



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, MAY 15, 2014

1:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 15, 2014.
2. Discuss the City's strategic plan, to include the FY 2014-2015 budget process and calendar, and various strategic and budget related policy issues.
3. Receive presentations from the following public service agencies regarding their requests for Public Service grant funding:

Aware Central Texas
Bell County Business Alliance
Central Texas 4C
Communities in Schools
Cultural Activities Center
HELP Center
Hill Country Community Action Alliance
Hill County Transit District
Hillcrest Cemetery
Keep Temple Beautiful
Ronald McDonald House
St. Vincent de Paul of Greater Temple
Temple College Foundation
Temple Housing Authority
Temple ISD
Temple Symphony Orchestra

5:00 P.M.

MUNICIPAL BUILDING

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

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS

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

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

- | | | | |
|----|-----|--------------------------------|-----------------|
| 3. | (A) | Paint the Town Purple Campaign | May 12-18, 2014 |
| | (B) | Relay For Life | May 31- June 1 |
| | (C) | Public Works Week | May 18-24, 2014 |
| | (D) | Great American Clean Up Day | |

IV. CONSENT AGENDA

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

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

Minutes

- (A) [May 1, 2014 Special Called and Regular Meeting](#)

Contracts, Leases, & Bids

- (B) [2014-7312-R](#): Consider adopting a resolution authorizing the purchase of the fifth year of a Microsoft Software Enterprise Agreement with SHI Government Solutions of Dallas, utilizing a DIR Contract in the amount of \$123,237.
- (C) [2014-7313-R](#): Consider approving a resolution authorizing a developer participation agreement with Carothers Properties, Ltd. to reimburse the developer for the cost of constructing sidewalks on the east side of Morgan's Point Road for the Oaks at Lakewood subdivision in the amount of \$26,000.
- (D) [2014-7314-R](#): Consider adopting a resolution ratifying an emergency contract with Bell Contractors of Belton for the emergency repair of a 48" box culvert off of 3100 Block of Ira Young Drive in the amount of \$135,000.
- (E) [2014-7315-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 from the 3400 Block to the 4500 Block of Hickory Road in the amount of \$269,096.
- (F) [2014-7316-R](#): Consider adopting a resolution authorizing change order #1 to the construction contract with Bruce Flanigan Construction, Inc., (Flanigan) of Belton for construction activities required to build the Temple-Belton Wastewater Treatment Plant 24" effluent pipeline in an amount not to exceed \$38,025.
- (G) [2014-7317-R](#): Consider adopting a resolution authorizing a construction contract with Gene Doss Construction Inc. of Temple for the construction of a picnic pavilion and restrooms in Wilson Community Park including the base bid and alternate #1 the amount of \$198,000.
- (H) [2014-7318-R](#): Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple and Nex-Gen Development, LLC, to provide for cost sharing for certain public infrastructure within the Meadows at Creekside subdivision in an amount not to exceed \$140,000.
- (I) [2014-7319-R](#): Consider adopting a resolution authorizing a lease agreement with Ducharme Marketing Group, Inc., for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).
- (J) [2014-7320-R](#): Consider adopting a resolution authorizing a one year lease agreement with the Texas Forest Service for lease of space in the Public Services Building.

Ordinances – Second & Final Reading

- (K) 1. [2014-4657](#): SECOND READING - Consider adopting an ordinance authorizing the annexation for a 49.979 tract of land located between South Pea Ridge Road (to the west) and Old Waco Road (to the east), abutting the city limits boundary to the north situated within the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, known as the Plains at Riverside.

2. [2014-4658](#): SECOND READING – Z-FY-14-23: Consider adopting an ordinance to take action on permanent zoning upon annexation of a tract of land consisting of a total 49.979 +/- acres, where 42.440 +/- acres are proposed for Single-Family Two (SF-2) District and 7.539 +/- acres are proposed for Planned Development - Office-2 (PD-O-2) District as part of the proposed subdivision plat for The Plains at Riverside, located on the west side of the intersection of Old Waco Road and Riverside Trail.
- (L) [2014-4659](#): SECOND READING - A-FY-14-04: Consider adopting an ordinance authorizing abandonment and conveyance of all of the alley located in Block 4, Rylander Addition, on the east side of North 12th Street, between East Central Avenue and East Adams Avenue, and reserving a utility easement in the entire abandoned right-of-way.
- (M) [2014-4660](#): SECOND READING - Z-FY-14-22: Consider adopting an ordinance authorizing a rezone from Agricultural District (AG) to Light Industrial District (LI) on 44.20 +/- acres, situated in the Mercer Phelan Survey, Abstract 659 and the J. W. Christian Survey, Abstract 1070, Bell County, Texas, located at the southwest corner of NW Loop 363 and Pegasus Drive and addressed as 4222 Pegasus Drive.
- (N) [2014-4661](#): SECOND READING - Z-FY-14-24: Consider adopting an ordinance for a site plan review, amending Ordinance No. 2001-2748, originally approved March 1, 2001 Planned Development (Neighborhood Service) District, and further amended by Ordinance No. 2012-4519, March 15, 2012, on Lot 2, Block 1, Johnson Lone Star Properties Addition located at 7950 SH 317.
- (O) [2014-4662](#): SECOND READING - Z-FY-14-26: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to Commercial District (C) on 11.579 +/- acres, being part of Lot 1, Block 1, D.R.S. Addition, located at 111 Hart Road.
- (P) [2014-4663](#): SECOND READING - Z-FY-14-25: Consider adopting an ordinance on a Conditional Use Permit (CUP) to allow an off-premise sign (billboard) on a portion of Lot 1, Block 1, D.R.S. Addition, located at 111 Hart Road, Temple, Texas.
- (Q) [2014-4665](#): SECOND READING: Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to appropriate additional tax increment revenue, expenditures for downtown improvements, public improvements and debt service for fiscal years 2014 through 2033.

Ordinances – First Reading

- (R) [2014-4666](#): FIRST READING - A-FY-14-6: Consider adopting an Ordinance authorizing (a) abandonment and conveyance of a 0.041 +/- acre portion of Carriage House Drive and (b) release of a portion of an adjoining 10-foot utility easement, in order to reconfigure and Replat Lots 12 and 13, Block 9, Carriage House Village Phase I.

- (S) 1. [2014-4667](#): FIRST READING – Consider adopting an ordinance authorizing the annexation of a 136.576 acre tract of land, located to the north of the Highlands and west of the Windmill Farms subdivisions abutting the city limits boundary to the north and west situated within part of the John J. Simmons Survey, Abstract No. 737 and the George V. Lindsey Survey, Abstract No. 513, Bell County, Texas.
2. [2014-4668](#): FIRST READING - Z-FY-14-29 & Z-FY-14-31: Consider an ordinance adopting permanent zoning upon annexation to Single- Family Two District (SF-2) on 136.576 +/- acres; **and** granting a rezoning from Urban Estate District (UE), Agricultural District (AG), and Single-Family One District (SF-1) to Single- Family Two District (SF-2) on a total 57.298 +/- acres, all being located east of The Campus at Lakewood Ranch, Phase VIII and extending to the west side of Windmill Farms, Phases I and II, and north of The Highlands.

Misc.

- (T) [2014-7321-R](#): Consider adopting a resolution ratifying two agreements with BNSF to close the South 1st Street railroad crossing and install an estimated \$433,236 of signal improvements at South Main Street and Martin Luther King Jr. Drive (MLK) south of downtown.
- (U) [2014-7322-R](#): A-FY-14-05: Consider adopting a resolution authorizing the release of two ("A" & "B") existing 15' City of Temple utility easements of which "A" contains 0.374 +/- acres and "B" contains 0.042 +/- acres, being more fully described in the attached exhibit, as recorded in volume 5277, page 443 of the real property records, located within the Nancy Chance Survey, Abstract No. 5, City of Temple, Bell County, Texas.
- (V) [2014-7323-R](#): Consider adopting a resolution denying Atmos Mid-Tex's proposed rate increase under the Company's 2014 Annual Rate Review Mechanism, requiring the Company to reimburse cities' reasonable ratemaking expenses pertaining to review of the RRM, and authorizing the City's participation with Atmos Cities Steering Committee in any appeal filed at the Railroad Commission of Texas by the Company.
- (W) [2014-7324-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2013-2014.

VI. REGULAR AGENDA

ORDINANCES - SECOND & FINAL READING

5. [2014-4664](#): SECOND READING: Consider adopting an ordinance amending the Code of Ordinances, Chapter 6, "Animals and Fowl", Sec 6-13, Additional Regulations, to allow the keeping of miniature swine within the City of Temple in accordance with certain provisions.

ORDINANCES – SECOND READING/ PUBLIC HEARING

6. [2014-4656](#): SECOND READING – PUBLIC HEARING – Z-FY-13-37: Consider adopting an ordinance for a Conditional Use Permit to allow a transitional shelter operated by the Salvation Army to be known as the Temple McLane Center of Hope, within portions of Lot 3, Block 39, Lots 1 & 2, Block 62, Lot 2, Block 56 and Lot 1, Block 57, Original Town of Temple, County of Bell, Texas, addressed as 501, 420, 413, 411, 410, 409 West G Avenue, 708 and 709 South 9th Street.

ORDINANCES – FIRST READING/ PUBLIC HEARING

7. [2014-4669](#): FIRST READING - PUBLIC HEARING – Z-FY-14-28: Consider adopting an ordinance on a Conditional Use Permit for retail nursery/landscape facility on Lot 2, Block 1, Trantum Subdivision Phase VIII, located at 5806 South General Bruce Drive.
8. [2014-4670](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance establishing the City's participation in the Texas Enterprise Zone Program pursuant to Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, providing tax incentives, designating a liaison for communication with interested parties, and nominating Artco-Bell Corporation to the office of the Governor Economic Development & Tourism through the Economic Development Bank as a qualified enterprise project.

RESOLUTIONS

9. (A) [2014-7325-R](#): Consider adopting a resolution consenting to the reduction of its extraterritorial jurisdiction by releasing a 1.533 acre tract of land from the City of Temple's extraterritorial jurisdiction, and acknowledging the acceptance of a .278 acre tract into its extraterritorial jurisdiction released, or to be released, by the City of Morgan's Point Resort from its own extraterritorial jurisdiction.
- (B) [2014-7326-R](#): P-FY-14-22: Consider a resolution approving the Master Preliminary Plat of The Groves at Lakewood Ranch, a 193.875 +/- acre, 583-lot, 28-block, residential subdivision with requested exceptions to Unified Development Code Section 8.3: Park Land Dedication for a private park; and Code of Ordinances Chapter 12, Section 12-14 regarding fire hydrant spacing, in Temple's Northern Extraterritorial Jurisdiction (E.T.J.) area surrounding The Campus at Lake wood Ranch Phase VIII.
10. [2014-7327-R](#): O-FY-14-08: Consider adopting a resolution authorizing an Appeal of Standards in Section 6.7.5(j) of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for signs, located on Lot 1, Block 1, Diamond S Subdivision, 5625 South General Bruce Drive.

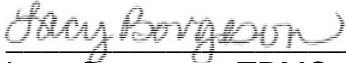
VII. ELECTION ITEMS

11. [2014-7328-R](#): Consider adopting a resolution:
- (A) Affirming the election of the candidates for the May 10, 2014, Mayor at Large, and the District 2 and District 3 City Councilmembers races; and
- (B) Administer Oaths of Office to the newly elected councilmembers

12. [2014-7329-R](#): Consider adopting a resolution ordering a Special Election for July 19, 2014 for Councilmember District 2 to fill an unexpired term through May 2017.

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 3:45 PM, on Friday, May 9, 2014.



Lacy Borgeson, TRMC
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

05/15/14
Item #4(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) May 1, 2014 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:

May 1, 2014 Special Called and Regular Meeting (to be provided)



COUNCIL AGENDA ITEM MEMORANDUM

05/15/14
Item #4(B)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of the fifth year of a Microsoft Software Enterprise Agreement with SHI Government Solutions of Dallas, utilizing a DIR Contract in the amount of \$123,237.

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

ITEM SUMMARY: The City of Temple currently uses Microsoft for all of our office applications as well as database servers throughout the City. The software we currently use include Microsoft Word, PowerPoint, Excel, SharePoint, Outlook, and Publisher as well as Enterprise solutions for SQL Server, Exchange Server, Operating systems and enterprise server software.

After reviewing some of the Volume Licensing programs that were presented, we decided to request a Microsoft Enterprise Agreement that covers Microsoft Office Professional and the Microsoft Core Client Access License (CAL) Suite—including the Windows Server® 2012 operating system, Microsoft Exchange Server, Microsoft Systems Management Server, and Microsoft Office SharePoint® Portal Server—for all of the City computers. The agreement also covers a wide variety of additional technologies including Windows Server, Exchange Server, Internet Security and Acceleration Server, SQL Server™, and Microsoft Operations Manager licenses for 25 servers. This year we would like to move to Office 365 so that all employees have the ability to work across multiple devices, from anywhere, and have a consistent, clean, and fast experience. Your settings roam with you too, so your files are up to date and ready for you to pick up right where you left off, no matter what device you're using. This also will give us new access for online collaboration and meeting tools instead of having to go through a hosted service such as WebEx or Go-To-Meeting. It also allows for simplified legal compliance by using in-place legal holds and all of this is hosted by Microsoft allowing our staff more time to concentrate on Security Compliance. This software will provide the following to all staff:

Advanced email	Use archiving and legal hold capabilities, plus unlimited storage, for compliance needs. And use data loss prevention (DLP) policies and policy tips that educate your users for additional compliance enforcement in email.
Document and email access control	Rights Management Services enables you to restrict access to documents and email to specific people and to prevent anyone else from viewing or editing them, even if they are sent outside the organization.
Online conferencing	Host online meetings with audio and video using one-click screen sharing and HD video conferencing.
Instant messaging and Skype connectivity	Connect with other Lync users via instant message, voice calls, and video calls, and let people know your availability with your online status. Share presence, IM, and audio calling with Skype users.
File storage and sharing	OneDrive for Business gives each user 25 GB of personal cloud storage that can be accessed from anywhere and that syncs with their PC for offline access. Easily share documents with others inside and outside the organization and control who can see and edit each file.
Team sites	Enable easy access and sharing of documents with 10 GB of baseline storage plus 500 MB of storage per user. Share insights through interactive reports with Excel Services and Visio Services, and view them on mobile device browsers that support HTML5.
Site mailboxes	Make it easier for teams to collaborate. Store and share email and documents in project-specific folders, so everyone on the team can find the information they need fast.
Yammer Enterprise	Keep ideas and work moving with enterprise social networking that makes collaborating with the right people easy and that comes with advanced support, security, administration, and integrations.
Office Online	Create and edit Word, OneNote, PowerPoint, and Excel documents from a browser.
Mobility	Sync email, calendar, and contacts; access SharePoint sites; view and edit Office documents with Office Online using a browser on Windows Phone, iOS, and Android devices.

This is the fifth year of the City's Enterprise Agreement and through the Enterprise Agreement, we are able to more effectively standardize software across all desktops and take advantage of many of the included Software Assurance benefits, including New Version Rights, Desktop Deployment Planning Services, Training Vouchers, Microsoft eLearning, Home Use Program, 24x7 Problem Resolution Support, a TechNet Plus subscription, and Extended Hotfix's.

Prior to 2010, it was the Information Technology Department's practice of purchasing new licenses every 3 to 4 years through a select agreement program because we felt the Enterprise Agreement was more expensive over the 3 to 4 year period, but the pricing now has reversed in the sense that it is less costly to go through a yearly Enterprise Agreement. We also felt that the cycle for software upgrades by Microsoft was about every 3 to 4 years but that has changed in the past 4 years in that software upgrades are on a more frequent basis. This also helps solve a problem in that we would be on the same Enterprise Agreement with many other State and local agencies that currently upgrade their software on a more frequent basis.

If we were to purchase based on the select agreement today we would have to spend about \$450,000 for all of our licensing needs on servers and the desktops and in another 3 years we would spend another \$450,000 to upgrade again. With the Enterprise Agreement we spent \$100,905.92 per year in 2010, 2011 and 2012, 2013 we are proposing to spend approximately \$123,237 in 2014, and expect to spend \$123,237 per year for 2015 and 2016 for a six year cost of approximately \$672,429 versus \$900,000 for the same six year period if we purchased the software outright.

The purchase is being made by utilizing DIR Contract DIR-SDD-2503.

FISCAL IMPACT: A budget adjustment is being presented for Council's approval to appropriate \$123,237 from Designated Capital - Technology Funds, account 351-1900-519-6221, to Computer Software, account 351-1900-519-6221, project 101130, for the purchase of Microsoft Enterprise Agreement License and software with SHI Government Solutions. This is the fifth year of a six year Enterprise Agreement.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY **2014****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
351-1900-519-62-21	101130	Computer Software	123,237			
351-0000-490-25-82		Transfer In - Desg Capital Proj Fund	123,237			
110-0000-351-09-43		Designated Capital - Technology Funds			123,237	
110-9100-591-81-51		Transfer Out - Desg Capital Proj Fund	123,237			
		DO NOT POST				
TOTAL.....			\$ 369,711		\$ 123,237	

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

This is to pay for yearly Microsoft Enterprise Agreement for the City. a Microsoft Enterprise Agreement covers Microsoft Office Professional and the Microsoft Core Client Access License (CAL) Suite—including the Windows Server® 2012 operating system, Microsoft Exchange Server, Microsoft Systems Management Server, and Microsoft Office SharePoint® Portal Server—for over 650 computers. The agreement also covers a wide variety of additional technologies including Windows Server, Exchange Server, Internet Security and Acceleration Server, SQL Server™, and Microsoft Operations Manager licenses for 25 servers, Office 365, and Microsoft Lync Communications.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

5/15/2014

WITH AGENDA ITEM?

☒

Yes

☐

No



Department Head/Division Director

5/1/2014

Date

☒

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. 2014-7312-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF THE FIFTH YEAR OF A MICROSOFT SOFTWARE ENTERPRISE AGREEMENT WITH SHI GOVERNMENT SOLUTIONS OF DALLAS, TEXAS, UTILIZING DIR CONTRACT DIR-SDD-2503, IN THE AMOUNT OF \$123,237; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently uses Microsoft for all office applications as well as database servers throughout the City;

Whereas, this is the fifth year the City has used the Microsoft Software Enterprise Agreement – this year's Agreement covers a variety of additional technologies for all employees which will provide consistency across multiple devices and it will provide clean and fast experience;

Whereas, staff recommends the purchase of Office 365 which will provide additional technologies and access for online collaboration and meeting tools;

Whereas, prior to 2010, it was the practice of staff to purchase new license agreements every 3 to 4 years – however, pricing has changed to where it is less costly to go through a yearly Enterprise Agreement where software upgrades come on a more frequent basis;

Whereas, staff recommends the City purchase the fifth year of a Microsoft Software Enterprise Agreement with SHI Government Solutions of Dallas, Texas, utilizing DIR Contract DIR-SDD-2503, in the amount of \$123,237;

Whereas, funds are available for this purchase but an amendment to the FY2013-14 budget needs to be approved to transfer the funds to Account No. 351-1900-519-6221, Project No. 101130; 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 purchase the fifth year of a Microsoft Software Enterprise Agreement SHI Government Solutions of Dallas, Texas, utilizing DIR Contract DIR-SDD-2503, in the amount of \$123,237.

Part 2: The City Council approves an amendment to the FY2013-14 budget, substantially in the form of the copy attached as Exhibit 'A,' for this purchase.

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

PASSED AND APPROVED this the **15th** day of **May**, 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

05/15/14
Item #4(C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney's Office
Brian Chandler, Planning Director

ITEM DESCRIPTION: Consider approving a resolution authorizing a developer participation agreement with Carothers Properties, Ltd. to reimburse the developer for the cost of constructing sidewalks on the east side of Morgan's Point Road for the Oaks at Lakewood subdivision in the amount of \$26,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The developer constructed 862 feet of 8 foot wide sidewalks on the east side of Morgan's Point Road and adjacent to the Oaks at Lakewood subdivision. The City's subdivision ordinance requires the developer to construct a sidewalk along a major arterial as identified in the future land use/thoroughfare plan and provides that the City will reimburse the developer for such construction.

The developer has submitted documentation of construction of 862 feet of sidewalk along Morgan's Point Road at a cost of \$26,000. The total reimbursement to the developer under the developer participation agreement would be \$26,000, if approved by the City Council.

FISCAL IMPACT: A budget adjustment is being presented for Council's approval appropriating \$26,000 of General Fund Designated Capital Projects–Unallocated funds to account 351-3400-531-6315, project # 101133, to fund the developer participation agreement with Carothers Properties for Oaks at Lakewood subdivision.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY **2014****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
351-3400-531-63-15	101133	Sidewalk\Curb\Gutter - Oaks @ Lakewood	\$ 26,000	
351-0000-490-25-82		Transfer In	26,000	
110-9100-591-81-51		Transfer Out - Capital Projects	26,000	
110-0000-352-13-45		Designated for Cap Projects / Unallocated		26,000
		DO NOT POST		
TOTAL.....			\$ 78,000	\$ 26,000

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

To fund developer participation agreement with Carothers Properties for reimbursement of cost for constructing 8' wide sidewalks on the east side of Morgan's Point Road for the Oaks at Lakewood subdivision in an amount of \$26,000.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

5/15/2014

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. 2014-7313-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEVELOPER PARTICIPATION AGREEMENT WITH CAROTHERS PROPERTIES, LTD., TO REIMBURSE THE DEVELOPER FOR THE COST OF CONSTRUCTING SIDEWALKS ON THE EAST SIDE OF MORGAN'S POINT ROAD FOR THE OAKS AT LAKEWOOD SUBDIVISION, IN AN AMOUNT NOT TO EXCEED \$26,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the developer constructed approximately 862 feet of 8-foot wide sidewalks on the east side of Morgan's Point Road and adjacent to the Oaks at Lakewood subdivision;

Whereas, the City's subdivision ordinance requires the developer to construct a sidewalk along a major arterial as identified in the future land use/thoroughfare plan, and also provides that the City will reimburse the developer for such construction;

Whereas, the developer has submitted documentation of construction of approximately 862 feet of sidewalk along Morgan's Point Road at a cost of \$26,000 – the total reimbursement due to the developer under the Developer Participation Agreement, would be \$26,000;

Whereas, funds are available for this project but an amendment to the fiscal year 2013-2014 budget needs to be approved to transfer the funds to Account No. 351-3400-531-6315, Project No. 101133; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a developer participation agreement with Carothers Properties, Ltd., after approval as to form by the City Attorney, to reimburse the developer for the cost of constructing sidewalks on the east side of Morgan's Point Road for the Oaks at Lakewood subdivision, in the amount of \$26,000.

Part 2: The City Council authorizes an amendment to the fiscal year 2013-2014 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 **15th** day of **May**, 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

05/15/14
Item#4(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 ratifying an emergency contract with Bell Contractors of Belton for the emergency repair of a 48" box culvert off of 3100 Block of Ira Young Drive in the amount of \$135,000.

STAFF RECOMMENDATION: Adopt a resolution as presented in item description

ITEM SUMMARY: On April 17, 2014 a large sinkhole was discovered in the right of way of the 3100 block of Ira Young Drive. Upon investigation it was discovered that a collapsed 48" box culvert caused the sink hole. Given the potential danger of this large sinkhole to the street and surrounding properties, staff has determined this issue to be a significant safety 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 Drainage Services Division obtained a proposal from Bell Contractors to complete the work immediately, as Bell Contractors has the necessary materials and equipment on hand to respond quickly. Staff authorized this work as an emergency and a Notice to Proceed was issued on April 24, 2014. This project is expected to be totally complete to include clean up by end of May 2014.

FISCAL IMPACT: A budget adjustment is being presented for Council's approval appropriating \$135,000 of Drainage Unreserved Fund Balance, account 292-0000-358-1110, to account 292-2923-534-6312, project # 101134, to fund the emergency contract with Bell Contractors.

ATTACHMENTS:

Map
Budget Adjustment
Resolution

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.

Legend

- Headwall
- Drainage Manhole
- Drainage Inlet
- Drainage Inlet
- Drainage Lines
- Channel
- Box Culvert

Existing Hole Size

42"x48"
Box Culvert

Initial Hole

36" RCP

24" RCP

IRA YOUNG DR



IRA YOUNG SINKHOLE



FY 2014

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

+

—

[illegible]

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

To fund emergency contract with Bell Contractors for the emergency repair of a 48" box culvert off of 3100 Block of Ira Young Drive in the amount of \$135,000.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

5/15/2014

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date _____

☐ Approved☐ Disapproved

Finance

Date _____

☐ Approved

☐ Disapproved

City Manager

Date _____

☐ Approved

	Disapproved
--	-------------

RESOLUTION NO. 2014-7314-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING AN EMERGENCY CONTRACT WITH BELL CONTRACTORS OF BELTON, TEXAS, FOR THE EMERGENCY REPAIR OF A 48-INCH BOX CULVERT OFF OF IRA YOUNG DRIVE, IN THE AMOUNT OF \$135,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 17, 2014, a large sink hole was discovered in the right-of-way of the 3100 block of Ira Young Drive – upon investigation, it was discovered that a collapsed 48-inch box culvert caused the sink hole;

Whereas, given the potential danger of this sink hole to the street and surrounding properties, staff determined the issue to be a significant safety hazard and per Local Government Code 252.022, this project is exempt from the competitive bid process;

Whereas, due to the urgent nature of the project, staff obtained a proposal from Bell Contractors to complete the work immediately as they have the necessary materials and equipment on hand to respond quickly;

Whereas, staff recommends ratifying an emergency contract with Bell Contractors, of Belton, Texas for the emergency repair of a 48-inch box culvert off of the 3100 block of Ira Young Drive, in the amount of \$135,000;

Whereas, funds are available for this project but an amendment to the fiscal year 2013-2014 budget needs to be approved to transfer the funds to Account No. 292-2923-534-6312, Project No. 101134; 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 ratify an emergency contract with Bell Contractors of Belton, Texas, after approval as to form by the City Attorney, for the emergency repair of a 48-inch box culvert off of the 3100 block of Ira Young Drive, in the amount of \$135,000.

Part 2: The City Council authorizes an amendment to the fiscal year 2013-2014 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 **15th** day of **May**, 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

05/15/14
Item #4(E)
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 from the 3400 Block to the 4500 Block of Hickory Road in the amount of \$269,096.

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

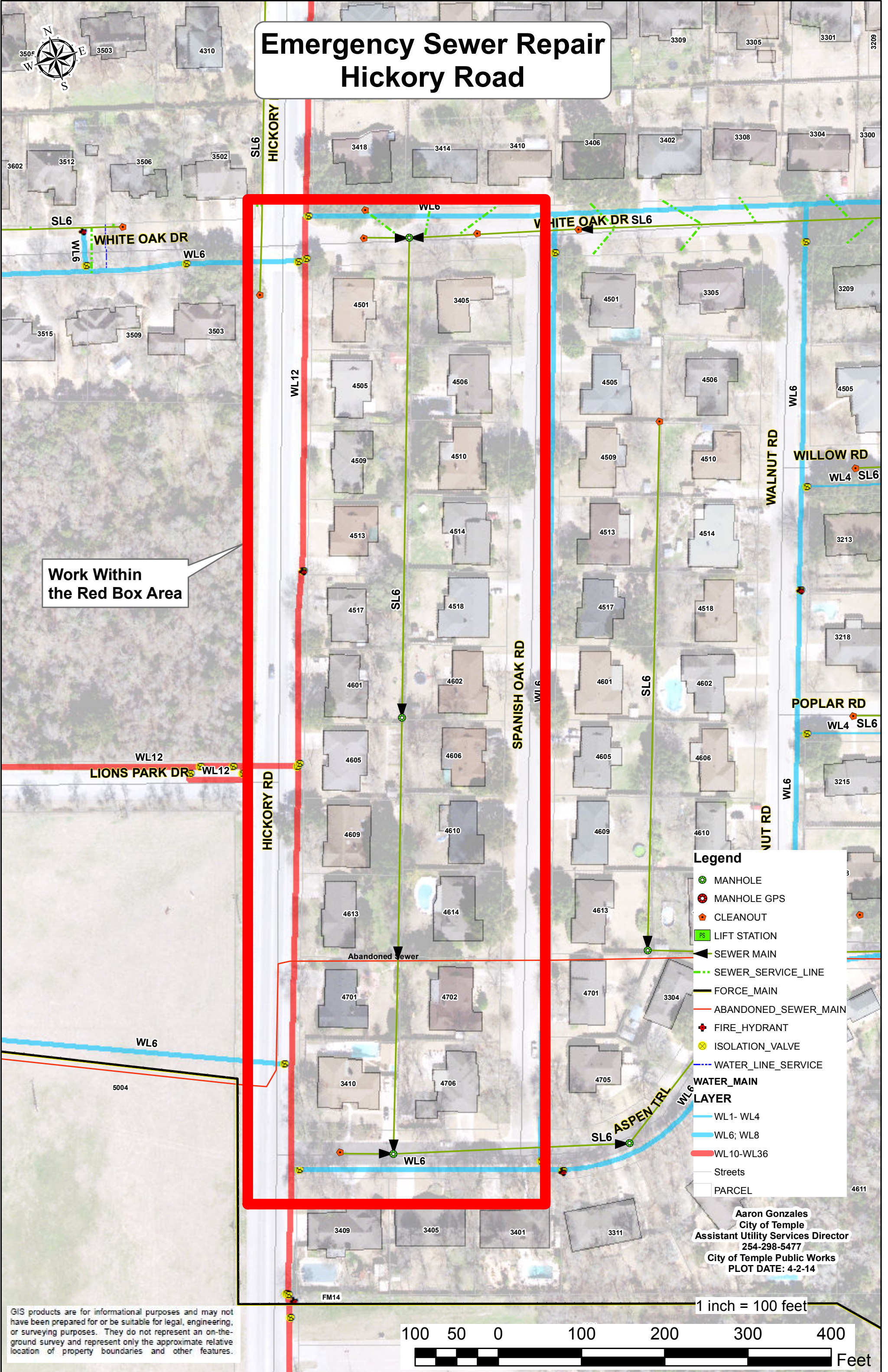
ITEM SUMMARY: Over the past several weeks the Public Works Utility Services Division has had numerous wastewater issues from the 3400 Block to the 4500 Block of Hickory Road. Problems escalated in mid- April and an in-depth investigation subsequently revealed that the existing clay tile line in this 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 April 28, 2014. The project is expected to be totally complete to include clean up by the end of July 2014.

FISCAL IMPACT: A budget adjustment is being presented to Council appropriating funds in the amount of \$269,096 from Water & Sewer Retained Earnings, account 520-0000-373-0412, to Capital Building & Grounds/Sewer Line Replacements, account 520-5460-535-6361, project 101131, to fund the emergency contract with Bell Contractors.

ATTACHMENTS:

[Project Map](#)
[Budget Adjustment](#)
[Resolution](#)



Emergency Sewer Repair Hickory Road

Work Within
the Red Box Area

Legend

- MANHOLE
- MANHOLE GPS
- CLEANOUT
- LIFT STATION
- SEWER MAIN
- SEWER_SERVICE_LINE
- FORCE_MAIN
- ABANDONED_SEWER_MAIN
- FIRE_HYDRANT
- ISOLATION_VALVE
- WATER_LINE_SERVICE
- WATER_MAIN

LAYER

- WL1- WL4
- WL6; WL8
- WL10-WL36
- Streets
- PARCEL

Aaron Gonzales
City of Temple
Assistant Utility Services Director
254-298-5477
City of Temple Public Works
PLOT DATE: 4-2-14

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.



FY **2014****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
520-5460-535-63-61	101131	Capital Bldg & Grnds/Sewer Line Rplc	\$ 269,096			
520-0000-373-04-12		W&S Unreserved Retained Earnings			\$ 269,096	
		DO NOT POST				
TOTAL.....			\$ 269,096		\$ 269,096	

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

To appropriate funds for the emergency contract with Bell Contractors of Belton for the emergency replacement of a 6" sewer line in the area of from 3400 block to the 4500 block of Hickory Road.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

5/15/2014

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. 2014-7315-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING AN EMERGENCY CONTRACT WITH BELL CONTRACTORS OF BELTON, TEXAS, FOR THE EMERGENCY REPLACEMENT OF A 6-INCH SEWER LINE USING THE PIPE BURSTING METHOD FROM THE 3400 BLOCK TO THE 4500 BLOCK OF HICKORY ROAD, IN THE AMOUNT OF \$269,096; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, over the past several weeks, the Public Works Utility Services Division has had numerous wastewater issues from the 3400 block to the 4500 block of Hickory Road;

Whereas, problems escalated in mid-April and an in-depth investigation subsequently revealed that the existing clay tile line in this area has deteriorated past the point of rehabilitation;

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

Whereas, due to the urgent nature of the project, staff obtained a proposal from Bell Contractors of Temple, Texas, to complete the work immediately as they have the necessary material and equipment on hand to respond quickly;

Whereas, staff recommends ratifying an emergency contract with Bell Contractors, of Belton, Texas for the emergency replacement of a 6-inch sewer line using the pipe bursting method from the 3400 block to the 4500 block of Hickory Road, in the amount of \$269,069;

Whereas, funds are available for this project but an amendment to the fiscal year 2013-2014 budget needs to be approved to transfer the funds to Account No. 520-5460-535-6361, Project No. 101131; 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 ratify an emergency contract with Bell Contractors of Belton, Texas, after approval as to form by the City Attorney, for the emergency replacement of a 6-inch sewer line using the pipe bursting method from the 3400 block to the 4500 block of Hickory Road, in the amount of \$269,069.

Part 2: The City Council authorizes an amendment to the fiscal year 2013-2014 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 **15th** day of **May**, 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

05/15/14
Item #4(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing change order #1 to the construction contract with Bruce Flanigan Construction, Inc., (Flanigan) of Belton for construction activities required to build the Temple-Belton Wastewater Treatment Plant 24" effluent pipeline in an amount not to exceed \$38,025.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City agreed to provide the Panda Temple Power Plant (Panda) with reclaimed water from the Temple-Belton Wastewater Treatment Plant (TBP). Delivery of this water requires 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 Kasberg, Patrick & Associates, LP, (KPA) for Phase 2 design and bidding services in an amount not to exceed \$579,100. On January 16, Council authorized a construction contract with Flanigan for Phase 2 construction in an amount not to exceed \$2,111,111.20. On January 16, Council also authorized amending KPA's contract with \$221,400 for surveys, construction administration, and inspection.

The attached change order includes the following items:

- At the juncture of Phases 2 and 3 are a gate valve and a 90-degree bend that are called out in the Phase 3 construction plans. Since Flanigan began construction at this juncture prior to the contractor for Phase 3, it is recommended that they install the valve and bend so that their work remains independent of Phase 3 construction activities.
- Due to the large pipe size, a temporary spool piece is needed at the flow meter to accurately measure the flow during flushing.
- The flow meter assembly needs to be modified to 16" to coordinate interconnection with Panda's interior piping.
- An access gate is needed at the Miller/Tschoerner property line.
- A 4" water line was incorrectly located. It needs to be cut and capped.

KPA recommends approving the change order. Staff also recommends approving the change order.

FISCAL IMPACT: A budget adjustment is being presented to Council for authorization allocating \$150,000 from Contingency Fund Balance (from the bonds issued for the project), account 562-5200-535-6532 to Temple-Belton WWTP Reclaimed Effluent, account 562-5200-535-6947, project # 101097, to fund change order #1 to the construction contract with Bruce Flanigan Construction, Inc. in an amount not to exceed \$38,025, The additional allocation of \$111,975 will be made available should additional funds be needed for future change orders, contract amendments, and/or other project expenditures.

ATTACHMENTS:

[Project Map](#)
[Change Order](#)
[Budget Adjustment](#)
[Resolution](#)



5/2/2014

KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS

Owner: City of Temple

⁽¹⁾Equal quantity will be removed from the Phase III Construction Contract via Change Order.

FY **2014****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
562-5200-535-69-47	101097	T-B WWTP Reclaimed Effluent	\$ 150,000			
562-5200-535-65-32		Contingency			150,000	
TOTAL.....			\$ 150,000		\$ 150,000	

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

To allocate funding for change order #1 with Bruce Flanigan Construction, Inc. in the amount of \$38,025. The additional monies are being allocated to the project in anticipation of future change orders, contract amendments, and/or other project expenditures. Funds are available from the UR bonds issued for the project.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

5/15/2014

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. 2014-7316-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH BRUCE FLANIGAN CONSTRUCTION, INC. OF BELTON, TEXAS, FOR CONSTRUCTION ACTIVITIES REQUIRED TO BUILD THE TEMPLE-BELTON WASTEWATER TREATMENT PLANT 24-INCH EFFLUENT PIPELINE, IN AN AMOUNT NOT TO EXCEED \$38,025; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, the project comprises of three phases: Phase 1 – pump station at TBP, Phase 2 – pipeline from Little River Road to Panda, and Phase 3 – pipeline from TBP to Little River Road;

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

Whereas, on January 16, 2014, Council authorized a construction contract with Bruce Flanigan Construction, Inc., (Flanigan) of Belton, Texas for Phase 2 construction and also authorized KPA's contract for survey's construction administration and inspection;

Whereas, this proposed change order to the construction contract with Flanigan includes the following items:

- at the juncture of Phases 2 and 3 is a gate valve and a 90-degree bend that are called out in the Phase 3 construction plans. Since Flanigan began construction at this juncture prior to the contractor for Phase 3, it is recommended that they install the valve and bend so that their work remains independent of Phase 3 construction activities;
- due to the large pipe size, a temporary spool piece is needed at the flow meter to accurately measure the flow during flushing;
- the flow meter assembly needs to be modified to 16" to coordinate interconnection with Panda's interior piping;
- an access gate is needed at the Miller/Tschoerner property line;
- a 4" water line was incorrectly located and needs to be cut and capped;

Whereas, staff recommends Council authorized change order number 1 to the construction contract with Bruce Flanigan Construction, Inc., of Belton, Texas for construction activities required to build the Temple-Belton Wastewater Treatment Plant 24-inch effluent pipeline, in an amount not to exceed \$38,025.

Whereas, funds are available for this project but an amendment to the fiscal year 2013-2014 budget needs to be approved to transfer the funds to Account No. 562-5200-535-6947, Project No. 101097; 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 change order number 1 to the construction contract with Bruce Flanigan Construction, Inc. of Belton, Texas, after approval as to form by the City Attorney, for construction activities required to build the Temple-Belton Wastewater Treatment Plant 24-inch effluent pipeline, in an amount not to exceed \$38,025.

Part 2: The City Council authorizes an amendment to the fiscal year 2013-2014 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 **15th** day of **May**, 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

05/15/14
Item #4(G)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Interim Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Gene Doss Construction Inc. of Temple for the construction of a picnic pavilion and restrooms in Wilson Community Park including the base bid and alternate #1 in the amount of \$198,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As shown on the attached bid tabulation, on May 1, 2014, the City received three (3) bids for this project for the base bid and alternate #1 that ranged from a high of \$254,600 to a low bid of \$198,000 submitted by Gene Doss Construction, Inc.

This project involves demolition of existing picnic facilities that were installed in the 1970's, the construction of a new picnic pavilion, the construction of a new restroom building to serve the area, sidewalks to serve both facilities and the existing playground, and ADA improvements to the existing parking area.

Alternate #1 of this project expands the size of the restrooms from Neighborhood Park size (single stall) to Community Park size (multiple stalls) since this area is adjacent to the soccer fields in Wilson Park and the need for permanent restrooms have been apparent for several years.

This is phase one of a two phase project. When funding is available, phase two will include replacing the existing playground which was installed in the early 1990's and installing a shade structure over the playground. With these upgraded facilities, the Parks and Leisure Services Department expects to see an increase in activity for this portion of the park.

This project is funded with Community Development Block grant funds.

FISCAL IMPACT: Funding from the Community Development Block Grant in the amount of \$217,039 is available in account #260-6100-571-65-16, Project #101124.

ATTACHMENTS:

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

Tabulation of Bids Received
on May 1, 2014 at 2:00 p.m.
Wilson Park Restroom, Pavilion and Parking Project (CDBG Funded)
Bid # 61-06-14

	Bidders		
	Majestic Services Inc. Austin, TX	Vanguard Contractors, LP Temple, TX	Gene Doss Construction Inc. Temple, TX
Description			
Base Bid	\$170,000.00	\$204,900.00	\$155,100.00
Alternate #1 - expanded restrooms	\$45,000.00	\$49,700.00	\$42,900.00
Total Bid, including Alternate #1	\$215,000.00	\$254,600.00	\$198,000.00
Acknowledge Addendum	No	Yes	Yes
Bid Bond	5%	5%	5%
Bond Requirement Affidavit	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes
Statement of Bidder's Qualifications	Yes	Yes	Yes
Contractor Certifications	Yes	Yes	Yes
Noncollusion Affidavit of Prime Bidder	Yes	Yes	Yes
Contractors Section 3 Compliance Plan	Yes	Yes	Yes
Business Certification for Business Concerns Seeking Section 3 Preference in Contracting	No	No	No
Employee Certification for Business Concerns Seeking Section 3 Preference in Contracting	No	No	No

Recommended for Council Award

RESOLUTION NO. 2014-7317-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH GENE DOSS CONSTRUCTION, INC., OF TEMPLE, TEXAS, FOR THE CONSTRUCTION OF A PICNIC PAVILION AND RESTROOMS IN WILSON COMMUNITY PARK, INCLUDING THE BASE BID AND ALTERNATE NUMBER ONE, IN THE AMOUNT OF \$198,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, existing picnic facilities in Wilson Community Park were installed in the 1970's and are in need of replacement;

Whereas, on May 1, 2014, the City received three bids for this project for the base bid and alternate number one – alternate number one expands the size of the restrooms from neighborhood park size to community park size;

Whereas, the project includes demolition of existing facilities and construction of a new picnic pavilion, new restroom building, sidewalks and ADA improvements to the existing parking area;

Whereas, this is phase one of two phases and when additional funding is identified, phase two will include replacing the existing playground which was installed in the early 1990's and installing a shade structure over the playground;

Whereas, staff recommends authorizing a construction contract with Gene Doss Construction, Inc., of Temple, Texas for the construction of a picnic pavilion and restrooms in Wilson Community Park, including the base bid and alternate number one, in the amount of \$198,000.

Whereas, this project is funded with Community Development Block grant funds and is available in Account No. 260-6100-571-6516, Project No. 101124; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract with Gene Doss Construction, Inc., of Temple, Texas for the construction of a picnic pavilion and restrooms in Wilson Community Park, including the base bid and alternate number one, in the amount of \$198,000;

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

PASSED AND APPROVED this the **15th** day of **May**, 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

05/15/14
Item#4(H)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple and Nex-Gen Development, LLC, to provide for cost sharing for certain public infrastructure within the Meadows at Creekside subdivision in an amount not to exceed \$140,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Last fall, the Staff reviewed a request from Nex-Gen Development, L.L.C., ("Nex-Gen") for cost sharing relating to their proposed development in East Temple as part of the City's East Temple Redevelopment Plan. During a workshop discussion, the City Council provided general direction to the Staff to negotiate a cost sharing Agreement. Nex-Gen has now had a plat approved for its project and is ready to move forward with the construction of the Meadows at Creekside subdivision in East Temple. The subdivision is located at 2805 S. Martin Luther King, Jr. Drive. The subdivision includes 41.941 acres, 123 lots, and approximately 13 acres of park land. In our discussions with Nex-Gen, we focused on identifying possible incentives that would aid in the construction of public improvements/infrastructure related to the project. City staff has negotiated a proposed cost sharing agreement with the developer which would include the City covering the cost of the following items:

- 4' concrete sidewalk at an estimated cost of \$8,568;
- Rerouting of a sewer line at an estimated cost of \$53,136; and
- Drainage improvements at an estimated cost of \$137,124 of which the City would pay 50%.

The estimated cost that the City would be responsible for is \$130,266, but the resolution proposed by Staff allocates an additional amount as a contingency to cover unforeseen conditions during the actual construction of those public improvements. The agreement will state that the City will pay for 100% of the actual cost of the 4' concrete sidewalk, 100% of the sewer line installation, and 50% of the drainage improvements *up to* \$140,000. The City will reimburse the developer the percentage share of the actual cost or the not to exceed amount, whichever is less.

FISCAL IMPACT: A budget adjustment is being presented to Council for authorization appropriating funds in the amount of \$140,000 from TCIP Contingency Fund, account 365-3400-531-6532, Drainage Unreserved Fund Balance, account 292-0000-358-1110, and Greenfield Development Utility Improvements, account 520-5000-535-6370. Funding will be appropriated to the accounts below:

Description	Account	Project #	Amount
Meadows @ Creekside-Sidewalk	365-3400-531-6883	101135	\$ 9,208
Meadows @ Creekside-Sewer	520-5000-535-6370	101135	\$ 57,107
Meadows @ Creekside-Drainage	292-2923-534-6312	101135	\$ 73,685
Total Funds			\$ 140,000

ATTACHMENTS:

[Budget Adjustment](#)
[Cost estimate](#)
[Resolution](#)

FY 2014**BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
365-3400-531-68-83	101135	Meadows @ Creekside/Chapter 380 Dev.	\$ 9,208			
365-3400-531-65-32		TCIP - Contingency Fund			9,208	
292-2923-534-63-12	101135	Meadows @ Creekside/Chapter 380 Dev.	73,685			
292-0000-358-11-10		Drainage Unreserved Fund Balance			73,685	
520-5000-535-63-70	101135	Meadows @ Creekside/Chapter 380 Dev.	57,107			
520-5000-535-63-70	101064	Greenfield Development Utility Improv.			57,107	
		DO NOT POST				
TOTAL.....			\$ 140,000		\$ 140,000	

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

To appropriate funding for a Chapter 380 Economic Development Agreement with Nex-Gen Development, LLC to provide for cost sharing for certain public infrastructure (sidewalk, sewer line, and drainage improvements) within the Meadows at Creekside subdivision for an up to amount of \$140,000.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

5/15/2014

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

April 23, 2014

Eastside Improvement Cost Estimate for:
The Meadows at Creekside

Item	Description	Quantity	Units	Unit Cost	Item Cost
A. ROADWAY					
(1)	4' concrete sidewalk	612	L.F.	\$14.00	\$8,568.00
SUB-TOTAL ROADWAY					\$8,568.00
B. SEWER LINE					
(1)	10" SDR-26 sewer line	540	L.F.	\$42.90	\$23,166.00
(2)	4' dia. Manhole (10+ feet)	5	EACH	\$4,700.00	\$23,500.00
(3)	Core existing manhole (10+ feet)	1	EACH	\$2,500.00	\$2,500.00
(4)	4" long single sewer service (10+ feet)	1	EACH	\$900.00	\$900.00
(5)	6" long double sewer service (10+ feet)	1	EACH	\$870.00	\$870.00
(6)	Remove and dispose of 4' manhole	2	EACH	\$1,100.00	\$2,200.00
SUB-TOTAL SEWER LINE					\$53,136.00
C. DRAINAGE					
(1)	Concrete channel, 3' deep, 2:1 side slope, 3' BTM	43	L.F.	\$48.00	\$2,064.00
(2)	24" HDPE	830	L.F.	\$36.00	\$29,880.00
(3)	4' x 4' area inlet	2	EACH	\$2,800.00	\$5,600.00
(4)	18" RCP	160	L.F.	\$38.00	\$6,080.00
(5)	4' x 4' junction box	2	EACH	\$2,100.00	\$4,200.00
(6)	36" HDPE	420	L.F.	\$66.00	\$27,720.00
(7)	36" RCP	89	L.F.	\$68.00	\$6,052.00
(8)	36" adapter	1	EACH	\$1,900.00	\$1,900.00
(9)	42" HDPE	153	L.F.	\$76.00	\$11,628.00
(10)	42" sloped end treatment	1	EACH	\$1,400.00	\$1,400.00
(11)	30" HDPE	126	L.F.	\$50.00	\$6,300.00
(12)	Grass channel	425	L.F.	\$4.00	\$1,700.00
(13)	5' curb inlet	1	EACH	\$2,400.00	\$2,400.00
(14)	Detention pond	1	LUMP SUM	\$16,000.00	\$16,000.00
(15)	Outlet structure	1	LUMP SUM	\$2,400.00	\$2,400.00
(16)	Seed and irrigate all grass channels until vegetation is established and accepted by the CoT	1	LUMP SUM	\$4,200.00	\$4,200.00
(17)	10' curb inlet	2	EACH	\$3,800.00	\$7,600.00
SUB-TOTAL DRAINAGE					\$137,124.00

SUMMARY

A.	ROADWAY IMPROVEMENTS	\$8,568.00
B.	SEWER LINE IMPROVEMENTS	\$53,136.00
C.	DRAINAGE IMPROVEMENTS	\$137,124.00
D.	ENGINEERING FEES FOR SEWER AND DRAINAGE (ITEMS 3, 4, 14 & 15)	\$8,321.60
SUB-TOTAL		\$207,149.60

RESOLUTION NO. 2014-7318-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH NEX-GEN DEVELOPMENT, LLC, TO PROVIDE FOR COST SHARING FOR CERTAIN PUBLIC INFRASTRUCTURE WITHIN THE MEADOWS AT CREEKSIDE SUBDIVISION, IN AN AMOUNT NOT TO EXCEED \$140,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, last fall, staff reviewed a request from Nex-Gen Development, LLC (Nex-Gen) for cost sharing related to their proposed development in East Temple as part of the City's East Temple Redevelopment Plan;

Whereas, Nex-Gen has had their plat approved and the project is ready to move forward with the construction of the Meadows at Creekside subdivision in East Temple – the subdivision is located at 2805 South Martin Luther King, Jr. Drive;

Whereas, the subdivision includes approximately 41.941 acres, 123 lots, and approximately 13 acres of park land – staff has negotiated a proposed cost sharing agreement with the developer which would include the City covering the cost of the following items:

- 4-foot concrete sidewalks at an estimated cost of \$8,568;
- Rerouting of a sewer line at an estimated cost of \$53,136; and
- Drainage improvements at an estimated cost of \$137,124 of which the City would pay 50%;

Whereas, the estimated costs the City would be responsible for is \$130,266, with a proposed appropriation of an additional amount as a contingency to cover unforeseen conditions during the actual construction of those improvements;

Whereas, the City will pay for 100% of the actual cost of the 4-foot concrete sidewalk, 100% of the sewer line installation and 50% of the drainage improvements, up to \$140,000;

Whereas, the City will reimburse the developer the percentage share of the actual cost or the not to exceed amount, whichever is less;

Whereas, funds are available for this project but an amendment to the fiscal year 2013-2014 budget needs to be approved to transfer the funds to Account No. 365-3400-531-6883, Project No. 101135, Account No. 520-5000-535-6370, Project No. 101135, and Account No. 292-2923-534-6312, Project No. 101135; 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 a Chapter 380 Development Agreement in an amount not to exceed \$140,000, with Nex-Gen Development, LLC, to provide for cost sharing for certain public infrastructure within the Meadows at Creekside subdivision.

Part 2: The City Council authorizes an amendment to the fiscal year 2013-2014 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 **15th** day of **May**, 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

05/15/14
Item #4(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a lease agreement with Ducharme Marketing Group, Inc., for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Ducharme Marketing Group, Inc. ("Tenant") has requested to lease Suites 308-309 of the Temple Public Library for a period of two years. The Lease will run from June 1, 2014 to May 31, 2016. Tenants will pay \$800 a month for the first six months, \$1,000 a month for the second six months, and \$1,250 a month for the remaining twelve months of the lease.

FISCAL IMPACT: Total lease payments over the life of the lease agreement are \$25,800. The lease payments will be deposited into account 110-0000-461-0937, Library Building Rental.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7319-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF TEMPLE AND DUCHARME MARKETING GROUP, INC., FOR SPACE IN THE E. RHODES AND LEONA B. CARPENTER FOUNDATION BUILDING (TEMPLE PUBLIC LIBRARY); AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently owns and leases offices in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library);

Whereas, Ducharme Marketing Group, Inc., has requested to lease Suited 308-309 of the Temple Public Library for a period of two (2) years;

Whereas, the lease term will run from June 1, 2014 to May 31, 2016 – tenants will pay a lease rate of \$800 a month for the first six months, \$1,000 per month for the second six months, and \$1,250 per month for the remaining twelve months of the lease;

Whereas, staff recommends entering into a two (2) year lease with Ducharme Marking Group, Inc. for office space in the E. Rhodes and Leona B. Carpenter Foundation Building (Temple Public Library);

Whereas, the lease agreement allows for a 30-day termination clause should the lessee or the City desire to terminate the lease; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a two (2) year lease with Ducharme Marking Group, Inc. for office space in the E. Rhodes and Leona B. Carpenter Foundation Building (Temple Public Library), with a lease term from June 1, 2014 to May 31, 2016 and a lease rate of \$800 a month for the first six months, \$1,000 per month for the second six months, and \$1,250 per month for the remaining twelve months of the lease, as set forth in Exhibit A attached hereto and incorporated herein.

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

PASSED AND APPROVED this the 15th day of May, 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

05/15/14
Item #4(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one year lease agreement with the Texas Forest Service for lease of space in the Public Services Building.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Board of Regents of the Texas A&M University System, for the use and benefit of the Texas Forest Service, has requested to renew its lease of approximately 157 sq. ft. of office space in the Public Services Building at 102 East Central Avenue. The Texas Forest Service will be responsible for all utilities, janitorial services, and other daily maintenance. The rent will be \$0.65 per square foot, plus \$20 per month to cover utilities. The lease term will begin on June 1, 2014 and end on May 31, 2015.

FISCAL IMPACT: The tenant will pay \$102.05 plus \$20 for utilities per month, for a total monthly rental fee of \$122.05.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7320-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE YEAR LEASE AGREEMENT WITH THE TEXAS FOREST SERVICE FOR LEASE OF SPACE IN THE PUBLIC SERVICES BUILDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Forest Service has requested to renew its lease of approximately 157 sq. ft. of office space in the Public Services Building at 102 East Central Avenue;

Whereas, the Texas Forest Service will be responsible for all utilities, janitorial services, and other daily maintenance - this is an 'as-is' lease and the City will not be making any adjustments or upgrades to this space;

Whereas, the tenant will pay \$102.10 (\$.65 per sq. ft.) plus \$20 for utilities per month, for a total monthly rental fee of \$122.10; and

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

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

PART 1: The City Council authorizes the City Manager, or his designee, to execute a one year lease agreement with the Texas Forest Service, after approval as to form by the City Attorney, for the renewal of lease of space in the City's Public Service Building located at 102 East Central in the monthly amount of \$102.10, plus \$20 per month for utilities, for a total monthly lease amount of \$122.10.

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

PASSED AND APPROVED this the 15th day of May, 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

05/15/14
Item #4(K-1)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance authorizing the annexation for a 49.979 tract of land located between South Pea Ridge Road (to the west) and Old Waco Road (to the east), abutting the city limits boundary to the north situated within the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, known as the Plains at Riverside.

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

ITEM SUMMARY: This annexation tracks with rezoning case Z-FY-14-23, a zoning request from Agricultural (Ag – the default zoning district upon annexation) to SF-2 (Single-Family Two), the First Reading for which will also occur at the May 1, 2014 City Council meeting.

3 Nex-Gen Devel LLC filed a petition on February 27, 2014 seeking voluntary annexation of 49.979 acres into the City of Temple. Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

1. Less than one-half mile in width,
2. Contiguous to the annexing municipality, and
3. Vacant and without residents or on which fewer than three qualified voters reside.

On March 20, 2014, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property. The first and second public hearings to present the Municipal Service Plan and to provide an opportunity for public comments occurred on April 3rd and 4th, respectively.

FISCAL IMPACT: Future development and improvements to the property will add value to the Ad Valorem Tax Base. The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve this small tract.

ATTACHMENTS:

[Municipal Service Plan](#)
[Field Notes](#)
[Survey](#)
[Location Map](#)
[Ordinance](#)

**CITY OF TEMPLE
ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION
PLAINS AT RIVERSIDE**

For a 49.979 tract of land located between South Pea Ridge Road (to the west) and Old Waco Road (to the east), abutting the city limits boundary to the north situated within the Nancy Chance Survey, Abstract No. 5, Bell County, Texas and being more particularly described as Exhibit “A” (Field Notes) and depicted as Exhibit “B” (Survey) of the Annexation Ordinance (2014-####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City will provide protection to the newly-annexed tract at the same or similar of service now being provided to other areas of the City, with the same or similar topography, land use and population density.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City will provide fire protection from Station 3 to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through the Scott & White Hospital System.

3. SOLID WASTE COLLECTION

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities outside the extent of the ownership of the City, and owned by other water or wastewater providers shall continue to be allowed to provide those services to the newly-annexed tract.

5. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City.

7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any publicly-owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly-owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly-owned facilities, buildings or municipal services of the City now incorporated in the City.

8. INSPECTIONS

The City will provide building inspection services upon approved building permits from the City to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

10. MOWING

The City will provide right-of-way mowing services adjacent to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and sub

development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with city policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities within the boundaries of the voluntary annexation, and proposes no other extension of water facilities to the area, taking into consideration the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

Currently, there are no wastewater treatment providers within the boundaries of the voluntary annexation and property owners rely on on-site sewage facilities (septic systems). Other areas of the City of Temple with similar topography, land use, and population density as those found in the boundaries of the voluntary annexation also rely on on-site sewage facilities for wastewater infrastructure. For this reason and in accordance with Local Government Code Section 43.056(g), the City proposes no extensions of wastewater facilities within the boundaries of the voluntary annexation.

4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

SPECIFIC FINDINGS

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS _____ DAY OF _____, 2014.

City of Temple, Texas

Mayor

ATTEST:

City Secretary

BEING a 49.979 acre tract of land situated in the NANCY CHANCE SURVEY, ABSTRACT No. 5, Bell County, Texas and being all of that certain called 50.011 acre tract of land described in a Deed dated November 10, 1960 from The Veterans' Land Board of Texas to John V. Higginbotham and being of record in Volume 817, Page 428, Deed Records of Bell County, Texas and being referenced in a Affidavit of Heirship to Faye Higginbotham and being of record in Document No. 2007-00041490, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with cap stamped "ACS" found at a fence corner post being the occupied and evidenced southwest corner of the said 50.011 acre tract and being the northwest corner of that certain called 5.976 acre tract of land standing in the name of Lance Read and wife, Lori Read and being identified in Bell County Tax Appraisal District Records as Property Identification No. 389751 (no deed reference was found for this tract by this surveyor) and being in the east right-of-way line of South Pea Ridge Road (a publicly maintained roadway) as fenced and further evidenced on the ground (no recordation was found for the right-of-way of South Pea Ridge Road by this surveyor) for corner;

THENCE N. 19° 12' 00" E., 1375.33 feet departing the said Read tract and with the said east right-of-way line and with the west boundary line of the said 50.011 acre tract (calls N. 19° 12' 00" E., 1374.7 feet) (bearing base) as fenced and evidenced on the ground to a flagged fence corner post found being the occupied and evidenced northwest corner of the said 50.011 acre tract and being the southwest corner of that certain 32.02 acre tract of land described in a Warranty Deed dated June 20, 2013 from Stephen Bruce Easley, individually, and as Independent Executor of The Estate Of Charlene L. Easley, Deceased, and as Trustee of The 2007 Charlene Easley Irrevocable Trust; James Michael Easley, Individually; and Gary Lynn Easley, Individually to RTC Construction, Ltd., a Texas limited partnership and being of record in Document No. 2013-00028522, Official Public Records of Bell County, Texas for corner;

THENCE S. 71° 02' 06" E., 1575.48 feet departing the said east right-of-way line and with the occupied, fenced and evidenced north boundary line of the said 50.011 acre tract (calls S. 71° E., 1577.9 feet) and with the south boundary line of the said 32.02 acre tract (calls N. 71° W., 1577.9 feet) to a concrete monument found being the occupied and evidenced southeast corner of the said 32.02 acre tract and being the occupied and evidenced northeast corner of the said 50.011 acre tract and being in the west right-of-way line of Old Waco Road (a publicly maintained roadway) as fenced and further evidenced on the ground for corner;

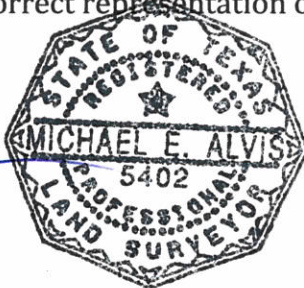
THENCE S. 18° 33' 11" W., 1374.90 feet departing the said 32.02 acre tract and with the east boundary line of the said 50.011 acre tract (calls S. 18° 39' W., 1374.9 feet) as occupied and further evidenced on the ground and with the said west right-of-way line to a ½" iron rod with cap stamped "RPLS 2475" set being the evidenced southeast corner of the said 50.011 acre tract and being the northeast corner of that certain 10.00 acre tract of land referenced in a Deed from Veterans Land Board of the State of Texas to Paul Rodney Bridges and being of record in Volume 5640, Page 767, Official Public Records of Bell County, Texas for corner;

THENCE N. 71° 03' 04" W., 1591.00 feet departing the said west right-of-way line and with the south boundary line of the said 50.011 acre tract (calls N. 71° W., 1591.0 feet) and with the north boundary line of the said 10.00 acre tract (makes no call) and continuing with the north boundary line of the aforementioned 5.976 acre tract (makes no call) to the Point of BEGINNING and containing 49.979 acres of land.

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.



Michael E. Alvis, R.P.L.S. #5402
August 13, 2013



Bearing Base: N. 19° 12' 00 E., 1374.74 feet west boundary line 50.011 acre tract, Volume 817, Page 428, Deed Records, Bell County, Texas



Voluntary Annexation

Plains at Riverside Location Map



 Case

0 100 200
Feet

4/20/2014
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.

ORDINANCE NO. 2014-4657

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ANNEXING AN APPROXIMATELY 49.979 TRACT OF LAND LOCATED BETWEEN SOUTH PEA RIDGE ROAD AND OLD WACO ROAD, ABUTTING THE CITY LIMITS BOUNDARY AND SITUATED WITHIN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, ALSO KNOWN AS THE *PLAINS AT RIVERSIDE* AND APPROVING A MUNICIPAL SERVICE PLAN; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF, IF ANY, SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple is a home-rule city authorized by State law and the City Charter to annex territory lying adjacent and contiguous to the City;

Whereas, two separate public hearings were conducted prior to consideration of this ordinance in accordance with Chapter 43 of the Texas Local Government Code and the hearings were conducted and held not more than forty nor less than twenty days prior to the institution of annexation proceedings;

Whereas, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty nor less than ten days prior to the public hearings;

Whereas, the property to be annexed is contiguous with and adjacent to the City and not within the boundaries of any other city; and

Whereas, the City is able to provide all services to the property to be annexed according to the service plan attached hereto.

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

Part 1: All of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Part 2: The property consisting of approximately 49.979 acres of land located between South Pea Ridge Road and Old Waco Road, described in Exhibit 'A' attached hereto, is hereby annexed and brought within the corporate limits of the City of Temple, Bell County, Texas, and is made an integral part thereof.

Part 3: The service plan submitted in accordance with Chapter 43 of the Texas Local Government Code is hereby approved as part of this ordinance, made a part hereof and attached hereto as Exhibit "B."

Part 4: The owners and inhabitants of the Property herein annexed shall be entitled to all of the rights and privileges of other citizens and property owners of said City and are hereby bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

Part 5: The official map and boundaries of the City of Temple are heretofore adopted and amended be and hereby amended so as to include the annexed Property as part of the City of Temple.

Part 6: The annexed Property shall, in compliance with the Zoning Ordinance of the City of Temple, be zoned as SF-2 (Single-Family Two) until permanent zoning is established by the City Council.

Part 7: The annexed Property shall be included in, and become a part of, the City of Temple City Council Election District Number 4.

Part 8: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 9: If the taking of any territory annexed by this ordinance is declared by a court of competent jurisdiction to be invalid and/or illegal, it shall not affect the balance of the property annexed and attempted to be annexed, and that property shall remain as part of the City of Temple, Texas. It is the intent of this ordinance that any territory that is not lawful for the City to incorporate be excluded from this annexation and that such exclusion be documented by having a qualified surveyor correct the property description of the annexed area to conform to the Council's intention and to insure that the boundary description closes.

Part 10: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 11: 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 1st day of **May**, 2014.

PASSED AND APPROVED on Second and Final Reading on the **15th** day of **May**, 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

05/15/14
Item #4(K-2)
Consent Agenda
Page 1 of 7

DEPT./DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: SECOND READING – Z-FY-14-23: Consider adopting an ordinance to take action on permanent zoning upon annexation of a tract of land consisting of a total 49.979 +/- acres, where 42.440 +/- acres are proposed for Single-Family Two (SF-2) District and 7.539 +/- acres are proposed for Planned Development - Office-2 (PD-O-2) District as part of the proposed subdivision plat for The Plains at Riverside, located on the west side of the intersection of Old Waco Road and Riverside Trail.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its April 7, 2014 meeting, the Planning & Zoning Commission voted 9 to 0 to recommend approval of the requested rezone from AG to AF-2 & O-2 with the following recommendations:

1. Approve 42.440 +/- acres for SF-2 as requested and,
2. Approve 7.539 +/- acres for PD-O-2 and prohibit residential uses.

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

Based on the following discussion, staff recommends approval for a rezone from AG to SF-2 and O-2 for the following reasons:

1. While the proposed zoning partially complies with the overall Future Land Use Plan, it complies with the existing Suburban Commercial designation but is also consistent with the adjacent property to the north and anticipated development of the surrounding area which is consistent with Suburban Residential;
2. The request is in partial compliance with the Thoroughfare Plan
3. The request is consistent with the anticipated development of the area and the surrounding area where single family development is consistent with the Future Land Use Plan and;
4. Public facilities are available to serve the subject property.

ITEM SUMMARY: The City Council during the First Reading of the Ordinance on May 1, 2014, voted unanimously, to approve the request per the Planning and Zoning Commission's recommendation. The approval would establish a Planned Development – Office 2 zoning designation for the 7.539 acres proposed for O-2 and would prohibit all residential uses.

According to the City of Temple Comprehensive Plan / Future Land Use Plan, the subject property, being a total 49.979 +/- acres, is within both the designated Agricultural/Rural district and the Suburban Commercial district. The Agricultural/Rural district is intended for those areas within the City limits that do not yet have adequate public facilities and services and therefore, may have on-site utilities. On the other hand, the Suburban Commercial District is for office, retail and service uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted. Additional discussion can be found regarding the consistency with the Future Land User Plan later in this staff report.

Although it is anticipated the SF-2-zoned portion of the property will be developed with detached single-family residences, there are a number of uses that are permitted by right. Those uses include but are not limited to:

Residential uses

Family or Group Home
Industrialized Housing

Nonresidential uses

Farm or Ranch
Park or Playground
Fire Station

Prohibited uses include Housing and Urban Development (HUD-Code) manufactured homes and land lease communities, duplexes, zero lot line dwelling, halfway houses and apartments. All commercial and industrial uses are prohibited, except these uses allowed by an approved conditional use permit (temporary asphalt concrete batching plants, a petroleum or gas well or a cemetery, crematory or mausoleum).

The O-2-zoned portion of the property is anticipated to be developed with non-residential uses. There are a number of uses that are permitted by right. Those uses include but are not limited to:

Residential uses

Single-Family (detached/attached)
Industrialized Housing
Duplex
Triplex
Apartments

Nonresidential uses

Most retail and service uses
Offices
Restaurant (without drive-thru)
Drug Store / Pharmacy
Hotel / Motel

Prohibited uses include HUD-Code manufactured homes and land lease communities, zero lot line dwelling and All commercial and industrial uses are prohibited, except these uses allowed by an approved conditional use permit (temporary asphalt concrete batching plants, a petroleum or gas well or a cemetery, crematory or mausoleum).

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:

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Agriculture/ Rural & Suburban Commercial	AG (upon Annexation)	Undeveloped
North	Suburban Residential Suburban Commercial	SF-2	Undeveloped
South	Agriculture/ Rural & Suburban Commercial	ETJ	Scattered SF uses on acreage
East	Agriculture/Rural Suburban Commercial	ETJ	Scattered SF uses on acreage
West	Rural Estate Suburban	ETJ	Scattered SF uses on acreage

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)	Partial
CP	Map 5.2 - Thoroughfare Plan	Partial
CP	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

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

The property is within both the Agricultural/Rural and the Suburban Commercial districts. The applicant proposes 42.440 +/- acres for single-family residential development.

This request is consistent with the anticipated development of the property to the immediate north and the anticipated growth of the Extra Territorial Jurisdiction (ETJ) corridor between South Pea Ridge Road and Old Waco southward toward Old Waco Road's intersection with I-35. The 26.88 +/- acres for Glynn Cummings' rezone request was approved by 2nd reading on March 6th for SF-2, and is the first of anticipated single family development in the immediate incorporated area. The current proposal is the first of single-family development within an ETJ corridor east of South Pea Ridge Road and west of Old Waco Road southward toward I-35. While the proposed rezone is not consistent with the current Future Land Use Plan AG district, the requested 42.440 +/- acres to SF-2 is consistent with the anticipated development of the area and the surrounding area where single family development is consistent with the Future Land Use Plan where Suburban Residential is identified. If the rezone is approved, the Future Land Use Plan will need to be updated.

In contrast, the applicant is additionally requesting that 7.739 +/- acres be rezoned to O-2. The Suburban Commercial district on the other hand, is identified along the Old Waco Road corridor in both the City and ETJ areas of this corridor all the way to where Old Waco Road intersects with I-35

and the anticipated alignment of the “Outer Loop”. The Suburban Commercial district is appropriate for office, retail and service uses adjacent to and abutting residential neighborhoods and in other areas where the community’s image and aesthetic value is to be promoted.

It should be noted that although the request for O-2 is consistent with the Future Land Use Plan, Old Waco Road is identified as the “Outer Loop”. The “Outer Loop” is proposed to be widened with a 163’ right-of-way (ROW) in the 1st phase of a Transportation Capital Improvements Plan (TCIP) project extending down to Jupiter Drive. The depth of the proposed O-2 portion ranges between 229.38’ and 240.46’. The acreage of the requested O-2 zoning designation is consistent with the recent Glynn Cummings rezone which retained acreage for a future non-residential zoning along Old Waco Road. It is from that case that the proposed acreage along Old Waco Road is adequate for development of uses within a non-residential zoning district which are consistent with Suburban Commercial district as well as meet needed dedication requirements. The dedication requirements will be addressed during the subdivision plat stage of development. Therefore the request for a rezone to 7.539 +/- acres to Office-2 (O-2) is consistent with the Future Land Use Plan.

Thoroughfare Plan (CP Map 5.2)

The property has frontage along South Pea Ridge Road and Old Waco Road. Although South Pea Ridge Road is currently identified as a collector, several alignments are being considered and may be built to minor arterial standards when final right-of-way dedication and design is completed in the future. The Thoroughfare Plan will be required to be updated if South Pea Ridge Road is reclassified. Old Waco Road has been identified as the “Outer-Loop” and will be developed with a 163’ ROW. ROW acquisition is on-going and if necessary, any needed ROW adjacent to this tract will be addressed at the platting stage of review.

In light of discussion as a result of the recent Glynn Cummings’ rezone abutting to the north, it should be noted that City staff is in the process of comprehensively evaluating whether these roads need to move up the Transportation Capital Improvements Plan (TCIP) priority list due to proposed development in the area. Although these portions of South Pea Ridge and Old Waco Road are not on the immediate horizon for funding or the current Transportation Capital Improvements Plan (TCIP) project list, they are being evaluated by staff and the City Council. While the paved roadway surfaces are in place, neighborhood testimony from the recent public meetings have found that the paved surface may be inadequate and pose public safety hazards if residential development occurs without adequate upgrading to the surrounding roads, specifically South Pea Ridge Road, Poison Oak Road and Old Waco Road.

The Thoroughfare Plan (see attached) shows Poison Oak Road as a proposed minor arterial, South Pea Ridge Road as an existing collector and Old Waco Road as the Outer Loop. Staff has found that none of the roads in the immediate area are funded through 2019 on the Transportation Capital Improvements Plan (TCIP) project listing. However, portions of the Outer Loop from West Adams down to about Jupiter are on the list. Per Unified Development Code (UDC) Sec. 8.5.1(Perimeter Streets), the developer will be responsible at the platting stage for right-of-way dedication for adjacent street improvements.

The following shows existing and proposed ROW and pavement widths for Poison Oak, South Pea Ridge and Old Waco Road.

Existing Roadway Conditions

	Right- of-Way	Pavement Width
Poison Oak Road	70'	16' 8" (Varies)
South Pea Ridge Road	55'	18' 4" (Varies)
Old Waco Road	70'	20' (Varies)

Proposed Roadway Conditions

	Right-of-Way	Pavement Width
Poison Oak Road	70'	49'
South Pea Ridge Road	75'	49'
Old Waco Road	163'	106' with a 40' median

The Thoroughfare Plan identifies the proposed alignment of Poison Oak (a proposed minor arterial) as crossing diagonally across the subject parcel. The proposed preliminary plat has not addressed this alignment and further review by Design Review Committee (DRC) is on-hold pending the outcome of annexation and this rezone. Any alternatives will require an amendment to the Thoroughfare Plan and would need to go before the Planning and Zoning Commission and City Council before being considered as part of any anticipated plat. Current as well as alternative alignments of Poison Oak have been discussed however future alignment also needs to be resolved prior to the plat moving forward.

As previously noted, the preliminary plat for the Plains at Riverside and any future subdivision development related to the Glynn Cummings property is forthcoming, it is anticipated the combination will add approximately 300 new homes to the area.

In conclusion, roadway alignments are physically in place for Poison Oak Road, South Pea Ridge and Old Waco Road, the roads are clearly not built to their current or proposed standards; the request therefore is in partial in compliance with the Thoroughfare Plan. However, roadway alignment and design are platting issues and will be addressed further at the platting stage.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property by a 15" line on the northern property boundary. Water is available through an 8" waterline in South Pea Ridge Road and a 3" in Old Waco Road.

Temple Trails Master Plan Map and Sidewalks Ordinance

According to the Trails Master Plan Map, no trails have been identified along South Pea Ridge Road. However, a proposed Community-Wide spine trail is proposed within Old Waco Road. Trail and sidewalks will be addressed at the platting stage of review.

DEVELOPMENT REGULATIONS: Standard residential setbacks in the SF-2 district are:

Min Lot Size	5,000 S.F
Min Lot Width	50'
Min Lot Depth	100'
Front	25'
Side	5'
Side (corner)	15'
Rear	10'

Standard non-residential setbacks in the O-2 district are:

Min Lot Size	N/A
Min Lot Width	N/A
Min Lot Depth	N/A
Front	25' (Special Setbacks may apply per UDC Section 4.4)
Side	5' (Special Setbacks may apply per UDC Section 4.4)
Side (corner)	10' (Special Setbacks may apply per UDC Section 4.4)
Rear	0' (Special Setbacks may apply per UDC Section 4.4)

Per UDC Section 8.2.3, sidewalks are required on one side of the road for collector streets. The sidewalk will be installed at the time of development, and will be noted on the plat.

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).

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 O-2 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).

PUBLIC NOTICE: Eleven notices, 4 within the City and 7 within the ETJ, for 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 Tuesday April 22, 2014 at 12:00 PM, no notices have been received.

The newspaper printed notice of the public hearing on March 26, 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](#)
[Localized area of the Thoroughfare Plan](#)
[Utility Map](#)
[Notification Map](#)
[Ordinance](#)

Site & Surrounding Property Photos



Site: Undeveloped – From Old Waco Road **Looking West** (ETJ)



Site: Undeveloped – From South Pea Ridge Road **Looking East** (ETJ)



East: Scattered Residences on Acreage (ETJ)



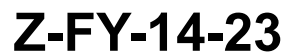
West: Undeveloped (ETJ)



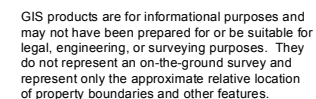
North: Undeveloped (SF-2 & AG)



South: Scattered Residences on Acreage (ETJ)



S. Pea Ridge &
Old Waco Rd.

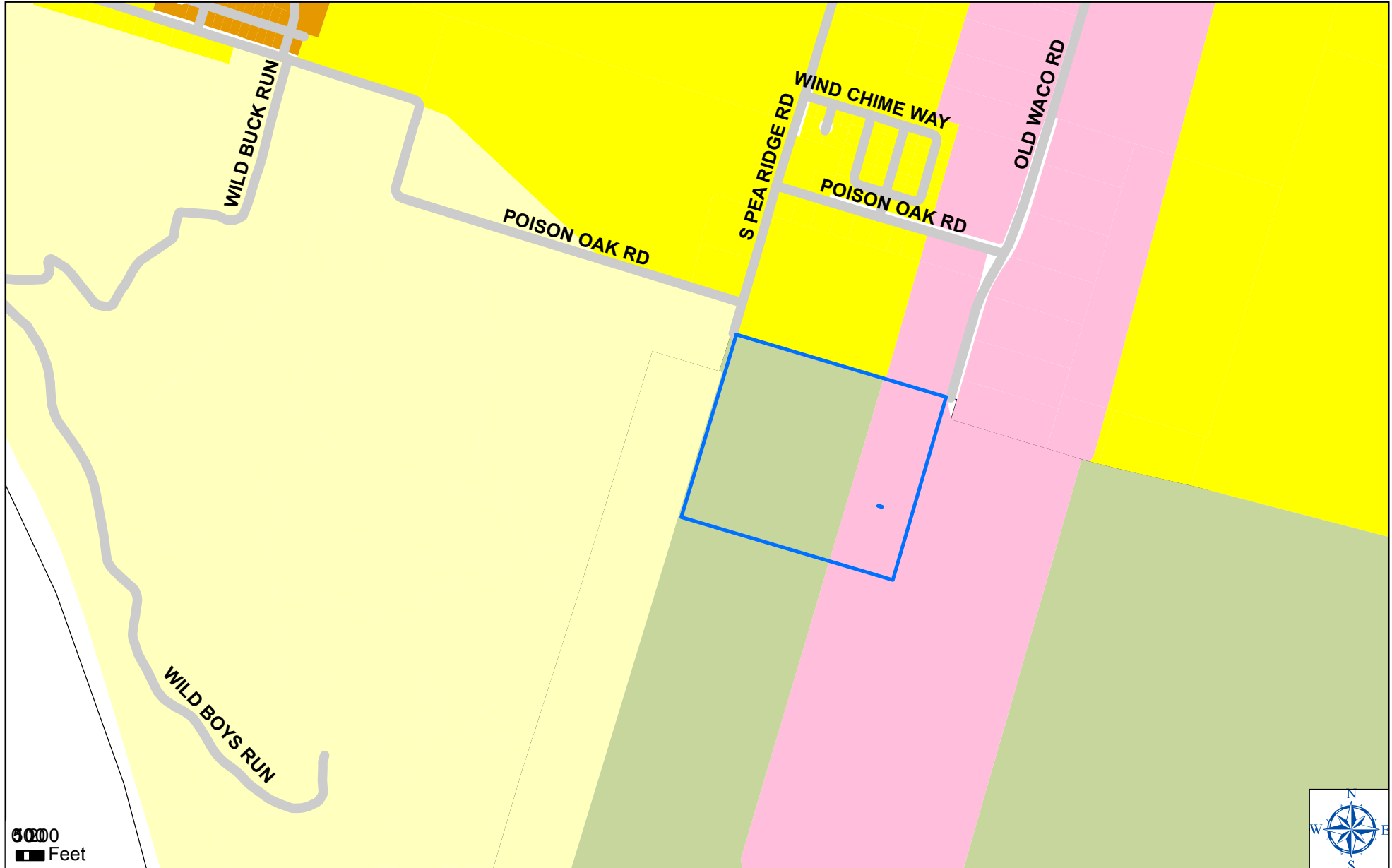




Z-FY-14-23

Rezone AG (Initial) to SF-2 & O-2

**Old Waco Road
& Riverside Trail**



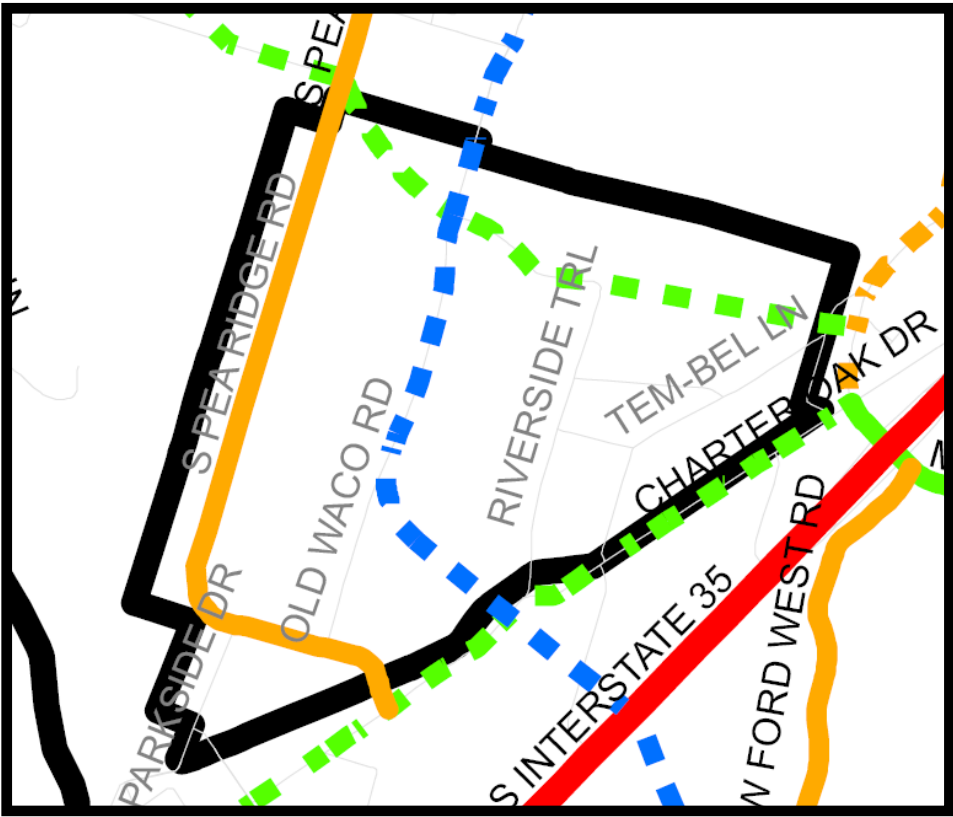
Future Land Use

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

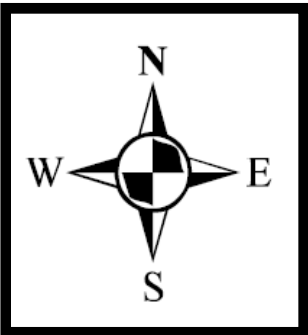
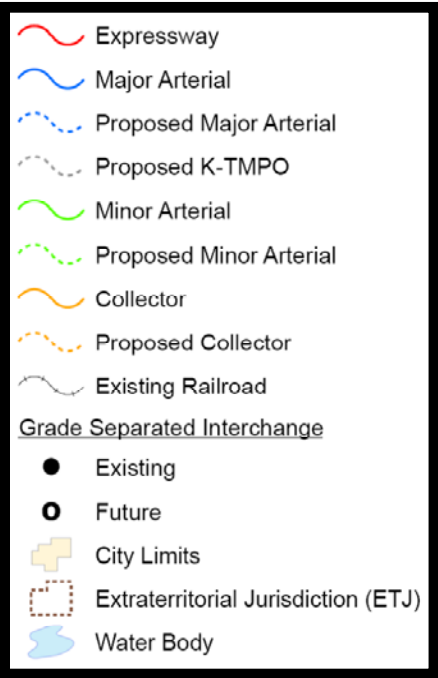
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

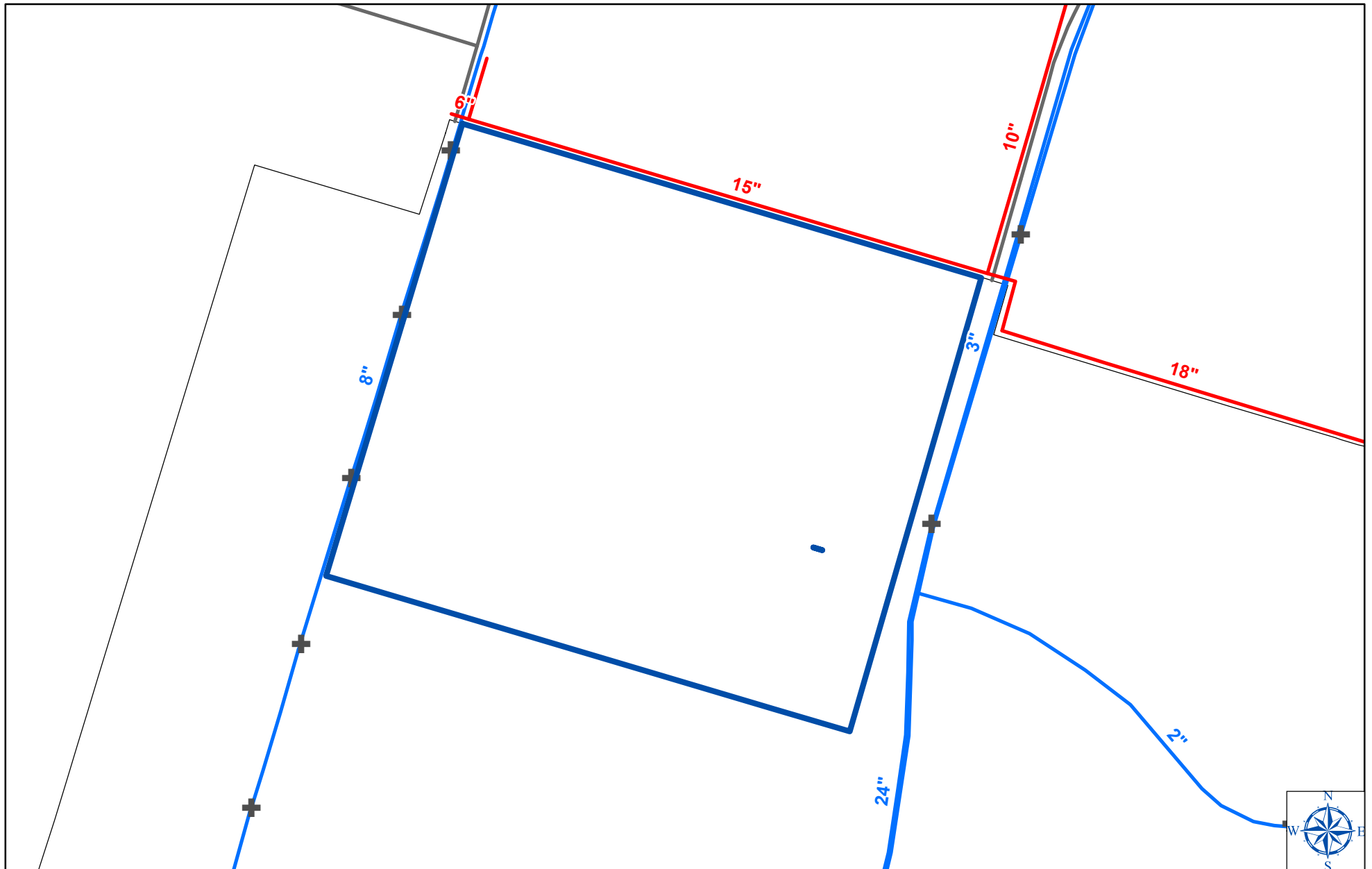
3/31/2014
City of Temple GIS





Localized Area of the Thoroughfare Plan



Map Legend (Map not to scale)





-  Case
-  Water Line
-  Fire Hydrant
-  Sewer Line

0 125 250 500
Feet

3/31/2014
City of Temple GIS

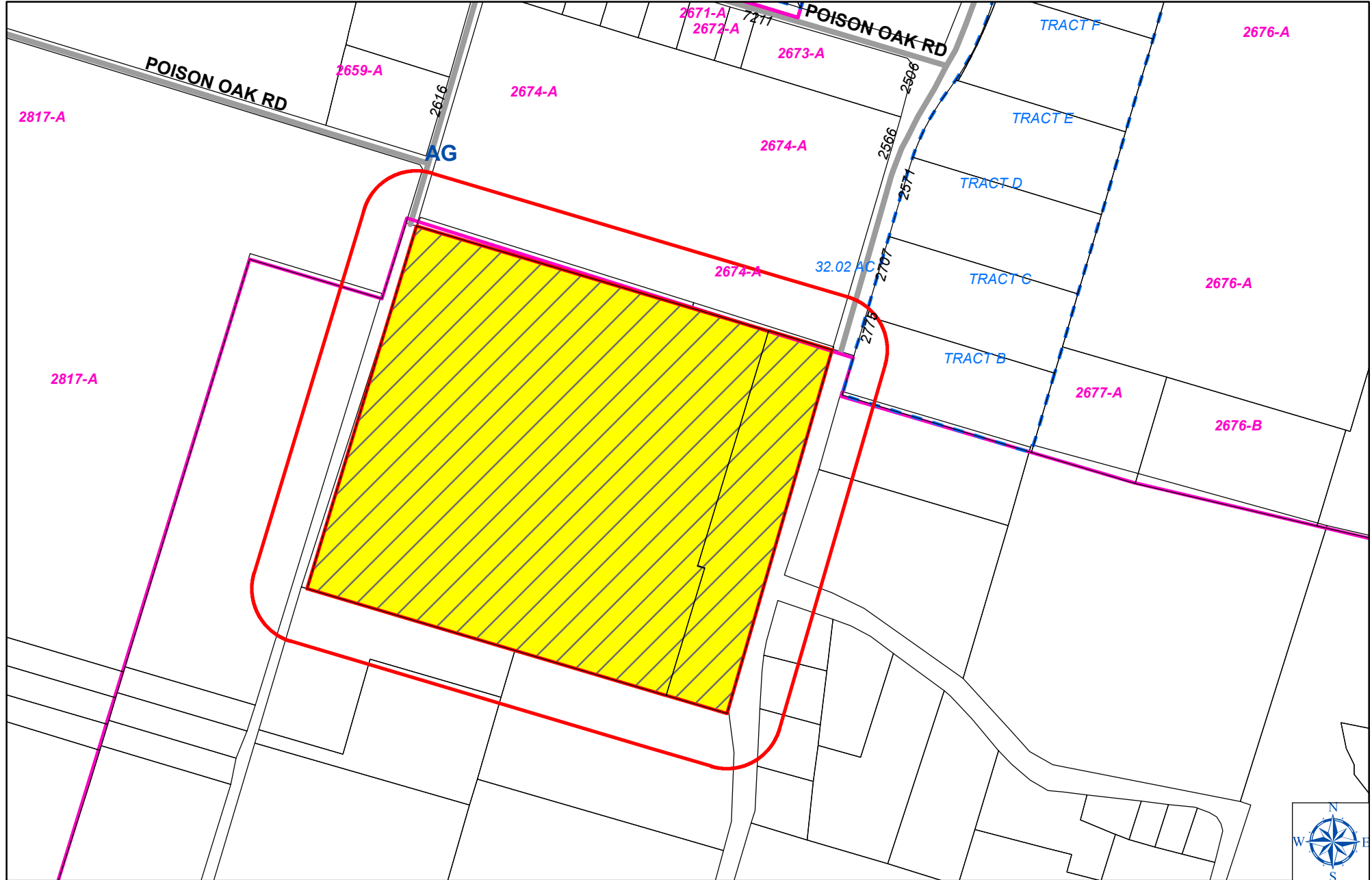
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-14-23

Notification Map AG to SF-2 & O-2

**S. Pea Ridge &
Old Waco Rd.**



Case



Zoning



200' Buffer



Subdivision

1234-A

1234

Outblock Number

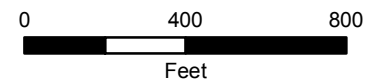
Address

①

1

Block Number

Lot Number



3/14/2014
City of Temple GIS
mbaker

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.

ORDINANCE NO. 2014-4658

(PLANNING NO. Z-FY-14-23)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A PERMANENT ZONING UPON ANNEXATION OF A TRACT OF LAND CONSISTING OF APPROXIMATELY 49.979 ACRES, WHERE 42.440 ACRES ARE PROPOSED AS SINGLE-FAMILY TWO (SF-2) DISTRICT AND 7.539 ACRES ARE PROPOSED AS PLANNED DEVELOPMENT- OFFICE-2 (PD-O-2) DISTRICT, AS PART OF THE PROPOSED SUBDIVISION PLAT FOR *THE PLAINS AT RIVERSIDE*, LOCATED ON THE WEST SIDE OF THE INTERSECTION OF OLD WACO ROAD AND RIVERSIDE TRAIL; 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 permanent zoning upon annexation of a tract of land consisting of a total of 49.979 acres, where 42.440 acres are proposed as Single-Family Two (SF-2) District and 7.539 acres are proposed as Planned Development-Office-2 (PD-O-2) District as part of the proposed subdivision plat for *The Plains at Riverside*, located on the west side of the intersection of Old Waco Road and Riverside Trail, and more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 1st day of **May**, 2014.

PASSED AND APPROVED on Second Reading on the **15th** day of **May**, 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

05/15/14
Item #4(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: SECOND READING - A-FY-14-04: Consider adopting an ordinance authorizing abandonment and conveyance of all of the alley located in Block 4, Rylander Addition, on the east side of North 12th Street, between East Central Avenue and East Adams Avenue, and reserving a utility easement in the entire abandoned right-of-way.

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

Staff recommends approval of the applicant's requested alley abandonment as submitted and described in the item description.

ITEM SUMMARY: Lloyd Thomas requests this alley abandonment on behalf of property owner, Ham & McCreight Supply, Inc., to allow redevelopment of this block. Ham & McCreight Supply, Inc. owns the property on both sides of the subject alley.

Staff contacted all utility providers, including the Public Works Department, regarding the proposed alley abandonment. Oncor Electric Delivery and AT&T Texas have existing service lines in the alley. Utility providers do not object to the requested alley abandonment as long as a utility easement is reserved to allow access to existing service lines. Oncor is agreeable to making arrangements with the developer of the property to remove or relocate existing facilities.

Staff requests a utility easement in the entire abandoned rights-of-way to protect existing service lines in the subject alley.

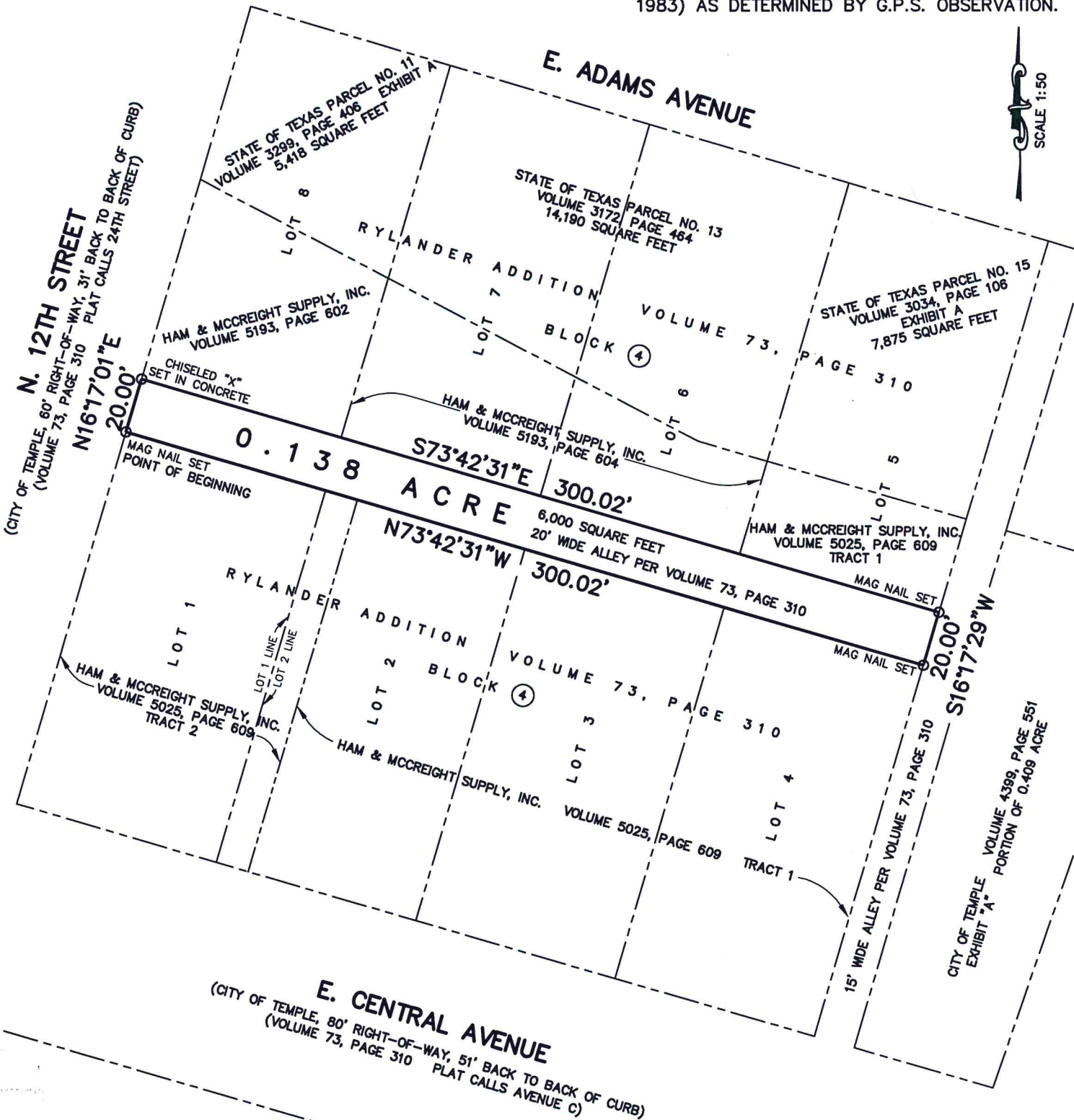
The applicant will not be able to construct buildings within the abandoned alley right-of-way unless existing service lines are relocated to another location.

FISCAL IMPACT: An appraisal of the alley has been obtained at the applicant's expense (\$550) and upon payment to the City of the \$9,000 value set forth in the appraisal for a total expense of \$9,550 the alley will be conveyed to the property owner through a Deed Without Warranty.

ATTACHMENTS:

[Abandonment Exhibit](#)
[Ordinance](#)

BEARING BASE AND SOURCE BENCHMARK:
TEXAS STATE PLAIN COORDINATE SYSTEM (NAD
1983) AS DETERMINED BY G.P.S. OBSERVATION.



BEING a 0.138 acre or 6000 square feet tract of land described as a twenty feet (20') wide alley running east and west through Block 4, Rylander Addition, an addition to the City of Temple, according to the map or plat of record in Volume 73, Page 310, Deed Records of Bell County, Texas.

STATE OF TEXAS I KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the property described herein and is correct.

COUNTY OF BELL IN WITNESS THEREOF, my hand and seal, this the 28th day of March, 2014.



Michael E. Alvis
Michael E. Alvis, R.P.L.S. #5402

JOB NO: 14299

TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400

ALLEY ABANDONMENT TRACT
0.138 ACRE
BLOCK 4, RYLANDER ADDITION
CITY OF TEMPLE, BELL COUNTY, TEXAS

DATE: 03/28/14	SCALE: 1:50	DWN. BY: JRG
REFERENCE: 12828-D	F.B. & L.B.: 629/20	FILE NO: 12828-A
SHEET 1 OF 1		

Alley Abandonment Tract

BEING a 0.138 acre or 6000 square feet tract of land described as a twenty feet (20') wide alley running east and west through Block 4, Rylander Addition, an addition to the City of Temple, according to the map or plat of record in Volume 73, Page 310, Deed Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a "MAG" brand nail set being the northwest corner of Lot 1, Block 4, said Rylander Addition and being in the east right-of-way line of North 12th Street as described in said Volume 73, Page 310 (plat calls 24th Street) and being the southwest corner of the said twenty feet (20') wide alley for corner;

THENCE N. 16° 17' 01" E., 20.00 feet departing the said Lot 1, Block 4 and with the west boundary line of the said Block 4 and the said east right-of-way line to a chiseled "X" in concrete set being the northwest corner of the said twenty feet (20') wide alley and being the southwest corner of Lot 8, said Block 4 for corner;

THENCE S. 73° 42' 31" E., 300.02 feet departing the said east right-of-way line and with the north boundary line of the said twenty feet (20') wide alley and with the south boundary lines of Lot 8, Lot 7, Lot 6 and Lot 5, said Block 4 to a "MAG" brand nail set being the southeast corner of Lot 5, said Block 4 and being the northeast corner of the said twenty feet (20') wide alley and being in the east boundary line of the said Block 4 and being in the west boundary line of a fifteen feet (15') wide alley as described in said Volume 73, Page 310 for corner;

THENCE S. 16° 17' 29" W., 20.00 feet departing the said Lot 5, Block 4 and with the east boundary line of the said twenty feet (20') wide alley and with the east boundary line of the said Block 4 and with the west boundary line of the said fifteen feet (15') wide alley to a "MAG" brand nail set being the southeast corner of the said twenty feet (20') wide alley and being the northeast corner of Lot 4, said Block 4 for corner;

THENCE N. 73° 42' 31" W., 300.02 feet departing the said fifteen feet (15') wide alley and with the south boundary line of the said twenty feet (20') wide alley and with the north boundary lines of Lot 4, Lot 3, Lot 2 and Lot 1, said Block 4 to the Point of BEGINNING and containing 0.138 acres or 6000 square feet of land.

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.



Michael E. Alvis, R.P.L.S. #5402
March 28, 2014



Bearing Base: Texas State Plain Coordinate System (NAD 1983) as determined by G.P.S. observation.



TURLEY ASSOCIATES, INC.

ENGINEERING • SURVEYING • PLANNING
301 NORTH 3RD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400

ORDINANCE NO. 2014-4659

(A-FY-14-04)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZES THE ABANDONMENT AND CONVEYANCE OF ALL OF THE ALLEY, LOCATED IN BLOCK 4, RYLANDER ADDITION, ON THE EAST SIDE OF NORTH 12TH STREET, BETWEEN EAST CENTRAL AVENUE AND EAST ADAMS AVENUE AND RESERVING A PUBLIC DRAINAGE AND UTILITY EASEMENT IN THE ENTIRE ABANDONED RIGHT-OF-WAY; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of Block 4, Rylander Addition, Ham & McCreight Supply, Inc., requests abandonment of the alley through Block 4 to allow redevelopment of this block;

Whereas, the alley is approximately 200.02 feet in length and approximately 20 feet in width and is located on the east side of North 12th Street , between East Central Avenue and East Adams Avenue;

Whereas, staff has contacted all utility providers, including the Public Works Department, regarding the proposed alley abandonment and there are no objections to the requested alley abandonment as long as a utility easement is reserved to allow access to existing service lines;

Whereas, staff requests a public utility easement in the entire abandoned right-of-way to protect services lines in the subject alley;

Whereas, an appraisal of the alley is being obtained and upon payment to the City of the value set forth in the broker's opinion, the alley will be conveyed to the property owner through a Deed Without Warranty; and

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

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

Part 1: The City Council abandons and conveys all of the alley, located in Block 4, Rylander Addition which is described as follows:

Being a 0.138 acre or 6000 square feet of land described as a twenty feet (20') wide alley running east and west through Block 4, Rylander Addition, an addition to the City of Temple, according to the map or plat of record in Volume 732, Page 310, Deed of Records of Bell County, Texas, and being more particularly described in Exhibit 'A' attached hereto.

Part 2: The City Council reserves a public utility easement in the entire abandoned alley.

Part 3: Upon payment of the value set forth in the appraisal, City Council authorizes the conveyance of the alley through a Deed Without Warranty.

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

Part 5: 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 **1st** day of **May**, 2014.

PASSED AND APPROVED on Second Reading the **15th** day of **May**, 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 _____, 2014, by Daniel A. Dunn, Mayor of the City of Temple, Texas.

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

05/15/14
Item #4(M)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: SECOND READING – Z-FY-14-22: Consider adopting an ordinance authorizing a rezone from Agricultural District (AG) to Light Industrial District (LI) on 44.20 +/- acres, situated in the Mercer Phelan Survey, Abstract 659 and the J. W. Christian Survey, Abstract 1070, Bell County, Texas, located at the southwest corner of NW Loop 363 and Pegasus Drive and addressed as 4222 Pegasus Drive.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its April 7, 2014 meeting, the Planning & Zoning Commission voted 9 to 0, in accordance with staff's recommendation to recommend approval from AG to LI.

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

Based on the following, staff recommends approval for a rezone from AG to LI for the following reasons:

1. The proposed zoning complies with the Future Land Use Plan (FLUP) which identifies this area as Industrial;
2. The request complies with the Thoroughfare Plan;
3. The proposed zoning is compatible with the surrounding uses; and
4. Public facilities are available to serve the subject property.

ITEM SUMMARY: The subject property, see Exhibit A, is within the Industrial Districts according to the Comprehensive Plan / Future Land Use Plan. The Industrial District is intended for all the community's manufacturing, warehousing / distribution and light industrial uses. The requested zoning to Light Industrial (LI) is in compliance with the Future Land Use Plan.

The site is within the Northwest Industrial Park. In "Industrial Park" areas, design standards (building materials, higher landscape surface area, screening of storage and loading areas, etc.) would be applied to uses visible from public rights-of-way and nearby character districts. Stand-alone industrial sites would be provided with adequate screening, buffering and performance standards related to noise, vibration, odor, glare, etc would be applied to protect nearby uses and character areas. When platted and developed the site would be subject to the development standards in the industrial park as well as the general provisions of the Unified Development Code (UDC).

While it is anticipated the property will be developed with industrial uses, there are a number of residential and non-residential uses that are permitted by right. Those uses include but are not limited to:

Residential uses

Boarding or Rooming House
Covent or Monastery
Home for the aged

Nonresidential uses

Auto Storage
Boat Sales and Service
Truck Stop
Fuel sales

Prohibited uses include Housing and Urban Development-Code (HUD-Code) manufactured homes and land lease communities, single-family residential use (detached and attached) and apartments. A number of uses are allowed by an approved conditional use permit (temporary asphalt concrete batching plants, sewage treatment plant or wrecking or salvage yard).

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Industrial	AG	Undeveloped
North	Industrial	LI	Undeveloped
South	Industrial	LI	Industrial Uses
East	Suburban Commercial	LI & C	Industrial Uses
West	Industrial	LI	Undeveloped

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

CP	Map 3.1 - Future Land Use and Character (FLUP)	Yes
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	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

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

The property is within the Industrial land use district. The requested Light Industrial zoning (LI) designation complies with the Industrial Future Land Use Plan district.

Thoroughfare Plan (CP Map 5.2)

The portion of the property under consideration has frontage along Pegasus Drive and located within the Northwest Industrial Park. Pegasus Drive has been identified as a collector. Collector streets normally require a 6' sidewalk. Per UDC Section 8.2.3D, sidewalks are not required within UDC recognized industrial parks within Temple. Therefore, this property would not require a sidewalk.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property through an existing 12" and 15" sewer line that crosses the property. Water is available through an 18" waterline on the property's southern boundary and a 12" waterline in Pegasus Drive.

Temple Trails Master Plan Map and Sidewalks Ordinance

No trails have been identified according to the Trails Master Plan Map.

DEVELOPMENT REGULATIONS: Standard non-residential setbacks in the LI district are:

Min Lot Size	N/A
Min Lot Width	N/A
Min Lot Depth	N/A
Front	30' from centerline (Special Setback per UDC Section 4.4.4.F.1D)
Side	0' (Special setback of 10' adjacent to or abutting residential use or zoning district)
Side (corner)	10'
Rear	0' (Special setback of 10' adjacent to or abutting residential use or zoning district)

Per UDC Section 8.2.3D, since the property is within the Northwest Industrial Park, sidewalks are not required.

PUBLIC NOTICE: 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 Tuesday April 22, 2014 at 12:00 PM, one notice for approval has been received.

The newspaper printed notice of the public hearing on March 26, 2014, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Site and Surrounding Property Photos](#)
[Zoning and Location Map \(Exhibit A\)](#)
[Future Land Use and Character Map](#)
[Localized area of the Thoroughfare Plan](#)
[Utility Map](#)
[Notification Map](#)
[Returned Property Owner Notices](#)
[Ordinance](#)

Site & Surrounding Property Photos



Site: Undeveloped - Looking South (AG)



East: Scattered Developed Industrial & Commercial Uses (LI &C)



West: Undeveloped (LI)



North: Undeveloped (LI)



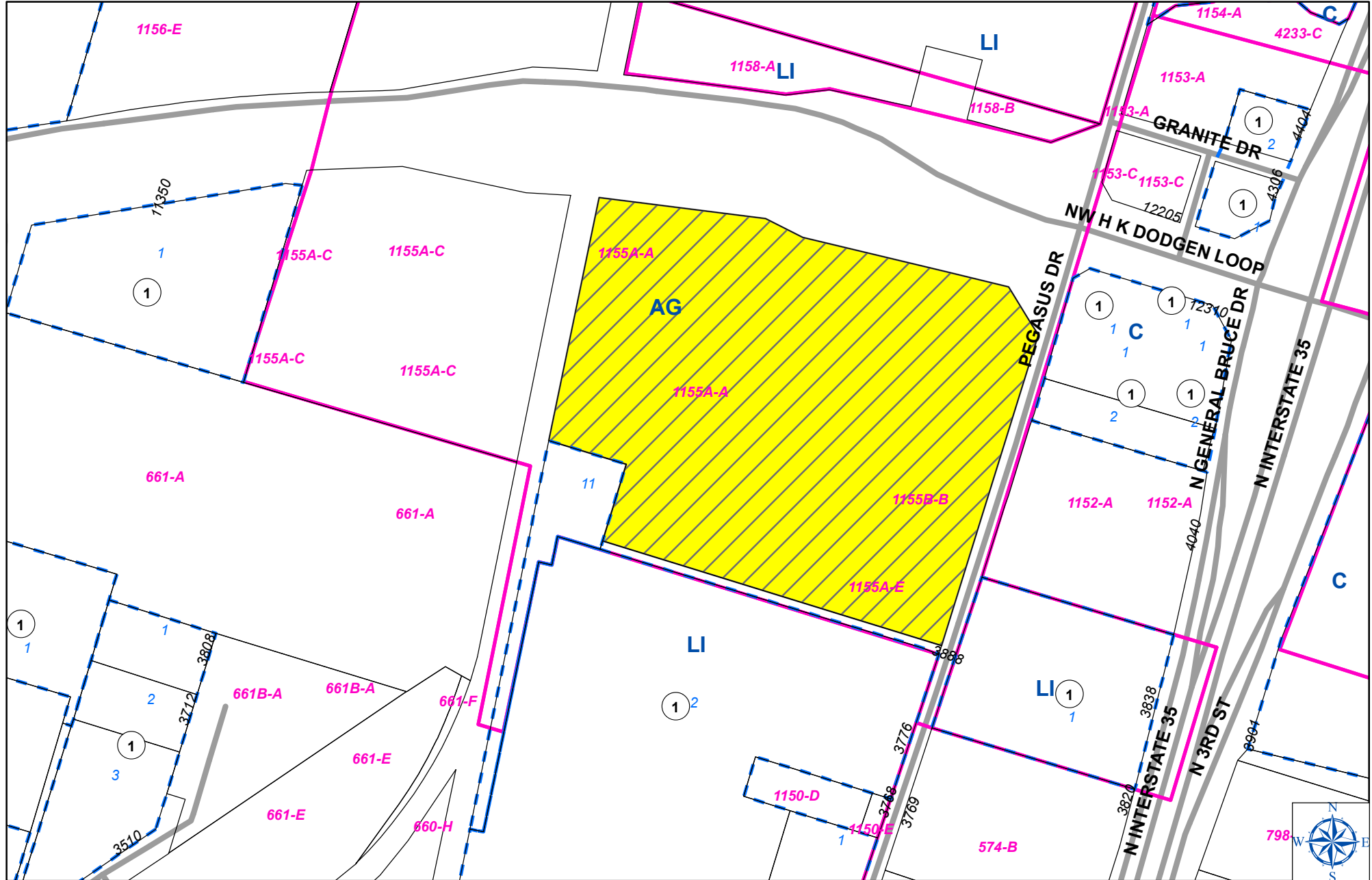
South: Scattered Developed Industrial Uses (LI)



Z-FY-14-22

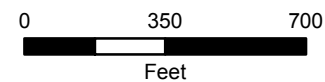
Zoning and Location Map

SW Corner Loop 363
& Pegasus Rd.



Outblock Number
1234-A
Address
1234

Block Number
①
Lot Number
1



2/28/2014
City of Temple GIS
mbaker

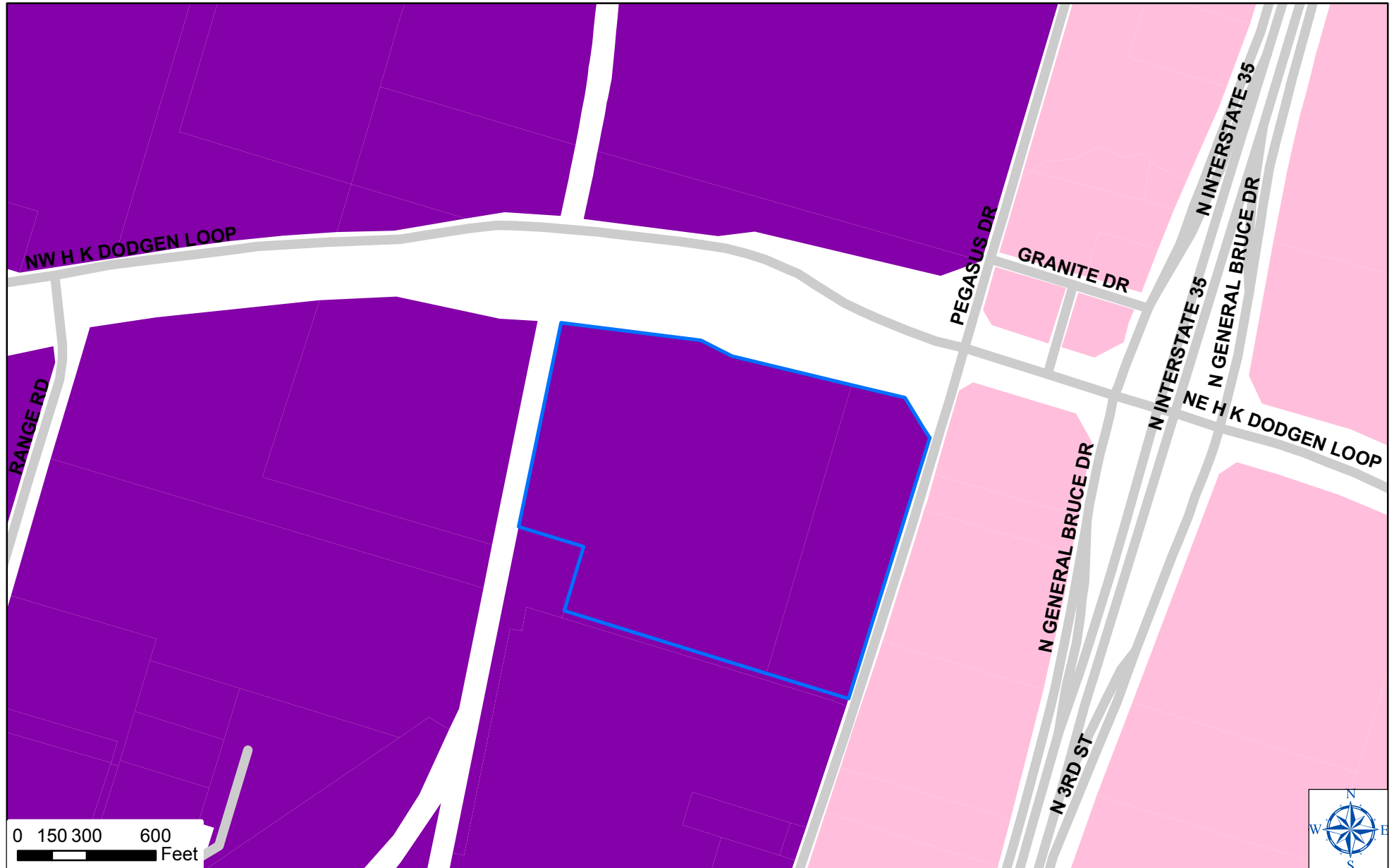
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-14-22

Rezone
AG to LI

SW Corner Loop 363
& Pegasus Rd.



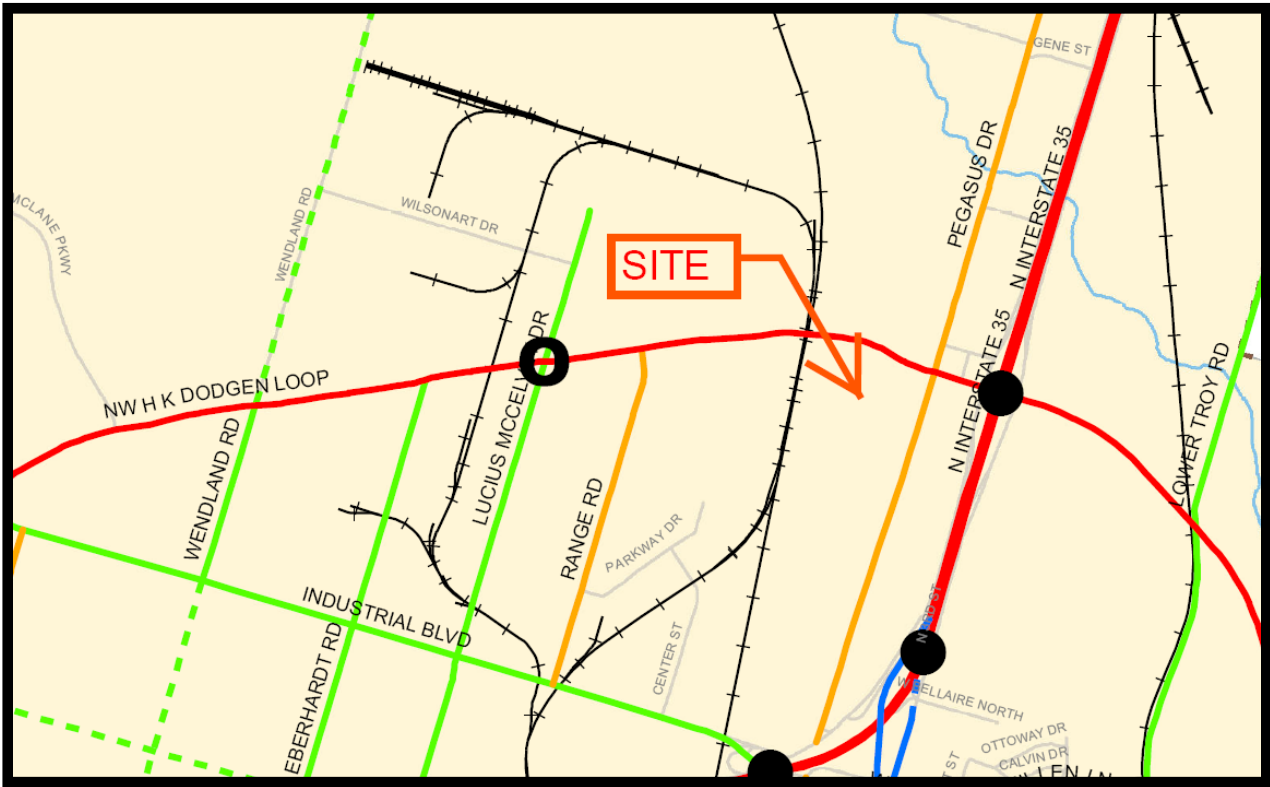
Future Land Use

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

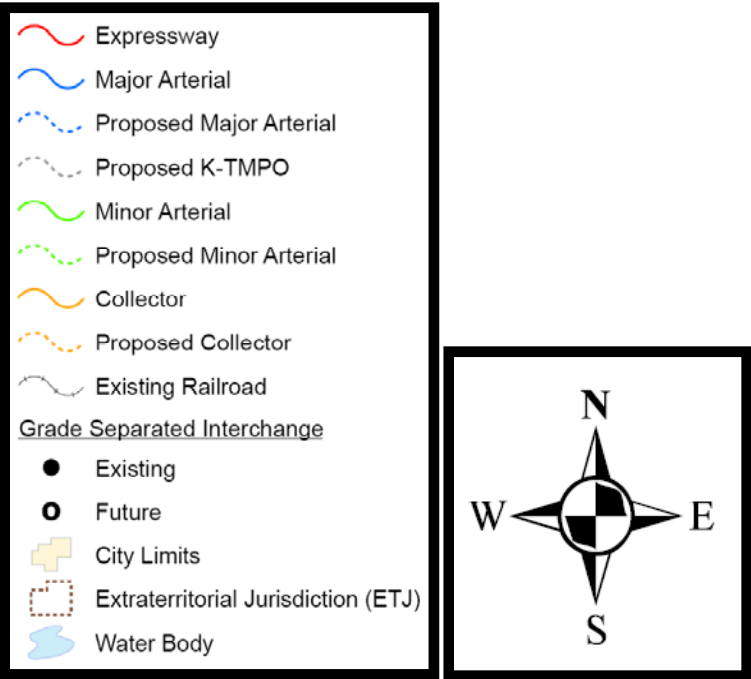
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

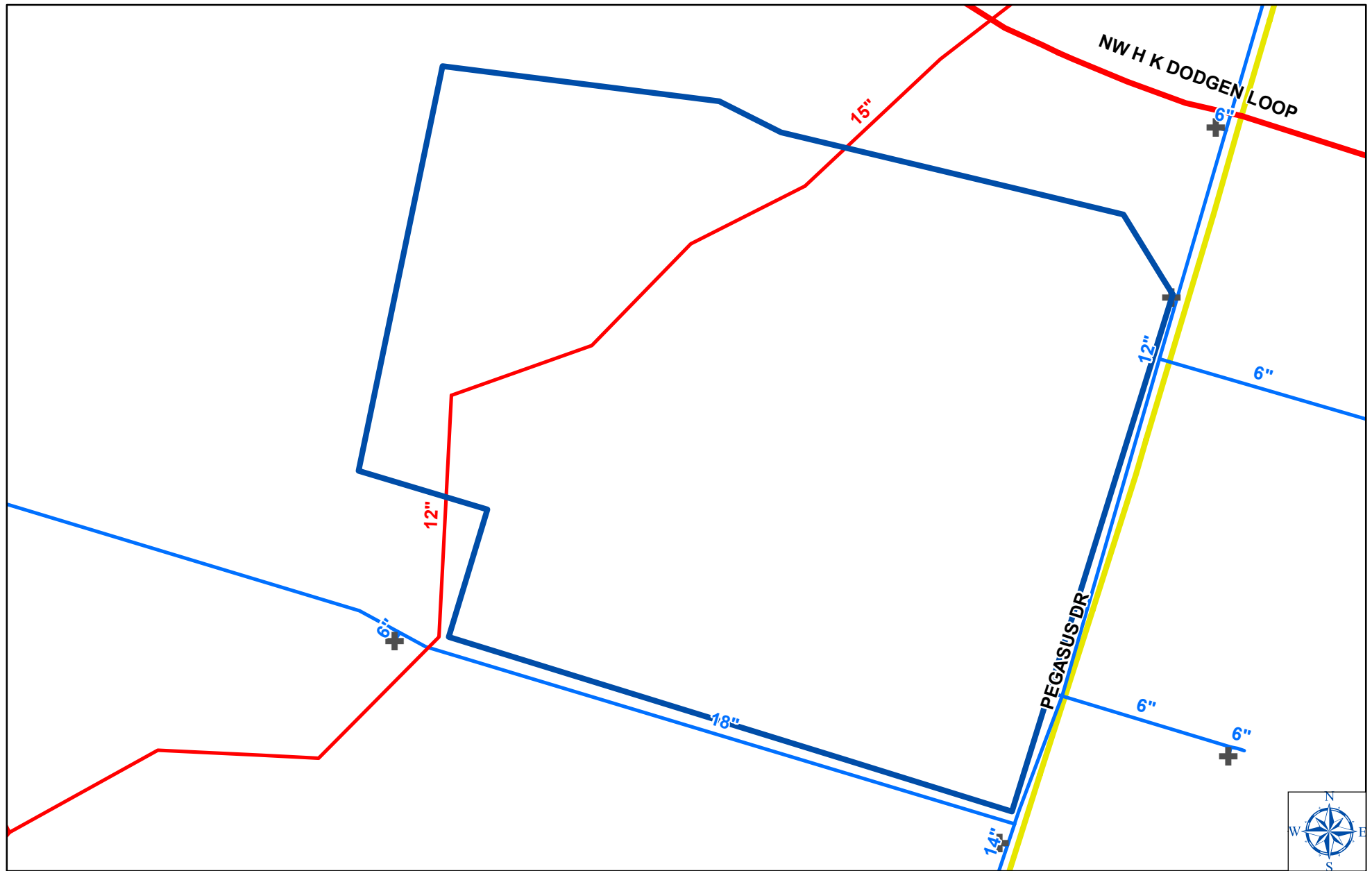
2/25/2014
City of Temple GIS

Localized Area of the Thoroughfare Plan



Map Legend (Map not to scale)





- | | | | |
|--------------|----------------|-------------------------|-------------------------|
| Case | Water Line | Proposed Major Arterial | Proposed Minor Arterial |
| Fire Hydrant | Expressway | Proposed K-TUTS | Collector |
| Sewer Line | Major Arterial | Minor Arterial | Conceptual Collector |

0 150 300 600
Feet

2/25/2014
City of Temple GIS

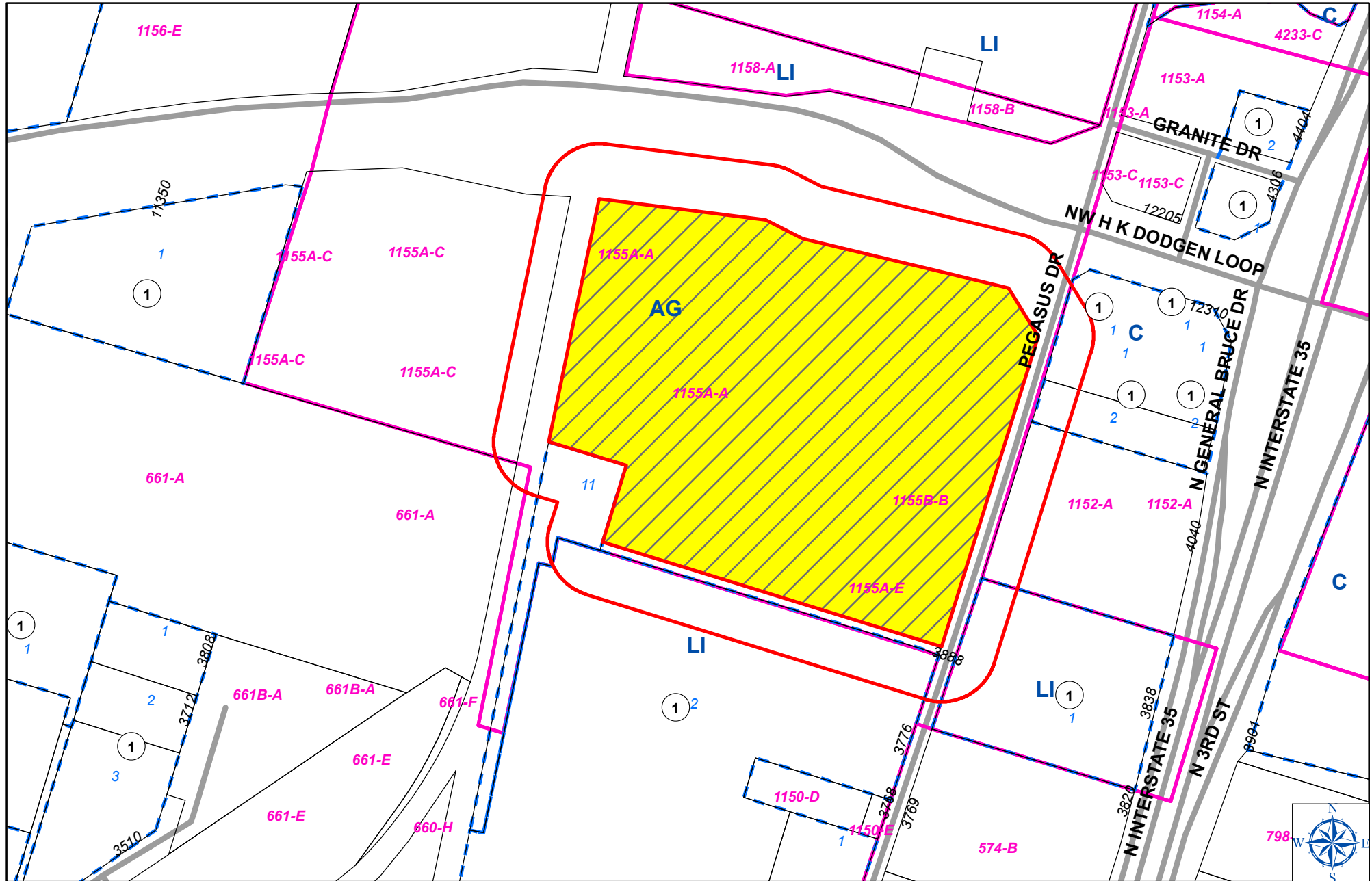
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-14-22

Notification Map AG to LI

SW Corner Loop 363
& Pegasus Rd.



Case
 200' Buffer
 Zoning
 Subdivision
Outblock Number
Address
1234-A
1234

Block Number
 Lot Number

0 350 700
Feet

3/5/2014
City of Temple GIS
mbaker

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



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

Temple Economic Development Corp.
1 South 1st Street
Temple, Texas 76501

Zoning Application Number: Z-FY-14-22

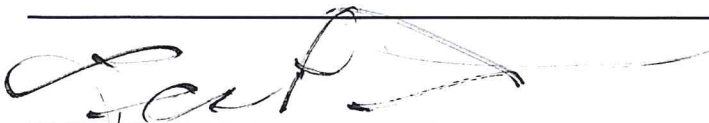
Project Manager: Mark Baker

Location: 4222 Pegasus 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 possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval () denial of this request.

Comments:


Signature


Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than
April 7, 2014**

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

RECEIVED

MAR 31 2014

City of Temple
Planning & Development

Number of Notices Mailed: 8

Date Mailed: March 26, 2014

ORDINANCE NO. 2014-4660

(PLANNING NO. Z-FY-14-22)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (AG) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 44.20 ACRES, SITUATED IN THE MERCER PHELAN SURVEY, ABSTRACT 659 AND THE J.W. CHRISTIAN SURVEY, ABSTRACT 1070, AND LOCATED AT THE SOUTHWEST CORNER OF NW LOOP 363 AND PEGASUS DRIVE, AND ADDRESSED AS 4222 PEGASUS 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:

Part 1: The City Council approves a rezoning from Agricultural District (AG) to Light Industrial District (LI) on approximately 44.20 acres, situated in the Mercer Phelan Survey, Abstract 659 and the J.W. Christian Survey, Abstract 1070, Bell County, Texas, located at the southwest corner of NW Loop 363 and Pegasus Drive and addressed as 4222 Pegasus Drive, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **1st** day of **May**, 2014.

PASSED AND APPROVED on Second Reading on the **15th** day of **May**, 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

05/15/14
Item #4(N)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: SECOND READING – Z-FY-14-24: Consider adopting an ordinance for a site plan review, amending Ordinance No. 2001-2748, originally approved March 1, 2001 Planned Development (Neighborhood Service) District, and further amended by Ordinance No. 2012-4519, March 15, 2012, on Lot 2, Block 1, Johnson Lone Star Properties Addition located at 7950 SH 317.

P&Z RECOMMENDATION: At their April 7, 2014 meeting Planning and Zoning Commission recommended unanimous approval (8 to 0) of the Planned Development Site Plan Amendment as submitted.

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

Based on the following, staff recommends approval to amend the original Planned Development site plan to accommodate a second phase for the Amy's Attic mini-storage facilities:

1. An 8 foot fence is proposed adjacent to single-family residences.
2. A natural 15 foot landscape buffer with trees will be preserved providing additional screening between the adjacent single-family residences.

ITEM SUMMARY: The property (both Lots 1 and 2) were originally zoned PD-NS in 2001 and 2009, respectively, including a site plan, which is required by Code for Planned Development District projects. The site plan was amended in 2012 by City Council approval. The proposed site plan amendment would allow for Phase 2 of the Amy's Attic development, which backs up to and is adjacent to about 300 feet of single-family residences at the rear part of the southern property line.

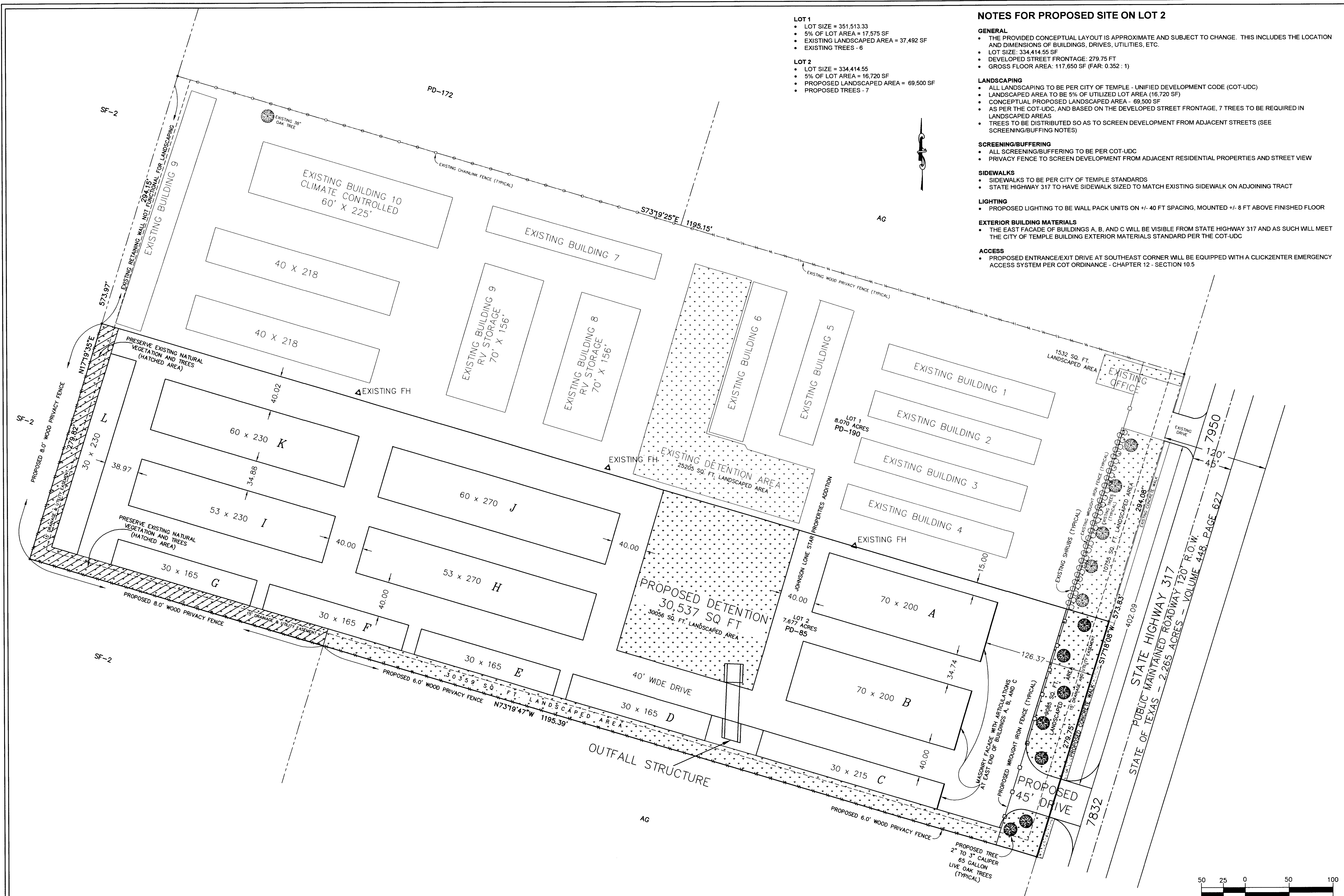
Phase 2 would match the masonry for the buildings, the wrought iron fence and the State Highway 317 landscaping approved as part of Phase 1 to the north. Phase 2 will include an 8 foot wood fence and the preservation of a 15 foot natural area buffer for screening purposes adjacent to single-family residences.

PUBLIC NOTICE: 42 notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property. As of Thursday April 17, 2014 at 12:00 PM, 3 notices had been received recommending "Approval" (including the applicant's response) of the site plan amendment and 4 recommending "Disapproval."

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Proposed Site and Landscape Plan
Aerial Map
Site and Surrounding Property Photos
Zoning and Location Map
Notification Map
Letters from Neighbors
Ord No 2001-2748 (original PD-NS Zoning)
Ord No 2009-4332 (Lot 2 PD-NS Zoning)
Ord No 2012-4519 (Site Plan Amendment)
Ordinance



- LOT 1**
- LOT SIZE = 351,513.33
 - 5% OF LOT AREA = 17,575 SF
 - EXISTING LANDSCAPED AREA = 37,492 SF
 - EXISTING TREES - 6
- LOT 2**
- LOT SIZE = 334,414.55
 - 5% OF LOT AREA = 16,720 SF
 - PROPOSED LANDSCAPED AREA = 69,500 SF
 - PROPOSED TREES - 7

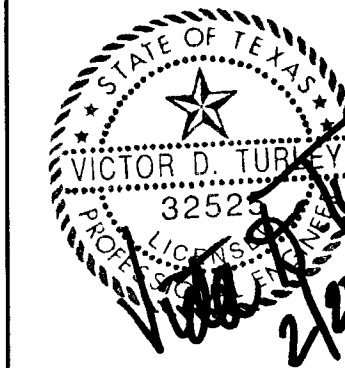
- NOTES FOR PROPOSED SITE ON LOT 2**
- GENERAL**
- THE PROVIDED CONCEPTUAL LAYOUT IS APPROXIMATE AND SUBJECT TO CHANGE. THIS INCLUDES THE LOCATION AND DIMENSIONS OF BUILDINGS, DRIVES, UTILITIES, ETC.
 - LOT SIZE: 334,414.55 SF
 - DEVELOPED STREET FRONTAGE: 279.75 FT
 - GROSS FLOOR AREA: 117,650 SF (FAR: 0.352 : 1)
- LANDSCAPING**
- ALL LANDSCAPING TO BE PER CITY OF TEMPLE - UNIFIED DEVELOPMENT CODE (COT-UDC)
 - LANDSCAPED AREA TO BE 5% OF UTILIZED LOT AREA (16,720 SF)
 - CONCEPTUAL PROPOSED LANDSCAPED AREA - 69,500 SF
 - AS PER THE COT-UDC, AND BASED ON THE DEVELOPED STREET FRONTAGE, 7 TREES TO BE REQUIRED IN LANDSCAPED AREAS
 - TREES TO BE DISTRIBUTED SO AS TO SCREEN DEVELOPMENT FROM ADJACENT STREETS (SEE SCREENING/BUFFING NOTES)
- SCREENING/BUFFERING**
- ALL SCREENING/BUFFERING TO BE PER COT-UDC
 - PRIVACY FENCE TO SCREEN DEVELOPMENT FROM ADJACENT RESIDENTIAL PROPERTIES AND STREET VIEW
- SIDEWALKS**
- SIDEWALKS TO BE PER CITY OF TEMPLE STANDARDS
 - STATE HIGHWAY 317 TO HAVE SIDEWALK SIZED TO MATCH EXISTING SIDEWALK ON ADJOINING TRACT
- LIGHTING**
- PROPOSED LIGHTING TO BE WALL PACK UNITS ON +/- 40 FT SPACING, MOUNTED +/- 8 FT ABOVE FINISHED FLOOR
- EXTERIOR BUILDING MATERIALS**
- THE EAST FACADE OF BUILDINGS A, B, AND C WILL BE VISIBLE FROM STATE HIGHWAY 317 AND AS SUCH WILL MEET THE CITY OF TEMPLE BUILDING EXTERIOR MATERIALS STANDARD PER THE COT-UDC
- ACCESS**
- PROPOSED ENTRANCE/EXIT DRIVE AT SOUTHEAST CORNER WILL BE EQUIPPED WITH A CLICK2ENTER EMERGENCY ACCESS SYSTEM PER COT ORDINANCE - CHAPTER 12 - SECTION 10.5



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
FIRM REGISTRATION NO. F-1658

TURLEY ASSOCIATES, INC.
301 N. 3rd ST.
E-MAIL: VDTURLEY@AOL.COM

TEMPLE, TEXAS (254) 773-2400
FAX NO. (254) 773-3998



LANDSCAPING PLAN OF:
AMY'S ATTIC
7832 STATE HIGHWAY 317

CITY OF TEMPLE, BELL COUNTY, TEXAS

PREPARED FOR:
AMY'S ATTIC SELF STORAGE
TEMPLE, TEXAS

REVISIONS		
01/28/14	ADD ELEVATIONS	JRG
02/18/14	ADD LOT 1 LANDSCAPING	JRG
02/24/14	REVISION	JRG
02/28/14	CITY COMMENTS	JRG

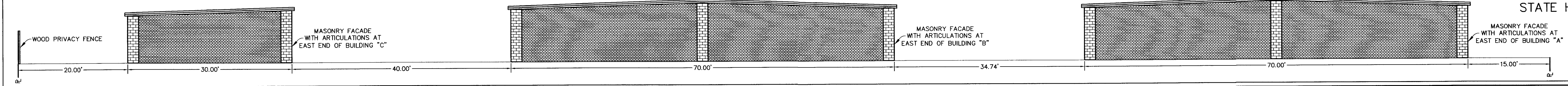
DATE: 01/28/14
DRN. BY: JRG
REF.: 12745-D

FIELD BOOK -
JOB NO.: 14044
SHEET 1 OF 1
COMPUTER DWG. NO. 14044

12801-D
DRAWING NUMBER

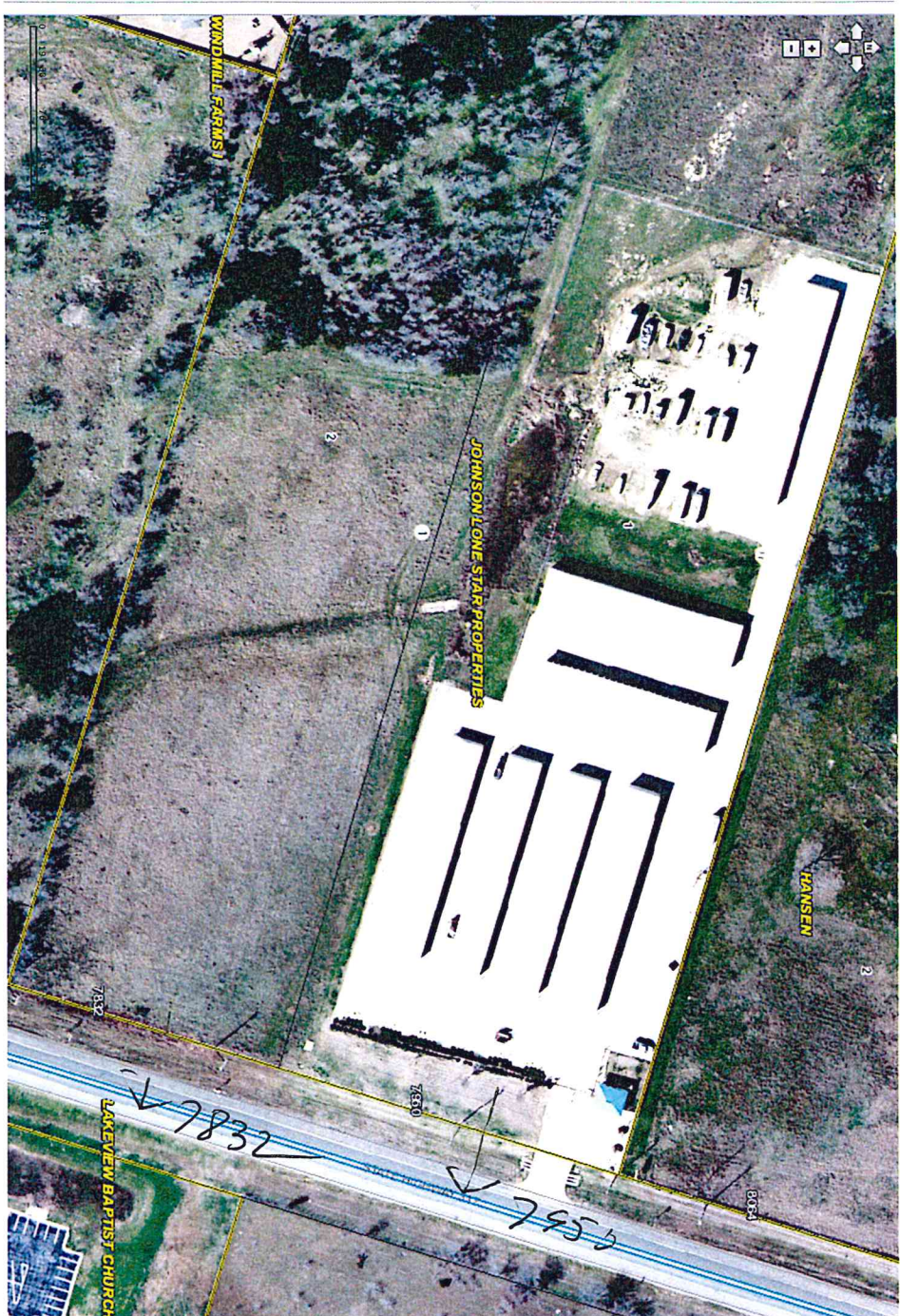


ELEVATION VIEW FROM
STATE HIGHWAY 317
SCALE 1:10



City of Temple - Zoning Map

Address ▾ Parcel ▾ Street ▾ Subdivision Grid Sheet Print



1:1,179 Go

CTCOG Bell CAD FEMA City of Temple



Existing Amy's Attic Facilities



Subject property (Phase 2 of Amy's Attic development)



Property to the North



Property to the East



Property to East (immediately south of undeveloped property)



Property to South



Example of Windmill Farms home to the west

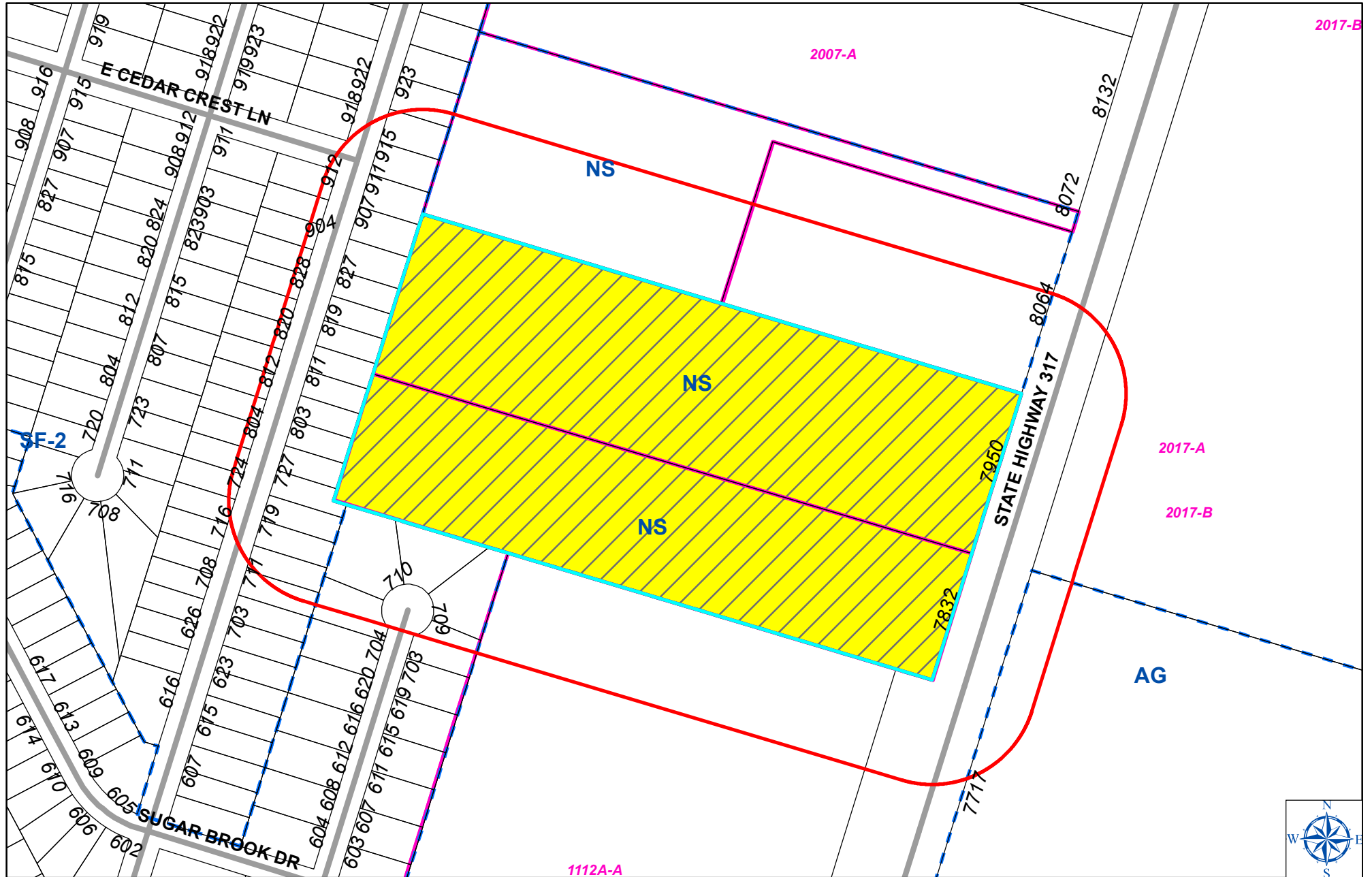
[illegible]



Z-FY-14-24

Amy's Attic Site Plan Review

7832 North State Highway 317



- Case
- Zoning
- 1234-A Outblock Number
- 200' Buffer
- Subdivision
- 1234 Address

0 200 400
Feet

3/21/2014
City of Temple GIS
tmiles

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



RESPONSE TO PROPOSED
SITE PLAN REVIEW REQUEST
CITY OF TEMPLE

Jason Etux Jennifer Ratka
811 Starlight Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-14-24

Project Manager: Brian Chandler

Location: 7832 North State Highway 317

The proposed amendment to allow expansion of Amy's Attic 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 amended site plan described on the attached notice, and provide any additional comments you may have.

I recommend () approval ☒ denial of this request.

Comments:

To whom this may concern:
As new home buyers we have chosen to make this decision to deny
the request of this expansion due to we have lived here now for four years
and have enjoyed the beautiful trees and wildlife that have made the
tree line behind our home their home and the peace that it brings to
us and the enjoyment that it brings to our daughter as she
watches the beautiful colorful birds. This will affect our
family and neighbors. We choose this lot for this reason and now call our
home. Please allow us to have and cherish nature's wonders. Thank you.

The Ratka Family

Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than
April 7, 2014

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

RECEIVED

APR 10 2014

City of Temple
Planning & Development



**RESPONSE TO PROPOSED
SITE PLAN REVIEW REQUEST
CITY OF TEMPLE**

RAS Investments LLC
11421 Somerville
Temple, Texas 76502

Zoning Application Number: Z-FY-14-24

Project Manager: Brian Chandler

Location: 7832 North State Highway 317

The proposed amendment to allow expansion of Amy's Attic 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 amended site plan described on the attached notice, and provide any additional comments you may have.

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

Comments:

RW Smith

Signature

Raymond W. Smith

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than April 7, 2014

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

RECEIVED
MAR 31 2014
City of Temple
Planning & Development

Number of Notices Mailed: 42

Date Mailed: March 26, 2014



**RESPONSE TO PROPOSED
SITE PLAN REVIEW REQUEST
CITY OF TEMPLE**

James & Catherine Stanco
816 Starlight Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-14-24

Project Manager: Brian Chandler

Location: 7832 North State Highway 317

The proposed amendment to allow expansion of Amy's Attic 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 amended site plan described on the attached notice, and provide any additional comments you may have.

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

Comments:

CAN I get a discount? All for it, have fun.


Signature

James M Stanco
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than April 7, 2014

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

RECEIVED

MAR 31 2014

City of Temple
Planning & Development



**RESPONSE TO PROPOSED
SITE PLAN REVIEW REQUEST
CITY OF TEMPLE**

Joshua Etux Lauren
832 Starlight Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-14-24

Project Manager: Brian Chandler

Location: 7832 North State Highway 317

The proposed amendment to allow expansion of Amy's Attic 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 amended site plan described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval ☐ denial of this request.

Comments:

Signature

Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than
April 7, 2014**

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

Number of Notices Mailed: 42

Date Mailed: March 26, 2014



**RESPONSE TO PROPOSED
SITE PLAN REVIEW REQUEST
CITY OF TEMPLE**

Richard Etux Michelle Tibbitts
718 Pumpkin Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-14-24

Project Manager: Brian Chandler

Location: 7832 North State Highway 317

The proposed amendment to allow expansion of Amy's Attic 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 amended site plan described on the attached notice, and provide any additional comments you may have.

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

Comments:

Signature

Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than
April 7, 2014**

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



RESPONSE TO PROPOSED
SITE PLAN REVIEW REQUEST
CITY OF TEMPLE

Jason Etux Jennifer Ratka
811 Starlight Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-14-24

Project Manager: Brian Chandler

Location: 7832 North State Highway 317

The proposed amendment to allow expansion of Amy's Attic 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 amended site plan described on the attached notice, and provide any additional comments you may have.

I recommend () approval

(☒) denial of this request.

Comments:

To whom this may concern:
As new home buyers we have chosen to make this decision to deny
the request of this expansion due to we have lived here now for four years
and have enjoyed the beautiful trees and wildlife that have made the
tree line behind our home their home and the peace that it brings to
us and the enjoyment that it brings to our daughter as she
watches the beautiful beautiful colorful birds. This will affect our
family and neighbors. We choose this lot for this reason and now call our
home. Please allow us to have and cherish nature's wonders. Thank you.

The Ratka Family


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than
April 7, 2014

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

RECEIVED

APR 10 2014

City of Temple
Planning & Development



**RESPONSE TO PROPOSED
SITE PLAN REVIEW REQUEST
CITY OF TEMPLE**

Scott & Carrie Williams
815 Starlight Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-14-24

Project Manager: Brian Chandler

Location: 7832 North State Highway 317

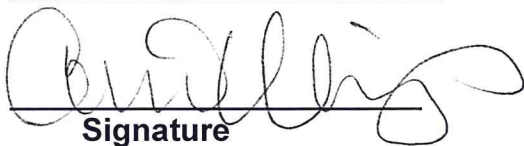
The proposed amendment to allow expansion of Amy's Attic is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible amended site plan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

I recommend () approval

☒ denial of this request.

Comments:

The existing buildings are already extremely tacky, and expanding them would make the problem worse. Additionally, what kind of gluttony & self-indulgence are we promoting by creating places for people to keep the stuff that doesn't fit in their house because of all their other stuff? Let's try to keep our corner of the world a little classier than that.


Signature

Carrie Williams
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than
April 7, 2014**

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

RECEIVED

APR 15 2014

City of Temple
Planning & Development

Number of Notices Mailed: 42

Date Mailed: March 26, 2014

ORDINANCE NO. 2001-2748

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT (NEIGHBORHOOD SERVICE) DISTRICT (PD-NS) ON APPROXIMATELY 15 ACRES OF LAND, COMMONLY REFERRED TO AS OUTBLOCK 2005-A, CITY ADDITION, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of the property described as approximately 15 acres of land, commonly referred to as Outblock 2005-A, City Addition, has requested a zoning change from Agricultural District (A) to Planned Development (Neighborhood Service) District (PD-NS); and

Whereas, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

Part 1: The zoning classification of the property described as in Exhibit "A," attached hereto and made a part hereof for all purposes, is changed from Agricultural District (A) to Planned Development (Neighborhood Service) District (PD-NS).

Part 2: In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development Neighborhood Service District (PD-NS), and shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- (a) The use of the property shall conform to all requirements of the Neighborhood Service District (NS) with mini-storage warehousing and boat storage as additional permitted uses;
- (b) The development of the property shall conform to all requirements of the Neighborhood Service District (NS);
- (c) Development or redevelopment of the property shall require site plan approval by both the Planning Commission and the City Council with the same requirements as for a zone change application;
- (d) New buildings used for business purposes will have a maximum building height of 25 feet. They should be built with a residential appearance, including pitched roofs, windows, and foundation plantings. These will

generally be single story buildings with second stories, where added, built into the pitched roof selection of the structure.

- (1) The office will provide a minimum 3:12 roof pitch; and
- (2) The mini warehouses will have split face block construction above the roofline creating a store front appearance.
- (e) Painted metal fencing on street side elevation is required; cyclone fencing is required on other elevations except for a 6 foot screening abutting residential uses;
- (f) Outdoor storage will be screened with masonry, brick, or cedar fencing;
- (g) Shade trees of shade tree varieties are required for every 60 feet of street frontage. Clustering the trees is encouraged to maintain adequate visibility into the business properties. Street trees will be planted by private property owners at the time of development or redevelopment. Planting height and minimum caliper shall be in accordance with the Landscaping Ordinance (Sections 8-910 through 8-912 of the Zoning Ordinance). Flexible application of this standard is encouraged to take advantage of existing landscaping;
- (h) A 6 foot wide sidewalk is to be provided in the right-of-way, and the cost will be borne by the developer; and
- (i) A minimum of 3 parking spaces will be provided for the mini-storage warehouse office, including one handicap accessible space.

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

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

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

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

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

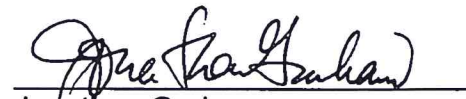
PASSED AND APPROVED on First Reading on the 15th day of February, 2001.

PASSED AND APPROVED on Second and Final Reading on the 1st day of March, 2001.

THE CITY OF TEMPLE, TEXAS


KEIFER MARSHALL, JR., Mayor

APPROVED AS TO FORM:


Jonathan Graham
City Attorney

ATTEST:

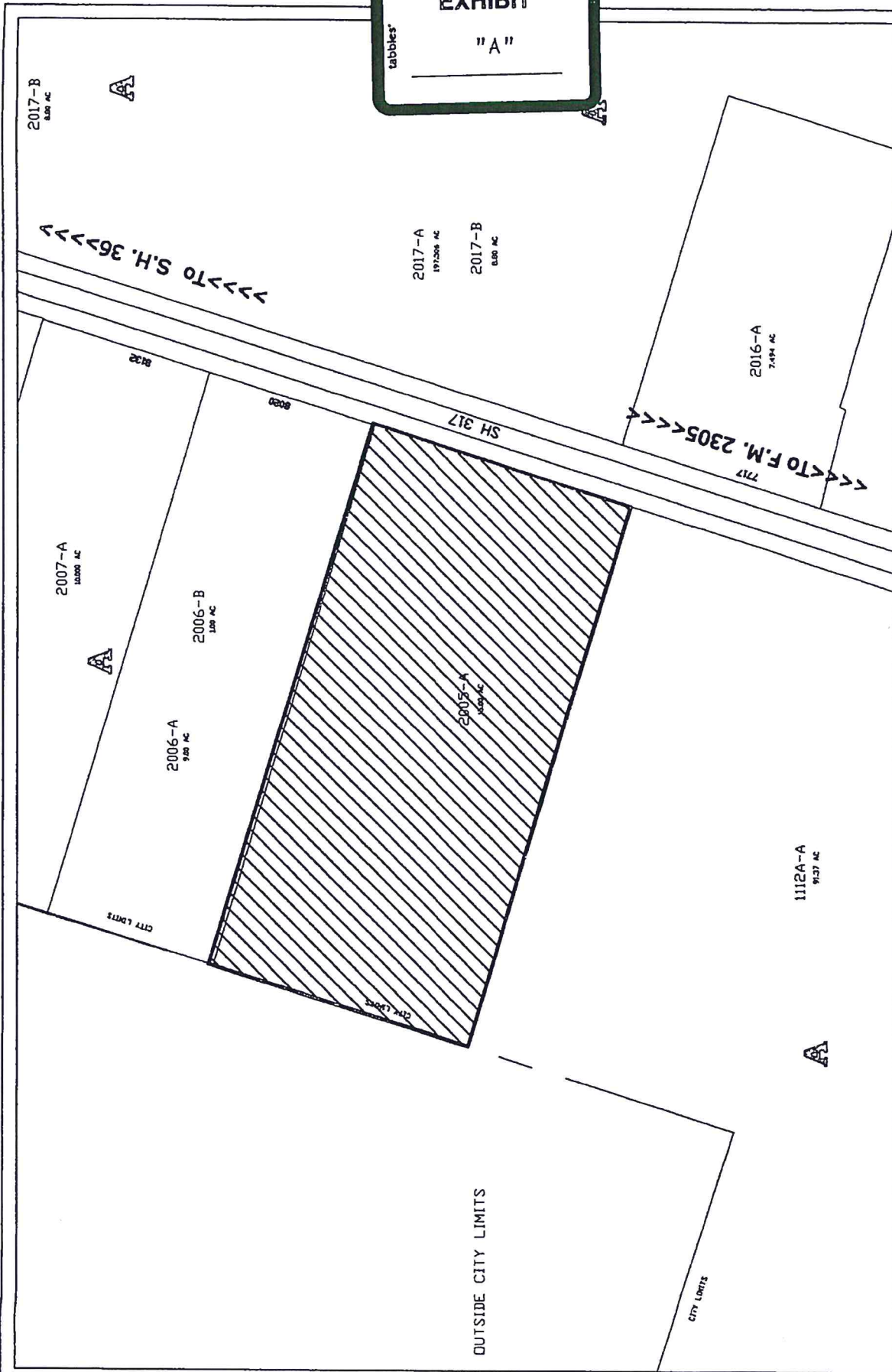



Clydette Entzminger
City Secretary

EXHIBIT

"A"

tabbles



Z200103.DWG
J.STONE 1/16/01
SCALE: 1"=300'

CITY OF TEMPLE PLANNING DEPARTMENT



UPDATES

Proposed Rezone A to PD(NS)



Z-2001-03 A TO PD(NS) OB-2005-A

ORDINANCE NO. 2009-4332

[PLANNING NO. Z-FY-10-03]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT NEIGHBORHOOD SERVICES (PD-NS) ON APPROXIMATELY 5.6 ACRES, BEING A PORTION OF A 10 ACRE TRACT OF LAND DESCRIBED IN A DEED TO CORRINA MCDANIEL IN VOLUME 4500, PAGE 779 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY IN BELL COUNTY, TEXAS, LOCATED ON THE WEST SIDE OF NORTH STATE HIGHWAY 317, APPROXIMATELY 3,500 FEET NORTH OF THE WEST ADAMS/SH 317 INTERSECTION, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Hansen

Whereas, the owner of the property consisting of approximately 5.6 acres, being a portion of a 10 acre tract of land described in a deed to Corrina McDaniel in Volume 4500, Page 779 of the Official Public Records of Real Property in Bell County, Texas, located on the west side of North State Highway 317, approximately 3,500 feet north of the West Adams/SH 317 intersection, has requested that the property be rezoned from Agricultural District (A) to Planned Development Neighborhood Services (PD-NS); and

Whereas, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Planned Development Neighborhood Services (PD-NS) on approximately 5.6 acres, being a portion of a 10 acre tract of land described in a deed to Corrina McDaniel in Volume 4500, Page 779 of the Official Public Records of Real Property in Bell County, Texas, located on the west side of North State Highway 317, approximately 3,500 feet north of the West Adams/SH 317 intersection, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development Neighborhood Services (PD-NS), and shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- (a) The use and development standards of the property shall conform to the requirements of the Neighborhood Service zoning district;
- (b) Boat and RV storage is allowed.
- (c) In the event of a conflict between the development plan and the text of the Planned Development ordinance, the stricter standard applies.
- (d) All standards of the Zoning Ordinance apply unless the development plan or the text of the Planned Development ordinance specifically modifies such standards.
- (e) Muted, earth-tone masonry is required on the west wall of the westernmost storage unit adjacent to the Windmill Farms subdivision, as indicated on the binding site development plan.
- (f) Muted, earth-tone masonry is required on the east wall of the easternmost storage unit, as indicated on the binding site development plan.
- (g) Sloped roofs are required on all storage units.
- (h) The proposed sign may be a maximum of 8 feet in height and a maximum of 80 square feet in area.
- (i) Lighting must be housed in cut-off and shielded fixtures and must not spill over onto or be directed toward residentially zoned or used property.
- (j) Security lighting fixtures may be attached to the west wall of the westernmost storage unit, but the overall height of such fixtures must not exceed six feet.
- (k) Boats and recreational vehicles may only be stored outside of the storage units on a temporary basis during the construction of additional units and in no case may the boats or recreational vehicles be stored in a location visible from a residential use or zoning district or from State Highway 317.

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

Part 4: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 3rd day of December, 2009.


PASSED AND APPROVED on Second Reading on the 17th day of December, 2009.

THE CITY OF TEMPLE, TEXAS



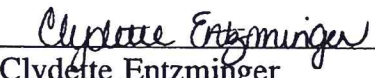
WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:



Jonathan Graham
City Attorney

ATTEST:



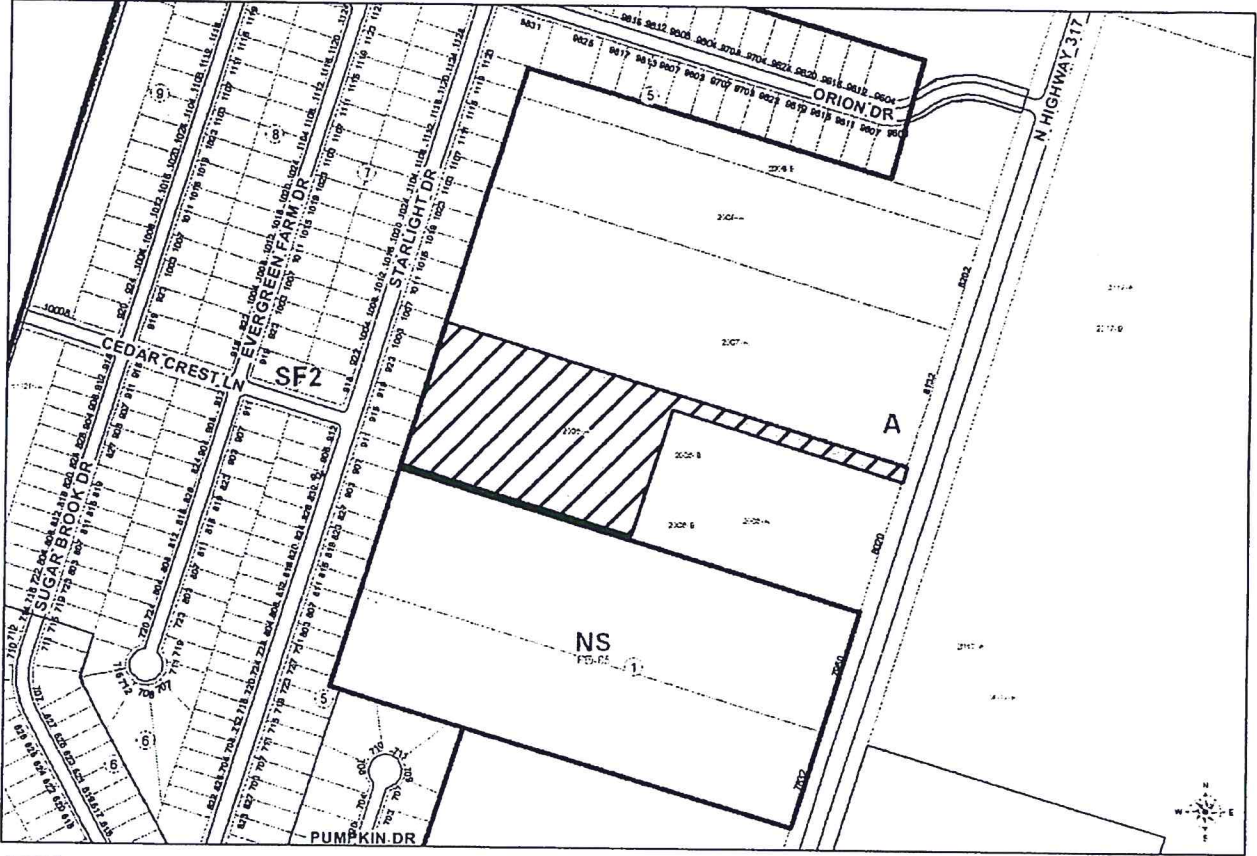
Clydette Entzminger
City Secretary



Z-FY-10-03

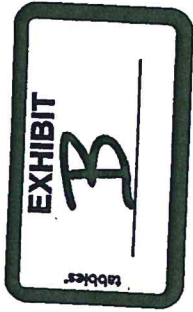
Outblock 2006-A & B

8020 N Highway 317

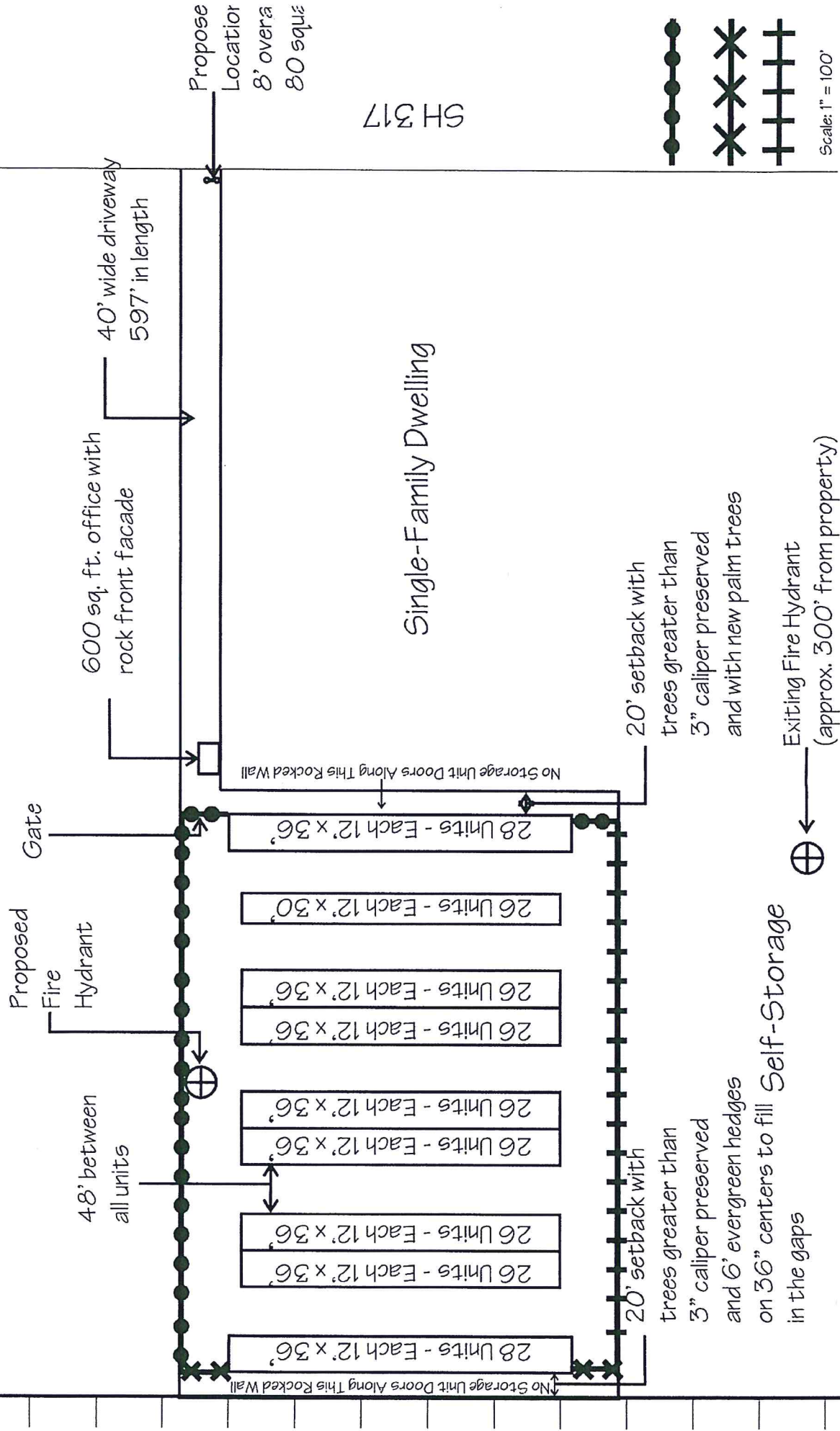


Z-FY-10-03

Feet 0 70 140 210 280
J Stone 10.19.9



Manufactured Home



SH 317

Single-Family Dwelling

Exiting Fire Hydrant
(approx. 300' from property)

Scale: 1" = 100'

ORDINANCE NO. 2012-4519

(ZONING NO. Z-FY-12-23)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PLANNED DEVELOPMENT (NEIGHBORHOOD SERVICE) DISTRICT ORDINANCE NO. 2001-2748 TO ALLOW THREE COVERED RV PARKING GARAGES AND ONE SET OF STORAGE UNITS FOR PERSONAL BELONGINGS, ON LOT 1, BLOCK 1, JOHNSON LONE STAR PROPERTIES ADDITION, LOCATED AT 7950 NORTH STATE HIGHWAY 317; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 1, 2001, the City Council approved Ordinance No. 2001-2748 authorizing a Planned Development (Neighborhood Service) District (PD-NS) for property located on approximately 15 acres of land, commonly referred to as Outblock 2005-A, City Addition;

Whereas, the property owner has requested an amendment to the ordinance to allow three covered RV parking garages and one set of storage units for personal belongings.

Whereas, at its February 6, 2012 meeting, the Planning and Zoning Commission voted 7/0 to recommend approval of the Planned Development amendment;

Whereas, the Staff recommends amending the ordinance to allow three covered RV parking garages and one set of storage units for personal belongings, on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317; and

Whereas, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

Part 1: The City Council approves an amendment to the Planned Development (Neighborhood Service) District (PD-NS) Ordinance No. 2001-2748 by allowing three covered RV parking garages and one set of storage units for personal belongings on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317.

Part 2: The City Council approves an amendment to Planned Development Ordinance No. 2001-2748, to allow three covered RV parking garages and one set of storage units for personal belongings, in accordance with the following conditions:

Part 2: The City Council approves an amendment to Planned Development Ordinance No. 2001-2748, to allow three covered RV parking garages and one set of storage units for personal belongings, in accordance with the following conditions:

- a. Except as varied by the approved Planned Development site plan, attached hereto as Exhibit B, the use and development standards of the property shall conform to the requirements of the Planned Development (Neighborhood Service) District (PD-NS).
- b. In the event of a conflict between the Planned Development site plan and the text of this Planned Development ordinance, the stricter standard applies.
- c. All standards of the Unified Development Code apply unless the Planned Development site plan or the text of the Planned Development ordinance specifically modifies such standards.
- d. Two additional 2"-3" caliper, 65 gallon, oak species trees must be installed along the SH 317 street frontage in order to conform to the previously approved Planned Development ordinance 2001-2748.
- e. A 6-foot wide sidewalk must be installed as required in the previously approved Planned Development ordinance 2001-2748.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 1st day of **March**, 2012.

PASSED AND APPROVED on Second Reading on the 15th day of March, 2012.

THE CITY OF TEMPLE, TEXAS



WILLIAM A. JONES, III, Mayor

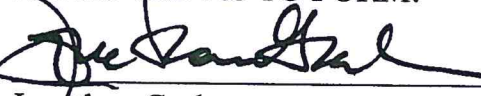
ATTEST:



Lacy Borgeson
City Secretary



APPROVED AS TO FORM:



Jonathan Graham
City Attorney

ORDINANCE NO. 2014-4661

(PLANNING NO. Z-FY-14-24)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SITE PLAN REVIEW AMENDING ORDINANCE NO. 2001-2748 AND FURTHER AMENDING ORDINANCE NO. 2012-4519 ON LOT 2, BLOCK 1, JOHNSON LONE STAR PROPERTIES ADDITION, LOCATED AT 7950 SH 317; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the property (both lots 1 & 2) were originally zoned PD-NS in 2001 and 2009, respectively – both included a site plan which is required by Code for Planned Development District projects;

Whereas, the site plan which was amended in 2012 by City Council approval allows for Phase 2 of the Amy's Attic development, which backs up to, and is adjacent to, about 300 feet of single-family residences at the rear of the southern property line;

Whereas, Phase 2 would match the masonry for the buildings, the wrought iron fence and the State Highway 317 landscaping approved as part of Phase 1 to the north – Phase 2 would also include an 8-foot wood fence and the preservation of a 15-foot natural buffer area for screening purposes adjacent to single-family residences; and

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

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

Part 1: The City Council approves a site plan amendment to Ordinance No. 2001-2748 and an amendment to Ordinance No. 2012-4519 on lot 2, block 1, Johnson Lone Star Properties Addition, located at 7950 SH 317, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **1st** day of **May**, 2014.

PASSED AND APPROVED on Second Reading on the **15th** day of **May**, 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

05/15/14
Item #4(O)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION AND REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: SECOND READING – Z-FY-14-26: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to Commercial District (C) on 11.579 +/- acres, being part of Lot 1, Block 1, D.R.S. Addition, located at 111 Hart Road.

P&Z RECOMMENDATION: At their April 7, 2014 meeting Planning and Zoning Commission recommended unanimous approval (8 to 0) of the rezoning request from AG District to C District as submitted.

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

Based on the following, staff recommends approval to rezone the property from AG to C:

1. The proposed zoning complies with the Future Land Use Plan (FLUP), which identifies this area as Suburban Commercial;
2. The request complies with the Thoroughfare Plan;
3. The proposed zoning is compatible with the surrounding uses and zoning districts; and
4. Utilities are available to serve the subject property.

ITEM SUMMARY: An RV Park, which was approved in 2001 through a Conditional Use Permit (CUP), is currently located on the property. The rezoning would allow for the relocation of an existing IH-35 billboard (or “off-premise sign) as a result of TXDOT’s IH-35 expansion project to the property, as well. Billboards are only allowed in C, Light Industrial (LI) and Heavy Industrial zoning districts. There is no plan at this time to redevelop the property.

Although RV Parks are not allowed in C Districts, CUP #164 permitted the RV Park and it would still apply until the land is redeveloped. A new use in the future would have to comply with the C District permitted uses and with the applicable C development standards.

Those uses include but are not limited to:

Residential uses

Single Family (Attached & Detached)
Industrialized Housing
Home for the aged
Duplex

Nonresidential uses

Mini Storage
Retail & Service Uses
Truck Stop
Fuel sales

Prohibited uses include HUD-Code manufactured homes and land lease communities, triplex and apartments. A number of uses are allowed by an approved conditional use permit (temporary asphalt concrete batching plants, outdoor auto parts sales).

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:

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial	AG	RV Park
North	Suburban Commercial	C	Bar or alcohol beverage sales
South	Suburban Commercial	AG & LI	Undeveloped
East	Suburban Commercial & Industrial	AG, C	Commercial Uses & Undeveloped
West	Industrial	AG	Undeveloped

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)	Yes
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes

CP = Comprehensive Plan

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

The subject property was designated as Suburban Commercial in the Comprehensive Plan/FLUP, which is a tool to guide future land use decisions. Suburban Commercial is characterized by "extensive landscaping and/or open space."

Thoroughfare Plan (CP Map 5.2)

The portion of the property under consideration has frontage along IH-35, which is a major arterial and along Hart Road, which is along the current alignment of the proposed "Outer Loop" major arterial.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available by an 8" line, while water is available through 6" and 12" lines along Pegasus Drive.

DEVELOPMENT REGULATIONS: Standard non-residential setbacks in the C district are:

Min Lot Size	N/A
Min Lot Width	N/A
Min Lot Depth	N/A
Front	30' from centerline (Special Setback per UDC Section 4.4.4.F.1D)
Side	0'
Side (corner)	10'
Rear	0'

PUBLIC NOTICE: 3 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 Thursday April 17, 2014, at 12:00 PM, no notices had been received. The newspaper printed notice of the public hearing on March 26, 2014, 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 Map](#)
[Utility Aerial Map](#)
[Notification Map](#)
[Ordinance](#)



Subject Site (current RV Park)



Property to East (across IH-35)



Additional Property to East (across IH-35)



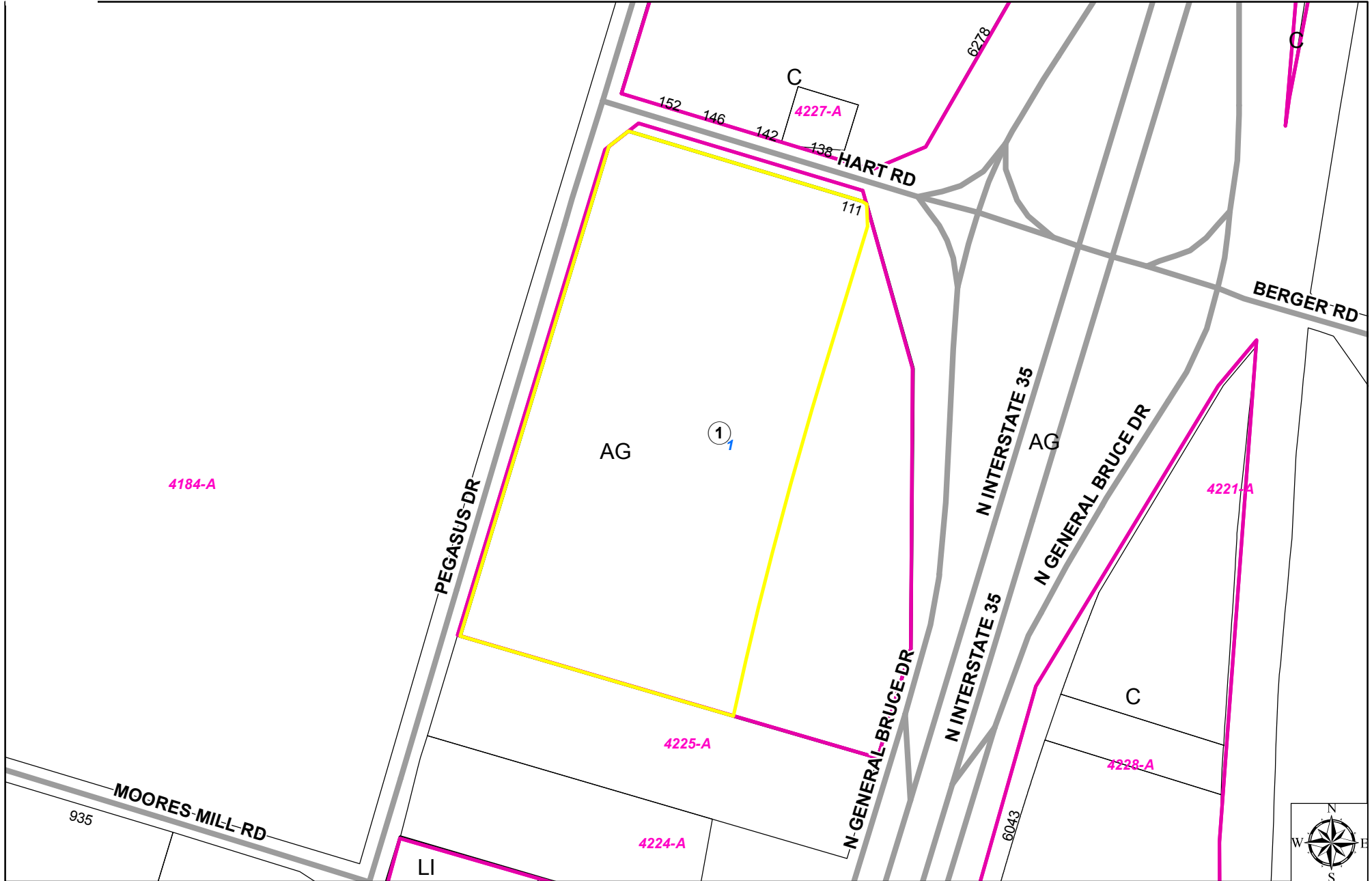
Property to North



Property to West



Property to South



- | | | | | | | | |
|--|--------|--|--------------|------|------------------|--|--------|
| | Case | | Subdivisions | | 1234-A Outblocks | | Blocks |
| | Zoning | | Parcel | 1234 | Addresses | | Lots |

0 50 100 200
Feet

3/18/2014
City of Temple GIS
Tmiles

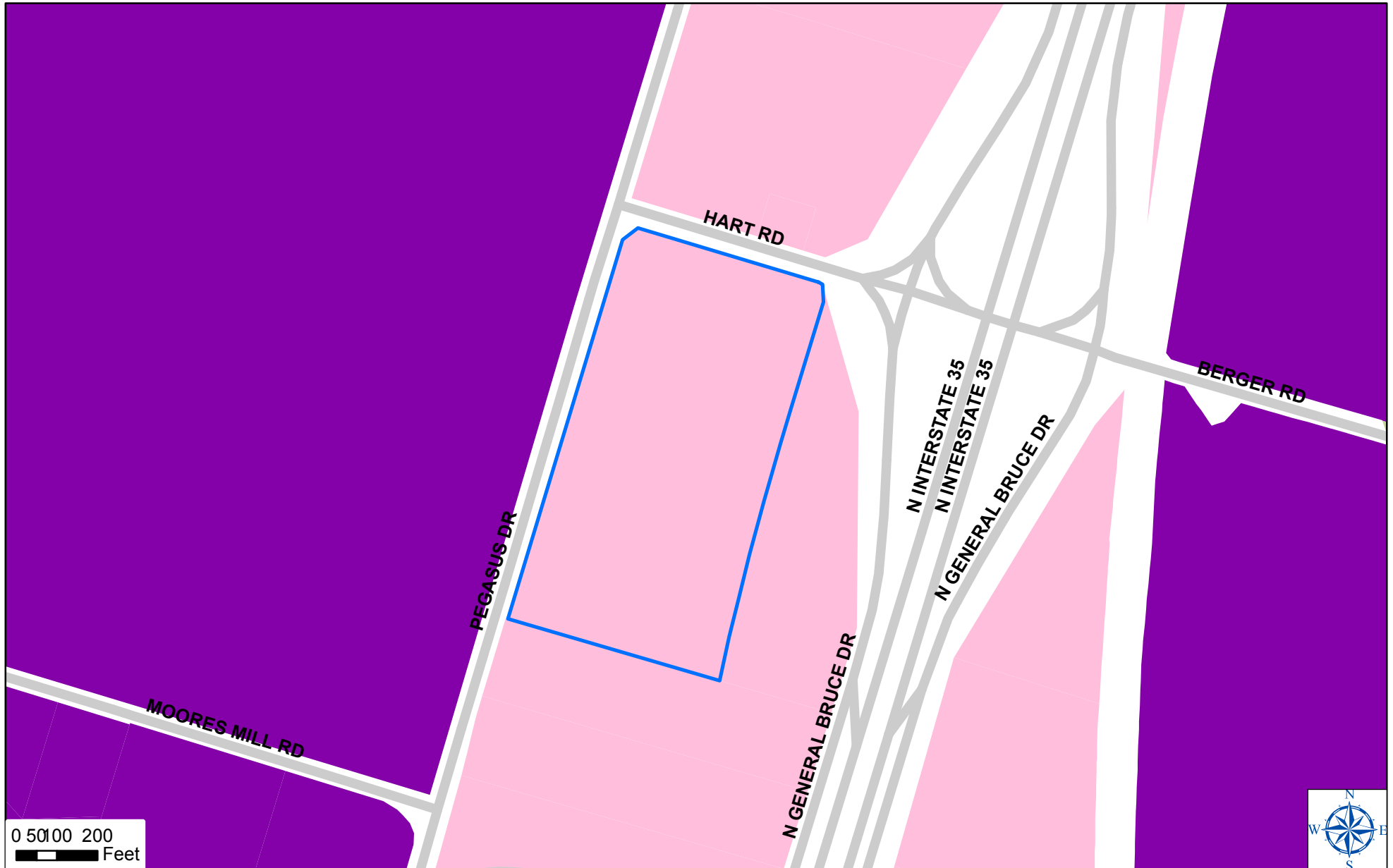
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-14-26

Rezoning from Agricultural (AG) to Commercial (C)

111 Hart Road

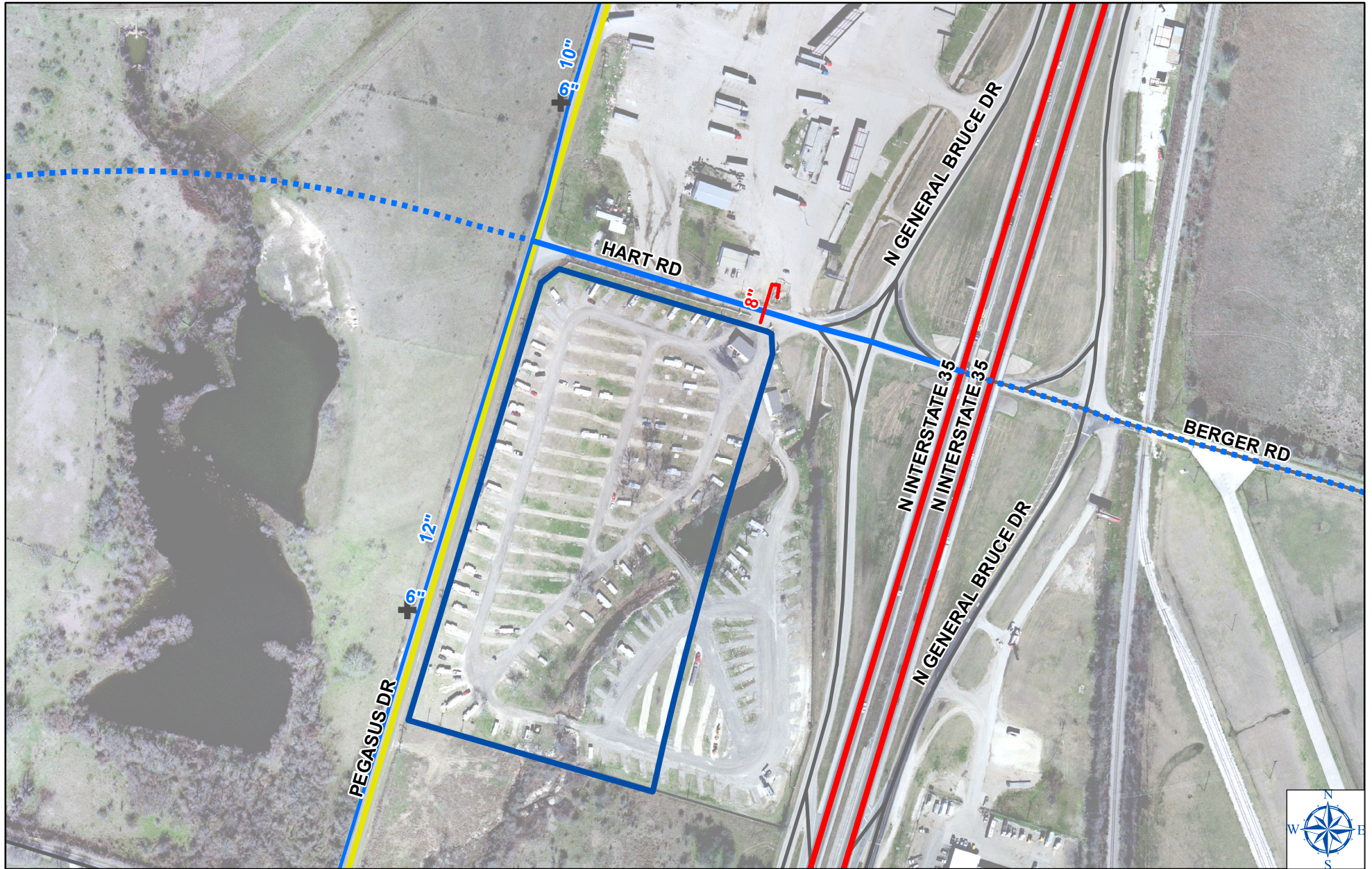


Future Land Use

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

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

4/2/2014
City of Temple GIS



- | | | | |
|--------------|----------------|-------------------------|-------------------------|
| Case | Water Line | Proposed Major Arterial | Proposed Minor Arterial |
| Fire Hydrant | Expressway | Proposed K-TUTS | Collector |
| Sewer Line | Major Arterial | Minor Arterial | Conceptual Collector |

0 50 100 200
Feet

3/18/2014
City of Temple GIS

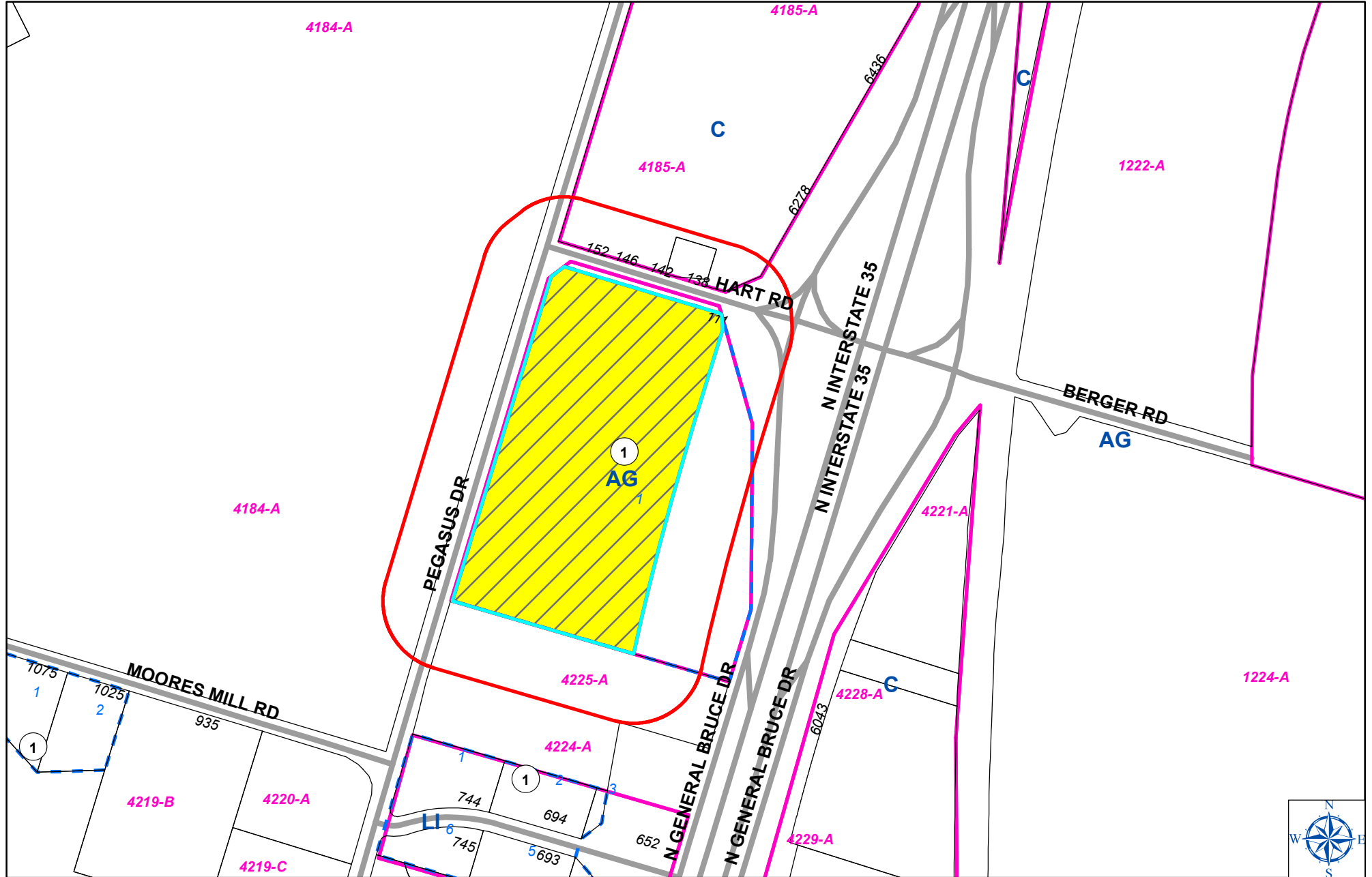
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



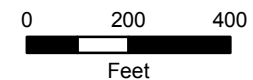
Z-FY-14-26

AG to C

Lot 1, Block 1, D.R.S Addition
111 Hart Road



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



3/18/2014
City of Temple GIS
tmiles

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.

ORDINANCE NO. 2014-4662

(PLANNING NO. Z-FY-14-26)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (AG) TO COMMERCIAL DISTRICT (C) ON APPROXIMATELY 11.579 ACRES, LOCATED AT 111 HART 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 Commercial District (C) on approximately 11.579 acres being part of lot 1, block 1, D.R.S. Addition, and located at 111 Hart Road, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 1st day of May, 2014.

PASSED AND APPROVED on Second Reading on the **15th** day of **May**, 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

05/15/14
Item #4(P)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION AND REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: SECOND READING – Z-FY-14-25: Consider adopting an ordinance on a Conditional Use Permit (CUP) to allow an off-premise sign (billboard) on a portion of Lot 1, Block 1, D.R.S. Addition, located at 111 Hart Road, Temple, Texas.

P&Z RECOMMENDATION: At their April 7, 2014 meeting Planning and Zoning Commission recommended unanimous approval (8 to 0) of the Conditional Use Permit to allow for a billboard relocation at less than the minimum 1500 spacing from the nearest billboards already existing along N. General Bruce Drive.

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

Based on the following, staff recommends approval to relocate the existing Lamar Advertising off-premise sign:

1. The billboard would meet all of our standards, with the exception of distance from the nearest off-premise sign (which is the reason for the CUP request).
2. The location is located along a major thoroughfare (IH-35) and away from any residential uses.

ITEM SUMMARY: According to Sec. 7.6.11 of the UDC that regulates off-premise signs:

- An off-premise sign along Interstate 35 may not be erected within 1,500 feet of another off-premise sign without a CUP
- L.5, "If the proposed off premise sign does not meet all city standards including minimum spacing, area, height and setback, an applicant must receive approval of a Conditional Use permit for the new location."

The proposed location at Lucky's RV Park would be approximately 750 feet south of the nearest off-premise sign, therefore requiring a Conditional Use Permit by Code. The proposed site is for the relocation of a billboard that was previously located along a different section of IH-35.

PUBLIC NOTICE: 3 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 Thursday April 17, 2014, at 12:00 PM, one notice had been received from a neighbor in opposition to the request due to “needing more detail before we would be in favor of this conditional use change.” The newspaper printed notice of the public hearing on March 26, 2014, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Applicant maps](#)
[Neighbor Response](#)
[Ordinance](#)

ORIGINAL SCALE: 1" = 200'

LEGEND

- | | |
|-------|------------------|
| ● | IRON ROD FOUND |
| ◎ | IRON PIPE FOUND |
| ■ | MONUMENT FOUND |
| U.E. | UTILITY EASEMENT |
| (XXX) | RECORD DATA |



NOTE:
EASEMENTS PER (472/596) (476/61) (928/219)
(2494/90) DO NOT AFFECT THIS PROPERTY
SURVEY DOES NOT INCLUDE ANY IMPROVEMENT LOCATION
SURVEY PREPARED WITHOUT SCHEDULE A OF LISTED TITLE COMMITMENT

JOE R. RAMIREZ, ET AL
(1579/47)

TO THE OWNERS, LIENHOLDERS, STEWART TITLE GUARANTY
COMPANY AND FIRST COMMUNITY TITLE;

THE UNDERSIGNED DOES HEREBY CERTIFY THAT AN ON THE GROUND SURVEY WAS THIS DAY MADE OF THE PROPERTY AS DESCRIBED HEREON AND IS CORRECT, WITH DISCREPANCIES, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, AS SHOWN HEREON. THIS SURVEY WAS PERFORMED IN CONJUNCTION WITH AND CERTIFIES TO THE AFFECT OF THE EASEMENTS SHOWN ON SCHEDULE B OF TITLE COMMITMENT G.F. NO.: 123408

PORTION LOT 1
ADDITIONAL ROW TXDOT PARCEL 18
(000031368) 07/31/2012)
BEARING BASIS FOR THIS SURVEY PER
FOUND MONUMENTS AND APPLIED HERETO
TEXAS STATE PLANE COORDINATE SYSTEM,
CENTRAL ZONE NAD 83 DATUM
(00031368)

REGISTERED PROFESSIONAL LAND SURVEYOR

03/22/2013

PROFESSIONAL LAND SURVEYORS

1515 CHESTNUT STREET
BASTROP, TEXAS 78602

PH: (512) 303-0952
FAX: (512) 332-0961

PROFLNDSUR@AOL.COM

REFERENCE: LLIJ, LLC. C/O RAY SHAW

PROJECT: 11.579 ACRES, VINCENT BARROW SURVEY, ABSTRACT 64, BEING
THE REMAINDER OF LOT 1, BLOCK 1, D.R.S. ADDITION, (D/1115C)
PLAT RECORDS, BELL COUNTY, TEXAS
SEE ACCOMPANYING METES AND BOUNDS—

DRAWN: ~~CRR~~ 03/22/13

CHECKED: CRR

PROJECT NO.:

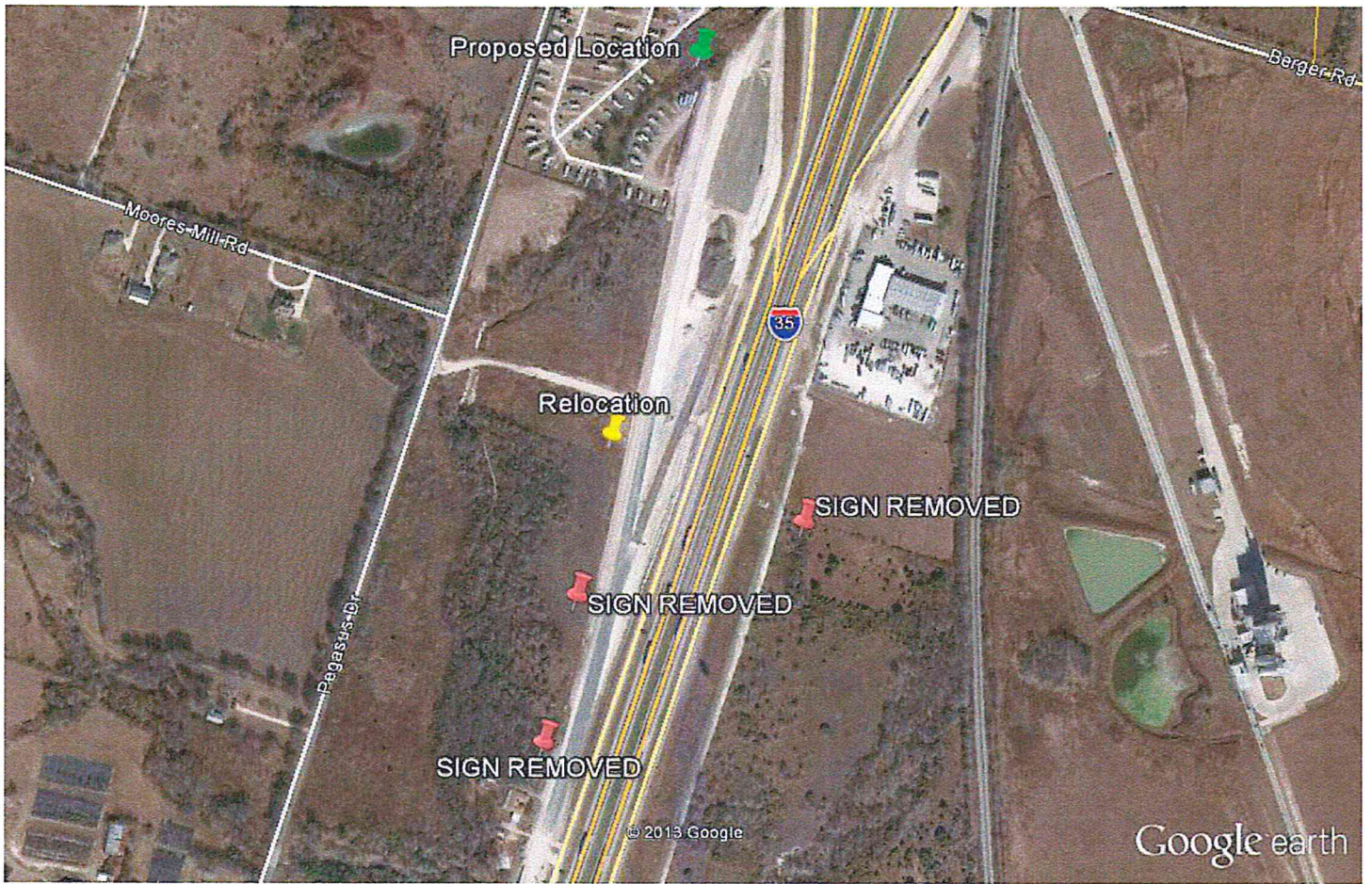
REVISÉ: 04/08/13

0555072,4

FB: 120/38:108/18:F

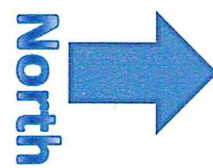
© 2013, PROFESSIONAL LAND SURVEYORS

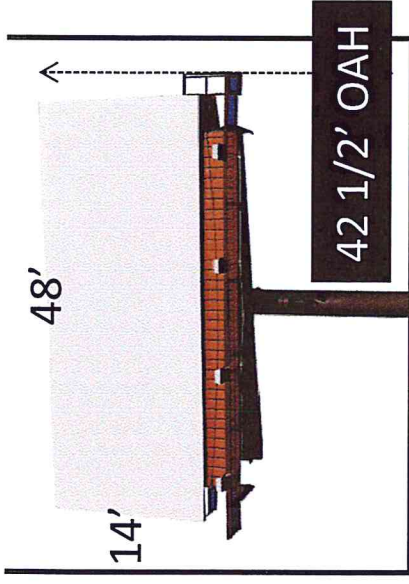
4/12/2013



Google earth







TX DOT RELOCATION:
20' setback from ROW
Back to Back Mono Pole Illuminated
Zoning: (AG) proposed COMMERCIAL
>500+ ft from other Lamar sign south



111 Hart Rd

Proposed





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

Temple Real Estate Investments
3301 Charter Oak Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-14-28

Project Manager: Brian Chandler

Location: 111 Hart Road

A request for a Conditional Use Permit has been submitted to the City of Temple. The area proposed for a Conditional Use Permit is shown in hatched marking on the attached map. The Conditional Use Permit will allow a retail nursery /landscape facility. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the proposed Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

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

Comments:

I own Temple Real Estate Investments
and need more detail before we would
be in favor of this conditional use change

W. Sam Rosier
(Signature)

W. GRADY Rosier
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than April 21, 2014.

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

RECEIVED

APR 15 2014

City of Temple
Planning & Development

Number of Notices Mailed: 9

Date Mailed: April 10, 2014

ORDINANCE NO. 2014-4663

[Z-FY-14-25]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW AN OFF-PREMISE SIGN CLOSER THAN 1,500 FEET FROM ANOTHER OFF-PREMISE LOCATED AT 111 HART ROAD, TEMPLE, TEXAS; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of 111 Hart Road, recommends that the City Council approve the application for this Conditional Use Permit to allow an off-premise sign closer than 1,500 feet from another off-premise sign; and

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

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

Part 1: The City Council approves a Conditional Use Permit to allow an off-premise sign closer than 1,500 feet from another off-premise sign located at 111 Hart Road, Temple, Texas, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

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

- (A) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (B) The City Council may cancel, suspend, deny or revoke this CUP, in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
- (C) The CUP runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
- (D) The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 1st day of May, 2014.

PASSED AND APPROVED on Second Reading on the **15th** day of **May**, 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

05/15/14
Item #4(Q)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to appropriate additional tax increment revenue, expenditures for downtown improvements, public improvements and debt service for fiscal years 2014 through 2033.

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

ITEM SUMMARY: At their April 23, 2014 regular meeting, the Reinvestment Zone No. 1 Board approved the recommendation of this amendment. Below is a summary of the proposed Financing and Project Plans amendments.

(A). Appropriating additional tax increment revenue in FY 2014:

Line 4 – Tax Revenues: FY 2014 tax increment revenue received is \$754,141 more than the net amount reflected in the current Financing and Project Plans. This amendment will adjust the tax revenues to the actual amount collected for FY 2014.

(B). Appropriating additional funds needed for the Downtown Rail Safety Zones:

Line 401 – Downtown Improvements: The current project opinion of probable cost for the Downtown Rail Safety Zones is \$857,029. There is \$363,285 available for the project. An additional \$493,744 is needed to fund the project. We are commending adding \$500,000 from the additional tax increment to Line 401.

(C). Appropriating additional funds needed for the 2013 Bond Issue debt service payments in FY 2014 by \$109,155 and adjusting future debt service payments in FY 2015-2033 to actual - net adjustment is \$1,518,492:

Line 31 – Debt Service 2013/ Line 610 – Public Improvements: Increase the amount of debt service payments in FY 2014-2033 to actual. The funding for FY 2014 is from the additional tax increment recognized. The funding for FY 2016-2033 is from public improvements.

FISCAL IMPACT: The net increase to fund balance ('dry powder') in the Financing/Project Plans for FY 2014 is \$144,986. The net change to fund balance ('dry powder') for FY 2015 – FY 2033 is \$0. Public improvements have been decreased by \$1,518,492 in FY 2016-2033. The detail for FY 2014 is shown below.

• Tax Increment revenue increase	\$754,141
• Downtown Rail Safety Zones	(500,000)
• Debt Service	<u>(109,155)</u>
Net Increase to Fund Balance in FY 2014	<u>\$144,986</u>

ATTACHMENTS:

[Budget Adjustment](#)

[Financing Plan](#)

[Summary Financing Plan with Detailed Project Plan](#)

[Ordinance](#)

FY **2014****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
795-0000-411-01-11		Current Ad Valorem Taxes	\$ 754,141			
795-9500-531-65-28	100697	Downtown Impr {Rail Safety Zones}	500,000			
795-9500-531-72-11		Bond Interest	109,155			
795-0000-358-11-10		Unreserved Fund Balance	144,986			
		<i>Do no post</i>				
TOTAL.....			\$1,508,282		\$ -	

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

To appropriate funds as recommended by the Reinvestment Zone No. 1 Board at its 04/23/14 meeting and as approved on second reading by Council on 05/15/14.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

5/15/2014

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

DESCRIPTION		Y/E 9/30/14 Year 32	Y/E 9/30/15 Year 33	Y/E 9/30/16 Year 34	Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	Y/E 9/30/19 Year 37	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/22 Year 40
1	"Taxable Increment"	\$ 153,016,117	\$ 157,254,113	\$ 322,383,715	\$ 340,364,509	\$ 424,792,743	\$ 429,040,670	\$ 433,331,077	\$ 437,664,388	\$ 468,734,522
1	FUND BALANCE, Begin	\$ 30,501,761	\$ 2,350,801	\$ 1,632,000	\$ 2,323,355	\$ 2,341,891	\$ 2,295,758	\$ 2,263,570	\$ 2,263,955	\$ 2,277,242
2	Adjustments to Debt Service Reserve	1,765,643	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 32,267,404	\$ 2,350,801	\$ 1,632,000	\$ 2,323,355	\$ 2,341,891	\$ 2,295,758	\$ 2,263,570	\$ 2,263,955	\$ 2,277,242
SOURCES OF FUNDS:										
4	Tax Revenues	5,602,698	4,908,567	13,233,921	13,777,927	16,158,502	16,307,892	16,458,775	16,611,168	17,096,375
6	Allowance for Uncollected Taxes	(72,728)	(73,629)	(198,509)	(206,669)	(242,378)	(244,618)	(246,882)	(249,168)	(256,446)
8	Interest Income-Other	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	563,000	-	-	-	-	-	-	-	-
17	Bond Issue	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 6,178,970	\$ 4,920,938	\$ 13,121,412	\$ 13,657,258	\$ 16,002,124	\$ 16,139,274	\$ 16,287,893	\$ 16,428,000	\$ 16,885,929
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 38,446,374	\$ 7,271,739	\$ 14,753,413	\$ 15,980,613	\$ 18,344,015	\$ 18,435,031	\$ 18,551,464	\$ 18,691,956	\$ 19,163,171
USE OF FUNDS:										
DEBT SERVICE										
26	2003 Bond Issue {\$11.740}	-	-	-	-	-	-	-	-	-
27	2008 Bond Issue {\$16.010 mil}	-	-	-	-	-	-	-	-	-
27	2009 Bond Refunding	1,479,969	1,499,769	1,508,775	1,510,150	1,488,750	1,485,000	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	1,240,495	1,239,233	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422
29	Debt Service - 2011A Issue {Refunding}	914,900	914,450	913,550	912,200	908,350	915,950	2,497,800	2,497,550	2,494,950
30	Debt Service - 2012 Issue {Refunding}	17,700	17,700	82,700	76,400	79,600	77,650	80,050	77,250	78,750
31	Debt Service - 2013 Issue	906,910	924,894	924,894	2,034,894	2,047,694	2,048,344	2,047,944	2,046,494	2,031,494
32	Issuance Costs	-	-	-	-	-	-	-	-	-
33	Refunding Bonds Proceeds	-	-	-	-	-	-	-	-	-
34	Payment to Refunding Bond Agent	-	-	-	-	-	-	-	-	-
32	Bond Discount									
35	Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
40	Subtotal-Debt Service	4,561,174	4,597,246	4,671,973	5,774,940	5,767,551	5,769,317	5,864,738	5,864,164	5,848,816
OPERATING EXPENDITURES										
50	Prof Svcs/Proj Mgmt	212,638	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,100
52	Legal/Audit	1,200	1,200	1,200	1,300	1,300	1,300	1,300	1,300	1,300
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
55	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	211,799	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	233,077	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	199,650	219,615	241,577	253,655	266,338	279,655	293,638	308,320	323,736
62	TISD-Reimbursement [per contract]	25,000	26,250	26,250	26,250	27,563	27,563	27,563	28,941	28,941
65	Subtotal-Operating Expenditures	1,058,364	797,065	819,027	831,205	845,201	858,518	872,501	888,561	904,077
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 5,619,538	\$ 5,394,311	\$ 5,491,000	\$ 6,606,145	\$ 6,612,752	\$ 6,627,835	\$ 6,737,239	\$ 6,752,725	\$ 6,752,893
80	Funds Available for Projects	\$ 32,826,836	\$ 1,877,428	\$ 9,262,413	\$ 9,374,468	\$ 11,731,264	\$ 11,807,196	\$ 11,814,225	\$ 11,939,231	\$ 12,410,279
PROJECTS										
150	Temple Industrial Park	9,900,000	-	-	-	-	-	-	-	-
200	Corporate Campus Park	2,954,680	-	-	-	-	-	-	-	-
250	Bioscience Park	2,503,658	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	-	-	-	-	-	-	-	-	-
400	Synergy Park	1,132,475	-	-	-	-	-	-	-	-
450	Downtown	1,541,978	245,428	661,696	688,896	807,925	815,395	822,939	830,558	854,819
500	TMED	11,097,857	-	-	-	-	-	-	-	-
510	Airport Park	1,345,387	-	-	-	-	-	-	-	-
610	Public Improvements	-	-	6,277,362	6,343,681	8,627,581	8,728,231	8,727,331	8,831,431	9,247,881
	Subtotal-Projects	30,476,035	245,428	6,939,058	7,032,577	9,435,506	9,543,626	9,550,270	9,661,989	10,102,700
	TOTAL USE OF FUNDS	\$ 36,095,573	\$ 5,639,739	\$ 12,430,058	\$ 13,638,722	\$ 16,048,258	\$ 16,171,461	\$ 16,287,509	\$ 16,414,714	\$ 16,855,593
700	FUND BALANCE, End	\$ 2,350,801	\$ 1,632,000	\$ 2,323,355	\$ 2,341,891	\$ 2,295,758	\$ 2,263,570	\$ 2,263,955	\$ 2,277,242	\$ 2,307,579

DESCRIPTION		2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
		41	42	43	44	45	46	47	48	49	50
1	"Taxable Increment"	\$ 495,321,867	\$ 522,175,086	\$ 549,296,836	\$ 708,089,805	\$ 721,740,703	\$ 755,238,110	\$ 762,790,491	\$ 770,418,396	\$ 778,122,580	\$ 785,903,806
1	FUND BALANCE, Begin	\$ 2,307,579	\$ 2,346,384	\$ 2,269,155	\$ 2,286,905	\$ 2,323,850	\$ 2,296,168	\$ 2,334,295	\$ 2,339,036	\$ 2,311,511	\$ 2,350,260
2	Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 2,307,579	\$ 2,346,384	\$ 2,269,155	\$ 2,286,905	\$ 2,323,850	\$ 2,296,168	\$ 2,334,295	\$ 2,339,036	\$ 2,311,511	\$ 2,350,260
SOURCES OF FUNDS:											
4	Tax Revenues	17,526,945	17,961,821	18,401,045	20,475,466	20,749,563	21,271,025	21,471,540	21,674,059	21,878,606	22,085,196
6	Allowance for Uncollected Taxes	(262,904)	(269,427)	(276,016)	(307,132)	(311,243)	(319,065)	(322,073)	(325,111)	(328,179)	(331,278)
8	Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-
17	Bond Issue	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 17,310,041	\$ 17,738,394	\$ 18,171,029	\$ 20,214,334	\$ 20,484,320	\$ 20,997,960	\$ 21,195,467	\$ 21,394,948	\$ 21,596,427	\$ 21,799,918
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 19,617,619	\$ 20,084,778	\$ 20,440,184	\$ 22,501,239	\$ 22,808,169	\$ 23,294,128	\$ 23,529,762	\$ 23,733,984	\$ 23,907,938	\$ 24,150,178
USE OF FUNDS:											
DEBT SERVICE											
26	2003 Bond Issue {\$11.740}	-	-	-	-	-	-	-	-	-	-
27	2008 Bond Issue {\$16.010 mil}	-	-	-	-	-	-	-	-	-	-
27	2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29	Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30	Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue	2,030,094	2,026,694	2,038,413	2,051,613	2,059,113	2,061,713	2,061,713	2,069,113	2,073,513	2,084,913
32	Issuance Costs	-	-	-	-	-	-	-	-	-	-
33	Refunding Bonds Proceeds	-	-	-	-	-	-	-	-	-	-
34	Payment to Refunding Bond Agent	-	-	-	-	-	-	-	-	-	-
32	Bond Discount	-	-	-	-	-	-	-	-	-	-
35	Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40	Subtotal-Debt Service	2,030,094	2,026,694	2,038,413	2,051,613	2,059,113	2,061,713	2,061,713	2,069,113	2,073,513	2,084,913
OPERATING EXPENDITURES											
50	Prof Svcs/Proj Mgmt	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100
52	Legal/Audit	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
55	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	339,922	356,919	374,764	393,503	413,178	433,837	455,529	478,305	502,220	527,331
62	TISD-Reimbursement [per contract]	28,941	30,388	30,388	30,388	31,907	31,907	31,907	33,502	33,502	33,502
65	Subtotal-Operating Expenditures	920,263	938,707	956,552	975,291	996,485	1,017,144	1,038,836	1,063,207	1,087,122	1,112,233
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 2,950,357	\$ 2,965,401	\$ 2,994,965	\$ 3,026,904	\$ 3,055,598	\$ 3,078,857	\$ 3,100,549	\$ 3,132,320	\$ 3,160,635	\$ 3,197,146
80	Funds Available for Projects	\$ 16,667,262	\$ 17,119,377	\$ 17,445,219	\$ 19,474,335	\$ 19,752,571	\$ 20,215,271	\$ 20,429,213	\$ 20,601,664	\$ 20,747,303	\$ 20,953,032
PROJECTS											
150	Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250	Bioscience Park	-	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	-	-	-	-	-	-	-	-	-	-
450	Downtown	876,347	898,091	920,052	1,023,773	1,037,478	1,063,551	1,073,577	1,083,703	1,093,930	1,104,260
500	TMED	-	-	-	-	-	-	-	-	-	-
510	Airport Park	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	13,444,531	13,952,131	14,238,262	16,126,712	16,418,925	16,817,425	17,016,600	17,206,450	17,303,112	17,590,337
	Subtotal-Projects	14,320,878	14,850,222	15,158,314	17,150,485	17,456,403	17,880,976	18,090,177	18,290,153	18,397,042	18,694,597
	TOTAL USE OF FUNDS	\$ 17,271,235	\$ 17,815,623	\$ 18,153,280	\$ 20,177,389	\$ 20,512,001	\$ 20,959,833	\$ 21,190,726	\$ 21,422,473	\$ 21,557,677	\$ 21,891,743
700	FUND BALANCE, End	\$ 2,346,384	\$ 2,269,155	\$ 2,286,905	\$ 2,323,850	\$ 2,296,168	\$ 2,334,295	\$ 2,339,036	\$ 2,311,511	\$ 2,350,260	\$ 2,258,435

DESCRIPTION		2033 51	2034 52	2035 53	2036 54	2037 55	2038 56	2039 57	2040 58	2041 59	2042 60
1	"Taxable Increment"	\$ 793,762,844	\$ 801,700,472	\$ 809,717,477	\$ 817,814,652	\$ 825,992,798	\$ 834,252,726	\$ 842,595,253	\$ 851,021,206	\$ 859,531,418	\$ 868,126,732
1	FUND BALANCE, Begin	\$ 2,258,435	\$ 2,332,473	\$ 2,352,311	\$ 2,342,093	\$ 2,300,600	\$ 2,330,074	\$ 2,330,942	\$ 2,301,726	\$ 2,344,575	\$ 2,259,727
2	Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 2,258,435	\$ 2,332,473	\$ 2,352,311	\$ 2,342,093	\$ 2,300,600	\$ 2,330,074	\$ 2,330,942	\$ 2,301,726	\$ 2,344,575	\$ 2,259,727
SOURCES OF FUNDS:											
4	Tax Revenues	22,293,851	22,504,596	22,717,445	22,932,425	23,149,554	23,368,854	23,590,347	23,814,054	24,039,999	24,268,202
6	Allowance for Uncollected Taxes	(334,408)	(337,569)	(340,762)	(343,986)	(347,243)	(350,533)	(353,855)	(357,211)	(360,600)	(364,023)
8	Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-
17	Bond Issue	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 22,005,443	\$ 22,213,027	\$ 22,422,683	\$ 22,634,439	\$ 22,848,311	\$ 23,064,321	\$ 23,282,492	\$ 23,502,843	\$ 23,725,399	\$ 23,950,179
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 24,263,879	\$ 24,545,500	\$ 24,774,994	\$ 24,976,532	\$ 25,148,911	\$ 25,394,395	\$ 25,613,434	\$ 25,804,569	\$ 26,069,974	\$ 26,209,906
USE OF FUNDS:											
DEBT SERVICE											
26	2003 Bond Issue {\$11.740}	-	-	-	-	-	-	-	-	-	-
27	2008 Bond Issue {\$16.010 mil}	-	-	-	-	-	-	-	-	-	-
27	2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29	Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30	Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue	2,092,913	-	-	-	-	-	-	-	-	-
32	Issuance Costs	-	-	-	-	-	-	-	-	-	-
33	Refunding Bonds Proceeds	-	-	-	-	-	-	-	-	-	-
34	Payment to Refunding Bond Agent	-	-	-	-	-	-	-	-	-	-
32	Bond Discount	-	-	-	-	-	-	-	-	-	-
35	Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40	Subtotal-Debt Service	2,092,913	-	-	-	-	-	-	-	-	-
OPERATING EXPENDITURES											
50	Prof Svcs/Proj Mgmt	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100
52	Legal/Audit	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
55	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	553,698	581,383	610,452	640,974	673,023	706,674	742,008	779,108	818,064	858,967
62	TISD-Reimbursement [per contract]	35,177	35,177	35,177	36,936	36,936	36,936	38,783	38,783	38,783	40,722
65	Subtotal-Operating Expenditures	1,140,275	1,167,960	1,197,029	1,229,310	1,261,359	1,295,010	1,332,191	1,369,291	1,408,247	1,451,089
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 3,233,188	\$ 1,167,960	\$ 1,197,029	\$ 1,229,310	\$ 1,261,359	\$ 1,295,010	\$ 1,332,191	\$ 1,369,291	\$ 1,408,247	\$ 1,451,089
80	Funds Available for Projects	\$ 21,030,691	\$ 23,377,541	\$ 23,577,965	\$ 23,747,221	\$ 23,887,552	\$ 24,099,385	\$ 24,281,243	\$ 24,435,278	\$ 24,661,727	\$ 24,758,817
PROJECTS											
150	Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250	Bioscience Park	-	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	-	-	-	-	-	-	-	-	-	-
450	Downtown	1,114,693	1,125,230	1,135,872	1,146,621	1,157,478	1,168,443	1,179,517	1,190,703	1,202,000	1,213,410
500	TMED	-	-	-	-	-	-	-	-	-	-
510	Airport Park	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	17,583,525	19,900,000	20,100,000	20,300,000	20,400,000	20,600,000	20,800,000	20,900,000	21,200,000	21,200,000
	Subtotal-Projects	18,698,218	21,025,230	21,235,872	21,446,621	21,557,478	21,768,443	21,979,517	22,090,703	22,402,000	22,413,410
TOTAL USE OF FUNDS		\$ 21,931,405	\$ 22,193,189	\$ 22,432,901	\$ 22,675,931	\$ 22,818,837	\$ 23,063,453	\$ 23,311,708	\$ 23,459,994	\$ 23,810,247	\$ 23,864,499
700	FUND BALANCE, End	\$ 2,332,473	\$ 2,352,311	\$ 2,342,093	\$ 2,300,600	\$ 2,330,074	\$ 2,330,942	\$ 2,301,726	\$ 2,344,575	\$ 2,259,727	\$ 2,345,407

DESCRIPTION		2043 61	2044 62	2045 63	2046 64	2047 65	2048 66	2049 67	2050 68	2051 69	2052 70
1	"Taxable Increment"	\$ 876,808,000	\$ 885,576,080	\$ 894,431,840	\$ 903,376,159	\$ 912,409,920	\$ 921,534,019	\$ 930,749,360	\$ 940,056,853	\$ 949,457,422	\$ 958,951,996
1	FUND BALANCE, Begin	\$ 2,345,407	\$ 2,328,191	\$ 2,346,784	\$ 2,298,704	\$ 2,285,448	\$ 2,306,376	\$ 2,258,602	\$ 2,343,408	\$ 2,259,814	\$ 2,304,475
2	Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 2,345,407	\$ 2,328,191	\$ 2,346,784	\$ 2,298,704	\$ 2,285,448	\$ 2,306,376	\$ 2,258,602	\$ 2,343,408	\$ 2,259,814	\$ 2,304,475
SOURCES OF FUNDS:											
4	Tax Revenues	20,567,723	20,761,204	20,956,621	21,153,991	21,353,336	21,554,674	21,758,026	21,963,409	22,170,847	22,380,363
6	Allowance for Uncollected Taxes	(308,516)	(311,418)	(314,349)	(317,310)	(320,300)	(323,320)	(326,370)	(329,451)	(332,563)	(335,705)
8	Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-
17	Bond Issue	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 20,305,207	\$ 20,495,786	\$ 20,688,272	\$ 20,882,681	\$ 21,079,036	\$ 21,277,354	\$ 21,477,656	\$ 21,679,958	\$ 21,884,284	\$ 22,090,658
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 22,650,614	\$ 22,823,977	\$ 23,035,055	\$ 23,181,386	\$ 23,364,484	\$ 23,583,730	\$ 23,736,258	\$ 24,023,366	\$ 24,144,098	\$ 24,395,133
USE OF FUNDS:											
DEBT SERVICE											
26	2003 Bond Issue {\$11.740}	-	-	-	-	-	-	-	-	-	-
27	2008 Bond Issue {\$16.010 mil}	-	-	-	-	-	-	-	-	-	-
27	2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29	Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30	Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue	-	-	-	-	-	-	-	-	-	-
32	Issuance Costs	-	-	-	-	-	-	-	-	-	-
33	Refunding Bonds Proceeds	-	-	-	-	-	-	-	-	-	-
34	Payment to Refunding Bond Agent	-	-	-	-	-	-	-	-	-	-
32	Bond Discount	-	-	-	-	-	-	-	-	-	-
35	Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40	Subtotal-Debt Service	-	-	-	-	-	-	-	-	-	-
OPERATING EXPENDITURES											
50	Prof Svcs/Proj Mgmt	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100
52	Legal/Audit	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
55	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	901,915	947,011	994,362	1,044,080	1,096,284	1,151,098	1,208,653	1,269,085	1,332,540	1,399,167
62	TISD-Reimbursement [per contract]	40,722	40,722	42,758	42,758	42,758	44,896	44,896	44,896	47,141	47,141
65	Subtotal-Operating Expenditures	1,494,037	1,539,133	1,588,520	1,638,238	1,690,442	1,747,394	1,804,949	1,865,381	1,931,080	1,997,708
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 1,494,037	\$ 1,539,133	\$ 1,588,520	\$ 1,638,238	\$ 1,690,442	\$ 1,747,394	\$ 1,804,949	\$ 1,865,381	\$ 1,931,080	\$ 1,997,708
80	Funds Available for Projects	\$ 21,156,577	\$ 21,284,844	\$ 21,446,536	\$ 21,543,148	\$ 21,674,043	\$ 21,836,336	\$ 21,931,309	\$ 22,157,984	\$ 22,213,018	\$ 22,397,425
PROJECTS											
150	Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250	Bioscience Park	-	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	-	-	-	-	-	-	-	-	-	-
450	Downtown	1,028,386	1,038,060	1,047,831	1,057,700	1,067,667	1,077,734	1,087,901	1,098,170	1,108,542	1,119,018
500	TMED	-	-	-	-	-	-	-	-	-	-
510	Airport Park	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	17,800,000	17,900,000	18,100,000	18,200,000	18,300,000	18,500,000	18,500,000	18,800,000	18,800,000	19,000,000
	Subtotal-Projects	18,828,386	18,938,060	19,147,831	19,257,700	19,367,667	19,577,734	19,587,901	19,898,170	19,908,542	20,119,018
TOTAL USE OF FUNDS		\$ 20,322,423	\$ 20,477,193	\$ 20,736,351	\$ 20,895,937	\$ 21,058,108	\$ 21,325,127	\$ 21,392,850	\$ 21,763,552	\$ 21,839,623	\$ 22,116,726
700	FUND BALANCE, End	\$ 2,328,191	\$ 2,346,784	\$ 2,298,704	\$ 2,285,448	\$ 2,306,376	\$ 2,258,602	\$ 2,343,408	\$ 2,259,814	\$ 2,304,475	\$ 2,278,407

DESCRIPTION		2053	2054	2055	2056	2057	2058	2059	2060	2061	2062
		71	72	73	74	75	76	77	78	79	80
1	"Taxable Increment"	\$ 968,541,516	\$ 978,226,931	\$ 988,009,200	\$ 997,889,292	\$ 1,007,868,185	\$ 1,017,946,867	\$ 1,028,126,336	\$ 1,038,407,599	\$ 1,048,791,675	\$ 1,059,279,592
1	FUND BALANCE, Begin	\$ 2,278,407	\$ 2,280,232	\$ 2,306,077	\$ 2,356,622	\$ 2,330,032	\$ 2,321,818	\$ 2,332,263	\$ 2,258,983	\$ 2,296,792	\$ 2,345,487
2	Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 2,278,407	\$ 2,280,232	\$ 2,306,077	\$ 2,356,622	\$ 2,330,032	\$ 2,321,818	\$ 2,332,263	\$ 2,258,983	\$ 2,296,792	\$ 2,345,487
SOURCES OF FUNDS:											
4	Tax Revenues	22,591,969	22,805,694	23,021,555	23,239,576	23,459,775	23,682,177	23,906,803	24,133,676	24,362,817	24,594,251
6	Allowance for Uncollected Taxes	(338,880)	(342,085)	(345,323)	(348,594)	(351,897)	(355,233)	(358,602)	(362,005)	(365,442)	(368,914)
8	Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-
17	Bond Issue	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 22,299,089	\$ 22,509,609	\$ 22,722,232	\$ 22,936,982	\$ 23,153,878	\$ 23,372,944	\$ 23,594,201	\$ 23,817,671	\$ 24,043,375	\$ 24,271,337
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 24,577,496	\$ 24,789,841	\$ 25,028,308	\$ 25,293,605	\$ 25,483,910	\$ 25,694,762	\$ 25,926,464	\$ 26,076,654	\$ 26,340,167	\$ 26,616,825
USE OF FUNDS:											
DEBT SERVICE											
26	2003 Bond Issue {\$11.740}	-	-	-	-	-	-	-	-	-	-
27	2008 Bond Issue {\$16.010 mil}	-	-	-	-	-	-	-	-	-	-
27	2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29	Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30	Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue	-	-	-	-	-	-	-	-	-	-
32	Issuance Costs	-	-	-	-	-	-	-	-	-	-
33	Refunding Bonds Proceeds	-	-	-	-	-	-	-	-	-	-
34	Payment to Refunding Bond Agent	-	-	-	-	-	-	-	-	-	-
32	Bond Discount	-	-	-	-	-	-	-	-	-	-
35	Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40	Subtotal-Debt Service	-	-	-	-	-	-	-	-	-	-
OPERATING EXPENDITURES											
50	Prof Svcs/Proj Mgmt	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100
52	Legal/Audit	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
55	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	1,469,125	1,542,581	1,619,710	1,700,696	1,785,731	1,875,017	1,968,768	2,067,206	2,170,567	2,279,095
62	TISD-Reimbursement [per contract]	47,141	49,498	49,498	49,498	51,973	51,973	51,973	54,572	54,572	54,572
65	Subtotal-Operating Expenditures	2,067,666	2,143,479	2,220,608	2,301,594	2,389,104	2,478,390	2,572,141	2,673,178	2,776,539	2,885,067
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 2,067,666	\$ 2,143,479	\$ 2,220,608	\$ 2,301,594	\$ 2,389,104	\$ 2,478,390	\$ 2,572,141	\$ 2,673,178	\$ 2,776,539	\$ 2,885,067
80	Funds Available for Projects	\$ 22,509,830	\$ 22,646,361	\$ 22,807,700	\$ 22,992,011	\$ 23,094,807	\$ 23,216,372	\$ 23,354,323	\$ 23,403,476	\$ 23,563,628	\$ 23,731,757
PROJECTS											
150	Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250	Bioscience Park	-	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	-	-	-	-	-	-	-	-	-	-
450	Downtown	1,129,598	1,140,285	1,151,078	1,161,979	1,172,989	1,184,109	1,195,340	1,206,684	1,218,141	1,229,713
500	TMED	-	-	-	-	-	-	-	-	-	-
510	Airport Park	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	19,100,000	19,200,000	19,300,000	19,500,000	19,600,000	19,700,000	19,900,000	19,900,000	20,000,000	20,200,000
	Subtotal-Projects	20,229,598	20,340,285	20,451,078	20,661,979	20,772,989	20,884,109	21,095,340	21,106,684	21,218,141	21,429,713
TOTAL USE OF FUNDS		\$ 22,297,264	\$ 22,483,764	\$ 22,671,686	\$ 22,963,573	\$ 23,162,092	\$ 23,362,499	\$ 23,667,481	\$ 23,779,862	\$ 23,994,680	\$ 24,314,780
700	FUND BALANCE, End	\$ 2,280,232	\$ 2,306,077	\$ 2,356,622	\$ 2,330,032	\$ 2,321,818	\$ 2,332,263	\$ 2,258,983	\$ 2,296,792	\$ 2,345,487	\$ 2,302,045

Project Plan - 04/23/14 - to Zone Board

SUMMARY FINANCING PLAN												
				2014	2015	2016	2017	2018	2019	2020	2021	2022
1	Beginning Available Fund Balance, Oct 1			\$ 30,501,761	\$ 2,350,801	\$ 1,632,000	\$ 2,323,355	\$ 2,341,891	\$ 2,295,758	\$ 2,263,570	\$ 2,263,955	\$ 2,277,242
20	Total Sources of Funds			6,178,970	4,920,938	13,121,412	13,657,258	16,002,124	16,139,274	16,287,893	16,428,000	16,885,929
2	Adjustments to Debt Service Reserve			1,765,643	-	-	-	-	-	-	-	-
25	Net Available for Appropriation			38,446,374	7,271,739	14,753,413	15,980,613	18,344,015	18,435,031	18,551,464	18,691,956	19,163,171
50/52	General Administrative Expenditures			213,838	176,200	176,200	176,300	176,300	176,300	176,300	176,300	176,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]			150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
55	Zone Park Maintenance [maintenance]			25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance			211,799	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance			233,077	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments (TEDC - Marketing)			199,650	219,615	241,577	253,655	266,338	279,655	293,638	308,320	323,736
62	TISD-Reimbursement [per contract]			25,000	26,250	26,250	26,250	27,563	27,563	27,563	28,941	28,941
26	Debt Service - 2003 Issue {\$11.740 mil}			-	-	-	-	-	-	-	-	-
27	Debt Service - 2009 Issue {Refunding}			1,479,969	1,499,769	1,508,775	1,510,150	1,488,750	1,485,000	-	-	-
28	Debt Service - 2008 Taxable Issue {\$10.365 mil}			1,240,495	1,239,233	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422
29	Debt Service - 2011A Issue {Refunding}			914,900	914,450	913,550	912,200	908,350	915,950	2,497,800	2,497,550	2,494,950
30	Debt Service - 2012 Issue {Refunding}			17,700	17,700	82,700	76,400	79,600	77,650	80,050	77,250	78,750
31	Debt Service - 2013 Issue			906,910	924,894	924,894	2,034,894	2,047,694	2,048,344	2,047,944	2,046,494	2,031,494
32	Issuance Costs			-	-	-	-	-	-	-	-	-
32	Bond Discount			-	-	-	-	-	-	-	-	-
33	Paying Agent Services			1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
70	Total Debt & Operating Expenditures			5,619,538	5,394,311	5,491,000	6,606,145	6,612,752	6,627,835	6,737,239	6,752,725	6,752,893
80	Funds Available for Projects			\$ 32,826,836	\$ 1,877,428	\$ 9,262,413	\$ 9,374,468	\$ 11,731,264	\$ 11,807,196	\$ 11,814,225	\$ 11,939,231	\$ 12,410,279

PROJECT PLAN												
				2014	2015	2016	2017	2018	2019	2020	2021	2022
TEMPLE INDUSTRIAL PARK:												
100	Northern "Y" Phase I			200,000	-	-	-	-	-	-	-	-
101	Trans-Load Grading (full site) (East)			185,000	-	-	-	-	-	-	-	-
102	Ladder Track Phase II			-	-	-	-	-	-	-	-	-
103	Pepper Creek Main Stem Regional Detention Pond			850,000	-	-	-	-	-	-	-	-
104	Research Pkwy (IH 35 to Wendland Ultimate)			2,705,000	-	-	-	-	-	-	-	-
105	Research Pkwy (Wendland to McLane Pkwy)			5,960,000	-	-	-	-	-	-	-	-
106	Northeast Utilities @ IH 35/Loop 363			-	-	-	-	-	-	-	-	-
150	Total North Zone/Rail Park (including Enterprise Park)			9,900,000	-	-	-	-	-	-	-	-
CORPORATE CAMPUS PARK:												
155	Bioscience Trail Connection to Airport			750,000	-	-	-	-	-	-	-	-
156	McLane Pkwy/Research Pkwy Connection			704,680	-	-	-	-	-	-	-	-
157	Research Pkwy (McLane Pkwy to Central Point Pkwy)			1,500,000	-	-	-	-	-	-	-	-
200	Total Corporate Campus Park			2,954,680	-	-	-	-	-	-	-	-
BIOSCIENCE PARK:												
204	Pepper Creek Trail Connection to S&W			29,258	-	-	-	-	-	-	-	-
205	Bioscience Park Service Road & Utility Extensions			724,400	-	-	-	-	-	-	-	-
207	Trail Landscaping, Irrigation and Lights			1,750,000	-	-	-	-	-	-	-	-
250	Total Bio-Science Park			2,503,658	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)			-	-	-	-	-	-	-	-	-
SYNERGY PARK:												
351	Lorraine Drive (Southeast Industrial Park) - [\$1.5M total project cost]			22,475	-	-	-	-	-	-	-	-
352	Entry Enhancement			500,000	-	-	-	-	-	-	-	-
353	Lorraine Drive/Panda Drive Asphalt			610,000	-	-	-	-	-	-	-	-
354	Improvements/Contingency for Synergy Park			-	-	-	-	-	-	-	-	-
400	Total Synergy Park			1,132,475	-	-	-	-	-	-	-	-
DOWNTOWN:												
401	Downtown Improvements [1999 Ordinance]			1,116,978	245,428	661,696	688,896	807,925	815,395	822,939	830,558	854,819
402	Rail Safety Zone Study			-	-	-	-	-	-	-	-	-
403	Lot Identification & Signage			-	-	-	-	-	-	-	-	-
404	Santa Fe Plaza			300,000	-	-	-	-	-	-	-	-
405	Downtown Master Plan			125,000	-	-	-	-	-	-	-	-
406	MLK Park			-	-	-	-	-	-	-	-	-
450	Total Downtown			1,541,978	245,428	661,696	688,896	807,925	815,395	822,939	830,558	854,819
TMED:												
451	TMED - 1st Street @ Temple College - STEP Grant Match			59,046	-	-	-	-	-	-	-	-
452	Master Plan Integration 2010			1,550	-	-	-	-	-	-	-	-
453	TMED - 1st Street @ Loop 363 Design/Construction - Design only			71,420	-	-	-	-	-	-	-	-
454	TMED - Friars Creek Trail 5th Street to S&W Blvd. - [\$1.9M total project cost - DOE Grant of \$400K]			195,881	-	-	-	-	-	-	-	-
455	Avenue R - S&W Blvd, Ave R - 19th Intersections			1,962,640	-	-	-	-	-	-	-	-
456	Ave U from S&W Blvd to 1st St & 13th to 17th connector from Ave R to Loop 363			19,122	-	-	-	-	-	-	-	-
457	South 1st Street Improvements from the Temple College Apartments to Ave O			-	-	-	-	-	-	-	-	-
458	Loop 363 Frontage Rd (UPRR to 5th TIRZ portion)			6,326,548	-	-	-	-	-	-	-	-
459	Monumentation			520,000	-	-	-	-	-	-	-	-
460	Ave U TMED Ave. to 1st Street			1,275,000	-	-	-	-	-	-	-	-
461	TMED Master Plan (Health Care Campus)			125,000	-	-	-	-	-	-	-	-
462	TMED Master Plan & Thoroughfare Plan			55,000	-	-	-	-	-	-	-	-
463	Friars Creek Trail to Ave. R Trail			486,650	-	-	-	-	-	-	-	-
464	Veteran's Memorial Blvd. Phase II			-	-	-	-	-	-	-	-	-
500	Total TMED			11,097,857	-	-	-	-	-	-	-	-
AIRPORT PARK:												
501	Gateway Entrance Projects			-	-	-	-	-	-	-	-	-
502	Airport Corporate Hangar Development/Improvements			25,387	-	-	-	-	-	-	-	-
503	Fuel Farm Loop Roadway			110,000	-	-	-	-	-	-	-	-
504	Airport Terminal Access Enhancement			115,000	-	-	-	-	-	-	-	-
505	Airport Entry Landscaping & Signage			230,000	-	-	-	-	-	-	-	-
506	Northwest Airport Parking & Entrance			865,000	-	-	-	-	-	-	-	-
507	East Airport Commercial Facility Improvements			-	-	-	-	-	-	-	-	-
508	Corporate Hangar Phase II			-	-	-	-	-	-	-	-	-
550	Total Airport Park			1,345,387	-	-	-	-	-	-	-	-
610	Public Improvements			-	-	6,277,362	6,343,681	8,627,581	8,728,231	8,727,331	8,831,431	9,247,881
Total Planned Project Expenditures				30,476,035	245,428	6,939,058	7,032,577	9,435,506	9,543,626	9,550,270	9,661,989	10,102,700
700	Available Fund Balance at Year End			\$ 2,350,801	\$ 1,632,000	\$ 2,323,355	\$ 2,341,891	\$ 2,295,758	\$ 2,263,570	\$ 2,263,955	\$ 2,277,242	\$ 2,307,579

ORDINANCE NO. 2014-4665

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1 FINANCING AND PROJECT PLANS TO APPROPRIATE ADDITIONAL TAX INCREMENT REVENUE, EXPENDITURES FOR DOWNTOWN IMPROVEMENTS, PUBLIC IMPROVEMENTS AND DEBT SERVICES FOR FISCAL YEARS 2014 THROUGH 2033; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council (the "Council") of the City of Temple, Texas, (the "City") created Reinvestment Zone Number One, City of Temple, Texas (the "Zone") by Ordinance No. 1457 adopted on September 16, 1982;

Whereas, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003- 3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20th day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21st day of February, 2008; and Ordinance No. 2008-4217 the 15th day of May, 2008; Ordinance No. 2008-4242 the 21st day of August, 2009; Ordinance No. 2009-4290 on the 16th day of April, 2009; Ordinance No. 2009-4294 on the 21st day of May, 2009; Ordinance No. 2009-4316 on the 17th day of September, 2009; Ordinance No. 2009-4320 on the 15th day of October, 2009; Ordinance No. 2010-4338 on the 18th day of February, 2010; Ordinance No. 2010-4371 on the 19th day of August, 2010; Ordinance No.

2010-4405 on November 4, 2010; Ordinance No. 2011-4429 on March 17, 2011; Ordinance No. 2011-4455 on July 21, 2011; Ordinance No. 2011-4477 on October 20, 2011; Ordinance No. 2012-4540 on June 21, 2012; and Ordinance No. 2012-4546 on July 19, 2012; Ordinance No. 2012-4554 on September 20, 2012; Ordinance No. 2012-4566 on November 15, 2012; Ordinance No. 2013-4595 on June 20, 2013; Ordinance No. 2014-4665 on May 15, 2014;

Whereas, the Board of Directors of the Zone has adopted an additional amendment to the Reinvestment Zone Financing and Project Plans for the Zone and forwarded such amendment to the Council for appropriate action;

Whereas, the Council finds it necessary to amend the Reinvestment Zone Financing and Project Plans for the Zone to include financial information as hereinafter set forth;

Whereas, the Council finds that it is necessary and convenient to the implementation of the Reinvestment Zone Financing and Project Plans, including the additional amendment, to establish and provide for an economic development program within the meaning of Article III, Section 52-a of the Texas Constitution ("Article III, Section 52-a"), Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including programs to make grants and loans of Zone assets or from the tax increment fund of the Zone in an aggregate amount not to exceed the amount of the tax increment produced by the City and paid into the tax increment fund for the Zone for activities that benefit the Zone and stimulate business and commercial activity in the Zone as further determined by the City;

Whereas, the Council further finds that the acquisition of the land and real property assembly costs as described in the additional amendment to the Reinvestment Zone Financing and Project Plans are necessary and convenient to the implementation of the Reinvestment Zone Financing and Project Plans and will help develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone by providing land for development of future business and commercial activity, attracting additional jobs within the City and attracting additional sales and other taxes within the City; and

Whereas, the Council finds that such amendment to the Reinvestment Zone Financing and Project Plans is feasible and conforms to the Comprehensive Plan of the City, and that this action will promote economic development within the City of Temple.

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

Part 1: Findings. The statements contained in the preamble of this ordinance are true and correct and are adopted as findings of fact hereby.

Part 2: Reinvestment Zone Financing and Project Plans. The amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, is hereby approved and adopted, as set forth in the Amendments to Reinvestment Zone Number 1, City of Temple, Texas, attached hereto as Exhibits A and B.

Part 3: Plans Effective. The Financing Plan and Project Plans for the Zone heretofore in effect shall remain in full force and effect according to the terms and provisions thereof, except as specifically amended hereby.

Part 4: Copies to Taxing Units. The City Secretary shall provide a copy of the amendment to the Reinvestment Zone Financing and Project Plans to each taxing unit that taxes real property located in the Zone.

Part 5: Economic Development Program. The Council hereby establishes an economic development program for the Zone in accordance with Article III, Section 52-a of the Texas Constitution, Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including a program to make grants and loans of Zone assets or from the tax increment fund of the Zone in accordance with the provisions of Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code as directed and authorized by the Council. The Council hereby further directs and authorizes the Board of Directors of the Zone to utilize tax increment reinvestment zone bond proceeds to acquire the land and pay other real property assembly costs as set forth in the additional amendment attached hereto to help develop and diversify the economy of the Zone and develop or expand business and commercial activity in the Zone in accordance with Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code.

Part 6: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 7: Effective Date. This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 8: Open Meetings. 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 Meeting Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **1st** day of **May**, 2014.

PASSED AND APPROVED on Second Reading on the **15th** day of **May**, 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

05/15/14
Item #4(R)
Consent Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: FIRST READING - A-FY-14-6: Consider adopting an Ordinance authorizing (a) abandonment and conveyance of a 0.041 +/- acre portion of Carriage House Drive and (b) release of a portion of an adjoining 10-foot utility easement, in order to reconfigure and Replat Lots 12 and 13, Block 9, Carriage House Village Phase I.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description, with second reading, public hearing and final adopt set for June 5, 2014.

ITEM SUMMARY: The applicant, Turley Associates on behalf of property owner, RTC Construction Ltd., has submitted a request for the abandonment and conveyance of a 0.041 +/- acre portion of Carriage House Drive and the release of a 0.014 +/- acre portion of a utility easement located in front of Lots 12 & 13, Block 9, Carriage House Village, Phase I. The utility easement to be released is not within the right-of-way to be abandoned. The right-of-way to be abandoned is not paved. The reason for the request is to complete the sale of two single-family home lots that have been issued construction permits.

In June 2012, the City Council had approved rezoning of the two lots from SF-2 to SF-3. This accommodated the proposed reconfiguration of the lots and the utility easement on the cul-de-sac bulb that was platted but never built. The reduced setback from 25-feet to 15-feet accommodated the utilities and allowed new homes to align with the existing house to the south. While the rezone addressed the front setback issue, it did not address the sliver of unused right-of-way that was in the front of the lots.

The current configuration of the street was dedicated as right-of-way showing a cul-de-sac knuckle (radius bulb) and the placement of 10-foot utility easement along the front property line. This occurred with the recordation of the Carriage House Village, Phase 1 Final Plat. During construction the contractor/builder did not construct the knuckle; as a result the homebuilder constructed homes as if the property line was continuous from with the neighboring properties. A Replat showing this correction has been submitted, reviewed by staff and pending recordation upon a determination of this abandonment application.

The right-of-way area proposed for abandonment is approximately 1,786 square feet (0.041 acre) and according Local Government Code Section 253.013 may be eligible for donation to the adjacent property owner. No appraisal is being required. As a result of these time sensitive issues, the Public Hearing is anticipated to be held during the 2nd Reading of the Ordinance.

As part of the construction permit process, outside utilities have been relocated at the property owner's expense and are in place. Water and sewer services are in existing and in place.

Planning staff contacted all utility providers, including the Public Works Department, regarding the proposed abandonment. Due to the sense of urgency from the applicant to move the request forward, staff has not received formal comments back from the utility companies or Public Works. An update will be provided to the City Council during at the time of the Public Hearing.

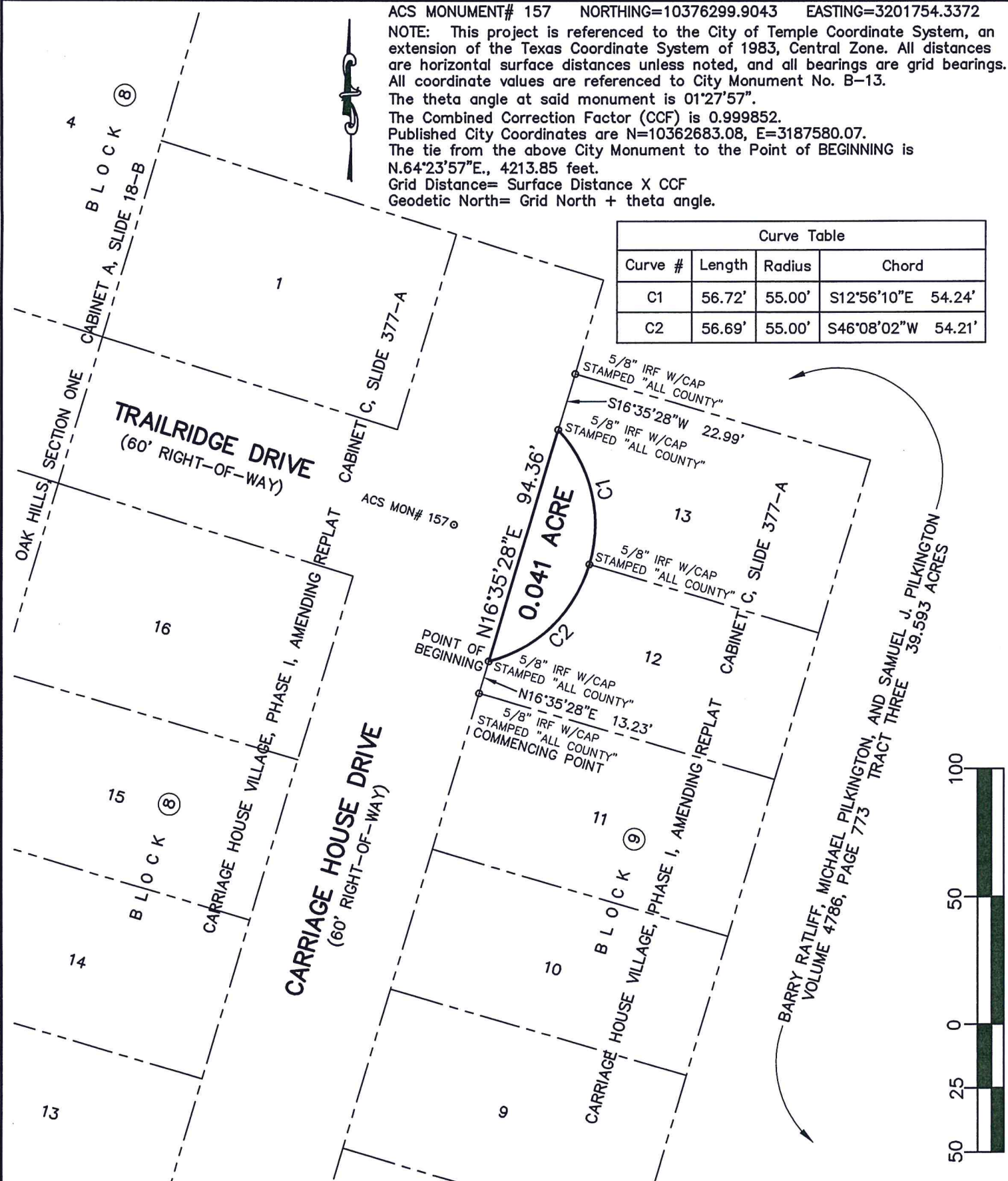
FISCAL IMPACT: N/A – Per Texas Local Government Code Section 253.013, the property may be eligible for donation to adjacent property owners. In addition, staff recommends the easement be released at no cost to the underlying property owner, per Section 272.001 of the Texas Local Government Code.

ATTACHMENTS:

[Surveyors Sketch of Right of Way Abandonment \(Exhibit A\)](#)
[Surveyors Sketch of Easement release \(Exhibit B\)](#)
[Ordinance](#)

ACS MONUMENT# 157 NORTHING=10376299.9043 EASTING=3201754.3372
NOTE: This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted, and all bearings are grid bearings. All coordinate values are referenced to City Monument No. B-13. The theta angle at said monument is 01°27'57". The Combined Correction Factor (CCF) is 0.999852. Published City Coordinates are N=10362683.08, E=3187580.07. The tie from the above City Monument to the Point of BEGINNING is N.64°23'57"E., 4213.85 feet. Grid Distance= Surface Distance X CCF
Geodetic North= Grid North + theta angle.

Curve Table			
Curve #	Length	Radius	Chord
C1	56.72'	55.00'	S12°56'10"E 54.24'
C2	56.69'	55.00'	S46°08'02"W 54.21'



BEING a 0.041 acre tract of land situated in the BALDWIN ROBERTSON SURVEY, ABSTRACT No. 17 in Bell County, Texas and being a part or portion of right-of-way dedicated to the City of Temple for Carriage House Drive, a publicly dedicated roadway by the plat of Carriage House Village, Phase I, Amending Replat, a subdivision to the City of Temple, Bell County, Texas and being of record in Cabinet C, Slide 377-A, Plat Records of Bell County, Texas.

STATE OF TEXAS I KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a
COUNTY OF BELL Registered Professional Land Surveyor in the State of Texas,
do hereby certify that this survey was this day made on the
property described herein and is correct.

WITNESS THEREOF, my hand and seal, this the 8th day of April, 2014.



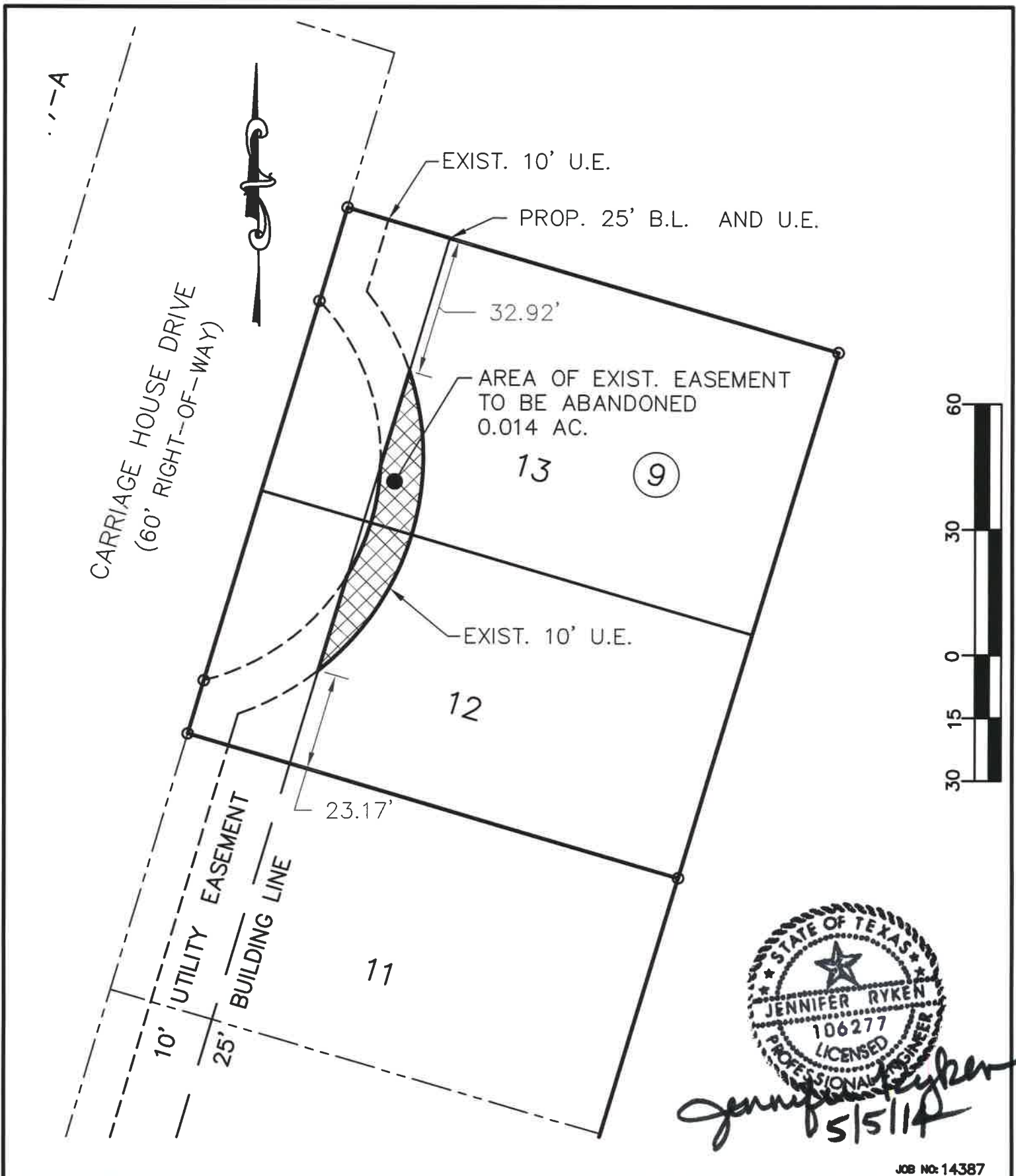
Michael E. Alvis
Michael E. Alvis, R.P.L.S. #5402

JOB NO: 14387

TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400

RIGHT-OF-WAY ABANDONMENT
0.041 ACRE
BALDWIN ROBERTSON SURVEY, ABS. NO. 17
CITY OF TEMPLE, BELL COUNTY, TEXAS

DATE: 04/08/14	SCALE: 1:50	DWN. BY: JRG
REFERENCE: 12835-D	F.B. & L.B.:	
SHEET 1 OF 1	FILE NO: 12835-A	



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC.

301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400

EASEMENT ABANDONMENT EXHIBIT

BALDWIN ROBERTSON SURVEY, ABS. NO. 17
CITY OF TEMPLE, BELL COUNTY, TEXAS

DATE: 5/5/14	SCALE: 1:30	DRAWN BY: JGR
REFERENCE: 12835-D	F.B. & L.B.:	
SHEET 1 OF 1	FILE NO. 12835-A	

JOB NO: 14387

STATE OF TEXAS
JENNIFER RYKEN
106277
LICENSED PROFESSIONAL ENGINEER
Jennifer Ryken
5/5/14

ORDINANCE NO. 2014-4666

(A-FY-14-06)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ABANDONMENT AND CONVEYANCE OF AN APPROXIMATELY 0.041 ACRE PORTION OF CARRIAGE HOUSE DRIVE AND RELEASING AN APPROXIMATELY 0.014 PORTION OF AN ADJOINING 10-FOOT-WIDE UTILITY EASEMENT, IN ORDER TO RECONFIGURE AND REPLAT LOTS 12 AND 13, BLOCK 9, CARRIAGE HOUSE VILLAGE, PHASE I; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, RTC Construction Ltd requests abandonment and conveyance of an approximately 0.041 acre portion of Carriage House Drive and release of an approximately 0.014 acre portion of a 10-foot-wide utility easement adjoining the front of RTC Construction's property, Lots 12 and 13, Block 9, Carriage House Village, Phase I;

Whereas, staff has contacted all utility providers, including the Public Works Department, regarding the proposed abandonment and confirmed that all existing public utilities are located either within the remaining right-of-way for Carriage House Drive or the 25-foot-wide public utility easement that will be dedicated by the proposed amending plat known as Carriage House Village No. 3;

Whereas, pursuant to Texas Local Government Code §253.013, the conveyance would be at no cost to the property owner if the governing body of a City finds that the property is not improved, including having a structure on it or by being paved, ownership of the property does not provide any identifiable positive benefit to the City in relation to the City's current needs, 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 the cost of maintaining the property is of substantial burden to the city. Governing body finds that all of these statements are true with regard to the property in question and therefore, in accordance with Texas Local Government Code §253.013, the City may donate the approximately 0.041 acre portion of Carriage House Drive to the adjacent property owner, RTC Construction Ltd.; and

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

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

Part 1: The City Council abandons and conveys an approximately 0.041 acre portion of Carriage House Drive and releases an approximately 0.014 portion of a 10-foot utility easement, adjoining the front of Lots 12 and 13, Block 9, Carriage House Village, Phase I.

Part 2: Pursuant to Texas Local Government Code §253.013, the City conveys the approximately 0.041 portion of Carriage House Drive to the adjacent property owner, which is RTC Construction Ltd.

Part 3: This ordinance takes effect upon recordation of the approved plat of Carriage House Village No. 3.

Part 34: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 5: 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 **15th** day of **May**, 2014.

PASSED AND APPROVED on Second Reading the **5th** day of **June**, 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 _____, 2014, by
Daniel A. Dunn, Mayor of the City of Temple, Texas.

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

05/15/14
Item #4(S-1)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: FIRST READING – Consider adopting an ordinance authorizing the annexation of a 136.576 acre tract of land, located to the north of the Highlands and west of the Windmill Farms subdivisions abutting the city limits boundary to the north and west situated within part of the John J. Simmons Survey, Abstract No. 737 and the George V. Lindsey Survey, Abstract No. 513, Bell County, Texas.

STAFF RECOMMENDATION: Adopt ordinance as presented, with second reading, public hearing and final adoption on June 5, 2014.

ITEM SUMMARY: John R. Kiella, Kiella Land Investments Management, LLC, filed a petition on March 6, 2014 seeking voluntary annexation of 136.576 acres called the Groves at Lakewood Ranch into the City of Temple. Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

1. Less than one-half mile in width,
2. Contiguous to the annexing municipality, and
3. Vacant and without residents or on which fewer than three qualified voters reside.

On April 3, 2014, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property. Public Hearings were held to present the Municipal Service Plan on April 17, 2014 and April 21, 2014.

The applicant has requested to zone the property Single Family-2 (SF-2), which would be considered by City Council at the same time as the annexation request (First Reading on May 15, 2014 and Second Reading with a Public Hearing on June 5, 2014).

FISCAL IMPACT: Future development and improvements to the property will add value to the Ad Valorem Tax Base. The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve this small tract.

ATTACHMENTS:

[Location Map](#)

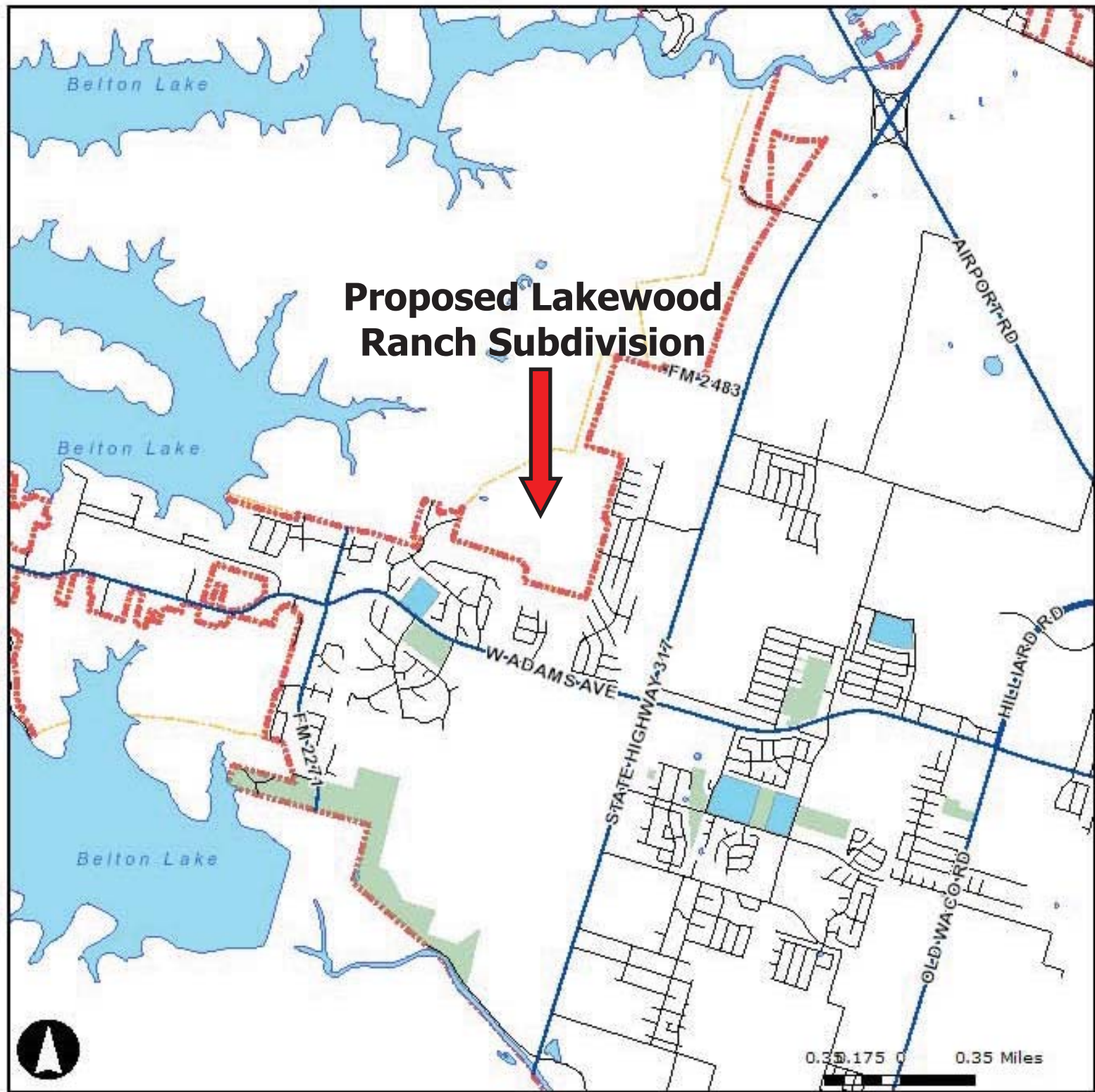
[Municipal Service Plan](#)

[Field Notes of Proposed Annexation Area](#)

[Survey of Proposed Annexation Area](#)

[Ordinance](#)

Lakewood Ranch Location Map



**CITY OF TEMPLE
ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION
LAKEWOOD RANCH**

For a 136.576 acre tract of land, located to the north of the Highlands and west of the Windmill Farms subdivisions abutting the city limits boundary to the north and west situated within part of the John J. Simmons Survey, Abstract No. 737 and the George V. Lindsey Survey, Abstract No. 513, Bell County, Texas. and being more particularly described as Exhibit “A” (Field Notes) and depicted as Exhibit “B” (Survey) of the Annexation Ordinance (2014-####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City will provide protection to the newly-annexed tract at the same or similar of service now being provided to other areas of the City, with the same or similar topography, land use and population density.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City will provide fire protection from Station 7 to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through the Scott & White Hospital System.

3. SOLID WASTE COLLECTION

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities outside the extent of the ownership of the City, and owned by other water or wastewater treatment providers shall continue to be allowed to provide those services to the newly-annexed tract.

5. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City.

7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any publicly-owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly-owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly-owned facilities, buildings or municipal services of the City now incorporated in the City.

8. INSPECTIONS

The City will provide building inspection services upon approved building permits from the City to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

10. MOWING

The City will provide right-of-way mowing services adjacent to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and sub development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with city policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities within the boundaries of the voluntary annexation, and proposes no other extension of water facilities to the area, taking into consideration the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

Currently, there are no wastewater treatment providers within the boundaries of the voluntary annexation and property owners rely on on-site sewage facilities (septic systems). Other areas of the City of Temple with similar topography, land use, and population density as those found in the boundaries of the voluntary annexation also rely on on-site sewage facilities for wastewater infrastructure. For this reason and in accordance with Local Government Code Section 43.056(g), the City proposes no extensions of wastewater facilities within the boundaries of the voluntary annexation.

4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

SPECIFIC FINDINGS

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS _____ DAY OF _____, 2014.

City of Temple, Texas

Mayor

ATTEST:

City Secretary

BEING a 136.576 acre tract situated in the JOHN J. SIMMONS SURVEY, ABSTRACT No. 737, Bell County, Texas and the GEORGE W. LINDSEY SURVEY, ABSTRACT No. 513, Bell County, Texas and being a part or portion of that certain 23.856 acre tract (TRACT 2) described in a Special Warranty Deed dated October 1, 2012 from Edward William Clinite, Trustee of the Esta Laperle Clinite Descendants Separate Trust to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00042201, Official Public Records of Bell County, Texas and being a part or portion of that certain 112.763 acre tract of land described in a Special Warranty Deed dated October 1, 2012 from Clinite-Miller, Inc., a Texas corporation to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00042199, Official Public Records of Bell County, Texas and being a part or portion of that certain 35.000 acre tract of land described in a Special Warranty Deed dated May 17, 2012 from Clinite-Miller, Inc., a Texas corporation to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00020165, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{1}{2}$ " iron rod found being the northeast corner of the said 112.763 acre tract and being an interior ell corner in the west boundary line of that certain 54.98 acre tract of land described as Windmill Farms, Phase II according to the map or plat of record in Cabinet D, Slide 243-B, Plat Records of Bell County, Texas for corner;

THENCE S. $17^{\circ} 03' 51''$ W., 693.17 feet with the east boundary line of the said 112.763 acre tract to a $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" found being the northeast corner of the said 35.000 acre tract for corner;

THENCE S. $17^{\circ} 02' 53''$ W., 1332.16 feet departing the said 112.763 acre tract and with the east boundary line of the said 35.000 acre tract and with the west boundary line of the said Windmill Farms Phase II and continuing with the west boundary line of that certain tract of land described in a Deed to Whitis Investments, Ltd and being of record in Volume 5397, Page 167, Official public Records of Bell County, Texas and continuing with the west boundary line of that certain tract of land described as Windmill Farms, Phase One according to the map or plat of record in Cabinet D, Slide 72-D, Plat Records of Bell County, Texas to a point for corner;

THENCE N. $74^{\circ} 37' 47''$ W., 1595.06 feet departing the east boundary line of the said 35.000 acre tract and the west boundary line of the said Windmill Farms, Phase One and over and across the said 35.000 acre tract and continuing over and across the aforementioned 112.763 acre tract to a point being in a west boundary line of the said 112.763 acre tract and being in the east boundary line of that certain 23.210 acre tract of land (TRACT 1) described in a Special Warranty Deed dated October 1, 2012 from Edward William Clinite, Trustee of the Esta Laperle Clinite Descendants Separate Trust to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00042201, Official Public Records of Bell County, Texas for corner;

THENCE with the west and south boundary lines of the said 112.763 acre tract and with the east and north boundary lines of the said 23.210 acre tract (TRACT 1) the following three (3) calls:

- 1) N. $16^{\circ} 40' 00''$ E., 313.53 feet to a point being the most easterly northeast corner of the said 23.210 acre tract for corner;
- 2) N. $39^{\circ} 38' 38''$ W., 243.18 feet to a point being the most northerly northeast corner of the said 23.210 acre tract for corner;

- 3) N. 72° 08' 42" W., 1777.46 feet to a ½" iron rod found being the southwest corner of the said 112.763 acre tract and being the northwest corner of the said 23.210 acre tract and being in the east boundary line of that certain 25.000 acre tract of land described in a Executor's Special Warranty Deed dated April 2, 2008 from Edward William Clinite, Independent Executor and as Trustee of any Trusts Created under the Last Will and Testament of LaVerne Miller, Deceased to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2008-00016748, Official Public Records of Bell County, Texas for corner;

THENCE N. 17° 52' 20" E., 712.25 feet with the east boundary line of the said 25.000 acre tract and with the west boundary line of the said 112.763 acre tract to a ½" iron rod with cap stamped "RPLS 2475" found being the northeast corner of the said 25.000 acre tract and being the southeast corner of that certain 23.856 acre tract (TRACT 2) described in said Document No. 2012-00042201, Official Public Records of Bell County, Texas for corner;

THENCE N. 54° 57' 16" E., 5.79 feet departing the said east and west boundary lines and over and across the said 112.763 acre tract to a point for corner;

THENCE N. 24° 20' 30" W., 17.60 feet over and across the said 112.763 acre tract and continuing over and across the said 23.856 acre tract to a point for corner;

THENCE continuing over and across the said 23.856 acre tract the following five (5) calls:

- 1) S. 54° 23' 10" W., 24.76 feet to a point for corner;
- 2) N. 17° 46' 25" E., 2.98 feet to a point for corner;
- 3) S. 54° 23' 42" W., 1.00 feet to a point for corner;
- 4) N. 37° 15' 50" E., 15.29 feet to a point for corner;
- 5) N. 50° 38' 46" E., 30.44 feet to a point for corner;

THENCE N. 83° 00' 00" E., 60.00 feet over and across the said 23.856 acre tract and continuing over and across the said 112.763 acre tract to a point for corner;

THENCE continuing over and across the said 112.763 acre tract the following four (4) calls:

- 1) S. 07° 00' 00" E., 25.13 feet to a point for corner;
- 2) N. 69° 17' 09" E., 176.16 feet to a point for corner;
- 3) N. 56° 51' 22" E., 198.63 feet to a point for corner;
- 4) N. 25° 57' 06" E., 186.43 feet to a ½" iron rod found at a fence corner post being the most southerly southwest corner of that certain 50 acre tract of land described in a Warranty Deed dated July 28, 1987 from J. F. Cross, Individually and as Independent Executor of the Estate of Celestine J. Cross to Jerry Don Cross and being of record in Volume 2327, Page 549, Official Public Records of Bell County, Texas and being in the north boundary line of the said 112.763 acre tract for corner;




THENCE with the north and west boundary lines of the said 112.763 acre tract and with the south and east boundary lines of the said 50 acre tract the following two (2) calls:

- 1) S. $72^{\circ} 22' 32''$ E., 976.99 feet (calls S. $72^{\circ} 22' 30''$ E., 976.99 feet) to a $\frac{1}{2}$ " iron rod found at a fence corner post being the southeast corner of the said 50.0 acre tract for corner;
- 2) N. $16^{\circ} 02' 23''$ E., 281.40 feet (calls N. $16^{\circ} 02' 23''$ E., 281.40 feet) to a $\frac{1}{2}$ " iron rod found at a fence corner post being the southwest corner of that certain 37.5 acre tract of land described in a Warranty Deed dated January 30, 1991 from J. F. Cross, individually and as Executor of the Estate of Celestine Cross to Jerry Don Cross and being of record in Volume 2700, Page 437, Official Public Records of Bell County, Texas for corner;

THENCE S. $73^{\circ} 16' 22''$ E., 2085.93 feet departing the said 50.0 acre tract and with the south boundary line of the said 37.5 acre tract (calls S. 71° E., 747 varas) and continuing with the north boundary line of the said 112.763 acre tract (calls S. $73^{\circ} 16' 22''$ E., 2085.93 feet) to a $\frac{1}{2}$ " iron rod found being the occupied southeast corner of the said 37.5 acre tract and being an exterior ell corner in the west boundary line of the aforementioned Windmill Farms Phase II for corner;

THENCE S. $73^{\circ} 28' 23''$ E., 148.62 feet (calls S. $73^{\circ} 28' 23''$ E., 148.91 feet) departing the said 37.5 acre tract and continuing with the said north boundary line and with the said west boundary line to the Point of BEGINNING and containing 136.576 acres of land.

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.


 Michael E. Alvis, R.P.L.S. #5402
 March 5, 2014



THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 506
 THE THETA ANGLE AT SAID CITY MONUMENT IS $01^{\circ} 29' 04''$
 THE COMBINED CORRECTION FACTOR (CCF) IS 0.999852
 PUBLISHED CITY COORDINATES ARE X = 3,198,199.05 Y = 10,383,950.33
 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
 N. $21^{\circ} 53' 15''$ E., 4123.65 FEET.
 GRID DISTANCE = SURFACE DISTANCE X CCF
 GEODETIC NORTH = GRID NORTH + THETA ANGL

ORDINANCE NO. 2014-4667

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ANNEXING AN APPROXIMATELY 136.576 ACRE TRACT OF LAND, LOCATED TO THE NORTH OF THE HIGHLANDS AND WEST OF THE WINDMILL FARMS SUBDIVISIONS ABUTTING THE CITY LIMITS BOUNDARY TO THE NORTH AND WEST SITUATED WITHIN PART OF THE JOHN J. SIMMONS SURVEY, ABSTRACT NO. 737 AND THE GEORGE V. LINDSEY SURVEY, ABSTRACT NO. 513, BELL COUNTY, TEXAS, AND APPROVING A MUNICIPAL SERVICE PLAN; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF, IF ANY, SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple is a home-rule city authorized by State law and the City Charter to annex territory lying adjacent and contiguous to the City;

Whereas, two separate public hearings were conducted prior to consideration of this ordinance in accordance with Chapter 43 of the Texas Local Government Code and the hearings were conducted and held not more than forty nor less than twenty days prior to the institution of annexation proceedings;

Whereas, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty nor less than ten days prior to the public hearings;

Whereas, the property to be annexed is contiguous with and adjacent to the City and not within the boundaries of any other city; and

Whereas, the City is able to provide all services to the property to be annexed according to the service plan attached hereto.

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

Part 1: All of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Part 2: The property consisting of an approximately 136.576 acre tract of land, located to the north of the Highlands and west of the Windmill Farms subdivisions abutting the city limits boundary to the north and west situated within part of the John J. Simmons Survey, Abstract No. 737 and the George V. Lindsey Survey, Abstract No. 513, described in Exhibit 'A' (Field Notes

and Survey) attached hereto (hereinafter 'the Property'), is hereby annexed and brought within the corporate limits of the City of Temple, Bell County, Texas, and is made an integral part thereof.

Part 3: The service plan submitted in accordance with Chapter 43 of the Texas Local Government Code is hereby approved as part of this ordinance, made a part hereof and attached hereto as Exhibit 'B.'

Part 4: The owners and inhabitants of the Property herein annexed shall be entitled to all of the rights and privileges of other citizens and property owners of said City and are hereby bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

Part 5: The official map and boundaries of the City of Temple are heretofore adopted and amended be and hereby amended so as to include the annexed Property as part of the City of Temple.

Part 6: The annexed Property shall, in compliance with the Zoning Ordinance of the City of Temple, be zoned as SF-2 (Single-Family Two) until permanent zoning is established by the City Council.

Part 7: The annexed Property shall be included in, and become a part of, the City of Temple City Council Election District Number 4.

Part 8: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 9: If the taking of any territory annexed by this ordinance is declared by a court of competent jurisdiction to be invalid and/or illegal, it shall not affect the balance of the property annexed and attempted to be annexed, and that property shall remain as part of the City of Temple, Texas. It is the intent of this ordinance that any territory that is not lawful for the City to incorporate be excluded from this annexation and that such exclusion be documented by having a qualified surveyor correct the property description of the annexed area to conform to the Council's intention and to insure that the boundary description closes.

Part 10: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 11: 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 on the **15th** day of **May**, 2014.

PASSED AND APPROVED on Second and Public Hearing on the **5th** day of **June**, 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

05/15/14
Item #4(S-2)
Consent Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: Z-FY-14-29 & Z-FY-14-31 - Consider an ordinance adopting permanent zoning upon annexation to Single- Family Two District (SF-2) on 136.576 +/- acres; **and** granting a rezoning from Urban Estate District (UE), Agricultural District (AG), and Single-Family One District (SF-1) to Single- Family Two District (SF-2) on a total 57.298 +/- acres, all being located east of The Campus at Lakewood Ranch, Phase VIII and extending to the west side of Windmill Farms, Phases I and II, and north of The Highlands.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its May 5, 2014, meeting the Planning and Zoning Commission voted 7/0 to recommend approval of Z-FY-14-29 allowing permanent zoning of SF-2 upon annexation and approval of Z-FY-14-31 for a rezoning from AG, UE, and SF-1 to SF-2. Commissioners Pitts and Johnson were absent.

STAFF RECOMMENDATION: Staff recommends **approval** of Z-FY-14-29 allowing permanent zoning of **SF-2 District** upon annexation for the following reasons:

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

Staff recommends **approval** of Z-FY-14-31 with the requested rezoning to **Single Family Two District** (SF-2) for the following reasons:

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

ITEM SUMMARY: The subject properties in Z-FY-14-29 and Z-FY-14-31 are part of the proposed Master Preliminary Plat for The Groves at Lakewood Ranch, known as P-FY-14- 22.

Zoning Case Z-FY-14-29 involves property currently going through the voluntary annexation process. The applicant, John Kiella, requests the property be annexed into the City of Temple with Single-Family Two District (SF-2) as its permanent zoning district.

Zoning Case Z-FY-14-31 is a request for rezoning from Urban Estate District (UE), Agricultural District (AG), and Single-Family One District (SF-1) to Single-Family Two District (SF-2). Both zoning requests are to allow development of a single-family residential subdivision to be known as The Groves of Lakewood Ranch.

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.

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

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:

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site Land	Suburban Residential	AG, UE, & SF-1	Agricultural/Undeveloped
North Residential	Suburban Residential	AG	Agricultural/Single-Family
South Residential	Suburban Residential	AG, SF-1, & MF-2	Single-Family, & Multi-Family
East Residential	Suburban Residential	SF-2	Single-Family Residential
West Residential	Suburban Residential	AG, UE	Agricultural/Single-Family

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

Policy, Goal, Objective or Map		Site Conditions	Compliance
CP	Map 3.1 - Future Land Use and Character (FLUP)	The property is identified as Suburban Residential . The applicant's requested Single-Family Two District complies with this recommendation.	Yes
CP	Map 5.2 - Thoroughfare Plan	The requested Single-Family Two zoning district complies with the surrounding local streets. However, since the developer proposes a collector in a location different than the one recommended by the Thoroughfare Plan, a future amendment will be needed.	Partial
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Water and sewer facilities are available to the site. A 10-inch water line bisects the subject properties. A six-inch water line is available at Richland Drive and from Cedar Crest Lane. An 8-inch sewer line is available from Cedar Crest Lane. The developer proposes new 8-inch water lines and sewer lines throughout the development.	Yes
STP	Temple Trails Master Plan Map & sidewalks	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.	This will be addressed during the platting and development process

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

DEVELOPMENT REGULATIONS: 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

PUBLIC NOTICE: Fifty-three notices of the Planning and Zoning Commission public hearing for **Z-FY-14-29** were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of April 30, 2014, no notices were returned in favor of the request and no notices were returned in opposition.

Fifty-five notices of the Planning and Zoning Commission public hearing for **Z-FY-14-31** were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of May 6, 2014, no notices were returned in favor of the request and two notices were returned in opposition.

The newspaper printed notice of the Planning and Zoning Commission public hearings for Z-FY-14-29 and Z-FY-14-31 on April 24, 2014, in accordance with state law and local ordinance.


FISCAL IMPACT: Not Applicable




ATTACHMENTS:

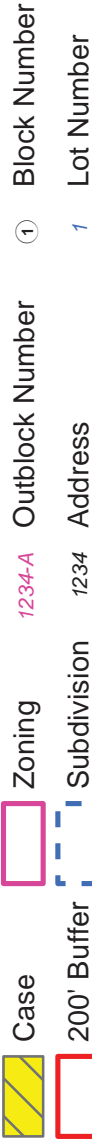
[Subject and Surrounding Property Photos](#)
[Zoning and Location Map](#)
[Future Land Use and Character Map](#)
[Thoroughfare Map](#)
[Utility Map](#)
[Buffer Notification Map](#)
[Notification Response letters](#)
[Ordinance](#)

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, UE, and SF-1	Agricultural / Undeveloped Land	 <p>Richland Drive View.</p>
			 <p>Inverness Road & St. Andrews Place View</p>
East	SF-2	Single-Family Residential	 <p>View towards Windmill Farms</p>

Direction	Zoning	Current Land Use	Photo
West	AG, UE	Agricultural Land / Single-Family Residential	
South	AG, SF-1, and MF-2	Residential	 St. Andrews Place & Inverness Road intersection
North	AG/ETJ	Agricultural / Single-Family Residential	

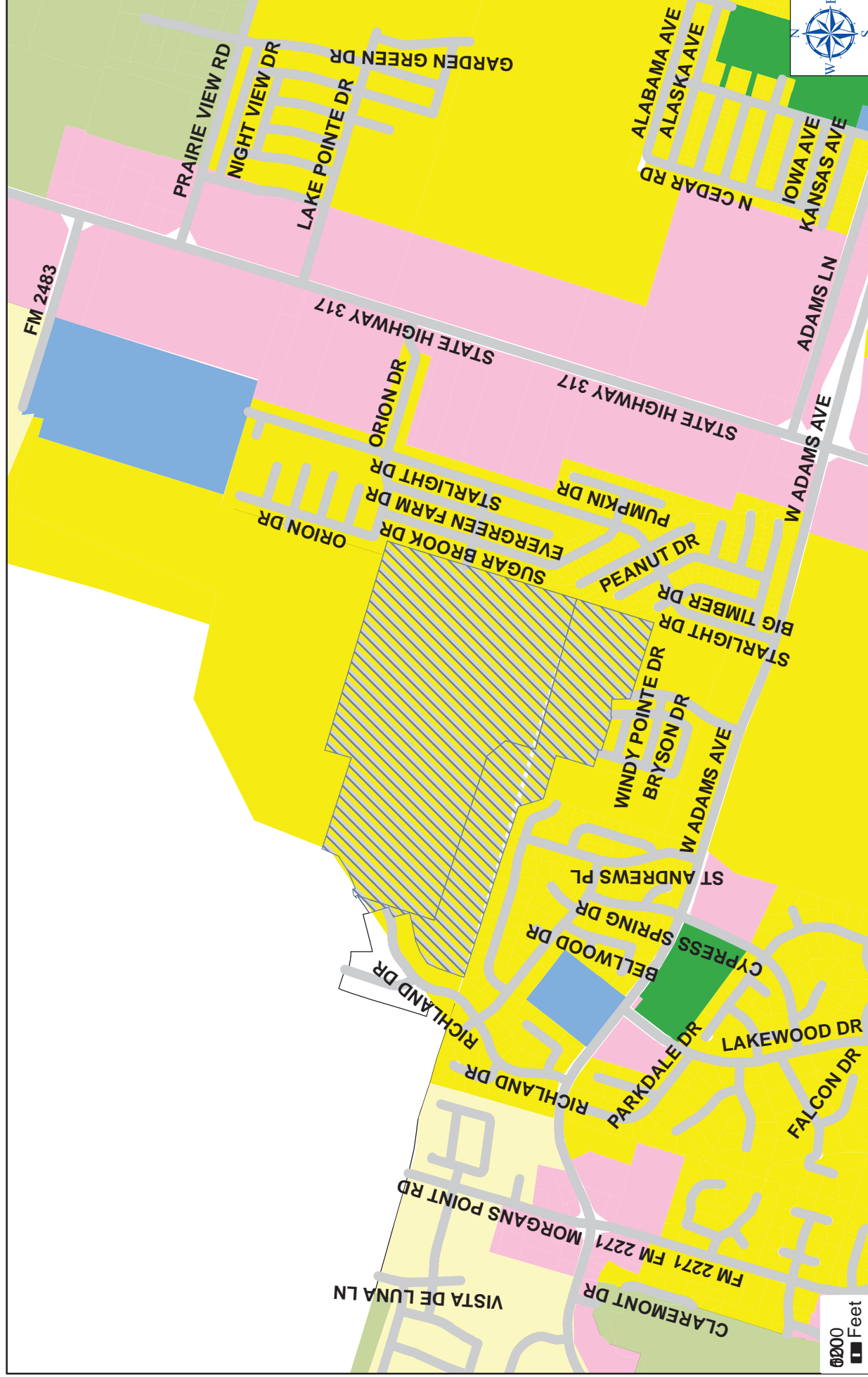




FY-14-29 & 31

AG, UE, & SF-1 to SF-2

301 Clinite Grove Blvd.



Future Land Use

- Zoning Cases 2014
- Neighborhood Conservation
- Estate Residential

- Suburban Residential
- Auto-Urban Residential
- Auto-Urban Multi-Family

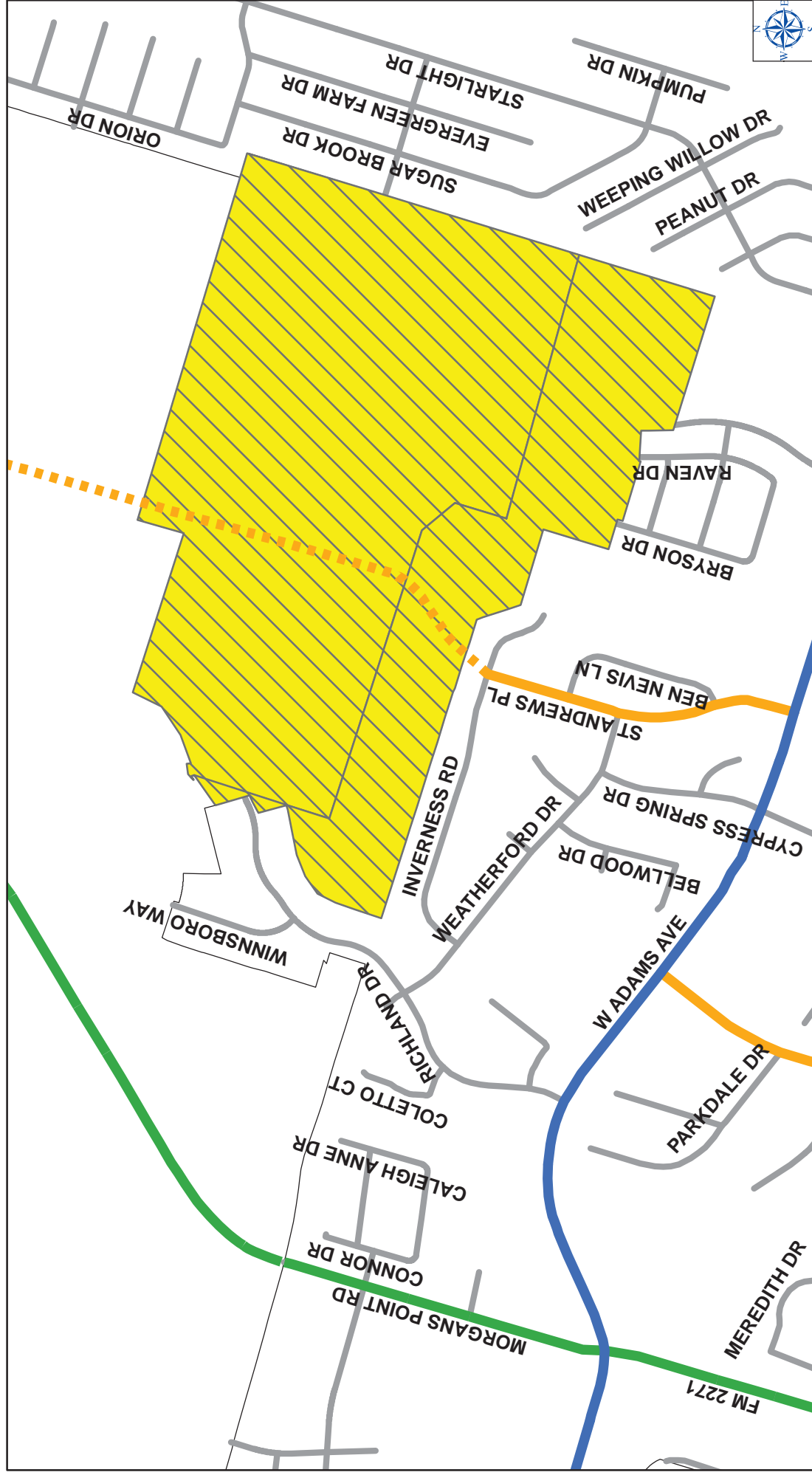
- Auto-Urban Mixed Use
- Auto-Urban Commercial
- Suburban Commercial

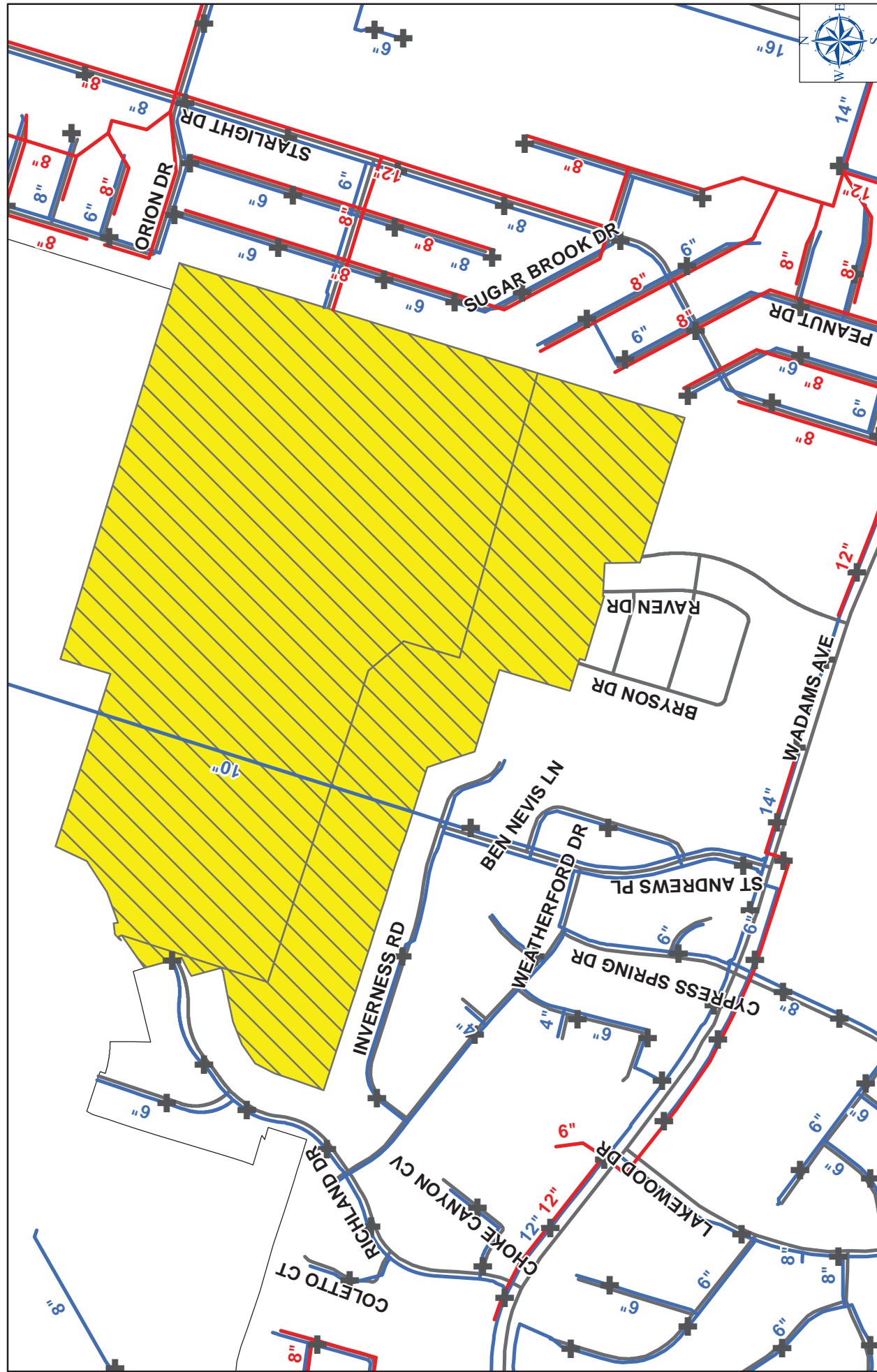
- Urban Center
- Temple Medical Education District
- Industrial

- Business Park
- 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 or property boundaries and other features.

4/30/2014
City of Temple GIS





0 1000
Feet

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

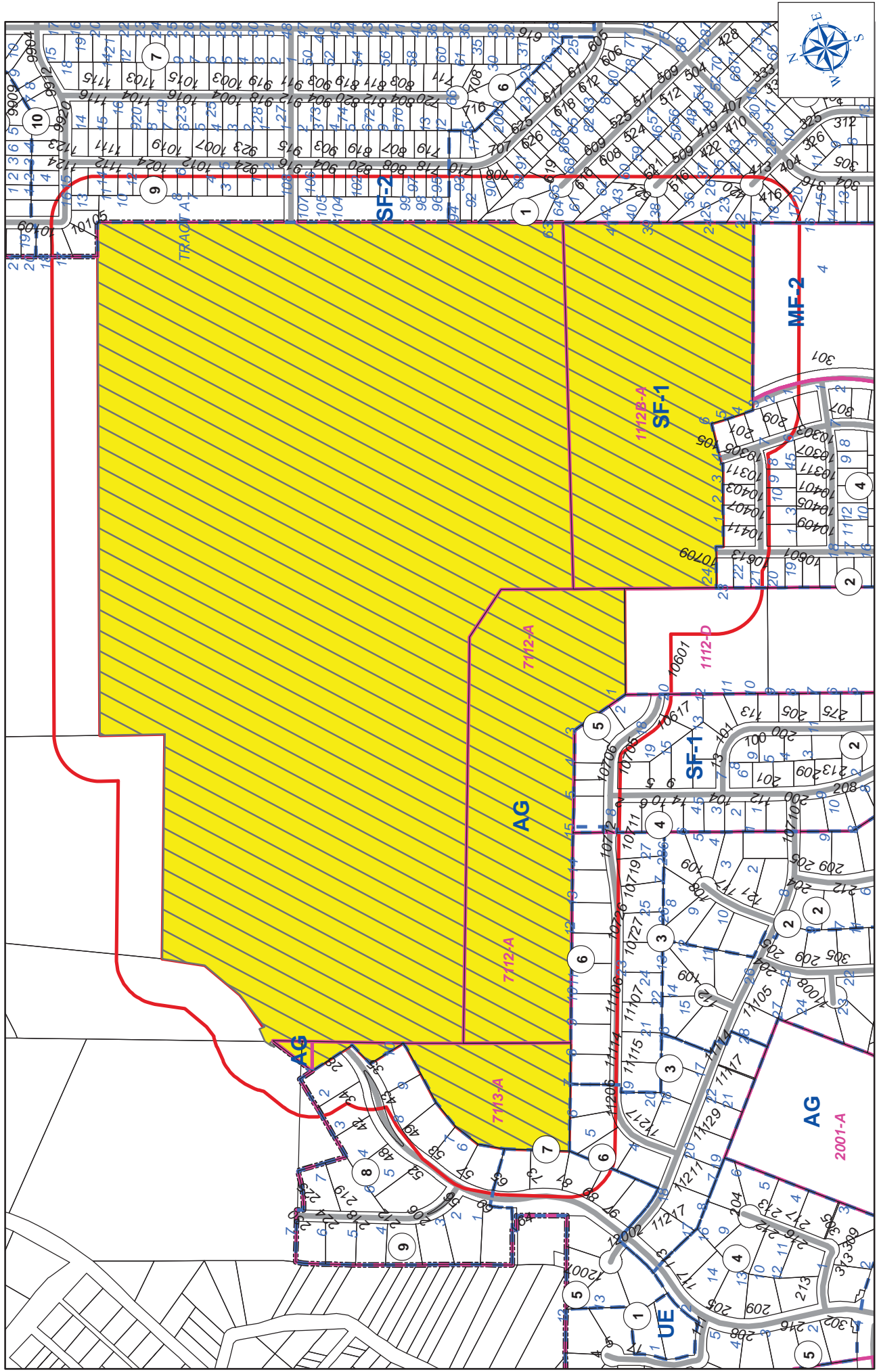
4/16/2014
City of Temple GIS




FY-14-29 & 31


AG, UE, & SF-1 to SF-2

301 Clinite Grove Blvd.





 Case


 200' Buffer

 Zoning

 Subdivision

 1234-A Outblock Number

 1234 Address

 1 Block Number

 1 Lot Number

0 200 400 Feet

4/16/2014
City of Temple GIS
tlyerly

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



RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

David Etux Amanda Black
65 Richland Drive
Belton, Texas 76513

Zoning Application Number: Z-FY-14-31

Project Manager: Tammy Lyerly

Location: North of West Adams Avenue, west of The Campus at Lakewood Ranch, east of Windmill Farms Phases I and II

The proposed zoning 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:

Rezoning the entire area to SF-2 is unnecessary and not inline with the
Unified Development Code, which calls for a "well buffered" area between the
Urban Estates of The Campus at Lakewood Ranch and smaller single family lots.

I chose to build my house in early 2012 AFTER P&Z rezoned the land adjacent
to my property from AG to UE. (Z-FY 12-06). This area is shown on the
proposed case is noted 7113-A. It should remain UE and used for larger
residential lots or Parkland as stated in the Development Regulations

DA/AB
Signature

David Black
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than
May 5, 2014

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

RECEIVED
MAY 02 2014
City of Temple
Planning & Development



RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Karlheinz & Lynn Reichl
517 Peanut Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-14-31

Project Manager: Tammy Lyerly

Location: North of West Adams Avenue, west of The Campus at Lakewood Ranch, east of Windmill Farms Phases I and II

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

I recommend () approval

(☒) denial of this request.

Comments:

In our previous neighborhood our home backed up to a grocery store and strip mall. The stores were a negative to our property. We experienced more crime, harsh smells, harsh lighting, and trucks coming and going at all hours day + night.

We do not approve of this rezoning.
thank you,

Lynn Reichl
Signature
Karlheinz Reichl

Lynn Reichl
Print Name
Karlheinz Reichl

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

May 5, 2014

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

RECEIVED

MAY 05 2014

City of Temple
Planning & Development

ORDINANCE NO. 2014-4668

(PLANNING NO. Z-FY-14-29 & Z-FY-14-31)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING PERMANENT ZONING UPON ANNEXATION TO SINGLE FAMILY-TWO DISTRICT (SF-2) ON APPROXIMATELY 136.576 ACRES, AND GRANTING A REZONING FROM URBAN ESTATES DISTRICT (UE), AGRICULTURAL DISTRICT (AG), AND SINGLE-FAMILY ONE DISTRICT (SF-1) TO SINGLE-FAMILY TWO DISTRICT (SF-2) ON A TOTAL OF APPROXIMATELY 57.298 ACRES, ALL BEING LOCATED EAST OF THE CAMPUS AT LAKEWOOD RANCH, PHASE VIII AND EXTENDING TO THE WEST SIDE OF WINDMILL FARMS, PHASES I AND II, AND NORTH OF THE HIGHLANDS; 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 permanent zoning upon annexation to Single-Family Two District (SF-2) on approximately 136.576 acres and granting a rezoning from Urban Estates (UE), Agricultural District (AG), and Single-Family One District (SF-1) to Single-Family Two District (SF-2) on a total of approximately 57.298 acres, all being located east of The Campus at Lakewood Ranch, Phase VIII and extending to the west side of Windmill Farms, Phases I and II, and north of The Highlands, and more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **15th** day of **May**, 2014.

PASSED AND APPROVED on Second Reading on the **5th** day of **June**, 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

05/15/14
Item #4(T)
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 ratifying two agreements with BNSF to close the South 1st Street railroad crossing and install an estimated \$433,236 of signal improvements at South Main Street and Martin Luther King Jr. Drive (MLK) south of downtown.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On March 21, 2011, the City entered into a contract with Kasberg, Patrick & Associates, LP (KPA), to develop options and alternatives to create a downtown rail safety zone, allowing locomotive traffic to operate without the use of horns. Their Downtown Rail Safety Zone Report recommended closing the South 1st Street crossing (just south of downtown) and constructing supplemental safety measures at the South Main Street and MLK crossings (Map attached). On October 18, 2012, Council resolved to direct Staff to proceed with implementation of the report.

On April 4, 2013, Council authorized a professional services agreement with KPA to design, bid, and provide construction phase services for the recommended street closure and safety measures in an amount not to exceed \$98,000.

On November 21, 2013, Council authorized closing the BNSF crossing on South 1st Street to vehicular traffic in accordance with KPA's recommendations and railroad policies and procedures.

The agreements include the railroad's concurrence with the above November 21 Council action, an estimated \$108,309 of signal improvements contributed by BNSF, and as estimated \$433,236 of signal improvements contributed by the City. The agreement for South 1st Street and South Main Street approves the closing of the South 1st Street crossing and estimates \$185,308 and \$46,327 of signal improvement costs (at South Main Street) to be borne by the City and BNSF, respectively. The agreement for MLK estimates \$247,928 and \$61,982 of signal improvement costs to be borne by the City and BNSF, respectively.

FISCAL IMPACT: After the approval of the Reinvestment Zone No. 1 Financing Plan amendment, funding for the agreements with BNSF in the amount of \$433,236 will be available in account 795-9500-531-6528, project 100697.

ATTACHMENTS:

[Map](#)
[Resolution](#)



DOWNTOWN SAFETY ZONES

PROPOSED
CLOSED
RAIL CROSSING

PROPOSED
6' WIDE
MEDIANS

PROPOSED
10' WIDE
MEDIANS

PROPOSED
QUIET ZONES

LEGEND



RESOLUTION NO. 2014-7321-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING TWO AGREEMENTS WITH BNSF RAILWAY COMPANY, A DELAWARE CORPORATION, TO CLOSE THE SOUTH 1ST STREET RAILROAD CROSSINGS AND INSTALL AN ESTIMATED \$433,236 OF SIGNAL IMPROVEMENTS AT SOUTH MAIN STREET AND MARTIN LUTHER KING JR. DRIVE, SOUTH OF DOWNTOWN; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 21, 2011, the City entered into a professional services agreement with Kasberg, Patrick & Associates, LP (KPA) to develop options and alternatives to create a downtown rail safety zone, allowing locomotive traffic to operate without the use of horns;

Whereas, KPA's Downtown Rail Safety Zone report recommended closing the South 1st Street crossing and constructing Supplemental Safety Measures (SSM) at the South Main Street and Martin Luther King, Jr. Drive crossings – on October 18, 2012, Council directed staff to proceed with implementation of that report;

Whereas, on April 4, 2013, Council authorized a professional services agreement with KPA to design, bid and provide construction phase services for the recommended street closure and SSM's;

Whereas, on November 21, 2013, Council authorized closing the BNSF railroad crossing on South 1st Street to vehicular traffic in accordance with KPA's recommendations and railroad policies and procedures;

Whereas, staff recommends ratifying two agreements with BNSF Railway Company, to close the south 1st Street railroad crossings and install signal improvements at South Main Street and Martin Luther King Jr. Drive, south of downtown, in an estimated amount of \$433,236;

Whereas, after the approval of the City of Temple Reinvestment Zone Number One Financing Plan amendment, funding for the agreement with BNSF will be available in Account No. 795-9500-531-6528, Project No. 100697; 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 ratify ratifying two agreements with BNSF Railway Company, to close the south 1st Street railroad crossings and install signal improvements at South Main Street and Martin Luther King Jr. Drive, south of downtown, in an estimated amount of \$433,236.

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

PASSED AND APPROVED this the **15th** day of **May**, 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

05/15/14
Item #4(U)
Consent Agenda
Page 1 of 1

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: A-FY-14-5: Consider adopting a resolution authorizing the release of two ("A" & "B") existing 15' City of Temple utility easements of which "A" contains 0.374 +/- acres and "B" contains 0.042 +/- acres, being more fully described in the attached exhibit, as recorded in volume 5277, page 443 of the real property records, located within the Nancy Chance Survey, Abstract No. 5, City of Temple, Bell County, Texas.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The applicant, Kimley-Horn Engineers on behalf of the property owner Crescent View – Temple Ltd., has submitted a request for the release of two existing 15' public utility easement as recorded in Volume 5277, page 443 of the real property records, located within the Nancy Change Survey, abstract No. 5 within the City of Temple. The easement is being released to accommodate the construction of a Walmart Supercenter.

The easements were created by separate instrument and remnants of a residential subdivision plat which was since been vacated.

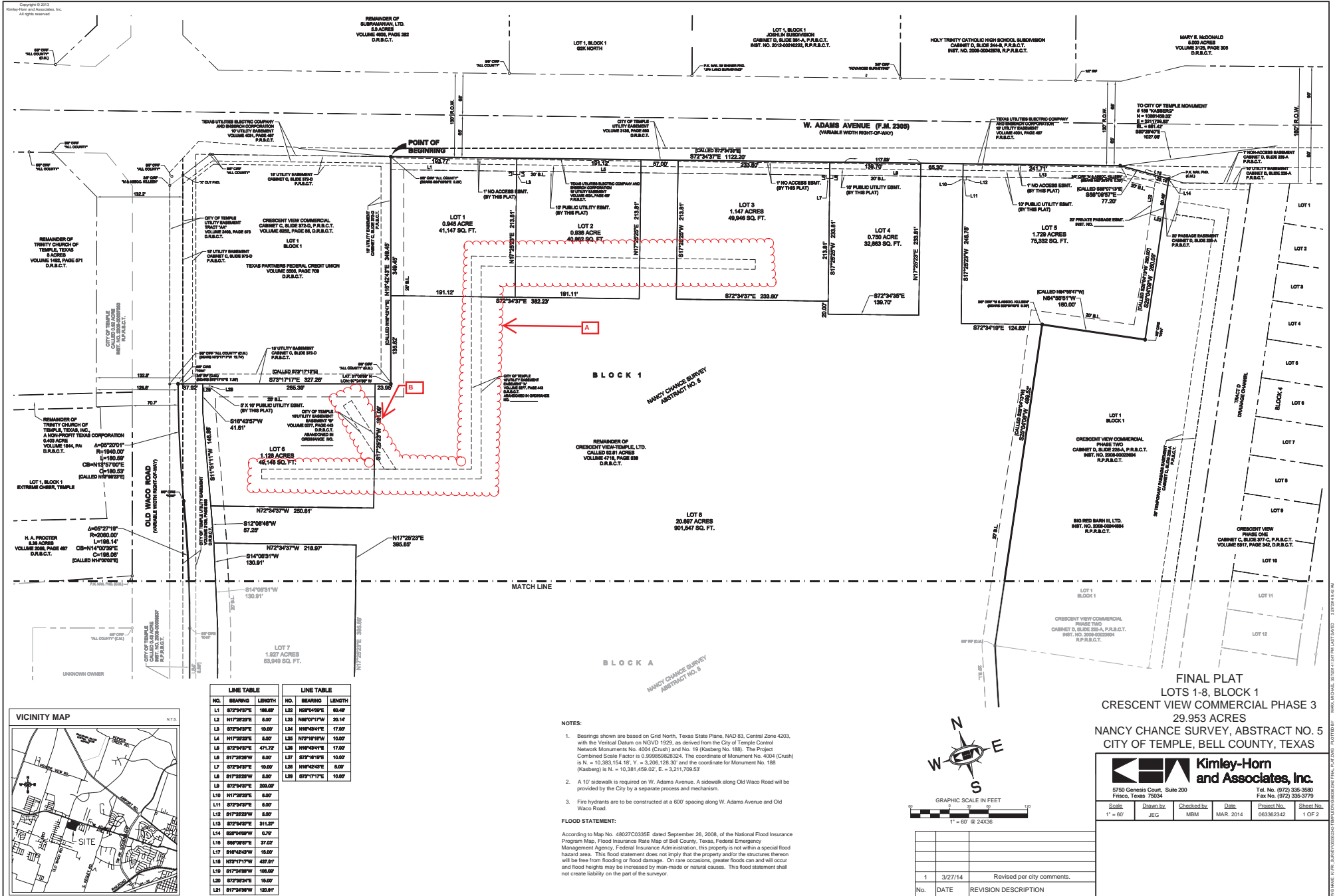
Planning staff contacted all utility providers, including the Public Works Department, regarding the proposed abandonment. There are no utilities in the subject area and no objections to the abandonment request.

The Utility Division within the Public Works/Engineering Department concurred with abandonment and confirmed that the two existing easements do 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:

[Crescent View Commercial, Phase 3 Final Plat](#)
[Map of Easement A & Easement B location \(Exhibit\)](#)
[Resolution](#)





RESOLUTION NO. 2014-7322-R

(A-FY-14-05)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RELEASING TWO 15-FOOT-WIDE CITY OF TEMPLE UTILITY EASEMENTS OF WHICH ONE CONTAINS APPROXIMATELY 0.374 ACRES AND THE OTHER CONTAINS APPROXIMATELY 0.042 ACRES, LOCATED WITHIN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, CITY OF TEMPLE, BELL COUNTY, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Kimley-Horn Engineers, on behalf of the property owner, Crescent View – Temple, Ltd., requests that the City of Temple release the two 15-foot-wide public utility easements described in the instrument recorded in Volume 5277, Page 443 of the Real Property Records of Bell County, Texas;

Whereas, the easements were created by the referenced instrument in conjunction with a residential subdivision plat which has since been vacated;

Whereas, staff contacted all utility providers, including the Public Works Department, regarding the proposed abandonments and confirmed that there are no active or proposed public utilities within the subject easement areas and no objections to the abandonment request ; 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 TEMPLE, TEXAS, THAT:

Part 1: The City of Temple, Texas releases the two 15-foot-wide public utility easements described in the instrument that is recorded in Volume 5277, Page 443 of the Real Property Records of Bell County, Texas and attached as Exhibit A to this resolution.

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

PASSED AND APPROVED this the **15th** day of **May**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

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 _____, 2014,
by **Daniel A. Dunn**, Mayor of the City of Temple, Texas, on behalf of the City.

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

05/15/14
Item #4(V)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution denying Atmos Mid-Tex's proposed rate increase under the Company's 2014 Annual Rate Review Mechanism, requiring the Company to reimburse cities' reasonable ratemaking expenses pertaining to review of the RRM, and authorizing the City's participation with Atmos Cities Steering Committee in any appeal filed at the Railroad Commission of Texas by the Company.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of approximately 164 similarly situated cities served by Atmos Mid-Tex that have joined together to facilitate the review of and response to natural gas issues affecting rates charged in the Atmos Mid-Tex service area.

Pursuant to the terms of the agreement settling the Company's 2007 Statement of Intent to increase rates, ACSC Cities and the Company worked collaboratively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process controlled in a three-year experiment by ACSC Cities as a substitute to the current Gas Reliability Infrastructure Program ("GRIP") process instituted by the Legislature.

The City of Temple took action in 2008 to approve a Settlement Agreement with Atmos Mid-Tex resolving the Company's 2007 rate case and authorizing the RRM tariff and in 2013, ACSC and the Company negotiated a renewal of the RRM tariff process for an additional five years.

The City passed an ordinance renewing the RRM tariff process for the City for an additional five years and the RRM renewal tariff contemplates reimbursement of ACSC Cities' reasonable expenses associated with RRM applications.

On or about February 28, 2014, the Company filed with the City its second annual RRM filing under the renewed RRM tariff, requesting to increase natural gas base rates by \$45.7 million - ACSC coordinated its review of Atmos Mid-Tex's RRM filing through its Executive Committee, assisted by ACSC attorneys and consultants, to investigate issues identified by ACSC in the Company's RRM filing.

ACSC attorneys and consultants have concluded that the Company is unable to justify a rate increase of the magnitude requested in the RRM filing and therefore ACSC's consultants determined the Company is only entitled to a \$19 million increase, approximately 42% of the Company's request under the 2014 RRM filing.

The Company would only be entitled to approximately \$31 million if it had a GRIP case and the Company's levels of operating and maintenance expense have dramatically risen without sufficient justification.

The Company has awarded its executives and upper management increasing and unreasonable levels of incentives and bonuses, expenses which should be borne by shareholders who received a 23% total return on investment in 2013. The Company requested a drastically high level of medical expense that is unreasonable and speculatively based upon estimates.

ACSC and the Company were unable to reach a compromise on the amount of additional revenues that the Company should recover under the 2014 RRM filing and therefore, the ACSC Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities deny the requested rate increase - the Company's current rates are determined to be just, reasonable, and in the public interest.

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7323-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DENYING THE RATE INCREASE REQUESTED BY ATMOS ENERGY CORP., MID-TEX DIVISION UNDER THE COMPANY'S 2014 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES PERTAINING TO REVIEW OF THE RRM; AUTHORIZING THE CITY'S PARTICIPATION WITH ATMOS CITIES STEERING COMMITTEE IN ANY APPEAL FILED AT THE RAILROAD COMMISSION OF TEXAS BY THE COMPANY; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES IN ANY SUCH APPEAL TO THE RAILROAD COMMISSION; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNCIL.

Whereas, the City of Temple, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex;

Whereas, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of approximately 164 similarly situated cities served by Atmos Mid-Tex that have joined together to facilitate the review of and response to natural gas issues affecting rates charged in the Atmos Mid-Tex service area;

Whereas, pursuant to the terms of the agreement settling the Company's 2007 Statement of Intent to increase rates, ACSC Cities and the Company worked collaboratively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process controlled in a three-year experiment by ACSC Cities as a substitute to the current Gas Reliability Infrastructure Program ("GRIP") process instituted by the Legislature;

Whereas, the City took action in 2008 to approve a Settlement Agreement with Atmos Mid-Tex resolving the Company's 2007 rate case and authorizing the RRM tariff;

Whereas, in 2013, ACSC and the Company negotiated a renewal of the RRM tariff process for an additional five years;

Whereas, the City passed an ordinance renewing the RRM tariff process for the City for an additional five years;

Whereas, the RRM renewal tariff contemplates reimbursement of ACSC Cities' reasonable expenses associated with RRM applications;

Whereas, on or about February 28, 2014, the Company filed with the City its second annual RRM filing under the renewed RRM tariff, requesting to increase natural gas base rates by \$45.7 million;

Whereas, ACSC coordinated its review of Atmos Mid-Tex's RRM filing through its Executive Committee, assisted by ACSC attorneys and consultants, to investigate issues identified by ACSC in the Company's RRM filing;

Whereas, ACSC attorneys and consultants have concluded that the Company is unable to justify a rate increase of the magnitude requested in the RRM filing;

Whereas, ACSC's consultants determined the Company is only entitled to a \$19 million increase, approximately 42% of the Company's request under the 2014 RRM filing;

Whereas, the Company would only be entitled to approximately \$31 million if it had a GRIP case;

Whereas, the Company's levels of operating and maintenance expense have dramatically risen without sufficient justification;

Whereas, the Company has awarded its executives and upper management increasing and unreasonable levels of incentives and bonuses, expenses which should be borne by shareholders who received a 23% total return on investment in 2013;

Whereas, the Company requested a drastically high level of medical expense that is unreasonable and speculatively based upon estimates;

Whereas, ACSC and the Company were unable to reach a compromise on the amount of additional revenues that the Company should recover under the 2014 RRM filing;

Whereas, the ACSC Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities deny the requested rate increase; and

Whereas, the Company's current rates are determined to be just, reasonable, and in the public interest.

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

Part 1: That the findings set forth in this Resolution are hereby in all things approved.

Part 2: That the City Council finds that Atmos Mid-Tex was unable to justify the appropriateness or the need for the increased revenues requested in the 2014 RRM filing, and that existing rates for natural gas service provided by Atmos Mid-Tex are just and reasonable.

Part 3: That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC Cities in processing the Company's RRM application.

Part 4: That in the event the Company files an appeal of this denial of rate increase to the Railroad Commission of Texas, the City is hereby authorized to intervene in such appeal, and shall participate in such appeal in conjunction with the ACSC membership. Further, in such event Atmos Mid-Tex shall reimburse the reasonable expenses of the ACSC Cities in participating in the appeal of this and other ACSC City rate actions resulting from the 2014 RRM filing.

Part 5: That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Part 6: That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Part 7: That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Manager of Rates and Regulatory Affairs, at Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this the 15th day of May, 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

05/15/14
Item #4(W)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2013-2014.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2013-2014 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$164,322.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2014 BUDGET
May 15, 2014

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-2210-522-2513		Fire Department Special Services	\$ 3,186	
110-0000-442-1629		Fire Department Donations		\$ 3,186
Appropriate donations received by the Fire Department from 10/01/13 to 03/31/14 Annual Christmas banquet \$25; Rescue Elves \$3,077; CERT \$84.				
110-3500-552-6332	101099	Park fees - South Temple Park	\$ 9,420	
110-3500-552-6332	101103	Park fees - Freedom Park	\$ 913	
110-3500-552-6332	101042	Park fees - Northwest Hills Park	\$ 2,992	
110-0000-461-0830		Developer Fees		\$ 13,325
Appropriate funds for park amenities for South Temple Park, Freedom Park, and Northwest Hills Park. Fees will be appropriated from the following developments: Stonegate III \$1,545; Creeks at Deerfield \$7,875; Village of Sage Meadows \$913; Todd \$292; Saulsbury V \$900; Saulsbury VI \$1,800.				
240-4600-551-6211	101125	Instruments/Special Equipment	\$ 10,000	
240-4400-551-6532		Hotel/Motel Contingency		\$ 10,000
Appropriate Hotel/Motel contingency funds to purchase replacement parts to refurbish the 30' Christmas tree located downtown.				
365-3400-531-6813	101121	Outer Loop Phase III	\$ 1,650	
365-3400-531-6532		Bond Fund Contingency		\$ 1,650
Appropriate funds to fund contract amendment #1 with KPA for metes & bounds for Phase III of the Outer Loop project.				
561-5400-535-6905	100799	Lift Station Improvements	\$ 21,161	
561-5000-535-6532		UR Bond Fund Contingency		\$ 21,161
Appropriate funds to fund change order #1 for the Williamson Creek Lift Station Improvement project.				
110-1940-519-2228		PEG Expenditures (Channel 10)	\$ 15,000	
110-1940-519-6228	101132	Capital PEG Expenditures (Channel 10)	\$ 100,000	
110-0000-315-1900		Reserved for Public Education Channel		\$ 115,000
To fund Council Chamber re-cabling, replacement and integration services in support of the City's public access channel.				
TOTAL AMENDMENTS			\$ 164,322	\$ 164,322

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2014 BUDGET
May 15, 2014

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
GENERAL FUND				
		Beginning Contingency Balance	\$	498,072
		Added to Contingency Sweep Account		89,700
		Carry forward from Prior Year		-
		Taken From Contingency		(280,903)
		Net Balance of Contingency Account	\$	306,869
		Beginning Judgments & Damages Contingency	\$	40,000
		Added to Contingency Judgments & Damages from Council Contingency		-
		Taken From Judgments & Damages		(10,831)
		Net Balance of Judgments & Damages Contingency Account	\$	29,169
		Beginning Compensation Contingency	\$	288,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(216,697)
		Net Balance of Compensation Contingency Account	\$	71,303
		Net Balance Council Contingency	\$	407,341
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency		-
		Taken From Budget Sweep		-
		Net Balance of Budget Sweep Contingency Account	\$	-
WATER & SEWER FUND				
		Beginning Contingency Balance	\$	50,000
		Added to Contingency Sweep Account		-
		Taken From Contingency		(49,574)
		Net Balance of Contingency Account	\$	426
		Beginning Compensation Contingency	\$	50,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(23,500)
		Net Balance of Compensation Contingency Account	\$	26,500
		Net Balance Water & Sewer Fund Contingency	\$	26,926

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2014 BUDGET
May 15, 2014

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	29,107
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		(13,745)
		Net Balance of Contingency Account	\$	15,362
		Beginning Compensation Contingency	\$	7,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(7,500)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Hotel/Motel Tax Fund Contingency	\$	15,362
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Compensation Contingency	\$	7,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(7,500)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Drainage Fund Contingency	\$	-
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year		237,553
		Added to Contingency Sweep Account		-
		Taken From Contingency		(217,954)
		Net Balance of Contingency Account	\$	19,599

RESOLUTION NO. 2014-7324-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2013-2014 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 29th day of August, 2013, the City Council approved a budget for the 2013-2014 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2013-2014 City Budget.

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

Part 1: The City Council approves amending the 2013-2014 City Budget by adopting the budget amendments which are more fully described in Exhibit 'A,' attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 15th day of May, 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

05/15/14
Item #5
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager
Walter Hetzel, Animal Services Manager

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance amending the Code of Ordinances, Chapter 6, “Animals and Fowl”, Sec 6-13, Additional Regulations, to allow the keeping of miniature swine within the City of Temple in accordance with certain provisions.

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

At its April 14, 2014, meeting, the Animal Services Advisory Board voted 4/2 to recommend disapproval of the proposed changes.

ITEM SUMMARY: In response to recent public comments requesting consideration of amending the City ordinance to relating to the keeping of swine, staff was directed to submit for consideration an amendment to the current City ordinance that would allow the keeping of miniature swine (pot-bellied pigs) within the City of Temple in accordance with certain provisions.

The current wording of the City ordinance prohibits the keeping of any swine except if kept on a tract of land of least ten (10) acres which is zoned "agricultural" and, further, provided the pen or enclosure is located a distance not less than five hundred (500) feet from the nearest property line of tract upon which the swine are kept and maintained.

At its April 14, 2014 meeting, the Animal Services Advisory Board considered a recommendation to the City Council amending Chapter 6, Section 6.13. The Board discussed draft ordinance changes presented by staff. The Board voted 4/2 to recommend to Council disapproval of any changes to the Chapter 6 of the code.

If Council desires to amend the ordinance and allow the keeping of miniature swine, staff recommends the following provisions be incorporated into the ordinance:

1. The animal is no more than eighteen (18) inches high at the shoulder and no more than three (3) feet long;

2. The animal weighs no more than seventy five (75) pounds;
3. There will be a maximum of two (2) swine per household or business. The swine may be of any age;
4. All miniature swine must be either spayed or neutered. Under no circumstances may the person engage in the propagation or breeding of miniature swine within the city limits;
5. The owner or keeper of all miniature swine must provide to the Animal Services Manager a health certificate from a licensed veterinarian documenting that the swine has been spayed or neutered;
6. All locations where miniature swine are kept must be maintained in a clean and sanitary condition and shall be cleaned of swine excrement on a daily basis. The accumulation of waste from miniature swine that will create obnoxious odors and/or health hazards is prohibited;
7. It shall be unlawful for any person to keep or maintain miniature swine unless the swine have received annual vaccinations against erysipelas. The first inoculation must be received before the animal is four (4) months of age.

FISCAL IMPACT: None

ATTACHMENTS:
[Ordinance](#)

ORDINANCE NO. 2014-4664

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 6, "ANIMALS AND FOWL," SECTION 6-13, ADDITIONAL REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS, TO ALLOW THE KEEPING OF MINIATURE SWINE WITHIN THE CITY OF TEMPLE, IN ACCORDANCE WITH CERTAIN PROVISIONS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in response to recent public comments requesting consideration of amending the ordinance relating to the keeping of swine, staff was directed to submit for consideration, an amendment to the current City Code that would allow the keeping of miniature swine (pot-bellied pigs) within the City in accordance with certain provisions;

Whereas, the current wording of the City ordinance prohibits the keeping of any swine except if kept on a tract of land of at least ten (10) acres, which is zoned 'agricultural' and, provided the pen or enclosure is located at a distance of not less than five-hundred feet from the nearest property line of the tract upon which the swine are kept and maintained;

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

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

Part 1: Chapter 6, "Animals and Fowl," Section 6-13, Additional Regulations, of the Code of Ordinances of the City of Temple, Texas, is amended to read as follows:

CHAPTER 6

ANIMALS AND FOWL

Sec. 6-13. Additional Regulations

(a) Restrictions on keeping of rabbits. No person shall keep or maintain rabbits or hares within twenty-five (25) feet of the residence of any person other than the owner or keeper thereof; provided, that, when kept in a clean, dry, sanitary and odor free cage, and the feed is stored in rodent proof containers, not more than two (2) rabbits may be kept and maintained, as pets, in a pen or cage which is not closer than twenty-five (25) feet to the nearest property line of the lot, tract or parcel on which said pen or cage is located.

(b) Keeping of Swine. It shall be unlawful for any person to keep any swine within the limits of the City of Temple, Texas, except that:

1. swine may be kept in a pen or enclosure situated upon a tract of land containing at least ten (10) acres which is zoned "agricultural" and, further, provided the pen or enclosure is located a distance not less than five hundred (500) feet from the nearest property line of tract upon which the swine are kept and maintained; and
2. miniature swine may be kept as set forth below in Section 6-13(c).

(c) Keeping of miniature swine (pot-bellied pigs). Except as provided above, no person shall keep a miniature swine in the City except in accordance with the provisions set forth herein:

1. The animal is no more than eighteen (18) inches high at the shoulder and no more than three (3) feet long.
2. The animal weighs no more than seventy five (75) pounds.
3. There will be a maximum of two (2) swine per household or business. The swine may be of any age.
4. All miniature swine must be either spayed or neutered. Under no circumstances may a person engage in the propagation or breeding of miniature swine within the city limits.
5. The owner or keeper of all miniature swine must provide to the Animal Services Manager a health certificate from a licensed veterinarian documenting that the swine has been spayed or neutered.
6. All locations where miniature swine are kept must be maintained in a clean and sanitary condition and shall be cleaned of swine excrement on a daily basis. The accumulation of waste from miniature swine that will create obnoxious odors and/or health hazards is prohibited.
7. It shall be unlawful for any person to keep or maintain miniature swine unless the swine have received annual vaccinations against erysipelas. The first inoculation must be received before the animal is four (4) months of age.

(d) Keeping of Animals or Fowl Near Creeks and Streams. It shall be unlawful for any person to keep or maintain any animal or fowl in a pen, cage or enclosure in, near, or on a creek or stream within the City and cause or contribute to the pollution of said creek or stream by permitting drainage from said pens, cages or enclosures, fecal matter or urine to enter said creek or stream. No pigs or hogs shall be permitted or allowed to have access to, to enter, or to water a creek or stream within the City.

(e) Regulation on Keeping Animals, Fowl and Bees. It shall be unlawful for any person to keep or maintain any guinea fowl, horses, mules, donkeys, cattle, goats, sheep, chickens, turkeys, geese, ducks or pigeons in any pen, yard, enclosure, barn, building or other place within the city limits of the City, within one hundred fifty (150) feet of the residence of any person other than the owner or keeper and it shall be unlawful for any person to keep bees and beehives within three hundred (300) feet of the residence of any person other than the owner or keeper.

EXCEPTIONS: Sections 6-13(a) through 6-13(d) of this chapter shall not apply to:

1. Veterinarians keeping animals or fowl at the veterinarian's regular place of business during periods of time said animals or fowl are being treated for disease, or injury, or observed in the course of such treatment;

2. Animals or fowl kept, maintained and used in the course of medical, educational or scientific research at an established business location or under conditions approved by the division of Animal Services;

3. Circuses, traveling shows, zoos and auction barns operating under permit or sanction of the City;

4. Animals or fowl which, because of injury or age, require temporary care, provided that such animal or fowl shall not be kept for a period of time exceeding thirty (30) days, and shall not be kept or raised for sale, barter or consumption; provided, further, that this exemption shall not apply to wild animals;

5. Animals and fowl, such as baby chickens, rabbits, pigeons and ducks, kept at an established place of business dealing in farm and ranch supply and which animal or fowl are domesticated and marketable for human consumption; provided, that said animals or fowl are kept and maintained in an enclosure which is dry, sanitary, cleaned regularly and free of accumulations of odor- causing debris and fecal matter.

(f) Injury and destruction of wild birds. Any person eleven (11) years of age, or more, who shall willfully kill or injure any wild bird, remove the eggs or young from the nest of a wild bird, or in any manner destroy the eggs or young of a wild bird, save and except the pigeon, english sparrow, grackles and blackbirds, shall be guilty of a misdemeanor.

(g) Tampering with Traps. It shall be unlawful for any person to tamper with, destroy, damage, spring, or cause to malfunction any trap set by the division of Animal Services, or to release any dog or cat from any such trap.

(h) Keeping in Unoccupied Residence. It shall be unlawful to keep, shelter or enclose any dog or cat within any residential building which is not occupied as a residence by a person.

(i) Limitation of Number.

1. It shall be unlawful for any person to keep, maintain, or shelter more than three (3) dogs, plus one litter to age of three (3) months, within the City, without a written permit. Any person desiring to keep, maintain, or shelter more than three (3) dogs plus one litter to age three (3) months shall make a written request to the Supervisor for a permit to keep a specified number of dogs, not to exceed five (5) adult dogs at a specified location. Only one permit may be exercised on a lot or parcel of real property. Said lot or parcel or real property shall be at least one (1) acre in size. The Supervisor may issue such permit if he determines that such person has a proper and adequate enclosure in which to keep the dogs, and a proper and sanitary shelter for the dogs.

2. A permit may be revoked by the Supervisor in the event either of the above criteria is not maintained, if the permittee is convicted of any violation of this chapter, if any one of the dogs is on two (2) separate occasions found at large by an Animal Services officer, or if the Supervisor determines that the animals have become a nuisance.

3. The provisions of this section shall apply equally to the keeping of cats. A person may keep three (3) dogs and three (3) cats, plus a litter of each to age three (3) months, without a permit and, with a permit, may keep a larger specified number of dogs or cats.

4. The fee for the permit shall be established by resolution of the City Council.

5. The limitations of this section shall not apply to dogs or cats kept upon the business premises of any veterinarian, kennel, animal shelter, pet shop, non-profit animal welfare organization group, or scientific research institution located in a zoning district zoned for such use.

(j) Vehicle Striking Animal. The driver of any vehicle which collides with or strikes any domesticated animal shall stop such vehicle immediately at the scene of such accident, or as close as possible without interfering with traffic, render reasonable assistance to said animal and then and there either locate and notify the owner of said animal or report said accident and the injury to the division of Animal Services or the Police Department. An injured animal may be delivered to its owner, a veterinarian, an Animal Services employee or an Animal Service facility. The provisions of this section shall not apply to any emergency vehicle or to a driver taking an ill or injured person to medical care, nor shall it require assistance to an animal if providing such assistance would place any person in danger from the animal or traffic.

(k) Destruction of Certain Animals.

1. An animal that has been severely injured may be destroyed in a humane manner if the animal is suffering and is not expected to survive.

2. An animal that exhibits symptoms of mange, distemper, parvo or other communicable diseases may be destroyed in a humane manner. Animals suspected of having a communicable disease shall not be confined with healthy animals in an animal shelter.

3. If an injured or diseased animal in the custody of an animal shelter or Animal Services officer is wearing a current vaccination tag or other identification, the custodian shall make every reasonable effort to notify the owner of the animal's location and condition before destroying the animal. Once notified, if the owner proceeds immediately to the location of the injured animal, it shall be released to the owner without charge. Animals that are not wearing any type of identification may be destroyed immediately.

4. The City shall not be responsible for obtaining veterinary services for unclaimed diseased or injured animals. In the event a person obtains veterinary services for a diseased or injured animal, a person subsequently claiming ownership of the animal shall be liable for all expenses of treatment. A person or entity that obtains veterinary services for an animal may bring suit against the animal's owner to collect expenses of treatment.

5. The City, its officers, agents and employees, shall not be liable in damages for the destruction of any animal accomplished in accordance with the chapter.

(1) **Mayoral Proclamation.** The Mayor shall have the authority by proclamation to make any additional rules or regulations that he might deem necessary to protect the public against animals. Any such rules or regulations shall remain in full force and effect until the first regular meeting of the city council subsequent to the rule or regulation being established. The rules and regulations shall expire unless approved by the vote of at least three of the councilmembers in attendance and voting at said meeting.

Part 2: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 3: This ordinance shall take effect on May 15, 2014.

Part 4: The Code of Ordinances of the City, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **1st** day of **May**, 2014.

PASSED AND APPROVED on Second Reading on the **15th** day of **May**, 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

05/15/14
Item #6
Regular Agenda
Page 1 of 8

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: SECOND READING – PUBLIC HEARING – Z-FY-13-37: Consider adopting an ordinance for a Conditional Use Permit to allow a transitional shelter operated by the Salvation Army to be known as the Temple McLane Center of Hope, within portions of Lot 3, Block 39, Lots 1 & 2, Block 62, Lot 2, Block 56 and Lot 1, Block 57, Original Town of Temple, County of Bell, Texas, addressed as 501, 420, 413, 411, 410, 409 West G Avenue, 708 and 709 South 9th Street.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its April 21, 2014 meeting, the Planning & Zoning Commission (P&Z) voted 8 to 0 to recommend approval of the requested conditional use permit in accordance with staff's recommendation as presented.

STAFF RECOMMENDATION: Conduct public hearing, and adopt ordinance as presented, on second reading and final reading

Staff recommends approval of Z-FY-13-37, a Conditional Use Permit to allow a transitional shelter for the following reasons:

1. The request is compatible with the Future Land Use and Character Map (FLUP);
2. Public facilities are available to serve the property;
3. The use is compatible with Zoning and surrounding uses; and,
4. The applicant has demonstrated compliance with the specific standards in Section 5.3.12 of the Unified Development Code (UDC); and,

Staff recommends approval of the conditional use permit for a transitional shelter subject to the following conditions:

1. Space must be provided inside the transitional shelter so that prospective and current residents are not required to wait on sidewalks or any other public right-of-way;
2. The transitional shelter must be equipped with a functioning central heating, ventilation and air conditioning system;
3. The occupancy load and construction of the building must meet the most recent version of the International Fire Code and Building Code adopted by the City, including fire Safety requirements;
4. A minimum of one shelter staff member must be present per 25 clients on-premise of the transitional shelter. A minimum of one shelter staff member must be present at the shelter at all times;

5. The transitional shelter shall be designed and operated in a manner that clients are provided temporary housing for period of up to one year;
6. Occasional, unplanned short term stays that exceed the thirty days or one year normal stay by clients of emergency and transitional shelters shall not constitute a violation of this ordinance;
7. That a Street Use License be submitted for review for the use of the on-street parking, if determined necessary;
8. Substantial compliance to the submitted and attached site plan and building elevations shall be confirmed through review of Construction Documents;
9. That no more than 7 employees shall be on-shift at any one time;
10. Facility resources shall be scheduled and made available to clients in a manner that limits simultaneous occupancy.
11. That off-street parking to accommodate a maximum employee shift shall be provided;
12. That the Director of Planning may be authorized to approve minor modifications to the site plan including the provision of off-street parking.

ITEM SUMMARY: Proposed for portions of property previously occupied by Martha's Kitchen food pantry, the request for the conditional use permit was originally submitted to the City on September 24, 2013. The conditional use permit has been delayed due to the relocation of a waterline and the abandonment of South 9th Street right-of-way (ROW). Since First Reading of the abandonment was heard by City Council on April 17, 2014, the Conditional Use Permit is moving forward.

The properties as described further in the Item Description are proposed for the development of a transitional shelter within the Commercial (C) zoning district. UDC Section 5.3.12 provides for a conditional use permit process for a transitional, emergency or social service shelter in the Commercial zoning district.

The requested conditional use permit would allow approximately 22,017 square feet of floor area for the new Temple McLane Center of Hope transitional shelter. The development area would be within portions of property that was previously occupied by the Martha's Kitchen food pantry as well as adjacent property owned by the Salvation Army. The overall facility will include accommodations for up to one-year occupancy for woman and families along with a dining hall facility, classrooms, administrative offices, and a chapel within two separate buildings. The Center also includes a separate 2,100 square foot men's shelter located at the NE corner of South 9th Street and West G. Avenue. The proposed development will include 33 on-street parking spaces.

Per UDC Sections 5.3.12A, a transitional shelter may be permitted subject to the following considerations:

1. A transitional shelter must be a minimum of * 1,000 feet from the following uses:
 - a. Alcoholic beverage sales (on-premise or off-premise consumption).
 - b. All residential uses or zoning districts as specified in UDC Section 4.1.1 and in the use table in UDC Section 5.1.3;
 - c. Child care use;
 - d. elementary or secondary schools, public or private); and,
 - e. Other transitional, emergency or social service shelters.

- * The distance required above must be measured as a straight, direct line from the property line of a use listed above to the property line of the transitional, emergency or social service shelter, and in a direct line across intersections.

While the above distance requirements are not mandated, the City Council may consider these distances when reviewing the request. Staff has identified that with the exception of Item 1b, none of the above uses were found to be within the 1,000 foot distance. Specific to Item 1b, there is multi-family zoning (MF-1) less than 1,000 feet and residential uses that immediately border the development area. Screening and buffering will be required per UDC Section 7.7 where residential uses immediately border with the development.

In addition, per UDC Section 5.3.12B, a transitional, emergency or social service shelter may be permitted in accordance with the use table in UDC Section 5.1 subject to the following standards:

1. Space must be provided inside the transitional so that prospective and current residents are not required to wait on sidewalks or any other public right-of-way;
2. The transitional, emergency, or social service shelter must be equipped with a functioning central heating, ventilation and air conditioning system;
3. The occupancy load and construction of the building must meet the most recent version of the International Fire Code and Building Code adopted by the City, including all Fire Safety requirements;
4. A minimum of one shelter staff member must be present per 25 clients on-premise of the transitional shelter. A minimum of one shelter staff member must be present at the shelter at all times;
5. Emergency shelters are facilities designed and operated in a manner that clients are provided temporary housing for stays of up to thirty (30) consecutive days;
6. Transitional shelters are facilities designed and operated in a manner that clients are provided temporary housing for periods up to one year; and,
7. Occasional, unplanned short term stays that exceed the thirty day or one year normal stay by clients of emergency and transitional shelters shall not constitute a violation of this ordinance.

As part of the overall conditional use permit process, a site plan is required for City Council review. The attached site plan allowed staff to make an evaluation and provide the following:

Parking: Under the previous use as Martha's Kitchen food pantry, parking was provided by limited on-site parking for staff and clientele utilizing the facility. While the parking requirement for the previous use has not been determined, based on the attached 2009 aerial photo comparison, it appears that there were as much as 25 on-site parking spaces. In contrast, the proposed Center of Hope is providing 33 parking spaces accommodated by only on-street parking. Per UDC Section 7.5, new development is required to provide off-street parking. Parking for the Center of Hope is provided with stalls along West G Avenue, South 9th Street and behind the center within ROW but adjacent to the abandoned portion of South 9th Street.

The provided parking is based on the occupancy of the chapel which requires 25 spaces for up to 75 people, based on 1 space per 3 seats (UDC Section 7.5). The center is expected to employ 13 people with no more than 7 people on shift at any one time. Therefore, a total of 32 spaces with one additional space have been provided.

In this case, it is noteworthy to clarify that in the strictest interpretation of the UDC, the chapel with a seating capacity of 75 people, a dining facility with a seating capacity of 100 people, housing for up to

85 people, 6 classrooms and employee administrative offices would generate a parking requirement far exceeding the 33 parking spaces being provided. Based on staff conversations, with the applicant, the program format for occupancy of the individual uses offered by the Salvation Army would be at different times and not at the same time. In other words, clients would arrive, occupy the chapel and then move to the dining facility and then onto the classroom room for instruction and then qualifying clients would be housed. The chapel, dining facility, classroom and housing facilities would not be occupied at the same time.

Further, while the center may have upwards of 75 people at any one time, according to the applicant, less than 5 would actually have personal vehicles.

The main employee parking is anticipated to be in the area behind the main building adjacent to the abandoned portion of South 9th Street. This area is proposed to accommodate 6 parking spaces and room for a required turnaround. There is a shortage of 1 parking space in this area if a full shift of 7 were to occur during any particular shift. However, additional parking is available along West G Avenue and South 9th Street on the northern side of West G Avenue

There are housing accommodations for upwards of 85 people. Based on the strict interpretation of the UDC, 85 spaces would be triggered at one space per bed. As discussed earlier, clients that would be utilizing the resources of housing would also occupy the dining facility, chapel and classroom. Occupancy would not occur at the same time. Again, according to the applicant, fewer than 5 clients have a personal vehicle on site.

A Street Use License can be used to validate the on-street parking to meet the off-street requirement but does not address the overall lack of off-street parking. At this time, the necessity for the license is still being evaluated. A condition of approval has been added to address the Street Use License requirement

In conclusion, while the proposed parking does not provide any off-street parking and on-street parking falls far short of the minimum, the uniqueness of the clientele using the facility and restrictions placed on simultaneous occupancies could be considered ample, if not a surplus. To summarize, 7 parking spaces are required with a full employee shift and based on applicant experience, if 5 client vehicles required parking, a total of 12 parking spaces would be needed at any one time. It is reasonable to say that additional parking could be expected for clients with personal vehicles, based on the above, there is a surplus of 21 parking spaces that could be available.

While the parking ratios can be justified, the total absence of off-street parking is problematic. Martha's Kitchen, while less intensive, provided off-street parking. It is suggested at minimum that accommodations for employee parking for a maximum shift of 7 be provided off-street to meet the intent and spirit of the code. Condition #12 is suggested to help meet that intent. The applicant is aware of this condition and is evaluating opportunity to provide on-site employee parking.

Landscaping: Conceptual landscape information has been provided on the attached site plan. This identifies proposed landscape areas within the overall development. Compliance with landscape requirements will be determined with the submittal and review of Construction Documents.

Exterior Building Materials: A conceptual building elevation has been provided (attached) for review. The architect has indicated to staff that 85% masonry and stone is proposed along with EIFS (Exterior Insulation and Finish System) for the exteriors around the dining facility and chapel. Compliance to required exterior building materials will be determined with the review of Construction Documents.

Buffering and Screening: While there is some applicant proposed screening of roof mounted mechanical units that will be provided, additional screening is required per the UDC 7.7. This additional screening will be along the northern and southern development areas adjacent to the residential uses. The screening and buffering would be in the form of a solid fence and/or landscaping.

DRC Review: The Development Review Committee (DRC) reviewed the site plan during their October 7, 2013 meeting which was found acceptable after minor revisions. As of early April 2014, the site plan was revised again and was forwarded to Public Works and Fire for any further comments. Delays bringing the Conditional Use Permit forward are a result of the relocation of a City waterline within the ROW. No new concerns have been identified from the recent circulation. The attached site plan and building elevations will be included in the Ordinance, if the conditional use permit is approved by City Council.

South 9th Street Abandonment: The first reading for the abandonment of a 95' x 80' section of the South 9th Street ROW was scheduled for consideration by the City Council at their April 17, 2014 meeting. Staff will provide an update during the Planning and Zoning Commission meeting. A Replat will be required in order to combine the abandoned ROW with the adjacent lot. It is anticipated that the Replat will follow after the conditional use permit and site plan.

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:

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Neighborhood Conservation & Auto Urban Mixed Use	C	Vacant
North	neighborhood Conservation	C & MF-1	SF Residences
South	Auto-Urban Commercial	GR & O-2	SF Residences
East	Auto-Urban Commercial	C	SF Res / Non-Res
West	Auto-Urban Mixed Use	C	SF Residences

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

CP	Map 3.1 - Future Land Use and Character (FLUP)	Partially
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	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

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

The Land Use and Character Map identifies the project area as within both the Auto-Urban Mixed Use district and the Neighborhood Conservation district. The Auto-Urban Mixed Use district is a hybrid district proposed for areas along and in the vicinity of the central portion of Avenue H, south of downtown. Given the mixing of residential uses that has occurred in this area to date, this designation would allow such mixing to continue subject to appropriate buffering and screening standards. On the other hand, Neighborhood Conservation is intended for the protection of existing residential neighborhoods. While the proposed project is consistent with the Auto-Urban Mixed Use district, it is not consistent with the Neighborhood Conservation district. Therefore, the request is in partial compliance.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan identifies South 9th Street and West G Avenue as local streets. No issues related to capacity are expected from the anticipated use of the property.

Availability of Public Facilities (CP Goal 4.1)

A 6" water line is available in West G Avenue. A 6" sewer line is available in the alley between the blocks of South 9th Street and South 7th Street to serve the property's proposed use. A waterline was relocated as part of the South 9th Street abandonment. No further impacts to City facilities are anticipated.

Temple Trails Master Plan Map and Sidewalks Ordinance

There are no trails identified by the Trails Master Plan map within or adjacent to the development area. Both South 9th Street and West G Avenue identified as existing local streets and no sidewalks are required along local streets.

DEVELOPMENT REGULATIONS: Per UDC Section 4.4.4, in the Commercial zone where a non-residential use abuts a residential zoning district, a minimum 10' side yard setback is required. An additional setback is required if the non-residential building exceeds 40' in height.

Refuse containers must be in the rear or side service area. (UDC Section 7.7.6).

Buffer and screening is required per UDC Section 7.7. The buffering would include a combination of a minimum 6' high solid fence and/or landscaping along property boundaries shared with residential uses or zoning.

REVIEW CRITERIA (UDC Section 3.5.4): In determining whether to approve, approve with conditions or deny a Conditional Use Permit application, the City Council per UDC Sec. 3.5.2 must consider the following criteria.

- A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.
- B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.
- C. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided.
- D. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
- E. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.
- G. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

ADDITIONAL CONDITIONS (UDC Section 3.5.5): In authorizing a Conditional Use Permit, the City Council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community, including a time period for which a Conditional Use Permit is valid. The Planning and Zoning Commission and the City Council, in considering and determining the additional conditions, may impose such developmental standards and safeguards as conditions and locations indicate to be important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glares, offensive view or other undesirable or hazardous conditions.

REVOCATION & MODIFICATION (UDC Section 3.5.6): A Conditional Use Permit may be revoked or modified, after notice to the property owner and a hearing before the City Council, for any of the following reasons:

- A. The Conditional Use Permit was obtained or extended by fraud or deception;
- B. One or more of the conditions imposed by the permit has not been met or has been violated;
or,
- C. The Conditional Use Permit previously authorized is determined to be detrimental to the public health, safety and welfare.

PUBLIC NOTICE: Twenty Seven notices of the 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 Tuesday April 22, 2014, at 3:00 pm, 7 notices had been returned in approval and no notices in denial to the proposed conditional use permit.

The newspaper printed notice of the Planning and Zoning Commission public hearing on April 10, 2014, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Properties Photos
Zoning and Location Map
Future Land Use Map
Site Plan
Building Elevations
Aerial Photo Comparison
Notification Map
Returned Property Owner Notices
Ordinance

Site & Surrounding Property Photos



Site: Existing Woman's Dorm – From South 9th Street - **Looking North** (C)



Site: Undeveloped – From South 9th Street **Looking South** (C)



East: Scattered Service & Commercial Uses (C)



West: Scattered Service & Commercial Uses (C)



North: Existing SF Residences (MF-1 & C)



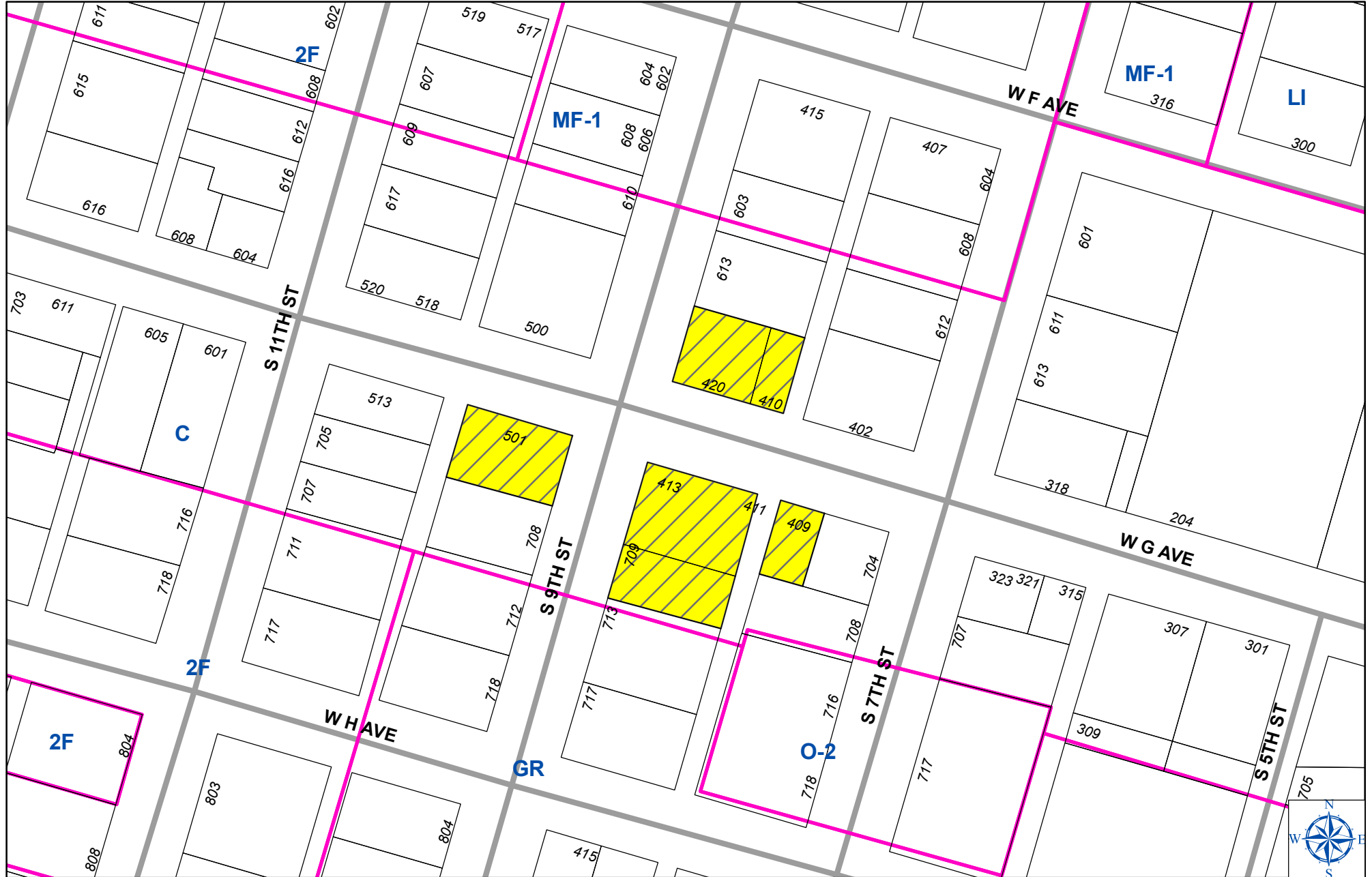
South: Existing SF Residences (GR & O-2)



Z-FY-13-37

Zoning & Location Map

Salvation Army
McLane Center of Hope



Case



Zoning

Address

0

200

400



Feet

4/11/2014
City of Temple GIS
mbaker

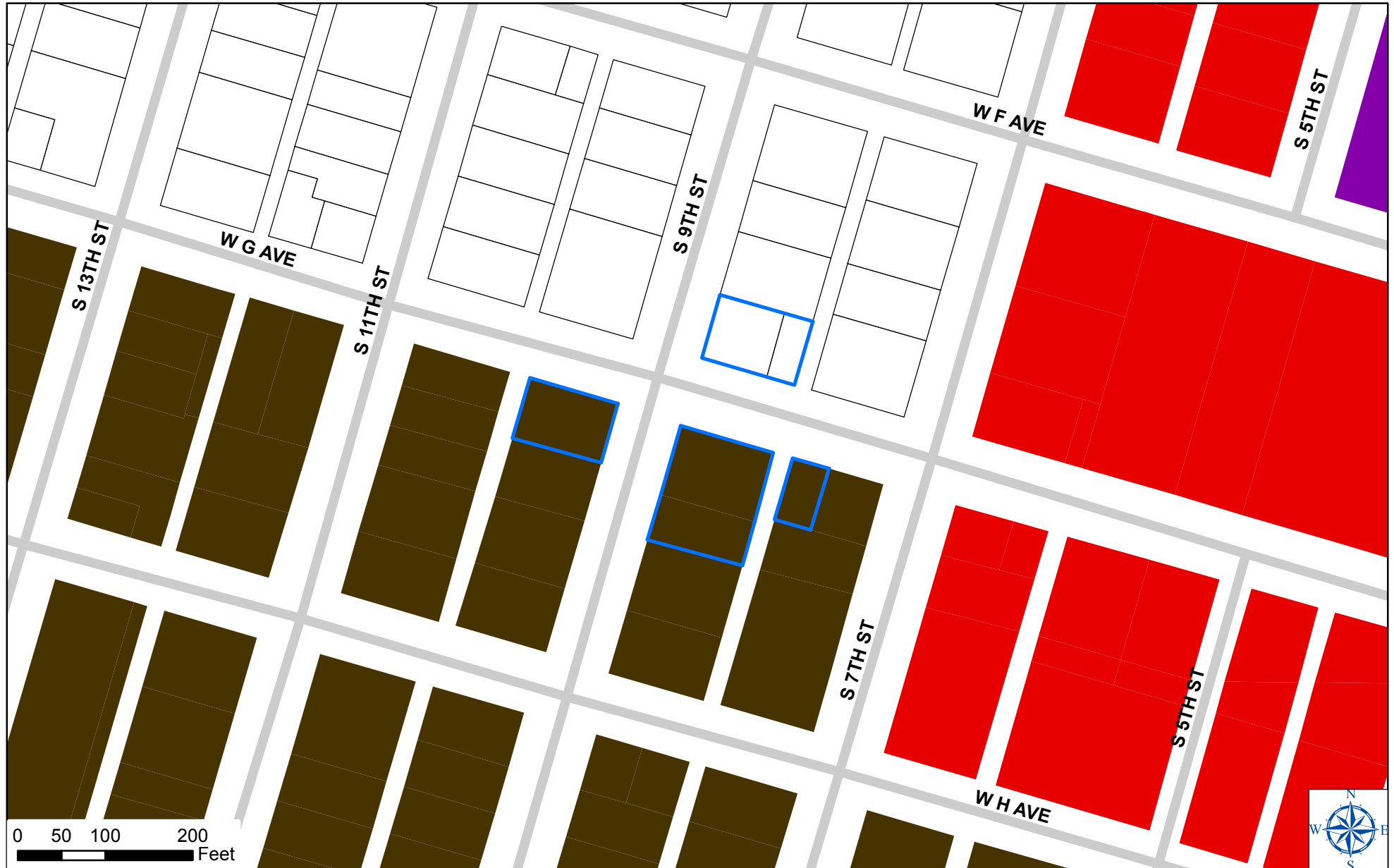
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-13-37

Salvation Army McLane Center of Hope

South 9th Street
& West G Ave

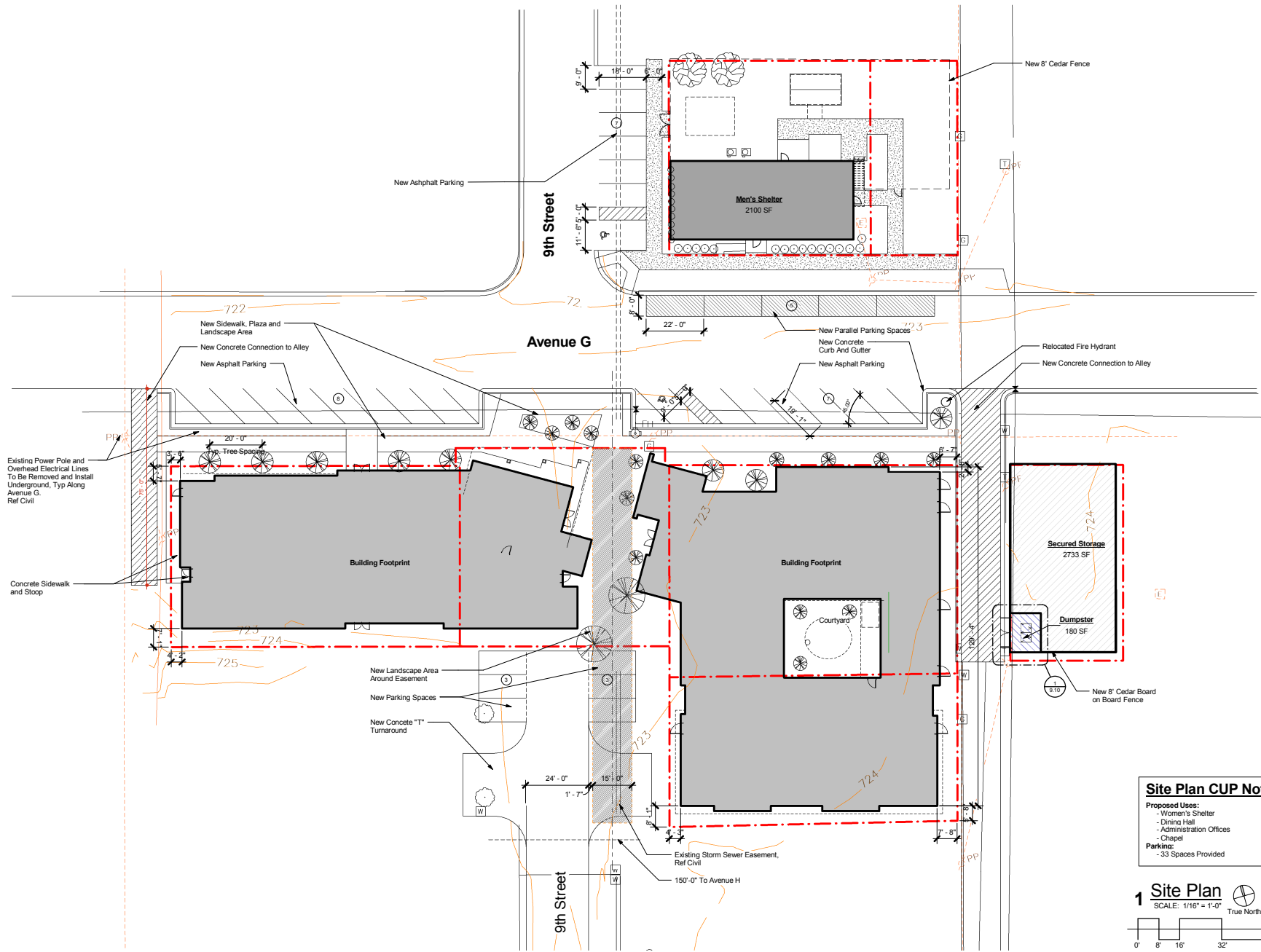


Future Land Use

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

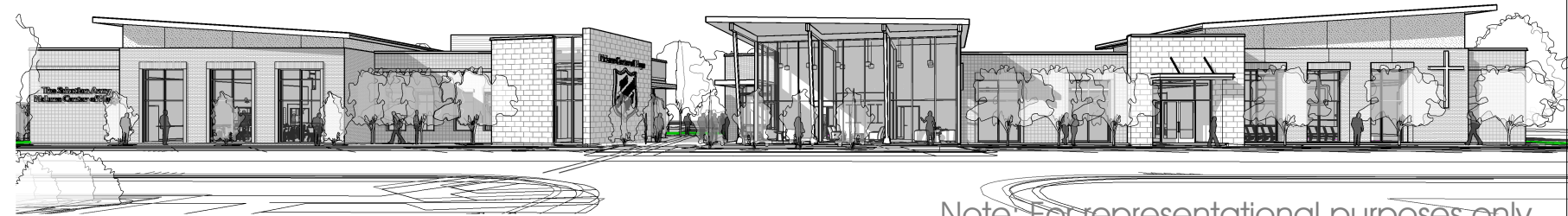
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

4/11/2014
City of Temple GIS



NOT FOR CONSTRUCTION





Note: For representational purposes only.

NOT FOR CONSTRUCTION

Checker
4/17/2014 5:00:15 PM

Revision Schedule

Bruce E. Woody #14119

JJA Architects
Copyright 2014
JJA Architects, Inc.
972-804-1034
Fax 972-804-1036
Dallas, Texas 75204

McLane Center of Hope
420 West Avenue G | Temple, TX 76704

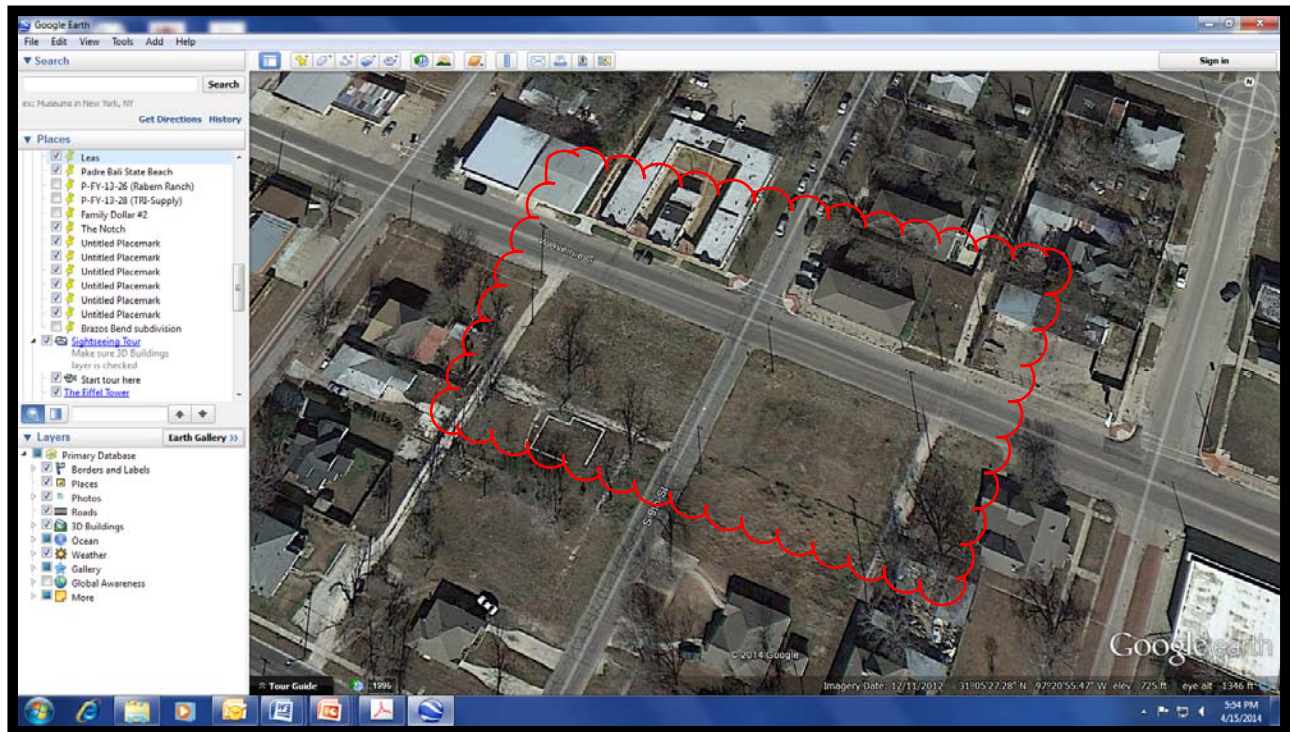


1212 04.17.2014

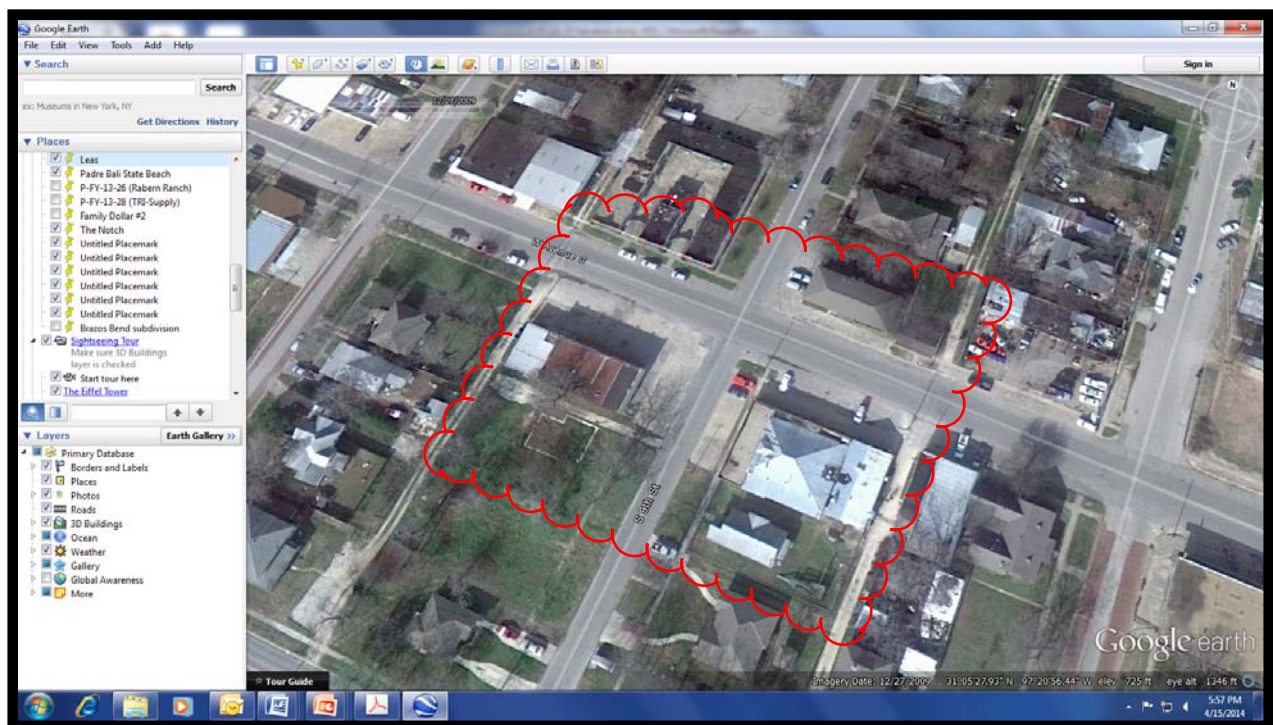
Schematic Design
Perspective Views

6.00

Aerial Photo Comparison – 2012 & 2009



Site Development (Aerial Photo – circa 12/2012)



Site Development with Martha's Kitchen (Aerial Photo circa 12/2009)



Z-FY-13-37

Notification Map

Salvation Army Transitional Shelter

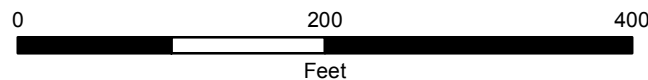


Case



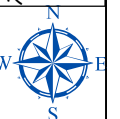
200' Buffer

1234 Address



4/14/2014
City of Temple GIS
mbaker

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





RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE

Our Lady of The Angels Maternity Home
613 South 9th Street
Temple, Texas 76504

Zoning Application Number: Z-FY-13-37

Project Manager: Mark Baker

Location: Southwest, Southeast, and Northeast corners of South 9th Street and West Avenue G, addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 709 South 9th Street

A request for a Conditional Use Permit has been submitted to the City of Temple. The area proposed for a Conditional Use Permit is shown in hatched marking on the attached map. The Conditional Use Permit will allow for the Salvation Army's McLane Center of Hope Transitional Shelter. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the proposed Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval () denial of this request.

Comments:

We believe this new Shelter is needed due to the large number of homeless individuals & families in our city. Our only comment would be that we would appreciate you keeping the property on the corner of Ave G & 9th noted that homeless pregnant women & children are living the house next door. We are Our Lady of Angels Maternity Shelter 613 South 9th Street.

Jaleta Tidmore
Signature

Jaleta Tidmore
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than April 21, 2014

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

RECEIVED

APR 15 2014

City of Temple

Planning & Development

Number of Notices Mailed: 27

Date Mailed: April 10, 2014



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

Santos Etux Maria Silva
612 South 7th Street
Temple, Texas 76504

Zoning Application Number: Z-FY-13-37

Project Manager: Mark Baker

Location: Southwest, Southeast, and Northeast corners of South 9th Street and West Avenue G, addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 709 South 9th Street

A request for a Conditional Use Permit has been submitted to the City of Temple. The area proposed for a Conditional Use Permit is shown in hatched marking on the attached map. The Conditional Use Permit will allow for the Salvation Army's McLane Center of Hope Transitional Shelter. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the proposed Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval () denial of this request.

Comments:

AS LONG AS IT IS WELL MAINTAINED, CONTROLLED
ENVIRONMENT.

Santos Silva
Signature

Santos, Silva.
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than
April 21, 2014**

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

RECEIVED

APR 15 2014

City of Temple
Planning & Development

Number of Notices Mailed: 27

Date Mailed: April 10, 2014



RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE

Santos Silva
612 South 7th Street
Temple, Texas 76504

Zoning Application Number: Z-FY-13-37

Project Manager: Mark Baker

Location: Southwest, Southeast, and Northeast corners of South 9th Street and West Avenue G, addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 709 South 9th Street

A request for a Conditional Use Permit has been submitted to the City of Temple. The area proposed for a Conditional Use Permit is shown in hatched marking on the attached map. The Conditional Use Permit will allow for the Salvation Army's McLane Center of Hope Transitional Shelter. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the proposed Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

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

Comments:

AS LONG AS IT IS WELL MAINTAINED AND IS A CONTROLLED ENVIRONMENT.

Santos Silva
Signature

Santos Silva
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than April 21, 2014

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

RECEIVED

APR 15 2014

City of Temple
Planning & Development

Number of Notices Mailed: 27

Date Mailed: April 10, 2014



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

Shirley Mason
415 West Avenue F
Temple, Texas 76504

Zoning Application Number: Z-FY-13-37

Project Manager: Mark Baker

Location: Southwest, Southeast, and Northeast corners of South 9th Street and West Avenue G, addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 709 South 9th Street

A request for a Conditional Use Permit has been submitted to the City of Temple. The area proposed for a Conditional Use Permit is shown in hatched marking on the attached map. The Conditional Use Permit will allow for the Salvation Army's McLane Center of Hope Transitional Shelter. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the proposed Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval () denial of this request.

Comments:

I hope and pray this Transitional Shelter help people who are really in need and to help themselves also to do better. I call April 14-2014 to Mark Baker he was very understanding and explain to me and I appreciate it. It will save all of Bell County.

Shirley Mason-Wright *Shirley Mason-Wright*
Signature Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **April 21, 2014**

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

RECEIVED

APR 21 2014

City of Temple
Planning & Development



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

Frances Palasota
P.O. Box 797186
Dallas, Texas 73759

Zoning Application Number: Z-FY-13-37

Project Manager: Mark Baker

Location: Southwest, Southeast, and Northeast corners of South 9th Street and West Avenue G, addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 709 South 9th Street

A request for a Conditional Use Permit has been submitted to the City of Temple. The area proposed for a Conditional Use Permit is shown in hatched marking on the attached map. The Conditional Use Permit will allow for the Salvation Army's McLane Center of Hope Transitional Shelter. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the proposed Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval () denial of this request.

Comments:

Frances Palasota
Signature

FRANCES PALASOTA
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **April 21, 2014**

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

RECEIVED

APR 22 2014

City of Temple
Planning & Development



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

James Palasota, Jr.
P.O. Box 797186
Dallas, Texas 73759

Zoning Application Number: Z-FY-13-37

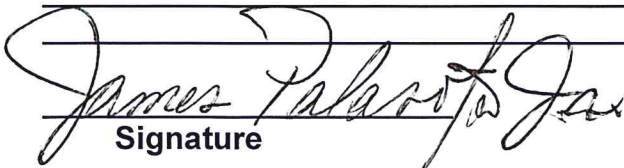
Project Manager: Mark Baker

Location: Southwest, Southeast, and Northeast corners of South 9th Street and West Avenue G, addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 709 South 9th Street

A request for a Conditional Use Permit has been submitted to the City of Temple. The area proposed for a Conditional Use Permit is shown in hatched marking on the attached map. The Conditional Use Permit will allow for the Salvation Army's McLane Center of Hope Transitional Shelter. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the proposed Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval () denial of this request.

Comments:


Signature

James Palasota Jr.
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than
April 21, 2014**

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

RECEIVED

APR 22 2014

City of Temple
Planning & Development



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

Jimmy P. Palasota
P.O. Box 797186
Dallas, Texas 75379

Zoning Application Number: Z-FY-13-37

Project Manager: Mark Baker

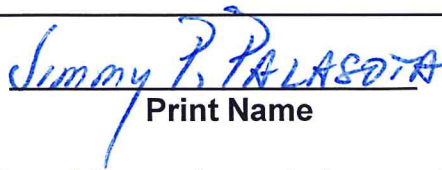
Location: Southwest, Southeast, and Northeast corners of South 9th Street and West Avenue G, addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 709 South 9th Street

A request for a Conditional Use Permit has been submitted to the City of Temple. The area proposed for a Conditional Use Permit is shown in hatched marking on the attached map. The Conditional Use Permit will allow for the Salvation Army's McLane Center of Hope Transitional Shelter. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the proposed Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval () denial of this request.

Comments:


Signature


Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than
April 21, 2014**

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

RECEIVED

APR 22 2014

City of Temple
Planning & Development

ORDINANCE NO. 2014-4656

(Z-FY-13-37)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A TRANSITIONAL SHELTER OPERATED BY THE SALVATION ARMY, AND LOCATED AT 409, 410, 411, 413, 420 AND 501 WEST AVENUE G AND 708 AND 709 SOUTH 9TH STREET, TEMPLE, TEXAS; DECLARING FINDINGS OF FACT; 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 conditions, operation and location of property described as portions of lot 3, block 39, lot 1 and 2, block 62, lot 2, block 56 and lot 1, block 57, Original Town of Temple County, County of Bell, Texas, and addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 708 and 709 South 9th Street, recommends that the City Council approve the application for this Conditional Use Permit for a transitional shelter; and

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

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

Part 1: The City Council approves a Conditional Use Permit to allow a transitional shelter on portions of lot 3, block 39, lot 1 and 2, block 62, lot 2, block 56 and lot 1, block 57, Original Town of Temple County, County of Bell, Texas, and addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 708 and 709 South 9th Street, more fully described in Exhibits 'A' & 'B' attached hereto and made a part hereof for all purposes.

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

- A. Space must be provided inside the transitional shelter so that prospective and current residents are not required to wait on sidewalks or any other public right-of-way;
- B. The transitional shelter must be equipped with a functioning central heating, ventilation and air conditioning system;
- C. The occupancy load and construction of the building must meet the most recent version of the International Fire Code and Building Code adopted by the City, including fire Safety requirements;
- D. A minimum of one shelter staff member must be present per 25 clients on-premise of the transitional shelter. A minimum of one shelter staff member must be present at the shelter at all times;
- E. The transitional shelter shall be designed and operated in a manner that clients are provided temporary housing for period of up to one year;
- F. Occasional, unplanned short term stays that exceed the thirty days or one year normal stay by clients of emergency and transitional shelters shall not constitute a violation of this ordinance;
- G. That a Street Use License be submitted for review for the use of the on-street parking, if determined necessary;
- H. Substantial compliance to the submitted and attached site plan and building elevations shall be confirmed through review of Construction Documents;
- I. That no more than 7 employees shall be on-shift at any one time;
- J. Facility resources shall be scheduled and made available to clients in a manner that limits simultaneous occupancy;
- K. That off-street parking to accommodate a maximum employee shift shall be provided; and
- L. That the Director of Planning may be authorized to approve minor modifications to the site plan including the provision of off-street parking.

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **1st** day of **May**, 2014.

PASSED AND APPROVED on Second Reading on the **15th** day of **May**, 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 AGENDA ITEM MEMORANDUM

05/15/14
Item #7
Regular Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING – Z-FY-14-28 – Consider adopting an ordinance on a Conditional Use Permit for retail nursery/landscape facility on Lot 2, Block 1, Trnum Subdivision Phase VIII, located at 5806 South General Bruce Drive.

P&Z RECOMMENDATION: At their April 21, 2014 meeting, P&Z recommended approval of Z-FY-14-28, a Conditional Use Permit to allow a Greenhouse/Nursery (Retail) use within the I-35 Corridor Overlay, with the following conditions:

1. Landscaping is planted to screen parking and a minimum of 40 percent of the existing I-35 facing chain-link fence
2. No portable buildings or other items considered to be non-landscaping related or accessories that are stored outdoors are sold
3. with the exception that the chain link
4. Planning Director is authorized to work with the applicant on what is deemed adequate parking

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented, with the second reading and final adoption set for June 5, 2014.

Staff recommends approval of Z-FY-14-28, a Conditional Use Permit to allow a Greenhouse/Nursery (Retail) use within the I-35 Corridor Overlay with the following conditions:

1. Landscaping is planted to screen parking and the existing chain-link fence
2. No portable buildings or other items considered to be non-landscaping related or accessories that are stored outdoors are sold

ITEM SUMMARY: 5806 South General Bruce Drive currently has a base zoning of C (Commercial District), which allows a Greenhouse/Nursery (Retail) use by right. In fact, the use is allowed in GR (General Retail) and NS (Neighborhood Services) Districts by right, as well. However, the I-35 Corridor Overlay requires approval of a CUP (Conditional Use Permit) for a Greenhouse/Nursery (Retail) use.

According to Mr. Mogavero's (business owner) letter, the proposed landscaping company site:

- Does not propose any modifications at this time
- Would include trees, shrubs, mulch pavers and ornamental landscaping accessories
- The facility was previously used by a roofing company
- No portable buildings are proposed to be sold at the site

Considering that the applicant does not propose any additional improvements to the site, the I-35 Corridor Overlay standards would not be triggered at this time. The standards could be triggered by any improvements proposed in the future. However, the applicant is working on providing a site plan, which will be forwarded to P&Z members as soon as it is ready, which would show the proposed locations of their retail inventory. Considering that the office is approximately 800 sf, all of their inventory is proposed to be located outside behind an existing chain link fence

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:

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto-Urban Commercial	C	Roofing co. (most recently)
North	Auto-Urban Commercial	C	Commercial
South	Auto-Urban Commercial	C	Commercial
East	Auto-Urban Commercial	LI and GR	Commercial
West	Auto-Urban Commercial	C	Vacant

COMPREHENSIVE PLAN COMPLIANCE:

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan:

CP	Map 3.1 - Future Land Use and Character (FLUP)	Yes
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes

CP = Comprehensive Plan

Future Land Use Map (CP Map 3.1)

The entire area is shown as Auto-Urban Commercial. According to the Comprehensive Plan, "Auto-Urban Commercial is for the majority of the areas identified for commercial use, generally concentrated at intersections versus strip development along the major roads."

Thoroughfare Plan (CP Map 5.2)

The site is located along a Major Arterial (IH-35).

Availability of Public Facilities (CP Goal 4.1)

An 8" water line and a 6" sewer line is available to the rear. A 6" water line and an 8" sewer line are available to the front of the property.

REVIEW CRITERIA (UDC Section 3.5.4): In determining whether to approve, approve with conditions or deny a CUP application, the review bodies in Sec. 3.5.2 above must consider the following criteria.

- A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.
- B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.
- C. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided.
- D. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
- E. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.
- G. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

ADDITIONAL CONDITIONS (UDC Section 3.5.5): In authorizing a CUP, the Planning and Zoning Commission may recommend and the City Council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community, including a time period for which a CUP is valid. The Planning and Zoning Commission and the City Council, in considering and determining the additional conditions, may impose such developmental standards and safeguards as conditions and locations indicate to be important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glares, offensive view or other undesirable or hazardous conditions.

PUBLIC NOTICE: Nine notices of the 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 Thursday April 17, 2014 at 12:00 pm, 1 notice had been returned in favor and no notices in opposition to the proposed conditional use permit.

The newspaper printed notice of the Planning and Zoning Commission public hearing on April 10, 2014, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Application (including letter and testimonials)
Site, Surrounding Properties and Killeen Location Photos
Location Map
Zoning Map
Future Land Use Map
Site Plan
Notification Map
Returned Property Owner Responses
Ordinance

City of Temple Universal Application

(Incomplete applications will not be accepted)

- | | | |
|---|--|---|
| <input type="checkbox"/> Sketch Plan | <input type="checkbox"/> Zone Change | <input type="checkbox"/> Appeal of Administrative Decision |
| <input type="checkbox"/> Plat Vacation | <input checked="" type="checkbox"/> Conditional Use Permit (CUP) | <input type="checkbox"/> Residential Masonry Exception |
| <input type="checkbox"/> Minor or Amending Plat | <input type="checkbox"/> Planned Development (PD) | <input type="checkbox"/> Nonresidential Masonry Exception |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> PD Site Plan | <input type="checkbox"/> Park, Facility or Street Renaming |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> I-35 Appeal | <input type="checkbox"/> Cost Sharing Offsite Participation |
| <input type="checkbox"/> Variance (Board of Adjustment) | <input type="checkbox"/> I-35 Site Plan Review | <input type="checkbox"/> Exception |
| <input type="checkbox"/> Abandonment | <input type="checkbox"/> TMED Site Plan Review | <input type="checkbox"/> Street Use License (SUL) |
| | <input type="checkbox"/> TMED Variances/Warrants | |

PROJECT INFORMATION:

☐ Residential ☒ Commercial ☒ Property Platted ☐ Property Not Platted ☐ ETJ

Project Name: The Landscape Guys Parcel(s) Tax ID# (Required): _____

Project Address (Location): 5806 S. Gen. Bruce Dr. Total Acres: 1/2

Lot: 2 Block: 1 Subdivision: Tranum Subdivision Phase VIII

Cabinet #: _____ Slide #: _____

Outblock (if not platted): _____

Brief Description of Project: Retail Nursery/Landscape Facility - see attached

Current Zoning Retail # of Existing Lots 1 # of Existing Units _____

Proposed Zoning Retail # of Proposed Lots _____ # of Proposed Units _____

APPLICANT / CONTACT INFORMATION: (This will be the primary contact; please ensure email address is legible)

Name: Butch Mogavero Company Name: 1408 S. Robinson Dr. 76706

Address: 1408 S Robinson Dr City: Waco State: TX Zip: 76706

Phone: 254-214-5555 Cell #: same Fax #: _____

Email Address: 254-214-5955

PROPERTY OWNER INFORMATION:

Name: Chris McGregor Company Name: _____

Address: 2806 Wickersham Dr. City: Temple State: TX Zip: 76502

Phone: 254-770-7762 Cell #: same Fax #: _____

Email Address: mcchecker05@aol.com

DEVELOPER ☐ ENGINEER ☐ SURVEYOR INFORMATION: (Please ensure email address is legible)

Name: _____ Company Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Cell #: _____ Fax #: _____

Email Address: _____

VARIANCE / EXCEPTION / APPEAL DESCRIPTION: (Attach additional page if additional space is required)

City of Temple Universal Application

(Incomplete applications will not be accepted)

CHECKLIST

Submittal Requirements <i>All Checklists are available on Planning Applications webpage</i>	All Plats	CUP & PD	Zone Change	Sketch Plan	I-35	I-35 Appeal	TMED	TMED Variance/Waiver	ZBA Variance	Masonry Exception	Appeal of Administrative Decision	Abandonment	Street Use License
Complete Universal Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Electronic copy (PDF) of all required materials submitted as hard copies (must be legible)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hard Copies for all submittals	9	2	1	9	2	2	2	2	1	1	1	1	1
Field Notes or Lot and Block Description	✓	✓	✓		✓	✓	✓	✓	✓			✓	✓
Site Plan Checklist		✓			✓	✓	✓	✓	*				
Plat Checklist	✓			✓									
I-35 Checklist					✓	✓							
TMED Checklist							✓	✓					
Abandonment Checklist												✓	
SUL Checklist													✓
Site Plan		✓			✓	✓	✓	✓	✓	✓	*	✓	✓
Elevations		✓			✓	*	✓	*		✓			
Landscape Plan					*	*	*	*					
Lighting Plan					*	*	*	*					
Fee	✓	✓	✓	NA	NA	NA	NA	NA	✓	NA	NA	✓	✓
Survey												✓	✓

*May be required depending on nature of Appeal/Variance

Total valuation of proposed improvements for project in 1st & 3rd/TMED/I-35: \$ _____

FEE SCHEDULE

Abandonment	\$100.00
Board of Adjustment (Variance)	\$ 75.00
*Preliminary/Final Plat	\$150.00 + \$3.00/lot (residential) or \$10.00/acre (nonresidential)
Street Use License (SUL) (renewed every 15 years)	\$150.00
*Zone Change/CUP/PD/Site Plan	\$150.00 + \$3.00/acre unplatted

*The filing fee for a piece of property that is 3.125 acres in size would be a total of \$159.36 (\$150 + [\$3 x 3.12]). City staff uses the second decimal place when calculating a filing fee and does not round up or down.

By signing this application, staff is granted access to your property to perform work related to your case. Each signature must be notarized.

SIGNATURE: _____
(Letter of authorization required if signature is other than property owner)

Print or Type Name: Frank Mogavero

For Plats Only: This waiver must be completed for all Plat applications; failure to do so will result in the rejection of your application.

I waive the statutory time limits in accordance with Section 212 of the Texas Local Government code.

SIGNATURE: _____
(Letter of authorization required if signature is other than property owner)

Print or Type Name: _____

Known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity there instated.

Given under my hand and seal of office on this 24th day of march, 2014

[Signature]
Notary Public Signature



For Department Use Only

Project #: R-FY-14-27
 Project Manager: Brian Chandler
 Total Fee(s): \$150.00
 Fee Credit: —
 Payment Method: CHECK
 Submittal Date: 26 March 14
 Accepted By: M. Maffei
 Accepted Date: 26 March 14

Untitled

March 20, 2014

RE: 5806 South General Bruce Dr Temple 76502

Propose to open a retail nursery/landscape facility using the existing office and fenced area (approx one-half acre). No modifications shall be made to the existing facility, drainage etc. Fenced area shall be used to display and sell trees, bushes, landscaping items (stone, wood, pavers, mulch) & ornamental accessories. Everything shall be arranged/ displayed in an orderly fashion. This facility was previously used by Russell Pajestka Roofing. There will be no portable buildings on the site. I have attached photos of the facility in Killeen which is located on heavily travelled Ft Hood Road. There is a need for this type of business in Temple as it is difficult to find a professional nursery/ landscape facility. We are professional landscape designers and are looking forward to bringing revenue in and beautifying Temple.

The Landscape Guys
Butch Mogavero

THELANDSCAPEGUYSTX.com

Description for The Landscape Guys

The Landscape Guys is a complete landscaping business serving Waco, Temple, Killeen, and Central TX. We have been in the business of creating beautiful decorative curving and landscaping since 1999!

Landscape curbing is a concrete border system that is intended to replace more costly and less durable traditional lawn edging like brick and wood. It separates and enhances your existing exterior design and has become the perfect choice for home improvement projects for the following reasons:

- Less costly and more durable than traditional lawn edging
- Acts as a great root barrier
- Design flexibility including flowing curves, straight lines, and custom designs
- Reduces edging and trimming time for lawns
- Adds value to your property
- Looks great!

Please contact us at (254) 773-2872 for more information or set up an appointment today!

Testimonials

"Butch and the team at The Landscape Guys,

Thanks for all you did for us; the trees make a world of difference.

I consider myself to be very thrifty. If I buy something or hire someone to perform a service; I do my homework and compare pricing and value. I work hard for my money and want the most for it.

When I decided to plant trees at our new home, I did my homework. I'd planned to buy trees and plant them myself; that is, until I met you and your team at The Landscape Guys. Not only did you offer large, 45-65 gallon, quality, Red Oaks, Live Oaks, and Crape Myrtle at a very competitive price, you planted them within 24 hours!!

I am so pleased with the outstanding value, extra care, and professionalism of you and your team I have recommended The Landscape Guys to anyone willing to listen. If someone is on the fence about buying trees or landscaping; send them my way. I'll tell them how pleased I am and let them know; I couldn't find better value than The Landscape Guys!"

Thanks Again
Brian Jones

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON,
YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING
INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN
REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS:
YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

WARRANTY DEED

Date: June 21, 2013

Grantor: JAMES E. TRANUM and EVA MARIE TRANUM
P. O. Box 1150
Temple, Bell County, Texas 76503-1150

Grantee: CHRIS A. MCGREGOR and wife, KAREN L. MCGREGOR
2806 Wickersham Drive
Temple, Bell County, Texas 76502

Consideration:

- (a) The sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration to GRANTOR paid by GRANTEE, the receipt of which is hereby acknowledged; and
- (b) the assumption by GRANTEE of all ad valorem taxes on The Property for 2013 and subsequent years, including subsequent assessments for years prior to 2013 due to a change in land usage or ownership.

Property (including any improvements):

Lots Two (2) and Three (3), in Block One (1), of Trantum Subdivision, Phase VIII, in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet D, Slide 395-B, Plat Records of Bell County, Texas; being a replat of all of Lot One (1), Block Two (2), Trantum Subdivision, Phase II, in



Existing Building (to be used as office)



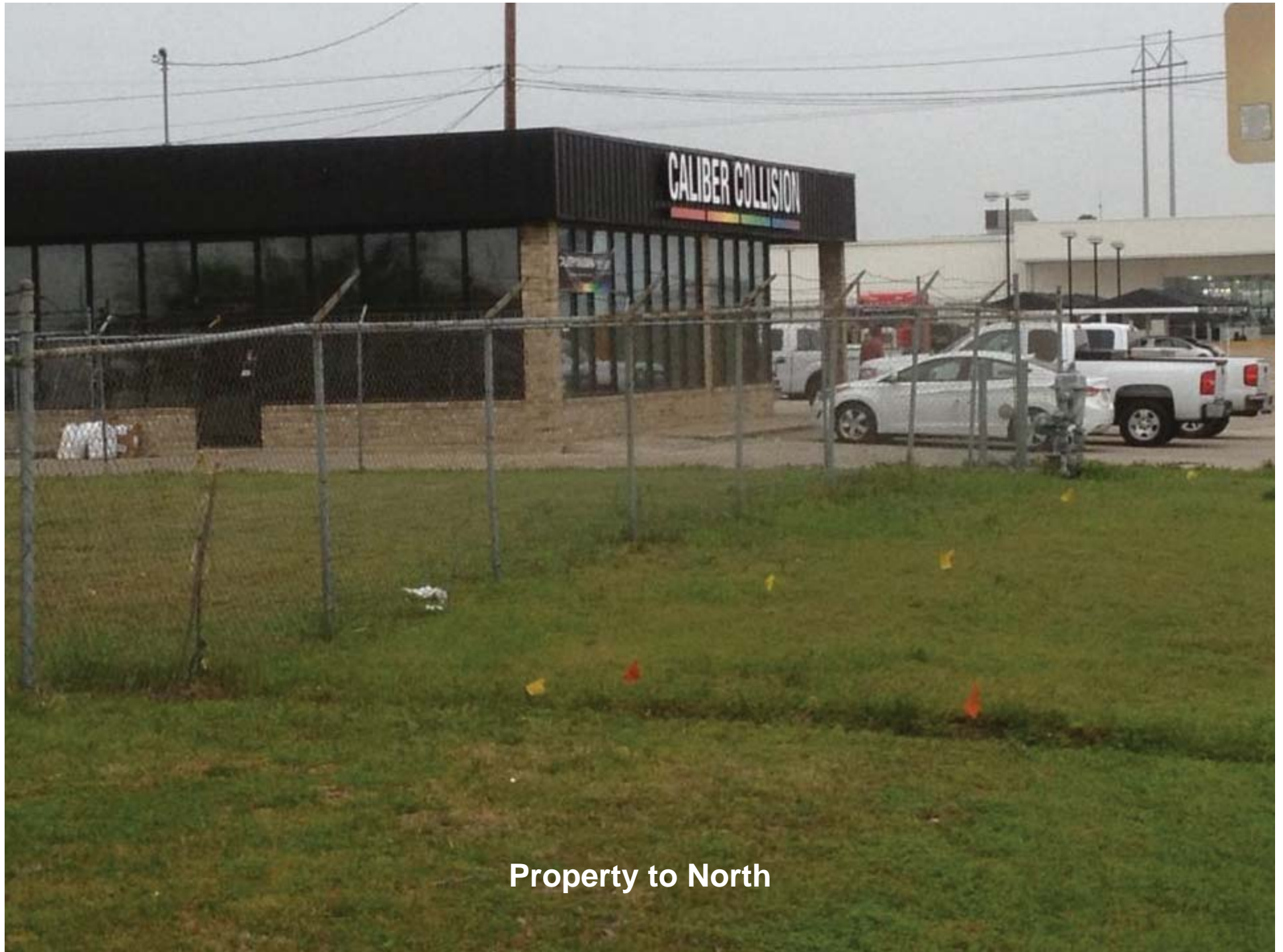
Existing Site



Property to North



Property to East



Property to North



Killeen Landscape Guys Location



Killeen Landscape Guys Location



Killeen Landscape Guys Location



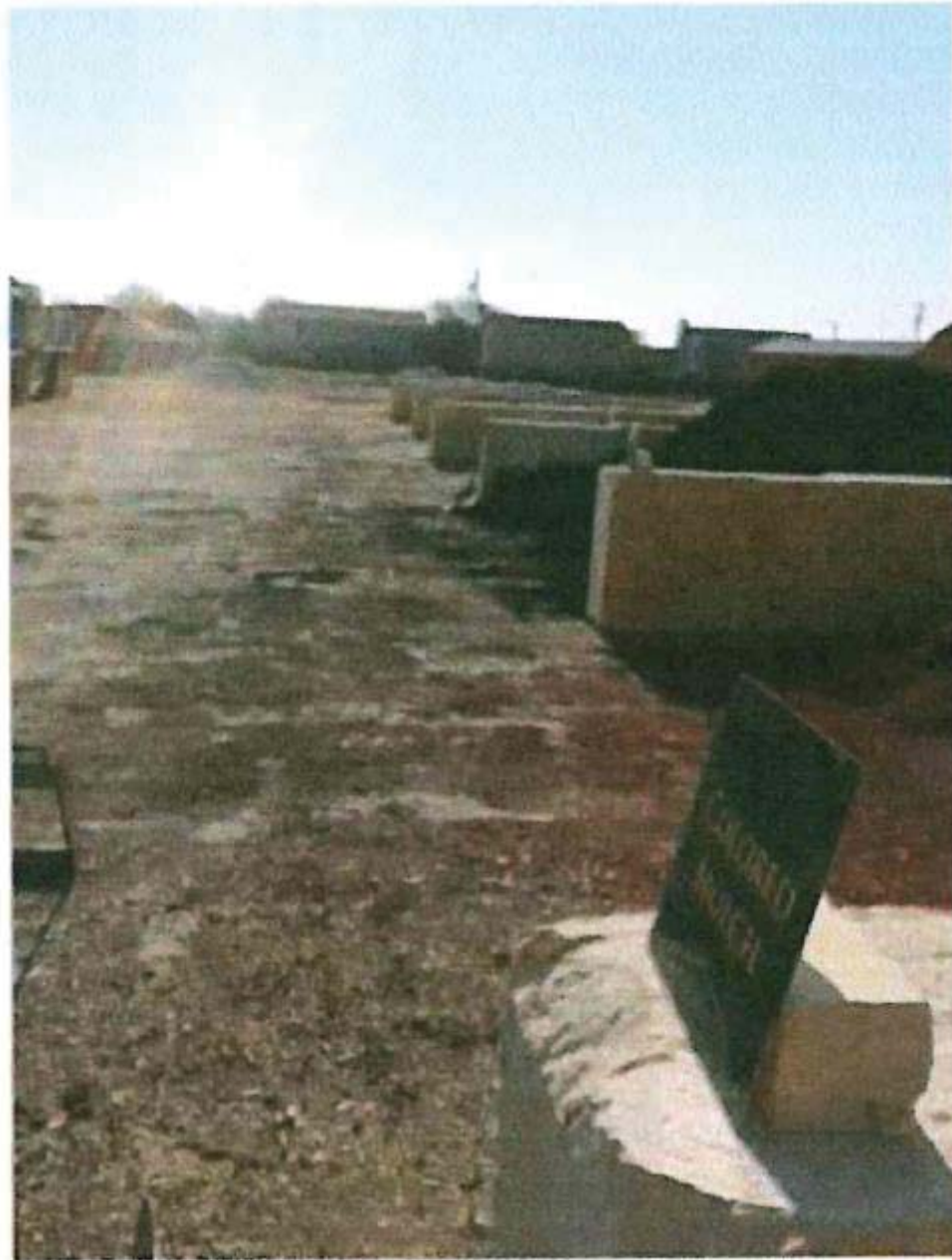
Killeen Landscape Guys Location



Killeen Landscape Guys Location



Killeen Landscape Guys Location



Killeen Location: Mulch in rock bins



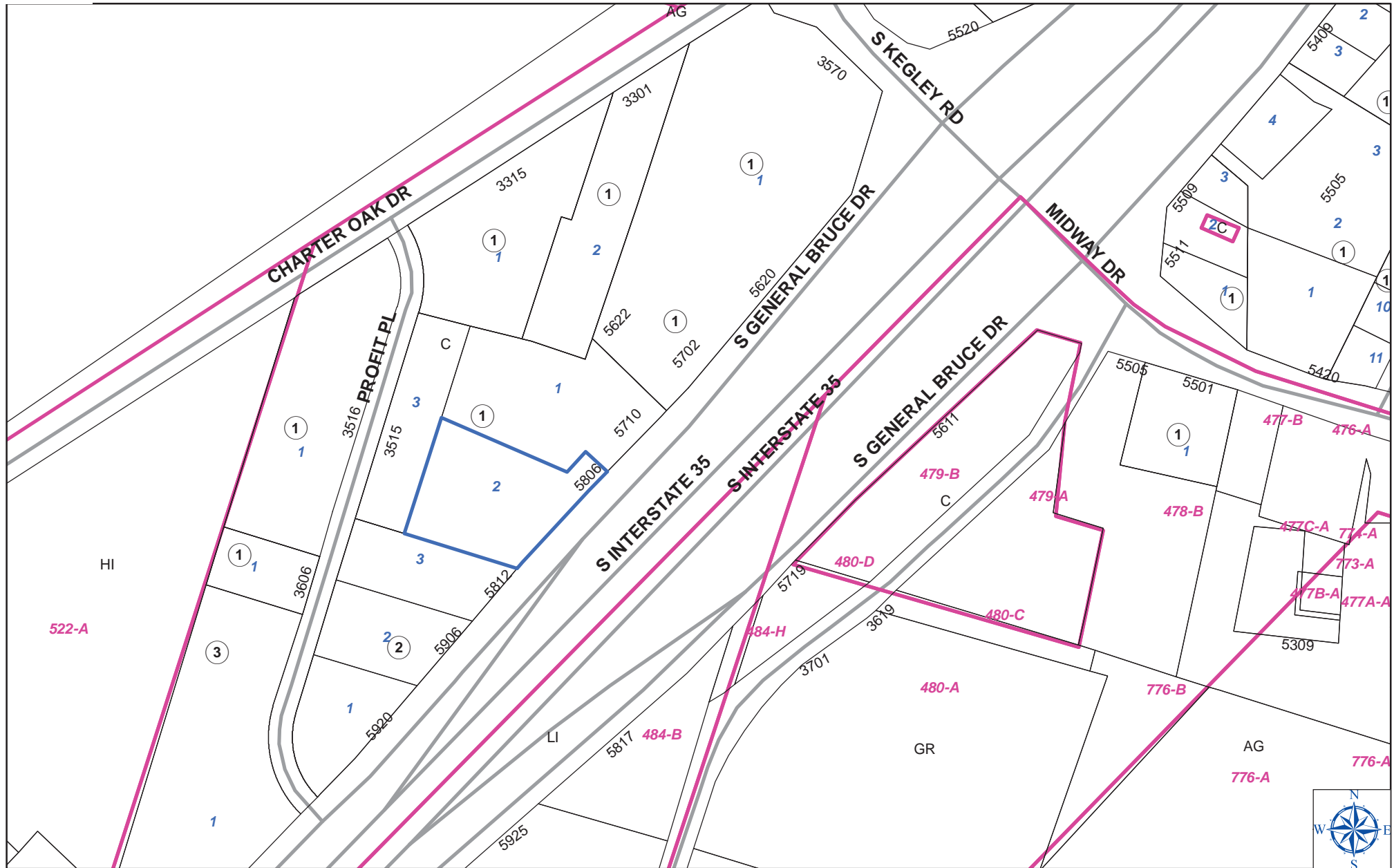
Killeen Location: Stacked flagstone



Z-FY-14-28

Location Map

5806 S. Gen. Bruce Dr.

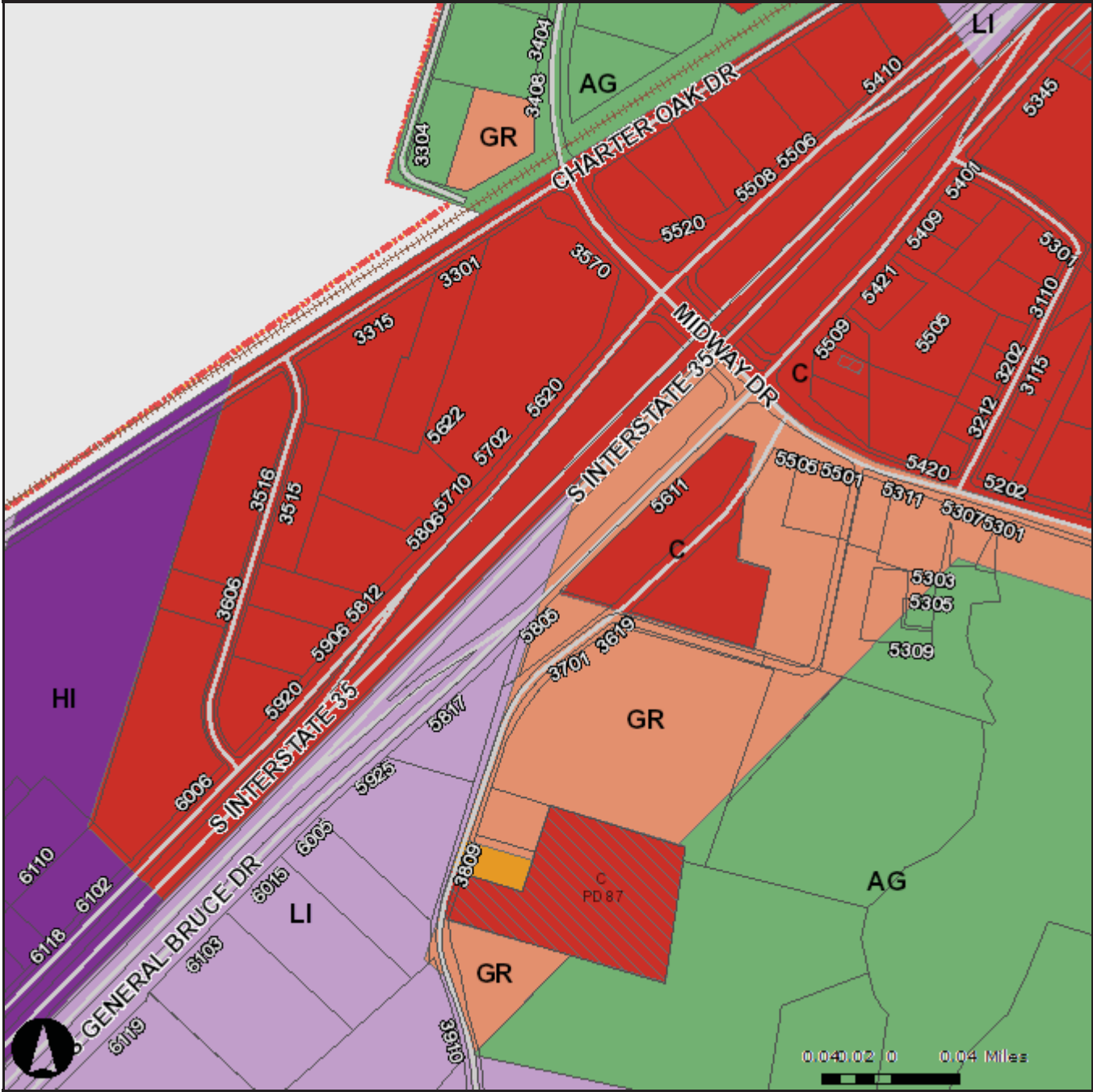


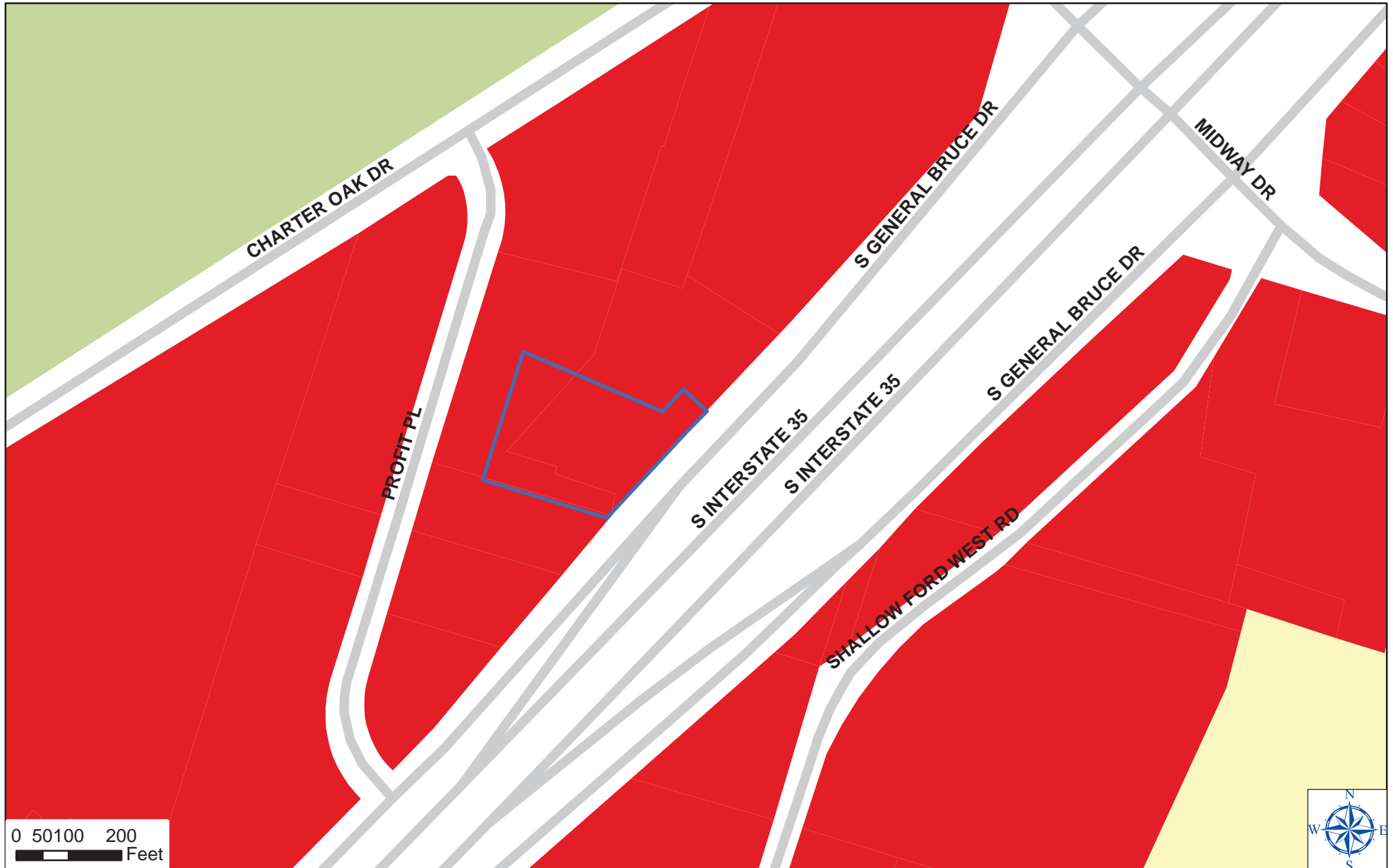
- Case
- Parcel
- Subdivisions
- Zoning

0 100 200
Feet

4/17/2014
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.





Future Land Use

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

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

REMAINDER
OF BLOCK 1
PLACE ADDITION
D.B. 51.46-A

Asphalt Public Maintained Roadway
Cob. B, Sl. 46-A

PROFIT PLACE

N 17° 07' 13" E 451.30'
(Record Call "Profit Place" N 14° 19' 36" E 875.93')

LOT 3
1.151 Acre

BLOCK 1

LOT 1

The landscape Guys
Various Bushes
& Flowers in Containers

Trees

Bins for
Storage of Mulch
& Stone



LOT 2
1.705 Acre

Colored Stone & Mulch

Display Area

parking

Patio Area



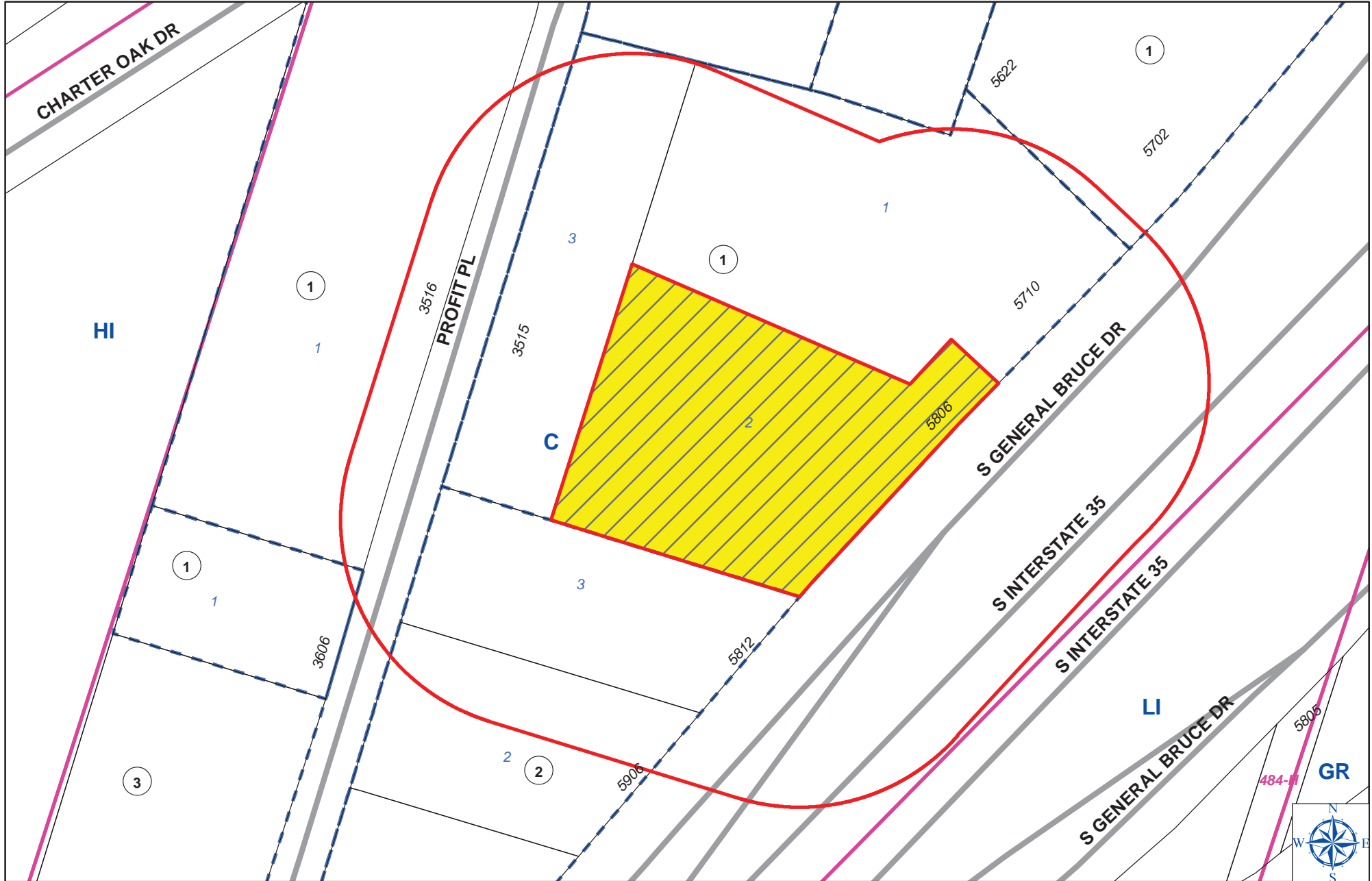
5806 S. Gen. Bruce



Z-FY-14-28

Proposed Nursery CUP

5806 S. General Bruce Drive



Case



Zoning

1234-A Outblock Number

① Block Number



200' Buffer



Subdivision

1234 Address

1 Lot Number



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



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

C. Aubrey Smith Jr.
P.O. Box 162326
Austin, Texas 78716

F
PROFIT PLACE
TEMPLE

Zoning Application Number: Z-FY-14-28


Project Manager: Brian Chandler

Location: 5806 South General Bruce Drive

A request for a Conditional Use Permit has been submitted to the City of Temple. The area proposed for a Conditional Use Permit is shown in hatched marking on the attached map. The Conditional Use Permit will allow a retail nursery /landscape facility. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the proposed Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

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

Comments:


(Signature)

C. AUBREY Smith Jr.
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than April 21, 2014.

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

RECEIVED

APR 15 2014

City of Temple
Planning & Development

ORDINANCE NO. 2014-4669

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR A RETAIL NURSERY/LANDSCAPE FACILITY ON LOT 2, BLOCK 1, TRANUM SUBDIVISION, PHASE VIII, LOCATED AT 5806 SOUTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; 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 conditions, operation and location of property described as lot 2, block 1, Trantum Subdivision. Phase VIII, located at 5806 South General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit for a retail nursery/landscape facility; and

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

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

Part 1: The City Council approves a Conditional Use Permit to allow retail nursery/landscape facility on lot 2, block 1, Trantum Subdivision. Phase VIII, located at 5806 South General Bruce Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

- A. Landscaping is planted to screen parking and a minimum of 40 percent of the existing I-35 facing chain-link fence;

- B. No portable buildings or other items considered to be non-landscaping related or accessories that are stored outdoors are sold; and
- C. That the Director of Planning is authorized to work with the applicant on what is deemed adequate parking.

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **15th** day of **May**, 2014.

PASSED AND APPROVED on Second Reading on the **5th** day of **June**, 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

05/15/14

Item #8

Regular Agenda

Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance establishing the City's participation in the Texas Enterprise Zone Program pursuant to Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, providing tax incentives, designating a liaison for communication with interested parties, and nominating Artco-Bell Corporation to the office of the Governor Economic Development & Tourism through the Economic Development Bank as a qualified enterprise project.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description, with second reading and final adoption set for June 5, 2014.

ITEM SUMMARY: The City of Temple desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises and to provide employment to residents from an enterprise zone. Certain local incentives are available to Artco-Bell Corporation as a qualified business that will create a higher level of employment, economic activity and stability.

Artco-Bell estimates approximately \$9 million will be invested in the expansion, mostly for the remodeling and upgrading of the facility. There are approximately 310 employees currently employed with Artco-Bell, with an additional 35-75 workers being considered.

Pursuant to Chapter 2303, Subchapter F of the Act, Artco-Bell Corporation has applied to the City for designation as an enterprise project. Artco-Bell Corporation is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction, located outside of an enterprise zone and at least thirty-five percent (35%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals.

The enterprise project shall take effect on the date of designation of the enterprise project by EDT and terminate on March 3, 2019.

FISCAL IMPACT: If approved, the Artco-Bell Corporation expansion project is expected to result in a \$9 million capital investment with job retention of 310 full-time employees and an additional 35-75 workers being considered.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. 2014-4670

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (ACT), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, AND NOMINATING ARTCO-BELL CORPORATION TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK AS AN ENTERPRISE PROJECT.

Whereas, the City Council of the City of Temple, Texas (City) desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises and to provide employment to residents from an enterprise zone;

Whereas, the project or activity is not located in an area designated as an enterprise zone; and

Whereas, pursuant to Chapter 2303, Subchapter F of the Act, Artco-Bell Corporation has applied to the City for designation as an enterprise project;

Whereas, at the election of City Council, certain local incentives are available to Artco-Bell Corporation as a qualified business that will create a higher level of employment, economic activity and stability; and

Whereas, a public hearing to consider this ordinance was held by the City Council on May 1, 2014.

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

Part 1: The City Council nominates Artco-Bell Corporation for enterprise project status.

Part 2: That the following local incentives, at the election of the City Council, are or will be made available to the nominated project or activity of the qualified business:

- a) The City may establish a reinvestment zone and abate taxes on the increase in value of real property improvements and eligible personal property for up to 10 years for qualifying projects under the requirements of the City's Tax Abatement Policy. The level of abatement shall be based upon capital investment, and the extent to which the business receiving the abatement creates jobs for qualified employees, in accordance with the Tax Abatement Policy and with qualified employee being defined by the Act.
- b) The City may provide business and industrial development services, including:
 - 1) Grants to eligible companies through the City's Economic Development Corporation;

- 2) Local sales tax refund;
 - 3) Chapter 380 tax rebates for qualifying projects that significantly enhance the City's tax base as provided in the City's policy;
 - 4) Establishment of a Tax Increment Reinvestment Zone;
 - 5) Creation of stream-lined permitting and problem resolution centers or ombudsmen;
 - 6) Promotion and marketing services;
 - 7) Other tax deferrals, tax refunds or tax incentives;
 - 8) Low-interest loans for business;
 - 9) Use of surplus school buildings or other underutilized publicly owned facilities as small-business incubators;
 - 10) Provision of publicly owned land for development purposes; or
- c) The City may provide regulatory relief to businesses, including:
- 1) Zoning changes or variances;
 - 2) Exemptions from unnecessary building code requirements, impact fees, or inspection fees; or
 - 3) Streamlined permitting.
- d) The City may provide enhanced municipal services to businesses, including:
- 1) Improved police and fire protection; or
 - 2) Institution of community crime prevention programs; or
 - 3) Special public transportation routes or reduced fares.
- e) The City may provide improvements in community facilities, including:
- 1) Capital improvements in water and sewer facilities;
 - 2) Road repair;
 - 3) Creation or improvement of parks; or
 - 4) Creation of other venues, such as museums, conference centers, etc.
- f) The City may provide improvements to housing, including:
- 1) Low-interest loans for housing rehabilitation, improvement, or new construction; or
 - 2) Transfer of abandoned housing to individuals or community groups.
- g) The City, in partnership with other regional entities, may provide job training and employment services to businesses, including:
- 1) Job training and employment services;
 - 2) Retraining programs;
 - 3) Literacy and employment skills programs;
 - 4) Vocational education; or
 - 5) Customized job training.

Part 3: That any enterprise zone areas created within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

Part 4: That it directs and designates the City's Director of Economic Development as the City's liaison to communicate and negotiate with the Governor of Economic Development and Tourism (EDT) through the Economic Development Bank and enterprise project(s) and to oversee zone activities and communications with qualified businesses and other entities in an enterprise zone or affected by an enterprise project.

Part 5: That it finds that Artco-Bell Corporation meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

- a) Artco-Bell Corporation is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction, located outside of an enterprise zone and at least thirty-five percent (35%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and
- b) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and
- c) The designation of Artco-Bell Corporation as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Part 6: The enterprise project shall take effect on the date of designation of the enterprise project by EDT and terminate on March 3, 2019.

Part 7: That the provisions of this ordinance are severable and the invalidity of any part of this ordinance will not affect the validity of the remainder of the ordinance.

PASSED AND APPROVED on First Reading and Public Hearing on the **15th** day of **May**, 2014.

PASSED AND APPROVED on Second Reading on the **5th** day of **June**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/15/14
Item #9(A)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
Brian Chandler, Director of Planning

ITEM DESCRIPTION: Consider adopting a resolution consenting to the reduction of its extraterritorial jurisdiction by releasing a 1.533 acre tract of land from the City of Temple's extraterritorial jurisdiction, and acknowledging the acceptance of a .278 acre tract into its extraterritorial jurisdiction released, or to be released, by the City of Morgan's Point Resort from its own extraterritorial jurisdiction.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: During the platting of a phase of the Campus at Lakewood Ranch, discussions between the developer (Kiella Land Investments, LLC) and the cities of Temple and Morgan's Point Resort identified the benefits of redrawing the extraterritorial jurisdiction (ETJ) lines between Temple and Morgan's Point Resort in the area affected by the plat of this phase of the Campus at Lakewood Ranch.

In 2012, Morgan's Point Resort released a 43.275 acre tract from its ETJ, which by operation of law became part of the City of Temple's ETJ. When the developer platted that 43.275 tract with the City of Temple, he also requested voluntary annexation, which the City Council approved.

Now with the platting of this next phase of the Campus at Lakewood Ranch, an exchange of several small tracts between Temple and Morgan's Point Resort will clean up the future boundaries between Temple and Morgan's Point Resort so that streets and individual properties on those streets are entirely within the boundary of either Temple or Morgan's Point Resort, and we won't have a situation where certain tracts are split between Temple and Morgan's Point Resort's respective ETJ or City limit lines. As depicted below:

For the reasons described above, the Staff recommends approval of the resolution releasing two small tracts from the City of Temple's ETJ, and acknowledging acceptance of a small tract into its ETJ (after a similar release by Morgan's Point Resort).

FISCAL IMPACT: None

ATTACHMENTS:

[Field Notes and Surveys](#)
[Resolution](#)

BEING a 0.278 acre tract situated in the GEORGE W. LINDSEY SURVEY, ABSTRACT No. 513, Bell County, Texas and being a part or portion of that certain 25.000 acre tract of land described in a Executor's Special Warranty Deed dated April 2, 2008 from Edward William Clinite, Independent Executor and as Trustee of any Trusts Created under the Last Will and Testament of LaVerne Miller, Deceased to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2008-00016748, Official Public Records of Bell County, Texas and being a part or portion of that certain 23.856 acre tract (TRACT2) described in a Special Warranty Deed dated October 1, 2012 from Edward William Clinite, Trustee of the Esta Laperle Clinite Descendants Separate Trust to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00042201, Official Public Records of Bell County, Texas and being a part or portion of that certain 112.763 acre tract of land described in a Special Warranty Deed dated October 1, 2012 from Clinite-Miller, Inc., a Texas corporation to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00042199, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod with cap stamped "RPLS 2475" found being the most easterly northeast corner of that certain 15.047 acre tract of land described as The Campus at Lakewood Ranch, Phase VIII according to the map or plat of record in Cabinet D, Slide 375-B, Plat Records of Bell County, Texas and being in the north boundary line of the said 25.000 acre tract and being in the south boundary line of the said 23.856 acre tract for corner;

THENCE departing the said 15.047 acre tract and the said 25.000 acre tract and the said south boundary line and over and across the said 23.856 acre tract the following seven (7) calls:

- 1) N. 15° 56' 32" W., 24.87 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;
- 2) N. 70° 06' 33" E., 219.92 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;
- 3) S. 50° 38' 46" W., 30.44 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;
- 4) S. 37° 15' 50" W., 15.29 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;
- 5) N. 54° 23' 42" E., 1.00 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;
- 6) S. 17° 46' 25" W., 2.98 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;



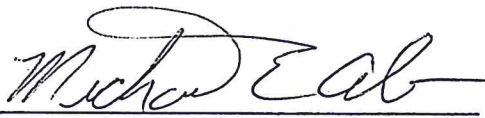
7) N. 54° 23' 10" E., 24.76 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;

THENCE S. 24° 20' 30" E., 17.60 feet over and across the said 23.856 acre tract and continuing over and across the aforementioned 112.763 acre tract to a ½" iron rod with cap stamped "RPLS 2475" set for corner;

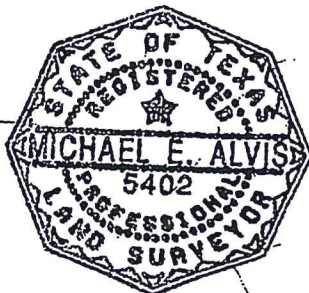
THENCE S. 54° 57' 16" W., 216.30 feet over and across the said 112.763 acre tract and continuing over and across the said 23.856 acre tract and continuing over and across the aforementioned 25.000 acre tract to a ½" iron rod with cap stamped "RPLS 2475" set being in the east boundary line of the aforementioned The Campus at Lakewood Ranch, Phase VIII for corner;

THENCE N. 15° 56' 32" W., 63.25 feet continuing over and across the said 25.000 acre tract and with the said east boundary line of The Campus at Lakewood Ranch, Phase VIII to the Point of BEGINNING and containing 0.278 acres of land.

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.



Michael E. Alvis, R.P.L.S. #5402
February 19, 2014



THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 506

THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 29' 04"

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999852

PUBLISHED CITY COORDINATES ARE X = 3,198,199.05 Y = 10,383,950.33

THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS N. 29° 17' 25" W., 4674.11 FEET.

GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGLE

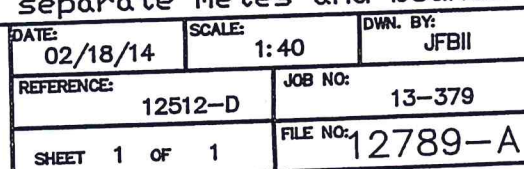
Page 2 of 2



TURLEY ASSOCIATES, INC.

ENGINEERING • SURVEYING • PLANNING
301 NORTH 3RD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400

SCALE 1:40



BEING a 1.533 acre tract situated in the GEORGE W. LINDSEY SURVEY, ABSTRACT No. 513, Bell County, Texas and being a part or portion of that certain 112.763 acre tract of land described in a Special Warranty Deed dated October 1, 2012 from Clinite-Miller, Inc., a Texas corporation to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00042199, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found at a fence corner post being an interior ell corner in the north boundary line of the said 112.763 acre tract and being the most southerly southwest corner of that certain 50 acre tract of land described in a Warranty Deed dated July 28, 1987 from J. F. Cross, Individually and as Independent Executor of the Estate of Celestine J. Cross to Jerry Don Cross and being of record in Volume 2327, Page 549, Official Public Records of Bell County, Texas for corner;

THENCE departing the said 50 acre tract and the said north boundary line and over and across the said 112.763 acre tract the following seven (7) calls:

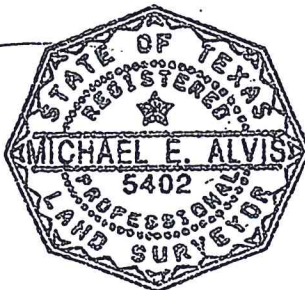
- 1) S. 25° 57' 06" W., 186.43 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;
- 2) S. 56° 51' 22" W., 198.63 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;
- 3) S. 69° 17' 09" W., 176.16 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;
- 4) N. 07° 00' 00" W., 63.13 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;
- 5) N. 50° 38' 46" E., 421.10 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;
- 6) N. 25° 36' 51" E., 196.61 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;
- 7) N. 63° 05' 39" E., 113.20 feet to a ½" iron rod with cap stamped "RPLS 2475" set being in an easterly boundary line of the said 112.763 acre tract and being in a westerly boundary line of the said 50 acre tract for corner;

THENCE S. 22° 32' 51" W., 237.84 feet with the said easterly boundary line and the said westerly boundary line to the Point of BEGINNING and containing 1.533 acres of land

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.



Michael E. Alvis, R.P.L.S. #5402
February 17, 2014



Page 1 of 2

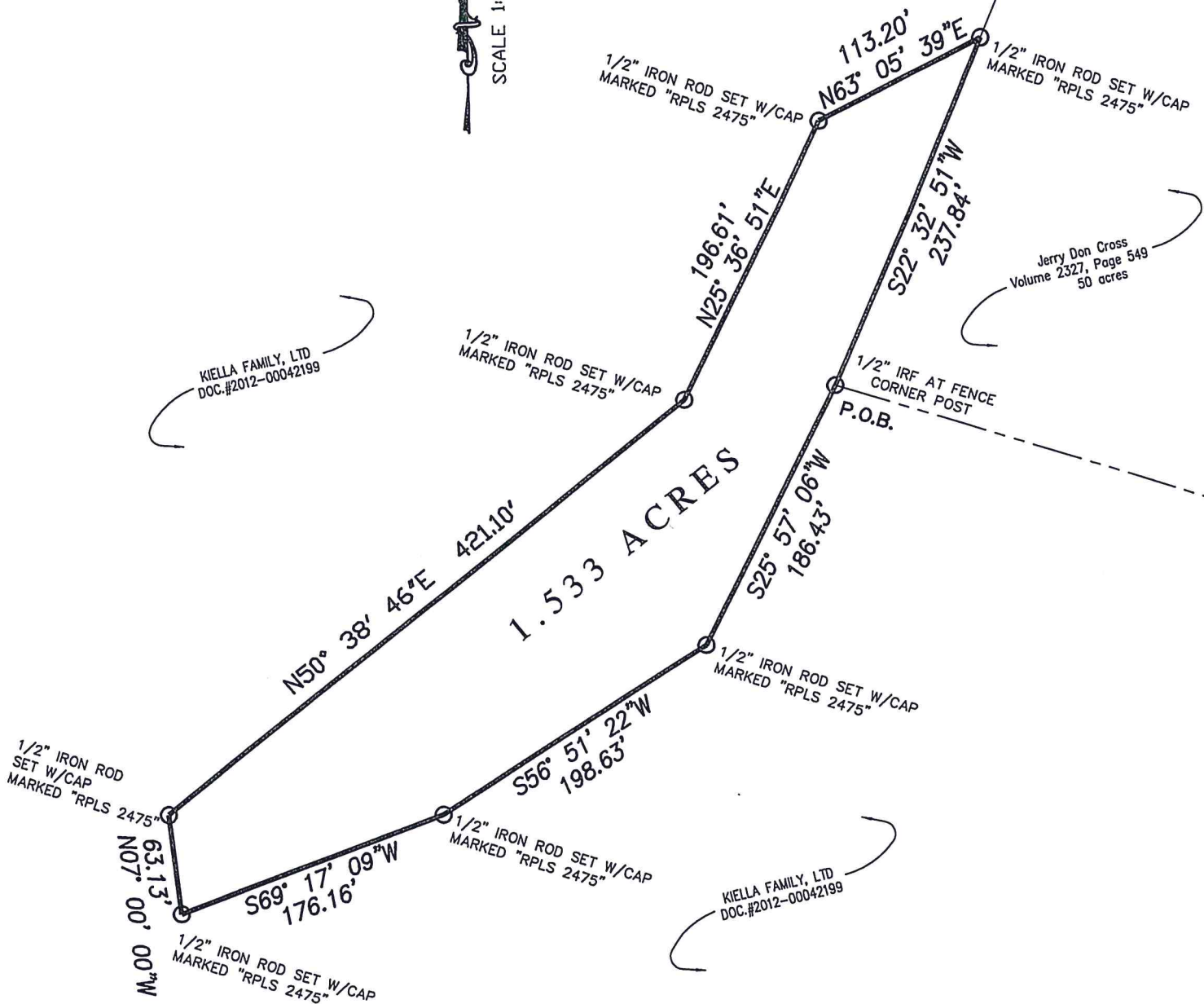


THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 506
THE THETA ANGLE AT SAID CITY MONUMENT IS $01^{\circ} 29' 04''$
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999852
PUBLISHED CITY COORDINATES ARE $X = 3,198,199.05$ $Y = 10,383,950.33$
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
N. $19^{\circ} 43' 44''$ W., 4774.68 FEET.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE



SCALE 1:100



BEING a 1.533 acre tract situated in the GEORGE W. LINDSEY SURVEY, ABSTRACT No. 513, Bell County, Texas and being a part or portion of that certain 112.763 acre tract of land described in a Special Warranty Deed dated October 1, 2012 from Clinite-Miller, Inc., a Texas corporation to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00042199, Official Public Records of Bell County, Texas and being more particularly described by separate metes and bounds in separate field notes.

STATE OF TEXAS § KNOW ALL MEN BY THESE PRESENTS, that I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that
COUNTY OF BELL § this survey was this day made on the ground of the property described herein and is correct and that there are no discrepancies, conflicts, shortages in the area, easements, and right-of-ways except as shown hereon, that this tract of land has access to and from a public road, and I have marked all corners with monuments.

IN WITNESS THEREOF, my hand and seal, this the 17th day of February, 2014.



Michael E. Alvis
Michael E. Alvis, R.P.L.S., No. 5402

1.533 acre tract being more particularly described by separate metes and bounds.



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC. F-1658
301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400

1.533 ACRES
GEORGE W. LINDSEY SURVEY,
ABSTRACT #513
BELL COUNTY, TEXAS

DATE: 02/17/14	SCALE: 1:100	DWN. BY: JFB
REFERENCE: 12512-D	JOB NO: 13-379	FILE NO: 12789-A
SHEET 1 OF 1		

RESOLUTION NO. 2014-7325-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE REDUCTION OF THE CITY'S EXTRATERRITORIAL JURISDICTION BY RELEASING AN APPROXIMATELY 1.533 ACRE TRACT OF LAND, AND ACKNOWLEDGING THE ACCEPTANCE OF AN APPROXIMATELY .278 ACRE TRACT OF LAND INTO ITS EXTRATERRITOTIAL JURISDICTION, WHICH WILL BE RELEASED BY THE CITY OF MORGAN'S POINT RESORT FROM ITS OWN EXTRATERRITORIAL JURISDICTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, during the platting of a phase of the Campus at Lakewood Ranch, discussions between the developer (Kiella Land Investments, LLC) and the cities of Temple and Morgan's Point Resort identified the benefits of redrawing the extraterritorial jurisdiction (ETJ) lines between Temple and Morgan's Point Resort in the area affected by the plat of this phase of the Campus at Lakewood Ranch;

Whereas, in 2012, Morgan's Point Resort released a 43.275 acre tract from its ETJ, which by operation of law, became part of the City of Temple's ETJ – when the developer platted the 43.275 acre tract with the City of Temple, he also requested voluntary annexation, which the City Council approved;

Whereas, with the platting of this next phase of the Campus at Lakewood Ranch, an exchange of several small tracts between Temple and Morgan's Point Resort will clean up the future boundaries between Temple and Morgan's Point Resort so that streets and individual properties on those streets are entirely within the boundary of either Temple or Morgan's Point Resort;

Whereas, for the reasons stated above, staff recommends releasing an approximately 1.533 acre tract of land from the City of Temple's ETJ, and recommends acknowledging acceptance of an approximately .278 acre tract of land into its extraterritorial jurisdiction, after a similar release by Morgan's Point Resort;

Whereas, under Section 42.023 of the Local Government Code, the governing body of a municipality may consent to, and release, a portion of its extraterritorial jurisdiction by ordinance or resolution; 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 release of an approximately 1.533 acre tract of land from the City of Temple's ETJ, and accepts an approximately .278 acre tract of land into its extraterritorial jurisdiction, depicted in the field notes and surveys attached to this resolution as Exhibit "A."

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

PASSED AND APPROVED this the 15th day of **May**, 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

05/15/14
Item #9(B)
Regular Agenda
Page1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: P-FY-14-22: Consider a resolution approving the Master Preliminary Plat of The Groves at Lakewood Ranch, a 193.875 +/- acre, 583-lot, 28-block, residential subdivision with requested exceptions to Unified Development Code Section 8.3: Park Land Dedication for a private park; and Code of Ordinances Chapter 12, Section 12-14 regarding fire hydrant spacing, in Temple's Northern Extraterritorial Jurisdiction (E.T.J.) area surrounding The Campus at Lake wood Ranch Phase VIII.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its May 5, 2014, meeting the Planning and Zoning Commission voted 7/0 to recommend approval of the Master Preliminary Plat of The Groves at Lakewood Ranch with the developer's requested exceptions listed in the item description. Commissioners Pitts and Johnson were absent.

STAFF RECOMMENDATION: Staff recommends approval of the Master Preliminary Plat of Lakewood Ranch with the applicant's requested exceptions listed in the item description; and with a recommendation the Thoroughfare Plan be amended at a later date to reflect Clinite Grove Boulevard as a collector, instead of the extension of St. Andrews Place at Inverness Road, subject to the following conditions:

- Approval of the applicant's voluntary annexations request; and
- An Extraterritorial Jurisdiction(E.T.J.) swap between the City of Temple and the City of Morgan's Point Resort

ITEM SUMMARY: The Development Review Committee reviewed the Master Preliminary Plat of Lakewood Ranch on March 26, 2014 and April 23, 2014. It was deemed administratively complete on April 29, 2014.

The Master Preliminary Plat of Lakewood Ranch is a 583-lot, 29-block, residential subdivision. The E.T.J. portion of the plat is currently going through the voluntary annexation process. This plat is scheduled to proceed to City Council on May 15, 2014 for review with the property's voluntary annexation request. **Preliminary plats are not recorded.** Therefore, City Council has some flexibility to provide plat approval with conditions that otherwise would not be recommended for final

plats associated with preliminary plat phases.

John Kiella requests the following exceptions to the Unified Development Code (UDC) and Fire Prevention Code.

The applicant requests an exception to Unified Development Code Section 8.3: Park Land Dedication to allow 10.74 acres of designated park land to be privately owned and maintained by the Lakewood Homeowners Association. The plat meets all the parkland dedication requirements of UDC Section 8.3. The plat proposes 10.74 acres of parkland dedication, which exceeds the 4.38 acres of parkland dedication required for this development (1 acre per 133 lots or \$225 per lot- totaling \$131,175.00 for this development). The developer proposes improvements to parkland designated Tracts K-1 and K-2, which totals 5.18 acres. The developer proposes improvements to be funded through the HOA park fund. The development's Restrictive Covenants requires \$850.00 in fees for each lot sold to be paid to the HOA park fund. Staff supports the developer's requested exception.

The applicant also requests an exception to Code of Ordinances Chapter 12, Section 12-14 to allow maximum spacing of 1200 feet for fire hydrants along Clinite Grove Boulevard, a collector, rather than required spacing of 600 feet. There are no homes fronting Clinite Grove Boulevard, a proposed collector. The homes adjacent to Clinite Grove Boulevard have driveway access and fire protection from internal streets. The Fire Department supports the exception to allow the developer's proposed maximum spacing of 1200 feet for fire hydrants rather than the required spacing of 600 feet, as reflected in attached exhibits.

The applicant also requests an amendment to the Thoroughfare Plan which shows St. Andrews Place extending to the north through the subject property as a collector. The developer has designed Clinite Grove Boulevard as a collector in a much better location than the offset recommended by the Thoroughfare Plan for the St. Andrews Place extension. **Staff supports this request and will add it to the list of other Thoroughfare Plan amendments at a later date.**

Water will be provided to the subdivision through proposed 8-inch water lines. Sewer will be provided to the subdivision through 8-inch sanitary sewer lines.

City Council is the final plat authority since the applicant requests exceptions to the Unified Development Code and Fire Prevention and Protection Code.

FISCAL IMPACT: None.

ATTACHMENTS:

[Letters of Requested Exceptions](#)
[Plat exhibits](#)
[Resolution](#)



TURLEY ASSOCIATES, INC.

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400
F-1658 FAX • (254) 773-3998

April 25, 2014

City of Temple
Brian Chandler
Planning Director
2 North Main Street
Temple, TX 76501

RE: P-FY-14-22
Master Preliminary Plat for The Groves at Lakewood Ranch

Dear Mr. Chandler:

On behalf of our client, Turley Associates, Inc. requests an amendment to the thoroughfare plan for the above referenced project. The plan adopted on October 18, 2012, shows St. Andrews Place extending to the north through this subject property as a collector.

Clinite Boulevard is designed to serve as a collector from F.M. 2305 to the north property line. We ask that Clinite Boulevard replace St. Andrews Place as the connector for this development on the thoroughfare plan.

Sincerely,
TURLEY ASSOCIATES, INC.

A handwritten signature in blue ink that reads "Jennifer Ryken". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Jennifer Ryken, P.E.
Project Engineer

JR/sb



TURLEY ASSOCIATES, INC.

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400
F-1658 FAX • (254) 773-3998

April 25, 2014

City of Temple
Brian Chandler
Planning Director
2 North Main Street
Temple, TX 76501

RE: P-FY-14-22
Master Preliminary Plat for The Groves at Lakewood Ranch

Dear Mr. Chandler:

On behalf of our client, Turley Associates, Inc. requests that the City Council grant an exception to Section 12-14 of the Code of Ordinances.

This exception would be for the fire hydrants placed along the future Clinite Grove Boulevard. This road is designed as a collector street but with no homes having driveway access. All homes adjacent to Clinite Grove Boulevard will have driveway access and fire protection from internal streets which parallel Clinite Grove Boulevard.

We have placed hydrants on Clinite Grove Boulevard at a maximum spacing of 1200' rather than 600' required in the Code of Ordinances.

All homes are covered with fire protection and all other streets meet or exceed the requirements.

Sincerely,
TURLEY ASSOCIATES, INC.

A handwritten signature in blue ink that reads "Jennifer Ryken". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Jennifer Ryken, P.E.
Project Engineer

JR/sb



TURLEY ASSOCIATES, INC.

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400
F-1658 FAX • (254) 773-3998

April 25, 2014

City of Temple
Brian Chandler
Planning Director
2 North Main Street
Temple, TX 76501

RE: P-FY-14-22
Master Preliminary Plat for The Groves at Lakewood Ranch

Dear Mr. Chandler:

On behalf of our client, Turley Associates, Inc. requests that the City Council grant an exception to Section 8.3 of the Unified Development Code's (UDC) Parkland requirements.

Section 8.3 of the UDC requires for a development of this size to either dedicate 1 acre for every 133 proposed lots or \$225 per lot. For this development that would be 4.38 acres or \$131,175.00. As shown on the submitted plans, this development has approximately 15 acres of green space of which 10.74 acres will be designated specifically as parkland. The developer requests that the 10.74 acres be allowed to be dedicated to the Lakewood H.O.A. rather than dedicated to the City of Temple. The land would be owned and maintained by the H.O.A. The developer has also committed to making improvements within this 10.74 acres. He has set up under the Restrictive Covenants filed at Bell County records that with each home sold, fees will be paid into a "park fund" by the homebuilder. These fees are \$850.00 for each lot as specified in the homebuilder's contract. This is a requirement of the Restrictive Covenants for all homebuilders who construct homes within The Groves at Lakewood Ranch. This is over and beyond what is required by the UDC for park fees per lot.

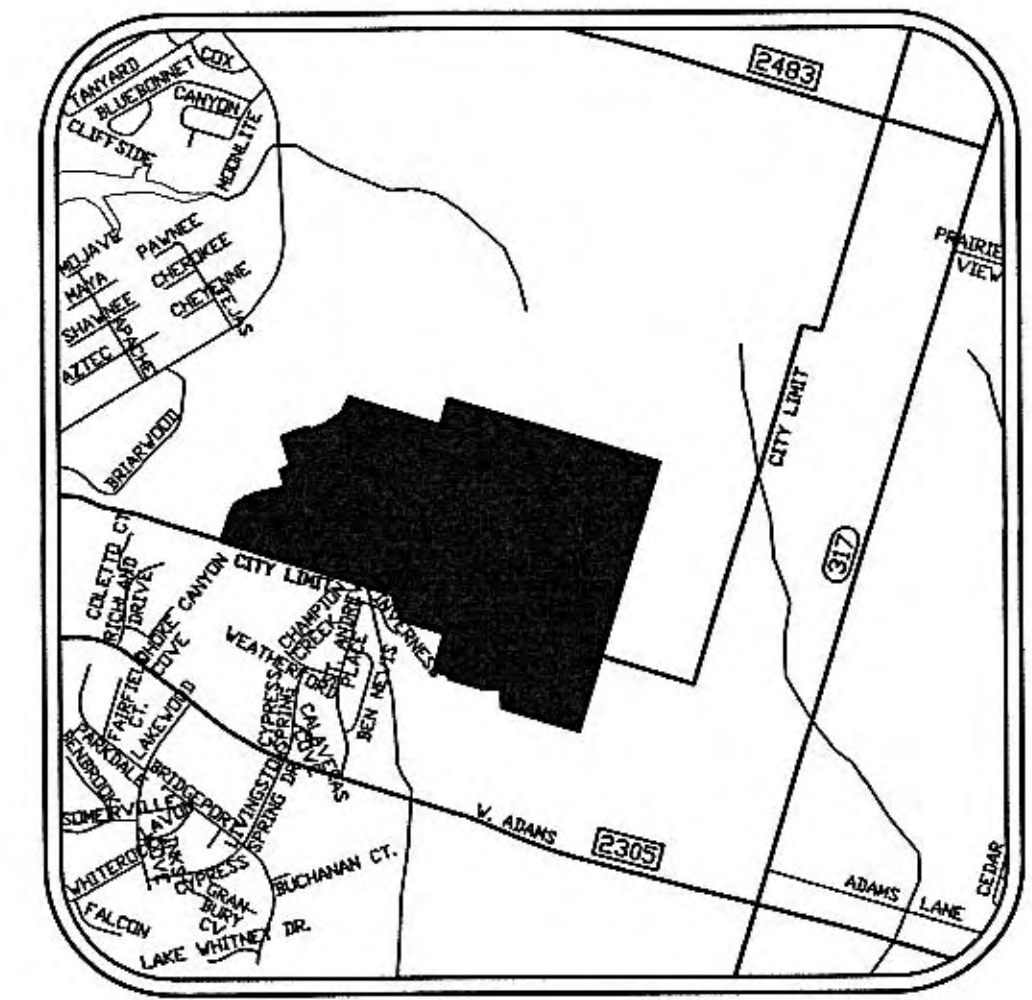
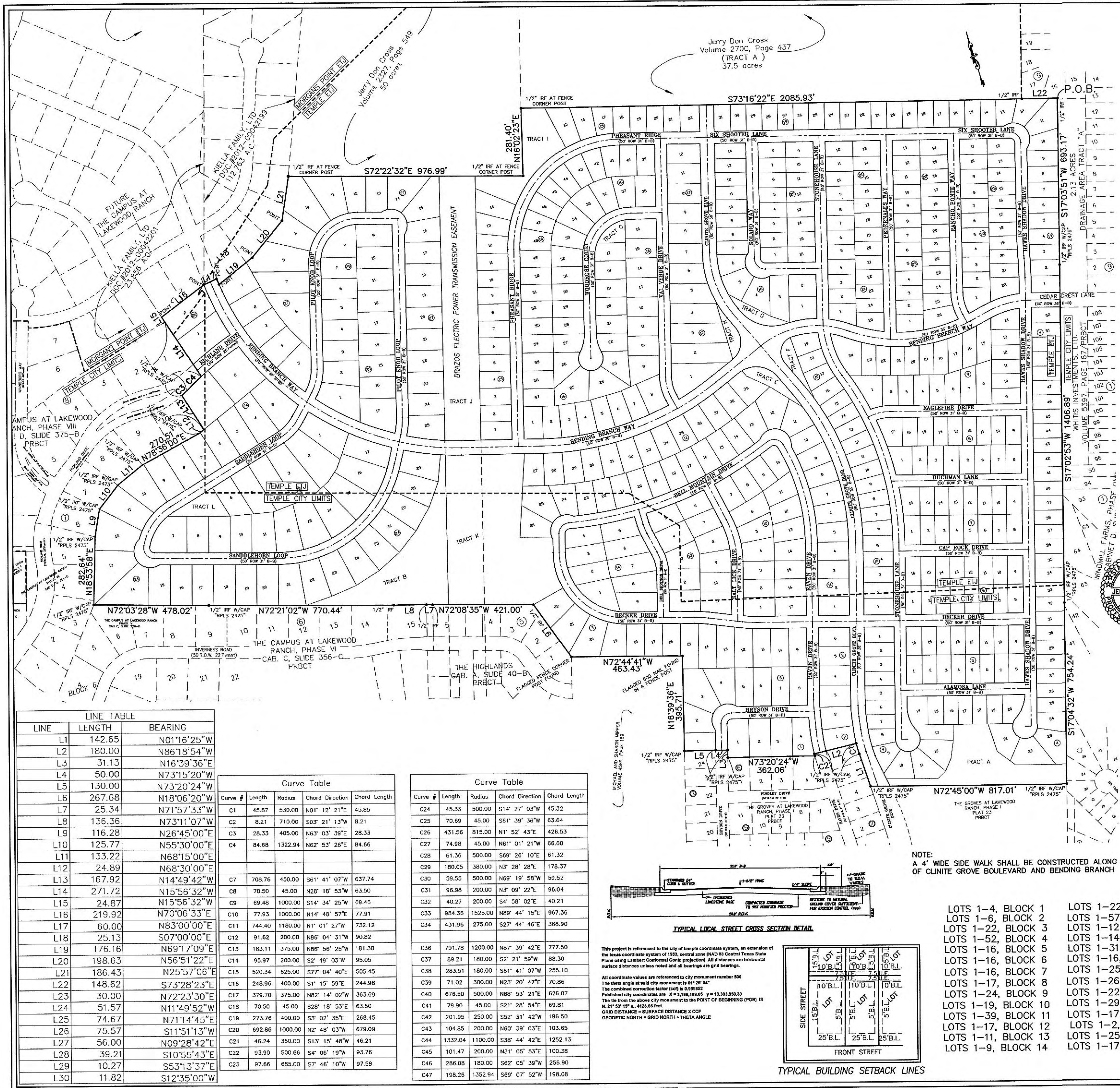
The developer has proposed improvements to the parkland designated Tracts K-1 and K-2. This area totals 5.18 acres and can be seen on the attached sketch. These improvements will be funded through the HOA park fund.

The developer meets all parkland requirements under the UDC Section 8.3 with just the land dedication alone. He has then committed to making improvements to this land through the H.O.A. parkland fund which is already established. The only exception requested of the City Council is that the land be allowed to stay private under H.O.A. ownership.

Sincerely,
TURLEY ASSOCIATES, INC.

A handwritten signature in blue ink that reads "Jennifer Ryken". The signature is fluid and cursive, with the first name "Jennifer" and last name "Ryken" clearly legible.

Jennifer Ryken, P.E.
Project Engineer



VICINITY MAP

STATE OF TEXAS
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, THAT KIELLA LAND INVESTMENTS, LTD., OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS MASTER PRELIMINARY OF GROVES AT LAKEWOOD RANCH, A SUBDIVISION IN THE CITY OF TEMPLE, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON.

KIELLA LAND INVESTMENTS, LTD., A TEXAS LIMITED PARTNERSHIP
BY AND THROUGH:

KIELLA LAND INVESTMENTS MANAGEMENT, LLC
GENERAL PARTNER OF KIELLA LAND INVESTMENTS, LTD.

STATE OF TEXAS
COUNTY OF BELL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON
THE _____ DAY OF _____, 2014 BY JOHN KIELLA.

NOTARY PUBLIC

STATE OF TEXAS
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY, THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PRELIMINARY PLAT:



I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY INSTRUMENTS ARE CORRECTLY SHOWN THEREON.

STATE OF TEXAS

COUNTY OF BELL

MICHAEL E. ALVIS, R.P.L.S.
NO. 5402



PRELIMINARY PLAT FOR INSPECTION PURPOSES ONLY

BEING A SUBDIVISION OUT OF AND A PART OF THE JOHN J. SIMMONS SURVEY, ABSTRACT NO. 737, BELL COUNTY, TEXAS AND THE GEORGE W. LINDSEY SURVEY, ABSTRACT NO. 513, BELL COUNTY, TEXAS

DATED THIS _____ DAY OF _____, 2014.

APPROVED FOR FINAL PREPARATION OF FINAL PLAT:

CHAIRMAN, PLANNING AND ZONING COMMISSION

INDEX SHEET for: MASTER PRELIMINARY OF GROVES AT LAKEWOOD RANCH

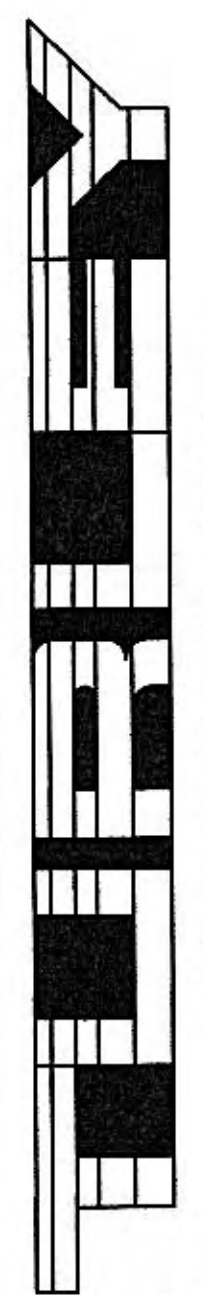
583 Lots, 28 Blocks

TRACT A - 1.872 acres HOA
TRACT B - 2.551 acres HOA
TRACT C - 0.175 acres HOA
TRACT D - DELETED
TRACT E - 0.264 acres HOA
TRACT F - 0.214 acres HOA
TRACT G - 0.223 acres HOA
TRACT H - 0.188 acres HOA
TRACT I - 1.228 acres COT
TRACT J - 3.787 acres COT
TRACT K - 5.338 acres HOA
TRACT L - 0.361 acres HOA

193.875 Acres

LOTS 1-4, BLOCK 1
LOTS 1-6, BLOCK 2
LOTS 1-22, BLOCK 3
LOTS 1-52, BLOCK 4
LOTS 1-16, BLOCK 5
LOTS 1-16, BLOCK 6
LOTS 1-16, BLOCK 7
LOTS 1-17, BLOCK 8
LOTS 1-24, BLOCK 9
LOTS 1-19, BLOCK 10
LOTS 1-39, BLOCK 11
LOTS 1-17, BLOCK 12
LOTS 1-11, BLOCK 13
LOTS 1-9, BLOCK 14
LOTS 1-57, BLOCK 16
LOTS 1-12, BLOCK 17
LOTS 1-14, BLOCK 18
LOTS 1-31, BLOCK 19
LOTS 1-25, BLOCK 21
LOTS 1-26, BLOCK 22
LOTS 1-22, BLOCK 23
LOTS 1-29, BLOCK 24
LOTS 1-17, BLOCK 25
LOTS 1-2, BLOCK 26
LOTS 1-25, BLOCK 27
LOTS 1-17, BLOCK 28

193.875 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE FIELD NOTES PREPARED AND ATTACHED TO DEDICATION INSTRUMENT



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.

301 N. 3rd ST. TEMPLE, TEXAS 76501 (254) 773-2400
E-MAIL: mail@turley-inc.com FAX NO. (254) 773-3998

FIRM #1658

Sheet 1 Index
Sheet 2 Preliminary Plat
Sheet 3 Preliminary Plat
Sheet 4 Preliminary Plat
Sheet 5 Utility Plan
Sheet 6 Utility Plan
Sheet 7 Utility Plan
Sheet 8 Utility Plan
Sheet 9 Pre Drainage Plan
Sheet 10 Post Drainage Plan
Sheet 11 Sidewalk plan
Sheet 12 Sidewalk plan
Sheet 13 Sidewalk plan

LAYOUT FOR:
MASTER PRELIMINARY OF
GROVES AT LAKEWOOD RANCH
BEING A SUBDIVISION OUT OF AND A PART OF THE JOHN J. SIMMONS SURVEY, ABSTRACT NO. 737, BELL COUNTY, TEXAS AND THE GEORGE W. LINDSEY SURVEY, ABSTRACT NO. 513, BELL COUNTY, TEXAS

DEVELOPED BY:
KIELLA LAND INVESTMENTS, LTD.
P.O. BOX 1344
TEMPLE, TEXAS 76503

REVISIONS

DATE: February 19, 2014
DRN. BY: JFBII
REF.: 96399,9736-D 11624-D
12512-D 12885-D

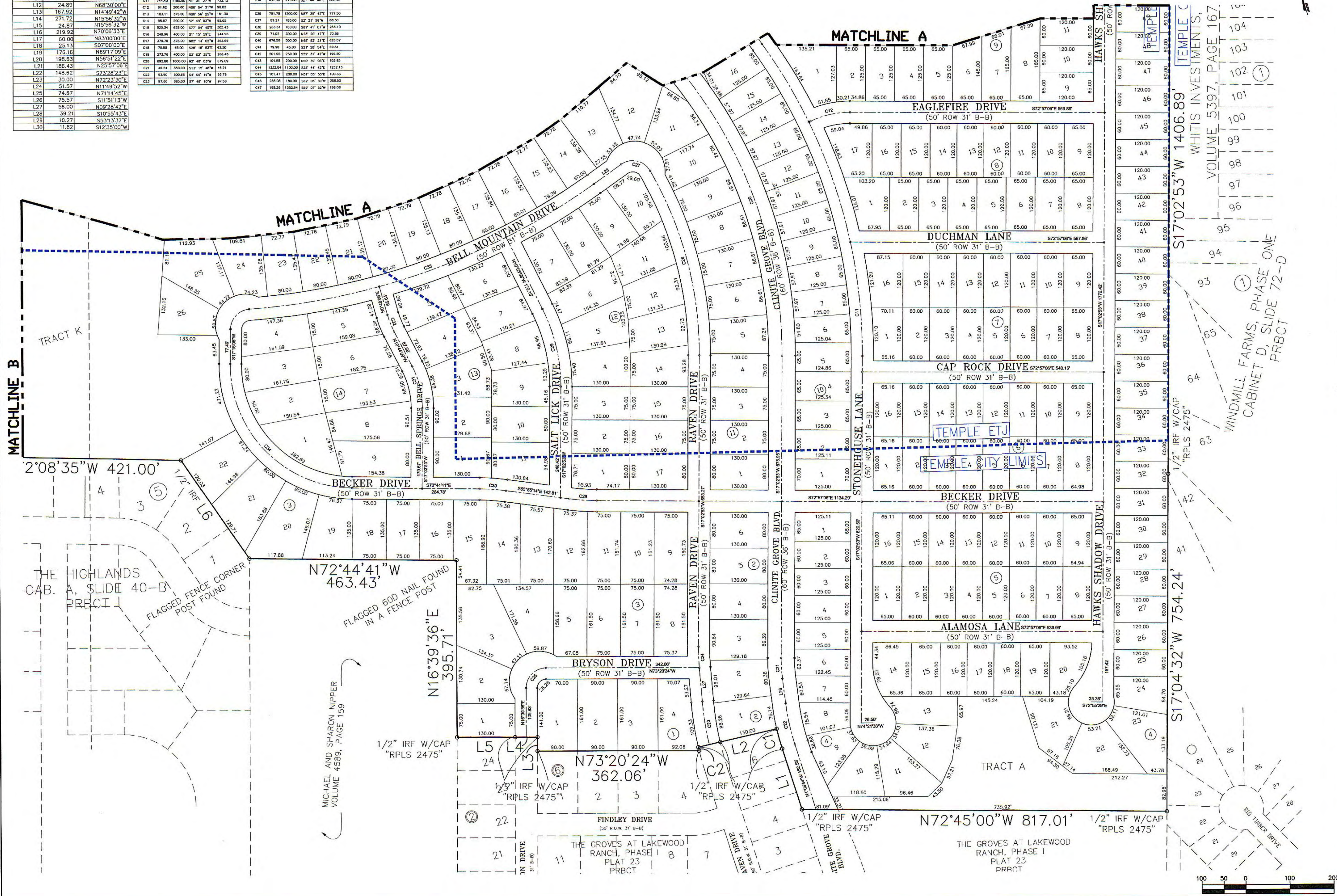
FB/LB: DATA COL
JOB NO.: 13-379
SHEET 1 OF 1
COMPUTER
DWG. NO. 13-379

12789-D
FILE NO.

LINE TABLE		
LINE	LENGTH	BEARING
L1	142.85	N01°16'25"W
L2	180.00	N86°18'54"W
L3	31.13	N16°39'36"E
L4	50.00	N73°15'20"W
L5	130.00	N73°20'24"W
L6	267.88	N18°06'20"W
L7	25.34	N71°57'43"W
L8	136.36	N73°11'07"W
L9	116.28	N26°45'00"E
L10	125.77	N55°30'00"E
L11	133.22	N68°15'00"E
L12	24.89	N68°30'00"E
L13	167.92	N14°49'42"W
L14	271.72	N15°56'32"W
L15	24.87	N15°56'32"W
L16	219.92	N70°08'33"E
L17	60.00	N83°00'00"E
L18	25.13	S07°00'00"E
L19	176.16	N69°17'09"E
L20	198.63	N56°51'22"E
L21	186.43	N25°57'06"E
L22	148.62	S73°28'23"E
L23	30.00	N22°23'30"E
L24	51.57	N11°49'52"W
L25	74.67	N71°14'45"E
L26	75.57	S11°51'13"W
L27	56.00	N09°28'42"E
L28	39.21	S10°55'43"E
L29	10.27	S53°13'37"E
L30	11.82	S12°35'00"W

Curve Table				
Curve #	Length	Radius	Chord Direction	Chord Length
C1	45.87	530.00	N01°12'21"E	45.85
C2	8.31	710.00	S02°21'13"W	8.21
C3	28.33	400.00	N07°07'30"E	28.33
C4	54.68	1322.64	N02°53'28"E	54.68
C5	708.75	450.00	S61°41'07"W	637.74
C6	79.26	45.00	N08°10'57"E	83.86
C7	69.48	1000.00	S14°34'25"W	69.48
C8	77.93	1000.00	N14°48'57"E	77.91
C9	744.40	1180.00	N1°01'27"W	732.12
C10	91.62	200.00	N08°04'31"W	90.82
C11	183.11	375.00	N08°04'25"W	181.30
C12	95.97	200.00	S2°49'03"W	95.05
C13	520.34	625.00	S77°04'40"E	505.43
C14	248.56	400.00	S1°15'59"E	244.86
C15	379.79	375.00	N07°14'02"W	363.69
C16	79.50	45.00	S08°18'53"E	83.50
C17	273.76	400.00	S2°02'30"E	268.45
C18	692.85	1000.00	N02°48'03"W	679.09
C19	48.24	350.00	S13°15'48"W	48.21
C20	93.80	300.00	S4°08'19"W	93.76
C21	97.65	285.00	S7°48'10"W	97.58

Curve Table				
Curve #	Length	Radius	Chord Direction	Chord Length
C22	45.33	500.00	S14°27'03"W	45.32
C23	70.49	45.00	S61°39'32"W	62.84
C24	431.56	815.00	N1°32'43"E	426.53
C25	74.99	45.00	N61°01'21"W	66.60
C26	41.36	500.00	S09°28'10"E	41.32
C27	180.05	360.00	N7°28'28"E	178.37
C28	245.53	500.00	N09°10'58"W	242.02
C29	84.94	200.00	N7°02'27"E	84.04
C30	45.27	200.00	S4°58'07"E	45.21
C31	884.36	1325.00	N09°44'13"E	867.36
C32	431.85	275.00	S27°44'46"E	389.90
C33	791.78	1200.00	N07°30'42"E	777.50
C34	89.31	180.00	S2°21'59"W	86.30
C35	283.51	180.00	S61°41'07"W	255.10
C36	71.02	300.00	N23°20'47"E	70.66
C37	476.50	500.00	N08°53'21"E	465.07
C38	79.50	45.00	S11°38'54"E	83.51
C39	201.95	250.00	S32°31'42"W	166.50
C40	104.85	200.00	N02°30'03"E	103.85
C41	1332.04	1100.00	S38°44'42"E	1252.13
C42	101.47	200.00	N31°05'57"E	100.38
C43	286.38	180.00	N02°07'30"W	256.95
C44	198.26	1352.34	S09°07'52"W	198.08



TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
301 N. 3rd St.
Temple, Texas 76501
E-MAIL: MAIL@TURLEY-INC.COM
(254) 773-2400
(254) 773-3998

FIRM #1658

Jennifer Ryker
4/24/14

LAYOUT FOR:
MASTER PRELIMINARY OF
GROVES LAKEWOOD RANCH
BEING A SUBDIVISION OF AND A PART OF THE JOHN J. SIMMONS
SURVEY, ABSTRACT NO. 737, Bell County, Texas and the GEORGE W.
LINDSEY SURVEY, ABSTRACT NO. 513, Bell County, Texas

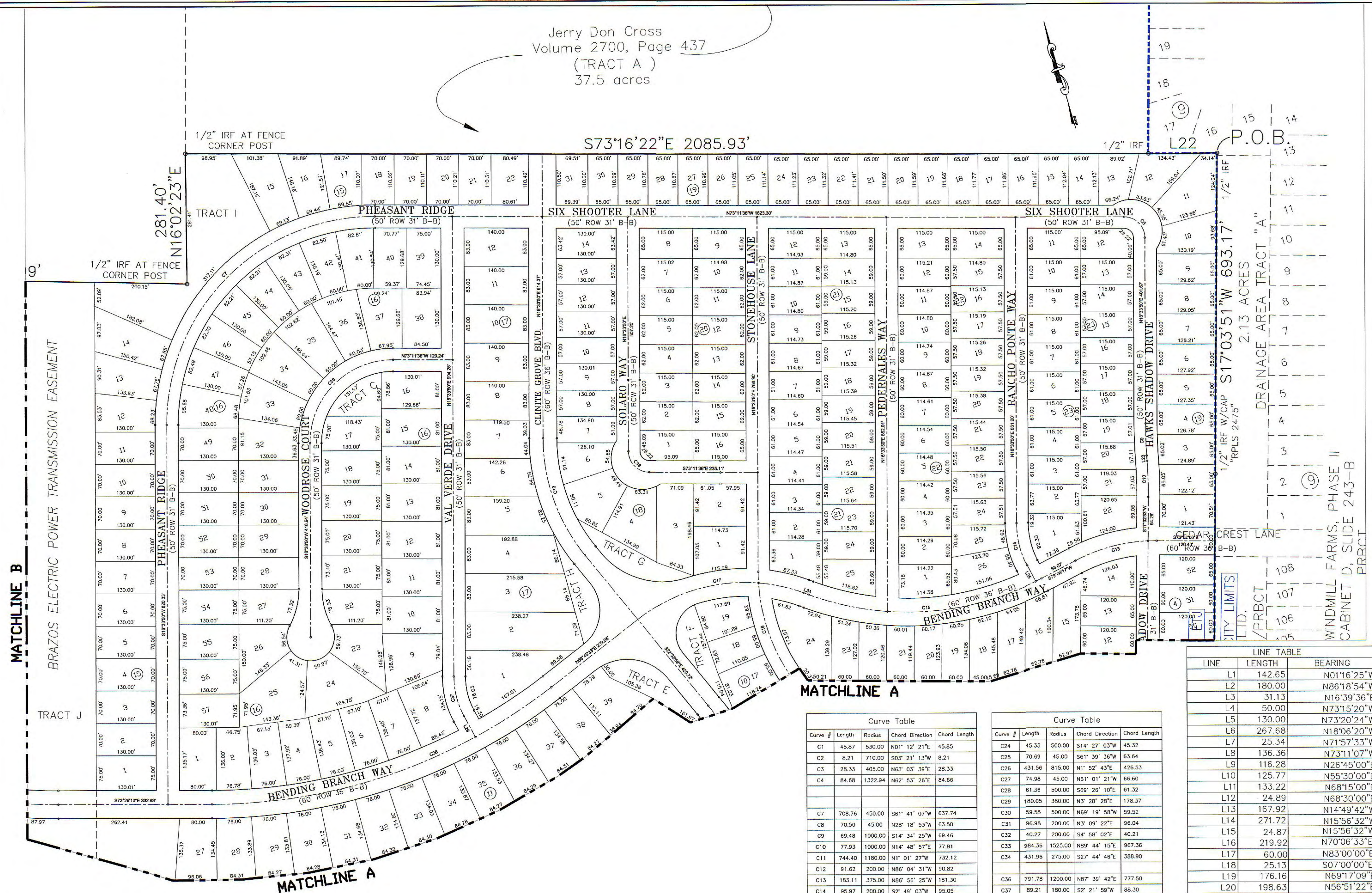
DEVELOPED BY:
KIELLA LAND INVESTMENTS, LTD.
P.O. BOX 1344
TEMPLE, TEXAS 76503

REVISIONS

DATE: March 5, 2014
DRN. BY: TJJ
REF.: 96339,9736-D 11624-D
12512-D 12685-D
FB/LB:
JOB NO.: 13-379
SHEET 2 OF 13
COMPUTER DWG. NO. 13-379
12789-D
FILE NO.

Jerry Don Cross
Volume 2700, Page 437
(TRACT A)
37.5 acres

MATCHLINE B
BRAZOS ELECTRIC POWER TRANSMISSION EASEMENT



MATCHLINE A

Curve Table				
Curve #	Length	Radius	Chord Direction	Chord Length
C1	45.87	530.00	N01°12'21"E	45.85
C2	8.21	710.00	S03°21'13"W	8.21
C3	28.33	405.00	N63°03'39"E	28.33
C4	84.68	1322.94	N62°53'26"E	84.66
C5	135.17	80.00	N73°20'24"W	135.17
C6	136.00	76.00	N73°20'24"W	136.00
C7	708.76	450.00	S61°41'07"W	637.74
C8	70.50	45.00	N28°18'53"W	63.50
C9	69.48	1000.00	S14°34'25"W	69.46
C10	77.93	1000.00	N14°48'57"E	77.91
C11	744.40	1180.00	N1°01'27"W	732.12
C12	91.62	200.00	N86°04'31"W	90.82
C13	183.11	375.00	N86°56'25"W	181.30
C14	95.97	200.00	S2°49'03"W	95.05
C15	520.34	625.00	S77°04'40"E	505.45
C16	248.96	400.00	S1°15'59"E	244.96
C17	379.70	375.00	N82°14'02"W	363.69
C18	70.50	45.00	S28°18'53"E	63.50
C19	273.76	400.00	S3°02'35"E	268.45
C20	692.86	1000.00	N2°48'03"W	679.09
C21	46.24	350.00	S13°15'48"W	46.21
C22	93.90	500.66	S4°06'19"W	93.76
C23	97.66	685.00	S7°46'10"W	97.58

Curve Table				
Curve #	Length	Radius	Chord Direction	Chord Length
C24	45.33	500.00	S14°27'03"W	45.32
C25	70.69	45.00	S61°39'36"W	63.64
C26	431.56	815.00	N1°52'43"E	426.53
C27	74.98	45.00	N61°01'21"W	66.60
C28	61.36	500.00	S69°26'10"E	61.32
C29	180.05	380.00	N3°28'28"E	178.37
C30	59.55	500.00	N69°19'58"W	59.52
C31	96.98	200.00	N3°09'22"E	96.04
C32	40.27	200.00	S4°58'02"E	40.21
C33	984.36	1525.00	N89°44'15"E	967.36
C34	431.96	275.00	S27°44'46"E	388.90
C35	791.78	1200.00	N87°39'42"E	777.50
C36	89.21	180.00	S2°21'59"W	88.30
C37	283.51	180.00	S61°41'07"W	255.10
C38	71.02	300.00	N23°20'47"E	70.86
C39	676.50	500.00	N68°53'21"E	626.07
C40	79.90	45.00	S21°28'54"E	69.81
C41	201.95	250.00	S52°31'42"W	196.50
C42	104.85	200.00	N60°39'03"E	103.65
C43	1332.04	1100.00	S38°44'42"E	1252.13
C44	101.47	200.00	N31°05'53"E	100.38
C45	286.08	180.00	S62°05'39"W	256.90
C46	198.26	1352.94	S69°07'52"W	198.08

LINE TABLE		
LINE	LENGTH	BEARING
L1	142.65	N01°16'25"W
L2	180.00	N86°18'54"W
L3	31.13	N16°39'36"E
L4	50.00	N73°15'20"W
L5	130.00	N73°20'24"W
L6	267.68	N18°06'20"W
L7	25.34	N71°57'33"W
L8	136.36	N73°11'07"W
L9	116.28	N26°45'00"E
L10	125.77	N55°30'00"E
L11	133.22	N68°15'00"E
L12	24.89	N68°30'00"E
L13	167.92	N14°49'42"W
L14	271.72	N15°56'32"W
L15	24.87	N15°56'32"W
L16	219.92	N70°06'33"E
L17	60.00	N83°00'00"E
L18	25.13	S07°00'00"E
L19	176.16	N69°17'09"E
L20	198.63	N56°51'22"E
L21	186.43	N25°57'06"E
L22	148.62	S73°28'23"E
L23	30.00	N72°23'30"E
L24	51.57	N11°49'52"W
L25	74.67	N71°14'45"E
L26	75.57	S11°51'13"W
L27	56.00	N09°28'42"E
L28	39.21	S10°55'43"E
L29	10.27	S53°13'37"E
L30	11.82	S12°35'00"W



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC.
301 N. 3rd St. Temple, Texas 76501
E-MAIL: MAIL@TURLEY-INC.COM
(254) 773-2400
(254) 773-3998

FIRM #1658

Jennifer Ryker
4/24/14

LAYOUT FOR:
**MASTER PRELIMINARY OF
GROVES LAKEWOOD RANCH**
BEING A SUBDIVISION OUT OF AND A PART OF THE JOHN J. SIMMONS
SURVEY, ABSTRACT NO. 737, Bell County, Texas and the GEORGE W.
LINDSEY SURVEY, ABSTRACT NO. 513, Bell County, Texas

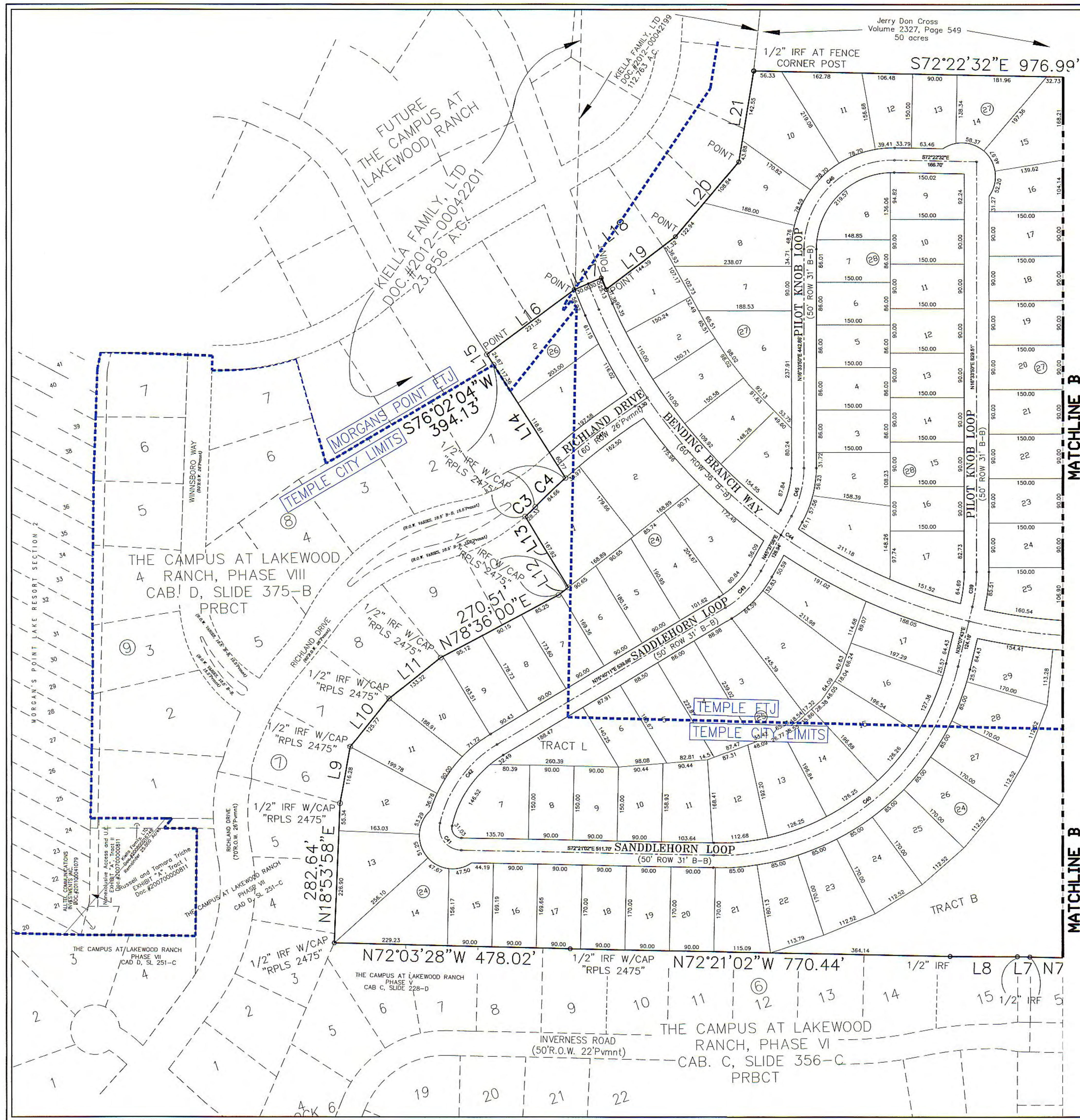
DEVELOPED BY:
KIELLA LAND INVESTMENTS, LTD.
P.O. BOX 1344
TEMPLE, TEXAS 76503

REVISIONS	

DATE: March 5, 2014
DRN. BY: TJJ
REF.: 96339, 9736-D 11624-D
12512-D 12865-D

FB/LB:
JOB NO.: 13-379
SHEET 3 OF 13
COMPUTER
DWG. NO. 13-379

12789-D
FILE NO.



LINE TABLE		
LINE	LENGTH	BEARING
L1	142.65	N01°16'25"W
L2	180.00	N86°18'54"W
L3	31.13	N16°39'36"E
L4	50.00	N73°15'20"W
L5	130.00	N73°20'24"W
L6	267.68	N18°06'20"W
L7	25.34	N71°57'33"W
L8	136.36	N73°11'07"W
L9	116.28	N26°45'00"E
L10	125.77	N55°30'00"E
L11	133.22	N68°15'00"E
L12	24.89	N68°30'00"E
L13	167.92	N14°49'42"W
L14	271.72	N15°56'32"W
L15	24.87	N15°56'32"W
L16	219.92	N70°06'33"E
L17	60.00	N83°00'00"E
L18	25.13	S07°00'00"E
L19	176.16	N69°17'09"E
L20	198.63	N56°51'22"E
L21	186.43	N25°57'06"E
L22	148.62	S73°28'23"E
L23	30.00	N72°23'30"E
L24	51.57	N11°49'52"W
L25	74.67	N71°14'45"E
L26	75.57	S11°51'13"W
L27	56.00	N09°28'42"E
L28	39.21	S10°55'43"E
L29	10.27	S53°13'37"E
L30	11.82	S12°35'00"W

Curve Table				
Curve #	Length	Radius	Chord Direction	Chord Length
C1	45.87	530.00	N01°12'21"E	45.85
C2	8.21	710.00	S03°21'13"W	8.21
C3	28.33	405.00	N63°03'39"E	28.33
C4	84.68	1322.94	N62°53'26"E	84.66
C5	100.00	1000.00	N14°48'57"E	100.00
C6	100.00	1000.00	N14°48'57"E	100.00
C7	708.76	450.00	S61°41'07"W	637.74
C8	70.50	45.00	N28°18'53"W	63.50
C9	69.48	1000.00	S14°34'25"W	69.46
C10	77.93	1000.00	N14°48'57"E	77.91
C11	744.40	1180.00	N1°01'27"W	732.12
C12	91.62	200.00	N86°04'31"W	90.82
C13	183.11	375.00	N86°56'25"W	181.30
C14	95.97	200.00	S2°49'03"W	95.05
C15	520.34	625.00	S77°04'40"E	505.45
C16	248.96	400.00	S1°15'59"E	244.96
C17	379.70	375.00	N82°14'02"W	363.69
C18	70.50	45.00	S28°18'53"E	63.50
C19	273.76	400.00	S3°02'35"E	268.45
C20	692.86	1000.00	N2°48'03"W	679.09
C21	46.24	350.00	S13°15'48"W	46.21
C22	93.90	500.66	S4°06'19"W	93.76
C23	97.66	685.00	S7°46'10"W	97.58

Curve Table				
Curve #	Length	Radius	Chord Direction	Chord Length
C24	45.33	500.00	S14°27'03"W	45.32
C25	70.69	45.00	S61°39'36"W	63.64
C26	431.56	815.00	N1°52'43"E	426.53
C27	74.98	45.00	N61°01'21"W	66.60
C28	61.36	500.00	S69°26'10"E	61.32
C29	180.05	380.00	N3°28'28"E	178.37
C30	59.55	500.00	N69°19'58"W	59.52
C31	96.98	200.00	N3°09'22"E	96.04
C32	40.27	200.00	S4°58'02"E	40.21
C33	984.36	1525.00	N89°44'15"E	967.36
C34	431.96	275.00	S27°44'46"E	388.90
C35	791.78	1200.00	N87°39'42"E	777.50
C36	89.21	180.00	S2°21'59"W	88.30
C37	283.51	180.00	S61°41'07"W	255.10
C38	71.02	300.00	N23°20'47"E	70.86
C39	676.50	500.00	N68°53'21"E	626.07
C40	79.90	45.00	S21°28'54"E	69.81
C41	201.95	250.00	S52°31'42"W	196.50
C42	104.85	200.00	N60°39'03"E	103.65
C43	1332.04	1100.00	S38°44'42"E	1252.13
C44	101.47	200.00	N31°05'53"E	100.38
C45	286.08	180.00	S62°05'39"W	256.90
C46	198.26	1352.94	S69°07'52"W	198.08



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.

301 N. 3rd ST. TEMPLE, TEXAS 76501 (254) 773-2400
E-MAIL: MAIL@TURLEY-INC.COM (254) 773-3998

FIRM #1658



Jennifer R. Roper
4/28/14

LAYOUT FOR:
MASTER PRELIMINARY OF
GROVES LAKEWOOD RANCH

BEING A SUBDIVISION OUT OF AND A PART OF THE JOHN J. SIMMONS
SURVEY, ABSTRACT NO. 737, BELL COUNTY, TEXAS AND THE GEORGE W.
LINDSEY SURVEY, ABSTRACT NO. 513, BELL COUNTY, TEXAS

DEVELOPED BY:
KIELLA LAND INVESTMENTS, LTD.
P.O. BOX 1344
TEMPLE, TEXAS 76503

REVISIONS

JFBII	REVISED	DATE
		4/28/14

DATE: March 5, 2014
DRN. BY: TJJ
REF.: 96339, 9736-D 11624-D
12512-D 12685-D

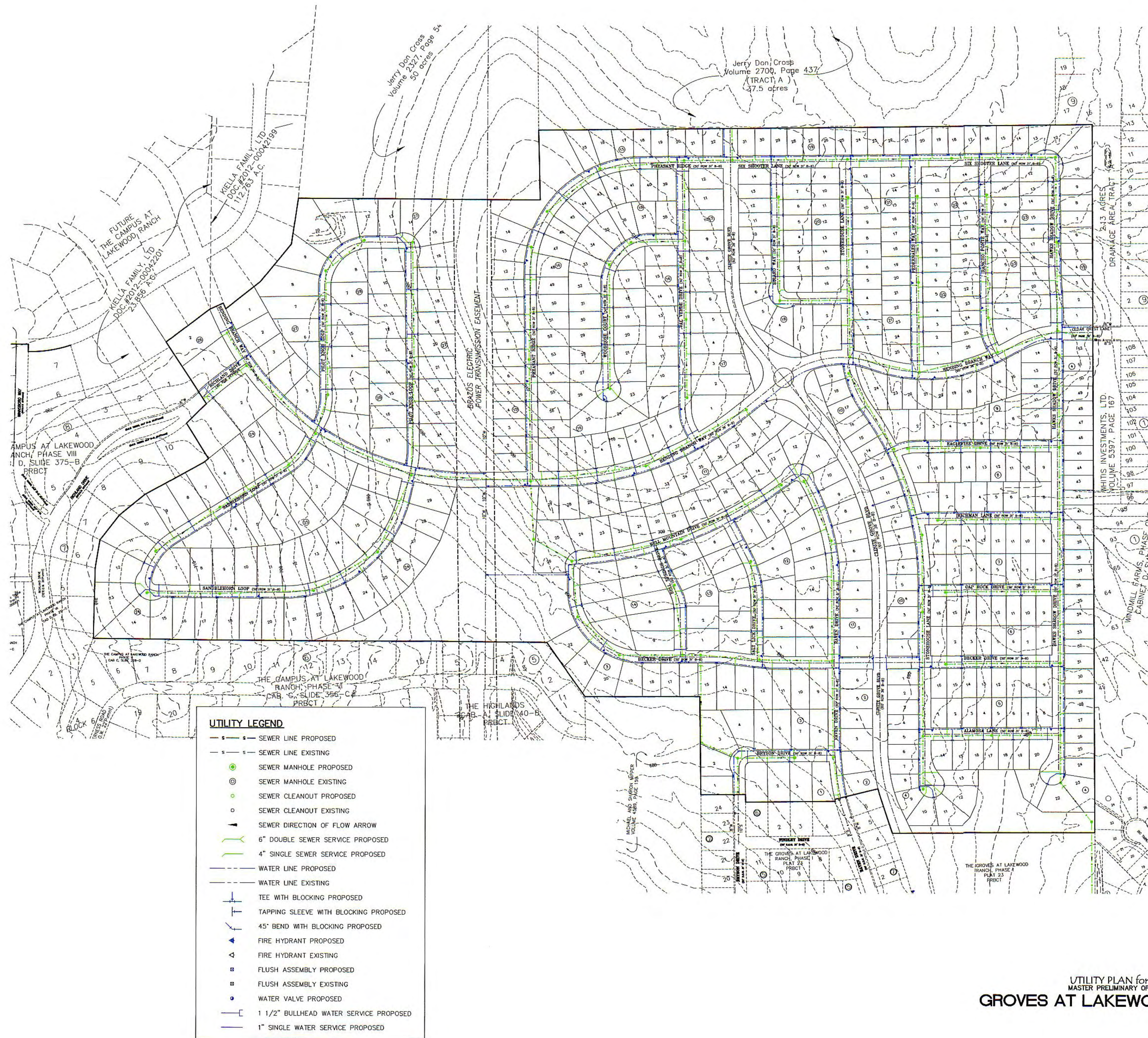
FB/LB:

JOB NO.: 13-379

SHEET 4 OF 13

COMPUTER
DWG. NO. 13-379

12789-D
FILE NO.



UTILITY PLAN for:
MASTER PRELIMINARY OF
GROVES AT LAKEWOOD RANCH



TURLEY ASSOCIATES, INC.
301 N. 3rd ST. TEMPLE, TEXAS 76501
E-MAIL: mail@turley-inc.com
(254) 773-2400
(254) 773-3998

FIRM #1658



Jennifer Ryken
4/24/14

UTILITY PLAN for:
MASTER PRELIMINARY OF
GROVES AT LAKEWOOD RANCH

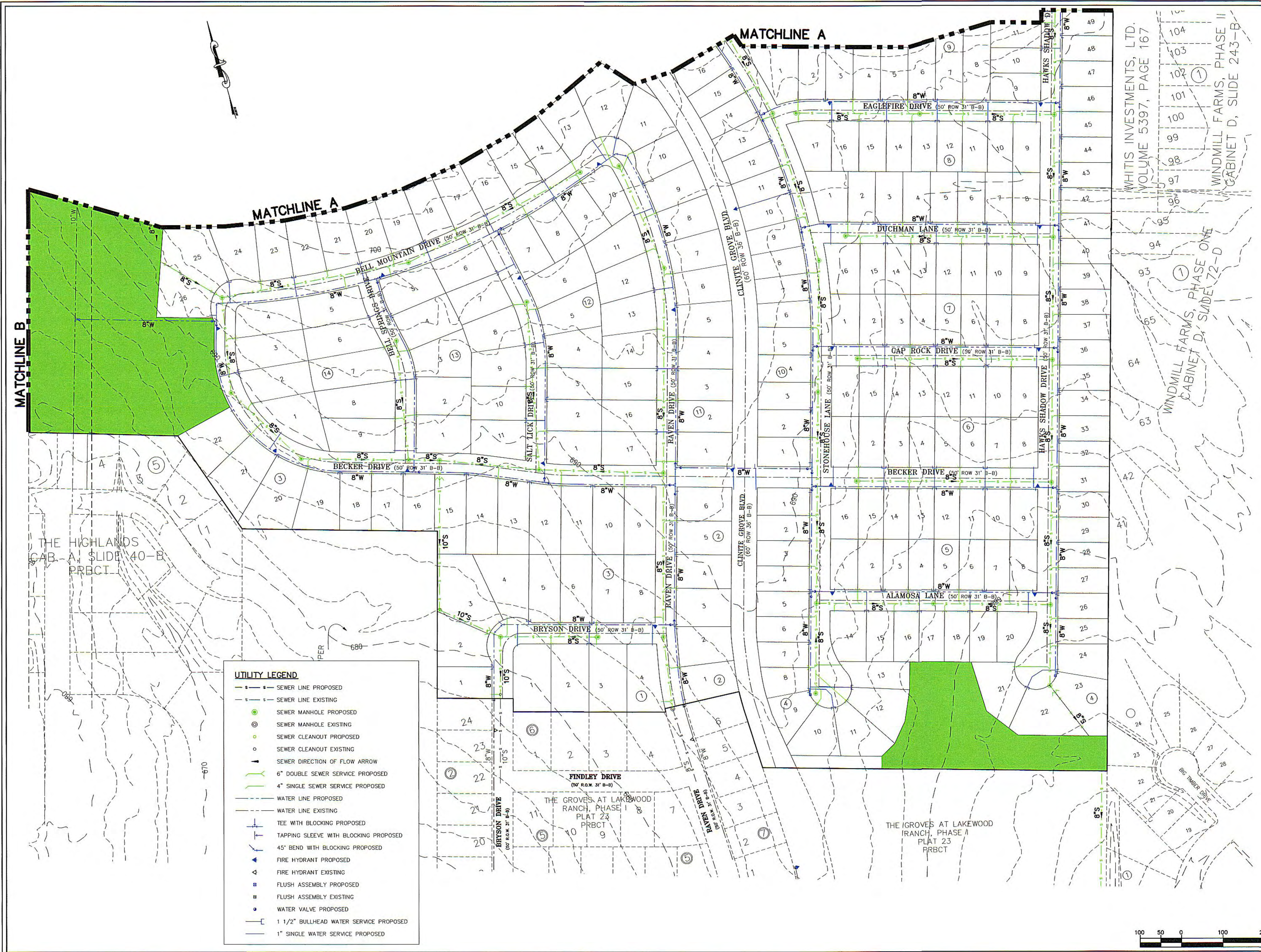
DEVELOPED BY:
KIELLA LAND INVESTMENTS, LTD.
P.O. BOX 1344
TEMPLE, TEXAS 76503

REVISIONS

DATE: February 19, 2014
DRN. BY: JFBII
REF.: 98339, 9736-D 11824-D
12512-D 12685-D

FB/LB: DATA COL.
JOB NO.: 13-379
SHEET 5 OF 13
COMPUTER
DWG. NO. 13-379

12789-D
FILE NO.



- UTILITY LEGEND**
- s — SEWER LINE PROPOSED
 - s — SEWER LINE EXISTING
 - SEWER MANHOLE PROPOSED
 - ⊙ SEWER MANHOLE EXISTING
 - SEWER CLEANOUT PROPOSED
 - SEWER CLEANOUT EXISTING
 - SEWER DIRECTION OF FLOW ARROW
 - 6" DOUBLE SEWER SERVICE PROPOSED
 - 4" SINGLE SEWER SERVICE PROPOSED
 - WATER LINE PROPOSED
 - WATER LINE EXISTING
 - ⊥ TEE WITH BLOCKING PROPOSED
 - ⊥ TAPPING SLEEVE WITH BLOCKING PROPOSED
 - ⊥ 45° BEND WITH BLOCKING PROPOSED
 - ▲ FIRE HYDRANT PROPOSED
 - ▲ FIRE HYDRANT EXISTING
 - ⊕ FLUSH ASSEMBLY PROPOSED
 - ⊕ FLUSH ASSEMBLY EXISTING
 - WATER VALVE PROPOSED
 - 1 1/2" BULLHEAD WATER SERVICE PROPOSED
 - 1" SINGLE WATER SERVICE PROPOSED



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.

301 N. 3rd ST. TEMPLE, TEXAS 76501 (254) 773-2400
E-MAIL: MAIL@TURLEY-INC.COM FAX NO. (254) 773-3998

FIRM #1658



Jennifer Ryken
4/24/14

UTILITY PLAN for:
**MASTER PRELIMINARY OF
GROVES AT LAKEWOOD RANCH**

DEVELOPED BY:
KIELLA LAND INVESTMENTS, LTD.
P.O. BOX 1344
TEMPLE, TEXAS 76503

REVISIONS	

DATE: **October 13, 2013**
DRN. BY: **JRG**
REF.: 96339,9736-D 11624-D
12512-D 12685-D
FB/LB:
JOB NO.: 13-379
SHEET 6 OF 13
COMPUTER DWG. NO. 13-379
12789-D
FILE NO.

UTILITY LEGEND

- SEWER LINE PROPOSED
- SEWER LINE EXISTING
- SEWER MANHOLE PROPOSED
- SEWER MANHOLE EXISTING
- SEWER CLEANOUT PROPOSED
- SEWER CLEANOUT EXISTING
- SEWER DIRECTION OF FLOW ARROW
- 6" DOUBLE SEWER SERVICE PROPOSED
- 4" SINGLE SEWER SERVICE PROPOSED
- WATER LINE PROPOSED
- WATER LINE EXISTING
- TEE WITH BLOCKING PROPOSED
- TAPPING SLEEVE WITH BLOCKING PROPOSED
- 45° BEND WITH BLOCKING PROPOSED
- FIRE HYDRANT PROPOSED
- FIRE HYDRANT EXISTING
- FLUSH ASSEMBLY PROPOSED
- FLUSH ASSEMBLY EXISTING
- WATER VALVE PROPOSED
- 1 1/2" BULLHEAD WATER SERVICE PROPOSED
- 1" SINGLE WATER SERVICE PROPOSED



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.

301 N. 3rd ST. TEMPLE, TEXAS 76501 (254) 773-2400
E-MAIL: MAIL@TURLEY-INC.COM FAX NO. (254) 773-3998

FIRM #1658



Jennifer Ryker
6/24/14

UTILITY PLAN for:
MASTER PRELIMINARY OF
GROVES AT LAKEWOOD RANCH

DEVELOPED BY:
KIELLA LAND INVESTMENTS, LTD.
P.O. BOX 1344
TEMPLE, TEXAS 76503

REVISIONS

DATE: October 13, 2013
DRN. BY: JRG
REF.: 96339, 9736-D 11624-D
12512-D 12685-D

FB/LB:
JOB NO.: 13-379
SHEET 8 OF 13
COMPUTER
DWG. NO. 13-379

12789-D
FILE NO.

UTILITY LEGEND

- SEWER LINE PROPOSED
- SEWER LINE EXISTING
- SEWER MANHOLE PROPOSED
- SEWER MANHOLE EXISTING
- SEWER CLEANOUT PROPOSED
- SEWER CLEANOUT EXISTING
- SEWER DIRECTION OF FLOW ARROW
- 6" DOUBLE SEWER SERVICE PROPOSED
- 4" SINGLE SEWER SERVICE PROPOSED
- WATER LINE PROPOSED
- WATER LINE EXISTING
- TEE WITH BLOCKING PROPOSED
- TAPPING SLEEVE WITH BLOCKING PROPOSED
- 45° BEND WITH BLOCKING PROPOSED
- FIRE HYDRANT PROPOSED
- FIRE HYDRANT EXISTING
- FLUSH ASSEMBLY PROPOSED
- FLUSH ASSEMBLY EXISTING
- WATER VALVE PROPOSED
- 1 1/2" BULLHEAD WATER SERVICE PROPOSED
- 1" SINGLE WATER SERVICE PROPOSED



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC.
301 N. 3rd ST. TEMPLE, TEXAS 76501 (254) 773-2400
E-MAIL: MAIL@TURLEY-INC.COM FAX NO. (254) 773-3998

FIRM #1658



Jennifer Ryker
6/24/14

UTILITY PLAN for:
**MASTER PRELIMINARY OF
GROVES AT LAKEWOOD RANCH**

DEVELOPED BY:
KIELLA LAND INVESTMENTS, LTD.
P.O. BOX 1344
TEMPLE, TEXAS 76503

REVISIONS

DATE: October 13, 2013
DRN. BY: JRG
REF.: 96339, 9736-D 11624-D
12512-D 12685-D
FB/LB:
JOB NO.: 13-379
SHEET 8 OF 13
COMPUTER
DWG. NO. 13-379

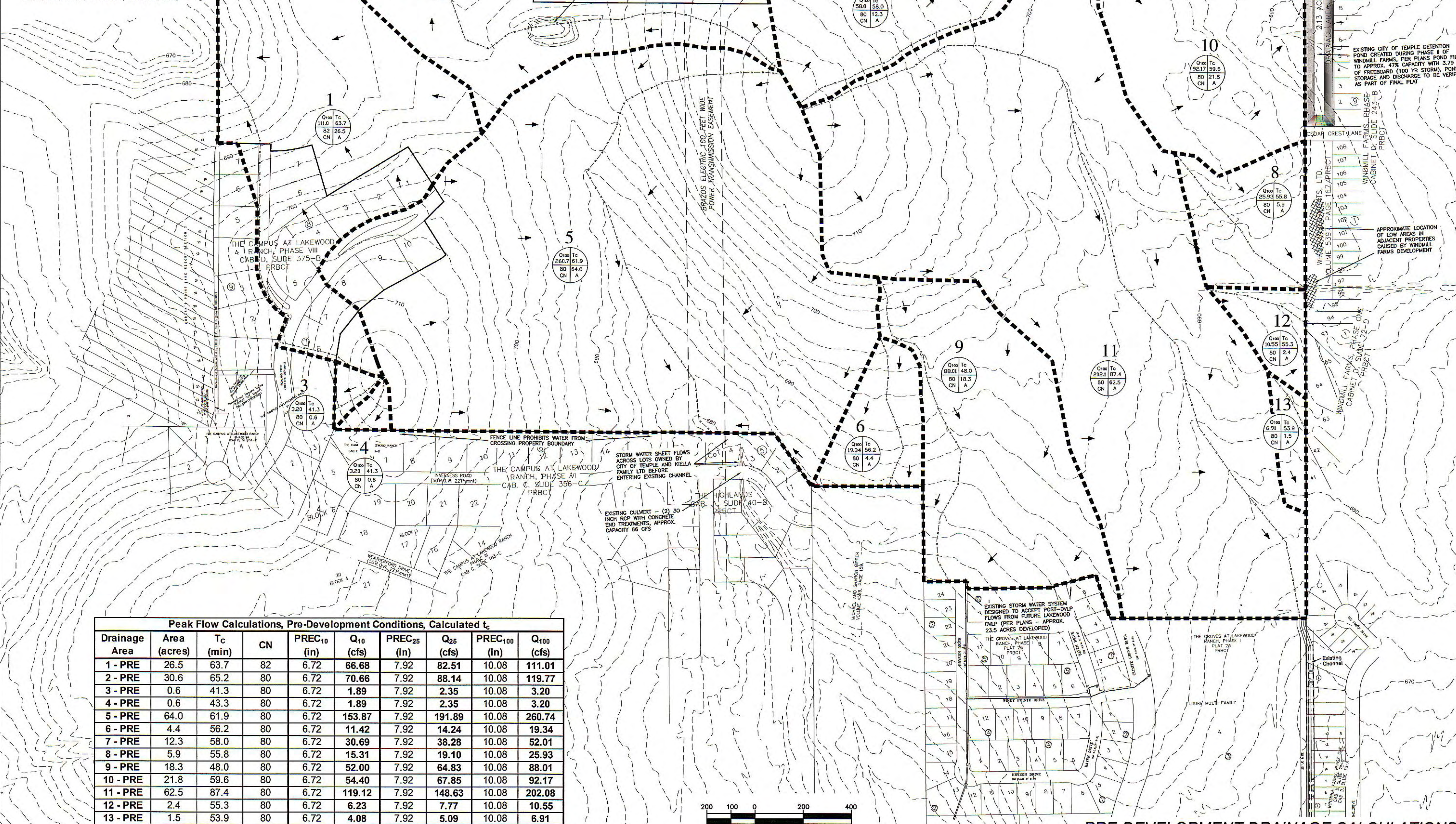
12789-D
FILE NO.

DRAINAGE LEGEND

Q100	Tc	100-year Major Storm Events
145.0	59.1	Q - Peak Flow (cfs)
82	26.5	Tc - Time of Concentration (Minutes, TR-55)
CN	A	CN - SCS Curve Number (CoT)
		A - Drainage Area (Acres)

NOTES:

1. DRAINAGE CALCULATIONS WERE PERFORMED USING THE SCS METHOD. TIME OF CONCENTRATION CALCULATIONS WERE PERFORMED USING THE TR-55 METHOD.
2. ROUGHNESS COEFFICIENTS AND RAINFALL INTENSITY VALUES AND FROM THE CITY OF TEMPLE MANUAL.
3. DRAINAGE AREA HYDROGRAPHS ARE IN THE ACCOMPANYING DRAINAGE REPORT.
4. AREA TOPOGRAPHY IS BASED ON CITY OF TEMPLE STACKHOUSE DATA AND USGS QUADRANGLE MAPS.



Peak Flow Calculations, Pre-Development Conditions, Calculated t_c									
Drainage Area	Area (acres)	Tc (min)	CN	PREC ₁₀ (in)	Q ₁₀ (cfs)	PREC ₂₅ (in)	Q ₂₅ (cfs)	PREC ₁₀₀ (in)	Q ₁₀₀ (cfs)
1 - PRE	26.5	63.7	82	6.72	66.68	7.92	82.51	10.08	111.01
2 - PRE	30.6	65.2	80	6.72	70.66	7.92	88.14	10.08	119.77
3 - PRE	0.6	41.3	80	6.72	1.89	7.92	2.35	10.08	3.20
4 - PRE	0.6	43.3	80	6.72	1.89	7.92	2.35	10.08	3.20
5 - PRE	64.0	61.9	80	6.72	153.87	7.92	191.89	10.08	260.74
6 - PRE	4.4	56.2	80	6.72	11.42	7.92	14.24	10.08	19.34
7 - PRE	12.3	58.0	80	6.72	30.69	7.92	38.28	10.08	52.01
8 - PRE	5.9	55.8	80	6.72	15.31	7.92	19.10	10.08	25.93
9 - PRE	18.3	48.0	80	6.72	52.00	7.92	64.83	10.08	88.01
10 - PRE	21.8	59.6	80	6.72	54.40	7.92	67.85	10.08	92.17
11 - PRE	62.5	87.4	80	6.72	119.12	7.92	148.63	10.08	202.08
12 - PRE	2.4	55.3	80	6.72	6.23	7.92	7.77	10.08	10.55
13 - PRE	1.5	53.9	80	6.72	4.08	7.92	5.09	10.08	6.91



ENGINEERING • PLANNING • SURVEYING
FIRM REGISTRATION NO. #1658
TURLEY ASSOCIATES, INC.
301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400
E-MAIL: MAIL@TURLEY-INC.COM (254) 773-3998



Jennifer Ryken
4/24/14

LAYOUT FOR:
MASTER PRELIMINARY OF GROVES AT LAKEWOOD RANCH
BEING A SUBDIVISION OUT OF AND A PART OF THE JOHN J. SIMMONS SURVEY, ABSTRACT NO. 737, Bell County, Texas and the GEORGE W. LINDSEY SURVEY, ABSTRACT NO. 513, Bell County, Texas

DEVELOPED BY:
KIELLA LAND INVESTMENTS, LTD.
P.O. BOX 1344 TEMPLE, TEXAS 76503

REVISIONS	

DATE: 3/5/2014
DRN. BY: WFS
REF.:
FIELD BOOK
JOB NO.: 13-379
SHEET 9 OF 13
COMPUTER DWG. NO. 13-379_DR_P

12711-D
DRAWING NUMBER

PRE-DEVELOPMENT DRAINAGE CALCULATIONS

DRAINAGE LEGEND

Q ₁₀₀	T _c	100-year Major Storm Events
145.0	65.5	Q - Peak Flow (CFS)
82	26.5	T _c - Time of Concentration (Minutes, TR-55)
CN	A	CN - SCS Curve Number (CoT)
		A - Drainage Area (Acres)

NOTES:

1. DRAINAGE CALCULATIONS WERE PERFORMED USING THE SCS METHOD. TIME OF CONCENTRATION CALCULATIONS WERE PERFORMED USING THE TR-55 METHOD.
2. ROUGHNESS COEFFICIENTS AND RAINFALL INTENSITY VALUES AND FROM THE CITY OF TEMPLE MANUAL.
3. DRAINAGE AREA HYDROGRAPHS ARE IN THE ACCOMPANYING DRAINAGE REPORT.
4. AREA TOPOGRAPHY IS BASED ON CITY OF TEMPLE STACKHOUSE DATA AND USGS QUADRANGLE MAPS.

PRELIMINARY - NOT FOR CONSTRUCTION

Peak Flow Calculations, Post-Development Conditions, Calculated t _c									
Drainage Area	Area (acres)	T _c (min)	CN	PREC ₁₀ (in)	Q ₁₀ (cfs)	PREC ₂₅ (in)	Q ₂₅ (cfs)	PREC ₁₀₀ (in)	Q ₁₀₀ (cfs)
1 - POST	23.3	62.9	85	6.72	62.42	7.92	76.34	10.08	101.30
2A - POST	9.9	70.7	85	6.72	24.63	7.92	30.16	10.08	39.99
2B - POST	19.2	59.3	81	6.72	49.04	7.92	60.92	10.08	82.34
3 - POST	0.5	20.8	80	6.72	2.36	7.92	2.94	10.08	3.98
4 - POST	0.4	20.8	80	6.72	1.89	7.92	2.35	10.08	3.18
5A - POST	52.0	72.3	84	6.72	122.73	7.92	150.72	10.08	200.99
5B - POST	17.6	49.2	85	6.72	55.67	7.92	68.04	10.08	90.22
6 - POST	1.8	45.5	80	6.72	5.36	7.92	6.68	10.08	90.60
7 - POST	11.6	42.3	86	6.72	41.39	7.92	50.40	10.08	66.51
8 - POST	1.0	16.7	80	6.72	5.12	7.92	6.36	10.08	8.60
9 - POST	21.6	57.0	86	6.72	63.63	7.92	77.51	10.08	102.36
10 - POST	32.4	50.2	86	6.72	104.43	7.92	127.18	10.08	167.91
11 - POST	58.1	62.8	86	6.72	158.65	7.92	193.33	10.08	255.42
12 - POST	0.6	16.7	80	6.72	3.07	7.92	3.82	10.08	5.16
13 - POST	1.0	16.7	80	6.72	5.12	7.92	6.36	10.08	8.60
Windmill Pond Discharge (Area 10)					46.23		51.71		59.52
Pond 1 Discharge (Area 11)					139.74		173.03		225.73
Pond 3 Discharge (Area 5A)					96.11		113.08		139.71
Area 2 Confluence at Morgan's Point Road					72.16		89.26		120.09
Area 5 Total Discharge (Area 5A & 5B)					128.61		152.21		191.24



POST-DEVELOPMENT DRAINAGE CALCULATIONS

DATE: 3/5/2014

DRN. BY: WFS

REF.:

FIELD BOOK

JOB NO.: 13-379

SHEET 10 OF 13

COMPUTER DWG. NO. 13-379_DR_P

12711-D

DRAWING NUMBER

PRE-DEVELOPMENT DRAINAGE FOR:

MASTER PRELIMINARY OF GROVES AT LAKEWOOD RANCH

BEING A SUBDIVISION OUT OF AND A PART OF THE JOHN J. SIMMONS SURVEY, ABSTRACT NO. 737, Bell County, Texas and the GEORGE W. LINDSEY SURVEY, ABSTRACT NO. 513, Bell County, Texas

DEVELOPED BY: KIELLA LAND INVESTMENTS, LTD.

P.O. BOX 1344, TEMPLE, TEXAS 76503

REVISIONS

4/24 Pond 2, Area 5 WFS



Jennifer Ryben
4/24/14

ENGINEERING • PLANNING • SURVEYING

FIRM REGISTRATION NO. #F-1658

TURLEY ASSOCIATES, INC.

301 N. 3rd ST. TEMPLE, TEXAS

E-MAIL: MAIL@TURLEY-INC.COM

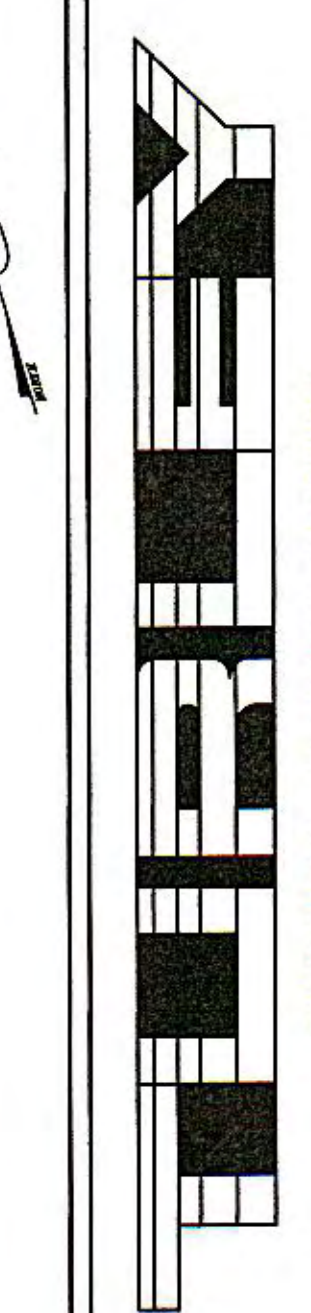
(254) 773-2400

FAX NO. (254) 773-3998





SIDEWALK/LANDSCAPING LEGEND
 GREEN SPACE
 CONCRETE SIDEWALK



TURLEY ASSOCIATES, INC.
 301 N. 3rd ST. TEMPLE, TEXAS 76501
 E-MAIL: MAIL@TURLEY-INC.COM
 (254) 773-2400
 (254) 773-3998

FIRM #1658



Jennifer Ryken
 4/24/14

SIDEWALK/LANDSCAPING PLAN for:
**MASTER PRELIMINARY OF
 GROVES AT LAKEWOOD RANCH**

DEVELOPED BY:
KIELLA LAND INVESTMENTS, LTD.
 P.O. BOX 1344
 TEMPLE, TEXAS 76503

REVISIONS	

DATE: **October 13, 2013**
 DRN. BY: **JRG**
 REF.: 96339,9736-D 11624-D
 12512-D 12685-D
 FB/LB:
 JOB NO.: **13-379**
 SHEET **11** OF **13**
 COMPUTER
 DWG. NO. **13-379**

12789-D
 FILE NO.

Jerry Don Cross
Volume 2700, Page 437
(TRACT A)
37.5 acres



SIDEWALK/LANDSCAPING LEGEND
GREEN SPACE
CONCRETE SIDEWALK



TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
301 N. 3rd ST. TEMPLE, TEXAS 76501 (254) 773-2400
E-MAIL: MAIL@TURLEY-INC.COM FAX NO. (254) 773-3998

FIRM #1658



Jennifer R. Bepko
10/24/14

SIDEWALK/LANDSCAPING PLAN for:
**MASTER PRELIMINARY OF
GROVES AT LAKEWOOD RANCH**

DEVELOPED BY:
KIELLA LAND INVESTMENTS, LTD.
P.O. BOX 1344
TEMPLE, TEXAS 76503

REVISIONS	

DATE: October 13, 2013
DRN. BY: JRG
REF.: 96339, 9736-D 11624-D
12512-D 12685-D

FB/LB:
JOB NO.: 13-379
SHEET 12 OF 13
COMPUTER
DWG. NO. 13-379

12789-D
FILE NO.



SIDEWALK/LANDSCAPING LEGEND
GREEN SPACE
CONCRETE SIDEWALK



TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
301 N. 3rd ST. TEMPLE, TEXAS 76501
E-MAIL: MAIL@TURLEY-INC.COM
(254) 773-2400
(254) 773-3998

FIRM #1658



Jennifer Ryden
412414

SIDEWALK/LANDSCAPING PLAN for:
**MASTER PRELIMINARY OF
GROVES AT LAKEWOOD RANCH**

DEVELOPED BY:
KIELLA LAND INVESTMENTS, LTD.
P.O. BOX 1344
TEMPLE, TEXAS 76503

REVISIONS	

DATE: October 13, 2013
DRN. BY: JRG
REF.: 96339, 9736-D 11624-D
12512-D 12685-D

FB/LB:
JOB NO.: 13-379
SHEET 13 OF 13
COMPUTER
DWG. NO. 13-379

12789-D
FILE NO.



ENGINEERING • PLANNING • SURVEYING
 CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC.
 301 N. 3rd ST. TEMPLE, TEXAS 76501
 E-MAIL: mail@turley-inc.com
 (254) 773-2400
 (254) 773-3998

FIRM #1658



Jennifer E. Baker
 4/25/14

PARK LAYOUT FOR:
GROVES AT LAKEWOOD RANCH
 BEING A PART OF THE JOINT LANDS
 SURVEY, ABSTRACT NO. 512, Bell County, Texas

DEVELOPED BY:
KIELLA LANDSCAPE ARCHITECTS, LTD.
 TEMPLE, TEXAS 76503

REVISIONS

NO.	DATE	DESCRIPTION

DATE:	04/24/14
DRN. BY:	TJJ
REF.:	96330-0730-D 11624-D 12012-D 12605-D
FB/LB:	DATA COL.
JOB NO.:	13-379
SHEET:	1 OF 1
COMPUTER DWG. NO.	13379-PK.3

12789-D
 FILE NO.



RESOLUTION NO. 2014-7326-R

(PLANNING NO. P-FY-14-22)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE MASTER PRELIMINARY PLAT OF THE GROVES AT LAKEWOOD RANCH, AN APPROXIMATELY 193.875 ACRE, 583 LOT, 28 BLOCKLOT, RESIDENTIAL SUBDIVISION LOCATED IN TEMPLE'S NORTHERN EXTRATERRITORIAL JURISDICTION AREA SURROUNDING THE GROVES AT LAKEWOOD RANCH PHASE VIII CONDITIONED UPON APPROVAL OF THE VOLUNTARY ANNEXATION REQUEST FOR THE SUBJECT PROPERTY AND AN ETJ SWAP BETWEEN THE CITY OF TEMPLE AND THE CITY OF MORGAN'S POINT AND WITH REQUESTED EXCEPTIONS TO THE UNIFIED DEVELOPMENT CODE, SECTION 8.3: PARK LAND DEDICATION FOR A PRIVATE PARK, AND CODE OF ORDINANCES CHAPTER 12, SECTION 12-14 REGARDING FIRE HYDRANT SPACING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at its May 5, 2014 meeting, the Planning and Zoning Commission recommended approval of the Master Preliminary Plat of The Groves at Lakewood Ranch with developer's requested exceptions to the Unified Development Code, Section 8.3: park land dedication for a private park, and Code of Ordinances Chapter 12, Section 12-14 regarding fire hydrant spacing;

Whereas, the Master Preliminary Plat of Lakewood Ranch is an approximately 193.875 acre, 583 lot, 28 block, residential subdivision and the developer requests the following exceptions to the Unified Development Code and Fire Prevention Code:

- Unified Development Code 8.3 – park land dedication to allow 10.74 acres of designated park land to be privately owned and maintained by the Lakewood Homeowners Association;
- Code of Ordinances Chapter 12, Section 12-14 – allow maximum spacing of 1200 feet for fire hydrants along Clinite Grove Boulevard, a collector, rather than required spacing of 600 feet;
- Thoroughfare Plan – amendment which shows St. Andrews Place extending to the north through the subject property as a collector; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the Master Preliminary Plat of The Groves at Lakewood Ranch, with requested exceptions and with the following conditions:

- Conditioned upon approval of the applicant's voluntary annexation request; and
- An ETJ swap between the City of Temple and the City of Morgan's Point Resort.

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

Part 1: The City Council approves the Master Preliminary Plat of The Groves at Lakewood Ranch, an approximately 193.875 acre, 583 lot, 29 block, residential subdivision, located in Temple's northern extraterritorial jurisdiction (ETJ) area surrounding The Groves at Lakewood Ranch, Phase VIII with the following exceptions to the Unified Development Code and Fire Prevention Code:

- Unified Development Code 8.3 – park land dedication to allow 10.74 acres of designated park land to be privately owned and maintained by the Lakewood Homeowners Association;
- Code of Ordinances Chapter 12, Section 12-14 – allow maximum spacing of 1200 feet for fire hydrants along Clinite Grove Boulevard, a collector, rather than required spacing of 600 feet;
- Thoroughfare Plan – amendment which shows St. Andrews Place extending to the north through the subject property as a collector.

Part 2: The City Council approves the Master Preliminary Plat of The Groves at Lakewood Ranch, , an approximately 193.875 acre, 583 lot, 29 block, residential subdivision, located in Temple’s northern extraterritorial jurisdiction (ETJ) area surrounding The Groves at Lakewood Ranch, Phase VIII with the following conditions:

- Conditioned upon approval of the applicant’s voluntary annexation request; and
- An ETJ swap between the City of Temple and the City of Morgan’s Point Resort.

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 **15th** day of **May**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/15/14
Item #10
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION AND REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: O-FY-14-08 – Consider adopting a resolution authorizing an Appeal of Standards in Section 6.7.5(j) of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for signs, located on Lot 1, Block 1, Diamond S Subdivision, 5625 South General Bruce Drive.

The applicant has requested an appeal to the following Overlay signage standards to allow for 3 freestanding signs ranging from 23' to 47' in height:

1. Sec. 6.7.5.J.1 – Pylon Max. Sign Area (non-travel-related uses): 200 sf per face---Requesting 225 sf per face of proposed 47-foot tall sign
2. Sec. 6.7.5.J.1 – Pylon Sign Height: 25 feet---Requesting 47 feet
3. Sec. 6.7.5.J.2 – Maximum Signs Per Site: 1 freestanding sign per site---Requesting 3 freestanding signs (47-foot new sign, as well as a 28-foot and a 23-foot in height relocated signs)
4. Sec. 6.7.5.J.6 – Minimum height to width ratio of 1 to 0.15 for the support structure or base---Requesting a 3 foot tall stone wall around bases of 3 proposed signs with landscaping

P&Z RECOMMENDATION: At their April 21, 2014 meeting, P&Z recommended approval of the O-FY-14-08 I-35 Corridor Overlay standards appeal to the signage standards as submitted.

STAFF RECOMMENDATION: Staff recommends approval of the 47-foot sign as submitted:

- Pylon Sign Area (225 sf per face proposed vs. 200 sf allowed)
- Pylon Sign Height (47 feet proposed vs. 25 feet allowed)
- Pylon Sign Base (3 feet stone wall around perimeter proposed vs. 1 to 0.15 height-to-width ratio)

Staff recommends allowing the 28-foot “Certified Used Vehicles” sign to be located along the Midway Drive entrance with the potential to add sign faces advertising “Certified Service” onto the same sign on a lower portion of the frame.

ITEM SUMMARY: The project is located in the Freeway Retail/Commercial Sub-District of the I-35 Corridor Overlay District.

In accordance with Article 6 of the Unified Development Code relating to Interstate 35 Corridor Overlay, all new signage must conform to the standards of the I-35 Overlay District.

City Council granted approval of a previous appeal to I-35 Overlay District standards in February 2013 related to landscaping, architecture and parking for this same Garlyn Shelton site. Five signs were also proposed at that time. However, due to concerns about the number requested, this item was withdrawn with the understanding that a revised signage proposal would be submitted and considered by P&Z at a later date.

I. Permitted Sign Types

The table below establishes the sign types and standards that are permitted.

Use	Sign Type	Max. Number of Sign Faces	Max. Height	Max. Area (per sign face)	Min. Setback (from property line)	Min. Spacing Between Signs
All Permitted Uses	Wall Sign	1 per public façade (max. 2)	NA (no projection above building)	10% of façade face or 300 sq ft max (whichever is greater)	NA	NA
All Permitted Uses	Window Sign	NA	NA	20% of window area	NA	NA
All Permitted Uses	Monument Sign	2	8'	50 sq ft	0'	25'
All Permitted Uses	Pylon Sign	2	25'	200 sq ft	10'	50'
Travel Related Uses (Fuel Sales, Overnight Accommodations, and Restaurant Uses)	Pylon Sign	2	40'	300 sq ft	15'	100'
Multi-Tenant Site	Monument Sign	2	10'	65 sq ft	0'	25'
Multi-Tenant Site	Pylon Sign	2	40'	400 sq ft	15'	300'

Height

A similar request was granted for the Johnson Brothers Ford car dealership in August 2012 by City Council for a 47-foot freestanding sign. Considering that Garlyn Shelton is located near the Midway Drive and IH-35 overpass, the need for the 47-foot sign seems justified to ensure visibility. In comparison, Sec. 7.6.9 of the UDC for freestanding signs in other parts of the city allow for a height of 50 feet if setback at least 15 feet from the property line.

Square Footage

The 225 feet requested appears to be proportional to the 47-foot height.

Sign Base

The applicant, Larry Neal, AIA, indicated in his application letter that the large masonry base required by Code (at a 1 to 0.15 height-to-width ratio) would create structural and wind load issues for the sign. At its proposed location along the IH-35 front road access, a base designed to meet code would also likely obstruct the view of oncoming traffic, as well.

Number of Signs

The other two freestanding signs requested by the applicant already exist from the previous Garlyn Shelton Buick/GMC/Cadillac business location and, if approved, would be moved to the new location. A shorter second sign at Midway Drive seems justified for identification purposes to ensure visibility by westbound traffic.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Application](#)
[Applicant Letter](#)
[Location Map](#)
[Site Plan](#)
[Sign Photos](#)
["Buick GMC Cadillac Sign Family"](#)
[Exhibit Ordinance](#)
[Resolution](#)

City of Temple Universal Application

(Incomplete applications will not be accepted)

- | | | |
|---|---|---|
| <input type="checkbox"/> Sketch Plan | <input type="checkbox"/> Zone Change | <input type="checkbox"/> Appeal of Administrative Decision |
| <input type="checkbox"/> Plat Vacation | <input type="checkbox"/> Conditional Use Permit (CUP) | <input type="checkbox"/> Residential Masonry Exception |
| <input type="checkbox"/> Minor or Amending Plat | <input type="checkbox"/> Planned Development (PD) | <input type="checkbox"/> Nonresidential Masonry Exception |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> PD Site Plan | <input type="checkbox"/> Park, Facility or Street Renaming |
| <input type="checkbox"/> Final Plat | <input checked="" type="checkbox"/> I-35 Appeal | <input type="checkbox"/> Cost Sharing Offsite Participation |
| <input type="checkbox"/> Variance (Board of Adjustment) | <input type="checkbox"/> I-35 Site Plan Review | <input type="checkbox"/> Exception |
| <input type="checkbox"/> Abandonment | <input type="checkbox"/> TMED Site Plan Review | <input type="checkbox"/> Street Use License (SUL) |
| | <input type="checkbox"/> TMED Variances/Warrants | |

PROJECT INFORMATION:

☐ Residential ☒ Commercial ☐ Property Platted ☐ Property Not Platted ☐ ETJ

Project Name: Garlyn Shelton GMC Buick Cadillac Parcel(s) Tax ID# (Required): _____

Project Address (Location): 5625 S. Gen. Bruce Drive Total Acres: 10.39

Lot: 1 Block: 1 Subdivision: Diamond s

Cabinet #: _____ Slide #: _____

Outblock (if not platted): _____

Brief Description of Project: Automobile Dealership

Current Zoning _____ # of Existing Lots _____ # of Existing Units _____

Proposed Zoning _____ # of Proposed Lots _____ # of Proposed Units _____

APPLICANT / CONTACT INFORMATION: (This will be the primary contact; please ensure email address is legible)

Name: Larry Neal Company Name: Larry Neal Architects

Address: 1023 Canyon Creek Drive #125 City: Temple State: Texas Zip: 76502

Phone: 254 778-1466 Cell #: 254 913-8498 Fax #: 254 778-5077

Email Address: arcneal@hotmail.com

PROPERTY OWNER INFORMATION:

Name: Garlyn Shelton Company Name: G.S. Diamond S Holdings,lp

Address: 5700 SW H. K. Dodgen Loop City: Temple State: Texas Zip: 76504

Phone: 254 771-0128 Cell #: 254 760-3472 Fax #: _____

Email Address: ewhittle@garlynshelton.com

DEVELOPER ☒ ENGINEER ☐ SURVEYOR INFORMATION: (Please ensure email address is legible)

Name: Justin Fuller Company Name: Clark and Fuller Engineers

Address: 215 N. Main City: Temple State: Texas Zip: 76501

Phone: 254 899-0899 Cell #: _____ Fax #: 254 899-0901

Email Address: j-fuller@clark-fuller.com

VARIANCE / EXCEPTION / APPEAL DESCRIPTION: (Attach additional page if additional space is required)

Sign Variance: New sign to be 47' tall with reduced base size - SEE ATTACHED

RECEIVED

APR 04 2014

City of Temple
Planning & Development

City of Temple Universal Application

(Incomplete applications will not be accepted)

CHECKLIST

Submittal Requirements All Checklists are available on Planning Applications webpage	Alt Plat	CUP & PD	Zone Change	Sketch Plan	I-35	I-35 Appeal	TMED	TMED Variance/Waiver	ZBA Variance	Masonry Exception	Appeal of Administrative Decision	Abandonment	Street Use License
Complete Universal Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Electronic copy (PDF) of all required materials submitted as hard copies (must be legible)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hard Copies for all submittals	9	2	1	9	2	2	2	2	1	1	1	1	1
Field Notes or Lot and Block Description	✓	✓	✓		✓	✓	✓	✓	✓			✓	✓
Site Plan Checklist		✓			✓	✓	✓	✓	*				
Plat Checklist	✓			✓									
I-35 Checklist					✓	✓							
TMED Checklist							✓	✓					
Abandonment Checklist												✓	
SUL Checklist													✓
Site Plan		✓			✓	✓	✓	✓	✓	✓	*	✓	✓
Elevations		✓			✓	*	✓	*		✓			
Landscape Plan					*	*	*	*					
Lighting Plan					*	*	*	*					
Fee	✓	✓	✓	NA	NA	NA	NA	NA	✓	NA	NA	✓	✓
Survey												✓	✓

*May be required depending on nature of Appeal/Variance

Total valuation of proposed improvements for project in 1st & 3rd/TMED/I-35:

\$ _____

FEE SCHEDULE

Abandonment	\$100.00
Board of Adjustment (Variance)	\$ 75.00
*Preliminary/Final Plat	\$150.00 + \$3.00/lot (residential) or \$10.00/acre (nonresidential)
Street Use License (SUL) (renewed every 15 years)	\$150.00
*Zone Change/CUP/PD/Site Plan	\$150.00 + \$3.00/acre unplatted

RECEIVED

APR 04 2014

City of Temple
Planning & Development

*The filing fee for a piece of property that is 3.125 acres in size would be a total of \$159.36 (\$150 + [\$3 x 3.12]). City staff uses the second decimal place when calculating a filing fee and does not round up or down.

By signing this application, staff is granted access to your property to perform work related to your case. Each signature must be notarized.

SIGNATURE: Garlyn O. Shelton
(Letter of authorization required if signature is other than property owner)

Print or Type Name: GARLYN O. SHELTON

For Plats Only: This waiver must be completed for all Plat applications; failure to do so will result in the rejection of your application.

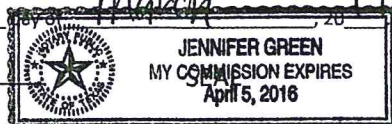
I waive the statutory time limits in accordance with Section 212 of the Texas Local Government code.

SIGNATURE: _____
(Letter of authorization required if signature is other than property owner)

Print or Type Name: _____

Known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity there instated.

Given under my hand and seal of office on this 18th day of March, 2014
Jennifer Green
Notary Public Signature



For Department Use Only

Project #: 0-FY-14-8

Project Manager: Brian Chandler

Total Fee(s): —

Fee Credit: —

Payment Method: —

Submittal Date: 4 Apr 14

Accepted By: M. Mayfield

Accepted Date: 4 Apr 14



Larry Neal / ARCHITECTS

1023 Canyon Creek Drive, Suite 125 Office (254) 778-1466 Fax (254) 778-5077 Temple, Texas 76502

April 3, 2014

City of Temple
Planning and Zoning
2 N Main Street Ste 102
Temple, Texas

Re: I-35 Sign Appeal

Project: Garlyn Shelton GMC Buick Cadillac
 5625 S. General Bruce Drive (I-35)
 Temple, Texas 76504

Variance request:

Garlyn Shelton GMC Buick Cadillac is relocating from 5700 SW H.K Dodgen Loop to 5625 S. General Bruce drive.

We are requesting a waiver of the I-35 Overlay sign requirements as follows:

- 1 Add a new DEALERSHIP sign: 47' tall, 225 SF each sign face.
 REASON: The new dealership is located at the intersection of I-35 and Midway drive. The taller sign would improve the sight line obscured by the I-35 overpass (particularly the south bound traffic) . Many of the other Automobile dealers have signs this size.
- 2 Relocate the existing CERTIFIED USED VEHICLE sign to the new location:
 28' tall, 75 sf each face of sign.
 Reason: Owner will not have to purchase a new sign.
- 3 Relocate the existing CERTIFIED SERVICE sign to the new location:
 21' tall, 75 sf each sign face.

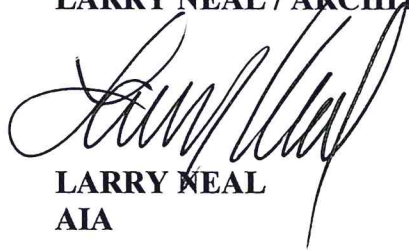
RECEIVED
APR 04 2014
City of Temple
Planning & Development

- 4 Sign Bases: Due to the structural integrity and the wind loading of the signs, we plan to have a 3' stone, matching the building, base around the base of each sign in lieu of the taller solid pilaster base. There will also be landscape Around each sign.

After reviewing other Dealerships in this area and the proximity of the I-35 overpass, We feel that this is a fair request.

Let me know if any additional information is required.

SINCERELY,
LARRY NEAL / ARCHITECTS



LARRY NEAL
AIA

Encl: pictures / plan

RECEIVED
APR 04 2014
City of Temple
Planning & Development

2 of 2

Larry Neal / Tim Rafferty

MEMBER: AMERICAN INSTITUTE OF ARCHITECTS



Garlyn Shelton Location Map

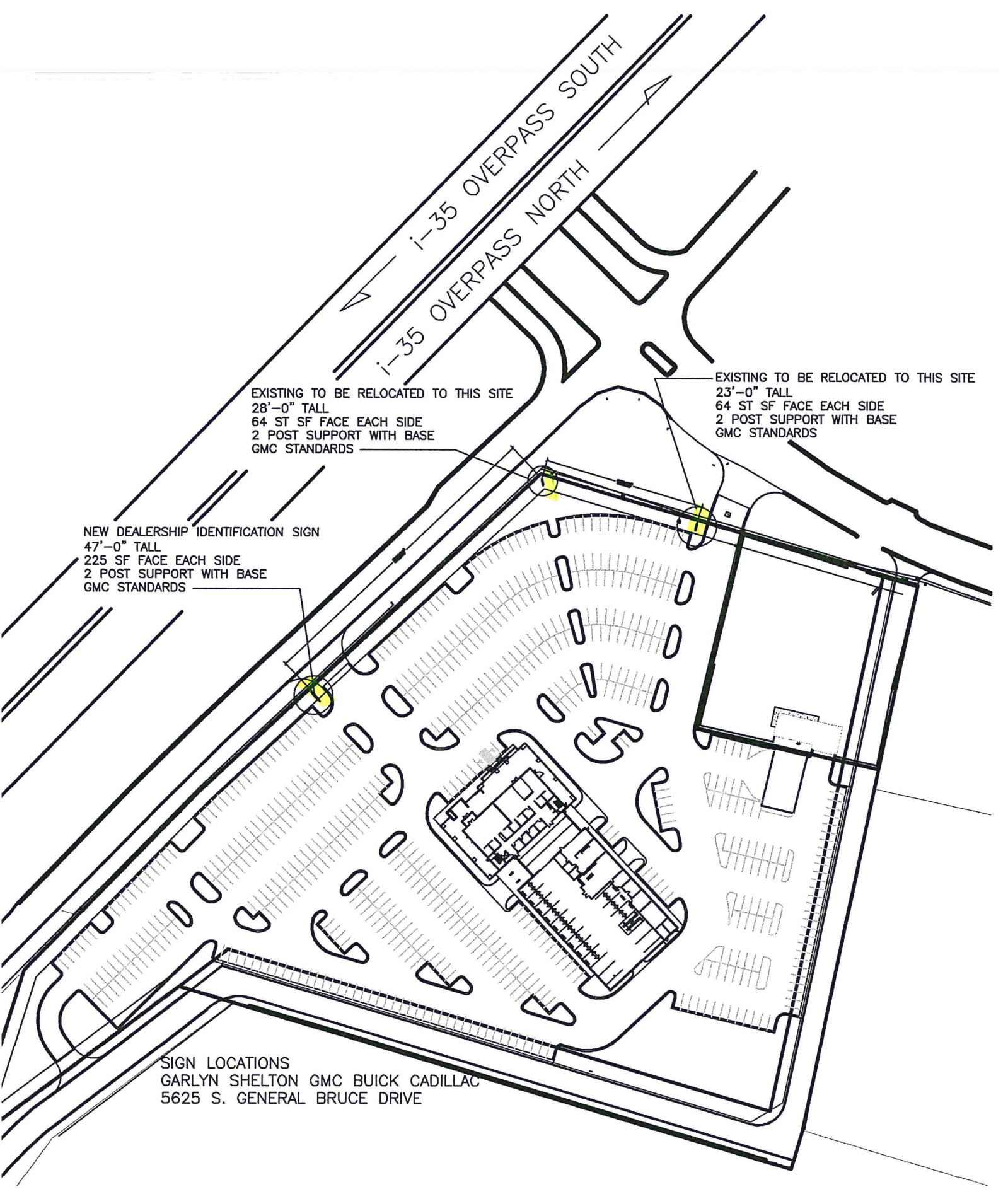
i-35 OVERPASS SOUTH
i-35 OVERPASS NORTH

EXISTING TO BE RELOCATED TO THIS SITE
28'-0" TALL
64 ST SF FACE EACH SIDE
2 POST SUPPORT WITH BASE
GMC STANDARDS

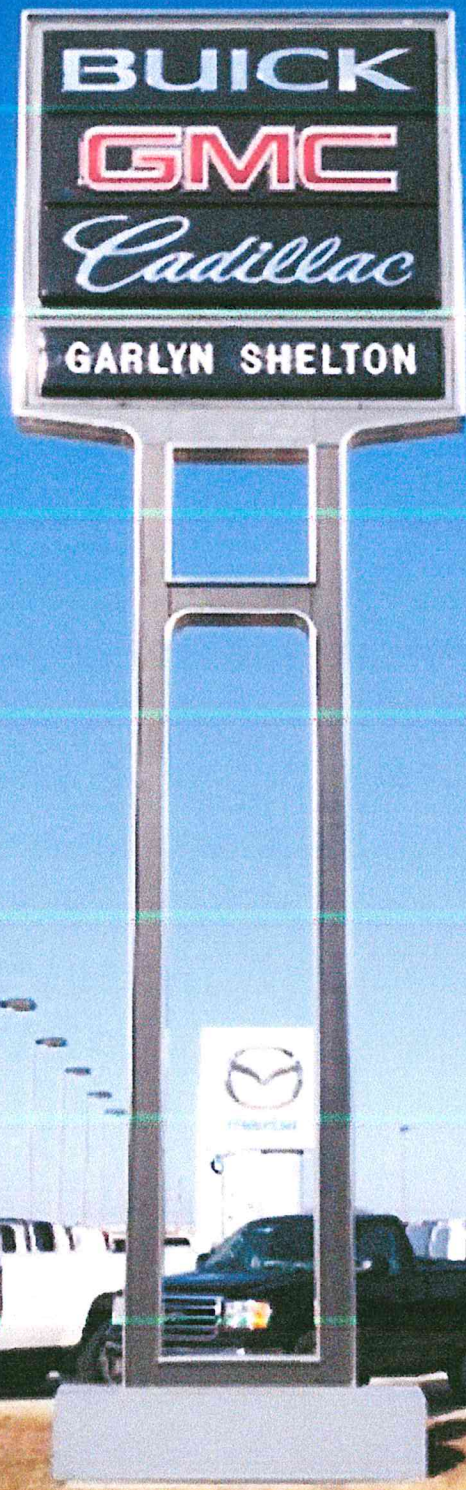
EXISTING TO BE RELOCATED TO THIS SITE
23'-0" TALL
64 ST SF FACE EACH SIDE
2 POST SUPPORT WITH BASE
GMC STANDARDS

NEW DEALERSHIP IDENTIFICATION SIGN
47'-0" TALL
225 SF FACE EACH SIDE
2 POST SUPPORT WITH BASE
GMC STANDARDS

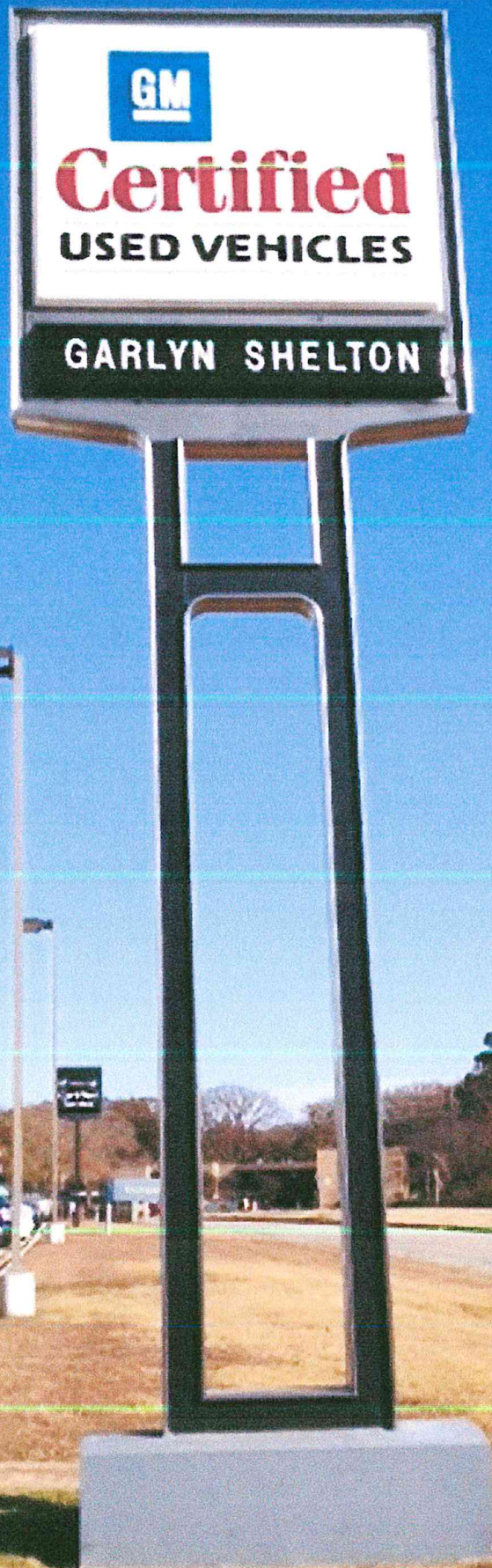
SIGN LOCATIONS
GARLYN SHELTON GMC BUICK CADILLAC
5625 S. GENERAL BRUCE DRIVE



① NEW SIGN 47' TALL; 225 SF FACE



② EXIST. TO be RELOCATED 28' TALL; 75 SF FACE



3) EXISTING to be RELOCATED 21' TALL; 75 SF FACE



Buick GMC Cadillac Sign Family

NEW 47'

①

CERTIFIED
USED VEHICLES

EXIST. 28'

②

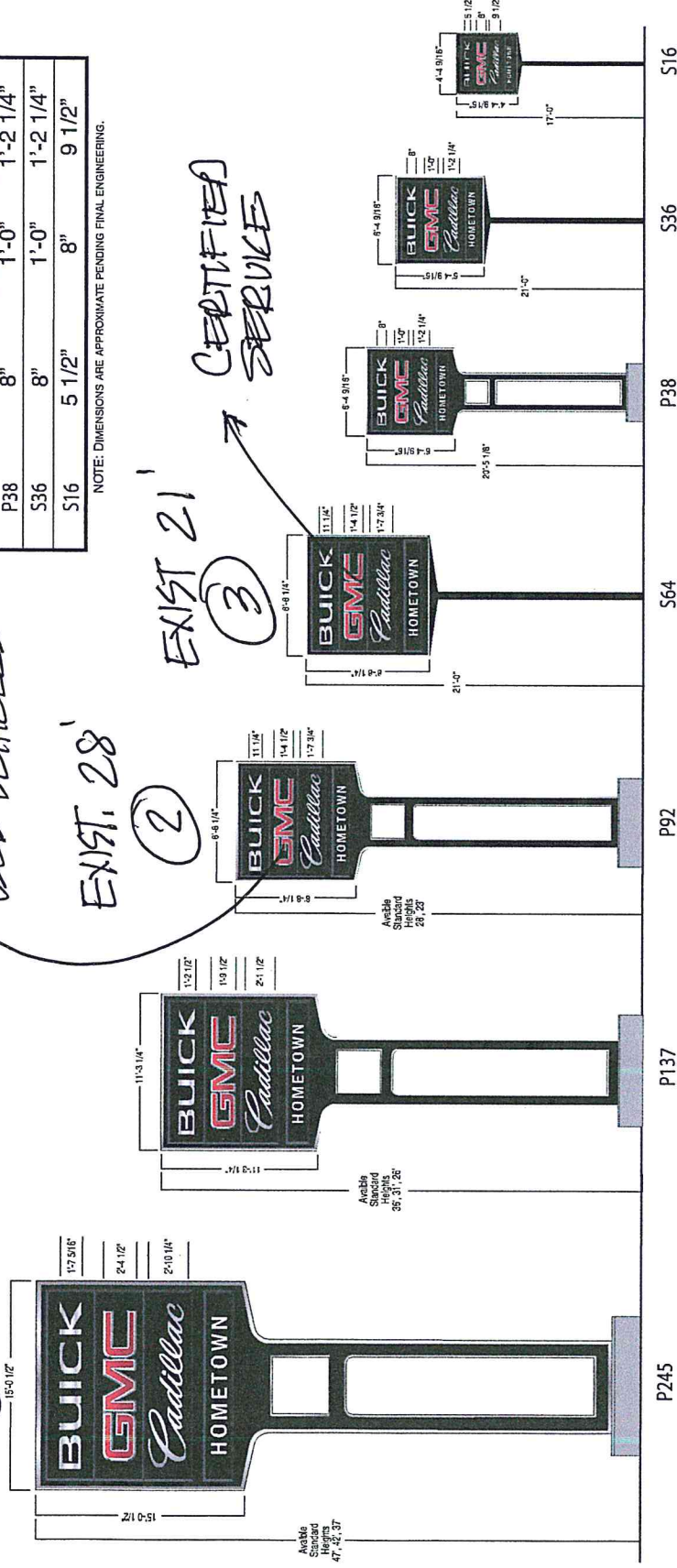
EXIST. 21'

CERTIFIED
SERVICES

③

COPY SIZE BY SIGN				
SIGN	BUICK	GMC	Cadillac	
P245	1'-7 5/16"	2'-4 1/2"	2'-10 1/4"	
P137	1'-2 1/2"	1'-9 1/2"	2'-1 1/2"	
P92	11 1/4"	1'-4 1/2"	1'-7 3/4"	
S64	11 1/4"	1'-4 1/2"	1'-7 3/4"	
P38	8"	1'-0"	1'-2 1/4"	
S36	8"	1'-0"	1'-2 1/4"	
S16	5 1/2"	8"	9 1/2"	

NOTE: DIMENSIONS ARE APPROXIMATE PENDING FINAL ENGINEERING.



Job No.

Version #:
Date: 2-NOV-09
Design #: 09-1469
Scale: 1/8"=1'-0"
Sales: A. Hollyoak
Designer: J. Foster

Rev. #: R2
Date: 22-DEC-09

☐ Vector Artwork Required
☐ High Resolution Image Required
☐ Final Colours Required

Conceptual artwork only
☒

Electrical Requirements
☐ 120V ☐ 347V
☐ Other

Customer Approval
Date



Pattison Sign Group signs illuminated by fluorescent, neon and/or HID lamps contain Mercury (Hg). Dispose of these lamps according to Local, State, Provincial or Federal Laws.

The artistic works depicted herein are copyright and are the exclusive property of Pattison Sign Group and as such cannot be reproduced in whole or in part without prior written consent.

555 Ellesmere Road
Toronto, Ontario, Canada M1R 4E8
www.pattisonsign.com
Tel: (416) 759-1111
Fax: (416) 759-0965
Toll Free 1-800-268-6536



A Division of Jim Pattison Industries Ltd.

RESOLUTION NO. 2014-7327-R

[PLANNING NO. O-FY-14-08]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN APPEAL OF STANDARDS IN SECTION 6.7.5(J) OF THE UNIFIED DEVELOPMENT CODE RELATED TO THE I-35 CORRIDOR OVERLAY ZONING DISTRICT FOR SIGNS LOCATED ON LOT 1, BLOCK 1, DIAMOND S SUBDIVISION, 5626 SOUTH GENERAL BRUCE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at their April 21, 2014 meeting, the Planning and Zoning Commission approved an appeal of standards of Section 6.7.5(j) of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for signs located on lot 1, block 1, Diamond S. Subdivision, 5626 South General Bruce Drive;

Whereas, the project is located in the Freeway Retail/Commercial Sub-District of the I-35 Corridor Overlay District and in accordance with Article 6 of the Unified Development Code relating to Interstate 35 Corridor Overlay, all new signage must conform to the standards of the I-35 Overlay District;

Whereas, in February 2013, Council approved a previous appeal to the I-35 Overlay District standards related to landscaping, architecture and parking for this same site – five signs were also proposed at that time, however due to concerns about the number requested, this item was withdrawn with the understanding that a revised signage proposal would be submitted at a later date;

Whereas, staff recommends approval of the appeals shown on the site plan attached hereto as Exhibit ‘A;’ and

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

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

Part 1: The City Council authorizes an appeal of standards of Section 6.7.5(j) of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for signs located on lot 1, block 1, Diamond S. Subdivision, 5626 South General Bruce Drive. The approved appeal is as follows:

1. Sec. 6.7.5.J.1 – Pylon Max. Sign Area (non-travel-related uses): 200 sf per face
 - o Applicant requests 225 sf per face of proposed 47-foot tall sign
2. Sec. 6.7.5.J.1 – Pylon Sign Height: 25 feet
 - o Applicant requests 47 feet
3. Sec. 6.7.5.J.2 – Maximum Signs Per Site: 1 freestanding sign per site
 - o Applicant requests 3 freestanding signs (47-foot new sign, as well as a 28-foot and a 23-foot in height relocated signs)

4. Sec. 6.7.5.J.6 – Minimum height to width ratio of 1 to 0.15 for the support structure or base
 - o Applicant requests a 3 foot tall stone wall around bases of 3 proposed signs with landscaping.

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

PASSED AND APPROVED this the **15^h** day of **May**, 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

05/15/14
Item #11(A-B)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, TRMC, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution:

- (A) Affirming the election of the candidates for the May 10, 2014, Mayor at Large, and the District 2 and District 3 City Councilmembers races; and
- (B) Administer Oaths of Office to the newly elected councilmembers

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The terms of Mayor Daniel A. Dunn, District 2 Councilmember Judy Morales and District 3 Councilmember Perry Cloud expired May 2014. All of the incumbents filed for re-election without opposition. Each candidate was declared unopposed and the City's scheduled municipal election for May 10, 2014 was declared cancelled on March 20, 2014.

The proposed resolution will declare Daniel A. Dunn elected to position of Mayor; Judy Morales elected to the position of Councilmember District 2; and Perry Cloud elected to the position of Councilmember District 3 in the City of Temple for a three year terms ending May 2017.

Each newly elected councilmember will be given a Certificate of Election; Statement of Officer and Oath of Office.

FISCAL IMPACT: None

ATTACHMENTS:

Resolution - to be provided