



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, JULY 2, 2015

4:00 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 2, 2015.
2. Discuss the City's strategic plan, to include the FY 2015-2016 budget process to include the various strategic and budget related policy issues to include, but not limited to, receiving an overview briefing of the FY2016 Preliminary Budget.
3. Discuss potential updates to Code of Ordinances, Chapter 16, regarding managed native landscape areas.

5:00 P.M.

MUNICIPAL BUILDING

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

**TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA**

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS

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

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Recognize July as National Parks and Recreation Month.

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 18, 2015 Special Called & Regular Meeting](#)

Contracts, Leases, & Bids

- (B) [2015-7729-R](#): Consider adopting a resolution authorizing a contract with Kasberg, Patrick & Associates, LP, for professional services, in the amount of \$54,750, required for a pedestrian sidewalk project along North 31st Street.

- (C) [2015-7730-R](#): Consider adopting a resolution authorizing change order #1 to the construction contract with M&C Fonseca Construction Company, Inc. (M&C), of Granite Shoals, for construction of a new 12" diameter water line along Lamar Street from 7th Street to the corridor between 15th and 17th Streets in an amount not to exceed \$59,207.32, as well as declare an official intent to reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.
- (D) [2015-7731-R](#): Consider adopting a resolution authorizing an interlocal agreement between the City of Temple and the Bell County Communications Center regarding the parties' respective responsibilities related to collecting, entering and maintaining data in the Texas Crime Information Center (TCIC) and National Crime Information Center (NCIC).
- (E) [2015-7732-R](#): Consider adopting a resolution authorizing a professional services agreement with Lockwood, Andrews, & Newnam, Inc., in an amount not to exceed \$169,500, for right-of-way services for the expansion of Old Waco Road (Outer Loop, Phase 3B) from the channel to south of Jupiter Road.

ORDINANCES – SECOND & FINAL READING

- (F) [2015-4717](#): SECOND & FINAL READING – 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.
- (G) [2015-4718](#): SECOND & FINAL READING – 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.
- (H) [2015-4719](#): SECOND & FINAL READING – 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 31st Street.

Misc.

- (I) [2015-7733-R](#): Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2015-2016 Budget for August 6, 2015 and August 27, 2015 at 5:00 p.m. in the City Council Chambers.
- (J) [2015-7734-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2014-2015.

V. REGULAR AGENDA

RESOLUTIONS

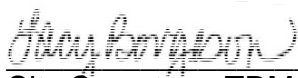
5. **2015-7735-R:** P-FY-15-22: Consider adopting a resolution on the Westfield Master Preliminary Plat, an approximately 224.54 acre tract, situated in the Baldwin Robertson Survey, Abstract No. 17 and in the Nancy Chance Survey, Abstract No. 5, both in Bell County, Texas, located on the north of West Adams Avenue, east side of North Pea Ridge Road, and south of Prairie View Road with an exception to Unified Development Code (UDC) Section 8.3: Park Land Dedication.
6. **2015-7736-R:** Consider adopting a resolution waiving distance requirements identified in Section 5.3.15 of the Unified Development Code between establishments with alcoholic beverage sales for on premise consumption and places of worship, public parks and residentially zoned or developed lots on PD-GR zoned lots located north of West Adams Avenue and on the east and west sides of Westfield Boulevard and part of the Westfield Master Preliminary Plat.

ORDINANCES – FIRST READING / PUBLIC HEARING

7. **2015-4720:** FIRST READING - PUBLIC HEARING - Z-FY-15-20: Consider adopting an ordinance to rezone property located at 7425 West Adams Avenue from Neighborhood Service District (NS) to Planned Development-Neighborhood Service District (PD-NS) with a development plan to allow drive-in restaurants, and a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption in establishments where between 50% and 75% of the total gross revenue may be from the sale of alcoholic beverages.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 10:15 AM, on Friday, June 26, 2015.



City Secretary, TRMC
City of Temple



COUNCIL AGENDA ITEM MEMORANDUM

07/02/15
Item #4(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) [June 18, 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 18, 2015 Special Called & Regular Meeting \(To Be Provided\)](#)



COUNCIL AGENDA ITEM MEMORANDUM

07/02/15
Item #4(B)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Kasberg, Patrick & Associates, LP, for professional services, in the amount of \$54,750, required for a pedestrian sidewalk project along North 31st Street.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed sidewalk and enhancement project along North 31st Street will provide needed connectivity and safety for pedestrians traveling between the HOP bus shelter, Temple High School, area businesses, proposed I-35 pedestrian facilities and downtown Temple. The scope of the project would provide a new 8-foot sidewalk and enhancements on the west side of the street, while also providing needed connections to existing sections of 5-foot sidewalk along the east side of the street in front of Temple High School. The proposed project would also provide needed safety elements for pedestrians including cross-walks and pedestrian warning flashers to improve driver awareness and visibility of pedestrian traffic. A Project Map is attached for reference. The services authorized under this resolution would design, bid, inspect, and administer construction of the proposed pedestrian improvements.

The engineer's preliminary opinion of probable cost is \$308,990. A proposal is attached listing the following professional fees:

Basic Services

Final Design	\$14,500.00
Design Surveys	\$6,000.00
Bidding	\$5,500.00
Construction Administration	<u>\$6,750.00</u>

Subtotal	<u>\$32,750.00</u>
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Special Services

Easement Documents (6 Parcels)	\$7,200.00
Environmental Clearances	\$8,000.00
On-Site Representation	<u>\$6,800.00</u>

Subtotal	<u>\$22,000.00</u>
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Total Project	<u>\$54,750.00</u>
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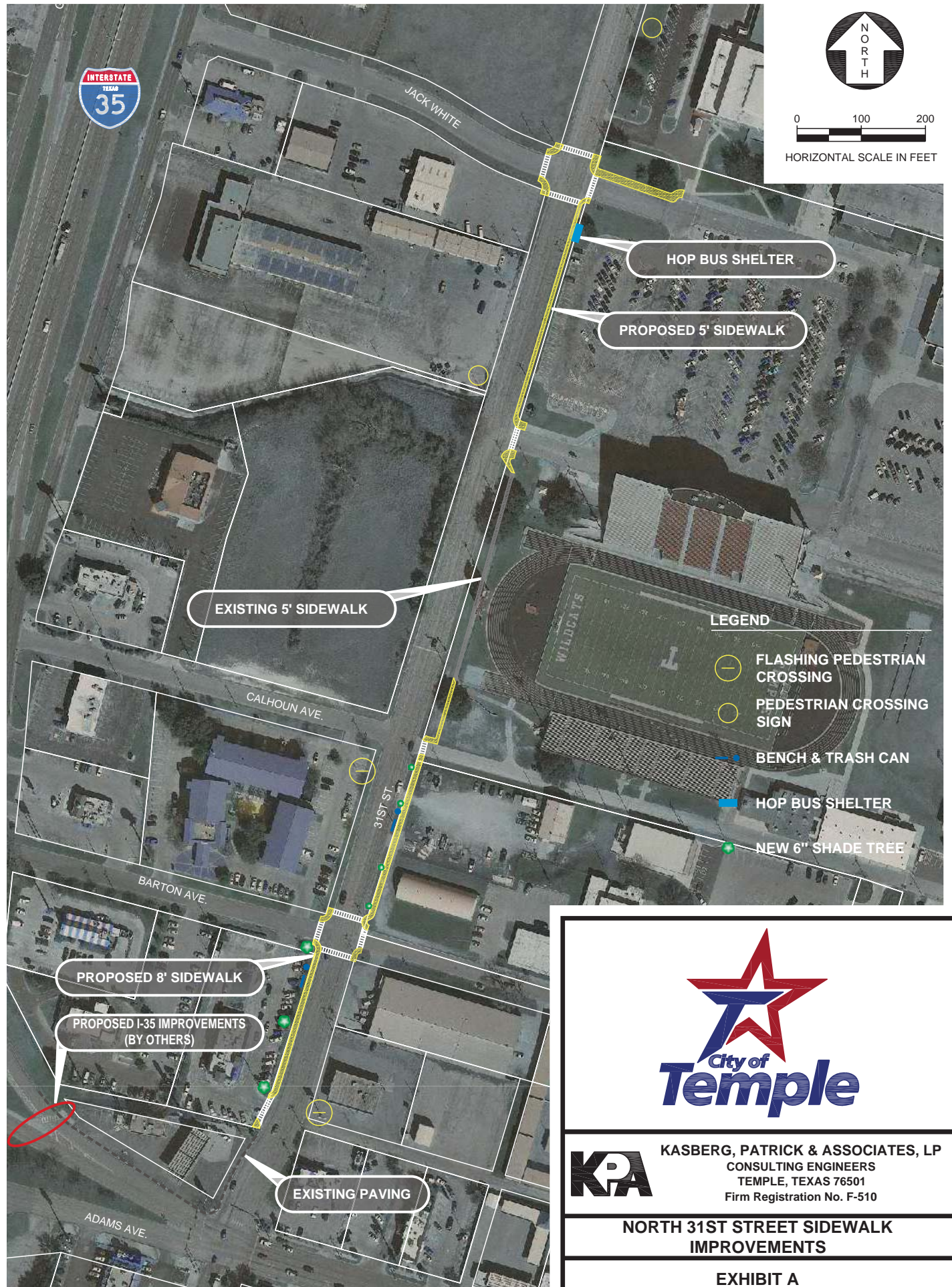
The proposed timeline for design is 90 calendar days.

FISCAL IMPACT: The City will receive \$234,064 in grant funds, through a reimbursement program, with a required match, \$156,304. Total project cost is \$390,368. A portion of the match for construction is being contributed by Keep Temple Beautiful, Temple Independent School District (TISD), and the Reinvestment Zone, with each entity contributing \$30,774 as financial partners for a total of \$92,322. The remaining amount of the required match of \$63,982 is being funded from the General Fund's Unallocated Fund Balance. A budget adjustment is presented for Council's approval appropriating grant revenue, contributions from others, the City's contribution and project expenditures.

Funding in the amount of \$54,750 will be available in account 260-3400-531-6315, project #101440, to fund an engineering contract with Kasberg, Patrick & Associates, LP upon approval of the budget adjustment.

ATTACHMENTS:

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





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

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

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

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

April 29, 2015

Mr. James Billeck, P.E.
3210 E. Avenue H
Building A

Temple, Texas 76501

Re: City of Temple, Texas
North 31st Street Pedestrian Sidewalk

Dear Mr. Billeck:

We are submitting this proposal for professional services required for North 31st Street Pedestrian Sidewalk Project.

The proposed project consists of approximately 1,300 linear feet of 8-foot and 5-foot sidewalk along 31st Street from just north of the 31st Street & Adams Avenue intersection to Jack White Drive (see attached Exhibit A). The attached Exhibit B shows an itemized breakdown of construction quantities which we used in developing the OPC. Major items of construction include concrete sidewalk, concrete driveways, traffic control, and landscaping.

The attached Exhibit C – Scope of Service clarifies the services that we propose to provide for this project of the project. Final Design required for preparation of construction drawings and bid documents can be completed within 90 calendar days. In order for us to provide the services required for completion of this project, the following not-to-exceed lump sum amounts will be applicable:

I. Basic Services

A. Final Design	\$	14,500.00
B. Design Surveys	\$	6,000.00
C. Bidding	\$	5,500.00
D. Construction Administration	\$	6,750.00
Subtotal Basic Services	\$	32,750.00

II. Special Services

A. Easement Documents (4 parcels)	\$	7,200.00
B. Environmental Clearances	\$	8,000.00
C. On-Site Representation	\$	6,800.00
Subtotal Special Services	\$	22,000.00

TOTAL PROJECT \$ 54,750.00

Mr. James Billeck, P.E.
April 29, 2015
Page Two

The services required for providing on-site representation and construction administration for the section of the pedestrian sidewalk located on the west side of 31st Street between Calhoun Avenue and Barton Avenue is listed below in the not-to-exceed lump sum amount. These services will only be provided, should the City of Temple elect to include this section of the trail in the construction contract.

I-A. Basic Services

D. Construction Administration	\$	450.00
Subtotal Basic Services	\$	450.00

II-A. Special Services

C. On-Site Representation	\$	850.00
Subtotal Special Services	\$	850.00

TOTAL PROJECT	\$	1,300.00
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Exhibit D outlines the rates which would be used to charge for special or additional services authorized beyond the scope.

We will invoice monthly for our services based on a percent completion basis. We appreciate the opportunity and look forward to working with you on this project.

Sincerely,



Alvin R. (Trae) Sutton III, P.E., C.F.M.

ARS/

EXHIBIT C

Scope of Services

North 31st Street Pedestrian Sidewalk

Kasberg, Patrick & Associates, LP

April 28, 2015

I. BASIC SERVICES

A. Final Design

1. Prepare construction drawings and specifications showing the horizontal and vertical alignments on plan and profile sheets and detail sheets. The construction plans will be drawn on 11-inch by 17-inch sheets (half-scale). The 11x17 prints will be used for bidding purposes and for field copies. The 11x17 prints will also be used for record drawings. This proposal includes twenty (20) sets of 11x17 prints for bidding and construction purposes.
2. Assist in coordinating utility relocations for both City Owned (Water/Wastewater) and Privately Owned Utilities (Electric, Phone, Cable, Gas, etc.) that are identified to be in conflict with the proposed alignment. Contact and meet with Privately Owned Utilities to identify the utility conflicts and review project scope and proposed construction schedule of the improvements. Utility relocations will be shown on the proposed plan and profile sheets.
3. Prepare horizontal and vertical design along the project route that meets ADA, TDLR and TxDOT design guidelines for pedestrian sidewalks.
4. Submit 60% and 100% review sets to the City and TxDOT for review and comment.
5. Incorporate City and TxDOT review comments into the final plan sets.
6. Prepare overall alignment map to All County Surveying for preparation of easement field notes and sketches (6 parcels anticipated).
7. Provide project support and documentation to Terracon, Inc. for preparation of environmental clearances.
8. Prepare a revised opinion of probable construction costs based on the final drawings and specifications.
9. Basic documents related to construction contracts will be provided by the City. These will include contract agreement forms, general conditions and supplementary conditions, invitations to bid, instructions to bidders, insurance and bonding requirements and other contract-related documents. KPA will provide the technical specifications and bid schedule for the project documents.
10. Prepare bidding plan sets and deliver to the City for distribution.

B. Bidding

1. Prepare and submit a signed and sealed Opinion of Probable Construction Cost to the City of Temple. This OPC will be itemized by typical units of construction.

2. Assist the City in advertising for and obtaining bids for the construction contract. This includes maintaining a record of prospective bidders to whom bidding documents have been issued and conduct pre-bid conference.
3. Coordinate and conduct a pre-bid conference.
4. Issue addenda as appropriate to interpret, clarify, expand or amend the bidding documents.
5. Attend the bid opening, prepare bid tabulation sheets, and provide assistance to the City in evaluating bids and in assembling and awarding contracts for construction, materials, equipment and services.
6. Prepare letter of recommendation for award of the construction contract.
7. Prepare and submit project bid documents, bid tabulation and letter of recommendation to TxDOT for review and approval.

C. Contract Administration

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

III. SPECIAL SERVICES

A. Easement Documents

1. KPA will utilize All County Surveying Inc. (ACS) to perform surveys and prepare easement documents for each parcel. We anticipate four (4) separate easement descriptions will be required.
2. Easement Documents will include field note descriptions and sketches for each property.
3. ACS will perform a title research for each parcel so that will include all identifiable pertinent existing easements and will incorporate this information on the easement documents. KPA will incorporate this same information into the construction plans.
4. Our services do not include obtaining right of entry and acquisition of easements from impacted property owners, therefore, the cost for these services are not included in our proposal.

B. Environmental Clearances

1. KPA will utilize Terracon, Inc to perform the environmental clearances required to satisfy the grant funding. Terracon will perform and prepare and Summary of Findings/Limited CE Document as requested by TxDOT – Waco District Environmental Coordinated.

C. On-Site Representation

1. KPA will respond to Contractor's requests for information (RFI),
2. Observe equipment and materials for compliance with the plans and specifications and approved shop drawing submittals.
3. Verify installed quantities and materials on hand for monthly pay estimates to Contractors.
4. Confirm and note changes on as-built plans submitted by Contractors.
5. Prepare written daily reports on construction activities summarizing work performed, quantities installed, number of laborers on site, equipment used, weather conditions and significant activities and test results.
6. Participate in pre-construction meetings, progress meetings and final walkthroughs.
7. Provide information for monthly evaluation regarding Contractor quality of work, timeliness, cooperation with City Staff and Public.
8. Meet with impacted property owners to address concerns and informing them of project schedules and events which may impact access to their property and resolving complaints.
9. Perform two (2) monthly Employee Wage Rate Interviews as identified in the grant requirements.
10. Perform two (2) day time and two (2) night time, if required, per month traffic control inspections and submit these inspection on the approved TxDOT Traffic Control Inspection Report;
11. Perform one (1) monthly SWPPP Inspection and perform an inspection after each rain event and submit the inspection and notice of any violations on the approved TxDOT SWPPP Inspection report.

EXHIBIT D

Charges for Additional Services

City of Temple

North 31st Street Pedestrian Sidewalk

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 70.00 – 90.00/hour
Project Manager	2.4	55.00 – 70.00/hour
Project Engineer	2.4	45.00 – 55.00/hour
Engineer-in-Training	2.4	35.00 – 45.00/hour
Engineering Technician	2.4	25.00 – 45.00/hour
CAD Technician	2.4	20.00 – 40.00/hour
Clerical	2.4	15.00 – 30.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	100.00 – 135.00/hour
Registered Public Surveyor	1.0	130.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
260-3400-531-63-15	101440	Cap. Bldg & Grounds/Sidewalks/N 31st St Sidewalks	\$ 390,368			
260-0000-490-25-88		Transfer In - Engineering & Admin Fees	63,982			
260-0000-461-08-41		Other / - Grant Match -KTB & TISD	61,548			
260-0000-445-19-95		Other / Reinvestment Zone Grant Match	30,774			
260-0000-431-02-61		State Grants / State Grants	234,064			
110-9100-591-8160		Transfer Out - Grant Fund	63,982			
110-0000-352-13-45		Designated Cap Proj - Unallocated			63,982	
		Do Not Post				
TOTAL.....			\$ 844,718		\$ 63,982	

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

To appropriate funding for the TAP Grant, donations from Keep Temple Beautiful, and TISD, and City match. Total project cost is \$390,368. The City will receive \$234,064 in grant funds with a required match of \$156,304. A portion of the match for construction is being donated by Keep Temple Beautiful, TISD, and the RZ--each entity committing \$30,774 for a total of \$92,322. The remaining local contribution from the City in the amount of \$63,982 is being funded from the General Fund Unallocated Fund Balance

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

x Yes

☐ No

DATE OF COUNCIL MEETING

7/2/2015

WITH AGENDA ITEM?

x	Yes
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☐ No

Department Head/Division Director

Date _____

☐ Approved

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

Finance

Date _____

☐ Approved

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

City Manager

Date _____

☐ Approved

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN THE AMOUNT OF \$54,750, FOR SERVICES RELATED TO THE PEDESTRIAN SIDEWALK PROJECT ALONG NORTH 31ST STREET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the proposed sidewalk and enhancement project along North 31st Street will provide needed connectivity and safety for pedestrians traveling between the HOP bus shelter, Temple High School, area businesses, proposed I-35 pedestrian facilities and downtown Temple;

Whereas, this project will provide a new 8-foot sidewalk and enhancements on the west side of the street, while also providing needed connections to existing sections of 5-foot sidewalk along the east side of the street in front of Temple High School;

Whereas, the project will also provide needed safety elements for pedestrians including crosswalks and pedestrian warning flashers to improve driver awareness and visibility of pedestrian traffic;

Whereas, the City will receive \$234,064 in grant funds, through a reimbursement program, with a required City match of \$156,304 - a portion of the match for the construction is being contributed by Keep Temple Beautiful, Temple Independent School District and the Reinvestment Zone, with each entity contributing \$30,774 as financial partners;

Whereas, the remaining amount of the required match of \$63,982 will be funded from the General Fund's Unallocated Fund Balance, but an amendment to the fiscal year 2015 budget needs to be approved to transfer the funds to Account No. 260-3400-531-6315, Project No. 101440; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, Texas, after approval as to form by the City Attorney, in the amount of \$54,750, for services related to the pedestrian sidewalk project along North 31st Street.

Part 2: The City Council authorizes an amendment to the fiscal year 2015 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

Part 3: It is hereby officially found and determined that the meeting at which this Resolution 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 **2nd** 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

07/02/15
Item #4(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing change order #1 to the construction contract with M&C Fonseca Construction Company, Inc. (M&C), of Granite Shoals, for construction of a new 12" diameter water line along Lamar Street from 7th Street to the corridor between 15th and 17th Streets in an amount not to exceed \$59,207.32, as well as declare an official intent to reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On February 6, 2014, Council authorized a professional services agreement with Bury-AUS (Bury) for design, bidding, and construction administration services of 2,100 linear feet of 12-inch water line and 300 linear feet of sewer line in an amount not to exceed \$43,370. On August 21, Council authorized a construction contract with M&C Fonseca Construction Co., Inc. for construction in an amount not to exceed \$431,922.50.

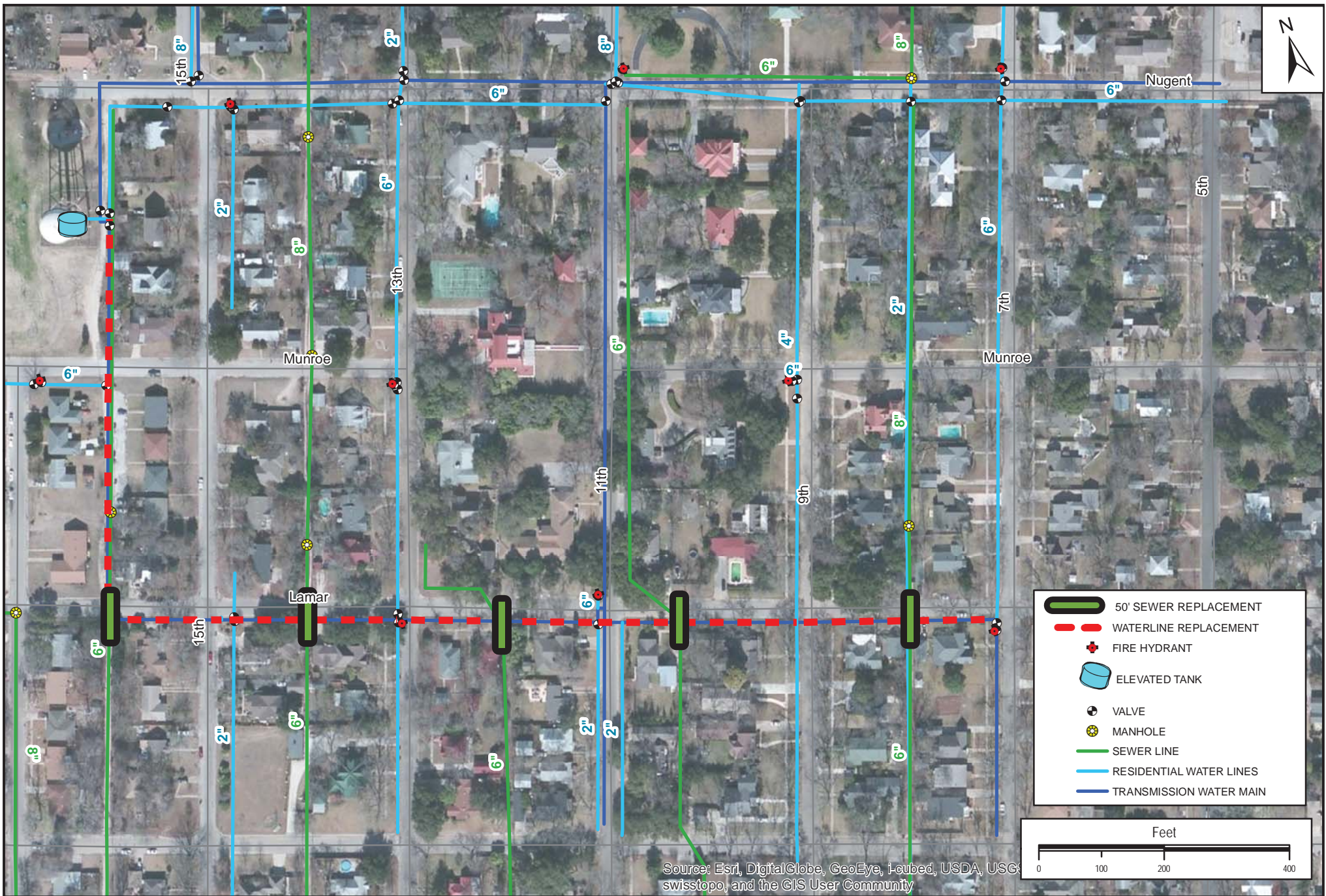
The attached change order includes several additions due to varying existing field conditions. Existing utilities not shown on the construction documents were located causing the need for extra pipe and appurtenances to make proper connections and maintain TCEQ compliance. The change order also includes deletions for items not used for the project.

Per attached letter, Bury recommends approving the change order. Staff also recommends approving the change order.

FISCAL IMPACT: Council authorized this project as part of the Capital Improvement Plan in the FY 2015 Budget. This change order will be funded with the proposed 2015 Utility Revenue Bonds. Funding in the amount of \$59,207.32 will be made available in account 561-5200-535-6949, project 101082, to fund this construction change order with M&C Fonseca Construction Co., Inc.

ATTACHMENTS:

Map
Engineer's Letter
Resolution



BURY

221 West Sixth Street, Suite 600
Austin, Texas 78701
(512) 328-0011, Phone

TBPE #F-1048
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www.buryinc.com

LAMAR STREET WATERLINE REPLACEMENT

CITY OF TEMPLE

Date: January 22, 2014
File: EXH01.mxd
Scale: 1 inch = 200 feet
Tech: GA
Project Number:

June 4, 2015

Ms. Sharon Carlos, E.I.T.
CIP Project Manager
City of Temple
2 North Main, Suite 308
Temple, Texas 76501

Re: Lamar Street Waterline Replacement Construction Change Order
Temple, Bell County, Texas

Dear Ms. Carlos:

We have reviewed the change order submitted by M&C Fonseca Construction Co. and have provided justifications for the changes below.

1. *Increase of Item 8: Furnish and Install 18" Diameter SDR 26 PVC Encasement Pipe -18 LF*
Construction of the waterline in the vicinity of STA 22+00 revealed two (2) previously unknown sanitary sewer service connections. The service connections were removed and replaced. The western service connection elevation required a sleeve to be placed on the waterline for TCEQ compliance with separation criteria.
2. *Increase of Item 9: Furnish and Install 12" Diameter C-900 Class 150 PVC Waterline by Open Cut - 1.5 LF*
The connection of the new waterline at the western project limit, near the elevated storage tank, revealed the 12" waterline extended north rather than reducing to a 6" water line as shown on the plans. This required additional 12" pipe material for a proper connection to the existing line.
3. *Increase of Item 10: Furnish and Install 6" Diameter C-900 Class 150 PVC Waterline by Open Cut - 70.5 LF*
The connections to existing waterlines at the intersections of Munroe St. and the alley between N. 15th St. and N. 17th St., and W. Lamar St. with N. 11th St., N. 13th St., and N. 15th St. revealed existing utilities in locations other than as shown on the plans. In order to avoid conflicts with and properly connect to the actual location of the existing utilities, additional piping was needed.
4. *Increase of Item 11: Furnish and Install 4" Diameter C-900 Class 150 PVC Waterline by Open Cut- 34 LF*
The connections to the existing waterlines at the intersections of W. Lamar St. with N. 11th St., N. 13th St., and N. 15th St. revealed existing utilities in locations other than as shown on the plans. In order to avoid conflicts with and properly connect to the actual location of the existing utilities, additional piping was needed.
5. *Increase of Item 13: Furnish and Install 12" Gate Valve - 1 EA*
The connection of the new waterline at the western project limit, near the elevated storage tank, revealed the 12" waterline extended north rather than reducing to a 6" water line as shown on the plans. This required an additional 12" gate valve for a proper connection.
6. *Increase Item 14: Furnish and Install 6" Gate Valve- 2 EA*
Construction at the intersection of W. Lamar St. and N. 15th St. revealed an existing waterline extending north along the east side of N 15th St. previously unknown to exist. A connection to this line was required to keep it in service,

221 West Sixth Street
Suite 600
Austin, Texas 78701

P 512.328.0011
F 512.328.0325

Arizona
Florida
Texas

which prompted the need for an additional 6" gate valve. Construction at the intersection of W. Lamar St. and N. 9th St. revealed an additional 6" gate valve was needed because the existing one indicated on the plans could not be located in the field.

7. *Increase Item 15: Furnish and Install 4" Gate Valve- 2 EA*
Construction at the intersection of W. Lamar St. and N. 15th St. revealed an existing waterline extending north along the east side of N. 15th St. previously unknown to exist. A connection to this line was required to keep it in service, which prompted the need for an additional 4" gate valve. Construction at the intersection of W. Lamar St. and N. 11th St. revealed existing utilities in locations other than as shown on the plans. In order to properly connect into the existing utilities an additional 4" gate valve was required.
8. *Increase Item 19: Connect to Existing Waterline at STA 9+95 with HYMAX Couplings- 1 LS*
The connection of the new waterline at the western project limit, near the elevated storage tank, revealed the 12" waterline extended north rather than reducing to a 6" water line as shown on the plans. This required an additional HYMAX Coupling for proper connection.
9. *Increase Item 21: Connect to Existing Waterline at STA 18+03 with HYMAX Couplings- 1 LS*
Construction at the intersection of W. Lamar St. and N. 15th St. revealed an existing waterline extending north along the east side of N. 15th St. previously unknown to exist. A connection to this line was required to keep it in service, which prompted the need for an additional HYMAX Coupling.
10. *Increase Item 27: Close Existing Valve, Remove Stem and Plug Valve Box- 3 EA*
The connection of the new waterline at the western project limit, near the elevated storage tank, required the removal of an additional valve based on field conditions. The connection to the existing waterline in N. 13th St. required the removal of two additional valves based on field conditions.
11. *Increase Item 28: Reconnect Existing Waterline for Residential Single Service, per Detail Sheet 15 – 1 EA*
Constructions in the vicinity of STA 10+00 revealed a water service previously unknown to exist. An additional service connection was added to maintain service to this customer.
12. *Increase Item 30: Furnish and Install 6" Diameter SDR 35 PVC Sanitary Sewer Line by Open Cut- 66 LF*
Construction of the waterline in the vicinity of STA 22+00 discovered two (2) sanitary sewer service connections. Replacement of the western service required additional 6" PVC sanitary sewer line. Construction of sanitary sewer adjustments in the vicinity of STA 19+20 revealed an existing gas line conflict with the proposed manhole. To avoid the conflict the manhole was shifted south requiring additional 6" sanitary sewer line.
13. *Increase Item 34: Furnish and Install 4' Diameter Dog House Sanitary Sewer Manhole- 1 EA*
Construction of the waterline in the vicinity of STA 22+00 discovered two (2) sanitary sewer service connections. The service connections were removed and replaced. A Dog House manhole was added at the connection of the two services to the main line at this location for TCEQ compliance.

14. *Increase Item 36: Connect to Existing Sanitary Sewer with FERNCO Couplings- 3 EA*
Construction in the vicinity of STA 14+60 and STA 22+00 revealed the presence of three (3) previously unknown sanitary sewer services. Additional FERNCO couplings were needed to reconnect these services disturbed during construction of the waterline.
15. *Increase Item 40: Remove and Replace Concrete Curb and Gutter- 117 LF*
The quantity of concrete curb and gutter required to be replaced at the intersections of W. Lamar St. with N. 7th St. and N. 9th St. exceeded the bid quantity by 117 LF.
16. *Increase Item 41: Remove and Replace Concrete Valley Gutter- 109.33 SY*
Construction at the intersections of W. Lamar St. with N. 15th St., N. 13th St. and N. 11th St. revealed the presence of severely cracked valley gutters along the east and west curb returns of each street. In order to maintain drainage patterns and prevent failure of the new asphalt pavement placed as part of this project, removal and replacement of these valley gutters was added to the project.
17. *Add Item CO1-1: Connect to Existing Waterline @ STA- 20+64 with HYMAX Couplings – 1 LS*
The connection to the existing waterline in N. 13th St. required an additional HYMAX coupling based on field conditions.
18. *Add Item CO1-2: Install 4" SDR35 PVC Sanitary Sewer Service @ STA 22+00- 26 LF*
Construction of the proposed waterline near STA 22+00 revealed two (2) existing sanitary sewer services. The reconnection of the eastern service required a 4" PVC Sanitary Sewer Line.
19. *Add Item CO1-3: Install 4" SDR35 PVC Sanitary Sewer Service @ STA 26+60- 20 LF*
Construction of the proposed waterline near STA 26+60 revealed an existing sanitary sewer service. The reconnection of the service required a 4" PVC Sanitary Sewer Line.
20. *Add Item CO1-4: Field Relocate @ STA 15+89.68- 1 LS*
The fire hydrant at the intersection of W. Lamar St. and the alley between N. 15th St. and N. 17th St. was relocated from the northwest corner to the northeast corner in order to minimize the probability of it being struck by a trash truck navigating the corner. This modification required a tee to be relocated in the field.
21. *Add Item CO1-5: Concrete Pavement Subgrade, 6" of base and labor- 727.39 SY*
Concrete Pavement subgrade was added under the concrete pavement replacement at the intersections of W. Lamar St. with N. 9th St. and N. 7th St. at the request of the City.
22. *Add Item CO1-6: Relocate Fire Hydrant- 1 EA*
The fire hydrant at the intersection of W. Lamar St. and the alley between N. 15th St. and N. 17th St. was relocated from the northwest corner to the northeast corner in order to minimize the probability of it being struck by a trash truck navigating the corner.
23. *Add Item CO1-7: Furnish and Install 16" Diameter C-900 Class 150 PVC Waterline by Open Cut- 6 LF*
Construction at the intersection of W. Lamar St. and N. 11th St. revealed the 16" waterline was not where the plans indicated. In order to connect the actual

location of the 16" waterline, a small section of 16" pipe was required to be installed.

24. *Add Item CO1-8: Furnish and Install 2" Gate Valve- 1 EA*
Construction at the intersection of W. Lamar St. and N. 11th St. revealed there was no gate valve on the existing 2" waterline. In order to be able to isolate this line in the future a 2" gate valve was added.
25. *Reduce Price of Item 23: Connect to Existing Waterline at STA 30+13 with HYMAX Couplings - 1 LS*
The connection to the existing 12" waterline at the intersection of W. Lamar St. and N. 9th St. was less complicated than originally anticipated so the contractor agreed to lower the bid price for this item.
26. *Decrease Item 38: Remove and Replace Concrete Pavement- 3.61 SY*
The actual quantity of concrete pavement replaced at the intersection of W. Lamar St. and N. 9th St. was less than the quantity included in the plans, so it was reduced.
27. *Decrease Item 44: Furnish, Install, Maintain and Remove Silt Fence- 576 LF*
The quantity of silt fence required for the project was reduced based on field conditions and actual drainage patterns within the alley between STA 10+00 And STA 15+80.

The cost increase associated with these changes in quantity is \$59,207.32. If you have any questions or require any additional information, please do not hesitate to contact me at 512.328.0011 or sblew@buryinc.com.

Sincerely,

Stephanie D Blew

Stephanie D. Blew, P.E.
SENIOR PROJECT MANAGER/ASSOCIATE

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN THE AMOUNT OF \$54,750, FOR SERVICES RELATED TO THE PEDESTRIAN SIDEWALK PROJECT ALONG NORTH 31ST STREET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the proposed sidewalk and enhancement project along North 31st Street will provide needed connectivity and safety for pedestrians traveling between the HOP bus shelter, Temple High School, area businesses, proposed I-35 pedestrian facilities and downtown Temple;

Whereas, this project will provide a new 8-foot sidewalk and enhancements on the west side of the street, while also providing needed connections to existing sections of 5-foot sidewalk along the east side of the street in front of Temple High School;

Whereas, the project will also provide needed safety elements for pedestrians including crosswalks and pedestrian warning flashers to improve driver awareness and visibility of pedestrian traffic;

Whereas, the City will receive \$234,064 in grant funds, through a reimbursement program, with a required City match of \$156,304 - a portion of the match for the construction is being contributed by Keep Temple Beautiful, Temple Independent School District and the Reinvestment Zone, with each entity contributing \$30,774 as financial partners;

Whereas, the remaining amount of the required match of \$63,982 will be funded from the General Fund's Unallocated Fund Balance, but an amendment to the fiscal year 2015 budget needs to be approved to transfer the funds to Account No. 260-3400-531-6315, Project No. 101440; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, Texas, after approval as to form by the City Attorney, in the amount of \$54,750, for services related to the pedestrian sidewalk project along North 31st Street.

Part 2: The City Council authorizes an amendment to the fiscal year 2015 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

Part 3: It is hereby officially found and determined that the meeting at which this Resolution 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 **2nd** 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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DEPT./DIVISION SUBMISSION & REVIEW:

Jim Tobin, Deputy Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing an interlocal agreement between the City of Temple and the Bell County Communications Center regarding the parties' respective responsibilities related to collecting, entering and maintaining data in the Texas Crime Information Center (TCIC) and National Crime Information Center (NCIC).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Texas Crime Information Center (TCIC) and Texas Law Enforcement Telecommunications System (TLETS) provide the Temple Police Department with immediate access, 24 hours a day, 7 days a week, to information regarding whether an individual has been reported as missing, wanted, a sex-offender or a person who is the subject of a protective order. TCIC also provides a direct link to the National Crime Information Center (NCIC) so that Temple officers know instantly whether a vehicle, a boat, or other property under investigation is stolen, or a person in question is wanted anywhere in the country.

The proposed agreement with Bell County Communications Center (BCCC) addresses BCCC and the City's responsibilities related to collecting, entering and maintaining data in the TCIC and NCIC. BCCC will be responsible for entering Police Department data into the TCIC and NCIC. The Police Department must maintain accurate records of the data entered by BCCC and notify BCCC of any changes in the information, including the need for cancellation, addition, deletion or modification of the information.

FISCAL IMPACT: No fiscal impact

ATTACHMENTS:
[Resolution](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF TEMPLE AND THE BELL COUNTY COMMUNICATIONS CENTER REGARDING THE PARTIES' RESPECTIVE RESPONSIBILITIES RELATED TO COLLECTING, ENTERING AND MAINTAINING DATA IN THE TEXAS CRIME INFORMATION CENTER AND NATIONAL CRIME INFORMATION CENTER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Texas Crime Information Center (TCIC) and Texas Law Enforcement Telecommunications System (TLETS) provide the Temple Police Department information regarding whether an individual has been reported as missing, wanted, a sex-offender or a person who is the subject of a protective order with immediate access, 24 hours a day, 7 days a week;

Whereas, TCIC also provides a direct link to the National Crime Information Center (NCIC) so that Temple officers know instantly whether a vehicle, a boat, or other property under investigation is stolen, or a person in question is wanted anywhere in the country;

Whereas, the agreement with Bell County Communications Center (BCCC) addresses BCCC and the City of Temple's responsibilities related to collecting, entering and maintaining data in the TCIC and NCIC - BCCC will be responsible for entering Police Department data into the TCIC and NCIC;

Whereas, the Temple Police Department must maintain accurate records of the data entered by BCCC and notify BCCC of any changes to the information, including the need for cancellation, addition, deletion or modification of information;

Whereas, staff recommends entering into an agreement with Bell County Communications Center regarding the parties' respective responsibilities related to collecting, entering and maintaining data in the Texas Crime Information Center (TCIC) and National Crime Information Center (NCIC); 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 between the City of Temple and the Bell County Communications Center regarding the parties' respective responsibilities related to collecting, entering and maintaining data in the Texas Crime Information Center (TCIC) and National Crime Information Center (NCIC).

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 2nd 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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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Bill D'Amico, ROW Project Coordinator

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Lockwood, Andrews, & Newnam, Inc., in an amount not to exceed \$169,500, for right-of-way services for the expansion of Old Waco Road (Outer Loop, Phase 3B) from the channel to south of Jupiter Road.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The expansion of Old Waco Road from West Adams Avenue to the channel is currently under construction. Expansion of Old Waco Road from the channel to south of Jupiter Road is in the design phase. Construction of the project is tentatively scheduled for Fiscal Year 2016. At this time, Staff anticipates that right-of-way will be needed from 12 separate tracts of land. Staff has received a proposal for the provision of right-of-way services from Lockwood, Andrews, & Newnam, Inc. ("LAN").

LAN will offer multiple services during the right-of-way process, including, but not limited to, project management, acquisition, title, relocation, and appraisal services.

Staff recommends Council authorize a professional services agreement with LAN, in an amount not to exceed \$169,500, for right-of-way services for the expansion of Old Waco Road from the channel to south of Jupiter Road.

FISCAL IMPACT: Currently, funding is available in account #365-3400-531-6813, project #101121, to fund the professional services agreement with Lockwood, Andrews & Newnam, Inc. for right-of-way services in an amount not to exceed \$169,500.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LOCKWOOD, ANDREWS & NEWNAM, INC., IN AN AMOUNT NOT TO EXCEED \$169,500, FOR RIGHT-OF-WAY SERVICES FOR THE EXPANSION OF OLD WACO ROAD (OUTER LOOP, PHASE 3B) FROM THOMPSON DRAINAGE CHANNEL TO SOUTH OF JUPITER DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the expansion of Old Waco Road from West Adams Avenue to the channel is currently under construction;

Whereas, expansion of Old Waco Road from the channel to south of Jupiter Drive is in the design phase with the construction tentatively scheduled for Fiscal Year 2016;

Whereas, staff anticipates that right-of-way will be needed from 12 separate tracts of land - staff has received a proposal for the provision of right-of-way services from Lockwood, Andrews, & Newnam, Inc. ("LAN") in an amount not to exceed \$169,500;

Whereas, LAN will offer multiple services during the right-of-way process, including, but not limited to, project management, acquisition, title, relocation, and appraisal services;

Whereas, staff recommends Council authorize a professional services agreement with LAN, in an amount not to exceed \$169,500, for right-of-way services for the expansion of Old Waco Road from the channel to south of Jupiter Drive.

Whereas, funding is available in Account No. 365-3400-531-6813, Project No. 101121, to fund the professional services agreement with Lockwood, Andrews & Newnam, Inc. for right-of-way services; 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 Lockwood, Andrews, & Newnam, Inc., after approval as to form by the City Attorney, in an amount not to exceed \$169,500, for right-of-way services for the expansion of Old Waco Road (Outer Loop, Phase 3B) from the channel to south of Jupiter Drive.

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 **2nd** 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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DEPT./DIVISION SUBMISSION & REVIEW

Brian Chandler Planning Director,
Beverly Zendt Assistant Planning Director

ITEM DESCRIPTION: SECOND & FINAL READING – 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"> 3 canopy trees; 10 small trees; (50% evergreen) 14 supplemental shrubs (50% evergreen)
II**	20 feet	<ul style="list-style-type: none"> 3 canopy trees; 13 small trees; (50% evergreen) 16 supplemental shrubs (100% evergreen)
III**	15 feet	<ul style="list-style-type: none"> 3 canopy trees; (100% evergreen) 16 small trees; (75% evergreen) 18 supplemental shrubs (100% evergreen)

*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
Subject Property	Suburban Residential; Suburban Commercial; Business Park	AG; LI; GR	Undeveloped
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:

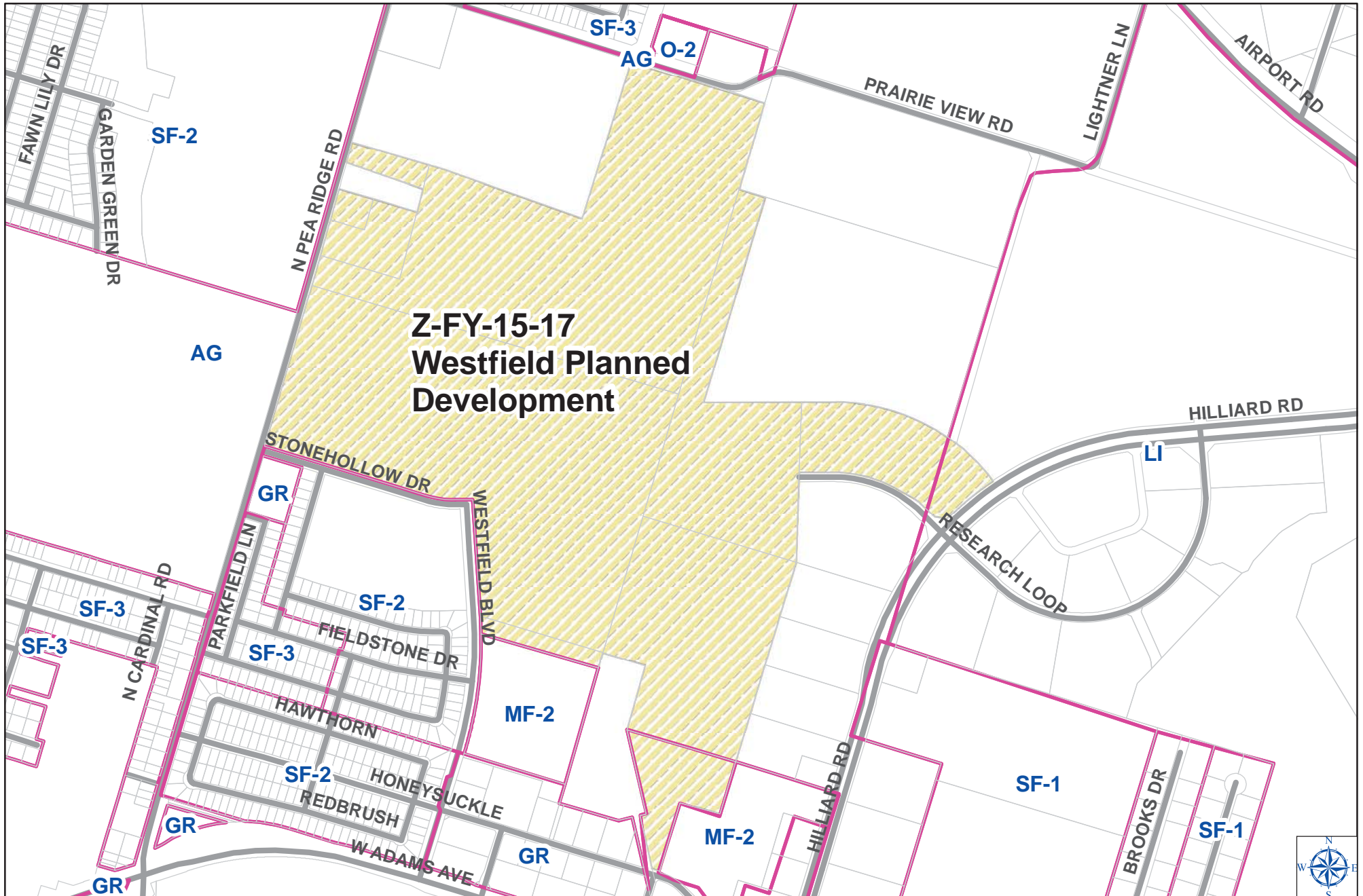
Zoning & Location Map
Site and Surrounding Property Photos
Development Site Plan
Westfield Master Preliminary Plat
Future Land Use and Character Map
Localized area of the Thoroughfare & Trails Plan (combined)
Utility Map
Notification Map
Zoning Summary Table
Returned Property Owner Notices
Ordinance



Z-FY-15-17

Zoning and Location Map

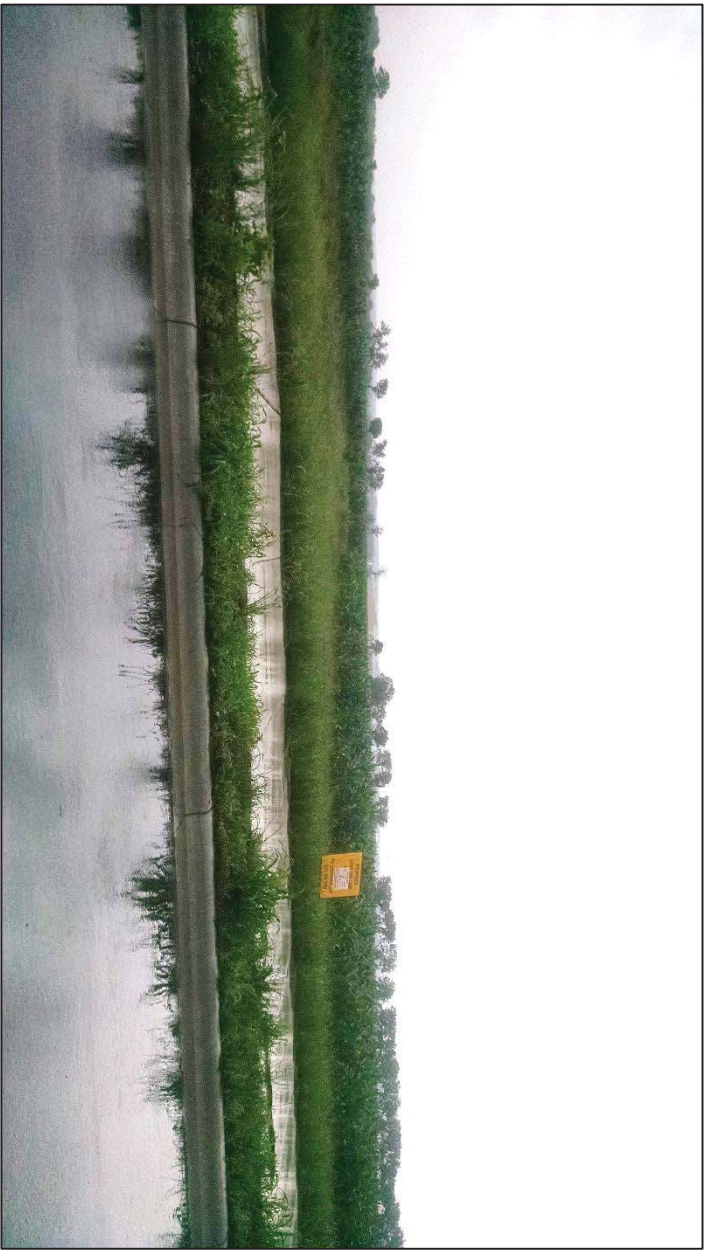
Location: Multiple Tracts Bordering:
N. Pea Ridge Rd; Prairie View Rd;
Stonehollow Dr; Westfield Blvd; and Hilliard Rd.



 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



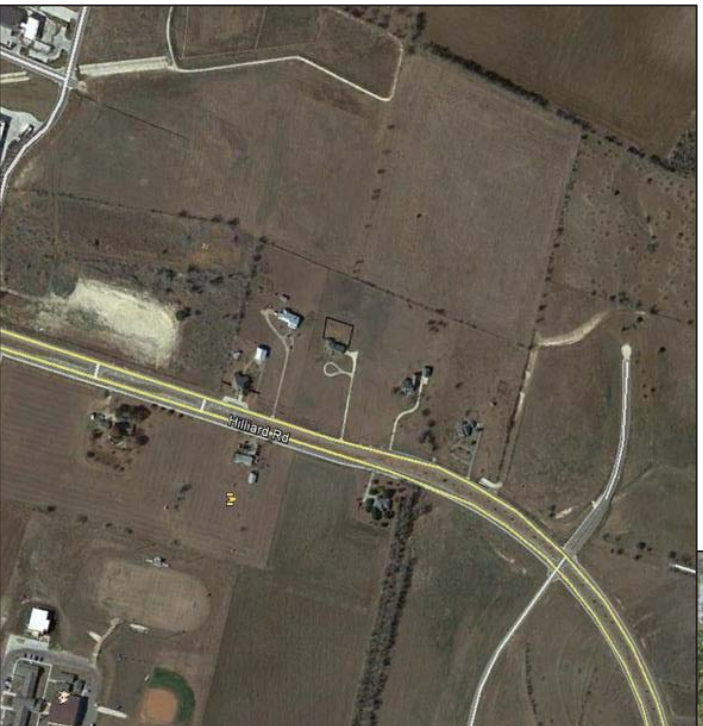
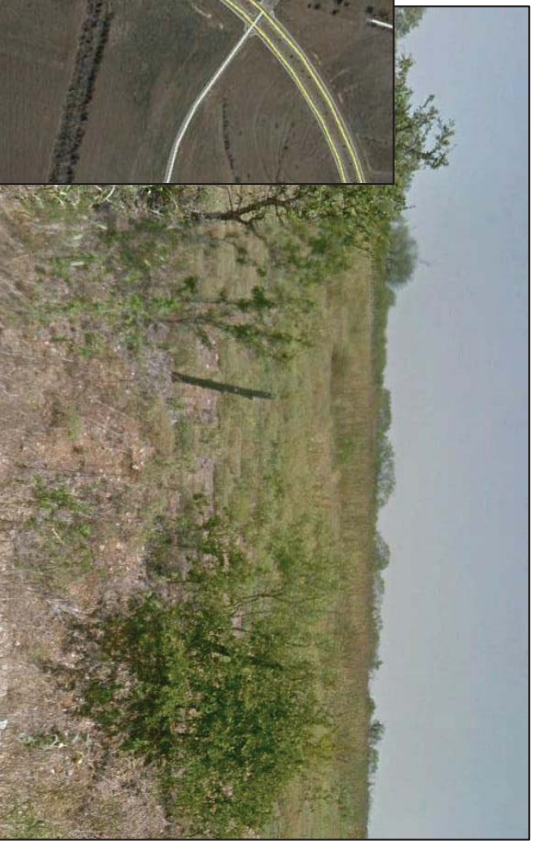
Property to the South



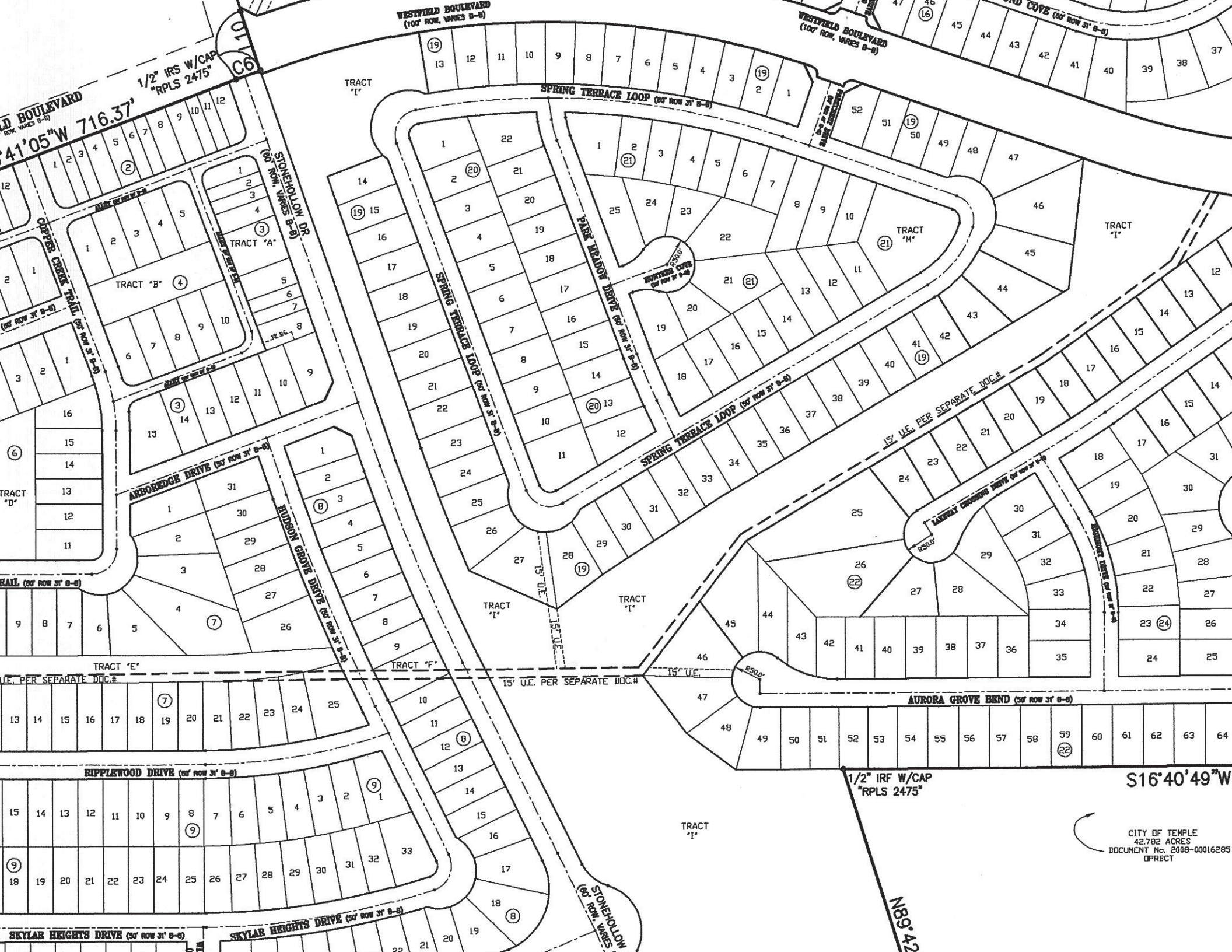
Property to the West



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.



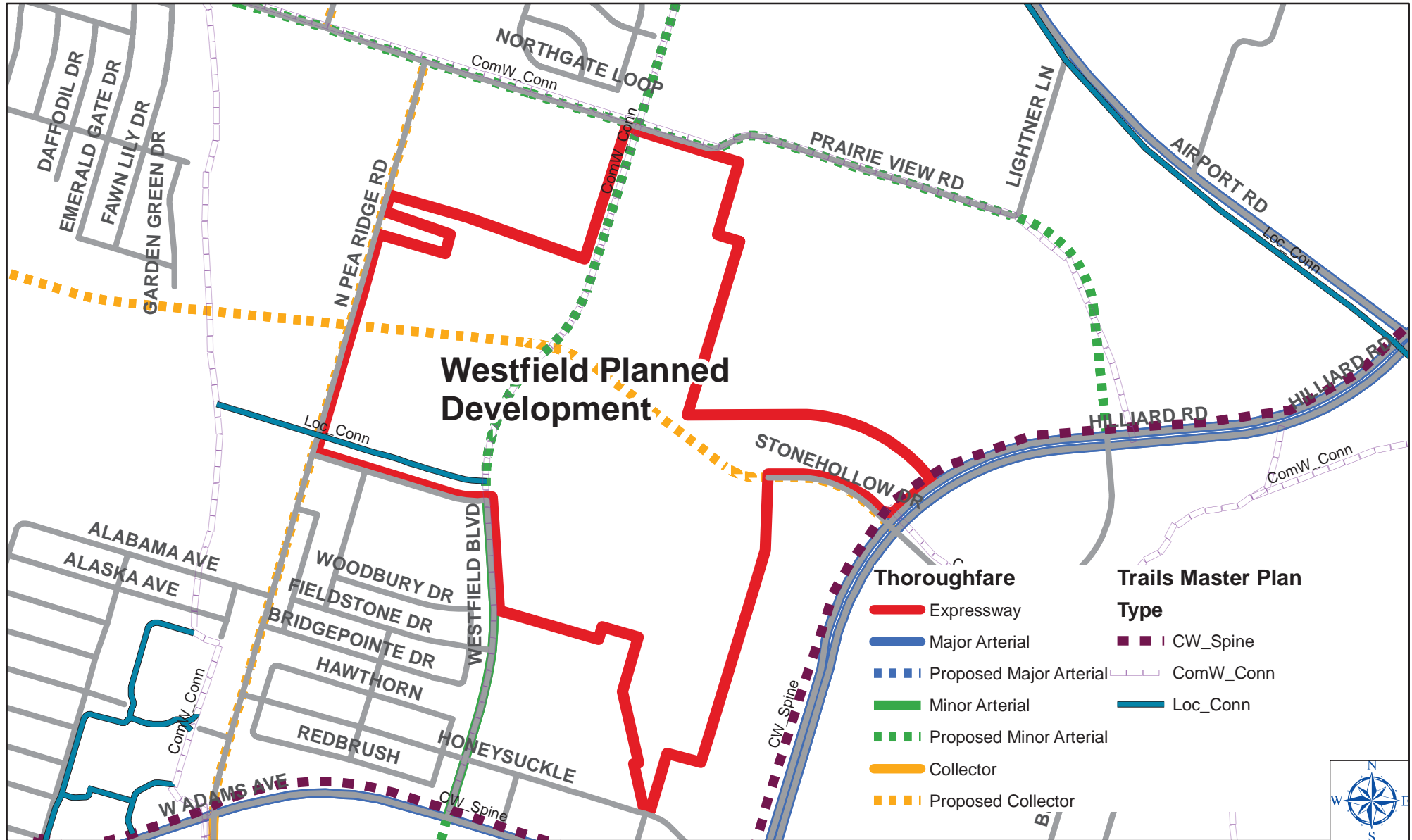
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Z-FY-15-17

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

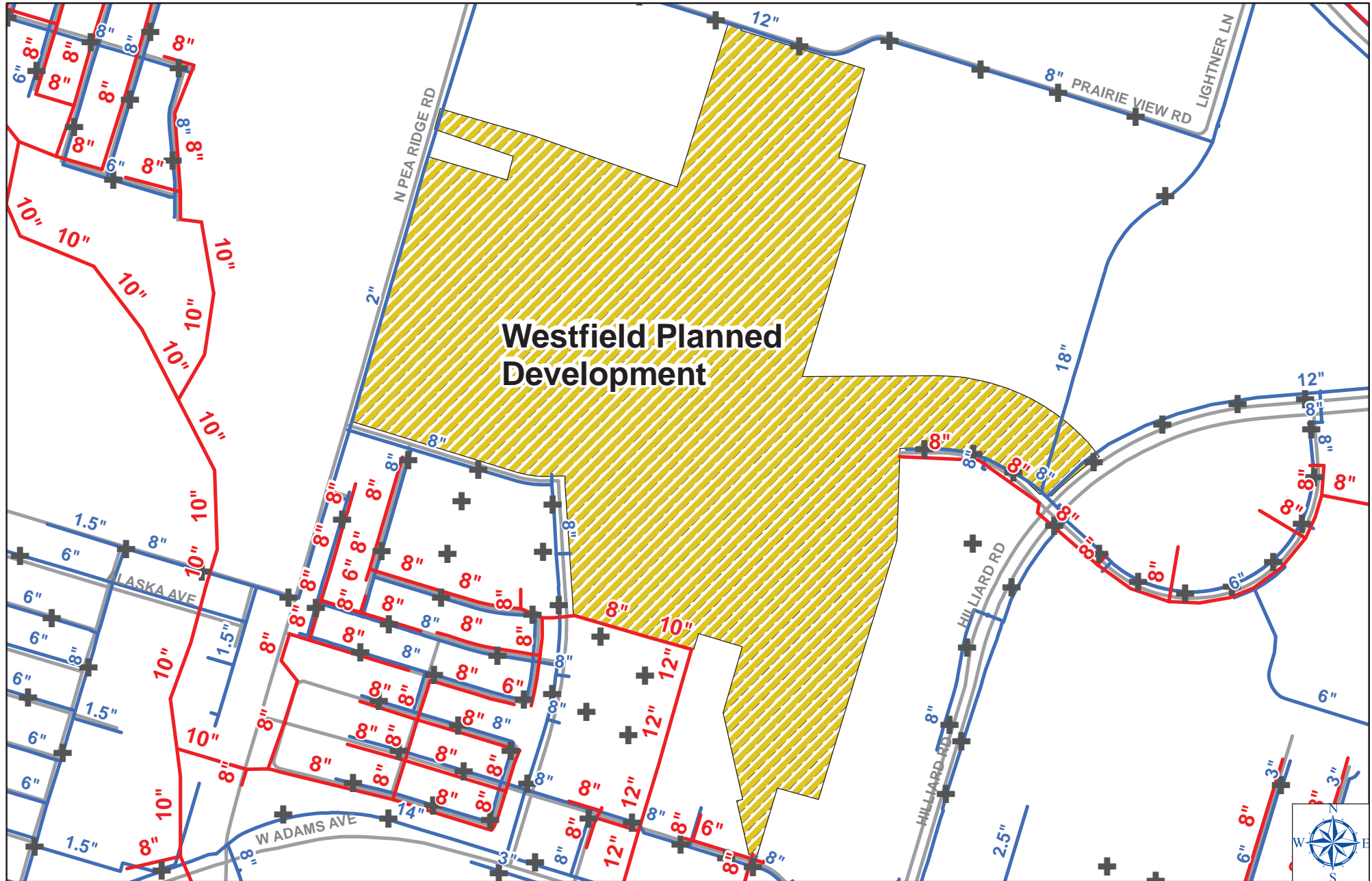
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-15-17

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

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

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

Figure I

MINIMUM BUFFERYARD STANDARDS

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

*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

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.

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

Number of Notices Mailed: 41

Date Mailed: May 7, 2015



**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.

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:

Hilliard Corner Partners, Ltd and Hilliard Corner Retail, LLC,
(who appears should have been noticed but was not) supports all
proposals under this application except the CUP for alcohol
sales greater than 45%. 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

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

MFT-Pecan LLC
3145 Circa De Tierra
Encinitas, CA 92024

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 Hiliard 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:

We don't need any more multi-family developments in temple. The competition between apartment houses in this town is already competitive and down right uncivil. Our occupants have suffered greatly due to an overabundance of multi-family properties in temple. Thank you,

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

JUN 01 2015

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Number of Notices Mailed: 41

Date Mailed: May 7, 2015
City of Temple
Planning & Development



**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:

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

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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 Don Stoker if you have any further questions. 254.771.7992

Don Stoker

Signature

Don Stoker

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

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 town
homes covered, about what is going on the
corner of Pea Ridge & Stonehollow!


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

MAY 18 2015

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Number of Notices Mailed: 41

Date Mailed: May 7, 2015

City of Temple
Planning & Development



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:


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown **below no later than**
RECEIVED
MAY 14 2015
May 18, 2015.

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

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

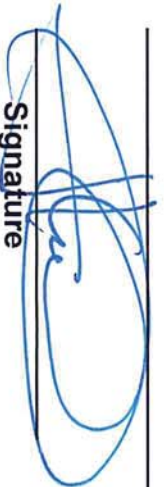
Project Manager: Beverly Mesa-Zendt

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:


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 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:

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

City of Temple
Planning & Development

Number of Notices Mailed: 46

Date Mailed: May 7, 2012

RECEIVED

MAY 14 2015

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



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

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

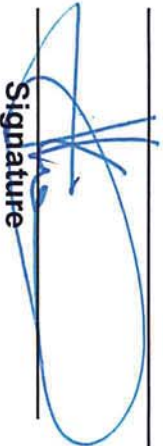
Project Manager: Beverly Mesa-Zendt

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:


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

Number of Notices Mailed: 41

Date Mailed: May 7, 2015

City of Temple
Planning & Development



**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:

Signature

Thomas C Borel

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 Hiliard Road.

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

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

Comments:

Signature

Thomas C Board

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

MAY 14 2015

RECEIVED

Number of Notices Mailed: 41

Date Mailed: May 7, 2015
City of Temple
Planning & Development



**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:



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

Number of Notices Mailed: 41

Date Mailed: May 7, 2015
Planning & Development

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.

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 **18th** day of **June**, 2015.

PASSED AND APPROVED on Second Reading on the **2nd** 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

07/02/15
Item #4(G)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW

Brian Chandler Planning Director,
Beverly Zendt Assistant Planning Director

ITEM DESCRIPTION: SECOND & FINAL READING – 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; Service (Spa) Retail, Personal
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:

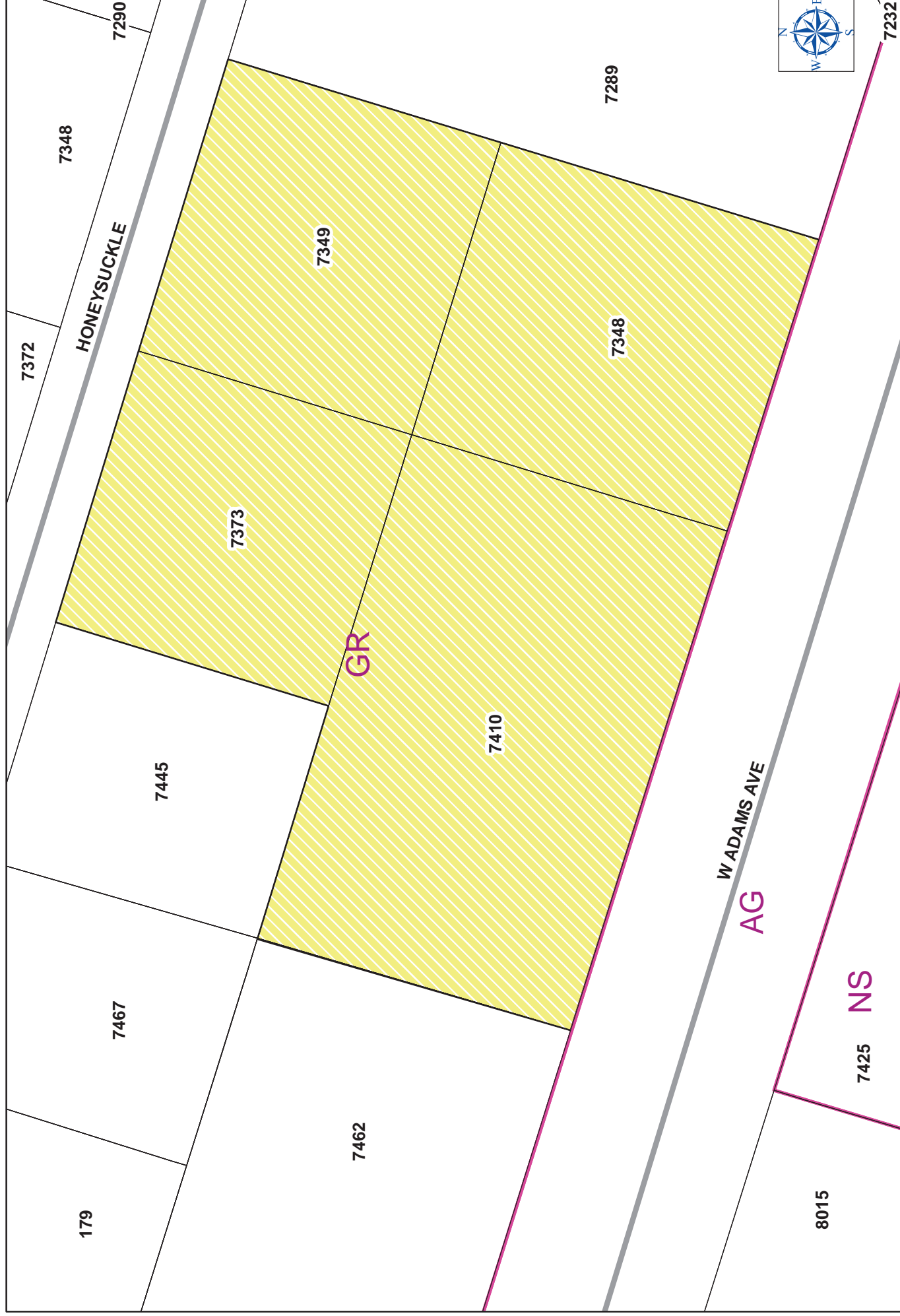
[Zoning & Location Map](#)
[Site and Surrounding Property Photos](#)
[Future Land Use and Character Map](#)
[Localized area of the Thoroughfare & Trails Plan \(combined\)](#)
[Utility Map](#)
[Notification Map](#)
[Returned Property Owner Notices](#)
[Ordinance](#)



Z-FY-15-19

Zoning and Location Map

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



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

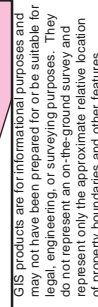


Property to the West

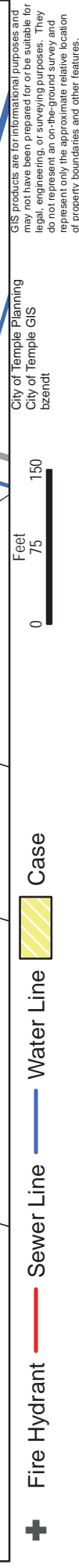


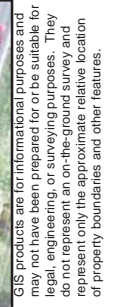
Property to the East













**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:


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



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:


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:


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

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:

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:

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:

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:

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.

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 **18th** day of **July**, 2015.

PASSED AND APPROVED on Second Reading on the **2nd** 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

07/02/15
Item #4(H)
Consent Agenda
Page 1 of 5

DEPT./DIVISION SUBMISSION & REVIEW

Brian Chandler, Director of Planning

ITEM DESCRIPTION: SECOND & FINAL READING – 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 31st 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. 31st 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. 31st 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. 31st Street

- A new traffic signal at the Shoppes on the Hill S. 31st 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:

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 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. 31st 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 31st. 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

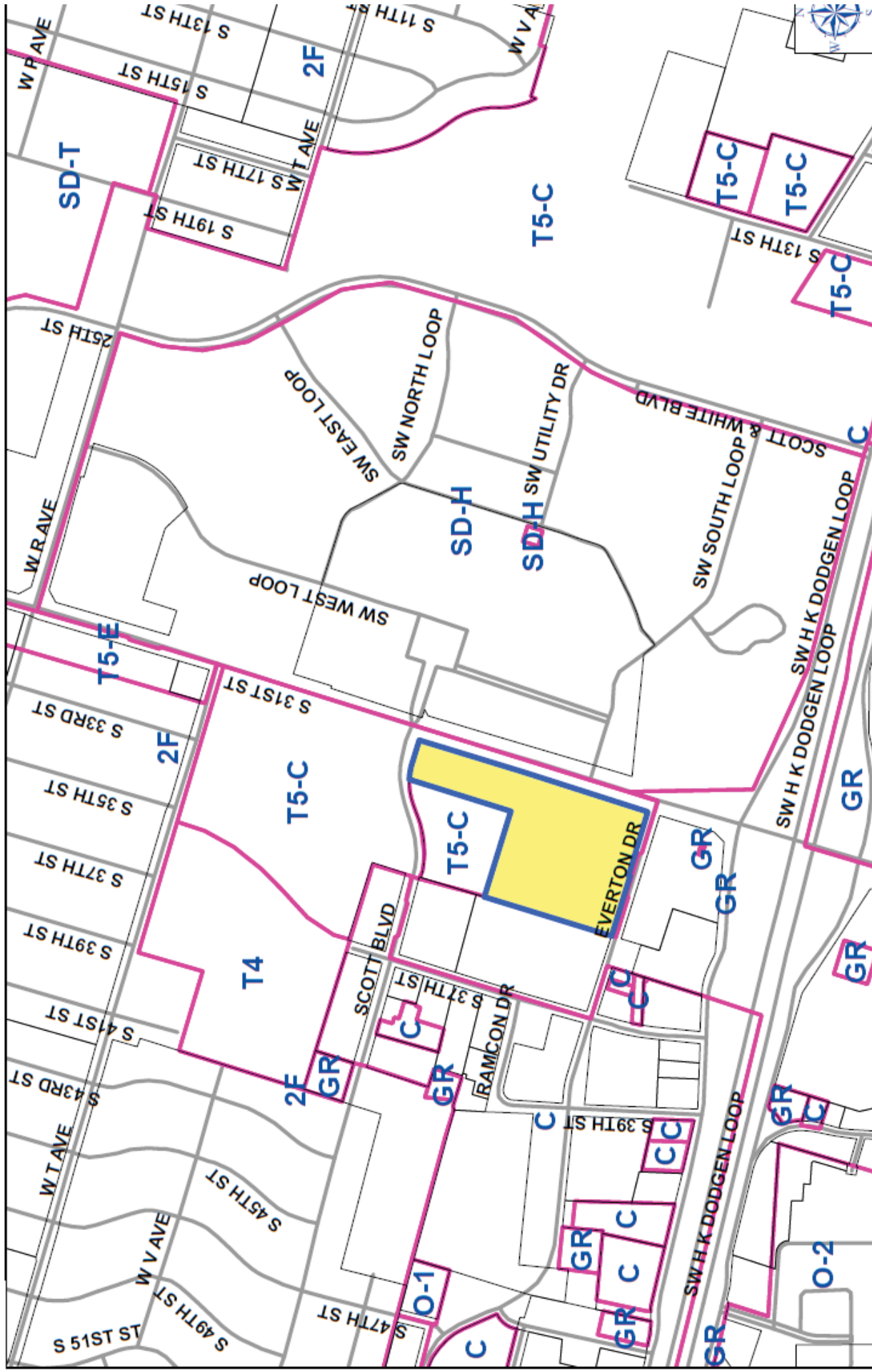
PUBLIC NOTICE: Fifteen (15) notices for the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property. As of Thursday June 11, 2015 one (1) response had been returned in opposition and zero (0) in support of the request.

FISCAL IMPACT: Not Applicable

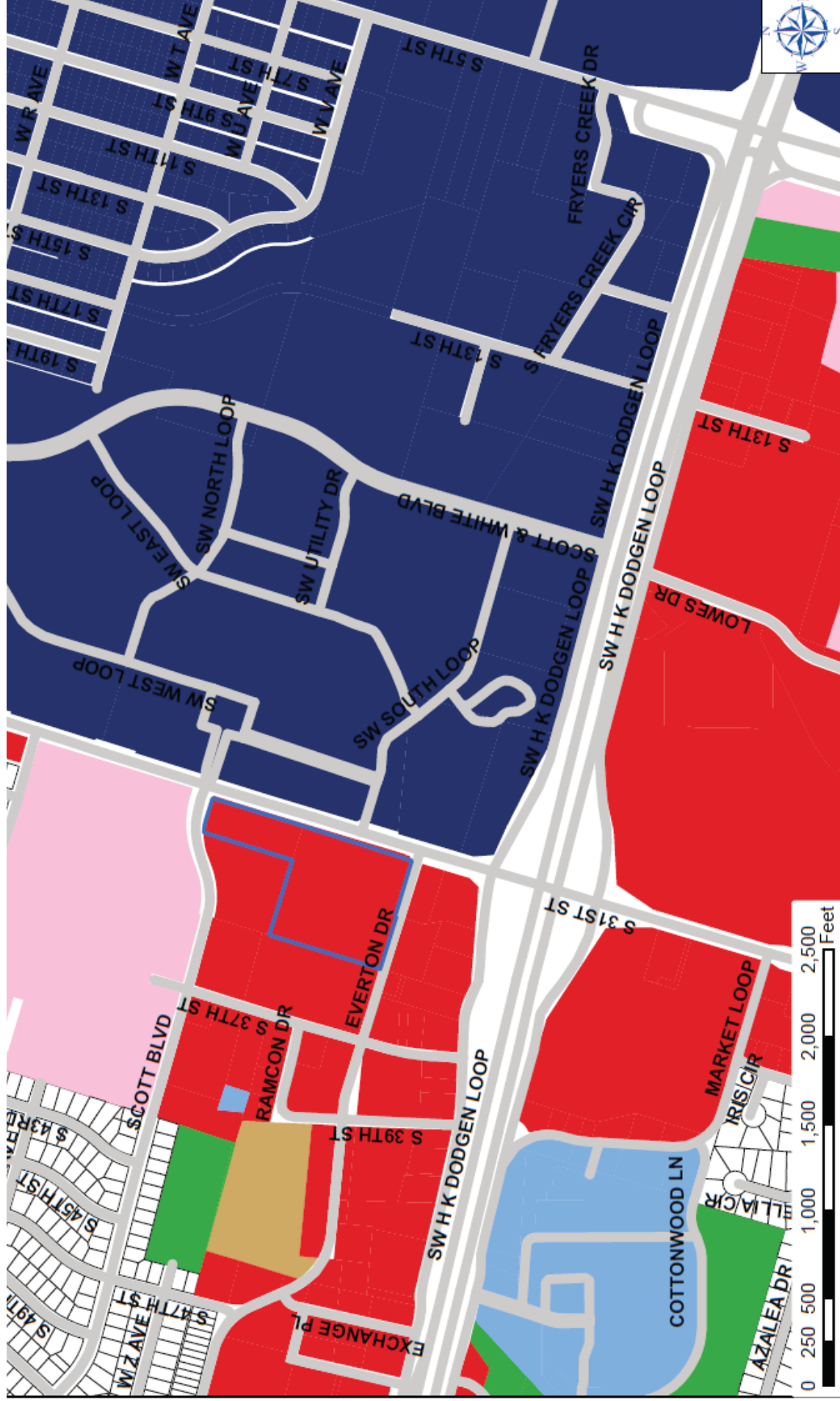
ATTACHMENTS:

[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



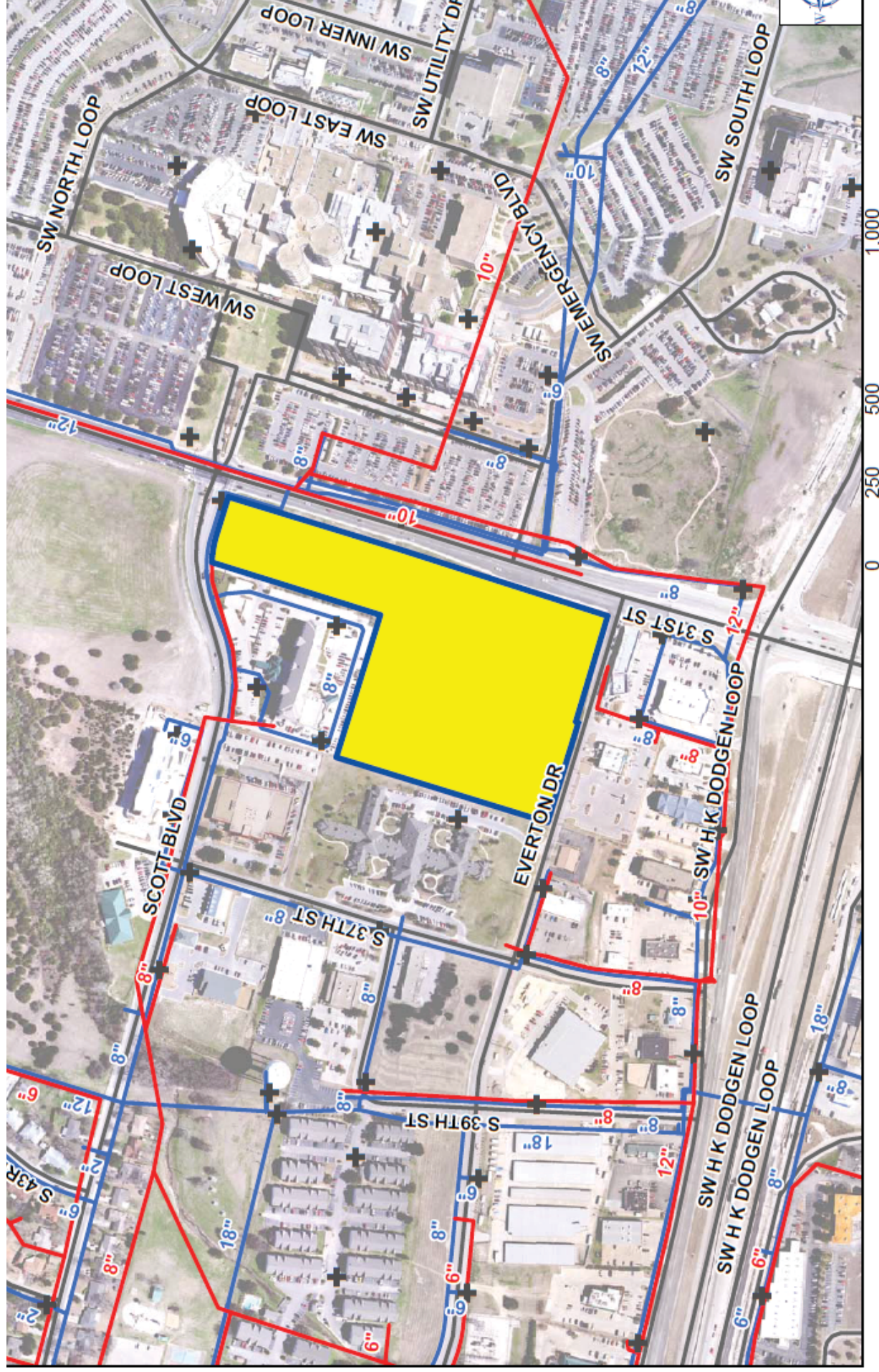
Future Land Use

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

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.

8/10/2011
City of Temple, TX

Utilities



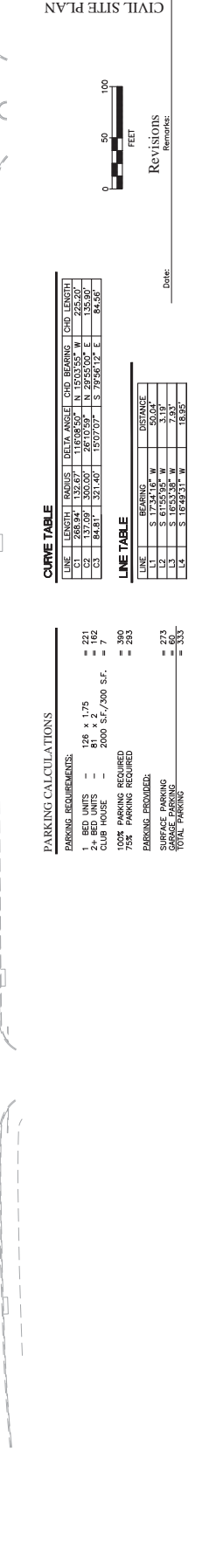
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Feet

Case
Water Line
Fire Hydrant
Sewer Line



Site (looking north)





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

Morris Venture Partners IIA, LLC.



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





Zoning TMED - T5-c Urban Center Zone

1000

472 472

Medium Trees - must be a n

e-gall on container size at planting.

must be evergreen species.

- b. Masonry wall;
- c. Combination of masonry, fiber and foam; and

[illegible]

0 10 20 30 40 50 60 70 80 90 100

Public Frontage

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

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

2017年12月15日 星期五 15:15:15

Irrigation



QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	MINIMUM SIZE
		Buckeye, Mexican	<i>Ungadia speciosa</i>	2" caliper
		Crope Myrtle Pink	<i>Lagerfloraria indica</i> <i>Lagerfloraria purpurea</i>	2" caliper
		Holly, Yapon (20 in.)	<i>Ilex vomitoria</i>	2" caliper
	●	Flam, Mexican	<i>Prunus mexicana</i>	2" caliper
		Red Bud, Texas	<i>Cercis canadensis</i> <i>Cercis floridana</i>	2" caliper
		Morinda Laurel, Texas	<i>Sophora secundiflora</i>	2" caliper
		Holly, Boursierian	<i>Ilex decidua</i>	2" caliper

QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	MINIMUM SIZE
34	●	Buckeye Mexican	<i>Uragalis speciosa</i>	2" culper
		Grape Myrtle Pink	<i>Lagerfloropsis indica</i> Bismark's Fairy Pink	2" culper
		Holly Yapon (20 ml)	<i>Illex vomitoria</i>	2" culper
		Plan. Mexican	<i>Pinus mexicana</i>	2" culper
		Red Bird, Texas	<i>Carpinus bodinieri</i> Red Bird	2" culper
		Mountain Laurel, Texas	<i>Sophora secundiflora</i> (8 mm)	2" culper
		Holly, European	<i>Illex decidua</i>	2" culper



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

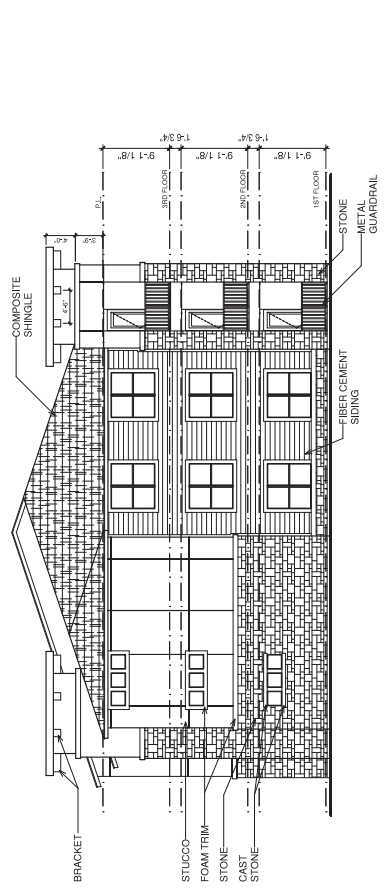


31ST STREET MULTI FAMILY SCHEMATIC ELEVATIONS TEMPLE, TEXAS

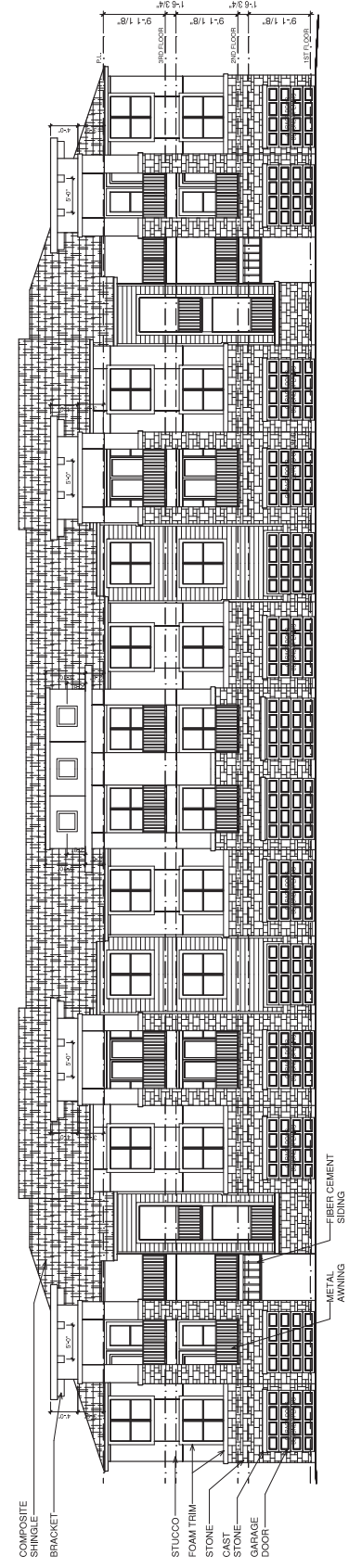
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04.10.2015



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



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



SCALE 1/8"=1'-0"



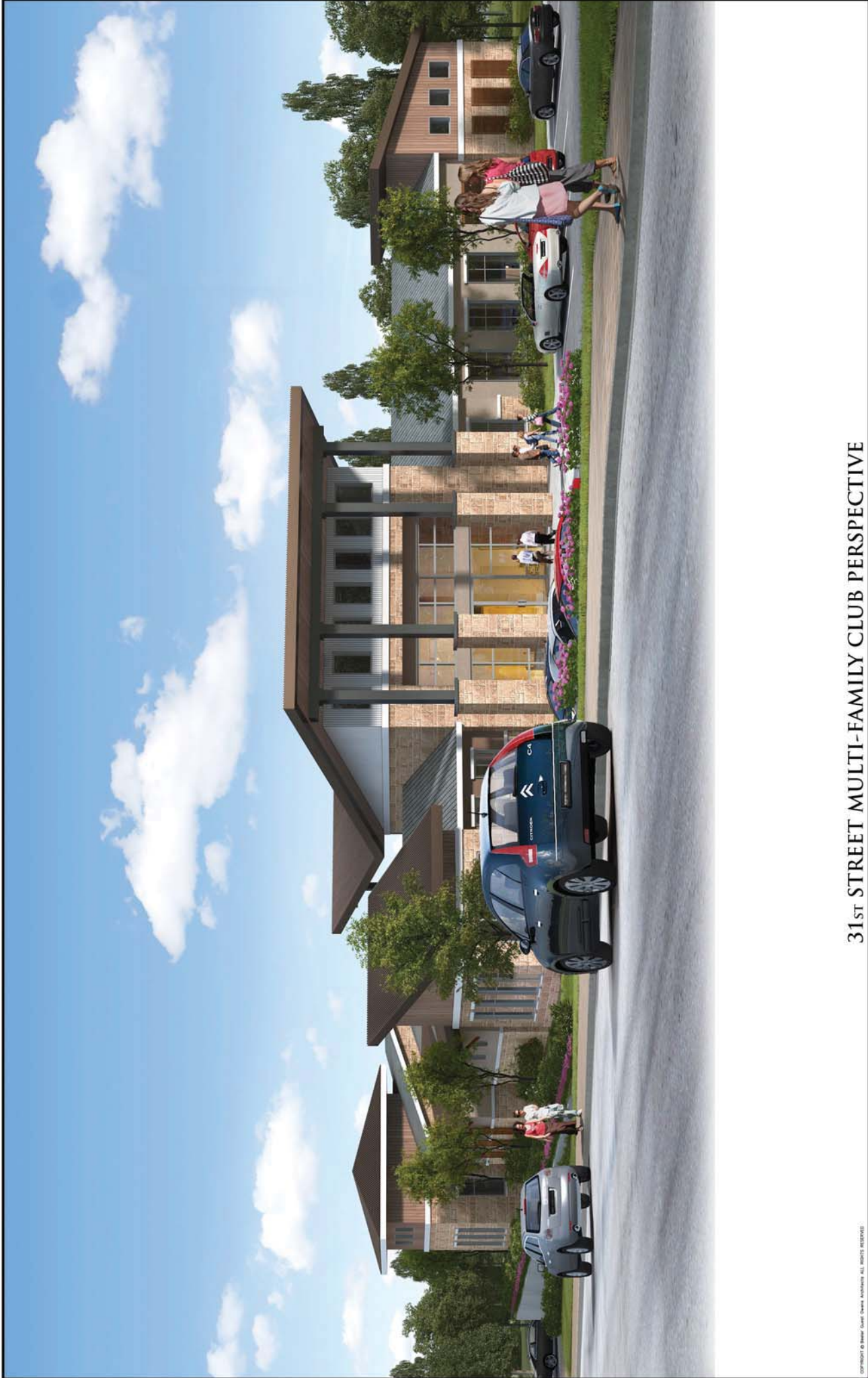
31ST ST. APARTMENTS SCHEMATIC CLUB ELEVATION

TEMPLE, TEXAS

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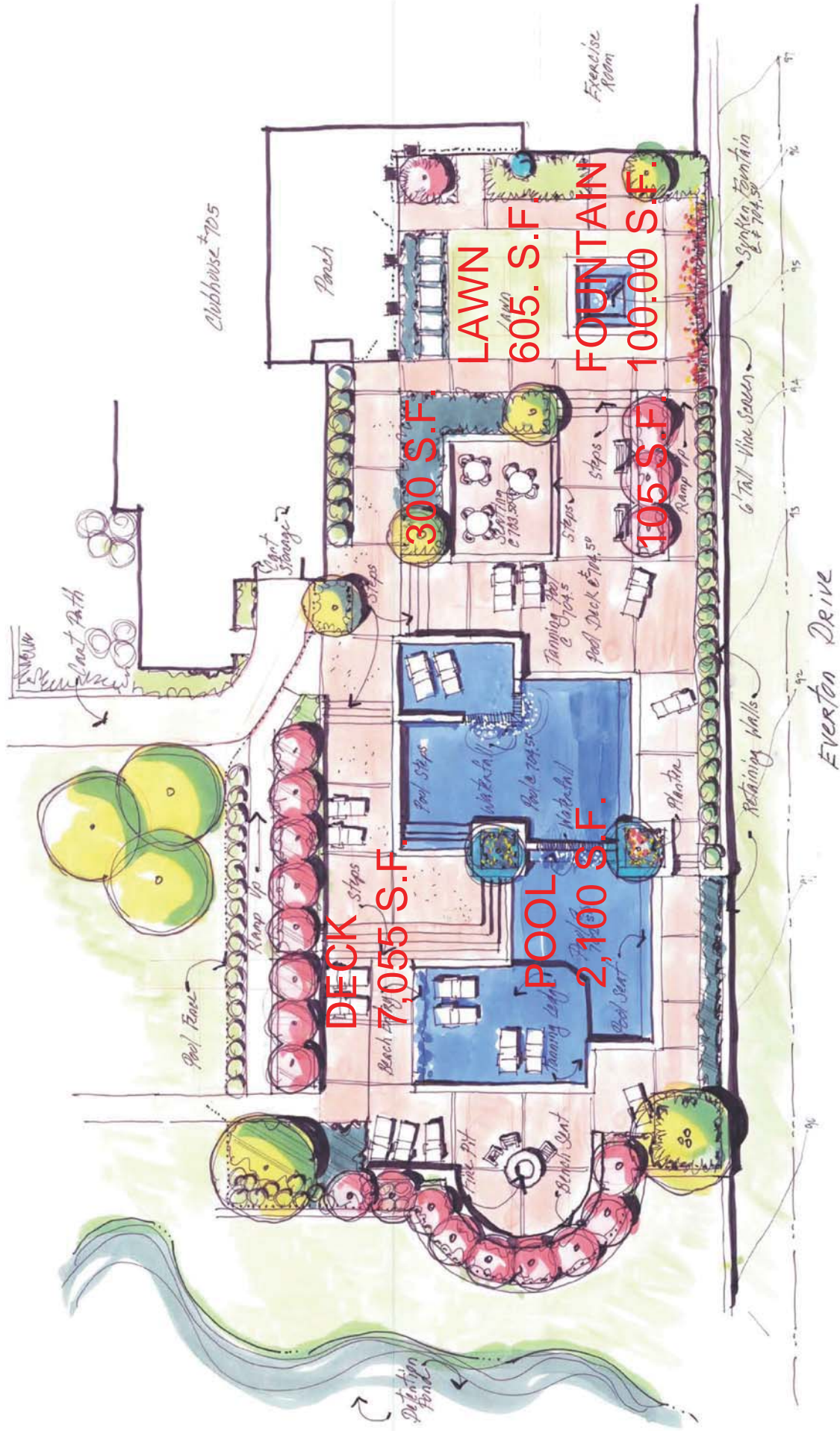


14249
02.27.2015
TAC, Inc.- Tony Austin



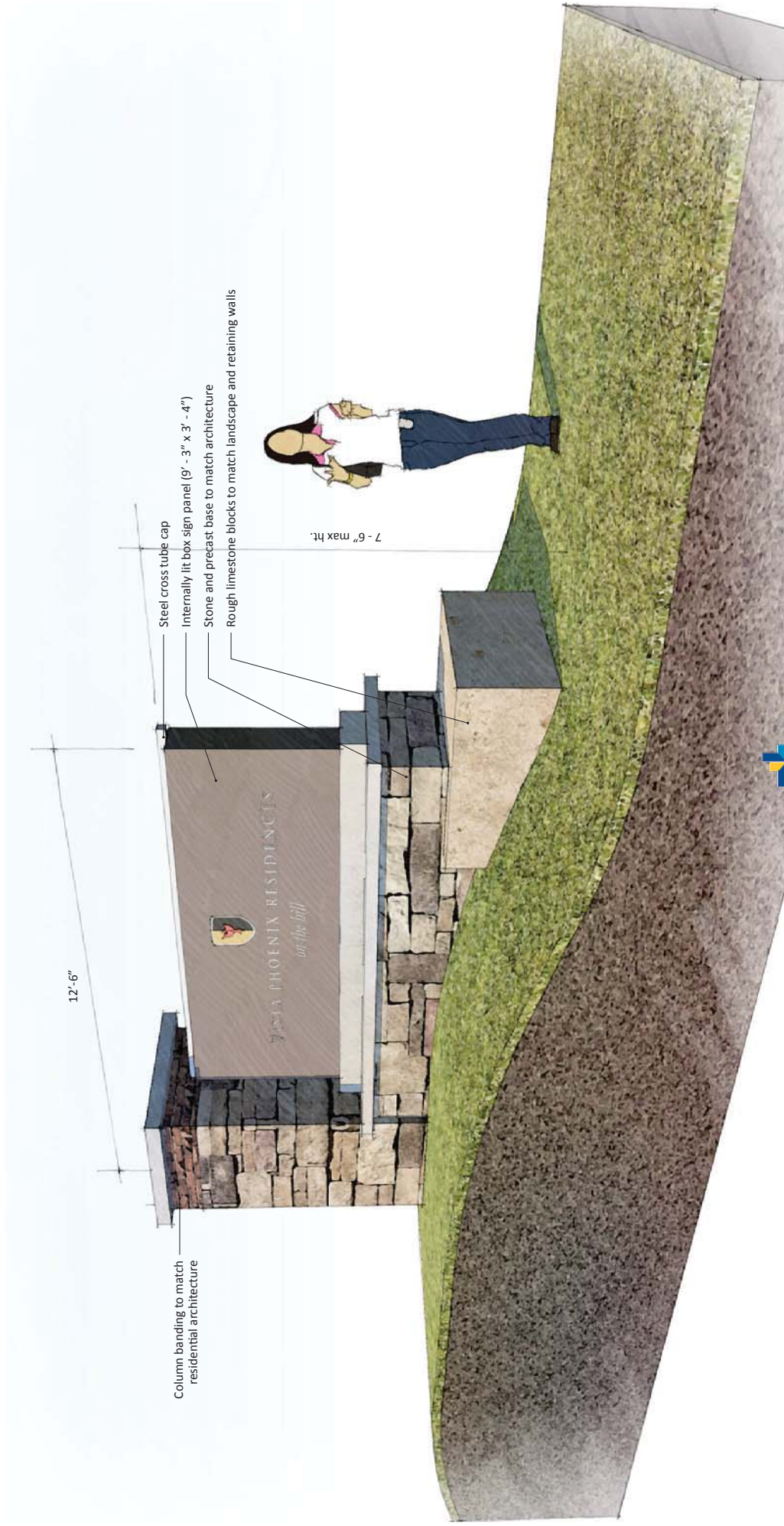
31ST STREET MULTI-FAMILY CLUB PERSPECTIVE

TEMPLE, TEXAS



BAYLOR SCOTT & WHITE MIXED-USE DEVELOPMENT

Development Signage Concepts



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

Residential Monument Signage, Type C

BaylorScott&White
HEALTH

Moon Design

CHARTER REAL ESTATE
COMMERCIAL • RESIDENTIAL • INVESTMENT

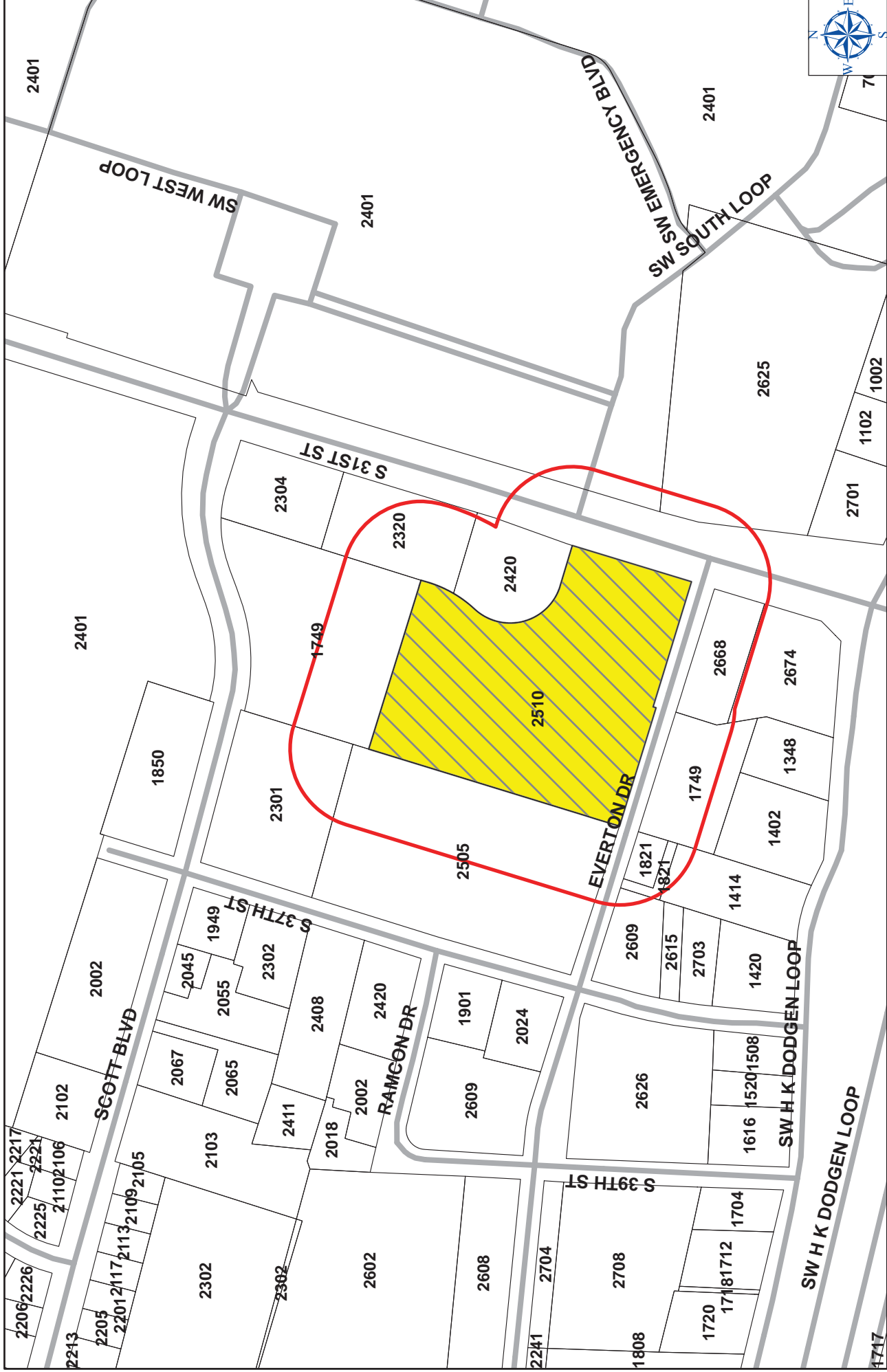


Z-FY-15-18

Planned Development District Site Plan Review

200' Notification Map

2510 S. 31st Street



Case



200' Buffer



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

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



RESPONSE TO PROPOSED
SITE PLAN REVIEW
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 31st 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

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 31st 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

T4 - GENERAL URBAN ZONE
T5-e - NEIGHBORHOOD EDGE ZONE
T5-c - URBAN CENTER ZONE
SD-1 - TEMPLE ISD
SD-h - S&W HOSPITAL, TAMHSC
SD-v - VA HOSPITAL
SD-c - TEMPLE COLLEGE

S&W HOSPITAL BOUNDARY
VA HOSPITAL BOUNDARY
TEMPLE COLLEGE BOUNDARY



REGULATING PLAN TRANSECT MAP

TBG

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			
	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	
Circulation: UDC 6.3.7	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			
	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			
Parking & Loading Standards: UDC 6.3.8	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			
	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		
Public Frontage Standards: UDC 6.3.11	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
	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				
Architectural, Parking, Street Lights & Utilities: UDC 6.3.13, 14, 17 and 18	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 31ST STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

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 31st 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 1st and South 5th Streets adjacent to Temple College)
- Pedestrian connections from South 31st 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 2nd day of **October**, 2014.

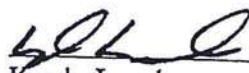
PASSED AND APPROVED on Second Reading on the 16th day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS



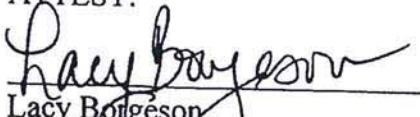
DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

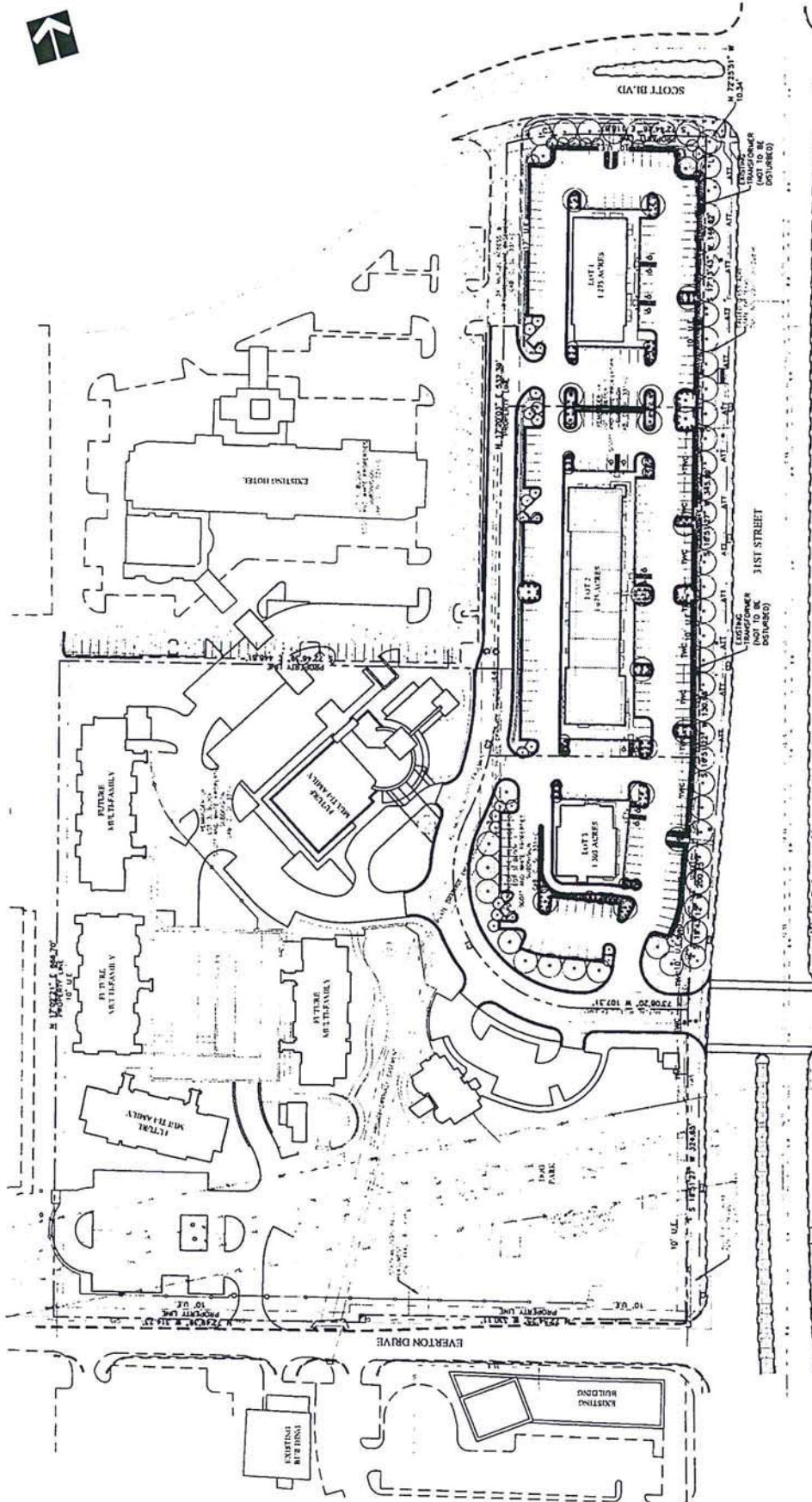


Kayla Landeros
City Attorney

ATTEST:


Lacy Borgeson
City Secretary

PRELIMINARY LANDSCAPE PLAN



LINE	LENGTH	RADIUS	DELTA ANGLE	CHD BEARING	CHD LENGTH
C1	268.84	132.67	118.00° 20'	N 120° 53' W	232.20'
C2	137.09	300.00	28° 10' 50"	M 27° 55.00' E	125.90'
C3	64.81	323.60	81° 02' 58"		

LINE	BEARING	DISTANCE
1.1	S 17°34'18" W	50.04'
1.2	S 81°30'25" W	3.19'
1.3	S 18°55'30" W	7.83'
1.4	S 1°48'11" W	1.005'

CURVE TABLE

LANDSCAPE NOTES

1. PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE LOCATION OF EXISTING STRUCTURES, PARCELS, SECTIONS, EASEMENTS, ETC. WITH OWNER.
2. EXISTING UTILITIES WERE LOCATED BY FIELD RESEARCH/OBSERVATION PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL FIND ALL OTHER UTILITIES LOCATIONS AND COORDINATE WITH UTILITY REGIONAL, LOCAL AND APPROPRIATE UTILITY AGENCIES.
3. PRIOR TO REVEALING LANDSCAPE, CONTRACTOR SHALL COORDINATE THE TYPE AND LOCATION OF NEW GRASS, TREES AND PERENNIALS WITH OWNER.
4. ALL REQUIRED LANDSCAPING SHALL BE PLANTED IN SUCH A MANNER TO ADVERSELY AFFECT DRAINAGE OR UTILITY DISBURSERS.
5. ALL AREAS NOT COVERED BY PERENNIALS/SURFACES SHALL HAVE GRASS SOLO, GRASS SEEDING, MULCH, WASHED GRAVEL, OR OTHER ACCEPTABLE COVERING.
6. NEW AREAS TO BE SOLOED OR HYDROMULCHED SHALL BE REVEALED, BUFFALO GRASS OR OTHER DROUGHT TOLERANT CITY OF TULSA APPROVED GRASS.
7. PROPOSED NEW TREES SHALL BE OF SPECIES ON THE CITY OF TULSA LIST APPROVED THIS LIST.

LANDSCAPE REQUIREMENTS - TYPED PUBLIC FRONTAGE	NO. LOT	TOTAL LINEAR FT.	1 TREE PER 25' LT	TOTAL PROVIDED	3" SWIRLS 3/4" O.C.	4" GEMMA COVER 15" O.C.
	1	255.00	10	10	AI CONSTRUCTION PLANT	AI CONSTRUCTION PLANT
	2	355.53	14	14	AI CONSTRUCTION PLANT	AI CONSTRUCTION PLANT
	3	373.25	11	11	AI CONSTRUCTION PLANT	AI CONSTRUCTION PLANT
	TOTAL	984.78	35	35	AI CONSTRUCTION PLANT	AI CONSTRUCTION PLANT

LOT NO.	TOTAL SQ. FT.	ZON. REQUIRED	TOTAL		1 TRUCK	PROVIDED
			PROVIDED	4 SERVICES (400)		
1	1,125.17	1,125.17	6,345.10	11	78	218
2	1,253.17	1,253.17	7,519.02	13	78	218
3	71,844.78	71,844.78	4,310.69	78	78	201
4	55,535.18	11,107.84	1,107.84	18	78	201
5	55,535.18	37,060.78	31,242.50	42	78	201
TOTAL	163,233.80	97,060.78	23,282.13	162	244	244

***TOTALS INCLUDE SCREENING SURVEYS, PUBLIC FRONTAGE AND 20% REQUIREMENTS

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 31ST STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

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 31st 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 **18th** day of **June**, 2015.

PASSED AND APPROVED on Second Reading on the **2nd** 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

07/02/15
Item #4(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Manager
Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2015-2016 Budget for August 6, 2015 and August 27, 2015 at 5:00 p.m. in the City Council Chambers.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This proposed resolution will comply with the City Charter requirement that the date, time and place of the public hearing on the proposed budget be set at the first regular Council meeting after the budget is filed. The public hearing is scheduled for the August 6, 2015 Regular Council meeting, to be held at 5:00 p.m. in the Council Chambers, to receive citizen comments on the operating budget. The resolution will also indicate that a supplemental public hearing on the proposed budget will be conducted at the August 27, 2015 Special Council meeting, just prior to the scheduled adoption of the budget.

Additional public hearings for the FY 2015-2016 Proposed Budget may be scheduled relating to statutory requirements for adoption of a tax rate.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING THE DATE, TIME AND PLACE OF THE PUBLIC HEARINGS ON THE PROPOSED FISCAL YEAR 2015-2016 BUDGET FOR AUGUST 6, 2015 AND AUGUST 27, 2015, AT 5:00 P.M. IN THE CITY COUNCIL CHAMBERS; DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE SETTING FORTH THE TIME AND PLACE THEREOF; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, compliance with the City Charter directs that the date, time and place of the public hearings on the proposed budget be set at the first regular City Council meeting after the annual budget is filed;

Whereas, the public hearings shall be scheduled for August 6, 2015 and August 27, 2015 at 5:00 p.m. in the City Council Chambers located in the Municipal Building at 2 North Main Street, Temple, Bell County, Texas;

Whereas, a supplemental public hearing on the proposed budget will be conducted at the August 27, 2015 Special Council meeting, just prior to the scheduled adoption of the budget; 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 directs that public hearings on the City of Temple's Fiscal Year 2015-2016 budget be held at meetings of the City Council at 5:00 p.m. on August 6, 2015, and August 27, 2015, in the City Council Chambers located in the Municipal Building at 2 North Main Street, Temple, Bell County, Texas.

Part 2: The City Council directs the City Secretary to cause the publication of notice of said hearings setting forth the time and place thereof in a newspaper of general circulation within the City.

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 2nd 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

07/02/15
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 \$56,130.

ATTACHMENTS:

[Budget Amendments
Resolution](#)

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2015 BUDGET
July 2, 2015

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
260-6100-571-6532		Capital - Special Projects / Contingency/Cont Fund Balance	\$ 45,755	
260-6100-571-6315	100623	Capital Building & Ground / Sidewalk/Curb/Gutter		\$ 45,755
To transfer the unexpended balance from the CDBG 1st Street Sidewalk project to the Contingency Fund to be re-programmed to other CDBG projects.				
110-1800-525-2120		Supplies / Education/Recreation	\$ 1,375	
110-0000-452-0459		Administrative Fees / Misc. Court Fees		\$ 1,375
To appropriate revenue and expenditure related to the purchase of 25 theft program "pass codes" for the self funded juvenile theft prevention program.				
240-4400-551-2630		Contracted Services / Banking Service Fees	\$ 500	
240-4400-551-2721		Cost of Goods Sold / Food Products	\$ 8,500	
240-4400-551-2111		Supplies / Computer Supplies		\$ 500
240-0000-445-1063		Civic Center / Food Sales		\$ 8,500
To allocate additional funding to cover banking service fees and food products. The additional allocation is needed due to the increased bookings and services this fiscal year being utilized by our on-site catering services. The majority of the funding will be from revenue received in Food Sales.				
TOTAL AMENDMENTS			\$ 56,130	\$ 56,130
GENERAL FUND				
Beginning Contingency Balance			\$ -	
Added to Contingency Sweep Account			-	
Carry forward from Prior Year			-	
Taken From Contingency			-	
Net Balance of Contingency Account			\$ -	
Beginning Judgments & Damages Contingency			\$ 40,070	
Added to Contingency Judgments & Damages from Council Contingency			-	
Taken From Judgments & Damages			-	
Net Balance of Judgments & Damages Contingency Account			\$ 40,070	
Beginning Compensation Contingency			\$ 988,000	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			(979,440)	
Net Balance of Compensation Contingency Account			\$ 8,560	
Net Balance Council Contingency			\$ 48,630	
Beginning Balance Budget Sweep Contingency			\$ -	
Added to Budget Sweep Contingency			-	
Taken From Budget Sweep			-	
Net Balance of Budget Sweep Contingency Account			\$ -	
WATER & SEWER FUND				
Beginning Contingency Balance			\$ 50,000	
Added to Contingency Sweep Account			-	
Taken From Contingency			(21,098)	
Net Balance of Contingency Account			\$ 28,902	
Beginning Compensation Contingency			\$ 168,000	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			(166,588)	
Net Balance of Compensation Contingency Account			\$ 1,412	
Net Balance Water & Sewer Fund Contingency			\$ 30,314	

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2015 BUDGET
July 2, 2015

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	27,903
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		(21,158)
		Net Balance of Contingency Account	\$	6,745
		Beginning Compensation Contingency	\$	36,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(35,330)
		Net Balance of Compensation Contingency Account	\$	670
		Net Balance Hotel/Motel Tax Fund Contingency	\$	7,415
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Compensation Contingency	\$	26,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(26,000)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Drainage Fund Contingency	\$	-
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year		89,040
		Added to Contingency Sweep Account		-
		Taken From Contingency		(74,763)
		Net Balance of Contingency Account	\$	14,277

RESOLUTION NO. _____

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

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

Whereas, the City Council deems it in the public interest to make certain amendments to the 2014-2015 City Budget.

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

Part 1: The City Council approves amending the 2014-2015 City Budget by adopting the budget amendments which are more fully described in Exhibit 'A,' attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the **2nd** 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

07/02/15
Item #5
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW

Brian Chandler Planning Director,
Beverly Zendt Assistant Planning Director

ITEM DESCRIPTION P-FY-15-22: Consider adopting a resolution on the Westfield Master Preliminary Plat, an approximately 224.54 acre tract, situated in the Baldwin Robertson Survey, Abstract No. 17 and in the Nancy Chance Survey, Abstract No. 5, both in Bell County, Texas, located on the north of West Adams Avenue, east side of North Pea Ridge Road, and south of Prairie View Road with an exception to Unified Development Code (UDC) Section 8.3: Park Land Dedication.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its May 18, 2015 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the Westfield Master Preliminary Plat and the exception to UDC Section 8.3 Park Land Dedication.

STAFF RECOMMENDATION: Staff recommends approval of the Westfield Master Preliminary Plat and the exception to UDC Section 8.3 Park land Dedication.

ITEM SUMMARY: Synopsis.

Approval of this item will result in preliminary approval of 749 new residential, retail, and mixed use lots. The applicant will still be required to apply for approval of a final plat for all phases and sections per Section 3.6.6 of the UDC and state law. Approval of this item will also permit an exception to Section 8.3 requiring the dedication of land for city park purposes.

Background.

The Development Review Committee reviewed the Westfield Master Preliminary Plat and deemed this plat complete on May 15, 2015.

The applicant has submitted a preliminary plat for a +/- 224 acres including multiple tract site bordered by North Pea Ridge Road, Prairie View Road, Stonehollow Drive, Westfield Boulevard, and Hilliard Road. 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 Westfield Master Planned Development Zoning request is being considered in tandem with this plat request.

The following roads have been identified in the Future Thoroughfare Plan Map and have been identified on the corresponding preliminary 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. A Local Connector should be 6'-8'wide and a Community-Wide Collector should be 8—10' wide. A note has been provided on the plat indicating that sidewalks will be place 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' sidewalks is required along arterials.

The applicant will likely seek an exception to the provision of a sidewalk on N. Pea Ridge Road with the final plat in anticipation of a city-initiated reconstruction of that local collector.

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 area available on the north south, east and west boundaries.

Exception Request: The applicant has requested an exception to Article 8: Subdivision Design and Improvements; Section 8.3.1 Requirements for Park Land Dedication.

1. The exception is to allow these private parks to serve this development and to allow consideration for the pedestrian linkages that are being provided to the anticipated 350 acre Crossroads Park located to the northeast of the subdivision.
2. The developer has stated that approximately 7.3 acres of parkland will be provided and maintained by the HOA and has planned various amenities within the parkland framework of pocket parks and linkages.
3. The approximate seven acres will serve the number of single family dwellings shown in this preliminary master with a surplus acreage to serve approximately 175 multi-family dwellings. If more multi-family is proposed in the future than the surplus will serve, this may be addressed prior to multi-family development.

Section 3.6.7 of the Unified Development Code states:

3.6.7B *The City Council may approve, approve with conditions or deny the request after consideration of the following factors:*

1. *That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of **Error! Reference source not found.**would have a substantial adverse impact on the applicant's reasonable use of the land;*
2. *That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and*

3. *That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this Section.*

The applicant has indicated that the presence of the anticipated 350 acre Crossroads Community Park to the north and related pedestrian amenities and connections located within the development will provide substantial open space and recreational opportunities for area residents. The applicant further references an additional 11.2 acres of open space provided in the form of a significant drainage feature and associated trail amenity.

Parks and Recreation Department Staff has reviewed the applicant's proposal and recommends approval providing that, with the introduction of additional multi-family dwelling units, that the dedication requirements will be revisited.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

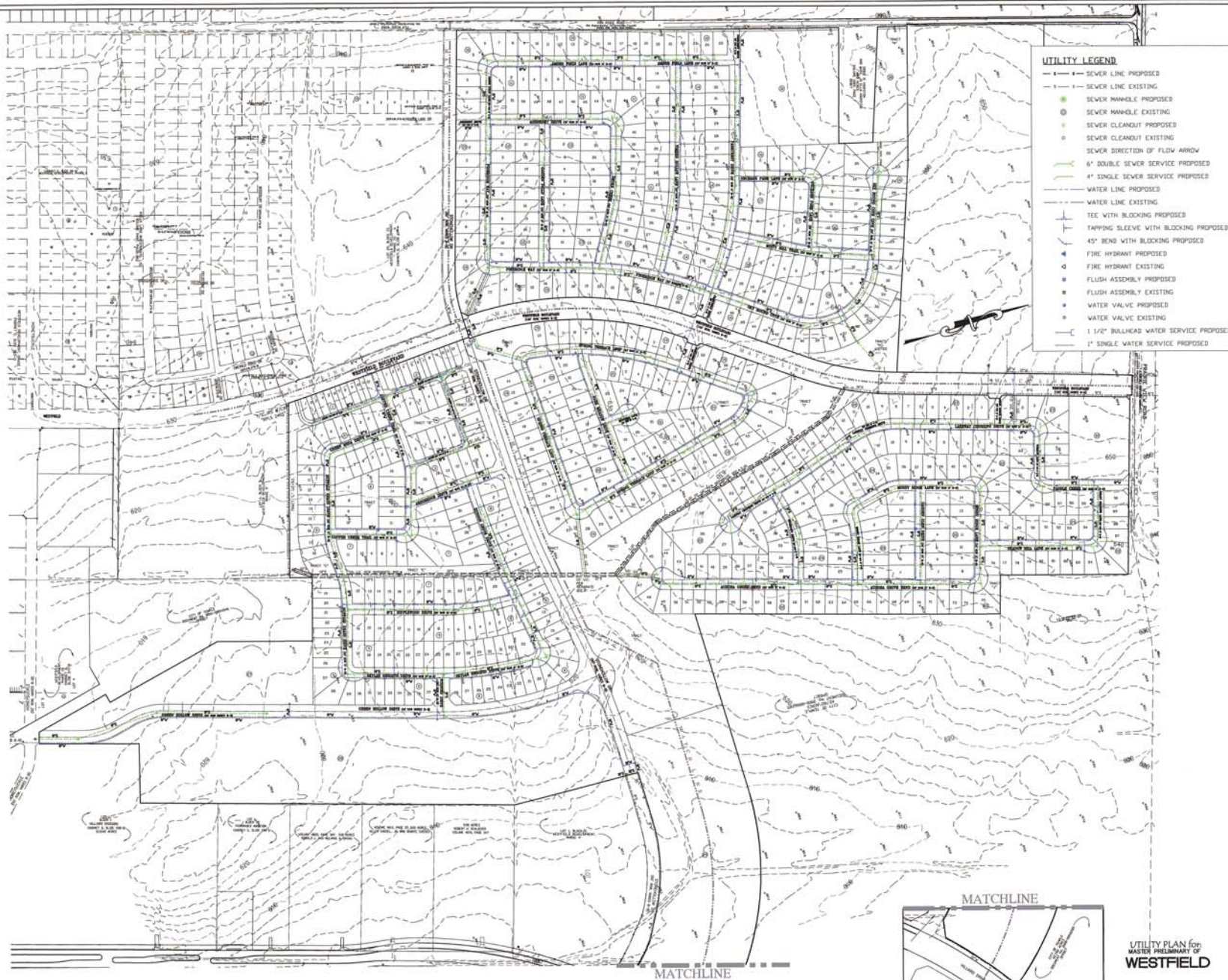
[Final Plat](#)

[Topo/Utility Plan](#)

[Parks and Open Space Plan](#)

[Exception Request Letter](#)

[Resolution](#)



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC.
301 N. 3rd ST. TEMPLE, TEXAS 76501
E-MAIL: mail@turley-inc.com (254) 773-2400 (254) 773-3998

FIRM #1658



UTILITY PLAN for:
**MASTER PRELIMINARY OF
WESTFIELD**

BALDWIN SUBDIVISION SURVEY, ABSTRACT #17
NANCY CHANCE SURVEY, ABSTRACT #18
CITY OF TEMPLE, BELL COUNTY, TEXAS

DEVELOPED BY:
KIELLA DEVELOPMENT, INC.
P.O. BOX 1344
TEMPLE, TEXAS 76503

REVISIONS	
JFBH	CITY COMMENTS 5/12/15

DATE: September 26, 2014
DRN. BY: JFBH
REF.:

FB/LB: DATA COL.
JOB NO.: 13-732
SHEET 9 OF 22
COMPUTER
DWG. NO. 13-732

12949-D
FILE NO.



UTILITY PLAN for:
**MASTER PRELIMINARY OF
WESTFIELD**

PARK ACREAGE'S		
TRACT	LAND AC	OPEN SPACE TOTAL ACRES
TRACT "A"	0.183 AC	0.183 AC
TRACT "B"	0.396 AC	0.396 AC
TRACT "C"	0.385 AC	0.385 AC
TRACT "D"	0.459 AC	0.459 AC
TRACT "E"	0.735 AC	0.735 AC
TRACT "F"	0.179 AC	0.179 AC
TRACT "G"	0.186 AC	0.186 AC
TRACT "H"	1.020 AC	0.350 AC
TRACT "I"	2.486 AC	10.668 AC
TRACT "J"	0.150 AC	0.150 AC
TRACT "L"	0.839 AC	0.839 AC
TRACT "M"	0.500 AC	0.500 AC
TOTAL	7.332 AC	11.204 AC
		18.536 AC



SYMBOL	ITEM
	Crushed Granite Walkway
	Existing Concrete Sidewalk
	Proposed Concrete Sidewalk
	Green Space

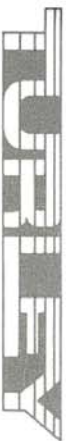
GREEN SPACE/SIDEWALK/ENTRANCE DETAIL:
MASTER PRELIMINARY OF
WESTFIELD
750 LOTS, 32 BLOCKS

ENTRANCE / GREEN SPACE DETAIL:
MASTER PRELIMINARY OF
WESTFIELD
BALDWIN ROBERTSON SURVEY, ABSTRACT #17
TOWN OF WESTFIELD, TARRANT COUNTY, TEXAS
DEVELOPED BY:
KIELLA DEVELOPMENT, INC.
P. O. BOX 1344
TEMPLE, TEXAS 76503

REVISIONS		
DATE	BY	DESCRIPTION
5/11/15	DRG	COMMENTS

DATE: 11/14/14
DRN. BY: TJJ
REF.: -
FIELD BOOK: -
JOB NO.: 13-732
SHEET 20 OF 22
COMPUTER DWG. NO. 13732.RD
12949-D
DRAWING NUMBER

ENGINEERING • PLANNING • SURVEYING
FIRM NO. F-1658
TURLEY ASSOCIATES, INC.
301 N. 3rd ST.
TEMPLE, TEXAS 76501
www.turley-inc.com
(254) 773-2400
(254) 773-3998



TURLEY ASSOCIATES, INC.
301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400
F-1658 FAX • (254) 773-3998

May 13, 2015

Beverly Zendt
Assistant Planning Director
City of Temple Planning Department
2 North Main Street
Temple, TX 76501

RE: Westfield Master Preliminary Plat Park Land Dedication

Dear Mrs. Zendt,

On Behalf of our client, Kiella Development, Inc., we would like to request a variance to Section 8.3.1 of the Unified Development Code requiring one acre for every 133 proposed dwelling units be dedicated to the City of Temple for Public Park Land.

This development is planned to have 7.3 acres of unobstructed park land with an additional 11.2 acres of open space. The developer request this property be allowed to be dedicated to and maintained by the Westfield Development Homeowners Association.

Thank you,
TURLEY ASSOCIATES, INC.



B.J. Little, Project Manager

RESOLUTION NO. _____

(PLANNING NO. P-FY-15-22)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE WESTFIELD MASTER PRELIMINARY PLAT, AN APPROXIMATELY 224.54 ACRE TRACT SITUATED IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, AND IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BOTH LOCATED IN BELL COUNTY, TEXAS, ON THE NORTH OF WEST ADAMS AVENUE, EAST SIDE OF NORTH PEA RIDGE ROAD, AND SOUTH OF PRAIRIE VIEW ROAD, WITH AN EXCEPTION TO THE UNIFIED DEVELOPMENT CODE SECTION 8.3: PARK LAND DEDICATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 18, 2015, the Planning and Zoning Commission recommended approval of the Westfield Master Preliminary plat, an approximately 224.54 acre tract situated in the Baldwin Robertson Survey, Abstract No. 17 and in the Nancy Chance Survey, Abstract No. 5, both located in Bell County, Texas, on the north of West Adams Avenue, east side of North Pea Ridge Road, and south of Prairie View Road, with an exception to Unified Development Code (UDC) Section 8.3: Park Land Dedication; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the Westfield Master Preliminary plat, with an exception to Section 8.3 of the UDC related to park land dedication.

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

Part 1: The City Council approves the Westfield Master Preliminary plat, an approximately 224.54 acre tract situated in the Baldwin Robertson Survey, Abstract No. 17 and in the Nancy Chance Survey, Abstract No. 5, both located in Bell County, Texas, on the north of West Adams Avenue, east side of North Pea Ridge Road, and south of Prairie View Road, with an exception to UDC Section 8.3: Park Land Dedication.

Part 2: The City Council approves an exception to Section 8.3 of the UDC related to Park Land Dedication, allowing proposed private parks to serve this development and allowing consideration for the pedestrian linkages that are being provided to the anticipated 350 acre Crossroads Park located to the northeast of the subdivision, subject to the following conditions:

1. Approximately 7.3 acres of parkland will be provided and maintained by the HOA and will include various amenities within the parkland framework such as pocket parks and linkages; and
2. The seven acres will serve the number of single family dwellings shown in this preliminary master plat with a surplus acreage to serve approximately 175 multi-family dwellings. If more multi-family is proposed in the future than the surplus will serve, this may be addressed prior to multi-family development.

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 **2nd** 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

07/02/15
Item #6
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW

Brian Chandler Planning Director,
Beverly Zendt Assistant Planning Director

ITEM DESCRIPTION: Consider adopting a resolution waiving distance requirements identified in Section 5.3.15 of the Unified Development Code between establishments with alcoholic beverage sales for on premise consumption and places of worship, public parks and residentially zoned or developed lots on PD-GR zoned lots located north of West Adams Avenue and on the east and west sides of Westfield Boulevard and part of the Westfield Master Preliminary Plat.

STAFF RECOMMENDATION: Staff recommends approval of a resolution waiving distance requirements identified in Section 5.3.15 of the Unified Development Code between establishments with alcoholic beverage sales for on premise consumption and places of worship, public parks and residentially zoned or developed lots on PD-GR zoned lots located north of West Adams Avenue and on the east and west sides of Westfield Boulevard and part of the Westfield Master Preliminary Plat.

ITEM SUMMARY: The Unified Development Code establishes performance standards for alcoholic beverage sales for on premise consumption in ***Section 5.3.15 Alcoholic Beverage Sales for On Premise Consumption.***

This section addresses basic performance standards to be considered in the granting of a Conditional Use Permit (CUP) and conditions to be considered in the revocation of a CUP for establishments selling alcohol for on premise consumption. Standards address, but are not limited to, the following:

- Adequate parking,
- Adequate security,
- Compatibility with other surrounding uses,
- Operation of establishments in a manner that does not to disturb the surrounding area or surrounding properties, and
- Health, safety and general welfare of the City and its inhabitants.

Texas Alcoholic Beverage Code (TABC) Requirements

In addition to the above standards, the ***Texas Alcoholic Beverage Code (TABC) Section 109.33(a): Sales near School Church or Hospital*** permits municipalities to adopt standards establishing distance requirements for the sale of alcoholic beverages near churches, schools or hospitals. TABC regulations permit municipalities to adopt a 300 foot distancing requirement between establishments selling alcohol and such uses and prescribes a method for the measurement of required distance.

Additionally, the TABC establishes procedures for granting a variance to adopted distancing requirements under Section 109.33(e) stating:

The commissioners court of a county or the governing board of a city or town that has enacted a regulation under Subsection (a) of this section may also allow variances to the regulation if the commissioners court or governing body determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the court or governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

Unified Development Code Distancing Requirements

UDC Section 5.3.15 Alcoholic Beverage Sales for On Premise Consumption establishes such distancing requirements in the following sections:

Section 5.3.15B1

This section establishes standards for establishments with alcoholic beverage sales for on premise consumption where the gross revenue from the sale of alcoholic beverages must be less than 75% of the total gross revenue of the establishment. This section states:

The establishment must not be within 300 feet of a place of worship, public school or public hospital.

Section 5.3.15C1

This section establishes standards for establishments with alcoholic beverage sales for on premise consumption where the gross revenue from the sale of alcoholic beverages may be 75% or more of the total gross revenue of the establishment. This section states:

The establishment must not be within 300 feet of a place of worship, elementary or secondary school, public hospital, public park or any residentially zoned or developed lot.

Variance Criteria

The applicant is proposing a mixed-use higher density development project designed to provide opportunities for neighborhood residents to access open space amenities, retail and entertainment opportunities close to where they live and work – conceptually reducing the number of automobile trips to destination points around the city. This development pattern provides a lifestyle opportunity currently sought after by both older and younger community members. Additionally, such development advances several goals identified in the *Choices '08 Temple Comprehensive Plan* including but not limited to:

- Resource Protection,
- Alternative subdivision design,
- The encouragement of new development in growth areas, and
- Reduction of sprawl.

The proposed distancing variance, permitted under TABC 109.33, would allow for the full integration of multiple uses including residential, professional, recreational and entertainment uses. This mixed-use development pattern would allow for increased lifestyle choices for current and prospective residents – thus improving the quality of life for many community members who choose to live in and visit this uniquely developed area. Because of the range of recreational/entertainment uses and their close proximity to other neighborhood and service uses, it would be very difficult for the applicant/developer to provide the same range of choices while simultaneously meeting all the distancing requirements prescribed by the UDC.

FISCAL IMPACT: Not Applicable

ATTACHMENTS

[Westfield Master Preliminary Plat](#)
[Westfield master Planned Development Zoning Map](#)
[Resolution](#)

STATE OF TEXAS
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, THAT KIELLA LAND INVESTMENTS, LTD., A TEXAS LIMITED PARTNERSHIP, TEM-TEX INVESTMENTS, LTD., A TEXAS LIMITED PARTNERSHIP, SHORT TERM LENDING OF, INC. A TEXAS CORPORATION AND JAMES F. CLAWSON OWNERS OF THE LAND SHOWN ON THIS PLAN AND DESIGNATED HEREIN AS MASTER PRELIMINARY OF WESTFIELD, A SUBDIVISION OF THE CITY OF TEMPLE, TEXAS AND WHOSE NAME IS SUBMITTED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, WATERCOURSES, DRAINAGE, EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON.

KIELLA LAND INVESTMENTS MANAGEMENT, LTD.
A TEXAS LIMITED PARTNERSHIP

BY AND THROUGH
JOHN KIELLA, PRESIDENT
KIELLA LAND INVESTMENTS MANAGEMENT, LLC
GENERAL PARTNER

TEM-TEX INVESTMENTS, LTD.,
A TEXAS LIMITED PARTNERSHIP

BY AND THROUGH
JOHN KIELLA, PRESIDENT
PALLA, L.L.C.
GENERAL PARTNER

SHORT TERM LENDING OF, INC.
A TEXAS CORPORATION

BY AND THROUGH
THOMAS BARD, PRESIDENT

JAMES F. CLAWSON

JAMES F. CLAWSON

STATE OF TEXAS

COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY, THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PRELIMINARY PLAN:

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAN IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEYING CORRECTIONS HAVE BEEN CORRECTLY SHOWN THEREON.

STATE OF TEXAS

COUNTY OF BELL

MICHAEL E. ALVIS, R.P.L.S.
NO. 5402

PRELIMINARY PLAN FOR INSPECTION PURPOSES ONLY

BEING A SUBDIVISION OUT OF AND A PART OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, AND IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5 BOTH IN BELL COUNTY, TEXAS.

DATED THIS _____ DAY OF _____, 2015.

APPROVED FOR FINAL PREPARATION OF FINAL PLAN:

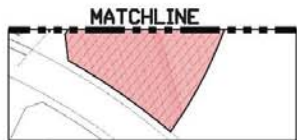
CHURMAN, PLANNING AND ZONING COMMISSION

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PD-GR



TRACT	PARK ACREAGE'S	
	PARK LAND	OPEN SPACE TOTAL ACRES
TRACT "A"	0.183 AC	0.183 AC
TRACT "B"	0.396 AC	0.396 AC
TRACT "C"	0.385 AC	0.385 AC
TRACT "D"	0.459 AC	0.459 AC
TRACT "E"	0.735 AC	0.735 AC
TRACT "F"	0.179 AC	0.179 AC
TRACT "G"		
TRACT "H"	1.020 AC	0.350 AC
TRACT "I"	2.486 AC	1.370 AC
TRACT "J"	0.150 AC	10.668 AC
TRACT "K"	0.839 AC	13.154 AC
TRACT "L"	0.500 AC	0.150 AC
TRACT "M"	0.500 AC	0.839 AC
TRACT "N"	0.500 AC	0.500 AC
TOTAL	7.333 AC	11.204 AC
		18.536 AC

ZONING MAP FOR: MASTER PRELIMINARY OF WESTFIELD



		ENGINEERING • PLANNING • SURVEYING CONSTRUCTION • MANAGEMENT	
TURLEY ASSOCIATES, INC.		FILE # - 1658	
301 N. 3rd St. TEMPLE, TEXAS 76501 E-MAIL: mof@turley-inc.com		DEVELOPED BY: KIELLA LAND INVESTMENTS, LTD. P.O. BOX 1344 TEMPLE, TEXAS 76503	
(254) 773-2400 (254) 773-3988		REVISIONS	
FAX NO.		DATE: September 26, 2014	
JOB NO.: 13-732		DWN BY: JPBH	
FB/LB: DATA COL.		REF:	
SHEET 1 OF 1		COMPUTER NO. 13-732	
FILE NO.		12949-D	

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, WAIVING DISTANCE REQUIREMENTS IDENTIFIED IN SECTION 5.3.15 OF THE UNIFIED DEVELOPMENT CODE, BETWEEN ESTABLISHMENTS WITH ALCOHOLIC BEVERAGE SALES FOR ON-PREMISE CONSUMPTION AND PLACES OF WORSHIP, PUBLIC PARKS AND RESIDENTIALLY ZONED OR DEVELOPED LOTS ON PLANNED DEVELOPMENT-GENERAL RETAIL ZONED LOTS LOCATED NORTH OF WEST ADAMS AVENUE, ON THE EAST AND WEST SIDES OF WESTFIELD BOULEVARD AND PART OF THE WESTFIELD MASTER PRELIMINARY PLAT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Unified Development Code (UDC) establishes performance standards for alcoholic beverage sales for on premise consumption in Section 5.3.15, “Alcoholic Beverage Sales for On Premise Consumption”;

Whereas, this section addresses basic performance standards to be considered in the granting of a Conditional Use Permit (CUP) and conditions to be considered in the revocation of a CUP for establishments selling alcohol for on premise consumption;

Whereas, the Texas Alcoholic Beverage Code (TABC) Section 109.33(a) states that municipalities may adopt standards establishing distance requirements for the sale of alcoholic beverages near schools, churches or hospitals;

Whereas, TABC regulations permit municipalities to adopt a 300 foot distancing requirement between establishments selling alcohol and such uses, prescribes a method for the measurement of required distance, and authorizes municipalities to grant a variance to distancing requirements when the variance would promote the best interests of the community;

Whereas, the applicant is proposing a mixed-use higher density development project designed to provide opportunities for neighborhood residents to access open space amenities, retail and entertainment opportunities close to where they live and work;

Whereas, the proposed distancing variance, permitted under TABC 109.33, would allow for the full integration of multiple uses including residential, professional, recreational and entertainment uses - this mixed-use development pattern would allow for increased lifestyle choices for current and prospective residents; and

Whereas the City Council has considered the matter and deems it in the public interest to waive the distance requirements identified in Section 5.3.15 of the Unified Development Code between establishments with alcoholic beverage sales for on premise consumption and places of worship, public parks and residentially zoned or developed lots on Planned Development-General Retail (PD-GR) zoned lots located north of West Adams Avenue, on the east and west sides of Westfield Boulevard and part of the Westfield Master Preliminary Plat.

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

Part 1: The City Council waives the distance requirements identified in Section 5.3.15 of the Unified Development Code between establishments with alcoholic beverage sales for on premise consumption and places of worship, public parks and residentially zoned or developed lots on Planned Development-General Retail (PD-GR) zoned lots located north of West Adams Avenue, on the east and west sides of Westfield Boulevard and part of the Westfield Master Preliminary Plat.

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 **2nd** 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

07/02/15
Item #7
Regular Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - Z-FY-15-20: Consider adopting an ordinance to rezone property located at 7425 West Adams Avenue from Neighborhood Service District (NS) to Planned Development-Neighborhood Service District (PD-NS) with a development plan to allow drive-in restaurants, and a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption in establishments where between 50% and 75% of the total gross revenue may be from the sale of alcoholic beverages.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its June 1, 2015 meeting, the Planning & Zoning Commission voted 6 to 0 to recommend approval of the requested rezoning from Neighborhood Service (NS) to Planned Development – Neighborhood Service (PD-NS) subject to the conditions recommended by Staff. The Planning and Zoning Commission also voted 6 to 0 to recommend approval of a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption in establishments where between 50% and 75% of the total gross revenue may be from the sale of alcoholic beverages, subject to the conditions recommended by Staff.

During the meeting, the applicant clarified that anticipated tenants would not include bars, taverns or similar-type of uses. Further, it was requested by Commissioner Crisp, for Staff to confirm that approval did not include package stores, bars and/or sale of alcoholic beverages for off-premise consumption. Staff confirmed.

STAFF RECOMMENDATION: This request for rezoning:

1. Is in compliance with the provisions of the Planned Development Criteria as required by Unified Development Code (UDC) Section 3.4.5;
2. Is in compliance with the specific standards in UDC Section 5.3.15A & B;
3. Is in compliance with Chapter 4 of the City of Temple Code of Ordinances related to alcoholic beverages;
4. Is consistent with adjacent Suburban Commercial land uses and the Neighborhood Service zoning district established, adjacent to and across the property on West Adams Ave (FM 2305);
5. Is in compliance with the Thoroughfare Plan; and
6. Public facilities are also available to serve the subject property.

Staff recommends approval of the requested rezoning from Neighborhood Service (NS) to Planned Development - Neighborhood Service (PD-NS), subject to the following conditions:

1. As listed by UDC Section 5.1, all permitted uses within the Neighborhood Service (NS) district are allowed, with the addition of drive-in restaurants, which will be allowed only in the northerly 2.037 acre portion of Westfield Market;
2. Drive-in restaurants are prohibited in the southerly 2.879 acre portion of Westfield Market but applicant may request approval of a new and separate development plan in the future;
3. Drive-in restaurants are restricted to a drive-aisle and drive-in (pick-up) window only;
4. The Director of Planning may be authorized to approve minor modifications to the City Council-approved Development Plan, including but not limited to the selection of exterior building materials, screening, buffering, landscaping and minor modifications to the overall site layout;
5. Submittal of a Development Plan at the time of Construction Documents, that is in substantial compliance to Exhibit A of the Rezoning Ordinance or as amended by subsequent action by the Director of Planning or City Council, is required;
6. Prior to development of the southerly 2.879 acre portion of the Westfield Market, a subdivision plat is filed for review with the Planning Department;
7. Upon residential development or residential rezoning of the undeveloped property between the First Baptist Church and Westfield Market, the owner/developer of the Westfield Market shall be responsible for the submittal of a revised development plan to the Planning Department, confirming compliance of the required buffering and screening.

Staff recommends approval of the requested Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption in establishments where between 50% and 75% of the total gross revenue may be from the sale of alcoholic beverages, subject to the following conditions:

1. The use may be allowed in any of the developed building suites within the total 4.916 acre Westfield Market;
2. The use is subject to compliance with Chapter 4 of the City Code of Ordinances related to alcoholic beverages;
3. The Conditional Use must comply with UDC Section 5.3.15A related to alcoholic beverage sales for on-premise consumption and UDC Section 5.3.15B related to the 50% to 75% range of gross revenue, from all alcoholic beverage sales with on-premise consumption; and
4. As listed in UDC Section 5.1 and upon separate request, all other conditional uses identified in the NS district, are subject to review by a separate conditional use permit application process.

ITEM SUMMARY: The applicant, John Kiella on behalf of Tem-Tex Investments LLC, requests rezoning of a 4.916 +/- acre property, comprised of a 2.037 +/- acre northern portion and a 2.879 +/- acre southern portion, from Neighborhood Service (NS) district to Plan Development – Neighborhood Service (PD-NS) district and requests allowance of “pickup” or drive-in windows on two suites along with two separate drive aisles within the Westfield Market development. Drive-in restaurant uses are not permitted in the Neighborhood Service (NS) district but are permitted in the General Retail (GR) district. If approved, the requested Planned Development would include the additional use by-right.

In addition, a Conditional Use Permit, for establishments where between 50% and 75% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption, is being requested. This use normally requires a conditional use in all non-residentially-zoned districts (Office through Heavy Industrial), with the exception of Office-1 (O-1), where it is prohibited altogether. If approved as a conditional use, the applicant is requesting that this use be permitted anywhere within the property without the need for multiple applications for a separate conditional use permit.

BACKGROUND: The 4.916 +/- acre subject property in its entirety was rezoned from General Agriculture (AG) to Neighborhood Service (NS) district by Ordinance 2013-4594 on June 20, 2013. The need for the rezoning to Planned Development was identified by staff during the review of Construction Documents for the proposed Westfield Market. The plans for the northern 2.037 +/- acre portion, show two (2) drive aisles along with “pickup”, drive-in windows, as identified and represented on the attached building elevations.

Staff has worked closely with the applicant to identify the nature of potential uses which utilize this feature, most notably drive-in restaurants with a “pickup” window were identified as potential tenants. A base zoning of Neighborhood Service does not permit restaurants with this feature. Therefore, the current request entails a combination of Planned Development as well as Conditional Use Permit consideration.

Per UDC Section 3.4.5, when considering a Planned Development, the approving body must consider 10 criteria. Compliance to the criteria are discussed in the attached Planned Development Criteria and compliance summary. Further, per UDC Sec 3.4.3A, as a Planned Development, a Development Plan for consideration and approval by City Council is required.

UDC Section 3.4.1 defines a Planned Development as:

“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 a Planned Development, a Development Plan (Exhibit A) is subject to review and approval as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance. The submitted Development Plan, provides the boundaries and the layout for the proposed building footprint, parking area, and drive aisles. While enhancements are normally an expectation of a Planned Development to off-set the unique manner of the request, the nature and location of this request did not generate the extensive need for such enhancements.

In this case, the Applicant is requesting a CUP that would allow the sale of alcoholic beverages for on-premise consumption in establishments where between 50% and 75% of the total gross revenue may be from the sale of alcoholic beverages. The use could be applied in any of the building suites.

Additional discussion and analysis can be found in the attached Planning & Zoning Commission staff report dated June 1, 2015.

PUBLIC NOTICE: Owners of Thirty-six (36) properties within 200-feet of the subject property, were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday June 23, 2015 at 12:00 PM, five notices, representing eight properties, for approval and one notice for disapproval have been received.

The newspaper printed notice of the public hearing on May 21, 2015, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Planning & Zoning Commission Staff Report – June 1, 2015
Chapter 4 – Code of Ordinances – Alcoholic Beverages
Planned Development Criteria and Compliance Summary Table
Site and Surrounding Property Photos
Development Plan (Exhibit A)
Landscape Plan
Building Elevations (Pickup Windows Encircled)
Aerial Map
Zoning Map
Future Land Use and Character Map
Utility Map
Localized area of the Thoroughfare Plan
Localized area of the Trails Plan
Notification Map
Returned Property Owner Notices
Ordinance



PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

06/01/15
Item #2
Regular Agenda
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APPLICANT / DEVELOPMENT: John Kiella (On behalf of Tem-Tex Investments LLC)

CASE MANAGER: Mark Baker, Planner

ITEM DESCRIPTION: Z-FY-15-20: Hold a public hearing to consider and recommend action on a rezoning from Neighborhood Service District (NS) to Planned Development-Neighborhood Service District (PD-NS) with a development plan to allow drive-in restaurants, and a Conditional Use Permit to allow establishments where between 50% & 75% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption, on approximately 4.916 +/- acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 7425 West Adams Avenue.

STAFF RECOMMENDATION: Based on the following analysis and reasons that:

1. That the proposed Development Plan has demonstrated compliance with the provisions of the Planned Development Criteria as required by UDC Section 3.4.5;
2. The project has demonstrated compliance with the specific standards in Unified Development Code (UDC) Section 5.3.15A & B;
3. The project has demonstrated compliance to Chapter 4 of the City of Temple Code of Ordinances related to alcoholic beverages;
4. The request is consistent with adjacent Suburban Commercial land uses and the Neighborhood Service zoning district established, adjacent to and across the property on West Adams Ave (FM 2305);
5. The request is in compliance with the Thoroughfare Plan; and
6. Public facilities are available to serve the subject property.

Staff recommends approval of the requested rezoning from Neighborhood Services (NS) to Planned Development - Neighborhood Services (PD-NS), subject to the following conditions:

1. As listed by UDC Section 5.1, all permitted uses within the Neighborhood Service (NS) district are allowed, with the addition of drive-in restaurants, in the northerly 2.037 +/- acre portion of Westfield Market;
2. That drive-in restaurants are prohibited in the southerly 2.879 +/- acre portion of Westfield Market but subject to approval of a revised development plan;
3. That drive-in restaurants are restricted to a drive-aisle and drive-in (pick-up) window only;
4. That the Director of Planning may be authorized discretion to approve minor modifications to the City Council-approved Development Plan, including but not limited to the selection of

exterior building materials, screening, buffering, landscaping and minor modifications to the overall site layout;

5. At the time of development, of the southerly 2.879 +/- acre portion of the Westfield Market, a Development Plan is submitted for review by the Planning & Zoning Commission & City Council;
6. Submittal of a Development Plan at the time of Construction Documents that is in substantial compliance to the Development Plan attached as Exhibit A of the Rezoning Ordinance or as amended by subsequent action by the Director of Planning or City Council;
7. That prior to development of the southerly 2.879 +/- acre portion of the Westfield Market, a subdivision plat is filed for review with the Planning Department; and
8. That upon residential development or residential rezoning of the undeveloped property between the First Baptist Church and Westfield Market, the owner/developer of the Westfield Market shall be responsible for the submittal of a revised development plan to the Planning Department, confirming compliance of the required buffering and screening; and

Staff recommends approval of the requested Conditional Use Permit to allow establishments where between 50% & 75% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption, subject to the following conditions:

1. That the use may be allowed in any of the developed building suites within the total 4.916 +/- acre Westfield Market;
2. The use is subject to compliance to Chapter 4 of the City Code of Ordinances related to alcoholic beverages;
3. That the Conditional Use, complies with UDC Section 5.3.15A related to alcoholic beverage sales for on-premise consumption and UDC Section 5.3.15B related to the 50% to 75% range of gross revenue, from all alcoholic beverage sales with on-premise consumption; and
4. That as listed in UDC Section 5.1 and upon separate request, all other conditional uses identified in the Neighborhood Service (NS) district, are subject to review by a separate conditional use permit application process.

ITEM SUMMARY: The applicant, John Kiella on behalf of Tem-Tex Investments LLC, requests rezoning of a 4.916 +/- acre property, comprised of a 2.037 +/- acre northern portion and a 2.879 +/- acre southern portion, from Neighborhood Service (NS) district to Plan Development – Neighborhood Service (PD-NS) district and allow “pickup” or “bank teller-style”, drive-in windows on two suites along with two separate drive aisles within the Westfield Market development. Drive-in restaurant uses are not permitted in the Neighborhood Service (NS) district but are permitted in the General Retail (GR) district. If approved, the requested Planned Development would include the additional use by-right.

In addition, a Conditional Use Permit, for establishments where between 50% & 75% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption, is being requested. This use normally requires a conditional use in all non-residentially-zoned districts (Office through Heavy Industrial), with the exception of Office-1 (O-1), where it is prohibited altogether. If approved as a conditional use, the applicant is requesting that this use be permitted anywhere within the property without the need for multiple applications for a separate conditional use permit.

BACKGROUND: The 4.916 +/- acre subject property in its entirety was rezoned from General Agriculture (AG) to Neighborhood Service (NS) district by Ordinance 2013-4594 on June 20, 2013. The need for the rezoning to Planned Development was identified by staff during the review of Construction Documents for the proposed Westfield Market. The plans for the northern 2.037 +/- acre portion, show two (2) drive aisles along with “pickup”, drive-in windows, as identified and represented on the attached building elevations.

Staff has worked closely with the applicant to identify the nature of potential uses which utilize this feature, most notably drive-in restaurants with a pickup-style window were identified as potential tenants. A base zoning of Neighborhood Services does not permit restaurants with this feature.

In addition, establishments with alcoholic beverage sales with on-premise consumption that is between 50% and 75% of the gross total revenue were also identified. This use requires a conditional use permit within the Neighborhood Service (NS) district. Therefore, the current request entails a combination of Planned Development as well as Conditional Use Permit consideration.

Planned Development: Per UDC Section 3.4.5, when considering a Planned Development, the approving body must consider 10 criteria. Compliance to the criteria are discussed and provided in the attached Planned Development Criteria and compliance summary.

Further, per UDC Sec 3.4.3A, as a Planned Development, a Development Plan for consideration and approval by City Council is required.

UDC Section 3.4.1 defines a Planned Development as:

“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 a Planned Development, a Development Plan (Exhibit A) is subject to review and approval as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance. The Development Plan that has been submitted, provides the boundaries and the layout for the proposed building footprint, parking area, and drive-in aisles. While enhancements are normally an expectation of a Planned Development to off-set the unique manner of the request, the nature and location of this request did not generate the extensive need for such enhancements.

The current request for a Planned Development (PD) is proposed to retain the Neighborhood Service base-zoning with the addition of the use of allowing drive-in restaurants. Uses that are permitted by-right in the Neighborhood Service (NS) district which utilize the drive-in window include:

1. Bank,
2. Cleaning, pressing or pick-up shop, and
3. Pharmacy

It should be noted that package stores are not permitted and require a minimum Commercial (C) zoning with approval of a separate conditional use permit. Establishments that generate 75% or

more of their revenue from on-premise sales of all alcoholic beverages with on-premise consumption are also not permitted. Additionally, sale of beer and wine, which include beer and wine-based products with off-premise consumption, such as those using the pickup window for sales would also be prohibited in the Neighborhood Service district and require review of a separate conditional use permit.

A drive-in restaurant is defined by Section 11.2 of the UDC as follows:

“An establishment designed and constructed to serve food for consumption on premises in an automobile or for carry-out for off-premises consumption and that establishment may or may not have an on-premise dining room or counter”.

It should be noted that the UDC does not specifically differentiate between a drive-in and a drive-thru (through) window in the general development standards. However, a drive-thru (through) window, as anticipated by this application, is provided for and listed exclusively in the Temple, Medical and Educational Overlay district (TMED). Per UDC Sections 6.3.6E.2 & 10, the TMED district provides for locational standards on the building for the drive-thru as well as vehicle stacking space for the drive-aisles. While not required by the Neighborhood Service zoning district, the standards appear to have been met.

Since a restaurant with a drive-in window is a consideration of the Planned Development, it should be noted that per UDC Section 7.1.2, there are performance standards related to noise and noise levels received at the property line of any zoned property. Further, UDC Section 7.1.8 is applicable related to glare on any zoned property.

Per UDC Section 7.7, since this adjacent property is Agriculture-zoned (AG), it is considered residentially-zoned and triggers the buffering and screening requirements. According to the applicant, both the applicant and the pastor of the church have expressed a desire to forego the requirement of solid fencing to meet the buffering and screening requirement.

Further, the applicant has indicated that a letter is forthcoming from the First Baptist Church regarding the solid fence, as of staff report preparation, it has not been received. Staff is in agreement that a solid fence would not be appropriate but would request enhanced landscaping to serve as a buffer instead. While the applicant acknowledges that additional landscaping will be provided along the western boundary, currently, this additional landscaping has not been finalized. As such, the applicant is requesting flexibility to identify locations for some additional landscaping at the time of construction permit review. This request is addressed by a proposed condition allowing the needed flexibility by staff when reviewing the development plan at the time of Construction Plan review.

Buffering and screening enhancements the applicant has agreed to specifically are as follows:

- I. **Replacement of chain-link fencing with solid wood panels on southern boundary:** While required for buffering and screening, the applicant has agreed to replace the existing chain-link fencing to create a continuous solid wood fence along the southern boundary of the property. This is immediately adjacent to the developed lots of the Meadows, Phase I residential subdivision.

- II. Enhanced Landscaping:** The attached Landscape Plan for Construction Plan review shows 15% of the 2.037 +/- acre site being provided with landscape materials. This exceeds the minimum requirement of 5% landscaping.

In addition, discussions between the applicant and the church pastor identified potential uses of the church's undeveloped portion of property to the west of the proposed Westfield Market. It was speculated that the land will be sold-off and developed with non-residential uses, if that occurs, the buffer requirement would no longer be necessary. The only time this buffer is required, is if developed with residential uses. The buffer would likely be in the form of landscaping and a condition of approval is proposed to address this possibility.

Additional Site Development (Future 2nd Phase): Since a site plan for the southerly 2.879 +/- acre portion of the property is not available, buffering and screening as well as discussion about impacts related to noise, light and buffering standards is problematic. Any impacts would be evaluated at the time the site development is proposed.

As a result, staff is recommending that the use of the drive-in window feature be limited to the building suites depicted in the Development Plan attached as Exhibit A for the northerly 2.037 +/- acre portion.

Further, it is being recommended that restaurants that meet the drive-in definition be limited to those with the drive-in window and drive aisles features exclusively. Effectively, this restriction would prohibit a drive-in restaurant, such as "Sonic" or other similar type of "50's" / "60's – style" restaurant establishments in their entirety. This restriction is consistent with the intent of the base zoning, since the zoning is Neighborhood Service (NS).

Conditional Use Permit: In this case, the use of allowing establishments which generate between 50% and 75% of their gross revenue may be from the sale and on-premise consumption of all alcoholic beverages is being requested. The use would be applied in any of the building suites.

UDC Section 5.1 – Use Table, differentiates between four (4) different categories of alcoholic beverage sales for on-premise consumption and are shown by the following table:

Alcoholic Beverage Sales with On-Premise Consumption UDC Section 5.1 (Use Table)	
<i>Percentage of Alcohol Sales to Gross Revenue</i>	<i>Permitted with CUP in NS</i>
A. Beer & Wine Only Less Than 75% Revenue from Alcohol	YES
B. All Alcoholic Beverages 75% or more from Revenue from Alcohol	NO
C. All Alcoholic Beverages >50% & <75%	YES
D. All Alcoholic Beverages 50% or less Revenue from Alcohol	YES

The request to "blanket" the use in any of the proposed suites would reduce the processing of multiple conditional use permits. To date, no other conditional uses have been identified. If at a later date, other conditional uses are identified, they will require a separate consideration of a conditional use permit application.

Whether permitted by-right or conditionally permitted, UDC Section 5.3.15, addresses provisions for establishments where there is alcoholic beverage sales for on-premise consumption. These provisions, address permitting requirements through the Texas Alcohol Beverage Commission (TABC), distance requirements from sensitive uses, as well as cancelation, suspension and revocation of the conditional use permit. Adherence to these standards in their entirety are included by reference in the conditions of approval for the permit.

Additionally, UDC Section 5.3.15B provides standards for establishments with alcoholic beverage sales with on-premise consumption that is between 50% and 75% of the gross total revenue. The standards are as follows:

1. The establishment must not be within 300 feet of a place of worship, public school or public hospital;
2. The distance between the establishment where alcoholic beverages are sold and a place of worship or public hospital must be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. The distance between the place of business where alcoholic beverages are sold and the public school must be measured in a straight, direct line from the property line of the public school to the property line of the establishment, and in a direct line across intersections;
3. If the permit or license holder is located on or above the fifth story of a multi-story building, in a direct line from the property line of the public school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permittee is located.

Staff has considered these three (3) standards and “as the crow flies”, is about 1300 feet to the closest point from door to door. However, that measurement is not provided for by the UDC.

Using the prescribed measurement method provided by the UDC, the northerly 2.037 +/- acre portion of Westfield Market to the adjacent First Baptist Church is approximately 1,700 feet, confirming that the minimum 300-foot distance has been exceeded. There are no other sensitive uses such as a public hospital or public school within the immediate area.

With regard to the southerly 2.879 +/- acre portion of the subject property, as indicated earlier in the report, there is no proposed site plan at this time. Staff has estimated the distances, using the minimum Neighborhood Service dimensional standards for a hypothetical building footprint, and determined that the 300-foot distance has also been exceeded at over 2,000 feet to the adjacent First Baptist Church.

It should be noted that UDC Section 5.3.15C.1 requires a 300 foot distance between the establishment serving alcoholic beverages and a residentially zoned or developed lot. This distance provision only applies in cases where the percentage of alcohol sales exceeds 75% of gross revenue and is not applicable to this case.

In addition, Chapter 4 of the City of Temple Code of Ordinances reiterates state laws for distancing with regard to alcohol sales and consumption restrictions. This is regardless of whether UDC Section 5.3.15 is applicable to a given instance. Compliance to Chapter 4 standards are required and are included as a condition.

Development of the southerly 2.879 +/- acre portion of the property will trigger a subdivision plat. The plat will be required to be reviewed by the Development Review Committee (DRC) and recorded with Bell County. Since this is part of the Planned Development, when the southerly portion is developed, staff is required per UDC Section 3.4.2, to bring forward the development plan to DRC. Staff is requesting that based on review by the DRC, that the Director of Planning can be authorized discretion to approve any future development plan.

In conclusion, in accordance with UDC Section 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 specific criteria. While more detailed discussion can be found throughout this report, a synopsis to compliance with the required criteria can be found in the attached table entitled "Planned Development Criteria and Compliance Summary"

Per UDC Section 3.4.2C, the City Council may include additional conditions of approval into the rezoning ordinance as follows:

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 and air, orientation, building coverage, outdoor lighting, landscaping, homeowners or property owners associations, open space, topography and screening.

Therefore, the requested Planned Development and Conditional Use Permit have been requested for the entire 4.916 +/- acres. Based on the above discussion, while the conditional use permit is being applied to the entire 4.916 +/- acre property, the Planned Development would be restricted to the northerly 2.037 +/- acre portion, with a condition that would authorize the DRC and Director of Planning to consider any future Development Plan without requiring City Council review.

Although the subject property as Planned Development-Neighborhood Service is anticipated to be developed with retail and service uses, there are a number of uses that are permitted by-right. As shown in the following table, the uses include but are not limited to:

Residential uses

Single Family Attached/Detached
Industrialized Housing
Townhouse

Nonresidential uses

Farm or Ranch
Place of Worship
Pre-School

Prohibited uses include HUD-Code manufactured homes and land lease communities, duplexes and apartments. All commercial and industrial uses are prohibited, except these uses allowed by an approved conditional use permit, such as a temporary asphalt concrete batching plants, a petroleum or gas well or a cemetery, crematory or mausoleum and establishments which sells beer and wine with off-premise consumption.

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Residential	NS	Undeveloped
North	Suburban Commercial	GR	Retail & Service Uses
South	Auto-Urban Residential	SF-3	The Meadows, Phase I, subdivision
East	Auto-Urban Residential	NS, GR, AG	Retail & Service Uses & Undeveloped
West	Suburban Residential	AG	First Baptist Church / Undeveloped

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

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character (FLUP)	NO
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)

Per Ordinance 2013-4594, on June 20, 2013, City Council approved the rezoning of 4.916 +/- acre property from Agriculture (AG) district to Neighborhood Service (NS) district.

According to the City of Temple Comprehensive Plan / FLUP, the subject property, being a total 4.916 +/- acres, is within the Suburban Residential designation of the Future Land Use Plan (FLUP).

“The Suburban Residential designation is intended mid-size single family lots, allowing for greater separation between dwelling and more emphasis on green spaces versus the streets and driveways that predominate in an auto-urban setting. The current land use designation is not consistent with the current or proposed rezoning request which includes the Neighborhood Service base zoning.

While the proposed zoning is not consistent with the underlying Future Land Use Plan, the request is consistent with the Suburban Commercial Future Land Use Plan designation established across West Adams Ave (FM 2305) and that is established on both sides of West Adams, east of Meadowbrook Drive.

In addition, Neighborhood Service (NS) zoning is established on the south side of West Adams Ave (FM 2305) and General Retail (GR) on the north side of West Adams Ave. This would be expected and is consistent with zoning designations along this corridor under the Suburban Commercial Future Land Use Plan designation.

Additional discussion regarding compliance to UDC Section 3.4.3, Planned Development, is provided in the “Background” section in this report.

If the rezoning from Neighborhood Service (NS) to Planned Development - Neighborhood Service (PD-NS) is approved, the Future Land Use Plan will need to be updated.

Thoroughfare Plan (CP Map 5.2)

The property has frontage along West Adams Ave (FM 2305). The Thoroughfare Plan (see attached map) identifies West Adams Ave (FM 2305) as a major arterial. The property takes access from West Adams Ave (FM 2305) from existing driveways. No new driveways are proposed and no issues have been identified relative to access. The existing driveways are a result of previous development on the subject property.

Availability of Public Facilities (CP Goal 4.1)

Water is available through a 3-inch waterline on the south side of West Adams Ave (FM 2305). Sewer is available from an 8-inch sewer line on the eastern side of the subject property.

Temple Trails Master Plan Map and Sidewalks Ordinance

According to the Trails Master Plan Map, a City-Wide Spine Trail has been identified on the north side of West Adams Ave (FM 2305). As a major arterial, a minimum 6-foot sidewalk is required. The building plans, which are currently in review for the Westfield Market, show a 6-foot sidewalk, as required by code.

DEVELOPMENT REGULATIONS: Non-Residential setbacks for this planned development with a base-zoning of Neighborhood Service district are:

Min Lot Size	N/A
Min Lot Width	N/A
Min Lot Depth	N/A
Front	15'
Side	10'
Side (corner)	10'
Rear	10' (UDC sec. 4.4.4.F3)
Max Height	ALH (Any legal height not prohibited by other laws)

Per UDC Section 8.2.3, sidewalks are required on both sides of the road for arterial streets. A 6-foot sidewalk will be installed at the time of development and is shown on the building plans, which are currently in review with the Construction Safety Department. The building plans are on-hold pending the outcome of the requested rezoning.

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

- * Evergreen hedges with a minimum planted height of six feet, placed on 36-inch centers or, fences and walls constructed of wood , masonry, stone or pre-cast concrete from 6 to 8 feet in height above the adjacent grade (UDC Section 7.7.4),

- * Refuse containers are to be located in the side or rear of the property and screened from view per UDC Section 7.7.6, and
- * Outdoor storage is permitted in the NS zoning district, where the storage area is situated behind the principal building in the rear half of the property and where a solid wood or masonry fence screens the outdoor storage from public view. Such wood or masonry fence must be at least one foot higher than the stored material (UDC Section 7.7.8.B1).

DEVELOPMENT REVIEW COMMITTEE (DRC): As required by UDC Section 3.4.2B, the Development Plan for the proposed Westfield Market was reviewed by the DRC on May 18, 2015. No issues were identified.

PUBLIC NOTICE: Owners of Thirty-six (36) properties within 200-feet of the subject property, were sent notice of the public hearing as required by State law and City Ordinance. As of Thursday May 28, 2015 at 12:00 PM, no notices have been received. Staff will provide an update, if necessary at the Planning and Zoning Commission meeting.

The newspaper printed notice of the public hearing on May 21, 2015, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Chapter 4 – Code of Ordinances – Alcoholic Beverages
Planned Development Criteria and Compliance Summary Table
Site and Surrounding Property Photos
Development Plan (Exhibit A)
Landscape Plan
Building Elevations (Pickup Windows Encircled)
Aerial Map
Zoning Map
Future Land Use and Character Map
Utility Map
Localized area of the Thoroughfare Plan
Localized area of the Trails Plan
Notification Map



Chapter 4

ALCOHOLIC BEVERAGES

ARTICLE I. EXTENDED HOURS

Sec. 4-1. Extended hours.

ARTICLE II. SPACING

Sec. 4-2. Sales near school, church or hospital

Sec. 4-3. Measurement for church or public hospital

Sec. 4-4. Measurement for public school.

Secs. 4-5--4-10. Reserved.

ARTICLE III. LICENSE AND PERMIT FEES

Sec. 4-11. Alcoholic beverage license and permit fees.

Sec. 4-12. Display

Secs. 4-13 -- 4-20. Reserved.

ARTICLE IV. SALE OF ALCOHOLIC BEVERAGES ON CITY PROPERTY

Sec. 4-21. Sale of alcoholic beverages on city property prohibited except where specially permitted.

Chapter 4

ALCOHOLIC BEVERAGES

ARTICLE I. EXTENDED HOURS

Sec. 4-1. Extended hours.

The City of Temple is an "extended hours area" as that term is defined in the Texas Alcoholic Beverage Code. (Ref. V.T.C.A., Alcoholic Beverage Code § 105.06)

ARTICLE II. SPACING

Sec. 4-2. Sales near school, church or hospital.

It is an offense for any person to sell alcoholic beverages at a place of business which is within 300 feet of a church, public school or public hospital. (Ref. V.T.C.A., Alcoholic Beverage Code § 109.33)

Sec. 4-3. Measurement for church or public hospital.

The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

Sec. 4-4. Measurement for public school.

The measurement of the distance between the place of business where alcoholic beverages are sold and the public school shall be:

(a) in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections; or

(b) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

Sections 4-5 through 4-10 reserved.

ARTICLE III. LICENSE AND PERMIT FEES

Sec. 4-11. Alcoholic beverage license and permit fees.

A license fee and permit fee is levied in the amount of one-half of the state license and permit fees for each permit issued for premises located within the City, except for permits that are exempted from municipal fees. The city license and permit fees shall be paid to the City at the same time that the state license and permit fees are paid to the state. (Ref. V.T.C.A. Alcoholic Beverage Code § 11.38, § 61.36.

Sec. 4-12. Display.

It is an offense for any person licensed under this article to fail to display ~~such~~ the City license and keep the same displayed in a conspicuous place in the place of business licensed.

Sections 4-13 through 4-20 reserved.

ARTICLE IV. SALE OF ALCOHOLIC BEVERAGES ON CITY PROPERTY

Sec. 4-21. Sale of alcoholic beverages on city property prohibited except where specially permitted.

(a) **City Property.** It shall be unlawful for any person to sell alcoholic beverages in any public park of the city, or on or in other publicly owned property, save and except that the city and concessionaires or caterers having a contract with the city to sell alcoholic beverages at the Frank W. Mayborn Civic and Convention Center, Santa Fe Depot, and at Sammons Park, if properly licensed, may sell alcoholic beverages upon the premises of the civic and convention center, depot, and within the Sammons Park Restaurant, Clubhouse, and deck exclusively. The city manager or his designee may authorize a special event permit for the sale of alcoholic beverages on city property other than a city park.

(b) **Criteria for Permits.** The City Council shall from time to time by resolution establish criteria for special event permit applications and approvals under this section.

(Ordinance No. 2009-4323, 11-05-09)

PLANNED DEVELOPMENT CRITERIA AND COMPLIANCE SUMMARY

UDC Code Section 3.4.5 (A-J)	Yes/No	Discussion / Synopsis
A. The Plan Complies with all provisions of the Design and Development Standards Manual, this UDC and other Ordinances of the City.	YES	It is fully anticipated that the site plan design will conform to the UDC as well as to dimensional, developmental and design standards adopted by the City. Review and determination of compliance is made at several review stages prior to the issuance of permits for construction and occupancy.
B. The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on natural resources of the surrounding properties and neighborhood is mitigated.	YES	No environmental impacts associated with the preservation of existing natural resources, the surrounding properties and neighborhood are anticipated that can't be mitigated at the construction plan review phase.
C. The development is in harmony with the character, use and design of the surrounding area.	YES	The surrounding area is being developed with non-residential uses fronting along W. Adams Ave, area (FM2305) which is identified as a major arterial. Both Neighborhood Service (NS) and General Retail (GR) has been established in the immediate area which allows a variety of non-residential uses. Proposed character is consistent with existing character. Full compliance is anticipated.
D. Safe and efficient vehicular and pedestrian circulation systems are provided.	YES	Existing driveway cuts will be utilized and circulation will be addressed at the construction plan review stage of processing. Full compliance is anticipated.
E. Off-street parking and loading facilities are designed to ensure that all such spaces are usable and are safely and conveniently arranged.	YES	Compliance determination is made Construction plan review. Full compliance is anticipated.
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.	YES	West Adams Ave is existing. No new streets are proposed. Compliance with related requirements will be determined with the review of construction documents. Full compliance is anticipated.
G. Streets are coordinated so as to compose a convenient system consistent with the Thoroughfare Plan of the City.	YES	West Adams Ave (FM 2305) is existing. No new streets are proposed. Compliance to related requirements will be determined with the review of construction documents. Full compliance is anticipated.
H. Landscaping and screening are integrated into the overall site design: 1. To provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary. 2. To complement the design and location of buildings.	YES / TBD	Landscaping which exceeds minimal code requirements has been provided. Discussion between staff and the applicant is on-going. A condition of approval has been proposed to allow flexibility to negotiate additional landscaping on the western and southern boundaries as identified during the construction plan review. Additional landscaping would be triggered if undeveloped portion of church property to the west is sold-off and developed with residential uses. It is anticipated that land will eventually be developed with non-residential uses. Full compliance to buffering and screening standards is anticipated.
I. Open space areas are designed to ensure that such areas are suitable for intended recreation and conservation uses.	YES	Compliance will be determined with review of construction documents. Full compliance is anticipated.
J. Water, drainage, wastewater facilities, garbage disposal and other utilities necessary for essential services to residents and occupants are provided.	YES	All facilities are available. Compliance to standards will be addressed with the review of construction documents. Full compliance is anticipated.

Site & Surrounding Property Photos



Site: Undeveloped Property (NS)



Site: Undeveloped Property – Close Up (NS)



East: Retail & Service Uses & Undeveloped (NS & GR & AG)



West: First Baptist Church / Undeveloped (AG)



North: Retail & Service Uses (GR)




North: Retail & Service Uses (GR)



South: Single Family Residential - The Meadows, Phase 1 (SF-3)



South: Existing Fencing (Both Chain-Link & Solid Wood)

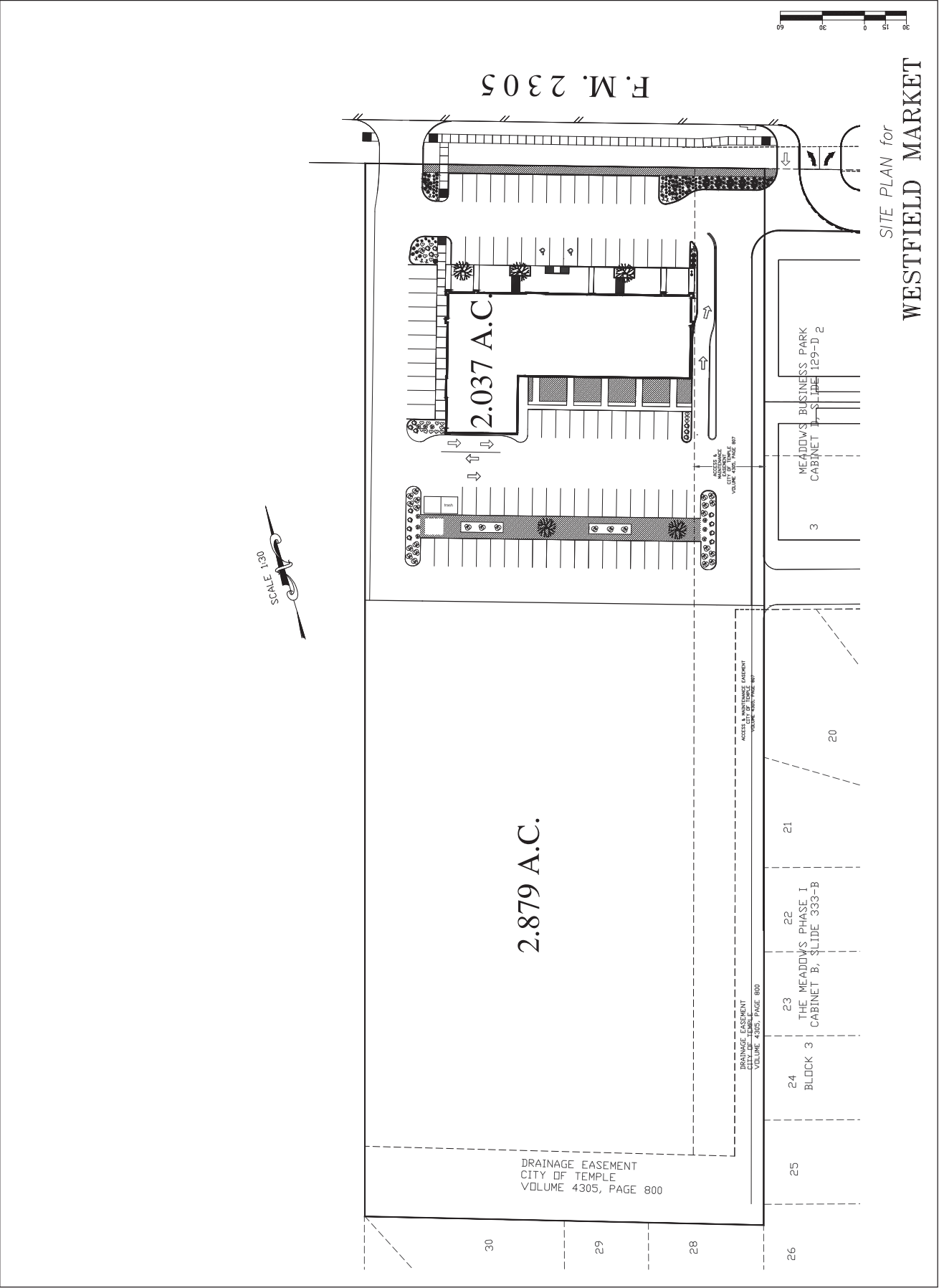


ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
FIRM REGISTRATION NO. F-1656
TURLEY ASSOCIATES, INC.
301 N. 3rd ST.
TEMPLE, TEXAS
E-MAIL: VDTURLEY@AOL.COM
FAX NO. (254) 773-2400
(254) 773-3998

SITE PLAN for
WESTFIELD MARKET
7525 WEST ADAMS AVENUE
TEMPLE, BELL COUNTY, TEXAS

PREPARED FOR:
KIELLA DEVELOPMENT
7462 WEST ADAMS AVENUE
TEMPLE, TEXAS 76502

DATE:	5/26/15
DRN. BY:	JPH
REF.:	
FIELD BOOK	SKETCH
JOB NO.:	13-540
SHEET	OF
COMPUTER	
DWG. NO.	13540
12324-D	
DRAWING NUMBER	



SCALE 1"=30'

GENERAL NOTES:

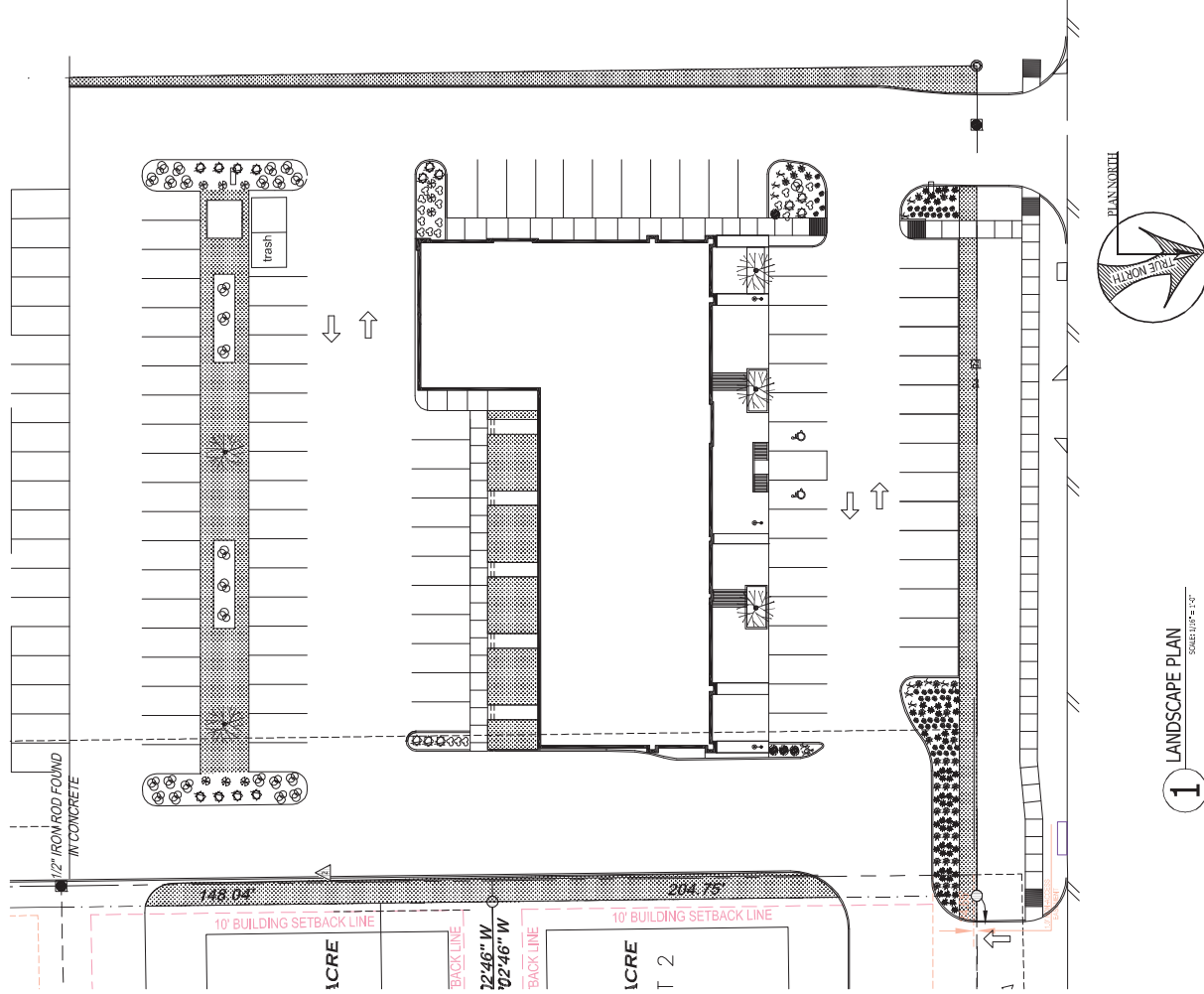
1. SITE ALL DISTURBED AREAS.
2. ALL LANDSCAPE SHOWN SHALL BE SPECIFIED WITH AN AUTOMATIC SPRAWLER SYSTEM.
3. EROSION CONTROL MEASURES SHALL BE SUBMITTED FOR APPROVAL PRIOR TO BEGINNING ANY LANDSCAPE INSTALLATION.

AREA CALCULATIONS REPRESENT THE PROPERTY AS IT IS CURRENTLY PLATTED. IF ADDITIONAL BUILDINGS OR REPLANTING OCCUR IN THE FUTURE, THE LANDSCAPING PERCENTAGES WILL BE CODE COMPLIANT.

LOT SQFT =	88,720
GRASS/SOD/	
OTHER SQFT =	13,400
GRASS/SOD/	
OTHER % =	15%

SOUTHERN WAX MYRTLE.....9
MISCANTHUS 3 GALLON.....11
CREPE MYRTLE TUSCARORA 30.....15
INDIAN HAWTHORN 3 GALLON.....13
HOLLY DWARF YALPON 3 GALLON.....5
4TH CATHEDRAL OAK TREE.....4
LANTANA WHITE.....12
DBL KNOCK OUT ROSES 3 GALLON.....13
MEXICAN FEATHER GRASS 1 GALLON.....21
YELLOW BELLS 3 GALLON.....

LANDSCAPING LEGEND	
TREES	
4' CATHEDRAL OAK TREE	
CREPE MYRTLE, TUSCARORA 30 GALLON	
ANNUALS-PERENNIALS	
LANTANA WHITE EACH	
MISCANTHUS 3 GALLON	
YELLOW BELLS 3 GALLON	
SHRUBS OVER 4 FEET	
SOUTHERN WAX MYRTLE	
SHRUBS UNDER 4 FEET	
DBL KNOCK OUT ROSES 3 GALLON	
HOLLY DWARF YALPON 3 GALLON	
INDIAN HAWTHORN 3 GALLON	
MEXICAN FEATHER GRASS 1 GALLON	
GRASS	



1 LANDSCAPE PLAN
SCALE 1/8" = 1'-0"



This drawing is not to be reproduced or used for contracting any building without the written approval of KIELLA Commercial DFB

7425 W. Adams Ave.
Temple, Texas 76702
(254) 778-0985

04/14/15
REVISED PROJECT
NAME

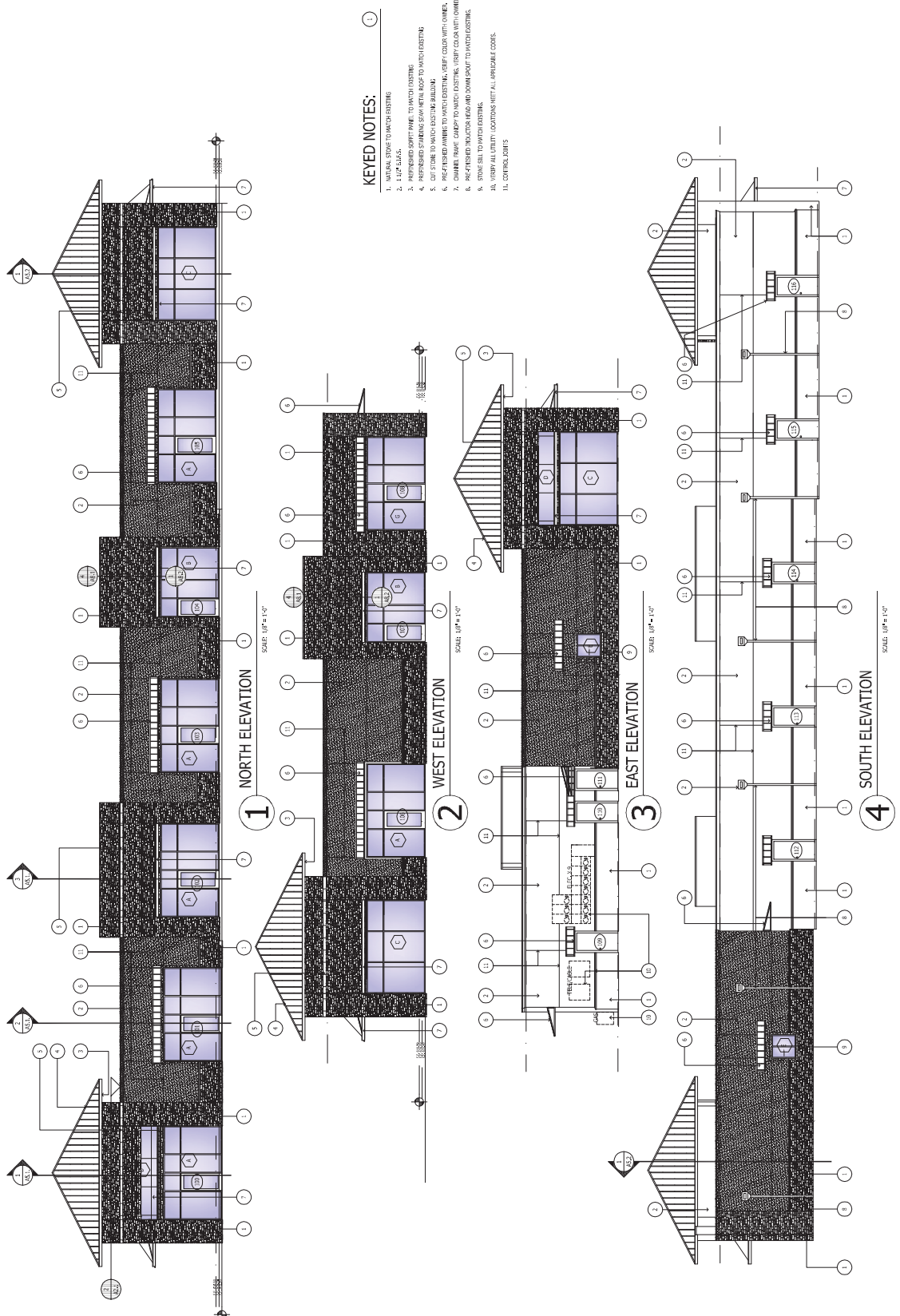


Project:
H.O.T. WESTFIELD
MARKET SOUTH

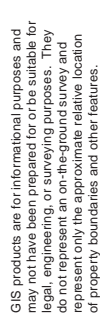
Address:
7425 West Adams
Temple, Texas
76702

Drawn by:
WV
Checked by:
WV
Date:
12/10/2014
DWG
Title:
Elevations

Sheet #:
A3.1



- KEYED NOTES:
1. MATERIAL SAME TO MATCH EXISTING
 2. 1 LUP GLASS
 3. PREFABRICATED SHIRT PANEL, TO MATCH EXISTING
 4. PREFABRICATED SHIRT PANEL, METAL ROOF TO MATCH EXISTING
 5. DOOR FRAME TO MATCH EXISTING BUILDING
 6. PREFABRICATED SHIRT PANEL, METAL ROOF TO MATCH EXISTING
 7. PREFABRICATED SHIRT PANEL, METAL ROOF TO MATCH EXISTING
 8. PREFABRICATED SHIRT PANEL, METAL ROOF TO MATCH EXISTING
 9. PREFABRICATED SHIRT PANEL, METAL ROOF TO MATCH EXISTING
 10. PREFABRICATED SHIRT PANEL, METAL ROOF TO MATCH EXISTING
 11. CONTROL DOWNS



Case  Zoning 

200' Buffer  Parcel 

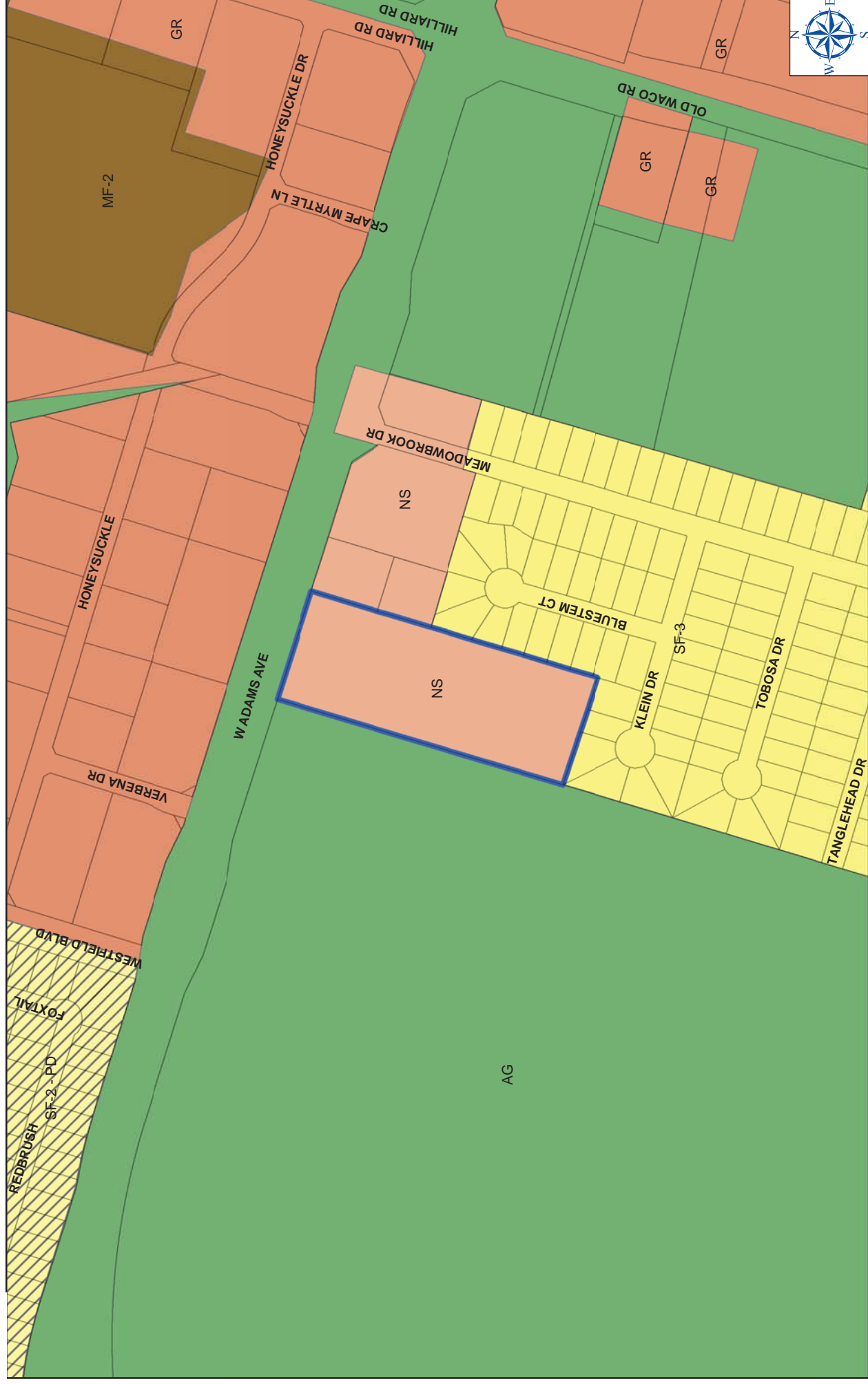
5/7/2015
City of Temple GIS
myarberry



Z-FY-15-20

Zoning Map

7425 W Adams Ave.



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.

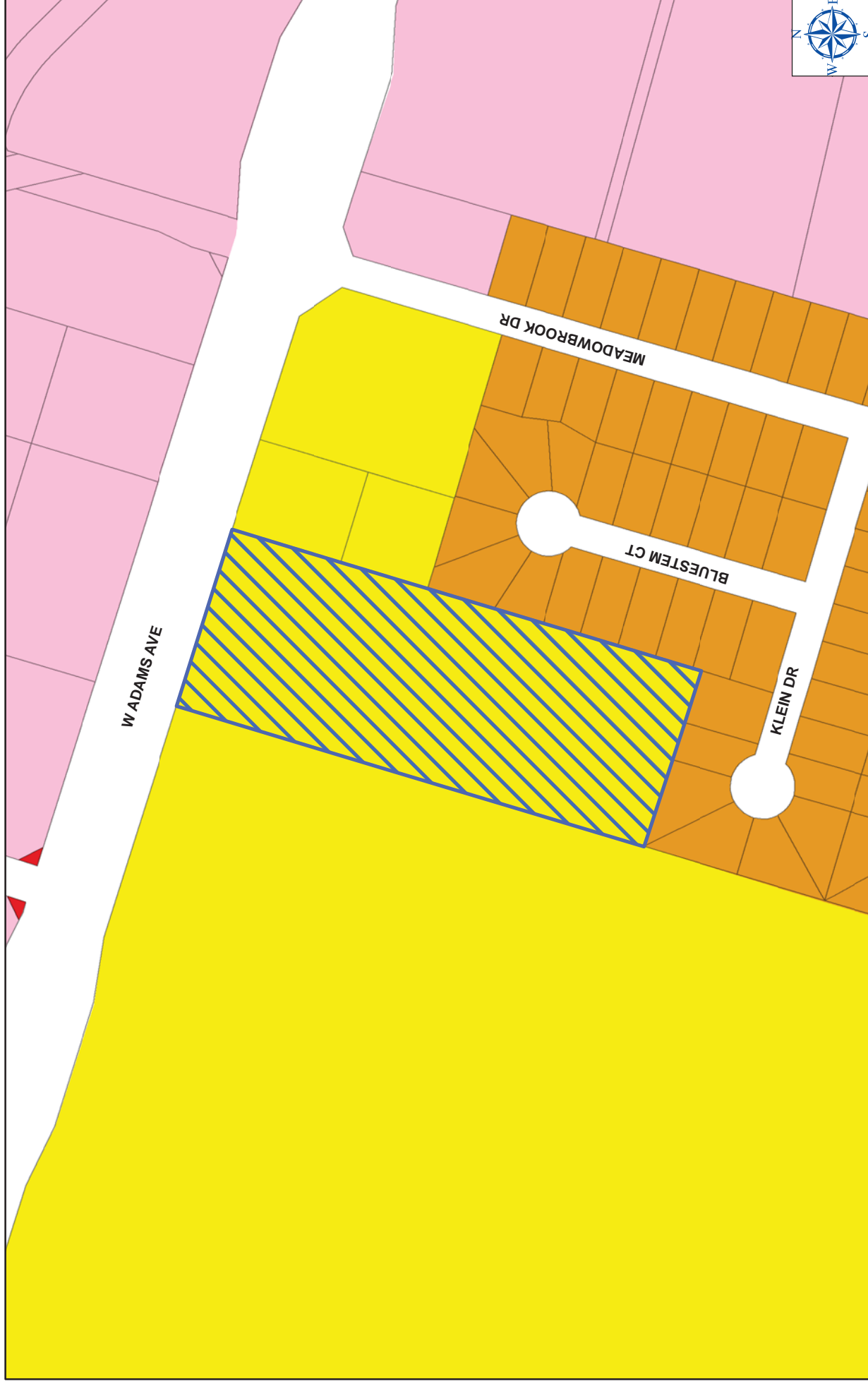
5/7/2015
City of Temple GIS



Z-FY-15-20

Future Land Use Plan

7425 W Adams Ave



- Case
- Auto-Urban Commercial
- Suburban Residential
- Auto-Urban Residential

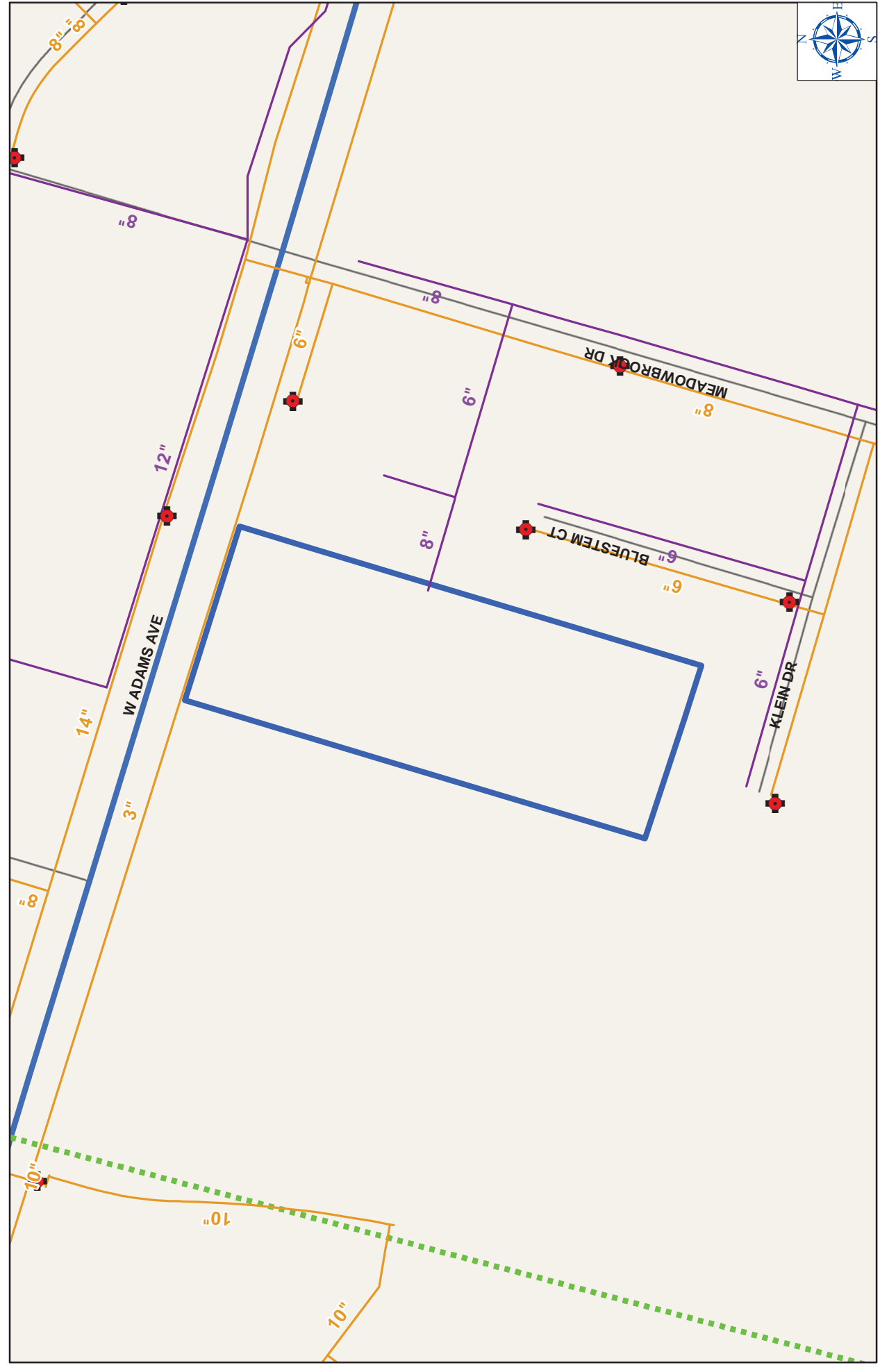
5/7/2015
City of Temple GIS



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Utility Map

7425 W Adams Ave



City Limits
 Fire Hydrant

Water Line
 Case
 Sewer Line
 Expressway

Major Arterial
 Proposed Major Arterial
 Proposed K-TUTS
 Minor Arterial

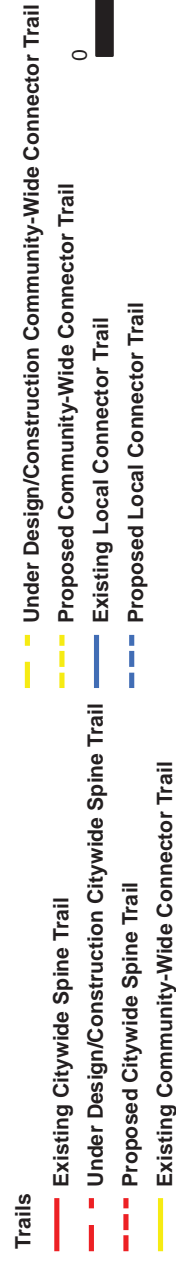
Proposed Minor Arterial Collector
 Collector
 Conceptual Collector

5/7/2015
 City of Temple GIS

0 150 300 600
 Feet

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

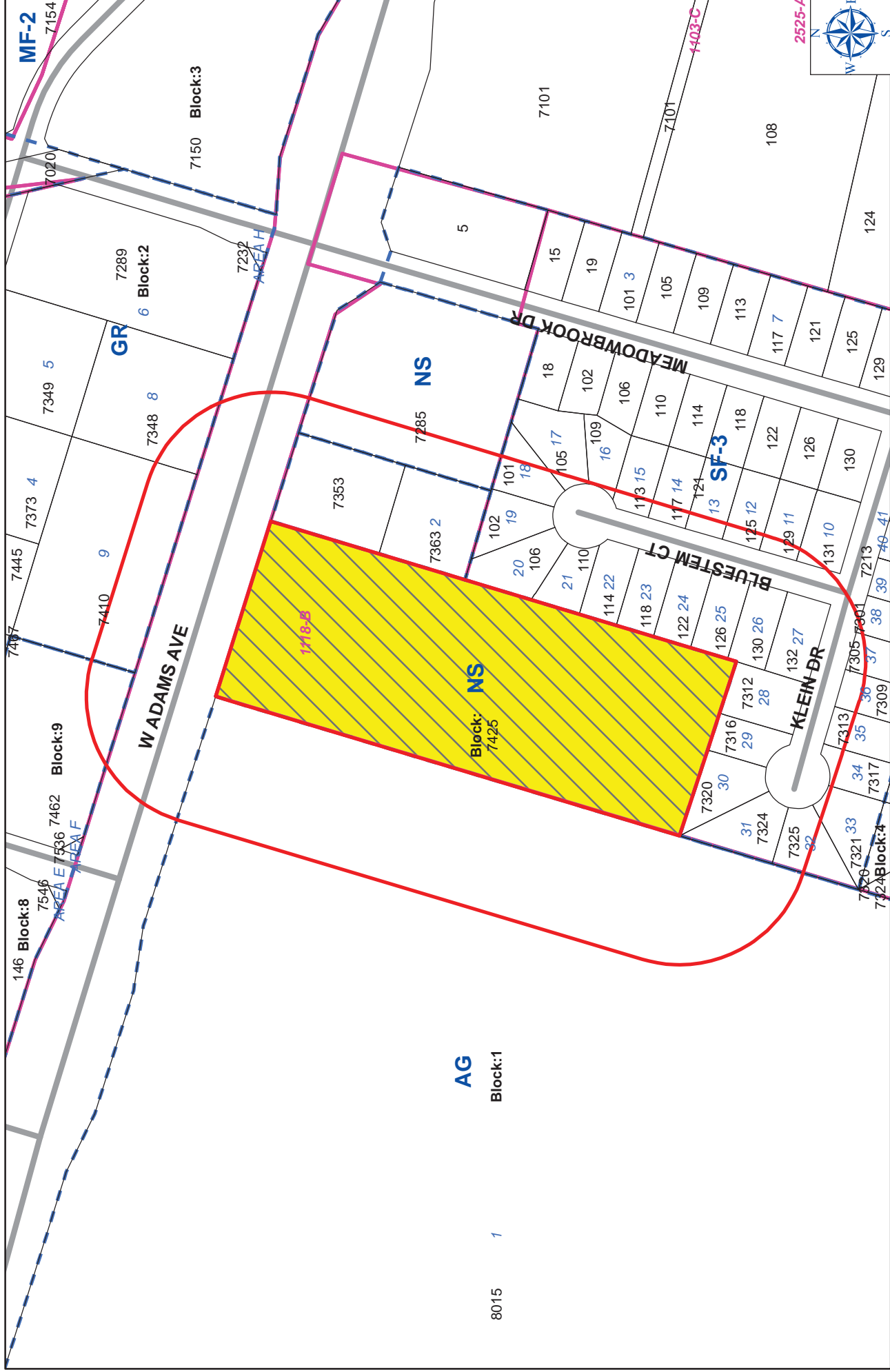


Z-FY-15-20

Notification Map

NS to PD-NS

7425 W. Adams Ave.



Case

200' Buffer

Zoning

Subdivision

Outblock Number

Addresses

Block Number

Lot Number

1234-A

1234

5/7/2015

City of Temple GIS

myarberry

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.

0

200

400

Feet

North



**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-15-20

Project Manager: Mark Baker

Location: 7425 West Adams Avenue

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

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

Comments:


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than June 1, 2015.

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

RECEIVED

MAY 28 2015

City of Temple
Planning & Development

Number of Notices Mailed: 36

Date Mailed: May 21, 2015

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



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Jesse Etux Alice Ortiz
118 Bluestem Court
Temple, Texas 76502

Zoning Application Number: Z-FY-15-20

Project Manager: Mark Baker

Location: 7425 West Adams Avenue

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:

*We are in favor as long as they allow us
some type of exit from the back of our yard.*

Jesse & Alice Ortiz
Signature

Jesse AND Alice Ortiz
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than
June 1, 2015.

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

RECEIVED
MAY 29 2015
City of Temple
Planning & Development

Number of Notices Mailed: 36

Date Mailed: May 21, 2015



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

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

Zoning Application Number: Z-FY-15-20

Project Manager: Mark Baker

Location: 7425 West Adams Avenue

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

I recommend ☒ approval () denial of this request.

Comments:


Signature

JOHN C. HOWE
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than June 1, 2015.

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

RECEIVED

JUN 01 2015

Number of Notices Mailed: 36

Date Mailed: May 21, 2015

City of Temple
Planning & Development

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



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Jesse Koontz
113 Bluestem Court
Temple, Texas 76502

Zoning Application Number: Z-FY-15-20

Project Manager: Mark Baker

Location: 7425 West Adams Avenue

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:

This is a family oriented neighborhood & we are not supporting an establishment that will have liquor b- for large part of sales & have late hours until 2 AM in the morning. This establishment should be in a business park not a residential neighborhood. The traffic will be so bad & we do not have a traffic light at the intersection of Adams & Meadowbrook. We will need a light if the business is opened.


Signature

Jesse Koontz
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than June 1, 2015.

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

RECEIVED

JUN 01 2015

City of Temple
Planning & Development

Number of Notices Mailed: 36

Date Mailed: May 21, 2015



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

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

Zoning Application Number: Z-FY-15-20

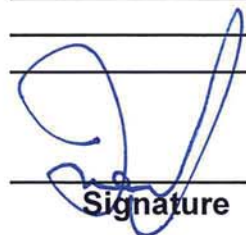
Project Manager: Mark Baker

Location: 7425 West Adams Avenue

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

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

Comments:



Signature



Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than June 1, 2015.

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

RECEIVED

JUN 01 2015

City of Temple
Planning & Development

Number of Notices Mailed: 36

Date Mailed: May 21, 2015



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

William Etux Margaret Pearson
7316 Klein Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-15-20

Project Manager: Mark Baker

Location: 7425 West Adams Avenue

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:

William Pearson

Signature

William Pearson

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than June 1, 2015.

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

RECEIVED

JUN 01 2015

City of Temple
Planning & Development

Number of Notices Mailed: 36

Date Mailed: May 21, 2015

ORDINANCE NO. _____

(PLANNING NO. Z-FY-15-20)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE REZONING OF PROPERTY LOCATED AT 7425 WEST ADAMS AVENUE FROM NEIGHBORHOOD SERVICE DISTRICT TO PLANNED DEVELOPMENT-NEIGHBORHOOD SERVICE DISTRICT WITH A DEVELOPMENT PLAN TO ALLOW DRIVE-IN RESTAURANTS, AND A CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION IN ESTABLISHMENTS WHERE BETWEEN 50% AND 75% OF THE TOTAL GROSS REVENUE MAY BE FROM THE SALE OF ALCOHOLIC BEVERAGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, John Kiella on behalf of Tem-Tex Investments LLC, requests rezoning of approximately 4.916 acres, comprised of an approximately 2.037 acre northern portion and an approximately 2.879 acre southern portion, from Neighborhood Service (NS) district to Planned Development–Neighborhood Service (PD-NS) district and requests allowance of “pickup” or drive-in windows on two suites along with two separate drive aisles within the Westfield Market development;

Whereas, drive-in restaurant uses are not permitted in the Neighborhood Service (NS) district but are permitted in the General Retail (GR) district - the requested Planned Development would include the additional use by-right;

Whereas, a Conditional Use Permit (CUP) for the sale of alcoholic beverages for on-premise consumption in establishments where between 50% and 75% of the total gross revenue may be from the sale of alcoholic beverages, is being requested - the applicant is requesting that this use be permitted anywhere within the property without the need for multiple applications for a separate conditional use permit;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of property located at 7425 West Adams Avenue, recommends that the City Council approve the application for this CUP for the sale of alcoholic beverages for on-premise consumption in establishments where between 50% and 75% of the total gross revenue may be from the sale of all alcoholic beverages; 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.

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

Part 1: The City Council approves a rezoning located at 7425 West Adams Avenue from Neighborhood Service District (NS) to Planned Development-Neighborhood Service District (PD-NS) with a development plan to allow drive-in restaurants, and a Conditional Use Permit for the sale of all alcoholic beverages for on-premise consumption in establishments where between 50% and 75% of the total gross revenue may be from the sale of all alcoholic beverages, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 2: The City Council approves a rezoning, as described in Part 1, subject to the following conditions:

1. As listed by UDC Section 5.1, all permitted uses within the Neighborhood Service (NS) district are allowed, with the addition of drive-in restaurants, which will be allowed only in the northerly 2.037 acre portion of Westfield Market;
2. Drive-in restaurants are prohibited in the southerly 2.879 acre portion of Westfield Market but applicant may request approval of a new and separate development plan in the future;
3. Drive-in restaurants are restricted to a drive-aisle and drive-in (pick-up) window only;
4. The Director of Planning is authorized to approve minor modifications to the City Council-approved Development Plan, including but not limited to the selection of exterior building materials, screening, buffering, landscaping and minor modifications to the overall site layout;
5. Submittal of a Development Plan at the time of Construction Documents, that is in substantial compliance to Exhibit A of the Rezoning Ordinance or as amended by subsequent action by the Director of Planning or City Council, is required;
6. Prior to development of the southerly 2.879 acre portion of the Westfield Market, a subdivision plat is filed for review with the Planning Department;
7. Upon residential development or residential rezoning of the undeveloped property between the First Baptist Church and Westfield Market, the owner/developer of the Westfield Market shall be responsible for the submittal of a revised development plan to the Planning Department, confirming compliance of the required buffering and screening.

Part 3: The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" operating an establishment with all alcoholic beverage sales for on-premise consumption shall comply with following conditions:

1. The use may be allowed in any of the developed building suites within the total 4.916 acre Westfield Market;
2. The use is subject to compliance with Chapter 4 of the City Code of Ordinances related to alcoholic beverages;

3. The Conditional Use must comply with UDC Section 5.3.15A related to alcoholic beverage sales for on-premise consumption and UDC Section 5.3.15B related to the 50% to 75% range of gross revenue, from all alcoholic beverage sales with on-premise consumption; and
4. As listed in UDC Section 5.1 and upon separate request, all other conditional uses identified in the NS district, are subject to review by a separate conditional use permit application process.

Part 4: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

Part 5: 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 6: 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 7: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 8: 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 **2nd** day of **July**, 2015.

PASSED AND APPROVED on Second Reading on the **16th** 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