



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, MAY 7, 2015

4:00 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 7, 2015.
2. Discuss proposed updates to Code of Ordinances, Chapter 16, "Health and Sanitation", Article IV, "Neighborhood Nuisances".

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. PUBLIC APPEARANCE

3. Receive a presentation from James Zeptner with regards to opening the railroad crossing at East Avenue A and East Avenue B at the Union Pacific tracks.

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:

Contracts, Leases, & Bids

- (A) [2015-7690-R](#): Consider adopting a resolution authorizing a construction contract with Skyblue Utilities, Inc., (Skyblue) of Kingsland for construction of the SH 317 Waterline Relocation Project from FM 2305 to Poison Oak Road in an amount not to exceed \$1,934,698.81, as well as, declare an official intent to reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.

- (B) [2015-7691-R](#): Consider adopting a resolution authorizing an agreement with Kasberg, Patrick, & Associates, LP, (KPA) of Temple in an amount not to exceed \$157,900 for professional services required for the Elm Creek Water Line improvements in north Temple, as well as, declare an official intent to reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.
- (C) [2015-7692-R](#): Consider adopting a resolution authorizing the purchase of two propane powered mowers in the amount of \$28,557.96 from TOP Equipment of Georgetown, and authorizing the City Manager to execute necessary documents related to two grant applications for \$2,000.00 incentives each from the Propane Council of Texas and the National Propane Education & Research Council.
- (D) [2015-7693-R](#): Adopt a resolution authorizing the purchase of the yearly Small Municipality Government Enterprise License Agreement and maintenance contract with Environmental Systems Research Institute (ESRI) in the amount of \$50,000.
- (E) [2015-7694-R](#): Consider authorizing a professional services agreement with Kasberg, Patrick and Associates, LP (KPA) for professional services required to design the South TMED Master Plan in an amount not to exceed \$104,850.

ORDINANCES – SECOND & FINAL READING

- (F) [2014-4709](#): SECOND & FINAL READING - Z-FY-15-07: Consider an ordinance granting a rezoning from Agricultural District (AG) to Planned Development-Agricultural District (PD-AG) on 1.00 +/- acre, A0345BC G Givens, OB 771, located at 4831 Midway Drive.
- (G) [2015-4710](#): SECOND & FINAL READING - Z-FY-15-09: Consider adopting an ordinance authorizing granting a zoning change from Multiple-Family One District (MF-1) to Multiple-Family Two (MF-2) on Lot 1, Block 3, United Lely Commercial Subdivision Phase IV, located at 3009 Ira Young Drive.
- (H) [2015-4711](#): SECOND & FINAL READING - Z-FY-15-11: Consider adopting an ordinance authorizing a zoning change from Two Family Dwelling District (2F) to Planned Development Multiple Family One District (PD-MF-1) on Lots 1-12, Block 10, and Lots 1-12, Block 11, Canyon Ridge Phase II.

Misc.

- (I) [2015-7695-R](#): Consider adopting a resolution ratifying an application for Tobacco Enforcement funding from the Texas School Safety Center (TxSSC) for the purposes of enforcing Subchapter H, Chapter 161 of the Texas Health and Safety Code for fiscal year 2016 in the amount of \$6,750.
- (J) [2015-7696-R](#): Consider adopting a resolution authorizing the grant application for the Bureau of Justice Assistance Bulletproof Vest Partnership Program of 2015 for the purchase of ballistic vests and replacements for the Police Department in the amount of \$59,500, with \$29,750 of required City matching funds.

- (K) [2015-7697-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2014-2015.

V. REGULAR AGENDA

ORDINANCES – FIRST READING / PUBLIC HEARING

5. [2015-4713](#): FIRST READING – PUBLIC HEARING – Z-FY-15-14: Consider adopting an ordinance authorizing a Conditional Use Permit for a Paint Shop/General Contractor facility on Lot 2, Block 1, Trantum Subdivision Phase VIII, located at 5806 South General Bruce Drive.
6. [2015-4714](#): FIRST READING – PUBLIC HEARING - Z-FY-15-15: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to General Retail District (GR) on 4.707 +/- acres situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 119 Hilliard Road.
7. [2015-4715](#): FIRST READING – PUBLIC HEARING - Z-FY-15-16: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to General Retail District (GR) on 4.880 +/- acres of land situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 215 Hilliard Road.
8. [2015-4716](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing a number of economic development incentives for property redevelopment in the Jeff Hamilton Park area.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:00 PM, on Friday, May 1, 2015.



City Secretary, TRMC
City of Temple



COUNCIL AGENDA ITEM MEMORANDUM

05/07/15
Item #4(A)
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 a construction contract with Skyblue Utilities, Inc., (Skyblue) of Kingsland for construction of the SH 317 Waterline Relocation Project from FM 2305 to Poison Oak Road in an amount not to exceed \$1,934,698.81, as well as, declare an official intent to reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Texas Department of Transportation (TxDOT) has completed the design phase for roadway improvements to State Highway 317 between FM 2305 in Temple and FM 439 in Belton. TxDOT scheduled the project letting in June 2015 and anticipates construction beginning in December 2015. The City is responsible for relocating municipal utilities to allow for proposed road improvements.

This project will extend an 18" PVC waterline approximately 1½ miles south from FM 2305 to Poison Oak Road, relocating the existing waterline from within TxDOT right of way to new easements. It will also provide connections to the east, looping in current dead-end mains and small distribution lines to new infrastructure.

On April 7, seven bids were received. Per the attached Bid Tabulation, Skyblue submitted the low base bid in the amount of \$1,934,698.81. A deduct alternate in the amount of \$118,583.75 was provided for trenching across driveways in lieu of boring if permission is granted by property owners. A deduct up to this amount may be recommended at a later date if enough property owners respond affirmatively. The opinion of probable construction cost was \$2.5 million. Walker Partners recommend award of Skyblue's low bid in their attached letter. Construction time allotted for the project is 180 days.

FISCAL IMPACT: This project is being funded with issuance of Utility Revenue Bonds in FY 2015. Funding will be available in account 561-5200-535-6907, project #100223, for the construction contract award to Skyblue Utilities, Inc. in the amount not to exceed \$1,934,698.81.

ATTACHMENTS:

Engineer's Letter of Recommendation
Bid Tabulation
Project Map
Resolution



April 13, 2015

City of Temple
Department of Public Works
3210 E Avenue H, Bldg C
Temple, TX 76501

Attn: Sharon Carlos, E.I.T., Project Manager

Re: City of Temple – S.H. 317 Waterline Relocation
Project No.: 2-01326

Dear Ms. Carlos:

Bids for the above referenced Project, City of Temple – S.H. 317 Waterline Relocation, were received by the City of Temple Purchasing Department until 2:00 p.m., April 7, 2015. A total of seven bids were received. The bids were read aloud to those in attendance shortly after 2:00 p.m., April 7, 2015.

The apparent low bidder at the time of bid opening and the tabulated low bidder was Skyblue Utilities with a base bid in the amount of \$1,934,698.81, a Deduct Alternate amount of \$118,593.75 and a Total Base Bid plus the Deduct Alternate No. 1 in the amount of \$1,816,105.06.

Skyblue Utilities has performed a similar project for the City of Temple in the recent past and has performed past projects for other Central Texas Municipalities that were designed and administered by Walker Partners, LLC. The projects were completed to the satisfaction of all parties.

I therefore recommend that the City of Temple award the Contract for Construction of the S.H. 317 Waterline Relocation to Skyblue Utilities for the Base Bid Amount of \$1,934,698.81 minus the Deduct Alternate No. 1 Amount of \$118,593.75 for a Total Base Bid Amount of \$1,816,105.06.

If you have any questions or comments, please contact me.

Sincerely,

Otto E. Wiederhold, P.E.
Senior Vice President

OEW:kg

Bid Tabulation Attached

Email & USPS

Cc: Don Bond, P.E. – City Engineer, Project File – 2-01326

City of Temple
S.H. 317 Waterline Relocation
Project No.: 2-01326
04/07/15 @ 2:00 p.m.

Walker Partners, LLC
Bid Tabulation

Item No.	Bid Item Description	Estimated		Skyblue Utilities		Rockin Q Construction		Bruce Flanigan Construction		Bell Contractors		Kodiak Trenching and Boring		TTG Utilities		Prota	
		Quantities	Measure	Unit Price	Unit Amount	Unit Price	Unit Amount	Unit Price	Unit Amount	Unit Price	Unit Amount	Unit Price	Unit Amount	Unit Price	Unit Amount	Unit Price	Unit Amount
1	Submit Stormwater Pollution Prevention Plan, Complete For	1	LS	6,325.00	6,325.00	3,000.00	3,000.00	888.00	888.00	1,100.00	1,100.00	500.00	500.00	3,500.00	3,500.00	1,650.00	1,650.00
2	Implement & Follow Stormwater Pollution Plan, Complete For	1	LS	13,800.00	13,800.00	50,000.00	50,000.00	15,946.00	15,946.00	22,900.00	22,900.00	5,000.00	5,000.00	22,600.00	22,600.00	22,000.00	22,000.00
3	Furnish & Install 18" Ductile Iron Water Line, Complete For	7,000	LF	114.99	804,930.00	2	0.00	95.20	666,400.00	110.00	770,000.00	85.00	595,000.00	146.00	1,022,000.00	185.00	1,295,000.00
4	Furnish & Install 18" Resilient Wedge Gate Valve, Complete For	9	EA	12,899.55	116,095.95	10,000.00	90,000.00	9,746.00	87,714.00	10,100.00	90,900.00	12,000.00	108,000.00	11,400.00	102,600.00	11,700.00	105,300.00
5	Furnish & Install 18" Flush Assembly, Complete For	1	EA	4,160.70	4,160.70	6,000.00	6,000.00	14,177.00	14,177.00	14,600.00	14,600.00	18,500.00	18,500.00	16,000.00	16,000.00	4,750.00	4,750.00
6	Furnish & Install 18" 45 Degree Vertical Restrained Joint, Complete For	6	EA	3,532.80	21,196.80	2,000.00	12,000.00	1,264.00	7,584.00	3,800.00	22,800.00	1,400.00	8,400.00	4,010.00	24,060.00	2,750.00	16,500.00
7	Furnish & Install 18"x18" Tee, Complete For	1	EA	3,911.15	3,911.15	3,000.00	3,000.00	2,101.00	2,101.00	3,400.00	3,400.00	3,200.00	3,200.00	4,375.00	4,375.00	4,500.00	4,500.00
8	Furnish & Install 18"x12" Tee, Complete For	1	EA	3,220.00	3,220.00	2,500.00	2,500.00	1,829.00	1,829.00	2,800.00	2,800.00	2,500.00	2,500.00	3,580.00	3,580.00	3,750.00	3,750.00
9	Furnish & Install 18"x8" Tee, Complete For	4	EA	2,804.85	11,219.40	2,300.00	9,200.00	1,651.00	6,604.00	2,400.00	9,600.00	2,000.00	8,000.00	3,150.00	12,600.00	3,500.00	14,000.00
10	Furnish & Install 18"x6" Tee, Complete For	1	EA	2,669.73	2,669.73	2,200.00	2,200.00	1,563.00	1,563.00	2,300.00	2,300.00	2,000.00	2,000.00	2,850.00	2,850.00	3,400.00	3,400.00
11	Furnish & Install 18" 11.25 Degree Bend, Complete For	2	EA	2,298.85	4,597.70	2,000.00	4,000.00	1,269.00	2,538.00	1,900.00	3,800.00	1,500.00	3,000.00	2,230.00	4,460.00	2,750.00	5,500.00
12	Furnish & Install 18" Cap, Complete For	1	EA	1,161.50	1,161.50	1,400.00	1,400.00	747.00	747.00	870.00	870.00	1,000.00	1,000.00	1,200.00	1,200.00	1,750.00	1,750.00
13	Furnish & Install 12" C-900 PVC Water Line, Complete For	2,692	LF	48.82	131,423.44	60.00	161,520.00	79.00	212,668.00	62.40	167,980.80	50.00	134,600.00	83.00	223,436.00	125.00	336,500.00
14	Furnish & Install 12" Resilient Wedge Gate Valve, Complete For	3	EA	2,750.80	8,252.40	3,000.00	9,000.00	2,197.00	6,591.00	2,400.00	7,200.00	2,300.00	6,900.00	2,600.00	7,800.00	3,000.00	9,000.00
15	Furnish & Install 12"x8" Reducer, Complete For	1	EA	807.30	807.30	900.00	900.00	453.00	453.00	550.00	550.00	300.00	300.00	960.00	960.00	1,500.00	1,500.00
16	Furnish & Install 12" 45 Degree Bend, Complete For	2	EA	1,069.50	2,139.00	1,000.00	2,000.00	788.00	1,576.00	830.00	1,660.00	600.00	1,200.00	1,200.00	2,400.00	1,650.00	3,300.00
17	Furnish & Install 8" C-900 PVC Water Line, Complete For	550	LF	36.67	20,168.50	50.00	27,500.00	60.00	33,000.00	44.60	24,530.00	40.00	22,000.00	51.00	28,050.00	85.00	46,750.00
18	Furnish & Install 8" Resilient Wedge Gate Valve, Complete For	5	EA	1,653.70	8,268.50	1,600.00	8,000.00	1,171.00	5,855.00	1,200.00	6,000.00	1,250.00	6,250.00	1,620.00	8,100.00	1,750.00	8,750.00
19	Furnish & Install 8" 45 Degree Bend, Complete For	2	EA	652.05	1,304.10	850.00	1,700.00	487.00	974.00	370.00	740.00	325.00	650.00	800.00	1,600.00	750.00	1,500.00
20	Furnish & Install 8" 45 Degree Vertical Restrained Joint, Complete For	2	EA	810.75	1,621.50	1,500.00	3,000.00	828.00	1,656.00	870.00	1,740.00	385.00	770.00	1,240.00	2,480.00	850.00	1,700.00
21	Furnish & Install 8" 45 Degree WYE, Complete For	1	EA	1,143.10	1,143.10	1,200.00	1,200.00	912.00	912.00	840.00	840.00	750.00	750.00	1,450.00	1,450.00	1,200.00	1,200.00
22	Furnish & Install 8" Tapping Sleeve and Valve, Complete For	1	EA	6,023.13	6,023.13	6,400.00	6,400.00	3,186.00	3,186.00	4,100.00	4,100.00	4,000.00	4,000.00	5,240.00	5,240.00	4,000.00	4,000.00
23	Furnish & Install 8"x6" Tee, Complete For	1	EA	909.08	909.08	950.00	950.00	646.00	646.00	570.00	570.00	450.00	450.00	1,000.00	1,000.00	1,000.00	1,000.00
24	Furnish & Install 8"x6" Reducer, Complete For	1	EA	596.85	596.85	800.00	800.00	333.00	333.00	340.00	340.00	200.00	200.00	610.00	610.00	1,000.00	1,000.00
25	Furnish & Install 8"x2" Tee, Complete For	1	EA	783.15	783.15	1,000.00	1,000.00	568.00	568.00	440.00	440.00	400.00	400.00	810.00	810.00	1,150.00	1,150.00
26	Furnish & Install 8" Cap, Complete For	1	EA	447.35	447.35	700.00	700.00	431.00	431.00	280.00	280.00	200.00	200.00	420.00	420.00	650.00	650.00
27	Furnish & Install 6" C-900 PVC Water Line, Complete For	58	LF	31.41	1,821.78	36.00	2,088.00	72.00	4,176.00	57.00	3,306.00	40.00	2,320.00	73.00	4,234.00	40.00	2,320.00
28	Furnish & Install 6" 90 Degree Bend, Complete For	1	EA	533.60	533.60	800.00	800.00	451.00	451.00	340.00	340.00	275.00	275.00	620.00	620.00	450.00	450.00
29	Furnish & Install 6" 45 Degree Bend, Complete For	1	EA	509.45	509.45	800.00	800.00	429.00	429.00	320.00	320.00	260.00	260.00	600.00	600.00	450.00	450.00

				Skyblue Utilities		Rockin Q Construction		Bruce Flanigan Construction		Bell Contractors		Kodiak Trenching and Boring		TTG Utilities		Prota	
Item No.	Bid Item Description	Estimated Quantities	Measure	Unit Price	Unit Amount	Unit Price	Unit Amount	Unit Price	Unit Amount	Unit Price	Unit Amount	Unit Price	Unit Amount	Unit Price	Unit Amount	Unit Price	Unit Amount
30	Furnish & Install 6" Ring Connection, Complete For	32	LF	62.11	1,987.52	40.00	1,280.00	72.00	2,304.00	72.40	2,316.80	36.00	1,152.00	130.00	4,160.00	40.00	1,280.00
31	Furnish & Install 6" Resilient Wedge Gate Valve, Complete For	1	EA	1,143.10	1,143.10	1,500.00	1,500.00	948.00	948.00	820.00	820.00	900.00	900.00	1,200.00	1,200.00	950.00	950.00
32	Furnish & Install 6" Tapping Sleeve and Valve, Complete For	1	EA	5,072.65	5,072.65	5,600.00	5,600.00	2,552.00	2,552.00	3,200.00	3,200.00	3,500.00	3,500.00	4,600.00	4,600.00	2,700.00	2,700.00
33	Furnish & Install 2" Ring Connection, Complete For	10	LF	41.11	411.10	30.00	300.00	41.00	410.00	94.50	945.00	25.00	250.00	120.00	1,200.00	23.00	230.00
34	Furnish & Install 2" 90 Degree Bend, Complete For	1	EA	253.00	253.00	500.00	500.00	211.00	211.00	170.00	170.00	20.00	20.00	160.00	160.00	225.00	225.00
35	Furnish & Install 2" Tapping Sleeve and Valve, Complete For	1	EA	1,486.95	1,486.95	900.00	900.00	1,316.00	1,316.00	1,100.00	1,100.00	150.00	150.00	2,030.00	2,030.00	850.00	850.00
36	Furnish & Install Fire Hydrant Assembly, Complete For	13	EA	6,075.05	78,975.65	7,500.00	97,500.00	5,119.00	66,547.00	4,900.00	63,700.00	8,000.00	104,000.00	6,810.00	88,530.00	5,100.00	66,300.00
37	Furnish & Install 2" Air Release Valve and Vault, Complete For	1	EA	6,775.80	6,775.80	6,000.00	6,000.00	4,710.00	4,710.00	5,000.00	5,000.00	6,000.00	6,000.00	9,350.00	9,350.00	6,500.00	6,500.00
38	Furnish & Install 1" Air Release Valve and Vault, Complete For	2	EA	3,635.73	7,271.46	5,000.00	10,000.00	3,878.00	7,756.00	4,100.00	8,200.00	3,300.00	6,600.00	6,200.00	12,400.00	6,500.00	13,000.00
39	Furnish & Install 30" Bore and Encasement, Complete For	825	LF	323.35	266,763.75	425.00	350,625.00	536.00	442,200.00	490.00	404,250.00	600.00	495,000.00	785.00	647,625.00	500.00	412,500.00
40	Furnish & Install 16" Bore and Encasement, Complete For	350	LF	234.65	82,127.50	270.00	94,500.00	305.00	106,750.00	300.00	105,000.00	390.00	136,500.00	300.00	105,000.00	300.00	105,000.00
41	Furnish & Install Connect to Existing 2" Water Line, Complete For	1	EA	1,017.75	1,017.75	1,600.00	1,600.00	1,428.00	1,428.00	1,300.00	1,300.00	260.00	260.00	1,510.00	1,510.00	2,500.00	2,500.00
42	Furnish & Install Connect to Existing 6" Water Line, Complete For	2	EA	3,562.70	7,125.40	2,000.00	4,000.00	2,968.00	5,936.00	1,500.00	3,000.00	1,600.00	3,200.00	2,050.00	4,100.00	3,000.00	6,000.00
43	Furnish & Install Connect to Existing 8" Water Line, Complete For	3	EA	4,328.60	12,985.80	2,600.00	7,800.00	3,079.00	9,237.00	1,500.00	4,500.00	2,000.00	6,000.00	2,600.00	7,800.00	3,100.00	9,300.00
44	Furnish & Install Connect to Existing 18" Water Line, Complete For	1	EA	6,691.85	6,691.85	8,400.00	8,400.00	3,967.00	3,967.00	3,000.00	3,000.00	4,000.00	4,000.00	6,320.00	6,320.00	4,600.00	4,600.00
45	Furnish & Install Plug Existing 6" Water Line, Complete For	1	EA	569.83	569.83	3,000.00	3,000.00	1,450.00	1,450.00	300.00	300.00	400.00	400.00	600.00	600.00	2,500.00	2,500.00
46	Furnish & Install Meter-Valve Vault Relocation, Complete For	1	LS	3,450.00	3,450.00	25,000.00	25,000.00	25,501.00	25,501.00	33,000.00	33,000.00	30,000.00	30,000.00	57,000.00	57,000.00	24,969.00	24,969.00
47	Furnish & Install Water Meter Relocation, Complete For	20	EA	1,023.16	20,463.20	1,200.00	24,000.00	746.00	14,920.00	1,300.00	26,000.00	800.00	16,000.00	1,730.00	34,600.00	1,500.00	30,000.00
48	Furnish & Install Extend Water Service Line, Complete For	62	LF	938.24	58,170.88	50.00	3,100.00	25.00	1,550.00	120.00	7,440.00	30.00	1,860.00	87.00	5,394.00	28.00	1,736.00
49	Furnish & Install Reconnect Existing Water Service, Complete For	11	EA	834.01	9,174.11	2,000.00	22,000.00	551.00	6,061.00	1,300.00	14,300.00	675.00	7,425.00	1,000.00	11,000.00	1,750.00	19,250.00
50	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of Right-of-Way, Complete For	1	LS	11,500.00	11,500.00	50,000.00	50,000.00	47,137.00	47,137.00	18,400.00	18,400.00	40,000.00	40,000.00	65,000.00	65,000.00	11,000.00	11,000.00
51	Furnish & Install Surface Replacement, Complete For	2,576	LF	21.85	56,285.60	45.00	115,920.00	32.00	82,432.00	20.70	53,323.20	75.00	193,200.00	10.50	27,048.00	40.00	103,040.00
52	Submit Trench Safety Plan Prepared & Signed by P.E., in Conformance with State Law & OSHA, Complete For	1	LS	1,725.00	1,725.00	5,000.00	5,000.00	1,143.00	1,143.00	780.00	780.00	800.00	800.00	2,350.00	2,350.00	2,800.00	2,800.00
53	Implement & Follow Trench Safety Plan, Complete For	10,300	LF	1.15	11,845.00	5.00	51,500.00	0.50	5,150.00	2.30	23,690.00	0.60	6,180.00	4.60	47,380.00	1.00	10,300.00
54	Submit Traffic Control Plan, Complete For	1	LS	1,725.00	1,725.00	3,000.00	3,000.00	833.00	833.00	1,300.00	1,300.00	500.00	500.00	5,810.00	5,810.00	1,500.00	1,500.00
55	Implement Traffic Control Plan, Complete For	1	LS	8,050.00	8,050.00	30,000.00	30,000.00	17,618.00	17,618.00	29,400.00	29,400.00	10,000.00	10,000.00	28,200.00	28,200.00	11,000.00	11,000.00
56	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount, Complete For	1	LS	40,250.00	40,250.00	35,000.00	35,000.00	81,092.00	81,092.00	49,400.00	49,400.00	115,000.00	115,000.00	85,000.00	85,000.00	146,000.00	146,000.00

Item No.	Bid Item Description	Estimated		Skyblue Utilities		Rockin Q Construction		Bruce Flanigan Construction		Bell Contractors		Kodiak Trenching and Boring		TTG Utilities		Prota	
		Quantities	Measure	Unit Price	Unit Amount	Unit Price	Unit Amount	Unit Price	Unit Amount	Unit Price	Unit Amount	Unit Price	Unit Amount	Unit Price	Unit Amount	Unit Price	Unit Amount
57	Furnish & Install 24" Bore and Encasement, Complete For	175	LF	293.49	51,360.75	375.00	65,625.00	363.00	63,525.00	420.00	73,500.00	320.00	56,000.00	450.00	78,750.00	358.00	62,650.00
	Total Base Bid Amount				\$1,934,698.81		3 \$1,435,308.00		\$2,086,680.00		\$2,103,341.80		\$2,181,522.00		\$2,853,752.00		\$2,958,000.00
	ADD/DEDUCT ALTERNATE NO.1																
58	Furnish & Install by open cut 30" Steel Encasement, Complete For	825	LF	\$143.75	\$118,593.75	\$200.00	\$165,000.00	\$239.00	\$197,175.00	\$120.00	\$99,000.00	\$230.00	\$189,750.00	\$275.00	\$226,875.00	\$240.00	\$198,000.00
	Total Add/Deduct Alternate No. 1 Amount			1	\$118,593.75	4	-\$185,625.00	6	-\$245,025.00	8	\$99,000.00	10	-\$305,250.00		\$226,875.00		\$198,000.00
	Total Base Bid Plus Add/Deduct Alternate No. 1 Amount				\$1,816,105.06	5	\$1,270,308.00	7	\$1,889,505.00	9	\$2,004,341.80	11	\$1,991,772.00		\$3,080,627.00		\$3,156,000.00

1 Skyblue Utilities did not show a negative sign on their Bid Form, but it is clear their intent was to deduct \$118,593.75 based on the final amount they entered for the Total Base Bid Plus Add/Deduct Alternate No. 1 Amount, showing the total to be less.

2 Rockin Q scratched their number out on the bid form and then left it blank.

3 As shown on Base Bid Amount Line, Rockin Q had \$2,030,308.00. Amount shown on Bid Tabulation is a mathematical summation of unit amounts using submitted unit prices.

4 This total should have matched line item 58.

5 As shown on Total Base Bid Plus Add/Deduct Alternate No. 1 Amount Line, Rockin Q had \$1,844,683.00. Amount shown on Bid Tabulation is a mathematical summation of the Total Base Bid Plus Add/Deduct Alternate No. 1 Amount.

6 This total should have matched line item 58.

7 As shown on Total Base Bid Plus Add/Deduct Alternate No. 1 Amount Line, Bruce Flanigan Construction had 1,841,655.00. Amount shown on Bid Tabulation is a mathematical summation of the Total Base Bid Plus Add/Deduct Alternate No. 1 Amount.

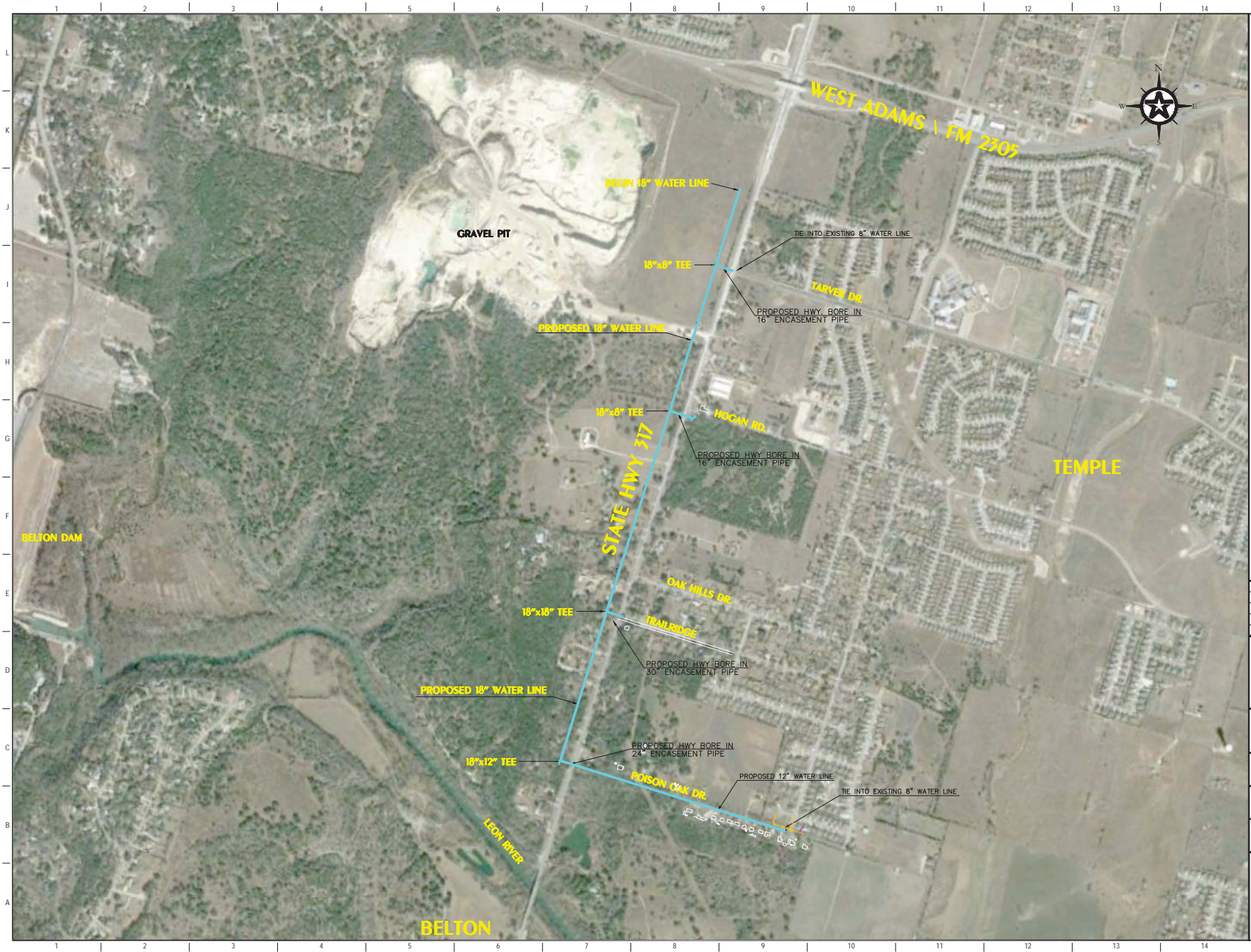
8 Bell Contractors did not show a negative sign on their Bid Form, but it is clear their intent was to deduct \$99,000.00 based on the final amount they entered for the Total Base Bid Plus Add/Deduct Alternate No. 1 Amount showing the total to be less.

9 As shown on Total Base Bid Plus Add/Deduct Alternate No. 1 Amount Line, Bell Contractors had \$1,798,091.80. Amount shown on Bid Tabulation is a mathematical summation of the Total Base Bid Plus Add/Deduct Alternate No. 1 Amount.

10 This total should have matched line item 58.

11 As shown on Total Base Bid Plus Add/Deduct Alternate No. 1 Amount Line, Kodiak had \$1,876,272.00. Amount shown on Bid Tabulation is a mathematical summation of the Total Base Bid Plus Add/Deduct Alternate No. 1 Amount.

G:\PROJECTS\2-01326\DWG\2-01326 VICINITY MAP 4-24-15.DWG, COPI: 4/24/2015 1:20:53 PM, jay



REV.	DESCRIPTION	DATE



CITY OF TEMPLE

STATE HIGHWAY 317
WATER LINE RELOCATION

VICINITY MAP

BY	OEK
DRAWN BY	NLK
CHECKED BY	JAB/KAM
DATE	OEK
PROJECT NO.	2-01326
DRAWING NO.	

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH SKYBLUE UTILITIES, INC. OF KINGSLAND, TEXAS FOR CONSTRUCTION OF THE STATE HIGHWAY 317 WATERLINE RELOCATION PROJECT FROM FM 2305 TO POISON OAK ROAD, IN AN AMOUNT NOT TO EXCEED \$1,934,698.81; DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH THE ISSUANCE OF 2015 UTILITY REVENUE BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Department of Transportation (TxDOT) has completed the design phase for roadway improvements to State Highway 317 between FM 2305 in Temple and FM 439 in Belton;

Whereas, the City is responsible for relocating municipal utilities to allow for proposed road improvements - the project will extend an 18-inch PVC waterline approximately 1½ miles south from FM 2305 to Poison Oak Road, relocating the existing waterline from within TxDOT right of way to new easements and providing connections to the east, looping in current dead-end mains and small distribution lines to new infrastructure;

Whereas, on April 7, 2015, seven bids were received for the project with Skyblue Utilities, Inc. submitting the low bid - staff recommends awarding the construction contract to Skyblue Utilities, Inc. of Kingsland, Texas in the amount of \$1,934,698.81;

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

Whereas, certain expenditures relating to the project will be paid prior to the issuance of the Obligations and the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

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

Whereas, Section 1.150.2 of the Treasury Regulations provides that an expenditure on the project may not be reimbursed from Obligation proceeds unless, along with other requirements, the City declares an official intent to reimburse the expenditure prior to the date that this expenditure to be reimbursed was paid;

Whereas, this project is being funded with issuance of Utility Revenue Bonds in fiscal year 2015 and funding will be available in Account No. 561-5200-535-6907, Project No. 100223, for the construction contract award to Skyblue Utilities, Inc.;

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 Skyblue Utilities, Inc. of Kingsland, Texas, after approval as to form by the City Attorney, for construction of the State Highway 317 Waterline Relocation Project from FM 2305 to Poison Oak Road, in an amount not to exceed \$1,934,698.81, as well as declare an official intent to reimburse this expenditure with the issuance of 2015 Utility Revenue Bonds.

Part 2: This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 1 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was 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 7th day of May, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/15
Item #4(B)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with Kasberg, Patrick, & Associates, LP, (KPA) of Temple in an amount not to exceed \$157,900 for professional services required for the Elm Creek Water Line improvements in north Temple, as well as, declare an official intent to reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.

STAFF RECOMMENDATION: Adopt resolution as presented in item discussion.

ITEM SUMMARY: Property in north Temple along Elm Creek currently is served with sanitary sewer but not potable water. A water main is required to support development.

The scope comprises one mile of 12" water main, approximately 1,400 linear feet of bored steel encasement, and 18 fire hydrants. KPA proposes (attached) to provide the following professional services from design through construction:

Design	\$ 72,300
Design Surveys	\$ 14,600
Bidding	\$ 7,000
Construction Staking	\$ 8,800
Construction Administration	\$ 27,500
Easement Documents	\$ 3,600
TXDOT Permitting	\$ 4,300
Inspection	\$ 19,800

Total \$ 157,900

Time required for design is 60 days.

FISCAL IMPACT: The cost of this contract is \$157,900.

ATTACHMENTS:

[Engineer's Proposal](#)
[Project Map](#)
[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
Texas Firm F-510

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

RICK N. KASBERG, P.E.
R. DAVID PATRICK, P.E., CFM
THOMAS D. VALLE, P.E.
GINGER R. TOLBERT, P.E.
ALVIN R. "TRAE" SUTTON, III, P.E., CFM

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

April 14, 2015

Mrs. Nicole Torralva, P.E.
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
North Loop 363 12-inch Water Line Extension

Dear Ms. Torralva:

This letter is in response to your request for engineering services required for final design, easement documents and construction administration to extend the 12-inch Water Line across North Loop 363 and along the northbound frontage road of IH-35. The project is shown on the attached Exhibit A and our preliminary opinion of probable construction cost is \$1.23 million.

The attached Exhibit B provides for a Scope of Services for the project. In order for us to provide services required for completion of this project, the following not-to-exceed lump sum amounts will be applicable:

I. Basic Services	
A. Final Design	\$ 72,300.00
B. Design Surveys	\$ 14,600.00
C. Bidding	\$ 7,000.00
D. Construction Staking	\$ 8,800.00
E. Construction Administration	\$ 27,500.00
Subtotal Basic Services	\$ 130,200.00
II. Special Services	
A. Easement Documents (3 parcels)	\$ 3,600.00
B. TxDOT Utility Permit	\$ 4,300.00
C. On-Site Representation	\$ 19,800.00
Subtotal Special Services	\$ 27,700.00
TOTAL PROJECT	\$ 157,900.00

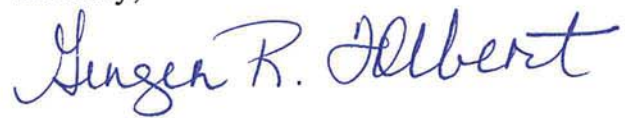
Mrs. Nicole Torralva, P.E.

April 14, 2015

Page Two

Exhibit C outlines rates which would be used to charge for special or additional services authorized beyond the scope as described in this proposal. KPA will begin work once a written notice to proceed is issued by the City and will complete plans and specifications within 60 calendar days from receipt of the notice to proceed. We are available to address any questions or comments that you may have about this proposal. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,

A handwritten signature in blue ink that reads "Ginger R. Tolbert". The signature is fluid and cursive, with the first name "Ginger" and last name "Tolbert" clearly legible, and "R." as a middle initial.

Ginger R. Tolbert, P.E.

GRT

EXHIBIT B

Scope of Services

North Loop 363 12-inch Water Line Extension

I. BASIC SERVICES

A. Final Design

1. Prepare construction drawings and specifications showing the character and extent of the project based on the preliminary design alignment. The construction plans will be drawn on 11-inch by 17-inch sheets (half-scale). The 11x17 prints will be used for bidding purposes and for field copies. The 11x17 prints will also be used for record drawings. This proposal includes thirty (30) sets of 11x17 prints for bidding and construction purposes.
2. Prepare plan and profile drawings of water line.
3. Furnish the necessary plans and assist in the application for a TxDOT Utility Permit for North Loop 363 and Interstate 35.
4. Basic documents related to construction contracts will be provided by the City. These will include contract agreement forms, general conditions and supplementary conditions, invitations to bid, instructions to bidders, insurance and bonding requirements and other contract-related documents. KPA will provide the technical specifications and bid schedule for the project documents.
5. Attend meetings with City Staff Members project progress meetings and plan reviews.
6. Progress meetings with City Staff for status reports and plan reviews.
7. Prepare a revised opinion of probable total project costs based on the final drawings and specifications.

B. Design Surveys

1. Field Surveys for design purposes including horizontal and vertical control and any other field surveying services during final design.

C. Bidding

1. Provide final opinion of probable construction cost, sealed by Project Engineer/Manager;
2. Assist in soliciting bidders;
3. Monitor status/number of bidders on plan holders list;
4. Answer potential bidders questions;
5. Conduct pre-bid conference;
6. Prepare addenda as required;
7. Attend bid opening;
8. Tabulate bids and recommend contract award.

D. Construction Staking

1. Construction Surveys with level notes for horizontal and vertical control.

E. Contract Administration

1. Conduct pre-construction conference;
2. Prepare Partial Payment forms and review partial payment requests;
3. Make periodic project visits during construction;
4. Communicate with City Project Manager weekly regarding project status and schedule;
5. Conduct construction progress meetings;
6. Advise and consult with the Owner, communicate with Contractor, prepare routine change orders as required, and keep the Owner informed of the progress;
7. Review submittals;
8. Prepare cut sheets;
9. Check final pay quantities and pay requests;
10. Conduct final walk through of project with Contractor and City Staff;
11. Prepare and distribute punch list;
12. Verify completion of punch list items;
13. Provide recommendation to City Staff regarding acceptance of project;
14. Prepare Record Drawings.

II. SPECIAL SERVICES

A. Easement Documents

1. KPA will utilize All County Surveying Inc. (ACS) to perform surveys and prepare easement documents for each parcel. We anticipate three (3) separate easement descriptions will be required.
2. Easement Documents will include field note descriptions and sketches for each property.
3. Our services do not include obtaining right of entry and acquisition of easements from impacted property owners, therefore, the cost for these services are not included in our proposal.

B. TxDOT Utility Permit

1. KPA will prepare the required plans to obtain the TxDOT Permit;
2. KPA will upload the required plans and provide the data input in TxDOT's UIR system;
3. KPA will respond and provide necessary revisions for the TxDOT Utility Permit.

C. On-Site Representation

1. KPA will respond to Contractor's requests for information (RFI);
2. Observe equipment and pipe materials for compliance with the plans and specifications and approved shop drawing submittals;
3. Verify installed quantities and materials on hand for monthly pay estimates to Contractors;
4. Confirm and note changes on as-built plans submitted by Contractors.
5. Observe trench excavations and backfill for compliance with plans and specifications;
6. Prepare written daily reports on construction activities summarizing work performed, quantities installed, number of laborers on site, equipment used, weather conditions and significant activities and test results;
7. Participate in pre-construction meetings, progress meetings and final walkthroughs;
8. Provide information for monthly evaluation regarding Contractor quality of work, timeliness, cooperation with City Staff and Public;
9. Meet with impacted property owners to address concerns and informing them of project schedules and events which may impact access to their property and resolving complaints.



NORTH LOOP 363 PROPOSED 12" WATERLINE EXTENSION

EXHIBIT A

LEGEND

- 12" W EXIST. WATER
- PROP. 12" WL

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP, OF TEMPLE, TEXAS, FOR SERVICES REQUIRED FOR THE ELM CREEK WATER LINE IMPROVEMENTS IN NORTH TEMPLE, IN AN AMOUNT NOT TO EXCEED \$157,900; DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH THE ISSUANCE OF 2015 UTILITY REVENUE BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, property in north Temple, along Elm Creek, is currently served with sanitary sewer but not potable water - a water main is required to support development in that area;

Whereas, the scope of this project is comprised of one mile of 12-inch water main, approximately 1,400 linear feet of bored steel encasement, and 18 fire hydrants;

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

Whereas, certain expenditures relating to this project will be paid prior to the issuance of the Obligations and the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

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

Whereas, Section 1.150.2 of the Treasury Regulations provides that an expenditure on a project may not be reimbursed from Obligation proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid;

Whereas, this project is being funded with issuance of Utility Revenue Bonds in fiscal year 2015 and funding will be available in Account No. 520-5300-535-6250, Project No. 101173; 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 professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, Texas, after approval as to form by the City Attorney, for professional services required for the Elm Creek Water Line Improvements in north Temple, in an amount not to exceed \$157,900, as well as declare an official intent to reimburse the expenditure with the issuance of 2015 Utility Revenue Bonds.

Part 2: This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City, that it reasonably expects to reimburse the expenditures described in Part 1 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first -expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was 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 7th day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/15
Item #4(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Parks and Recreation Department Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of two propane powered mowers in the amount of \$28,557.96 from TOP Equipment of Georgetown, and authorizing the City Manager to execute necessary documents related to two grant applications for \$2,000 incentives each from the Propane Council of Texas and the National Propane Education & Research Council.

STAFF RECOMMENDATION: Approve resolution as presented in item description.

ITEM SUMMARY: Two of the front line mowers used in the grounds maintenance program for the Parks and Recreation Department are due to be replaced. These are 6' cut zero steering type of mowers used for open mowing of the parks and for close trim work.

Research has shown that propane powered mowers require less engine maintenance and perform just as well as gasoline or diesel powered equipment. The added bonus is that operating these mowers will produce less contaminants so it is better for the environment.

City staff has been informed about two incentive opportunities from the Propane Council of Texas, new Commercial Mower Incentive Program and the National Propane Education & Research Council Incentives Program. The programs are on a first-come, first-serve basis, in the amount of \$2,000 per propane mower purchase or conversion per program. The incentive funding totals \$4,000.

A BuyBoard contract is being utilized to purchase these mowers. All purchases through the BuyBoard meet Texas governmental competitive bid requirements.

FISCAL IMPACT: Council is being presented with a budget adjustment to appropriate the funding from the Propane Council of Texas and the National Propane Education & Research Council, for a total incentive of \$4,000. Funding for this project is available in the following accounts to fund the purchase of two propane front line mowers.

Account	Project Number	Funding
351-3500-552-6222	101286	\$25,500
260-3500-552-6222	101286	\$ 4,000
Total Funding Available		\$29,500

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY **2015****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	
260-0000-431-02-61		State Grants	\$ 4,000			
260-3500-552-62-22	101286	Capital Equipment/Machinery & Equip/Rpl 2 Mowers	4,000			
TOTAL.....			\$ 8,000		\$ -	

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

To appropriate funds for incentive from the Propane Council of Texas, new Commercial Mower Incentive Program and the National Propane Education & Research Council Incentives Program in the amount of \$2,000 per propane mower purchase from each for a total incentive of \$4,000.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

5/7/2015

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TWO PROPANE POWERED MOWERS FROM TOP EQUIPMENT OF GEORGETOWN, TEXAS, IN THE AMOUNT OF \$28,557.96, UTILIZING THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE; AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS RELATED TO TWO GRANT APPLICATIONS FROM THE PROPANE COUNCIL OF TEXAS AND THE NATIONAL PROPANE EDUCATION AND RESEARCH COUNCIL; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, two of the front line mowers used in the grounds maintenance program for the Parks and Recreation Department are due to be replaced – these mowers are 6-foot cut zero steering and used for open mowing and close trim work of City parks;

Whereas, research has shown that propane powered mowers require less engine maintenance and perform just as well as gasoline or diesel powered mowers - propane powered mowers produce less contaminants which is better for the environment;

Whereas, two incentive opportunities have been brought to staff's attention – one from the Propane Council of Texas, New Commercial Mower Incentive Program and the other from the National Propane Education & Research Council Incentives Program;

Whereas, these incentive opportunities are provided on a first-come, first-serve basis and incentive funding is in the amount of \$1,000 per propane mower purchase or conversion, per program;

Whereas, purchase of these two propane powered mowers will be made utilizing the BuyBoard Local Government Online Purchasing Cooperative - all purchases made through the BuyBoard meet the Texas governmental competitive bid requirements;

Whereas, a budget adjustment needs to be approved to appropriate the funding from the Propane Council of Texas and the National Propane Education & Research Council - funding for this project is available in Account No. 351-3500-552-6222 and Account No. 260-3500-552-6222, Project No. 101286; and

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

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

Part 1: The City Council authorizes the purchase of two propane powered mowers from TOP Equipment of Georgetown, Texas, utilizing the BuyBoard Local Government Online Purchasing Cooperative, in the amount of \$28,557.96.

Part 2: The City Manager, or his designee, is authorized to execute any documents, after approval as to form by the City Attorney, which may be necessary to apply for the Propane Council of Texas, New Commercial Mower Incentive Program grant and the National Propane

Education and Research Council Incentives Program grant, and accept any funds that may be received for these grants.

Part 3: The City Council authorizes an amendment to the fiscal year 2014-2015 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

Part 4: It is hereby officially found and determined that the meeting at which this Resolution was 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 7th day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/15
Item #4(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Adopt a resolution authorizing the purchase of the yearly Small Municipality Government Enterprise License Agreement and maintenance contract with Environmental Systems Research Institute (ESRI) in the amount of \$50,000.

STAFF RECOMMENDATION: Adopt Resolution as presented in item description.

ITEM SUMMARY: The Information Technology, Public Works, Parks, Police, Police and Fire currently use Geographical Information Systems Software from Environmental Systems Research Institute (ESRI) that integrates hardware, software, and data for capturing, managing, analyzing, and displaying all forms of geographically referenced information. GIS allows us to view, understand, question, interpret, and visualize data in many ways that reveal relationships, patterns, and trends in the form of maps, globes, reports, and charts.

GIS is used for Crime, Water/Sewer, transportation, parcel, 911, planning, zoning, parks, infrastructure, political boundary, topographical, hydrological and census analysis and management. The GIS software is used for information sharing on our City website.

This Enterprise Licensing Agreement allows the City to take advantage of unlimited licensing and maintenance which will provide the following benefits:

- A lower cost per unit for licensed software
- Substantially reduced administrative and procurement expenses
- Maintenance on all ESRI software deployed under this agreement
- Complete flexibility to deploy software products when and where needed

Environmental Systems Research Institute (ESRI) is the sole provider of maintenance for the ArcGIS applications software and this is the second year of a three year agreement.

FISCAL IMPACT: The Information Technology Department currently has funds budgeted in account 110-1961-519-23-38 in the amount of \$50,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN ANNUAL SMALL MUNICIPALITY GOVERNMENT ENTERPRISE LICENSE AGREEMENT AND MAINTENANCE CONTRACT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, IN THE AMOUNT OF \$50,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Information Technology, Public Works, Parks, Police and Fire Departments currently use Geographical Information Systems (GIS) Software from Environmental Systems Research Institute (ESRI) that integrates hardware, software, and data for capturing, managing, analyzing, and displaying all forms of geographically referenced information;

Whereas, GIS is used for crime, water/sewer, transportation, parcel, 911, planning, zoning, parks, infrastructure, political boundaries, topographical and hydrological census analysis and management and for information sharing on the City website;

Whereas, the Enterprise Licensing Agreement will allow the City to take advantage of unlimited licensing and maintenance which will provide a lower cost per unit for licensed software, substantially reduced administrative and procurement expenses, maintenance on all ESRI software deployed under this agreement and complete flexibility to deploy software products when and where needed;

Whereas, Environmental Systems Research Institute (ESRI) is the sole provider of maintenance for the ArcGIS applications software - this is the second year of a three year agreement;

Whereas, funds are available in Account No. 110-1961-519-23-38 in the amount of \$50,000 for this annual contract; and

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

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

Part 1: The City Council authorizes the purchase of a yearly Small Municipality Government Enterprise License Agreement and maintenance contract with Environmental Systems Research Institute (ESRI) in the amount of \$50,000.

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

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was 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 7th day of **May**, 2015

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/15
Item #4(E)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager

ITEM DESCRIPTION: Consider authorizing a professional services agreement with Kasberg, Patrick and Associates, LP (KPA) for professional services required to design the South TMED Master Plan in an amount not to exceed \$104,850.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This professional services contract will authorize Kasberg, Patrick and Associates, in partnership with The Broussard Group, Inc. dba TBG Partners (TBG) to develop a framework plan to help guide city leaders, property owners and future developers in the creation of an overall unified plan for the South TMED area, made up of three (3) districts. The three (3) districts are the area bounded south of Loop 363 and east of 5th Street, the area east of the VA Hospital, and the area west of 5th Street along Friars Creek Trail. Please refer to attached "Master Plan Study Areas" exhibit to show a delineation of all areas. The intent is to identify the highest and best use options for these areas and a cohesive urban design to unify the three areas. The overall intent is the creation of a working plan that will give the city direction in future capital involvement projects, potential developer and redevelopment areas, and a timeline and budget for possible improvements.

The consultant's services recommended under this amendment include the following tasks and costs:

Task One: Background Studies	\$17,500.00
Task Two: Stakeholder Charrette	43,000.00
Task Three: Working Plan Document	29,000.00
Final Presentation to TRZ/City Council	3,000.00
Reimbursables	12,350.00
Total	\$104,850.00

FISCAL IMPACT: Funds are available in the Reinvestment Zone No. 1 Financing Plan, Acct # 795-9800-531-6875, for Project #101013 in the amount of \$125,000 to fund this professional services agreement in the amount of \$104,850.

ATTACHMENTS:

[Professional Services Proposal](#)
[Map of Master Plan Study Areas](#)
[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
Texas Firm F-510

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

RICK N. KASBERG, P.E.
R. DAVID PATRICK, P.E., CFM
THOMAS D. VALLE, P.E.
GINGER R. TOLBERT, P.E.
ALVIN R. "TRAE" SUTTON, III, P.E., CFM

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

April 6, 2015

Ms. Brynn Myers
City of Temple
2 North Main Street
Temple, Texas 76501

RE: TMED Master Plan
Temple, Texas
Temple Reinvestment Zone

Dear Ms. Myers:

At the request of the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this proposal for the above referenced project. The project will be completed in conjunction with The Broussard Group, Inc. dba TBG Partners (TBG). The following proposal for Professional Services will be based on the Client's direction and will provide the following services on a per task basis:

- A. Background Studies
- B. Stakeholder Charette
- C. Working Plan Document

PROJECT

For the South TMED area of Temple, KPA and TBG will provide a three (3) day Stakeholder Charrette to provide a framework plan to help guide city leaders, property owners and future developers in the creation of an overall unified plan made up of three (3) districts. The three (3) districts are the area bounded south of Loop 363 and east of 5th Street, the area east of the VA Hospital, and the area west of 5th Street along Friars Creek Trail. Please refer to Exhibit A (scope area) to show a delineation of all areas. The intent is to identify the highest and best use options for these areas and a cohesive urban design to unify the three areas. The overall intent is the creation of a working plan that will give the city direction in future capital involvement projects, potential developer and redevelopment areas, and a timeline and budget for possible improvements.

SCOPE OF SERVICES

Basic Services are as follows:

TASK ONE: BACKGROUND STUDIES

KPA and TBG will, as a means of becoming familiar with the property and the opportunities, provide the following services:

- A. Visit the project site and become familiar with overall characteristics and relationship to the surrounding region
- B. Meet with the Client to discuss the general range of development opportunities and expectations
- C. Review available existing pertinent data, provided by the Client, in the form of base maps, aerial photographs, engineering information and controls, planning reports and projections
- D. Creation of base maps for the charrette showing existing development, land uses, natural features, stakeholder property information and overall opportunities and constraints.

TASK TWO: STAKEHOLDER CHARRETTE

As part of this task, TBG with KPA will lead and participate in a three (3) day stakeholder charrette with the Client and stakeholders. The specific intent is to create an overall master plan and vision for the defined area based on current and future demands. This proposal includes five (5) TBG employees and a principal from KPA at the workshop. At the end of the three (3) day charrette, the following items will be created:

- A. South TMED District Master Plan
- B. Individual District Master Plans
- C. Framework Plan – outlining potential land uses and development opportunities
- D. Urban Design Vision
 - 1. District Street Hierarchy and road network
 - 2. District Open Space and Trail network
 - 3. Development Options and Opportunities
 - 4. Major Open Space design
 - 5. Utility Connectivity and Operation
- E. Perspectives of critical design concepts for the district
- F. Outline potential city and developer lead projects and timeframes.

TASK THREE: WORKING PLAN DOCUMENT

As part of this task, KPA and TBG will document all material into an overall working plan document that will give the city a vision and roadmap to create the potential redevelopment of the defined areas. Within this document, the following deliverables will be created:

- A. Overall Vision statement and summary
- B. Overall District Master Plan
- C. Urban Design Vision
 - 1. District Street Hierarchy and road network
 - 2. District Open Space and Trail network
 - 3. Development Options and Opportunities
 - 4. Major Open Space design
 - 5. Utility Connectivity and Operation
- D. Individual District Master Plans
 - 1. Master plan for each district
 - 2. Urban design standards for each district
 - 3. Identify potential projects, timeframe and cost within each district
 - 4. One perspective of each districts critical design feature.

MEETINGS AND PLAN REVISIONS

Meetings with the Client, other project consultants and public agencies/officials during the course of work above for understanding and coordination will be limited to four (4). Additional meetings will be Additional Services as indicated elsewhere in this agreement. Time required for plan changes, additions or revisions due to program changes by the Client or due to conditions of approval imposed during the course of the public approval process will be Additional Services as indicated elsewhere in this agreement.

EXCLUSIONS TO SCOPE OF SERVICES

The Client will provide the following information or services as required for performance of the work. KPA assumes no responsibility for the accuracy of such information or services and may rely on the accuracy of such information for planning purposes.

- A. Electronic topography and boundary surveys
- B. Legal descriptions of property
- C. Soils investigations and/or engineering
- D. Site engineering and utility base information
- E. Site environmental information required for planning processing
- F. Economic or market analyses
- G. Overhead aerial photographs at controlled scale.

COMPENSATION

The following scope of work for the TMED Master Plan can be completed for the lump sum price of \$104,850. If the scope of work within a task has increased, KPA will alert the Client and request an extension of that task limit prior to proceeding beyond these amounts. Below is a breakdown of project costs by individual project. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

TMED MASTER PLAN

Task One: Background Studies	\$ 17,500.00
Task Two: Stakeholder Charrette	\$ 43,000.00
Task Three: Working Plan Document	\$ 29,000.00
Final Presentation to TRZ/City Council	\$ 3,000.00
Reimbursables	\$ 12,350.00
TOTAL TMED MASTER PLAN	\$ 104,850.00

REIMBURSABLES INCLUDE

- A. Cost of copies for drawings, specifications, reports, cost estimates, xerography and photographic reproduction of drawings and other documents furnished or prepared in connection with the work of this contract
- B. Travel associated with the project, including, but not limited to, mileage (\$0.565/mile), airfare, automobile rental, hotel and meals
- C. Cost of postage and shipping expenses other than first class mail
- D. Long-distance telephone and facsimile charges
- E. Cost of digital scanning
- F. Cost of printing for small and large format plots black and white as well as color plots
- G. Cost of models, special renderings, promotional photography, special process printing, special equipment, special printed reports or publications, maps and documents approved in advance by the Client
- H. Food and beverage for the Charrette.

Sincerely,

R. David Patrick, P.E., CFM

xc: File

ATTACHMENT “C”

Charges for Additional Services

**City of Temple
TMED Master Plan**

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 75.00 – 95.00/hour
Project Manager	2.4	60.00 – 75.00/hour
Project Engineer	2.4	50.00 – 60.00/hour
Engineer-in-Training	2.4	40.00 – 50.00/hour
Engineering Technician	2.4	35.00 – 50.00/hour
CAD Technician	2.4	30.00 – 50.00/hour
Clerical	2.4	15.00 – 30.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	125.00 – 160.00/hour
Registered Public Surveyor	1.0	130.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour



AVENUE U

5TH ST

LP 363/ SH 36

MARLANDWOOD RD

CANYON CREEK DR

5TH ST

UP RAILROAD

GEORGETOWN RAILROAD

OLD HWY 95

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP, OF TEMPLE, TEXAS, FOR PROFESSIONAL SERVICES REQUIRED TO DESIGN THE SOUTH TEMPLE MEDICAL EDUCATION DISTRICT MASTER PLAN, IN AN AMOUNT NOT TO EXCEED \$104,850; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Kasberg, Patrick & Associates, in partnership with The Broussard Group, Inc. dba TBG Partners (TBG) will develop a framework plan to help guide city leaders, property owners and future developers in the creation of an overall unified plan for the South Temple Medical Education District (TMED) area, made up of three districts;

Whereas, the three districts are the area bounded south of Loop 363 and east of 5th Street, the area east of the VA Hospital, and the area west of 5th Street along Friars Creek Trail - the intent is to identify the highest and best use options for these areas and a cohesive urban design to unify the three areas;

Whereas, the overall intent is to create a working plan that will give the City direction in future capital involvement projects, potential developer and redevelopment areas, and a timeline and budget for possible improvements;

Whereas, funds are available in the Reinvestment Zone No. 1 Financing Plan, Account No. 795-9800-531-6875, for Project No. 101013 to fund this professional services agreement in the amount of \$104,850; 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 professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, Texas, after approval as to form by the City Attorney, for professional services required to design the South Temple Medical Education District Master Plan in an amount not to exceed \$104,850.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution was 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 7th day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/15
Item #4(F)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: SECOND & FINAL READING - Z-FY-15-07: Consider an ordinance granting a rezoning from Agricultural District (AG) to Planned Development-Agricultural District (PD-AG) on 1.00 +/- acre, A0345BC G Givens, OB 771, located at 4831 Midway Drive.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its March 16, 2015, meeting the Planning and Zoning Commission voted 5/0 to recommend approval of Z-FY-15-07 for a rezoning from AG, to PD-AG. Chair Rhoads and Commissioners Fettig, Crisp, and Sears were absent.

STAFF RECOMMENDATION: Based on the following reasons, staff recommends approval for a rezoning from AG to PD-AG:

1. Compliance with the Future Land Use Plan (FLUP);
2. Compatibility with surrounding zoning and uses;
3. Compliance with the Thoroughfare Plan; and
4. Public and private facilities are available to serve the subject property.

ITEM SUMMARY: The applicants request a rezoning from Agricultural District (AG) to Planned Development-Agricultural District (PD-AG) to allow a garage apartment/accessory dwelling unit use in an existing detached accessory structure. If approved, the proposed garage apartment will need driveway access from the road, per Unified Development Code Section 7.2: Access and Circulations for residential use and two parking spaces are required, per Unified Development Code Section 7.5: Off-Street Parking and Loading.

The original rezoning request was for a 2F (Two-Family) zoning district, for which staff posted and provided notice per City Code. However, upon further evaluation of the request, staff recommended to the applicants to revise their request to simply adding a Planned Development District to the existing Agricultural District base zoning to allow for a single accessory dwelling unit.

By amending the rezoning request, the applicants would be able to meet their objective of converting an existing garage into a garage apartment, while the City and neighbors could be assured that future redevelopment would not allow additional duplexes by right and additional density that the adjacent unimproved private road (Midway Drive) could not accommodate.

The City of Temple FLUP, which is part of the Comprehensive Plan, recommends a classification of **Auto-Urban Multi-Family** for the subject property. According to the City of Temple Comprehensive Plan, the **Auto-Urban Multi-Family** land use classification is characterized by automobile-oriented uses. Higher-density residential uses such as attached and multiple-family housing, manufactured home communities, recreational vehicle “parks”, and site-built homes on small lots also have this character due to their density, limited open space, relative amount of impervious surface devoted to buildings and parking lots, and increased building enclosure.

SURROUNDING PROPERTY AND USES: The following table provides the direction from the property, 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 Multi-Family	AG,	Single-Family Residential
North	Auto-Urban Multi-Family	SF-1	Single-Family Residential
South	Auto-Urban Multi-Family	AG,	Single-Family Residential
East	Auto-Urban Multi-Family	AG	Multi-Family Residential
West	Estate Residential	AG,	Agricultural Land

COMPREHENSIVE PLAN COMPLIANCE:

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

Docu ment	Policy, Goal, Objective or Map	Site Conditions	Compliance
CP	Map 3.1 - Future Land Use and Character (FLUP)	The property is identified as Auto-Urban Multi-Family . The applicant’s request complies with this recommendation.	Yes
CP	Map 5.2 - Thoroughfare Plan	Although the subject property has access from a private road, it appears adequate in comparison to a local street.	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City’s infrastructure and public service capacities	Although not shown on the utility map, the subject property has water services from City of Temple water facilities from the south. The property is serviced by septic system. The applicant has consulted with the Bell County Health Department to have a separate septic system added for the proposed garage apartment.	Yes

STP	Temple Trails Master Plan Map & sidewalks	The Temple Trails Master Plan does not require sidewalks in this area. Furthermore, according to UDC section 8.2.3, sidewalks are not required along a local street.	Yes
-----	---	--	-----

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

PUBLIC NOTICE: Five 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 Monday April 6, 2015 at 5:00 PM, no notices were received in favor of the rezoning request and no notices were received in opposition to the request.

The newspaper printed notice of the public hearing on March 5, 2015, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Property Photos

Zoning & Location Map (**Reflects Original Request**)

Future Land Use and Character Map (**Reflects Original Request**)

Localized area of the Thoroughfare & Trails Plan (combined) (**Reflects Original Request**)

Utility Map (**Reflects Original Request**)



Notification Map (**Reflects Original Request**)

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	Single Family Residential	 A photograph showing the front of a single-story light blue house with a dark roof and a two-car garage. A large, leafless tree stands in the front yard. A yellow sign in the yard reads "PROPOSED LAND USE CASE" and "For photos visit Forphotos.com (714) 296-9884". A dirt driveway is on the right.
			 A photograph showing a side view of the same light blue house. The yard is mostly bare with some grass. A dirt road or driveway runs along the side of the property.
East	MH	Multi-Family Residential	 A photograph showing the east side of the property, featuring a multi-unit residential building with a yellow and white facade. Several cars are parked in the lot. The text "Camelot Ln" is overlaid at the bottom of the photo.

Direction	Zoning	Current Land Use	Photo
West	AG	Agricultural Land	
South	AG	Single Family Residential	

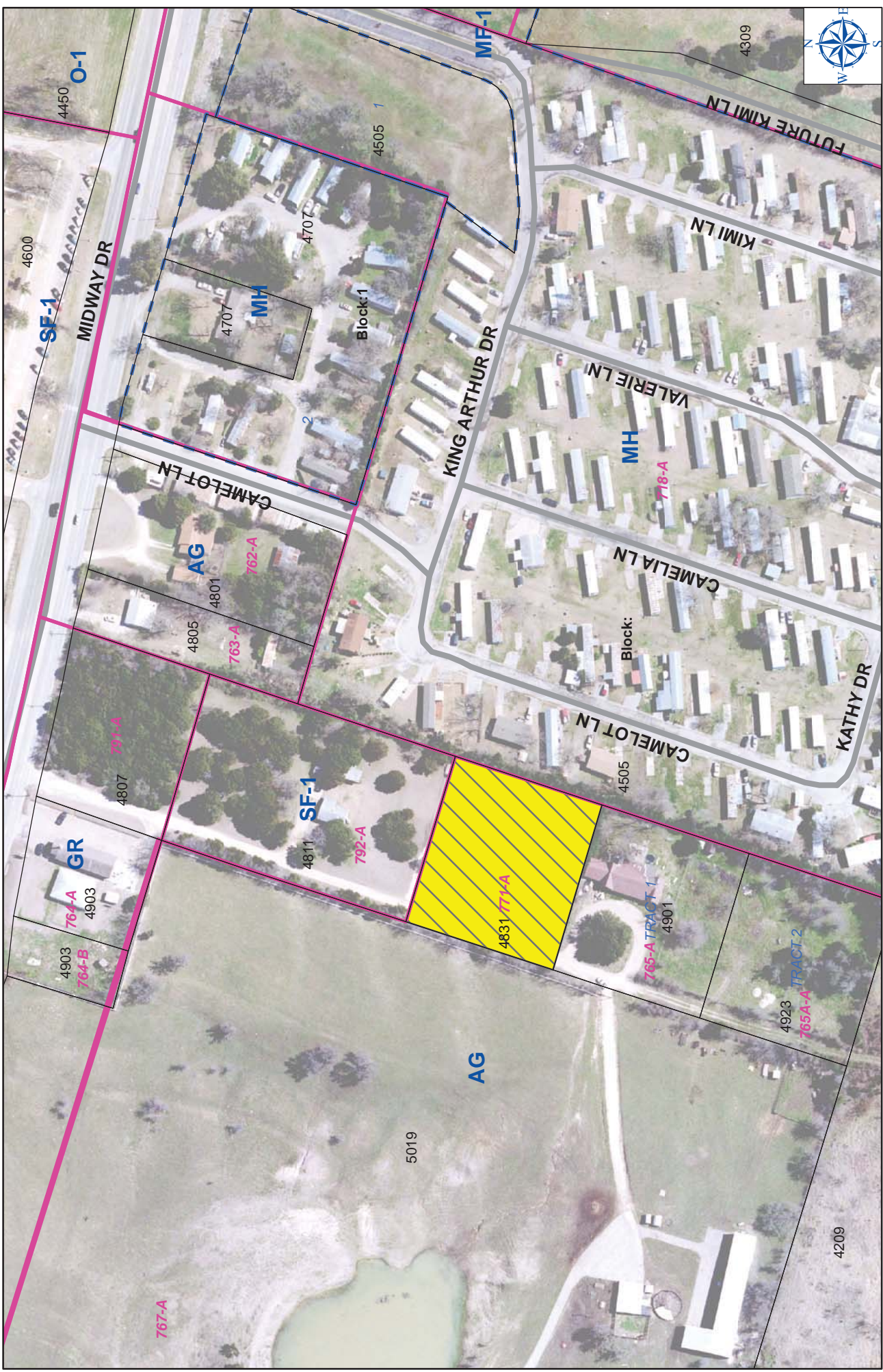
Direction	Zoning	Current Land Use	Photo
North	SF-1	Single Family Residential	



Z-FY-15-07

AG to 2F

4831 Midway Drive



 Case

 Zoning

 Subdivision

1234

1234

1234

Block Number

Lot Number

0 200 400

City of Temple, TX

Feet (city)

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

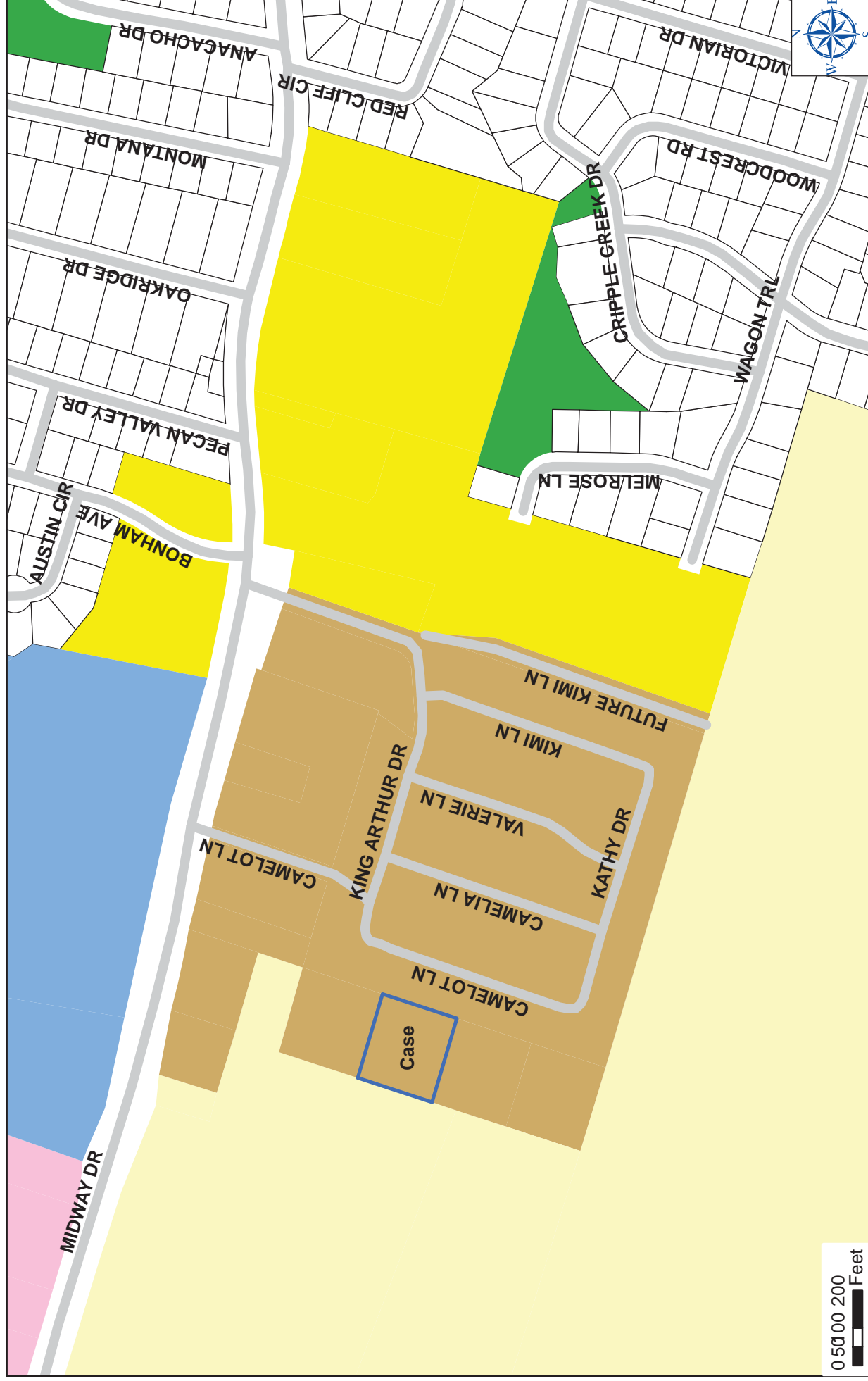
3/10/2015



Z-FY-15-07

AG to 2F

4831 Midway Drive

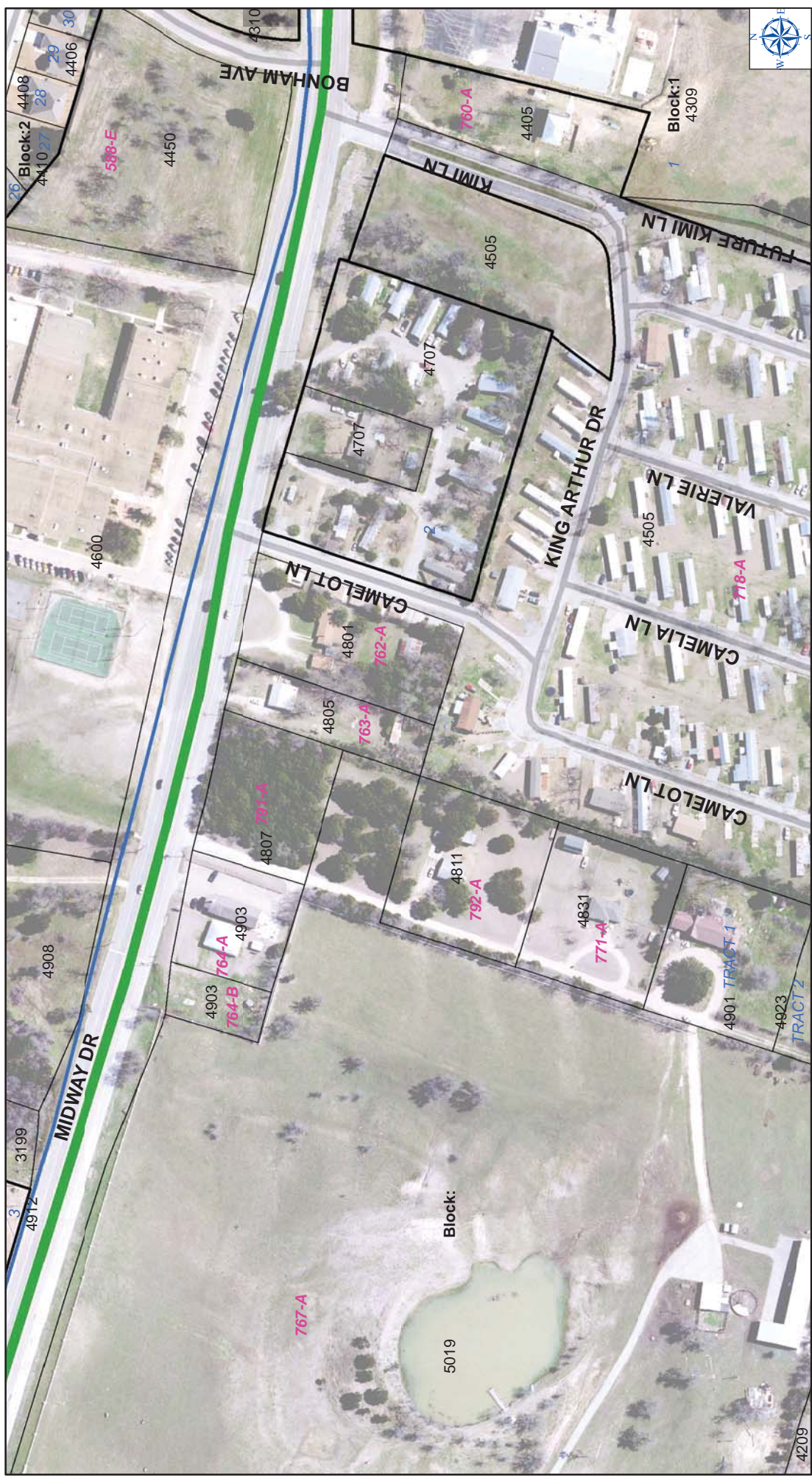


Future Land Use

- | | | | | | | | | | |
|--|---------------------------|--|-------------------------|--|-----------------------|--|-----------------------------------|--|----------------------|
| | 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 or property boundaries and other features.

2/20/2015
City of Temple GIS



- | | | | |
|--|---|-------------------------|--------------------------------|
| Trails | Under Design/Construction Community-Wide Connector Trail | Thoroughfare | Proposed Minor Arterial |
| Existing Citywide Spine Trail | Under Design/Construction Citywide Spine Trail | Major Arterial | Collector |
| Under Design/Construction Citywide Spine Trail | Proposed Community-Wide Connector Trail | Proposed Major Arterial | Thoroughfare |
| Proposed Citywide Spine Trail | Existing Local Connector Trail | Proposed K-TUTS | Expressway |
| Existing Community-Wide Connector Trail | Proposed Local Connector Trail | Minor Arterial | Proposed Collector |

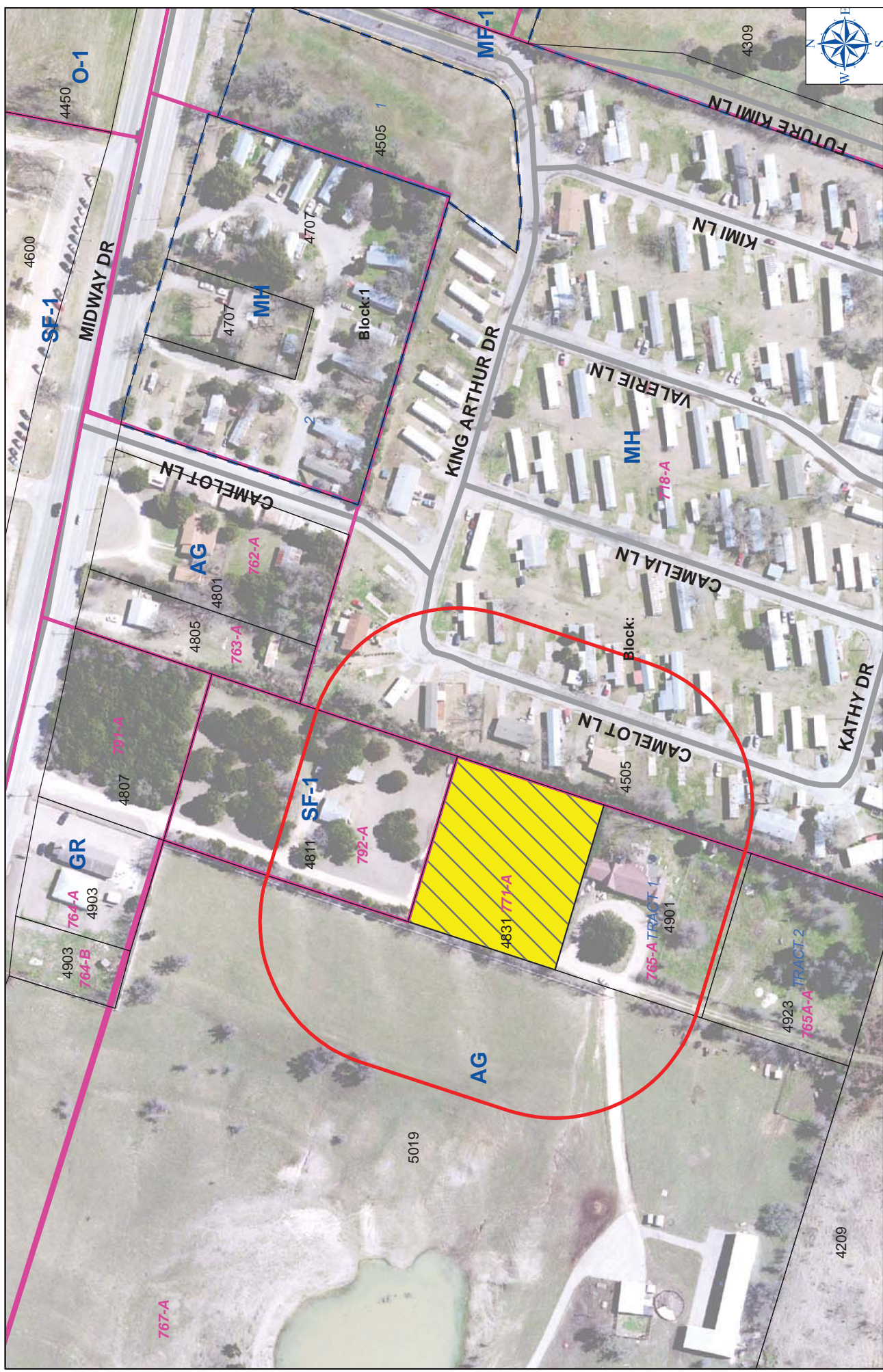




Z-FY-15-07

AG to 2F

4831 Midway Drive



 Case

 200' Buffer

 Zoning

 Subdivision

1234-A

1234

1234

1234

①

1

①

1

Outblock Number

Subdivision

Block Number

Lot Number

0

200

3/10/2015

City of Temple GIS

Feet

Yearly

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

Description

Being all that tract of land in Bell County, Texas, out of the George Givens Survey, Abstract 345, being part of that called 37.8 acres of land described in a deed to Roy R. Callaway recorded in Volume 699, Page 113 of the Deed Records of Bell County, Texas, and being all of that called 1.00 acres of land, together with an Ingress/Egress easement both described in a deed to James R. Ledger and wife, Melody Ledger recorded under Document Number 00051658 of the Official Public Records of Real Property of Bell County, Texas and being further described as follows:

Beginning at a 1/2 inch steel rod found in the East line of said easement also being the East line of Midway Drive at the Northwest corner of that called 1.00 acres of land described in a deed to Kim M. Matamoros recorded in Volume 3886, Page 392 of the Deed Records of Bell County, Texas, and at the Southwest corner of this, from which an iron stake Bears North 21 degrees 27 minutes 00 seconds East, 417.42 feet from the Southeast corner of said 37.8 acres;

Thence North 21 degrees 27 minutes 00 seconds East (Bearing Basis), 217.80 feet along the East line of said easement also being the East line of said Midway Drive to a 1/2 inch steel rod found at the Southwest corner of that called 1.567 acres of land described in a deed to Central Castles recorded under Document Number 00013120 of the Official Public Records of Real Property of Bell County, Texas, and at the Northwest corner of this;

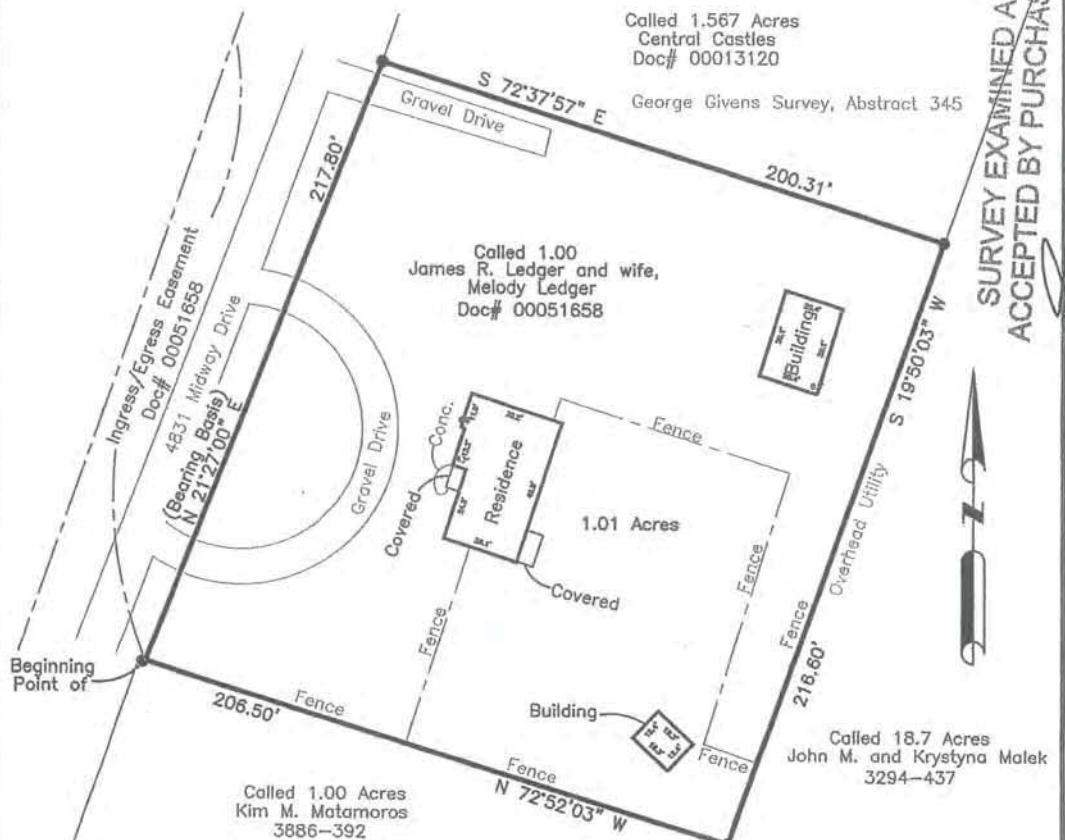
Thence South 72 degrees 37 minutes 57 seconds East, 200.31 feet along the South line of said 1.567 acre tract to a 1/2 inch steel rod found in the West line of that called 18.7 acres of land described in a deed to John M. and Krystyna Malek recorded in Volume 3294, Page 437 of the Deed Records of Bell County, Texas, at the Southeast corner of said 1.567 acres and at the Northeast corner of this;

Thence South 19 degrees 50 minutes 03 seconds West, 216.60 feet generally along a fence and along the West line of said Malek tract to a 1/2 inch steel rod found at the Northeast corner of that called 1.00 acres of land described in a deed to Kim M. Matamoros recorded in Volume 3886, Page 392 of the Deed Records of Bell County, Texas, and at the Southeast corner of this;

Thence North 72 degrees 52 minutes 03 seconds West, 206.50 feet generally along a fence and along the North line of said 1.00 acres to the Point of Beginning, containing 1.01 acres of land.

Notes according to schedule "B"

10. Easement 800-162 - May affect subject property, cannot plot do to vague description.



SURVEY EXAMINED AND
ACCEPTED BY PURCHASERS

DATE 10-11-12

Certified correct plat of an actual on-the-ground survey performed under my supervision during the month of September 2012, there are no visible discrepancies, conflicts, or shortages in area or boundary lines, or any visible encroachments, protrusions or any overlapping of any improvements except as shown hereon; and certifies only to the legal description and easements shown on the referenced title commitment.

R. S. Martin Jr.
R. S. Martin Jr., R.P.L.S. 2170

FLOOD INSURANCE NOTE: By graphics plotting only, this property is in ZONE X of the Flood Insurance Rate Map, Community Panel No. 483027C033SE effective date of 9-26-2008. Exact designations can only be determined by an Elevation Certificate. Based on the above information, this property IS NOT in a Special Flood Hazard Area. This Flood Statement does not imply this tract will never flood.

Unless Otherwise Noted
● = 1/2 Inch Steel Rod Found

G.F. No. 12-3240
Address: 4831 Midway Drive



Boundary Survey

Prepared For:
Bank Of Texas
Temple, Texas
Martin & Associates
Box 7432 - (254) 772 3596
Waco, Texas 76714

Scale: 1"=50'	Date: 10/04/12	LT:
Drawn: ckm	Checked: rm	Job: 2012-049

ORDINANCE NO. _____

(PLANNING NO. Z-FY-15-07)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (AG) TO PLANNED DEVELOPMENT-AGRICULTURAL DISTRICT (PD-AG) ON APPROXIMATELY 1.00 ACRES OUT OF OUTBLOCK 771, LOCATED AT 4831 MIDWAY 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 zoning change from Agricultural District (AG) to Planned Development-Agricultural District (PD-AG) on approximately 1.00 acre out of outblock 771, located at 4831 Midway 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.

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 was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 16th day of April, 2015.

PASSED AND APPROVED on Second Reading on the 7th day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/15
Item #4(G)
Consent Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler Planning Director,
Beverly Zendt Assistant Planning Director

ITEM DESCRIPTION: SECOND & FINAL READING - Z-FY-15-09: Consider adopting an ordinance authorizing granting a zoning change from Multiple-Family One District (MF-1) to Multiple-Family Two (MF-2) on Lot 1, Block 3, United Lely Commercial Subdivision Phase IV, located at 3009 Ira Young Drive.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its March 16, 2015 meeting, the Planning & Zoning Commission voted 5 to 0 to recommend approval of the requested rezoning from MF-1 to MF-2.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning from MF-1 to MF-2. The proposed rezoning demonstrates the following:

1. Compliance with the Future Land Use Map;
2. Compatibility with surrounding zoning and land uses; and
3. Compliance with the Thoroughfare Plan and Master Trails Plan.

Additionally, public facilities are available to serve the subject property.

ITEM SUMMARY:

Synopsis.

Approval of this item will result in a rezoning of one lot from MF-1 to MF-2 providing a zoning consistent with the development intensity of the site and resulting in a legal conforming zoning status for the subject property.

Background.

The applicant is seeking a rezoning to bring the 200 units locally known as the Chappell Hill Apartments into compliance with current city zoning. The subject property is currently zoned Multi-family Dwelling 1 (MF-1). MF-1 zoning allows a density of 15 units per acre. The subject site is 10.358 acres which would limit density to 155.37 units. Multi-family Dwelling 2 (MF-2) would permit a density of 20 units per acre and is the zoning designation that most closely matches the development pattern already in place at this site. The city recognizes that the use is a legal-nonconforming use and the property, when constructed, was in compliance with city zoning. As a legal non-conforming use the development and use may continue at its current location but cannot be increased, enlarged or expanded without being

brought into compliance with the Unified Development Code (UDC Section 9.2.2). Additionally, should the structures be destroyed by fire, elements, or other cause, it must be rebuilt in conformance with the UDC Code (Section 9.2.5).

For the applicant, the provisions relating to fire and destruction of the structures have the result of significantly increasing the insurance rates for the site. The applicant is seeking a rezoning to eliminate the legal non-conforming status and bring the site into full compliance with the city's zoning regulations.

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:

Direction	FLUP	Zoning	Current Land Use
Subject Property	Auto-Urban Multi- Family	MF-1	Multi-Family
North	Auto-Urban Commercial	LI	Commercial
South	Neighborhood Conservation/Auto Urban Multi-family	2F, LI & PD	Residential, Vacant, Commercial
East	Auto-Urban Multi-Family	PD-MF-3 & PD MF-1	Multi-family
West	Auto-Urban Commercial	LI	Commercial

Permitted uses are very similar for both the MF-1 and MF-2 zoning district. Aside from different permitted densities, the most significant difference between the two districts is the types of residential uses that are allowed by right. Non-residential permitted uses are identical for both districts and are very limited. Residential uses that represent a change resulting from the requested rezoning are bolded and underlined below.

Residential Uses	<ul style="list-style-type: none"> • <u>Boarding or Rooming House</u> • <u>Home for the Aged (requires a CUP in MF-1)</u> • Family or Group Home (subject to limitations) • Single Family Attached and Detached Dwelling
Commercial Uses	<ul style="list-style-type: none"> • None allowed
Industrial Uses	<ul style="list-style-type: none"> • Almost none • Temporary Asphalt Batching Plant (CUP) • Petroleum or Gas well (CUP)
Institutional Uses	<ul style="list-style-type: none"> • Social Services Shelter (CUP) • Community Center
Recreational and Entertainment Uses	<ul style="list-style-type: none"> • Park or Playground • Playfield or Stadium (CUP)
Retail and Service Uses	<ul style="list-style-type: none"> • Exercise gym (CUP)

Prohibited uses include HUD-Code manufactured homes, manufactured home land lease communities. All retail uses are prohibited with the exception of an exercise gym which requires a Conditional Use Permit. All commercial uses are prohibited.

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
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 Auto-Urban Multi-family character district. The *Choices '08* City of Temple Comprehensive Plan states that the Auto- Urban Multi-family character district is intended for multi-family development.

Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance

The subject property is located on Ira Young Drive. Ira Young Drive is identified as a local street. A local connector trail has been proposed through the subject site. Staff has conferred with the city's parks division who have indicated that this alignment provides a connection with the Bird Creek Sewer Interceptor Trail Project. This alignment is conceptual and the final alignment and connection will be contingent upon obtainable easements.

Availability of Public Facilities (CP Goal 4.1)

Sanitary sewer is available to the subject property through an existing 30" sewer line provided along the west side of the property boundary and a 12" sewer line provided on the north side of the subject property. Water is provided by means of on an existing 4" water line also located along Ira Young Drive.

DEVELOPMENT REGULATIONS: Standard 1-2 story residential dimensions for the MF-2 district are:

Min Lot Size	2,800 SF
Min Lot Width	60 FT
Min Lot Depth	120 FT
Front	25 FT
Side	15 FT when facing window; 15 FT side lot and 10 FT when facing wall or less than 35' in length
Side (Corner)	15 FT
Rear	10 FT

PUBLIC NOTICE: Seventeen (17) 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 march 17, 2015, two notices have been received in favor of the proposed rezoning and no notices have been returned in opposition to the proposed rezoning. The newspaper printed notice of the public hearing on March 5, 2015, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

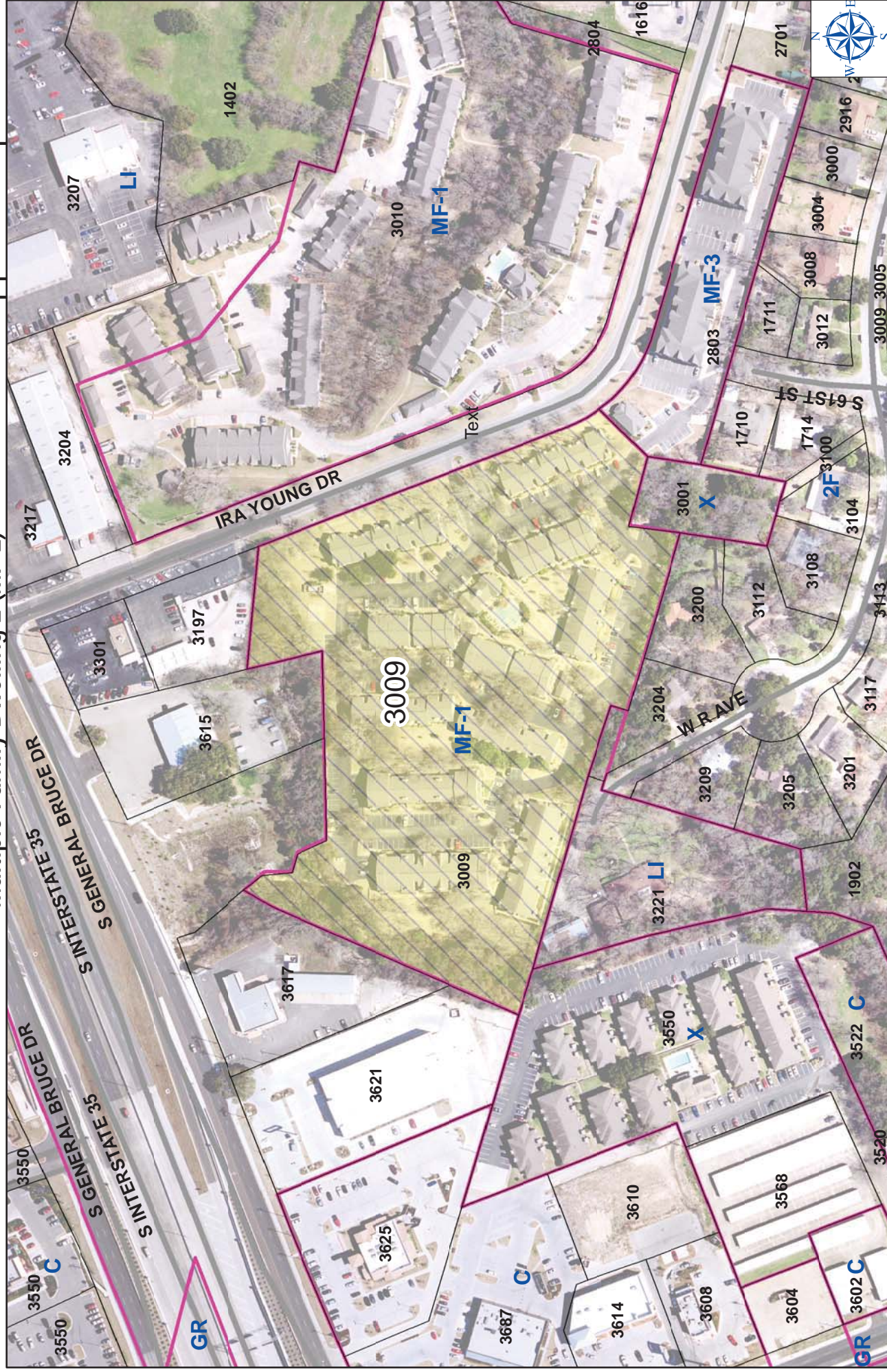
[Zoning & Location Map](#)
[Site and Surrounding Property Photos](#)
[Future Land Use and Character Map](#)
[Localized area of the Thoroughfare & Trails Plan \(combined\)](#)
[Utility Map](#)
[Notification Map/Property Owner Responses](#)
[P&Z Excerpts](#)
[Ordinance](#)



Z-FY-15-09

Rezoning
Multiple Family Dwelling 1 (MF-1) to
Multiple Family Dwelling 2 (MF-2)

3009 Ira Young Drive
Chappell Hill Apartments



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-15-09
City of Temple GIS
bzndt

Feet
0 100 200

1234 Addresses ☐ Parcel

Subject Property: 3009 Ira Young Drive



Property to the North



Property to the East



Property to the West



Property to the South

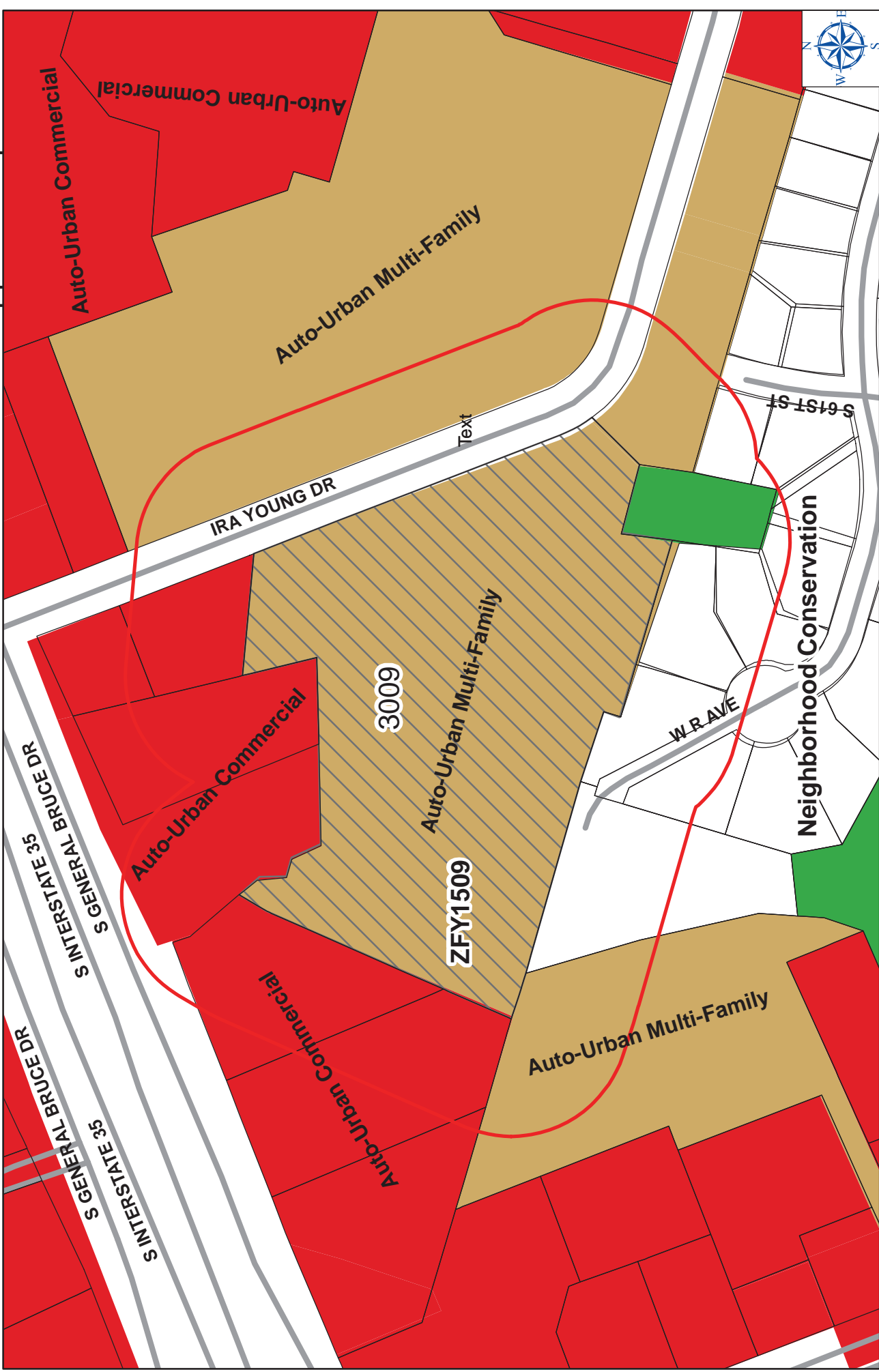




Z-FY-15-09

Future Land Use Map

3009 Ira Young Drive
Chappell Hill Apartments



 Case  200' Buffer

Z-FY-15-09
City of Temple GIS
bzendt

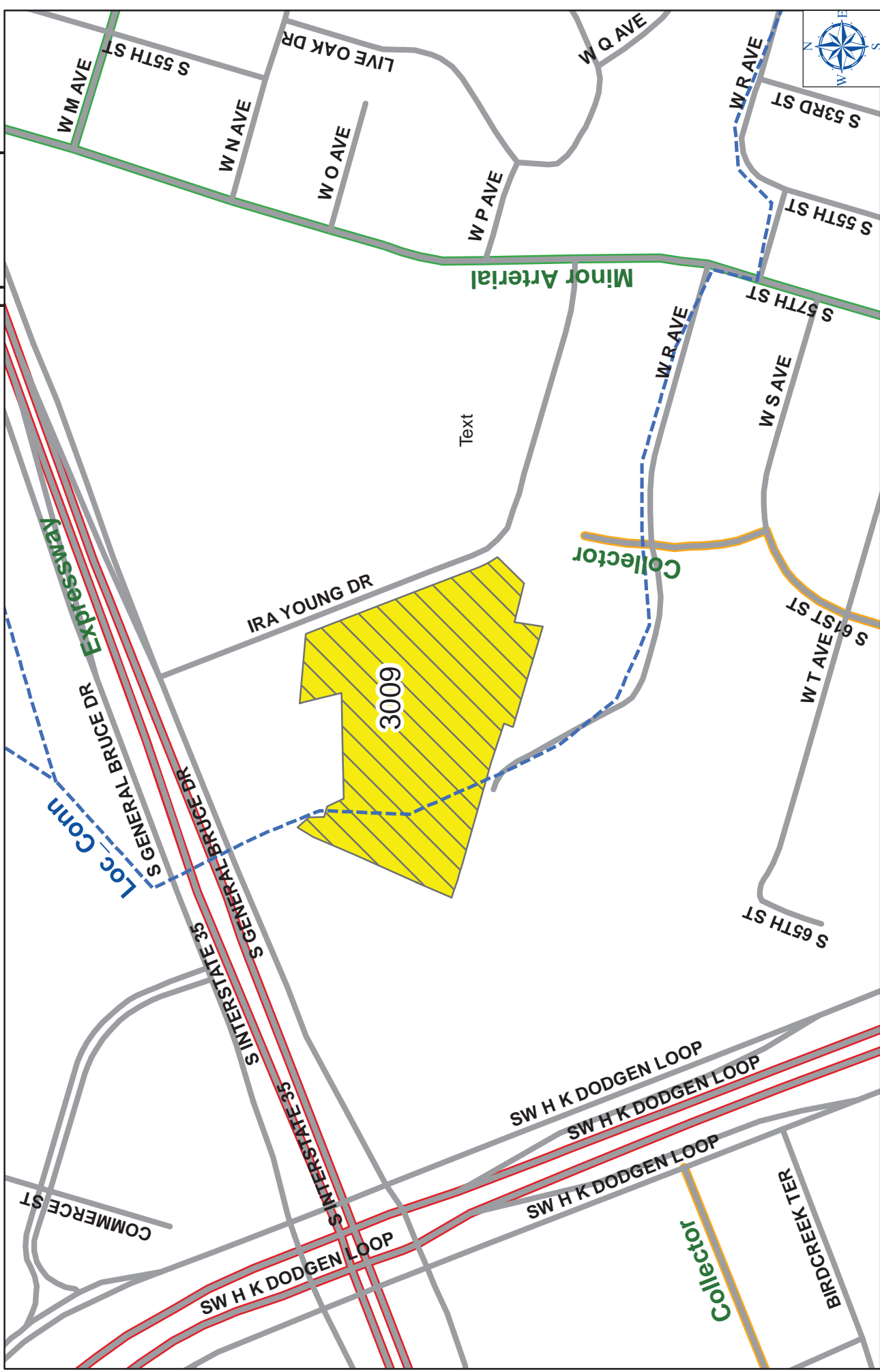
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Z-FY-15-09

Thoroughfare and Trails Map

3009 Ira Young Drive
Chappell Hill Apartments



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Z-FY-15-09
City of Temple GIS
bzndt

Feet
0 175 350

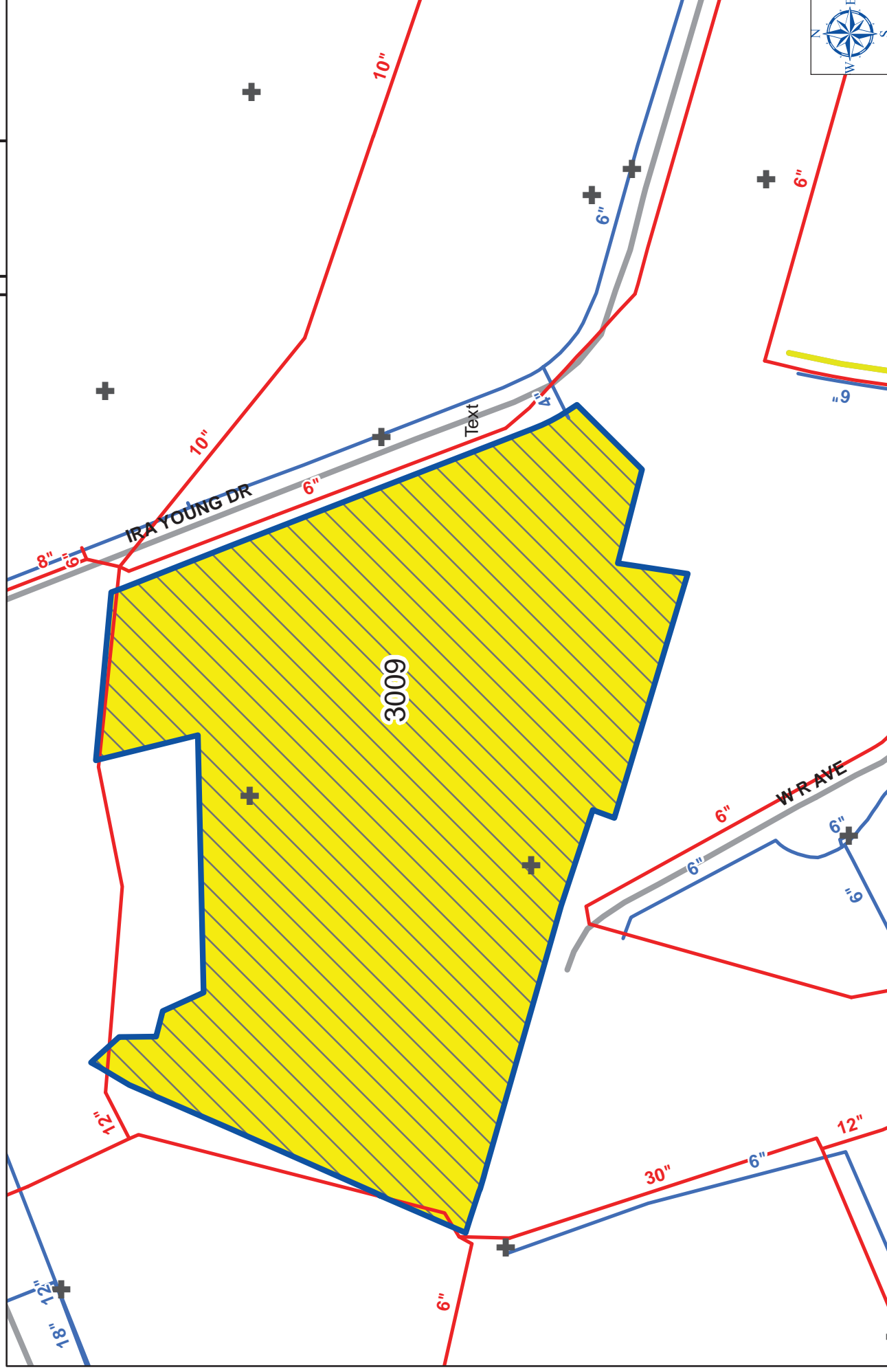
Case



Z-FY-15-09

Utility Map

3009 Ira Young Drive
Chappell Hill Apartments

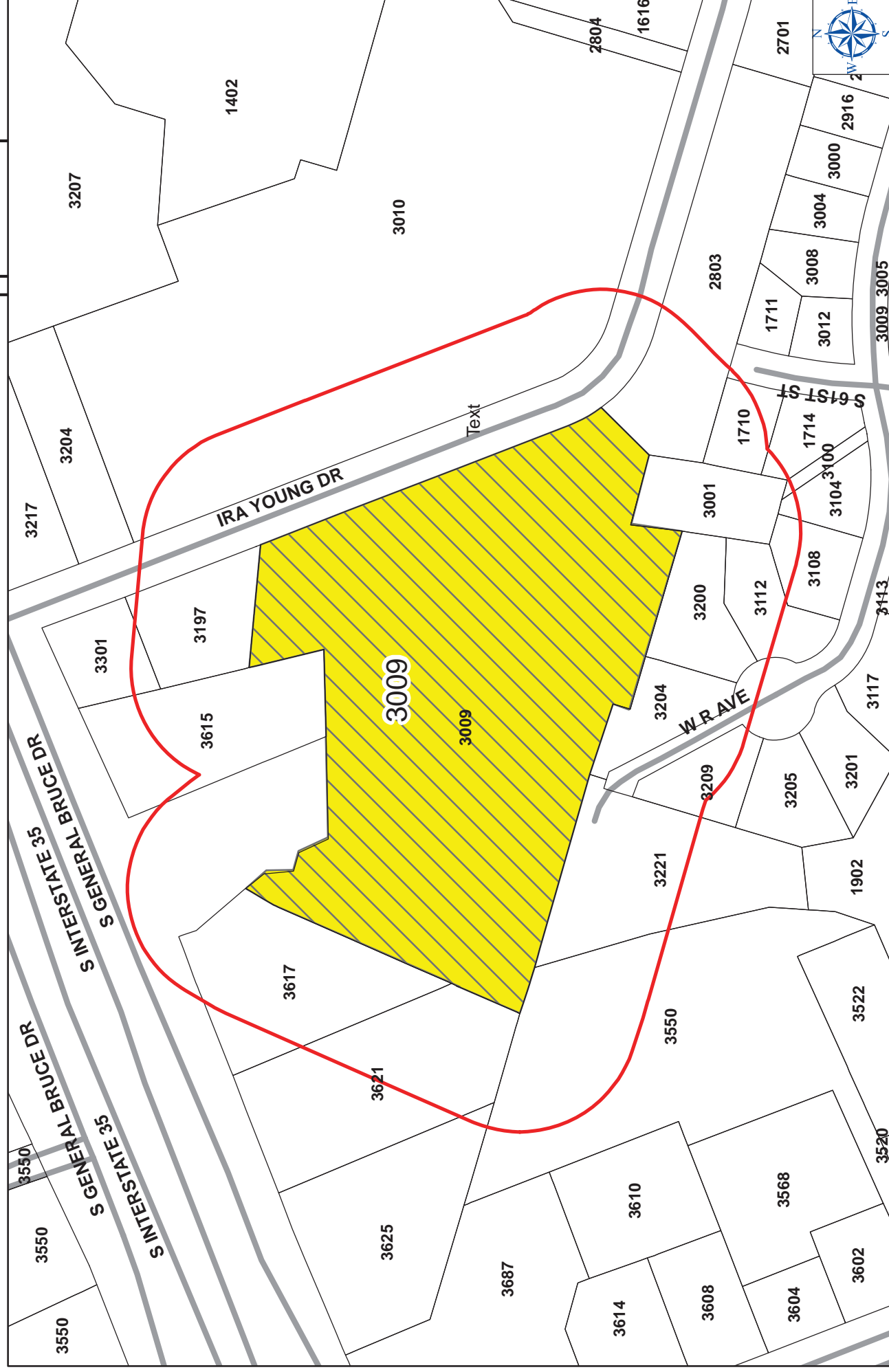


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Z-FY-15-09
City of Temple GIS
bzndt

Feet
0 75 150

Case + Fire Hydrant Sewer Line Water Line



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Z-FY-15-09
City of Temple GIS
bzndt

Feet
0 100 200

1234 Addresses  200' Buffer

Case



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Chappell Hill Equity III LTD
3107 Sweetwater Cove
Belton, Texas 76513

Zoning Application Number: Z-FY-15-09

Project Manager: Beverly Mesa-Zendt

Location: Chappell Hill Apartments, 3009 Ira Young 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 rezoning, 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:

Paul M Scott
Signature GENERAL PARTNER
CHAPPELL HILL EQUITY III LTD

PAUL M SCOTT
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than March 16, 2015

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

Number of Notices Mailed: 17

Date Mailed: March 5, 2015

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MARCH 16, 2015**

ACTION ITEMS

Item 3: Z-FY-15-09 – Hold a public hearing to discuss and recommend action on a rezoning from Multiple-Family One District (MF-1) to Multiple-Family Two District (MF-2) on Lot 1, Block 3, United Lely Commercial Subdivision Phase IV, located at 3009 Ira Young Drive.

Ms. Beverly Zendt, Assistant Director of Planning, stated this was a 200 unit complex on 10 acres. The current zoning is MF-1 which allows a density of 15 units per acre so this particular development is considered legal non-conforming. When it was built it was in conformance with the Zoning Ordinance; however, now the density is slighter higher than what is allowed for that zoning district. This has created problems for the applicant in terms of refinancing and insurance. Should the development burn down, be destroyed by natural causes or other elements, they would have to be built in accordance with the current zoning which would limit the density.

The applicant has requested the rezoning to eliminate the legal non-conforming status and bring the complex into full compliance with the City code, which requires a MF-2 zoning, and which would allow 20 units per acre which is appropriate for the development pattern already existing.

No new development is proposed; this is only a request to bring the structures into compliance.

The subject property is surrounded by Commercial and multi-family uses.

The Future Land Use and Character Map designate the area as Auto-Urban Multi-Family. Auto-Urban Multi-family is intended for multi-family and would be within the range of acceptable uses.

There is an existing local connector trail. The Parks Department has confirmed that this is still a very long-range and part of the Bird Creek Sewer Interceptor Trail Project. Parks does not anticipate this project going any time soon but when it does, Parks will require easements as needed and where appropriate. The trail does go through the subject site.

The property is served by an existing 30-inch sewer main and a four-inch water line on the east side.

Surrounding properties include commercial uses to the north zoned Light Industrial (LI), residential to the south zoned Neighborhood Conservation, retail and commercial to the west zoned LI, and multi-family to the east zoned PD-MF.

The only difference between MF-2 and MF-1 is that a boarding house or rooming house is not permitted in MF-1 and a Home for the Aged requires a Conditional Use Permit (CUP) in MF-1. More institutional uses are allowed in MF-2 but essentially, all other uses remain the same.

Prohibited uses are given along with Dimensional Standards for MF-2.

The rezoning request complies with the Future Land Use and Character Map, the surrounding uses and zoning, there is availability of public utilities, and complies with the Thoroughfare Plan and Trails Master Plan.

Seventeen notices were mailed with one returned in agreement and zero in opposition.

Staff recommends approval for the rezoning request from MF-1 to MF-2 to bring the site into full compliance with the current Code.

Acting Chair Jones opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Staats made a motion to approve Item 3, Z-FY-15-09, as presented, and Commissioner Pitts made a second.

Motion passed: (5:0)

Chair Rhoads and Commissioners Fettig, Crisp, and Sears absent

ORDINANCE NO. _____

(PLANNING NO. Z-FY-15-09)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM MULTIPLE-FAMILY ONE DISTRICT (MF-1) TO MULTIPLE-FAMILY TWO (MF-2) ON LOT 1, BLOCK 3, UNITED LELY COMMERCIAL SUBDIVISION PHASE IV, LOCATED AT 3009 IRA YOUNG 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 zoning change from Multiple-Family One District (MF-1) to Multiple-Family Two (MF-2) on lot 1, block 3, United Lely Commercial Subdivision Phase IV, located at 3009 Ira Young 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.

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 was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 16th day of April, 2015.

PASSED AND APPROVED on Second Reading on the 7th day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/15
Item #4(H)
Consent Agenda
Page 1 of 5

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler Planning Director,
Beverly Zendt Assistant Planning Director

ITEM DESCRIPTION: SECOND & FINAL READING - Z-FY-15-11: Consider adopting an ordinance authorizing a zoning change from Two Family Dwelling District (2F) to Planned Development Multiple Family One District (PD-MF-1) on Lots 1-12, Block 10, and Lots 1-12, Block 11, Canyon Ridge Phase II.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its March 16, 2015 meeting, the Planning & Zoning Commission voted 5 to 0 to recommend approval of the requested zoning from 2F to PD-MF-1.

STAFF RECOMMENDATION: Staff recommends approval of the zoning change from 2F to PD-MF-1 with the following conditions – that the applicant provide:

1. Canopy trees to enhance landscaping for new proposed duplex units – 1 per each unit per the attached site plan;
2. A 4' sidewalk along the east side of Hartrick Bluff Road extending the existing sidewalk along that local street;
3. Four additional canopy trees at the perimeter of the existing development (Block 11). Per the attached site plan; and
4. An accessible 5 foot pedestrian path between the proposed new units and the existing Friar's Creek Hike and Bike Trail.

The proposed zoning change demonstrates the following:

1. Compliance with the Future Land Use Map;
2. Compliance with the Planned Development Review Criteria;
2. Compatibility with surrounding zoning and land uses; and
3. Compliance with the Thoroughfare Plan and Master Trails Plan.

Additionally, public facilities are available to serve the subject property.

ITEM SUMMARY: Synopsis: Approval of this item will result in a zoning of twenty-four lots lot from 2F to PD-MF-1 allowing consolidation of twenty-four lots into two lots and establishing a development pattern consistent with the original lot configuration and zoning.

Background: The applicant is seeking a zoning change of two blocks/twenty-four lots from Two Family Dwelling (2F) to Planned Development- Multiple Family One (PD-MF-1). The subject property is located in the Canyon Ridge Phase II subdivision. All lots located in Block 11 of subdivision have already been constructed as duplexes and are currently leased as rental units. No improvements have been made to the lots located on Block 10 of the subdivision. The owner has indicated his intent to construct future duplex units on Block 10 in accordance with the current lot layout. The applicant has indicated that the zoning change would facilitate the consolidation of all lots into two single lots/blocks under one ownership. The applicant has submitted a companion application for a replat of the subject property in order to achieve the lot consolidation. The zoning change would permit the construction of multiple units on what will now become a single lot/block configuration (Block 10) and would allow the existing units on Block 11 to be legally conforming to city zoning.

Under the MF-1 zoning designation, the applicant could construct duplexes in accordance with the current lot layout. The applicant has requested a planned development to provide additional assurance to the Planning Commission and City Council of his intent to construct duplexes in accordance with the current zoning and to prevent any higher intensity uses to be constructed on the subject property by right.

PLANNED DEVELOPMENT REVIEW CRITERIA The Unified Development Code states, that when considering a Planned Development, the approving body should consider the following:

1. Conformance to the Design and Development Standards Manual;
2. The environmental impact of the development to the site and surrounding neighborhood;
3. The compatibility with the use, character and design of the surrounding neighborhood;
4. The provision of safe and effective vehicular and pedestrian circulation;
5. The safety and convenience of off street parking and loading facilities;
6. Compliance of streets with city codes and the Thoroughfare Plan;
7. The provision of landscaping that provides adequate buffers and complements the design and location of buildings;
8. The design of open space ensuring that such design is suitable for recreation and conservation uses;
9. The provision of adequate utilities, drainage, and refuse disposal.

The subject property is located on existing streets and will be served by infrastructure that has already been approved and dedicated to the city. Staff has reviewed the criteria related to consideration of a planned development and has asked the applicant to provide the following improvements to address several of the criteria listed above:

- The utilization of canopy trees to enhance landscaping for new proposed duplex units;
- The provision of additional canopy trees at the perimeter of the existing development (Block 11). Currently the site has medium (ornamental) trees; and

- The provision of an accessible pedestrian path between the proposed new units and the existing Friar's Creek Hike and Bike Trail.

The applicant has agreed to all the staff requests and has shown related improvements on the attached 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:

Direction	FLUP	Zoning	Current Land Use
Subject Property	Auto-Urban Residential	2F	Duplexes and undeveloped
North	Auto-Urban Commercial	0-2	Undeveloped
South	Auto-Urban Residential	2F	Duplexes
East	Auto-Urban Commercial	GR & Parks & Open Space	Undeveloped/ Recreational
West	Auto-Urban Residential	SF-2	Undeveloped

A number of residential, educational and institutional uses are permitted in the 2F zoning district, the PD- MF-1 District would be limited to only those uses identified in the approving ordinance and on the site plan. The site plan provided and the related ordinance will establish the development standards for the subject property. If Block 11 is ever redeveloped, it will need to be redeveloped in compliance with the ordinance and site plan.

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
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 Auto-Urban Residential character district. The *Choices '08* City of Temple Comprehensive Plan states that the Auto- Urban Residential character district is for smaller single family lots similar to the range of lot sizes available in the City's current SF – SFA zoning districts. Additional density (garden/patio, two family dwellings, and townhouses) would require corresponding increases in open space, but to a lesser standard than what is required in the suburban residential district. Higher density uses in the Auto-Urban residential character district should include bufferyard requirements and design standards to provide adequate separation between less intensive uses. The requested zoning, as part of a planned development, is an appropriate request for this character area. As part of the planned development request staff has requested enhanced landscaping and an accessible connection to the Friar's Creek Hike and Bike Trail, both requests intended to improve both access to and the quality of open space.

Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance

The subject property is bounded by three existing local streets: Hartrick Bluff Blvd, Ridgeview Drive, and Brutus Lane. The general development area is located off Canyon Creek Drive which has been identified as a major arterial in the city's Thoroughfare Plan. The subject site is adjacent to the Friar's Creek Hike and Bike Trail – an existing city-wide spine trail. The applicant has agreed to provide an accessible pedestrian path between the development and the adjacent trail.

Availability of Public Facilities (CP Goal 4.1)

Sanitary sewer is available to the subject property through an existing 8" sewer line provided along Ridgeview Drive and Brutus Lane. Water is provided by means of on an existing 8" water line also located along Ridgeview Drive and Brutus Lane

DEVELOPMENT REGULATIONS: The development site plan will provide the development and dimensional standards for this development. Standard two family dwelling dimensional regulations for the MF-1 district are:

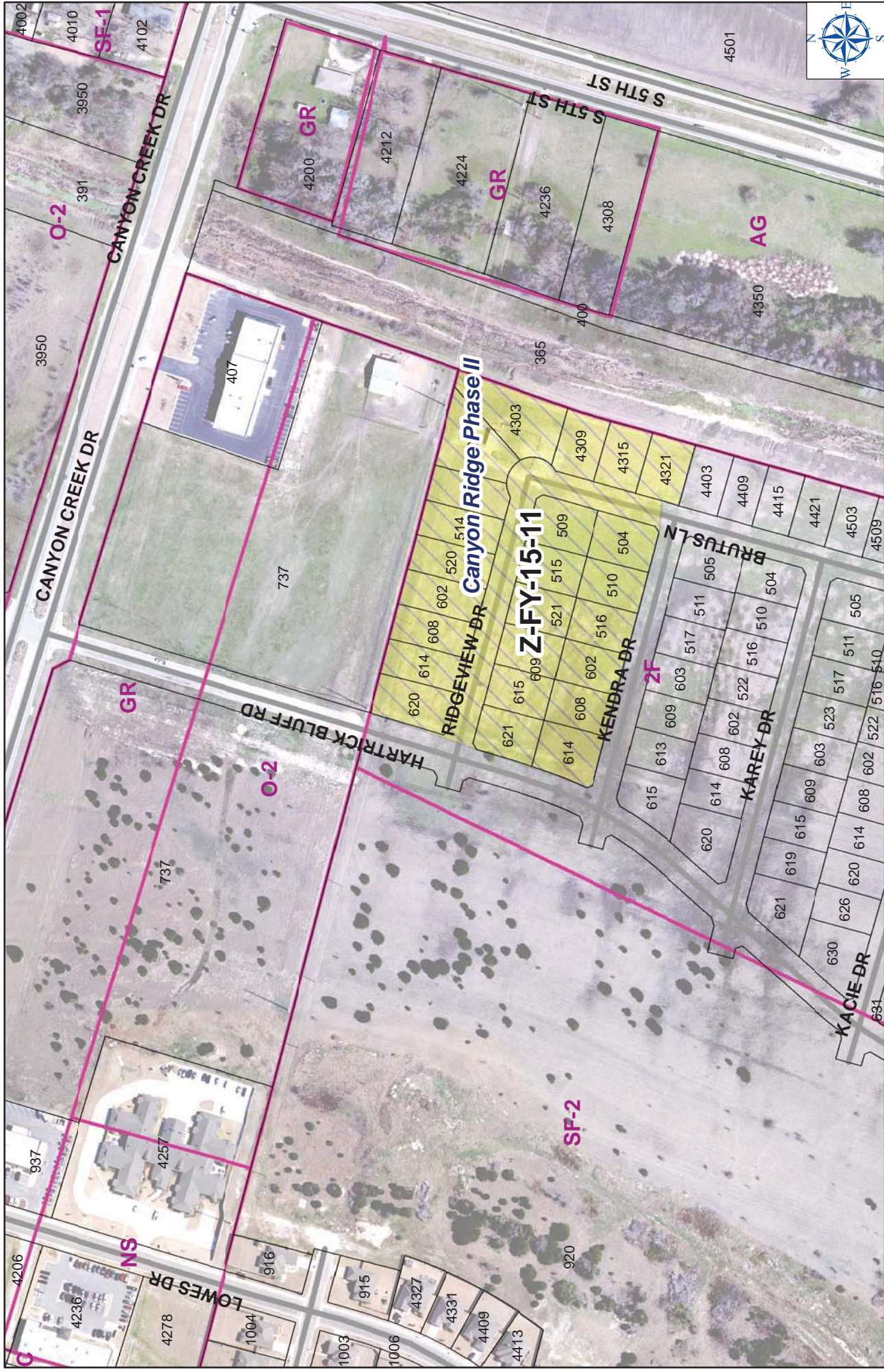
Min Lot Size	4,000 SF
Min Lot Width	60 FT
Min Lot Depth	100 FT
Front	25 FT
Side	10 % of lot width (or minimum 5')
Side (Corner)	15 FT
Rear	10 FT

PUBLIC NOTICE: Seven (7) 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 Wednesday Tuesday March, 17, 2015, one notice representing 15 properties was received in favor of the proposed zoning change and no notices have been returned in opposition to the proposed zoning change. The newspaper printed notice of the public hearing on March 5, 2015, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning & Location Map
Site and Surrounding Property Photos
Development Site Plan
Final Plat of the Villas at Canyon Ridge
Future Land Use and Character Map
Localized area of the Thoroughfare & Trails Plan (combined)
Utility Map
Notification Map
Ordinance



Subject Property: Ridgeview Drive, Kendra Drive, and Brutus Lane



Property to the North



Property to the South



Property to the West



Property to the East





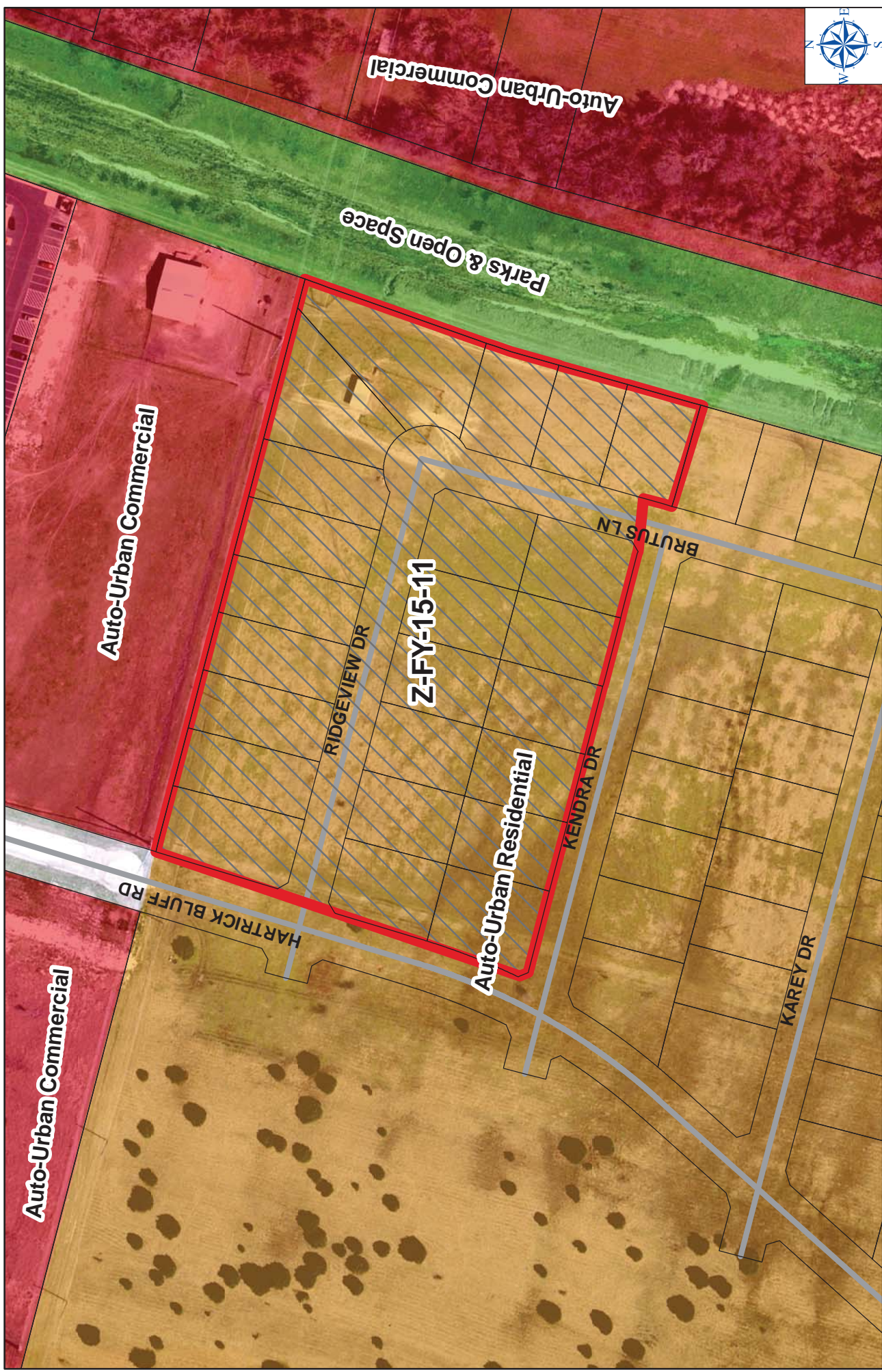
Revisions
Remarks:



Z-FY-15-11

Future Land Use Plan

Lots 1-12 Block 10 Canyon Ridge Phase II
Lots 1-12 Block 11 Canyon Ridge Phase II



Case



City of Temple
Planning Department
BMZ - 2-20-15

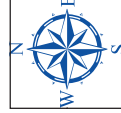
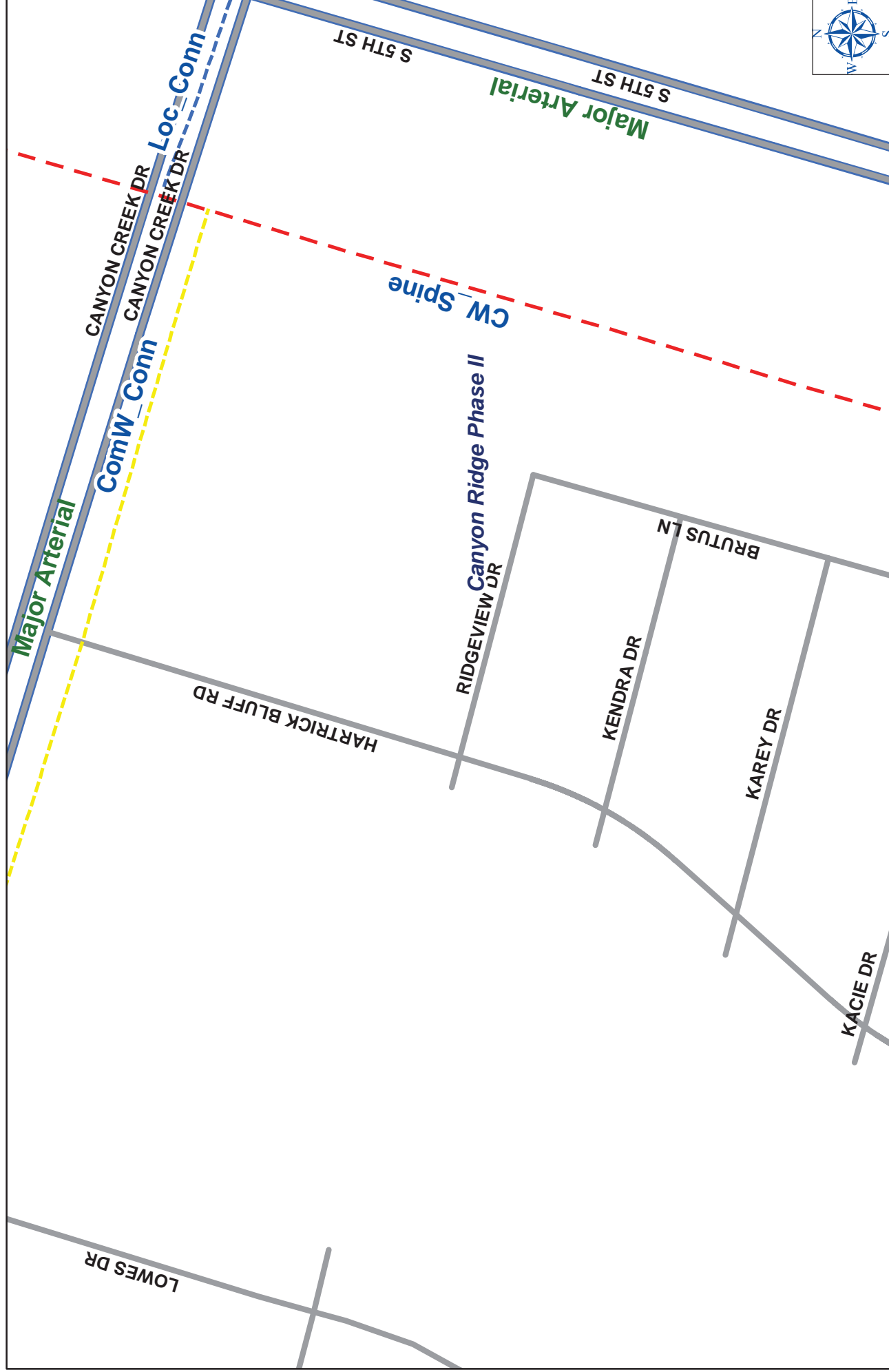
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Z-FY-15-11

Thoroughfare and Trails Map

Lots 1-12 Block 10 Canyon Ridge Phase II
Lots 1-12 Block 11 Canyon Ridge Phase II



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City of Temple
Planning Department
BMZ - 2-20-15



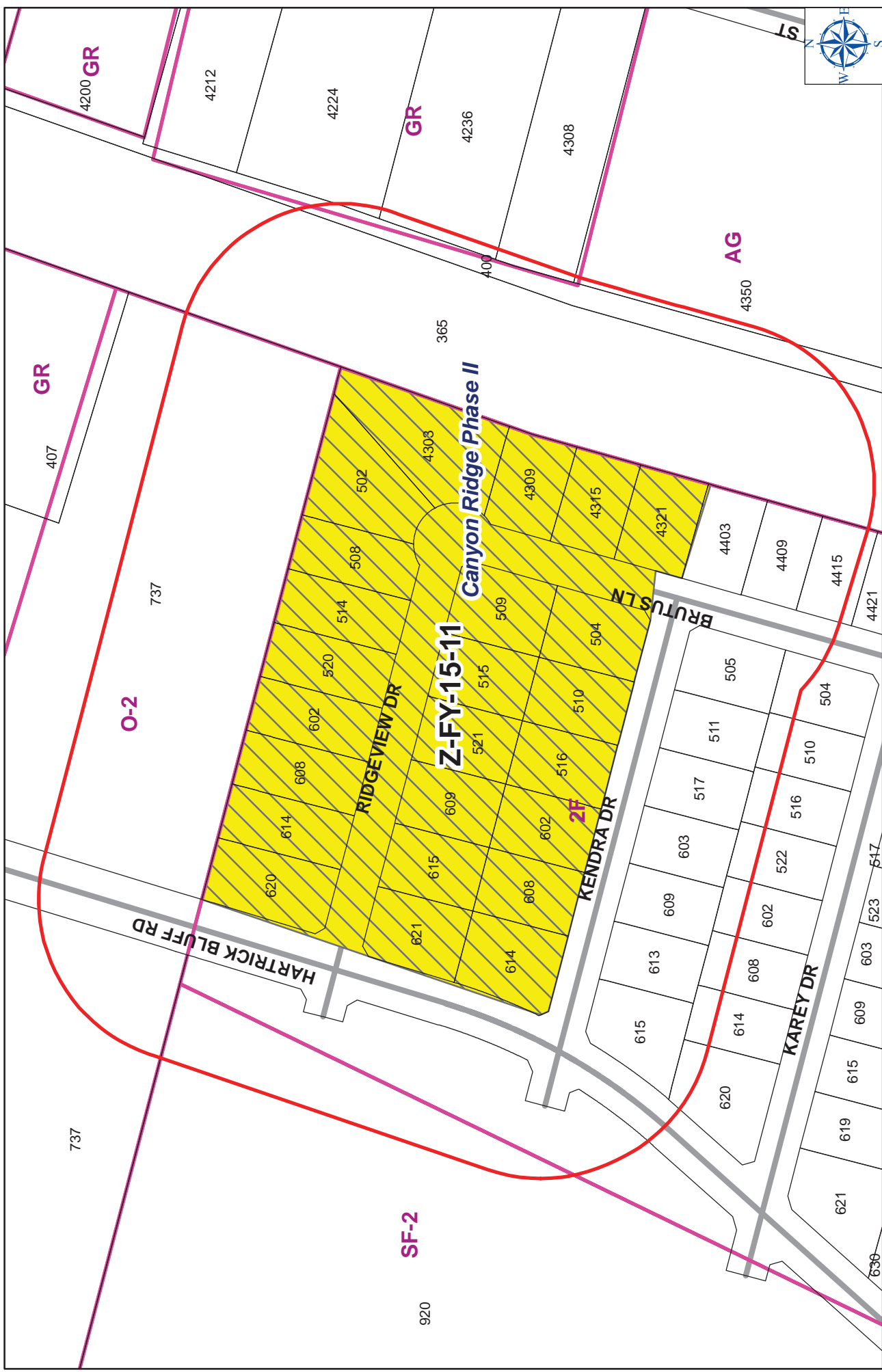
Z-FY-15-11

Utility Map

Lots 1-12 Block 10 Canyon Ridge Phase II
Lots 1-12 Block 11 Canyon Ridge Phase II



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.
City of Temple
Planning Department
BMZ - 2-20-15



 Zoning



 Case 1234 Addresses

ORDINANCE NO. _____

(PLANNING NO. Z-FY-15-11)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM TWO FAMILY DWELLING DISTRICT (2F) TO PLANNED DEVELOPMENT MULTIPLE FAMILY ONE DISTRICT (PD-MF-1) ON LOTS 1-12, BLOCK 10, AND LOTS 1-12, BLOCK 11, CANYON RIDGE PHASE II; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Two Family Dwelling District (2F) to Planned Development Multiple Family One District (PD-MF-1) on lots 1-12, block 10, and lots 1-12, block 11, Canyon Ridge Phase II subject to the following conditions and more fully depicted in the site plan attached hereto as Exhibit ‘A’ and outlined in the map attached hereto as Exhibit ‘B,’ and made a part hereof for all purposes:

1. That the applicant provide canopy trees to enhance landscaping for new proposed duplex units – 1 per each unit per the attached site plan;
2. That the applicant provide a 4’ sidewalk along the east side of Hartrick Bluff Road extending the existing sidewalk along that local street;
3. That the applicant provide four (4) additional canopy trees at the perimeter of the existing development (Block 11). Per the attached site plan; and
4. That the applicant provides an accessible five (5) foot pedestrian path between the proposed new units and the existing Friar’s Creek Hike and Bike Trail.

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

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 was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **16th** day of **April**, 2015.

PASSED AND APPROVED on Second Reading on the **7th** day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/15
Item #4(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution ratifying an application for Tobacco Enforcement funding from the Texas School Safety Center (TxSSC) for the purposes of enforcing Subchapter H, Chapter 161 of the Texas Health and Safety Code for fiscal year 2016 in the amount of \$6,750.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Texas law prohibits the sale or distribution of tobacco products to any person under the age of 18. The police department proposes to use funding from the TxSSC to conduct covert investigations into the possible illegal sales of tobacco products to minors that violate the Health and Safety Code, §161.082. All activity under the grant must be reported on a monthly basis to the TxSSC. The TxSSC is acting on behalf of the Department of State Health Services.

FISCAL IMPACT: TxSSC will reimburse contracted law enforcement agencies \$75.00 for each completed investigation. The police department plans to conduct investigations at rate of 100% of the permitted outlets, meaning that 90 investigations are planned for the 90 tobacco permitted retail outlets during FY16.

If this plan is met, the City will receive \$6,750 in grant funds for the third year in a row. It is estimated that it will cost the City \$3,500 in overtime hours as well as operational and fuel costs of \$1,280 for police vehicles. The total estimated expense is \$4,780. The remaining revenue would pay officer's overtime for conducting compliance inspections on retail locations and provide education services to the public in the area of state laws pertaining to tobacco sales to minors.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING A RESOLUTION RATIFYING AN APPLICATION FOR TOBACCO ENFORCEMENT FUNDING FROM THE TEXAS SCHOOL SAFETY CENTER FOR THE PURPOSES OF ENFORCING SUBCHAPTER H, CHAPTER 161 OF THE TEXAS HEALTH AND SAFETY CODE FOR FISCAL YEAR 2016, IN THE AMOUNT OF \$6,750; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Texas law prohibits the sale or distribution of tobacco products to any person under the age of 18 and the City of Temple Police Department proposes to use funding from the Texas School Safety Center (TxSSC) to conduct covert investigations into the possible illegal sales of tobacco products to minors that violate Texas Health and Safety Code, §161.082;

Whereas, this enforcement is expected to continue to reduce the extent to which cigarettes and tobacco products are sold or distributed to persons who are younger than 18 years of age and to ensure compliance with all applicable State laws;

Whereas, TxSSC will reimburse contracted law enforcement agencies \$75 for each completed investigation - the police department plans to conduct investigations at rate of 100% of the permitted outlets which means that 90 investigations are planned for the 90 tobacco permitted retail outlets during fiscal year 2016;

Whereas, if this plan is met, the City will receive \$6,750 in grant funds for the third year in a row; 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 ratification of an application for Tobacco Enforcement funding from the Texas School Safety Center for the purposes of enforcing Subchapter H, Chapter 161 of the Texas Health and Safety Code for fiscal year 2016, in the amount of \$6,750.

Part 2: The City Manager, or his designee, is authorized to execute any documents which may be necessary for this purpose, after approval as to form by the City Attorney.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was 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 7th day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/15
Item #4(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the grant application for the Bureau of Justice Assistance Bulletproof Vest Partnership Program of 2015 for the purchase of ballistic vests and replacements for the Police Department in the amount of \$59,500, with \$29,750 of required City matching funds.

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

ITEM SUMMARY: The Temple Police Department desires approval to apply and accept grant funds available through the Department of Justice, Bureau of Justice Assistance Bulletproof Vest Partnership Program. If awarded, this will be the 14th grant received from this program. The grant requires a City match of 50% of the cost associated with the purchase of new ballistic vests. The Police Department buys vests on a yearly basis and budgets for the matching funds required by the grant.

FISCAL IMPACT: If awarded the grant, the City will receive \$29,750 in grant funds. The City's match will be \$29,750. Total funding for the purchase of 70 vests is estimated at \$59,500.

Funds will be appropriated in the Police Department's FY 2016 operating budget, account 110-2031-521-2113, Clothing and Uniforms for the City's required match.

The grant funds are reimbursed to the City after the purchase is completed.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE BULLETPROOF VEST PARTNERSHIP PROGRAM OF 2015 FOR THE PURCHASE AND REPLACEMENT OF BALLISTIC VESTS FOR THE TEMPLE POLICE DEPARTMENT, IN THE AMOUNT OF \$59,500, WITH A CITY MATCH OF \$29,750; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Department of Justice, Bureau of Justice Assistance Bulletproof Vest Partnership Program offers a matching grant program for the purchase and replacement of ballistic vests for the Temple Police Department;

Whereas, this grant requires a City match of 50% of the cost (\$29,750) and the police department buys vests on a yearly basis and budgets for the matching funds required by the grant - if awarded, this will be the 14th grant received from this program;

Whereas, the police department recommends applying for and accepting grant funds that are being made available through this program;

Whereas, if awarded the grant, the City will receive up to \$29,750 in grant funds with the City's 50% match of \$29,750 - the total cost for the purchase of 70 vests is approximately \$59,500;

Whereas, funds will be appropriated in the police department's fiscal year 2016 operating budget, Account No. 110-2031-521-2113 for the City's required match - the grant funds are reimbursed to the City after the purchase is completed; 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 submission of an application to the Bureau of Justice Assistance Bulletproof Vest Partnership Program of 2015 for the purchase and replacement of ballistic vests for the Temple Police Department in the amount of \$59,500, with \$29,750 of required City matching funds.

Part 2: The City Manager, or his designee, is authorized to execute any documents which may be necessary to apply, accept funds, implement or renew this grant, after approval as to form by the City Attorney.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was 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 7th day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/15
Item #4(K)
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 2014-2015.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2014-2015 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$365,450.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2015 BUDGET
May 7, 2015

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-2234-522-2123		Supplies / Medical Supplies	\$ 3,429	
110-0000-442-0931		County Fire Protection / County Fire Service		\$ 3,429
To appropriate revenues and expenditures related to medical runs made outside the City of Temple.				
110-2035-521-2514		Other Services / Travel & Training	\$ 7,500	
110-2057-521-2514		Other Services / Travel & Training	\$ 1,807	
110-0000-442-0720		Police Revenue / Police Revenue		\$ 9,307
To appropriate revenues received from Texas Comptroller's Office for Law Enforcement Officer Standards and Education (LEOSE) for continued education of police personnel.				
110-2034-521-6231	101304	Capital Equipment / OCU Seized Funds - Federal	\$ 13,140	
110-0000-313-0330		Reserved for Drug Enforcement / Reserve for Seized Funds - Federal		\$ 13,140
To appropriate Federal Seized Funds for the purchase of a tactical pole camera.				
110-1195-513-1x-xx		Salaries & Benefits	\$ 42,500	
110-1195-513-2110		Supplies / Office Supplies	\$ 550	
110-1195-513-2111		Supplies / Computer Supplies	\$ 100	
110-1195-513-2113		Supplies / Clothing & Uniforms	\$ 3,700	
110-1195-513-2115		Supplies / Fuel	\$ 1,000	
110-1195-513-2116		Supplies / Supplies & Tools	\$ 13,400	
110-1195-513-2119		Supplies / Botanical Supplies	\$ 1,000	
110-1195-513-2333		Repair & Maintenance / Auto & Equipment	\$ 200	
110-1195-513-2210		Capital < \$5,000 / Furniture & Fixtures	\$ 5,000	
110-1195-513-2216		Capital < \$5,000 / Tools & Related	\$ 7,500	
110-1195-513-2221		Capital < \$5,000 / Computer Equipment	\$ 12,960	
110-1195-513-2224		Capital < \$5,000 / Communication Equipment	\$ 500	
110-1195-513-2511		Other Services / Printing/Publications	\$ 100	
110-1195-513-2514		Other Services / Travel & Training	\$ 1,000	
110-1195-513-2515		Other Services / Dues & Subscriptions	\$ 500	
110-1195-513-2631		Contracted Services / Demolitions/Lot Clean-Up	\$ 214,564	
110-1195-513-6213	101305	Capital Equipment / Truck	\$ 25,000	
110-1195-513-6213	101306	Capital Equipment / UTV	\$ 10,000	
110-0000-445-1995		Other / Reinvestment Zone # 1 Reimbursement		\$ 339,574
To appropriate Zone funding for the expenditures related to the Downtown Transformation Team. Expenditures include annual expenditures, as well as, capital and start up expenditures.				
TOTAL AMENDMENTS			\$ 365,450	\$ 365,450
GENERAL FUND				
Beginning Contingency Balance			\$	-
Added to Contingency Sweep Account				-
Carry forward from Prior Year				-
Taken From Contingency				-
Net Balance of Contingency Account			\$	-
Beginning Judgments & Damages Contingency			\$	40,070
Added to Contingency Judgments & Damages from Council Contingency				-
Taken From Judgments & Damages				-
Net Balance of Judgments & Damages Contingency Account			\$	40,070
Beginning Compensation Contingency			\$	988,000
Added to Compensation Contingency				-
Taken From Compensation Contingency				(979,440)
Net Balance of Compensation Contingency Account			\$	8,560
Net Balance Council Contingency			\$	48,630

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2015 BUDGET
May 7, 2015

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Balance Budget Sweep Contingency		\$ -
		Added to Budget Sweep Contingency		-
		Taken From Budget Sweep		-
		Net Balance of Budget Sweep Contingency Account		\$ -
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	50,000
		Added to Contingency Sweep Account		-
		Taken From Contingency		(21,098)
		Net Balance of Contingency Account	\$	28,902
		Beginning Compensation Contingency	\$	168,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(166,588)
		Net Balance of Compensation Contingency Account	\$	1,412
		Net Balance Water & Sewer Fund Contingency	\$	30,314
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	27,903
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		(21,158)
		Net Balance of Contingency Account	\$	6,745
		Beginning Compensation Contingency	\$	36,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(35,330)
		Net Balance of Compensation Contingency Account	\$	670
		Net Balance Hotel/Motel Tax Fund Contingency	\$	7,415
		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	\$	26,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(26,000)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Drainage Fund Contingency	\$	-
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year		89,040
		Added to Contingency Sweep Account		-
		Taken From Contingency		(74,763)
		Net Balance of Contingency Account	\$	14,277

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2014-2015 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 28th day of August, 2014, the City Council approved a budget for the 2014-2015 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2014-2015 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 2014-2015 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 was 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 7th day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/15
Item #5
Regular Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-15-14: Consider adopting an ordinance authorizing a Conditional Use Permit for a Paint Shop/General Contractor facility on Lot 2, Block 1, Trantum Subdivision Phase VIII, located at 5806 South General Bruce Drive.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its April 6, 2015 meeting, the planning and Zoning Commission voted 8 to 0 to recommend approval of the Conditional Use Permit as presented.

STAFF RECOMMENDATION: Conduct a public hearing and adopt ordinance as presented in item description, on first reading on May 7, 2015 and schedule second reading and final adoption for May 21, 2015. Staff recommends approval of Z-FY-15-14 and the associated site plan for a Conditional Use Permit to allow a Paint Shop/General Contractor facility use within the I-35 Corridor Overlay.

ITEM SUMMARY: 5806 S. General Bruce Drive currently has a base zoning of C (Commercial District), which allows a somewhat comparable use like “tool rental (outside storage)” by right. However, the I-35 Corridor Overlay requires approval of a CUP (Conditional Use Permit) for a “Paint Shop” use within the Freeway Retail/Commercial Sub-District, which is the most comparable use found in Sec. 6.7.9 (Permitted Uses Table) of the Overlay standards.

When it was confirmed that a new use/tenant had moved onto the 5806 South General Bruce Drive property, the property owner was contacted to let him know that his new tenant required a CUP and that their new temporary signage required a permit. They have subsequently obtained a permit for permanent wall signage, which will be installed if the CUP is approved by City Council. The applicant and business owner have been very cooperative in trying to bring the use and the signage into compliance with the Code.

City Council approved a CUP on this same property on June 6, 2014 (Ordinance No. 2014-4669) to allow a Nursery/Landscape Facility use. However, the landscape company never fully occupied the space and, therefore, the current tenant must obtain another CUP to legally operate within the I-35 Corridor Overlay permitted use standards. Ordinance No. 2014-4669 included the following conditions, which the property owner has subsequently addressed:

- Landscaping is planted to screen parking and minimum of 40 percent of the existing I-35 facing chain-link fence

The property owner also painted the office and planted additional shrubs adjacent to it and to the existing warehouse building in an effort to improve the aesthetics of the buildings.

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.

According to an email response from the applicant, MCS' daily operations can be summed up as follows:

- 1) They store paint and other construction materials inside
- 2) They do not construct or paint on site
- 3) Outdoor storage is limited to a few trucks and trailers
- 4) They typically have no more than 5 employees on-site, who are typically in and out
- 5) They typically would have no more than 2 or 3 customers every hour

Per Sec. 3.5.2 of the UDC, application for a CUP must occur in conjunction with the submittal of a site plan, which shows the location of customer and employee parking. Staff's interpretation regarding parking is that they must have 4 parking spaces according to the "All other retail and service use" requirement of 1 space per 300 square feet of office plus 1 space per 5000 square feet of storage/warehousing (2000 square foot warehouse). They currently have 3 parking spaces in the front for customers and ample parking to the rear for employees to exceed that requirement (see Site Plan Attachment).

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 2, 2015 at 12:00 pm, three (3) notices had been returned in favor (including 1 from the 5806 S. Gen. Bruce Drive property owner, 1 from his spouse and 1 from a neighbor "with reservations") and zero (0) notices in opposition to the proposed conditional use permit.

The newspaper printed notice of the Planning and Zoning Commission public hearing on March 26, 2015, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Application and Checklist

Aerial Location Map

Photos

Zoning Map

Future Land Use Map

Site Plan

Notification Map

Returned Property Owner Notices

Ordinance No. 2014-4669 for previous CUP granted for site

Ordinance

City of Temple Universal Application

Rev. 10-09-14

(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 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 | <input type="checkbox"/> 1 st and 3 rd Overlay Appeal |

PROJECT INFORMATION:

☐ Residential ☒ Commercial ☐ Property Platted ☐ Property Not Platted ☐ ETJ
 Project Name: MCS Parcel(s) Tax ID# (Required): _____
 Project Address (Location): 5750-5806 S. IH35 Total Acres: 1
 Lot: 2 Block: 1 Subdivision: Tranum Subdiv. Phase VIII
 Cabinet #: _____ Slide #: _____
 Outblock (if not platted): _____
 Brief Description of Project: _____
 Current Zoning Commercial # of Existing Lots 1 # 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: Ronnie Moran Company Name: MCS
 Address: 5806 S. Gen. Bruce Dr. City: Temple State: TX Zip: 76502
 Phone: 254-613-5047 Cell #: _____ Fax #: _____
 Email Address: mcsconstruction@gmail.com

PROPERTY OWNER INFORMATION:

Name: Chris McGregor Company Name: _____
 Address: 2806 Wickersham City: Temple State: TX Zip: 76502
 Phone: _____ Cell #: 254-770-7262 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)

To occupy above as painting / construction business.

PER SUBMITTAL

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/ Warrant	ZBA Variance	Masonry Exception	Appeal of Administrative Decision	Abandonment	Street Use License (SUL)
Complete Universal Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Utility Providers-see attached link http://www.templetx.gov/DocumentCenter/View/2920	✓												
Electronic copy (PDF) of all required materials submitted as hard copies (must be legible)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hard Copies for all submittals	5	2	1	5	2	2	2	2	1	1	1	1	1
Field Notes (<i>signed and stamped</i>) or Lot and Block Description	✓	✓	✓		✓	✓	✓	✓	✓			✓	✓
Site Plan Checklist		✓			✓	✓	✓	✓	*				
Plat Checklist	✓			✓									
I-35 Checklist					✓	✓							
TMED Checklist							✓	✓					
Abandonment Checklist												✓	
SUL Checklist													✓
Scaled Site Plan		✓			✓	✓	✓	✓	✓	✓	*	✓	✓
Drainage Letter or Drainage Report (for residential subdivisions)	✓												
Elevations		✓			✓	*	✓	*		✓			
Landscape Plan					*	*	*	*					
Lighting Plan					*	*	*	*					
Fee	✓	✓	✓	NA	NA	NA	NA	NA	✓	NA	NA	✓	✓
Survey												✓	✓
Broker's Opinion of Value or Appraisal R-O-W abandonment ONLY												✓	

**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 (3 rd Party Broker's Opinion or Appraisal)	\$100.00 for filing fee only; (3 rd Party Broker's Opinion or Appraisal fee will be Applicant's responsibility)
Board of Adjustment (Variance)	\$ 75.00
*Preliminary/Final Plat	\$150.00 + \$3.00/lot (residential) or \$10.00/acre (nonresidential)
Street Use License (SUL)	\$150.00 (renewed every 15 years)
*Zone Change/CUP/PD Site Plan	\$150.00 + \$3.00/acre (to match Ordinance No. 1948)

*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 FOR SIGN POSTING AND PROPERTY ANALYSIS PURPOSES.

APPLICANT SIGNATURE: Kippi Graves Rennie Moran

Print or Type Name: KIPPI GRAVES Rennie Moran

(property owner authorization required below if applicant is someone other than property owner)

I (property owner) hereby authorize Rennie Moran of MCS
(name) (company (if applicable))

to represent me in matters pertaining to this case.

Property owner's signature: Chris McGregor

Property owner's name (print): Chris McGregor

Property owner's address: 2806 Wickensham Dr. Temple, TX, 76502

Property owner's phone#: 254-770-7262

Email address: mcchecker05@aol.com

For Department Use Only

Project #: 2-FY 15-14
Project Manager: Brian Chandler
Total Fee(s): 150.00
Fee Credit: —
Payment Method: _____
Submittal Date: March 4, 2015
Accepted By: m. mcgrew
Accepted Date: 4 March 15

**PLANNING DEPARTMENT CHECKLIST NON RESIDENTIAL& MULTI-FAMILY SITE PLAN REVIEW***

Project Name: MCS Zoning: Commercial
 Address: 5750-5806 S. Gen. Bruce Dr. Proposed Use: Painting Business

*Please note that this checklist is intended to assist developers and design professionals in the preparation of site plans and is generally what is needed by staff to ensure a timely review of plans. Additional information may be requested as needed to make an informed judgment about conformance with standards set forth in the City's Unified Development Code (UDC). The complete UDC can be accessed online at: <http://www.ci.temple.tx.us/index.aspx?NID=1221>.

Site Layout, Uses, Existing Conditions, Landscaping	
<input checked="" type="checkbox"/>	Has existing and proposed condition of lot been identified?
<input checked="" type="checkbox"/>	Has adjacent development been identified?
<input checked="" type="checkbox"/>	Have lot dimensions been clearly noted? UDC 4.6
<input checked="" type="checkbox"/>	Have all proposed uses for the property been clearly identified? UDC 5.1
<input checked="" type="checkbox"/>	Have all building setbacks from property line been identified and dimensioned? UDC 4.6
<input checked="" type="checkbox"/>	Have all landscaping areas been identified? UDC 7.3
<input checked="" type="checkbox"/>	Have any areas dedicated to public open space been identified?
Screening & Buffering, Site Improvements	
<input checked="" type="checkbox"/>	Have all refuse containers and compactors been clearly identified? UDC 7.6.6
<input checked="" type="checkbox"/>	Have all outdoor storage areas been clearly identified? UDC 7.6.8
<input checked="" type="checkbox"/>	Have all existing and proposed fire hydrants been identified? UDC 8.1.3
<input checked="" type="checkbox"/>	Have proposed drainage areas and all easements been identified? UDC 8.1.3
<input checked="" type="checkbox"/>	Have all proposed sign locations been identified? UDC 7.5
<input checked="" type="checkbox"/>	Has the location and material of all fences been identified? UDC 7.6.5
<input checked="" type="checkbox"/>	Has all screening and buffering been identified? UDC 7.6
<input checked="" type="checkbox"/>	Has all existing and proposed mechanical equipment (and poles) been identified?
<input checked="" type="checkbox"/>	Has all existing and proposed lighting been identified? UDC 7.1.8, UDC 8.2.10
<input checked="" type="checkbox"/>	Have building articulations been identified? UDC 7.7.3 G
<input checked="" type="checkbox"/>	Have exterior building materials been identified to include percentage of each type? UDC 7.7.2, UDC 7.7.3
<input checked="" type="checkbox"/>	Have building locations, dimensions, and gross floor area been identified? UDC 4.6
Access and Circulation / Off Street Parking and Loading	
<input checked="" type="checkbox"/>	Has access and circulation been clearly identified? UDC 7.2
<input checked="" type="checkbox"/>	Have drive aisles and drive aisle width been clearly identified?
<input checked="" type="checkbox"/>	Has curb and gutter locations been identified? UDC 7.4.5
<input checked="" type="checkbox"/>	Have curb cuts and drive approaches been clearly identified? UDC 7.2.4; UDC 7.2.5; UDC 7.2.6
<input checked="" type="checkbox"/>	Have proposed sidewalks been clearly identified? UDC 7.2.7
<input checked="" type="checkbox"/>	Is total number of parking spaces clearly annotated? UDC 7.4.4
<input checked="" type="checkbox"/>	Are the parking spaces clearly dimensioned? UDC 7.4.5

Certification

You as the property owner certify with your signature that the following statements are true:

- This site plan is complete and all of the information provided is accurate.
- The person signing below as applicant may act as the owner's agent for processing and presentation of the application. The designated applicant will be the principal contact person with the City for processing and responding to requirements or issues relevant to the application.



Applicant's Signature Ronnie Moran



Property Owner's Signature
Chris McEggar



Vicinity Aerial Map



Site



900 sf Office



Customer Parking Area



Gate to Employee Parking



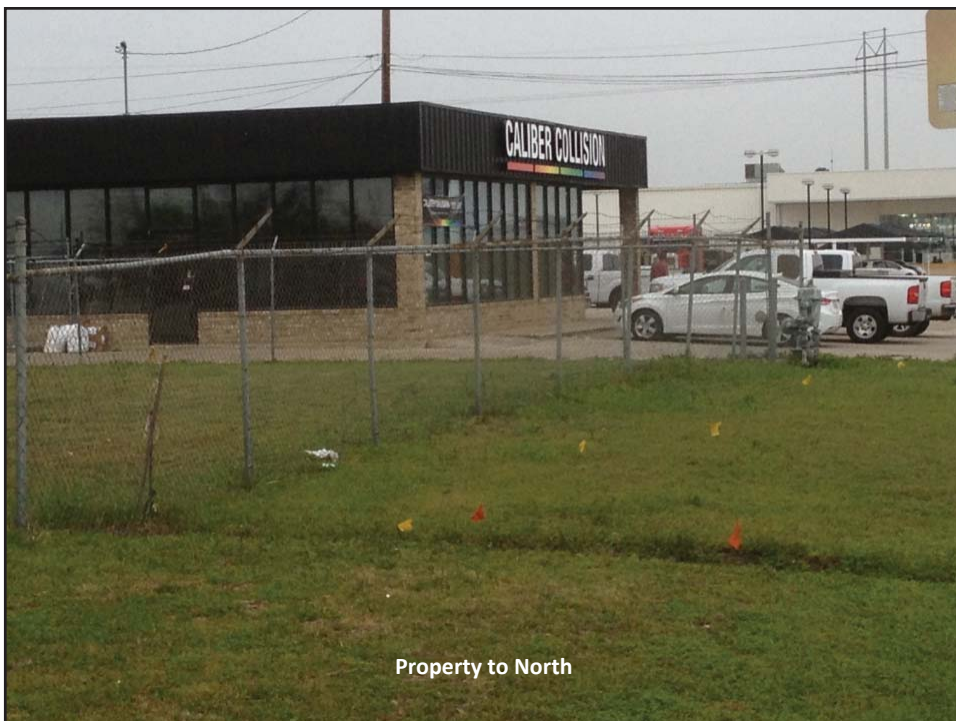
Construction Trailers and Trucks



Looking south



Looking south



Property to North



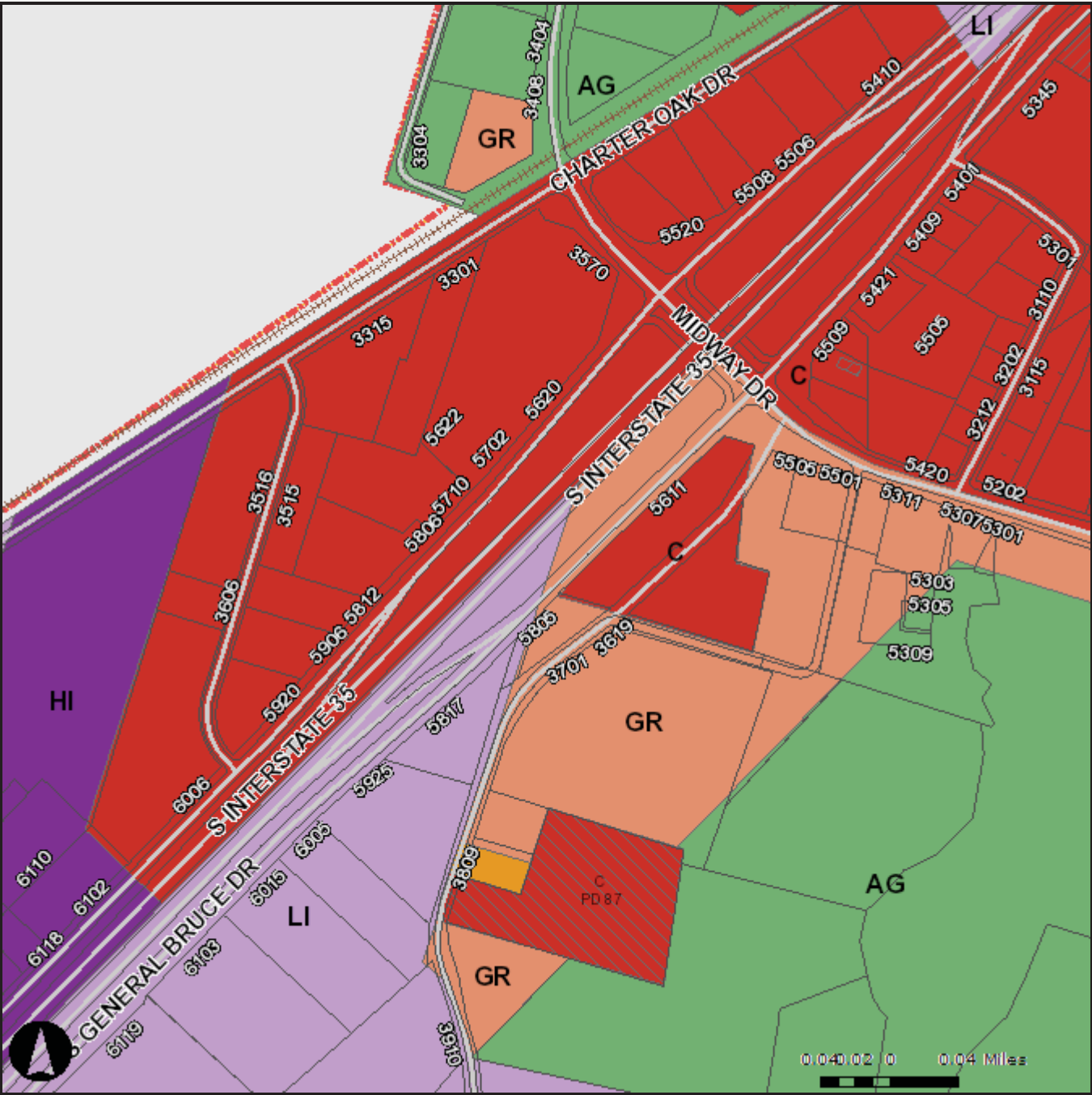
Property to South

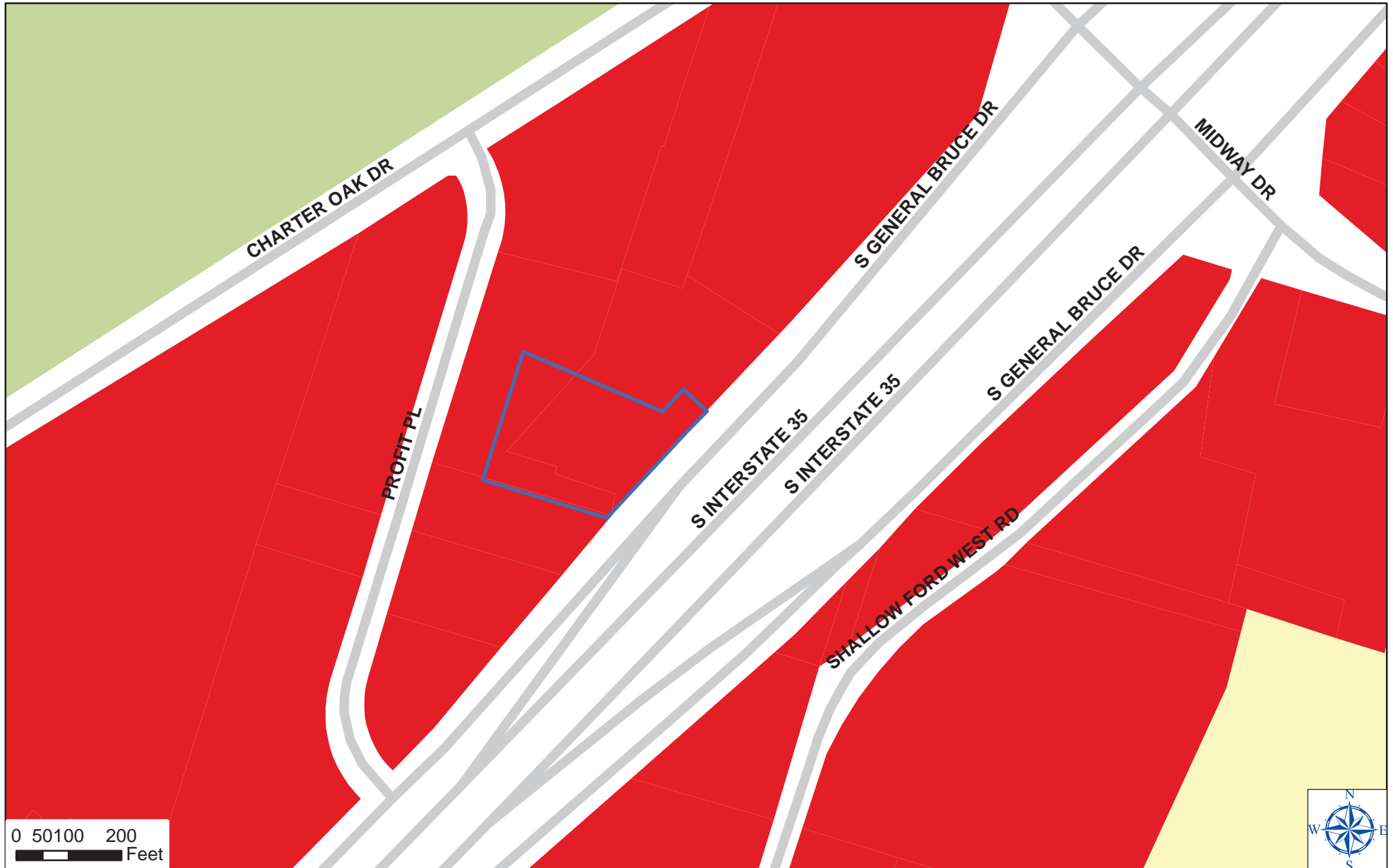


Property to East



5806 S. Gen. Bruce Drive Zoning



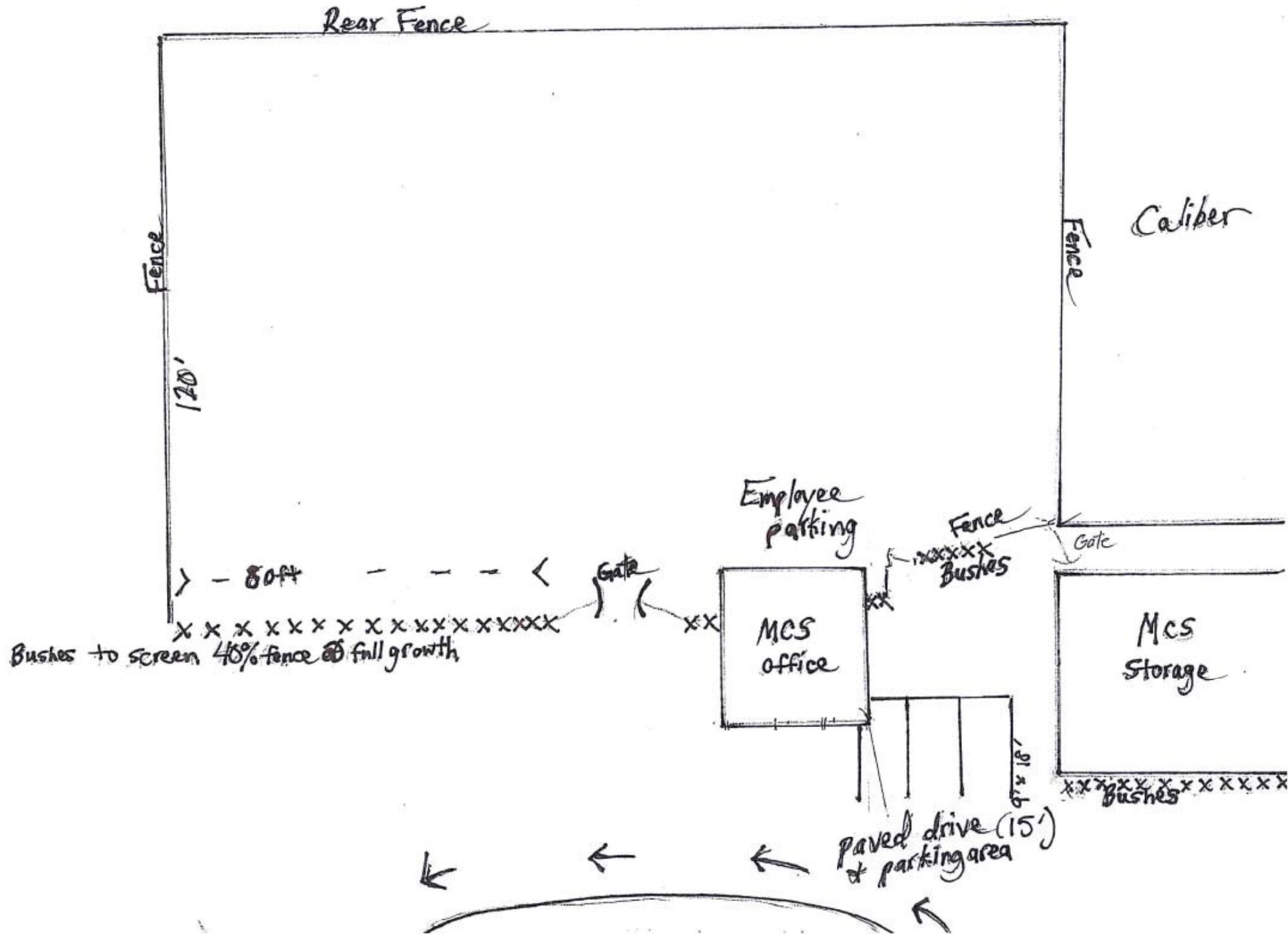


Future Land Use

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.

MCS Site Plan

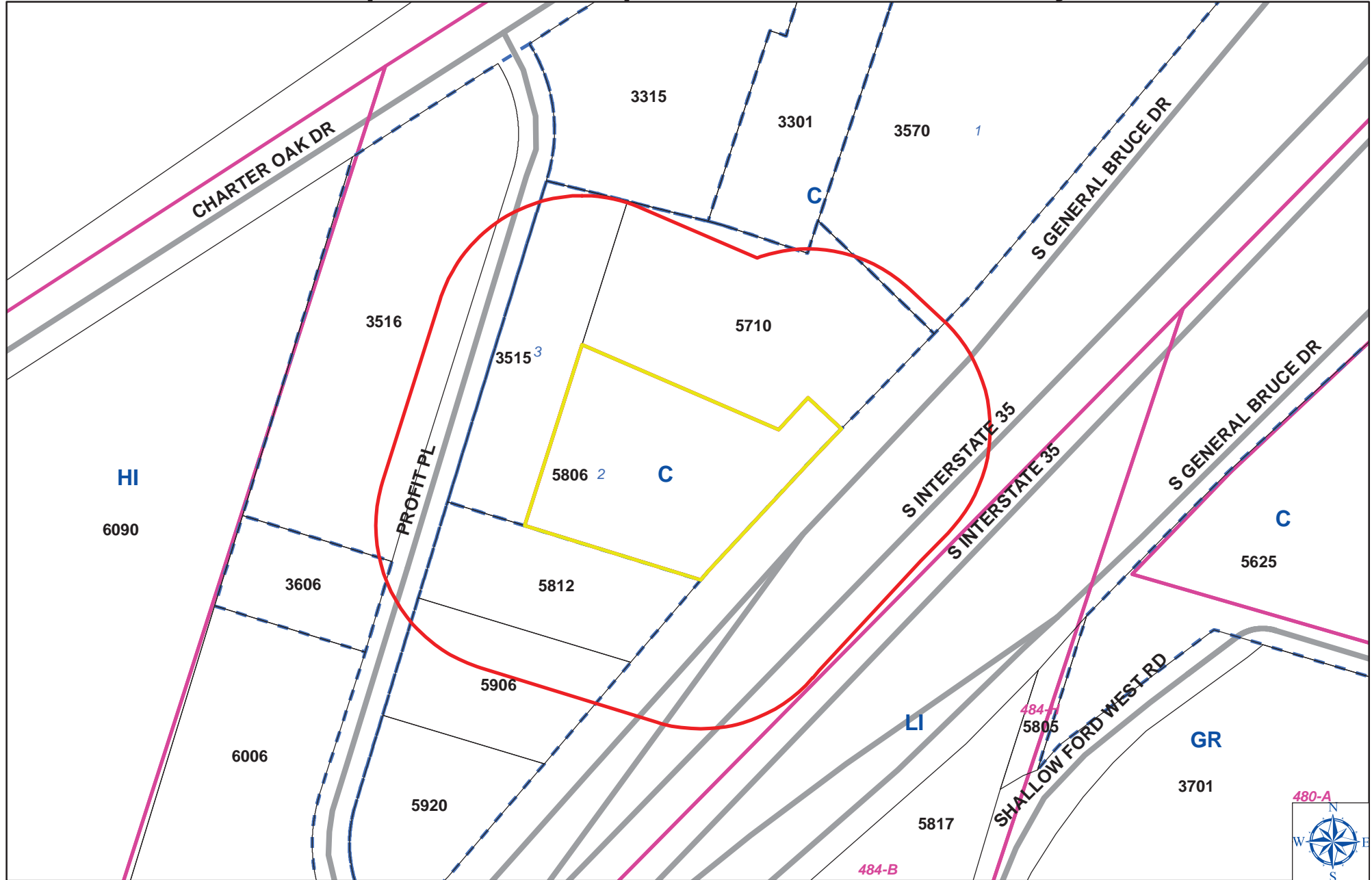




Z-FY-15-14

Conditional Use Permit Request Proposed Paint Shop/General Contractor Facility

5806 S. Gen. Bruce Drive



 Case  Zoning 1234 Addresses

0 80 160 320
Feet

Z-FY-15-06
City of Temple GIS
bzend

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 REQUEST
CITY OF TEMPLE**

Chris Etux Karen McGregor
2806 Wickersham Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-15-14

Project Manager: Brian Chandler

Location: 5806 South General Bruce Drive

The proposed conditional use permit request 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 conditional use permit request 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 6, 2015.

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

RECEIVED

Number of Notices Mailed: 9

Date Mailed: March 26, 2015

APR 01 2015

City of Temple
Planning & Development



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

Chris Etux Karen McGregor
2806 Wickersham Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-15-14

Project Manager: Brian Chandler

Location: 5806 South General Bruce Drive

The proposed conditional use permit request 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 conditional use permit request 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 6, 2015.

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

RECEIVED

Number of Notices Mailed: 9

Date Mailed: March 26, 2015

APR 01 2015

City of Temple
Planning & Development



RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT REQUEST
CITY OF TEMPLE

James E. Trantum Etal
P.O. Box 1028
Temple, Texas 76503

Zoning Application Number: Z-FY-15-14

Project Manager: Brian Chandler

Location: 5806 South General Bruce Drive

The proposed conditional use permit request 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 conditional use permit request of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ ~~approval~~ **WITH RESERVATIONS** () denial of this request.

Comments:

ALL VEHICLES MUST BE PAINTED AND
WASHED INSIDE BUILDING THAT
HAS PROPER SAND TRAPS BEFORE
WASTE WATER IS SENT TO SEWER.


Signature

J. TRANTUM
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than April 6, 2015.

RECEIVED


APR 10 2015

City of Temple
Planning & Development

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

Number of Notices Mailed: 9

Date Mailed: March 26, 2015

**DID NOT
RECEIVE
UNTIL
4/8/15**


ORDINANCE NO. 2014-4669

(PLANNING NO. Z-FY-14-28)

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

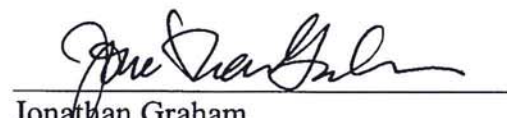


DANIEL A. DUNN, Mayor

ATTEST:


Lacy Borgeson
City Secretary

APPROVED AS TO FORM:


Jonathan Graham
City Attorney



Z-FY-14-28

Proposed Nursery CUP

5806 S. General Bruce Drive

EXHIBIT

tabbies

A



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

ORDINANCE NO. _____
(Z-FY-15-14)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR A PAINT
SHOP/GENERAL CONTRACTOR 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 paint shop/general contractor 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 for a paint shop/general contractor facility and an associated Site Plan on lot 2, block 1, Trantum Subdivision, Phase VIII, located 5806 South General Bruce Drive, more fully described in Exhibit A (Site Plan), attached hereto and made a part hereof for all purposes.

Part 2: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

Part 3: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

Part 6: It is hereby officially found and determined that the meeting at which this Ordinance was 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 7th day of **May**, 2015.

PASSED AND APPROVED on Second Reading on the 21st day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/15
Item #6
Regular Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-15-15: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to General Retail District (GR) on 4.707 +/- acres situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 119 Hilliard Road.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its April 6, 2015, meeting the Planning and Zoning Commission voted 8/0 to recommend approval of Z-FY-15-15 for a rezoning from AG, to GR. Commissioner Mikeska-Reed was absent.

STAFF RECOMMENDATION: Conduct a public hearing and adopt ordinance as presented in item description, on first reading on May 7, 2015 and schedule second reading and final adoption for May 21, 2015. Staff recommends approval of the requested rezoning to GR District for the following reasons:

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

ITEM SUMMARY: The applicant requests a rezoning from Agricultural District (AG) to General Retail District (GR) to allow neighborhood shopping center with retail pad sites.

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

The requested GR zoning district is the standard retail district and allows most retail uses including retail sales, restaurants, grocery stores, department stores, or offices and residential uses except apartments. The GR zoning district is intended to serve larger service areas than neighborhoods. This

district should be located at the intersection of major arterials and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, stack and park within the confines of the retail facility.

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

<u>Residential uses</u>	<u>Nonresidential uses</u>
Single Family Detached	Office
Duplex	Restaurant
Home for the Aged	Hotel or Motel
Townhouse	Food or Beverage sales store without fuel sales

Prohibited uses include HUD-Code manufactured homes and land lease communities, boat sales or storage, welding or machine shop, storage warehouse, and building material sales, among others.

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	Undeveloped Land Uses
North	Suburban Commercial	AG	Undeveloped Land Uses
South	Suburban Commercial	GR	Retail and Office Uses
East	Suburban Commercial	GR & O-1	Retail Uses
West	Suburban Commercial	GR	Retail and Undeveloped Land Uses

COMPREHENSIVE PLAN COMPLIANCE:

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

Docu ment	Policy, Goal, Objective or Map	Site Conditions	Complian ce
CP	Map 3.1 - Future Land Use and Character (FLUP)	The subject property is identified as Suburban Commercial. The applicant's requested GR District complies with this recommendation.	Yes
CP	Map 5.2 - Thoroughfare Plan	The Thoroughfare Plan classifies Hilliard Road and West Adams Avenue as major arterials. Intersecting arterials are appropriate for shopping centers and retail uses.	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's	An 18-inch water line runs along the east right-of-way of Hilliard Road. A 14-inch water line runs along the north right-of-way line of	Yes

	infrastructure and public service capacities	<p>West Adams Avenue. And a 2.5-inch water line runs along the east property line.</p> <p>An 8-inch sewer line is located on the west side of Hilliard Road. An 18-inch sewer line is located on the south side of West Adams Avenue. An additional sewer line is located east of the property near the Dollar General Store.</p>	
STP	Temple Trails Master Plan Map & sidewalks	<p>The Temple Trails Master Plan reflects a 10' Citywide Spine Trail along the west right-of-way of Hilliard Road and along the north side of West Adams Avenue.</p> <p>Per UDC section 8.2.3, sidewalks are required on both sides of arterials. Existing sidewalks are along the property's frontage along Hilliard Road and West Adams Avenue.</p>	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

DEVELOPMENT REGULATIONS: Dimensional standards for **nonresidential** development in the GR District are as follows:

- Minimum lot size – N/A
- Minimum Lot Width – N/A
- Minimum Lot Depth – N/A
- Front Yard Setback – 15 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback – 0 feet (10 feet adjacent to residential zoning)

Dimensional standards for **residential** development in the GR District are as follows:

- Minimum lot size – 5,000 Sq. Ft.
- Minimum Lot Width – 50 feet
- Minimum Lot Depth – 100 feet
- Front Yard Setback – 15 feet
- Side Yard Setback – 10% of lot width with 5-feet min.
- Side Yard Setback (corner) – 15 feet
- Rear Yard Setback – 10 feet

PUBLIC NOTICE:

Seven notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of April 28, 2015 at 11:00 AM., two notices were returned in favor of the request and no notices were returned in opposition.

The newspaper printed notice of the Planning and Zoning Commission public hearing on March 26, 2015, in accordance with state law and local ordinance.



FISCAL IMPACT: Not Applicable



ATTACHMENTS:

Surrounding Property Pictures
Zoning and Location Map
Future Land Use and Character Map
Trails and Thoroughfare Map
Utility Map
Notification Map
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	Agricultural / Undeveloped Land Uses	 <p>A photograph showing a view from Hilliard Road. In the foreground, there is a concrete sidewalk and some green vegetation. A yellow sign is placed on the sidewalk, reading: "PROPOSED LAND USE CASE", "Call 254-298-6668", and "For information, call (254) 298-6668". In the background, there is a large, flat, undeveloped area with some distant buildings and utility poles under a clear blue sky.</p> <p>Hilliard Road View</p>
East	GR and O-1	Retail Uses (Dollar General)	 <p>A photograph showing a view from the east. In the foreground, there is a large, flat, undeveloped area with some green vegetation. In the middle ground, there is a large, single-story building with a red roof, identified as a Dollar General store. In the background, there are utility poles and a clear blue sky.</p>

Direction	Zoning	Current Land Use	Photo
West	GR	Retail Uses and Undeveloped Land Uses	
South	GR	Retail and Office Uses	

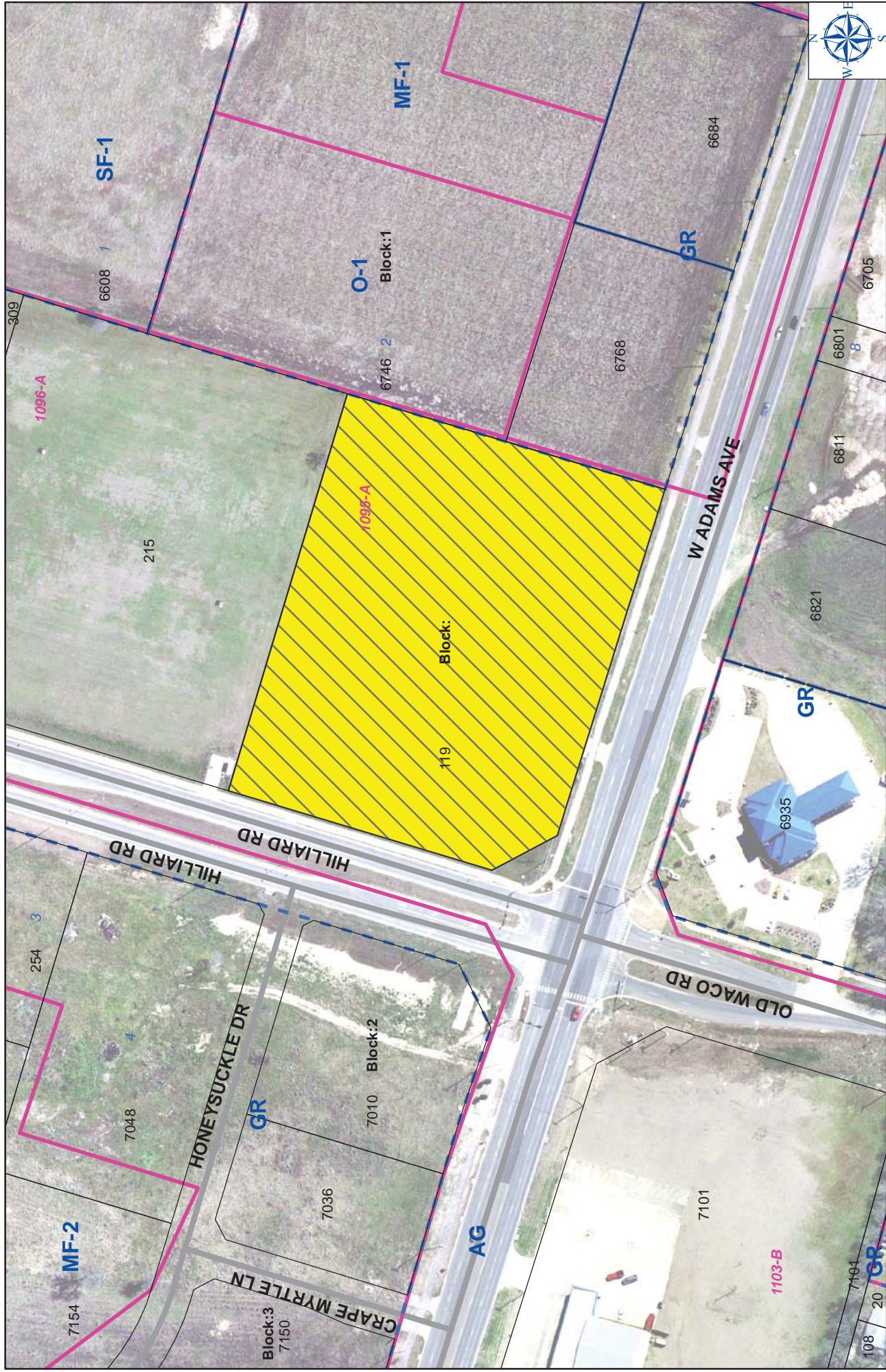
Direction	Zoning	Current Land Use	Photo
North	AG	Undeveloped Land and Rural / Residential Uses	



Z-FY-15-15

AG to GR

119 Hilliard Road



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Case: ☒ Zoning: ☐ Outblock Number: Block Number: Subdivision: Lot Number:



Z-FY-15-15

AG to GR

119 Hilliard Road



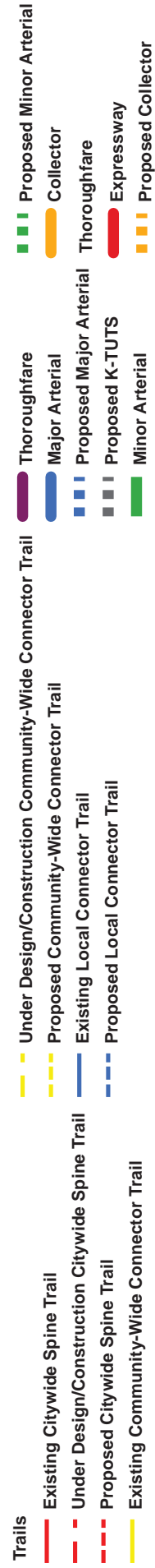
Future Land Use

- 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.

3/27/2015
City of Temple GIS

119 Hilliard Road



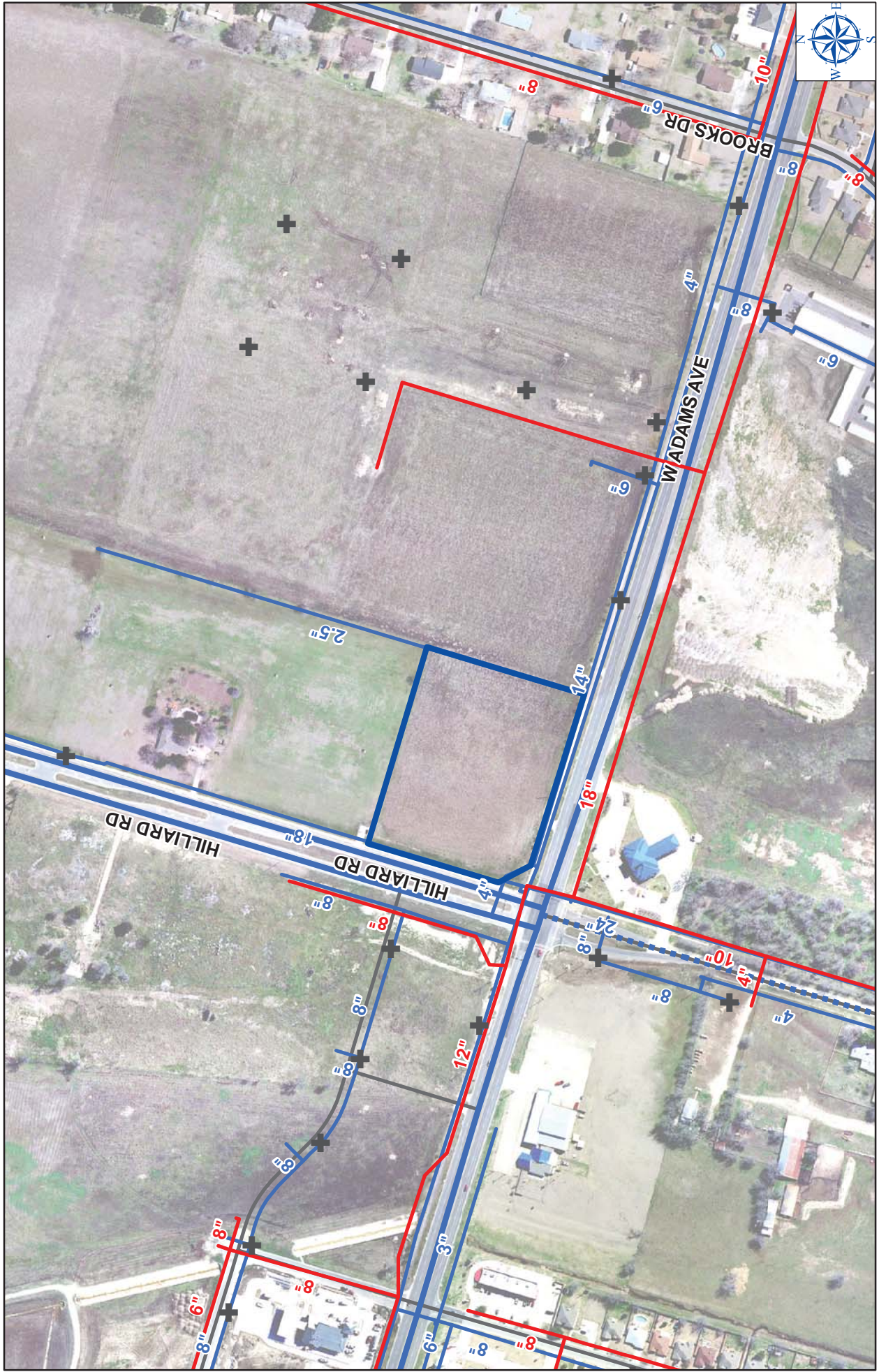
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Z-FY-15-15

AG to GR

119 Hilliard Road



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



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3/27/2015
City of Temple GIS

O Disagree D





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

Subramanian LTD
2207 S Clear Creek Road
Killeen, Texas 76549

Zoning Application Number: Z-FY-15-15

Project Manager: Tammy Lyerly

Location: 119 Hilliard Road

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

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

Comments:


Signature

VINITHA SUBRAMANIAN
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than April 6, 2015

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

Number of Notices Mailed: 7

Date Mailed: March 26, 2015

RECEIVED

APR 06 2015

City of Temple
Planning & Development



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

James L. Kasberg
601 Kasberg Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-15-15

Project Manager: Tammy Lyerly

Location: 119 Hilliard Road

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

I recommend ☒ approval () denial of this request.

Comments:


Signature

James Kasberg
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than April 6, 2015

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

Number of Notices Mailed: 7

Date Mailed: March 26, 2015

RECEIVED

MAR 30 2015

City of Temple
Planning & Development

ORDINANCE NO. _____

(PLANNING NO. Z-FY-15-15)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT (AG) TO GENERAL RETAIL DISTRICT (GR) ON APPROXIMATELY 4.707 ACRES OF LAND SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, LOCATED AT 119 HILLIARD 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 General Retail District (GR) on approximately 4.707 acres of land situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 119 Hilliard 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.

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 was 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 7th day of May, 2015.

PASSED AND APPROVED on Second Reading on the **21st** day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/15
Item #7
Regular Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-15-16: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to General Retail District (GR) on 4.880 +/- acres of land situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 215 Hilliard Road.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its April 6, 2015, meeting the Planning and Zoning Commission voted 8/0 to recommend approval of Z-FY-15-16 for a rezoning from AG, to GR. Commissioner Mikeska-Reed was absent.

STAFF RECOMMENDATION: Conduct a public hearing and adopt ordinance as presented in item description, on first reading on May 7, 2015 and schedule second reading and final adoption for May 21, 2015. Staff recommends approval of the requested rezoning to GR District for the following reasons:

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

ITEM SUMMARY: The applicant requests a rezoning from Agricultural District (AG) to General Retail District (GR) to allow neighborhood shopping center with retail pad sites.

During the Planning and Zoning Commission meeting it was pointed out that access from Hilliard Road would line up with the existing median turnaround. Required screening and buffering standards, per Unified Development Code Section 7.7.4, were also discussed regarding the adjacent single family use to the north.

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

The requested GR zoning district is the standard retail district and allows most retail uses including retail sales, restaurants, grocery stores, department stores, or offices and residential uses except apartments. The GR zoning district is intended to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials and should provide total on-site

traffic maneuvering such that traffic entering and exiting the facility should have room to turn, stack and park within the confines of the retail facility.

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

Residential uses

Single Family Detached
Duplex
Home for the Aged
Townhouse

Nonresidential uses

Office
Restaurant
Hotel or Motel
Food or Beverage sales store without fuel sales

Prohibited uses include HUD-Code manufactured homes and land lease communities, boat sales or storage, welding or machine shop, storage warehouse, and building material sales, among others.

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	Undeveloped Land Uses
North	Suburban Commercial	AG	Rural Residential Uses
South	Suburban Commercial	AG	Undeveloped Land Uses
East	Suburban Commercial	SF-1 & O-1	School Uses and Undeveloped Land Uses
West	Suburban Commercial	GR	Undeveloped Land Uses

COMPREHENSIVE PLAN COMPLIANCE:

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

Docu ment	Policy, Goal, Objective or Map	Site Conditions	Compliance
CP	Map 3.1 - Future Land Use and Character (FLUP)	The subject property is identified as Suburban Commercial. The applicant's requested GR District complies with this recommendation.	Yes
CP	Map 5.2 - Thoroughfare Plan	The Thoroughfare Plan classifies Hilliard Road as a major arterial. Arterials are appropriate for shopping centers and retail uses.	Yes

CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	<p>An 18-inch water line runs along the east right-of-way of Hilliard Road. A 14-inch water line runs along the north right-of-way line of West Adams Avenue. And a 2.5-inch water line runs along the east property line.</p> <p>An 8-inch sewer line is located on the west side of Hilliard Road. An 18-inch sewer line is located on the south side of West Adams Avenue. An additional sewer line is located east of the property near the Dollar General Store.</p>	Yes
STP	Temple Trails Master Plan Map & sidewalks	<p>The Temple Trails Master Plan reflects a 10' Citywide Spine Trail along the west right-of-way of Hilliard Road.</p> <p>Per UDC section 8.2.3, sidewalks are required on both sides of arterials. The required sidewalk already exists along the property's frontage along Hilliard Road.</p>	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

DEVELOPMENT REGULATIONS: Dimensional standards for **nonresidential** development in the GR District are as follows:

- Minimum lot size – N/A
- Minimum Lot Width – N/A
- Minimum Lot Depth – N/A
- Front Yard Setback – 15 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback – 0 feet (10 feet adjacent to residential zoning)

Dimensional standards for **residential** development in the GR District are as follows:

- Minimum lot size – 5,000 Sq. Ft.
- Minimum Lot Width – 50 feet
- Minimum Lot Depth – 100 feet
- Front Yard Setback – 15 feet
- Side Yard Setback – 10% of lot width with 5-feet min.
- Side Yard Setback (corner) – 15 feet
- Rear Yard Setback – 10 feet

PUBLIC NOTICE:

Six 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 April 28, 2015 at 11:00 AM., two notices were returned in favor of the request and no notices were returned in opposition.

The newspaper printed notice of the Planning and Zoning Commission public hearing on March 26, 2015, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable



ATTACHMENTS:

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

SURROUNDING PROPERTY AND USES:

The following table shows the subject property, existing zoning and current land uses:

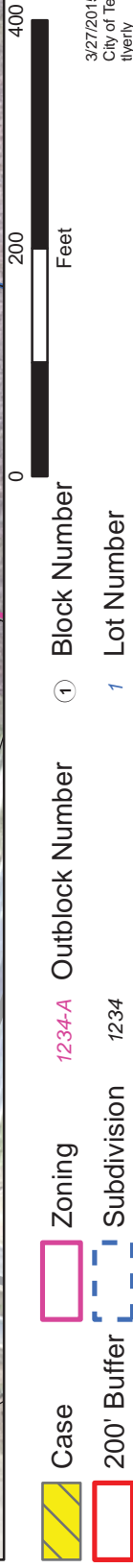
Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Undeveloped Land	
East	SF-1 and O-1	School Uses and Agricultural Land Uses	

Direction	Zoning	Current Land Use	Photo
West	GR	Undeveloped Land	
South	AG	Agricultural / Undeveloped Land Uses	

Direction	Zoning	Current Land Use	Photo
North	AG	Rural / Residential Uses	



215 Hilliard Road



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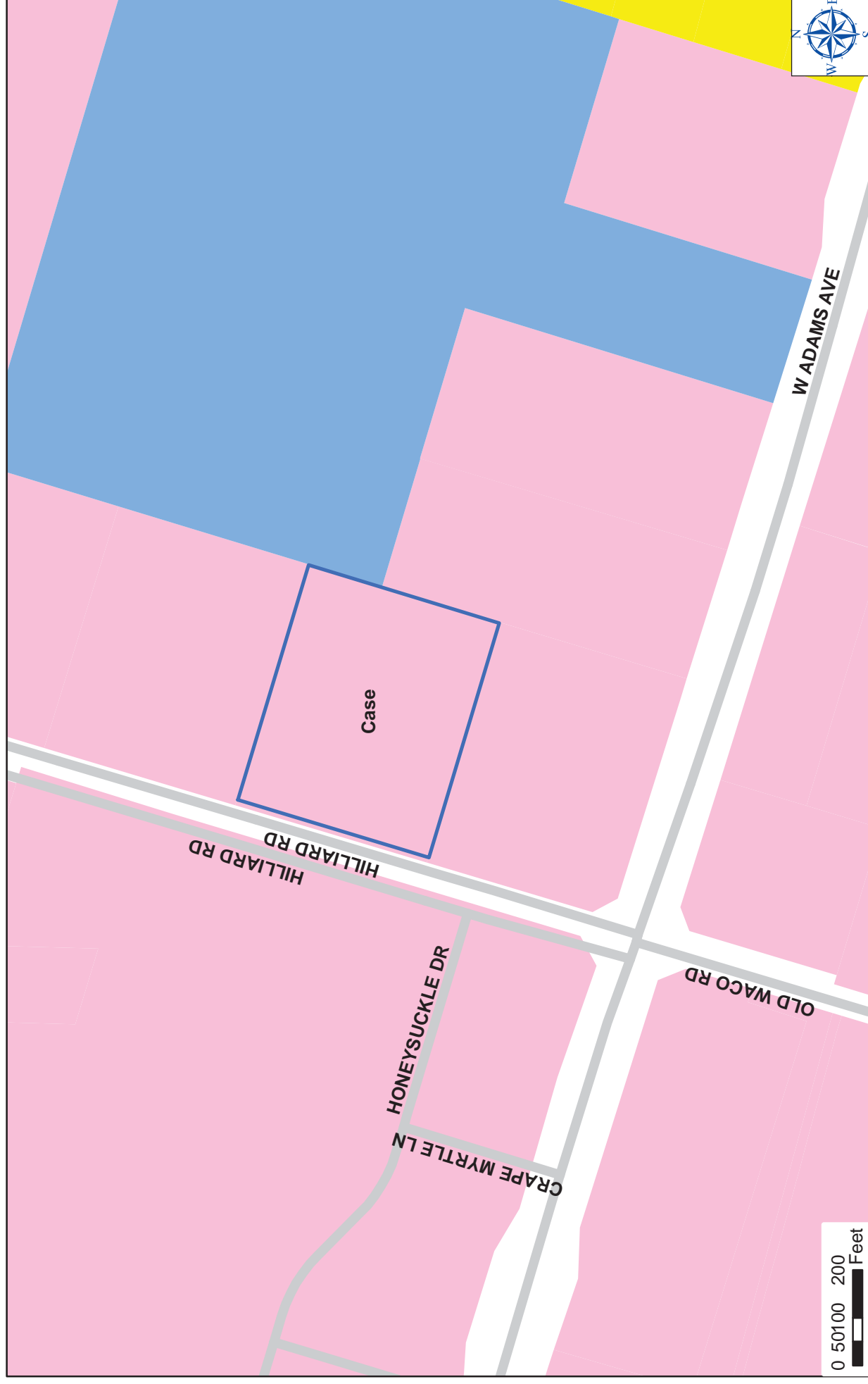
3/27/2015
City of Temple GIS
tively



Z-FY-15-16

AG to GR

215 Hilliard Road

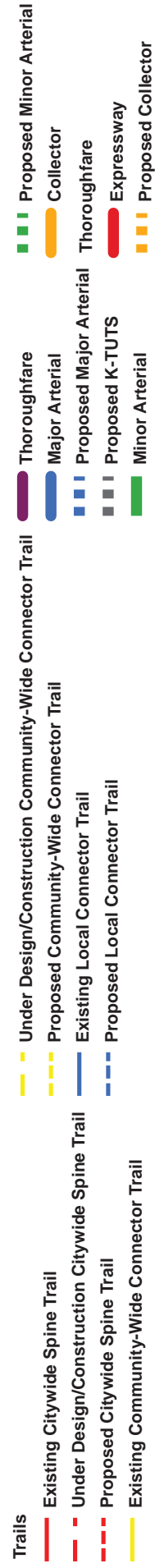


Future Land Use

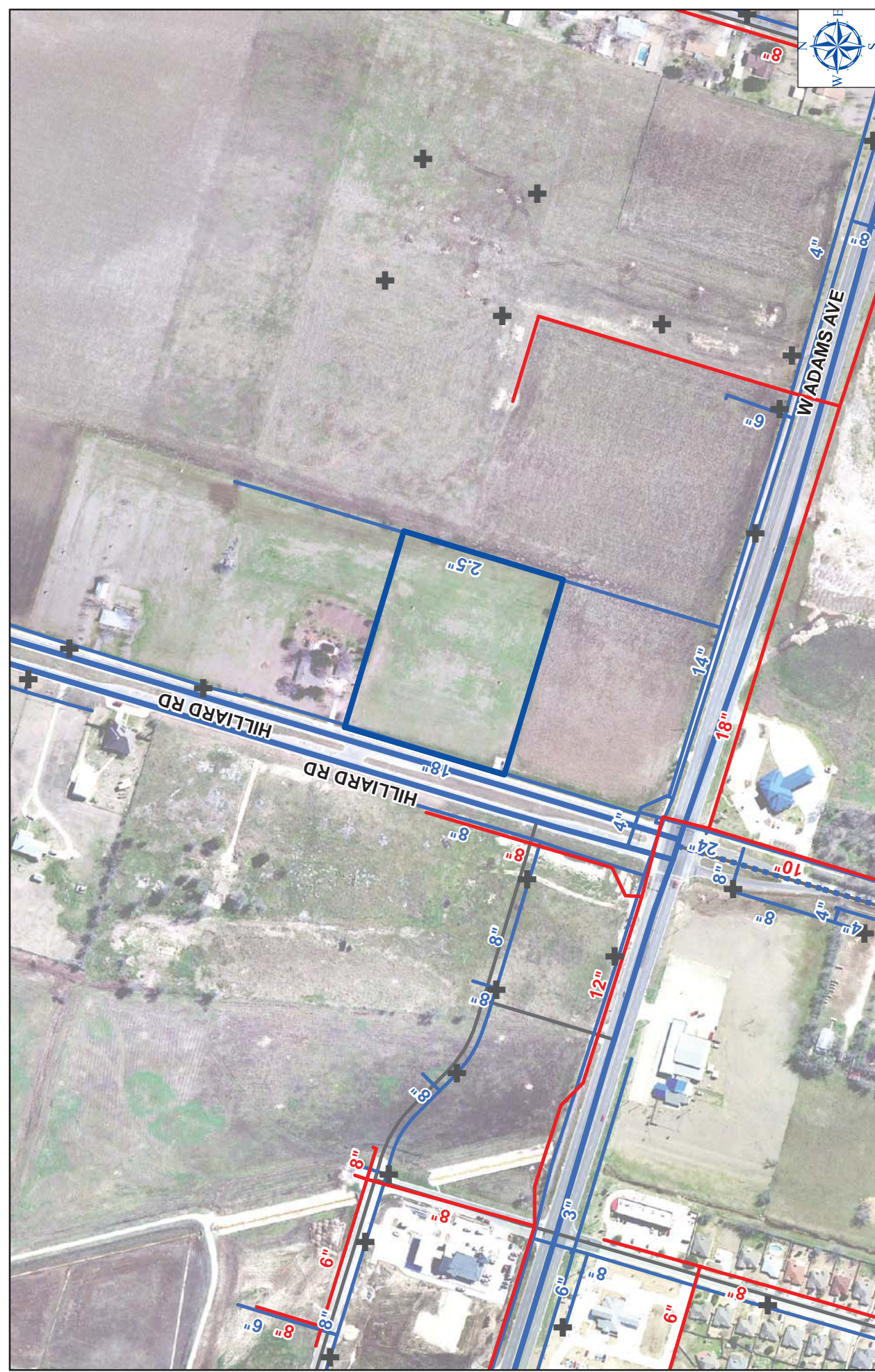
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3/27/2015
City of Temple GIS

215 Hilliard Road



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



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3/27/2015
City of Temple GIS

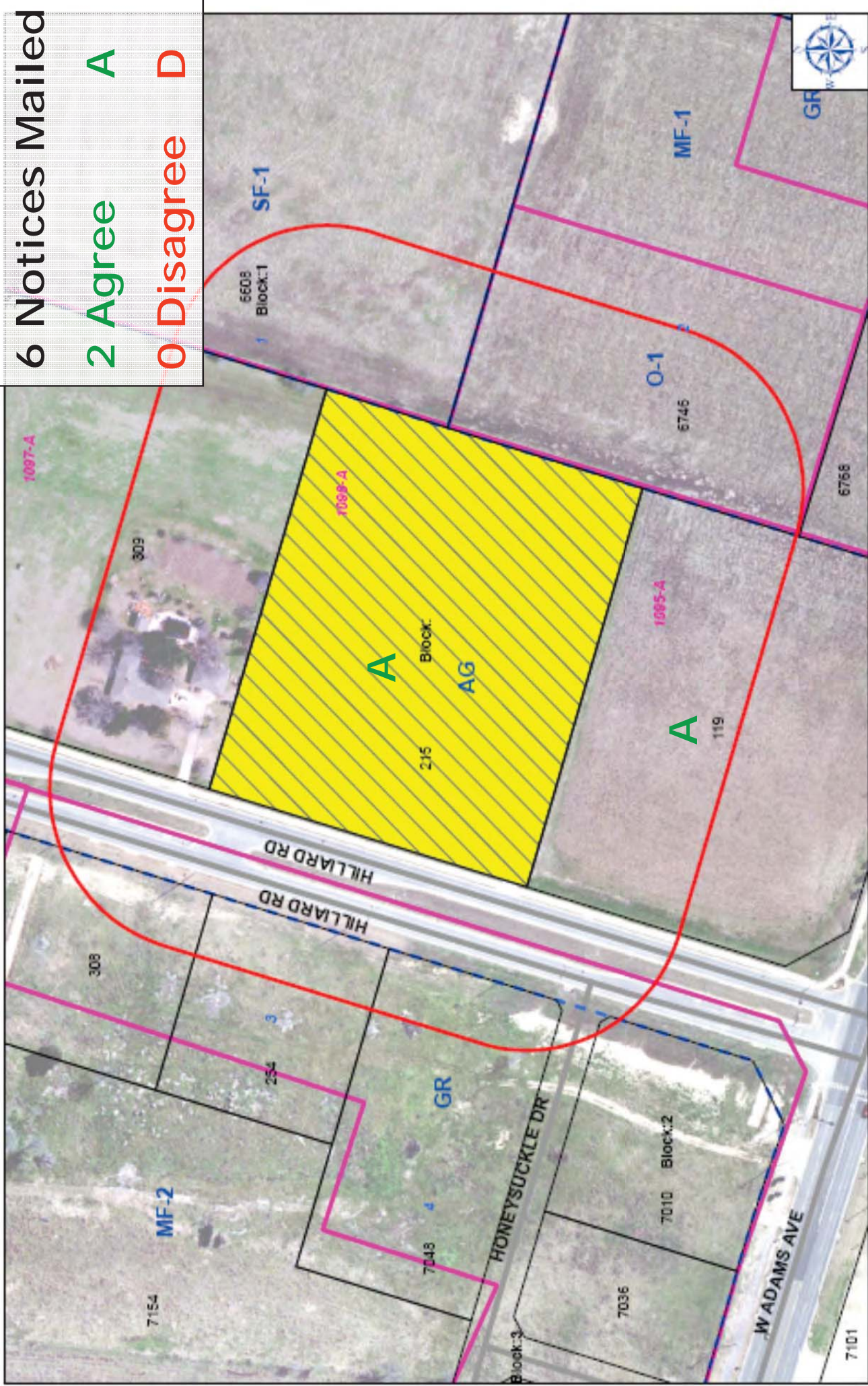


Z-FY-15-16

AG to GR

215 Hilliard Road

6 Notices Mailed
2 Agree A
0 Disagree D



 Case

 200' Buffer

 Zoning

 Subdivision

 Outblock Number

 Block Number

 Lot Number

1234-A

1234

1234

0

200

400

Feet

3/27/2015

City of Temple GIS

Apply

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 or constitute a ground survey and represent only the approximate relative location of property boundaries and other features.



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

James L. Kasberg
601 Kasberg Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-15-16

Project Manager: Tammy Lyerly

Location: 215 Hilliard Road

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

I recommend (☒) 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 6, 2015

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

Number of Notices Mailed: 6

RECEIVED Date Mailed: March 26, 2015

MAR 30 2015

City of Temple
Planning & Development



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

Subramanian Ltd
2207 S Clear Creek Road
Killeen, Texas 76549

Zoning Application Number: Z-FY-15-16

Project Manager: Tammy Lyerly

Location: 215 Hilliard Road

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

I recommend ☒ 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 6, 2015

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

Number of Notices Mailed: 6

Date Mailed: March 26, 2015

RECEIVED

APR 06 2015

City of Temple
Planning & Development

ORDINANCE NO. _____

(PLANNING NO. Z-FY-15-16)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT (AG) TO GENERAL RETAIL DISTRICT (GR) ON APPROXIMATELY 4.880 ACRES OF LAND SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, LOCATED AT 215 HILLIARD 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 General Retail District (GR) on approximately 4.880 acres of land situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 215 Hilliard 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.

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 was 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 7th day of May, 2015.

PASSED AND APPROVED on Second Reading on the **21st** day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/07/15
Item #8
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Manager

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing a number of economic development incentives for property redevelopment in the Jeff Hamilton Park area.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance on first reading, as presented in item description with second reading and final adoption set for May 21, 2015.

ITEM SUMMARY: This ordinance, if adopted, will create an incentive zone in the Jeff Hamilton Park area designed to encourage redevelopment that might otherwise not occur in the absence of incentives. The Jeff Hamilton Park area is bounded by the parcels fronting the north side of Avenue D from 14th Street to 18th Street, the parcels fronting the east side of 18th Street from Avenue D to Avenue H, the parcels fronting the north side of Avenue H from 18th Street to 14th Street and the parcels fronting the east side of 14th Street from Avenue H to Avenue D.

A map of the boundaries of the Jeff Hamilton Park area incentive zone is attached to this narrative as Exhibit A.

Limited new development has occurred within the Jeff Hamilton Park area incentive zone in the past twenty years. The condition of property in the Jeff Hamilton Park area incentive zone is likely to substantially arrest or impair sound growth because of the number of deteriorating structures, inadequate streets and sidewalks, lack of accessibility or usefulness of lots, unsanitary and unsafe conditions, the deterioration of site or other improvements, or conditions that endanger life or property by fire or other cause. These conditions justify the use of redevelopment incentives.

The proposed ordinance encourages redevelopment in the proposed Jeff Hamilton Park area incentive zone primarily through the availability of incentives (Chapter 380) where the City participates with dollars or in-kind services to encourage redevelopment. The proposed ordinance creates enabling authority, but is subject to the availability of funds that may be appropriated from year to year by the City Council as part of the annual budget process.

Proposed incentives include:

- Conveyance of City-owned lots to builders (case by case basis)
- Waiver of platting, zoning & permit fees
- Demolition of structures by City crews
- Waiver of water & wastewater tap fees
- Release of mowing & demolitions liens
- Providing solid waste containers at no charge (clean up, construction or demolition)
- Lot clearing by City Crews

FISCAL IMPACT:

ATTACHMENTS:

[Map](#)
[Ordinance](#)

HAMILTON PROJECT



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A NUMBER OF ECONOMIC DEVELOPMENT INCENTIVES FOR PROPERTY REDEVELOPMENT IN THE JEFF HAMILTON PARK AREA; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Jeff Hamilton Park area is bound by parcels fronting the north side of Avenue D from 14th Street to 18th Street, parcels fronting the east side of 18th Street from Avenue D to Avenue H, parcels fronting the north side of Avenue H from 18th Street to 14th Street, and the parcels fronting the east side of 14th Street from Avenue H to Avenue D;

Whereas, an incentive zone in the Jeff Hamilton Park area would be designed to encourage redevelopment that might otherwise not occur in the absence of incentives;

Whereas, limited new development has occurred within the Jeff Hamilton Park area incentive zone in the past twenty years and the condition of property in the Jeff Hamilton Park area incentive zone is likely to substantially arrest or impair sound growth because of the number of deteriorating structures, inadequate streets and sidewalks, lack of accessibility or usefulness of lots, unsanitary and unsafe conditions, the deterioration of site or other improvements, or conditions that endanger life or property by fire or other cause - these conditions justify the use of redevelopment incentives;

Whereas, by incentivizing this area, it will encourage redevelopment in the proposed Jeff Hamilton Park area primarily through the availability of incentives (Chapter 380) where the City participates with dollars or in-kind services to encourage redevelopment;

Whereas, some proposed incentives for this area include, conveyance of city-owned lots to builders, waiver of platting, zoning and permitting fees, demolition of structures by City crews, waiver of water and wastewater tap fees, release of mowing and demolition liens, providing solid waste containers at no charge and lot clearing by City crews;

Whereas, incentives proposed under this program would be in the form of in-kind services or through forgoing potential revenue and individual incentive agreements will be presented to the City Council for approval; and

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

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

Part 1: The City Council approves authorizing a number of economic development incentives for property redevelopments in the Jeff Hamilton Park area.

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 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 4: It is hereby officially found and determined that the meeting at which this ordinance was 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 7th day of **May**, 2015.

PASSED AND APPROVED on Second and Final Reading on the 21st day of **May**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney