



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

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

**THURSDAY, JUNE 18, 2015**

**3:30 P.M.**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 18, 2015.
2. Receive presentation on I-35 overlay updates.
3. Discuss the City's strategic plan, to include the FY 2015-2016 budget process and calendar, and various strategic and budget related policy issues.

**5:00 P.M.**

**MUNICIPAL BUILDING**

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

**TEMPLE CITY COUNCIL  
REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC HEARING**

3. **PUBLIC HEARING** – Presentation of the proposed Community Development Block Grant 2015/19 Consolidated Plan and 2015/16 Annual Action Plan and Budget, including the funding recommendations and notice of thirty day public comment period June 19 – July 18, 2015.

**III. PUBLIC COMMENTS**

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

**IV. CONSENT AGENDA**

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

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

**Minutes**

- (A) **June 4, 2015 Special Called & Regular Meeting**

**Contracts, Leases, & Bids**



- (B) [2015-7719-R](#): Consider adopting a resolution authorizing a contract with Brockway, Gersbach, Franklin and Niemeier, P.C. to perform the annual City of Temple audit for an amount not to exceed \$72,000.
- (C) [2015-7720-R](#): Consider adopting a resolution authorizing a two year renewable contract for bank depository services with BBVA Compass Bank.
- (D) [2015-7721-R](#): Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller of Temple, for engineering services relating to the Korompai Soccer Complex Drainage Improvements at Wilson Community Park not to exceed \$35,205, as well as to declare an official intent to reimburse the expenditures with the issuance of 2015 Parks General Obligation Bonds.
- (E) [2015-7722-R](#): Consider adopting a resolution authorizing a professional services agreement with Architectural Edge Inc. of Temple, for architectural and engineering services for the renovation of James B. Wilson Park Recreation Center, not to exceed \$85,065, as well as to declare an official intent to reimburse the expenditures with the issuance of 2015 Parks General Obligation Bonds.
- (F) [2015-7723-R](#): Consider adopting a resolution authorizing the participation in the National Association of State Procurement Officials (NASPO) for the Cooperative Buying of Data Communications Products and Service through Master Agreement AR627.
- (G) [2015-7724-R](#): Consider adopting a resolution authorizing the purchase of one (1) Autocar CNG-powered automated refuse truck, utilizing an HGAC contract, in the amount of \$295,810.
- (H) [2015-7725-R](#): Consider adopting a resolution authorizing the purchase of Shoretel Phone System and services with Affiliated Communications for phones, maintenance and services at the Police Department and Service Center in the amount of \$76,469.15.
- (I) [2015-7726-R](#): Consider adopting a resolution authorizing submission of an application for funding through the Centers for Disease Control and Prevention, Community Health Projects Related to Contamination at Brownfield/Land Reuse Sites program for the development of a clean-up plan for the Bend of the River property in the amount of \$150,000.

#### **Misc.**

- (J) [2015-7727-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2014-2015.

### **V. REGULAR AGENDA**

#### **RESOLUTIONS**

- 5. [2015-7728-R](#): P-FY-15-19 - Consider adopting a resolution authorizing a Final Plat of Dorsey II subdivision located at 7677 Acres Road and granting an exception to Unified Development Code Section 8.1.3A.7 related to required fire hydrants.

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

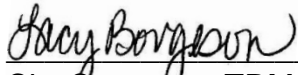
6. [2015-4717](#): FIRST READING – PUBLIC HEARING – Z-FY-15-17: Consider adopting an ordinance authorizing a rezoning of approximately 224.549 acres located north of West Adams Avenue and on the east and west sides of Westfield Boulevard from Agricultural District, Light Industrial District and General Retail District to Planned Development-General Retail District with a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption, Planned Development-Single Family Dwelling 3 District, and Planned Development-Single Family Attached Dwelling 3 District.
7. [2015-4718](#): FIRST READING – PUBLIC HEARING – Z-FY-15-19: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption for properties located at 7373 and 7349 Honeysuckle Drive, 7348 West Adams Avenue and 7410 West Adams Avenue.
8. [2015-4719](#): FIRST READING – PUBLIC HEARING – Z-FY-15-18: Consider adopting an ordinance amending Ordinance No. 2014-4689, and the corresponding site plan, to add a proposed apartment complex project in the Shoppes on the Hill Subdivision located at 2510 South 31<sup>st</sup> Street.

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 3:15 PM, on Friday, June 12, 2015.



City Secretary, TRMC  
City of Temple



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #3  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Ashley Williams, General Services Manager

**ITEM DESCRIPTION:** PUBLIC HEARING – Presentation of the proposed Community Development Block Grant 2015/19 Consolidated Plan and 2015/16 Annual Action Plan and Budget, including the funding recommendations and notice of thirty day public comment period June 19 – July 18, 2015.

**STAFF RECOMMENDATION:** Receive presentation as indicated in item description and conduct public hearing. No action is required.

### **ITEM SUMMARY:**

#### ***2015–2019 Consolidated Plan and Budget***

The Consolidated Plan outlines how the City of Temple will meet the National Objectives of the Community Development Block Grant (CDBG) requirements from 2015/19. Five public meetings/hearing were held in 2015 at various locations. Survey forms were handed out at the meetings and made available online to collect citizen input. Based on survey results and public meetings, the consolidated plan provides a framework for the next five-years of the program, as associated with involvement pertaining to infrastructure, housing, public facilities, demolitions, and public service agencies.

#### ***2015–2016 Annual Action Plan and Budget***

The Annual Action Plan reflects the City of Temple's funding priorities and identifies the projects proposed to receive Federal funds under the CDBG program. The City of Temple anticipates we will receive \$357,357 for our 2015/16 CDBG allocation. These funds enhance the City's community development programs, supporting safe, well-planned residential and business districts. Over 70% of the funding allocated to CDBG activities must benefit low to moderate income persons.

The City of Temple also plans to reallocate \$60,030 from the 2014 Action Plan in order to assist us with meeting the goals identified in the 2015/19 Consolidated Plan.

<i>2015-16 CDBG Funding</i>	<i>Program Income Received</i>	<i>Prior Funding Reallocation</i>	<i>Total</i>
\$357,357	\$0	\$60,030	\$417,387

The proposed allocation of funds is as follows:

Public Services	\$50,000
Infrastructure Improvements	\$100,000
Housing Improvements	\$114,387
Demolition	\$70,000
Administration	\$83,000
<b>Total</b>	<b>\$417,387</b>

***Public Services - \$50,000***

The City received nine applications requesting a total of \$177,737 in CDBG Public Service Agency (PSA) funding. A total of \$50,000 will be awarded to qualifying programs and to those that address objectives outlined in the five-year Consolidated Plan.

***Infrastructure Improvements - \$100,000***

Infrastructure improvements will focus on sidewalk/transportation enhancements. Projects will address objectives outlined in the five-year Consolidated Plan.

***Housing Improvements - \$114,387***

Housing improvements will focus on accessibility, emergency home repair, pre-weatherization and maintenance classes to improve and encourage continued maintenance of homes needing attention and repair. Projects will address objectives in the five-year Consolidated Plan.

***Demolition - \$70,000***

Demolition of vacant and dilapidated structures will be conducted to address blighted conditions on a spot basis in locations to be determined based on code violations. This is an on-going program and has recently been moved in-house through the City's Code Enforcement division.

***Administration - \$83,000***

It is recommended that \$83,000 be allocated for the City's administration of the CDBG Program.

This presentation and public hearing for the proposed 2015/19 Consolidated Plan, 2015/16 Annual Action Plan and Budget will be followed by a 30-day public comment period. A final public hearing and action on the 2015/19 Consolidated Plan, 2015/16 Annual Action Plan will occur at the August 6, 2015 Council Meeting.

**FISCAL IMPACT:** The allocation amount of \$357,357 in FY 2015/16 CDBG funds along with the reprogramming of \$60,030 in additional funds available for a total of \$417,387 are to be allocated as recommended.

**ATTACHMENTS:**

None



## COUNCIL AGENDA ITEM MEMORANDUM

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06/18/15  
Item #4(A)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

(A) [June 4, 2015 Special Called & Regular Meeting](#)

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

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

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[June 4, 2015 Special Called & Regular Meeting \(To Be Provided\)](#)



## COUNCIL AGENDA ITEM MEMORANDUM

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06/18/15  
Item #4(B)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with Brockway, Gersbach, Franklin and Niemeier, P.C. to perform the annual City of Temple audit for an amount not to exceed \$72,000.

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

**ITEM SUMMARY:** This item is to engage the audit firm of Brockway, Gersbach, Franklin and Niemeier, P.C. to perform the annual audit of the City of Temple. This will be the first year of a five year contract for audit services. The contract will be renewed annually. Staff anticipates the audit for FY 2015 will be completed and presented to Council in February 2016.

Listed below are the cost proposals related to the audit services:

	<b>Fiscal Year Ending</b>	<b>Fee</b>
First Year	2015	\$ 72,000
Second Year	2016	73,400
Third Year	2017	74,900
Fourth Year	2018	76,400
Fifth Year	2019	77,900

Per the Local Government Code Section 252.022, professional services are exempt from the competitive bidding rules.

**FISCAL IMPACT:** \$72,000 is proposed in the FY 2015-2016 preliminary budget to be filed on June 26, 2015. The fee for FY 2015 audit is 2.13% higher than the FY 2014 audit fee.

### **ATTACHMENTS:**

[Engagement letter](#)  
[Resolution](#)



April 23, 2015

Honorable Mayor and  
Members of the City Council  
Temple, Texas

We are pleased to confirm our understanding of the services we are to provide the City of Temple, Texas for the year ended September 30, 2015. We will audit the financial statements of the governmental activities, the business-type activities, the discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of the City of Temple, Texas as of and for the year ended September 30, 2015. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City of Temple, Texas' basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City of Temple, Texas' RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- 2) Budgetary Comparison Schedules
- 3) GASB – Required Supplementary Pension and OPEB Schedules

We have also been engaged to report on supplementary information other than RSI that accompanies the City of Temple, Texas' financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole in a report combined with our auditor's report on the financial statements:

- 1) Combining and Individual Fund Statements and Schedules
- 2) Schedule of Expenditures of Federal and State Awards



The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on that other information:

- 1) Introductory Section
- 2) Statistical Data

### **Audit Objectives**

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on—

- Internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The OMB Circular A-133 report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with OMB Circular A-133, and other procedures we consider necessary to enable us to express such opinions. We will issue written reports upon completion of our Single Audit. Our reports will be addressed to the Honorable Mayor and Members of City Council of City of Temple, Texas. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements or the Single Audit compliance opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.



### **Management Responsibilities**

Management is responsible for the financial statements, schedule of expenditures of federal awards, and all accompanying information as well as all representations contained therein. Management is also responsible for identifying all federal awards received and understanding and complying with the compliance requirements, and for preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in accordance with the requirements of OMB Circular A-133. As part of the audit, we will assist with preparation of your financial statements, schedule of expenditures of federal awards, and related notes. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. You agree to assume all management responsibilities relating to the financial statements, schedule of expenditures of federal awards, related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, schedule of expenditures of federal awards, and related notes and that you have reviewed and approved the financial statements, schedule of expenditures of federal and state awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Management is responsible for (a) establishing and maintaining effective internal controls, including internal controls over compliance, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (b) following laws and regulations; (c) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (d) ensuring that management is reliable and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities also include identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.



You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan.

You are responsible for preparation of the schedule of expenditures of federal and state awards (including notes and noncash assistance received) in conformity with OMB Circular A-133. You agree to include our report on the schedule of expenditures of federal and state awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal and state awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal and state awards that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal and state awards in accordance with OMB Circular A-133; (2) you believe the schedule of expenditures of federal and state awards, including its form and content, is fairly presented in accordance with OMB Circular A-133; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal and state awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.



### **Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal and state awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

### **Audit Procedures—Internal Control**

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures.<sup>b</sup> Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.



As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and OMB Circular A-133.

#### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Temple, Texas' compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City of Temple, Texas' major programs. The purpose of these procedures will be to express an opinion on the City of Temple, Texas' compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

#### **Engagement Administration, Fees, and Other**

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.



Honorable Mayor and  
Members of the City Council  
Temple, Texas  
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At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal and state awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

We will provide copies of our reports to City of Temple, Texas; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Brockway, Gersbach, Franklin & Niemeier, P.C. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to federal agency or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Brockway, Gersbach, Franklin & Niemeier, P.C. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the City or any federal agencies. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately July 2015 and to issue our reports no later than February 2016. Steve Niemeier is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services will be at our standard rates, except we agree that our gross fee, including expenses, will not exceed \$ 72,000. This fee includes the implementation of GASB 68. Our standard hourly rates vary accordingly to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report(s). You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Honorable Mayor and  
Members of the City Council  
Temple, Texas  
Page eight

We have attached **Schedule A** that provides the estimated audit fees for the next four years, providing the City the option to extend this contract for a period of up to five years.

*Government Auditing Standards* require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2012 peer review report accompanies this letter.

We appreciate the opportunity to be of service to City of Temple, Texas and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Sincerely,



Stephen H. Niemeier, CPA  
Brockway, Gersbach, Franklin & Niemeier, P. C.

**RESPONSE:**

This letter correctly sets forth the understanding of the City of Temple, Texas

By: \_\_\_\_\_ Title: City Manager

Date: \_\_\_\_\_

By: \_\_\_\_\_ Title: City Attorney

Date: \_\_\_\_\_

**Schedule of Professional Fees for  
the Audit of the Financial Statements**

Fee for Subsequent Years Ending September 30:

2016	\$ <u>73,400</u>
2017	\$ <u>74,900</u>
2018	\$ <u>76,400</u>
2019	\$ <u>77,900</u>



BUMGARDNER, MORRISON & COMPANY, L.L.P.

*BMC*

JOSEPH B. BUMGARDNER, CPA  
(1911-2002)  
JACK R. MORRISON, SR., CPA  
(1922-1997)

CERTIFIED PUBLIC ACCOUNTANTS

CHRISTOPHER E. KREJCI, CPA  
JEROME G. KOTZUR, CPA  
G. DENNIS SHAY, CPA, CFP®  
PAULA G. LESKE, CPA  
MICHAEL E. WENSKE, CPA

MEMBERS:  
AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS  
TEXAS SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS  
AICPA PRIVATE COMPANIES PRACTICE SECTION  
AICPA TAX DIVISION

September 28, 2012

JACK C. FITZGERALD, CPA  
JACK R. MORRISON, JR., CPA

**System Review Report**

To the Shareholders of Brockway, Gersbach, Franklin & Niemeier, PC  
and the Peer Review Committee of the Texas Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Brockway, Gersbach, Franklin & Niemeier, PC (the firm) in effect for the year ended April 30, 2012. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary).

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Brockway, Gersbach, Franklin & Niemeier, PC in effect for the year ended April 30, 2012, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Brockway, Gersbach, Franklin & Niemeier, PC has received a peer review rating of *pass*.

*Bumgardner, Morrison & Company, LLP*



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH BROCKWAY, GERSBACH, FRANKLIN AND NIEMEIER, P.C., IN AN AMOUNT NOT TO EXCEED \$72,000, TO PERFORM THE ANNUAL CITY OF TEMPLE AUDIT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, staff recommends engaging the audit firm of Brockway, Gersbach, Franklin and Niemeier, P.C., to perform the annual audit for fiscal year 2015, for the City of Temple;

**Whereas**, this will be the first year of a 5-year contract for audit services – staff anticipates the audit will be completed and presented to Council in February, 2016;

**Whereas**, per Local Government Code Section 252.022, professional services are exempt from the competitive bidding rules;

**Whereas**, funds have been budgeted in the fiscal year 2015-2016 preliminary budget to be filed on June 26, 2015; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute an agreement with Brockway, Gersbach, Franklin and Niemeier, P.C., after approval as to form by the City Attorney, in an amount not to exceed \$72,000, to perform the annual audit for fiscal year 2015, for the City of Temple.

**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 18<sup>th</sup> day of **June**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/18/15  
Item #4(C)  
Consent Agenda  
Page 1 of 2

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a two year renewable contract for bank depository services with BBVA Compass Bank.

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

**ITEM SUMMARY:** This item is to seek approval of a new City of Temple depository contract for municipal funds in accordance with Chapter 105 of the Texas Local Government Code. The initial contract term is for the period of two (2) years commencing September 1, 2015 through August 31, 2017, with an option for three (3) 1-year continuations.

The City advertised for proposals in March 2015. On April 22, 2015, four (4) proposals were received from banking institutions located in Temple. Submitting proposals were American Bank, BBVA Compass Bank, Extraco Banks, and Wells Fargo.

The proposals were analyzed by the Finance Department staff, the City Attorney, a representative from the Utility Business Office, a staff member from the Information Technology Department and the City's investment consultant, Valley View Consulting, LLC. The proposals were analyzed based on the following criteria:

- Ability to perform and provide the required and requested services
- Reputation of applicant and quality of services
- Cost of services
- Transition cost, retention and transition offers and incentives
- Funds availability
- Interest paid on interest bearing accounts and deposits
- Earnings credit calculation on compensation balances
- Completeness of application and agreement to points outlined in the RFA
- Physical location within municipal boundaries
- Convenience of location(s)
- Previous service relationship with the City

- Financial strength and stability of institution
- Ability to provide collateral for all deposits in compliance with all State statutes and the City's Investment Policy

The City staff recommends that we award the contract to BBVA Compass Bank for the new contract period. BBVA Compass Bank is capable of providing the banking services required by the City at a competitive price, is offering a competitive interest rate and earnings credit rate, can provide the necessary collateral, is financially stable, is offering multiple incentives, and is conveniently located.

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

**FISCAL IMPACT:** Estimated banking costs on average months will total \$3,000 before interest paid and earnings credit on available balances. This amount will vary from month to month depending on transaction volume and services elected. Current banking costs average \$3,000 monthly.

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,  
AUTHORIZING A TWO YEAR RENEWABLE CONTRACT WITH BBVA  
COMPASS BANK FOR BANK DEPOSITORY SERVICES; AND PROVIDING AN  
OPEN MEETINGS CLAUSE.

---

**Whereas**, staff requests approval of a new City of Temple depository contract for municipal funds in accordance with Chapter 105 of the Texas Local Government Code;

**Whereas**, the initial contract term will be for a two year period commencing September 1, 2015 through August 31, 2017, with an option for three 1-year continuations if agreed to by all parties;

**Whereas**, on April 22, 2015, four proposals were received from banking institutions located in Temple - the proposals were analyzed by a staff committee made up of several departments as well as the City's investment consultant, Valley View Consulting, LLC;

**Whereas**, the committee recommends that the City award the contract to BBVA Compass Bank – BBVA Compass Bank is capable of providing the banking services required by the City at a competitive price, offers competitive interest and earnings credit rates, can provide necessary collateral, is financially stable, is offering multiple incentives and is conveniently located;

**Whereas**, estimated banking costs will vary from month to month depending on transaction volume and services elected; and

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

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

**Part 1:** The City Council authorizes the City Manager to execute a two year renewable contract with BBVA Compass Bank, after approval as to form by the City Attorney, for bank depository services.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution 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 18<sup>th</sup> day of June, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/18/15  
Item #4(D)  
Consent Agenda  
Page 1 of 2

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

Kevin Beavers, Director of Parks and Recreation Department

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller of Temple, for engineering services relating to the Korompai Soccer Complex Drainage Improvements at Wilson Community Park not to exceed \$35,205, as well as to declare an official intent to reimburse the expenditures with the issuance of 2015 Parks General Obligation Bonds.

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

**ITEM SUMMARY:** One of the items approved in the 2015 Parks Bond was a project to address drainage concerns at the Soccer Complex Wilson Community Park.

During major rain events the soccer fields have begun to retain large amounts of rain water and this makes the fields unplayable for extended periods. This project will clean out and re-grade drainage channels around the fields and prevent most of this rain water from flooding onto the field, it will also promote efficient drainage of water from the fields. Once completed, the project will allow the City Staff to get the fields back into playable condition after rains more quickly, and should prevent rain out situations after only moderate rains.

### **Clark & Fuller services will include:**

Design Development & Construction Document Preparation	\$17,680
Project Bidding	\$ 750
Site Topography	\$ 6,500
Construction	\$ 3,825
Daily On-Site Inspection	\$ 6,450
<b>TOTAL</b>	<b><u>\$35,205</u></b>

**FISCAL IMPACT:** This item declares an official intent to reimburse the cost of this agreement in the amount of \$35,205 from the 2015 Parks GO Bonds to be issued in September 2015. The General Obligation bond issue was approved by voters on May 9, 2015. Total project cost for the Korompai Soccer Complex Drainage Improvements in Wilson Community Park is \$254,745 which will be funded in account 362-3500-552-6405, project #101314 when the bonds are issued.

**ATTACHMENTS:**

[Proposal](#)  
[Resolution](#)

June 1, 2015

Val Roming  
City of Temple Parks Department  
1909 Curtis B. Elliot Drive  
Temple, Texas 76503



Re: Proposal for Professional Engineering & Surveying Consulting Services  
To support the City of Temple – 2015 Korompai Soccer Field Drainage Improvements

Mr. Roming:

We appreciate the opportunity to submit a professional services proposal in response to your request for a proposal to perform Professional Engineering & Surveying Consulting Services required for the above referenced project.

**BASIC ENGINEERING & SURVEYING SERVICES:**

Clark & Fuller, PLLC hereinafter ENGINEER proposes to the City of Temple hereinafter CLIENT the following professional Civil Engineering and Surveying Services for the City of Temple – 2015 Korompai Soccer Field Drainage Improvements located in Temple, Texas. We understand that the estimated Budget for this project is \$220,400.00 and new drainage improvement, are to be constructed, adjacent to the existing Korompai Soccer Fields. We have included lump sum fees for each respective phase.

1. Design Development & Construction Document Preparation to include: \$ 17,680.00
  - a. Civil Site and Dimension Plan
  - b. Site Drainage and Erosion Control Analysis and Design
  - c. Site Grading Design and Plan
  - d. Site Storm Sewer Design and Plan
  - e. Site Sports Seeding and Sodding Plan
  - f. Site Erosion Control Plan
  - g. Construction Document Preparation
  - h. Preparation of Engineers Project Details and Specifications
  - i. Attend and Facilitate Project Coordination with City of Temple Staff
2. Project Bidding Phase: \$ 750.00
  - a. Prepare and Distribute Copies of Plans, Bid Schedule, and Specifications to the City of Temple Purchasing Department
  - b. Prepare and Distribute Digital Copies of Plans, Bid Schedule, and Specifications to the City of Temple Purchasing Department
  - c. Attend and Facilitate a Pre-Bid Meeting
  - d. Review Contractor Bids for conformance to Engineers Plans
  - e. Provide Bid Tabulation and Letter of Recommendation to Award Project
  - f. Provide Engineers Opinion of Probable Cost and Number of Days to Construct
3. Site Topography Survey to include: \$ 6,500.00
  - a. Provide Elevation Benchmark
  - b. Topography Survey to establish existing features and elevations to support Engineers Site Design & Document Development.
  - c. Provide one-foot contours, with TBM's referencing the datum
4. Construction Phase: \$ 3,825.00
  - a. Attend and facilitate a Pre-Construction Meeting
  - b. Review all Contractor Submittals
  - c. Provide Construction Administration and Project "Site" Visits to assist contractor with field construction questions

- d. Assist the City of Temple with Construction Questions and Respond to Requests for Information (RFI's)
- e. Review Contractor Applications for Payment and insure conformance with percentage of construction complete
- f. Execute Necessary Change Orders
- g. Attend Final Project Inspection
- h. Provide Final Inspection Punch List

5. Daily Onsite Construction Inspection Services:

\$ 6,450.00

We're looking forward to working with you on this project and we look forward to participating in developing an overall successful project. Please notify us as to your acceptance so that we may schedule this project to meet the established deadlines

Sincerely,

A handwritten signature in black ink, appearing to read 'Monty Clark', with a stylized flourish at the end.

Monty Clark, P.E., CPESC





### **PROFESSIONAL FEE SCHEDULE**

Licensed Professional Engineer	\$ 120.00/hr.
Licensed Professional Structural Engineer	\$ 210.00/hr.
Design Technician	\$ 70.00/hr.
CADD Technician	\$ 60.00/hr.
CADD Draftsman	\$ 50.00/hr.
Clerical	\$ 35.00/hr.
Licensed Professional Land Surveyor	\$ 105.00/hr.
Field Crew & Total Station	\$ 130.00/hr.
Survey Research and Schematic Production	\$ 90.00/hr.
Daily On-Site Inspection Services	\$ 45.00/hr.
Landscaping Designer	\$ 70.00/hr.
Expenses	Additional Cost Plus 10%

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CLARK & FULLER, PLLC, OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$35,205, FOR ENGINEERING SERVICES RELATED TO THE KOROMPAI SOCCER COMPLEX DRAINAGE IMPROVEMENTS IN JAMES B. WILSON PARK; DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH THE ISSUANCE OF 2015 PARKS GENERAL OBLIGATION BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, one of the projects approved in the 2015 Parks Bond was the drainage concerns at the Korompai Soccer Complex in the James B. Wilson Park;

**Whereas**, during major rain events, the soccer fields retain large amounts of rain water which makes the fields unplayable for extended periods of time - this project will clean out and re-grade the drainage channels around the fields which will prevent most of the rain water from flooding onto the field, and will promote efficient drainage of water from the fields;

**Whereas**, once completed, the project will allow staff to get the soccer fields back into playable condition more quickly as well as prevent rain out situations after only moderate rains;

**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 item declares an official intent to reimburse the cost of this agreement in an amount not to exceed \$35,205 from the 2015 Parks General Obligation Bonds to be issued in September 2015 - the General Obligation Bond issue was approved by voters on May 9, 2015;

**Whereas**, staff recommends award of this agreement to Clark & Fuller, PLLC, of Temple, Texas in an amount not to exceed \$35,205;

**Whereas**, total project cost for the Korompai Soccer Complex Drainage Improvements in Wilson Park is \$254,745.00 which will be funded in Account No. 362-3500-552-6405, Project No.101314 when the bonds are issued; 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 Clark & Fuller, PLLC, of Temple, Texas, after approval as to form by the City Attorney, in an amount not to exceed \$35,205 for engineering services related to the Korompai Soccer Complex Drainage Improvements in James B. Wilson Park, as well as declare an official intent to reimburse the expenditures with the issuance of 2015 Parks General Obligation 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 18<sup>th</sup> day of **June**, 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

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Item #4(E)  
Consent Agenda  
Page 1 of 2

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

Kevin Beavers, Director of Parks and Recreation

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Architectural Edge Inc. of Temple, for architectural and engineering services for the renovation of James B. Wilson Park Recreation Center, not to exceed \$85,065, as well as to declare an official intent to reimburse the expenditures with the issuance of 2015 Parks General Obligation Bonds.

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

**ITEM SUMMARY:** One of the projects approved in the 2015 Parks Bond was the interior renovation of Wilson Park Recreation Center located in James B. Wilson Park. The recreation center, which was built in 1996, is home to many programs to include summer camps, athletic leagues, recreational classes and community gatherings.

Architectural Edge Inc. services will include a needs assessment, master planning, architectural design and the development of construction documents. The proposed timeline for the project is two hundred and ten days from the "Notice to Proceed".

### **Architectural Edge, Inc. services will include:**

Architectural and Engineering Services:	\$84,000
Submittal to TDLR for ADA Compliance:	\$ 1,065
<b>TOTAL</b>	<b><u>\$85,065</u></b>

**FISCAL IMPACT:** This item declares an official intent to reimburse the cost of this agreement in the amount of \$85,065 from the 2015 Parks GO Bonds to be issued in September 2015. The General Obligation bond issue was approved by voters on May 9, 2015. Total project cost for the Wilson Recreation Center improvements is \$1,300,000, which will be funded in account 362-3500-552-6419, project #101328 when the bonds are issued.

**ATTACHMENTS:**

Proposal  
Resolution



June 8, 2015

Chuck Ramm  
City of Temple – Parks and Recreation  
Temple, Texas

**RE: Architectural/Engineering Services – Wilson Park Recreation Center  
Temple, Texas**

Chuck,

**ARCHITECTURAL EDGE INC.** is pleased to submit a proposal to perform architectural and engineering services for the renovation of the Wilson Park Recreation Center.

Architecture  
Design Services  
Consultation

We understand that the scope of the project includes renovation of the existing recreation center in order to better provide for the patrons who utilize the spaces. Our expectations are to provide needs assessments and master planning for the building prior to beginning the design phases. This will allow the needs of the City to be quantified and qualified into an organized plan to best meet the most number of, and the important needs that are identified. Currently, Architectural Edge understands that the project construction costs will be approximately \$1,200,000. The professional fees proposed are generated from this amount, fully recognizing that the exact scope of the services will include the normal processes and consultants required to produce the construction documents.

**Fees:**

<b>ARCHITECTURAL &amp; ENGINEERING SERVICES:</b>	<b>7%</b>	<b>\$84,000</b>
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**SUPPLEMENTAL FEES / COSTS:** required upon completion of Construction Drawings. The construction drawings are required by law, to be submitted to the Texas Department of Licensing and Regulations for review for ADA accessibility prior to obtaining a building permit by the City of Temple.

Submittal to TDLR for ADA Compliance (as required by state law)

Filing Fee	\$175
Plan Review:	\$445
Construction Inspection:	\$445

<b>Total Supplemental Fees:</b>	<b>\$1,065</b>
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<b>TOTAL FEES:</b>	<b>\$85,065</b>
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3010 Scott Blvd.  
Suite 102  
Temple, TX 76504

P 254.771.2054  
F 254.773.2144

email@  
archedge.com

**ADDITIONAL SERVICES:**

For additional drafting or design services requested by the owner, or a substantial change in the scope of work, compensation shall be executed with a change order using the following hourly rates:

Architect/Engineer:	\$125.00/hour
Intern:	\$95.00/hour
Designer/Technician:	\$75.00/hour

We look forward to working with you on this project. Please feel free to contact us if you have any questions or comments

**Proposed:**

  
\_\_\_\_\_  
Randy Stumberg, AIA  
**Architectural Edge, Inc.**

06/08/15  
\_\_\_\_\_  
Date

**Accepted:**

\_\_\_\_\_  
City of Temple

\_\_\_\_\_  
Date

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ARCHITECTURAL EDGE, INC. OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$85,065, FOR ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE RENOVATION OF THE JAMES B. WILSON PARK RECREATION CENTER; DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH THE ISSUANCE OF 2015 PARKS GENERAL OBLIGATION BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, one of the projects approved in the 2015 Parks Bond was the interior renovation of Wilson Park Recreation Center located in James B. Wilson Park - the recreation center, which was built in 1996, is home to many programs including summer camps, athletic leagues, recreational classes and community gatherings;

**Whereas**, the services performed by Architectural Edge will include a needs assessment, master planning, architectural design and the development of construction documents;

**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 item declares an official intent to reimburse the cost of this agreement in an amount not to exceed \$85,065 from the 2015 Parks General Obligation Bonds to be issued in September 2015 - the General Obligation Bond issue was approved by voters on May 9, 2015;

**Whereas**, staff recommends award of this agreement to Architectural Edge, Inc., of Temple, Texas in an amount not to exceed \$85,065;



**Whereas,** total project cost for the Wilson Recreation Center improvements is \$1,300,000, which will be funded in Account No. 362-3500-552-6419, Project No.101328 when the bonds are issued; 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 Architectural Edge, Inc., of Temple, Texas, after approval as to form by the City Attorney, in an amount not to exceed \$85,065, for architectural and engineering services related to the renovation of the James B. Wilson Park Recreation Center, as well as declare an official intent to reimburse the expenditures with the issuance of 2015 Parks General Obligation 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 18<sup>th</sup> day of **June**, 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

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06/18/15  
Item #4(F)  
Consent Agenda  
Page 1 of 2

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

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the participation in the National Association of State Procurement Officials (NASPO) for the Cooperative Buying of Data Communications Products and Service through Master Agreement AR627.

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

**ITEM SUMMARY:** The City of Temple currently uses multiple cooperating Purchase Agreements and are excited about using NASPO, the National Association of State Procurement Officials to purchase communications equipment in an effort to obtain bigger discounts using a national contract that has 50 participating State.

NASPO, the National Association of State Procurement Officials, is a non-profit association dedicated to strengthening the procurement community through education, research, and communication. It is made up of the directors of the central purchasing offices of the 50 states, District of Columbia and territories of the United States. NASPO is an organization through which the member purchasing officials provide leadership in professional public purchasing, improve the quality of purchasing and procurement, exchange information, and cooperate to attain greater efficiency and economy.

The NASPO ValuePoint purchasing cooperative program is led by State Procurement Officers from member States elected by their peers. In contrast to many other purchasing cooperatives, NASPO ValuePoint is considered a “pure” cooperative. A multi-state team of procurement and subject matter experts cooperate in the creation of the solicitation, which is conducted by a lead state, in full compliance with that state’s laws and procedures, including public notice requirements. NASPO ValuePoint Purchasing Cooperative Organization awards no contracts, but rather assists the states in their collaboration on solicitations and the resulting contracts. NASPO ValuePoint contracts are among the most successful and highest volume contracts in the US with administrative fees significantly lower than other cooperatives. With the purchasing leverage of all 50 states, NASPO ValuePoint contracts consistently offer better contracts at lower costs.

**FISCAL IMPACT:** This contract will be used for the purchase of the Shoretel Phone System for Police and Service Center that is in this consent agenda for your consideration and approval.

**ATTACHMENTS:**

[Agreement](#)

[Resolution](#)

**PARTICIPATING ADDENDUM**  
**WSCA-NASPO COOPERATIVE PURCHASING ORGANIZATION**  
**DATA COMMUNICATIONS PRODUCTS AND SERVICES 14-19**  
**Administered by the State of Utah (hereinafter "Lead State")**

MASTER AGREEMENT  
ShoreTel, Inc  
Master Agreement No: AR627  
(hereinafter "Contractor")

And

{City of Temple}  
(hereinafter "Participating State/Entity")

Page 1 of 4

1. **Scope:** This addendum covers the Data Communications Products and Services 14-20 contracts led by the State of Utah for use by state agencies and other entities located in the Participating **State/Entity** authorized by that state's statutes to utilize **state/entity** contracts with the prior approval of the state's chief procurement official. All capitalized terms not defined herein shall have the meanings assigned to them in the Master Agreement.

2. **Participation:** Use of specific WSCA-NASPO cooperative contracts by agencies, political subdivisions and other entities (including cooperatives) authorized by an individual state's statutes to use **state/entity** contracts are subject to the prior approval of the respective State Chief Procurement Official. Issues of interpretation and eligibility for participation are solely within the authority of the State Chief Procurement Official.

3. **Participating State/Entity Modifications or Additions to Master Agreement:**

(These modifications or additions apply only to actions and relationships between the Contractor and the Participating State/Entity.)

- a. Limitation of Liability. Notwithstanding any other provisions in the Master Agreement or hereof, Contractor shall not be liable for any claim based on Participating State/Entity's use of the Products after Contractor has informed Participating State/Entity of modifications or changes in the Products required to avoid such claims and offered to implement those modifications or changes, if such claim would have been avoided by implementation of Contractor's suggestions.
- b. Except for those obligations under Intellectual Property Infringement, and General Indemnity, notwithstanding any other provisions in the Master Agreement or hereof, all liability of Contractor and its suppliers to any Participating State/Entity for claims arising under the Master Agreement, the Participating Addendum or otherwise shall be limited to Three Million Dollars (\$3,000,000). This limitation of liability is cumulative and not per incident.
- c. Notwithstanding any other provisions in the Master Agreement or hereof, in no event shall Contractor or its suppliers be liable for any incidental, special, indirect, or consequential damages, or lost or damaged data (except for a loss of Purchaser data caused by

**PARTICIPATING ADDENDUM**  
**WSCA-NASPO COOPERATIVE PURCHASING ORGANIZATION**  
**DATA COMMUNICATIONS PRODUCTS AND SERVICES 14-19**  
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(hereinafter "Contractor")

And

{City of Temple]  
(hereinafter "Participating State/Entity")

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Contractor's negligence), arising in tort (including negligence), or otherwise, even if Contractor or its suppliers have been informed of the possibility thereof.

d. Defaults and Remedies. 15 calendar days shall be replaced by 30 calendar days in Section 7(b) of the Master Agreement.

e. Indemnification – intellectual property: In Section 12 of the Master Agreement, "Intellectual Property rights" shall be replaced with "United States patents or copyrights," the last sentence of Section 12 shall be deleted and the following shall be added at the end of Section 12:

If the Products, or any part thereof, are, or in the opinion of Contractor become, the subject of any claim for infringement of any third party United States patent, trademark or copyright, or if it is determined by a court of competent jurisdiction that the Products, or any part thereof, infringes any third party United States patent trademark or copyright then Contractor may, at its option and expense, either:

- (a) procure for Buyer the right under such third party United States patent, trademark or copyright to sell or use, as appropriate, the Products; or
- (b) replace or modify the Products or parts thereof, with other suitable and reasonably equivalent technology or parts so that the Products become non-infringing; or
- (c) if it is not commercially reasonable to take the actions specified in terms (a) and (b) immediately preceding, then Contractor shall accept return of such Products and shall offer Buyer a refund equal to the amounts paid by Buyer for such returned Products.

f. Standard of Performance and Acceptance. The second through eighth sentences of Section 26 of the Master Agreement shall be deleted and replaced by the following:

Goods furnished under this contract shall be subject to inspection and test by the Purchaser at times and places determined by the Purchaser. If a product is found to be defective within 30 days from shipment from Contractor or an authorized distributor, Contractor will replace that product with new product. For products not covered by a support contract, Contractor must receive the defective product first and will replace with new/like new equivalent product at Contractor discretion. Product under a support contract will be advance replaced by new or like new

**PARTICIPATING ADDENDUM**  
**WSCA-NASPO COOPERATIVE PURCHASING ORGANIZATION**  
**DATA COMMUNICATIONS PRODUCTS AND SERVICES 14-19**  
**Administered by the State of Utah (hereinafter "Lead State")**

MASTER AGREEMENT  
ShoreTel, Inc  
Master Agreement No: AR627  
(hereinafter "Contractor")

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{City of Temple}  
(hereinafter "Participating State/Entity")

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equivalent product. This pertains to defective product only and does not apply to sales returns. Return of goods will fall within the Contractor's RMA process or DOA process, whichever applies.

- g. Warranty. Contractor's standard warranty is set forth at <http://www.shoretel.com> and replaces Section 30 of the Master Agreement.

4. Primary Contacts: The primary contact individuals for this Participating Addendum are as follows (or their named successors):

Contractor

Name	Shane Harper
Address	960 Stewart Drive Sunnyvale, CA 94085
Telephone	(408) 331-3588
Fax	
E-mail	<a href="mailto:sharper@shoretel.com">sharper@shoretel.com</a>

Participating State/Entity

Name	City of Temple
Address	2 North Main Street, Temple, Texas, 76501
Telephone	254-298-5202
Fax	
E-mail	<a href="mailto:adelora@templetx.gov">adelora@templetx.gov</a>

5. Subcontractors: All Contractor dealers and resellers (a) authorized by Contractor in the State of Texas, or (b) in the case of an Independent Participating Addendum, approved by Contractor, are approved to provide sales and service support to participants in the WSCA-NASPO Master Price Agreement. The Contractor's dealer's participation will be in accordance with the terms and conditions set forth in the aforementioned Master Agreement and such dealer's Participating Addendum with Contractor.

6. Orders: Any Order placed by a Participating State/Entity or Purchasing Entity for a Product and/or Service available from this Master Agreement shall be deemed to be a sale under

**PARTICIPATING ADDENDUM**  
**WSCA-NASPO COOPERATIVE PURCHASING ORGANIZATION**  
**DATA COMMUNICATIONS PRODUCTS AND SERVICES 14-19**  
**Administered by the State of Utah (hereinafter "Lead State")**

MASTER AGREEMENT  
ShoreTel, Inc  
Master Agreement No: AR627  
(hereinafter "Contractor")

And

{City of Temple}  
(hereinafter "Participating State/Entity")

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(and governed by the prices and other terms and conditions) of the Master Agreement unless the parties to the Order agree in writing that another contract or agreement applies to such Order.

IN WITNESS WHEREOF, the parties have executed this Addendum as of the date of execution by both parties below.

Participating State/Entity: City of Temple	Contractor: ShoreTel Inc.
By:	By: <i>Shane Harper</i>
Name:	Name: Shane Harper
Title:	Title: Director, Vertical Programs
Date:	Date: 6/8/2015

[Additional signatures as required by Participating State/Entity]

For questions on executing a participating addendum, please contact:

WSCA-NASPO

Cooperative Development Coordinator	Paul Stembler
Telephone	651-206-3858
E-mail	<a href="mailto:pstembler@wsca-naspo.org">pstembler@wsca-naspo.org</a>

**[Please email fully executed PDF copy of this document to**  
**[PA@wsca-naspo.org](mailto:PA@wsca-naspo.org) to support documentation of participation and**  
**posting in appropriate data bases]**



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY'S PARTICIPATION IN THE NATIONAL ASSOCIATION OF STATE PROCUREMENT OFFICIALS FOR THE COOPERATIVE BUYING OF DATA COMMUNICATIONS PRODUCTS AND SERVICE THROUGH MASTER AGREEMENT AR627; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City of Temple currently uses multiple cooperating Purchase Agreements and are excited about using the National Association of State Procurement Officials (NASPO) to purchase communications equipment in an effort to obtain bigger discounts using a national contract;

**Whereas**, NASPO is a non-profit association dedicated to strengthening the procurement community through education, research, and communication – it is made up of the directors of the central purchasing offices of the 50 states, District of Columbia and territories of the United States;

**Whereas**, NASPO is an organization through which the member purchasing officials provide leadership in professional public purchasing, improve the quality of purchasing and procurement, exchange information, and cooperate to attain greater efficiency and economy;

**Whereas**, the NASPO ValuePoint purchasing cooperative program is led by State Procurement Officers from member States elected by their peers - in contrast to many other purchasing cooperatives, NASPO ValuePoint is considered a “pure” cooperative;

**Whereas**, a multi-state team of procurement and subject matter experts cooperate in the creation of the solicitation, which is conducted by a lead state, in full compliance with that state's laws and procedures, including public notice requirements - NASPO ValuePoint Purchasing Cooperative Organization awards no contracts, but rather assists the states in their collaboration on solicitations and the resulting contracts; 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 participation in the National Association of State Procurement Officials for the Cooperative Buying of Data Communications Products and Service through Master Agreement AR627.

**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 **18<sup>th</sup>** day of **June**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/18/15  
Item #4(G)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Public Works Director  
Sam Weed, Fleet Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of one (1) Autocar CNG-powered automated refuse truck, utilizing an HGAC contract, in the amount of \$295,810.

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

**ITEM SUMMARY:** The Fleet Services Director conducted the annual vehicle replacement review on the Solid Waste Division's fleet of fourteen automated trucks and identified one unit for replacement. This unit is 10 years old and used daily in trash pickup and disposal throughout the city. It would be replaced by a truck with a Scorpion body purchased from Chastang Ford.

All purchases through HGAC meet the Texas governmental competitive bid requirements.

The City has done business with Chastang Ford in the past and finds them to be a responsible vendor.

**FISCAL IMPACT:** Funding in the amount of \$295,810 was approved in the FY 2015 budget.

Description	Account #	Project #	Amount
Autocar CNG-powered automated refuse truck	110-5900-540-6222	101161	\$295,810

**ATTACHMENTS:**

[Photo](#)  
[Resolution](#)



13688

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City of  
Temple

PUBLIC WORKS  
Solid Waste Services

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF ONE AUTOCAR CNG-POWERED AUTOMATED REFUSE TRUCK, IN THE AMOUNT OF \$295,810, FROM CHASTANG FORD OF HOUSTON, TEXAS, UTILIZING A HOUSTON-GALVESTON AREA COUNCIL INTERLOCAL COOPERATIVE CONTRACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Fleet Services Director conducted an annual vehicle replacement review on the fourteen automated trucks from the Solid Waste Division's fleet and identified one unit for replacement;

**Whereas**, this unit is 10 years old and is used daily in trash pickup and disposal throughout the City – it will be replaced by a CNG-powered automated refuse truck with a Scorpion body purchased from Chastang Ford of Houston, Texas in the amount of \$295,810, utilizing a Houston-Galveston Area Council Interlocal Cooperative Contract (HGAC);

**Whereas**, all purchases through the HGAC meet Texas governmental competitive bid requirements - the City has done business with Chastang Ford in the past and finds them to be a responsible vendor;

**Whereas**, funding for the purchase of one Autocar CNG-powered automated refuse truck is available in Account No. 110-5900-540-6222, Project No. 101161; 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 one Autocar CNG-powered automated refuse truck, in the amount of \$295,810, from Chastang Ford of Houston, Texas, utilizing a Houston-Galveston Area Council Interlocal Cooperative Contract.

**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 18<sup>th</sup> day of June, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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06/18/15  
Item #4(H)  
Consent Agenda  
Page 1 of 2

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

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of Shoretel Phone System and services with Affiliated Communications for phones, maintenance and services at the Police Department and Service Center in the amount of \$76,469.15.

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

**ITEM SUMMARY:** The City of Temple currently uses a Digital based telecommunication system from Avaya Phone Systems for all city telecommunication needs. This current technology is approximately eleven years old and is need of replacement. We will be moving to the new Shoretel platform over the next two years already having started with Temple City Hall. This contract will cover the Police Department and Service Center and will be covered under the NASPO Master Contract Agreement AR627 as part of a participating addendum that will be signed with this consent agenda item.

All Purchases through NASPO Cooperative Purchasing Organization meets the Texas governmental competitive bid requirements.

The proposed solution for the City of Temple network addresses IP telephony and provides a seamless communications network that is geographically distributed in a number of unique ways. The architectural design provides the following benefits:

- ShoreTel integrates communication features such as video conferencing, IM, mobility and online collaboration into a single easy-to-use IP PBX solution.
- Requires less resources to support, maintain and administer our phone service, allowing IT to focus on our business instead of the phones or dealing with phone companies.
- ShoreTel's premise-based business VoIP phone system integrates end-users' communications, enterprise applications, calendaring, and workflow into one seamless environment.
- While all ShoreTel components operate together as a single system, the system's intelligence is distributed across all of these components. As a result, in the event of a Wide Area Network outage each site can function independently.

**FISCAL IMPACT:**

Funds are currently budgeted in account 351-1900-519-62-24 in the amount of \$61,000 and account 110-1971-519-62-24 in the amount of \$15,469.15 for the purchase of the Shoretel Phone System for Police and Service Center in the total amount of \$76,469.15

<u>Description</u>	<u>Account #</u>	<u>Project #</u>	<u>Amount</u>
Shoretel Phone System	351-1900-519-62-24	101337	\$ 61,000.00
Shoretel Phone System	110-1971-519-62-24	101337	\$15,469.15
<b><u>Total Funds Available</u></b>			<b><u>\$ 76,469.15</u></b>

**ATTACHMENTS:**

[Resolution](#)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A SHORETEL PHONE SYSTEM AND SERVICES WITH AFFILIATED COMMUNICATIONS, IN THE AMOUNT OF \$76,469.15; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the City of Temple currently uses a digital based telecommunication system from Avaya Phone Systems for all city telecommunication needs - this technology is approximately eleven years old and is need of replacement;

**Whereas,** the proposed solution for the City of Temple network addresses IP telephony which provides a seamless communications network that is geographically distributed in a number of unique ways with multiple benefits;

**Whereas,** the City has already began switching to the new Shoretel platform which will continue over the next two years – this specific purchase will include phones, maintenance, and service at the Police Department and Service Center;

**Whereas,** this contract with Affiliated Communications will be covered under the NASPO Master Contract Agreement AR627, as part of a participating addendum - all purchases through NASPO Cooperative Purchasing Organization meet the Texas Governmental competitive bid requirements;

**Whereas,** funds are available for the purchase of a Shoretel phone system and service with Affiliated Communications in Account Nos. 351-1900-519-6224 and 110-1971-519-6224, Project No. 101337; 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 Shoretel phone system and services with Affiliated Communications, in the amount of \$76,469.15 utilizing the NASPO Master Contract Agreement AR627.

**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 **18<sup>th</sup>** day of **June**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/18/15  
Item #4(I)  
Consent Agenda  
Page 1 of 1

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

Ashley Williams, General Services Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing submission of an application for funding through the Centers for Disease Control and Prevention, Community Health Projects Related to Contamination at Brownfield/Land Reuse Sites program for the development of a clean-up plan for the Bend of the River property in the amount of \$150,000.

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

**ITEM SUMMARY:** The Centers for Disease Control and Prevention has announced a grant program entitled Community Health Projects Related to Contamination at Brownfield/Land Reuse Sites. The program is intended to address potential contamination issues, public health impacts, and redevelopment concerns related to land reuse sites, with a strategy to promote healthy, safe environments while preventing harmful exposures. The mission is to prevent harmful exposures and promote healthy and safe environments.

Distribution of funding will be allocated to communities and groups who are responsible for Brownfield initiatives.

The final application is due June 22, 2015.

The project scope involves the Clean-up Plan portion of the overall Master Plan. This will assist in a more comprehensive clean-up process, which meets the design needs of the overall Master Plan.

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

**FISCAL IMPACT:** This grant is a 100% reimbursement program with no City match required. If awarded the grant, the City will receive reimbursement in the amount of \$150,000 for the master plan and clean-up plan for the Bend of the River property.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING THROUGH THE CENTERS FOR DISEASE CONTROL AND PREVENTION, COMMUNITY HEALTH PROJECTS RELATED TO CONTAMINATION AT BROWNFIELD/LAND REUSE SITES PROGRAM, IN THE AMOUNT OF \$150,000, FOR THE DEVELOPMENT OF A CLEAN-UP PLAN FOR THE BEND OF THE RIVER PROPERTY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Centers for Disease Control and Prevention has announced a grant program entitled 'Community Health Projects Related to Contamination at Brownfield/Land Reuse Sites;'

**Whereas**, the program is intended to address potential contamination issues, public health impacts, and redevelopment concerns related to land reuse sites, with a strategy to promote healthy, safe environments while preventing harmful exposures;

**Whereas**, the mission is to prevent harmful exposures and promote healthy and safe environments - distribution of funding will be allocated to communities and groups who are responsible for Brownfield initiatives;

**Whereas**, the project scope involves Master Plan development for the Botanical Garden on the 90+ acre site and focused clean-up plan development, supporting the Master Plan;

**Whereas**, staff has been and will continue to work in partnership with Environmental Protection Agency (EPA) Region 6 and the Texas Commission on Environmental Quality (TCEQ) throughout the project - final application is due June 22, 2015;

**Whereas**, this grant is a 100% reimbursement program with no City match required – if awarded, the City will receive reimbursement in the amount of \$150,000 for a clean-up plan development for the Bend of the River property; 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 Manager, or his designee, is authorized to submit an application for funding through the Centers for Disease Control and Prevention, Community Health Projects Related to Contamination at Brownfield/Land Reuse Sites program, in the amount of \$150,000, for the development of a clean-up plan for the Bend of the River property.

**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 this grant, and accept any funds that may be received for this grant.

**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 **18<sup>th</sup>** day of **June**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/18/15  
Item #4(J)  
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 \$1,123,765.

**ATTACHMENTS:**

[Budget Amendments  
Resolution](#)

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2015 BUDGET**  
**June 18, 2015**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-4000-555-2515		Other Services / Dues & Subscriptions	\$ 500	
110-0000-461-0841		Other / Donations/Gifts		\$ 500
To appropriate revenue and expenditure related to a donation received for the Foundation Center subscription.				
110-2042-521-6229	<b>101335</b>	Capital Equipment / OCU Seized Funds - State	\$ 965	
<b>110-0000-313-0330</b>		<b>Reserved for Drug Enforcement / Reserve for State Seized Funds</b>		<b>\$ 965</b>
To appropriate state seized funds for the purchase of a 2004 BMW 325i Convertible that was seized.				
110-3300-519-2584		EDC - Matrix Component	\$ 1,120,328	
110-3300-519-2584		EDC - O&M Funding Component	\$ 1,972	
<b>110-0000-352-1345</b>		<b>Designated Capital Projects - Unallocated</b>		<b>\$ 1,122,300</b>
Per the 2011 Funding and Operating Agreement between the City of Temple and the Temple Economic Development Corporation (TEDC), the City shall contribute a portion of its annual revenue from sales tax to TEDC. The City's contribution shall include a "Base Contribution" which is comprised of two components: (1) an "Operating Expense Component" and (2) an "Incentive Matrix Component". This budget adjustment increases the appropriation for the FY 2015 "Operating Expense Component" and increases the appropriation for the "Incentive Matrix Component" to TEDC as a result of an adjustment to the amount of economic development incentives paid by TEDC. Funds are available in Designated Capital Projects - Unallocated and a change in the sales tax growth estimate.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 1,123,765</b>	<b>\$ 1,123,765</b>

<b>GENERAL FUND</b>		
Beginning <b>Contingency</b> Balance	\$ -	
Added to Contingency Sweep Account	-	
Carry forward from Prior Year	-	
Taken From Contingency	-	
Net Balance of Contingency Account	\$ -	
Beginning <b>Judgments &amp; Damages</b> Contingency	\$ 40,070	
Added to Contingency Judgments & Damages from Council Contingency	-	
Taken From Judgments & Damages	-	
Net Balance of Judgments & Damages Contingency Account	\$ 40,070	
Beginning <b>Compensation</b> Contingency	\$ 988,000	
Added to Compensation Contingency	-	
Taken From Compensation Contingency	(979,440)	
Net Balance of Compensation Contingency Account	\$ 8,560	
<b>Net Balance Council Contingency</b>	<b>\$ 48,630</b>	
Beginning Balance <b>Budget Sweep</b> Contingency	\$ -	
Added to Budget Sweep Contingency	-	
Taken From Budget Sweep	-	
Net Balance of Budget Sweep Contingency Account	\$ -	
<b>WATER &amp; SEWER FUND</b>		
Beginning <b>Contingency</b> Balance	\$ 50,000	
Added to Contingency Sweep Account	-	
Taken From Contingency	(21,098)	
Net Balance of Contingency Account	\$ 28,902	
Beginning <b>Compensation</b> Contingency	\$ 168,000	
Added to Compensation Contingency	-	
Taken From Compensation Contingency	(166,588)	
Net Balance of Compensation Contingency Account	\$ 1,412	
<b>Net Balance Water &amp; Sewer Fund Contingency</b>	<b>\$ 30,314</b>	



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2015 BUDGET**  
**June 18, 2015**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> 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 <b>Compensation</b> Contingency	\$	36,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(35,330)
		Net Balance of Compensation Contingency Account	\$	670
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	<b>\$</b>	<b>7,415</b>
		<b>DRAINAGE FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning <b>Compensation</b> Contingency	\$	26,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(26,000)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Drainage Fund Contingency</b>	<b>\$</b>	<b>-</b>
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> 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.

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**Whereas**, on the 28<sup>th</sup> 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 18<sup>th</sup> day of **June**, 2015.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Kayla Landeros  
City Attorney



## CITY COUNCIL ITEM MEMORANDUM

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06/18/15  
Item #5  
Regular Agenda  
Page 1 of 2

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

Mark Baker, Planner

**ITEM DESCRIPTION:** P-FY-15-19 - Consider adopting a resolution authorizing a Final Plat of Dorsey II subdivision located at 7677 Acres Road and granting an exception to Unified Development Code Section 8.1.3A.7 related to required fire hydrants.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its May 18, 2015 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the final plat of Dorsey II subdivision and the developer requested exception to UDC Section 8.1.3A.7 related to fire hydrants, as recommended by staff.

**STAFF RECOMMENDATION:** Staff recommends approval of the Final Plat of Dorsey II subdivision; and Staff recommends approval of the requested exception to Section 8.1.3A.7 of the Unified Development Code relating to required fire hydrants because:

1. The proposed plat is not within the City's fire district;
2. The existing water lines are inadequately sized to support a fire hydrant;
3. The City has not set forth plans to annex the area proposed for platting in the City's Municipal Annexation plan; and
4. The Fire Marshal recommends approval of the exception.

**ITEM SUMMARY:** The Development Review Committee reviewed the Final Plat for the Dorsey II subdivision on March 26, 2015. The plat was deemed administratively complete on May 11, 2015.

Dorsey II subdivision, a 3-lot, 1-block, residential subdivision, is located at 7677 Acres Road which is within the City of Temple's extra territorial jurisdiction (ETJ). The owner is creating individual lots to be deeded to family members. The plat is subject to review by the Bell County Commissioners Court. Per UDC Section 3.6.1B, a subdivision is also required by the City of Temple. Section 3.6.1B states:

A division of a tract under this subsection includes a division regardless of whether it is made:

1. Using a metes and bounds description in a deed or conveyance;
2. **In a contract for a deed, by using a contract of sale or other executory contract to convey; or**
3. Using any other method.

The delay between DRC and the Planning & Zoning Commission was primarily due to the time needed to develop a private easement agreement for a 100-foot drainage easement. The easement has been created for private facilities and recorded as required by UDC Section 8.1.9. The recording information is shown on the plat.

There is no sewer service in the area. Therefore the surrounding area has on-site septic systems. While there are two water lines, a 1 1/2- inch water line and a 4-inch water line, available to the subject properties, they are not large enough to accommodate placement of new fire hydrants. As a result, a requested exception to UDC Section 8.1.3A.7 was submitted.

Per UDC Section 8.1.3B, fire hydrants will not be required in the City's ETJ when all of the following circumstances exist:

1. The proposed plat is not within the City's fire district;
2. The City does not provide water service to the area proposed for platting; and
3. The City has not set forth plans to annex the area proposed for platting in the City's Municipal Annexation plan.

In this case, Condition Number No. 2 cannot be met, since the City provides water to this location and the hydrant is still required. However, the existing water lines, are inadequately sized to support a fire hydrant. The Fire Department has reviewed the final plat and finds the requested exception acceptable.

The subject properties front along Acres Road and this portion of Acres Road is listed as a local road in the Thoroughfare Plan and does not require sidewalks. The plat shows approximately 50-feet of street right-of-way along Acres Road.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Final Plat](#)

[Topo / Utility Plan](#)

[Aerial Photo](#)

[Requested Exception \(Description & Justification\)](#)

[Resolution](#)



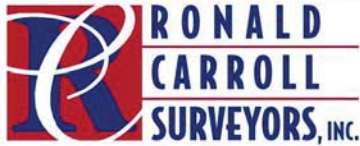




# Aerial Photo



**Aerial: Google Earth Image (ETJ)  
(Approximate Subdivision Boundary)**



March 30, 2015

City of Temple  
2 North Main  
Temple, Texas 76501

RE: Exception to Fire Hydrant Requirements

To Whom It May Concern:

We are requesting, on behalf of the owner, an Exception to USC Section 8.1.3A.7 Fire Hydrants.

This property is located in the City of Temple's extraterritorial jurisdiction on Acres Spur.

At this location, the property does not have adequate water pressure or lines to sustain fire hydrants.

Thank you for your time and consideration. If there are any questions and/or concerns, please contact me at the address and/or phone number listed below.

Sincerely,

Ronald Carroll, RPLS  
Ronald Carroll Surveyors, Inc.

S:\Data\TEXAS RCS JOB DATABASES\RCS Job Database 2009\09136\_DORSEY\Admin\Exception Fire Hydrants\_032715.doc

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

(PLANNING NO. P-FY-15-19)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF DORSEY II SUBDIVISION LOCATED AT 7677 ACRES ROAD AND GRANTING AN EXCEPTION TO UNIFIED DEVELOPMENT CODE SECTION 8.1.3A.7 RELATED TO REQUIRED FIRE HYDRANTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on May 18, 2015, the Planning and Zoning Commission recommended approval of the Final Plat of Dorsey II Subdivision, an approximately 3.97 acre, 3 lot, 1 block residential subdivision with a developer requested exception to Section 8.1.3A.7 of the Unified Development Code (UDC) related to required fire hydrants, being a Replat of Lot 3, Block 1, Dorsey Subdivision, as recorded in Cabinet D, Slide 294-A of the Real Property Records of Bell County, Texas, and addressed as 7677 Acres Road within the Extraterritorial Jurisdiction (ETJ) of the City of Temple; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve the Final Plat of Dorsey II Subdivision, with a developer requested exception to Section 8.1.3A.7 of the UDC related to required fire hydrants.

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

**Part 1:** The City Council approves the Final Plat of Dorsey II Subdivision, an approximately 3.97 acre, 3 lot, 1 block residential subdivision with a developer requested exception to Section 8.1.3A.7 of the UDC related to required fire hydrants, being a Replat of Lot 3, Block 1, Dorsey Subdivision, as recorded in Cabinet D, Slide 294-A of the Real Property Records of Bell County, Texas, and addressed as 7677 Acres Road within the ETJ of the City of Temple.

**Part 2:** The City Council approves an exception to Section 8.1.3A.7 of the UDC related to required fire hydrants because:

- the proposed plat is not within the City's fire district;
- the existing water lines are inadequately sized to support a fire hydrant;
- the City has not set forth plans to annex the area proposed for platting in the City's Municipal Annexation plan; and
- the Fire Marshal recommends approval of the exception.

**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 **18<sup>th</sup>** day of **June**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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06/18/15  
Item #6  
Regular Agenda  
Page 1 of 7

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

Brian Chandler Planning Director,  
Beverly Zendt Assistant Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – Z-FY-15-17: Consider adopting an ordinance authorizing a rezoning of approximately 224.549 acres located north of West Adams Avenue and on the east and west sides of Westfield Boulevard from Agricultural District, Light Industrial District and General Retail District to Planned Development-General Retail District with a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption, Planned Development-Single Family Dwelling 3 District, and Planned Development-Single Family Attached Dwelling 3 District.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its May 18, 2015 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the requested rezoning from AG, LI, and GR to PD-GR, PD-SF-3; and PD-SFA-3.

**STAFF RECOMMENDATION:** Staff recommends approval of the following uses, conditions, and exceptions within each proposed planned development district:

### **PD-GR:**

1. Approval of a Conditional Use Permit for alcoholic beverage sales where the sale of all alcoholic beverages for on premise consumption may be:
  - 75% or more of the total revenue; or
  - >50% & < 75%.
2. Allowance of the following uses by right within the PD-GR district:
  - All uses identified in Sec. 5.1 Use Table that are permitted in the General Retail District (GR)
  - Theatre or playhouse (open or drive in) **(UDC Section 5.1 waived)**
  - Vertical Mixed Use allowing for multifamily elements and general retail elements to be combined in a single multi-story building **(UDC Section 5.1 waived)**
  - Multiple Family Dwelling -3 **(UDC Section 5.1 waived)**
3. Elimination of the requirements identified in UDC Section 5.6.2 relating to the operation of a Farmers Market. **(UDC Section 5.6.2 waived)**
4. Provision of a continuous buffer, along the common boundary between nonresidential or multiple-family uses and an agricultural or residential **district only (buffering from uses is waived)** in accordance with the following table - eliminating the required continuous buffering along the common boundary between nonresidential or multiple-family uses and agricultural or

residential uses. (UDC Section 7.7.4 location waived above and design waived in lieu of table below).

MINIMUM BUFFERYARD STANDARDS

Type	Minimum Width	Minimum Planting per 100 feet*
I**	30 feet	<ul style="list-style-type: none"> <li>• 3 canopy trees;</li> <li>• 10 small trees; (50% evergreen)</li> <li>• 14 supplemental shrubs (50% evergreen)</li> </ul>
II**	20 feet	<ul style="list-style-type: none"> <li>• 3 canopy trees;</li> <li>• 13 small trees; (50% evergreen)</li> <li>• 16 supplemental shrubs (100% evergreen)</li> </ul>
III**	15 feet	<ul style="list-style-type: none"> <li>• 3 canopy trees; (100% evergreen)</li> <li>• 16 small trees; (75% evergreen)</li> <li>• 18 supplemental shrubs (100% evergreen)</li> </ul>

\*The required landscaping may be reduced by 30% when used in a combination with a decorative fence that is a minimum of 6 feet in height; constructed of wood, wrought iron or galvanized ornamental steel; and located behind the landscaped area.

\*\* All planting shall be in conformance with planting standards located in **Section 7.4: Landscaping**

Additionally the applicant has requested that the City Council allow for a variance to the prohibition of the sale of alcoholic beverages within 300' of a church and within 300' of a park or residentially zoned or developed lot (UDC Section 5.3.15). This item will be considered by City Council as a separate resolution per **Section 109.33: Sales Near School, Church, or Hospital** of Title 4 of the Texas Alcoholic Beverage Code. Distance requirements from schools and hospitals will still be applicable.

**PD-GR1:**

All the uses, conditions and exceptions approved for PD-GR District with the addition of the following use to be allowed by right in the PD-GR1 district:

1. Mini-Storage Warehouse subject to the standards identified in Section 5.3.8 of the Unified Development Code. **(UDC Section 5.1 waived)**

**PD-SF-3:**

1. The following changes to the residential dimensional standards for the district identified in **UDC Section 4.5.1 for Single Family Detached Dwellings** in a SF-3 district.
  - a. Elimination of the maximum building coverage standards for the rear half of the lot.
  - b. Reduction in the minimum side corner yard standard from 15' to 10'
2. Provision of the following minimum landscaping for single family residential units:

- a. Fully sodded lots – exclusive of driveways, walks, patios, swimming pools, and landscaped beds;
- b. 3 shrubs planted in accordance with Section 7.4.5C; and
- c. One large canopy tree

**PD-SFA-3:**

1. The following changes to the residential dimensional standards for the district identified in **UDC Section 4.5.1** for **Single Family Detached Dwellings in a SFA-3 district:**
  - Reduction in the minimum lot area from 2,300 SF to 2,000 SF.
  - Reduction in the minimum lot depth from 100' to 90'.
  - Elimination of the maximum building coverage standards for the rear half of the lot
  - An increase in the maximum building height from 2.5 stories to 3 stories
  - Reduction in the minimum side corner yard standard from 15' to 10'
2. The following changes to the residential dimensional standards for the district identified in **UDC Section 4.5.2** for **Single Family Attached Dwellings in a SFA-3 district:**
  - Reduction in the minimum lot area from 2,300 SF to 2,000 SF.
  - Reduction in the minimum lot depth from 100' to 90'.
  - Elimination of the maximum building coverage standards for the rear half of the lot
  - An increase in the maximum building height from 2.5 stories to 3 stories
  - Reduction in the minimum side corner yard standard from 15' to 10'
3. The following changes to the residential dimensional standards for the district identified in **UDC Section 4.5.3** for **Patio Homes in a SFA-3 district:**
  - Reduction in the minimum lot area from 2,300 SF to 2,000 SF.
  - Elimination of the maximum building coverage standards for the rear half of the lot
  - An increase in the maximum building height from 2.5 stories to 3 stories
  - Reduction in the minimum side corner yard standard from 15' to 10'
4. Provision of the following minimum landscaping for single family residential units within the district:
  - Fully sodded lots – exclusive of driveways, walks, patios, swimming pools, and landscaped beds;
  - 3 shrubs planted in accordance with Section 7.4.5C; and
  - One large canopy tree.

**ITEM SUMMARY: Synopsis.**

Approval of this item will result in the rezoning of 224 acres of land into a multi-district planned development allowing for retail, commercial (mini-storage), single-family detached and attached housing, restaurants, multifamily housing and mixed-use components.

**Background.**

The applicant is seeking a rezoning of +/- 224 acres. The applicant is proposing a design concept that will involve the integration of a mix of zonings and uses to create a unique planned community where residents can live, shop and play accessing amenities and shopping by means of a connected trail/sidewalk system. The applicant is proposing to introduce multiple elements into a large multi-zoned planned development. The proposed development will include:

1. Professional and retail shops;
2. Live/work mixed use dwelling/retail units;
3. Mix of residential development integrating single family detached, attached, and multi-family uses into a single planned community; and
4. Trails, open space and pocket parks dispersed throughout the development.

The applicant has requested numerous changes to conventional zoning to achieve this unique design more completely summarized in the staff recommendation. These changes include:

1. Additional uses integrated into the conventional General Retail District – such as vertical mixed use, multifamily uses, outdoor theatre, mini-storage warehouses, and restaurants and bars.
2. Changes to dimensional standards related to Single Family Detached Dwelling-3 (SFA-3) Single Family Dwelling-3 (SF-3) districts calling for the following:
  - Reduction in the minimum lot area;
  - Reduction in the minimum lot depth;
  - Elimination of the maximum building coverage standards for the rear half of the lot;
  - Increase in the maximum building height; and
  - Reduction in the minimum side corner yard standard.

#### **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. Environmental impact of the development to the site and surrounding neighborhood;
3. Compatibility with the use, character and design of the surrounding neighborhood;
4. Provision of safe and effective vehicular and pedestrian circulation;
5. Safety and convenience of off street parking and loading facilities;
6. Compliance of streets with city codes and the Thoroughfare Plan;
7. Provision of landscaping that provides adequate buffers and complements the design and location of buildings;
8. Design of open space ensuring that such design is suitable for recreation and conservation uses;
9. Provision of adequate utilities, drainage, and refuse disposal.

The subject property will address planned development review criteria in the following ways:

1. The Planned Development rezoning is being considered in tandem with a master preliminary plat. Proposed streets and utility infrastructure will be constructed in conformance with the Design and Development Standards Manual. The applicant has requested no exceptions to street or utility provision standards.
2. The applicant is proposing a mixed-use higher density development project designed to provide opportunities for residents to access amenities and entertainment opportunities close to where they live – conceptually eliminating the number of automobile trips to destination points around the city. Drainage and other environmental impacts will be reviewed as part of the platting

process and the applicant will be required to address any concerns related to the impact of the project to the surrounding properties.

3. This development area is characterized by the placement of similar uses on adjacent properties. The immediate area provides a mix of uses to include residential (varying densities), retail, office, public institutional (schools) and recreational uses. The applicant is proposing similar uses with the introduction of only a few (limited) new elements – attached dwellings and vertical mixed use – although multi-family uses are present on adjacent properties.
4. The applicant is proposing an interconnected network of trails and sidewalks that will allow safe pedestrian passage between retail, residential and recreational uses to include the future 250 acre city park, Crossroads Community Park, to the northeast of the proposed development.
5. Parking and circulation for emergency vehicle response access has been addressed in the preliminary master plat and will be further reviewed in the final platting process. Parking and loading concerns will be addressed with the building permits and related site plans.
6. All proposed streets will be constructed in compliance city codes and reflect consistency with proposed alignments and classifications identified in the City Thoroughfare Plan.
7. The proposed Planned Development integrates open space with retail and residential of varying intensities. The applicant is proposing to exceed both the residential landscaping standards and the residential/non-residential buffering standards to ensure appropriate transitions and adequate open space.
8. The applicant is providing trails and sidewalks to ensure pedestrian access to pocket parks, green spaces and the proposed 250 acre Crossroads Community Park.
9. The subject site is served by multiple water and sewer lines. The proposed utility layout has been reviewed as part of the preliminary platting process and the final platting process.

**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
<b>Subject Property</b>	<b>Suburban Residential; Suburban Commercial; Business Park</b>	<b>AG; LI; GR</b>	<b>Undeveloped</b>
North	Agricultural/Rural	AG; O-2; SF-3	Undeveloped, Residential
South	Public Institutional; Suburban Commercial; Auto- Urban Residential	GR; SF-2; MF-2; AG	Office, Multi-family, Retail
East	Parks/Open Space; Business Park; Suburban Residential; Suburban Commercial	LI; AG	Residential; Future Community Park
West	Suburban Residential; Suburban Commercial	SF-2; AG	Undeveloped; School



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

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character (FLUP)	Partial
CP	Map 5.2 - Thoroughfare Plan	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)

Due to the size of the tract, the subject property falls within multiple future land use character areas to include: **Suburban Residential, Suburban Commercial, and Business Park**. Suburban Residential is the dominant future land use identified for this site. The *Choices '08* City of Temple Comprehensive Plan states that the Suburban Residential character district is suited for mid-sized single family lots, allowing for greater separation between dwellings and more emphasis on green spaces versus streets and driveways. The lot size may be reduced in developments that make corresponding increases in open space on the site to maintain the suburban character. The predominant density proposed by the developer is the most dense single family detached lot size identified in the Unified Development Code. Other housing types proposed include attached housing and patio homes consistent with the SF-3 and SFA-3 zoning district. Additionally, the applicant has asked for several adjustments in the dimensional standards for both districts. Although this intensity is greater than what is prescribed for this character area, the unique design elements combined with pocket parks, an integrated trail system and proposed connections to the anticipated 250 acre Crossroad Community park (northeast of the development) provide an opportunity to create a unique walkable setting where residents can enjoy opportunities to live, shop and play in one integrated community. While not completely compliant with the Future Land Use Map this use is compatible with surrounding similar uses. Staff recommends amending the Future land Use Map to accommodate this unique development opportunity. The areas identified as Suburban Commercial and Business Park are compatible with the proposed rezoning which calls for retail and light industrial/retail uses in those respective areas.

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

The subject property is bounded by the following streets: N. Pea Ridge Rd, Prairie View Rd, Stonehollow Dr; Westfield Blvd; and Hilliard Rd. The following roads have been identified in the Future Thoroughfare Plan Map and have been identified on the corresponding plat where additional right-of way has been requested where needed.

- Stonehollow Drive- Proposed Collector
- N. Pea Ridge Road- Proposed Collector
- Prairie View Road-Proposed Minor Arterial
- Westfield Blvd- Proposed Minor Arterial

A Local Connector has been identified along Stonehollow Drive and a Community-Wide Connector has been identified along Westfield Boulevard. Both trail segments have been identified on the corresponding plat. A note has been provided on the plat indicating that sidewalks will be placed on Stonehollow Drive, N. Pea Ridge Road, Prairie View Road, and Westfield Blvd. A minimum 4' sidewalk is required on collector roads and a 6' sidewalk is required along arterials.

Availability of Public Facilities (CP Goal 4.1)

Sanitary sewer is available to the subject property through multiple existing 8" sewer lines provided along Stonehollow Drive, Prairie Lark Drive and along the south property boundary. Multiple water lines are available on the north, south, east and west boundaries.

**DEVELOPMENT REGULATIONS:** The development site plan will provide the development and dimensional standards for this development. Except where otherwise provided, the dimensional standards identified for the base zoning district apply.

**PUBLIC NOTICE:** 41 notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200' of the subject property as required by State law and City Ordinance. As of Wednesday, May 13, 2015, 20 notices have been returned in favor of the proposed rezoning and 3 notices have been returned in opposition to the proposed rezoning. The newspaper printed notice of the public hearing on May 7, 2015, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

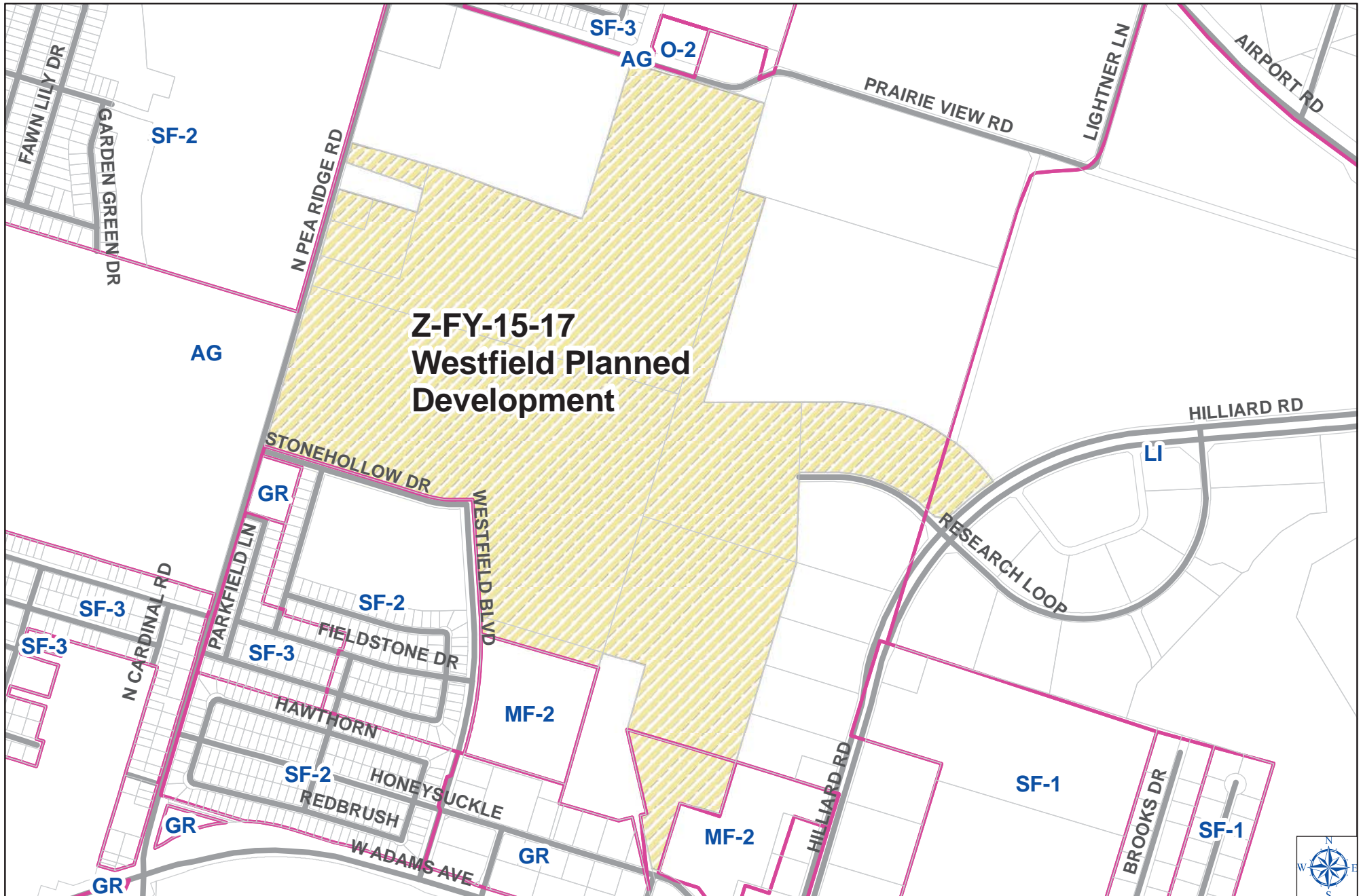
[Zoning & Location Map](#)  
[Site and Surrounding Property Photos](#)  
[Development Site Plan](#)  
[Westfield Master Preliminary Plat](#)  
[Future Land Use and Character Map](#)  
[Localized area of the Thoroughfare & Trails Plan \(combined\)](#)  
[Utility Map](#)  
[Notification Map](#)  
[Zoning Summary Table](#)  
[Returned Property Owner Notices](#)  
[Ordinance](#)



Z-FY-15-17

# Zoning and Location Map

Location: Multiple Tracts Bordering:  
N. Pea Ridge Rd; Prairie View Rd;  
Stonehollow Dr; Westfield Blvd; and Hilliard Rd.

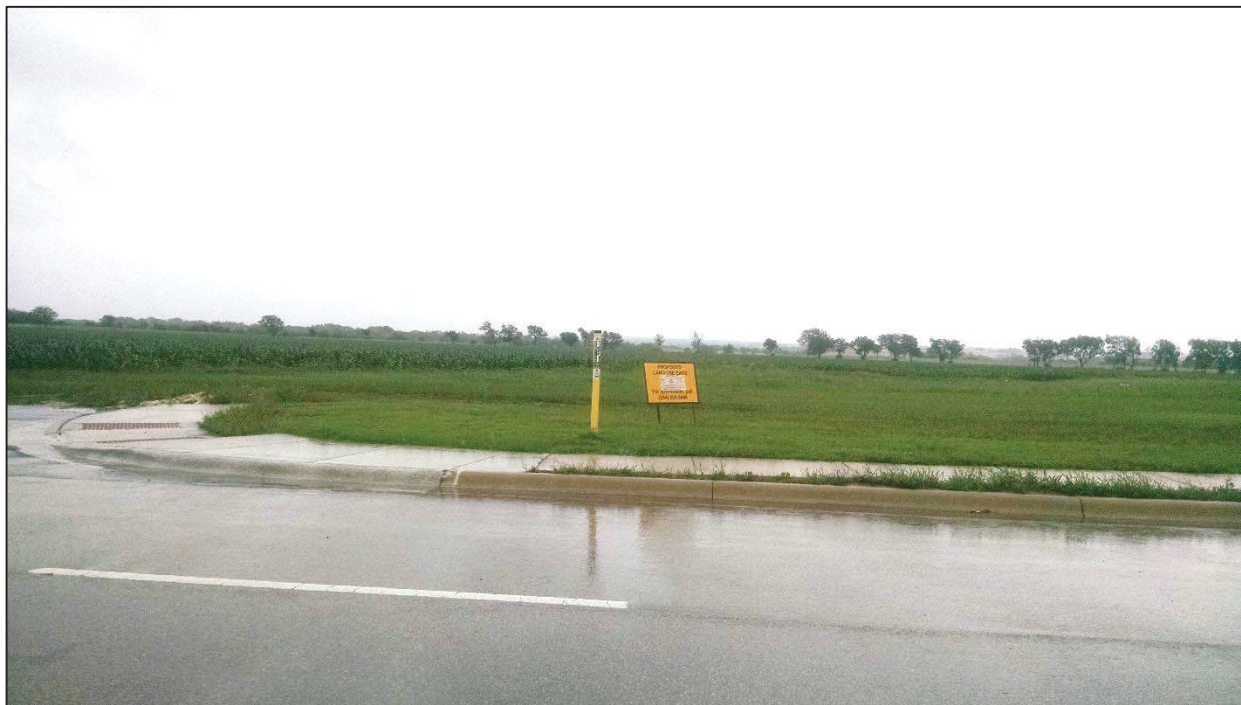


 Zoning  Case

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.



Subject Property: Location: Multiple Tracts Bordering:  
N. Pea Ridge Rd; Prairie View Rd;  
Stonehollow Dr; Westfield Blvd; and Hilliard Rd.



Property to the North



Property to the South

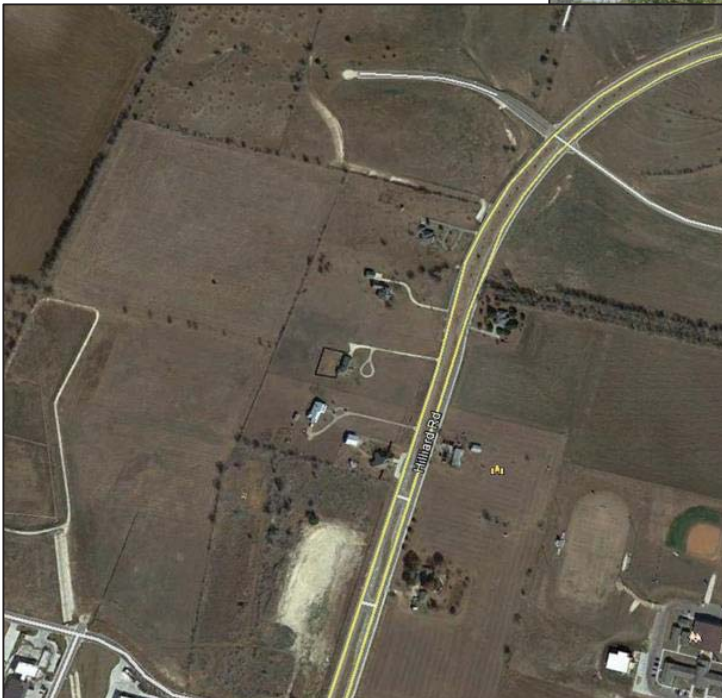




Property to the West

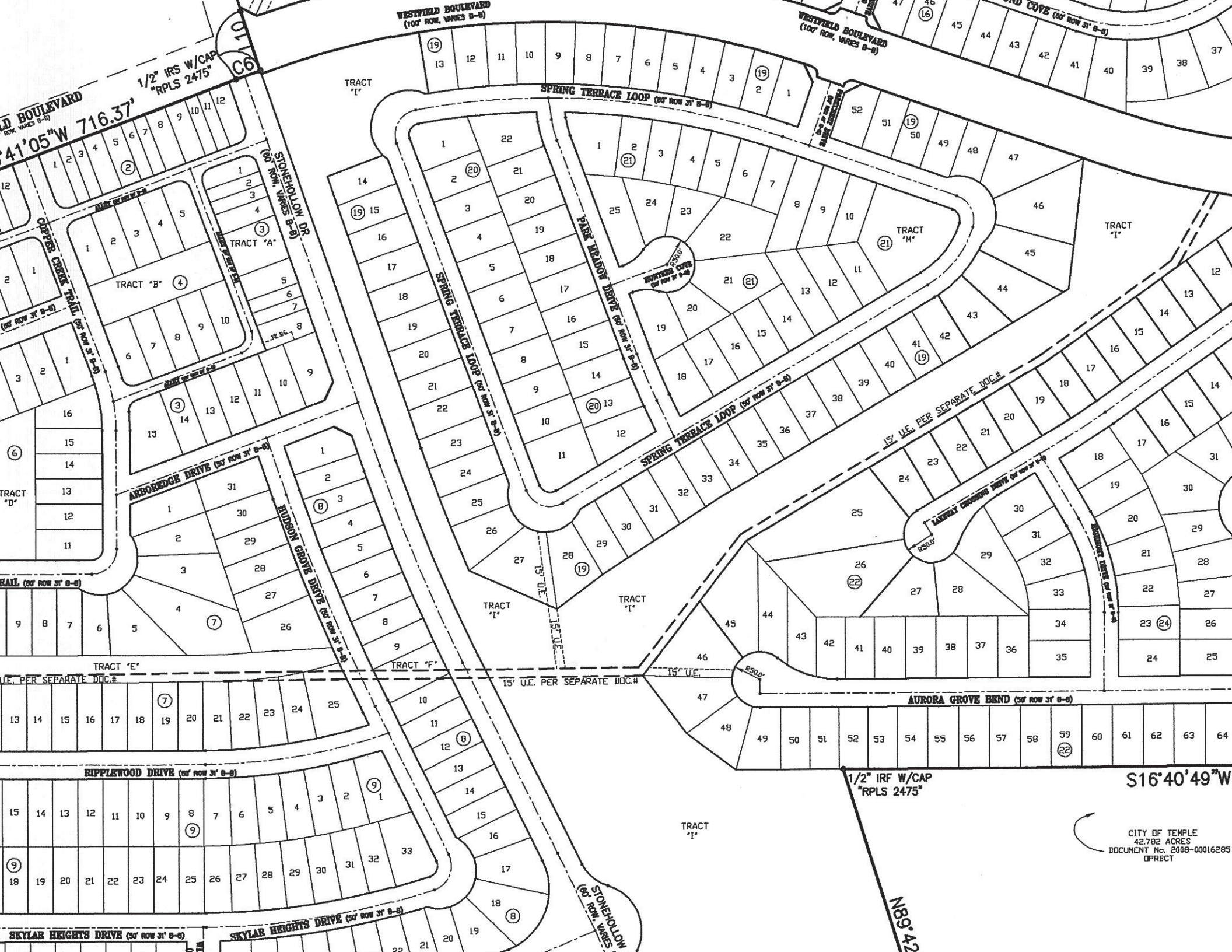


Property to the East









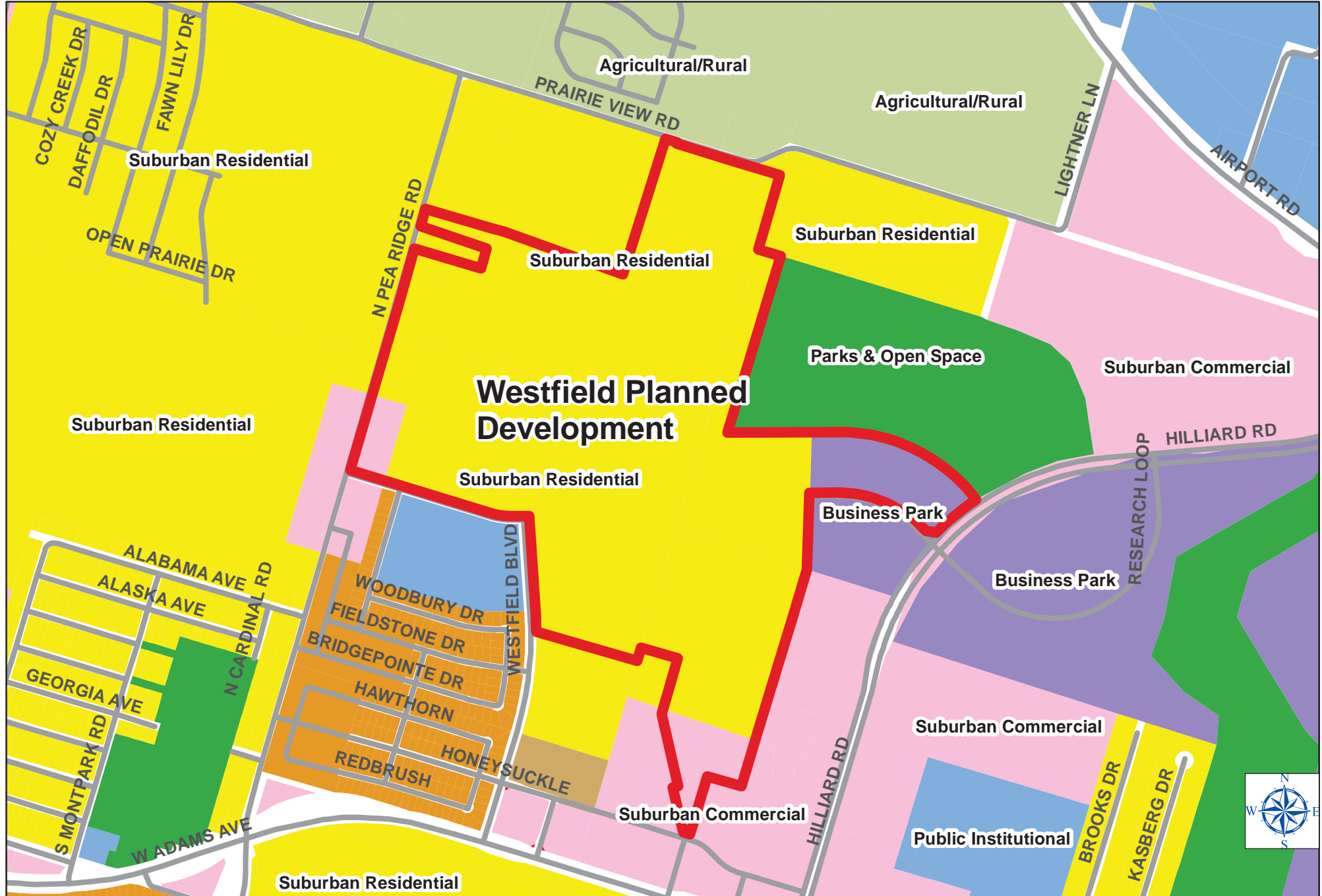
CITY OF TEMPLE  
42.782 ACRES  
DOCUMENT No. 2008-00016285  
DP/ECT



Z-FY-15-17

# Future Land Use Map

Location: Multiple Tracts Bordering:  
N. Pea Ridge Rd; Prairie View Rd;  
Stonehollow Dr; Westfield Blvd; and  
Hilliard Rd.



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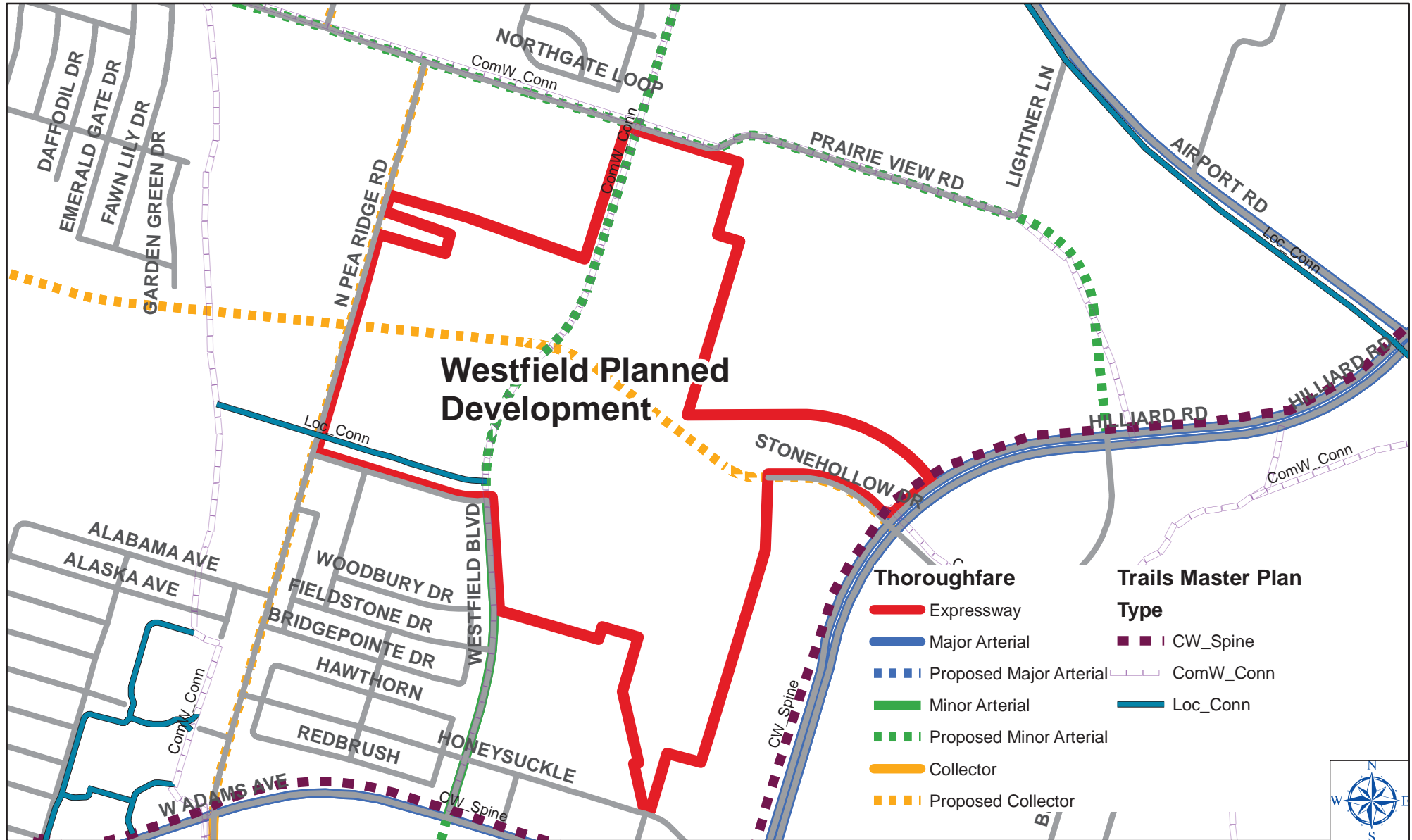




Z-FY-15-17

# Trails Master Plan And Thoroughfare Plan

Location: Multiple Tracts Bordering:  
N. Pea Ridge Rd; Prairie View Rd;  
Stonehollow Dr; Westfield Blvd; and Hilliard Rd.



 Case

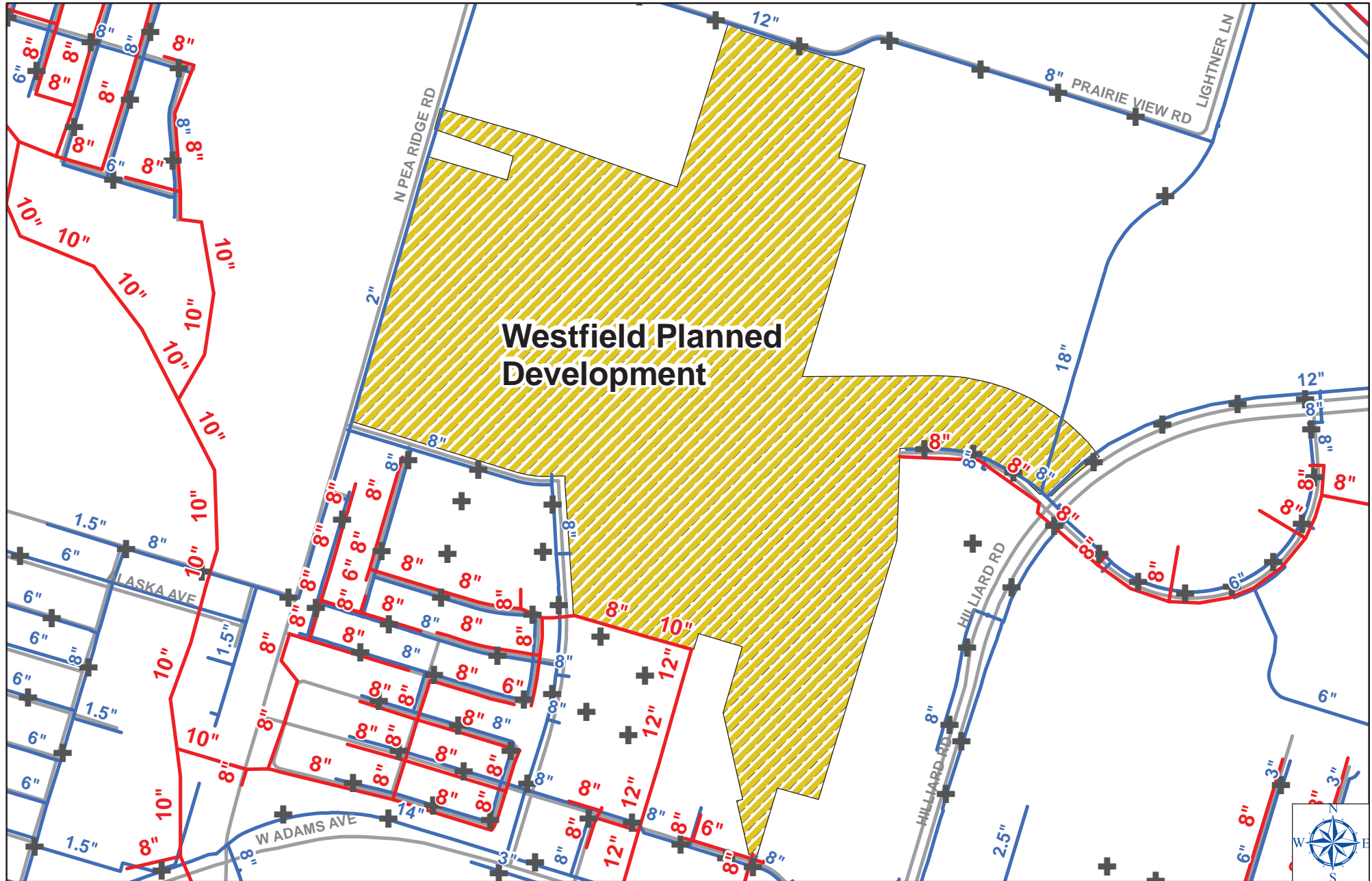
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Z-FY-15-17

# Utilities

Location: Multiple Tracts Bordering:  
N. Pea Ridge Rd; Prairie View Rd;  
Stonehollow Dr; Westfield Blvd; and Hilliard Rd.



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Z-FY-15-17

# Notification Map and Aerial

Location: Multiple Tracts Bordering:  
N. Pea Ridge Rd; Prairie View Rd;  
Stonehollow Dr; Westfield Blvd; and Hilliard Rd.





# Westfield Master Development Standards and Conditions

Planned Development	Allowed Uses	UDC Limitations/Conditions to be waived	Prohibited Uses	Specific Standards/ Conditions
PD-GR	All uses permitted in General Retail	<b>Section 7.7.4</b> Eliminating the required continuous buffering along the common boundary between nonresidential or multiple-family uses and agricultural or residential <b>uses</b> within PD-GR.	Asphalt or Concrete Batching Plant (temporary)	<b>Section 7.7.4</b> Continuous buffering is required along the common boundary between nonresidential or multiple-family uses and an agricultural or residential zoning <b>district</b> within PD-GR. <b>APPLICABLE</b>  Applicant has agreed to exceed buffering standard in accordance with Figure 1 <b>See Figure 1</b>
	Theater or Playhouse (open or drive-in)	<b>Section 5.1:</b> Use not allowed in GR - allowed by right in PD-GR		
	Farmers' Market	<b>Section 5.6.2:</b> General Requirements		<b>Section 5.6.7:</b> Farmers' Market- <b>APPLICABLE</b>
	Alcoholic Beverage Sales for on premise consumption: beer and wine only less than 75% revenue from alcohol	<b>Section 5.3.15B:</b> Distance requirements from church		<b>Section 5.3.1 B</b> Distance requirements from school or public hospital <b>APPLICABLE</b>
	Alcoholic Beverage Sales for on premise consumption: all alcoholic beverages 75% or more revenue	<b>Section 5.3.15 B&amp; C:</b> Eliminating distance requirements from church, parkland, residentially zoned or developed property		<b>Section 5.3.1 B</b> Distance requirements from school or public hospital <b>APPLICABLE</b>
	Alcoholic Beverage Sales for on premise consumption: all alcoholic beverages more than 50% and less than 75% revenue	<b>Section 5.3.15B:</b> Distance requirements from church		<b>Section 5.3.1 B</b> Distance requirements from school or public hospital <b>APPLICABLE</b>

Planned Development	Allowed Uses	UDC Limitations/Conditions to be waived	Prohibited Uses	Specific Standards/ Conditions
	Vertical Mixed Use (Multi-family)	See Multi-family <b>Section 5.1:</b> Use not allowed in GR - allowed by right in PD-GR		<b>Section 5.3.3</b> Yard Requirements <b>APPLICABLE</b>
	Multi-family Residential MF-3	<b>Section 5.1:</b> Use not allowed in GR - allowed by right in PD-GR		<b>Section 5.3.3</b> Yard Requirements <b>APPLICABLE</b>
PD-GR1	All uses allowed in PD-GR	<b>Section 7.7.4</b> Eliminating the required continuous buffering along the common boundary between nonresidential or multiple-family uses and agricultural or residential <b>uses</b> within PD-GR1  <b>Section 5.3.15 B&amp;C</b> Eliminating distance requirements from church, parkland, residentially zoned or developed property	Asphalt or Concrete Batching Plant (temporary)	<b>Section 7.7.4</b> Continuous buffering is required along the common boundary between nonresidential or multiple-family uses and an agricultural or residential zoning <b>district</b> within PD-GR1. <b>APPLICABLE</b>  <b>Section 5.3.1 B</b> Distance requirements from school or public hospital <b>APPLICABLE</b>  Applicant has agreed to exceed buffering standard in accordance with Figure 1 <b>See Figure 1</b>
	Mini-Storage Warehouses	<b>Section 5.1:</b> Use not allowed in GR - allowed by right in PD-GR		<b>Section 5.3.8</b> - Limits to 2,000 Cubic feet per unit <b>APPLICABLE</b>
PD-SF-3	Single Family Detached Dwelling	<b>Section 4.5.1 –</b> <ul style="list-style-type: none"> <li>Reduce Min Side (Corner) yard setback from 15' to 10'</li> <li>Eliminate maximum building coverage for rear half of lot</li> </ul>		Applicant has agreed to exceed the city's residential landscape standards through the provision of the following: <ul style="list-style-type: none"> <li>Fully sodded lots – exclusive of driveways, walks, patios, swimming pools, and landscaped beds;</li> <li>3 shrubs in accordance with <b>Section 7.4.5C</b></li> <li>One large canopy tree</li> </ul>
P D -	Single Family Detached Dwelling	<b>Section 4.5.1 –</b>		

Planned Development	Allowed Uses	UDC Limitations/Conditions to be waived	Prohibited Uses	Specific Standards/ Conditions
		<ul style="list-style-type: none"> <li>Min. Lot Area- from 2,300SF to 2,000SF</li> <li>Min. Lot Depth from 100' to 90'</li> <li>Min. Side Corner Yard from 15' to 10'</li> <li>Eliminate maximum building coverage for rear half of lot</li> <li>Max height from 2.5 stories to 3 stories</li> </ul>		<p>Applicant has agreed to exceed the city's residential landscape standards through the provision of the following:</p> <ul style="list-style-type: none"> <li>Fully sodded lots – exclusive of driveways, walks, patios, swimming pools, and landscaped beds;</li> <li>3 shrubs in accordance with <b>Section 7.4.5C</b></li> <li>One large canopy tree</li> </ul>
	Single Family Attached Dwelling	<b>Section 4.5.2</b> <ul style="list-style-type: none"> <li>Min. Lot Area- from 2,300SF to 2,000SF</li> <li>Min. Lot Depth from 100' to 90'</li> <li>Min. Side Corner Yard from 15' to 10'</li> <li>Eliminate maximum building coverage for rear half of lot</li> <li>Max height from 2.5 stories to 3 stories</li> </ul>		
	Patio Home	<b>Section 4.5.3</b> <ul style="list-style-type: none"> <li>Min. Lot Area- from 2,300SF to 2000SF</li> <li>Min. Side Corner Yard from 15' to 10'</li> <li>Eliminate maximum building coverage for rear half of lot</li> <li>Max height from 2.5 stories to 3 stories</li> </ul>		

Figure I

MINIMUM BUFFERYARD STANDARDS

Type	Minimum Width	Minimum Planting per 100 feet*
I**	30 feet	<ul style="list-style-type: none"><li>• 3 canopy trees;</li><li>• 10 small trees; (50% evergreen)</li><li>• 14 supplemental shrubs (50% evergreen)</li></ul>
II**	20 feet	<ul style="list-style-type: none"><li>• 3 canopy trees;</li><li>• 13 small trees; (50% evergreen)</li><li>• 16 supplemental shrubs (100% evergreen)</li></ul>
III**	15 feet	<ul style="list-style-type: none"><li>• 3 canopy trees; (100% evergreen)</li><li>• 16 small trees; (75% evergreen)</li><li>• 18 supplemental shrubs (100% evergreen)</li></ul>

\*The required landscaping may be reduced by 30% when used in a combination with a decorative fence that is a minimum of 6 feet in height; constructed of wood, wrought iron or galvanized ornamental steel; and located behind the landscaped area.

\*\* All planting shall be in conformance with planting standards located in **Section 7.4: Landscaping**



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Orbie R. Hairston  
1215 North Pea Ridge Road  
Temple, Texas 76502

Zoning Application Number: Z-FY-15-17

Project Manager: Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and 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:

Roadway out here (Pea Ridge Rd) not large enough to carry traffic. The developers are putting the houses so close together that it is a fire hazard. I have checked several housing areas found houses 4 ft to 6 feet apart - the type of material used to build these houses is lowest grade possible soft white lumber is a bad fire hazard - traffic on N Pea Ridge Rd is very scary am not against improvement as long as it is proper

Orbie Hairston  
Signature

Orbie Hairston  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 18, 2015.

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

RECEIVED

MAY 21 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 41

Date Mailed: May 7, 2015





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

WBW Land Investments LP  
3000 Illinois Avenue, Suite 100  
Killeen, Texas 76543

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and 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:**

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Signature

  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than  
May 18, 2015.**

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

**RECEIVED**

**MAY 26 2015**

City of Temple  
Planning & Development

Number of Notices Mailed: 41

Date Mailed: May 7, 2015



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

Vista Community Church of Bell County  
7051 Stonehollow Drive  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and 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:**

The Vista fully understands the proposed zoning request applying  
directly to the properties adjacent and across from our facility.

The elders discussed the matter on Thursday May 14 and  
have no objections to the proposal.

Contact Jon Stroker if you have any further questions. 254.771.7992

  
Signature

Jon Stroker  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than  
May 18, 2015.**

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

**RECEIVED**

**MAY 18 2015**

City of Temple  
Planning & Development

Number of Notices Mailed: 41

Date Mailed: May 7, 2015





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Hilliard Corner Partners Ltd  
6220 East Southlake Blvd  
Southlake, Texas 76092

Zoning Application Number: Z-FY-15-17

Project Manager: Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive, Westfield Boulevard, and Hilliard Road.

The proposed rezoning is the area shown in hatched marking on the attached map. Because the property within 200 feet of the requested change, your opinions are welcomed. Please inform 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:

Hilliard Corner Partners, Ltd and Hilliard Corner Retail who appears should have been noticed but was not) supports all proposals under this application except the CUP for alcohol sales greater than 75%. We do not support that CUP; however, we will support a CUP for alcohol sales of 50% or less if applicant is willing to change their application to that.

  
Signature

Brenna A. Wadleigh  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 18, 2015.

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

Number of Notices Mailed: 41

Date Mailed: May 7, 2015



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Randall D. Harrah  
626 Prairie Lark Drive  
Temple, Texas 76502

Zoning Application Number: Z-FY-15-17

Project Manager: Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and 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:

No apartments, duplexes or bars  
More concerned about what is going on the  
corner of Pea Ridge & Stonehollow!

Randall D. Harrah  
Signature

RANDALL D. HARRAH  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than  
May 18, 2015.

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

RECEIVED

MAY 18 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 41

Date Mailed: May 7, 2015





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

Kiella Development Inc.  
P.O. Box 1344  
Temple, Texas 76503-1344

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt

**Location:** Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive, Westfield Boulevard, and 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:**

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**Signature**

**Print Name**

**Please mail or hand-deliver this comment form to the address shown below, no later than May 18, 2015.**

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

**RECEIVED**

**MAY 14 2015**

City of Temple  
Planning & Development

Number of Notices Mailed: 41

Date Mailed: May 7, 2015

**\*If you own multiple properties within 200 feet of the requested change, see attached listing.**



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

Kiella Development Inc.  
P.O. Box 1344  
Temple, Texas 76503-1344

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and Hilliard Road.

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

**Comments:**

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**Signature**

**Print Name**

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Room 102  
Municipal Building  
Temple, Texas 76501**

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Planning & Development

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Date Mailed: May 7, 2015

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RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Hilliard Corner Partners Ltd  
622 East Southlake Blvd  
Southlake, Texas 76092

Zoning Application Number: Z-FY-15-17

Project Manager: Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive, Westfield Boulevard, and Hilliard Road.

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I recommend ( ) approval

☒ denial of this request.

Comments:

Hilliard Corner Partners, Ltd and Hilliard Corner Retail who appears should have been noticed but was not) supports all proposals under this application except the CUP for alcohol sales greater than 75%. We do not support that CUP; however, we will support a CUP for alcohol sales of 50% or less if applicant is willing to change their application to that.

  
Signature

Brenna A. Wadleigh  
Print Name

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Planning Department  
Room 102  
Municipal Building  
Temple, Texas 76501

Number of Notices Mailed: 41

Date Mailed: May 7, 2015



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Randall D. Harrah  
626 Prairie Lark Drive  
Temple, Texas 76502

Zoning Application Number: Z-FY-15-17

Project Manager: Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and Hilliard Road.

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I recommend ☒ approval ( ) denial of this request.

Comments:

No apartments, duplexes or bars  
More concerned about what is going on the  
corner of Pea Ridge & Stonehollow!

Randall D. Harrah  
Signature

RANDALL D. HARRAH  
Print Name

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Room 102  
Municipal Building  
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**RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE**

Kiella Development Inc.  
P.O. Box 1344  
Temple, Texas 76503-1344

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and Hilliard Road.

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

**Comments:**

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**Signature**

**Print Name**

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

**RECEIVED**

**MAY 14 2015**

City of Temple  
Planning & Development

Number of Notices Mailed: 41

Date Mailed: May 7, 2015

**\*If you own multiple properties within 200 feet of the requested change, see attached listing.**



**Properties within the 200 Feet of Requested  
Rezoning**

Kiella Development Inc.					
#	Subdivision	Lot	Block	Address	City
1	Westfield Development Phase IX	4	1	7348 Honeysuckle Drive	Temple, Texas 76502
2	Westfield Development Phase IX	5	1	7290 Honeysuckle Drive	Temple, Texas 76502
3	Westfield Development Phase VIII	29	14	651 N Pea Ridge Road	Temple, Texas 76502

**Zoning Application Number: Z-FY-15-17**

**Project Manager: Beverly Mesa-Zendt**





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Hilliard Corner Partners Ltd  
620 East Southlake Blvd  
Southlake, Texas 76092

Zoning Application Number: Z-FY-15-17

Project Manager: Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive, Westfield Boulevard, and Hilliard Road.

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I recommend ( ) approval

☒ denial of this request.

Comments:

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Signature

Brenna A. Wadleigh  
Print Name

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Municipal Building  
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RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Randall D. Harrah  
626 Prairie Lark Drive  
Temple, Texas 76502

Zoning Application Number: Z-FY-15-17

Project Manager: Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
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I recommend ☒ approval ( ) denial of this request.

Comments:

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More concerned about what is going on the  
corner of Pea Ridge & Stonehollow!

Randall D. Harrah  
Signature

RANDALL D. HARRAH  
Print Name

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

RECEIVED

MAY 18 2015

City of Temple  
Planning & Development

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Date Mailed: May 7, 2015





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Kiella Development Inc.  
P.O. Box 1344  
Temple, Texas 76503-1344

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and 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:**

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Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 18, 2015.**

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

**RECEIVED**

**MAY 14 2015**

City of Temple  
Planning & Development

Number of Notices Mailed: 41

Date Mailed: May 7, 2015

**\*If you own multiple properties within 200 feet of the requested change, see attached listing.**



**Properties within the 200 Feet of Requested  
Rezoning**

Kiella Development Inc.					
#	Subdivision	Lot	Block	Address	City
1	Westfield Development Phase IX	4	1	7348 Honeysuckle Drive	Temple, Texas 76502
2	Westfield Development Phase IX	5	1	7290 Honeysuckle Drive	Temple, Texas 76502
3	Westfield Development Phase VIII	29	14	651 N Pea Ridge Road	Temple, Texas 76502

**Zoning Application Number: Z-FY-15-17**

**Project Manager: Beverly Mesa-Zendt**





**Properties within the 200 Feet of Requested  
Rezoning**

Kiella Development Inc.					
#	Subdivision	Lot	Block	Address	City
1	Westfield Development Phase IX	4	1	7348 Honeysuckle Drive	Temple, Texas 76502
2	Westfield Development Phase IX	5	1	7290 Honeysuckle Drive	Temple, Texas 76502
3	Westfield Development Phase VIII	29	14	651 N Pea Ridge Road	Temple, Texas 76502

**Zoning Application Number: Z-FY-15-17**

**Project Manager: Beverly Mesa-Zendt**



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

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

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and 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:**

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Signature

  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than  
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City of Temple  
Planning Department  
Room 102  
Municipal Building  
Temple, Texas 76501

**RECEIVED**

**MAY 14 2015**

City of Temple  
Planning & Development

Number of Notices Mailed: 41

Date Mailed: May 7, 2015

**\*If you own multiple properties within 200 feet of the requested change, see attached listing.**



<b>Properties within the 200 Feet of Requested Rezoning</b>
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Kiella Land Investments Ltd					
#	Subdivision	Lot	Block	Address	City
1	Outblock 2963-A, City of Temple Addition	-	-	7619 Prairie View Road	Temple, Texas 76502
2	Outblock 2065-B, City of Temple Addition	-	-	500 Westfield Blvd	Temple, Texas 76502
3	Outblock 1100-B, City of Temple Addition	-	-	7100 Stonehollow Drive	Temple, Texas 76502
4	Westfield Development Phase V	W Pt of 1	2	7050 Stonehollow Drive	Temple, Texas 76502

**Zoning Application Number:** **Z-FY-15-17**

**Project Manager:** **Beverly Mesa-Zendt**





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

West Tanglefoot Development Inc  
P.O. Box 1344  
Temple, Texas 76503-1344

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and 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:**

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Signature

Ronny Mikosk  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than  
May 18, 2015.**

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

**RECEIVED**

MAY 14 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 46

Date Mailed: May 7, 2012

**\*If you own multiple properties within 200 feet of the requested change, see attached listing.**





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Orbie R. Hairston  
1215 North Pea Ridge Road  
Temple, Texas 76502

Zoning Application Number: Z-FY-15-17

Project Manager: Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and 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:

Roadway out here (Pea Ridge Rd) not large enough to carry traffic. The developers are putting the houses so close together that it is a fire hazard. I have checked several housing areas found houses 4 ft to 6 feet apart - the type of material used to build these houses is lowest grade possible soft white lumber is a bad fire hazard - traffic on N Pea Ridge Rd is very heavy. I am not against improvement as long as it is proper.

Orbie Hairston  
Signature

Orbie Hairston  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 18, 2015.

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

RECEIVED

MAY 21 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 41

Date Mailed: May 7, 2015



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

WBW Land Investments LP  
3000 Illinois Avenue, Suite 100  
Killeen, Texas 76543

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and 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:**

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\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than  
May 18, 2015.**

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

**RECEIVED**

**MAY 26 2015**

City of Temple  
Planning & Development

Number of Notices Mailed: 41

Date Mailed: May 7, 2015





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

Vista Community Church of Bell County  
7051 Stonehollow Drive  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and 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:**

The Vista fully understands the proposed zoning request applying  
directly to the properties adjacent and across from our facility.

The elders discussed the matter on Thursday May 14 and  
have no objections to the proposal.

Contact Jon Stroker if you have any further questions. 254.771.7992

  
Signature

Jon Stroker  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than  
May 18, 2015.**

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

**RECEIVED**

**MAY 18 2015**

City of Temple  
Planning & Development

Number of Notices Mailed: 41

Date Mailed: May 7, 2015



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Hilliard Corner Partners Ltd  
622 East Southlake Blvd  
Southlake, Texas 76092

Zoning Application Number: Z-FY-15-17

Project Manager: Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive, Westfield Boulevard, and Hilliard Road.


The proposed rezoning is the area shown in hatched marking on the attached map. Because the property within 200 feet of the requested change, your opinions are welcomed. Please inform 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:

Hilliard Corner Partners, Ltd and Hilliard Corner Retail who appears should have been noticed but was not) supports all proposals under this application except the CUP for alcohol sales greater than 75%. We do not support that CUP; however, we will support a CUP for alcohol sales of 50% or less if applicant is willing to change their application to that.

  
Signature

Brenna A. Wadleigh  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 18, 2015.

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

Number of Notices Mailed: 41

Date Mailed: May 7, 2015





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Randall D. Harrah  
626 Prairie Lark Drive  
Temple, Texas 76502

Zoning Application Number: Z-FY-15-17

Project Manager: Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and 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:

No apartments, duplexes or bars  
More concerned about what is going on the  
corner of Pea Ridge & Stonehollow!

Randall D. Harrah  
Signature

RANDALL D. HARRAH  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than  
May 18, 2015.

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

RECEIVED

MAY 18 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 41

Date Mailed: May 7, 2015



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

Kiella Development Inc.  
P.O. Box 1344  
Temple, Texas 76503-1344

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and 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:**

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**Signature**

**Print Name**

Please mail or hand-deliver this comment form to the address shown below, no later than **May 18, 2015.**

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

**RECEIVED**

**MAY 14 2015**

City of Temple  
Planning & Development

Number of Notices Mailed: 41

Date Mailed: May 7, 2015

**\*If you own multiple properties within 200 feet of the requested change, see attached listing.**



**Properties within the 200 Feet of Requested  
Rezoning**

Kiella Development Inc.					
#	Subdivision	Lot	Block	Address	City
1	Westfield Development Phase IX	4	1	7348 Honeysuckle Drive	Temple, Texas 76502
2	Westfield Development Phase IX	5	1	7290 Honeysuckle Drive	Temple, Texas 76502
3	Westfield Development Phase VIII	29	14	651 N Pea Ridge Road	Temple, Texas 76502

**Zoning Application Number: Z-FY-15-17**

**Project Manager: Beverly Mesa-Zendt**





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

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

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and 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:**

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Signature

  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than  
May 18, 2015.**

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

**RECEIVED**

**MAY 14 2015**

City of Temple  
Planning & Development

Number of Notices Mailed: 41

Date Mailed: May 7, 2015

**\*If you own multiple properties within 200 feet of the requested change, see attached listing.**





<b>Properties within the 200 Feet of Requested Rezoning</b>
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Kiella Land Investments Ltd					
#	Subdivision	Lot	Block	Address	City
1	Outblock 2963-A, City of Temple Addition	-	-	7619 Prairie View Road	Temple, Texas 76502
2	Outblock 2065-B, City of Temple Addition	-	-	500 Westfield Blvd	Temple, Texas 76502
3	Outblock 1100-B, City of Temple Addition	-	-	7100 Stonehollow Drive	Temple, Texas 76502
4	Westfield Development Phase V	W Pt of 1	2	7050 Stonehollow Drive	Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt



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

West Tanglefoot Development Inc  
P.O. Box 1344  
Temple, Texas 76503-1344

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and 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:**

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Signature

Ronny Mikosk  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than  
May 18, 2015.**

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

**RECEIVED**

MAY 14 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 46

Date Mailed: May 7, 2012

**\*If you own multiple properties within 200 feet of the requested change, see attached listing.**



<b>Properties within the 200 Feet of Requested Rezoning</b>
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West Tanglefoot Development Inc.					
#	Subdivision	Lot	Block	Address	City
1	North Gate Addition, Section 1	9	1	1501 Hillside Drive	Temple, Texas 76502
	North Gate Addition, Section 1	10	1	7701 Northgate Loop	Temple, Texas 76502
2	North Gate Addition, Section 1	11	1	7705 Northgate Loop	Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt



<b>Properties within the 200 Feet of Requested Rezoning</b>
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West Tanglefoot Development Inc.					
#	Subdivision	Lot	Block	Address	City
1	North Gate Addition, Section 1	9	1	1501 Hillside Drive	Temple, Texas 76502
	North Gate Addition, Section 1	10	1	7701 Northgate Loop	Temple, Texas 76502
2	North Gate Addition, Section 1	11	1	7705 Northgate Loop	Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt





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

Tem-Tex Investments Ltd  
P.O. Box 1344  
Temple, Texas 76503-1344

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and 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:**

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Signature

  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than  
May 18, 2015.**

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

**RECEIVED**

**MAY 14 2015**

City of Temple  
Planning & Development

Number of Notices Mailed: 41

Date Mailed: May 7, 2015



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

Short-Term Lending GP Inc.  
15 North Main Street  
Temple, Texas 76501

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and 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:**

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Signature

Thomas C Baird

Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than  
May 18, 2015.**

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

**RECEIVED**

MAY 14 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 41

Date Mailed: May 7, 2015



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

Short Term Lending GP Inc  
15 North Main Street  
Temple, Texas 76501

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and 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:**

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**Signature**

Thomas C Baird

**Print Name**

**Please mail or hand-deliver this comment form to the address shown below, no later than May 18, 2015.**

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

**RECEIVED**

**MAY 14 2015**

City of Temple  
Planning & Development

Number of Notices Mailed: 41

Date Mailed: May 7, 2015





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Short Line LLC  
15 North Main Street  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and 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:**

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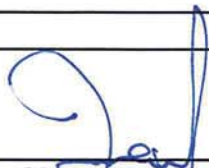
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\_\_\_\_\_  
Signature

Thomas C Baird  
\_\_\_\_\_  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 18, 2015.

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

**RECEIVED**

MAY 14 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 41

Date Mailed: May 7, 2015





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

Robert H. Schlieker  
616 Hilliard Road  
Temple, Texas 76504

**Zoning Application Number:** Z-FY-15-17

**Project Manager:** Beverly Mesa-Zendt

Location: Area bordering North Pea Ridge Road, Prairie View Road, Stonehollow Drive,  
Westfield Boulevard, and 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 (X) denial of this request.

**Comments:**

The "CUP" part would allow various business  
type operations at the back of my property.  
Houses OK, no problem.

Robert H. Schlieker

**Signature**

Robert Schlieker

**Print Name**

616 Hilliard Rd

**Please mail or hand-deliver this comment form to the address shown below, no later than  
May 18, 2015.**

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

Number of Notices Mailed: 41

Date Mailed: May 7, 2015

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING ON APPROXIMATELY 224.549 ACRES LOCATED TO THE NORTH OF WEST ADAMS AVENUE AND ON THE EAST AND WEST SIDES OF WESTFIELD BOULEVARD FROM AGRICULTURAL DISTRICT, LIGHT INDUSTRIAL DISTRICT AND GENERAL RETAIL DISTRICT TO PLANNED DEVELOPMENT-GENERAL RETAIL DISTRICT WITH A CONDITIONAL USE PERMIT FOR THE ON-SITE SALE OF ALCOHOLIC BEVERAGES, PLANNED DEVELOPMENT-SINGLE FAMILY DWELLING 3 DISTRICT, AND PLANNED DEVELOPMENT-SINGLE FAMILY ATTACHED DWELLING 3 DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the location and zoning classification of the establishment, has recommended that the City Council approve this application; and

**Whereas**, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted concerning the approximately 224.549 acres located to the north of West Adams Avenue and on the east and west sides of Westfield Boulevard, and has heard the comments and evidence presented by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

**Part 1:** The City Council approves a rezoning on approximately 224.549 acres located to the north of West Adams Avenue and on the east and west sides of Westfield Boulevard from Agricultural District, Light Industrial District and General Retail District to Planned Development-General Retail District with a Conditional Use Permit for the on-premise sale of alcoholic beverages, Planned Development-Single Family Dwelling 3 District, and Planned

Development-Single Family Attached Dwelling 3 District, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

- A. That the permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six (6) months from the date of the issuance of this conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
- B. That the permittee must maintain the premises in a manner that will not be detrimental to the public welfare of the citizens of the City.
- C. That the permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter, and odors on the establishments or in the surrounding area and shall operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
- D. That the City Council may revoke a conditional use permit if it affirmatively determines that the issuance of the same is (1) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- E. That conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
- F. That a conditional use permit may be canceled, suspended, or revoked in accordance with the revocation clause set forth in Section 7-609 of the Zoning Ordinance.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **18<sup>th</sup>** day of **June**, 2015.

PASSED AND APPROVED on Second Reading on the **2<sup>nd</sup>** day of **July**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## **COUNCIL AGENDA ITEM MEMORANDUM**

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06/18/15  
Item #7  
Regular Agenda  
Page 1 of 3

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

Brian Chandler Planning Director,  
Beverly Zendt Assistant Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – Z-FY-15-19: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption for properties located at 7373 and 7349 Honeysuckle Drive, 7348 West Adams Avenue and 7410 West Adams Avenue.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its May 18, 2015 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the requested Conditional Use Permit which will allow the sale of alcoholic beverages for on-premise consumption in establishments where the gross revenue from the sale of alcoholic beverages is less than 75% of the total gross revenue of the establishment sales.

**STAFF RECOMMENDATION:** Staff recommends approval of the requested Conditional Use Permit which will allow the sale of alcoholic beverages for on-premise consumption in establishments where the gross revenue from the sale of alcoholic beverages is less than 75% of the total gross revenue of the establishment sales.

### **ITEM SUMMARY: Synopsis.**

Approval of this item will result in the granting of a Conditional Use Permit allowing for the sale of alcohol for on-premise consumption in establishments where the gross revenue from the sale of alcoholic beverages is less than 75% of the total gross revenue of the establishment sales. A Conditional Use Permit runs with the property and a change in ownership or a change in lessee does not affect the Conditional Use Permit.

### **Background.**

The applicant is seeking a conditional use permit for an existing commercial development that provides space for retail, office and restaurant uses. The applicant has applied for a Conditional Use Permit on behalf of a tenant who operates a restaurant (La Riv Italian Cuisine) in the subject development and would like the opportunity to serve alcoholic beverages to the restaurant's clientele. Section 5.3.15 of the Unified Development Code has identified multiple performance standards related to the provision of a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption. Some of which include, but are not limited to:

- *The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six months from the date of the issuance of the Conditional Use Permit, such limitation in time being subject to City review and possible extension.*
- *The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.*
- *The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee must consult with the Chief of Police, who acts in an advisory capacity, to determine the number of qualified employees necessary to meet such obligations.*

Additionally, the UDC states:

*The City Council may deny or revoke a Conditional Use Permit in accordance with Sec. 3.5 if it affirmatively determines that the issuance of the permit is:*

- Incompatible with the surrounding uses of property; or*
- Detrimental or offensive to the neighborhood or contrary to the health, safety and general welfare of the City and its inhabitants.*

**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	Suburban Commercial	General Retail	Office, Restaurants; Retail, Personal Service (Spa)
North	Suburban Commercial	GR	Undeveloped, Residential
South	Suburban Residential	NS, AG	Office, Retail, Bank, Church
East	Suburban Commercial	GR	Bank
West	Suburban Commercial	GR	Office

**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 subject property falls into the Suburban Commercial Future Land Use Character Area. The Suburban Commercial character area is appropriate for office, retail, and service uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value should be promoted, such as gateways and high profile corridor locations. The existing uses, development character and proposed Conditional Use Permit are consistent with the Suburban Commercial Future Land Use Character area. The site density, landscaping and the residential character of the building design and site amenity features demonstrate a high quality of development compatible with surrounding neighborhood and retail uses.

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

The subject property is located on West Adams and Honeysuckle Drive. West Adams is a constructed Major Arterial with an existing City-Wide Spine Trail located on the north side of West Adams. No new sidewalks or roads are proposed with this project.

Availability of Public Facilities (CP Goal 4.1)

As the property is already developed, adequate utilities have been established to serve this site. The subject lots are served by a 14" water line and a 12' sewer line.

**DEVELOPMENT REGULATIONS:** This site conforms to the following development regulations for non-residential development in the General Retail District:

Minimum Lot Size	N/A
Minimum Lot Width	N/A
Minimum Lot Depth	N/A
Front Yard	15'
Side Yard	10'
Side Yard (Corner)	10'
Rear Yard	0

**PUBLIC NOTICE:** 22 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 May 13, 2015, 18 notices have been returned 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 May 7, 2015, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

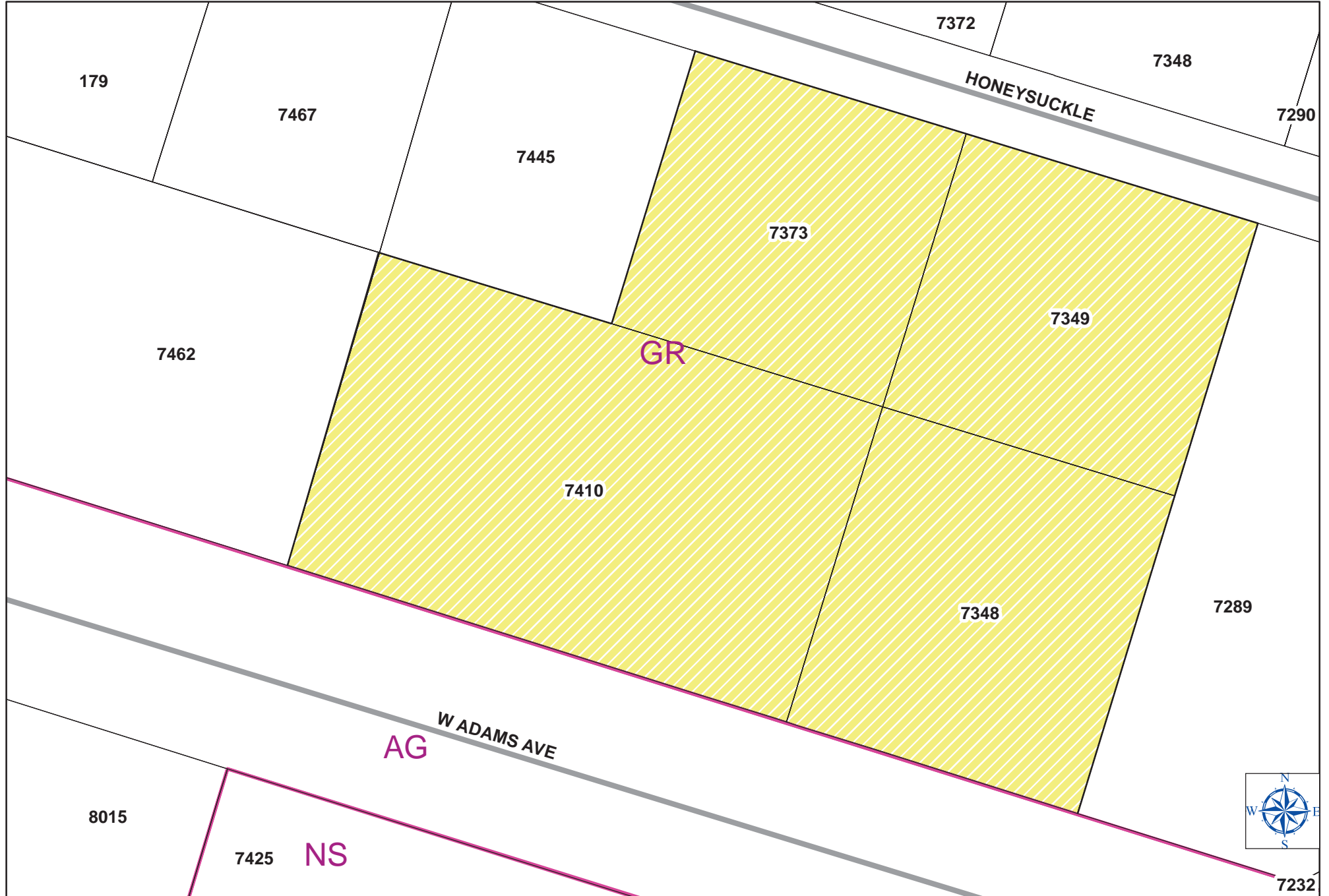
[Zoning & Location Map](#)  
[Site and Surrounding Property Photos](#)  
[Future Land Use and Character Map](#)  
[Localized area of the Thoroughfare & Trails Plan \(combined\)](#)  
[Utility Map](#)  
[Notification Map](#)  
[Returned Property Owner Notices](#)  
[Ordinance](#)



Z-FY-15-19

# Zoning and Location Map

7373 and 7349 Honeysuckle Drive &  
7348 and 7410 West Adams Avenue



 Zoning  Case 1234 Addresses

0 Feet 100 200

City of Temple Planning  
City of Temple GIS  
bzndt

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



Subject Property: Location: Mutliple Tracts Bordering:  
N. Pea Ridge Rd; Prairie View Rd;  
Stonehollow Dr; Westfield Blvd; and Hilliard Rd.





Property to the North



Property to the South





Property to the West



Property to the East

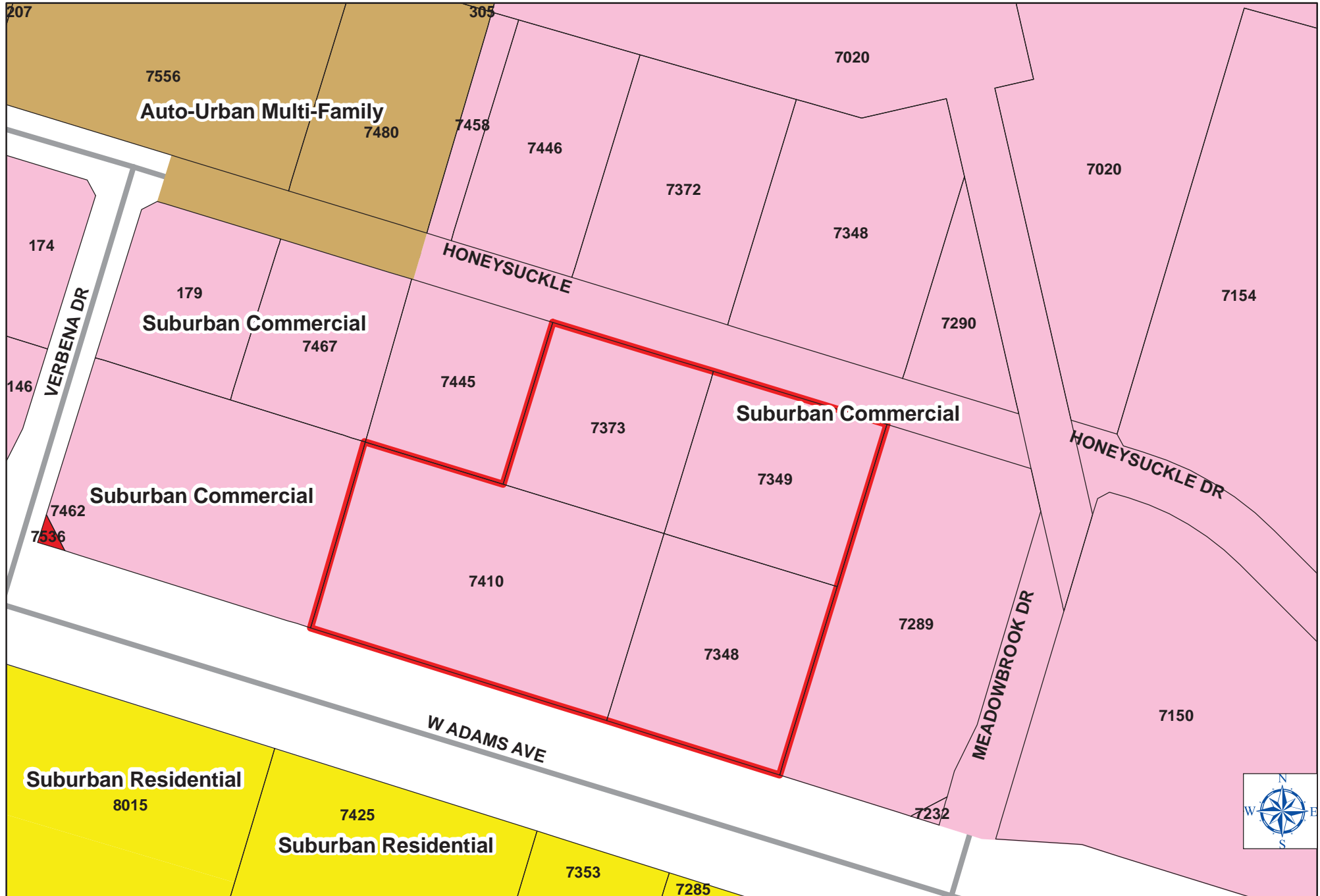




Z-FY-15-19

# Future Land Use Map

7373 and 7349 Honeysuckle Drive &  
7348 and 7410 West Adams Avenue



 Case 1234 Addresses

Feet  
0 60 120

City of Temple Planning  
City of Temple GIS  
bzndt

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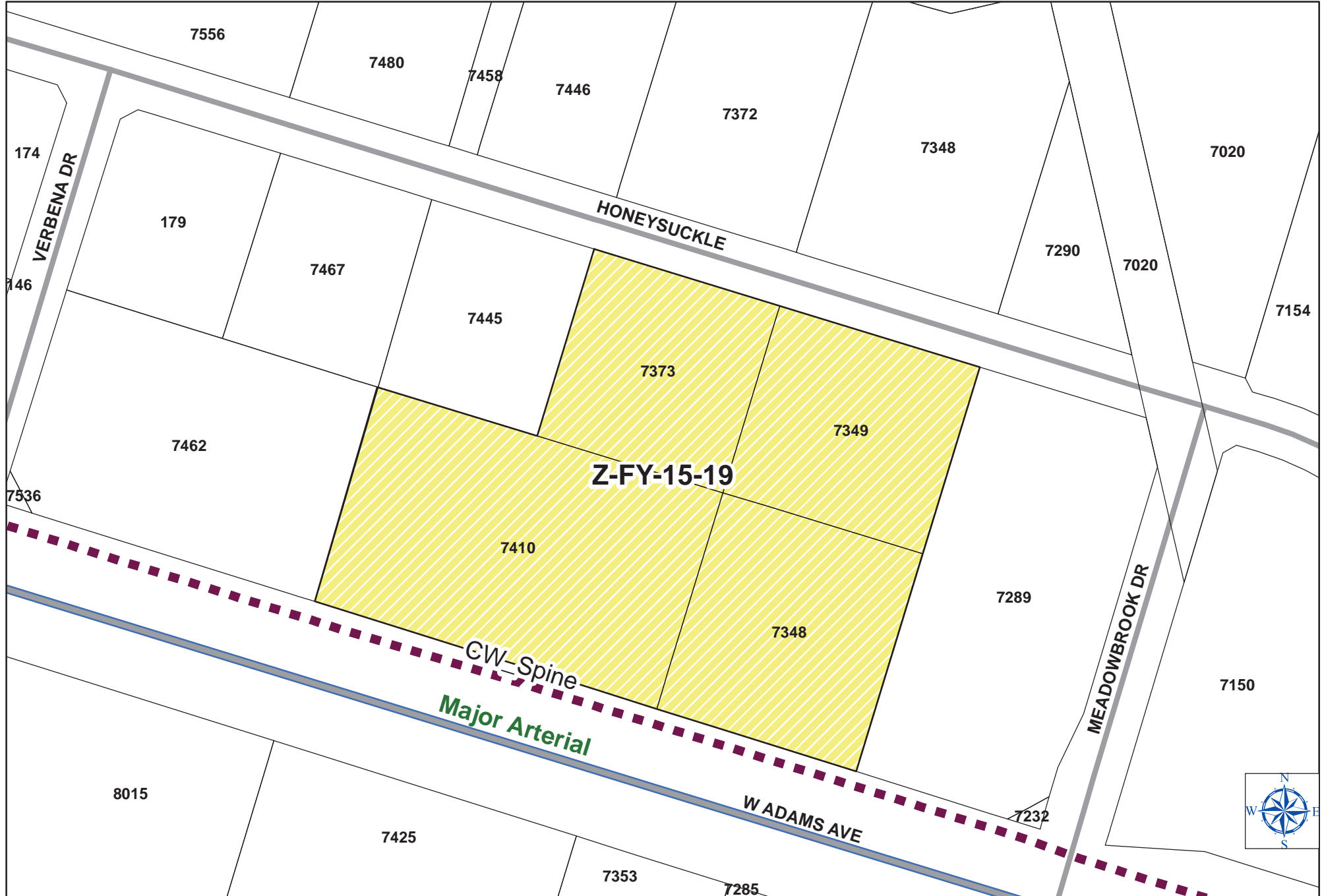




Z-FY-15-19

# Master Trails Plan and Thoroughfare Plan

7373 and 7349 Honeysuckle Drive &  
7348 and 7410 West Adams Avenue

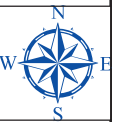


 Case

0 55 110  
Feet

City of Temple Planning  
City of Temple GIS  
bzendt

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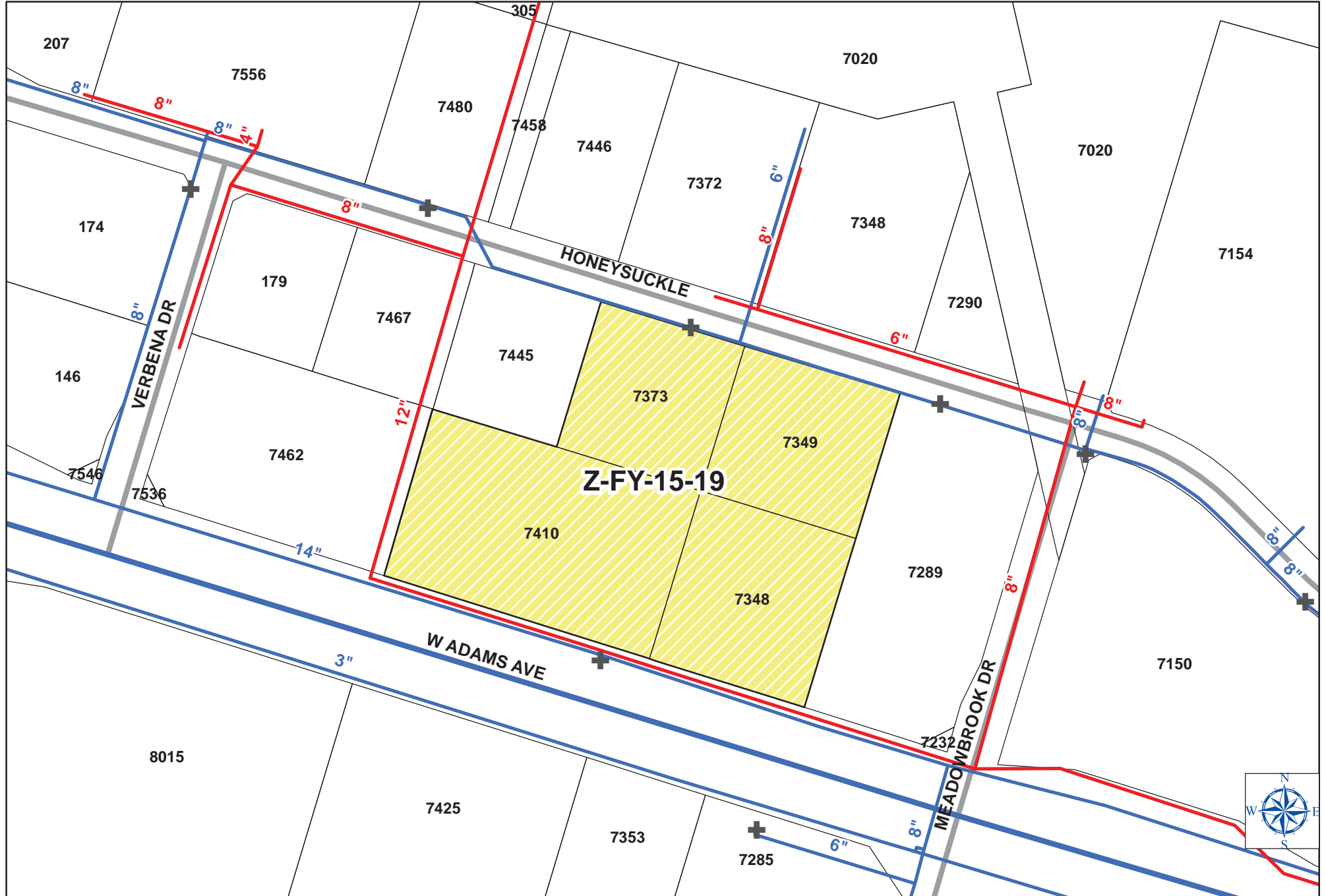




Z-FY-15-19

# Utilities

7373 and 7349 Honeysuckle Drive &  
7348 and 7410 West Adams Avenue



✚ Fire Hydrant    — Sewer Line    — Water Line    Case

0    Feet    150  
0    75    150

City of Temple Planning  
City of Temple GIS  
bzendnt

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**RESPONSE TO A REQUEST FOR A CONDITIONAL USE  
PERMIT  
CITY OF TEMPLE**

Meadows Business Partners LP 7353  
7353 West Adams Avenue  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-19

**Project Manager:** Beverly Mesa-Zendt

**Location:** 7373 and 7349 Honeysuckle Drive, 7348 West Adams Avenue and 7410 West Adams Avenue

The proposed Conditional Use Permit (CUP) request is for the area shown in hatched marking on the attached map. Because you own property within 200 feet of the area proposed for the CUP, your opinions are welcomed. Please use this form to indicate whether you are in favor of this CUP request for the property described on the attached notice, and provide any additional comments you may have. \*

I recommend ☒ approval ☐ denial of this request.

**Comments:**

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**Signature**

JOHN C. HOWE  
**Print Name**

**Please mail or hand-deliver this comment form to the address shown below, no later than  
May 18, 2015**

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

**RECEIVED**  
**MAY 15 2015**  
City of Temple  
Planning & Development

Number of Notices Mailed: 22

Date Mailed: May 7, 2015





RESPONSE TO A REQUEST FOR A CONDITIONAL USE  
PERMIT  
CITY OF TEMPLE

Short Term Lending *GP*  
15 North Main Street  
Temple, Texas 76501

Zoning Application Number: Z-FY-15-19 Project Manager: Beverly Mesa-Zendt

Location: 7373 and 7349 Honeysuckle Drive, 7348 West Adams Avenue and 7410 West Adams Avenue

The proposed Conditional Use Permit (CUP) request is for the area shown in hatched marking on the attached map. Because you own property within 200 feet of the area proposed for the CUP, your opinions are welcomed. Please use this form to indicate whether you are in favor of this CUP request for the property described on the attached notice, and provide any additional comments you may have. \*

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

Comments:

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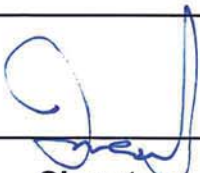
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Signature

Thomas C Baird  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 18, 2015

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

**RECEIVED**  
MAY 14 2015  
City of Temple  
Planning & Development

Number of Notices Mailed: 22

Date Mailed: May 7, 2015



RESPONSE TO A REQUEST FOR A CONDITIONAL USE  
PERMIT  
CITY OF TEMPLE

Westfield Capital LLC  
15 North Main Street  
Temple, Texas 76501

Zoning Application Number: Z-FY-15-19 Project Manager: Beverly Mesa-Zendt

Location: 7373 and 7349 Honeysuckle Drive, 7348 West Adams Avenue and 7410 West Adams Avenue

The proposed Conditional Use Permit (CUP) request is for the area shown in hatched marking on the attached map. Because you own property within 200 feet of the area proposed for the CUP, your opinions are welcomed. Please use this form to indicate whether you are in favor of this CUP request for the property described on the attached notice, and provide any additional comments you may have. \*

I recommend ☒ approval ( ) denial of this request.

Comments:

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Signature

Thomas C Baird

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 18, 2015

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

RECEIVED

MAY 14 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 22

Date Mailed: May 7, 2015



**RESPONSE TO A REQUEST FOR A CONDITIONAL USE  
PERMIT  
CITY OF TEMPLE**

Westfield Capital LLC & Kiella Development Inc.  
15 North Main Street  
Temple, Texas 76501

**Zoning Application Number:** Z-FY-15-19      **Project Manager:** Beverly Mesa-Zendt

**Location:** 7373 and 7349 Honeysuckle Drive, 7348 West Adams Avenue and 7410 West Adams Avenue

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

**Comments:**

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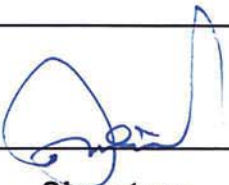
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\_\_\_\_\_  
Signature

Thomas C Baird  
\_\_\_\_\_  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than  
May 18, 2015**

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

**RECEIVED**  
MAY 14 2015  
City of Temple  
Planning & Development

Number of Notices Mailed: 22

Date Mailed: May 7, 2015





RESPONSE TO A REQUEST FOR A CONDITIONAL USE  
PERMIT  
CITY OF TEMPLE

Tem-Tex Investments Ltd  
P.O. 1344  
Temple, Texas 76503-1344

Zoning Application Number: Z-FY-15-19 Project Manager: Beverly Mesa-Zendt

Location: 7373 and 7349 Honeysuckle Drive, 7348 West Adams Avenue and 7410 West Adams Avenue

The proposed Conditional Use Permit (CUP) request is for the area shown in hatched marking on the attached map. Because you own property within 200 feet of the area proposed for the CUP, your opinions are welcomed. Please use this form to indicate whether you are in favor of this CUP request for the property described on the attached notice, and provide any additional comments you may have. \*

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

Comments:

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Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 18, 2015

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

RECEIVED

MAY 14 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 22

Date Mailed: May 7, 2015

\*If you own multiple properties within 200 feet of the requested change, see attached listing.





**Properties within the 200 Feet of Requested CUP**

TEM-TEX Investments LTD					
#	Subdivision	Lot	Block	Address	City
1	Westfield IV	8	2	7348 W. Adams Ave.	Temple, Texas
2	Westfield III	1	9	7462 W. Adams Ave.	Temple, Texas
3	Westfield IV	3	2	7445 Honeysuckle	Temple, Texas
4	Westfield IX	1	1	7480 Honeysuckle	Temple, Texas
5	Outblock 1118-B,	-	-	7425 West Adams Avenue	Temple, Texas

**Zoning Application Number:** Z-FY-15-19

**Project Manager:** Beverly Mesa-Zendt



RESPONSE TO A REQUEST FOR A CONDITIONAL USE  
PERMIT  
CITY OF TEMPLE

Kiella Development Inc.  
P.O. Box 1344  
Temple, Texas 76503-1344

Zoning Application Number: Z-FY-15-19 Project Manager: Beverly Mesa-Zendt

Location: 7373 and 7349 Honeysuckle Drive, 7348 West Adams Avenue and 7410 West Adams Avenue

The proposed Conditional Use Permit (CUP) request is for the area shown in hatched marking on the attached map. Because you own property within 200 feet of the area proposed for the CUP, your opinions are welcomed. Please use this form to indicate whether you are in favor of this CUP request for the property described on the attached notice, and provide any additional comments you may have. \*

I recommend ☒ approval ( ) denial of this request.

Comments:

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Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 18, 2015

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

RECEIVED

MAY 14 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 22

Date Mailed: May 7, 2015

\*If you own properties within 200 feet of the requested change, see attached listing.



**Properties within the 200 Feet of Requested CUP**

Kiella Development Inc. & Westfield Property Owners Association					
#	Subdivision	Lot	Block	Address	City
1	Westfield Development IX	3	1	7372 Honeysuckle	Temple, Texas
2	Westfield Development IX	2	1	7446 Honeysuckle	Temple, Texas
3	Westfield Development IV	H	2	7232 W. Adams Ave	Temple, Texas
4	Westfield Development IV	1	2	179 Verbena Dr.	Temple, Texas
5	Westfield Development IX	5	1	7290 Honeysuckle	Temple, Texas
6	Westfield Development IV	2	2	7467 Honeysuckle	Temple, Texas
7	Westfield Development IX	4	1	7348 Honeysuckle	Temple, Texas
8	Westfield Development IX/ Westfield Property Owners Association	Tract K		7425 West Adams Avenue	Temple, Texas

**Zoning Application Number:** Z-FY-15-19

**Project Manager:** Beverly Mesa-Zendt





**RESPONSE TO A REQUEST FOR A CONDITIONAL USE  
PERMIT  
CITY OF TEMPLE**

Texas First State Bank  
P.O. Box 2524  
Waco, Texas 76702

**Zoning Application Number:** Z-FY-15-19      **Project Manager:** Beverly Mesa-Zendt

**Location:** 7373 and 7349 Honeysuckle Drive, 7348 West Adams Avenue and 7410 West Adams Avenue

The proposed Conditional Use Permit (CUP) request is for the area shown in hatched marking on the attached map. Because you own property within 200 feet of the area proposed for the CUP, your opinions are welcomed. Please use this form to indicate whether you are in favor of this CUP request for the property described on the attached notice, and provide any additional comments you may have. \*

I recommend ☒ approval      ( ) denial of this request.

**Comments:**

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Rodney Kroll

**Signature**

Rodney KROLL

**Print Name**

**Please mail or hand-deliver this comment form to the address shown below, no later than  
May 18, 2015**

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

**RECEIVED**  
**MAY 15 2015**  
City of Temple  
Planning & Development

Number of Notices Mailed: 22

Date Mailed: May 7, 2015



ORDINANCE NO. \_\_\_\_\_  
(Z-FY-15-19)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR THE SALE OF  
ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION FOR  
PROPERTIES LOCATED AT 7373 AND 7349 HONEYSUCKLE DRIVE, 7348  
WEST ADAMS AVENUE AND 7410 WEST ADAMS AVENUE;  
DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY  
CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN  
OPEN MEETINGS CLAUSE.

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**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 7373 and 7349 Honeysuckle Drive, 7348 West Adams Avenue and 7410 West Adams Avenue, recommends that the City Council approve the application for this Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption where the gross revenue from the sale of alcoholic beverages is less than 75% of the total gross revenue of the establishment sales; 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 the sale of alcoholic beverages for on-premise consumption where the gross revenue from the sale of alcoholic beverages is less than 75% of the total gross revenue of the establishment sales for properties located at 7373 and 7349 Honeysuckle Drive, 7348 West Adams Avenue and 7410 West Adams Avenue, 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. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six months from the date of the issuance of the Conditional Use Permit, such limitation in time being subject to City review and possible extension.

B. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.

C. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee must consult with the Chief of Police, who acts in an advisory capacity, to determine the number of qualified employees necessary to meet such obligations.

**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 **18<sup>th</sup>** day of **July**, 2015.

PASSED AND APPROVED on Second Reading on the **2<sup>nd</sup>** day of **July**, 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

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06/18/15  
Item #8  
Regular Agenda  
Page 1 of 5

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

Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – Z-FY-15-18: Consider adopting an ordinance amending Ordinance No. 2014-4689, and the corresponding site plan, to add a proposed apartment complex project in the Shoppes on the Hill Subdivision located at 2510 South 31<sup>st</sup> Street.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At its May 18, 2015 meeting, the Planning & Zoning Commission voted 6 to 2 to recommend approval of the site plan as presented.

**STAFF RECOMMENDATION:** Staff recommends approval of the eleven (11) Sec. 6.3 TMED T5-c exceptions associated with the Planned Development Site Plan, which has been determined to meet all of the Development Plan Review Criteria in Sec. 3.4.5, with the following condition:

- Oncor provides approval of the site plan, which includes a proposed detention pond/dog park, pool and parking either directly under or near an existing electrical transmission line

### **ITEM SUMMARY:**

The applicant has requested approval of the following Sec. 6.3 TMED T5-c Code exceptions:

1. Sec. 6.3.5.D. (Building Configuration)
  - Building story height (14' required: 10' 6" proposed)
2. Sec. 6.3.6.E.1 (Specific Use Standards)
  - Uses are limited to a maximum gross floor area of 10,000 square feet (apartment units proposed within 5 different buildings that exceed the 10,000 square feet limitation)
3. Sec. 6.3.6.E.6 (Specific Use Standards)
  - Overhead doors are prohibited (proposed garages include overhead doors)
4. Sec. 6.3.6.E.12 (Specific Use Standards)
  - Allowing residential on the ground floor (T5-c prohibits apartments on 1st floor)
5. Sec. 6.3.8.G.4. (Alleys)
  - Alleys are not proposed (T5-c requires alleys)
6. Sec. 6.3.11.B.5. (Public Frontage: Type E)
  - Constructing a 6' sidewalk and 6' planting strip along Everton to the back-of-curb (4' sidewalk to the back-of-curb is proposed due to right-of-way and utility constraints)
  - Applicant has agreed to provide a 6' planting strip behind the 4' sidewalk where not in conflict with utilities
7. Sec. 6.3.13.D. (Building Design)
  - Roof pitch (5:12 required: 4:12 proposed)

8. Sec. 6.3.14 (Parking and Garage Standards)
  - Number of garage parking spaces (1 per 2 units required: 1 per 3.5 units proposed)
  - Garages are not permitted to front onto Public Right-of-Way (some garages are proposed to face S. 31<sup>st</sup> Street)
9. Sec. 6.3.15.E. (Private Property Common Area Standards)
  - Approximately 20,500 sf of Common Area is required
  - Applicant proposes at least 11,860 sf of Common Area: pool (2,100 sf); deck (7,055 sf); lawn (605 sf); additional green space north of pool (2,000 sf) and a fountain (100 sf)
  - An estimated 8,000 sf dog park within the stormwater detention area is proposed but not included in the calculations
10. Sec. 6.3.16.B. (Permitted Sign Types)
  - Monument Signs may be approved by Warrant only
11. Sec. 6.3.16.C. (Monument Sign)
  - Sign Height (6' max monument sign requirements: propose a max height of 7' 6" to top of sign face to accommodate architectural design elements that may extend above 7' 6" and to accommodate grade changes)

The proposed project at 2510 S. 31<sup>st</sup> is the 2nd Phase of development associated with the Shoppes on the Hill PD-TMED T5-c adopted by City Council on October 16, 2014, which consists of 207 apartment units and amenities on 8.146 acres.

#### Traffic Signal at S. 31<sup>st</sup> Street

- A new traffic signal at the Shoppes on the Hill S. 31<sup>st</sup> Street and Scott and White emergency entrances has been approved by TXDOT, which is proposed to be installed late summer or early fall of 2015.

#### **COMPLIANCE SUMMARY:**

The project proposes to comply with the following sample of relevant standards:

1. Minimum Density/Residential Units per Acre (24 units per acre required)
2. Bike rack requirements
3. Minimum parking ratios and parking space dimensions
4. Access and connectivity standards related to driveway spacing and connection requirements
5. Sidewalks extending the entire length of the development's frontage on a public street
6. Sidewalks connecting to existing adjacent sidewalks
7. Selections from approved landscaping list
8. Irrigated landscaping for at least 15 percent of site
9. 80 percent maximum of impervious cover
10. Setback requirements
11. Screening of mechanical equipment and waste containers
12. Sidewalk connections to parking within the lot, to primary entrances of each residential building, to all associated outdoor amenities and to the perimeter street sidewalk system
13. Exterior finish materials and percentages
14. Street lights that are consistent with the TMED design guidelines
15. All proposed electric, telephone, and cable wires along the public street right-of-way underground



**PLANNED DEVELOPMENT (UDC SEC. 3.4):** A Planned development is a flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval.

As part of the Planned Development request, a Development Plan (Site Plan) is required for review and consideration by the Planning and Zoning Commission and City Council.

**Development Plan Review Criteria (UDC Sec. 3.4.5):** In determining whether to approve, approve with conditions or deny a Planned Development application, the Planning & Zoning Commission and City Council must consider the following criteria:

- A. The plan complies with all provisions of the Design and Development standards manual, the UDC and other ordinances of the City,
- B. The environmental impact of the development relating to the preservation of existing natural resources of the surrounding properties and neighborhood is mitigated,
- C. The development is in harmony with the character, use and design of the surrounding area,
- D. Safe and efficient vehicular and pedestrian circulation systems are provided,
- E. Off-street parking and loading facilities are designed to ensure that all such spaces are useable and are safely and conveniently arranged, and
- F. Streets are designed with sufficient width and suitable grade and location to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.

**Additional Standards (UDC Sec. 3.4.2C):** In approving a Planned Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, access and circulations, signs, parking, building design, location and height, light, landscaping, property owners associations, open space, topography and screening.

**Expiration (UDC Sec. 3.4.7):** If no development has occurred on a Planned Development-zoned tract or lot within two years of the date of approval, the Planning and Zoning Commission and City Council may require a new public hearing to evaluate the appropriateness of the previously authorized Planned Development approval.

**Design Review Committee (DRC):** Per Sec. 3.4.2 (Planned Development) of the UDC, DRC must review the design elements of the required Development Plan (site plan) submittal for Planned Development Districts. DRC reviewed the proposed Development Plan at their May 7, 2015 meeting, at which time the following topics were discussed:

- Sidewalk requirements along Everton
- Type E frontage requirements
- Park fees and qualifying amenities
- Fire access
- Public utility easements

All questions by DRC members were adequately addressed with the exception of whether Oncor had given approval for the proposed improvements under or near an existing electrical transmission line. The applicant has indicated that Oncor will not conduct a formal review of the project until the grading plan has been submitted.

**LAND USE:** Some of the uses permitted by right in the T5-c district include, but are not limited to:

Residential uses

Single-Family (Attached)  
Multi-family (with limitations)

Nonresidential uses

Assisted Living (with limitations)  
Hospital  
All Retail  
Restaurant (no drive-through)  
On-premise alcohol consumption (with a CUP)

**Prohibited uses** include Single-Family (Detached), all industrial and manufacturing uses, fuel sales.

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto Urban Commercial	T5-c	Undeveloped
North	Suburban Commercial	T5-c	Undeveloped
South	Auto Urban Commercial	GR	Retail
East	TMED	SD-H (TMED)	BS&W Hospital
West	Auto Urban Commercial	T5-c	Retirement Community

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

<b>Document</b>	<b>Policy, Goal, Objective or Map</b>	<b>Compliance?</b>
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 site is designated as Auto Urban Commercial on the Comprehensive Plan's FLUP; therefore, the proposed development complies with the Plan. As part of the Planned Development, a site (development) plan (attached) is required to be submitted and reviewed by the Planning and Zoning Commission and City Council.

Thoroughfare Plan (CP Map 5.2)

- S. 31<sup>st</sup> Street (Major Arterial) – right-of-way width varies from 114' to 125', which exceeds the City's minimum standards for the classification (70')
- Everton Drive is classified as a Local Street

Availability of Public Facilities (CP Goal 4.1)

Existing 8-inch water and sanitary sewer lines exist in the south right-of-way of Scott Boulevard. Existing 6-inch, 8-inch, and 12-inch water lines exist in the west right-of-way of South 31<sup>st</sup>. Water will

be provided through 8-inch water lines. Sewer will be provided through 8-inch, 10-inch, and 18-inch sanitary sewer lines. Storm sewer drainage will be carried through 18-inch and 24-inch reinforced concrete pipes (RCP).

Temple Trails Master Plan Map and Sidewalks Ordinance

According to Parks and Leisure Services, both required sidewalks (on 31st Street and Scott Blvd.) will serve the City's Citywide Trails Master Plan as part of a pedestrian network. Provided the trails / sidewalks meet the TMED requirements, the walks are seen as sufficient in meeting the Citywide Trails Master Plan requirements as well.

**DEVELOPMENT REGULATIONS in the T5-c district are:**

Min Lot Size	N/A
Min Lot Width	18
Min. Front	4'
Max. Front	12'
Impervious Cover	80% max

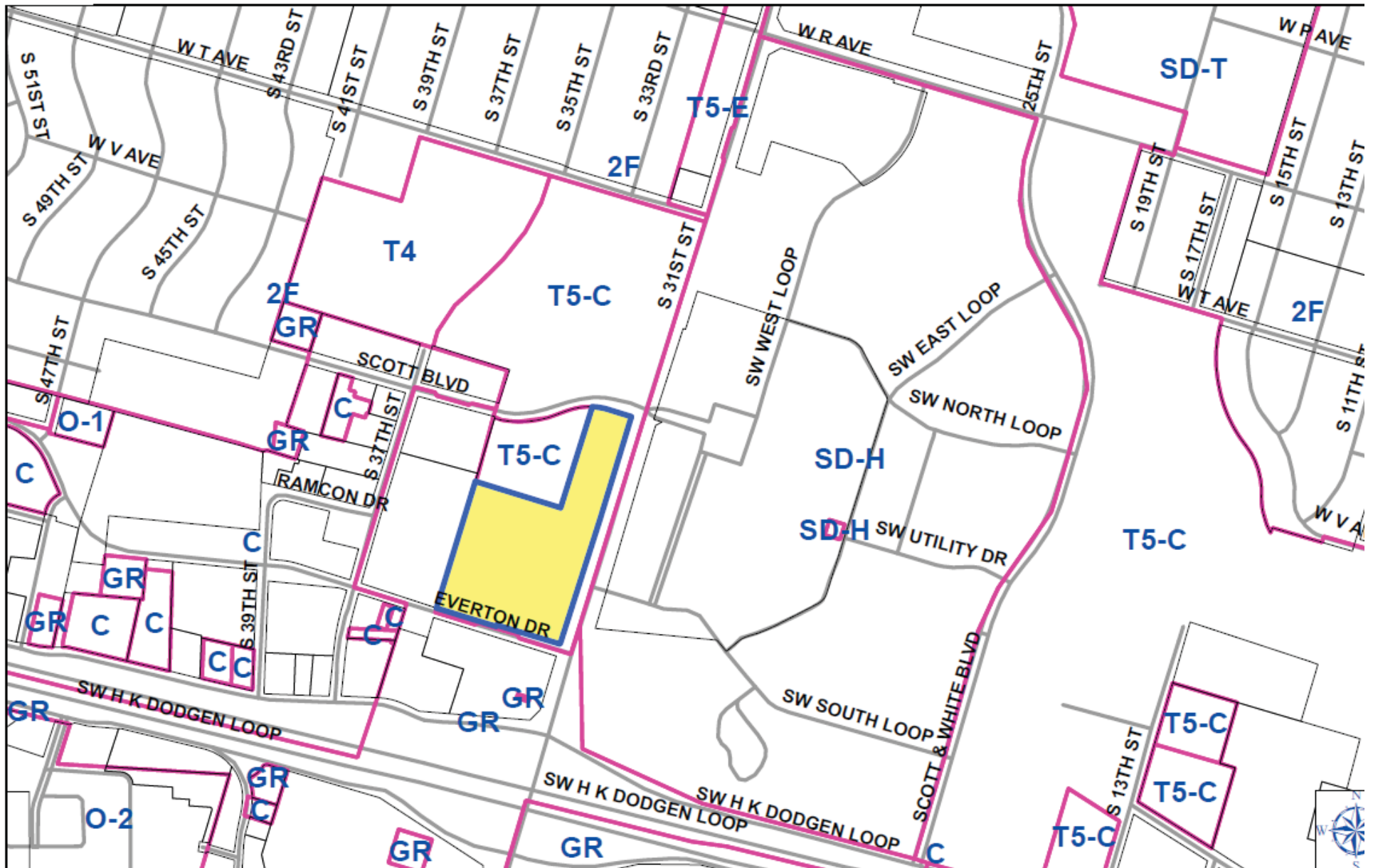
**PUBLIC NOTICE:** Fifteen (15) notices for the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property. As of Thursday June 11, 2015 one (1) response had been returned in opposition and zero (0) in support of the request.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

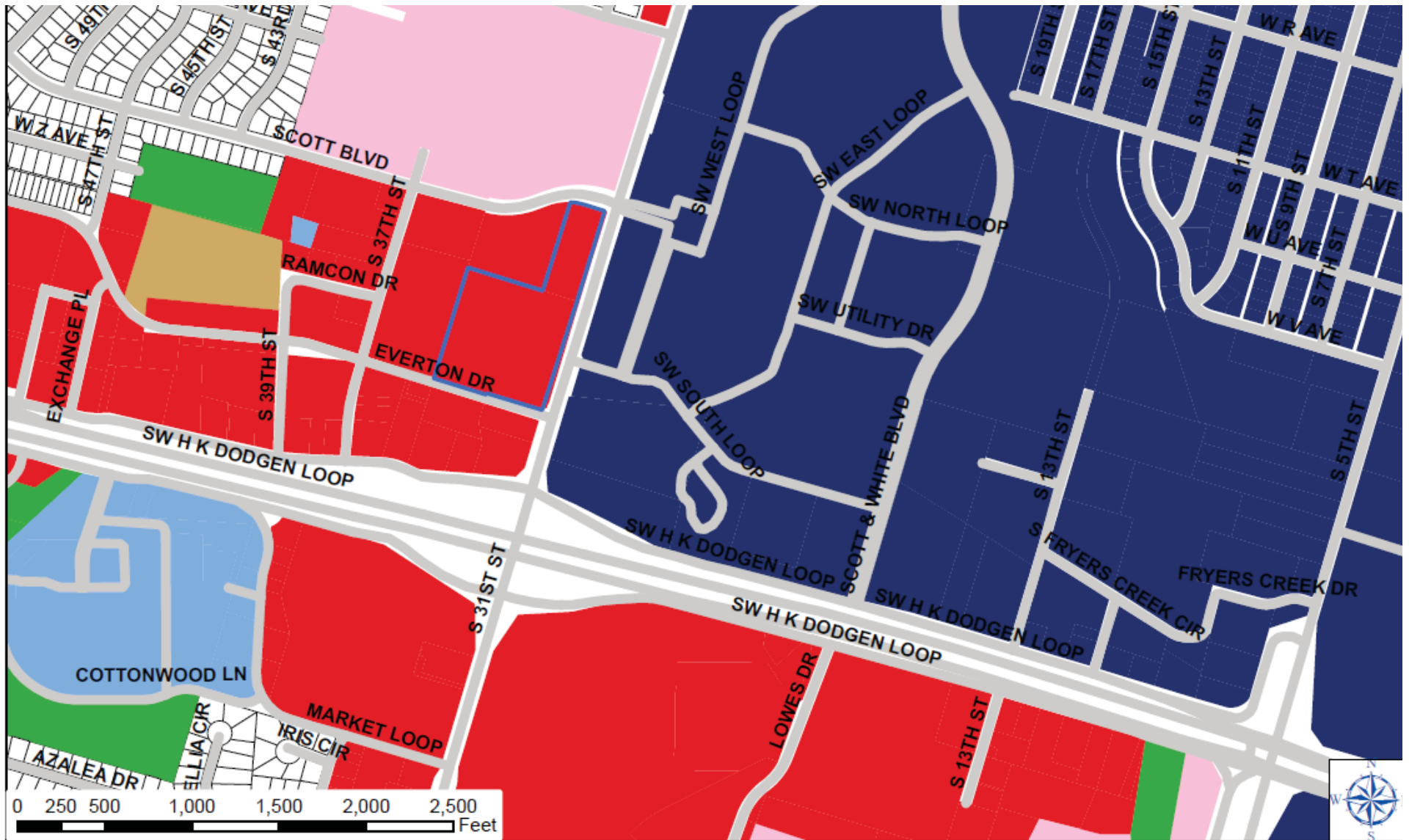
[Zoning Map](#)  
[Future Land Use Plan](#)  
[Utilities Map](#)  
[Site Photo](#)  
[Site Plan](#)  
[Landscape Plan](#)  
[Elevations](#)  
[Amenities Plan](#)  
[Proposed Signage Example](#)  
[Notification Map](#)  
[Neighbor Responses](#)  
[TMED Regulating Plan](#)  
[TMED Regulations Checklist](#)  
[Ordinance No 2014-4689 \(Shoppes on the Hill Ordinance\)](#)  
[Ordinance](#)

# Zoning Map





# Future Land Use



## Future Land Use

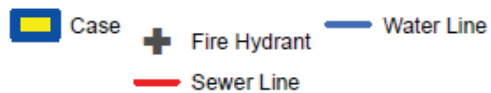
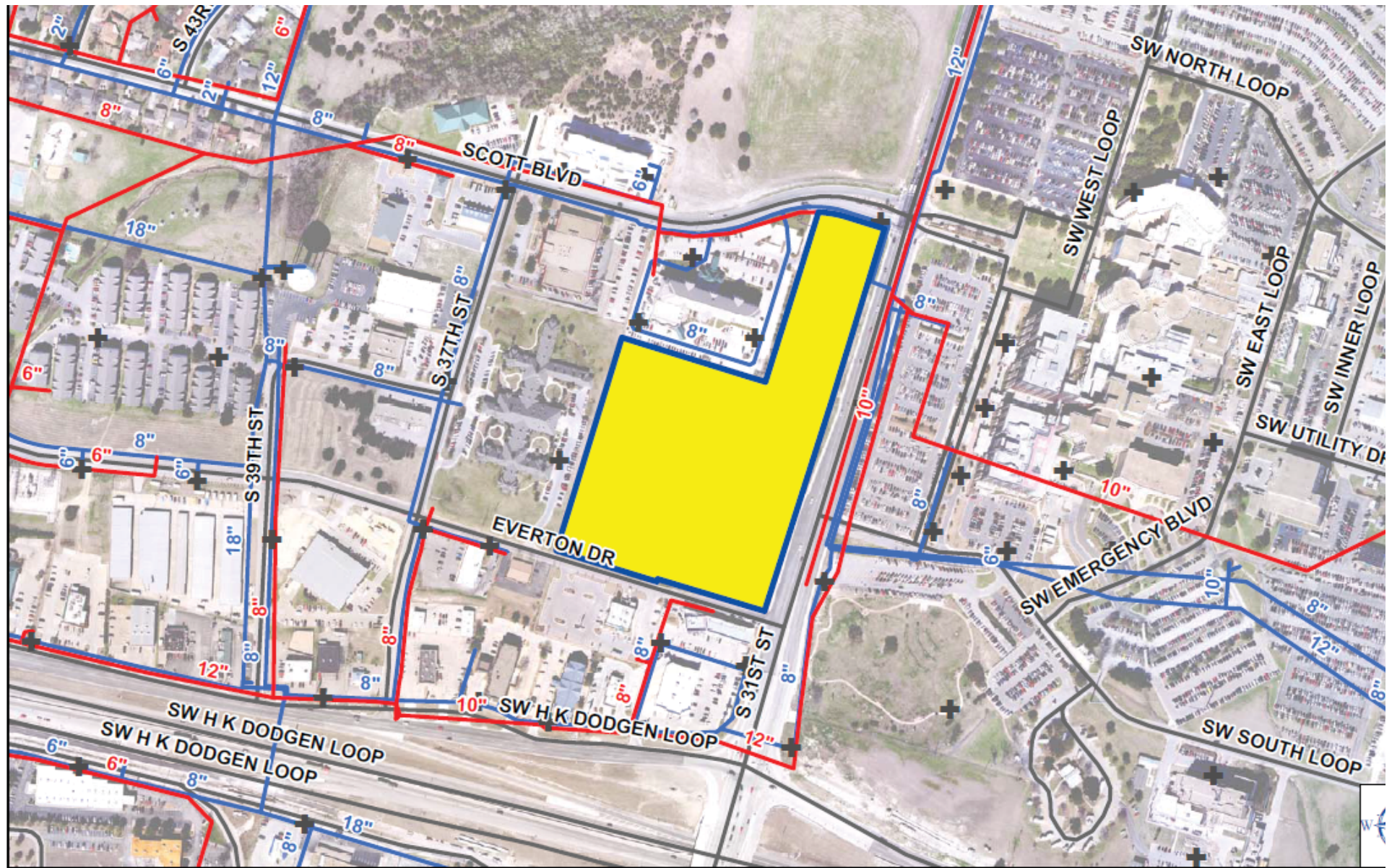
Neighborhood Conservation	Auto-Urban Residential	Auto-Urban Commercial	Temple Medical Education District	Public Institutional
Estate Residential	Auto-Urban Multi-Family	Suburban Commercial	Industrial	Parks & Open Space
Suburban Residential	Auto-Urban Mixed Use	Urban Center	Business Park	Agricultural/Rural

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9/10/201  
City of Temple GI



# Utilities



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





**Site (looking north)**







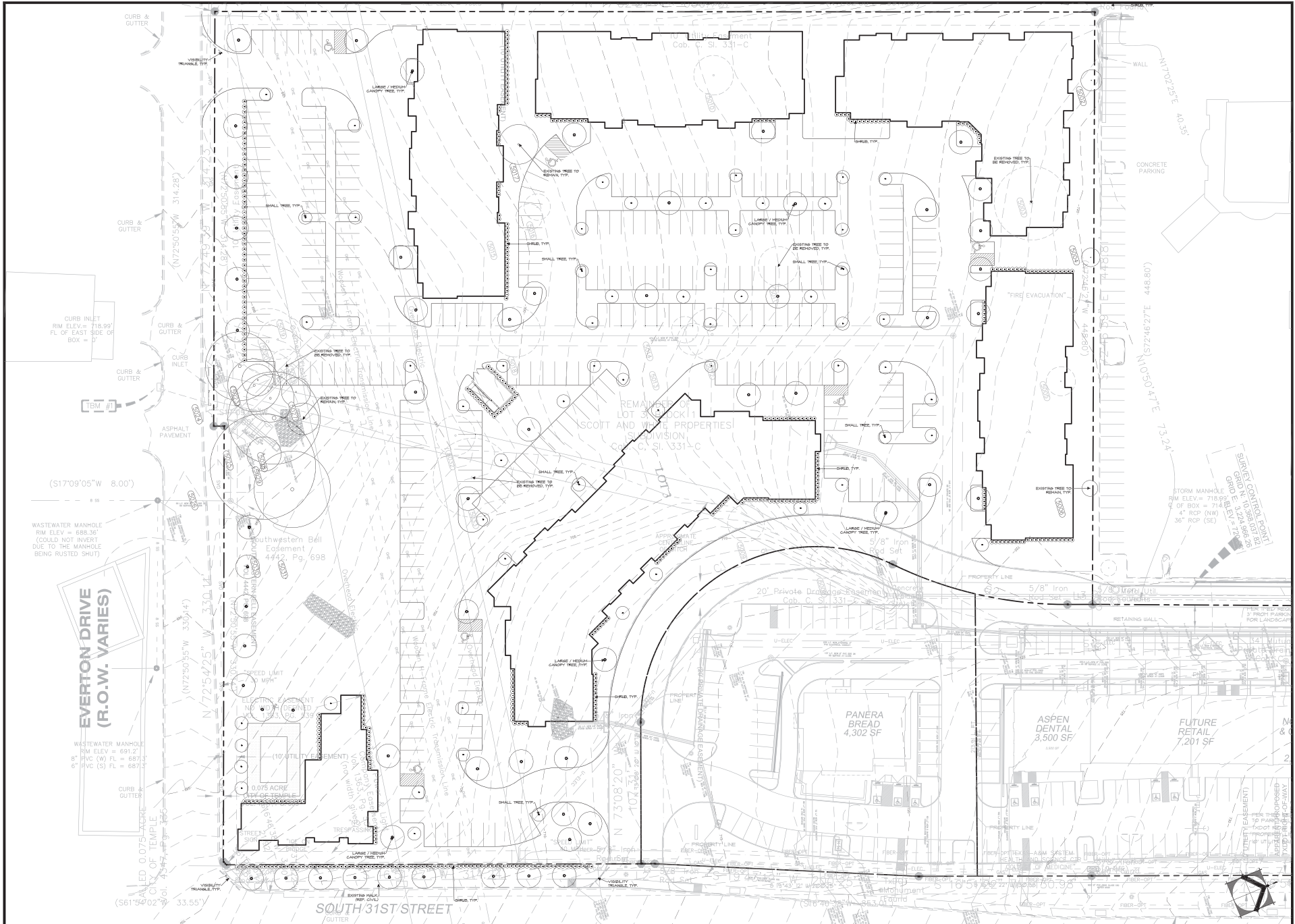
DATE: 06/09/15  
PROJECT # 002-05

Morris Venture Partners IIA, LLC.



# 31st. Street Multi-Family: Greenspace Plan Temple, Texas





REVISIONS  
DATE  
COMMENTS

31ST ST. APARTMENTS  
TEMPLE, TEXAS  
LANDSCAPE CITY SUBMITTAL PLAN

SCALE:  
0 30 45

DATE:  
04/15/15

RECOMMENDED BY ARCHITECT  
LANDSCAPE ARCHITECT  
10000 Highway 100, Suite 100  
Dallas, TX 75243  
P 972.348.1500  
F 972.348.1501

**L0.01**  
PROJECT # 002-05

L:\00205\City Submittal\L0.01.dwg modified by Lutz on Apr 15, 2015 - 7:00pm

## LANDSCAPE AND SCREENING TABULATIONS

Zoning TMED - 15-c Urban Center Zone

### General Site Landscaping Requirements

	Required	Provided
Total Site Area	354,845 S.F.	N/A
Minimum Required Landscape Area	70, 969 S.F. (20%)	+/- 115, 000 S.F. (+/- 33%)
Tree and Shrub Requirements		
1 tree and 4 shrubs per 600 sq. ft. of landscape area required		
Total Site Trees	118	118
Total Site Shrubs	472	472
Public Frontage Trees (1 tree per 25 linear feet)	12	12

### Building Landscaping

#### Multifamily Landscaping

**Large Trees** - must be a minimum of three inches (3") in diameter at breast height or 65 gallon container size at planting.

**Medium Trees** - must be a minimum of two and one-half inches (2 1/2") in diameter at breast height at planting.

**Small Trees** - must be a minimum of two inches (2") in diameter at breast height at planting.

**Shrubs** - must be a minimum three-gallon container size at planting.

**Groundcover** - must be a minimum one-gallon container size at planting.

#### Tree mix

A minimum of (50%) of required trees must be selected from the medium or large size tree list.

A minimum of (50%) of required trees must be evergreen species.

#### Parking Lot Landscaping

All parking must be screened from public right-of-way through one of the following methods:  
a. Planting screen of evergreen shrubs  
b. Masonry wall;  
c. Combination of evergreen shrubs and berm; and  
d. combination of evergreen shrubs and wall

Planting screening must be capable of providing a solid, opaque 36-inch screen within two years and must be planted in a prepared bed that is at least three feet in width.

Parking Islands - One small or medium tree from the approved planting list is required at each island.

#### Public Frontage

One tree per 25' linear street frontage is required. Trees must be a single species selected from the approved list.

Trees must be planted a minimum of (3') three feet from back-of-curb.


#### Public Frontage Planting Area (291 L.F./25 = 12)


One tree per 25' linear street frontage is required. Trees must be a single species selected from the approved list.

Trees must be planted a minimum of (3') three feet from back-of-curb.

#### Irrigation

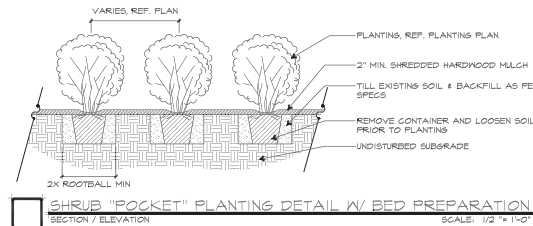
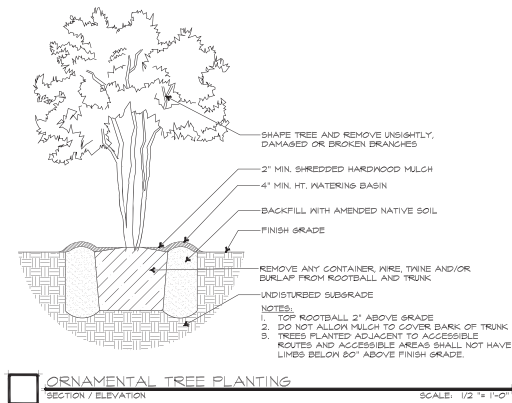
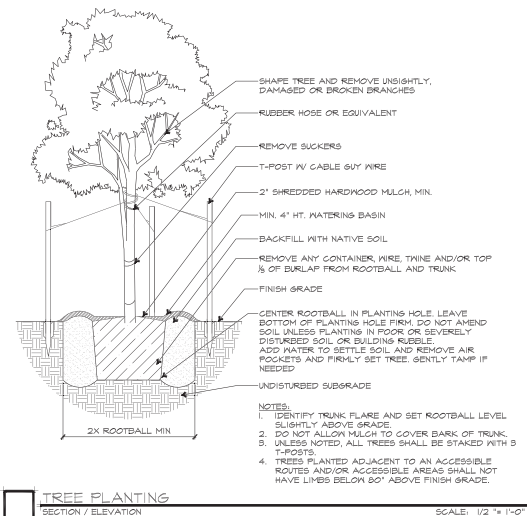
Permanent irrigation will be installed as per City Code Chapter 7

LARGE / MEDIUM CANOPY TREES				
QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	MINIMUM SIZE
54		Bur Oak	<i>Quercus macrocarpa</i>	8" caliper
		Gedro Elm	<i>Ulmus crassifolia</i>	8" caliper
		Chinquapin Oak	<i>Quercus muhlenbergii</i>	8" caliper
		Live Oak (30 min)	<i>Quercus virginiana</i>	8" caliper
		Lacey Oak	<i>Quercus glaucoidea</i>	2 1/2" caliper
		Texae Paloche	<i>Platanus texana</i>	2 1/2" caliper

SMALL TREES				
QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	MINIMUM SIZE
54		Buckeye, Mexican	<i>Ungadia speciosa</i>	2" caliper
		Grape Myrtle, Pink	<i>Lagerstroemia indica</i> (Basham's Party Pink)	2" caliper
		Holly, Yaupon (20 min.)	<i>Ilex vomitoria</i>	2" caliper
		Flum, Mexican	<i>Fraxinus mexicana</i>	2" caliper
		Red Bud, Texas	<i>Cercis canadensis</i> var. texana	2" caliper
		Mountain Laurel, Texas (4 min.)	<i>Sophora secundiflora</i>	2" caliper
		Holly, Possumhaw	<i>Ilex decidua</i>	2" caliper

SHRUBS				
QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	MINIMUM SIZE
472	●	Abelia, Dwarf Edward Goucher	Abelia x grandiflora Edward Goucher	3 gallon
		Artemisia	Artemisia "Pink Castle"	3 gallon
		Barberry, Rose diem	Berberis (thunbergi) Rose diem	3 gallon
		Coleonaster, Gray	Coleonaster glaucoaphylla	3 gallon
		Century Plant	Agave americana	3 gallon
		Holly, Dwf. Burford	Ilex cornuta "Burfordii nana"	3 gallon
		Holly, Dwf. Chinese	Ilex cornuta "Rotunda"	3 gallon
		Holly, Dwf. Yaupon	Ilex vomitoria "Nana"	3 gallon
		Knock Rose	Pavonia lasiopetala	3 gallon
		Rose, Red Knockout	Rosa spp. "Knockout"	3 gallon
		Rosemary, Prostrate	Rosmarinus officinalis Prostratus	3 gallon
		Sage, Texas	Leucophyllum frutescens "Compactum"	3 gallon
		Satal, Texas	Dasylium texanum	3 gallon
		Yucca, Red	Hesperaloe parviflora	3 gallon

NOTE: Disturbed open space areas will be sodded, plugged, sprigged, or seeded with drought resistant species such as Bermuda, Zoysia or Buffalo grass.



REVISIONS

COMMENTS

DATE



31ST ST. APARTMENTS  
TEMPLE, TEXAS  
CITY SUBMITTAL NOTES AND SPECIFICATIONS

SCALE:  
AS SHOWN

DATE:  
04/15/15



L0.02  
PROJECT # 002-05





31<sup>ST</sup> STREET MULTI FAMILY SCHEMATIC ELEVATIONS  
 TEMPLE, TEXAS





REVISIONS	

31st STREET APARTMENTS

TEMPLE, TX

SITE REVIEW SET  
ISSUED  
APRIL 16, 2015



4202 Bellway Drive  
Dallas, TX 75201  
214.532.0870  
bgoarchitects.com

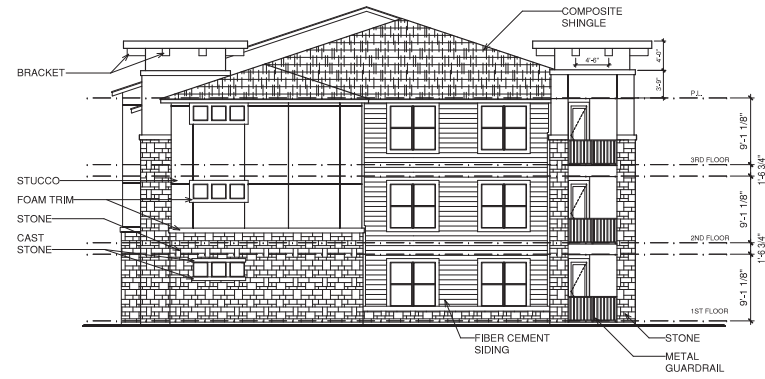
DATE  
04-16-2015

PROJECT  
14249

SHEET NUMBER

A4-10  
BLDG A  
ELEVATIONS

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**2** BUILDING 'A' END ELEVATION (EAST)  
SCALE 1/8" = 1'-0"



**1** BUILDING 'A' FRONT ELEVATION (SOUTH)  
SCALE 1/8" = 1'-0"



TEMPLE, TX



DATE  
04-16-2015

SHEET NUMBER

BLDG A  
ELEVATIONS

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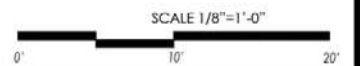


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# 31ST ST. APARTMENTS SCHEMATIC CLUB ELEVATION

TEMPLE, TEXAS



SCALE 1/8"=1'-0"

# 14249  
02.27.2015  
TAC, Inc.- Tony Austin

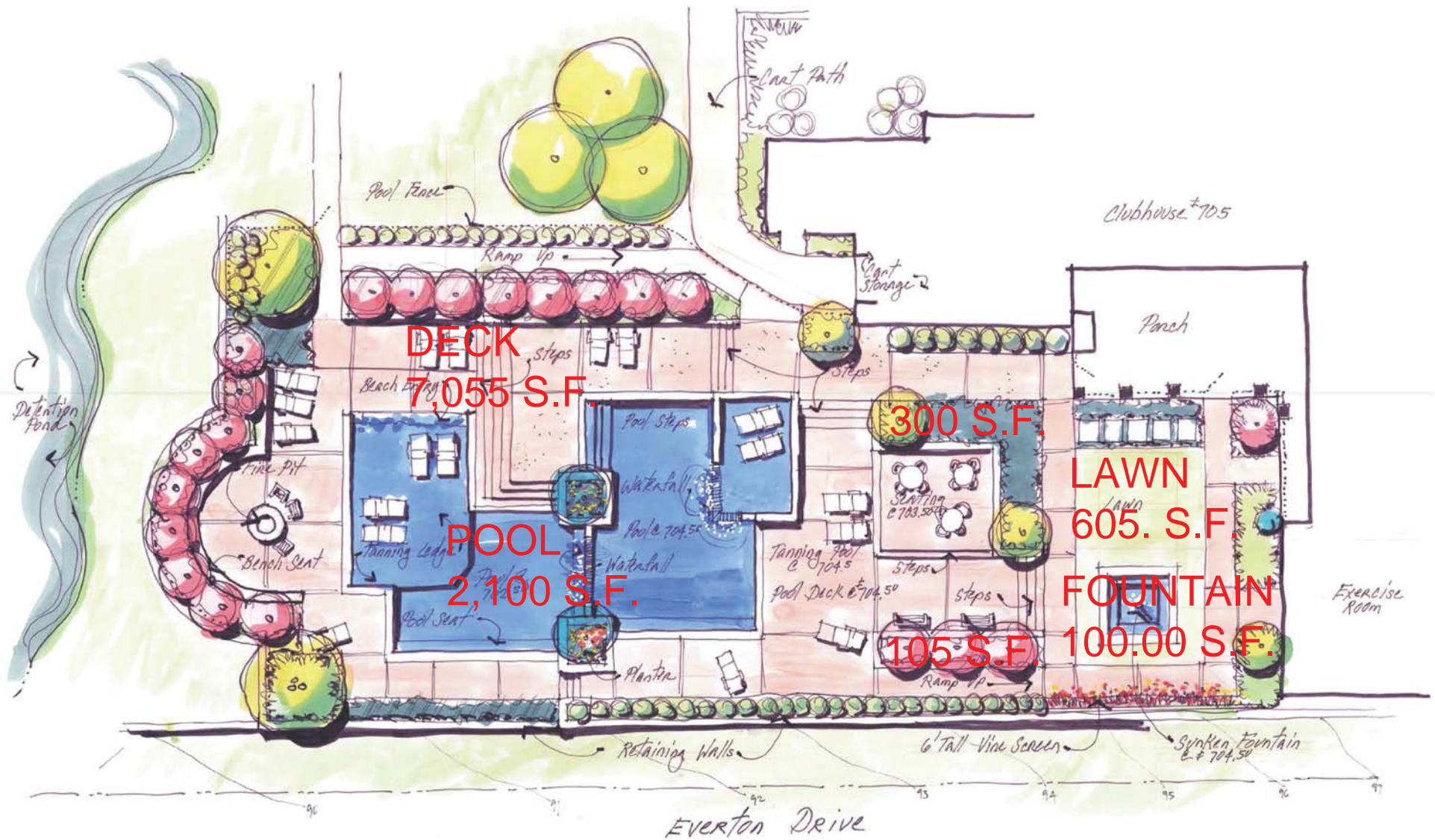


### 31<sup>ST</sup> STREET MULTI-FAMILY CLUB PERSPECTIVE

TEMPLE, TEXAS

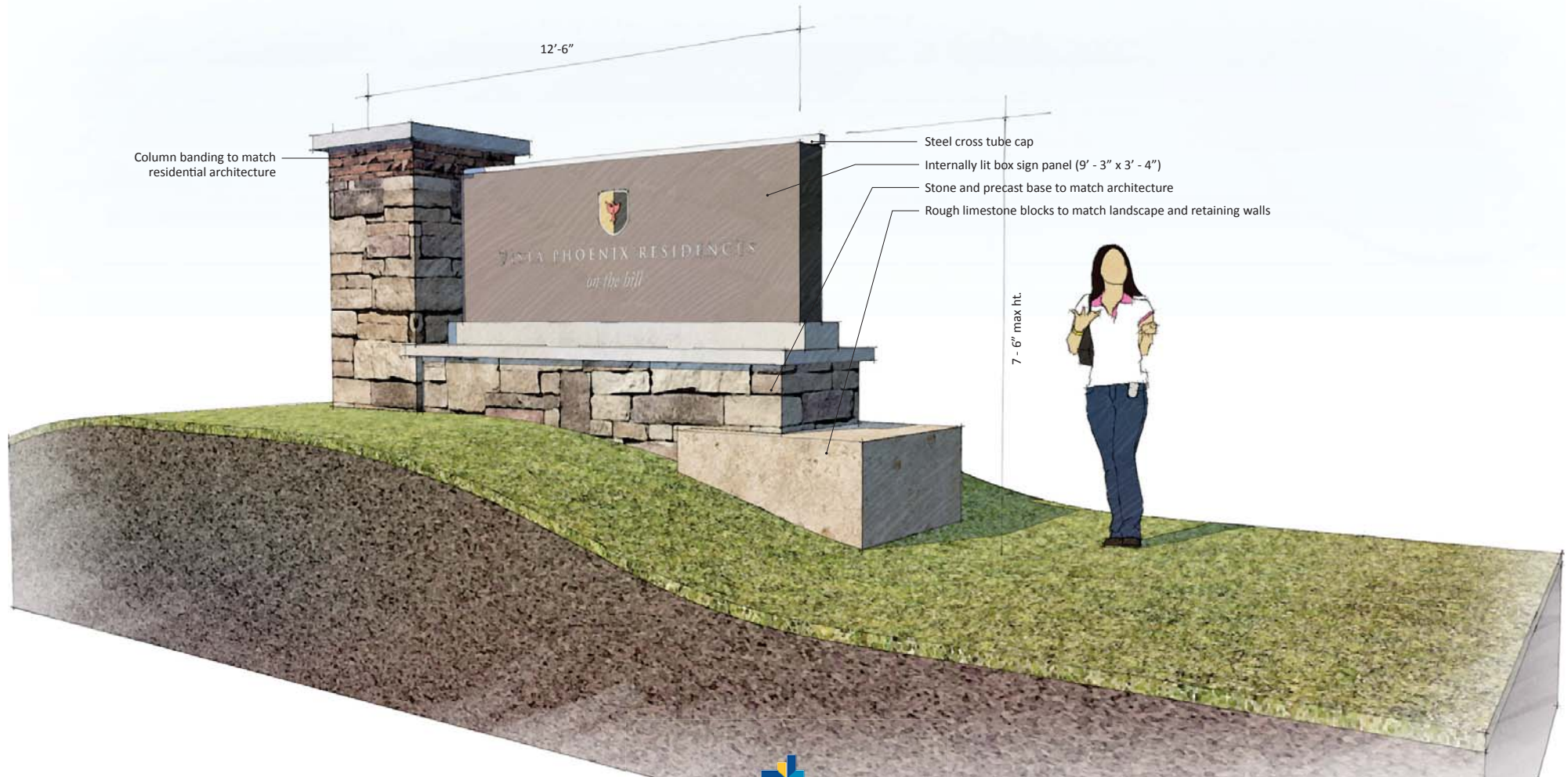
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# BAYLOR SCOTT & WHITE MIXED-USE DEVELOPMENT

*Development Signage Concepts*



Images are conceptual and subject to change. Dimensions are approximate and subject to City approval.



MoonDesign



Residential Monument Signage, Type C





2510 S. 31st Street



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

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RESPONSE TO PROPOSED  
SITE PLAN REVIEW  
CITY OF TEMPLE

Sidney Kacir  
1821 Everton Drive  
Temple, Texas 76504

Zoning Application Number: Z-FY-15-18

Project Manager: Brian Chandler

Location: 2510 South 31<sup>st</sup> Street

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

I recommend ( ) approval

(☒) denial of this request.

Comments:

THIS LOCATION IS ALREADY TOO CONGESTED.  
AT THE LEAST ANOTHER TRAFFIC LIGHT WILL BE  
NEEDED AND STREET CHANGES MADE

Sidney Kacir  
Signature

SIDNEY KACIR  
Print Name

Please mail, hand-deliver or scan and email this comment form to an address shown below, no later than May 18, 2015.

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

[bchandler@templetx.gov](mailto:bchandler@templetx.gov)

Number of Notices Mailed: 15

Date Mailed: May 7, 2015

\*If you own multiple properties within 200 feet of the requested change, see attached listing.



## Brian Chandler

---

**From:** Michael Capone <mcapone@seniorcarecentersltc.com>  
**Sent:** Friday, May 22, 2015 9:21 AM  
**To:** Brian Chandler  
**Subject:** Zoning Application Z-FY-15-18

Mr. Chandler:

It is nice to speak to you again - we previously worked on Z-FY-14-38, if that helps your recollection. For whatever reason (and I'm not assuming any fault), the Response form for the above-referenced Zoning Application was not received by us until May 18, 2015. As such, please accept this email as the response from Granite Texas Senior Holdings IV LLC, c/o of the business at 2510 South 31<sup>st</sup> Street, Temple, TX (collectively, the "Business"). The Business opposes the proposed Zoning Application and amendment. I would appreciate it if you would confirm that this response will be included in the packet materials. I will also plan on appearing at the public hearing on the matter.

The Business is Senior Care of Weston Inn ("Weston Inn"), a skilled nursing facility, in several ways, but most important is the impact it will have on residents. If this rezoning application is approved, residents who have come to Weston Inn to recover, rehabilitate and receive quality care in their retirement will now be forced to endure all forms of agitation due to the construction. The construction process and equipment aggravate and infuriate the healthiest and most understanding of people on a good day; now you are asking our elderly to suffer through this stressful situation for several months. Unlike most people, who can get in their cars and drive somewhere for a peaceful dinner or for some form of respite from the noise and construction chaos, most of the residents at the Weston Inn do not have the luxury to seek this relief from the constant noise, dust and chaos of an active construction site. The impact this will have on the residents' health is significant – less ability to rest and sleep means less ability to recover; and increased dust and debris means greater aggravation to those with asthmatic or respiratory related illnesses. Unfortunately, these concerns are only the start of the reasons Weston Inn to deny this rezoning application.

There is a reason that most health centers (hospitals, skilled nursing facilities and assisted living facilities) are isolated away from busy intersections. The increased noise and chaos is not conducive to the health and well-being of folks who are ill. West Inn was placed on the site where it was, in part, because of the layout of its neighbors and the opportunities for rehabilitation and peace that the zoning laws would allow to its residents. This proposal stands to take away that tranquility, in the name of profit and urban expansion.

As such, the Business, on its own behalf and on behalf of its many residents who cannot speak for themselves, opposes this Application.

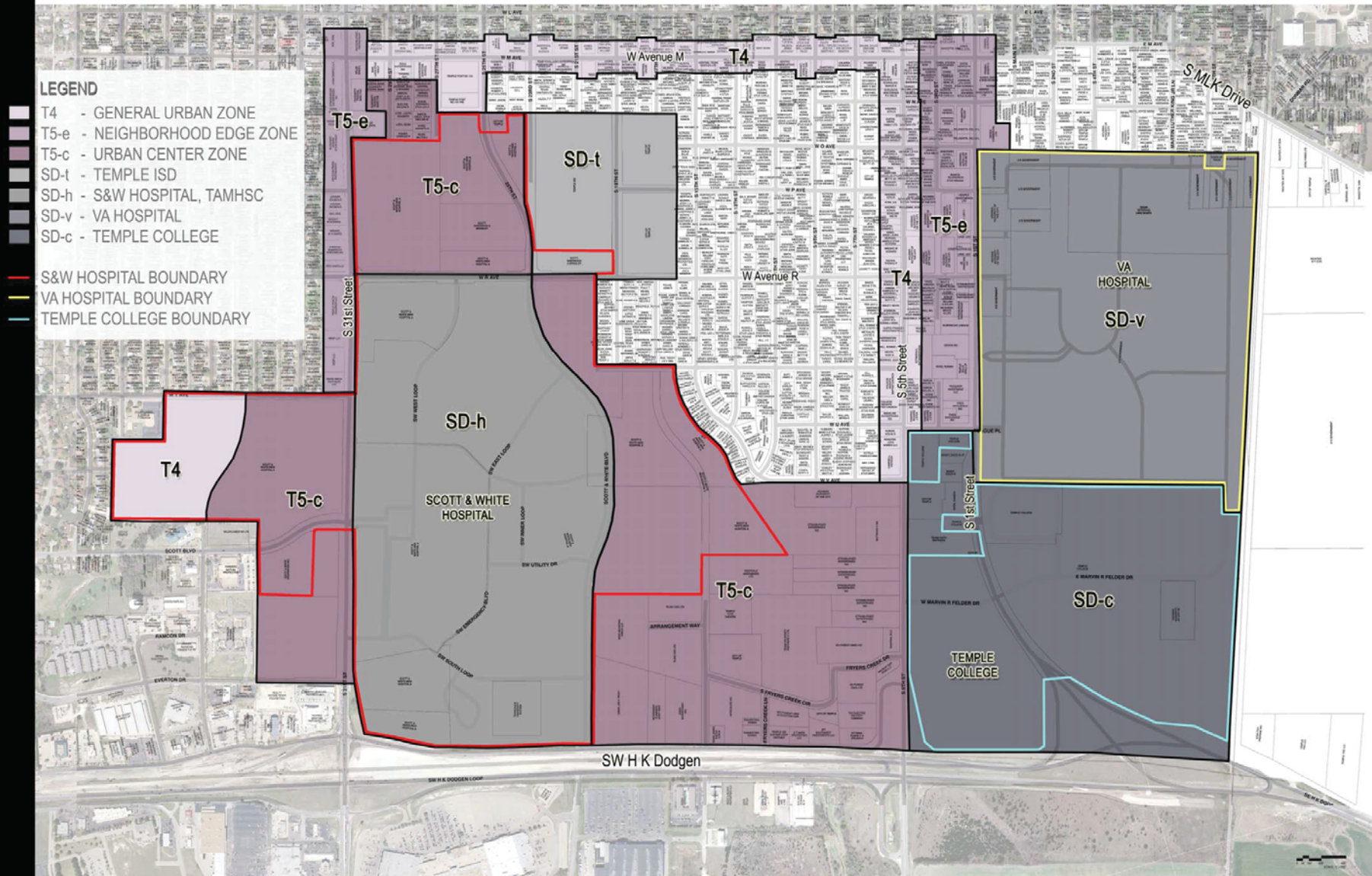
Thank you,

Mike

***Michael R. Capone***  
*General Counsel*

Senior Care Centers  
600 N Pearl St. Suite 1100  
Dallas TX 75201  
Office: (214) 252-7771  
Facsimile: (214) 252-7772  
[www.seniorcarecentersltc.com](http://www.seniorcarecentersltc.com)

# TEMPLE MEDICAL EDUCATIONAL DISTRICT



**REGULATING PLAN  
TRANSECT MAP**



TMED Standards Checklist

Code Section	#	Code Standard	Yes/No	Proposed Standard	Reason for not meeting TMED Standard	Staff Review Comments
Use Standards: UDC 6.3.6	1	Does the project meet dimensional and setback requirements?	Yes			
	2	Does the project meet building configuration requirements?	No	Minimum Story Height=10'-6" Min. Building Height = Single Story for Club		What story height is proposed?
	3	Is the use allowed in the district per table 6.3.6D?	Yes			Yes, but subject to "Limitations"
	4	Does the use carry an "L" designation per table 6.3.6 D? If so, specific use standards apply.	Yes			The "L" refers to not allowing apartments on the ground floor if fronting an arterial or collector (31st is an arterial, therefore, requiring an exception)
	5	Does the project meet all specific use standards? 6.3.6 E	No	Exclude Standards 6.3.6E1 & 6.3.6E6,	Buildings will Exceed 10,000 SF Gross Area Overhead Doors will be used at garages	
	6	Is any outdoor storage proposed? Outdoor storage not permitted in TMED. 6.3.6 G	No			
	7	Outdoor sale and display of commodities not allowed in transect zone or Special District where such sale is not an allowed use. 6.3.6 H	N/A			
	8	If permitted, does temporary outdoor display for a sidewalk sale not extend more than 5' from front façade and reserves 5' of pedestrian walkway? 6.3.6 H	N/A			
Circulation: UDC 6.3.7	9	Does the project meet Thoroughfare Standards? 6.3.7 B	N/A		No New Thoroughfares	
	10	Does the project meet Block Perimeter Standards? 6.3.7C (Not applicable to SD)	N/A		No New Streets	
	11	Does the project meet access and connectivity standards related to driveway spacing and connection requirements? 6.3.7 D1 (Not applicable to SD)	Yes			
	12	If project is located in T5-e district on First Street do driveway cuts meet the minimum requirements? 6.3.7D2	N/A			
Parking & Loading Standards: UDC 6.3.8	13	Does the project meet the minimum parking ratios and parking space dimensions required? 6.3.8B-C	Yes			Proposing somewhere between the .75 and 1.0 ratios required by TMED and general parking standards, respectively
	14	Is off street loading proposed? Does location meet requirements? 6.3.8E (Not applicable to SD)	N/A			
	15	Does parking meet general location and use standards? 6.3.8G	No	Exclude Standards 6.3.8G3 & 6.3.8G4	No rear alleys are provided	When no alleys are proposed, right-of-way dedication is required (appears to require an exception)
	16	Does parking located in T5-e on First Street meet special requirements? 6.3.8H	N/A			
	17	Is on-street parking allowed and in conformance with location and configuration standards? 6.3.8I	N/A		No On-Street Parking	
Bike Facilities: UDC 6.3.9	18	Is location and placement of bike facilities in accordance with standards? 6.3.9 B	Yes		Bike Facilities will be met but Locations have not been determined	
	19	Are minimum required bicycle racks provided? 6.3.9 B	Yes		Bike Facilities will be met but Locations have not been determined	
	20	Is the project in a transect zone? If so then all private parking landscape standards apply 6.3.10A	Yes			
	21	Does project provide minimum site landscaping for transect zones per table 6.3.10B?	Yes			

TMED Standards Checklist

Private Property Landscape Standards: UDC 6.3.10	22	Are proposed trees selected from approved list and meet tree mix requirements? 6.3.10C	Yes			
	23	Are parking lot landscaping and screening requirements met? 6.3.10D-E	No	One Landscape Island every 12 Spaces	Consistency with Phase 1	
	24	Has mechanical equipment been screened according to standards? 6.3.10F	Yes		Screening will be met but Locations have not been determined	
	25	Have waste containers been screened according to standards? 6.3.10G	Yes			
	26	Have loading docks been screened according to standards? 6.3.10H	N/A		No Loading Docks	
	27	Do all proposed fences and walls meet minimum standards? 6.3.10I Additional standards for: non-residential/multifamily 6.3.10J, for single family uses 6.3.10K	Yes			
Public Frontage Standards: UDC 6.3.11	28	Does the project meet TMED Design Criteria Manual standards for public frontage? 6.3.11B	No		Consistency with Phase 1?	
	29	Is curb and gutter provided? 6.3.11B	Yes			
	30	Which frontage type standards are applicable for the street? 6.3.11C	Type D			
	31	Does the frontage depth, planting strip, on street parking and sidewalks width meet requirements set forth in Sec. 6.3.11B5?	No	Existing 8' Sidewalk		
	32	Is the tree type, spacing, location, and placement in accordance with requirements? 6.3.11D	Yes			Does not comply with Code for location of the trees, since TMED requires the planting strip to be between curb and sidewalk but existing sidewalk is located at the curb
	33	Has groundcover been provided in planting strip in accordance with requirements? 6.3.11D.2	Yes			
	34	Do public frontage sidewalks meet construction, connectivity, and location requirements? 6.3.11D.2	Yes			Yes, since there's an 8' sidewalk along S. 31st Street
	35	Does the public frontage provide the required pedestrian amenities? 6.3.11D.2	Yes			
	36	Type E Public Frontage apply? 6.3.11.D.2.b	Yes			Applies along Everton frontage: filled with approved groundcover or sod
	37	Do sidewalks extend the entire length of the development's frontage on a public street? 6.3.11.E.1	Yes			Will add a sidewalk along Everton
	38	Do sidewalks connect to existing adjacent sidewalks? 6.3.11.E.3	Yes			Need to add a sidewalk along Everton to connect to S. 31st Street sidewalk
	39	Do sidewalks connect to parking within the lot and to primary entrances of each residential building? 6.3.11.E.5	Yes			
	40	Do sidewalks also connect the principal building entrances to all associated outdoor amenities? 6.3.11.E.6	Yes			
	41	Do sidewalks connect the primary entrance of the residence to the perimeter street sidewalk system? 6.3.11.E.7	Yes			
	42	Is a Hike and Bike Trail dedication required for implementation of Citywide Trails Master Plan? 6.3.11G	No			
	43	Are the proposed trees selected from the approved tree list? 6.3.12.B (See Temple Drought Tolerant Tree Selection Guide)	Yes			
	44	Is the proposed ground cover from the approved ground cover list? 6.3.12.C	Yes			Per Sec. 6.3.11.D.2a.1 ground cover should be provided
	45	Are the proposed shrubs appropriate perennial and evergreen species for the Central Texas Region? 6.3.12.D	Yes			
	46	Is all landscape installation, maintenance, and irrigation provided per standards? 6.3.12E	Yes			
	47	Do shrubs and ground cover meet minimum size requirements 6.3.12 E	Yes			



TMED Standards Checklist

General Planting: UDC 6.3.12	48	Is lawn grass drought resistant and does it meet installation requirements? 6.3.12E	Yes			
	49	Has an irrigation plan been prepared? 6.4.12E	Yes		Irrigation System will be provided but has not yet been prepared	Will comply, therefore, don't need to include this as an exception
Architectural, Parking, Street Lights & Utilities: UDC 6.3.13, 14, 17 and 18	50	Do the proposed exterior finish materials meet city material standards? 6.3.13	Yes			
	51	Do exterior finish materials meet minimum percentage requirements? 6.3.13 B	Yes			
	52	Is the accent material no more than 20 % and is it from the permitted list? 6.3.13 C	Yes			
	53	Is the building designed in compliance with requirements in table 6.3.13 D? (Not applicable to SD)	No	Roof Pitch is 4:12 Towers are used to create roof articulation		5:12 is required
	54	Does the parking and proposed garage meet standards? 6.3.14 (Not applicable to SD)	No	1 Garage per 3.5 Units		1 garage per 2 units required
	55	Are there private property common areas and do they meet standards 6.3.15 A-E (Not applicable to SD or to single family detached /attached residential uses in T4 or T5)	Maybe	Compliance not yet confirmed at this stage of design		Applicant proposes a pool, clubhouse, green space and a dog park but cannot confirm compliance with detailed TMED standards at this stage of design
	56	Are the proposed street lights designed and installed on compliance with the City's Street Light Policy? 6.3.17	Yes			
	57	Are all proposed new electric, telephone, and cable wires along the public street ROW underground? 6.3.18	Yes			
Sign Standards: UDC 6.3.16	58	Is the sign type permitted? 6.3.16B (Not applicable to SD-r)	Yes			Monument signs allowed with a Warrant
	59	Does the proposed sign type meet standards? 6.3.16C	No			Request to exceed 6' height for monument signage to allow for architectural elements

= Confirmed exception

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM TMED (T5-c) TO PD-T5-c (PLANNED DEVELOPMENT DISTRICT – TMED T5-c) ON A PORTION OF LOTS 2 AND 3, BLOCK 1, SCOTT AND WHITE PROPERTIES SUBDIVISION, LOCATED ON THE SOUTHWEST CORNER OF SCOTT BOULEVARD AND SOUTH 31<sup>ST</sup> STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a zoning change from TMED (T5-c) to PD-T5-c (Planned Development District – TMED T5-c) on a portion of lots 2 and 3, block 1, Scott and White Properties Subdivision, located on the southwest corner of Scott Boulevard and South 31<sup>st</sup> Street, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes and subject to the following exceptions from Section 6.3 (TMED) of the Unified Development Code:

- Exceeds 12' maximum front setback (Sec. 6.3.5.B.)
- 80 percent impervious cover limitation (Sec. 6.3.5.B.) to allow:
  - Lot 1: 85.1% impervious cover
  - Lot 2: 87.3% impervious cover
    - Note: Lot 3 is under the maximum with 75.1% impervious cover
- Less than the 2-story building height requirements (Sec. 6.3.5.D.)
- Allowing a commercial surface parking lot (Sec. 6.3.6.D. prohibits commercial surface parking lots in T5-c)
- A drive-through would be permitted for a proposed restaurant (6.3.6.D. prohibits drive-through restaurants in T5-c)
- 1 tree per 12 parking spaces (Sec. 6.3.10.D. requires 1 tree per 10 parking spaces)
- 5 foot sidewalk with no 6 foot planting strip between curb and sidewalk to allow for the preservation of an existing sidewalk along Scott Blvd. (Sec. 6.3.11.B.5.)
- 8 foot sidewalk with no 6 foot planting strip between curb and sidewalk to allow for the preservation of an existing sidewalk along S. 31st Street (Sec. 6.3.11.D.2.)
- 50 foot maximum building façade length without articulation (Sec. 6.3.13.D. requires a 5-foot building offset at least every 50 feet of façade length)
- Two 8 foot x 9 foot freestanding single-tenant monument signs and two 12 foot x 10 foot multitenant monument signs (Sec. 6.3.16.C)

**Part 2:** The City Council approves a zoning change subject to the following conditions:

- Street lighting is consistent with the TMED lamp standards (lighting found along South 1<sup>st</sup> and South 5<sup>th</sup> Streets adjacent to Temple College)
- Pedestrian connections from South 31<sup>st</sup> Street and Scott Boulevard sidewalks to the retail development.

**Part 3:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

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

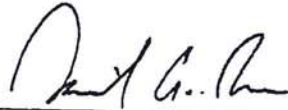
**Part 5:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the 2<sup>nd</sup> day of **October**, 2014.

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

THE CITY OF TEMPLE, TEXAS



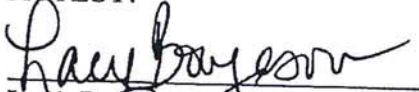
DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:



Kayla Landeros  
City Attorney

ATTEST:

  
Lacy Borgeson  
City Secretary





SP1.2



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

(PLANNING NO. Z-FY-15-18)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2014-4689, AND THE CORRESPONDING SITE PLAN, TO ADD A PROPOSED APARTMENT COMPLEX PROJECT IN THE SHOPPES ON THE HILL SUBDIVISION, LOCATED AT 2510 SOUTH 31<sup>ST</sup> STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council amends Ordinance No. 2014-4689, and the corresponding site plan, to add a proposed apartment complex project in the Shoppes on the Hill Subdivision, located at 2510 South 31<sup>st</sup> Street, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

**Part 2:** The City Council approves amending Ordinance No. 2014-4689 subject to the following conditions:

1. Building story height (14' required: 10' 6" proposed);
2. Uses are limited to a maximum gross floor area of 10,000 square feet (apartment units proposed within 5 different buildings that exceed the 10,000 square feet limitation);
3. Overhead doors are prohibited (proposed garages include overhead doors);
4. Allowing residential on the ground floor (T5-c prohibits apartments on 1st floor);
5. Alleys are not proposed (T5-c requires alleys);
6. Constructing a 6' sidewalk and 6' planting strip along Everton to the back-of-curb (4' sidewalk to the back-of-curb is proposed due to right-of-way and utility constraints);
7. Applicant has agreed to provide a 6' planting strip behind the 4' sidewalk where not in conflict with utilities;
8. Roof pitch (5:12 required: 4:12 proposed);
9. Number of garage parking spaces (1 per 2 units required: 1 per 3.5 units proposed);
10. Garages are not permitted to front onto Public Right-of-Way (some garages are proposed to face S. 31st Street);
11. Approximately 20,500 sf of Common Area is required; Applicant proposes at least 11,860 sf of Common Area: pool (2,100 sf); deck (7,055 sf); lawn (605 sf); additional green space north of pool (2,000 sf) and a fountain (100 sf); An estimated 8,000 sf dog park within the stormwater detention area is proposed but not included in the calculations;

12. Monument Signs may be approved by Warrant only;
13. Sign Height (6' max monument sign requirements: propose a max height of 7' 6" to top of sign face to accommodate architectural design elements that may extend above 7' 6" and to accommodate grade changes).

**Part 3:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

**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 **18<sup>th</sup>** day of **June**, 2015.

PASSED AND APPROVED on Second Reading on the **2<sup>nd</sup>** day of **July**, 2015.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Kayla Landeros  
City Attorney