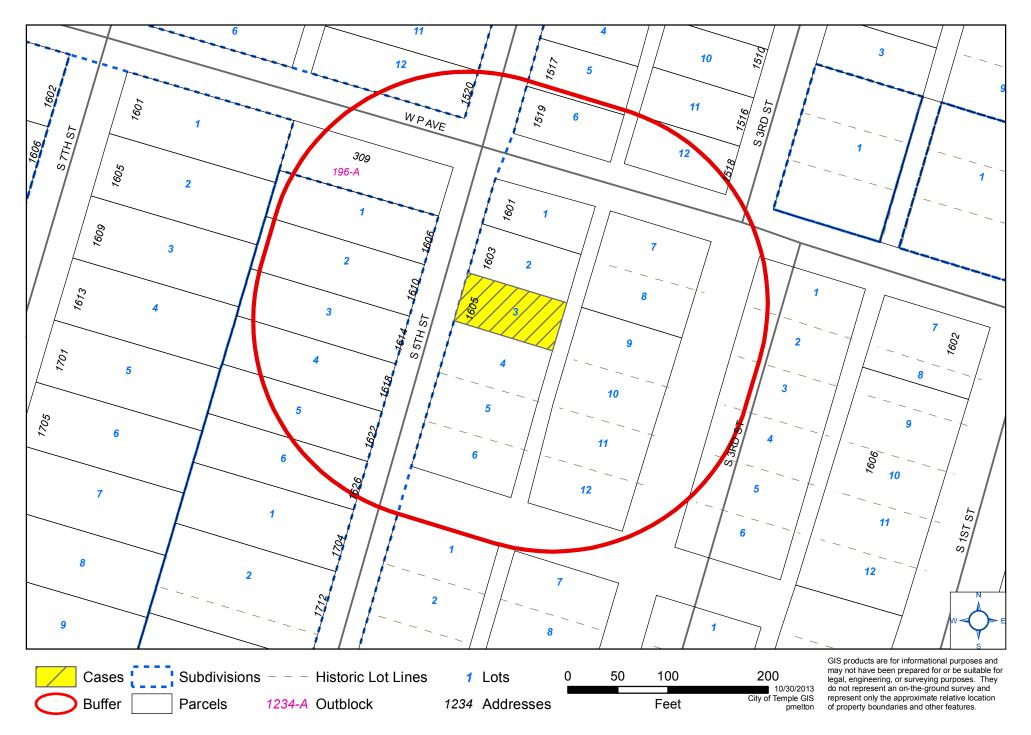
LANDSCAPE PLAN





Rezone T4 to PD (T4)

1605 S. 5th Street



## ORDINANCE NO.

# (PLANNING NO. Z-FY-14-04)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM TMED T4 DISTRICT (T4) TO PLANNED DEVELOPMENT DISTRICT (T4) ON LOT 3, BLOCK 7, EUGENIA TERRACE, ADDRESSED AS 1605 SOUTH 5<sup>TH</sup> STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>**Part 1**</u>: The City Council approves a rezoning from TMED T4 District (T4) to Planned Development District (T4) on Lot 3, Block 7, Eugenia Terrace and addressed as 1605 South 5<sup>th</sup> Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes. The Planned Development District (T4) is subject to all TMED Standards except for:

- Triplex construction is allowed
- On street parking, parking in the first layer, and alley access
- Building orientation

The Planned Development District (T4) will incorporate the following standards:

- Windows will be accented in stone or brick and windows facing the street will have shutters
- Each unit will be constructed with different façade materials and corners will be accented
- Landscaping and screening will meet the TMED standards more fully described in Exhibit B

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

<u>Part 3</u>: 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.

<u>**Part 4**</u>: 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.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **19<sup>th</sup>** day of **December**, 2013.

PASSED AND APPROVED on Second Reading on the **16<sup>th</sup>** day of **January**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



01/16/14 Item #5(K) Consent Agenda Page 1 of 2

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

Brian Chandler, Planning Director Kim Foutz, Assistant City Manager

**ITEM DESCRIPTION:** SECOND READING – A-FY-12-08: Consider adopting an ordinance authorizing an abandonment and conveyance of two existing alleys, each with a width of 20 feet and depth of 300 feet, located between the north right-of-way line of East Adams Avenue and the south right-of-way line of East Calhoun Avenue and reserving a public drainage and utility easement in the entire abandoned rights-of-way.

**<u>STAFF RECOMMENDATION</u>**: Adopt ordinance as presented in item description on second and final reading.

**ITEM SUMMARY:** First United Methodist Church owns the property on both sides of the subject alleys. The church requests the alley abandonments to facilitate safer management of vehicle and pedestrian traffic flows, and improve future maintenance and repair of the roadway. If approved, the abandoned alleyways would be used to access church parking lots, buildings, and the entire church campus.

The alleys are located between the north right-of-way line of East Adams Avenue and the south rightof-way line of East Calhoun Avenue and are more fully described below:

<u>Tract 1</u>: The alleyway situated in Block 7 of Original Town of Temple, Bell County, Texas, recorded in Volume 36, Page 640, of the real property records of Bell County, Texas; said alley being a strip of land generally 20 feet by 300 feet and running generally in a north-south direction, bounded on its south end by the north line of East Adams Avenue and on its north end by the south line of East Barton Avenue. THE EAST LINE OF said strip of land is located 110 feet west of and parallel to the west line of North 4<sup>th</sup> Street.

<u>Tract 2</u>: The alleyway situated in Block 7 of Moore's Addition, City of Temple, Bell County, Texas, a plat of record filed in Volume 114, Page 416, of the real property records of Bell County, Texas; said alley being a strip of land generally 20 feet by 300 feet and running generally in a north-south direction, bounded on its south end by the north line of East Barton Avenue and on its north end by the south line of East Calhoun Avenue. THE EAST LINE OF said strip of land is located 110 feet west of and parallel to the west line of North 4<sup>th</sup> Street. Note that the North 237.47 feet of this alleyway is contained within Lot 2, Block 1, First United Methodist Church Addition, a plat of record filed in Cabinet D, Slide 245A, of the real property records of Bell County, Texas.

#### 01/16/14 Item #5(K) Consent Agenda Page 2 of 2

Planning staff contacted all utility providers, including the Public Works Department, regarding the proposed alley abandonment. Since there are existing buried and aerial services in the alleys, the utility providers have requested the alleys be converted into unobstructed utility easements to allow full access to their service lines. There are no objections to the abandonment request as long as the requested easements are retained. Staff requests a public drainage and utility easement in the entire abandoned rights-of-way to protect existing service lines.

Staff is seeking authorization to convey the abandoned alley ways to First United Methodist Church. Pursuant to Texas Local Government Code § 253.013, the conveyance would be at no cost to the Church. The governing body of a City with a population greater than 65,000 and less than 90,000 that is located in a county in which part, but not all of a military installation is located, may donate surplus property owned by the City that is of negligible or negative value if the governing body finds the following facts to be true:

(1) The property is not improved, including by having a structure on it or by being paved;

(2) Ownership of the property does not provide any identifiable positive benefit to the City in relation to the City's current needs;

(3) Ownership of the property is not likely to provide any identifiable positive benefit to the City in relation to the City's future needs; and

(4) The cost of maintaining the property is of substantial burden to the City.

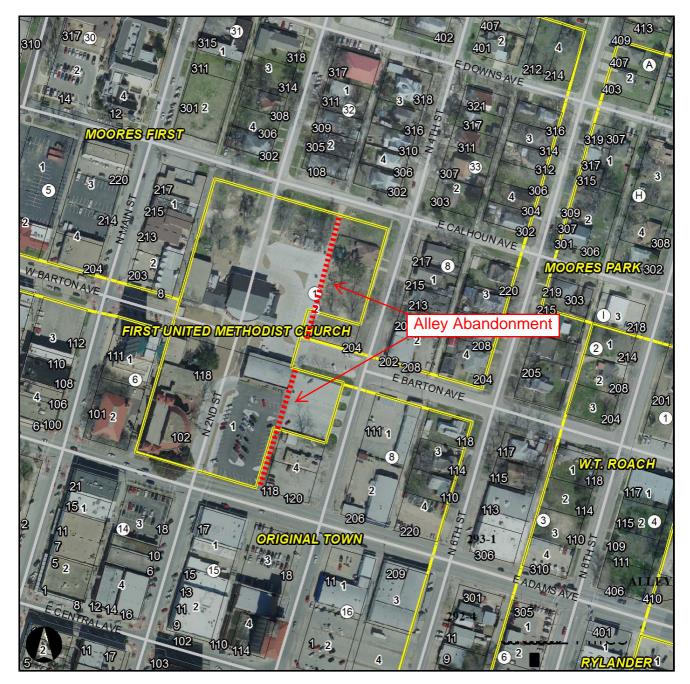
All of the above are true with regards to the property in question. With respect to item (1) above, the Public Works Department has inspected the alleys in question, and it is in such poor condition, that we believe that the alley is not suitable for use as an alley in its present condition and should be found NOT to be improved or paved at this time. The ordinance makes this specific finding to allow the conveyance under Section 253.013. Therefore, the City may donate the abandoned alley ways to the adjacent property owner. In this case the adjacent property owner is First United Methodist Church.

## FISCAL IMPACT:

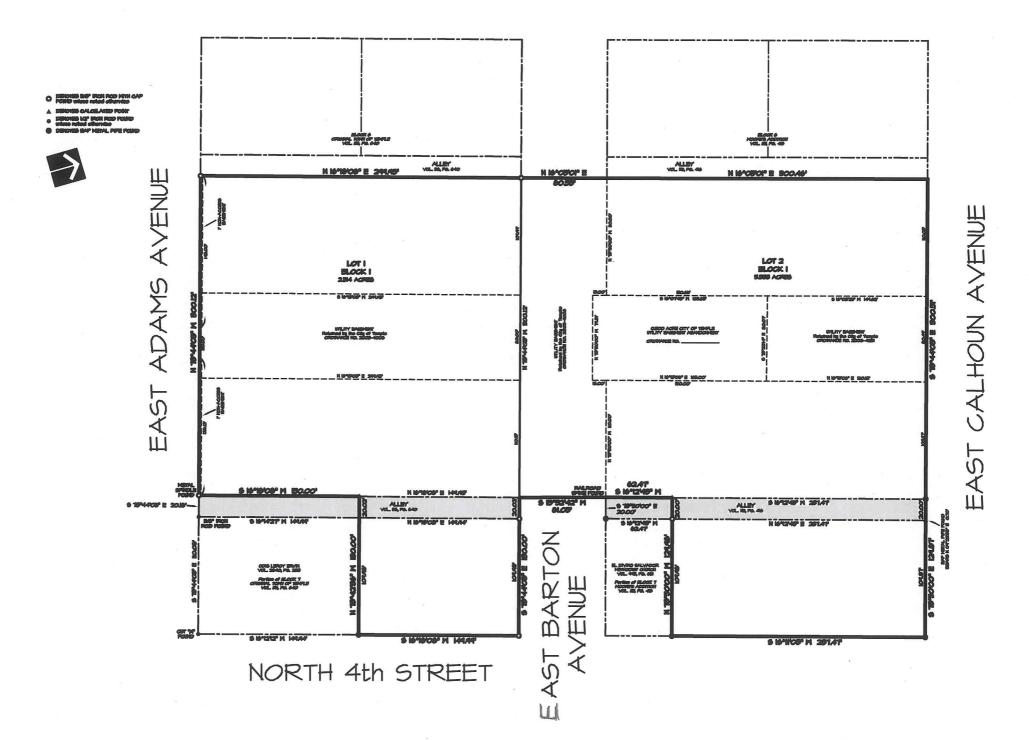
## ATTACHMENTS: Aerial

Abandonment Exhibit Ordinance

# **City of Temple**



PROPOSED ALLEY ABANDONMENT EXHIBIT



## ORDINANCE NO.

#### (A-FY-12-08)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING AND CONVEYING TWO EXISTING ALLEYS, EACH WITH A WIDTH OF 20 FEET AND A DEPTH OF 300 FEET, LOCATED BETWEEN THE NORTH RIGHT-OF-WAY LINE OF EAST ADAMS AVENUE AND THE SOUTH RIGHT-OF-WAY LINE OF EAST CALHOUN AVENUE AND RESERVING A PUBLIC DRAINAGE AND UTILITY EASEMENT IN THE ENTIRE ABANDONED RIGHTS-OF-WAY; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, the alleys in question are located between the north right-of-way line of East Adams Avenue and the south right-of-way line of East Calhoun Avenue, as outlined below:

<u>Tract 1</u>: The alleyway situated in Block 7 of Original Town of Temple, Bell County, Texas, recorded in Volume 36, Page 640, of the real property records of Bell County, Texas; said alley being a strip of land generally 20 feet by 300 feet and running generally in a north-south direction, bounded on its south end by the north line of East Adams Avenue and on its north end by the south line of East Barton Avenue. THE EAST LINE OF said strip of land is located 110 feet west of and parallel to the west line of North 4<sup>th</sup> Street.

<u>Tract 2</u>: The alleyway situated in Block 7 of Moore's Addition, City of Temple, Bell County, Texas, a plat of record filed in Volume 114, Page 416, of the real property records of Bell County, Texas; said alley being a strip of land generally 20 feet by 300 feet and running generally in a north-south direction, bounded on its south end by the north line of East Barton Avenue and on its north end by the south line of East Calhoun Avenue. THE EAST LINE OF said strip of land is located 110 feet west of and parallel to the west line of North 4<sup>th</sup> Street. Note that the North 237.47 feet of this alleyway is contained within Lot 2, Block 1, First United Methodist Church Addition, a plat of record filed in Cabinet D, Slide 245A, of the real property records of Bell County, Texas;

Whereas, staff has contacted all utility providers, including the Public Works Department, regarding the proposed alley abandonment and since there are existing buried and aerial services in the alleys, the utility providers have requested the alleys be converted into unobstructed utility easements to allow full access to their service lines;

Whereas, staff requests a public drainage and utility easement in the entire abandoned rights-of-way to protect existing service lines and request authorization to convey the abandoned alley ways to First United Methodist Church;

**Whereas**, First United Methodist Church owns the property on both sides of the subject alleys – the church requests the alley abandonments and conveyance of the abandoned alleys to the Church in order to facilitate safer management of vehicle and pedestrian traffic flows and improve future maintenance and repair of the roadway;

Whereas, pursuant to Texas Local Government Code §253.013, the conveyance would be at no cost to the Church if the Council finds that the (1) property is not improved, including having a structure on it or by being paved, (2) ownership of the property does not provide any identifiable positive benefit to the City in relation to the City's current needs, (3) ownership of the property is not likely to provide any identifiable positive benefit to the City in relation to the City's future needs; and (4) the cost of maintaining the property is of substantial burden to the city;

Whereas, with respect to item (1) above, the Public Works Department has inspected the alleys in question, and they are in such poor condition, that the alleys are not suitable for use and should not be found to be improved or paved at this time; and

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

# Now, Therefore, Be It Ordained By the City Council of the City of Temple, Texas, That:

<u>**Part 1**</u>: The City Council abandons and conveys two existing alleys, each with a width of 20 feet and a depth of 300 feet, located between the north right-of-way line of East Adams Avenue and the south right-of-way line of East Calhoun Avenue, as outlined below:

<u>Tract 1</u>: The alleyway situated in Block 7 of Original Town of Temple, Bell County, Texas, recorded in Volume 36, Page 640, of the real property records of Bell County, Texas; said alley being a strip of land generally 20 feet by 300 feet and running generally in a north-south direction, bounded on its south end by the north line of East Adams Avenue and on its north end by the south line of East Barton Avenue. THE EAST LINE OF said strip of land is located 110 feet west of and parallel to the west line of North 4<sup>th</sup> Street.

<u>Tract 2</u>: The alleyway situated in Block 7 of Moore's Addition, City of Temple, Bell County, Texas, a plat of record filed in Volume 114, Page 416, of the real property records of Bell County, Texas; said alley being a strip of land generally 20 feet by 300 feet and running generally in a north-south direction, bounded on its south end by the north line of East Barton Avenue and on its north end by the south line of East Calhoun Avenue. THE EAST LINE OF said strip of land is located 110 feet west of and parallel to the west line of North 4<sup>th</sup> Street. Note that the North 237.47 feet of this alleyway is contained within Lot 2, Block 1, First United Methodist Church Addition, a plat of record filed in Cabinet D, Slide 245A, of the real property records of Bell County, Texas. <u>Part 2</u>: The City Council reserves a public drainage and utility easement in the entire abandoned alley to protect existing water, wastewater and utility lines, and authorizes the Mayor of the City of Temple, Texas, to execute a Deed Without Warranty conveying the rights and interests of the City of Temple, Texas, to the abutting property owner, First United Methodist Church, which when done, shall be and become a binding act and deed of the City of Temple.

**Part 3:** Pursuant to Texas Local Government Code §253.013, the City Council finds that (1) the property is not improved, based on the poor condition of the pavement in the alleys, (2) ownership of the property does not provide any identifiable positive benefit to the City in relation to the City's current needs, (3) ownership of the property is not likely to provide any identifiable positive benefit to the City in relation to the City's future needs, and (4) the cost of maintaining the property is of substantial burden to the City, therefore the City Council approves the donation of the abandoned alleyways to the adjacent property owner, which is First United Methodist Church.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **19<sup>th</sup>** day of **December**, 2013.

PASSED AND APPROVED on Second Reading the **16<sup>th</sup>** day of **January**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

ATTEST:

Lacy Borgeson City Secretary Jonathan Graham City Attorney STATE OF TEXAS §

# COUNTY OF BELL §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2013, by Daniel A. Dunn, Mayor of the City of Temple, Texas.

Notary Public, State of Texas



# **CITY COUNCIL ITEM MEMORANDUM**

01/16/14 Item #5(L) Consent Agenda Page 1 of 1

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

Mark Baker, Planner

**ITEM DESCRIPTION:** A-FY-14-2: Consider adopting a resolution authorizing the release of an existing 15' public utility easement located between Lots 7 and 8, Block 1, Summerhill PUD subdivision, located at 5509 and 5515 Summerhill Lane to allow for the construction of a home.

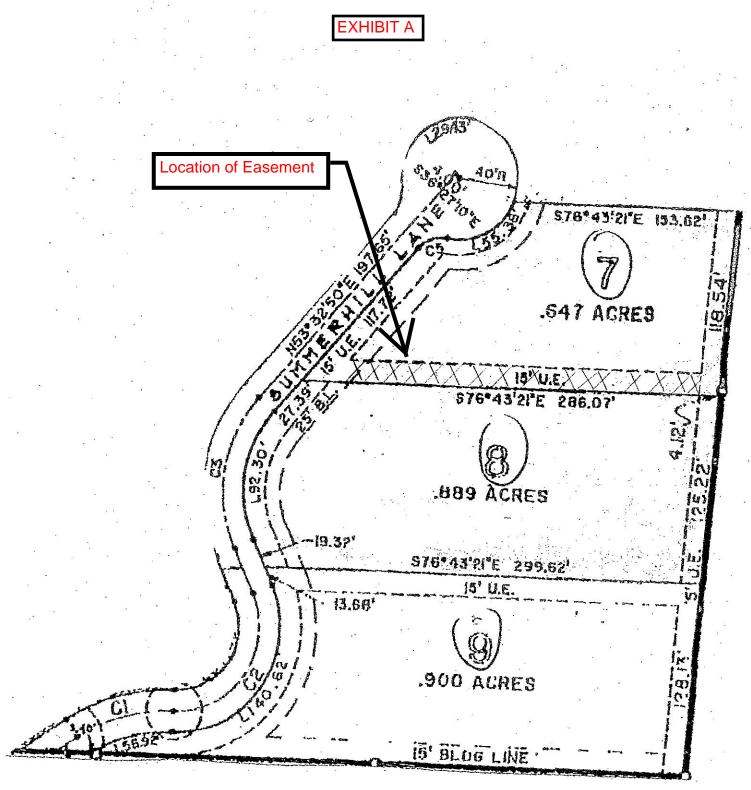
**STAFF RECOMMENDATION:** Adopt resolution as presented in item description releasing an existing 15' public utility easement being approximately 286.07' length generally located between Lots 7 & 8, Block 1, Summerhill PUD, addressed at 5509 and 5515 Summerhill Lane as further described below and depicted in the referenced attachments.

**ITEM SUMMARY:** The applicant, Grady Tyrock on behalf of the property owner Salado Wood LLC, has submitted a request for the release of an existing 15' public utility easement being between Lots 7 & 8, Summerhill PUD subdivision. The easement is being released to accommodate the placement of a proposed residence on Lots 7 & 8.

The Utility Division within the Public Works/Engineering Department concurred with abandonment and confirmed that the existing easement does not contain an active line within the boundaries of the requested abandonment.

**FISCAL IMPACT:** Staff recommends this easement be released at no cost to the underlying property owner, per Section 272.001 of the Texas Local Government Code.

ATTACHMENTS: Map of 15' easement location Resolution



a 🙂

## RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RELEASING AN EXISTING 15-FOOT PUBLIC UTILITY EASEMENT, LOCATED BETWEEN LOTS 7 AND 8, BLOCK 1, SUMMERHILL PLANNED UNIT DEVELOPMENT SUBDIVISION, LOCATED AT 5509 AND 5515 SUMMERHILL LANE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Grady Tyrock, on behalf of the property owner, Salado Wood, LLC, requests the City of Temple release an existing 15' public utility easement being approximately 286.07 feet in length and located between lots 7 & 8, Summerhill Planned Unit Development subdivision;

Whereas, the easement is being released to accommodate the placement of a proposed residence on lots 7 & 8;

Whereas, the Utility Division within the Public Works/Engineering Department concurs with abandonment and confirmed the existing sewer easement does not contain an active line within the boundaries of the requested abandonment; 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:

<u>Part 1:</u> The City of Temple, Texas, releases an existing 15' public utility easement located between lots 7 & 8, block 1, Summerhill Planned Unit Development subdivision, located at 5509 and 5515 Summerhill Lane in the City of Temple, Bell County, Texas, which is described by metes and bounds in Exhibit A to this resolution.

<u>**Part 2:**</u> 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 **16<sup>th</sup>** day of **January**, 2014.

#### THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

Jonathan Graham City Attorney

ATTEST:

Lacy Borgeson City Secretary

STATE OF TEXAS	§
COUNTY OF BELL	§

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2014, by **Daniel A. Dunn**, Mayor of the City of Temple, Texas, on behalf of the City.

Notary Public, State of Texas



01/16/14 Item #5(M) Consent Agenda Page 1 of 2

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

Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the City Manager or the Director of Finance to act on behalf of the City to review pricing offers submitted for the supply of electricity, and if in the best interest of the City, enter into a contract with the lowest responsible bidder for a period of 12 to 36 months beginning for electrical meter reads after May 2016.

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

**ITEM SUMMARY:** On November 17, 2011, Council adopted a resolution authorizing an agreement with Texas Energy Aggregation, LLC (TEA) of Waco, for consulting services related to the procurement of electricity and ongoing energy consulting services. In addition, Council authorized the City Manager or Director of Finance to act on behalf of the City to review pricing obtained by TEA and to enter into a contract for the supplying of electricity for electrical meter reads after May 2012.

As recommended by TEA, in December 2012, the City Manager executed a four year purchase agreement with Constellation for the supply of electricity for meter reads through May 2016 at a cost of \$.048402, plus Oncor delivery charges.

TEA has approached the City indicating that they believe that it may be a beneficial time to enter into a new electric procurement agreement beyond May 2016. Current pricing indicates that the City could enter into a new 24 month contract beginning for meter reads after May 2016 at a cost savings of approximately \$85,000 per year over what the City is currently paying. TEA believes that there is pricing risk in the future based on regulatory and legislative discussion with regards to reserve margins and changes being debated by the Public Utility Commission that would change electricity pricing from an energy market process to a capacity market process, which most likely would lead to price increases. Entering into a new contract now would also offer budget certainly in years beyond 2016 with regards to electricity pricing.

With guidance from TEA with respect to timing of the bidding, staff is requesting that Council authorize the bidding process to secure pricing for City procured electricity for meter reads beginning after May 31, 2016. Bids will be requested for periods ranging from as low as 12 to 36 months.

Based on the bidding results, staff is requesting that Council give the City Manager or the Director of Finance the flexibility to negotiate a price and term that is most advantageous to the City.

#### 01/16/14 Item #5(M) Consent Agenda Page 2 of 2

The rates for this commodity are typically only valid for a few hours after the bids close. Accordingly, it is necessary to obtain pre-authorization from the City Council to enter into a contract with a vendor. Per the Local Government Code 252.022(a)(15), electricity is exempt from the competitive sealed bidding rules. This is relevant based on the fact that TEA will only solicit pricing from REP's that they deem to be reputable and competitive energy providers.

**FISCAL IMPACT:** There is no FY 2014 budget impact to this agenda item. For informational purposes, the adopted FY 2014 operational budget includes the following for electric utilities:

General Fund	\$ 1,671,575
Hotel/Motel Tax Fund	127,400
Water & Wastewater Fund	<u>1,421,980</u>
Total FY 2014 Budget	<u>\$ 3,220,955</u>

#### ATTACHMENTS:

Resolution

#### RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER OR THE DIRECTOR OF FINANCE TO ACT ON BEHALF OF THE CITY TO REVIEW PRICING OFFERS SUBMITTED FOR THE SUPPLY OF ELECTRICITY, AND IF IN THE BEST INTERESTS OF THE CITY, ENTER INTO A CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER FOR A PERIOD OF 12 TO 36 MONTHS BEGINNING FOR ELECTRICAL METER READS AFTER MAY 2016; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 17, 2011 City Council adopted a resolution authorizing an agreement with Texas Energy Aggregation, LLC (TEA) of Waco, Texas for consulting services related to the procurement of electricity and ongoing energy consulting services;

Whereas, additionally, City Council authorized the City Manager or the Director of Finance to act on behalf of the City to review pricing offers obtained by TEA and to enter into a contract for the supplying of electricity for electrical meter reads after May 2012;

**Whereas**, in December, 2012, TEA recommended the City Manager execute a four-year purchase agreement with Constellation for the supply of electricity for meter reads through May 2016 at a cost of \$.048402, plus Oncor delivery charges;

Whereas, TEA has approached the City indicating that it may be a beneficial time to enter into a new electric procurement agreement beyond 2016 and that current pricing indicates the City could see a future cost savings of approximately \$85,000 per year over what the City is currently paying;

Whereas, with guidance from TEA with respect to timing of the bidding, staff is requesting that Council authorize the bidding process to secure pricing for City procured electricity for meter reads beginning after May 2016 – after bids are received, staff is requesting that Council authorize the City Manager or the Director of Finance the flexibility to negotiate a price and term that is most advantageous to the City;

**Whereas,** per Local Government Code 252.022(a)(15), electricity is exempt from the competitive sealed bidding rules; 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:

<u>Part 1:</u> The City Council authorizes the City Manager or the Director of Finance to act on behalf of the City of Temple in reviewing pricing offers submitted for the supply of electricity, and if in the best interests of the City, enter into a contract with the lowest responsible bidder for a period of 12-36 months beginning for electrical meter reads after May 2016. <u>**Part 2:**</u> 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 **16<sup>th</sup>** day of **January**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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

Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** SECOND READING – PUBLIC HEARING - Z-FY-14-08: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Single-Family Three District (SF-3) on 54.097+/- acres and from Agricultural District (AG) to Office Two District (O-2) on 2.315 ± acres, being part of the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located along the north side of Prairie View Road, east of North Pea Ridge Road.

**P&Z COMMISSION RECOMMENDATION** At its meeting on December 3, 2013, the Planning and Zoning Commission voted 6/0 to recommend approval of a zoning change from Agricultural District (AG) to Single-Family Three District (SF-3) on 54.097+/- acres and from Agricultural District (AG) to Office Two District (O-2) on 2.315 ± acres. Chair Sears and Commissioner Magaña were absent.

**<u>STAFF RECOMMENDATION</u>**: Conduct public hearing and adopt ordinance as presented in item description on second reading - public hearing and final adoption.

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

- Based on staff's direction from City Council at its November 21, 2013, workshop regarding Single Family developments in areas, such as this, with Agricultural/Rural classifications, staff anticipates future changes to the Future Land Use and Character Map for Suburban Residential uses in this area that would bring the applicant's request into compliance with anticipated development in this area;
- 2. The request complies with the Thoroughfare Plan. Although, Prairie View Road is not built to its designated minor arterial capacity and the projected Westfield Boulevard arterial is not yet built, both roads are in the design phase for improvements;
- 3. Public facilities are partially available to the subject property. City utility maps do not show sewer lines near the subject property, but sewer service will be included with the future Westfield Boulevard extension.

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

 Based on staff's direction from City Council at its November 21, 2013 workshop regarding Single Family developments in areas, such as this, with Agricultural/Rural classifications, staff anticipates future changes to the Future Land Use and Character Map for Suburban Commercial uses in this area along arterials and at intersections with other arterials in the area that would bring the applicant's request into compliance with anticipated development in this area;

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- 2. The request complies with the Thoroughfare Plan;
- 3. Public facilities are partially available to the subject property; and
- 4. Infrastructure improvements are planned for this area.

**ITEM SUMMARY:** The applicant requests a zoning change from Agricultural District (AG) to Single-Family Three District (SF-3) on 54.097+/- acres and from Agricultural District (AG) to Office Two District (O-2) on 2.315 ± acres.

The subject property is located on the north side of Prairie View Road, east of North Pea Ridge Road. Prairie View Road is currently in the preliminary design phase for future improvements to upgrade it to its recommended minor arterial classification, per the City's Thoroughfare Plan. Those improvements are estimated for 2015/2016. The location of the applicant's proposed O-2 District coincides with the future extension of the minor arterial, Westfield Boulevard. Construction is currently in progress across the street on the south side of Prairie View Road for a future Belton ISD middle school.

The City of Temple Comprehensive Plan recommends a classification of **Agricultural/Rural** for the subject property. It is intended for those areas within the City limits that do not yet have adequate public facilities and services and may, therefore have on-site utilities. This classification is meant to protect areas in active farm and /or ranch use. According to **Chapter 4, Growth Management & Capacity** of the Comprehensive Plan, a much larger minimum lot size is recommended than the City's current one-acre minimum to manage premature growth in such areas and maintain the rural character. Residential development at very low intensities is permitted if it is clustered, with significant open space preservation.

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.

Due to densities associated with SF-3 developments, the applicant's requested SF-3 District does not comply with the property's Agricultural/Rural classification. <u>The Urban Estates</u> <u>District is most suitable for the property's Agricultural/Rural classification</u>. The Urban Estates District is more ideal for low density residential developments without sewer and is compatible with the adjacent rural/residential properties. The applicant's requested SF-3 District and O-2 District do not comply with the property's Agricultural/Rural land use classification, but anticipated changes will allow Suburban Residential uses and Suburban Commercial uses in the subject area.

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 for **Single Family Three (SF-3)** 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'

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.

**SURROUNDING PROPERTY AND USES:** The following table provides the direction from the property, Future Land Use Plan (FLUP) designation, existing zoning and current land uses:

<b>Direction</b>	<u>FLUP</u>	<u>Zoning</u>	Current Land Use
Site	Agricultural/Rural	AG	Agricultural /Undeveloped Land
North	Agricultural/Rural	AG	Agricultural /Undeveloped Land
South	Suburban Residential	AG	Agricultural/Rural Residential/BISD
East	Agricultural/Rural	AG	Agricultural/Rural Residential
West	Agricultural/Rural	AG	Agricultural/Undeveloped Land

**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
СР	Map 3.1 - Future Land Use and Character (FLUP)	Agricultural/Rural. The applicant's requested SF-3 District is more characteristic of urban densities, and <u>does not comply</u> with the low- density characteristics of Agricultural/Rural. The applicant's requested <u>O-2 District</u> <u>does not</u>	No
СР	Map 5.2 - Thoroughfare Plan	<b>comply</b> with the Agricultural/Rural classification. Prairie View Road is identified as a proposed Minor Arterial, but is not built to its capacity yet. Proposed improvements for Prairie View Road are in the preliminary design phase, with final design phase estimated in September, and improvements anticipated in 2015. Westfield Boulevard, a designated Minor Arterial, is projected to bisect the applicant's property along the edge of the applicant's requested O-2 District. Necessary thoroughfare upgrades to support the applicant's requested development densities are not currently in place.	Partially
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	<ul><li>A 12-inch water line runs along the north right-of- way of Prairie View Road.</li><li>The City utility map does not show existing sewer lines in the vicinity.</li></ul>	Partially

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance
STP	Temple Trails Master Plan Map & sidewalks	The Temple Trails Master Plan reflects a proposed Local Connector Trail along the north right-of-way of Prairie View Road. Per UDC section 8.2.3, sidewalks are required on both sides of arterials and one side of collector streets. Sidewalks are required to be installed at the time of development. A 6-foot wide sidewalk is required along both sides of arterials, such as Prairie View Road.	No. Sidewalks do not exist at this time in this area.
	CP = Compr	rehensive Plan STP = Sidewalk and Trails Plan	

**PUBLIC NOTICE:** Nine 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 10, 2013, three 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 November 20, 2013, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS: Surrounding Property Pictures Zoning and Location Map Future Land Use and Character Map Notification Map Response Letters Ordinance

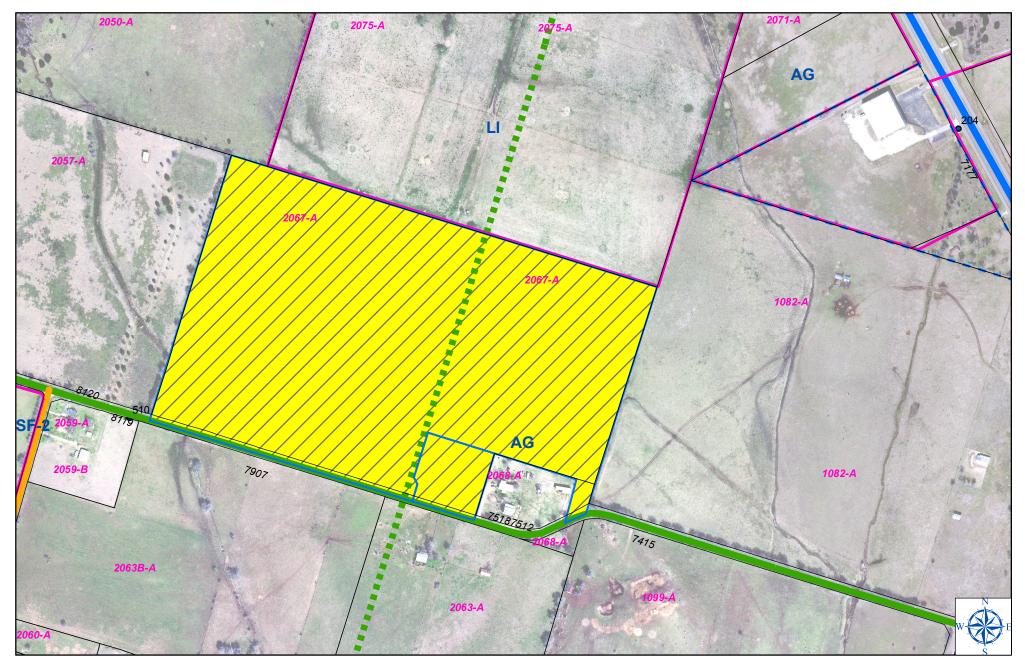
**SURROUNDING PROPERTY AND USES:** The following table shows the subject property, existing zoning and current land uses:

Direction	Zonina	Current Land Use	Photo
Subject Property	AG	Agricultural / Undeveloped Land	
East	AG	Agricultural / Rural Residential	Prairie View Rd.
West	AG	Agricultural / Undeveloped Land	<text></text>

### Page 2 of 3

		<b>Current Land</b>	
Direction	Zoning	Use	Photo
South	AG	Agricultural Land/ Rural Residential/ BISD	<image/>
North	LI and AG	Agricultural Land/ Undeveloped Land	







Zoning

Subdivision

120utblock Number

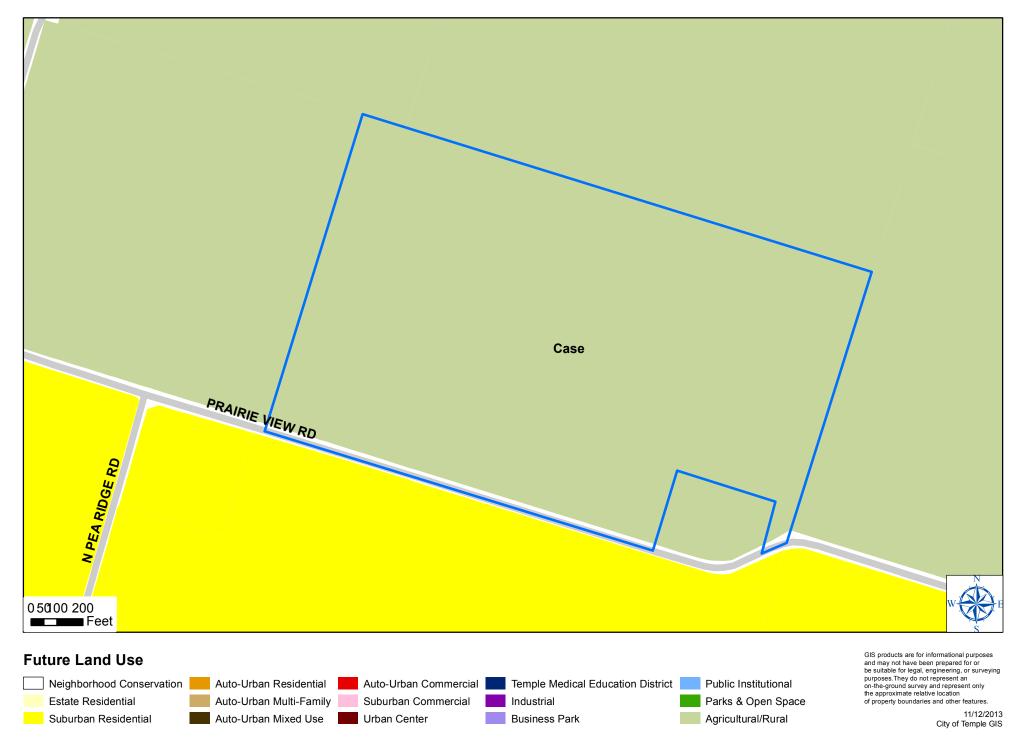
Block Number

Lot Number

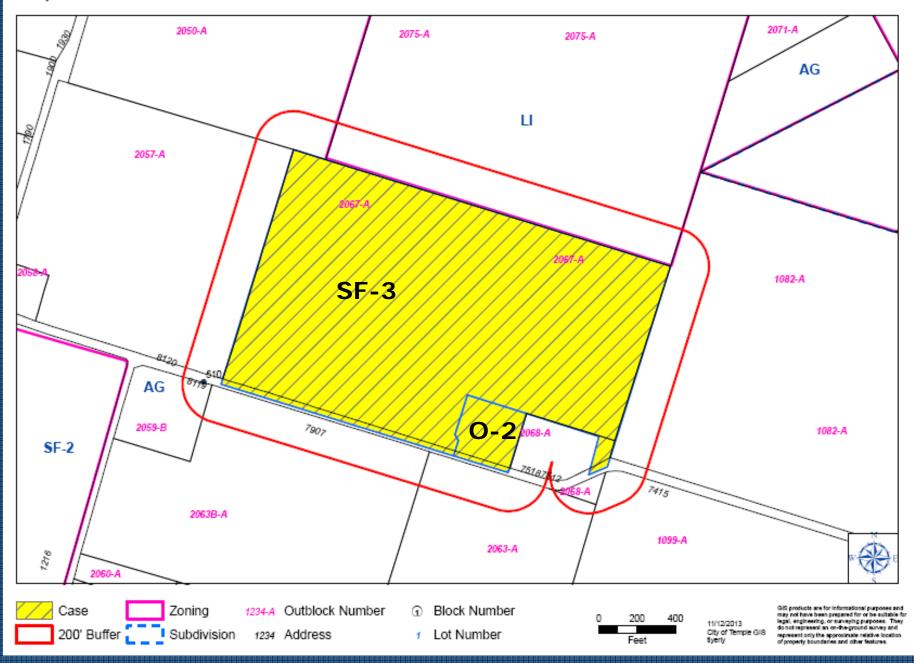


GIS products are for informational purposes and may not have been prepared for or be suitable for l1/26/2013 [egal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

# **Z-FY-14-08** AG to Single Family-Three (SF-3) & Office-Two (O-2) Prairie View Road



## Z-FY-14-08 AG to Single Family-3 (SF-3) & Office Two (O-2) Prairie View Road





## RESPONSE TO PROPOSED ZONE CHANGE REQUEST CITY OF TEMPLE

Kiella Land Investments Ltd P.O. Box 1344 Temple, Texas 76503-1344

Zoning Application Number: <u>Z-FY-14-08</u>

Project Manager: <u>Tammy Lyerly</u>

## Zone Change Request: Agricultural District (AG) to Single-Family Three District (SF3) and from Agricultural District (AG) to Office Two District (O2)

Location: On the north side of Prairie View Road east of North Pea Ridge Road

The proposed rezoning 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 <u>possible</u> 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:

Sad Setting	
t	
Signature	Print Name
	s comment form to the address shown below, no later than
<u>December 3, 2013</u>	
	City of Temple
	Planning Department
	Room 102
	Municipal Building
	Temple, Texas 76501



## **RESPONSE TO PROPOSED ZONE CHANGE REQUEST** CITY OF TEMPLE

Hugh D. Shine P.O. Box 793 Temple, Texas 76503-793

#### Zoning Application Number: <u>Z-FY-14-08</u> Project Manager: <u>Tammy Lyerly</u>

### Zone Change Request: Agricultural District (AG) to Single-Family Three District (SF3) and from Agricultural District (AG) to Office Two District (O2)

Location: On the north side of Prairie View Road east of North Pea Ridge Road

The proposed rezoning 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 (V) approval () denial of this request.

Comments:

Signature

HUGH D. SHINE

Please mail or hand-deliver this comment form to the address shown below, no later than **December 3. 2013** 

**City of Temple** Planning Department **Room 102** Municipal Building Temple, Texas 76501

City of Temple Planning & Development



## **RESPONSE TO PROPOSED ZONE CHANGE REQUEST CITY OF TEMPLE**

RECEIVED

**Belton Independent School District** P.O. Box 269 Belton, Texas 76513-269

NOV 2 1 2013

Zoning Application Number: Z-FY-14-08

Project Manager: Tammy Lyerly

Zone Change Request: Agricultural District (AG) to Single-Family Three District (SF3) and from Agricultural District (AG) to Office Two District (O2)

Location: On the north side of Prairie View Road east of North Pea Ridge Road

The proposed rezoning 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 (Vapproval ()) denial of this request.

Comments:

incanno

Signature

Please mail or hand-deliver this comment form to the address shown below, no later than December 3, 2013 RECEIVED

City of Temple **Planning Department Room 102** Municipal Building Temple, Texas 76501

City of Temple Planning & Development

DEC 0 2 2013

#### ORDINANCE NO.

#### (PLANNING NO. Z-FY-14-08)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (AG) TO SINGLE FAMILY THREE DISTRICT (SF-3), ON APPROXIMATELY 54.097 ACRES, AND FROM AGRICULTURAL DISTRICT (AG) TO OFFICE TWO DISTRICT (O-2) ON APPROXIMATELY 2.315 ACRES, BEING PART OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO 17, BELL COUNTY, TEXAS, LOCATED ALONG THE NORTH SIDE OF PRAIRIE VIEW ROAD, EAST OF NORTH PEA RIDGE ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1**: The City Council approves a rezoning from Agricultural District (AG) to Single Family Two District (SF-2) on approximately 54.097 acres, and from Agricultural District (AG) to Office Two District (O-2) on approximately 2.315 acres, being part of the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located along the north side of Prairie View Road, east of North Pea Ridge Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

<u>Part 3</u>: 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.

<u>**Part 4**</u>: 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.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **19<sup>th</sup>** day of **December**, 2013.

PASSED AND APPROVED on Second Reading on the 16<sup>th</sup> day of January, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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

Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING -Z-FY-13-36: Consider adopting an ordinance authorizing amendment to Ordinance 2010-4413, Temple Unified Development Code, Article 3 to amend notification requirements; Article 4 to amend dimensional standards; Article 5 to add industrial uses; Article 6 to amend TMED landscaping requirements; Article 6 to amend I-35 Overlay window requirements; Article 6 to amend the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay District; and Article 7 to amend off street parking requirements.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its December 3, 2013 meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of the proposed amendments to the UDC.

**<u>STAFF RECOMMENDATION</u>**: Conduct a public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for February 6, 2014.

Staff recommends approval of the proposed amendments for the following reasons:

- To conform to state law;
- To correct errors in the code; and,
- For clarification of the Unified Development Code.

**ITEM SUMMARY:** Staff has prepared the following text amendments to provide conformance to State Law, and for correction, clarification, and improvement to certain sections of the Unified Development Code.

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

- Amend mailed notice requirements for public hearing notification of Zoning District Map Amendment to conform to H.B. 674;
- Correct the Nonresidential Dimensional Standards to reduce the maximum height of Office-1 uses, from an erroneously permitted 45 stories when the UDC was adopted, to 3 stories;
- Reorganize industrial uses and add industrial uses to the Use Table (TEDC approved);
- Clarify and provide more options for TMED landscape street yard planting strip requirements to include shrubs and add additional groundcover;
- Amend I-35 Overlay window requirement to exclude the rear of the building;
- Add missing section of the 1<sup>st</sup> and 3<sup>rd</sup> Overlay District;
- Clarify off-street parking requirements within 150-feet of a new structure and removes the requirement from Article 11 and places it in Article 7;

**ARTICLE 3: ZONING DISTRICT MAP AMENDMENT (ATTACHMENT 1):** The proposed amendment addresses compliance with Texas H.B. 674. This amendment requires a mailed notice to be sent to each school district located in the property of the proposed zoning change that affects residential or multifamily zoning.

**ARTICLE 4: ZONING DISTRICTS (ATTACHMENT 2):** The proposed amendment addresses the maximum height of nonresidential buildings in Office-1 zoning. This amendment reduces the maximum height of buildings from 45 stories to 3 stories.

<u>ARTICLE 5: USE STANDARDS (ATTACHMENT 3):</u> The proposed amendment adds Light Manufacturing and Distribution Center to the use table. Additionally, it removes specific uses and reclassifies them under Light Manufacturing. The amendment also reorganizes currently listed industrial uses and places them under the industrial heading. A definition for Light Manufacturing is added to Article 11.2 Defined Terms of the UDC.

**ARTICLE 6: TMED, TEMPLE MEDICAL AND EDUCATIONAL (ATTACHMENT 4):** The proposed amendment clarifies and adds options for landscape requirements for the street yard planting strip. The amendment would allow Dwarf Yaupon Holly, Red Yucca, and Mexican Feather Grass as allowed shrubs for public frontage types A, B, C, and D, and Purple Wintercreeper is added as an additional acceptable groundcover in the Approved Groundcover List. Amendment allows for River Rock to be used for landscaping and provides mulch requirements.

<u>ARTICLE 6:</u> INTERSTATE 35 CORRIDOR OVERLAY (ATTACHMENT 5): The proposed amendment removes the requirement for the rear side of a building to have window coverage of a minimum of 40 percent and a maximum of 80 percent. All other elevations would still be required to have a minimum of 40 percent and up to a maximum of 80 percent of windows. This amendment is only applicable to the Freeway Retail/Commercial Sub-District and City Entry Sub-District as the Civic Sub-District and Industrial Sub District did not have this requirement.

**ARTICLE 6:** 1<sup>ST</sup> **AND** 3<sup>RD</sup> **OVERLAY DISTRICT (ATTACHMENT 6):** The proposed amendment adds tracts that abut or adjoin 3<sup>rd</sup> street from the intersection of Houston Avenue to the intersection of Adams Avenue. Also extends and adopts the same standards of Public Frontage Type A from Adams Avenue to Houston Avenue to the added tracts. This section was left out of the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay intentionally to apply different standards to the section at a later date. However, after further reviewing the section staff found that Public Frontage Type A would be suitable for the section from Adams Avenue to Houston Avenue. The section from Avenue B to Adams Avenue has been left out of the overlay and will be assigned an additional Public Frontage Type at a later date.

**ARTICLE 7: OFF-STREET PARKING AND LOADING (ATTACHMENT 7):** The proposed amendment clarifies off-street parking requirements within 150 feet of a new building or structure. The amendment also moves this requirement from Article 11.2 Defined Terms back to Article 7 General Development Standards where it was erroneously deleted with the adoption of the UDC.

All of the proposed amendments were reviewed by stakeholders.

**<u>PUBLIC NOTICE</u>**: The newspaper printed notice of the Planning and Zoning Commission public hearing on November 20, 2013, in accordance with state law and local ordinance.

#### FISCAL IMPACT: NA

#### ATTACHMENTS:

Attachment 1: Article 3 Zoning District Map Amendment (Rezoning) Attachment 2: Article 4 Nonresidential Building Height Attachment 3: Article 5 Use Standards Attachment 3: Article 6 TMED Attachment 4: Article 6 I-35 Attachment 4: Article 6 1<sup>st</sup> and 3<sup>rd</sup> Overlay Attachment 5: Article 7 Off-Street Parking and Loading PZ Excerpts Ordinances

#### **Zoning Change School Notification**

#### 1.1.1 Public Notice and Public Hearing

#### A. Planning and Zoning Commission

#### 1. Mailed Notice

A proposed Zoning District Map Amendment requires notice of the public hearing of the Planning and Zoning Commission by mail to all owners of real property lying within 200 feet of the property on which the change is requested. Such notice must be mailed before the 10th day before the date of the public hearing.

#### 2. School District Notice

A proposed Zoning District Map Amendment affecting residential or multifamily zoning requires notice of the public hearing of the Planning and Zoning Commission by mail to each school district in which the property for which the change in classification is proposed is located. The notice must be mailed before the 10th day before the date of the public hearing.

#### 2.3. Published Notice

A proposed Zoning District Map Amendment requires notice of the public hearing of the Planning and Zoning Commission by publication in a newspaper of general circulation in the City. Such notice must state the time and place of such hearing and the nature of the subject to be considered. The notice must be published before the 10th day before the date of the public hearing. Formatted: Heading 5

## Sec. 4.6. Nonresidential Dimensional Standards

Unless otherwise specified in Sec. 4.4 nonresidential uses must be developed in accordance with the tables below.

Type of Use	AG	UE	SF-I	SF-2	SF-3	SFA-I	SFA-2	SFA-3	Ŧ	2F	MF-I	MF-2	MF-3	- ċ	0-2	SN	GR	CA	U		Ŧ
Min. Lot Area (sq. ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Min. Lot Width (ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Min. Lot Depth (ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Min. Front Yard Setback(ft.)	50	50	25	25	15	25	15	15	15	25	25	25	25	25	25*	15	15		See 4.4.4	1F.I.d*	
Min. Side Yard Setback(ft.)	20	20	20	20	20	20	20	20	20	20	20	20	20	5	5*	10	10	0*	0*	0*	0*
Min. Side (Corner)Yard Setback(ft.)	15	15	15	15	15	15	15	15	15	15	15	15	15	15	10*	10	10	0*	10	10	10
Min. Rear Yard Setback(ft.)	10	10	10	10	10	10	10	10	10	10	10	10	10	0*	0*	0*	0*	0*	0*	0*	0*
Max. Building Coverage (%)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Max. Height (stories)	3	3	2	2 1⁄2	2 1/2	2 1/2	2 1⁄2	2 1/2	2 1⁄2	2 1⁄2	3	4	10	<u>3</u> 45	ALH	2 1⁄2	3	ALH	ALH	ALH	ALH

ALH = Any Legal Height not prohibited by other laws -- = Use not permitted NA = Use permitted but standard does not apply \* = See Sec. 4.4, Measurements and Special Case

F = F	ermit Ib		-	-					-	gnr s lition	-				10115							
Specific Use	AG		1	SF-2		1			H		MF-1				0-2	NS	GR	U	CA	5	H	Standards
		1	T		F	RESID	ENT	IAL U	JSES													
Boarding or rooming house												Ρ	Ρ		Ρ		Ρ	Ρ	Ρ	Ρ		
Convent or monastery	С	С															Ρ	Ρ	Ρ	Ρ		
Family or Group Home	L	L	L	L	L	L	L	L	L	L	L	L	L	С	С	С	С	С	С	С		5.3.1
Fraternity or sorority	С	С									С	С	С	Р	Ρ		Ρ	Ρ	Ρ	Ρ		
Home for the aged	С	С									С	Ρ	Ρ	С	Ρ		Ρ	Ρ	Ρ	Ρ		
Industrialized housing	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Р	Ρ	Ρ	Ρ	Ρ	Ρ			
HUD-Code manufactured home land lease community	С																					5.3.2
HUD-Code manufactured home subdivision	L																					5.3.2
Multiple-family dwelling (apartment)											L	L	L		L				L			5.3.3
Patio home						L		L	L													5.3.4
Recreational Vehicle Park	С																О			С		
Single-family attached dwelling						Ρ	Ρ	L	Ρ	Р	Ρ	Р		Р	Ρ	Р	Ρ	Ρ	Ρ			5.3.5
Single-family detached dwelling	Ρ	Р	Р	Р	Р	Р	Р	Р	Ρ	Р	Р	Р		Р	Р	Р	Р	Р	Р			
Townhouse								L	L		L	L		L	L	L	L	L	L			5.3.6
Triplex										С	Ρ	Ρ			Ρ				Ρ			
Two-family dwelling (duplex)										Р	Ρ	Ρ		Р	Ρ		Ρ	Ρ	Ρ			
Zero lot line dwelling						Р	L	Ρ	Ρ	Р	Ρ	Ρ										5.3.7
	_		1		NO	NRE	SIDE	NTIA	LUS	ES												
AGRICULTURAL USES																						
Animal shelter (public or private)	С																	С		Ρ	Ρ	
Farm, ranch, orchard or garden	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Greenhouse or nursery (wholesale)	Ρ																	Ρ	Ρ	Ρ	Ρ	
Hatchery, fish or shrimp or fish farm	С																	С		С	С	
Hatchery, poultry	С																	Ρ		Ρ	Ρ	
Kennel without veterinary hospital	С																С	Ρ		Ρ	Ρ	
Livestock auction	С																	С		С	Ρ	

	[b		-	I] = P					-	-	-											
Specific Use	AG		SF-1			1					7				0-2	NS	GR	U	CA	5	H	Standards
COMMERCIAL USES																						
Bakery or confectionary (wholesale)																		Ρ	Ρ	Ρ	Ρ	
Bottling works																		₽	₽	₽	₽	
Building material sales																		Ρ	Ρ	Р	Ρ	
Cabinet shop																		Ρ	Ρ	Р	Ρ	
Cleaning, dyeing or laundry plant																		Ρ	Ρ	Р	Ρ	
Clothing or similar light manufacturing																		₽	₽	P	₽	
Contractor storage or equipment yard																		Ρ	Ρ	Р	Ρ	
Flea market (indoors)																	Р	Ρ	Ρ	Р	Ρ	
Flea Market (outdoors)																			Ρ	Р	Ρ	
Heavy machinery sales, storage and repair																		Ρ		Р	Ρ	
Laboratory manufacturing																		₽	₽	₽	₽	
Lithographic or print shop																	Р	Р	Р	Р	Р	
Maintenance and repair service for building																		Ρ	Ρ	Р	Ρ	
Milk depot, dairy or ice cream plant																		₽		₽	₽	
Mini-storage warehouse																		L		L	L	5.3.8
Open storage of furniture, appliances or machinery																		Ρ		Ρ	Ρ	
Paint shop																		Ρ	Ρ	Р	Ρ	
Plumbing shop																	Ρ	Ρ	Ρ	Р	Ρ	
Storage warehouse																		₽	₽	₽	₽	
Upholstery shop																	Р	Р	Р	Р	Р	
Welding or machine shop																		Ρ	Ρ	Р	Ρ	
Wholesale storage and sales																		₽	₽	₽	₽	
EDUCATION AND INSTITUTIONAL USES																						
Art gallery or museum														Р	Р	Р	Р	Ρ	Ρ	Р	Ρ	
Cemetery, crematorium or mausoleum	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	

			-	-			d (		-	-	-											
Specific Use	AG		SF-1	SF-2	SF-3	1					MF-1	MF-2	MF-3	0-1	0-2	NS	GR	U	CA	=	Н	Standards
Child care: family home	1	1	1	L	1	L	I	I	1	L	L	I	L	L	I	1	1	1	1			5.3.9
Child care: group day care home	С	C	C	C	C	C	C	C	C	C	С	С	С	L	L	L	L	I	1	1	I	5.3.9
Child care: day care center	C	C					<u> </u>	0	Ŭ	0	0	0	0	-	I	1	I	I	1	1		5.3.10
College, university or seminary	C	C	С	С	С	С	С	С	С	С	С	С	С	С	С	-	Р	P	P	P	-	
Community center	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	С	C	C	C	C	С	
Correctional facility		Ŭ	Ŭ	Ŭ	Ŭ	Ŭ	Ŭ	0	Ŭ	0	0	0	0	0	Ŭ		Ŭ	Ŭ	Ŭ	C	C	
Emergency Shelter																	С	С		C	0	
Fairgrounds or exhibition area	С	С									С	С	С	Р	Р		P	P	Р	P		
Fraternal organization lodge or union hall	C	C									•	C	C	P	P		P	P	P	P	Р	
Halfway house											С	C	C	C	C	С	C	C	Ċ	C		
Hospital	С										•	•	•	•	P		P	P	P	P		
Military reserve, national guard center																		P		P	Р	
Place of Worship	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	P	Р	P	P	
Pre-school	С	С	С	С	С	С	С	С	С	С	С	С	С	Р	Р	Р	Р	Р	Р	L	L	5.3.11
School, business														Ρ	Ρ	Ρ	Ρ	Ρ	Р	Ρ	Ρ	
School, commercial trade																		Р	Ρ	Ρ	Ρ	
School, elementary or secondary (public	_	_	_	_	_	_	_	-	_	-	-	-			_	_	_	_	_	_		
or private)	Ρ	Р	Р	Р	Р	Р	Р	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Р	Ρ	Ρ	Ρ	Ρ		
Social Service Shelter	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	
Substance Abuse Treatment Facility														С	С		С	С	С	С		
Transitional shelter																	С	С		С		5.3.12
INDUSTRIAL USES																						
Animal feedlot	С																				С	
Asphalt or concrete batching plant (permanent)																				С	Ρ	
Asphalt or concrete batching plant (temporary)	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	Ρ	Ρ	
Brick kiln or tile plant																					С	
Cement or hydrated lime plant																					С	

1-10			-	-			d (		-	-	-				••							
Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	0-1	0-2	NS	GR	U	CA	5	Ŧ	Standards
Compost operations																				С	С	5.3.13
Distribution Center																				Р	Р	
Laboratory Manufacturing																		Ρ		Р	Р	
Laboratory Medical, dental, scientific or research	<u>c</u>													<u>c</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Landfill																				С	С	
Light Manufacturing																				<u>P</u>	<u>P</u>	
Industrial uses other than listed																					С	
Recycling collection location	С																L	L		L	L	5.3.14
Recycling operation inside a building																				С	L	5.3.14
Recycling operation outside a building																					L	5.3.14
Slaughterhouse or meat packing plant																				С	С	
Smelter, refinery or chemical plant																					С	
<u>Storage Warehouse</u>																		<u>P</u>		<u>P</u>	<u>P</u>	
Wholesale Storage and Sales																		<u>P</u>		<u>P</u>	<u>P</u>	
Wrecking <u>or Salvage</u> yard																				С	С	<u>5.3.24</u>
NATURAL RESOURCE STORAGE AND EXTRACTION USES																						
Caliche pit and caliche storage	С																	С		С	Ρ	
Mining and storage of mining waste	С																			С	С	
Petroleum or gas well	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	
Petroleum storage and collection facilities	С																	С		С	Ρ	
Sand or gravel extraction or storage	С																	С		С	Ρ	
Top soil, earth, clay or stone extraction or storage	С																	С		С	Ρ	
OFFICE USES																						
Office														Ρ	Ρ	Р	Р	Ρ	Ρ	Р	Ρ	
Warehouse office																	С	Р	Р	Р	Р	
OVERNIGHT ACCOMMODATIONS																						

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Specific Use	AG		1			1					5		MF-3		0-2	NS	GR	U	CA	5	Ŧ	Standards
Hotel or motel												Р	Р		Ρ		Ρ	Р	Р	Р		
Recreational vehicle park	С																С			С		
<b>RECREATIONAL &amp; ENTERTAINMENT USES</b>																						
Alcoholic beverage sales for on-premise consumption:																						
a) beer and wine only less than 75% revenue from alcohol																С	Ρ	Ρ	Ρ	Ρ	Ρ	5.3.15
b) all alcoholic beverages 75% or more revenue from alcohol															С		С	С	С	С	С	5.3.15
c) all alcoholic beverages >50% & <75% revenue from alcohol															С	С	С	С	С	С	С	5.3.15
d) all alcoholic beverages 50% or less revenue from alcohol															С	С	С	С	Ρ	С	С	5.3.15
Amusement, commercial (indoor)																	Ρ	Ρ	Р	Ρ	Ρ	
Amusement, commercial (outdoor)	С																	Ρ	Ρ	Ρ	Ρ	
Carnival or circus (temporary)	Р																Р	Ρ	Ρ	Р	Ρ	
Country club	С														Ρ		Ρ	Ρ	Ρ	Ρ	Ρ	
Dance hall																	С	Ρ	Ρ	Ρ	Ρ	
Day camp for children	Р	Ρ												С	С		С	С		С		
Drag strip or commercial racing	С																	С		С	Ρ	
Golf course	С																	Ρ		Ρ	Ρ	
Park or playground	Р	Р	Р	Р	Р	Р	Р	Ρ	Р	Р	Р	Ρ	Ρ	Р	Ρ	Р	Ρ	Ρ	Ρ	Р	Ρ	
Playfield or stadium	Р		С	С	С	С	С	С	С	С	С	С	С	С	С	С	Ρ	Ρ	Ρ	Р	Ρ	
Rodeo grounds	С																	Ρ		Ρ	Ρ	
Roller or Ice Rink	С																Ρ	Ρ	Ρ	Ρ	Ρ	
Sexually oriented business																					Ρ	Ordinance No. 99-2633
Shooting range (outdoor)	С																			С	С	5.3.16
Swimming pool, commercial	С																С	Ρ	Ρ	Ρ	Ρ	

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Specific Use	AG		SF-1	SF-2	SF-3	1	SFA-2		H		MF-1		MF-3	0-1	0-2	NS	GR	c	CA	=	Н	Standards
Theater or playhouse (indoor)															Р	Ρ	Р	Ρ	Ρ	Ρ	Р	
Theater or playhouse (open or drive-in)																		Ρ		Р	Р	
Zoo	Р																С	С	С	Р	Р	
RESTAURANT USES																						
Restaurant (not drive-in)															Р	Р	Р	Р	Р	Р	Р	
Restaurant (drive-in)															Р		Р	Ρ	Р	Р	Р	
RETAIL SALES AND SERVICE USES																						
Alcohol beverage sales, off-premise																~	P	Ľ	Р	Р	P	
consumption, beer and wine store																С	Ρ	Ρ	Ρ	Ρ	Р	
Alcohol beverage sales, off-premise																	0	)	0	0	0	5.3.17
consumption, package store																	С	С	С	С	С	5.5.17
Antique shop															Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Art supply store															Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Bakery or confectionary shop (retail)															Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Bank or savings and loan														Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Barber shop or beauty shop															Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Cleaning, pressing and pick up shop															L	L	L	L	L	L	L	5.3.18
Cleaning plant (commercial)																		Ρ	Ρ			
Discount or department store																	Ρ	Ρ	Ρ	Ρ	Ρ	
Drug store or pharmacy															Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Exercise gym	С										С	С	С		Ρ	С	Р	Ρ	Ρ	Ρ	Р	
Fabric store																Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Florist or garden shop															Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Food or beverage sales store without fuel																Р	Р	Р	Р	Р	Р	
sales																Ľ	Г	Г	Г	Г	Г	
Furniture and appliance sales and service																	Р	Ρ	Ρ	Ρ	Р	
Greenhouse or nursery (retail)																Ρ	Р	Ρ	Ρ	Ρ	Р	
Handcraft and art objects shop															Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Hardware store or hobby shop																	Р	Ρ	Ρ	Ρ	Ρ	

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Specific Use	AG		SF-1	SF-2				SFA-3	H	2F	MF-1	MF-2	MF-3	0-1	0-2	NS	GR	U	CA	=	Ŧ	Standards
Key shop															Р	Р	Р	Р	Р	Р	Р	
Kiosk														L	L	L	L	L	L	L	L	Sec. 5.3.25
Laboratory medical, dental, scientific or																						
research	e													e	₽	e	₽	₽	₽	₽	₽	
Laundry and cleaning (self-service)															Р	Р	Ρ	Ρ	Р	Р	Р	
Medical appliances, fitting, sales or rental															Ρ	Ρ	Ρ	Ρ	Ρ	Р	Ρ	
Mixed media store or newsstand															Ρ	Р	Ρ	Ρ	Ρ	Р	Ρ	
Mortuary or funeral home															Ρ		Ρ	Ρ	Ρ	Р	Ρ	
Office supply store															Ρ	Р	Р	Р	Ρ	Р	Ρ	
Pawn shop																	Ρ	Ρ	Р	Р	Ρ	
Pet shop																	Ρ	Ρ	Ρ	Р	Ρ	
Retail shop, gift, apparel, accessory and similar items															Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Retail Sales and Service uses other than listed																Ρ	Ρ	Ρ	Ρ	Р	Ρ	
Studio: decorator, artist, photographer, music, dance or drama														Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Р	Ρ	
Tool rental (indoors)																	Р	Р	Р	Р	Р	
Tool rental (outside equipment storage)																		Р		Р	Р	
Travel agency														Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Р	Ρ	
Upholstery shop																	Ρ	Ρ	Р	Р	Ρ	
Veterinary office (no animal hospital)														Ρ	Р	Р	Ρ	Ρ	Р	Р	Ρ	
Veterinary hospital (no kennels)																	Ρ	Ρ	Р	Р	Ρ	
Veterinary hospital (kennels)	С																	С		Ρ	Ρ	
TRANSPORTATION AND RELATED USES																						
Airport or landing field	С	С																С		Р	Р	
Bus station or terminal																		Ρ	Ρ	Р	Р	
Emergency vehicle service														С	Р		Ρ	Ρ	Ρ	Р	Ρ	
Hauling or storage company																		Ρ	Ρ	Р	Ρ	

			cel	-					-	-	-			it								
Specific Use	AG		-	SF-2	SF-3	-					MF-1				0-2	NS	GR	c	CA	-	H	Standards
Heliport	С	С													С			С	С	Р	Р	
Helistop	C	C												С	C	С	С	_	С	Р	Р	
Motor freight terminal															_	-		Р	Р	Р	Р	
Railroad freight terminal																		Р	Ρ	Р	Ρ	
Railroad passenger station																		Р	Ρ	Ρ	Ρ	
Railroad track right-of-way or team track	Р	Ρ	Ρ	Р	Р	Р	Ρ	Р	Р	Р	Р	Ρ	Р	Р	Р	Ρ	Р	Ρ	Р	Ρ	Ρ	
Railroad yard or roundhouse																		Р	Р	Р	Ρ	
Parking lot, trucks, trailers and moving vans or trucks																		Ρ	Ρ	Ρ	Ρ	
Parking lot or structure (commercial autos)														С	Ρ		С	Ρ	Ρ	Ρ	Ρ	
UTILITY AND SERVICE USES																						
Electrical energy generating plant	С																	С	С	Р	Ρ	
Electrical substation (high voltage bulk power)	Ρ	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	Ρ	Ρ	Ρ	Ρ	Ρ	
Electrical transmission line (high voltage)	Р	Р	С	С	С	С	С	С	С	С	С	С	С	С	С	С	Р	Р	Ρ	Р	Ρ	
Fire station	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Ρ	Р	Р	Р	Ρ	Ρ	Р	Р	Ρ	Р	Ρ	
Gas line and regulating station	Р	Р	Р	Р	Р	Р	Ρ	Р	Р	Р	Р	Ρ	Р	Р	Р	Ρ	Р	Р	Р	Ρ	Ρ	
Personal wireless facility					S	ee S	Sec.	5.4	Per	sonc	ıl Wi	reles	is Sei	rvice	Fac	ilitie	s					
Radio or television tower or transmitting station	С	С												Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Shop yard of local, state or federal government	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	Ρ	Р	Ρ	Ρ	Ρ	
Sewage pumping station	Р	Ρ	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	Ρ	Ρ	
Sewage treatment plant	С																			С	Ρ	
Utility and Service uses other than listed	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	Р	Ρ	
Telephone exchange-switching-relay or transmitting equipment	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Utility shop, storage yard or building																		Р	Ρ	Ρ	Ρ	

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Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	H	2F	MF-1	MF-2	MF-3	0-1	0-2	NS	GR	С	CA	u	Н	Standards
Utilities other than listed	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	Р	Р	Р	
Water stand pipe or elevated storage	Р	Р	Р	Р	Ρ	Р	Ρ	Ρ	Р	Р	Р	Р	Ρ	Ρ	Ρ	Р	Р	Ρ	Р	Ρ	Р	
Water reservoir well or pumping station	Р	Р	Р	Ρ	Р	Р	Р	Р	Р	Р	Р	Р	Р	Ρ	Ρ	Р	Р	Р	Ρ	Р	Р	
Water treatment plant	С	С	С	С	С	С	О	О	С	С	С	С	С	О	О	С	Р	Ρ	Ρ	Ρ	Ρ	
VEHICLE SALES AND SERVICE USES																						
Auto leasing, rental																	Ρ	Ρ	Р	Р	Р	
Auto parts sales (outdoors)																		С		Р	Р	
Auto storage or auto auction																		С		Ρ	Р	
Auto sales, new or used outdoor lot																	L	Γ	L	L	L	5.3.19
Auto sales facility, new or used																		Γ	L	L	L	5.3.20
Car wash																	Р	Ρ	Ρ	Ρ	Ρ	
Boat sales and service																		Ρ	Ρ	Ρ	Ρ	
Fuel sales																С	L	L	L	L	L	5.3.21
Motorcycle or scooter sales and service																	Р	Ρ	Ρ	Ρ	Р	
Trailer, recreational vehicle, portable building or manufactured home sales or rental																		Ρ		Ρ	Ρ	
Truck sales																		Ρ	Р	Р	Р	
Truck stop																		Ρ		Р	Р	
Vehicle repair, major																		L	L	L	L	5.3.22
Vehicle servicing, minor																	L	L	L	L	L	5.3.23
Wrecking or salvage yard																				J	C	<del>5.3.2</del> 4

[Ord. 2012-4505]; [Ord. 2012-4516]

## Sec. 1.1. Defined Terms

**Light Manufacturing.** The use of a site for manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of the products, and

incidental storage, sales, and distribution of the products. This use excludes the basic processing and manufacturing of materials or products predominately from extracted or raw materials, storage or manufacturing processes that involve flammable or explosive materials, or storage or manufacturing processes that involve hazardous or commonly recognized offensive conditions.

## **TMED Landscaping Requirements**

#### 6.3.11 Public Frontage Standards

- D. Public Frontage Landscape Standards
  - 2. Planting Area
    - a. Type A, B, C and D Public Frontage

The street yard planting strip must be planted in evergreen groundcover as shown in the table in subsection 6.3.12C at a rate of one one-gallon container per 4 square feet of street yard planting area. The street yard planting strip must be entirely filled, at the specified spacing, with approved types of vegetation, selecting from the variations described as follows:

- A single species of evergreen groundcover from the approved groundcover list in subsection 6.3.12C for TMED, of 4" pot size, spaced every 15" on center. The groundcover must be cultivated so that 70% of the planting area is covered within 2 years from the time of planting. A complete covering of the planting strip with mulch a minimum of 3" deep, consisting of fine-ground shredded hardwood bark (double ground) is required; or
- <u>A single species of evergreen groundcover from the</u> approved groundcover list in subsection 6.3.12C for TMED, of 4" pot size, spaced every 15" on center, plus a minimum of 2 shrub species, which may be only Dwarf Yaupon Holly, Red Yucca, or Mexican Feather Grass, of 3gallon container size, spaced every 30" on center. The shrubs must be cultivated so that they reach a height of 24 inches within 2 years from time of planting; or
- iii. A minimum of 2 shrub species, which may be only Dwarf Yaupon Holly, Red Yucca, or Mexican Feather Grass, of 3gallon container size, spaced every 30" on center. The shrubs must be cultivated so that they reach a height of 24 inches within 2 years from time of planting.

In addition, for variations outlined in Sections (ii) and (iii), a complete covering of mulch a minimum of 3" deep, consisting

of fine-ground shredded hardwood bark (double ground), decomposed granite, or a combination of those materials are required. Café River Rock, 1-3" or 3-5" in size, may also be used for mulch, but may not cover more than 40% of the planting area and must be used in combination with either fine-ground shredded hardwood bark or decomposed granite, but not both.

#### b. Type E Public Frontage

The street yard planting strip must be planted in living evergreen groundcover as shown on the approved groundcover list (Subsection 6.3.12C) at a rate of one one-gallon container per five square feet of street yard planting area4" container spaced every 15" on center or approved sod material as listed in General Planting Criteria. If evergreen groundcover is used, a complete covering of the planting strip with mulch a minimum of 3" deep, consisting of fine-ground shredded hardwood bark (double ground) is required.

#### 6.3.12 General Planting Criteria

#### A. Approved Groundcover List

The table below lists the groundcover species that are eligible to fulfill the groundcover planting requirements in TMED.

Groundcover											
Common Name	Scientific Name	Туре									
Asian Jasmine	Trachelospermum asiaticum	Evergreen									
English Ivy	Hedera helix	Evergreen									
Liriope	Liriope muscari	Evergreen									
Monkey Grass (Mondo Grass)	Ophiopogon japonicus	Evergreen									
Purple Wintercreeper	<u>Euonymus fortunei</u>	<u>Evergreen</u>									

## **I-35 Window Requirements**

### 6.7.9 Freeway Retail / Commercial Sub-District

### A. Architectural Design

- 2. Exterior Appearance of Buildings and Structures
  - f. Windows must be a minimum of 40 percent up to a maximum of 80 percent of each building elevation.<u>Buildings must contain</u> a minimum of 40 percent and up to a maximum of 80 percent of windows on each building elevation, excluding the rear elevation.

### 6.7.10 Freeway Retail / Commercial Sub-District

### D. Architectural Design

- 2. Exterior Appearance of Buildings and Structures
  - g. Windows must be a minimum of 40 percent up to a maximum of 80 percent of each building elevation. Buildings must contain a minimum of 40 percent and up to a maximum of 80 percent of windows on each building elevation, excluding the rear elevation.

### 1<sup>st</sup> and 3<sup>rd</sup> Overlay

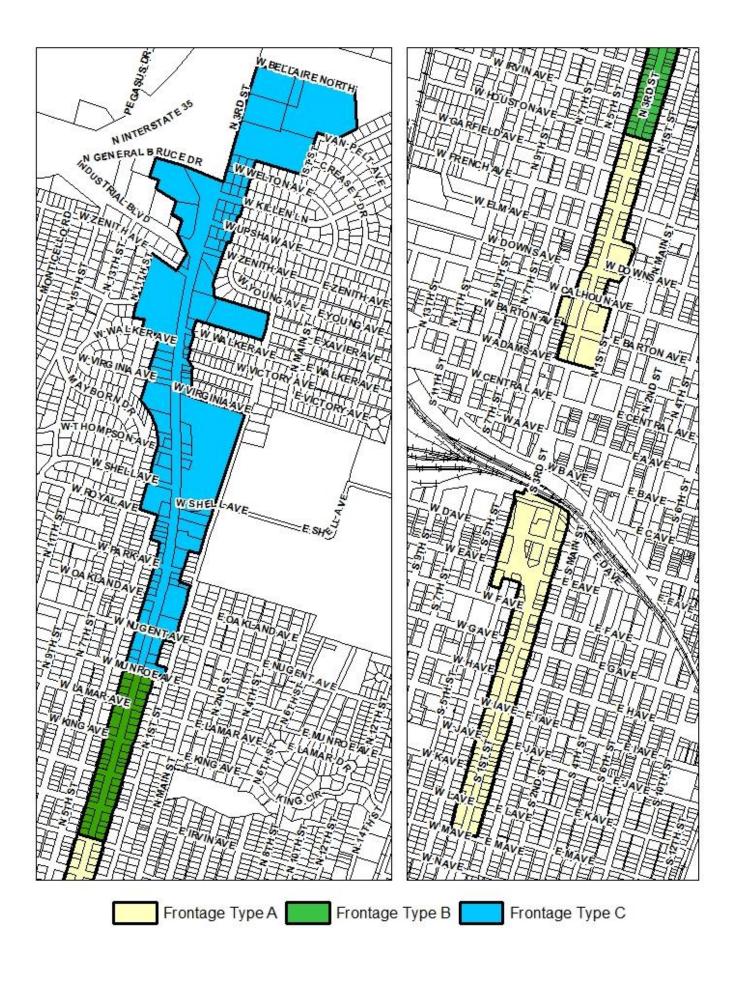
### Sec. 1.1. 1st and 3rd Overlay District

#### 1.1.1 Boundary

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

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

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



### 1.1.1 Public Frontage Standards

### A. Applicability

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

### B. Public Frontage

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

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

### 150' Parking Rule

#### 7.5.3 Parking Plan Required

Off-street parking must be provided on the lot, an immediately adjacent lot, or on a lot within 150 feet of the building or structure, in accordance to the Required Parking Ratios and design standards. Parking must be located within a zoning district that allows the use for which the parking is intended. Shared parking must provide parking in an amount equal to the total of the Required Parking Ratios for all uses. A parking plan must be submitted with the Building Permit application demonstrating compliance with the standards of this Section.

### Sec. 11.2. Defined Terms

Off-Street Parking Incidental to Principal Use. Off-street parking spaces provided in accordance with the requirements specified by this ordinance and located on the lot or tract occupied by the main use or within 150 feet of such lot or tract and located within the same zoning district as the main use or in an adjacent parking district.

### EXCERPTS FROM THE

### PLANNING & ZONING COMMISSION MEETING

### TUESDAY, DECEMBER 3, 2013

### **ACTION ITEMS**

**Item 6: Z-FY-13-36** – Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2010-4413, Temple Unified Development Code, Article 3 to amend notification requirements; Article 4 to amend dimensional standards; Article 5 to add industrial uses; Article 6 to amend TMED Landscaping requirements; Article 6 to amend I-35 Overlay window requirements; Article 6 to amend the 1st and 3rd Overlay District; and Article 7 to amend off street parking requirements.

Ms. Foutz stated the amendments being presented have been taken through various stakeholders including Temple Area Builders Association (TABA) and Temple Economic Development Corporation (TEDC). These amendments are being brought forward in order to conform to state law, add in a requirement for notification to surrounding school districts for zone changes (H.B. 674), and to provide corrections, clarifications, and limited improvements to the Code. These corrections, clarifications and improvements include an error on maximum building height for O1 zoning, reorganize industrial uses and add industrial uses to the land use table, clarify and add options for TMED landscaping requirements, eliminate window requirement for the rear of buildings in the I-35 Overlay, add in a missing section on 1st and 3rd Street Overlay, and to clarify off-street parking requirements to require parking within 150 feet..

The first amendment relates to Article 3 which requires school district notification of residential rezonings and multi-family rezonings. There are possibly four school districts that would be notified.

In Article 4 there was an error in the Dimensional Standards for O1 where the current maximum height allowed for 45 stories and should reflect the maximum height to only three stories.

Ms. Foutz did point out that O2 still allows any legal height.

The Industrial Uses in Article 5 needs to have uses added to the table for Light Manufacturing and Distribution Center. Staff would propose to remove milk depot, dairy or ice cream plant, bottling plant, and clothing or similar light manufacturing and add them collectively under Light Manufacturing category.

Staff would like to move all of the industrial uses to the Industrial Use heading table.

Staff has received complaints about required materials under Article 6, TMED, which involves required landscaping materials. Staff would like to add alternative options for plantings and allowing river rock to be used which would expand the options.

In Article 6, the current I-35 Overlay standards require a minimum of 40 percent of the rear side of a building to be windows. The proposed amendment would eliminate the requirement for rear windows in the I35 Overlay as most uses cannot facilitate rear windows.

In Article 6 for the 1st and 3rd Street Overlay, the proposed amendment would add the section of 3rd street between Adams Avenue and Houston Avenue to be included in the 1st and 3rd Overlay District. The added section is classified as Frontage Type A. The added section was left out intentionally to create a separate frontage type; however, further review found that Type A frontage type was suitable for the section and Staff would like to fill the gap.

Off-Street parking in Article 7 proposal would move the requirement from Article 11 to Article 7 of the UDC. Currently all of the off street off-site parking requirements are located in the Definitions Section which has created confusion. The proposed amendment clarifies current off-street parking requirements within 150 feet.

Staff recommends approval of the proposed amendments to the UDC for the following reasons:

To conform to state law; To correct errors in the code; and, For clarification of the code.

Vice-Chair Rhoads opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Pitts made a motion to approve Item 6, **Z-FY-13-36**, and Commissioner Johnson made a second.

*Motion passed: (6:0)* Chair Sears and Commissioner Magaña absent, one vacancy

### [Z-FY-13-36]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENTS TO ORDINANCE NO. 2010-4413, THE "UNIFIED DEVELOPMENT CODE (UDC)," ARTICLE 3 TO AMEND NOTIFICATION REQUIREMENTS, ARTICLE 4 TO AMEND DIMENSIONAL STANDARDS, ARTICLE 5 TO ADD INDUSTRIAL USES. ARTICLE 6 TO AMEND TMED LANDSCAPING REQUIREMENTS, I-35 OVERLAY WINDOW REQUIREMENTS AND THE 1<sup>ST</sup> AND 3<sup>RD</sup> STREET OVERLAY DISTRICT, AND ARTICLE 7 TO AMEND OFF STREET PARKING REQUIREMENTS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, on December 16, 2010, the City of Temple adopted Ordinance No. 2010-4413, the "Unified Development Code," which is a consolidated set of land development regulations related to zoning, platting and site design;

**Whereas**, at its December 3, 2013 meeting, the Planning and Zoning Commission voted to amend Articles 3, 4, 5, 6 and Article 7 and to recommend approval of certain amendments to the Unified Development Code - the recommended changes are as follows:

- ARTICLE 3: ZONING DISTRICT MAP AMENDMENT: The proposed amendment addresses compliance with Texas H.B. 674. This amendment requires a mailed notice to be sent to each school district located in the property of the proposed zoning change that affects residential or multifamily zoning.
- ARTICLE 4: ZONING DISTRICTS: The proposed amendment addresses the maximum height of nonresidential buildings in Office-1 zoning. This amendment reduces the maximum height of buildings from 45 stories to 3 stories.
- ARTICLE 5: USE STANDARDS: The proposed amendment adds Light Manufacturing and Distribution Center to the use table. Additionally, it removes specific uses and reclassifies them under Light Manufacturing. The amendment also reorganizes currently listed industrial uses and places them under the industrial heading. A definition for Light Manufacturing is added to Article 11.2 Defined Terms of the UDC.
- ARTICLE 6: TMED, TEMPLE MEDICAL AND EDUCATIONAL: The proposed amendment clarifies and adds options for landscape requirements for the street yard planting strip. The amendment would allow Dwarf Yaupon Holly, Red Yucca, and Mexican Feather Grass as allowed shrubs for public frontage types A, B, C, and D, and Purple Wintercreeper is added as an additional acceptable groundcover in the

Approved Groundcover List. Amendment allows for River Rock to be used for landscaping and provides mulch requirements.

- ARTICLE 6: INTERSTATE 35 CORRIDOR OVERLAY: The proposed amendment removes the requirement for the rear side of a building to have window coverage of a minimum of 40 percent and a maximum of 80 percent. All other elevations would still be required to have a minimum of 40 percent and up to a maximum of 80 percent of windows. This amendment is only applicable to the Freeway Retail/Commercial Sub-District and City Entry Sub-District as the Civic Sub-District and Industrial Sub District did not have this requirement.
- ARTICLE 6: 1<sup>ST</sup> AND 3<sup>RD</sup> OVERLAY DISTRICT: The proposed amendment adds tracts that abut or adjoin 3<sup>rd</sup> street from the intersection of Houston Avenue to the intersection of Adams Avenue. Also extends and adopts the same standards of Public Frontage Type A from Adams Avenue to Houston Avenue to the added tracts. This section was left out of the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay intentionally to apply different standards to the section at a later date. However, after further reviewing the section staff found that Public Frontage Type A would be suitable for the section from Adams Avenue to Houston Avenue B to Adams Avenue has been left out of the overlay and will be assigned an additional Public Frontage Type at a later date.
- ARTICLE 7: OFFSTREET PARKING AND LOADING: The proposed amendment clarifies off-street parking requirements within 150 feet of a new building or structure. The amendment also moves this requirement from Article 11.2 Defined Terms back to Article 7 General Development Standards where it was erroneously deleted with the adoption of the UDC.

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

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

**Part 1:** The City Council approves an amendment to Ordinance No. 2010-4413, the "Unified Development Code," by amending Articles 3, 4, 5, 6 and Article 7, to recommend approval of certain amendments to the Unified Development Code - the recommended changes are as follows:

- ARTICLE 3: ZONING DISTRICT MAP AMENDMENT: The proposed amendment addresses compliance with Texas H.B. 674. This amendment requires a mailed notice to be sent to each school district located in the property of the proposed zoning change that affects residential or multifamily zoning.
- ARTICLE 4: ZONING DISTRICTS: The proposed amendment addresses the maximum height of nonresidential buildings in Office-1 zoning. This amendment reduces the maximum height of buildings from 45 stories to 3 stories.

- ARTICLE 5: USE STANDARDS: The proposed amendment adds Light Manufacturing and Distribution Center to the use table. Additionally, it removes specific uses and reclassifies them under Light Manufacturing. The amendment also reorganizes currently listed industrial uses and places them under the industrial heading. A definition for Light Manufacturing is added to Article 11.2 Defined Terms of the UDC.
- ARTICLE 6: TMED, TEMPLE MEDICAL AND EDUCATIONAL: The proposed amendment clarifies and adds options for landscape requirements for the street yard planting strip. The amendment would allow Dwarf Yaupon Holly, Red Yucca, and Mexican Feather Grass as allowed shrubs for public frontage types A, B, C, and D, and Purple Wintercreeper is added as an additional acceptable groundcover in the Approved Groundcover List. Amendment allows for River Rock to be used for landscaping and provides mulch requirements.
- ARTICLE 6: INTERSTATE 35 CORRIDOR OVERLAY: The proposed amendment removes the requirement for the rear side of a building to have window coverage of a minimum of 40 percent and a maximum of 80 percent. All other elevations would still be required to have a minimum of 40 percent and up to a maximum of 80 percent of windows. This amendment is only applicable to the Freeway Retail/Commercial Sub-District and City Entry Sub-District as the Civic Sub-District and Industrial Sub District did not have this requirement.
- ARTICLE 6: 1<sup>ST</sup> AND 3<sup>RD</sup> OVERLAY DISTRICT: The proposed amendment adds tracts that abut or adjoin 3<sup>rd</sup> street from the intersection of Houston Avenue to the intersection of Adams Avenue. Also extends and adopts the same standards of Public Frontage Type A from Adams Avenue to Houston Avenue to the added tracts. This section was left out of the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay intentionally to apply different standards to the section at a later date. However, after further reviewing the section staff found that Public Frontage Type A would be suitable for the section from Adams Avenue to Houston Avenue B to Adams Avenue has been left out of the overlay and will be assigned an additional Public Frontage Type at a later date.
- ARTICLE 7: OFFSTREET PARKING AND LOADING: The proposed amendment clarifies off-street parking requirements within 150 feet of a new building or structure. The amendment also moves this requirement from Article 11.2 Defined Terms back to Article 7 General Development Standards where it was erroneously deleted with the adoption of the UDC.

said amendments being more fully described in Exhibits A, B, C, D, E, F and Exhibit G, attached hereto and incorporated herein for all purposes.

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

**Part 3**: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase,

clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

<u>**Part 4:**</u> 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.

<u>**Part 5:**</u> 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 **16<sup>th</sup>** day of **January**, 2014.

PASSED AND APPROVED on Second Reading on the 6<sup>th</sup> day of February 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



### **CITY COUNCIL ITEM MEMORANDUM**

01/16/14 Item #8 Regular Agenda Page 1 of 3

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

Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION**: FIRST READING – PUBLIC HEARING - Z-FY-14-06: Consider adopting an ordinance authorizing a zoning change from Two Family District (2F) to PD (O1) on a portion of Lot 1 and a portion of Lot 3, Block E, Bentley Bellview Addition, addressed as 2003 West Avenue H.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its December 3, 2013 meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of the proposed zoning change from Two Family District to PD(O1).

**<u>STAFF RECOMMENDATION</u>**: Conduct a public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for February 6, 2014.

Staff recommends approval of the zoning change from 2F to PD(O1) for the following reasons:

- 1. The request is compatible with the Future Land Use and Character Map;
- 2. The request complies with the Thoroughfare, Plan;
- 3. Public facilities are available to serve the property; and,
- 4. The request complies with the Temple Trails Master Plan.

**ITEM SUMMARY:** The applicant is requesting a zone change from Two Family to Planned Development (Office One) for the purpose of expanding the parking area and operating a General Medical Clinic. The Development will occur on a 0.496 acre lot with an approximately 1,400 square foot clinic. Existing structures will be renovated and remain on the site with no additions. A 1,008 square foot paved parking area will be constructed to meet the Off Street Parking requirements in UDC Section 7.5. No other structures will be built.

<u>SURROUNDING PROPERTY AND USES:</u>The following table provides the direction from the property, Future Land Use Plan (FLUP) designation, existing zoning and current land uses:

Direction	<u>FLUP</u>	Zoning	Current Land Use
Site North	Neighborhood Conservation Auto Urban Commercial	2F/O1 GR	Single Family Residential Office
South	Neighborhood Conservation	2F	Single Family Residential
East	Neighborhood Conservation	2F	Church
West	Neighborhood Conservation	2F	Single Family Residential

**<u>COMPREHENSIVE PLAN COMPLIANCE</u>**: 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	Compliance?
CP	Map 3.1 - Future Land Use and Character (FLUP)	Yes
CP	Map 5.2 - Thoroughfare Plan	Yes
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes
	CP - Comprehensive Plan STP - Sidewalk and Trails Plan	า

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

### Future Land Use and Character Plan (FLUP) (CP Map 3.1)

The Land Use and Character Map identifies this area as Neighborhood Conservation which is designed to maintain the neighborhood character. Nonresidential uses are allowed if such a use is compatible with the surrounding neighborhood.

As the applicant is not constructing additional structures nor adding on to existing structures, the proposed Planned Development would maintain the neighborhood character. Directly north of the site, across Avenue H, the area is identified as Auto Urban Commercial and zoned General Retail. Both blocks adjacent to the site to the east and west currently have nonresidential uses. As the surrounding area and corridor currently has nonresidential uses and the proposed use of a General Medical Clinic is a low intensity use, staff is of the opinion that the nonresidential use is compatible with the surrounding neighborhood.

### Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan identifies Avenue H as a Major Arterial and 39<sup>th</sup> Street as a Local Street. Both thoroughfares provided sufficient capacity to accommodate the proposed use. Nonresidential uses are a more appropriate use on an arterial thoroughfare than a residential use and the Planned Development is compatible with the Thoroughfare Plan.

### Availability of Public Facilities (CP Goal 4.1)

A 6" water line runs along Avenue H at the frontage of the property and an additional 2" water line runs adjacent to the property along 39<sup>th</sup> Street. A 6" sewer line runs along the rear of the property and an 8" sewer line runs along Avenue H at the frontage of the property. These facilities are sufficient for the proposed use.

### Temple Trails Master Plan Map and Sidewalks Ordinance

Avenue H currently has 4' sidewalks at the frontage of the site and no trails are currently planned on or near the site. A 6' sidewalk is required along Avenue H as it is a Major Arterial, however the applicant would only be required to widen the sidewalk to 6' if renovations are over 50% of the appraised value of the site per UDC Section 7.2.

**PUBLIC NOTICE:** 20 notices of the Planning and Zoning Commission public hearing was sent out to property owners within 200-feet of case Z-FY-14-06 as required by state law and local ordinance. As of November 26, 2013, 2 notices were returned in support and 1 notice was returned in opposition of the requested zone change.

FISCAL IMPACT: Not Applicable

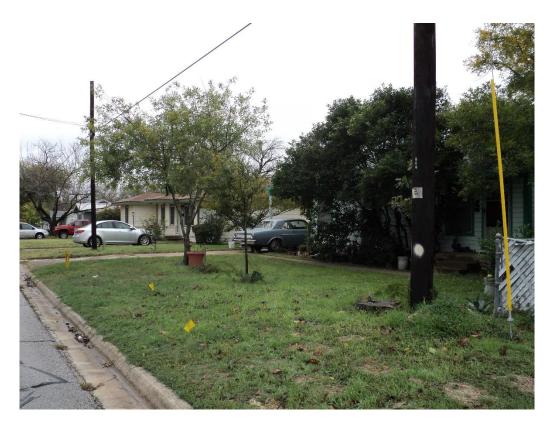
ATTACHMENTS: Surrounding Properties and Uses Zoning and Location Map Site Plan Surrounding Property Owner Notification Map Notification Responses PZ Excerpts Ordinance



Subject Property view from Ave. H; Vacant, 2F Zoning



Subject Property view from 39<sup>th</sup> Street



South: Single Family Use; 2F Zoning



East: Church, 2F Zoning



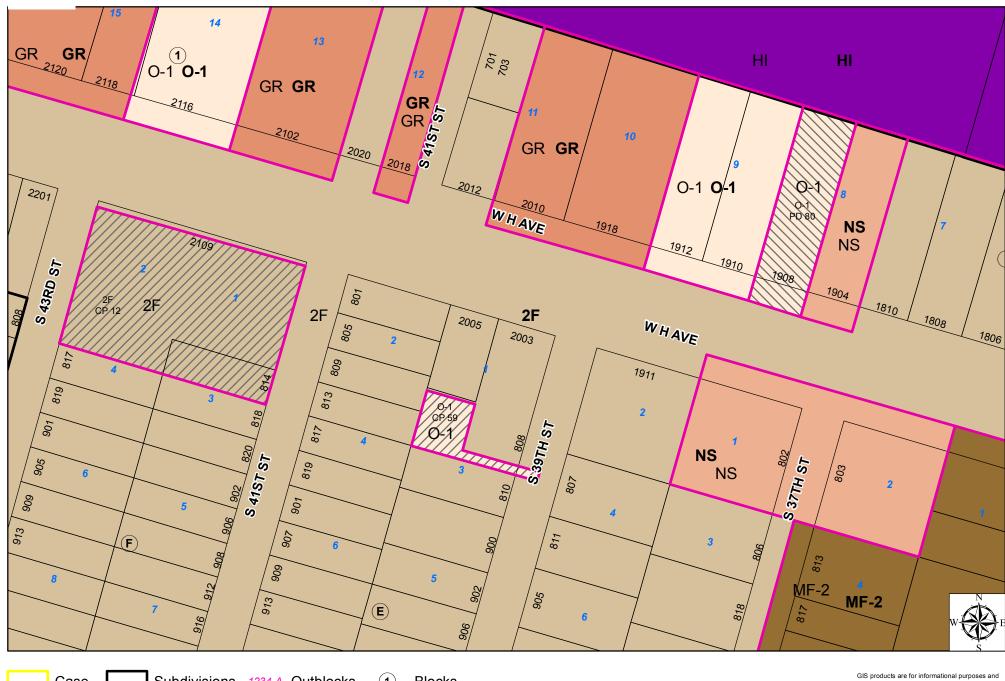
North: Office & Pregnancy Center, GR Zoning



West: Single Family Residential, 2F Zoning



Zoning Map

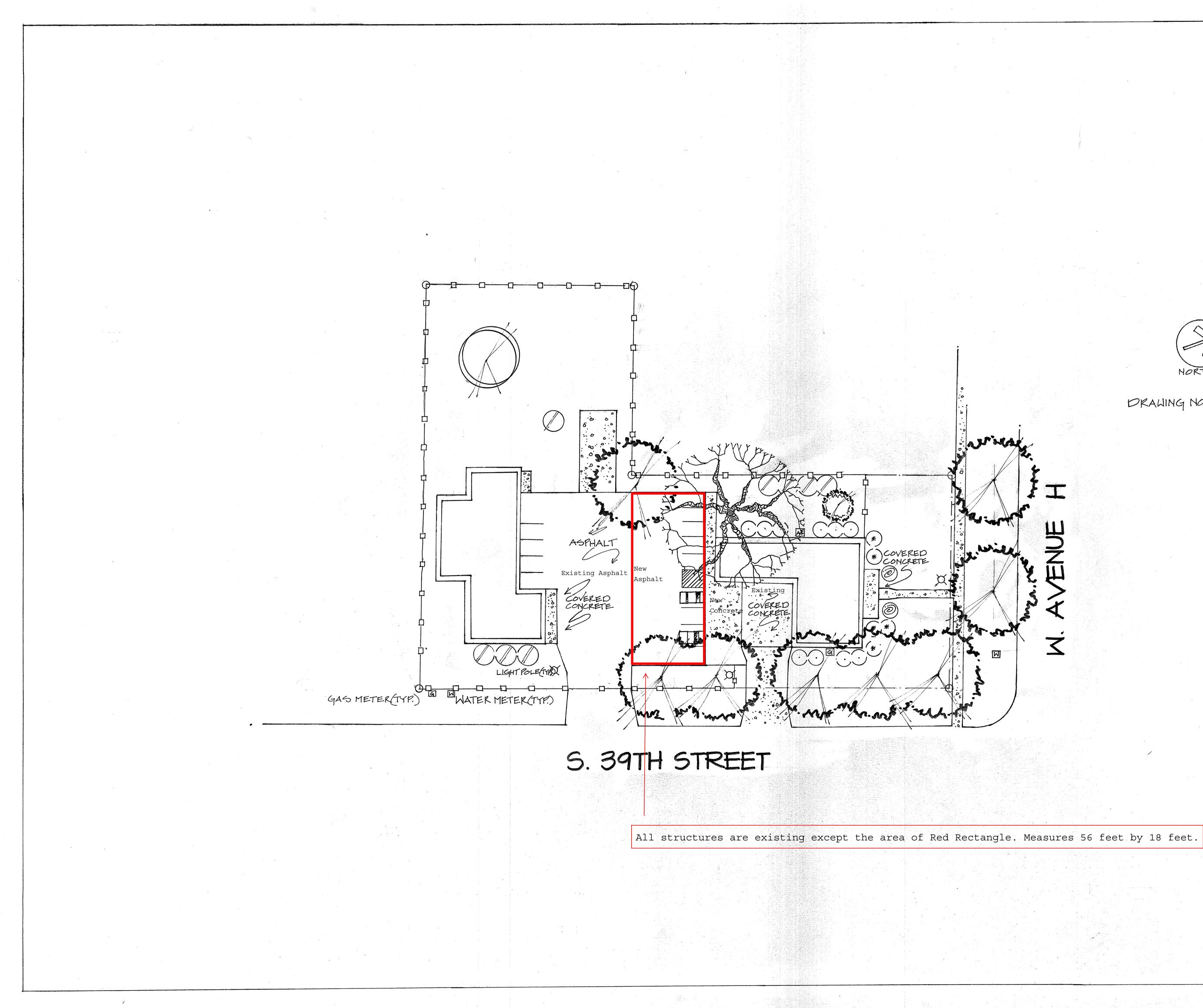


	Case	Subdivisions	1234-A Outblocks	(1)	Blocks
	Zoning	Parcel	1234 Addresses	1	Lots

0	50	100	200
			Feet

11/26/2013 do no City of Temple GIS of pro-

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.

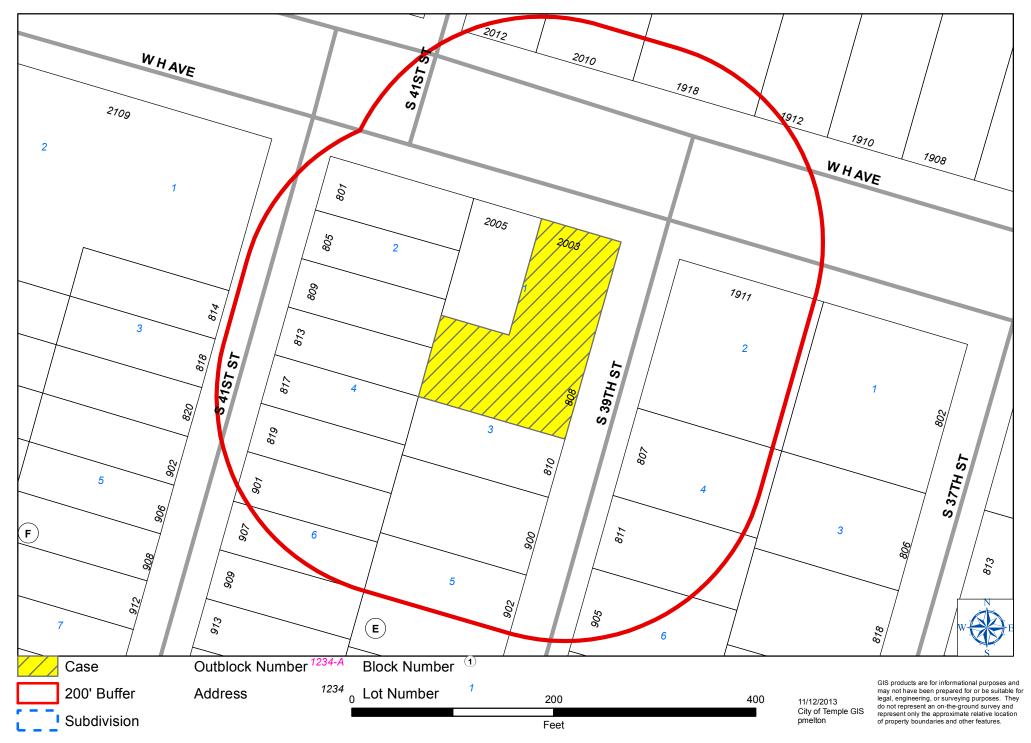


NORTH DRAWING NOT TO SCALE CIRCLE DE)IGN 808 5.39TH STREET TEMPLE, TEXAS 76504 Ζ 254.760.0614 CIRCLE 4B DESIGN LANDSCAPING 10B\_\_\_\_ DRAWN \_\_\_\_\_ APPROVED\_\_\_\_ DATE REVISIONS. SHEET OF 1



Rezone 2F to PD (O1)

2003 W. Avenue H





### **RESPONSE TO PROPOSED** ZONE CHANGE REQUEST CITY OF TEMPLE

Edward Santana 810 South 39th Street Temple, Texas 76504

### Zoning Application Number: Z-FY-14-06

**Project Manager:** Phillip Melton

### Zone Change Request: Two Family District to Planned Development (Office One District

Location: 2003 West Avenue H

The proposed rezoning 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 ( $\sqrt{}$  approval () denial of this request.

Comments: MONTER TIDAP Printe allogie

ward J. Santana.

Please mail or hand-deliver this comment form to the address shown below, no later than **December 3, 2013** 

> City of Temple **Planning Department Room 102** Municipal Building Temple, Texas 76501

RECEIVED

JAN 0 2 2013

City of Temple Planning & Development

Number of Notices Mailed: 20

Date Mailed: November 20, 2013



### **RESPONSE TO PROPOSED** ZONE CHANGE REQUEST **CITY OF TEMPLE**

Fred Padilla 801 South 41<sup>st</sup> Street Temple, Texas 76504

#### Zoning Application Number: Z-FY-14-06 **Project Manager: Phillip Melton**

Zone Change Request: Two Family District to Planned Development (Office One District

Location: 2003 West Avenue H

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

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

Comments:

Signature

FREN

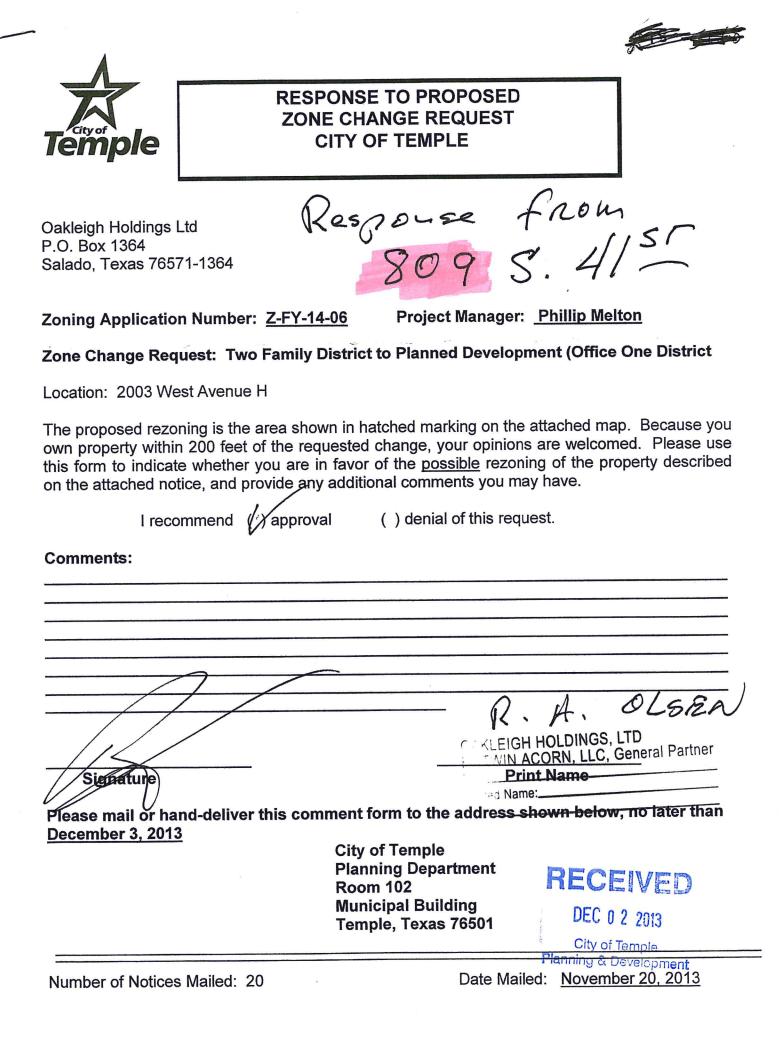
Please mail or hand-deliver this comment form to the address shown below, no later than **December 3, 2013** 

> **City of Temple Planning Department Room 102 Municipal Building** Temple, Texas 76501

RECEIVED DEC 0 2 2013

City of Temple

Planning & Development Date Mailed: November 20, 2013



	2518-5668						
ZONI	PONSE TO PROPOSED IE CHANGE REQUEST CITY OF TEMPLE						
Oakleigh Holdings Ltd P.O. Box 1364 Salado, Texas 76571-1364	813 S. 415T						
Zoning Application Number: <u>Z-FY-14</u>	4-06 Project Manager: <u>Phillip Melton</u>						
Zone Change Request: Two Family D	District to Planned Development (Office One District						
Location: 2003 West Avenue H							
own property within 200 feet of the request this form to indicate whether you are in	The proposed rezoning 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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.						
Comments:							
Signature	OAKLEIGH HOLDINGS, LTD By TVINIACOAN, LLC, General Partner						
Please mail or hand-deliver this com December 3, 2013	By: nment form to the addressishown below, no later than Title:						
	City of Temple Planning Department Room 102						
	Municipal Building Temple, Texas 76501 City of Temple Planning & Level of Temple						

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### EXCERPTS FROM THE

### PLANNING & ZONING COMMISSION MEETING

### TUESDAY, DECEMBER 3, 2013

### **ACTION ITEMS**

**Item 2: Z-FY-14-06** – Hold a public meeting to consider and recommend action on a zone change from Two Family District (2F) to Planned Development (Office One) on a portion of Lot 1 and a portion of Lot 3, Bentley Bellview Addition, addressed as 2003 West Avenue H.

Ms. Kim Foutz, Acting Director of Planning, stated there are two sections to the subject property. The first portion (with a flag lot) is part of a larger tract already zoned Office One (O1). The applicant is proposing a general medical clinic, 1,400 square feet on almost one-half acre. The other portion is zoned Two Family (2F). There are two existing single family homes which will be renovated and converted into the medical office and no other structures will be added. There is an existing parking lot that will be expanded by seven spaces. The front of the structure faces Avenue H and the side faces 39th Street.

Surrounding properties include single family residence with 2F zoning to the south, a church with 2F zoning to the east, across Avenue H is office use, and to the west is a single family use with 2F zoning.

The Future Land Use and Character Map designate the area as Neighborhood Conservation which should retain the existing neighborhood character. Compatible nonresidential uses are allowed. Staff believed the character would be maintained as there are no new buildings being constructed and limited additional parking is required. There are nonresidential uses (mostly office) up and down Avenue H.

The Thoroughfare Plan designates Avenue H as a major arterial. Major arterials usually have nonresidential more than residential and 39th Street is designated as a local street. There are adequate utilities serving the site with two six inch water lines and an eight-inch sanitary sewer line.

There are four foot sidewalks in place along Avenue H. Six foot sidewalks are required; however, no changes or renovations over 50 percent are being made which would normally trigger that portion of the Ordinance.

Thirteen notices were mailed out with two returned in favor and one in disapproval.

Staff recommends approval of this request because it is compatible with the Future Land Use and Character Map, the Thoroughfare Plan, and the Trails Master Plan.

Vice-Chair Rhoads opened the public hearing.

Dr. Jerry Baskerville (retired), 4500 Franklin Road, Troy, Texas, stated he was the father of the applicant, Michael Baskerville. Mr. Baskerville thanked the Staff and Commissioner for their attention and to answer any questions.

There being no further speakers, the public hearing was closed.

Commissioner Jones made a motion to approve Item 2, Z-FY-14-06, as presented and Commissioner Pitts made a second.

*Motion passed: (6:0)* Chair Sears and Commissioner Magaña absent, one vacancy

### ORDINANCE NO.

### (PLANNING NO. Z-FY-14-06)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM TWO FAMILY DISTRICT (2F) TO PLANNED DEVELOPMENT OFFICE ONE (PD-O1) ON A PORTION OF LOT 1 AND A PORTION OF LOT 3, BLOCK E, BENTLEY BELLVIEW ADDITION, LOCATED AT 2003 WEST AVENUE H; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>**Part 1**</u>: The City Council approves a rezoning from Two Family District (2F) to Planned Development-Office One (PD-O1) on a portion of lot 1 and a portion of lot 3, block E, Bentley Bellview Addition, and located at 2003 West Avenue H, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

<u>**Part 2:**</u> 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.

<u>**Part 4**</u>: 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.

<u>**Part 5**</u>: 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 **16<sup>th</sup>** day of **January**, 2014.

PASSED AND APPROVED on Second Reading on the 6<sup>th</sup> day of February, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



### **COUNCIL AGENDA ITEM MEMORANDUM**

01/16/14 Item #9 Regular Agenda Page 1 of 4

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

Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** FIRST READING –PUBLIC HEARING - Z-FY-14-07: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Two-Family District (2-F) on 17.95 +/- acres, being part of the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located on the west side of Old Waco Road and the east side of South Pea Ridge Road, east of Westwood Estates.

**<u>P&Z COMMISSION RECOMMENDATION</u>** At its meeting on December 3, 2013, the Planning and Zoning Commission did not vote to recommend approval of the applicant's requested zoning change to Two-Family District (2-F) due to lack of a second motion. Chair Sears and Commissioner Magaña were absent.

**<u>STAFF RECOMMENDATION</u>**: Conduct a public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for February 6, 2014.

Staff recommends denial of the requested zone change to 2-F District for the following reasons:

- 1. The request does not comply with the Future Land Use and Character Map;
- 2. Although the request complies with the Thoroughfare Plan, Old Waco Road is not built to major arterial capacity; and
- 3. Public facilities are available to the subject property.

**ITEM SUMMARY:** The applicant requests a zone change from Agricultural District (AG) to Two Family District (2-F). During the December 3, 2013 Planning and Zoning Commission meeting, the applicant explained that he thought he had also applied for a zone change from Agricultural District (AG) to Office Two District (O-2) on along the property's street frontage along Old Waco Road. Upon review of the application during the meeting, staff informed the Commission the application was only for a zone change to Two-Family District (2-F) as presented by staff. The applicant agreed to proceed with the Commission's decision on the case as presented by staff. Commissioner Staats motioned to approve the applicant's requested zone change from Agricultural District (AG) to Two Family District (2-F), but the motion failed for lack of a second.

According to the City of Temple Comprehensive Plan, the property's Suburban Residential land use classification on the west half of the applicant's property 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 applicant's requested 2F District does not comply with the property's Suburban Residential land use classification.

### 01/16/14 Item #9 Regular Agenda Page 2 of 4

The property's Suburban Commercial land use classification on the east half of the applicant's property 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 applicant's requested 2F District does not comply with the Suburban Commercial land use classification.

The 2F zoning district permits single-family to duplex housing, with approximately seven units per acre possible, and is designed to accommodate single-family and duplex dwellings as an intermediate classification allowing an orderly transition from single family neighborhoods to higher densities of residential use.

A rezoning from the AG to the 2F zoning district would allow several uses by right that would not have been allowed before. Those uses include, but are not limited to, the following:

Residential uses Single Family Detached Single-Family Attached Duplex Triplex Nonresidential uses Place of worship Child care Community center

**Prohibited uses** include townhouse, HUD-Code manufactured home land lease community or subdivision, Patio home, apartment, recreational vehicle park, and retail and commercial uses, among others.

**<u>SURROUNDING PROPERTY AND USES</u>**: The following table provides the direction from the property, Future Land Use Plan (FLUP) designation, existing zoning and current land uses:

<b>Direction</b>	<u>FLUP</u>	Zoning	Current Land Use
Site	Suburban Residential Suburban Commercial	AG	Undeveloped Land
North	Suburban Residential Suburban Commercial	SF-3 O-2	Undeveloped Land
South	Agricultural/Rural &	-	
	Suburban Commercial	AG & GR	Agricultural/Rural Residential
East	Suburban Commercial	AG	Agricultural/Rural Residential
West	Suburban Residential	AG	Agricultural/Rural Residential

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

### 01/16/14 Item #9 Regular Agenda Page 3 of 4

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 is identified as Suburban Commercial. Although the applicant's property along Old Waco Road is not included in this zoning request, the applicant's requested 2F District adjacent to the buffer area does not comply with this recommendation. The west half of the property is identified as Suburban Residential. The applicant's requested 2F District is too dense and does not comply with this recommendation.	No
СР	Map 5.2 - Thoroughfare Plan	Old Waco Road, to the east of the subject, is identified as a proposed major arterial. The applicant proposes to leave a strip of land zoned AG as a buffer between the proposed 2F site and Old Waco Road. This complies with UDC Section 8.2.6 Design Standards/Lots: Lots for residential use must not front on or be contiguous at a side lot line to major thoroughfares or expressways. The southwest corner of the applicant's property fronts South Pea Ridge Road, which is classified as a collector. Collectors are appropriate for connecting to local streets within residential subdivisions.	No, Old Waco Road is not built to Major Arterial capacity.
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	An 18-inch water line runs along the west side of the property. A 14-inch water line runs along the north property line. A 24-inch water line runs along the west right-of-way of Old Waco Road. An 8-inch and 12-inch sewer line exists along the east right-of-way of Old Waco Road.	Yes
STP	Temple Trails Master Plan Map & sidewalks	The Temple Trails Master Plan reflects a proposed 10' Citywide Spine Trail along the east right-of-way of Old Waco Road. Per UDC section 8.2.3, sidewalks are required on both sides of arterials and one side of collector streets. Sidewalks are required to be installed at the time of development. The combined sidewalk and trail will be constructed as part of the overall Old Waco Road improvement project. A 4-foot wide sidewalk is required along collectors, such as South Pea Ridge Road.	No, the sidewalks do not exist at this time.

**<u>DEVELOPMENT REGULATIONS</u>**: Dimensional standards for development in the 2-F District are as follows:

- Minimum lot size 4,000 Sq. Ft.
- Minimum Lot Width 60 feet
- Minimum Lot Depth 100 feet
- Front Yard Setback 25 feet
- Side Yard Setback 5 feet
- Side Yard Setback (corner) 15 feet
- Rear Yard Setback 10 feet

<u>PUBLIC NOTICE:</u>Seven 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 January 6, 2014, one notice was returned in favor of the request and three notices were returned in opposition.

The newspaper printed notice of the Planning and Zoning Commission public hearing on November 20, 2013, in accordance with state law and local ordinance.

### FISCAL IMPACT: Not Applicable

### ATTACHMENTS:

Surrounding Property Pictures Zoning and Location Map Future Land Use and Character Map Notification Map Response letters Ordinance

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

	7 !	Current Land	
Direction	AG	Use Undeveloped Land	<complex-block></complex-block>
East	AG	Agricultural Land/ Rural Residential	

### Page 2 of 3

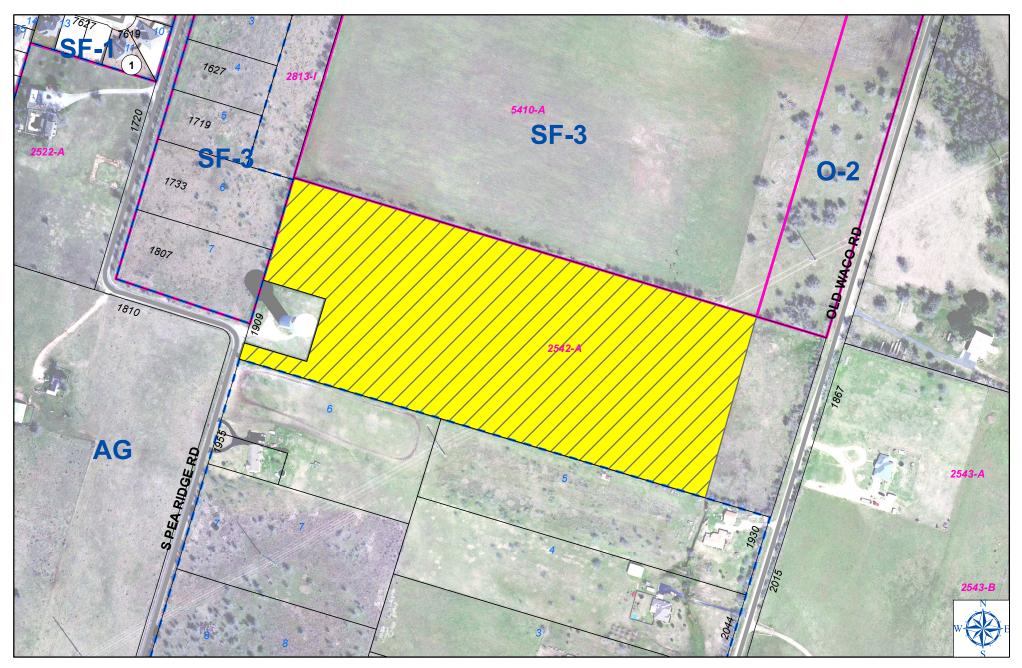
Direction	Zonina	Current Land Use	Photo
West	AG and SF-3	Agricultural Land/ Rural Residential	
South	AG	Agricultural Land/ Rural Residential	<image/>

### Page 3 of 3

Direction	Zoning	Current Land Use	Photo
North	SF3 and O-2	Undeveloped Land	



### Old Waco Road





Zoning

Subdivision

194tblock Number

Address

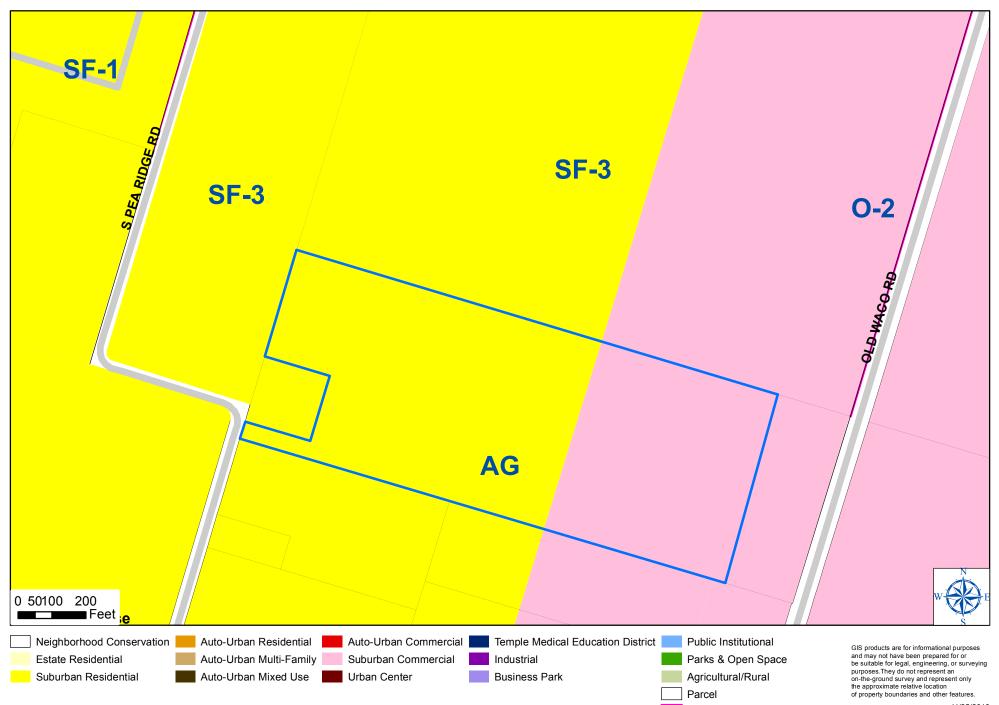
ber Block Number

Lot Number

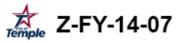


GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

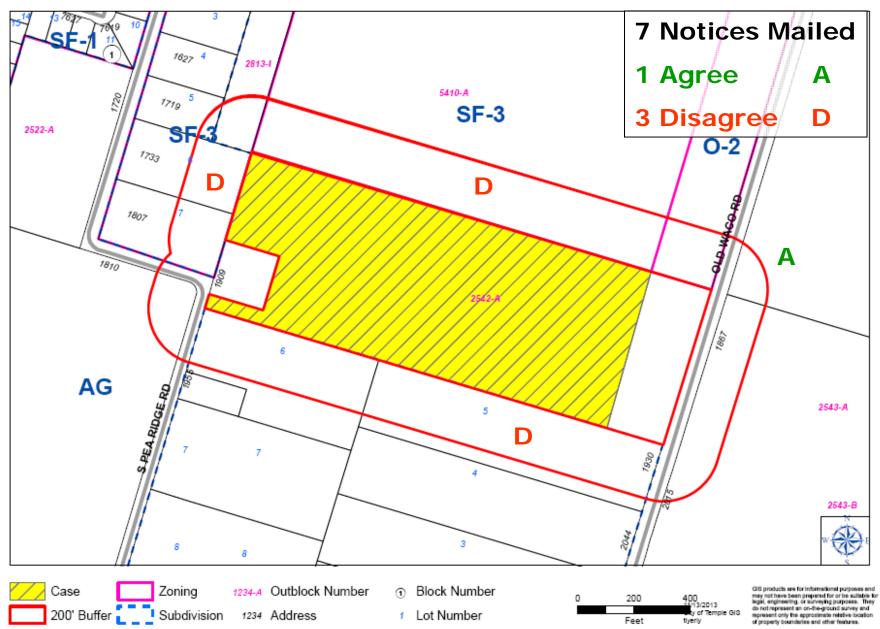




Zoning



Old Waco Road





# RECEIVED

Kurt W. Hentschel 1930 Old Waco Road Temple, Texas 76502 NOV 2 5 2013

City of Temple Planning & Development

## Zoning Application Number: <u>Z-FY-14-07</u> Project Manager: <u>Tammy Lyerly</u>

### Zone Change Request: Agricultural District (AG) to Two Family District (2F)

Location: West side of Old Waco road and the east side of south Pea Ridge Road, east of Westwood Estates

The proposed rezoning 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 <u>possible</u> 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:	
All other home whitin this area have 3 to 2	8 acres
and I believe that suplex apportments would	de la rue.
the homer around - I think this area is bette	- suited
For pomer over 2000 saf and Land properti	
one acre or larger.	0

Signature

Hentschel

Please mail or hand-deliver this comment form to the address shown below, no later than <u>December 3, 2013</u>

City of Temple Planning Department Room 102 Municipal Building Temple, Texas 76501



x Kiella Dovelopment Inc

Temple, Texas 76504

Zoning Application Number: Z-FY-14-07 Project Manager: Tammy Lyerly

Zone Change Request: Agricultural (AG) District to Two Family (2F) District

Location: West side of Old Waco road and the east side of south Pea Ridge Road, east of Westwood Estates

The proposed rezoning 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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

	denial of this request.
Comments: I do not support SIZE NEXT to SF-3 with	2-Family Zoning of this substantial buffering.
Signature	John Kielk Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than December 3, 2013

City of Temple Planning Department Room 102 Municipal Building Temple, Texas 76501

-1-per/y (4) templetv.gou



XBrian Fields X1733 S. Peakidge Pd. Temple, Texas 7650

## Zoning Application Number: <u>Z-FY-14-07</u> Project Manager: <u>Tammy Lyerly</u>

### Zone Change Request: Agricultural (AG) District to Two Family (2F) District

Location: West side of Old Waco road and the east side of south Pea Ridge Road, east of Westwood Estates

The proposed rezoning 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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval

(U denial of this request.

### Comments:

Out of 8 or 50 property owners surrounding th	115
piece of property. There are no high densities of	
residential use. Therefore there is no desire to have	
an orderly transition (2F) in the neighborhoods.	

Signature

Please mail or hand-deliver this comment form to the address shown below, no later than December 3, 2013 RECEIVED

City of Temple Planning Department Room 102 Municipal Building Temple, Texas 76501

DEC 0 3 2013

City of Temple Planning & Development



Richard Etux Gloria Jackson 3101 Oaklawn Drive Temple, Texas 76502

#### Zoning Application Number: Z-FY-14-07 Project Manager: <u>Tammy Lyerly</u>

### Zone Change Request: Agricultural District (AG) to Two Family District (2F)

Location: West side of Old Waco road and the east side of south Pea Ridge Road, east of Westwood Estates

The proposed rezoning 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:

GloRit

Please mail or hand-deliver this comment form to the address shown below, no later than RECEIVEL **December 3, 2013** 

City of Temple Planning Department **Room 102** Municipal Building Temple, Texas 76501

DEC 0 2 2013

City of Temple Planning & Development

#### ORDINANCE NO.

#### (PLANNING NO. Z-FY-14-07)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM AGRICULTURAL TWO DISTRICT (AG) TO FAMILY DISTRICT (2F)ON APPROXIMATELY 17.95 ACRES. BEING A PART OF THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, LOCATED ON THE WEST SIDE OF OLD WACO ROAD AND THE EAST SIDE OF SOUTH PEA RIDGE ROAD, EAST OF WESTWOOD ESTATES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>**Part 1**</u>: The City Council approves a rezoning from Agricultural District (AG) to Two Family District (2F) on approximately 17.95 acres, being a part of the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located on the west side of Old Waco Road and the east side of South Pea Ridge Road, east of Westwood Estates, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

<u>**Part 3**</u>: 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.

<u>**Part 4**</u>: 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.

<u>**Part 5**</u>: 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 **16<sup>th</sup>** day of **January**, 2014.

PASSED AND APPROVED on Second Reading on the 6<sup>th</sup> day of February, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

01/16/14 Item #10 Regular Agenda Page 1 of 6

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

Mark Baker, Planner

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-14-09: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Neighborhood Services (NS) on 0.982 +/- acres, situated in the Nancy Chance Survey, Abstract 5, City of Temple, Bell County, Texas located at 6040 West Adams Avenue.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its December 3, 2013 meeting, the Planning and Zoning Commission voted 5 to 1, in accordance with the applicant's request, to recommend approval of the request from AG to NS.

**<u>STAFF RECOMMENDATION</u>**: Conduct a public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for February 6, 2014.

Based on the following discussion, despite the Planning and Zoning Commission's recommendation of approval, staff still recommends disapproval of a Zoning Change from AG to NS for the following reasons:

- 1. The proposed zoning does not comply with the Future Land Use Map which identifies this area as Auto-Urban Residential and due in part to the compatibility of some NS uses with the proximity of the neighborhood and existing NS in the immediate area have developed with O-1 uses; and
- 2. Per UDC Section 4.3.16., the NS should be located convenient to residential areas in locations such as the corner of a local road or a collector that serves the neighborhood.

**ITEM SUMMARY:** According to the City of Temple Comprehensive Plan / Future Land Use Plan (FLUP), the subject property is within the designated Auto Urban Residential District. "The Auto Urban Residential District is for smaller single-family lots similar to the range of lot sizes available in the City's current SF and SFA zoning districts. The current 7,500 square foot minimum in SF-1 could serve as a baseline for conventional single-family detached dwellings in this district." Buffering is needed from other less intensive uses within the district to ensure their compatibility. The subject property is vacant and undeveloped however the surrounding area is developed with single-family

#### 01/16/14 Item #10 Regular Agenda Page 2 of 6

detached homes to the north and toward the southwest both of which are within the Auto-Urban Residential District. Due to restrictions per UDC Section 7.2.4, a residential use is prohibited to take direct access from an arterial and could be problematic if the property is developed with residential uses. Residential access would be addressed during platting. While it is not known for certain how the property will ultimately be developed, it is anticipated that the property will be developed with non-residential uses. There are several properties to the west and to the southwest which do contain non-residential uses that are within the Auto-Urban Residential District. These properties are currently within the Neighborhood Services (NS) and General Retail (GR) zoning districts. Additionally, the property immediately to the west, also owned by the Fettigs, is zoned NS and the property to the east is zoned Office-One District (O-1). These properties are currently undeveloped and have been incorporated into a final plat which is currently in review by staff.

This undeveloped land directly abuts the south edge of Kasberg III subdivision. It is commonly referred to as Outblock 1092-A, located east of some existing office and neighborhood service businesses adjacent to Beaver Loop. An asphalt paved trail/sidewalk exists through the W. Adams right-of-way, along the property street frontage. Agricultural land and single family homes on acreage are further south, across W. Adams Ave.

The property is in between the NS to the west, and the O-1 to the east. The applicant proposes to extend the NS to this property for anticipated non-residential development.

Although by a different applicant, the request from AG to NS (Z-2001-34) was initially presented to the Planning and Zoning Commission on August 20, 2001. Due to strong neighborhood opposition and health of the applicant, the initial case was table to a later date. The application was resubmitted as Z-2002-29 and heard by the Planning and Zoning Commission on September 16<sup>th</sup> and October 21, 2002. At that time, the Planning & Zoning Commission, at the recommendation of staff, made a recommendation to the City Council for Planned Development-O-1. The Zone Change was scheduled for a Council 1<sup>st</sup> Reading on November 7, 2002 but the application was withdrawn by the applicant on November 1, 2002.

Concerns from property owners during Zone Change case Z-2001-34 included a need for an enhanced buffer zone due the close proximity of the adjacent homes to the north; increased traffic and its effect on pedestrian safety on the trail; property devaluation; intrusive nature of night-time business; and the potential sale of alcoholic beverages.

In 2002, staff had recommended the Planned Development-O-1 district alternatively to the NS district, since the O-1 it filters out some of the more intrusive uses allowed in the NS district. This would include such possible development of food and beverage sales including alcohol sales but without fuel sales, drug store or pharmacy, cleaning/pressing shop, laundry and cleaning.

It is anticipated that the property will be developed with non-residential uses, however NS does allows a variety of residential and non-residential uses. These uses are permitted by right and include but not limited to:

Residential uses	Nonresidential uses
Single-family Attached/Detached	Child Care (Day Care Center)
Industrialized Housing	Restaurant (no drive-in)
Townhouse	Drug Store or pharmacy
	Food or beverage sales (no fuel sales)
	Retail sales and service

**Prohibited uses** include HUD-Code manufactured homes and land lease communities, all commercial and industrial uses are prohibited, except these uses allowed by an approved conditional use permit. The uses include but are not limited to: temporary asphalt concrete batching plants, a sewage pumping station or a cemetery, crematory or mausoleum, alcohol sales with on-premise consumption.

The zoning request does not comply with the FLUP and staff recommends disapproval of the proposed NS district. This is based on the discussion above as the NS zoning designation is not compatible with the FLUP and may not be compatible at that location. This is due in part to the proximity to the neighbors and based with the adjacent land use within existing NS zoning have developed with less than NS uses. In addition, per UDC Section 4.3.16, the NS zoning should be located convenient to residential areas in locations such as the corner of a local road or a collector that serves the neighborhood which is the case on both the west and east corners of W. Adams and Beaver Loop and are therefore are consistent. In the case of the western corner of this intersection, the NS has been developed with O-1 uses as described elsewhere in this report. If approved, the FLUP will need to be updated.

**<u>SURROUNDING PROPERTY AND USES</u>**: The following table provides the direction from the property, Future Land Use Plan (FLUP) designation, existing zoning and current land uses:

<b>Direction</b>	<u>FLUP</u>	Zoning	Current Land Use
Site	Auto-Urban Residential	AG	Undeveloped
North	Auto-Urban Residential	SF-1	Existing SF Uses (Kasberg Subd.)
South	Auto-Urban Residential	UE & AG	Scattered S.F. Uses on acreage
	& Suburban Residential		
East	Auto-Urban Residential	O-1 & AG	Undeveloped
West	Auto-Urban Residential	NS	Undeveloped & Scattered office uses

#### **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	Compliance?
CP	Map 3.1 - Future Land Use and Character (FLUP)	No
СР	Map 5.2 - Thoroughfare Plan	Yes
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes (Required at Platting)

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

#### Future Land Use and Character Plan (FLUP) (CP Map 3.1)

Auto-urban Residential is identified for the subject property as well as identified for the immediate and surrounding area. The NS zoning is not a compatible zoning district and not all the allowed uses may be compatible with proximity to the neighbors to the north or the overall size of the proposed parcels. There is however existing NS zoning in place adjacent to the property to the west. This property has been developed with O-1 uses.

#### Thoroughfare Plan (CP Map 5.2)

The subject property will take access from W. Adams Ave which is an arterial street. Access to the property can also be taken from Beaver Loop.

#### Availability of Public Facilities (CP Goal 4.1)

Water is available to the subject property through a 4" and a 6" water line in W. Adams Ave. Sewer is available through an 18" sewer line on the south side of W. Adams Ave.

#### Temple Trails Master Plan Map and Sidewalks Ordinance

A proposed spine trail is identified in the Master Trail Plan Map along the property's frontage along W. Adams Ave.

**DEVELOPMENT REGULATIONS:** Single-Family detached & attached residential setbacks in the NS district are:

Minimum lot size	-	6,000 S.F. detached - (2,300 S.F. attached)
Minimum Lot Width	-	50' detached - (20' attached)
Minimum Lot Depth	-	100'
Front Yard Setback	-	15' (25' attached)
Side Yard Setback	-	10% of Lot Width (Min 5') detached - (attached 5'/0')
Corner Side Setback	-	15'
Rear Yard Setback	-	10'

Non-Residential setbacks in the NS district are:

Minimum lot size	-	N/A
Minimum Lot Width	-	N/A
Minimum Lot Depth	-	N/A
Front Yard Setback	-	15'
Side Yard Setback	-	10'
Corner Side Setback	-	10'
Rear Yard Setback	-	0'

Additional Development Regulations include but not limited to:

- \* A minimum 10' rear setback is required where a non-residential use abuts a residential zoning district or use (UDC Section 4.4.4.F3) and,
- \* A residential access drive is prohibited onto arterial streets (UDC Section 7.2.4A).

While general provisions for buffering and screening are found in UDC Section 7.7, highlighted provisions include but not limited to:

- \* Evergreen hedges with a minimum planted height of six feet, placed on 36-inch centers or, fences and walls constructed of wood, masonry, stone or pre-cast concrete from 6 to 8 feet in height above the adjacent grade (UDC Section 7.7.4),
- \* Refuse containers are to be located in the side or rear of the property and screened from view per UDC Section 7.7.6, and
- \* Outdoor storage is permitted in the NS zoning district, where the storage area is situated behind the principal building in the rear half of the property and where a solid wood or masonry fence screens the outdoor storage from public view. Such wood or masonry fence must be at least one foot higher than the stored material (UDC Section 7.7.8.B1).

In conclusion, any additional or enhanced screening and buffering beyond what is provided for in the UDC may be considered though a Planned Development.

**PUBLIC NOTICE:** Fifteen notices of the public hearing were sent out to property owners within 200feet of the subject property as required by State law and City Ordinance. As of Friday December 20, 2013 at 12:00 PM, staff had received, 1 notice in agreement, 9 notices in disagreement, 1 notice with no recommendation stated and 1 notice returned as undeliverable.

Staff has calculated the area under protest within the buffer notification area, as prescribed by UDC Section 3.3.4. It has been found that 23.06% of the land area is under protest for the requested NS zoning designation. Therefore, per UDC Section 3.3.4.A, a three-fourths vote by City Council is required in order to approve the request.

The newspaper printed notice of the public hearing on November 20, 2013, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

#### ATTACHMENTS:

Site and Surrounding Property Photos Zoning and Location Map Future Land Use and Character Map Buffer Notification Map Returned Property Notices PZ Excerpts Ordinance

# Site & Surrounding Property Photos



Site: Undeveloped - Looking North (NS)



West: Undeveloped and Developed office uses (NS)



East: Undeveloped (O-1 & AG)



North: Developed SF Uses (Kasberg Subdivision - SF-1)

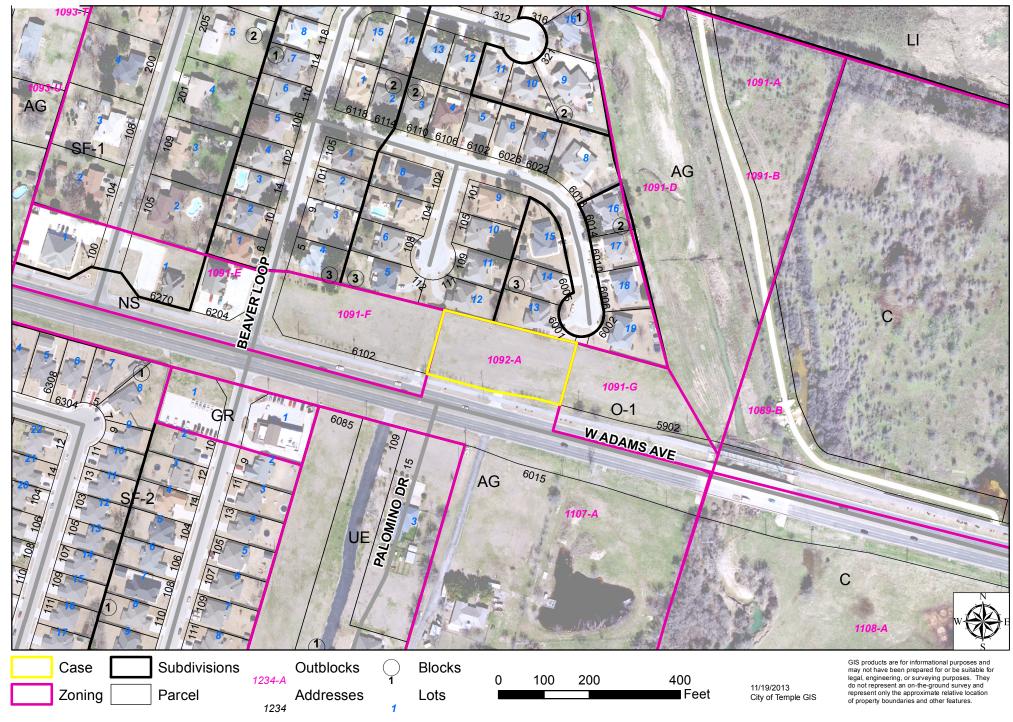


South: Scattered Single-Family uses on acreage (UE & AG)



# Zoning and Location Map

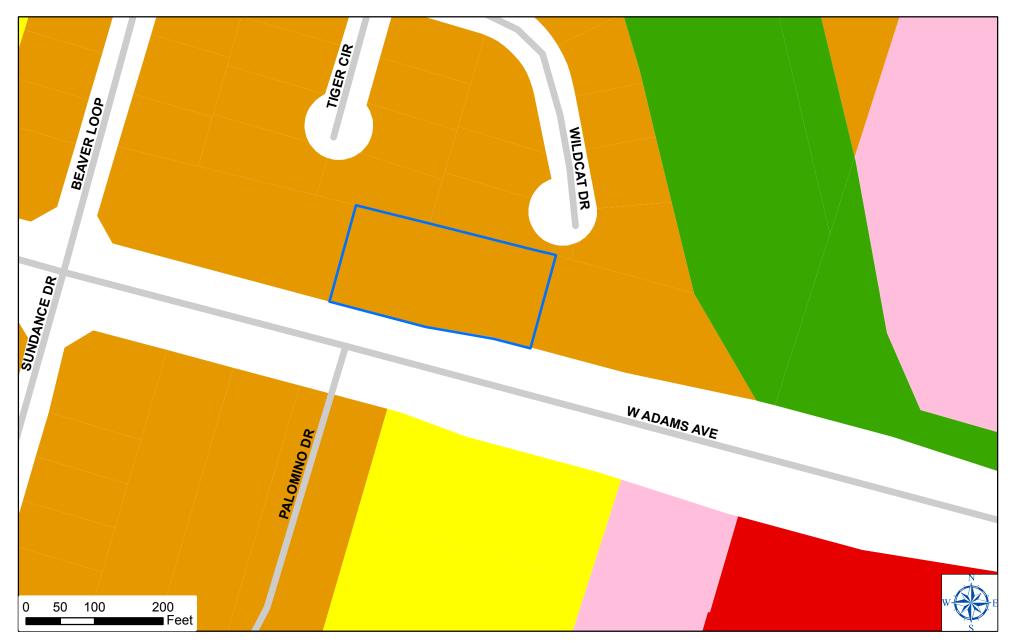
## 6040 W. Adams Ave





# Future Land Use Map AG to NS

6040 West Adams Ave



#### **Future Land Use**

Neighborhood Conservation A
 Estate Residential A
 Suburban Residential A

Auto-Urban Residential Auto-Urban Multi-Family Auto-Urban Mixed Use

Auto-Urban Commercial Suburban Commercial Urban Center Temple Medical Education District

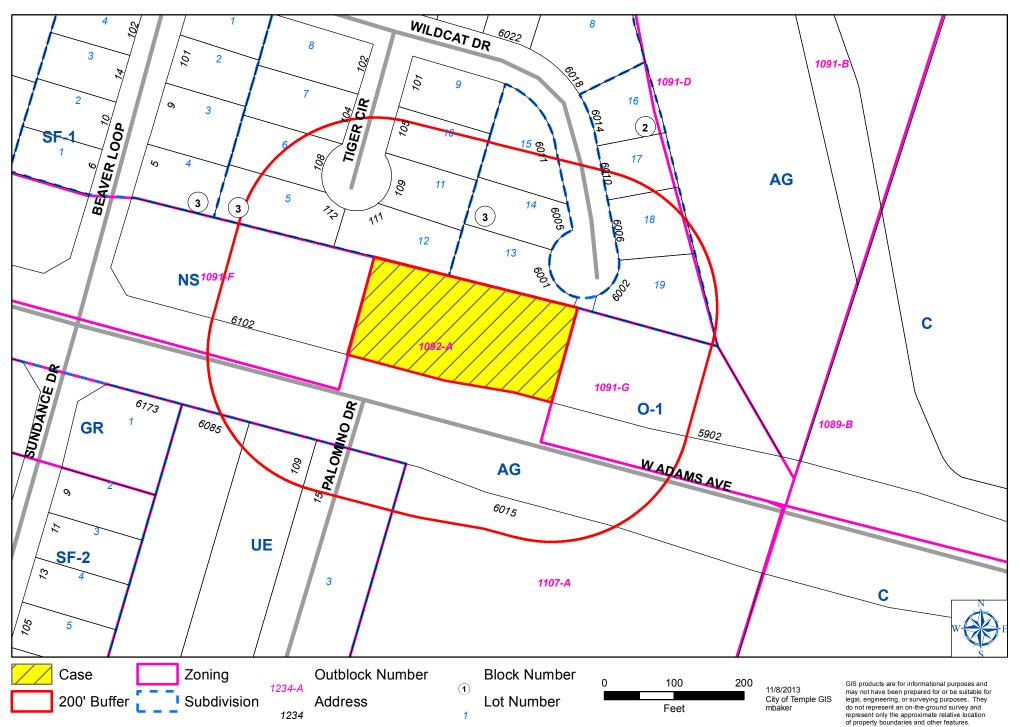
Industrial

**Business Park** 

t Public Institutional Parks & Open Space Agricultural/Rural GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

> 11/19/2013 City of Temple GIS







Andrew Etux Sherry Eller 6002 Wildcat Drive Temple, Texas 76502

#### Zoning Application Number: Z-FY-14-09 Project Manager: Mark Baker

## Zone Change Request: Agricultural District (AG) to Neighborhood Service District (NS)

Location: On the north side of West Adams Avenue, east of Beaver Loop

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

I recommend () approval

(X) denial of this request.

Comments:	Please	See	Attached for Reasons
		i\	Traffic
		Ĺ	-) Cut-ins on Street
		3	1) Types it Businesses In NS that do NOT Complement
			SF-1 Neighborhoud
•		Ч)	INS DURINOT FIT UDE description of NS
			on this property
			,

IDREW Eller

Please mail or hand-deliver this comment form to the address shown below, no later than December 3, 2013

> City of Temple **Planning Department Room 102** Municipal Building Temple, Texas 76501

#### Recommendation of a Denial for Zoning Application Z-FY-14-09

I am recommending a **denial** of the Zoning Application Z-FY-14-09 from an Agriculture (A) District to Neighborhood Services (NS) District for the following reasons.

- The Unified Development Code states in Section 4.3.16.B for Neighborhood Services, "This district should be located convenient to residential areas in locations such as the CORNER of LOCAL ROAD, and a COLLECTOR that serves the neighborhood." (Emphasis added) Clearly this property is NOT on a corner of a local road, but rather in the middle of two adjacent properties with only direct access from the main road (FM-2305) which is NOT a local road or collector serving the neighborhood.
- 2) In order for this to become part of a corner on a local road it would have to be combined with the property directly to the west (tract 1091-F). This would create a lot approximately 2 acres in size (as each is approximately 1 acre). This is a rather large size lot for Neighborhood Services. Lots of this size would typically NOT be used for Neighborhood Services.
- 3) This will also result in the lot to the east against the creek (tract 1091-G) being locked out of any entrance as there are NO cut-ins for FM-2305 for this lot which is zoned for Office-1. There is an ordinance that will NOT allow entrance to this lot from Wildcat Drive, unless it is a Single Family home. Therefore traffic to this lot must come from FM-2305 or the adjacent property in question. For that to happen it must come from the cut-in on FM-2305 that already exists at the tract in question or the cut in off of FM-2305 on the property to west to reach this tract. Tract 1091-G should never have a direct cut in to FM-2305 as it is extremely close to the bridge over Pepper Creek. In addition, it would be an uphill drive to exit the property onto FM-2305 which is raised above the property grade. In 2001, TX-DOT verbally stated during the widening project on FM-2305 that NO MORE cut-ins would be created due to the traffic danger.
- 4) Clearly from the Unified Development Code the entrance to this property and the one to the west really should come from Beaver Loop or the local road or collector that serves the neighborhood if this was zoned as Neighborhood Services. This will also mean that the property to the east would have to come from Beaver Loop. This results in 3 lots or 1 rather large lot to cut in from Beaver Loop. As Neighborhood Services creates more traffic than other zones this will add to the traffic on Beaver Loop.
- 5) If the thought is to zone it like the property to the east (which is Neighborhood Services), the same logic can be applied to the property to the west which is Office 1, which would be more appropriate as traffic is not as high as with Neighborhood Services and the character of Office 1 structures would fit better with the adjoining neighborhood. Office 1 is the more appropriate zoning as stated in 4.3.14.B, "Office 1 zoning district should be located convenient to residential areas and should be COMPLIMENTARY (sic) to the character of the residential neighborhood served ... a transitional zone allowing low intensity administrative and professional offices. Permitted uses are NOT intended to be major traffic generators." Neighborhood Services generate much more traffic, which can be a problem in this area because of the bridge. They also do NOT typically provide for complementary character of the neighborhood. The adjoining neighborhood is SF-1, the highest and most restrictive residential. Office 1 would be more complementary.
- 6) Any increased traffic associated with Neighborhood Services that would result on Beaver Loop and the need to turn onto FM-2305 would create even more problems than are already associated with the intersection. The intersection currently has Sundance Drive directly across from it also trying to enter FM-2305 and at times the wait can be upwards of 5 minutes in busy traffic times to turn left from either street. The speed of traffic on FM-2305 is approximately 50 miles per hour and that makes it even more difficult to leave the neighborhoods. An Office 1 designation would keep traffic lower and not add too much to the congestion.

- 7) If the requestor of the zoning change has a specific project in mind, then this should clearly be stated. Without knowing exactly what would go on the property, a Neighborhood Services designation could easily allow structures and businesses that do NOT fit with SF-1 residential and result in increased traffic congestion.
- 8) NS Zoning Districts are different than A or O1 Zoning Districts in that they allow retail and convenience stores to be built. These stores can sell Self-Service Gasoline and alcoholic beverages if a Contingent Use Permit is provided. Also, small drug stores, florists, greenhouses, self-service Laundromats, and beverage sales stores can be constructed in an NS District. The A and O1 Districts do NOT allow these types of business. With the close proximity to the homes in the area with no buffer zones between the homes and these types of business, a significant devaluation of the property values in the area will be realized. In addition, these types of establishments invite heavy traffic and in some cases 24 hour operations. These types of operations are totally undesirable this close to homes.
- 9) This application was originally made in August 2001. During the ensuing Public Hearing at the Planning meeting, the owners withdrew the application of Neighborhood Services and asked to meet with the neighborhood to settle differences. The Planning Department recommended that the property in question be Zoned Office 1 (O1) with Planned Development. This was suitable to the neighbors surrounding the property and the original petitioner (Alexander) as well. The only question was to be what was considered in the "Planned Development." The neighbors met with Lloyd Thomas, the owner's representative once and Mr. Thomas agree to take back our stance on the change to the owner's to determine if they would be willing to OK the O1 zone with planned development recommended. Neither the owner's nor Mr. Thomas contacted us again after that meeting. However, they tried to push the zoning change through again one month later as Neighborhood Services.
- 10) After denials in August 2001 and September 2001 by the Planning and Zoning Commission, the owners did finally petition for a change to Office 1 in October 2002. However, they withdrew the application after discussion with the Planning Department and the Planning and Zoning Commission on making it a Planned Development Office 1 (as was discussed the year before) to help shield the neighborhood as there is no natural buffer. They tried to push it through withOUT Planned Development. Clearly in the past, Neighborhood Services has been seen as totally inappropriate and that has not changed. To truly meet the Unified Development Code intent, help with traffic congestion, to meet with the character of the surrounding neighborhood, and to protect property values the only clear choice is Office 1 Planned Development.

We feel the appropriate compromise is to go with an Office 1 Planned Development Zone with the recommendations made in 2001 and 2002 by the Planning Department and the Commission. Any other changes would NOT be appropriate.

Respectively,

Andrew Eller 6002 Wildcat Drive Temple, TX 76502



David Etux Stephanie Baker 6010 Wildcat Drive Temple, Texas 76502

## Zoning Application Number: <u>Z-FY-14-09</u>

Project Manager: <u>Mark Baker</u>

## Zone Change Request: Agricultural District (AG) to Neighborhood Service District (NS)

Location: On the north side of West Adams Avenue, east of Beaver Loop

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I recommend () approval

 $(\sqrt{)}$  denial of this request.

Comments:

Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than <u>December 3, 2013</u>

City of Temple Planning Department Room 102 Municipal Building Temple, Texas 76501



Sharon M. Chapman 6005 Wildcat Drive Temple, Texas 76502

Project Manager: Mark Baker

## Zone Change Request: Agricultural District (AG) to Neighborhood Service District (NS)

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I recommend () approval

Zoning Application Number: Z-FY-14-09

H denial of this request.

Comments:

hall-Chapman

Sharon Marshall-Chapman

Please mail or hand-deliver this comment form to the address shown below, no later than <u>December 3, 2013</u>

City of Temple Planning Department Room 102 Municipal Building Temple, Texas 76501



Jeff T. Lawyer 6001 Wildcat Drive Temple, Texas 76502

## Zoning Application Number: <u>Z-FY-14-09</u> Project Manager: <u>Mark Baker</u>

### Zone Change Request: Agricultural District (AG) to Neighborhood Service District (NS)

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l recommend () approval

( denial of this request.

Comments:

Jeff T. Langar Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than <u>December 3, 2013</u>

City of Temple Planning Department Room 102 Municipal Building Temple, Texas 76501



Shirley J. Stewart 111 Tiger Circle Temple, Texas 76502

## Zoning Application Number: Z-FY-14-09 Project Manager: Mark Baker

## Zone Change Request: Agricultura! District (AG) to Neighborhood Service District (NS)

Location: On the north side of West Adams Avenue, east of Beaver Loop

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l recommend () approval

(\*) denial of this request.

Comments:

Signature

Shirle Stewart

Please mail or hand-deliver this comment form to the address shown below, no later than December 3, 2013

City of Temple Planning Department Room 102 Municipal Building Temple,∖Texas 76501



Chapple Ray Burns 6011 Wildcat Drive Temple, Texas 76502

## Zoning Application Number: Z-FY-14-09 Project Manager: Mark Baker

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I recommend () approval

 $(\chi)$  denial of this request.

#### Comments:

1) TRAFFIC would be greatly increased in the area. Trying to turn of Beaver LODD ONTO 2305 is Already A Night Mare. 2) More Streets would have to be cut in increasing the already bad traffic situation 3) AN NS ZONE Change would De-value Residences in the area.

Signature

Please mail or hand-deliver this comment form to the address shown being no later than December 3, 2013

> City of Temple Planning Department Room 102 Municipal Building Temple, Texas 76501

DEC 0 2 2013

City of Temple Planning & Development



Melissa & Mike Castillo 6006 Wildcat Drive Temple, Texas 76502

## Zoning Application Number: Z-FY-14-09 Project Manager: Mark Baker

### Zone Change Request: Agriculturaî District (AG) to Neighborhood Service District (NS)

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I recommend ()approval 🥢 denial of this request.
Comments: Son't here MORE TRAFFIC ST AND 1.00K
ATTRAFFIC NOW MAD Also DEACT WANT ANY
Billa TRAILAND PROBABLY Well CARDE AUCAE
caune We Love out Arighben hour Like MIS

Signature

Michael Custrito

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than December 3, 2013

City of Temple Planning Department Room 102 Municipal Building Temple, Texas 76501 RECEIVED

DEC 0 2 2013

City of Temple Planning & Development

Number of Notices Mailed: 15

Date Mailed: November 20, 2013



Debbie M. Cortes 108 Tiger Circle Temple, Texas 76502

#### Project Manager: Mark Baker Zoning Application Number: Z-FY-14-09

## Zone Change Request: Agricultural District (AG) to Neighborhood Service District (NS)

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I recommend papproval

() denial of this request.

Comments:

Signature

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> City of Temple Planning Department **Room 102 Municipal Building** Temple, Texas 76501

RECEIVED

DEC 0 2 2013

City of Temple Planning & Development

Number of Notices Mailed: 15

Date Mailed: November 20, 2013



Andrew Etux Sherry Eller 6002 Wildcat Drive Temple, Texas 76502

#### Zoning Application Number: Z-FY-14-09 Project Manager: Mark Baker

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I recommend () approval

(X) denial of this request.

Comments: See attached for reasons! lease raffic Cut-IN'S ON Street 2 Ś Nes Lach of business in do Complimente Neighborhood 4 Not Fit description of Signature

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City of Temple Planning Department Room 102 Municipal Building Temple, Texas 76501

Number of Notices Mailed: 15

Date Mailed: November 20, 2013

DEC 0 2 2013 City of Temple

Planning & Development

#### Recommendation of a Denial for Zoning Application Z-FY-14-09

I am recommending a **denial** of the Zoning Application Z-FY-14-09 from an Agriculture (A) District to Neighborhood Services (NS) District for the following reasons.

- The Unified Development Code states in Section 4.3.16.B for Neighborhood Services, "This district should be located convenient to residential areas in locations such as the CORNER of LOCAL ROAD, and a COLLECTOR that serves the neighborhood." (Emphasis added) Clearly this property is NOT on a corner of a local road, but rather in the middle of two adjacent properties with only direct access from the main road (FM-2305) which is NOT a local road or collector serving the neighborhood.
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- 3) This will also result in the lot to the east against the creek (tract 1091-G) being locked out of any entrance as there are NO cut-ins for FM-2305 for this lot which is zoned for Office-1. There is an ordinance that will NOT allow entrance to this lot from Wildcat Drive, unless it is a Single Family home. Therefore traffic to this lot must come from FM-2305 or the adjacent property in question. For that to happen it must come from the cut-in on FM-2305 that already exists at the tract in question or the cut in off of FM-2305 on the property to west to reach this tract. Tract 1091-G should never have a direct cut in to FM-2305 as it is extremely close to the bridge over Pepper Creek. In addition, it would be an uphill drive to exit the property onto FM-2305 which is raised above the property grade. In 2001, TX-DOT verbally stated during the widening project on FM-2305 that NO MORE cut-ins would be created due to the traffic danger.
- 4) Clearly from the Unified Development Code the entrance to this property and the one to the west really should come from Beaver Loop or the local road or collector that serves the neighborhood if this was zoned as Neighborhood Services. This will also mean that the property to the east would have to come from Beaver Loop. This results in 3 lots or 1 rather large lot to cut in from Beaver Loop. As Neighborhood Services creates more traffic than other zones this will add to the traffic on Beaver Loop.
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- 9) This application was originally made in August 2001. During the ensuing Public Hearing at the Planning meeting, the owners withdrew the application of Neighborhood Services and asked to meet with the neighborhood to settle differences. The Planning Department recommended that the property in question be Zoned Office 1 (O1) with Planned Development. This was suitable to the neighbors surrounding the property and the original petitioner (Alexander) as well. The only question was to be what was considered in the "Planned Development." The neighbors met with Lloyd Thomas, the owner's representative once and Mr. Thomas agree to take back our stance on the change to the owner's to determine if they would be willing to OK the O1 zone with planned development recommended. Neither the owner's nor Mr. Thomas contacted us again after that meeting. However, they tried to push the zoning change through again one month later as Neighborhood Services.
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We feel the appropriate compromise is to go with an Office 1 Planned Development Zone with the recommendations made in 2001 and 2002 by the Planning Department and the Commission. Any other changes would NOT be appropriate.

Respectivel



Eric and Christy Jackson 321 Beaver Loop Temple, TX 76502

#### Zoning Application Number: Z-FY-14-09

Project Manager: Mark Baker

# Zone Change Request: Agricultural District (AG) to Neighborhood Service District (NS)

Location: On the north side of West Adams Avenue, east of Beaver Loop

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I recommend () approval

(X) denial of this request.

See attached document diaster by Most of the neishborhood is in agreement with. Comments: leace Conceric eater Loop " GA that potentially come in Eric Jackson Please mail or hand-deliver this comment form to the address shown below, to later than **December 3, 2013** DEC 0 2 2013 **City of Temple** 

Planning Department Room 102 Municipal Building Temple, Texas 76501

City of Temple Planning & Development

Date Mailed: November 20, 2013

#### Recommendation of a Denial for Zoning Application Z-FY-14-09

I am recommending a **denial** of the Zoning Application Z-FY-14-09 from an Agriculture (A) District to Neighborhood Services (NS) District for the following reasons.

- The Unified Development Code states in Section 4.3.16.B for Neighborhood Services, "This district should be located convenient to residential areas in locations such as the CORNER of LOCAL ROAD, and a COLLECTOR that serves the neighborhood." (Emphasis added) Clearly this property is NOT on a corner of a local road, but rather in the middle of two adjacent properties with only direct access from the main road (FM-2305) which is NOT a local road or collector serving the neighborhood.
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Respectively,

Andrew Eller 6002 Wildcat Drive Temple, TX 76502



## RESPONSE TO PROPOSED ZONE CHANGE REQUEST CITY OF TEMPLE

Louis & Mary Palomino 15 Palomino Drive Temple, Texas 76502

## Zoning Application Number: <u>Z-FY-14-09</u> Project Manager: <u>Mark Baker</u>

## Zone Change Request: Agricultural District (AG) to Neighborhood Service District (NS)

Location: On the north side of West Adams Avenue, east of Beaver Loop

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I recommend () approval

denial of this request.

## Comments:

Bullt not ancon

LOUIS E. PALOMINO

**Print Name** 

Signature

Please mail or hand-deliver this comment form to the address shown below, no later than
<u>December 3, 2013</u>
RECEIVED

City of Temple Planning Department Room 102 Municipal Building Temple, Texas 76501

DEC 0 3 2013

City of Temple Planning & Development

Number of Notices Mailed: 15

Date Mailed: November 20, 2013

City of Temple; Planning

Zoning Application Number Z-FY-14-09

Concerning the above zone change I recommend denial. I will be attending the meeting on 12-3-13.

Sincerely Richard Turner



DEC 0 2 2013 City of Temple Planning & Development



## **RESPONSE TO PROPOSED ZONE CHANGE REQUEST** CITY OF TEMPLE

Andrew Etux Sherry Eller 6002 Wildcat Drive Temple, Texas 76502

### Project Manager: Mark Baker Zoning Application Number: Z-FY-14-09

### Zone Change Request: Agricultural District (AG) to Neighborhood Service District (NS)

Location: On the north side of West Adams Avenue, east of Beaver Loop

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I recommend () approval

(X) denial of this request.

Comments:	Plea	se sec attached for reasons:	and the set of the
	A.	Traffic	-
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	D.	NB Does not fit UDE descriptions of NB	-
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herfard

Van Rutherford

Please mail or hand-deliver this comment form to the address shown below, no later than December 3, 2013 RECEIVED

City of Temple **Planning Department** Room 102 **Municipal Building** Temple, Texas 76501

DEC 0 2 2013 City of Temple Planning & Development

Number of Notices Mailed: 15

Date Mailed: November 20, 2013

### Recommendation of a Denial for Zoning Application Z-FY-14-09

I am recommending a denial of the Zoning Application Z-FY-14-09 from an Agriculture (A) District to Neighborhood Services (NS) District for the following reasons.

- The Unified Development Code states in Section 4.3.16.B for Neighborhood Services, "This district should be located convenient to residential areas in locations such as the CORNER of LOCAL ROAD, and a COLLECTOR that serves the neighborhood." (Emphasis added) Clearly this property is NOT on a corner of a local road, but rather in the middle of two adjacent properties with only direct access from the main road (FM-2305) which is NOT a local road or collector serving the neighborhood.
- 2) In order for this to become part of a corner on a local road it would have to be combined with the property directly to the west (tract 1091-F). This would create a lot approximately 2 acres in size (as each is approximately 1 acre). This is a rather large size lot for Neighborhood Services. Lots of this size would typically NOT be used for Neighborhood Services.
- 3) This will also result in the lot to the east against the creek (tract 1091-G) being locked out of any entrance as there are NO cut-ins for FM-2305 for this lot which is zoned for Office-1. There is an ordinance that will NOT allow entrance to this lot from Wildcat Drive, unless it is a Single Family home. Therefore traffic to this lot must come from FM-2305 or the adjacent property in question. For that to happen it must come from the cut-in on FM-2305 that already exists at the tract in question or the cut in off of FM-2305 on the property to west to reach this tract. Tract 1091-G should never have a direct cut in to FM-2305 as it is extremely close to the bridge over Pepper Creek. In addition, it would be an uphill drive to exit the property onto FM-2305 which is raised above the property grade. In 2001, TX-DOT verbally stated during the widening project on FM-2305 that NO MORE cut-ins would be created due to the traffic danger.
- 4) Clearly from the Unified Development Code the entrance to this property and the one to the west really should come from Beaver Loop or the local road or collector that serves the neighborhood if this was zoned as Neighborhood Services. This will also mean that the property to the east would have to come from Beaver Loop. This results in 3 lots or 1 rather large lot to cut in from Beaver Loop. As Neighborhood Services creates more traffic than other zones this will add to the traffic on Beaver Loop.
- 5) If the thought is to zone it like the property to the east (which is Neighborhood Services), the same logic can be applied to the property to the west which is Office 1, which would be more appropriate as traffic is not as high as with Neighborhood Services and the character of Office 1 structures would fit better with the adjoining neighborhood. Office 1 is the more appropriate zoning as stated in 4.3.14.B, "Office 1 zoning district should be located convenient to residential areas and should be COMPLIMENTARY (sic) to the character of the residential neighborhood served ... a transitional zone allowing low intensity administrative and professional offices. Permitted uses are NOT intended to be major traffic generators." Neighborhood Services generate much more traffic, which can be a problem in this area because of the bridge. They also do NOT typically provide for complementary character of the neighborhood. The adjoining neighborhood is SF-1, the highest and most restrictive residential. Office 1 would be more complementary.
- 6) Any increased traffic associated with Neighborhood Services that would result on Beaver Loop and the need to turn onto FM-2305 would create even more problems than are already associated with the intersection. The intersection currently has Sundance Drive directly across from it also trying to enter FM-2305 and at times the wait can be upwards of 5 minutes in busy traffic times to turn left from either street. The speed of traffic on FM-2305 is approximately 50 miles per hour and that makes it even more difficult to leave the neighborhoods. An Office 1 designation would keep traffic lower and not add too much to the congestion.

- 7) If the requestor of the zoning change has a specific project in mind, then this should clearly be stated. Without knowing exactly what would go on the property, a Neighborhood Services designation could easily allow structures and businesses that do NOT fit with SF-1 residential and result in increased traffic congestion.
- 8) NS Zoning Districts are different than A or O1 Zoning Districts in that they allow retail and convenience stores to be built. These stores can sell Self-Service Gasoline and alcoholic beverages if a Contingent Use Permit is provided. Also, small drug stores, florists, greenhouses, self-service Laundromats, and beverage sales stores can be constructed in an NS District. The A and O1 Districts do NOT allow these types of business. With the close proximity to the homes in the area with no buffer zones between the homes and these types of business, a significant devaluation of the property values in the area will be realized. In addition, these types of establishments invite heavy traffic and in some cases 24 hour operations. These types of operations are totally undesirable this close to homes.
- D) This application was originally made in August 2001. During the ensuing Public Hearing at the Planning meeting, the owners withdrew the application of Neighborhood Services and asked to meet with the neighborhood to settle differences. The Planning Department recommended that the property in question be Zoned Office 1 (O1) with Planned Development. This was suitable to the neighbors surrounding the property and the original petitioner (Alexander) as well. The only question was to be what was considered in the "Planned Development." The neighbors met with Lloyd Thomas, the owner's representative once and Mr. Thomas agree to take back our stance on the change to the owner's to determine if they would be willing to OK the O1 zone with planned development recommended. Neither the owner's nor Mr. Thomas contacted us again after that meeting. However, they tried to push the zoning change through again one month later as Neighborhood Services.
- 10) After denials in August 2001 and September 2001 by the Planning and Zoning Commission, the owners did finally petition for a change to Office 1 in October 2002. However, they withdrew the application after discussion with the Planning Department and the Planning and Zoning Commission on making it a Planned Development Office 1 (as was discussed the year before) to help shield the neighborhood as there is no natural buffer. They tried to push it through withOUT Planned Development. Clearly in the past, Neighborhood Services has been seen as totally inappropriate and that has not changed. To truly meet the Unified Development Code intent, help with traffic congestion, to meet with the character of the surrounding neighborhood, and to protect property values the only clear choice is Office 1 Planned Development.

We feel the appropriate compromise is to go with an Office 1 Planned Development Zone with the recommendations made in 2001 and 2002 by the Planning Department and the Commission. Any other changes would NOT be appropriate.

**Respectively**.



## **RESPONSE TO PROPOSED** ZONE CHANGE REQUEST **CITY OF TEMPLE**

Anthony Etux Cynthia Woytek 112 Tiger Circle Temple, Texas 76502

### Project Manager: Mark Baker Zoning Application Number: Z-FY-14-09

## Zone Change Request: Agricultural District (AG) to Neighborhood Service District (NS)

Location: On the north side of West Adams Avenue, east of Beaver Loop

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

I recommend () approval

() denial of this request.

## Comments:

Please mail or hand-deliver this comment form to the address shown below, no later than December 3, 2013

> City of Temple **Planning Department Room 102 Municipal Building** Temple, Texas 76501

RECEIVED

0 2 2013

City of Temple Planning & Development

Number of Notices Mailed: 15

Date Mailed: November 20, 2013



## RESPONSE TO PROPOSED ZONE CHANGE REQUEST CITY OF TEMPLE

Olga P. Rendon 109 Palomino Drive Temple, Texas 76502

## Zoning Application Number: Z-FY-14-09 Project Manager: Mark Baker

## Zone Change Request: Agricultural District (AG) to Neighborhood Service District (NS)

Location: On the north side of West Adams Avenue, east of Beaver Loop

The proposed rezoning 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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

l recommend () approval

 $(\sqrt{)}$  denial of this request.

Comments:

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Signature

Please mail or hand-deliver this comment form to the address shown below, no later than December 3, 2013

City of Temple Planning Department Room 102 Municipal Building Temple, Texas 76501



Number of Notices Mailed: 15

Date Mailed: November 20, 2013

## EXCERPTS FROM THE

## PLANNING & ZONING COMMISSION MEETING

## TUESDAY, DECEMBER 3, 2013

## **ACTION ITEMS**

Item 5: Z-FY-14-09 – Hold a public hearing to discuss and recommend action on zone change from Agricultural District (AG) to Neighborhood Services (NS) on 0.982 +/- acres, situated in the Nancy Chance Survey, Abstract 5, City of Temple, Bell County, Texas, located at 6040 W. Adams Ave.

Mr. Mark Baker, Planner, stated this item would go forward to City Council for first reading on January 16, 2014 and for second reading on February 6, 2014.

The Future Land Use and Character Map designate the property as Auto Urban Residential.

A four-inch and six-inch water lines are available in West Adams Avenue and an 18-inch sewer line is available on the south side of West Adams Avenue.

The property was subject to a prior zone change request from AG to NS in both 2001 and 2002. At that time there was strong neighborhood opposition to NS zoning due to the need for enhanced buffer, increased traffic concerns, the effect on pedestrian safety on the trail along West Adams, property devaluation, Intrusive nature of night-time businesses developed in NS and, potential sale of alcoholic beverages (allowed with a CUP).

Staff and the P&Z Commission recommendation was for a Planned Development O-1 (PD-O1) with O1 filtering out some of the more intrusive uses allowed in the NS district and that the PD would provide additional buffering currently in place under the Unified Development Code (UDC). The request was ultimately withdrawn by the applicant before going to City Council for first reading.

Surrounding properties include developed single family uses (Kasberg Subdivision) to the north with SF-1 zoning, scattered single family uses to the south with UE and AG zoning, existing service and office uses to the west with NS zoning, and undeveloped land to the east with O1 and AG zoning.

The Future Land Use and Character Map designates the property as Auto Urban Residential which is primarily for smaller single family lot sizes in SF or Single Family Attached (SFA) districts. The request for NS zoning does not completely comply with the Future Land Use and Character Map.

Ms. Baker cites the allowed and prohibited uses for NS.

Development Regulation comparisons are given and the following current requirements would apply to the subject property:

A minimum 10' rear setback is required where a non-residential use abuts a residential zoning district (UDC Section 4.4.4.F3);

A residential access drive is prohibited onto arterial streets (UDC Section 7.2.4A);

General Buffering and Screening (UDC Section 7.7);

Evergreen hedges (6' height & spaced on 36" centers) or,

6' to 8' height (masonry, wood, pre-cast concrete).

Refuse containers located in the rear or side of the property and screened from view.

Outdoor Storage is permitted in NS & O-1 behind principal building and screened from view (UDC Section 7.7.8B1)

Fifteen notices were mailed out with one returned in favor and eight in opposition.

In cases where the proposed zoning does not agree with the Future Land Use and Character Map, Staff considers the following issues:

Is the proposed land consistent with the Comprehensive Plan / Future Land Use Map? In this case, no it is not.

Do surrounding uses seem compatible and similar to the proposed zoning? For the NS no.

Do surrounding zoning designations seem compatible or similar to the proposed rezoning? In the case of NS it would be a combination of yes and no. The compatibility at this location and with the input from the neighbors, even though NS has been established along this area, this remaining strip may not be compatible with NS.

Staff recommends disapproval of the zone request.

Commissioner Staats asked Mr. Baker if he knew what the general feeling was from the neighborhood of an acceptable rezoning. Mr. Baker responded based on previous input and action taken by P&Z in 2002, the recommendation came forward as an O1 under a PD. Staff was making a combined recommendation of the O1 but since the public hearing was advertised as NS, the Planning Commission would not be able to take action as an O1. It would have to come back as an O1.

Commissioner Staats asked about the NS zoning to the west of the subject property and if there had been any complaints of those businesses. Mr. Baker responded there were none he knew of.

Mr. Baker had a copy of the proposed subdivision plat showing two access points.

Commissioner Pitts asked about the cautionary uses under NS. Mr. Baker stated a lot of NS would include GR uses, conditional uses that would not otherwise be allowed in O1, NS and O2 allow the sale of alcohol with on-premise consumption, O2 gets into more restrictive retail and department store uses, but NS is where a lot of those uses are permitted by right.

Vice-Chair Rhoads asked the public to keep their comments to a three minute minimum since there were so many citizens present and then opened the public hearing.

Ms. Sherry Eller, 6002 Wildcat Drive, Temple, Texas apologized for her husband's absence and read a statement to the Commission. Mr. and Mrs. Eller would like to request a denial on this item for the following reasons (not a complete list) and to suggest an alternative: Traffic – NS would bring increased traffic. Beaver Loop is the only road in and out of the neighborhood. Significant traffic congestion currently exists at Beaver loop and West Adams during peak hours. More traffic would clearly create a hazardous situation.

Many of the businesses allowed by right or CUP are not appropriate for location next to SF1 designated neighborhoods. NS allows retail and convenience stores, alcoholic beverages (CUP), small drug stores, etc. which are not appropriate next to a residential area.

Alternate districts such as O1 do not allow these types of businesses and are more appropriate next to an SF1 neighborhood. Because of the close proximity to homes in the area and the lack of buffer zones between the homes and these types of businesses, a significant devaluation of property values will be realized.

These types of establishments invite heavy traffic and in some cases, 24 hour operations which are totally undesirable this close to a neighborhood.

Structures on NS properties typically do not complement the surrounding neighborhood such as an O1 would require. O1 would be more appropriate because traffic is not as high and the character of O1 structure would fit better with an adjoining neighborhood. O1 is the more appropriate zoning according to 4.3.14.B of the Unified Development Code which states:

B. The Office 1 zoning district should be located convenient to residential areas and should be complimentary to the character of the residential neighborhood served. This district is designed to be a transitional zone allowing low intensity administrative and professional offices. Permitted uses are not intended to be major traffic generators.

NS generate much more traffic which can be a problem in this area because of the bridge. The adjoining neighborhood is SF1, the highest and most restrictive. O1 would be more complementary.

Mr. Jeff Lawyer, 6001 Wildcat Drive, Temple, Texas thanked the Staff and Mr. and Mrs. Eller for getting the logistics. Mr. Lawyer asked the Commission to look at the neighbors that make up the neighborhood and they are asking the Commission not to allow NS there. Mr. Lawyer commented that the person who wants to develop the property will not state what they want to put in there.

Mr. Lawyer told the Commission the neighborhood was not trying to stop progress but only wanted to control the progress so the neighborhood will remain the same. The neighbors are asking for no NS but would prefer O1.

Mr. Van Rutherford, 5 Beaver Loop, Temple, Texas stated he agrees with Mr. Lawyer and FM 2305 has turned into a busy interstate. The neighborhood is concerned about any type of detrimental business for the area. The traffic and the safety of the neighborhood and children needs to be considered since it is a strategic piece of property.

Commissioner Jones asked if anyone had called the applicant to find out what she is planning to do. Mr. Rutherford was told a proposed Little Ceasar's would be going in.

Mr. Lawyer returned to the podium and stated City Staff was contacted to find out and no one could answer them. It was assumed the P&Z and Staff would know.

Mr. Raymond Rendon, 109 Palomino Drive, Temple, Texas stated he agreed with the previous speakers. Mr. Rendon also added it was a busy street with no side shoulder on either side of FM 2305.

Commissioner Staats asked if there was a cross access easement/agreement across the lots and Mr. Baker stated it was a proposed cross access but did not have a copy of it.

Ms. Juanita Michelle Fettig, 3506 Antelope Trail, Temple, Texas stated as a property owner she had her own concerns. The property to the west is zoned NS and GR is across the street. Ms. Fettig is not asking for GR, only NS. The Future Land Use and Character Map is a guideline for the Staff to follow in their recommendations. Ms. Fettig contends the map does not adequately identify the nonresidential uses being developed along Adams Avenue frontage property and adjacent to her property.

Ms. Fettig commented on Item 4 that Staff states:

NS is best suited for locations such as the corner of a local road or a collector that serves a neighborhood.

Ms. Fettig stated her property fronts Adams Avenue which is defined as a major arterial, one level below expressway. Adams Avenue carries 23,000 vehicles per day according to TxDOT 2010 Traffic Count Map. NS is much softer than GR or Commercial.

As to the concern for the entrance and access points to the property, Ms. Fettig explained TxDOT has approved two access points directly off of Adams at the property line of the property which will become the primary access points.

Ms. Fettig stated she understood the concern for zoning and her intention is to enhance the area, not diminish it.

Ms. Sherry Eller returned for rebuttal. Ms. Eller stated previously TxDOT talked about the two access points from West Adams and not wanting to use those because of how close they were to the bridge but was not sure. Ms. Eller stated this was the fourth time a zoning change has been addressed for this property. The request was either denied or withdrawn and the issues have remained unchanged.

Ms. Eller reiterated they would like to be able to control the progress and make it compatible with the neighborhood and does not create more traffic problems.

Vice-Chair Rhoads asked if there was any information as to what the NS would be or with a PD since this was a concern.

Brief discussion regarding access points, Beaver Loop, and traffic.

Ms. Fettig returned and stated the buyer is looking at the property as an investment. Ms. Fettig did not own the property in 2001.

Mr. Eric Jackson, 321 Beaver Loop, Temple, Texas stated he did not know the corner lots were NS but they got lucky with the businesses there. O1 is preferred.

Ms. Ann Rutherford, 5 Beaver Loop, Temple, Texas stated she has seen Adams grow from two lane to five lanes and speeds up to 80 mph. The current NS businesses look beautiful and fits right in which is what the neighborhood would like.

Ms. Baker gave some allowed and prohibited uses for NS and O1 (not inclusive)

There being no further speakers, Vice-Chair Rhoads closed the public hearing.

Commissioner Jones commented that the traffic on 2305 would continue to grow but not drastically as compared to other subdivisions. All of 2305 will continue to develop just as 31st Street. Commissioner Jones had difficulty with restricting the owner at this point since NS is all up and down the area.

Commissioner Pitts agreed with Commissioner Jones since NS is already there and did not feel it would contribute that much more traffic. Alcohol concerns is not guaranteed under NS.

Commissioner Johnson agreed with the comments and stated NS is already there and not going away. Commissioner Johnson believes O1 is too minimal for 2305 and would like to see more buffering between the lots and neighborhood which can be done with a PD. Commissioner Johnson suggested NS with a PD.

Mr. Baker stated the Commission could suggest a PD if the applicant were interested and willing to go with a PD, she would need to carve out more restrictive uses. There is a requirement for a site plan which may limit the use of the property to a point the applicant may not be interested.

Commissioner Staats made a motion to approve Item 5, Z-FY-14-09, as requested by applicant and Commissioner Pitts made a second.

Motion passed: (5:1) Commissioner Johnson voted Nay; Chair Sears and Commissioner Magaña absent, one vacancy

### ORDINANCE NO.

### (PLANNING NO. Z-FY-14-09)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (AG) TO NEIGHBORHOOD SERVICES (NS) ON APPROXIMATELY 0.982 ACRES SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, CITY OF TEMPLE, BELL COUNTY, TEXAS, AND LOCATED AT 6040 WEST ADAMS AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>**Part 1**</u>: The City Council approves a rezoning from Agricultural District (AG) to Neighborhood Services (NS) on approximately 0.982 acres, situated in the Nancy Chance Survey, Abstract No. 5, City of Temple, Bell County, Texas, and located at 6040 West Adams Avenue, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

<u>**Part 2:**</u> 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.

<u>**Part 4**</u>: 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.

<u>**Part 5**</u>: 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 **16<sup>th</sup>** day of **January**, 2014.

PASSED AND APPROVED on Second Reading on the 6<sup>th</sup> day of February, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



01/16/14 Item #11 Regular Agenda Page 1 of 6

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

Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** FIRST READING –PUBLIC HEARING - Z-FY-14-11: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Single- Family Two District (SF-2) on 115.33 +/- acres and from Agricultural District (AG) to General Retail District (GR) on 12.725 +/- acres, both being a portion of 128.05 acres of land, being part of the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, located on the east side of SH 317, north of the FM 2483 intersection, and extending to the west side of North Pea Ridge Road.

**P&Z COMMISSION RECOMMENDATION** At its meeting on December 16, 2013, the Planning and Zoning Commission voted 5/1 to recommend approval of the requested zoning change from Agricultural District (AG) to General Retail District (GR). Commissioner Johnson voted in opposition, and Chair Sears was absent. There are two vacancies on the Commission.

**<u>STAFF RECOMMENDATION</u>**: Conduct public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for February 6, 2014.

Staff recommends **approval** of the requested zoning change to **SF-2 District** for the following reasons:

- 1. Based on staff's direction from City Council at its November 21, 2013, workshop regarding Single Family developments in areas, such as this, with **Agricultural/Rural** classifications, staff anticipates future changes to the Future Land Use and Character Map for **Suburban Residential** uses in this area that would bring the applicant's request into compliance with anticipated development in this area;
- 2. Although the requested SF-2 District complies with the Thoroughfare Plan, North Pea Ridge Road is not built to its collector classification.
- 3. Water facilities are available to the subject property. Although sewer facilities are currently not available to the site, the applicant has indicated he plans to extend services from the south to his property.

Staff recommends **approval** of the requested zoning change to **General Retail District** for the following reasons:

- 1. Based on staff's direction from City Council at its November 21, 2013 workshop regarding non-residential developments in areas, such as this, with **Agricultural/Rural** classifications, staff anticipates future changes to the Future Land Use and Character Map for **Suburban Commercial** uses in this area along arterials and at intersections with other arterials in the area that would bring the applicant's request into compliance with anticipated development in this area;
- 2. The request complies with the Thoroughfare Plan; and
- 3. Water facilities are available to the subject property. Although sewer facilities are currently not available to the site, the applicant has indicated he plans to extend services from the south to his property.

**ITEM SUMMARY:** The applicant requests zoning changes from **Agricultural District (AG) to Single-Family Two District (SF-2) on 115.33 acres of land** fronting North Pea Ridge Road and from **Agricultural District (AG) to General Retail District (GR) on 12.725 acres** of land fronting SH 317. Although there are no sewer facilities available at the site, the applicant plans to extend sewer to the subject property. The applicant's proposed development with a sewer extension would require the platting process.

**The applicant's requested SF-2 zoning district** permits single-family detached residences and related accessory structures and provides for smaller single-family lots. This district may also be used as a transition from the SF-1 District to less restrictive or denser residential zoning districts.

A rezoning from AG to the SF-2 zoning district would allow the following, but is not limited to: a family or group home, industrialized housing, single-family detached dwelling, place of worship, and farm, ranch, orchard or garden.

**Prohibited uses** include patio home, single-family attached dwelling, townhouse, duplex, zero lot line dwelling, halfway house, HUD-Code manufactured homes and land lease communities, retail and commercial Uses, among others.

The applicant's requested GR zoning district is intended to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, stack and park within the confines of the retail facility. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

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

Residential uses Single Family Detached Duplex Home for the Aged Townhouse

<u>Nonresidential uses</u> Office Restaurant Hotel or Motel Food or Beverage sales store without fuel sales

**Prohibited uses** include HUD-Code manufactured homes and land lease communities, boat sales or storage, welding or machine shop, storage warehouse, and building material sales, among others.

The City of Temple Comprehensive Plan recommends a classification of **Agricultural/Rural** for the subject property. It is intended for those areas within the City limits that do not yet have adequate public facilities and services and may, therefore have on-site utilities. This classification is meant to protect areas in active farm and /or ranch use. According to **Chapter 4, Growth Management & Capacity** of the Comprehensive Plan, a much larger minimum lot size is recommended than the City's current one-acre minimum to manage premature growth in such areas and maintain the rural character. **Residential development at very low intensities is permitted if it is clustered, with significant open space preservation.** Public services would be required at a certain density.

Due to densities associated with SF-2 developments, the applicant's requested SF-2 District does not comply with the property's Agricultural/Rural classification. The Urban Estates District is more suitable for the property's Agricultural/Rural classification. The Urban Estates District is more ideal for low density residential developments without sewer and is compatible with the adjacent rural/residential properties.

**<u>SURROUNDING PROPERTY AND USES</u>**: The following table provides the direction from the property, Future Land Use Plan (FLUP) designation, existing zoning and current land uses:

<b>Direction</b>	FLUP	Zoning	Current Land Use
Site North	Agricultural/Rural Agricultural/Rural	AG AG	Agricultural/Undeveloped Land
South	Agricultural/Rural &	-	Agricultural/Rural Residential
	Suburban Commercial	AG & GR	Agricultural/Rural Residential and Retail
East	Agricultural/Rural	AG	Agricultural/Rural Residential
West	Agricultural/Rural	AG	Agricultural/Rural Residential

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

Docum		Site Conditions	Compliance
ent	Policy, Goal, Objective or Map		
СР	Map 3.1 - Future Land Use and Character (FLUP)	The property is identified as Agricultural/Rural. The applicant's requested Single-Family Two District does not comply with this recommendation. If approved, a zone change to the SF-2 District would require an amendment to the Future Land Use and Character Plan. The requested GR District does not comply with this classification.	No
СР	Map 5.2 - Thoroughfare Plan	The east side of the property fronts North Pea Ridge Road, which is identified as a Collector. Although the requested SF-2 District is appropriate along Collectors, North Pea Ridge Road is not built to its Collector classification. The applicant will be required to dedicate right-of-way along North Pea Ridge Road through the platting process, per UDC Section 8.2.1 Streets.	Partial
		The west side of the property fronts SH 317, a Major Arterial. Major Arterials are appropriate for GR uses.	
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	The nearest water line along the west edge of the subject property is a 2-inch water line located on the adjacent property to the south, along the east right-of-way of SH 317. There is a 16-inch water line across the street along the west right-of-way of SH 317. Sewer facilities are not available on or adjacent to the subject property. The nearest sewer line is located across SH 317 in its	Partial
STP	Temple Trails Master Plan Map & sidewalks	west right-of-way, south of FM 2483. The Temple Trails Master Plan reflects a proposed 6 to 8 foot wide' Community-Wide Connector Trail along the west edge of the subject property along SH 317. Per UDC section 8.2.3, sidewalks are required on both sides of arterials and one side of collector streets. Sidewalks are required to be installed at the time of development and will be noted on the plat. A 4-foot wide sidewalk would be required along property's frontage along North Pea Ridge Road.	This will be addressed during the platting and development process (see below)

**<u>DEVELOPMENT REGULATIONS</u>**: Dimensional standards for development in the SF-2 District are as follows:

- Minimum lot size 5,000 sq. feet
- Minimum Lot Width 50 feet
- Minimum Lot Depth 100 feet
- Front Yard Setback 25 feet
- Side Yard Setback 5 feet (interior)
- Side Yard Setback 15 feet (corner)
- Rear Yard Setback 10 feet

## **DEVELOPMENT REGULATIONS:** Dimensional standards for **nonresidential** development in the

GR District are as follows:

- Minimum lot size N/A
- Minimum Lot Width N/A
- Minimum Lot Depth N/A
- Front Yard Setback 15 feet
- Side Yard Setback 10 feet
- Rear Yard Setback 0 feet (10 feet adjacent to residential zoning)

Dimensional standards for **residential** development in the GR District are as follows:

- Minimum lot size 5,000 Sq. Ft.
- Minimum Lot Width 50 feet
- Minimum Lot Depth 100 feet
- Front Yard Setback 15 feet
- Side Yard Setback 10% of lot width with 5-feet min.
- Side Yard Setback (corner) 15 feet
- Rear Yard Setback 10 feet

Standard development regulations require a 6-foot wide sidewalk along Major Arterials, such as SH 317, per UDC Section 8.2.3-Sidewalks. Since a 6 to 8-foot wide connector trail is required along the property's frontage at SH 317, the required 6-foot wide sidewalk may need to be upsized to an 8-foot width. A 4-foot wide sidewalk is required along collectors, such as North Pea Ridge Road.

**PUBLIC NOTICE:** Thirteen 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 January 7, 2014, 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 2, 2013, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

01/16/14 Item #11 Regular Agenda Page 6 of 6

## ATTACHMENTS:

Subject and Surrounding Property Photos Zoning and Location Map Future Land Use and Character Map Buffer Notification Map Ordinance

**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/ Undeveloped Land	
East	AG	Agricultural Land/ Rural Residential	NPea Ridge Rd.

## Page 2 of 3

Direction	Zoning	Current Land Use	Photo
West	AG	Agricultural Land/ Rural Residential	
South	AG & GR	Agricultural Land/ Rural Residential and Retail	

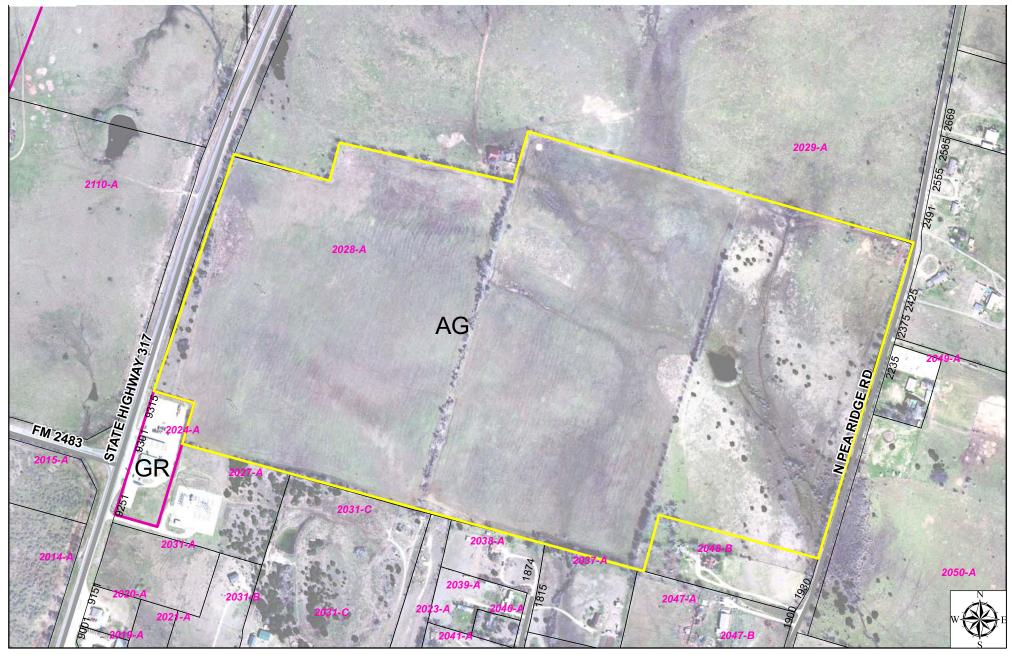
## Page 3 of 3

Direction	Zoning	Current Land Use	Photo
North	AG	Undeveloped Land / Rural Residential	<image/>



AG to GR and AG to SF-2

## East side SH 317 & N Pea Ridge Rd



Case	Subdivisions	1234-A	Outblocks	1	Blocks
Zoning	Parcel	1234	Addresses	1	Lots

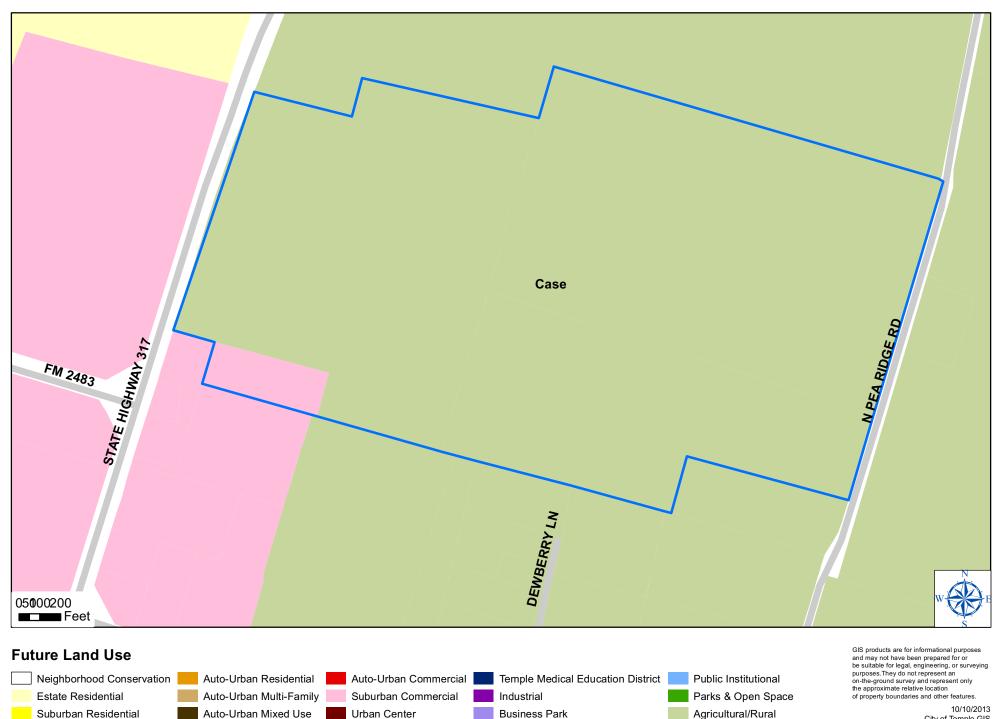
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10/31/2013 City of Temple GIS GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Auto-Urban Mixed Use

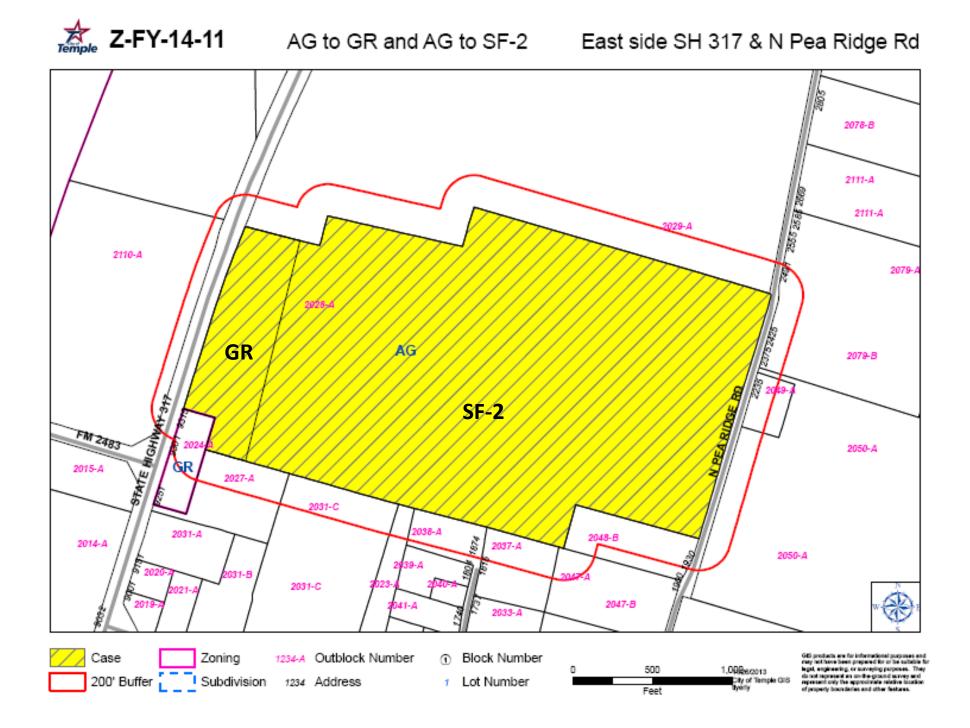
Urban Center



**Business Park** 

Agricultural/Rural

10/10/2013 City of Temple GIS



### ORDINANCE NO.

### (PLANNING NO. Z-FY-14-11)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (AG) TO SINGLE FAMILY TWO DISTRICT (SF-2) ON APPROXIMATELY 115.33 ACRES, AND A ZONING CHANGE FROM AGRICULTURAL DISTRICT (AG) TO GENERAL RETAIL DISTRICT (GR) ON APPROXIMATELY 12.725 ACRES, BOTH BEING A PORTION OF APPROXIMATELY 128.05 ACRES OF LAND, BEING PART OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, CITY OF TEMPLE, BELL COUNTY, TEXAS, AND LOCATED ON THE EAST SIDE OF SH 317, NORTH OF THE FM 2483 INTERSECTION, AND EXTENDING TO THE WEST SIDE OF NORTH PEA RIDGE ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1**: The City Council approves a rezoning from Agricultural District (AG) to Single Family Two District (SF-2) on approximately 115.33 acres and a rezoning from Agricultural District (AG) to General Retail District (GR) on approximately 12.725 acres, both being a portion of approximately 128.05 acres of land, being part of the Baldwin Robertson Survey, Abstract 17, City of Temple, Bell County, Texas, and located on the east side of SH 317, north of the FM 2483 intersection, and extending to the west side of North Pea Ridge Road, more fully described in Exhibit A & B, attached hereto and made a part hereof for all purposes.

<u>**Part 2:**</u> 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.

<u>**Part 4**</u>: 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.

<u>**Part 5**</u>: 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 **16<sup>th</sup>** day of **January**, 2014.

PASSED AND APPROVED on Second Reading on the 6<sup>th</sup> day of February, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

01/16/14 Item #12 Regular Agenda Page 1 of 3

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

Mark Baker, Planner

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-14-13: Consider adopting an ordinance authorizing a Conditional Use Permit for a biodiesel manufacturing plant on Lot 1, Block 1, Temple Industrial Park Section Eight on 7.00 +/- acres, located at 3289 & 3111 Eberhardt Road.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its December 3, 2013 meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of the conditional use permit for a biodiesel manufacturing plant.

**<u>STAFF RECOMMENDATION</u>**: Conduct public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for February 6, 2014.

Based on the following, staff recommends approval for a Conditional Use Permit for a biodiesel manufacturing plant for the following reasons:

- 1. The Conditional Use Permit is consistent with the Future Land Use Map which identifies this area as Industrial;
- 2. The request complies with the Thoroughfare Plan;
- 3. The proposed use is compatible with the surrounding uses; and,
- 4. Public facilities are available to serve the subject property.

**ITEM SUMMARY:** The property is located on the east side of Eberhardt Road adjacent and is currently addressed as 3289 & 3111 Eberhardt Dr. A re-plat for the site is currently under review and the address is subject to change if the plat is approved. The site is zoned Light Industrial and the applicant is requesting a Conditional Use Permit (CUP) for a recycling operation inside a building. A CUP is required for a biodiesel manufacturing plant (which is a recycling use) in the Light Industrial zoning district according the Section 5.1 of the UDC. According to the City of Temple Comprehensive Plan / Future Land Use Plan, the subject property is designated Industrial.

The applicant has been working with the Temple Economic Development Corporation (TEDC) to determine a location for their business and the TEDC has granted the 7 acre site to the applicant to establish a biodiesel business.

**<u>PERFORMANCE STANDARDS</u>**: All uses in industrial zoning must conform to the performance standards in Section 7.1 of the UDC. The following performance standards would apply to this Conditional Use Permit.

**Noise:** The applicant has indicated that the equipment that generates the most noise is located at distances far enough from the property line so that the decibel level will be considerably lower than 75 dB.

**Odorous Matter:** Vents will run to a thermal oxidizer as an odor mitigation measure. The applicant is also working with an odor control firm and will install recommended additional odor suppression systems if they are determined necessary.

**Fire:** Storage and use of all flammable liquids will conform to the standards and regulations of Chapter 12, Fire Prevention and Protection, of the Code of Ordinances.

**Vibration:** The applicant has indicated that the concrete will be designed to absorb any vibrations generated by the equipment and will not exceed the frequency ranges at the property line as specified in the UDC.

**LANDSCAPING:** The applicant has indicated the following landscaping standards in UDC Section 7.5 will be met:

- A minimum of 5% of the lot area will be landscaped;
- A minimum of one 2" diameter or 65 gallon tree at time of planting will be planted for each 40 feet of linear street frontage; and,
- All landscaping will be irrigated.

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

СР	Map 3.1 - Future Land Use and Character (FLUP)	Industrial is identified for the subject property as well as identified in all four directions from the subject property.	Υ
СР	Map 5.2 - Thoroughfare Plan	The subject property is located on the east side of, and has primary frontage on, Eberhardt Road which is identified as a Minor Arterial.	Y
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Rd. and a 6 waterline along the south side of the property. An 8" sewer line is available to the	Y
STP	Temple Trails Master Plan Map & sidewalks	the Trails Master Plan Map along the subject property's frontage on Eberhardt Rd. and sidewalks are not required along this road per UDC Section 8.2.	

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

**DEVELOPMENT REGULATIONS:** The only established dimensional standards in Heavy Industrial are corner side yard setbacks which must be a minimum of 10'. As per UDC 4.6, the maximum building height may be any legal limit that other laws and ordinances do not prohibit.

Unless expressly identified in writing in the ordnance the site must meet all other UDC standards.

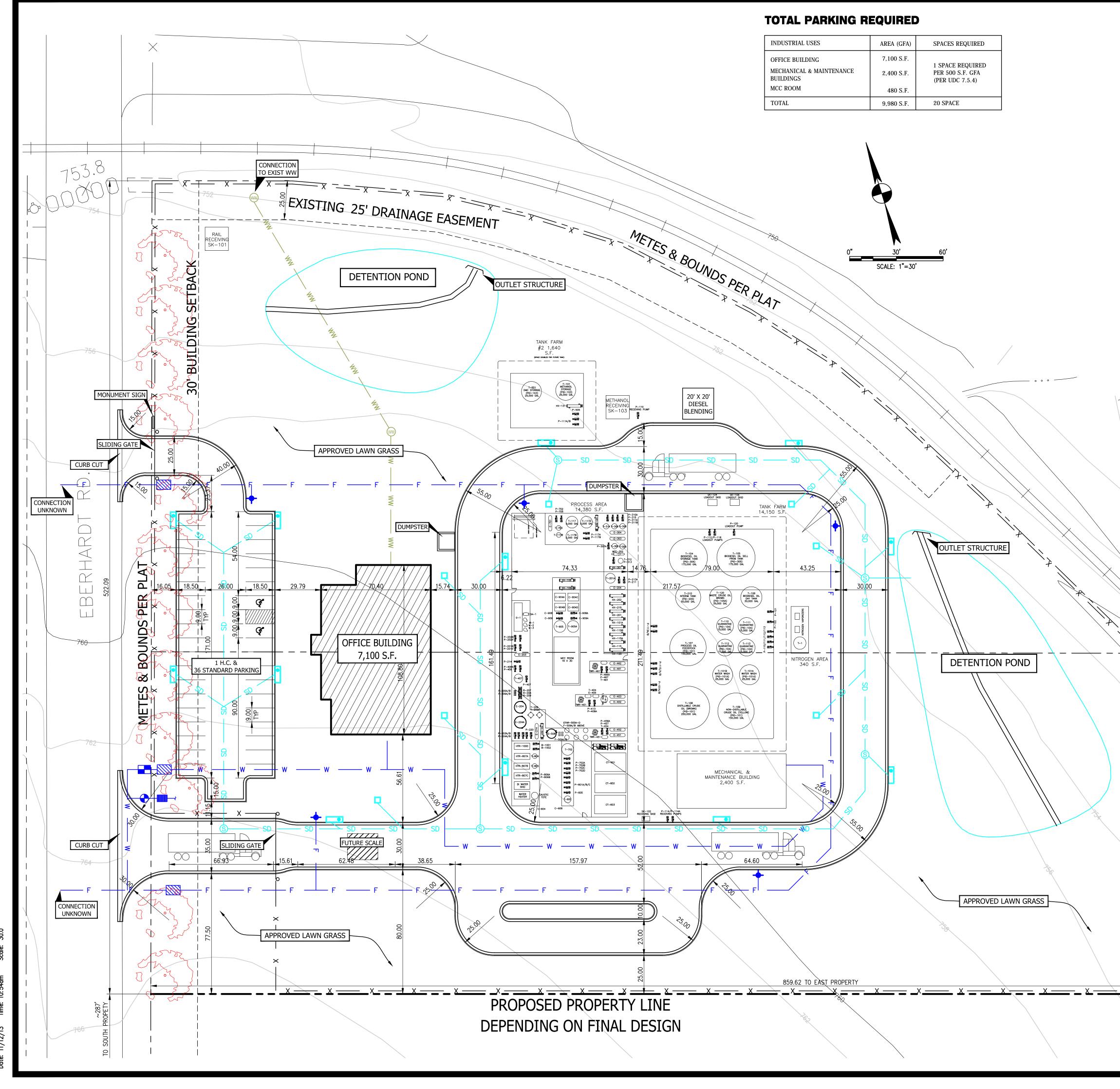
**<u>PUBLIC NOTICE</u>**: Eight notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of December 13, 2013, no notices had been returned in favor or denial of the proposed zone change and Conditional Use Permit.

The newspaper printed notice of the Planning and Zoning Commission public hearing on December 2, 2013, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

## ATTACHMENTS:

Site Plan Site Photos Zoning Map Buffer Notification Map Ordinance



## LEGEND

ww	WASTEWATER LINE
SD	STORM SEWER LINE
w	DOMESTIC WATER LINE
—— F ——	FIRE PROTECTION WATER LINE
	10' CURB INLET
	GRATE INLET
S	STORM WATER MANHOLE
+	FIRE HYDRANT
	DOMESTIC WATER METER
	BACKFLOW PREVENTER (BFP)
<b>e</b>	IRRIGATION METER
	REDUCED PRESSURE PRINCIPLE BFP IN HOT BOX FOR IRRIGATION
ŴŴ	WASTEWATER MANHOLE
x	CHAIN LINK SECURITY FENCE
	EXISTING PROPERTY LINE
	EXISTING EASEMENT LINE
<u> </u>	PROPOSED PROPERTY LINE
LI	LIGHT INDUSTRIAL ZONING
C	TREE

## **SITE LOCATION / LEGAL DESCRIPTION**

EXISTING LOT 1 STREET ADDRESS: 3289 EBERHARDT RD., TEMPLE, TX LEGAL DESCRIPTION: TEMPLE INDUSTRIAL PARK SECTION EIGHT, BLOCK 001, LOT PT 1, ACRES 3.179

EXISTING LOT 2 STREET ADDRESS: 3111 EBERHARDT RD., TEMPLE, TX LEGAL DESCRIPTION: TEMPLE INDUSTRIAL PARK SECTION EIGHT, BLOCK 001, LOT PT 1, (S PT OF 1), ACRES 9.743

PROPOSED LOT APPROXIMATE SITE AREA: 7 ACRES

## **PAVEMENT SECTION**

LOCATION	PAVEMENT	BASE	COMPACTED SUBGRADE
REINFORCED CONCRETE PARKING	6"	6"	6"
REINFORCED CONCRETE DRIVES AND LOADING AREAS	7"	6"	6"

## SPECIFICATIONS

- REINFORCED CONCRETE PAVEMENT-RCP IN ACCORDANCE WITH TXDOT ITEM 360, CONCRETE PAVEMENT. THE CONCRETE SHALL BE CLASS P IN ACCORDANCE WITH TXDOT ITEM 421, PORTLAND CEMENT CONCRETE.
- CRUSHED LIMESTONE BASE MATERIAL -2004 TXDOT ITEM 247, TYPE A, GRADE 2 OR BETTER. THE MATERIAL SHOULD BE COMPACTED IN LIFTS NOT TO EXCEED 6 INCHES COMPACTED THICKNESS AT A MINIMUM OF 100% OF TEX-113-E MAXIMUM DRY DENSITY, NEAR OPTIMUM MOISTURE CONTENT (+/- 4%) NATURAL SUBGRADE-THE NATURAL SUBGRADE THAT IS DISTURBED SHOULD BE COMPACTED
- TO AT LEAST 95% OF TEX-113-E MAXIMUM DRY DENSITY AT A MOISTURE CONTENT RANGE OF -1.0% TO +3.0% OF OPTIMUM MOISTURE CONTENT.

## PAVEMENT NOTES:

- CONTRACTOR TO PROVIDE NEW STRIPING AT ALL CROSSWALKS, PARKING AREAS, AREAS
- AND ANY AREAS WHERE TEMPORARY STRIPING IS REQUIRED. AT CONNECTION OF NEW REINFORCED CONCRETE DRIVES TO EXISTING CURB AND GUTTER,
- SAW CUT EXISTING CURB AND GUTTER AND INSTALL DOWELED EXPANSION JOINT. ALONG THE FACE OF DRIVEWAY CURB, THE CONTRACTOR SHALL BE RESPONSIBLE TO PAINT THE CURB RED OR PAINT A RED STRIPE WHERE THERE IS NO CURB AND STENCIL THE WORDS "FIRE ZONE / TOW AWAY ZONE" IN WHITE LETTERS AT LEAST 4" HIGH AT 30'
- INTERVALS. 4. ALL PAVEMENT REPAIR WORK FOR THE INSTALLATION OF UTILITIES IN THE PUBLIC RIGHT-OF-WAY SHALL BE DONE IN ACCORDANCE WITH THE CITY OF TEMPLE STANDARDS &
- SPECIFICATIONS. 5. ALL EXPANSION AND CONTRACTION JOINTS WITHIN PORTLAND CEMENT CONCRETE PAVEMENT AND JOINTS BETWEEN PORTLAND CEMENT CONCRETE AND ASPHALT PAVEMENT
- SHALL BE SEALED. 6. INSTALL ALL UTILITIES, INCLUDING UNDERGROUND ELECTRICAL AND COMMUNICATION LINES PRIOR TO PAVING.

## NOTES:

- 1. 6 FEET IN HEIGHT CHAIN LINK SECURITY FENCE SHALL BE INSTALLED ALONG THE INSIDE
- OF PROPERTY LINES. THE DETENTION POND WILL BE DESIGNED WHEN THE ON THE GROUND TOPOGRAPHIC SURVEY IS PROVIDED BY THE OWNER INDICATING EXISTING SITE CONTOURS AND FLOW LINE ELEVATIONS FOR THE POTENTIAL DISCHARGE ROUTES FOR THE POND OUTLET AND
- STORM WATER CONVEYANCE FROM THE PROPERTY. FINAL DETENTION POND DESIGN MAY NOT REQUIRE BOTH PONDS AS SHOWN.
- 4. SITE LIGHTING WILL COMPLY WITH UDC 7.1.8, UDC 8.2.10
- 5. INLETS COULD BE REPLACED WITH FLUMES TO PONDS, WHERE FEASIBLE.

## CHAPTER 7 UDC CONSIDERATIONS:

- 1. NOISE THE EQUIPMENT THAT GENERATES THE MOST NOISE IS LOCATED AT DISTANCES FAR ENOUGH FROM THE PROPERTY LINE SUCH THAT THE DECIBEL LEVEL WILL BE CONSIDERABLY LOWER THAN 75.
- ODOR THE VENTS RUN TO A THERMAL OXIDIZER AS AN ODOR MITIGATION MEASURE. IN ADDITION WE ARE WORKING WITH A NATIONALLY RECOGNIZED ODOR CONTROL FIRM WHO WILL RECOMMEND TO US ADDITIONAL ODOR SUPPRESSION SYSTEMS (IF DETERMINED NECESSARY)
- DUST/PARTICULATE MATTER THE PROCESS IN THIS FACILITY GENERATES MINIMAL DUST. 4. VIBRATION - THE CONCRETE WILL BE DESIGNED TO ABSORB ANY VIBRATIONS GENERATED BY THE EQUIPMENT.

## LANDSCAPING NOTES (PER UDC 7.4):

- REQUIRED LANDSCAPE AREA (FIVE PERCENT OF THE LOT AREA) MUST BE PROVIDED
- BETWEEN THE PRINCIPAL BUILDINGS AND THE STREETS. 2. A MINIMUM OF ONE TREE IS REQUIRED TO BE PLANTED FOR EACH 40 FEET OF LINEAR
- STREET FRONTAGE 3. ALL REQUIRED CANOPY TREES MUST BE A MINIMUM OF TWO INCHES IN DIAMETER (SINGLE
- TRUNK) AT BREAST HEIGHT OR 65 GALLON CONTAINER SIZE AT PLANTING. 4. ALL REQUIRED LANDSCAPING MUST BE IRRIGATED BY AN AUTOMATIC SPRINKLING SYSTEM OR HAVE ACCESS TO A HOSE CONNECTION WITHIN 100 FEET OF ALL LANDSCAPING.

# PageSoutherlandPage

ARCHITECTURE INTERIORS CONSULTING ENGINEERING

AUSTIN	PAGE SOUTHERLAND PAGE, LLI
DALLAS	400 W. Cesar Chavez Street
DENVER	Fifth Floor
HOUSTON	Austin, Texas 78701
SHINGTON D.C.	tel: 512 472 6721
Abu Dhabi Doha	fax: 512 477 3211
Kuwait	
London	www.pspaec.com

Z

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ROAD

EBERHARDT ] LE, TEXAS

**ANT** 

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THOMAS BIODIE	PRELIMINAR	3111 AND 3289 EBERH TEMPLE, TEX/	
RE	VISION HISTO	RY	
	L PLAN – R1	7/18/2013	
CONCEPTUA	L PLAN	6/25/2013 ISSUE DATE	-
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10000BD ORIGINAL ISSUE CURRENT DOCUMENTATION STAGE 6/25/2013 PROPOSAL C-101

C-101 DRAWING NUMBER

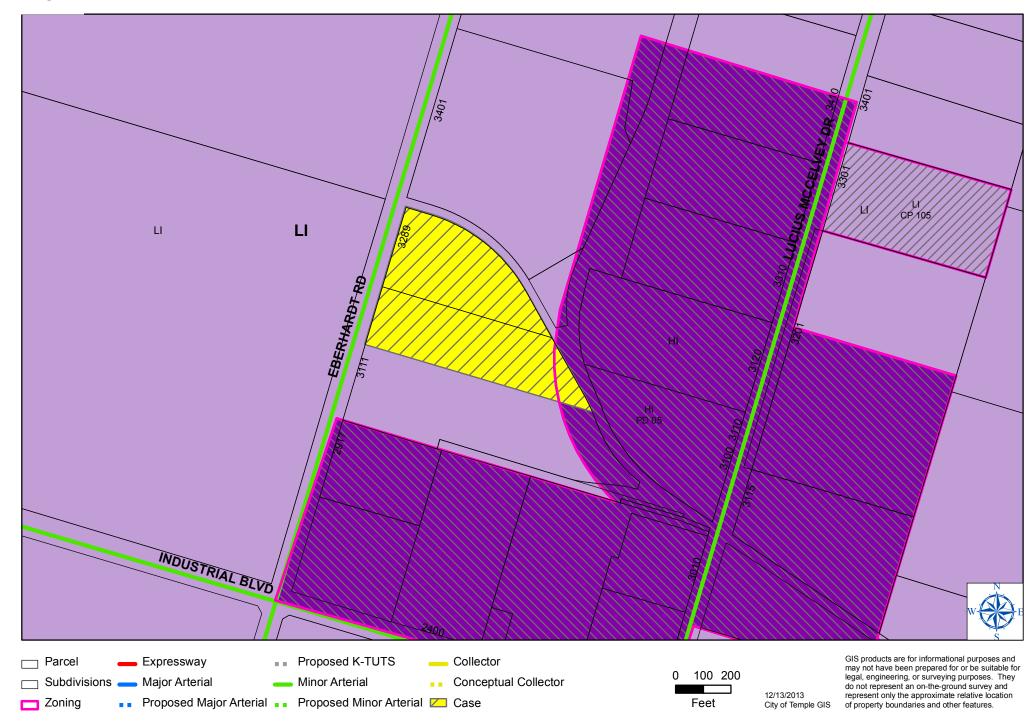
Direction	Zoning	Current Land Use	Photo
Subject Property	LI	Vacant	
North	LI	Industrial	

Direction	Zoning	Current Land Use	Photo
South	LI	Directly adjacent of the subject property: Vacant. Beyond the vacant parcel: industrial use (Pictured)	
East	HI	Rail Road/ Industrial use	No Photo Available
West (Across Eberhardt Rd.)	LI	Industrial	



**Biodiesel Manufacturing Plant CUP** 

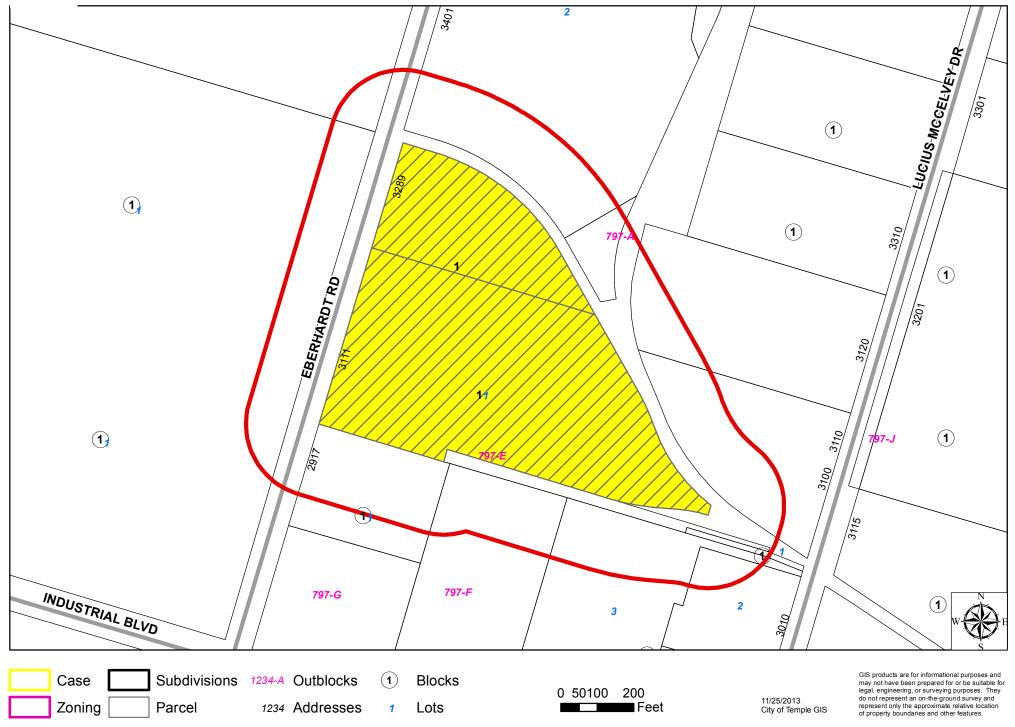
3289 Eberhardt Rd.





Biodiesel CUP

## 3289 & 3111 Eberhardt Rd.



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

#### [Z-FY-14-13]

#### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT FOR A BIODIESEL MANUFACTURING PLANT ON LOT 1, BLOCK 1, TEMPLE INDUSTRIAL PARK, SECTION EIGHT, APPROXIMATELY 7 ACRES LOCATED AT 3289 EBERHARDT ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the location and zoning classification of the establishment, has recommended that the City Council approve this application; and

Whereas, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted concerning the biodiesel manufacturing plant located at 3289 Eberhardt Road, and has heard the comments and evidence presented by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the establishment finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

<u>**Part 1**</u>: The City Council approves a Conditional Use Permit for a biodiesel manufacturing plant on lot 1, block 1, Temple Industrial Park, Section Eight, on approximately 7 acres and located at 3289 Eberhardt Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

- (a) Noise: the decibel level shall be lower than 75dB;
- (b) Odorous Matter: vents will run to a thermal oxidizer as an odor mitigation measure and an additional odor suppression system will be installed if deemed necessary;
- (c) Fire: storage and use of flammable liquids will conform to standards and regulations of Chapter 12, Fire Prevention and Protection, of the Code of Ordinances;
- (d) Vibration: the application has indicated that the concrete will be designed to absorb any vibrations generated by the equipment and will not exceed the frequency ranges at the property line as specified in the Unified Development Plan;
- (e) Landscaping: a minimum of 5% of the lot area will be landscaped, a minimum of one 2" diameter 65 gallon tree will be planted for each 40 feet of linear street frontage and all landscaping will be irrigated;
- (f) A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
- (g) All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-609.

<u>**Part 3**</u>: 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.

<u>Part 4</u>: 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.

<u>**Part 5**</u>: 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.

<u>**Part 6**</u>: 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 16<sup>th</sup> day of January, 2014.

PASSED AND APPROVED on Second Reading on the 6<sup>th</sup> day of February, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



01/16/14 Item #13 Regular Agenda Page 1 of 4

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

Brian Chandler, Director of Planning

**ITEM DESCRIPTION**: FIRST READING – PUBLIC HEARING - Z-FY-14-16: Consider adopting an ordinance authorizing a zoning change from Heavy Industrial (HI) District to PD (HI) District in the I-35 Corridor Overlay on 2.00 +/- being a tract of land out of and a part of the George Givens Survey, Abstract No. 345, addressed as 4206 South General Bruce Drive.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its January 6, 2013 meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of the zoning change from HI to PD (HI).

**<u>STAFF RECOMMENDATION</u>**: Conduct public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for February 6, 2014.

Staff recommends approval of the zoning change from Heavy Industrial (HI) to PD (HI) for the following reasons:

- 1. The request complies with the Thoroughfare, Plan;
- 2. Public facilities are available to serve the property; and,
- 3. The development is compatible with the surrounding area.

**ITEM SUMMARY:** The applicant is requesting a zone change from Heavy Industrial (HI) District to Planned Development (HI) District for the purpose of constructing a warehouse. The development will occur on a 2 acre site with one 10,051 square foot warehouse. The warehouse is an extension of the adjacent Tem-Tex industrial site to the south and as such is considered an industrial use. While an industrial use is allowed in HI zoning, it is not allowed in the Freeway Retail / Commercial Sub-District of the I-35 Overlay and therefore, a Planned Development would be needed to expand buildings associated with the non-conforming use.

#### Landscaping and Screening

The I-35 Overlay requires a total of 15% of the site to be landscaped and the applicant is proposing 19% of the site to be landscaped. The applicant is meeting the I-35 Overlay landscaping standards with the proposed landscaping improvements:

- A landscaped frontage with 12 Mountain Laurel evergreen trees and 8 Crepe Myrtle trees will be planted along General Bruce Drive per the I-35 Overlay landscaping standards in UDC Section 6.7;
- Along the northeast side of the site, between the building and the property line, Dwarf Holly Shrubs will be planted;
- Directly in front of the building alternating Crepe Myrtles and Dwarf Holly Shrubs are proposed;
- The remaining open areas will be sodded.

#### **Building Materials and Architecture**

According to the development plans, the applicant has proposed the following:

- Split face block for the bottom 50% of the façade;
- EFIS for the remaining 50% of the façade on the front and sides with metal on the rear;
- Two loading docks will be located at the rear of the building;
- Three entries, including a 12' x 10 roll up door, will be located on the south side of the • building.

#### **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	Compliance?		
CP	Map 3.1 - Future Land Use and Character (FLUP)	No		
CP	Map 5.2 - Thoroughfare Plan	Yes		
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes		
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	No		
CP – Comprehensive Plan STP – Sidewalk and Trails Plan				

CP = Comprehensive Plan SIP = Sidewalk and Trails Plan

#### Future Land Use and Character Plan (FLUP) (CP Map 3.1)

The Land Use and Character Map identifies this area as an Auto Urban Commercial District which is identified for commercial use. This district is designated for high intensity commercial uses, such as services that would need to be screened and buffered from other lower intensity uses, but is not as high of intensity as allowed in the Industrial District. Because the warehouse is an extension of an existing industrial use, and would be considered an industrial use, the Planned Development is not compatible with the Future Land Use and Character Plan. However, the use is compatible with the surrounding area and the current underlying zoning.

#### Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan identifies Interstate 35 as a Major Arterial. This thoroughfare provides sufficient capacity to accommodate the proposed use.

#### Availability of Public Facilities (CP Goal 4.1)

An 18" and 16" water line runs along General Bruce Drive at the frontage of the property, and an 8" sewer line runs near the northwest corner of the property. These facilities are sufficient for the proposed use.

#### Temple Trails Master Plan Map and Sidewalks Ordinance

No trails currently exist or are planned on or near the site. A 6' sidewalk would be required per UDC Section 8.2., however no sidewalks exist at the complex or surrounding industrial properties, nor is the area conducive for pedestrian accessibility. Therefore, the applicant is requesting a waiver.

#### WAIVERS:

The following waivers would be granted if the Planned Development is approved:

- A waiver from the requirement of an articulated entrance and the minimum of three architectural elements as defined in UDC Section 6.7.9.D.2c;
- A waiver from the requirement of a minimum of 40% of windows on each façade excluding the rear, no windows are proposed (UDC 6.7.9.D.2f);
- A waiver from the requirement of 70% of each façade to be masonry, the applicant is proposing 50% of the façade to be masonry (UDC 6.7.9.D.3g);
- A waiver to include Split Block as an approved primary material and EFIS as an approved accent material (UDC 6.7.9.D.3g), and;
- A waiver from the required 6' sidewalk.

#### PUBLIC NOTICE:

4 notices of the public hearing was sent out to property owners within 200-feet of the property as required by state law and local ordinance. As of January 7, 2014, one notice was returned in support of the zone change and none were received in opposition of the requested zone change.

01/16/14 Item #13 Regular Agenda Page 4 of 4

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Surrounding Properties and Uses Zoning and Location Map Site Plan Architecture Drawings Surrounding Property Owner Notification Map Notification Response Letters Ordinance

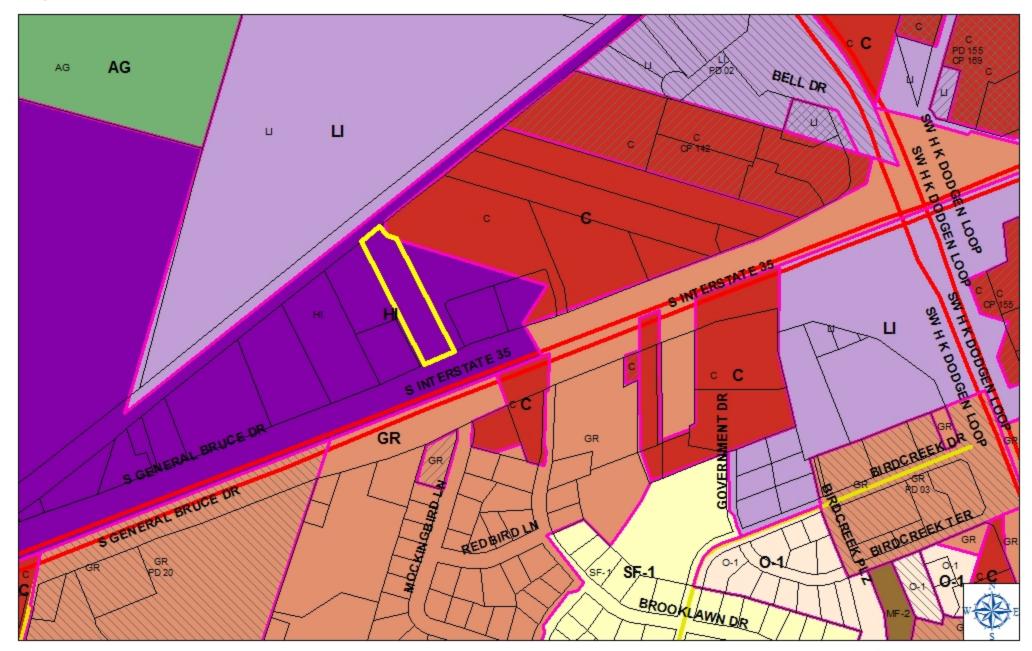
Direction	Zoning	Current Land Use	Photo
Subject Property	н	Industrial Use	
North	HI	Undeveloped	

Direction	Zoning	Current Land Use	Photo
South	HI	Industrial Use	
East	GR	Commercial Use	
West	LI	Undeveloped	No Photo Avaliable. Railroad directly adjacent to the rear of the property.

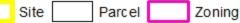


### Zoning and Location

### 4206 S. General Bruce Dr.



## Legend

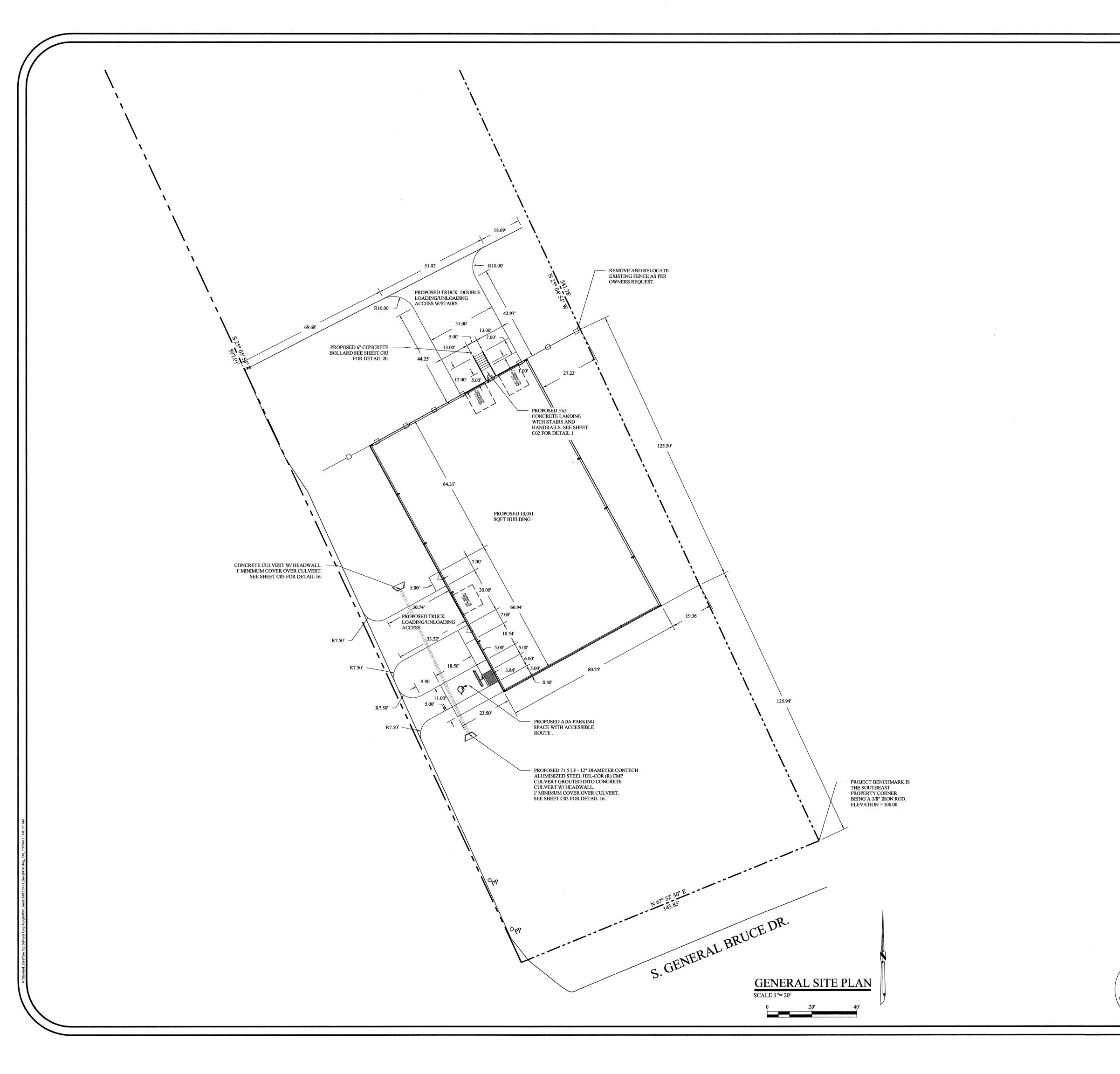




1/3/2014

City of Temple GIS

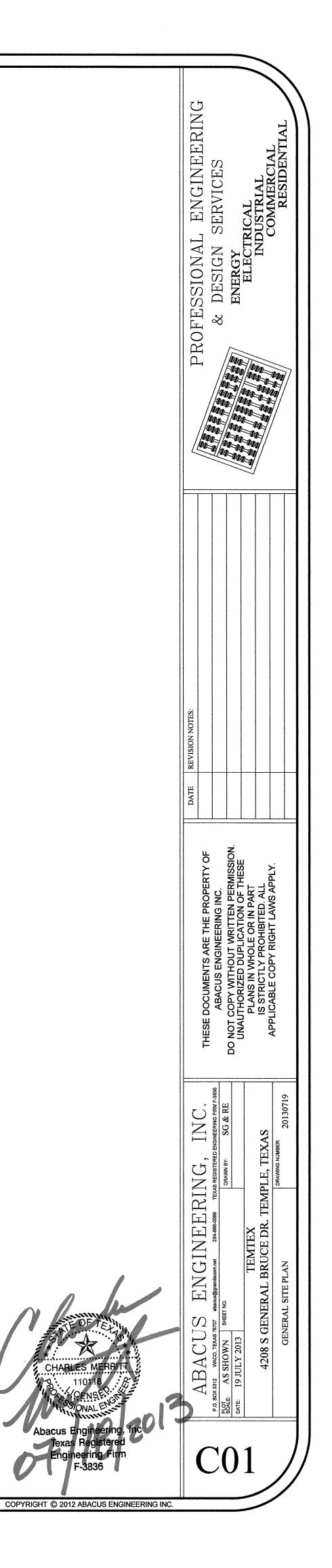
GIS products a refor informational purposes and may not have been prepared for or be suitable for legal, engineering, or survey ing purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



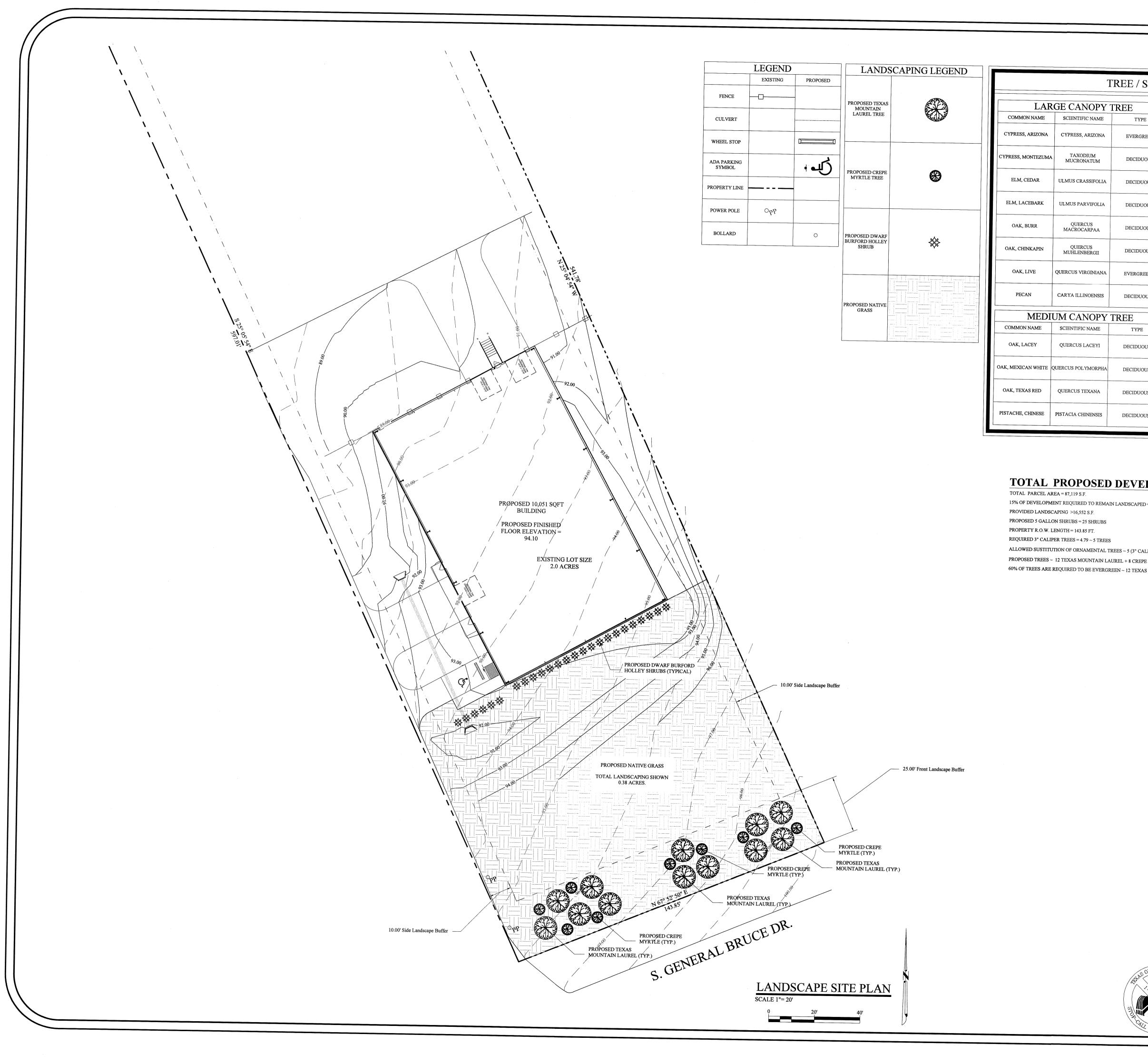
LEGEND						
	EXISTING	PROPOSED				
FENCE						
CULVERT						
WHEEL STOP		D(				
ADA PARKING SYMBOL		+ میل				
PROPERTY LINE						
POWER POLE	Obb					
BOLLARD		0				

#### NOTES:

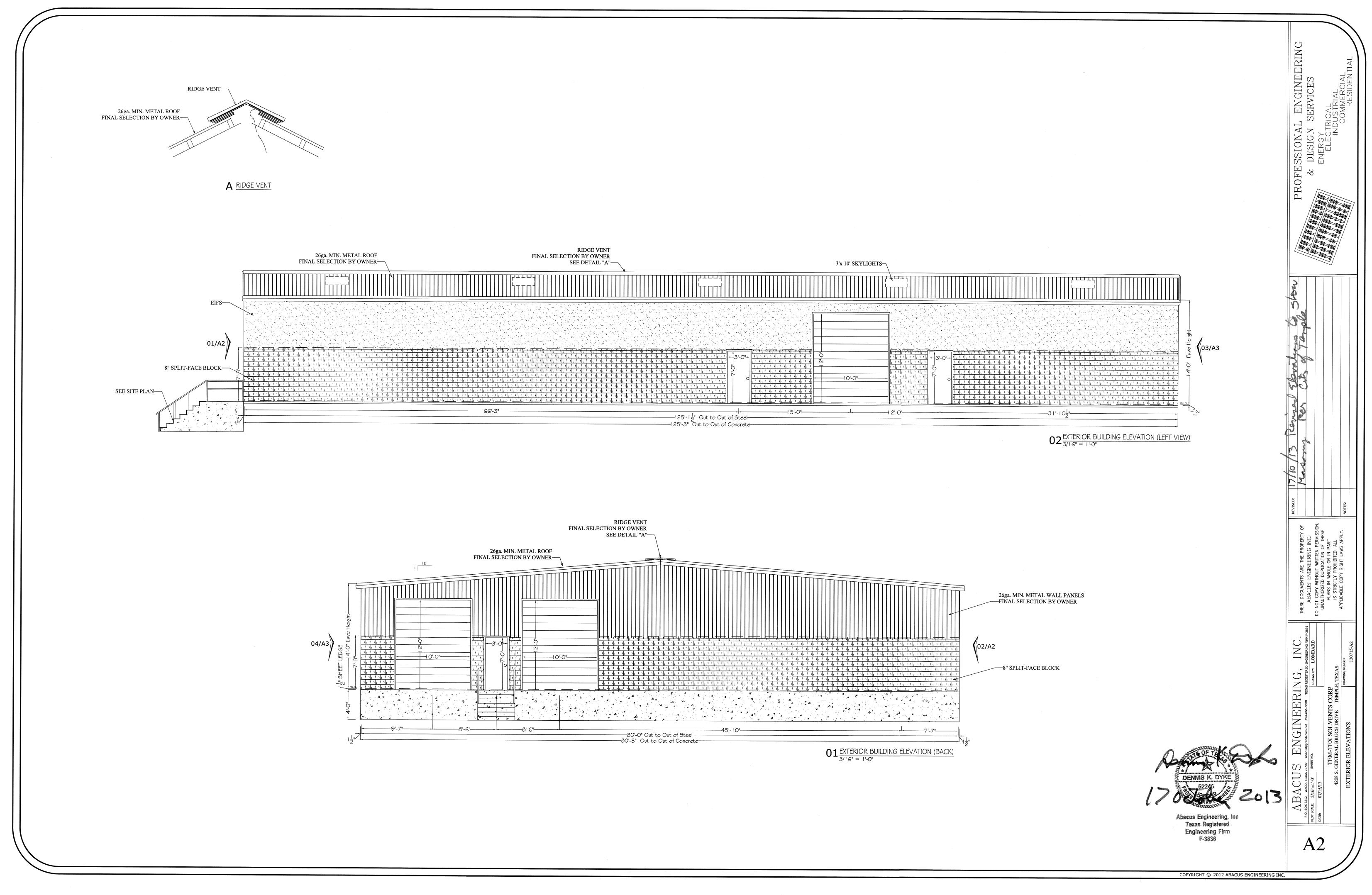
- 1. ALL SITE DIMENSIONS TO BE VERIFIED ON-SITE.
- 2. CONTRACTOR SHALL ESTABLISH PROPER HORIZONTAL SITE LOCATION CONTROL BEFORE THE START OF LAYOUT ACTIVITIES.
- 3. FOR INFORMATION ABOUT HANDICAP PARKING SPACES PLEASE REFERENCE SHEET HC4 NOTE 502 PARKING SPACE.
- PARKING LOT PAVEMENT SHALL CONSIST OF CONCRETE PAVEMENT A MINIMUM THICKNESS OF 6" SEE DETAIL4 & 4a SHEET C03.
- 5. ALL SIDEWALKS SHALL ADHERE TO THE TEXAS ACCESSIBILITY STANDARDS EFFECTIVE MARCH 15, 2012 OR LATEST EDITION.
- 6. ALL PARKING STALLS SHALL BE 9.0' WIDE BY 20' DEEP UNLESS OTHERWISE NOTED.
- 7. THE LOCATION OF UTILITIES: WATER MAINS, UNDERGROUND ELECTRICAL CONDUITS, FIBER OPTIC CABLES, NATURAL GAS LINES, UNDERGROUND TELEPHONE CABLES, AND SANITARY SEWER PIPES SHALL BE VERIFIED BY THE CONTRACTOR BEFORE THE START OF CONSTRUCTION. A WRITTEN REPORT OF THE OBSERVATION OF SITE UTILITIES NOT FOUND IN THE LOCATION AS SPECIFIED ON THESE PLANS SHALL BE MADE TO THE OWNER AND THE SITE ENGINEER BEFORE PROCEEDING WITH ADDITIONAL WORK. ANY WORK PERFORMED BY THE CONTRACTOR AFTER THAT TIME IS AT THAT CONTRACTOR'S OWN RISK.
- 8. IF CONTRACTOR KNOWS OR HAS REASON TO KNOW OF ANY ERRORS, OMISSIONS OR INCONSISTENCIES IN ENGINEER'S DRAWINGS, CONTRACTOR, BEFORE PROCEEDING WITH ANY FURTHER CONSTRUCTION RELATED THERETO, SHALL NOTIFY ENGINEER IMMEDIATELY IN WRITING FOR THE PURPOSE OF PROVIDING ENGINEER WITH AN OPPORTUNITY TO CURE ANY SUCH ERROR, OMISSION OR INCONSISTENCY.
- 9. CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING ALL SURVEY INFORMATION.
- 10. THE CLIENT & THE CONTRACTOR ARE RESPONSIBLE FOR SUBMITTING, RECEIVING APPROVAL, & ALL PERMITTING FROM ALL REGULATORY AGENCIES BEFORE CONSTRUCTIONS COMMENCES.
- 11. CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING REGULATORY AGENCIES FOR ALL REQUIRED INSPECTIONS.
- 12. ABACUS ENGINEERING INC. CONDUCTED AN AS NEEDED TOPOGRAPHICAL SURVEY OF EXISTING CONDITIONS. NO RPLS HAS CONDUCTED A SURVEY OF THE PROJECT SITE. ABACUS ENGINEERING INC. DOES NOT GUARANTEE THE ACCURACY OF THE SURVEY.

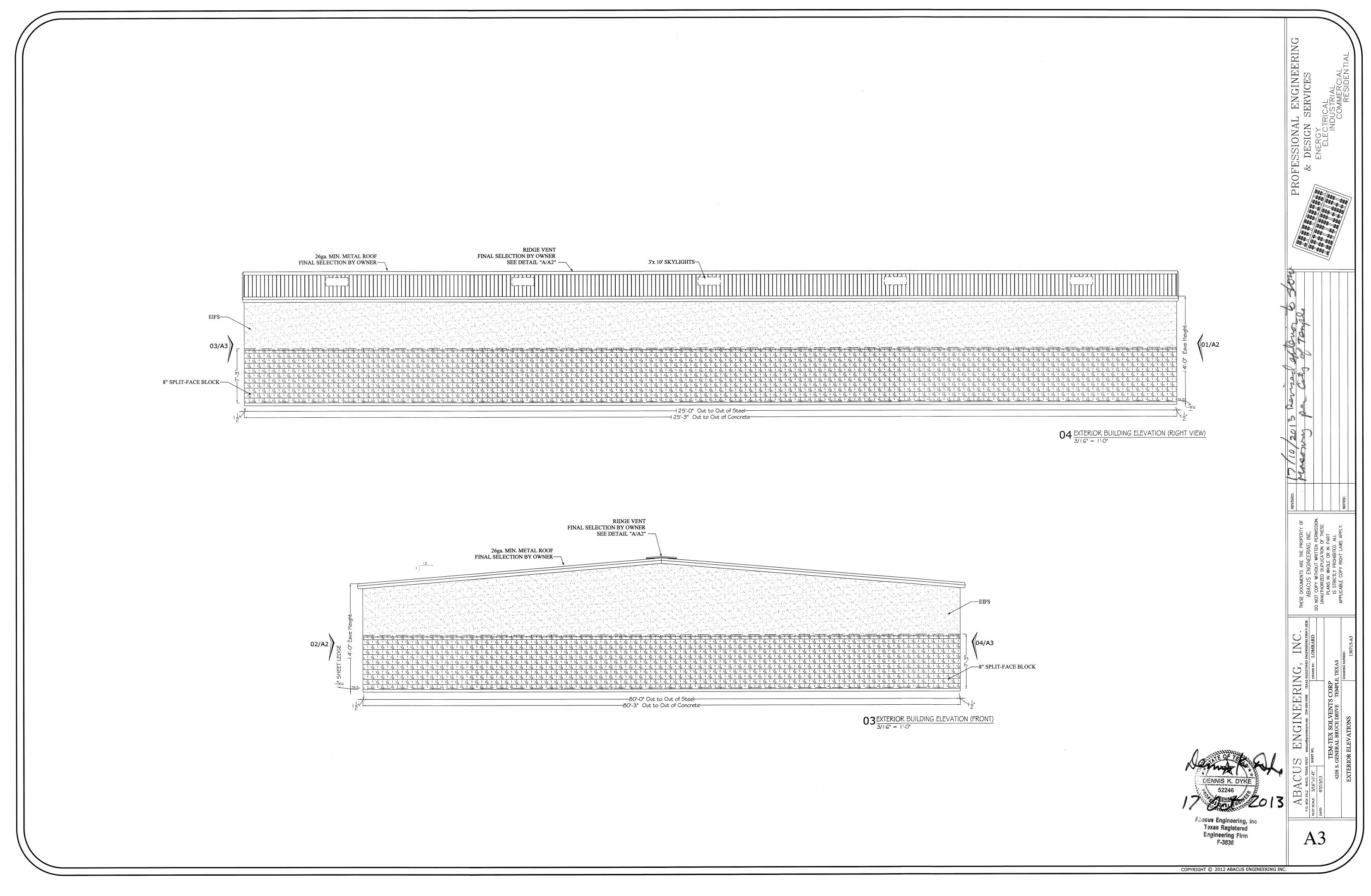






COMMON NAME SCIENTIFIC NAME TYPE BUCKEYE, MEXICAN UNGNADIA SPECIOSA DECIDUOUS GRAPE MYRILE LAGERSTROEMA DECIDUOUS GRAPE MYRILE LAGERSTROEMA DECIDUOUS HOLLY, YOUPON LLEX VOMITORIA EVERGREEN HOLLY, YOUPON LLEX VOMITORIA EVERGREEN HOLLY, YOUPON ACER TRUNCATUM DECIDUOUS HOLM PERSIMMON, TEXAS DIOSPYROS TEXANA DECIDUOUS PISTACHE, TEXAS CERCIS RENFORMIS DECIDUOUS PISTACHE, TEXAS CERCIS RENFORMIS DECIDUOUS PISTACHE, TEXAS CERCIS RENFORMIS DECIDUOUS PISTACHE, TRUES DISCUDATION DECIDUOUS PISTACHE, TEXAS CERCIS RENFORMIS DECIDUOUS PISTACHE, TEXES DISCUDATION DECIDUOUS PISTACHE, TRUES DISCUDATION DECIDUOUS PISTACHE, TRUES DISCUDATION DECIDUOUS PISTACHE, TRUES SON ANAES, E EDOSION PISTACHE, TRUES SON PISTACHE, TRUES SON ANAES, E EDOSION PISTACHE, TRUES SON EDOCHE, ANAY NY AREA, NY AREA	OMMON NAME BELIA, GLOSSY AGARITA E, CENTURY PLANT ARTEMESIA BERRY, JAPANESE BLACK DALEA	COMMON NAME COMMON NAME PRIMROSE JASMINE ROCK ROSE ROSE, BELINDA'S DREAM ROSE, KNOCK OUT	ENGI ENGI SERVIC SERVIC ICAL
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MOUNTAIN     SECUNDIFLORA     EVERGREEN     BUTTE       MAPLE, SHANTUNO     ACER TRUNCATUM     DECIDUOUS     ICC       PERSIMMON, TEXAS     DIOSPYROS TEXANA     DECIDUOUS     HO       PISTACHE, TEXAS     DIOSPYROS TEXANA     DECIDUOUS     ILU       PUM, MEXICAN     PRUNUS MEXICANA     DECIDUOUS     ILU       PUM, MEXICAN     PRUNUS MEXICANA     DECIDUOUS     MADE       PUM, MEXICAN     PRUNUS MEXICANA     DECIDUOUS     MADE       PUM, MEXICAN     PRUNUS MEXICANA     DECIDUOUS     MADE       PUBUD, OKLAHOMA     CERCIS CANADENSIS     DECIDUOUS     MADE       REDBUD, OKLAHOMA     CERCIS CANADENSIS     DECIDUOUS     MADE       TIEX (CHADTE TREE)     VITEX AGNUS CASTUS     DECIDUOUS     NOTES:       1) THE LOCA	CODEL & DY MARK	ROSE, MARIE PAVIE	DESIGN BERGY ELEG
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PISTACHE, TEXAS       DIOSPYROS TEXANA       DECIDUOUS       HOLLE         PLUM, MEXICAN       PRUNUS MEXICANA       DECIDUOUS       LA         POSSUMHAW, HOLLY       LLEX DECIDUA       DECIDUOUS       MAINDA         REDBUD, OKLAHOMA       CERCIS RENIFORMIS       DECIDUOUS       MAINDA         REDBUD, OKLAHOMA       CERCIS CANADENSIS       DECIDUOUS       MAINDA         YAR TEXENSIS       DECIDUOUS       MAINDA       MAINDA         YITEX (CHADTE TREE)       VITEX AGNUS CASTUS       DECIDUOUS       MITHE LOCA         UENT SUMMARY       11 ELOCA       SMOTES:       10 THE LOCA         ORNAMENTAL TREES       00 RNAMENTAL TREES       60% EVERGREEN TREES       9) ALLS PRINASY INTACTES         00 ORNAMENTAL TREES       60% EVERGREEN TREES       9) ALLS PRINASY INTACTES       9) ALLS PRINASY INTACTES         00 ORNAMENTAL TREES       60% EVERGREEN TREES       9) ALLS PRINASY INTACTES       9) ALLS PRINASY INTACTES         00 ORNAMENTAL TREES       60% EVERGREEN TREES       6) ENGINEER INSERVATION SERVATION	LLEY, BURFORD	SAGE, TEXAS	
PLUM, MEXICAN       PRUNUS MEXICANA       DECIDUOUS       LA         POSSUMHAW, HOLLY       LLEX DECIDUA       DECIDUOUS       MC         REDBUD, OKLAHOMA       CERCIS RENIFORMIS       DECIDUOUS       MC         REDBUD, TEXAS       CERCIS CANADENSIS       DECIDUOUS       MC         VAR TEXENSIS       DECIDUOUS       MITE SC       MOTES         VITEX (CHADTE TREE)       VITEX AGNUS CASTUS       DECIDUOUS       MITH SICCA         UCRNAMENTAL TREES       0 ORNAMENTAL TREES       0 ORNAMENTAL TREES       9 OKASARE       9 OKASARE         0 ORNAMENTAL TREES       60% EVERGREEN TREES       9 ALLS FILL       9 OKASES, AR         0 ORNAMENTAL TREES       60% EVERGREEN TREES       9 ALLS FILL       10 NOTKEER         0 ORNAMENTAL TREES       60% EVERGREEN TREES       9 ALLS FILL       10 NOTKEER         0 ORNAMENTAL TREES       60% EVERGREEN TREES       9 ALLS FILL       10 NOTKEER         0 ORNAMENTAL TREES       60% EVERGREEN TREES       9 ALLS FILL       10 NOTKEER         0 ORNAMENTAL TREES       60% EVERGREEN TREES       9 NOTKEN       11 HE LOCA         1 HE STO MIN       SEVER NOT       11 HE LOCA       11 HE LOCA         1 HE STO MIN       SEVER NOT       11 HE STA       11 HE LOCA         1 H	Y, DWARF BURFORD Y, DWARF CHINESE	SOTOL, TEXAS SUMAC, EVERGREEN	Long Home
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REDBUD, OKLAHOMA       CERCIS RENIFORMIS       DECIDUOUS         REDBUD, TEXAS       CERCIS CANADENSIS VAR TEXENSIS       DECIDUOUS         TTEX (CHADTE TREE)       VITEX AGNUS CASTUS       DECIDUOUS         ITEX (CHADTE TREES       ITEX (CHADTE TREES)       ITEX (CHADTE TREES)         ID ORNAMENTAL TREES       ORNAMENTAL TREES       SPRAY INT ASTO MIN SPRAY INT AREAS.         ID ORNAMENTAL TREES       ITES TART AREAS.       ITES TART AREAS.         ID ORNAMENTAL TREES       ITES TART AREAS.       ITES TART AREAS.         ID ORNAMENTAL TREES       ITES TART AREAS.	NTANA, TEXAS	YUCCA, PALELEAF	
REDBUD, TEXAS       CERCIS CANADENSIS VAR TEXENSIS       DECIDUOUS         ITEX (CHADTE TREE)       VITEX AGNUS CASTUS       DECIDUOUS         IENT SUMMARY       DECIDUOUS       I) THE LOCA WITH SEC TEMPLE, T         2) GRASS AR HYDROM       2) GRASS AR HYDROM         3) NO TREE EROSION       3) NO TREE C CREATE A         4) ORNAMENTAL TREES       60% EVERGREEN TREES         5) ORNAMENTAL TREES       60% EVERGREEN TREES         6) ENGINEER NEED FOR       7) THE LOCA CREATE A         6) ENGINEER NEED FOR       7) THE LOCA CREATE A         7) THE LOCA UNRS, UNT AREAS.       6) ENGINEER SERVER PIP THE STRAT OSERVAT OBSERVAT OBSERVAT ORSERVAT OBSERVAT ORRAM	DUNTAIN SAGE NA (DWARF TYPE)	YUCCA, RED YUCCA, SOFTLEAF	
VAR TEXENSIS     DECIDUOUS       TITEX (CHADTE TREE)     VITEX AGNUS CASTUS     DECIDUOUS       IENT SUMMARY     1) THE LOCA WITH SEC TEMPLE, T     2) GRASS AR HYDRO-M       2) ORNAMENTAL TREES     2) GRASS AR SWALSS, E       2) ORNAMENTAL TREES     3) NO TREE C       2) ORNAMENTAL TREES     5) ALL SPRIN AS TO MIN SPRAY INT AREAS.       2) ORNAMENTAL TREES     6) ENGINEER IRRIGATOI       2) ORNAMENTAL TREES     5) ALL SPRIN SPRAY INT AREAS.       4) THE IRRIG IRRIGATOI     5) ALL SPRIN SPRAY INT AREAS.       6) ENGINEER ILAUREL /20 TOTAL TREES = 60% EVERGREEN TREES     6) ENGINEER INNEED FOR SEWER PIP THE STRET OBSERVAT.       6) IF CONTRA ERRORS, OF DRAWINGS FURTHER (C ENGINEER I PROVIDING       8) IF CONTRA ERRORS, OF DRAWINGS FURTHER (C ENGINEER I PROVIDING	OLEANDER	YUCCA, TWISTLEAF	
TTEX (CHADTE TREE)       VITEX AGNUS CASTUS       DECIDUOUS         IENT SUMMARY       1) THE LOCA         UCRNAMENTAL TREES       2) GRASS AR         O ORNAMENTAL TREES       3) NO TREE C         D ORNAMENTAL TREES       5) ALL SPRIN         AS J SOM       9) ALL SPRIN         AS J SOM       9) ALL SPRIN         AS TO MIN       SPRAY INT         AB SPRAY INT       AS TO MIN         SPRAY INT       AREAS         6) ENGINEER       6) ENGINEER         NOTES       0) THE LOCA         DO ORNAMENTAL TREES       5) ALL SPRIN         AS TO MIN       SPRAY INT         AREAS       6) ENGINEER         0) THE LOCA       SPRAY INT         THE STEE       60% EVERGREEN TREES         0) THE LOCA       SPRAY INT         THE STEE       60% EVERGREEN TREES         0) THE LOCA       SPRAY INT         1) THE STEE			
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		TE OF TELL	MACUS     ENGINEERING,     INC.       3312     WCO, TEXX5 76707     BEDNERING     INC.       3312     WCO, TEXX5 7670     BRAN BY:     SG & RE       313     TEMTEX     BRUCE DR. TEMPLE, TEXAS       4208     S GENERAL BRUCE DR. TEMPLE, TEXAS       19 JULY 2013     DRAWNS NUMBER:     20130719

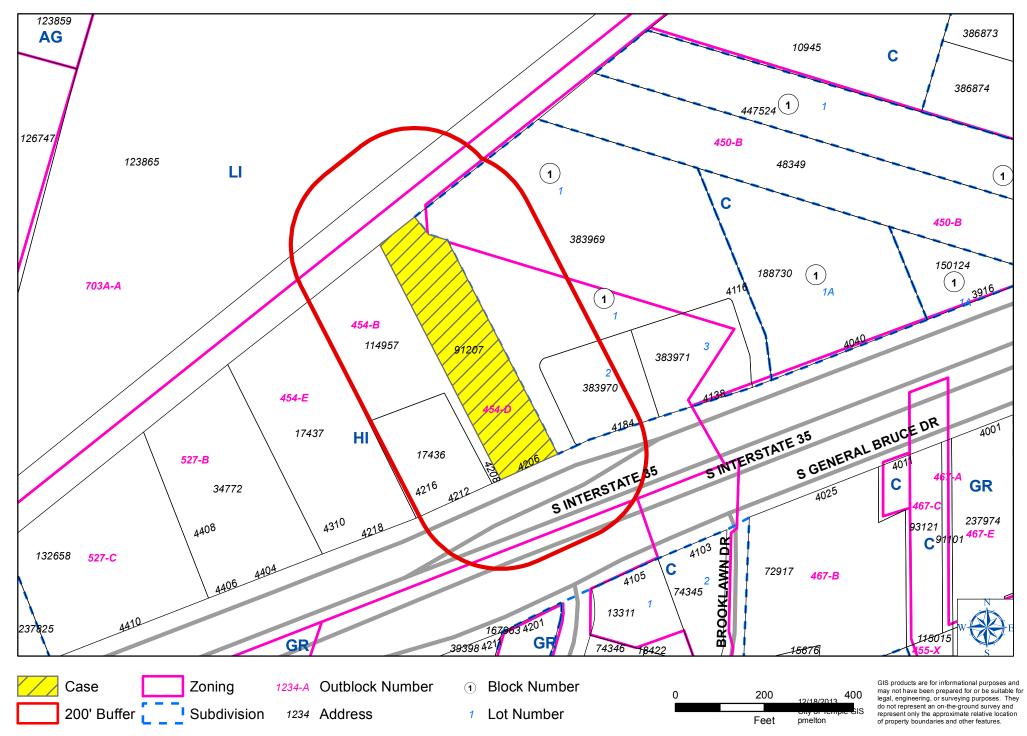






Zoning Change HI to PD(HI)

4206 General Bruce Dr.





#### RESPONSE TO PROPOSED ZONE CHANGE REQUEST CITY OF TEMPLE

Jimmy Nassour, Trustee 3839 Bee Cave Road, Suite 200 West Lake Hills, Texas 78746

#### Zoning Application Number: Z-FY-14-16

Project Manager: Phillip Melton

#### Location: 4208 South General Bruce Drive

The proposed rezoning 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 <u>possible</u> 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 own property abjacent to applicants and
have NO ISSUE with applicants request for reconings

ignature

Jimmy Nassour

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 6, 2014

City of Temple Planning Department Room 102 Municipal Building Temple, Texas 76501

#### ORDINANCE NO.

#### (PLANNING NO. Z-FY-14-16)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM HEAVY INDUSTRIAL (HI) TO PLANNED DEVELOPMENT (PD) IN THE I-35 CORRIDOR OVERLAY ON APPROXIMATELY 2.00 ACRES, BEING A PART OF THE GEORGE GIVENS SURVEY, ABSTRACT NO. 345, AND LOCATED AT 4206 SOUTH GENERAL BRUCE DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>**Part 1**</u>: The City Council approves a rezoning from Heavy Industrial (HI) to Planned Development (PD) on approximately 2.00 acres, being a part of the George Givens Survey, Abstract No. 345, City of Temple, Bell County, Texas, and located at 4206 General Bruce Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

<u>**Part 2:**</u> 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.

<u>**Part 4**</u>: 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.

<u>**Part 5**</u>: 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 **16<sup>th</sup>** day of **January**, 2014.

PASSED AND APPROVED on Second Reading on the 6<sup>th</sup> day of February, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



### **COUNCIL AGENDA ITEM MEMORANDUM**

01/16/14 Item #14 Regular Agenda Page 1 of 2

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

Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** O-FY-14-04: 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, window, architectural and lighting to build a new 5,000 sf free-standing building that is consistent with the rest of the Bird Creek Crossing Shopping Center.

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

Staff recommends approval as submitted, since the proposed design would be consistent with the existing shopping center, which was approved through a Planned Development prior to adoption of the I-35 Corridor Overlay District standards.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its January 6, 2014 meeting, the Planning and Zoning Commission voted 6/0 for approval in accordance with the staff recommendation.

**ITEM SUMMARY:** The project is located in the I-35 Corridor Overlay District in the City Entry Sub-District. The applicant is a new 5,000 sf building for a new Mattress Firm commercial tenant on a 0.789 acre retail pad site (Lot 1 Block 2) within the Bird Creek Crossing Shopping Center.

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 following list summarizes the categories of standards that are applicable to this project.

- Parking
- Screening and Wall Standards
- Architectural design
- Landscape
- Lighting

01/16/14 Item #14 Regular Agenda Page 2 of 2

The applicant has worked with City Staff to develop a plan that meets the intent of the I-35 Overlay District, while also promoting consistency with the existing Bird Creek Shopping Center development built prior to adoption of the Overlay standards. The applicant has requested relief from compliance some Overlay standards in the form of this appeal as outlined in the following attached table. Those highlighted in gray represent proposed noncompliance with the existing UDC provisions and, therefore, are part of the appeal.

#### FISCAL IMPACT: N/A

#### ATTACHMENTS:

Overlay District Standard Table Appeal Items Site Plan Floor Plan Landscape Plan Elevations Ordinance

I-35 Requirements	Proposed	Standard Met?	Mitigation/ Rationale for Exception				
SITE PLAN REVIEW							
Applicant has submitted site plans for review on this project.	Compliant	YES	N/A				
	TREE PRESERVATION						
Tree preservation	N/A	N/A	N/A				
	PARKING (	GENERAL)					
All other Retail sales and Service (1 per 250 sq ft) 5,000 = 20 spaces required	Compliant: 38 proposed	YES	N/A				
Curb and gutter, 6" in height, required around perimeter and all parking islands	Compliant	YES	N/A				
Parking aisles must be designed to be perpendicular to entry	Compliant	YES	N/A				
Parking areas must be planned so that vehicles are not required to back out of parking spaces directly into a public or private street	Compliant	YES	N/A				
Parking lots must be designed to preserve the maximum amount of existing trees on site as possible	N/A	N/A	N/A				
Parking spaces that face and are adjacent to a building must utilize wheel stops	N/A	N/A	N/A				
Wheel stops are required adjacent to all landscaped areas and to all sidewalks, except for raised sidewalks at least 6 feet in width (8 feet if parking spaces front both sides)	Non-compliant	NO	Would be inconsistent with rest of the Bird Creek Crossing Retail Center, since wheel stops are not provided				
No parking is allowed in the landscape buffer	Compliant	YES	N/A				
	SCREENING AND WALLS	STANDARDS (GI	ENERAL)				
No storage in connexes, shipping containers or portable buildings	N/A	N/A	N/A				

I-35 Requirements	Proposed	Standard Met?	Mitigation/ Rationale for Exception
Loading zones and mechanical equipment must not be clearly visible at eye level from any public street	Compliant: Mechanical equipment roof mounted and screened with parapet	YES	N/A
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	Compliant: Electrical box will be attached to the rear wall and painted to match the rest of the facade	YES	N/A
Roof mounted equipment must be screened from a vantage point of 6' above finished grade	Compliant: Mechanical equipment roof mounted and screened with parapet	YES	N/A
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	N/A	N/A	N/A
Refuse storage/compacters/vehicle loading and unloading must not be clearly visible at eye level from any public street or located within 100' of any public street	Compliant: Dumpster screened	YES	N/A
	LANDSCAPIN	IG GENERAL	
Areas not covered by building or pavement must be landscaped	Compliant	YES	N/A
Foundation Plantings required along 70% of the length of any visible façade in a bed a minimum 6' deep	Non-compliant	NO	Plantings proposed along North and South walls, and along East retaining wall; West wall is entrance and it is preferred to not obscure display windows; East wall is at rear of building and additional planting at this location would require lengthening retaining walls
Landscape Buffer Area 25' front 10' on sides	Non-compliant <ul> <li>5'-6" on front and</li> </ul>	NO	This is a very small lot connected to an existing retail center and meeting the required landscape buffers would result in the usable area for the

I-35 Requirements	Proposed	Standard Met?	Mitigation/ Rationale for Exception	
	side • 10' rear		parking lot and building being insufficient to allow for our desired 5,000 sf retail building for future tenant, Mattress Firm	
20% Required landscape buffer must have native grass beds or wildflowers	Compliant	YES	N/A	
Parking screen of hedge row 2.5 to 4' high for all parking areas visible from public view	Compliant	YES	N/A	
Interior parking islands 1 per every 10 spaces minimum 170 sq ft (1 3" tree required in each) = +/- 143 required	Compliant	YES	N/A	
Terminal parking islands at the end of each row minimum 360 sq ft (2 3" tree required in each)	Compliant	YES	N/A	
Median islands minimum 10' in width must be located after every third parking bay ( 3" tree required every 30')	N/A	N/A	N/A	
60% Required Trees must be evergreen	Compliant	YES	N/A	
Minimum 2' tall berm must be installed for minimum 50% of the buffer area	Non-compliant	NO	Due to reduced width of landscape buffers, shrubs and trees are proposed in lieu of berms	
All proposed landscape areas will be irrigated	Compliant	YES	N/A	
Minimum of 5 gal. shrubs every 30" on center to soften appearance of walls	Non-compliant	NO	Plantings proposed along North and South walls, and along East retaining wall; West wall is entrance and it is preferred to not obscure display windows; East wall is at rear of building and additional planting at this location would require lengthening retaining walls	
Sidewalks	N/A	N/A	N/A	
LIGHTING STANDARDS				
Full Cutoff required	Compliant	YES	N/A	
Max of 80,000 lumens/acre	Non-compliant	NO	Applicant's lighting specialist indicated that they will exceed this standard; however, their	

I-35 Requirements	Proposed	Standard Met?	Mitigation/ Rationale for Exception
			illumination would still be less than the shopping center lighting standards recommended by IES (Illuminating Engineering Society)
A	RCHITECTURAL DESIGN	- GENERAL S	TANDARDS
All buildings must be architecturally finished on all sides with same materials, detailing and features- higher level of finish on primary facades	Compliant	YES	N/A
All buildings must incorporate no less than 3 architectural elements. > 50,000 SF must incorporate 5 elements; > 100,000 SF 7 elements (UDC 6.7.D2c)	Compliant	YES	N/A
All retail and commercial buildings with facades greater than 200' in length, visible from a public street right of way must incorporate wall plane projects or recesses that are at least 6' deep	N/A	N/A	N/A
Windows must be a minimum of 40% up to a maximum of 80% or each building elevation	Non-compliant	NO	Proposed building has storefront windows for 60% of length of West elevation; 20% for North and South elevations; 0% on East elevation, since it is at the rear (City Council will review code amendments on 1/16/14 that include removal of this requirement for rear elevations)
Must select from list of approved building materials (max 90%; min 70%)		NO	Proposed West elevation is 61% stucco and 39% stone; North and South elevations are 89% stucco

I-35 Requirements	Proposed	Standard Met?	Mitigation/ Rationale for Exception
Stone, Architectural metal, brick, stucco, granite, marble, painted tilt wall and accent materials (max 30% and min 10%) (UDC 6.7.9 D. 3.g) cast stone, wood, glass block, tile, granite, marble, textured or patterned concrete	Non-compliant		and 11% stone (complies); East elevation is 100% stucco
Refuse storage/compacters/vehicle loading and unloading must not be clearly visible at eye level from any public street or located within 100' of any public street	Compliant	YES Dumpster screened	N/A
	SIGN STA	NDARDS	
Setback of 10' from public ROW for signs	Non-compliant: 1' proposed	NO	Narrow landscape buffer would prevent compliance with this provision
	All other signage sta	andards will be	e met
	ITY ENTRY SUB-DISTRIC	T SPECIFIC ST	TANDARDS
Driveways into site must utilize enhanced paving of stone, brick, or patterned concrete	Non-compliant	NO	Would be inconsistent with rest of the Bird Creek Crossing Shopping Center
Entrance offset by a minimum of 4'	Non-compliant	NO	Entrance is articulated and defined to present a strong entry presence without the offset
Landscape Area 15% (193,435 sq ft required)	Compliant	YES	N/A
Landscape Buffer Plantings- One min. 3" caliper canopy tree must be planted for every 25' of frontage along public ROW If power lines are present four ornamental trees may be substituted for one canopy tree	Compliant West side of property facing public ROW; due to location of power lines, ornamental trees have been substituted	YES	N/A
Decorative lighting where appropriate	Non-compliant	NO	Lighting to match the rest of the Bird Creek Shopping Center

I-35 Requirements	Proposed	Standard Met?	Mitigation/ Rationale for Exception
All buildings must be designed and constructed in tri-partite architecture to express base, mid-section and top	Non-compliant	NO	Proposed building has storefront awnings, sign band above and metal coping at top of parapet wall similar to other buildings in retail center
Color of structures must be earth-tone in hue. (Planning Dir. may approve 10% variation)	Compliant	YES	N/A
No more than three materials for facades of buildings	Compliant	YES	N/A

#### Bird Creek Crossing Pad "A" Appeal Descriptions

1. Requirement: Is a public street ROW buffer provided in accordance with sub-district area regulations?

Response: The minimum landscape buffers of 25' front and 10' sides are not met. This is a very small lot connected to an existing retail center and meeting the required landscape buffers would result in the usable area for the parking lot and building being insufficient to allow for our desired 5,000 s.f. retail building for future tenant Mattress Firm. The proposed front and side landscape buffers are 5'-6", and the proposed back landscape buffer is 10'-0". See attached Landscape Plan.

2. Requirement: Landscape buffer berms not less than 24 inches covering 50% of landscape buffer area

Response: Due to the reduced width of the landscape buffers, shrubs and trees are proposed in lieu of landscape buffer berms. See attached Landscape Plan.

3. Requirement: Vegetation must be used to soften the appearance of walls – min 5 gal.shrubs planted every 30<sup>e</sup> on center.

Response: The proposed design has vegetation along the North wall, South wall, and East retaining wall, but not along the West wall or East wall of building. The West wall is the building entrance with display windows and it is preferred to not have vegetation in front of the windows. The East wall is the back of the building and the back sidewalk is elevated 4.5' above grade. Incorporating additional space for vegetation will increase the length of retaining walls and increase cost. The proposed design has vegetation along the retaining walls but not along the East wall of the building. See attached Landscape Plan.

4. Requirement: Foundation plantings, within a planting area min 6' in width, required along 70% of the length of any visible façade.

Response: The proposed design has foundation plantings along the North wall, South wall, and East retaining wall, but not along the West wall or East wall of building. The West wall is the building entrance with display windows and it is preferred to not have vegetation in front of the windows. The East wall is the back of the building and the back sidewalk is elevated 4.5' above grade. Incorporating additional space for vegetation will increase the length of retaining walls and increase cost. The proposed design has vegetation along the retaining walls but not along the East wall of the building. See attached Landscape Plan. 5. Requirement: Do driveways into site utilize enhanced paving of stone, brick, or patterned concrete

Response: The proposed driveways into the site are not off the public ROW, but rather connect to the existing retail center. The driveways are proposed to be concrete, but not with enhanced paving or patterned concrete. See attached Site Plan.

6. Requirement: Parking spaces that face/adjacent to a building must utilize wheel stops; Wheel stops are required adjacent to all landscaped areas; Wheel stops are required adjacent to all sidewalks, except for raised sidewalks at least 6 feet in width (8 feet if parking spaces front both sides)

Response: The proposed design has no wheel stops, as they can be a trip hazard. Landscaping adjacent to parking spaces is proposed to be set back 18" from curb. Proposed sidewalk on West side of building is over 10' wide and sidewalk on South side of building is 6' wide. See attached Site Plan and Landscape Plan.

7. Requirement: 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. If visible, must have 100% opaque screening one foot higher than equipment being screened.

Response: The electrical service is proposed to be wall-mounted on building and painted to match the building color, but not screened, similar to adjacent building.

8. Requirement: Building entrances must be articulated and defined to present a strong entry presence. Must be inset or offset by min 6'.

Response: The proposed building entrance is articulated and defined to present a strong entry presence, but not offset by 6'. See attached Floor Plan and Elevations.

9. Requirement: All buildings must be designed and constructed in tri-partite architecture.

Response: The proposed building has storefront, sign band above, and metal coping at top of wall parapet similar to the other buildings in the retail center. See attached Elevations.

10. Requirement: Windows must be a minimum of 40% up to a maximum of 80% or each building elevation.

Response: The proposed building has storefront for 60% of the length of the West elevation, 20% of the length of the North and South elevations, and 0% of the length of the East elevation. The proposed grading of the site begins to slope down once past the storefronts on the North and South elevations, and vegetation is desired in lieu of storefront. Storefront on the East elevation does not work well for the future tenant Mattress Firm. See attached Elevations.

11. Requirement: Approved primary and accent building materials must be from the approved building materials list. Primary materials 70%-90%; Accent 10%-30%

Response: The proposed West elevation is 61% stucco and 39% stone, North & South elevations are 89% stucco and 11% stone, and the East elevation is 100% stucco. See attached Elevations.

12. Requirement: Max 80 lumens per net acre with full cut-off lighting

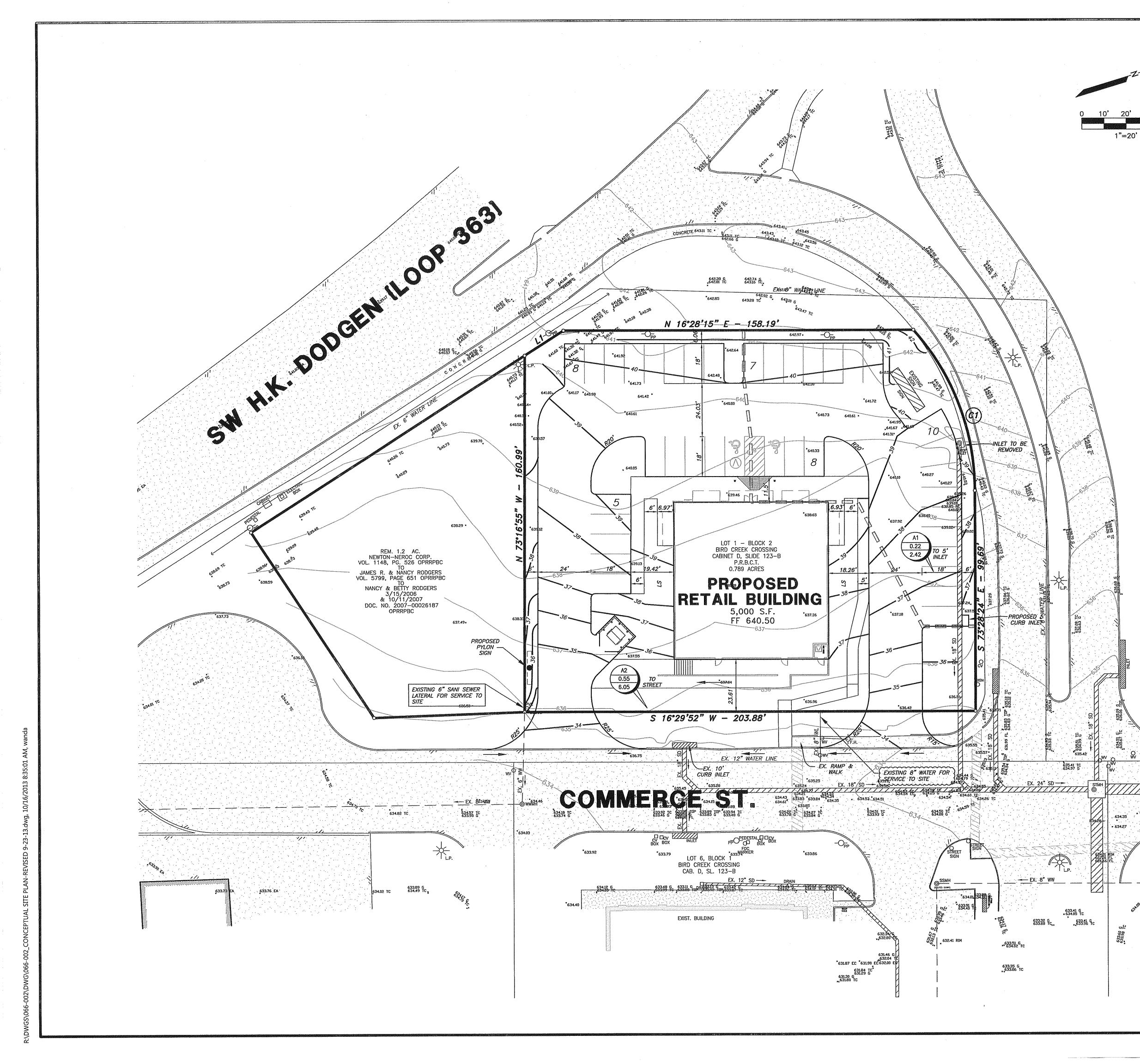
Response: The response from the lighting consultant is that 80 lumens max. per net acre is an unrealistic requirement to safely light a retail site.

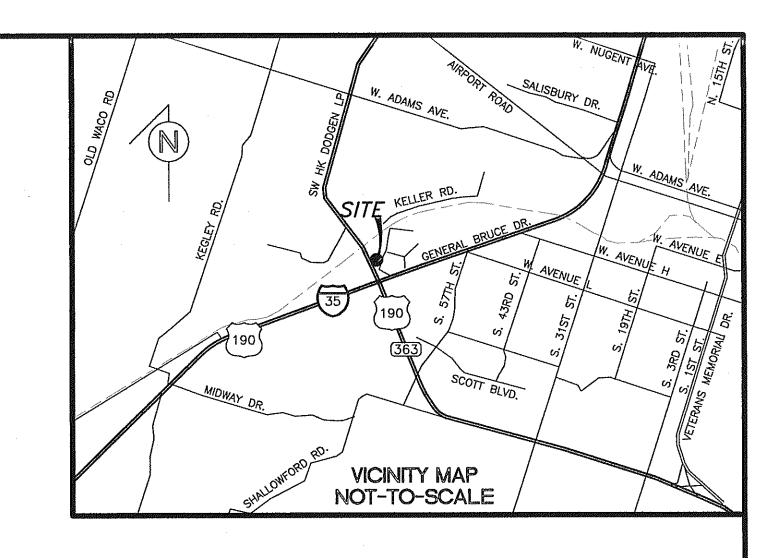
13. Requirement: Is there ornamental and decorative lighting where appropriate?

Response: The light fixtures are similar to those throughout the retail center. See attached light fixture cut sheets and Photometric Plan.

14. Requirement: The minimum sign setback from the property line is 10'.

Response: Due to proposed 5'-6" width of the side landscape buffer, the sign is 1' from the property line, though it is adjacent to a vacant lot that is small and will likely not be developed due to its size and configuration. See attached Site Plan.





		~ CUF	EVE TABLE	~	
NO.	RADIUS	DELTA	ARC	CH. BEARING	CHORD
C1	109.50'	41'33'50"	79.43'	N 85°44'44" E	77.70'
C1	109.50'	41'33'50"	79.43'	N 85°44'44" E	77.7

	~ LINE TABLE	
NO.	BEARING	DISTANCE
L1	N16*11'48"W	20.90'

DRAINAGE CALCULATIONSQ = C X I X A

Are No		1 1 1 1 1 1	Tc (min)	1100 (in/hr)	Q100 (cfs)	REMARKS
A	0.2	2 0.88	5.0	12.5	2.42	5' CURB INLET
Aź	? 0.5		5.0	12.5	6.05	TO STREET

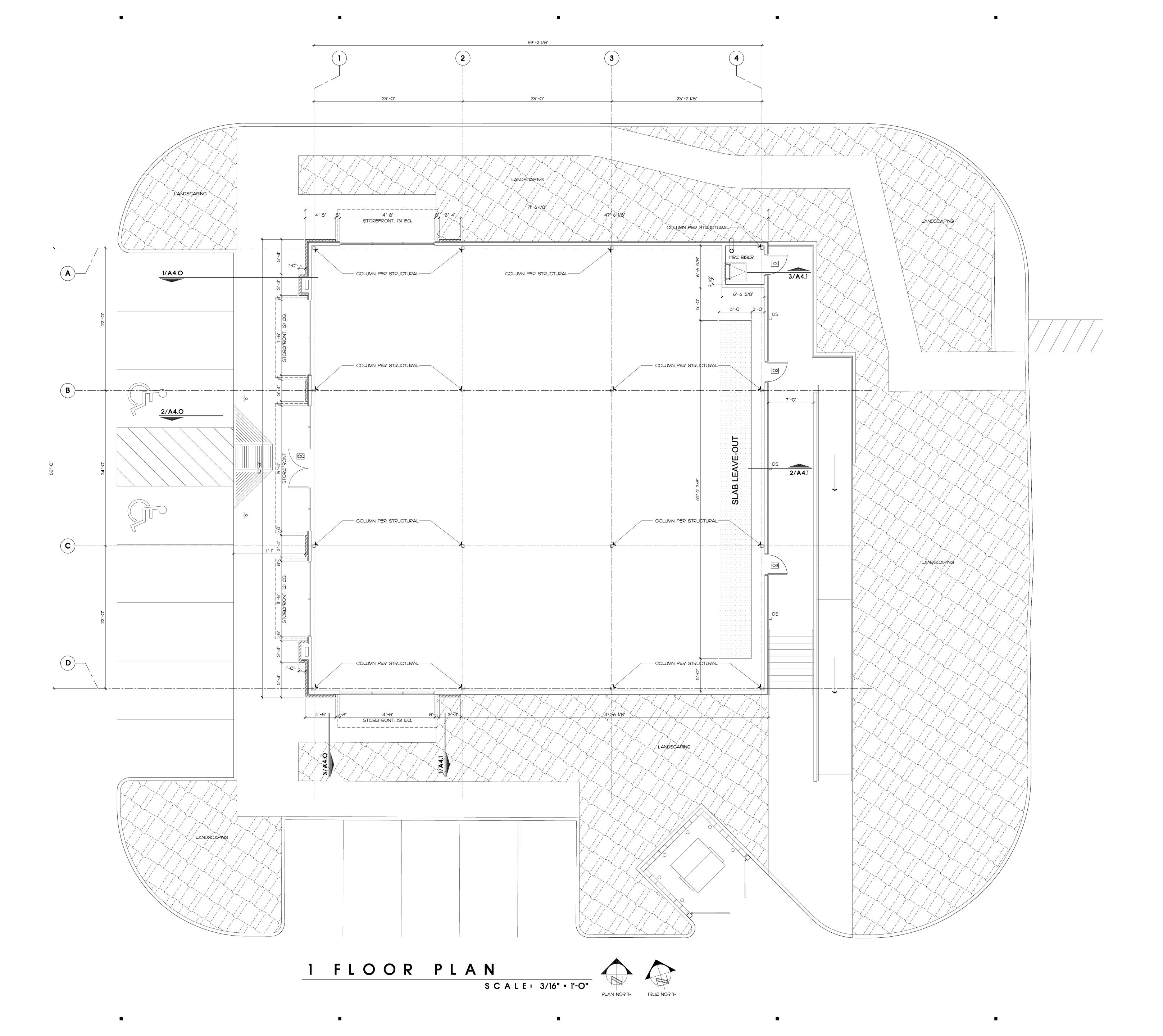
LEGEN	ID
	EXIST. CONTOUR
10000000000000000000000000000000000000	PROP. CONTOUR
Linning Linning Constants	PROP. DRAINAGE DIVIDE
DA AC CFS	DRAINAGE AREA NO. AREA (ACRES) Q <sub>100</sub> (CFS)
	EXIST. STORM
	PROP. STORM
	DIRECTION OF FLOW

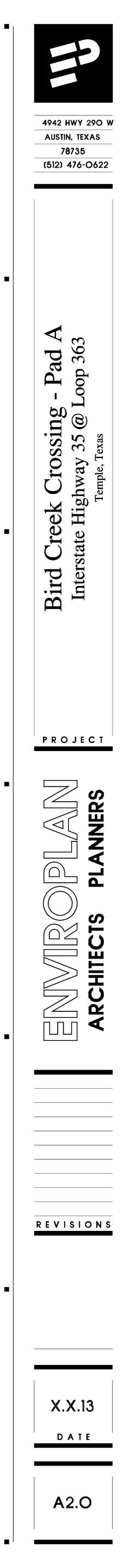
PRELIMINARY - REVIEW/COORDINATION PURPOSES ONLY

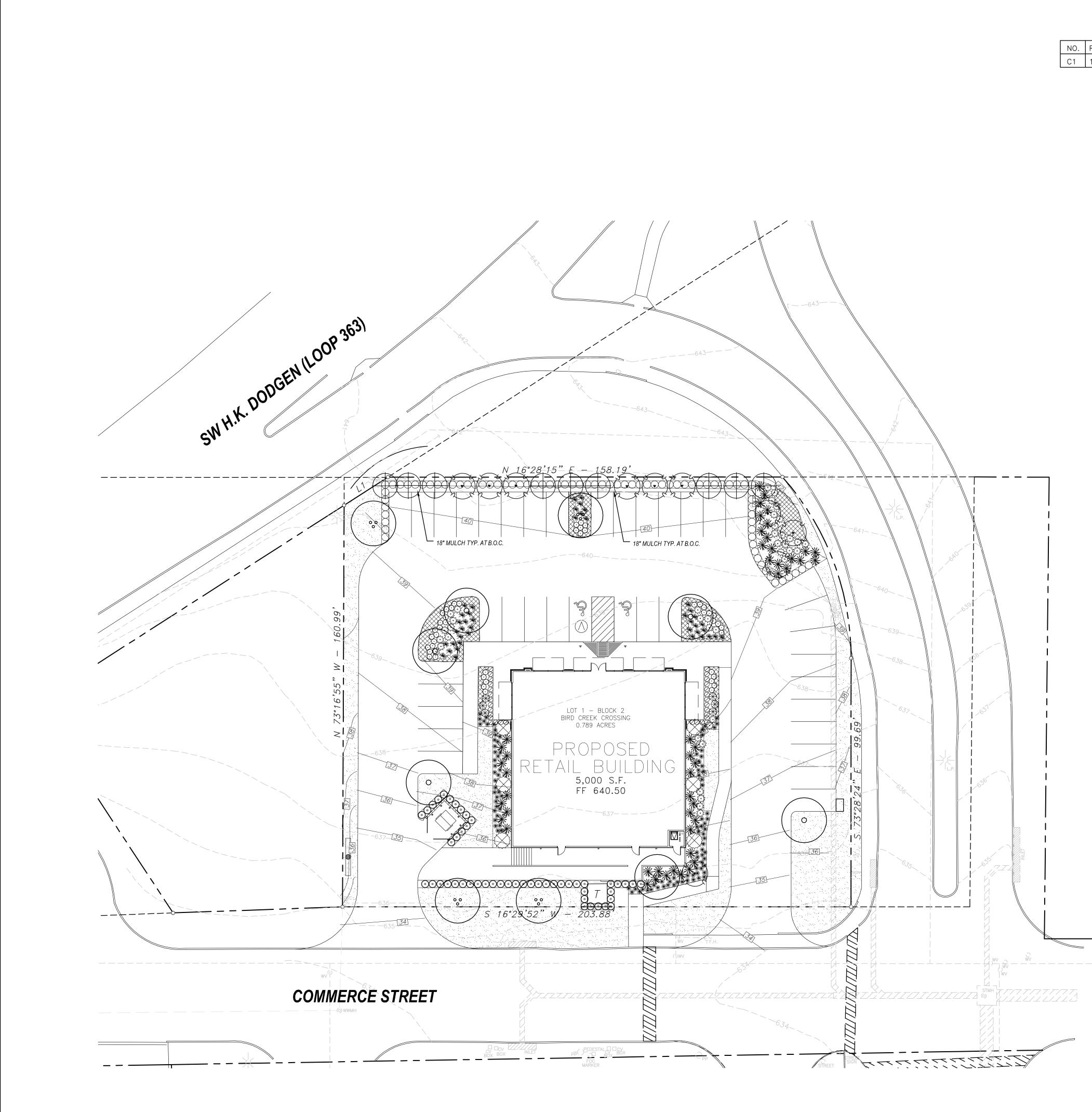
			· · · · · · · · · · · · · · · · · · ·			
REV. D/	ATE REMAR	RKS				
	PREI	_IMIN	IARY	SIT	E PLA	N
	PAD A					
LC	LOT 1, BLOCK 2, BIRD CREEK CROSSING					
	THE CITY OF TEMPLE, TEXAS					
C Cates - Clark & Associates, LLP C C C C C Consulting Engineers 14800 Quorum Drive, Suite 200 Dallas, Texas 75254 Office: 972-385-2272 Fax: 972-980-1627 TBPE F-3751						
DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	NO.
CCA	CCA	10.15.13	1"=20'	D.P.	066-002 CSP	

Canno C. THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY ROBERT L. PRUETT, JR., P.E. 53662 ON O·16·13 ROBERT L. PRUETT, JR. ROBERT L. PRUETT, JR. ROBERT L. PRUETT, JR. ROBERT L. PRUETT, JR. ROBERT L. PRUETT, JR.

. 634.47







		~	CUR	VE T
NO.	RADIUS	DELTA		ARC
C1	109.50'	41°33'50"		79.
	_	~	LINE	TAE

NO. BEARING 11 N16°11'48"W

### SOLID SOD NOTES

- in turf areas.
- Manager.
- existing topsoil.
- undulations.
- condition.
- provide replacement from local supply if necessary.
- (1000) square feet.

### LANDSCAPE TABULATIONS SITE LANDSCAPE: (34,368.84 s.f.)

- Required 5,155 s.f. (15%)
- STREET TREES:

## SW HK DODGEN (180.09 l.f.)

Required (7) large trees, 3" cal. or (28) ornamental trees (6) ornamental trees, 2" cal. COMMERCE STREET (203.88

#### Required N/A PARKING LOT: (38 spaces)

Required (4) trees, 3" cal. shrubs / groundcover

FOUNDATION PLANTING: Required WEST: 70' = 49 I.f. NORTH: 71' = 49.7 I.f. EAST: 70' = 49 l.f.

SOUTH: 71' = 49.7 I.f.

## PLANT LEGEND

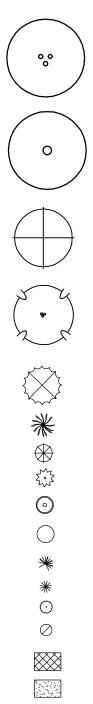


TABLE	~				
2	CH. BEARING	CHORD			
43'	N 85°44'44" E	77.70'			
31 F ~					

DISTANCE
20.90'

1. Fine grade areas to achieve final contours indicated. Leave areas to receive topsoil 3" below final desired grade in planting areas and 1" below final grade

2. Adjust contours to achieve positive drainage away from buildings. Provide uniform rounding at top and bottom of slopes and other breaks in grade. Correct irregularities and areas where water may stand.

3. All lawn areas to receive solid sod shall be left in a maximum of 1" below final finish grade. Contractor to coordinate operations with on-site Construction

4. Contractor to coordinate with on-site Construction Manager for availability of

5. Plant sod by hand to cover indicated area completely. Insure edges of sod are touching. Top dress joints by hand with topsoil to fill voids.

6. Roll grass areas to achieve a smooth, even surface, free from unnatural

7. Water sod thoroughly as sod operation progresses.

8. Contractor shall maintain all lawn areas until final acceptance. This shall include, but not limited to: mowing, watering, weeding, cultivating, cleaning and replacing dead or bare areas to keep plants in a vigorous, healthy

9. Contractor shall guarantee establishment of an acceptable turf area and shall

10. If installation occurs between September 1 and March 1, all sod areas to be over-seeded with Winter Ryegrass, at a rate of (4) pounds per one thousand

Requirements: 15% of total site to be landscape area

Provided 8,588 s.f. (25%)

Requirements: (1) tree, 3" cal. per 25 I.f. of street ROW and (1) 2" cal. ornamental tree per 30 lf. Evergreen parking lot screen required. If over head utility lines occur (4) ornamental trees per each large tree can be substituted. 60% of trees to be evergreen

(18) trees, 2" cal. along ROW due to overhead utility lines

## Requirements: (1) tree, 3" cal. per (10) parking spaces with all islands to have shrubs / groundcover

Provided (6) trees, 3" cal. shrubs / groundcover

Requirements: 70% of foundation facing a street to have planting in 6' wide bed. Provided

NONE, Variance request 49.7 l.f. 49.0 l.f. 49.7 l.f.

LARGE TREE, 3" CAL.

LARGE TREE, 3" CAL.

ORNAMENTAL TREE, 2" CAL

ORNAMENTAL TREE, 2" CAL.

LARGE ACCENT SHRUB

ORNAMENTAL GRASS

ACCENT SHRUB ACCENT SHRUB

EVERGREEN SHRUB, 36" HT. EVERGREEN SHRUB, 24" HT.

ORNAMENTAL GRASS ORNAMENTAL GRASS

PROGRESS SET - FOR REVIEW ONLY

ISSUED

11.25.13

PERMITTING OR CONSTRUCTION.

Brian Denis Adams, Tx. Lic. #1761

SMR Landscape Architects, Inc.

BDA

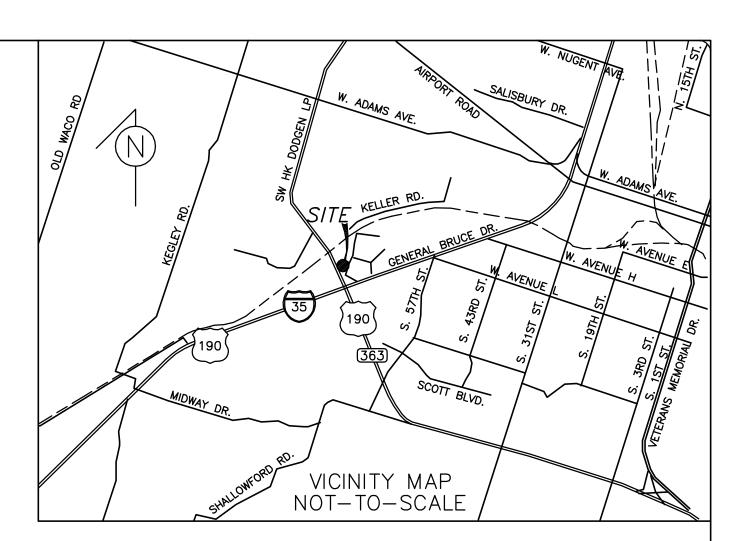
BDA

SHRUB MASSING

SHRUB MASSING

GROUNDCOVER





#### GENERAL LAWN NOTES

- 1. Fine grade areas to achieve final contours indicated on civil plans.
- 2. Adjust contours to achieve positive drainage away from buildings. Provide uniform rounding at top and bottom of slopes and other breaks in grade. Correct irregularities and areas where water may stand.
- All lawn areas to receive solid sod shall be left in a maximum of 1" below 3. final finish grade. Contractor to coordinate operations with on-site Construction Manager.
- Imported topsoil shall be natural, friable soil from the region, known as bottom 4. and soil, free from lumps, clay, toxic substances, roots, debris, vegetation, stones, containing no salt and black to brown in color.
- 5. All lawn areas to be fine graded, irrigation trenches completely settled, and finish grade approved by the Owner's Construction Manager or Architect prior to installation.
- 6. All rocks 3/4" diameter and larger, dirt clods, sticks, concrete spoils, etc. shall be removed prior to placing topsoil and any lawn installation
- 7. Contractor shall provide (1") one inch of imported topsoil on all areas to receive lawn.

### LANDSCAPE NOTES

- 1. Contractor shall verify all existing and proposed site elements and notify Architect of any discrepancies. Survey data of existing conditions was supplied by others.
- 2. Contractor shall locate all existing underground utilities and notify Architect of any conflicts. Contractor shall exercise caution when working in the vicinity of underground utilities.
- 3. Contractor is responsible for obtaining all required landscape and irrigation permits.
- 4. Contractor to provide a minimum 2% slope away from all structures.
- 5. All planting beds and lawn areas to be separated by steel edging. No steel to be installed adjacent to sidewalks or curbs.
- 6. All landscape areas to be 100% irrigated with an underground automatic irrigation system and shall include rain and freeze sensors.
- 7. All lawn areas to be Solid Sod Bermudagrass, unless otherwise noted on the drawings.

#### MAINTENANCE NOTES

- 1. The Owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscape.
- 2. All landscape shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding and other such activities common to landscape maintenance.
- 3. All landscape areas shall be kept free of trash, litter, weeds and other such material or plants not part of this plan.
- 4. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
- 5. All plant material which dies shall be replaced with plant material of equal or better value.
- 6. Contractor shall provide separate bid proposal for one year's maintenance to begin after final acceptance.

smr 01 CONCEPT LANDSCAPE PLAN SCALE: 1" = 20'-0" landscape architects, inc. 1708 N. Griffin Street Dallas, Texas 75202 Tel 214.871.0083 Fax 214.871.0545 Email smr@smr-la.com REV. DATE REMARKS LANDSCAPE PLAN CONCEPT PAD A LOT 1, BLOCK 2, BIRD CREEK CROSSING THE CITY OF TEMPLE, TEXAS 14800 Quorum Drive, Suite 200 Dallas, Texas 75254 Office: 972-385-2272 Fax: 972-980-1627 COA NO. 4420 Cates-Clark & Associates, LLP These documents are NOT FOR REGULATORY APPROVAL, Consulting Engineers They were prepared by, or under the supervision of: DESIGN DRAWN DATE SCALE NOTES FILE NO.

11/25/13 1"=20'

066-002

CLP.1

# ◆ TOP OF STUD WALL 22'-0\* A.F.F.

• BEARING 16'-9" A.F.F.

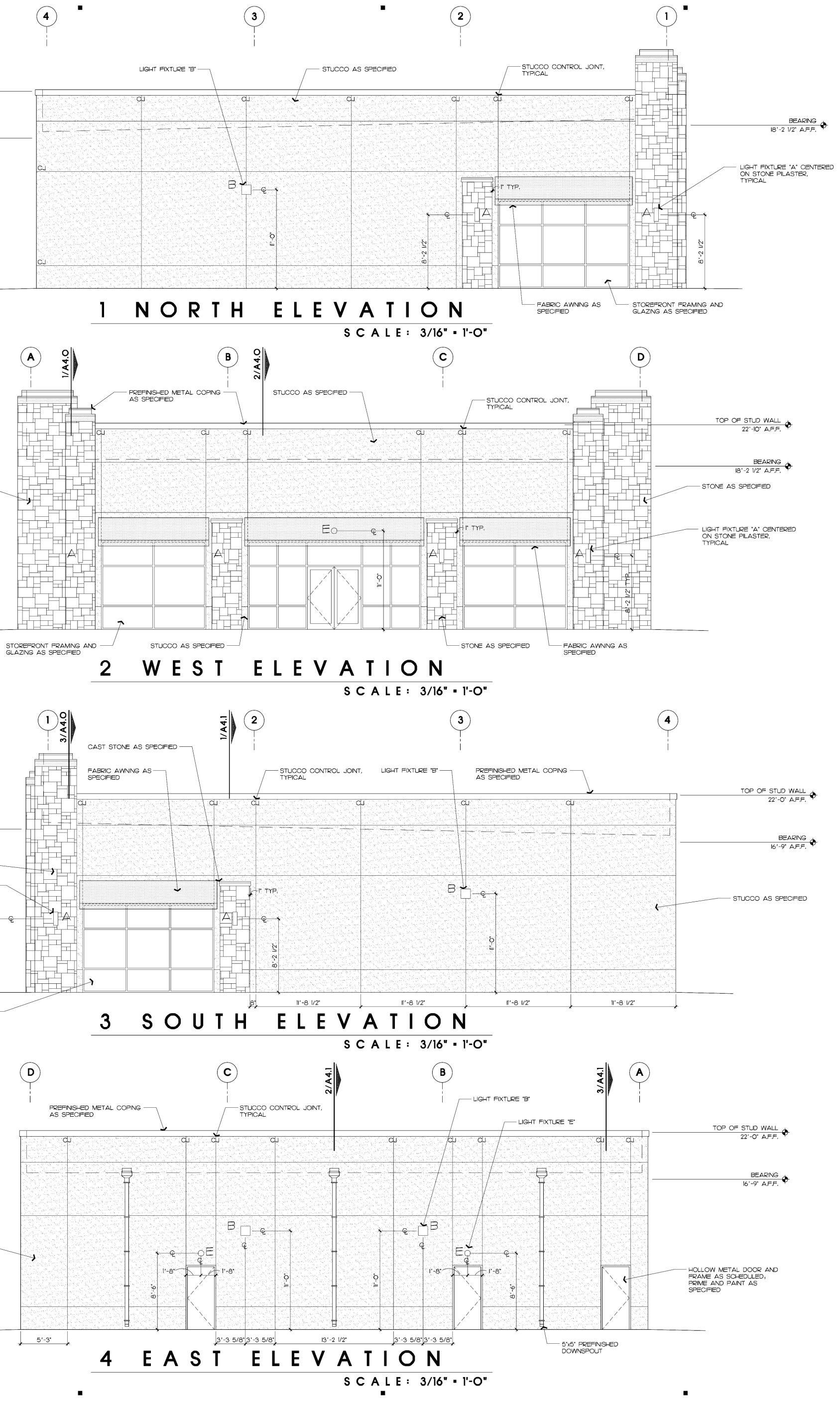
STONE AS SPECIFIED -----

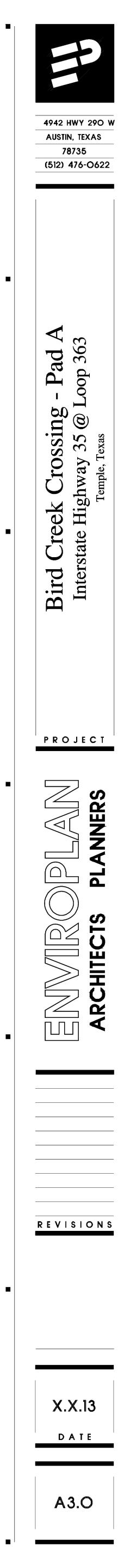
BEARING 18'-2 1/2" A.F.F.

STONE AS SPECIFIED -LIGHT FIXTURE "A" CENTERED — ON STONE PILASTER, TYPICAL ► œ

\_\_\_\_\_**\** 

STUCCO AS SPECIFIED ------





#### RESOLUTION NO.

#### [PLANNING NO. O-Z-FY-14-04]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN APPEAL OF CERTAIN I-35 CORRIDOR OVERLAY DISTRICT STANDARDS INCLUDING THOSE RELATED TO LANDSCAPING, WINDOW, ARCHITECTURAL AND LIGHTING STANDARDS PER SECTION 6.7 OF THE UNIFIED DEVELOPMENT CODE TO BUILD A NEW 5,000 SQUARE FOOT FREE-STANDING BUILDING THAT IS CONSISTENT WITH THE REST OF THE BIRD CREEK CROSSING SHOPPING CENTER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** this project is located in the I-35 Corridor Overlay District in the City Entry Sub-District and the applicant is a new 5,000 square foot building which will house a new Mattress Firm commercial tenant on an approximate 0.789 acre retail pad site (lot 1, bock 2) within the Bird Creek Crossing Shopping Center;

**Whereas**, in accordance with Article 6 of the Unified Development Code relating to the Interstate 35 Corridor Overlay, all new construction is required to conform to the standards of the I-35 Overlay District;

Whereas, on January 6, 2014, 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 District for landscaping, window, architectural and lighting standards to build a new 5,000 square foot free-standing building that is consistent with the rest of the Bird Creek Crossing Shopping Center; 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:

<u>**Part 1:**</u> The City Council approves an appeal of standards to Section 6.7 of the Unified Development Code related to the following I-35 Corridor Overlay District requirements:

- a. Require wheel stops adjacent to all landscaped areas and to all sidewalks, except for raised sidewalks at least 6 feet in width (8 feet if parking spaces front both sides);
- b. Require foundation plantings required along 70% of the length of any visible façade in a bed a minimum of 6' deep;
- c. Require a landscape buffer area of 25' to the front and 10' on the sides;
- d. Require a minimum 2' tall berm to be installed for minimum of 50% of the buffer area;
- e. Require a minimum of 5 gallon shrubs every 30" on center to soften appearance of walls;

- f. Require a maximum of 80,000 lumens per acre;
- g. Require windows to be a minimum of 40% up to a maximum of 80% of each building elevation;
- h. Must select from a list of approved building materials (maximum 90% andminimum70%) stone, architectural metal, brick, stucco, granite, marble, painted tilt wall and accent materials (maximum 30% and minimum 10%) (UDC 6.7.9D.3.g) cast stone, wood, glass block, tile, granite, marble, textured or patterned concrete;
- i. Require a setback of 10' from public right-of-way for signs;
- j. Require driveways into site to utilize enhanced paving of stone, brick or patterned concrete;
- k. Require entrance offset by a minimum of 4';
- 1. Require decorative lighting where appropriate; and
- m. Require all buildings to be designed and constructed in tri-partite architecture to express base, mid-section and top.

**Part 2:** The City Council approves the exceptions to the above standards that are detailed in Exhibit A to this Resolution.

<u>**Part 3:**</u> 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 **16<sup>th</sup>** day of **January**, 2014.

#### THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

#### APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



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

Kim Foutz, Assistant City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing support for the submittal of a tax credit project for family living projects by the following:

- (1) Blazer Development; and
- (2) Roundstone Development

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

**ITEM SUMMARY:** Blazer Development is proposing a mixed income, family living project with a capital investment of \$15,000,000. The project would include 150 apartment units located on a 12 acre tract near the northwest corner of West Adams Avenue and Research Parkway, fronting Honeysuckle Drive and Research Parkway. The proposed project would include 12 units at 30% area median income (AMI), 48 units at 50% AMI, 60 units at 60% AMI, and 30 market rate units. The apartment community would include multiple amenities including: pool with sundeck. Fitness center, library/business center, community room with kitchen, media/theater room, outdoor gardens, gazebo with grills, game room, limited access security gate, on-site storage, covered parking, and attached garages. Resident supportive services will be offered on-site to include: monthly character building program (teen dating violence, drug prevention, internet dangers, etc), quarterly financial planning courses (homebuyer education, credit counseling, investing, etc), annual health fair, quarterly health and nutritional courses, and Notary Public services.

Rental unit of breakdown of Blazer's development is as follows:

Unit type	# of Units
1 bedroom	65% or 97 units
2 bedroom	35% or 53 units

The second proposed tax credit project is by Roundstone Development, which completed a senior citizens living project, The Fairways at Sammons Park, in Temple in 2012. The City Council passed a resolution of support for their TDHCA project application in 2010. They now proposing a family living project named Cedar Creek Villas with a capital investment of \$11,230,000. The project would include 88 apartment units located on at 6758 West Adams Avenue. 100% of the units will be affordable housing units, and will be for those earning 30%, 50%, and 60% of the area median income (AMI). The apartment community would include multiple amenities including a business

center, community kitchen, fitness center, playground, perimeter fencing, and swimming pool. Resident services will be offered on-site to include quarterly financial planning courses, annual health fair, quarterly health and nutritional courses, scholastic tutoring, notary public, twice monthly arts and crafts or recreational activities, and twice monthly on-site social events.

Rental unit breakdown for Cedar Creek Villas is as follows:

Unit type	# of Units
1bedroom/1 bath	34
2/2	34
3/2	14
4/2.5	6

Roundstone Development and Blazer Development have met the application requirements of the City. Below is a summary of evaluation criteria for both projects:

Evaluation Criteria	Blazer	Roundstone	
Senior/elderly developments	No	No	
Pay property taxes	Yes	Yes	
Development team experience	Yes	Yes	
Demonstra. cost & financial feasibility	\$15,000,000	\$11,230,000	
Both tax credit & market rate units	Yes	No	
No city infrastructure required	Yes	Yes	
Favorable site conditions	Yes, zoned for MF Yes, partially zoned		
Quality supportive services	See description	See description	
Consistency with Comprehensive	Future Land Use –	Future Land Use –	
plans, strategic plans	Suburban Commercial	Suburban Commercial	
Location where dev. is encouraged	Unk – see site map	Unk – see site map	
Minimum impact on existing tax credit		Current tax credit units on	
developments & other workforce	ground are senior living,	ground are senior living,	
housing dev.	not family. Unknown re.	not family. Unknown re.	
	workforce & Temple	workforce & Temple	
	Housing Authority	Housing Authority	
Commitment & past experience in the	New to Temple. Extensive	Prior project in Temple.	
community	experience in general.	Extensive experience in	
		general.	
Support from local agencies, etc	This stage not started yet	This stage not started yet	
Populations with special needs	No	No	
Repositioning of existing	No	No	
developments			
Impact on elimination of blight	No	No	
Quality of the units & project as a	See attached project	See attached project	
whole	description	description	
Level of investment psf (\$ total/units)	\$100,000 per unit	\$127,614 per unit	
Other evaluation criteria	n/a	n/a	

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In order for the applicant to receive full points with the TDHCA application, the City must provide financial support. This has been traditionally accomplished through the Temple Economic Development Corporation with a secured loan. Both applicants have been in contact with the TEDC, and TEDC is awaiting Council direction regarding support. Terms of the loans are still under discussion. The applications require evidence of local support, particularly from elected officials. The resolution of the City of Temple is an indication of that support. In addition, support from Senator Fraser and Representative Sheffield will be required to obtain the additional points.

**FISCAL IMPACT:** These family living projects would not a direct financial contribution from the City. If either or both projects are supported by Council, a fully secured loan would need to be provided by the TEDC. Terms of the loans are still under discussion. TDHCA will only award one project per community. Total development cost by Roundstone will be approximately \$11,230,000 with the land and improvements being subject to property taxes. Capital investment by Blazer will be approximately \$15,000,000 with the land and improvements being subject to property taxes.

#### ATTACHMENTS:

General information – Blazer Project map and elevations – Blazer Resolution - Blazer General information - Roundstone Project map and elevations – Roundstone Resolution – Roundstone



December 13, 2013

City of Temple c/o Kim Foutz Assistant City Manager City of Temple 2 North Main, Suite 104 Temple, TX

RE: Evaluation submittal by Blazer Residential, Inc. / Blazer Building Texas, LLC for support of proposed Tax Credit Development:

The Tax Credit Program was created from the Tax Act of 1986 to encourage private industry to invest and develop affordable housing. The tax credit is realized by the investor who receives a dollar-fordollar tax credit on their income for the investment dollars they contribute in an affordable housing development.

The investment dollars are used by the development as equity to reduce the amount of debt required to finance a development. The average equity in a tax credit development is about 65-70% of project cost, thus requiring only a 30-35% long term debt component as compared to a 70-80% debt structure on a market rate development.

This reduction in debt allows for a lower requirement of operating income; therefore, allowing the development to charge lower rents to tenants. However, this does not mean the requirement for quality tenants is reduced because they have less income. The tenant selection criteria are just as strict as market rate developments. The tenants go through rigorous credit background, rental background, and criminal background checks. There is a zero toferance for criminal violations.

The Tax Credit Program is regulated by the Internal Revenue Service ("IRS"). The IRS publishes allocation amounts for competitive credits for each state each year. Each state administers their competitive allocation through a set of rules known as a Qualified Allocation Plan ("QAP"). In Texas, the State Legislature has prescribed eleven of the twenty-three scoring items in the QAP. These range from financial feasibility and local support to income limits and disaster areas.

There was a Fair Housing lawsuit filed against the Texas Department of Housing and Community Affairs in 2008 that alleged a disparate concentration of affordable housing in lower income and minority areas in five counties in Region 3 (Dallas metro-plex). In 2012, the suit was settled which brought about changes to the QAP. The most significant is the location of developments in High Opportunity Areas. These areas include census tracts with incomes in the top quartile and school attendance zones that have all three schools (elementary, middle and high school) with high performance ratings. Census tracts or places with no other affordable housing. The QAP also favors family developments over senior developments through the scoring which makes a family development more competitive than a senior development. In several counties and three regions, senior developments are an ineligible activity in urban areas for 2014. Region 8 (Temple is in Region 8) Urban is ineligible for senior development.

Although these changes have affected many developers in locating potential sites; Blazer has focused its development efforts in higher income areas for several years. Blazer believes its product compliments any market rate development and the communities where they've developed support their mission to help and improve the lives and the tenants they serve. Blazer also provides supportive service programs to help and improve their lives as well. Some of the programs provided are adult education and financial classes, health fairs, tax preparation, community social events, after-school programs to support the children in their developments, etc.

Blazer also believes in the safety of their tenants and usually has local law enforcement officers that live on the property to help provide an extra level of security and awareness on the property.

Blazer was founded in 1978 as a general contracting company focused on building high-quality multifamily communities. Since then, Blazer has grown into a fully-integrated real estate services company handling all phases of a property's life cycle. Blazer has developed twenty-three communities since the mid-1990's, including eighteen housing tax credit properties and five market rate properties. These include 3,600 apartment homes with a combined value of over \$240 million.

Blazer has overseen the construction of over 30,000 apartment homes in twelve states across the south, east coast and mid-west.

Blazer Real Estate Services provides comprehensive property management to nearly 3,700 units in twenty-four properties across the state of Texas. A copy of our tenant selection criteria, blazer property roster and pictures are attached as an exhibit.

Blazer is proposing 150 Class A units to include 65% (97 units) one bedroom and 35% (53 units) two bedroom units. The development will be mixed income serving a range of 30% (12 units), 50% (48 units) and 60% (60 units), of area median incomes, as well as 30 market rate rents. The property will be designed with a low-density, low impact plan in mind. Our target market will consist of small, working families; veterans; seniors, and persons with special needs. The multi family development will pay all taxes, as well as any impact fees to the City for connections to the existing infrastructure. Blazer will build the proposed development in accordance with all local building codes and will demonstrate project cost and financial feasibility utilizing our experience in design and construction. Based on a similar development and current projected costs, we estimate the level of investment per square foot to be \$85. Our replacement reserve requirements are generally \$250/unit escalating to \$300/unit at year 10.

The proposed development is to be located on approximately 12 +/- acres of land at the Northwest corner of W. Adams Avenue and Hilliard Road just west of the Bio-medical district. This area has shown steady growth in recent years and is a good market for affordable/workforce housing. There is economic growth and employment opportunities for working individuals and families that need affordable housing.

#### Attachments:

- 1. Proposed Development Site
- 2. Tenant Selection Criteria
- 3. Blazer Property Roster
- 4. Pictures of Existing Multi Family Owned and Operated by Blazer
- 5. Blazer Corporate Summary
- 6. Blazer Real Estate Services Resume

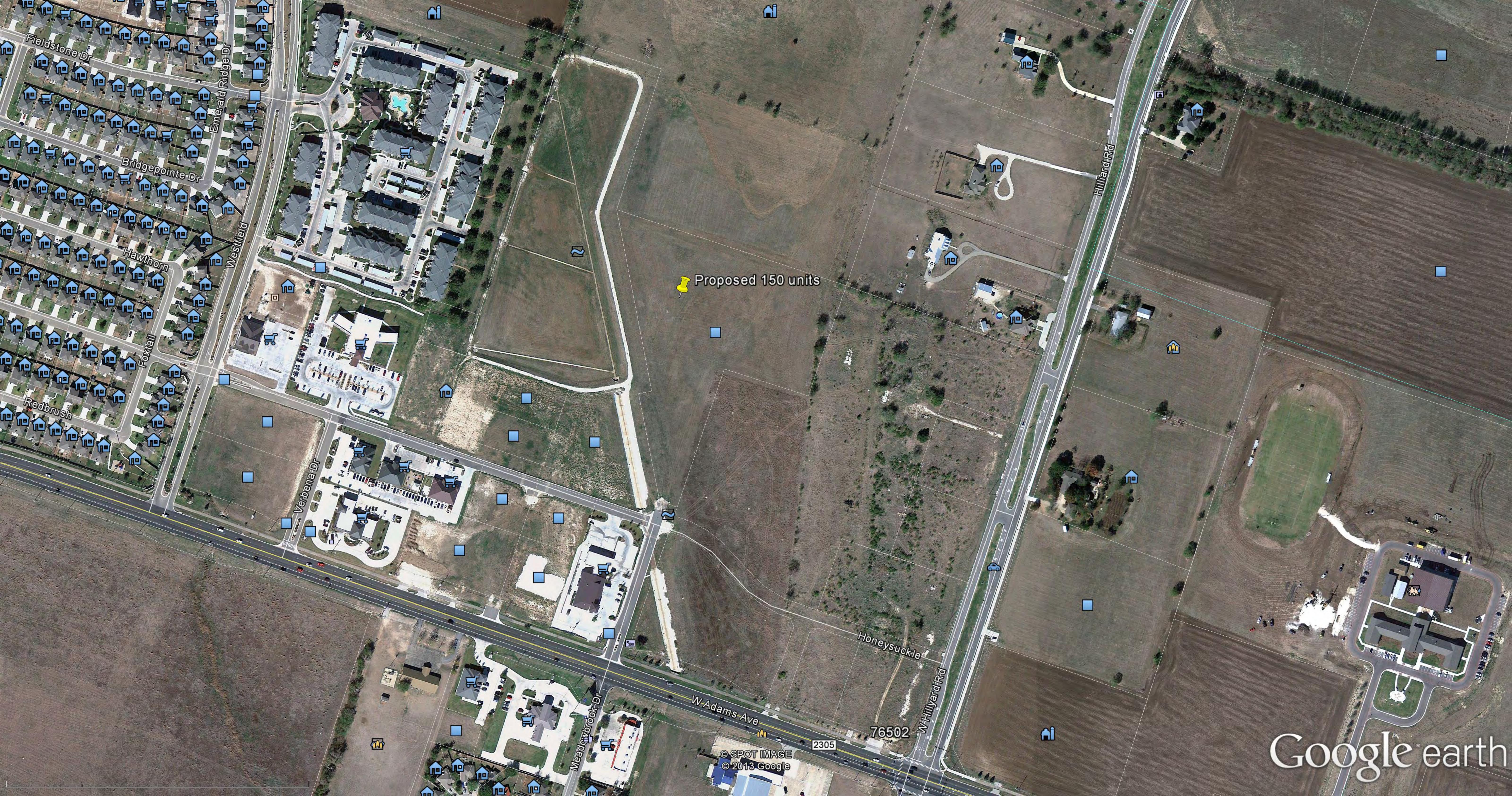
Best regards,

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Matt Fuqua Blazer Residential, Inc. Blazer Building Texas, LLC 9219 Katy Freeway Suite 264 Houston, TX 77024 (713) 914-9200 (o) (713) 914-9292 (f) mfuqua@blazerbuilding.com

Cc: Nathan Kelley, Blazer Building Texas, LLC Robbye Meyer Arx Advantage





### **RENTAL CRITERIA**

Fair Housing: It is our expressed policy not to discriminate against any person based on race, color, religion, sex, national origin, familial status or handicap.

**Identification:** Each applicant age 18 and over must have valid government issued picture identification and a social security card. Non U.S. citizens must provide a passport or other picture I.D.

Application Fee - An application fee is required for each person 18 or over in the form of certified funds. This is a non-refundable fee.

**Deposits –** A deposit is required per apartment. All apartment deposit dispositions will be sent within 30 days of move out as required by the lease agreement. If a deposit refund is due, it will be sent with the disposition.

**Age** – All applicants 18 years or older, must complete an application and pay an application fee, even if living with parent or guardian. All occupants 18 and older will be listed as lease holders and must sign lease and addenda.

**Occupancy Standard** – A maximum of two persons per bedroom is allowed. Children under six months of age are not considered in this calculation.

Animals- Two pets per apartment are permitted at this time. The pets must not exceed our height restriction of 20 inches from the floor to the top of the pet's shoulder. For the protection of our residents we do not allow aggressive breeds. Aggressive breeds include but are not limited to Pit Bulls, Rottweiler's, Dobermans, German Shepherds, Chow-Chows, and Wolf dog Hybrids. Prohibited pets also include snakes, mice, arachnids, exotics, and anything poisonous.

**Credit** – Failure to have established credit will not alone disqualify an applicant. Unsatisfactory credit references and/or unpaid balances with utility companies or landlords may result in an additional deposit or disqualification of the household. Negative check writing or payment history may require all payments to be made in the form of certified funds. ALL QUESTIONABLE CREDIT HISTORY MUST BE DISCLOSED IN WRITING ON APPLICATION IN ORDER FOR AN APPLICATION TO BE TRUE AND COMPLETE.

**Criminal** – All applicants over the age of 18 are subject to criminal records verification and will be declined if they have been convicted, indicted or arraigned of a felony or are/were subject to deferred adjudication for a felony. DWI and theft by check may be considered depending on date of offense, other credit history and other criminal history. In addition any applicant over the age of 18 may be declined if they have been convicted of a serious misdemeanor including, but not limited to: theft, drug related charges, sex crimes, and any violent crime against a person. Violent misdemeanor crimes against a person, regardless of time lapsed, may be rejected. Please remember that this requirement does not constitute a guarantee that residents or occupants currently residing in our community have not been convicted of a felony or are not subject to deferred adjudication for a felony as our ability to verify this information is limited to the information made available to us by the resident credit reporting services used. This community reserves the right to investigate lists of registered sex offenders in any manner including on-line, in newspapers, or by contacting state agencies. ANY AND ALL NEGATIVE CRIMINAL HISTORY MUST BE DISCLOSED IN WRITING ON APPLICATION IN ORDER FOR AN APPLICATION TO BE TRUE AND COMPLETE.

**Rental History** – To avoid an additional deposit, we require verifiable rental history. All rental history must include satisfactory rental payment history, sufficient move-out notice and all lease terms fulfilled. No evictions, landlord debt or negative rental history will be accepted within the last 12 months. Up to two negative landlord items including, but not limited to, landlord debt, broken leases and evictions may be accepted with an additional deposit (as long as they have not occurred within last 12 months.) Rental history indicating failure to cooperate with applicable recertification procedures, violations of the lease and house rules, history of disruptive behavior or unfavorable housekeeping violations may result in denial of the application. Rental history of terminated assistance under any subsidy program for fraudulent activity or evictions from a federally funded program for reasons involving drugs or drug related activity will result in denial of the application. *No rental or mortgage history may require an additional deposit.* ANY AND ALL NEGATIVE RENTAL HISTORY MUST BE DISCLOSED IN WRITING ON APPLICATION IN ORDER FOR AN APPLICATION TO BE TRUE AND COMPLETE.

#### In addition, please note that we participate in a program that is governed by section 42 of the Internal Revenue Code, therefore the income and student restrictions are closely monitored and require appropriate documentation. We may require additional income verifications, affidavits and signed certifications in order to comply with the program.

**Income** – Gross monthly income of household must be 2 times monthly resident paid portion of rental amount. Households with zero annual income must have the equivalent of 2 times one year's rent in accessible, verifiable, easily liquidated assets. All sources of earned and unearned income must be verified in writing. Required verifications and forms must be provided to management within 3 days to reserve a specific apartment. In order to qualify for a rent restricted apartment you must meet the minimum rent requirements and not exceed the maximum income restrictions. More information on the maximum income restrictions are available at each property.

**Employment** – Applicant must (1) be employed with current employer for at least 6 months; (2) have current job and at least 6 months employment with previous employer; or (3) have Social Security, retirement benefits, or other acceptable income that meet the properties income requirement.

**Special Needs Qualifications-** Persons with special needs, as defined by HUD, include persons with disabilities, persons with HIV/AIDS, elderly persons, frail elderly persons, persons with alcohol and/ or drug addictions other than addictions caused by current illegal use of controlled substances, victims of domestic violence and public housing residents.

**Waiting List-** Applicants are encouraged to request to be added on the waiting list when a desired or appropriate apartment is not available at the time of application. Applicants must complete and sign an application along with the rental criteria and pay the appropriate fees. Applicants are selected from the waiting list based on a first come-first served basis as qualified for the available apartment.

**Students** – Households comprised entirely of full time students usually do **NOT** qualify. Applicants must inform us if they have attended school full time in this calendar year. A full time student is defined as one who attends an educational institution full time for any part of 5 months in a calendar year (the five calendar months need not be consecutive.)

BLAZE	R PR	OPERTY ROSTER	12/1/20	)13	
Brazos Senior Villas Bola Reading Road Rosenberg, TX 77471 281/232-0100 Office 832/595-0303 Fax brazosseniors@blazerrealestate.com www.brazospalor.illec.com	Dee	TDHCA #11257 80 units 100% Tax Credit Senior Living	Brouldence Dince 11	1/00	Conventional
www.brazosseniorvillas.com <i>Campanile on Eldridge</i> 13650 Beechnut Street Houston, TX 77083 281.983.9100 281.983.9103 Fax	Lisa	TDHCA# 09242 144 Units 100% Tax Credit Senior Living Natasha Perkins	Providence Place II 20400 Saums Road Katy, Texas 77449 281/647-6470 Office 281/647-6279 Fax providenceplace@blazerrealestate.com	Lisa com	78 Units 78 Market Rate Senior Living Linda Barham
campanile@blazerrealestate.com www.campanileoneldridge.com ChurchIII Place Apartments 1201 S. Broadway St La Porte, Texas 77571 281/471-0000 Office 281/471-0013 FAX churchillplace@blazerrealestate.com	Lisa	TDHCA# 01166 72 Units 84% Tax Credit Senior Living Susan White	Providence Town Square 3801 Center Street Deer Park, Texas 77536 281/479-3555 Office 281/479-3130 Fax townsquare@blazerrealestate.com www.providencetownsquare.com Quali Ridge	Dee Lisa	TDHCA 10-094 188 Units 87% Tax Credit Senior Living Maria Turrubiartes TDHCA #060035
			645 US Business Hwy 290 E Hempstead, Texas 77445		76 Units 73 TC/3 MR
Glenwood Trails 4305 Glenwood Avenue Deer Park, Texas 77536 281/479-8600 Office 281/479/0680 Fax	Dee	TDHCA #07309 114 Units 100% Tax Credit Family Laura Paredes	979/826-4800 Office 979/826-6306 Fax <u>quailridge@blazerrealestate.com</u> <u>www.myquailridge.com</u>		Family Linda Newman
alenwoodtrails@blazerrealestate.com <b>The Grand Parkway</b> 22777 Franz Road	Lisa	Conventional 250 Units	<b>Timber Ridge</b> 5350 Aeropark Houston, Texas 77032 <b>281/372-0502 Office</b> 281/372-0503 Fax	Lisa	TDHCA # 01101 192 Units 60% Tax Credit Family Irene Gonzalez
Katy, Texas 77449 281/395-0555 Office 281/395-0561 Fax grandparkway@blazerrealestate.com www.grandparkwaykaty.com		Market Rate Senior Living Dee Holmes	timberridge@blazerrealestate.com <b>Timber Ridge 11</b> 5335 Aldine Bender Houston, Texas 77032 <b>281/372-0502 Office</b>	Lisa	TDHCA # 03456 124 Units 100%TC/4% Bond Family
Justice Park Senior VIIIas 39 Justice Park Drive Houston, TX 77092 Phone Fax	Lisa	TDHCA# 12367 144 Units 100% Tax Credit Senior Living 30%/50%/60%	281/372-0503 Fax timberridge@blazerrealestate.com Town Square North	Dee	Irene Gonzalez Conventional
Email Website <b>Meadows Place Senior Village</b> 12221 S Kirkwood Stafford, Texas 77477	Lisa	Under Construction TDHCA #03245 182 Units 80% Tax Credit	3801 Center Street Deer Park, TX 77536 281.479.3555 281.479.3130 Fax townsquare@blazerrealestate.com		76 Units Market Rate Senior Living Maria Turrubiartes
281/240-1932 Office 281/240-0519 meadowsplace@blazerrealestate.com	_	Senior Living Tracie Blakeburn	Tranquility Bay 2920 Oak Road Pearland, Texas 77584 281/412-2262 Office	Dee	TDHCA # 04420 246 Units 100% TC 4% TC/Bond
Palms at Clnco Ranch 23600 FM 1093 Richmond, TX 77406 281/392-0777 Office 281/392-0770 Fax	Dee	Conventional 200 Units Market Rate Family Melinda Laramore	281/412-2272 Fax tranquilitybay@blazerrealestate.cor www.mytranquilitybay.com Tranquility Townhomes	n Dee	Jela Henderson Conventional
palms@blazerrealestate.com www.palmsatcincoranch.com			7915 Fite Road Pearland, Texas 77584 281/412-2262 Office		28 Units Market Rate Family
Park at Clear Creek 111 Clear Creek Street Hempstead, Texas 77445 979/826-9002 Office	<u>Lisa</u>	TDHCA # 99177 76 Units 100% Tax Credit Family	281/412-2272 Fax tranquilitybay@blazerrealestate.cor	<u>n</u>	Jela Henderson
979/826-8359 Fax parkatclearcreek@blazerrealestate.com www.parkatclearcreek.com		Linda Newman	VIIIas at WIIIow Springs 1506 South IH 35 San Marcos, Texas 78666 512/392-8452 Office	Dee	TDHCA # 01003 220 Units 61% Tax Credit Family
Park at Cliff Creek 7310 Marvin D Love Frwy Dallas, Texas 75237 972/572-0000 Office		TDHCA # 95003 280 Units 100% Tax Credit Family	512/392-8470 Fax willowsprings@blazerrealestate.con www.villasatwillowsprings.com		Estefany Vallejo
972-572-9977 Fax Park at Yellowstone 3322 Yellowstone Blvd. Houston, Texas 77021		Yvonne TDHCA # 95120 210 Units 100% Tax Credit	Woodway VIIIage 4600 Nuckols Crossing Road Austin, Texas 78744 512/442-1300 Office 512/447-6393 Fax	Dee	TDHCA # 02444 160 Units 100%TC/4% Bond Family Phoenix Whiteman
713/748-7275 Office 713/748-6245 Fax		Family Pat	woodwayvillage@blazerrealestate.c	<u>om</u>	
<i>Plum Creek Townhomes</i> 6969 S. Loop E Houston, Texas 77087	Lisa	TDHCA # 99011 152 Units 75% Tax Credit	Woodway Square 1700 Teri Road Austin, Texas 78744	Dee	TDHCA # 02461 240 Units 100%TC/4% Bond
713/242-0338 Office 713/242-0340 Fax plumcreek@blazerrealestate.com		<mark>Family</mark> Sylvia Duncan	512/693-9808 Office 512/693-9883 Fax woodwaysquare@blazerrealestate.c	<u>.om</u>	Family Rocio Hunsberger
<i>Providence Place</i> 20400 Saums Road Katy, Texas 77449 281/647-6470 Office 281/647-6279 Fax	Lisa	TDHCA# 05209 174 Units 95% Tax Credit Senior Living Linda Barham	Windsor Gardens 1620 Spencer Highway South Houston, Texas 77587 713/7944-1600 Office	Dee	TDHCA # 02151 192 Units 79% Tax Credit Family
providenceplace@blazerrealestate.com www.providenceplacekaty.com			713/944-1603 Fax windsorgardens@blazerrealestate.c www.mywindsorgardens.com	<u>om</u>	Jessica Martinez
Blazer Real Estate Managed Third Party Managed	3408 490	Tax Credit 2479/MR 929 Total Units 3898			



#### An Overview of Blazer Real Estate Services, L.L.C.

About Blazer Real Estate Services, L.L.C.

Blazer Real Estate Services was formed to provide professional property management services for multi-family communities including, elderly, Bond and Low Income Housing Tax Credit properties. H. Chris Richardson, who has been in real estate construction and development since 1978, founded Blazer Real Estate Services. The corporate office for Blazer Real Estate Services is located in Hempstead, Texas.

The principals supporting this company are:

- **Quality.** Blazer Real Estate Services is committed to quality. We believe that the quality of our company is a direct result of our pursuit of excellence. Accordingly, we will focus on our employees and procedures which will enable us to routinely deliver superior service and this will distinguish us from our competition.
- **Performance.** Performance is critical. As such, we will strive to surpass the expectations of our owner, limited partners and residents to assure satisfaction. Performance will be measured in terms of creativity, responsiveness, achievement, respect and dependability with special emphasis on cost control and marketing techniques that enhance profitability.
- **Teamwork.** We provide a participatory environment that allows us to capitalize upon the ability, strength and commitment of our employees to the advantage of all that employ our services. We will treat all individuals with dignity and respect, and reward pride in a job well done. We encourage superior performance through teamwork, empowerment, open communications, supporting change and innovation and the aggressive pursuit of opportunities.

#### **Personnel:**

**H. Chris Richardson, President,** has been in the multi-family construction business since 1972. He began developing Low Income Housing Tax Credit apartment communities in 1995. He has developed and built over 2,294 tax credit units in the State of Texas. He is very actively involved in the management of these properties.

**Kimberly Hatfield Canal, District Manager**, has been involved in the property management industry since 1983 and has experience managing properties throughout Texas, Kansas, Missouri, Oklahoma and Washington. She began working with Low Income Housing Tax Credit properties in 1992 and continues today. Her experience has consisted of portfolios of Class A, B and C communities, new construction, rehabilitations, new lease-ups, bond and tax credit projects. She has been involved in the development, construction and management of tax credit properties for over fourteen years and holds a Housing Credit Certified Professional designation through the NAHB. She has an extensive background in LIHTC compliance. Kimberly is a licensed Real Estate Broker in the State of Texas.

**Joyce Bennett, Project Coordinator,** has been involved in the multi-family construction business since joining Chris Richardson's company in 1983. She has been involved in the Housing Tax Credit development from the tax credit application process through lease-up of 2,294 units in the State of Texas, and is active in the management of these properties. She is certified annually by Texas Department of Housing & Community Affairs Compliance Division and Fair Housing.

**David Doty, Controller**, heads the accounting staff responsible for all aspects of Job Costing, Financial Reporting and daily accounting functions. He joined the Blazer companies in 2006 with extensive controllership experience in the manufacturing and distribution fields. He is a Certified Public Accountant and holds Bachelor and Master's degrees in Accounting from the University of Oklahoma

#### **Management Fee**

The proposed fee is an amount equivalent to four percent (5%) of the revenues from the property actually collected, or \$2,000.00 per month, whichever is greater.

Gross Rental Income, for the purpose of computation of the management fee for a property, shall mean all rental, interest, service and miscellaneous income derived from a property exclusive of proceeds specifically set aside in the included management agreement.

Reasonable amounts incurred for the properties front-line, day-to-day management tasks and activities that are documented in a manner satisfactory to Owner and otherwise consistent with the Approved Operating Budget may be charged as operating expenses. Front-line day-to-day management tasks and activities include but are not limited to:

- All salary & benefits for on-site personnel (including workers compensation, health insurance, FICA, payroll taxes, 401k & other benefits) Additional employee costs could include bonus programs approved by owner.
- Postage and mailing costs incurred for all on-site mailing and/or overnight mail from property to third parties, including but not limited to residents, prospects, vendors and contractors.
- All forms, books and manuals, including but not limited to Lease Agreements, Training Manuals, Accounting Forms, etc. used by the on-site staff on the property.
- On-site computer hardware & software including the cost for software maintenance. Expenses of audits and compilation reports as requested by owner.
- Training approved by Owner to improve on-site employee's management performance at the property.

#### Marketing

Based on continuing evaluations of its competitive positions with regard to location, appearance, amenities and price, we will implement the appropriate strategies while analyzing the properties' physical condition and daily operating procedures to position each property to realize its full potential. The Affirmative Marketing and Management Plan will be followed. This plan is in the Property Notebook on-site and must be reviewed regularly to ensure compliance.

In order to aid the success of the property, it will be important to present the best possible "curb appeal". Landscape and building design will be the key factors in building curb appeal. In addition to this, the property must also have a comprehensive and collusive sign package that begins with a clearly identifiable logo and a theme that carries from the main, highly visible identity sign to the various signs for entry and exit, building identification and the other various signs needed for such a residential community. The property will utilize seasonal color, flags, and banners to enhance the visual impact of the property. Landscape will be selected carefully with respect to appearance, ease of maintenance, drought and freeze resistance.

The common areas and the swimming pool and clubhouse in particular will be important areas to extend the initial visual impression of the property.

One model apartment will be used initially to demonstrate to prospective residents the exceptional appearance that can be attained in their new apartment home. One typical floor plan will be carefully selected paying particular attention to the tour route to this unit that will best feature the property's outstanding amenities. As lease up moves forward, these models may be discontinued depending on the strength of the leasing.

All printed material will be consistent with the logo and design colors. The printed package will include floor plans, sight plans, direct mailers, business cards, guest cards, letterhead, envelopes and thank you notes for prospects. All brochures will have the Equal Housing and Handicap logos.

Initially ads will be run in one of the local apartment guides including architectural renderings of the property and a price point. The price point will be included to increase awareness of the affordability of the property to qualified prospects. The advertising will be directed to those prospects that best meet the LIHTC qualifying guidelines.

Local newspaper advertising may be used to advertise a "Grand Opening" and further stress price point. Additional use of the newspaper will be evaluated based on the results of the traffic generated by the previous ads. The <u>Yellow Page Directory</u> will also be used with line ads.

#### Staffing

The Property Manager will be selected with particular attention to their marketing and leasing skills. The property will pay a leasing commission and additional team bonuses will be achievable during the lease up period based on meeting projected occupancy targets.

The property will have a targeted conversion ratio of traffic to leases of 40 to 60 percent of qualified residents. The conversion ratio will be monitored weekly and monthly to determine the effect of the marketing program and the effectiveness of the leasing personnel. Professional "shoppers" will also be used to fine tune leasing skills.

The Property Manager will be hired approximately four weeks prior to opening in order to train and organized the office. A temporary office will be established until the leasing center becomes available, which will use visual aids and floor plans to lease apartments. The full staff will start when the permanent facilities are completed.

All personnel will be thoroughly trained with regard to the LIHTC guidelines and all federal, state and local Fair Housing laws. This particular area of the operation will be monitored closely by the Managing Agent's Property Supervisor and Compliance Monitor for compliance. Failure on the part of the on-site staff to comply with these guidelines, fair housing guidelines or any other policies of the Agent or Owner will be considered grounds for termination of employment.

#### **Resident Relations/Retention**

Our first priority is to secure the desirable residents and make sure their needs are met. Resident relations are our strong point. It is important this be attended to in every way. Everyone should feel special. Our policy is to contact and/or visit all residents at least 4 times during their lease term. Minimizing turnover costs through an aggressive retention program is essential.

Experience indicates that residents decide in the first 60 days whether to renew their lease. The move-in process must be smooth and problem free. That is why our resident retention program begins on day one. Our efforts become more aggressive 90 days prior to lease expiration. This 'includes phone calls, personalized letters and visits from on-site staff. Nothing is left to chance. We are on call 24 hours a day, 7 days a week.

#### **Resident Qualification**

Strict but reasonable qualifying standards are an important ingredient in generating a responsible resident profile. Blazer Real Estate Services qualification process includes the following:

1. The prospective resident completes an Apartment Association Rental Application;

2. Credit history is verified by a local credit-reporting bureau;

3. Previous and present employers, residences, income and bank accounts are confirmed.

We believe our approach is thorough and helps reduce delinquencies.

#### **Rent Collections**

All rent is due by the 3rd of the month. Our qualifying standards are strong and late payments are minimized. On the occasion a delinquency occurs, our approach is vigorous to help reduce potential lost revenue. Our procedure includes the following steps:

1. Notice of overdue rent is sent on the 4th.

2. A \$75 late charge is assessed. Notice is given for contractual lien or 24-hour notice of intent to change locks on the 5th. Penalty of \$10/day starts to accrue.

3. Notice of lock change or notice to vacate is issued on the 6th.

- 4. File for eviction at Justice of the Peace on the 10th.
- 5. Send move-out collection letter.
- 6. Report noncompliance to collection agency.

It is important not to allow the income stream to deteriorate so the financial integrity of the properties is not unnecessarily compromised.

#### **Creating Value**

By faithfully servicing the residents and maintaining the physical improvements, the properties Blazer Real Estate Services manage will be well positioned to maximize rents and occupancy.

#### **Tax Credit Compliance Services**

- Corporate file approval before the tenant is moved in the apartment. File approval is received within 24 to 48 hours and unless information is needed for approval. Corporate file approval involves approving files and tracking information needed on pending files. File approval will be received within 24 to 48 hours after pending information is received back from the properties.
- Quarterly audits of all affordable housing properties by Property Supervisor, (10 % of files each quarter with a different 10% reviewed each quarter)
- Monthly notice to all affordable housing properties on re-certifications due on each property.
- Track attendance each year for annual State compliance training for office and corporate staff.
- Updates, policy changes and current compliance information is distributed to all program properties on an ad needed basis

#### **Maintenance** Program

The maintenance program includes three phases. They are scheduled preventative maintenance; periodic inspection of all units, buildings, and common areas: and requests for residents for services. Our maintenance program has an emphasis on the immediate repair of inoperative equipment and damaged property and sets a standard, which can contribute to pride in the community and to a reduction in vandalism.

A schedule of inspection and maintenance of major items will be established for the property employees in accordance with the manufacturer's manual for installed equipment. Service calls and billings in connection with the repair or replacement of appliances and mechanical equipment will be made in accordance with existing warranties in order to minimize operating expenses and replacement costs. Repairs will be based to a large extent on requests from residents or from periodic inspection of individual units and the property facilities.

A system of receiving work requests and preparation of the work orders together with a continuous record of maintenance and repairs in each unit will be established. Residents will be encouraged to provide written requests for services; however, a verbal request to the office will receive the same prompt service. A follow-up procedure will ensure completed action on each request as well as satisfaction of the resident for the work performed.

A decorating schedule will be established anticipating interior painting of apartments once every three years assuming normal wear and tear. Carpets will be cleaned annually. Exterior painting (wood trim and roof over-hang) will be done as frequently as climatic conditions dictate since it is necessary to present an attractive appearance in order for the property to remain competitive in the market.

Trash disposal will be contracted. Large six (6) yard containers will be used for residents to deposit trash in. The contractor will in turn empty these several times weekly. The on-site manager and staff will be responsible for policing the grounds daily to minimize unsightly refuse.

Common sense and a determination of best use of time, money and expertise will dictate the type of repairs that are completed by on-site maintenance personnel and those needing the services of outside contractors. A schedule of inspection and maintenance of major items will be established for property employees in accordance with the manufacturer's manual for installed equipment. Service calls and billings in connection with the repair or replacement of appliances and mechanical equipment will be made in accordance with existing warranties in order to minimize operating expenses and replacement costs.

The development of janitorial schedules and the supervision of housekeeping personnel will be the responsibility of the On-Site Manager. Frequent inspections of the common areas, parking lots, landscaping and apartments will ensure proper cleanliness and maintenance.

Landscape maintenance will be contracted out to a professional company qualified to maintain commercial landscaping as well as properly apply necessary chemicals and fertilizers when called for. Seasonal color will be changed on a periodic basis in the beds surrounding the leasing information center to make it bright and attractive.

Property maintenance personnel will be given written work orders each morning of jobs which they are qualified and capable of handling; scheduled in order of priority; scheduled in such a manner that time wasted moving from one task to another is minimized. The On-Site Manager will review each completed work order and organize any incomplete work for the following morning. Follow-up telephone calls will be made to residents confirming that the work was done to their satisfaction.

The Management Agent will obtain contract materials, supplies and services at the lowest possible costs and on the terms most advantageous to the property subject to the qualifications of the bidding entity. All discounts rebates or commissions available with respect to purchases; service contracts and other transactions will be credited to the property account.

The Management Agent will solicit bids from at least three contractors or suppliers for

work which the Agent estimates will cost \$1,000 or greater and for any contract or ongoing supply or service arrangement which is estimated to equal or exceed \$5,000 per year. The Managing Agent will accept the bid which represents the lowest price subject to the bidder's reputation for quality of workmanship, materials used, timely performance and integrity. For similar needs that cost less than \$5,000, the Agent will solicit verbal or written bids as necessary to ensure that the property is obtaining services, supplies, and purchases at the lowest possible cost.

#### **Financial Reporting and Controls**

The owner's financial package will consist of:

- Profit and Loss Variance
- Balance Sheet
- General Ledger
- Property Status
- Unit Status
- Rent Roll
- Reconciliation
- Aged Delinquency
- Aged Credits
- Open Items
- Check Register

#### TYPICAL MANAGEMENT SERVICES

- Supervision of ongoing management process
- Training of management and leasing staff.
- Rent collections/Rent Roll
- Accounts Payable
- Financial Statements
- Monitor Occupancy Weekly Occupancy and Status Reports

Rental traffic - sources and results Leasing and Move-ins Move-Outs Schedule of Vacancies

- Marketing Direct Mail campaigns, outside sales calls, targeting market demographic groups, selective cost effective advertising sources. Development & implementation comprehensive marketing and advertising programs.
- Preventive maintenance schedules, maintenance logs and follow up program
- Unit by unit maintenance system
- Safety training and site inspection program
- Budgets
- Semiannual inventory of furniture and equipment
- Supervision of Capital Expenditure budget
- Assist with filing insurance claims
- Assist with compliance of Federal, State and Local regulation
- LIHTC Compliance Reports



#### Blazer Real Estate Services, L.L.C. Properties Currently Managed

Park at Clear Creek Apartments 111 Clear Creek St. Hempstead, Texas 77445 Placed in Service 10/1/2000 Managed as of 3/1/2007 76 Units - 100% Tax Credit / Family

Quail Ridge Apartments 645 US Business 290 Hempstead, Texas 77445 Placed in Service 6/1/2007 Managed as of 3/1/2007 76 Units - 95% Tax Credit / Family

Providence Place Apartments 20100 Saums Road Katy, Texas 77449 Placed in Service 6/1/2006 Managed as of 3/1/2007 174 Units - 95% Tax Credit / Elderly

Windsor Gardens Apartments 1620 Spencer Highway South Houston, Texas 77587 Placed in Service 7/1/2003 Managed as of 3/1/2007 192 Units - 79% Tax Credit / Family Providence Place II Apartments 20400 Saums Road Katy, Texas 77449 Built 3/2008 Managed as of 3/1/2008 78 Units – Conventional / Elderly

The Grand Parkway 22777 Franz Road Katy, Texas 77449 Built 2009 Managed as of 5/1/2009 252 Units – Conventional / Elderly

Plum Creek Townhomes
6969 S. Loop E.
Houston, Texas 77087
Placed in Service 9/5/2000
Managed as of 1/1/2009
152 Units - 75% Tax Credit / Family

Timber Ridge Apartments 5350 Aeropark Drive Houston, Texas 77032 Placed in Service 6/27/2002 Managed as of 1/1/2009 192 Units - 60% Tax Credit / Family

Timber Ridge II Apartments 5335 Aldine Bender Houston, Texas 77032 Placed in Service 11/21/2004 Managed as of 1/1/2009 124 Units - 100% Tax Credit/Bond / Family

Tranquility Bay Apartments 2920 Oak Road Pearland, Texas 77584 Placed in Service 4/1/2005 Managed as of 1/1/2009 246 Units - 100% Tax Credit/Bond / Family Tranquility Townhomes 7915 Fite Road Pearland, Texas 77584 Built 2005 Managed as of 1/1/2009 28 Units - Conventional / Family

Woodway Village 4600 Nuckols Crossing Austin, Texas 78744 Built 2003 Managed as of 6/26/2009 160 Units – 100 % Tax Credit/Bond/Family

Woodway Square 1700 Teri Road Austin, Texas 78744 Built 2003 Managed as of 6/26/2009 240 Units – 100 % Tax Credit/Bond/Family

Villas at Willow Springs 1506 IH 35 South San Marcos, Texas 78666 Built 2002 Managed as of 6/26/2009 240 Units – 61% Tax Credit/Bond/Market Rate/Family

Glenwood Trails 4305 Glenwood Avenue Deer Park, Texas 77536 Built 2009/2010 Managed as of 3/11/2010 114 Units – 100% Tax Credit

Churchill Place 1201 S Broadway La Porte, Texas 77571 Built 2003 Managed as of 5/3/2010 72 Units – 84% Tax Credit Senior Meadows Place Senior Village 12221 S Kirkwood Deer Park, Texas 77536 Built 2004 Managed as of 5/3/2010 182 Units – 85% Tax Credit Senior

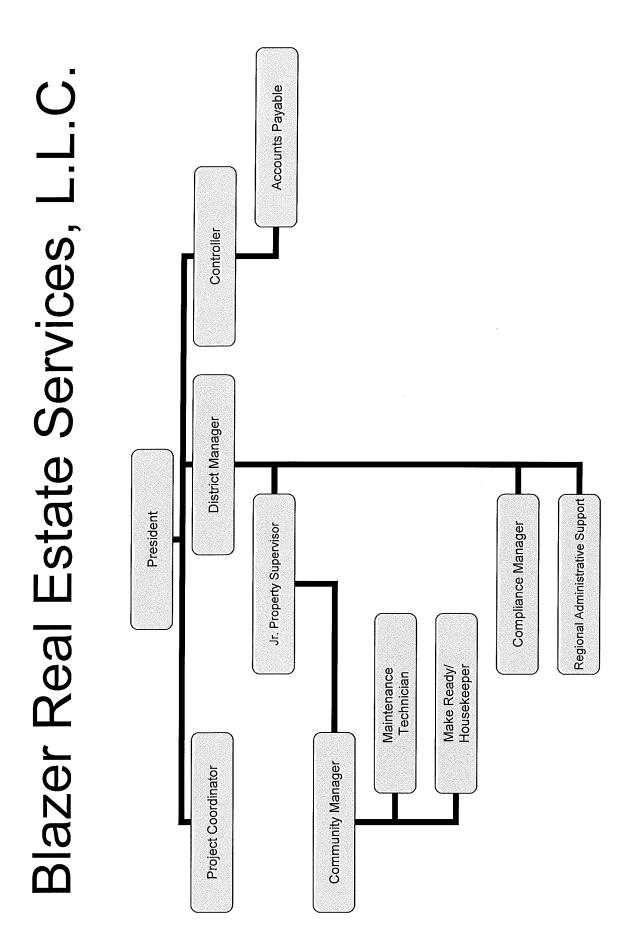
Campanile on Eldridge 13650 Beechnut Street Houston, TX 77083 Built 2011 Managed as of 3/1/2011 144 Units – 100% Tax Credit Senior

Brazos Senior Villas 5801 Reading Rd Rosenberg, TX 77471 Managed as of 11/22/2011 Built 2011 80 Units – 100% Tax Credit Senior

Providence Town Square 3801 Center Street Deer Park, TX 77536 Built 2011/2012 188 Units – Tax Credit Senior

Town Square North 3801 Center Street Deer Park, TX 77536 Built 2011/2012 76 Units – Conventional Senior

Campanile on Justice Park 39 Justice Park Drive Houston, TX 77092 Built 2013 144 Units – 100% Tax Credit Senior



# Resumes

#### **Career Highlights**

Over 30 years experience in real estate and property management. Background includes management, construction, real estate development, accounting, operations, compliance and administration. Extensive knowledge and experience in multi-state Section 42 Low Income Tax Credit, Tax Exempt Bond and HOME programs. I am a licensed Real Estate Broker.

#### **Computer Experience**

- Microsoft Word
  - Microsoft Excel
- Adobe Acrobat Rent Roll
- Microsoft Outlook
- One Site
- Microsoft PowerPoint

#### **Professional Experience**

Blazer Residential/Blazer Real Estate Services, Hempstead, Texas

#### Vice President/Director of Operations

- Prepare all budgets for property operations for the owners.
- Review and ensure compliance with all Partnership and Land Use Agreements
- Managed over 3,100 units and maintained LIHTC compliance in all housing programs. Consistently maintain 90% or higher occupancy and zero delinguent at month end.
- · Responsible for ensuring the properties met all occupancy and income requirements on time for stabilization and conversion to permanent loans.
- · Worked as liaison between the property managers and owners.
- Supervised leasing agents and on-site personnel, as well as property maintenance.
- Provided financial package reporting for 20 multi-family properties to owners, lenders, syndicators and the Texas Department of Housing and Community Affairs.

· Hire and train all management and maintenance staff. Oversee training for maintenance, and grounds personnel.

#### **Project Coordinator**

- Preparation of all Low Income Housing Tax Credit Applications
- · Preparation of all necessary documents for Carryover and Cost Certification

· Proactively managed the development process, anticipated problems, and enabled the timely closing of acquisitions.

- Review and ensure compliance with all Partnership and Land Use Agreements
- Successfully coordinated due diligence, including site plan reviews, surveys, environmental reports, soils reports, and title reports ensuring properties were acceptable for acquisition.

• Gather all due diligence required for the closing of construction loans and the closings for conversion to the permanent loans.

Texas Regional Asset Management, Houston, Texas

#### Vice President/Office Manager/Property Supervisor

- Prepare Earnest Money Contracts for the purchase of land for multi-family development sites.
- Preparation of all Low Income Housing Tax Credit Applications, Bond Applications and HOME Applications.
- Preparation of all necessary documents for Carryover and Cost Certification
- Negotiate property leases and service contracts for owner, resulting in positive cash flows in an otherwise volatile marketplace.
- Preparation of AIA construction and development draws for owners and lenders.
- Coordinate construction and development draw funding and inspections with lenders.
- Construction contract and subcontract preparation and job costing.
- · Prepare all budgets for property operations for the owners.

- · QuickBooks Pro and Contractor's Edition
- Microsoft Windows
- Microsoft Publisher

#### 2007 to Present

#### 2005-2007

1998 to 2005

#### **Kimberly Hatfield Canal** Page 2

· Oversee all accounting and financial functions for multi-family projects, development and construction company.

 Proactively managed the development process, anticipated problems, and enabled the timely closing of acquisitions.

Review and ensure compliance with all Partnership and Land Use Agreements

 Managed over 2,010 units and maintained LIHTC compliance in all housing programs. Consistently maintained 90% or higher occupancy.

 Responsible for ensuring the properties met all occupancy and income requirements on time for stabilization and conversion to permanent loans.

· Worked as liaison between the property managers and owners.

· Supervised leasing agents and on-site personnel, as well as property maintenance.

 Provided financial package reporting for 12 multi-family properties to owners, lenders, syndicators and the Texas Department of Housing and Community Affairs.

• Successfully coordinated due diligence, including site plan reviews, surveys, environmental reports, soils reports, and title reports ensuring properties were acceptable for acquisition.

 Gather all due diligence required for the closing of construction loans and the closings for conversion to the permanent loans.

• Hired and trained all corporate office and management staff. Oversaw training for maintenance, and grounds personnel.

• Responsible for all employee payroll, benefits administration for health, dental and life insurance, 401K, and AFLAC.

#### Whitney Management Corporation, Houston, Texas

#### Systems Administrator/LIHTC Compliance Specialist

Responsibilities included the purchasing, installation and maintenance of all software and hardware on a company-wide, multi-state basis. Compiled information, coordinate and assist in producing twenty-five operating budgets annually. Solely responsible for all training, monitoring, auditing and reporting for all Low Income Housing Tax Credit and Tax Exempt Bond properties (2,120 LIHTC units and 1,758 Bond units). Approved all Tax Credit applicants. Prepared weekly, monthly and guarterly operating reports. Handled the preparation and submission of AIA Contractor Draws to owners, lenders and architects on all new construction and rehabilitation projects including all change orders. Reviewing subcontractor draws and approving the payment to the subcontractors.

#### Accounting Administrator

Accounts payable, accounts receivable, bank reconciliation, journal entries, financial statements. payroll, 941 preparation, W-2's and prepared rent rolls for sites for 25 multi-family properties.

#### Skills

- Business Leadership
- Cross-Cultural Communications
- Policy and Procedures Development
- Organizational Needs Assessments
- Construction and draw preparation
- Community Relations Leadership/Supervision
- Management/Administration
- Project Management
- Personnel Supervision
  - Maximizing Productivity/Profits

Problem Analysis/Resolution

Project/Budget Management

Deadline Dependent Task Completion

#### **Relevant Training**

- Section 42 Tax Credit Compliance Training, 1992 to 2012
- Fair Housing Legal Training, 1992 to 2011
- Texas A & M University, 2002 to Current. Over 900 credit hours in Real Estate Principals. Contract Law, Agency, Appraisal, Real estate Law, Math, Investment, Finance, Brokerage Management, Property Management, Farm and Ranch Marketing and Fair Housing

1991 to 1997

#### Credentials

<u>Housing Credit Certified Professional</u>, NAHB, National Association of Housing Management Association, 1999 <u>Real Estate Broker</u>, Texas Real Estate Commission, 2005

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#### Joyce E. Bennett

#### <u>Resume</u>

Experience:	Blazer Residential, Inc., Houston, Texas March 1983 to present Project Coordinator/Corporate Secretary Real estate development/general contractor Richco Rinehart Investments, LLC, Houston, Texas July 1997 to present President/Secretary Real estate development
Projects*:	Park @ Cliff Creek, Dallas, Texas* Park Yellowstone, Houston, Texas* Plum Creek Apartments, Houston, Texas* Park @ Clear Creek, Hempstead, Texas* Villas at Willow Springs, San Marcos, Texas* Timber Ridge Apartments, Houston, Texas* Woodway Village Apartments, Austin, Texas* Woodway Square Apartments, Austin, Texas* Windsor Gardens Apartments, South Houston, Texas* Timber Ridge Apartments II, Houston, Texas* Tranquility Bay Apartments, Pearland, Texas* Tranquility Bay II Apartments, Pearland, Texas* Providence Place Apartments, Katy, Texas Quail Ridge Apartments, Hempstead, Texas* The Grand Parkway, Katy, Texas Glenwood Trails Apartments, Deer Park, Texas* Providence Town Square Apartments, Deer Park, Texas*
Education:	Luling High School – Graduated 1964

\* Tax credit properties.

#### David J. Doty, CPA

#### CONTROLLER

#### **SUMMARY**

Controller with both operational and administrative experience in manufacturing, agriculture, trade shows, publishing, insurance and public accounting. Extensive background in cost accounting, system implementation, budgets, contract negotiations, competitive price analysis, profit planning and forecasting. Excel in new and challenging projects or problem situations. Enjoy new challenges and organizing new areas of responsibility. Strong commitment to customer service, employees and high ethical standards.

Microsoft Word Microsoft Excel Cost Accounting ABRA Real World Collier Jackson

ADP MAPICS Custom Software

#### SELECTED ACCOMPLISHMENTS

- Implemented new computer system installing integrated cost system, General Ledger and related sub-systems
- Renegotiated loans over \$19MM obtaining funds for continued expansion of production facilities
- Reduced staff 20% while increasing accuracy and reporting timeliness of statements and management reports
- Reduced staff telephone expense by 20% specifying requirements and changing long distance and data communication carriers
- Improved cash position \$2MM by negotiating favorable terms with vendors
- Chief management spokesman in contract talks leading to successful union de-certification election

#### WORK EXPERIENCE

Creekside Nursery/Blazer Real Estate Servi	2006-Present			
Magnolia Gardens Nursery, Waller, Texas	CONTROLLER	1998-2005		
Intsel Southwest, Houston, Texas	MANAGER OF ADMINISTRAT	TON 1995-1998		
PennWell Conferences & Exhibitions, Hous	1992-1995			
VICE P	ER			
PennWell Publishing Company, Tulsa, Okla	ahoma CONTROLLER	1988-1992		
Fibercast Company, Sand Springs, Oklahon	na CONTROLLER	1987-1988		
Dover Resources, Inc., /Norris Sucker Rod Division, Tulsa, Oklahoma				
CONTROLLER		1985-1987		
Gaso Pumps, Inc., Tulsa, Oklahoma				
VICE PRESIDE	1976-1985			

#### **EDUCATION and CERTIFICATION**

Masters of Accountancy (1973), University of Oklahoma, Norman, Oklahoma BBA in Accounting (1970), University of Oklahoma, Norman, Oklahoma

## Blazer Residential, Inc. Blazer Building Texas, LLC



**Building Excellence Since 1978** 





Chris Richardson, President, founded Blazer in 1978 as a general contracting company focused on building high-quality multifamily communities and other commercial product. Since then, the Blazer family of companies has grown into a fully-integrated real estate services company handling all phases of a property's life cycle.

**Development** – Blazer Residential has built a strong record of success based around a strong belief in relationship driven business; whether it be with our investors, vendors or public partners. These relationships are the cornerstone of our operating strategy and foster an intense knowledge of the markets where we operate. From there, Blazer focuses on creating value for our partners at each phase of the development process; through site selection, entitlements, design and project capitalization.

Blazer Residential has developed twenty-three (23) communities since the mid-1990s, including eighteen (18) Housing Tax Credit (HTC) properties and five (5) Market Rate properties. The communities developed include 3,600 apartment homes and have a combined value of over \$240 million. Our communities are primarily located in the greater Houston area with apartment homes also available in Austin, Dallas and San Marcos.



As market influences have required, Blazer has adapted its product delivery to include a mix of traditional-family and senior-oriented communities. As well, our consistently high-quality product has evolved from low-rise, gardenstyle to a mid-rise design teamed with bungalows that mirror a traditional single-family living environment.



*Construction* – Since its founding in 1978, Blazer Building has provided general construction and construction administration services for developers and project owners across a variety of property types. Over its 30+ history, Blazer Building has overseen the construction of more than 30,000 apartment homes in twelve different states across the south, east coast and mid-west. Blazer has also been directly involved in the construction of various commercial, educational and single-family projects.

Blazer Building is made up of a highly experienced team of professionals with decades of construction industry experience. The company executes all stages of the building process including the following services.

#### **Pre-Construction**

- Design Management
- Agency Coordination
- Budget Analysis
- Cost Estimating
- Value Engineering
- Constructability Review
- HUD & Tax Credit Preparation
- Schedule Development
- Construction Phasing
- Building Information Modeling
- Bid Package/Process Management

#### Construction

- Project Management
- Site Logistics
- Coordination of Subcontractors
- Quality Control
- Construction Supervision
- Contract & Document Administration
- HUD & Tax Credit Documentation
- Cost & Schedule Control
- Management Reporting
- Building Information Modeling
- Bid Package/Process Management

#### **Post-Construction**

- Inspections & Certificates of Occupancy
- Commissioning
- Warranty Service



**Property & Asset Management** – Blazer Real Estate Services provides comprehensive property management solutions for all types of multi-family communities including family, senior-oriented, Bond and Low Income Housing Tax Credit properties. Blazer Real Estate Services designs and implements a sophisticated marketing and management strategy that ensures the successful operation of our communities. Blazer Real Estate Services currently manages nearly 3,900 units in 25 properties across the State of Texas.

Blazer Real Estate Services recruits highly trained and qualified management professionals. The company supervises on-site teams, completes a thorough analysis of operations and financial performance, and manages maintenance and renovation services. Blazer Real Estate Services also develops financial controls and produces monthly financial reports for each property and the portfolio as a whole. In addition, Blazer Real Estate Services provides training, education, software support, IT services, and administration support for Blazer communities.

Blazer Real Estate Services provides the following solutions to array of property management needs for both Blazer-owned and third-party-owned properties.

- Staff & Train Property Personnel
- Drive Leasing Efforts
- Tailored Marketing Strategies
- Publish Leasing Activity Reports
- Billing & Collections
- Review of Payables
- Cash Management
- Safety Training & Site Inspection

- Scheduled Maintenance Programs
- Production of Financial Statements
- Preparation of Annual Budgets
- Furniture & Equipment Inventory
- Insurance Claim Preparation
- Federal, State and Local Compliance Reporting
- LIHTC/Bond Compliance Reporting



#### Leadership

**Chris Richardson**, President, moved to Houston and began a construction career in the fall of 1972 after graduating from Louisiana Tech University (Ruston, Louisiana). Mr. Richardson then founded Blazer in 1978. Under Mr. Richardson's leadership, Blazer focuses on personalized attention, believing strongly in relationship based business with owners, investors, vendors and public partners. Further, Mr. Richardson has worked with many of our vendor partners for decades and has fine-tuned a list of firms who understand our commitment to quality and desire to provide residents a quality living environment.

Mr. Richardson has built a team of experienced, knowledgeable and driven staff members with decades of experience. Following on his passion for the business, the Blazer team focuses relentlessly on delivering quality in all phase of development from pre-construction through completion and stabilization, employing forward thinking problem solving skills.

Mr. Richardson and his wife, Anne, of 35 years raised three children in Houston and have become very aware of the importance of well-run community affairs in society. Both devote countless hours to various not-for-profit and charitable organizations.

**Jim Wanja**, Construction, has spent roughly half of his 33 year construction career with Blazer Building. Mr. Wanja's commercial and residential construction experience includes ground-up design and development as well as comprehensive rehabilitation programs. Mr. Wanja has managed the construction of virtually all types of real estate including, garden and mid-rise multi-family, tract and custom single-family homes, and industrial and office properties.

Under Mr. Wanja's leadership, Blazer Building has implemented strict cost control procedures, forward-thinking construction management practices and successfully tackled a variety of complex design and build projects. Over the years, Mr. Wanja has built an extensive base of subcontractor relationships that share Blazer's passion for delivering quality product consistently within budget.



**Matt Fuqua**, Development, has spent over 10 years with Blazer Residential building a diverse resume of construction and development industry experience. Mr. Fuqua focuses on developing a pipeline of business both inhouse and third-party related work. Matt researches and locates developable land tracts, negotiates purchase contracts and liaises between all involved parties. Mr. Fuqua also assists in the coordination and preparation of tax credit applications, completing due diligence requirements and feasibility analysis.

Matt also builds relationships with neighborhood and civic groups and municipalities to maintain a consistent level of support from those interested parties. In addition, Mr. Fuqua works with architects and engineers to design Blazer's communities and implements controls to manage the contract buyout, budget monitoring and construction processes. Since starting with Blazer, Mr. Fuqua has overseen the construction and development of more than 3,000 apartment homes across the State of Texas.

**Kim Canal**, Property Management, brings over 22 years of real estate and property management experience to the Blazer team. Mrs. Canal has a broad background including management, construction, real estate development, accounting, operations, compliance and administration. Her experiences have also developed a niche expertise on multi-state Housing Tax Credit, Tax Exempt Bond and HOME program participation and compliance. Mrs. Canal is a Licensed Real Estate Broker in the State of Texas and a Housing Credit Certified Professional.

**Nathan Kelley**, Capital Markets & Asset Management, has built an established career as a real estate finance professional with commercial banking, underwriting/feasibility analysis and transaction structuring expertise. Prior to joining Blazer in 2012, Nathan held various roles within Regions Bank, most recently as Vice President of Commercial Real Estate. During his 10-year career in commercial banking, Mr. Kelley underwrote, structured and financed over \$1 billion of real estate transactions including multifamily developments, retail shopping centers, industrial buildings, office buildings, REIT lines of credit, and equity subscription lines of credit.

### Completed Project Detail

Project	Units	Location	Year
River Oaks Place	144	Houston, TX	1979
Spring Meadows	304	Houston, TX	1979
Winterset	408	Houston, TX	1980
Westvale	124	Houston, TX	1980
Northwest Park I	152	Houston, TX	1980
Cypress Run	64	Houston, TX	1980
Cherry Creek	276	Houston, TX	1980
Northborough Station	300	Houston, TX	1980
Klein Oaks I	174	Houston, TX	1981
Rushcreek Village	200	Houston, TX	1981
Rockwood Landing	208	Houston, TX	1981
Bent Tree I	216	Houston, TX	1981
Klein Oaks II	116	Houston, TX	1981
Northwest Park II	152	Houston, TX	1981
Green Creek	144	Houston, TX	1981
Oaks of Westchase	182	Houston, TX	1981
Stoney Creek Landing	212	Houston, TX	1982
Cranbrook Forest	264	Houston, TX	1982
Oaklane	222	Huntsville, TX	1982
The Highlands	62	Houston, TX	1983
The Oaks	264	Houston, TX	1983
Northpark Apartments	144	Houston, TX	1983
Cedar Bay	120	Houston, TX	1983
Bent Tree II	252	Houston, TX	1983
South Green	268	Houston, TX	1983
London Park	254	Houston, TX	1983
Willowbrook	260	Houston, TX	1983
Hartford Park	324	Raleigh, NC	1983
Northborough Trails	194	Houston, TX	1985
Ivystone	124	Houston, TX	1984
The Summit	58	Huntsville, TX	1984
Lakeview Apartments	304	LaMarque, TX	1984
Enclave at Cypress Park	384	Houston, TX	1983
St. James	10	Austin, TX	1983
Green Tree Apartments	137	Houston, TX	1985
Stoney Creek II	212	Houston, TX	1983



Units Location Year 224 Houston, TX 1983 Streamside Place 200 Houston, TX 1983 1983 Chesapeake Village 120 Houston, TX Crossroads Place 442 Mesquite, TX 1983 Northlake Apartments 124 Houston, TX 1984 Enclave at Pavillion 384 Houston, TX 1983 96 Houston, TX 1983 **Deerbrook Forest** 208 Houston, TX 1983 144 Houston, TX 1983 **Pineloch Apartments** 440 Clear Lake, TX 1983 Enclave at Arlington 348 1983 Arlington,TX 160 The Woodlands, TX 1984 210 Dallas, TX 1983 300 1985 Ft. Worth. TX Enclave at Bear Creek 1985 308 Ft. Worth. TX 272 1985 Houston, TX Northgate Village 264 Houston, TX 1984 125 San Marcos, TX 1983 Creekwood Landing 256 Victoria, TX 1984 Mt. Vernon Apartments 384 Mt. Vernon. TX 1985 296 Dallas, TX 1985 142 1986 Clarewood Apartments San Marcos, TX Cove at Lvnn Lake 225 Raleigh. NC 1987 Plantation at Northwoods Club 128 Houston, TX 1987 398 1987 Raleigh, NC **Brentridge Apartments** 327 Nashville, TN 1987 1987 171 Houston, TX 324 Indianapolis, IN 1987 Lincoln Park Center 236 Kettering, OH 1988 Indianapolis, IN 1988 Oaks of Eagle Creek I 312 1988 151 Atlanta, GA **Skipper Road East** 256 Tampa, FL 1988 Fredricksburg, VA **Belmont Apartments** 300 1987 368 Prince William, MD 1988 Falls at Bells Ferry I 208 Atlanta. GA 1989 Sherwood Crossing 636 Baltimore, MD 1988

Project

The Chancellor

Bayou Bend

Timberpark

Ridgecrest

Green Oaks

Village Green

Hartford Hills

Highland Green

Guion Road

Park Forest

Timber Hollow

Creekside

The Colonies

Parque Del Oro

### Completed Project Detail

Project	Units	Location	Year
Henderson Place	264	Columbia, MD	1988
Falls at Bells Ferry II & III	512	Atlanta, GA	1989
Oaks of Eagle Creek II	320	Indianapolis, IN	1990
Rolling Brook	352	Houston, TX	1989
Sugar Mill Creek	212	Tampa, FL	1989
Beacon Ridge	144	Nashville, TN	1989
Live Oak Plantations I	400	Tampa, FL	1989
Hamilton Park	316	Blue Ash, OH	1989
Providence Place I	228	Atlanta, GA	1990
Plantation at Baymeadows	400	Orlando, FL	1990
Union Station	346	Wilmington, DE	1990
Asbury Commons	204	Atlanta, GA	1990
Rivergate	316	Dallas, TX	1990
Live Oak Plantations II	400	Tampa, FL	1990
Bristol Bay	256	Sarasota, FL	1990
The Summit	362	Raleigh, NC	1990
Parkway Village	288	Webster, TX	1990
Ashton Meadow	178	Columbia MD	1991
Providence Place II	216	Atlanta, GA	1991
Live Oak Plantations III	98	Tampa, FL	1991
Sterling Place	300	Columbus, OH	1991
Ashton Woods	202	Columbia, MD	1991
Waterloo Place	196	Baltimore, MD	1991
Palm Lake	304	Bradenton, FL	1992
Regents Square Apartments	242	Atlanta, GA	1992
Sabal Walk Apartments	164	Orlando, FL	1992
Forest View Apartments	256	The Woodlands, TX	1992
Timbermill Apartments	216	The Woodlands, TX	1992
Park @ Cliff Creek	280	Dallas, TX	1994
Park Yellowstone Townhomes	210	Houston, TX	1996
HBU Campus Housing	76	Houston, TX	1996
New Hope Housing-Phase III	40	Houston, TX	1997
Schreiner College Housing	101	Kerrville, TX	1998
Houston Baptist University Ph II	24	Houston, TX	1998
Post Oak Park II	142	Houston, TX	1999



Project	Units	Location	Year
Parkwood Village Apts.	360	Webster, TX	2000
Westlake Residential Apts.	256	Pearland, TX	1997
Plum Creek Townhomes	152	Houston, TX	1997
Park at Clear Creek	76	Hempstead, TX	2001
Georgetown Place Apts.	176	Georgetown, TX	2001
Villas at Costa Brava	250	San Antonio, TX	2001
Villas at Willow Springs	220	San Marcos, TX	2001
Timber Ridge I	192	Houston, TX	2002
Windsor Gardens	192	South Houston, TX	2003
Woodway Village	160	Austin, TX	2003
Woodway Square	240	Austin, TX	2004
Timber Ridge II	124	Houston, TX	2004
Tranquility Bay Apartments	246	Pearland, TX	2005
Tranquility Bay Phase II	28	Pearland, TX	2005
Providence Place Apartments	174	Katy, TX	2006
Quail Ridge Apartments	76	Hempstead, TX	2006
Providence Place II Apartments	78	Katy, TX	2007
Falls at Copper Lake Apartments	374	Houston, TX	2008
The Grand Parkway	250	Katy, TX	2009
Glenwood Trails Apartments	114	Deer Park, TX	2010
Campanile on Eldridge	144	Houston, TX	2011
Palms at Cinco Ranch	200	Richmond, TX	2011
Purgatory Creek Apartments	266	San Marcos, TX	2011
Providence Town Square	188	Deer Park, TX	2012
Providence Town Square Phase II	76	Deer Park, TX	2012
Brazos Senior Villas	80	Rosenberg, TX	2012
Two Rivers Apartments	179	Georgetown, TX	2012
Independence Village	80	Port Lavaca, TX	2013
Campanile on Justice Park	144	Houston, TX	2013

TOTAL UNITS

30,380

# Campanile at Justice Park 39 Justice Park Drive, Houston TX 144 Unit Active Senior Community





Developer	Nantucket Housing, LLC	Architect	Mucasey & Associates
Product Type	Tax Credit - Senior	Completion Date	November 2013
General Contractor	Blazer Building Texas, LLC.	Property Manager	Blazer Real Estate Services, Inc.

### **Brazos Senior Villas**

5801 Reading Road, Richmond TX 80 Unit Active Senior Community





Developer	Nant
Product Type	Тах
General Contractor	Blaze

tucket Housing, LLC Credit - Senior er Building Texas, LLC. Architect Mucasey & Associates Completion Date Property Manager

November 2012 Blazer Real Estate Services, Inc.

# Providence Town Square

3801 Center Street, Deer Park TX 246 Unit Active Senior Community





Developer	Nantucket Housing, LLC	Architect	Mucasey & Associates		
Product Type Tax Credit - Senior		Completion Date	August 2012		
General Contractor Blazer Building, Inc.		Property Manager	Blazer Real Estate Services, Inc.		
Page 11					

# The Grand Parkway

22777 Franz Road, Katy, TX 250 Unit Active Senior Community





Developer	Blazer Land, LLC	Architect	Mucasey & Associates		
Product Type	Market Rate - Senior	Completion Date	January 2011		
General Contractor Blazer Building, Inc.		Property Manager	Blazer Real Estate Services, Inc.		
Page 12					

### San Marcos Creek Apartments

1951 Hunter Road, San Marcos, TX 286 Unit Multi-Family Community





Developer Product Type General Contractor Larry Peel Company Market Rate – Family Blazer Building, Inc. ArchitectKelly Grossman Architects, LLCCompletion DateJanuary 2012Property ManagerLarry Peel Company

### Palms at Cinco Ranch

23600 FM 1093, Richmond, TX 200 Unit Multi-Family Community





Developer Product Type General Contractor CRG Properties / Blazer Market Rate – Family Blazer Building, Inc. 

 Architect
 Mucasey & Associates

 Completion Date
 September 2011

 Property Manager
 Blazer Real Estate Services, Inc.

 Page 14
 September 2011

### Falls at Copper Lake

9140 Highway 6 North, Houston, TX 374 Unit Multi-Family Community





Developer Product Type General Contractor DeBartolo Development Market Rate – Family Blazer Building, Inc. ArchitectMucasey & AssoicatesCompletion DateJanuary 2009Property ManagerGreystar

Page 15

### Faudree Ranch Apartments

2741 Faudree Road, Odessa TX 300 Unit Multi-family Community





DeveloperAscension Commercial Real EstateArchitProduct TypeMarket Rate – Multi-familyComp

Architect Completion Date Mucasey & Associates

Est. May 2014

## Valencia Place Apartments

3131 W. Bellfort, Houston TX 246 Unit Multi-family Community





DeveloperBill Burney & John HuntProduct TypeMarket Rate – Multi-family

Architect Completion Date Mucasey & Associates

Est. May 2014



















### RESOLUTION NO.

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SUPPORTING THE SUBMITTAL OF A TAX CREDIT PROJECT FOR A FAMILY LIVING PROJECT BY BLAZER DEVELOPMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Blazer Development is requesting support for the submittal of a tax credit project for a family living project with a capital investment of approximately \$15,000,000, and would include 150 apartment units located on an approximately 12 acre tract near the northwest corner of West Adams Avenue and Research Parkway, fronting Honeysuckle Drive and Research Parkway;

**Whereas,** the project would include 12 units at 30% area median income (AMI), 48 units at 50% AMI, 60 units at 60% AMI, and 30 market rate units – the apartment community would include multiple amenities such as a pool with sundeck, fitness center, library/business center, along with resident supportive services offered on-site;

Whereas, Blazer Development has met the application requirements of the City, however, in order for the applicant to receive full points with the Texas Department of Housing & Community Affairs, the City must provide financial support and evidence of local support, particularly from elected officials;

Whereas, traditionally the financial support has been accomplished through the Temple Economic Development Corporation with a secured loan and this Resolution of the City Council of the City of Temple is an indication of local support from elected officials; 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:

<u>**Part 1:**</u> The City Council supports the submission of a tax credit project for a family living project by Blazer Development with a capital investment of approximately \$15,000,000, and will include 150 apartment units located on an approximately 12 acre tract near the northwest corner of West Adams Avenue and Research Parkway, fronting Honeysuckle Drive and Research Parkway.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be needed for purposes of this tax credit project.

<u>**Part 3:**</u> 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 **16<sup>th</sup>** day of **January**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney

Team Experience

The Project

The Schedule

Conclusion





**Clifton E. Phillips,** *Director of Development* **Robert Colvard,** *Acquisition Developer* **Lisa Taylor,** *Development Analyst* 



Brian Rumsey, NCARB, Principal Brett Flory, Project Manager Wade Roper, Project Manager

The Project

The Schedule

Conclusion



The Team has Successfully Developed and Designed 9,911 Residential Units, multiple Retail, Hospitality and Shopping Centers

Integrated Team – Development and Architecture

Team Commitment to Utilizing Local Small and Minority Businesses

Recent Local Team Experience – We coordinated with city officials throughout all aspects of the development process of The Fairways at Sammons Park located in Temple, TX completed in 2012.

Wby	Poup	dstone
vviiy	ROUII	ustone



The Schedule

Conclusion



Sunchase American is a full service residential real estate management company.

Creating Value through Experience & Professionalism

Founded in 1990, Sunchase reaches from North Carolina to Texas to Florida and offers the best service across the southeastern United States.

Manages over 60 properties in seven states.



The Project

The Schedule

#

Conclusion



Roundstone Development	
Experience List	

Role	Location	Name	# Units	Tupo	Voor Duilt
Role	Location	Name	Units	Туре	Year Built
Owner/Developer	Del Rio, TX	*Aster Villas	80	Multifamily	
Owner/Developer	Eagle Pass, TX	Aurrora Meadows	76	Single Family	2011
				2	2007
Developer	Gainesville, TX	Bella Vista Apartments	144	Multifamily Single	2007
Owner/Developer	Cleveland, MS	Bolivar Homes	65	Family	2008
OmeranDevelopment	Greenville, MS	Des a deserse Extention	104	Multifamily	2008
Owner/Developer	Greenvine, MS	Broadway Estates	104	Single	2000
Owner/Developer	Eagle Pass, TX	Legacy Villas	64	Family	2011
Owner/Developer	Carthage, MS	Lincoln Estates	55	Single Family	2008
				-	2011
Developer	Dallas, TX	Magnolia Trace	112	Elderly Single	2011
Developer	Gautier, MS	Ocean Estates II	120	Family	2009
Owner/Developer	Greenwood, MS	Parkway Place	65	Single Family	2008
Owner/Developer	Greenwood, Mis	I alkway I lace	05	ranniy	
Developer	Plano, TX	Plaza at Chase Oaks	240	Elderly	2006
Owner/Developer	Indianola, MS	Sunflower Estates	65	Single Family	2008
	F . III		100		2004
Developer	Fort Worth, TX	Terraces at Marine Creek	186	Multifamily	2004
Developer	Hot Springs, AR	The Cascades at Spring Street	32	Multifamily	2009
Owner/Developer	Temple, TX	The Fairways at Sammons Park	92	Elderly	2012
Owner/Developer	Pinellas Park, FL	The Full ways at summers Fulk	120	Multifamily	~~~
		The Lodges at Pinellas Park			2011
Developer	Plano, TX	Tuscany Villas	90	Elderly	2011
Developer	Delray Beach, FL	*Village Square Family	144	Multifamily	
Dennipu	2020, 2000, 12	· mage sequence r annay			
Owner/Developer	Yazoo City, MS	Yazoo Estates	96	Multifamily	2008
e					
	*Under Constr	uction TOTAL	1,950		

**Cross Architects** 

**Multifamily Projects** 

Oklahoma

### The Project

Texas, Mississippi, New Mexico, Florida, and

traditional market rate projects

Cross has completed approximately 8,000 units across

• Experience with HUD and Tax Credit programs along with

The Schedule

Conclusion

# ROUNDSTONE DEVELOPMENT IC



Team Experience

The Project

The Schedule





Team Experience

The Project

The Schedule





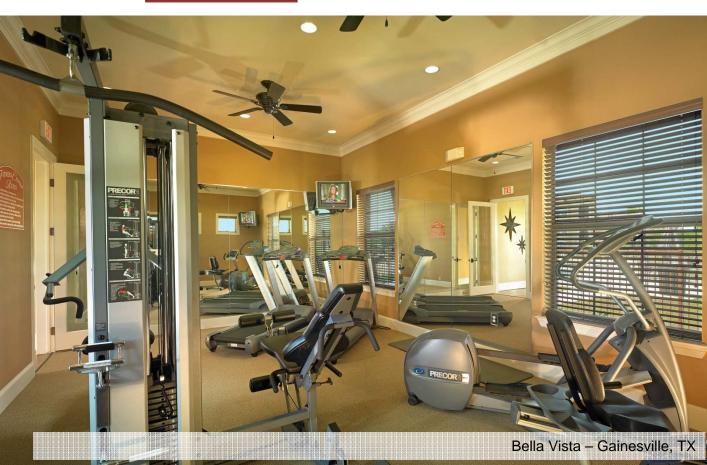
Team Experience

• 144 Units • Common Amenities • Clubhouse .. -11 1 M Bella Vista – Gainesville, TX

The Project

The Schedule





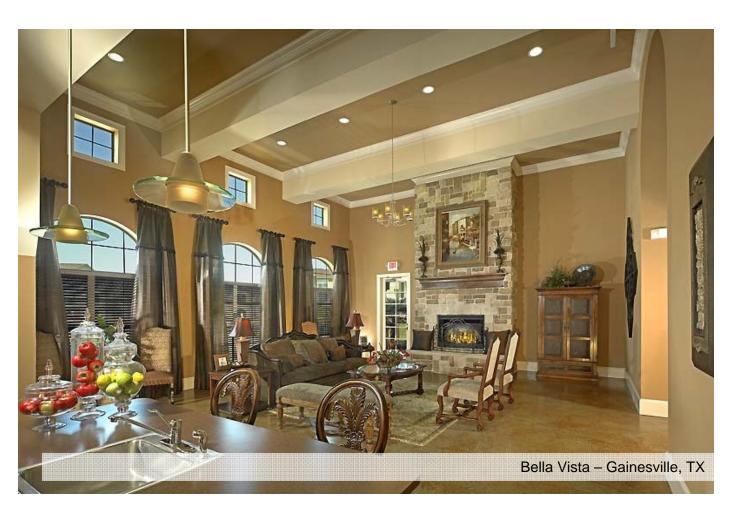
Team Experience

Why Roundstone

The Project

The Schedule





Team Experience

The Project

The Schedule



Team Experience

• 120 Units • Common Amenities • Clubhouse The Lodges at Pinellas Park – Pinellas Park, FL

The Project

The Schedule



Team Experience

The Project

The Schedule





Typical Business Center Aurrora Meadows – Eagle Pass, TX

The Project

Team Experience

Why Roundstone

The Schedule





Team Experience

The Project

The Schedule





Team Experience

Why Roundstone



The Project

The Schedule







Why Roundstone

Team Experience

The Project

The Schedule









Why Roundstone

Team Experience

The Project

The Schedule









Why Roundstone

Team Experience

The Project

The Schedule









## The Roundstone Vision

- Project Details
  - Project Name Cedar Creek Villas
  - Located at approximately 6758 West Adams Avenue, Temple, TX
  - Project is located in a growing area of town near the new Scott and White Continuing Care Hospital
  - 100% affordable housing units
  - Development site has utilities available
  - Minimal impact on existing tax credit developments as the closest property is 3 miles away and exclusive to seniors
  - Minimal impact on nearby market rate communities as the nearly all of these properties are over 90% occupied

Conclusion



ross



- Area surrounding site is primarily vacant land, thus no blight
- There would be no repositioning of existing developments as the closest structures to the site are a children's medical clinic and private school





OSS

## The Roundstone Vision

- Building Details
  - 88 Residential Units
    - $\circ$  34 1 bed/1 bath
    - $\circ$  34 2 bed/2 bath
    - $\circ$  14 3 bed/2 bath
    - $\circ$  6 4 bed/2.5 bath
  - Two-story garden style design

## Project Amenities

- Perimeter fencing
- Business Center
- Community Kitchen
- Fitness Center
- Playground
- Swimming pool

### Unit Amenities

- Energy Star Appliances
- Garden tubs
- Walk in Closets
- Coat and Linen Closets
- Full Size Washer Dryer Connections
- Patios
- Refrigerator with icemaker

Conclusion



## The Roundstone Vision

- Supportive Services
  - Quarterly financial planning courses
  - Annual health fair
  - Quarterly health and nutritional courses
  - Scholastic tutoring
  - Notary Public Services
  - Twice monthly arts and crafts or recreational activities
  - Twice monthly on-site social events

Why	Roundstone
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The Project

The Schedule

Conclusion



## The Roundstone Vision

Architectural Rendering for Proposed Developmental Style

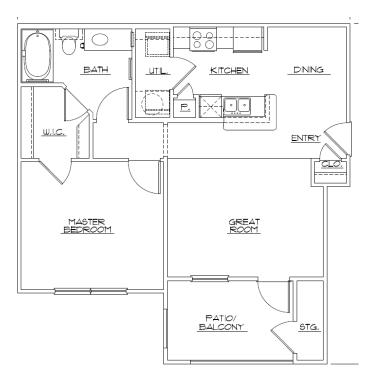


Why	Roundsto	one
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Conclusion

## The Roundstone Vision

## 1 Bedroom Sample Unit Plan (from a similar development) - 750 SF



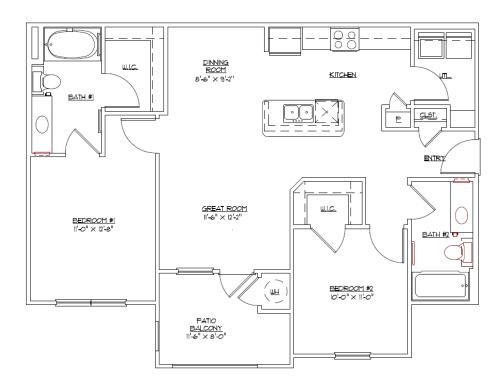


Why	Roundstone
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Conclusion

## The Roundstone Vision

## 2 Bedroom Sample Unit Plan (from a similar development) - 990 SF





Why	Roundstone
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The Project

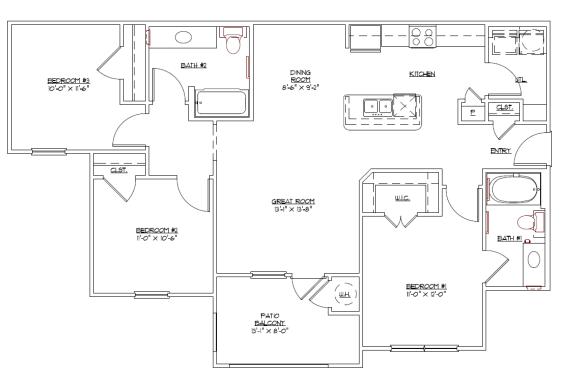
The Schedule

Conclusion



## The Roundstone Vision

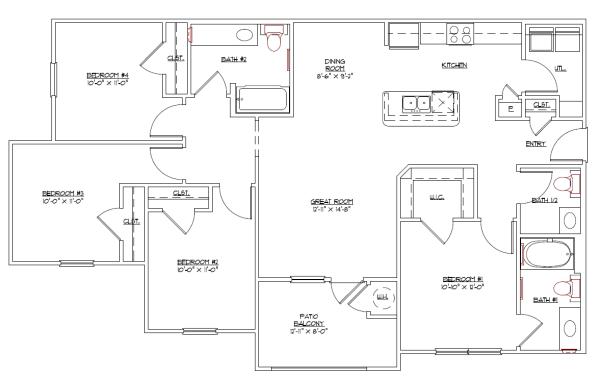
## 3 Bedroom Sample Unit Plan (from a similar development) – 1,193 SF



Why	Roundstone
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## The Roundstone Vision

## 4 Bedroom Sample Unit Plan (from a similar development) – 1,425 SF









## Project Costs and Financial Feasibility

- The total development cost is approximately **\$11.23M** which equates to **\$136** per square foot
- Permanent Financing Funding Sources: Equity Provider-Conventional Loan -Local Gov. Contribution -Owner Equity \$858,000 \$60,546



## The Roundstone Vision

- Conforms with Comprehensive , workforce development and strategic plans
  - Meets special housing needs and goals by providing affordable rental housing to young adults and families
  - Fulfills the need for housing to low and moderate income families by providing units for those earning 30%, 50% and 60% below the area median income (AMI)
  - Reflects Context Sensitivity by including architectural elements and a site layout designed to compliment surrounding neighborhoods(2 story design)
  - Displays a sense of community by incorporating perimeter fencing around the development
  - Incorporates "Green Building" features
  - Sets aside 5% of the units for those with Special Needs





- Project will be built in a Green Building Fashion
  - Planting native trees and other landscaping to reduce irrigation requirements
  - Installing water-conserving fixtures that meet the EPA's WaterSense Label
  - Installing Energy-Star qualified hot water heaters
  - Installing sub-metered utility meters
  - Utilizing healthy finish materials with the Green Seal 11 standard or other applicable Green Seal Standard
  - Installing daylight sensor, motion sensors or timers on all exterior lighting

Conclusion



# **Local Participation Plan**

**Community Outreach** – Our Team will coordinate with the City of Temple, the Chamber of Commerce, and others.

Advertising – Local newspaper, property Facebook page, & apartmentguide.com

**Community Meetings** - We will coordinate and sponsor a subcontractor informational meetings and employment opportunity meeting

#### Local and S/M/WBE participation enhancement strategies

- Spilt bid packages into smaller groups thereby facilitating opportunities for smaller companies.
- Assist smaller contractors with pre-qualification paperwork, project forms, billings and expedited payment terms.



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Why Roundstone Team Experience

The Project

The Schedule



# The Team has Successfully Developed Over 5,500 Units of Tax Credit Financed Housing

## Integrated Team – Development and Architecture

## Value to the Community

- Approximately \$59,000 per year in property taxes
- In addition to construction jobs, development will add 2.5 new permanent jobs in property management
- Ongoing property maintenance will benefit the community by outsourcing labor for landscaping, carpet cleaning, pool maintenance, pest control, etc.

#### RESOLUTION NO.

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SUPPORTING THE SUBMITTAL OF A TAX CREDIT PROJECT FOR A FAMILY LIVING PROJECT BY ROUNDSTONE DEVELOPMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Roundstone Development, which completed a senior citizens living project in the City of Temple in 2012, is requesting support for the submittal of a tax credit project for a family living project named Cedar Creek Villas, with a capital investment of approximately \$11,230,000 and would include 88 apartment units located at 6758 West Adams Avenue;

Whereas, the project would include 88 apartment units located at 6758 West Adams Avenue - 100% of the units will be affordable housing units and will be for those earning 30%, 50% and 60% of the area median income (AMI);

Whereas, the family living project would include multiple amenities such as a business center, community kitchen, fitness center, along with on-site resident services;

Whereas, Roundstone Development has met the application requirements of the City, however, in order for the applicant to receive full points with the Texas Department of Housing & Community Affairs, the City must provide financial support and evidence of local support, particularly from elected officials;

Whereas, traditionally the financial support has been accomplished through the Temple Economic Development Corporation with a secured loan and this Resolution of the City Council of the City of Temple is an indication of local support from elected officials; 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:

<u>**Part 1:**</u> The City Council supports the submission of a tax credit project for a family living project by Roundstone Development, named Cedar Creek Villas, with a capital investment of approximately \$11,230,000 and which will include 88 apartment units located at 6758 West Adams Avenue.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be needed for purposes of this tax credit project.

<u>**Part 3:**</u> 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 **16<sup>th</sup>** day of **January**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

01/16/14 Item #16 Regular Agenda Page 1 of 1

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

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of an approximately 4.17 acre tract of land near the City of Temple's landfill.

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

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

**ITEM SUMMARY:** The approximately 4.17 acre tract of land at issue is located in close proximity to the City's landfill. Acquisition of the property is necessary for future landfill expansion. The seller has proposed a purchase price which the City Staff feels is reasonable. We will provide additional information in executive session.

**FISCAL IMPACT**: Taxable Certificate of Obligation Bonds were issued in November 2012 to fund costs related to the expansion of the landfill. Funds are available in account 365-2300-540-6110, project 100197 for the purchase of this property.

ATTACHMENTS:

Resolution

#### RESOLUTION NO.

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN APPROXIMATELY 4.17 ACRE TRACT OF LAND LOCATED AT 4435 LITTLE FLOCK ROAD, TEMPLE, TEXAS, AND LOCATED NEAR THE CITY OF TEMPLE'S LANDFILL; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** an approximately 4.17 acre tract of land located at 4435 Little Flock Road, Temple, Texas is also located in close proximity to the City's landfill, and the City is interested in acquiring the property for future landfill expansion;

Whereas, the seller has proposed a purchase price which City staff believes is reasonable and recommends the purchase of this tract of land;

Whereas, Taxable Certificate of Obligation Bonds were issued in November 2012 to fund costs related to the expansion of the landfill; and

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

# Now, Therefore, Be it Resolved by the City Council of the City of Temple, Texas, That:

**Part 1:** The City Council authorizes the purchase of an approximately 4.17 acre tract of land located at 4435 Little Flock Road, Temple, Texas, which is located near the City of Temple's landfill and is necessary for future landfill expansion.

<u>**Part 2:**</u> The City Council authorizes the City Manager, or his designee, to execute any documents, after approval by the City Attorney, that may be necessary for the purchase of this parcel, including all closing documents.

<u>**Part 3:**</u> 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 **16<sup>th</sup>** day of **January**, 2014.

#### THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

#### APPROVED AS TO FORM:

Jonathan Graham City Attorney

Lacy Borgeson City Secretary