



**MEETING OF THE
TEMPLE CITY COUNCIL
MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM
THURSDAY, JUNE 2, 2016
3:00 P.M.**

AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 2, 2016
2. Discuss Code of Ordinances, Chapter 15 “Garbage, Refuse, and Recycling,” including, but not limited to, the current requirements for waste hauling franchises.
3. Discuss possible amendments to Code of Ordinances, Chapter 2, Article II “Code of Ethics.”
4. Discuss Code of Ordinances, Chapter 16, Article VIII “Tattoo Shops” and City Charter Section 6.4 “Voluntary Submission of Legislation by the City Council.”
5. Discuss the status of right-of-way acquisition for the expansion of Prairie View Road and the purchase of a portion of three properties and three temporary construction easements necessary for the expansion.

Executive Session – Pursuant to Chapter 551, Government Code § 551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.

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 three minutes. No discussion or final action will be taken by the City Council.

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Recognize the City of the Temple Employee of the Quarter for the second quarter of 2016.

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 and ordinances for each of the following:

Minutes

- (A) [May 19, 2016 Special and Regular Meeting](#)

Contracts, Leases, & Bids

- (B) [2016-8165-R](#): Consider adopting a resolution authorizing the purchase of a portion of three properties necessary for the expansion of Prairie View Road, purchasing three temporary construction easements, authorizing closing costs associated with the purchases, and authorizing the payment of relocation expenses, in an amount not to exceed \$214,000.

- (C) [2016-8166-R](#): Consider adopting a resolution authorizing the purchase of two E-One fire trucks in an amount not to exceed \$1,860,000 from HallMark Fire Texas of Cleburne.
- (D) [2016-8167-R](#): Consider adopting a resolution authorizing the purchase of one marked police vehicle in the amount of \$43,195.99 from Caldwell Country Ford of Caldwell.
- (E) [2016-8168-R](#): Consider adopting a resolution authorizing a professional services agreement with Evergreen Solutions, LLC of Tallahassee, FL in an amount not to exceed \$64,000 for a comprehensive compensation/classification plan update.
- (F) [2016-8169-R](#): Consider adopting a resolution authorizing a professional services agreement with H.W. Lochner, Inc. in an amount not to exceed \$84,000, for right-of-way acquisition services associated with the reconstruction and expansion of Hogan Road from SH 317 to South Pea Ridge Road.
- (G) [2016-8170-R](#): Consider adopting a resolution authorizing a construction contract with Fitzgerald Lawnscape, Ltd. of Woodway in the amount of \$193,950 for drainage improvements to the Korompai Soccer Complex.
- (H) [2016-8171-R](#): Consider adopting a resolution authorizing a 3-year agreement for the rental/lease of non-civil service uniforms and floor mats in the estimated annual amount of \$45,000 with Cintas Corporation of Round Rock.
- (I) [2016-8172-R](#): Consider adopting a resolution authorizing an increase in the estimated expenses in FY2016 for the hauling and disposal of sludge by S&M Vacuum & Waste, Ltd of Killeen from \$160,000 to \$250,000.
- (J) [2016-8173-R](#): Consider adopting a resolution authorizing the City Manager to accept the donation of a 2.96-square-foot sidewalk easement and a 0.014-acre temporary construction easement in the C.S. Masters Survey, Abstract No. 550, Temple, Bell County, Texas, necessary for the construction of a sidewalk along North 31st Street.

Ordinances – Second & Final Reading

- (K) [2016-4771](#): SECOND READING – Z-FY-16-20: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to install a proposed 115' stealth monopole for Verizon Wireless at the Mueller building site on a tract of land of 0.0258 +/- acres, situated in the S. Bottsford Survey, Abstract No. 118, Bell County, Texas, located at 7050 North General Bruce Drive.
- (L) [2016-4772](#): SECOND READING – A-FY-16-02: Consider adopting an ordinance authorizing the abandonment and conveyance of 146.78 feet of a 20-foot-wide alley located between Lot 6, Block 1, Black's Addition, and Lot 6, Block 2, Black's Addition, City of Temple, Bell County, Texas.
- (M) [2016-4773](#): SECOND READING – Z-FY-16-19: Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) to Light Industrial (LI), and to consider and recommend action on a Conditional Use Permit (CUP) to allow for landfill use in the LI zone on 283.73 +/- acre tract of land, recently annexed into the City of Temple by Ordinance No. 2015-4733, located to the south of Little Flock Road and to the west of Bob White Road.

Misc.

- (N) [2016-8174-R](#): Consider adopting a resolution ratifying an application for Tobacco and E-Cigarette Enforcement funding from the Texas School Safety Center (TxSSC) in the amount of \$7,275 for the purposes of enforcing Subchapter H, Chapter 161 of the Texas Health and Safety Code for fiscal year 2017.
- (O) [2016-8175-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2015-2016.

V. REGULAR AGENDA

ORDINANCES – FIRST READING/PUBLIC HEARING

- 5. [2016-4774](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending Chapter 41, “Credit Access Businesses,” of the Code of Ordinances of the City of Temple, Texas to delete Section 41-11 “Submission of Quarterly Report.”
- 6. [2016-4775](#): FIRST READING - PUBLIC HEARING - Z-FY-16-21: Consider adopting an ordinance authorizing a rezoning from Single Family Three - Planned Development (SF-3-PD) District to General Retail (GR) District on Lots 4-7, 21-25, Block 13, Hilldell Estates, located at 18 South Pea Ridge.
- 7. [2016-4776](#): FIRST READING – PUBLIC HEARING - Z-FY-16-22: Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) district to General Retail (GR) district on 0.993 +/- acres of land situated in and being a part of the Baldwin Robertson Survey, A-17, Bell County, Texas, located east of State Highway 317 and south of Tarver Drive, addressed as 6401 State Highway 317.
- 8. [2016-4777](#): FIRST READING – PUBLIC HEARING - Z-FY-16-24: Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) to General Retail (GR) on 8.436 +/- acres of land, situated in the Maximo Moreno Survey, Abstract 14, Bell County, Texas, located at 4350 South 5th Street, Temple, Texas.
- 9. [2016-4778](#): FIRST READING – PUBLIC HEARING - Z-FY-16-25: Consider adopting an ordinance authorizing rezoning from Multifamily-2 (MF-2) to Office-2 (O-2) on .711 +/- acres of land, Lot 1, Block 1, Vandiver Subdivision, Bell County, 416 North 11th Street, Temple, Texas.
- 10. [2016-4779](#): FIRST READING - PUBLIC HEARING - Z-FY-16-26: Consider adopting an ordinance authorizing a rezoning from Light Industrial (LI) district to Single Family One (SF-1) district on 1.88 +/- acres, out of the Redding Roberts Survey, Abstract No. 345, Bell County, Texas, located at 3221 West Avenue R.
- 11. [2016-4780](#): FIRST READING – PUBLIC HEARING – Z-FY-16-27: Consider adopting an ordinance authorizing amendments Ordinance No. 2005-4025 for the existing Planned Development-General Retail District (PD-GR) with the Planned Development site plan for Lots 6 & 7, Block 1, Adam's Island Commercial Subdivision, for a new building with parking lot and sidewalks, new water and sewer services, and new storm sewer.

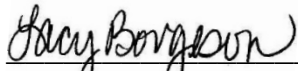
12. [2016-4781](#): FIRST READING – PUBLIC HEARING - Z-FY-16-28: Consider adopting an ordinance authorizing a rezoning from Single Family-One District (SF-1) to Two Family District (2F) for an existing duplex, on Pt 2 of Lot 2, Block 1, Roselawn Addition, located at 1408 and 1410 North 5th Street.
13. [2016-4782](#): FIRST READING – PUBLIC HEARING - Z-FY-16-32: Consider adopting an ordinance authorizing a rezoning from Two Family (2F) District for the east 40 feet of Lots 1 and 2, Block 1, Fairview Addition (1401 and 1405 South 33rd Street), and from TMED T5-e located at 1404 South 31st Street to Planned Development District TMED T5-e (PD T5-e) to allow for a commercial parking lot to serve an existing business.

RESOLUTIONS:

14. [2016-8176-R](#): Consider adopting a resolution calling public hearings to consider the annexation of approximately 2.149 acres of Dubose Road right-of-way located to the south of FM 93 and north of Forrester Road and directing Staff to develop a municipal services plan.

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 1:00 PM, on Friday, May 27, 2016.



City Secretary, TRMC



COUNCIL AGENDA ITEM MEMORANDUM

06/02/16
Item #4(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) May 19, 2016 Special and Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

May 19, 2016 Special and Regular Meeting



COUNCIL AGENDA ITEM MEMORANDUM

06/02/16
Item #4(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Jim Kachelmeyer, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a portion of three properties necessary for the expansion of Prairie View Road, purchasing three temporary construction easements, authorizing closing costs associated with the purchases, and authorizing the payment of relocation expenses, in an amount not to exceed \$214,000.

Executive Session – Pursuant to Chapter 551, Government Code § 551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The City is currently in the design phase for the proposed expansion of Prairie View Road from North Pea Ridge Road to the water tower approximately 0.4 miles west of FM 317, including a realigned intersection at FM 317. The design requires the acquisition of right-of-way from eighteen different property owners. Appraisals have been performed on the parcels, offers have been made to the property owners based upon those appraisals, and the City's consultant is preparing the required relocation studies.

Agreements have been reached with four of the property owners, and extensions to submit counter offers have been granted to several others. Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this summer. At this time, Staff is also asking for authorization to purchase the necessary right-of-way from three properties, purchase the accompanying temporary construction easements, pay closing costs, and pay any relocation expenses that may be required by law, in an amount not to exceed \$214,000. The addresses of the three properties are listed below:

8890 Prairie View Road
8710 Prairie View Road
8640 Prairie View Road

FISCAL IMPACT: Funding is appropriated for the purchase of a portion of the three properties necessary for the expansion of Prairie View Road in account 365-3400-531-6862, project #101257.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A PORTION OF THREE PROPERTIES NECESSARY FOR THE EXPANSION OF PRAIRIE VIEW ROAD, AUTHORIZING THE PURCHASE OF THREE TEMPORARY CONSTRUCTION EASEMENTS, AUTHORIZING THE PAYMENT OF CLOSING COSTS ASSOCIATED WITH THESE PURCHASES; AUTHORIZING THE PAYMENT OF RELOCATION EXPENSES IN AN AMOUNT NOT TO EXCEED \$214,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed expansion of Prairie View Road from North Pea Ridge Road to the water tower approximately 0.4 miles west of FM 317, including a realigned intersection at FM 317;

Whereas, the design requires the acquisition of right-of-way from eighteen different property owners - appraisals have been performed on the parcels, offers have been made to the property owners based upon those appraisals, and the City's consultant is preparing the required relocation studies;

Whereas, agreements have been reached with four of the property owners, and extensions to submit counter offers have been granted to several others - Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this summer;

Whereas, Staff recommends Council authorize the purchase of necessary right-of-way from three properties, purchase the accompanying temporary construction easements, pay closing costs, and pay any relocation expenses that may be required by law, in an amount not to exceed \$214,000;

Whereas, the properties are located at:

8890 Prairie View Road

8710 Prairie View Road

8640 Prairie View Road

Whereas, funding for the purchase of a portion of these three properties for the expansion of Prairie View Road is available in Account No. 365-3400-531-6862, Project No. 101257; and

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

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

Part 1: The City Council authorizes the purchase of a portion of three properties necessary for the expansion of Prairie View Road, authorizes the purchase of three temporary construction easements, authorizes the payment of closing costs associated with these purchases, and authorizes the payment of relocation expenses, in an amount not to exceed \$214,000.

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

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 **June**, 2016.

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

06/02/16
Item #4(C)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of two E-One fire trucks in an amount not to exceed \$1,860,000 from HallMark Fire Texas of Cleburne.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Included in the adopted FY2016 Capital Improvement Program budget, financed with 2016 Certificate of Obligation bonds, is funding for the purchase of a fire platform ladder truck and a fire pumper truck. The purchase of these two trucks will improve the front line fire fleet by turning Quint 6 (Asset #11192), a 2001 75-foot ladder truck, and Engine 7 (Asset #11324), a 2001 truck, into reserve units. It will also enable the retirement of Engine 22 (Asset #9993), a 1995 truck.

Staff carefully defined the specifications of each truck and worked closely with two different fire truck manufacturers, Emergency-One (“E-One”) (marketed by HallMark Fire Texas) and Pierce (marketed by Siddons-Martin Emergency Group), to receive two independent sets of competitive cooperative-supported quotes. Staff narrowed the selection of fire truck manufacturers down to these two companies based on each of these manufacturers having (1) a single-source manufacturing and warranty approach and (2) repair centers in Texas. E-One was determined by staff to provide the best value for each truck, and accordingly, staff is recommending the purchase of both trucks from E-One.

E-One’s current pricing for the HP100 Platform truck with a 100-foot vertical reach and 91’6” horizontal reach is \$1,156,273.88. E-One’s current pricing of the Pumper with a 750-gallon water tank is \$687,237.88. Staff will participate in a pre-build meeting in June, at which time the final details of each truck will be worked out and final pricing will be determined at an amount not to exceed \$1,165,000 for the Platform truck and \$695,000 for the Pumper.

HallMark Texas has been awarded contract #FS12-15 by the Houston-Galveston Area Cooperative (HGAC), which staff is recommending the use of for these purchases. Contracts awarded through HGAC have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

The pricing received is based on pre-payment of the trucks within 20 days of placement of the order. The pre-payment discount totals approximately \$60,000, and is offset by the cost of performance bonds in the amount of approximately \$13,000, for a net savings of approximately \$47,000.

It is anticipated that the trucks will take approximately 8-10 months to construct with delivery to the City in the spring of 2017.

FISCAL IMPACT: Funding for the purchase of these fire trucks is appropriated in account 365-2200-522-6776, as follows:

	Platform Ladder Truck Project #101338	Pumper Truck Project #101339	Total
Project Budget	\$ 1,300,000	\$ 600,000	\$ 1,900,000
Encumbered/Committed to Date	-	-	-
Purchase of Fire Trucks-HallMark Tex	(1,165,000)	(695,000)	(1,860,000)
Remaining Funds	\$ 135,000	\$ (95,000)	\$ 40,000

The remaining funds totaling \$40,000 will be used to outfit the trucks with fire equipment upon their arrival.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TWO E-ONE FIRE TRUCKS, IN AN AMOUNT NOT TO EXCEED \$1,860,000, FROM HALLMARK FIRE TEXAS OF CLEBURNE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the fiscal year 2016 Capital Improvement Plan budget, financed with 2016 Certificate of Obligation bonds, includes funding for the purchase of a fire platform ladder truck and a fire pumper truck – these two trucks will improve the front line fire fleet by turning Quint 6, a 2001 75-foot ladder truck, and Engine 7, a 2001 truck, into reserve units and it will also enable the retirement of Engine 22, a 1995 truck;

Whereas, Staff carefully defined the specifications of each truck and worked closely with two different fire truck manufacturers to receive two independent sets of competitive cooperative-supported quotes - the competitive quotes were narrowed down based on each of the manufacturers having a single-source manufacturing and warranty approach and repair centers in Texas;

Whereas, HallMark was determined by staff to provide the best value for each truck, and Staff recommends the purchase of both trucks from HallMark Fire Texas of Cleburne, Texas;

Whereas, HallMark Fire Texas has been awarded a Houston-Galveston Area Cooperative contract (HGAC), and Staff recommends this contract be used for these purchase – contracts awarded through HGAC have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, funding for the purchase of two E-One fire trucks from HallMark Fire Texas is appropriated in Account No. 365-2200-522-6776; and

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

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

Part 1: The City Council authorizes the purchase of two E-One fire trucks, in an amount not to exceed \$1,860,000, from HallMark Fire Texas of Cleburne, Texas utilizing a Houston-Galveston Area Cooperative contract.

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

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

PASSED AND APPROVED this the **2nd** of **June**, 2016.

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

06/02/26
Item #4(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Floyd Mitchell, Chief of Police Department

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of one marked police vehicle in the amount of \$43,195.99 from Caldwell Country Ford of Caldwell.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Staff is recommending the purchase of one marked Ford Explorer to replace Unit number 12569 (2007 Ford Crown Victoria) that was involved in an accident on March 9, 2016.

Caldwell Country Ford has been awarded contract #430-13 by BuyBoard, which staff is recommending using for this purchase. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

FISCAL IMPACT: A budget adjustment is being presented to Council to appropriate insurance proceeds and police revenue for replacement of the vehicle and for purchase of the necessary equipment.

Upon approval of the budget adjustment, funding for purchase of the replacement vehicle including the radio and necessary equipment will be appropriated in account 110-2031-521-6213, project #101509, in the amount of \$51,450.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY 2016**BUDGET ADJUSTMENT FORM**

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

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-0000-442-07-20		Police Revenue / Police Revenue	\$ 45,947			
110-0000-461-05-54		Insurance Claims / Insurance Claims	5,503			
110-2031-521-62-13	101509	Capital Equipment / Automotive	51,450			
TOTAL.....			\$ 102,900		\$ -	

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

To appropriate insurance proceeds and revenue from James Construction (vehicle charges related to I-35 projects) for replacement of asset # 12569 (2007 Ford Crown Victoria) that was involved in accident on 03/09/16. Insurance proceeds in the amount of \$5,503 was received from Geico Secure Insurance Company on 05/10/16 for the auto accident on 03/09/16 with asset # 12569. In addition, additional funding is available from the revenue received from James Construction related to the vehicle charges incurred for the I-35 projects. Fiscal year-to-date we have received \$194,700 for the vehicles charges. The estimated costs to replace asset # 12569 is \$51,450, which includes the radio and necessary equipment.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

6/2/2016

WITH AGENDA ITEM?

☒

Yes

☐

No

Jim Tobin, Jim Tobin 108

Department Head/Division Director

5-19-16

Date

☒

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF ONE MARKED POLICE VEHICLE IN THE AMOUNT OF \$43,195.99, FROM CALDWELL COUNTRY FORD OF CALDWELL, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Staff recommends the purchase of one marked 2016 Ford Explorer to replace a 2007 Ford Crown Victoria, which was involved in an accident on March 9, 2016;

Whereas, Caldwell Country Ford has been awarded a BuyBoard contract, which Staff is recommending be used for this purchase - contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, a budget adjustment to the fiscal year 2016 budget needs to be approved to appropriate insurance proceeds and police revenue for replacement of the vehicle and purchase of necessary equipment;

Whereas, upon approval of the budget adjustment, funds will be available in Account No. 110-2031-521-6213, Project No. 101509; and

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

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

Part 1: The City Council authorizes the purchase of a 2016 Ford Explorer, in the amount of \$43,195.99, from Caldwell Country Ford of Caldwell, Texas, utilizing the BuyBoard Local Government Online Purchasing Cooperative.

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

Part 3: The City Council authorizes an amendment to the fiscal year 2016 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

Part 4: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **2nd** day of **June**, 2016.

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

06/02/16
Item #4(E)
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Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Evergreen Solutions, LLC of Tallahassee, FL in an amount not to exceed \$64,000 for a comprehensive compensation/classification plan update.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Staff prepared a Request for Proposals from qualified firms for a comprehensive review and update of our classification system (i.e. our grade and salary structure) for our general government positions, to include analysis and placement of all our current positions, with recommendations for improvements and modifications to our current system. In addition, the encompassed work requested includes a compensation market update, to include a review and inclusion of other supplemental pay programs.

Proposals were received from the following companies:

- | | |
|--|---|
| (1) Springsted Incorporated | (5) Evergreen Solutions, LLC |
| (2) Gallagher Benefit Services, Inc. | (6) forWord Connections, LLC |
| (3) Condrey & Associates, Inc. | (7) Management Advisory Group International, Inc. |
| (4) JF Fitzgerald Business Consultants | (8) The Segal Company (Western States) Inc. |

A committee of staff representing City Manager's Office, Human Resources, Purchasing, Parks, Public Works, Legal, and Finance reviewed the proposals received and narrowed the list to two firms, Management Advisory Group International, Inc. and Evergreen Solutions, LLC, who were then invited to Temple for an interview on May 16th. Following the interviews, the committee determined that Evergreen Solutions, LLC was the highest ranked firm based on the pre-established evaluation criteria.

The scope of services defined for the project are as follows:

1. Project Initiation
2. Project Outreach and Employee Participation
3. Job Classification Analysis
4. Conduct Market Salary Survey
5. Solution Analysis and Development
6. Finalize Project

It is anticipated that the project will kick off in late June with completion of the project by October 31, 2016.

FISCAL IMPACT: Funding of this project in the amount of \$100,000 is appropriated in the FY2016 budget in the following accounts:

Funding Source	Account #	Amount
General Fund	110-2700-515-2616	\$ 73,390
Hotel/Motel Fund	240-4400-551-2616	3,630
Drainage Fund	292-2900-534-2616	3,430
Utility Fund	520-5000-535-2616	19,550
Total Available Funding		100,000
Encumbered/Committed to Date		-
Professional services agreement - Evergreen Solutions, LLC		(64,000)
Remaining Funds		\$ 36,000

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH EVERGREEN SOLUTIONS, LLC OF TALLAHASSEE, FLORIDA, IN AN AMOUNT NOT TO EXCEED \$64,000, FOR A COMPREHENSIVE/CLASSIFICATION PLAN UPDATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Staff prepared a Request for Proposals to obtain bids from qualified firms for a comprehensive review and update of the City's classification system for general government positions, to include analysis and placement of all current positions, with recommendations for improvements and modifications to our current system;

Whereas, in addition, the encompassed work will include a compensation market update, including a review and inclusion of other supplemental pay programs;

Whereas, a Staff committee reviewed the proposals received and recommends Council authorize a professional services agreement with Evergreen Solutions, LLC, in an amount not to exceed \$64,000 – Evergreen Solutions was the highest ranked firm based on the pre-established evaluation criteria;

Whereas, funding is available for this professional services agreement in the following accounts:

Account No. 110-2700-515-2616;	Account No. 240-4400-551-2616;
Account No. 292-2900-534-2616;	Account No. 520-5000-535-2616; 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, after approval as to form by the City Attorney, to execute a professional services agreement with Evergreen Solutions, LLC of Tallahassee, Florida, in an amount not to exceed \$64,000, for a comprehensive compensation/classification plan update.

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 **June**, 2016.

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
James Kachelmeyer, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with H.W. Lochner, Inc. in an amount not to exceed \$84,000, for right-of-way acquisition services associated with the reconstruction and expansion of Hogan Road from SH 317 to South Pea Ridge Road.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple has adopted a Transportation Capital Improvement Program which identifies capacity and connectivity improvements to Hogan Road. Proposed improvements include reconstruction and expansion of Hogan Road from SH 317 to South Pea Ridge Road to a three-lane collector roadway with sidewalk and utility upgrades. The engineer's opinion of probable cost for the construction of Hogan Road is \$2,588,596.

On January 21st, Council authorized a professional services agreement with BSP in the amount of \$357,200 to design, bid, administer, and inspect the expansion of Hogan Road. On April 21st, Council authorized a deductive contract amendment to the professional services agreement with BSP in the amount of \$78,000. Design of the project will take approximately 300 calendar days from the Notice to Proceed issued earlier this year.

The preliminary design of the expansion of Hogan Road from SH 317 to South Pea Ridge Road may require right-of-way from nine properties. Accordingly, Staff solicited a proposal from H.W. Lochner, Inc. ("Lochner") to provide right-of-way acquisition services for the project, as they are familiar with the area and best understand the services needed. Staff is working with Lochner on a similar project and has been pleased with the company's work. According to Lochner's proposal, the firm will offer multiple services during the acquisition process, including, but not limited to, project management, title, and appraisal services. Fees for condemnation support are not currently included in this proposal and will be addressed later as needed.

Accordingly, Staff recommends entering into a services agreement with H.W. Lochner, Inc., in an amount not to exceed \$84,000, for right-of-way acquisition services associated with the reconstruction and expansion of Hogan Road from SH 317 to South Pea Ridge Road.

FISCAL IMPACT: Funding for the award of a professional services agreement for right-of-way services with H.W. Lochner, Inc. is appropriated in account 365-3400-531-6857, project #100952.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH H.W. LOCHNER, INC., OF ROUND ROCK, TEXAS, IN AN AMOUNT NOT TO EXCEED \$84,000, FOR RIGHT-OF-WAY ACQUISITION SERVICES ASSOCIATED WITH THE RECONSTRUCTION AND EXPANSION OF HOGAN ROAD FROM STATE HIGHWAY 317 TO SOUTH PEA RIDGE ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple has adopted a Transportation Capital Improvement Program which identifies capacity and connectivity improvements to Hogan Road – certain proposed improvements include reconstruction and expansion of Hogan Road from State Highway 317 to South Pea Ridge Road to a three-lane collector roadway with sidewalk and utility upgrades;

Whereas, on January 21, 2016, Council authorized a professional services agreement with BSP Engineers, Inc. to design, bid, administer, and inspect the expansion of Hogan Road;

Whereas, the preliminary design of the expansion of Hogan Road from State Highway 317 to South Pea Ridge Road may require right-of-way from nine properties - Staff solicited a proposal from H.W. Lochner, Inc. (“Lochner”) to provide right-of-way acquisition services for the project, as they are familiar with the area and best understand the services needed;

Whereas, Staff is working with Lochner on a similar project and has been pleased with their work - Lochner will offer multiple services during the acquisition process, including, but not limited to, project management, title, and appraisal services;

Whereas, Staff recommends entering into a services agreement with H.W. Lochner, Inc., in an amount not to exceed \$84,000, for right-of-way acquisition services associated with the reconstruction and expansion of Hogan Road from State Highway 317 to South Pea Ridge Road;

Whereas, funding is available for this professional services agreement in Account No. 365-3400-531-6857, Project No. 100952; and

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

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

Part 1: The City Manager, or his designee, is authorized to execute a professional services agreement, after approval as to form by the City Attorney, with H.W. Lochner, Inc. of Round Rock, Texas, in an amount not to exceed \$84,000, for right-of-way acquisition services associated with the reconstruction and expansion of Hogan Road from State Highway 317 to South Pea Ridge Road.

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 **June**, 2016.

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:

Kevin Beavers, Director of Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Fitzgerald Lawnscape, Ltd. of Woodway in the amount of \$193,950 for drainage improvements to the Korompai Soccer Complex.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: One of the projects approved in the 2015 Parks Bond was addressing drainage concerns at the Ferenc Korompai Soccer Complex in Wilson Community Park.

This project includes re-establishing the drainage system that was in place when the complex was constructed, creating two catch basins to collect the water from the drainage system, installing 24" storm sewer piping to remove the collected water from the area, and field leveling services and re-seeding on soccer field #6.

As shown on the attached bid tabulation, on May 17, 2016 the City of Temple received three bids for this project. Bids ranged from a low of \$193,950 to a high of \$245,584.52, with Fitzgerald Lawnscape, Ltd. submitting the low bid. This resolution also provides for the waving of construction permit fees.

The Parks and Recreation Department has worked with Fitzgerald on the construction of the football field in Wilson Park and have found them to be a responsible contractor. Also attached to this Agenda Item is the Engineer's Letter of Recommendation from Clark & Fuller.

It is anticipated that the construction of this project will commence in June with completion of the project in early September.

FISCAL IMPACT: This project is funded by the Parks GO Bonds that were approved by voters on May 9, 2015. Funding is appropriated in account 362-3500-552-6405, project 101314, as identified below:

Project Budget	\$ 254,745
Encumbered/Committed To Date	(35,410)
Construction Contract – Fitzgerald Lawnscape, Ltd	(193,950)
Remaining Funds	<u>\$ 25,385</u>

ATTACHMENTS:

Engineer's Letter of Recommendation
Bid Tabulation
Resolution



215 North Main Street
Temple, Texas 76501
(254) 899-0899
Fax (254) 899-0901
www.clark-fuller.com
Firm Registration No: F-10384

May 18, 2016

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

Re: Korompai Soccer Fields Drainage Improvements Project

Dear Mr. Roming,

On May 17th, we received three (3) bids for the Korompai Soccer Fields Drainage Improvements Project. We have reviewed each of the bids for accuracy and completeness. Fitzgerald's Lawnscape, Ltd. submitted a Base Bid totaling \$193,950.00 making them the apparent low bidder. *Please see the enclosed Bid Tabulation Sheet and Bid Schedule Breakout for detailed information.*

The engineer's final opinion of probable cost for this project is \$245,000.00 and we are recommending that you award the contract to Fitzgerald's Lawnscape, Ltd. We believe, through personal experience, that Fitzgerald's Lawnscape, Ltd. is qualified and is capable of providing the Korompai Soccer Fields Drainage Improvements as required in this project.

We believe that Fitzgerald's Lawnscape, Ltd. is a proven company with many successfully completed projects and we look forward to working with them on this project.

Sincerely,

Monty Clark, P.E., CPESC



Bid Tabulation Sheet

Korompai Soccer Fields Drainage Improvements

Bid Date: May 17th, 2016

	Base Bid			Holy Contractors LLC		Fitzgerald's / Fitzgerald Lawnscaoper, Ltd.		Quality W Contractors	
No.	Item Description	Est. Quan.	UOM	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
Base Bid									
1	Furnish and Install Site preparation, miscellaneous demolition, & site cleaning	100%	LS	\$ 19,957.00	\$ 19,957.00	\$ 11,960.00	\$ 11,960.00	\$ 12,583.00	\$ 12,583.00
2	Provide Mobilization Bonds, Permits and Insurance	100%	LS	\$ 12,043.00	\$ 12,043.00	\$ 25,325.00	\$ 25,325.00	\$11,288.00	\$ 11,288.00
3	Provide and implement a Storm Water Pollution Prevention Plan	100%	LS	\$ 994.00	\$ 994.00	\$ 13,500.00	\$ 13,500.00	\$ 1,215.00	\$ 1,215.00
4	Provide and Implement a Trench Safty Plan	100%	LS	\$ 619.00	\$ 619.00	\$ 500.00	\$ 500.00	\$ 4,317.00	\$ 4,317.00
5	Provide Sawcut, Remove and Replace Existing Reinforced Concrete Sidewalk	14	SY	\$ 150.50	\$ 2,107.00	\$ 120.00	\$ 1,680.00	\$ 204.00	\$ 2,856.00
6	Relocate Existing Irrigation System	100%	LS	\$ 20,135.00	\$ 20,135.00	\$ 12,500.00	\$ 12,500.00	\$ 15,821.00	\$ 15,821.00
7	Provide All unclassified Earthwork for all Cuts and Fills	100%	LS	\$ 58,582.00	\$ 58,582.00	\$ 20,500.00	\$ 20,500.00	\$ 21,813.00	\$ 21,813.00
8	Provide New Dwarf Tif 419 Bermuda Grass, via Hydromulch Grass Seeding	100%	LS	\$ 18,588.00	\$ 18,588.00	\$ 12,135.00	\$ 12,135.00	\$ 16,008.00	\$ 16,008.00
9	Provide 4" Sandy Loam Topsoil, Field Restoration, ans Dwarf Tif 419 Bermuda	7850	SY	\$ 6.84	\$ 53,694.00	\$ 8.40	\$ 65,940.00	\$ 11.30	\$ 88,705.00
10	Provide New Stone Rip Rap Rock Outlet Protection	60	SY	\$ 145.18	\$ 8,710.80	\$ 58.00	\$ 3,480.00	\$ 51.20	\$ 3,072.00
11	Provide New 4'x4' Precast Type E Storm Sewer Inlet with Heavy Duty Lid Assembly	2	EA	\$ 4,540.00	\$ 9,080.00	\$ 2,850.00	\$ 5,700.00	\$ 6,852.00	\$ 13,704.00
12	Provide New Oreicast Concrete Headwall	2	EA	\$ 2,604.00	\$ 5,208.00	\$ 1,900.00	\$ 3,800.00	\$ 4,969.00	\$ 9,938.00
13	Provide New 24" RCP Class III Storm Sewer	242	LF	\$ 134.66	\$ 32,587.72	\$ 65.00	\$ 15,730.00	\$ 95.00	\$ 22,990.00
14	Provide New 4' Sidewalk Drain	1	EA	\$ 3,279.00	\$ 3,279.00	\$ 1,200.00	\$ 1,200.00	\$ 3,775.00	\$ 3,775.00
Total Base Bid									
Korompia Soccor Fields Drainage Improvements				\$ 245,584.52		\$ 193,950.00		\$ 228,085.00	

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH FITZGERALD LAWNSCAPER, LTD. OF WOODWAY, TEXAS, IN THE AMOUNT OF \$193,950, FOR DRAINAGE IMPROVEMENTS TO THE KOROMPAI SOCCER COMPLEX; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, one of the projects approved in the 2015 Parks Bond was addressing drainage concerns at the Korompai Soccer Complex in Wilson Community Park;

Whereas, this project will include reestablishing the drainage system that was in place when the complex was constructed, the creation of two catch basins to collect water from the drainage system, installation of 24-inch storm sewer piping to remove the collected water from the area, field leveling services and re-seeding on soccer field number 6;

Whereas, on May 17, 2016, three bids were received for this project with Fitzgerald Lawnscape, Ltd. submitting the low bid - Staff has worked with Fitzgerald Lawnscape in the past and has found them to be a responsible vendor;

Whereas, Staff recommends authorizing a construction contract in the amount of \$193,950 for drainage improvements to the Korompai Soccer Complex, including the waving of construction permit fees;

Whereas, this project is funded by the Parks GO Bonds that were approved by the voters on May 9, 2015 and funding is appropriated in Account No. 362-3500-552-6405, Project No. 101314; 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, after approval as to form by the City Attorney, to execute a construction contract with Fitzgerald Lawnscape, Ltd. of Woodway, Texas, in an amount not to exceed \$193,950, for drainage improvements to the Korompai Soccer Complex.

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 **June**, 2016.

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:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a 3-year agreement for the rental/lease of non-civil service uniforms and floor mats in the estimated annual amount of \$45,000 with Cintas Corporation of Round Rock.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In order for the public to identify City of Temple employees and to protect employees from elements of their work environment, several departments utilize a uniform rental/lease service. Departments that currently utilize a uniform rental/lease service are all Public Works divisions, Metering, Parks & Recreation, Airport, Library, and Facility Maintenance. Several department with high traffic also rent floor mats.

The City's current contract with G&K Services will expire on July 14, 2016. A staff committee representing departments that utilize the uniform and floor mat contract was formed to evaluate the options available from the various vendors that serve the Temple area: Cintas Corporation, G&K Services, Aramark, and Prudential Overall Supply. Based on a price analysis, quality of products, and references from other entities that use these various contracted vendors, it is the committee's unanimous recommendation to recommend award of a 3-year rental contract that begins on July 5, 2016, with Cintas Corporation.

Cintas Corporation has been awarded a U.S. Communities Government Purchasing Alliance contract, which staff is recommending utilizing for these services. Contracts awarded through U.S. Communities have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

FISCAL IMPACT: Each department that supplies its employees with uniforms budgets for the uniforms in account #2618. Consistent with the expiring contract with G&K Services, the estimated annual expenditure for the rental/lease of floor mats and non-civil service uniforms is approximately \$45,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A THREE-YEAR RENTAL/LEASE AGREEMENT WITH CINTAS CORPORATION OF ROUND ROCK, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$45,000, FOR THE USE OF NON-CIVIL SERVICE UNIFORMS AND FLOOR MATS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in order for the public to identify City of Temple employees and to protect employees from elements of their work environment, several departments utilize a uniform rental/lease service;

Whereas, departments that currently utilize a uniform rental/lease service are all Public Works divisions, Metering, Parks & Recreation, Airport, Library, and Facility Maintenance - several departments with high traffic also rent floor mats;

Whereas, the City's current contract with G&K Services will expire on July 14, 2016 and a Staff committee representing departments that utilize the uniform and floor mat contract was formed to evaluate options available from various vendors that serve the Temple area;

Whereas, based on a price analysis, quality of products, and references from other entities that use these various contracted vendors, it is Staff's unanimous recommendation that Council award a 3-year rental/lease agreement with Cintas Corporation of Round Rock, Texas effective July 5, 2016;

Whereas, Cintas Corporation has been awarded a U.S. Communities Government Purchasing Alliance contract, which Staff is recommending utilizing for these services - contracts awarded through U.S. Communities have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, each department that supplies its employees with uniforms, budgets for the uniforms in their individual accounts; and

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

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

Part 1: The City Manager, or his designee, after approval as to form by the City Attorney, is authorized to execute a three-year agreement, in the estimated annual amount of \$45,000, for the rental/lease of non-civil service uniforms and floor mats with Cintas Corporation of Round Rock, Texas.

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 **June**, 2016.

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:

Belinda Mattke, Purchasing Director
Damon B. Boniface, Utility Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing an increase in the estimated expenses in FY2016 for the hauling and disposal of sludge by S&M Vacuum & Waste, Ltd of Killeen from \$160,000 to \$250,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 3, 2015, Council authorized a one-year renewal to a services agreement for the hauling and disposal of sludge with S&M Vacuum & Waste of Killeen for FY2016 at a rate of \$0.029 per gallon for an estimated annual purchase of \$160,000.

This fiscal year, the City's water treatment plant continues to experience a record amount of rain and higher than normal velocity of water released from Lake Belton Dam into the Leon River. Water quality diverted from the Leon River has severely decreased, and resulted in an unanticipated larger volume of sludge.

S&M has hauled and disposed of 5,737,200 gallons of sludge through mid-May, at a cost of \$166,378.80. Staff is estimating the need to haul and dispose of an additional 2.8 million gallons of sludge through the remainder of FY2016, for a total estimated annual expenditure of \$250,000.

This annual contract is structured as a 'unit price' contract to allow for flexibility in the contract based on the needs of the City during the fiscal year. Accordingly, no change order is required to the executed services agreement. However, staff desires to acknowledge to Council that expenditures have exceeded the estimated annual expenditures which were previously disclosed.

FISCAL IMPACT: Funding for the increased expenditure is available in the Water Treatment Plant operations and maintenance budget, account 520-5100-535-2338.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INCREASE IN THE ESTIMATED EXPENSES FOR FISCAL YEAR 2016, FROM \$160,000 TO \$250,000, FOR THE HAULING AND DISPOSAL OF SLUDGE BY S&M VACUUM & WASTE, LTD, OF KILLEEN, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 3, 2015, Council authorized a one-year renewal to a services agreement for the hauling and disposal of sludge with S&M Vacuum & Waste of Killeen for fiscal year 2016 at a rate of \$0.029 per gallon, for an estimated annual purchase of \$160,000;

Whereas, the City's water treatment plant continues to experience a record amount of rain and higher than normal velocity of water released from Lake Belton Dam into the Leon River – the water quality diverted from the Leon River has severely decreased and resulted in an unanticipated larger volume of sludge;

Whereas, S&M has hauled and disposed of approximately 5,737,200 gallons of sludge through mid-May, at a cost of \$166,378.80 - Staff estimates the need to haul and dispose of an additional 2.8 million gallons of sludge through the remainder of fiscal year 2016, for a total estimated annual expenditure of \$250,000;

Whereas, S&M's annual contract is structured as a 'unit price' contract to allow for flexibility in the contract based on the needs of the City during the fiscal year;

Whereas, Staff desires to advise Council that expenditures have exceeded the estimated annual expenditures which were previously authorized and recommends that Council authorize estimated fiscal year 2016 annual contract expenditure increases to the hauling and disposal of sludge contract with S&M Vacuum & Waste, Ltd.;

Whereas, funding for this increased expenditure is available in the Water Treatment Plant operations and maintenance budget, Account No. 520-5100-535-233; 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 an estimated fiscal year 2016 annual contract expenditure increase from \$160,000 to \$250,000 for fiscal year 2016, for the hauling and disposal of sludge by S&M Vacuum & Waste, Ltd of Killeen, Texas.

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

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 **June**, 2016.

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
Jim Kachelmeyer, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the City Manager to accept the donation of a 2.96-square-foot sidewalk easement and a 0.014-acre temporary construction easement in the C.S. Masters Survey, Abstract No. 550, Temple, Bell County, Texas, necessary for the construction of a sidewalk 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, and area businesses. The project will provide a new 8-foot sidewalk and enhancements on the west side of the street, as well as connection 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. On March 17, City Council authorized a construction contract with Choice Builders for the construction of the project.

In order to complete the construction, the City needs to acquire permanent sidewalk easements and temporary construction easements from the property owners along North 31st Street. Temple Independent School District has donated five permanent easements and five temporary construction easements, and Council ratified Staff's acceptance of the donation on May 5. SJD Oak Ridge Investments, LLC, has agreed to donate a permanent sidewalk easement and a temporary construction easement, and Council authorized Staff to accept the donation of the property on May 5. CFA-NC Townridge Square, LLC offered to donate 0.008 acre of permanent sidewalk easements, and Staff is seeking Council authorization to accept the donation of the property on May 19.

JJA Properties, L.P., has offered to donate a 2.96-square-foot permanent sidewalk easement and a 0.014-acre temporary construction easement necessary for the project, and Staff is seeking Council authorization to accept the donation of the property interests.

FISCAL IMPACT: The City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which will be nominal.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ACCEPTANCE OF THE DONATION OF AN APPROXIMATELY 2.96 SQUARE FOOT SIDEWALK EASEMENT AND AN APPROXIMATELY 0.014 ACRE TEMPORARY CONSTRUCTION EASEMENT IN THE C.S. MASTERS SURVEY, ABSTRACT NO. 550, TEMPLE, BELL COUNTY, TEXAS, WHICH IS NECESSARY FOR THE CONSTRUCTION OF A SIDEWALK 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, and area businesses;

Whereas, the project will provide a new 8-foot sidewalk and enhancements on the west side of the street, as well as a connection to existing sections of 5-foot sidewalk along the east side of the street in front of Temple High School – 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, on March 17, 2016, Council authorized a construction contract with Choice Builders, LLC for the construction of the project - in order to complete the construction, the City needs to acquire permanent sidewalk easements and temporary construction easements from property owners along North 31st Street;

Whereas, JJA Properties, L.P. has offered to donate an approximately 2.96 square foot permanent sidewalk easement and an approximately 0.014 acre temporary construction easement necessary for this project, and Staff recommends Council accept the donation of these easements;

Whereas, the City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which will be nominal; 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 accepts the donation of an approximately 2.96 square foot sidewalk easement and an approximately 0.014 acre temporary construction easement in the C.S. Masters Survey, Abstract No. 550, Temple, Bell County, Texas, necessary for the construction of a sidewalk along North 31st Street.

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

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 **June**, 2016.

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:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: SECOND READING – Z-FY-16-20: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to install a proposed 115' stealth monopole for Verizon Wireless at the Mueller building site on a tract of land of 0.0258 +/- acres, situated in the S. Bottsford Survey, Abstract No. 118, Bell County, Texas, located at 7050 North General Bruce Drive.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its May 2, 2016, meeting the Planning and Zoning Commission voted 7/0 to recommend approval of a Conditional Use Permit (CUP) to install a proposed 115' stealth monopole for Verizon Wireless at the Mueller building site at 7050 North General Bruce Drive.

STAFF RECOMMENDATION: Staff recommends approval of the requested Conditional Use Permit (CUP) for the following reasons:

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

ITEM SUMMARY: The applicant requests this Conditional Use Permit to allow installation of a 115' stealth monopole for Verizon Wireless at the Mueller building site located at 7050 North General Bruce Drive. The property is zoned Light Industrial District (LI) and is located within the I-35 Interstate Corridor Overlay Industrial Sub-District. The applicants were unable to find a suitable collocation site in this area and propose a stealth monopole to resemble a flagpole with a flag. The applicants have submitted a letter regarding the inability to collocate.

Although the Unified Development Code (UDC) prohibits freestanding personal wireless service facilities in the other I-35 interstate Corridor Overlay Sub-District, **UDC Section 5.4.4.C permits freestanding monopoles in the Industrial Sub-District.**

UDC Section 5.4.3. (I-35 Interstate Corridor Overlay District Standards) allows the Director of Planning to consider Freestanding Stealth Personal Wireless Service Facilities in all I-35 Interstate Corridor Overlay Sub-Districts.

A **Conditional Use Permit is required** because the applicant's **proposed stealth monopole placement of 345 feet within adjacent residential uses does not meet the condition that requires freestanding towers within Light Industrial and Heavy Industrial Districts to be located no closer than 1,000 feet to the boundary of any residential use or district, per UDC Section 5.4.4. (Chief Building Official Review and Final Action).**

Personal wireless cell towers pursuing C.U.P.s are subject to the following design standards in Section 5.4.5 of the UDC:

A. Boundary and Use Setbacks

1. A guy or guy anchor for a facility must not be closer than 20 feet to a bounding property line. **Staff note: The proposed freestanding monopole does not have a guy or guy anchors. It is a stealth monopole that will resemble a flagpole without a flag.**

2. The distance between the base of a self-supported tower and the property line of any residential zoning district or use must not be less than 3 times the height of the tower structure. **Staff note: The proposed monopole is located within an existing Light Industrial zoning district and is located no closer than 345 feet from the nearest residential use. The nearest residential use is located within the Agricultural zoning district.**

B. Security Screening Fence

1. A solid, wood or masonry fence, a minimum of eight feet in height, must completely enclose the base of every tower. **Staff note: The site plan proposes a six foot high wood fence enclosed around the tower base and equipment shelter.**

2. In a residential zoning district or on property that abuts a residential zoning district or use, a solid wood or masonry fence, a minimum of eight feet in height, must completely enclose all mechanical equipment and accessory structures. **Staff note: The request is in an existing Light Industrial District and proposes a six foot high wood fence enclosed around the tower base and equipment shelter.**

3. A security screening fence for a facility built or permitted after May 17th, 2001, may not be less than 6 feet in height. **Staff note: This request proposes a six foot high wood fence.**

4. A security fence must be built to safely discourage unauthorized access to facilities by climbing. **Staff note: The applicants propose a six foot high fence topped with barbed wire, as allowed by UDC Section 7.7.5 D.**

5. External and internal gates and doors that provide access to a facility must be equipped with a self-locking or self-latching mechanism for purposes of preventing unauthorized access. **Staff note: The site plan reflects compliance with this requirement.**

6. Screening is not required for a facility located on a building that is not designed or built primarily to support the facility, if the ancillary equipment, including but not limited to the equipment enclosure, is not visible from an abutting property line or public street right-of-way.

Staff note: The site plan reflects a six foot high wood fence for screening around the site's perimeter.

C. Screening

1. As much of the total facility as possible must be screened or located so as to not be visible from prevalent views. **Staff note: The proposed tower base and equipment shelter will be screened by a six foot high wood fence.**

2. Landscaping must be continuously maintained in a healthy, growing condition and be trimmed as necessary to comply with ordinances governing height of grass, corner sight obstruction and street and sidewalk obstruction. **Staff note: The applicant proposes to remove the five existing trees within the fenced area and plant six new trees along the along the outer border of the proposed 6-foot high wooden privacy fence. Placement of the six new replacement trees will be free of any corner sight obstructions.**

D. Collocation

A new freestanding tower is not permitted unless the applicant demonstrates to the satisfaction of the approving authority that existing, permitted or proposed alternative support structures cannot accommodate the proposed facilities for the following reasons:

1. Height is not sufficient to meet applicant's engineering requirements;
2. Structural strength is not sufficient to support applicant's proposed facilities and cannot be reinforced in accordance with engineering requirements;
3. Other aspects of structure do not meet applicant's technical design requirements;
4. Electromagnetic interference would result from collocation;
5. Fees or costs for sharing or adapting are unreasonable; any cost that is less than the cost to construct and develop a new tower is presumed to be reasonable;
6. Owners of alternative structures are unwilling to accommodate the applicant's needs within 30 days after the date such owners received applicant's written request; or
7. Other factors render alternative support structures unsuitable.

Staff note: The applicants have submitted a letter regarding the inability to collocate.

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial	LI	Industrial/ Manufacturing
North	Suburban Commercial	AG	Industrial/ Manufacturing & Rural Residential
South	Suburban Commercial	LI	Undeveloped Industrial Property
East	Suburban Commercial	LI	Industrial/ Manufacturing & I-35
West	Agricultural / Rural	AG	Agricultural / Rural Residential

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

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

The property is within the Suburban Commercial character district of the *Choices '08* City of Temple Comprehensive Plan. The property is also within the I-35 Interstate Corridor Overlay Industrial Sub-District, which specifically allows freestanding monopoles in the Industrial Sub-District, **per UDC Section 5.4.4.C.**

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

The subject property fronts North General Bruce Drive/ I-35, a highway, which is appropriate for commercial and industrial uses. Pegasus Drive, a collector, is appropriate for the applicant's requested stealth monopole.

Availability of Public Facilities (CP Goal 4.1)

An existing 10-inch water line is located within the right-of-way of Pegasus Drive. A 6-inch water line is located on the northern portion of the applicant's property. Sewer services to the property are provided by septic system.

PUBLIC NOTICE: Eight (8) notices of the **May 2, 2016**, Planning and Zoning Commission public hearing were sent out to property owners within **500-feet** of the subject property as required by State law and City Ordinance. As of Wednesday, April 27, 2016, no notices have been received in favor of the requested Conditional Use Permit and no notices have been returned in opposition to the requested Conditional Use Permit.

Staff sent out notices to all property owners within 500 feet, per UDC Section 5.4.5.D (Conditional Use Permit), which requires a notification boundary of 500 feet. Since Staff initially only notified property owners within 200 feet, new notification maps were sent out to property owners within 500 feet for the May 2, 2016, Planning and Zoning meeting.

The newspaper printed notice of the public hearing on **April 21, 2016**, in accordance with state law and local ordinance.




FISCAL IMPACT: Not Applicable



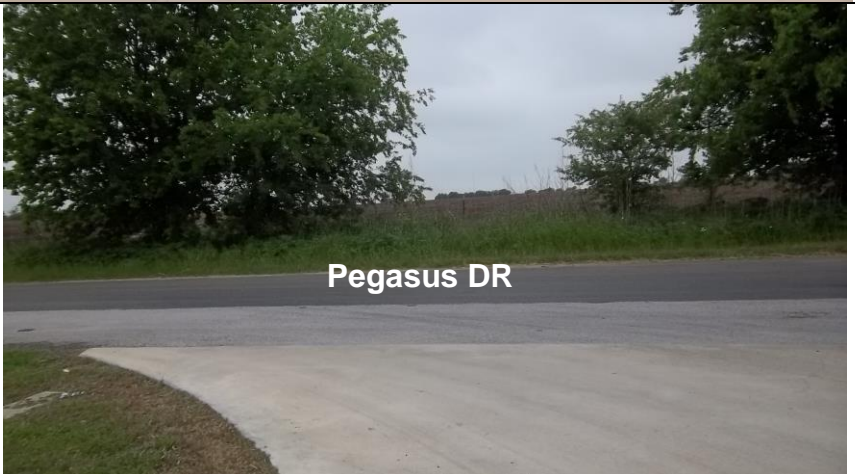
ATTACHMENTS:




Site and Surrounding Property Photos
Zoning Map
Location map with Aerial
Future Land Use and Character Map
Thoroughfare & Trails Map
Utility Maps
Applicant's Collocation Letter
Applicant's Site Plan Exhibits
Ordinance

SURROUNDING PROPERTY AND USES:

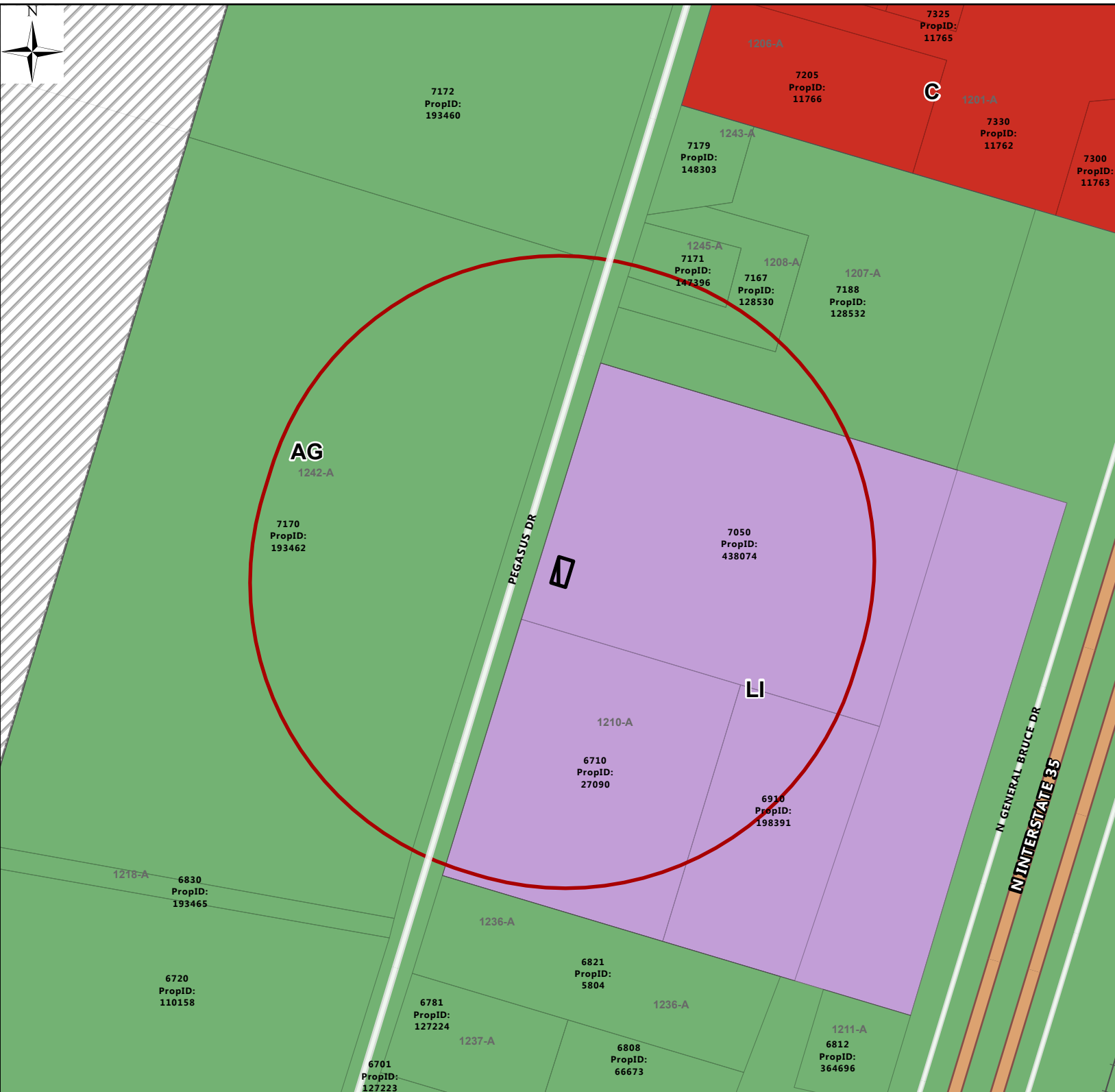
The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	LI	Industrial / Manufacturing	
			
			

Direction	Zoning	Current Land Use	Photo
East	LI	Industrial/ Manufacturing & I-35	 <p>Stealth Monopole Site</p>
			
West	AG	Agricultural / Rural Residential	 <p>Pegasus DR</p>

Direction	Zoning	Current Land Use	Photo
South	LI	Undeveloped Industrial Property	
			
North	AG	Industrial / Manufacturing & Rural Residential	

Direction	Zoning	Current Land Use	Photo
			



7050 N General Bruce DR

CurrentZoning	O-1	AG - CUP
HI - CUP	O-1 - CUP	MH
UE	O-1 - PD	MH - CUP
UE - PD	O-2	MH - PD
SF-1	O-2 - CUP	MU
SF-1 - CUP	O-2 - PD	MU - CUP
SF-1 - PD	NS	SD-C
SF-2	NS - CUP	SD-C - CUP
SF-2 - PD	NS - PD	SD-H
SF-3	GR	SD-H - CUP
SF-3 - PD	GR - CUP	SD-T
SF-3 - CUP, PD	GR - PD	SD-V
SFA	GR - CUP, PD	T4
SFA-2	CA	T4 - PD
SFA-2 - PD	CA - CUP	T4 - CUP
SFA-3	CA - PD	T5-C
SFA-3 - PD	C	T5-C - CUP
2F	C - CUP	T5-C - PD
2F - CUP	C - PD	T5-E
2F - PD	C - CUP, PD	T5-E - CUP
MF-1	LI	T5-E - PD
MF-1 - CUP	LI - CUP	NO BASE
MF-1 - PD	LI - PD	CUP
MF-2	LI - CUP, PD	PD
MF-2 - CUP	HI	CaseArea
MF-2 - PD	HI - PD	Buffer500
MF-3 - PD	AG	

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.

myarberry
Date: 4/19/2016


















LI to LI-CUP

AERIAL MAP

Zoning Case :
Z-FY-16-20

Address :
7050 N General Bruce DR

Streets

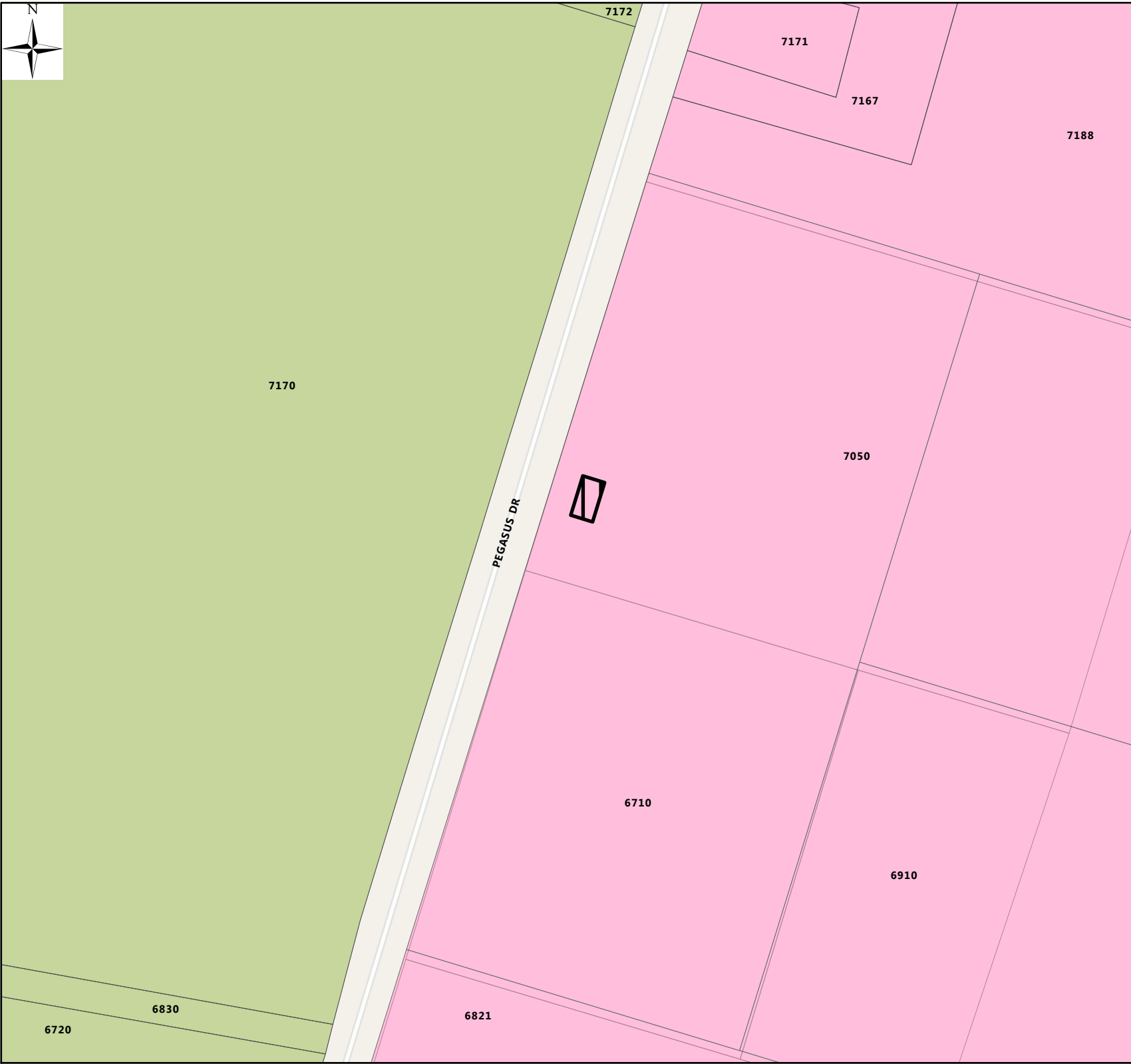
-  EXPRESSWAY
-  MAJOR ARTERIAL
-  COLLECTOR
-  LOCAL STREET
-  MINOR ARTERIAL
-  PRIVATE
-  RAMP
-  Railroad
-  Temple Municipal Boundary
-  Parcels
-  ETJ Parcels
-  Parcels
-  CaseArea

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myarberry

Date: 4/19/2016





LI to LI-CUP FUTURE LAND USE MAP

Zoning Case :
Z-FY-16-20

Address :
7050 N General Bruce DR

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Future LUP
 - Agricultural/Rural
 - Auto-Urban Commercial
 - Auto-Urban Mixed Use
 - Auto-Urban Multi-Family
 - Auto-Urban Residential
 - Business Park
 - Estate Residential
 - Industrial
 - Neighborhood Conservation
 - Parks & Open Space
 - Public Institutional
 - Suburban Commercial
 - Suburban Residential
 - Temple Medical Education District
 - Urban Center
 - CaseArea

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Date: 4/19/2016





LI to LI-CUP THOROUGHFARE AND TRAILS MAP

Zoning Case :
Z-FY-16-20

Address :
7050 N General Bruce DR

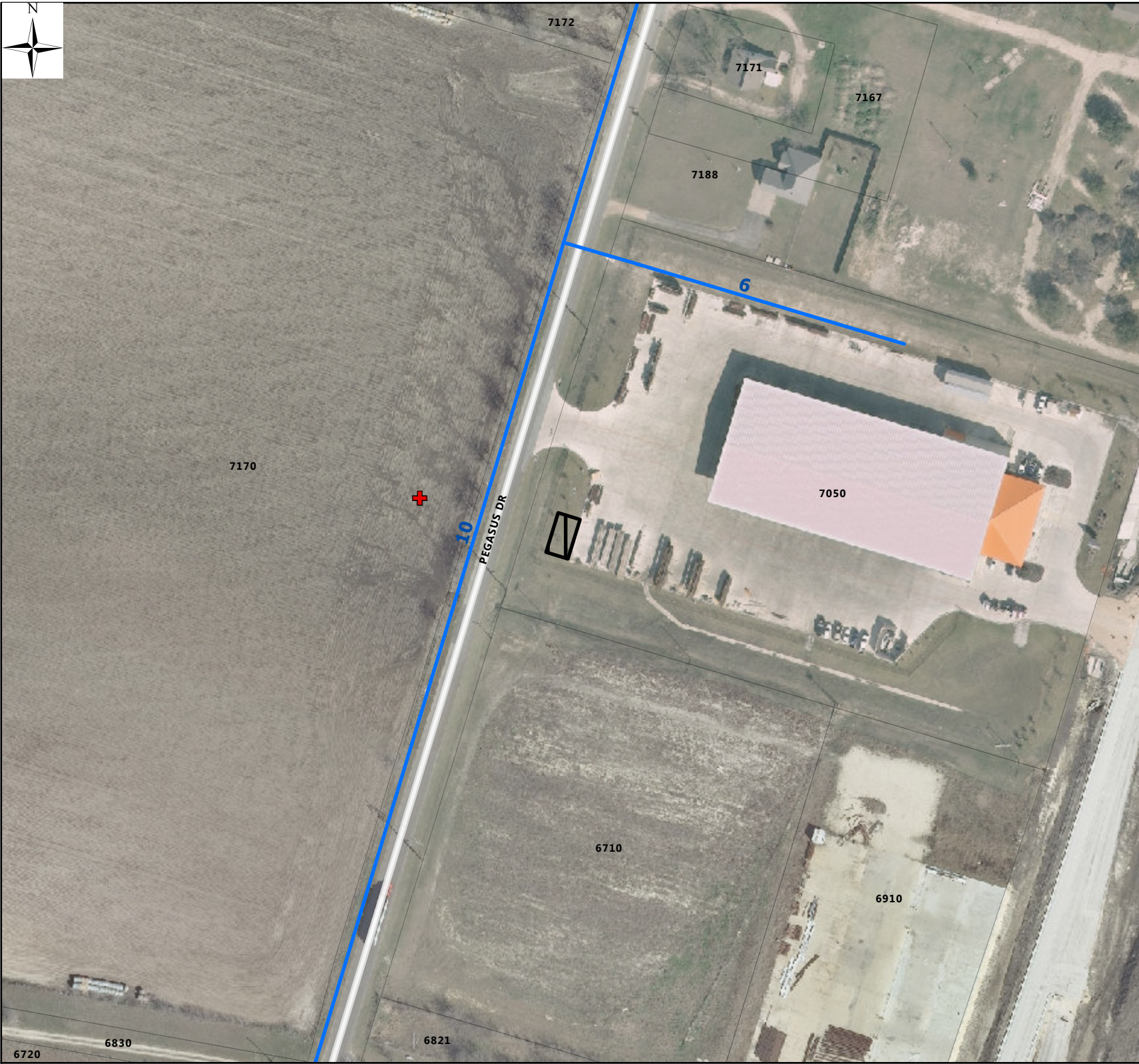
- | | |
|---------------------------|------------------------------------|
| Parcels | PROPOSED, COMMUNITY WIDE CONNECTOR |
| Thoroughfare Plan | |
| Expressway | PROPOSED, LOCAL CONNECTOR |
| Major Arterial | Proposed Major Arterial |
| Proposed Minor Arterial | Parcels |
| Collector | Proposed Collector |
| Trails Master Plan | |
| EXISTING, CITY WIDE SPINE | EXISTING, COMMUNITY WIDE CONNECTOR |
| EXISTING, LOCAL CONNECTOR | PROPOSED, CITY WIDE SPINE |

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Date: 4/19/2016












LI to LI-CUP

UTILITY MAP

Zoning Case :
Z-FY-16-20

Address :
7050 N General Bruce DR

-  Manhole
-  Gravity Main
-  Hydrant
-  Main
-  Parcels
-  Parcels
-  CaseArea

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myarberry
Date: 4/19/2016



WIRELESS COMMUNICATION FACILITY RF LOCATION STATEMENT

**Re: Verizon Wireless – Verizon Mueller/Telecommunication facility located at
7050 N. General Bruce Drive, Temple Texas 76501**

Verizon Wireless hereby states that a careful review of the geographical area to be served by the proposed new tower was made, which revealed that an antenna height of one hundred (115') feet would be required.

This tower will be located on a specific parcel, and sits in a location designed to enhance and expand both the available coverage and the necessary capacity for the citizens of Temple, Texas. This location will provide Verizon customers with enhanced communications and added capacity for adjacent highway traffic along IH 35 for Temple, Texas.

Verizon Wireless considered other immediate locations, structures and possibilities, but no other option was available that would allow Verizon Wireless to utilize a tower less than one hundred fifteen (115') feet while serving the intended coverage area and providing sufficient capacity. No other structure has sufficient height to meet these engineering requirements.

This RF Location Statement confirms the importance of this specific location in order to provide service, i.e. coverage and capacity, to the citizens of Temple Texas.

Kathryn L. Foster
R.F. Engineer for Verizon Wireless

3/16/2016
Date



5804 Tri County Parkway
Schertz, TX 78154

To Whom it may concern:

I, Tim Caletka (Principal Const. Engineer-Verizon Wireless) hereby authorize Vincent Gerard & Associates to file and pull all appropriate documents, permits and applications with respect to Verizon permits on our projects. Vincent Gerard & Associates is an authorized agent for Verizon Wireless.

Thank You,


A handwritten signature in blue ink, appearing to read "Tim Caletka", with a horizontal line extending to the right.

Tim Caletka –Sr. Construction Engineer

Verizon Mueller

Proposed 110' monopole

Legend

 Proposed Verizon Mueller

 Proposed Verizon Mueller

Pegasus Dr

Interstate 35 Frontage Rd

Google earth

© 2015 Google


800 ft


N

Verizon Mueller

IH35- Distance 550'

Legend

 Proposed Verizon Mueller

 Proposed Verizon Mueller

Pegasus Dr

Interstate 35 Frontage Rd

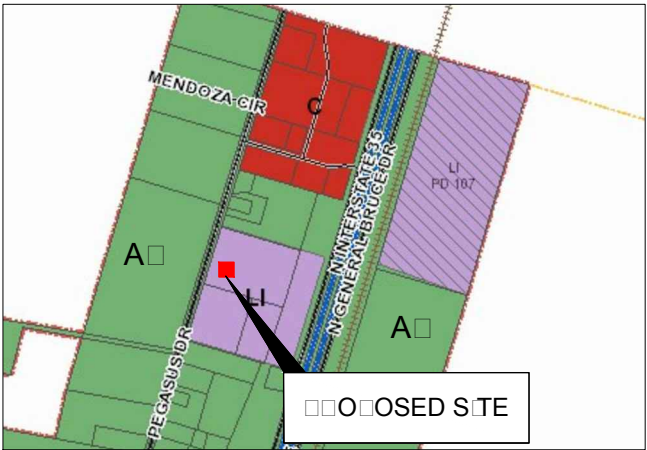
Google earth

© 2015 Google

400 ft



CONTRACT MAP



CONTRACT DISTRICT LEGEND

"A" - Agricultural District
"L" - Limited Industrial District Permit "UD"

CONDITIONAL USE PERMIT

SITE INFORMATION

JURISDICTION: CITY OF TEMPLE, TEXAS 76501
BELL COUNTY
Latitude 31°09'44.071"N, Longitude - 97°19'70.00"W
OCCUPANCY: N/A (UNMANNED)

USE: TELECOMMUNICATIONS FACILITY
ZONING FILE NO.: NA

CONTACT INFORMATION

VINCENT GERARD & ASSOCIATES
1715 S. CAPITAL OF TEXAS HWY
SUITE 207
AUSTIN, TEXAS 78746
PHONE: (512) 328-2693

VINCE HUEBINGER

PROJECT TYPE

115' MONOPOLE TOWER SITE

DATE

FEBRUARY 29, 2016

SITE ADDRESS

7050 N. GENERAL BRUCE DRIVE
TEMPLE, TX., 76501

LEGAL DESCRIPTION

MUELLER ADDITION PHASE 2
LOT 1 BLOCK 1, BELL COUNTY, TEXAS

SITE NAME

MUELLER /VERIZON
- SITE LOCATED IN 'L' ZONING
- SITE LOCATED IN IH 35 CORRIDOR
(STEALTH MONOPOLE)
- SITE MEETS 3X HEIGHT SETBACK
FROM RESIDENTIAL USE

CONSULTANTS

VINCENT GERARD & ASSOCIATES
1715 S. CAPITAL OF TEXAS HWY
SUITE 207
AUSTIN, TEXAS 78746
PHONE: (512) 328-2693

VINCE HUEBINGER

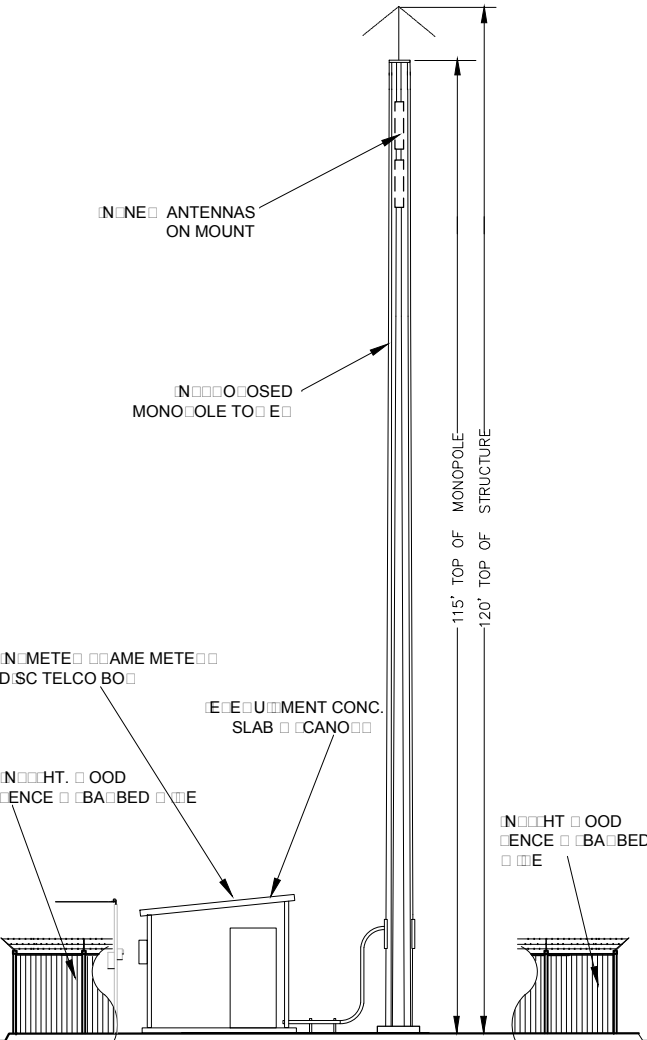
CARRIER INFORMATION

VERIZON WIRELESS
KANDI VONGSOMBATH
MNG., REAL ESTATE & REGULATORY
7 VILLAGE CIRCLE STE. 400
WESTLAKE TX 76262
PHONE: (817) 961-2596
EMAIL: viengxai.vangsombath@vzw.com

NOT FOR CONSTRUCTION
CONTRACT SITE PLAN

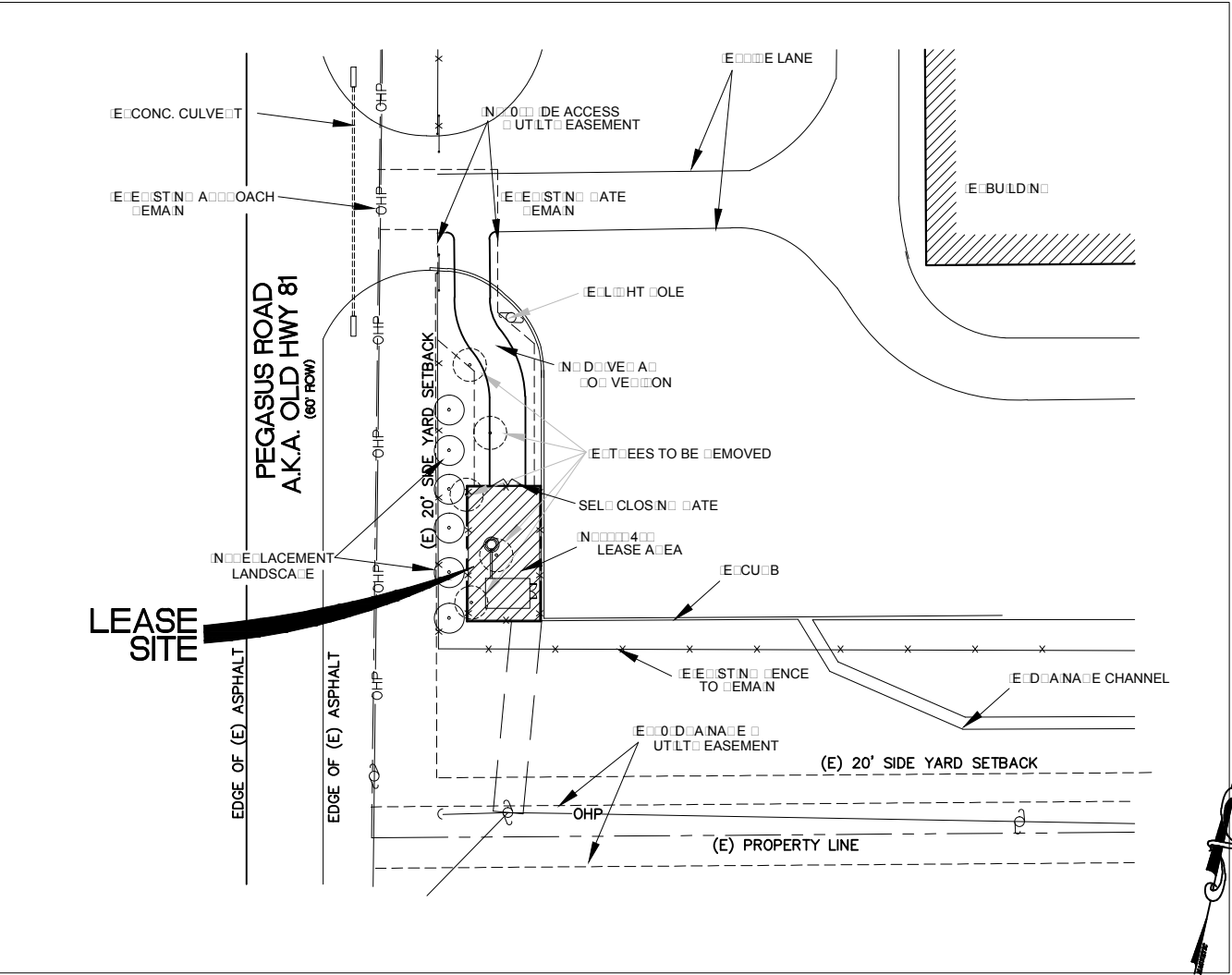
ADVERTISING IS PROHIBITED AND HEREIN ON A LOT WITH THE EXCEPT OF THE
MINIMUM SIGNAGE AS REQUIRED BY THE FEDERAL COMMUNICATIONS COMMISSION
REGULATIONS OR NECESSARY TO THE OPERATIONS OF A LOT.
AN IDENTIFICATION SIGN FOR EACH SERVICE PROVIDER RESPONSIBLE FOR THE
OPERATION AND MAINTENANCE OF A LOT AT THE SITE NOT LARGER THAN TWO
SQUARE FEET SHALL BE POSTED AT A LOCATION FROM WHICH IT CAN BE EASILY REACHED
FROM OUTSIDE THE PERIMETER OF THE LOT AND SHALL PROVIDE THE NAME
ADDRESS AND EMERGENCY NUMBER OF THE RESPONSIBLE SERVICE PROVIDER.

TO EXISTENTIAL



NOTE: TECHNICAL LEASE AREA ACTUAL EQUIPMENT LOCATIONS MAY VARY.
NOT TO SCALE

SITE PLAN



SCALE 1" = 30' 0"

CONTRACT MAP



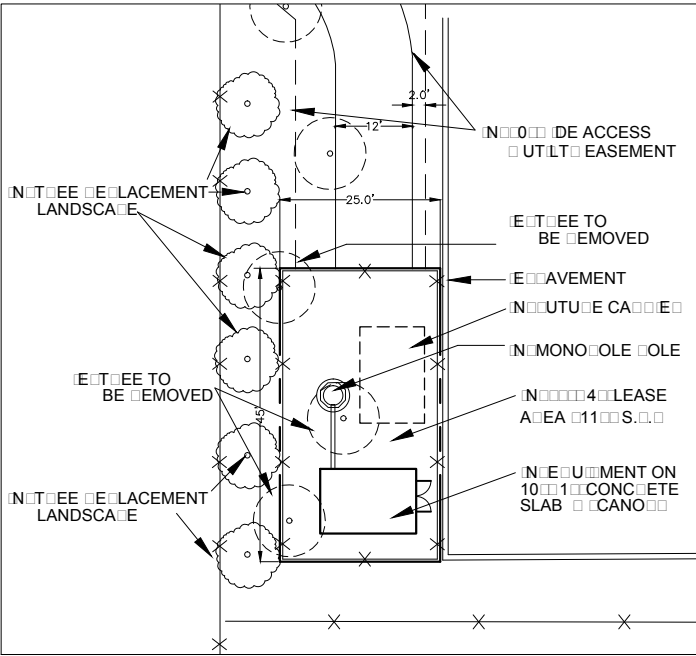
NOT TO SCALE

AERIAL MAP



NOTE: SETBACK INDICATES 3X HEIGHT OF TO EXISTENTIAL USE
NOT TO SCALE

DETAIL SITE PLAN



SCALE 1" = 30' 0"

APPROVAL BOX

OPTIONAL SUBMITTAL DATE

ACCEPTED APPROVAL

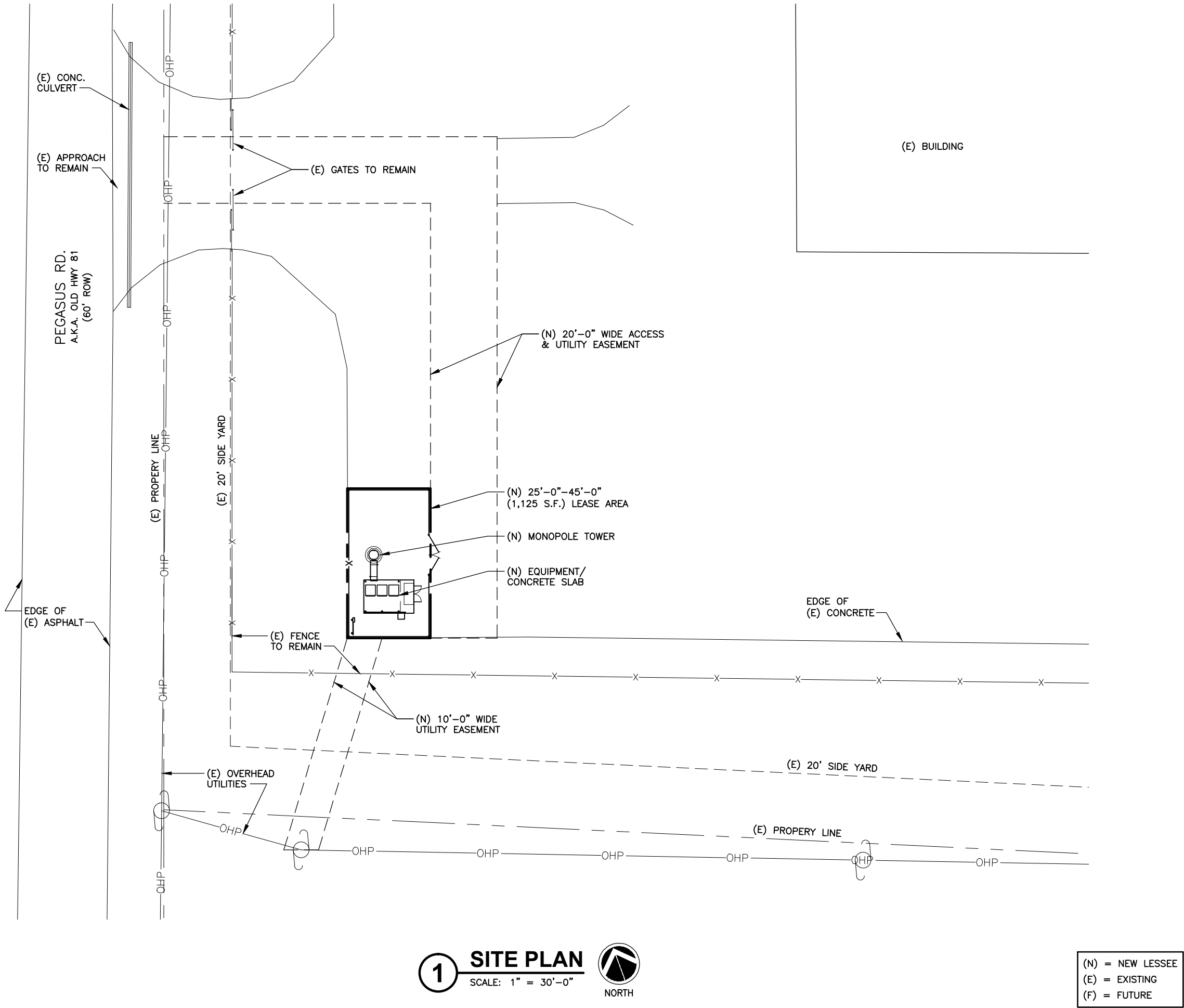
CITY OF TEMPLE TEXAS



VINCENT GERARD & ASSOCIATES
LAND PLANNING & CONSULTANTS
1715 CAPITAL OF TEXAS HWY SOUTH, STE. 207
AUSTIN, TEXAS 78746
PHONE: (512) 328-2693



H:\VERIZON\SOUTH TEXAS\Mueller - 299934\20141079122-NB\Mueller-ENSITE BASE DRAWING.dwg, 10/7/2015 4:08:33 PM, mlopez



MUELLER

PEGASUS DRIVE
TEMPLE, BELL COUNTY, TEXAS
(299934)

APPROVAL SIGNATURES
LANDLORD

LEASING

CONSTRUCTION

THIS IS AN INCOMPLETE
SET NOT FOR
CONSTRUCTION OR
PERMITTING.
APPROPRIATE
PROFESSIONAL SEAL
WILL BE APPLIED TO
FINAL CONSTRUCTION
SET

ARCHCOMM, LLC.
1006 Beckett
San Antonio, Texas 78213
(210) 308-9905
TBPE NO. F-15659

SHEET TITLE

SITE PLAN

SHEET HISTORY

10.01.15 ISSUE

EN1

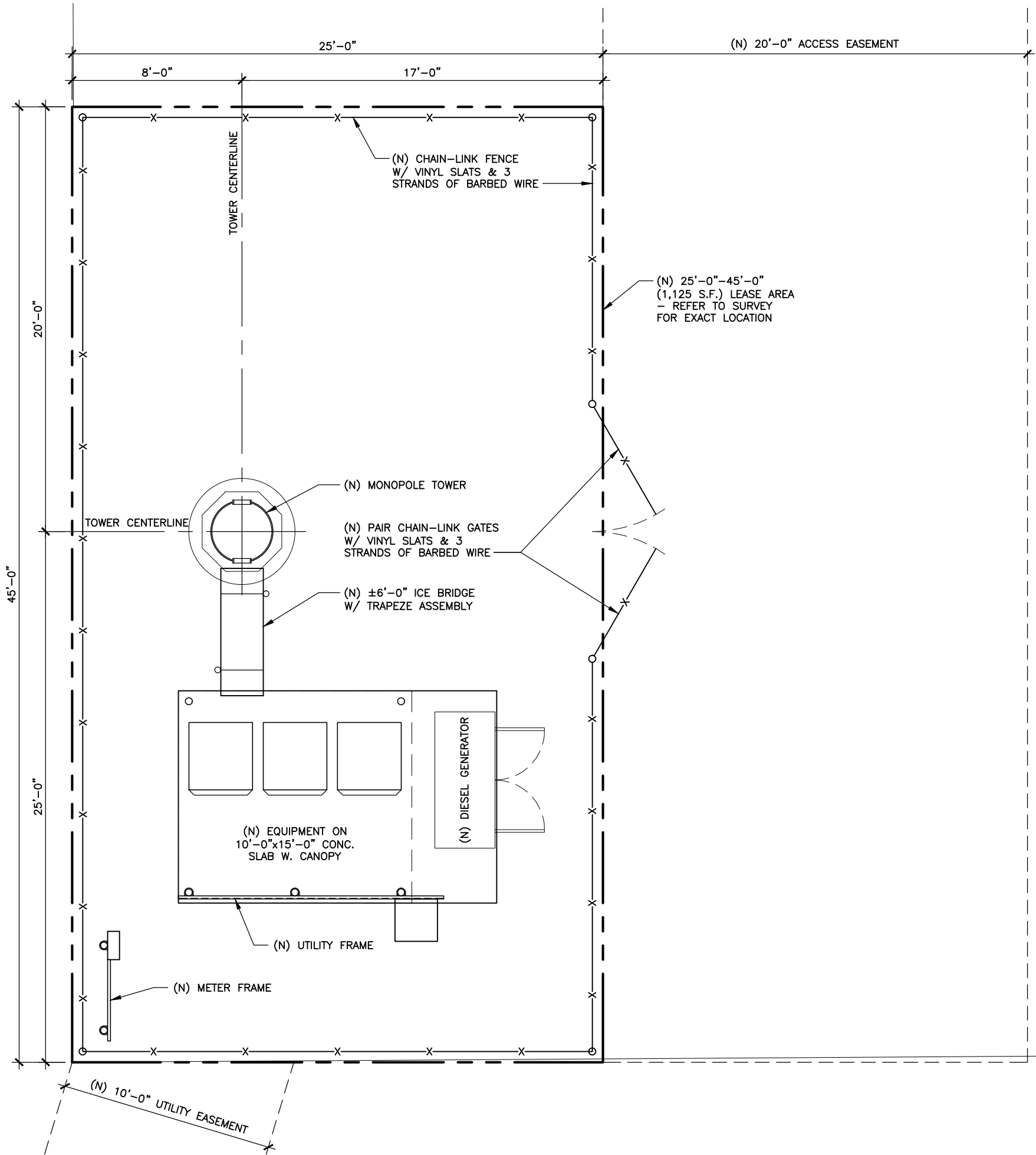
THESE DRAWINGS ARE THE PROPERTY OF VERIZON WIRELESS. THEY ARE INTENDED FOR THE EXCLUSIVE USE OF THIS PROJECT ONLY. ANY RE-USE OF THESE PLANS (DRAWINGS) WITHOUT THE EXPRESS WRITTEN CONSENT OF VERIZON WIRELESS IS PROHIBITED.

1

SITE PLAN
SCALE: 3/16" = 1'-0"



(N) = NEW LESSEE
(E) = EXISTING
(F) = FUTURE



MUELLER

PEGASUS DRIVE
TEMPLE, BELL COUNTY, TEXAS
(299934)

APPROVAL SIGNATURES
LANDLORD

LEASING

CONSTRUCTION

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APPROPRIATE
PROFESSIONAL SEAL
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SET



ARCHCOMM, LLC.
1006 Beckett
San Antonio, Texas 78213
(210) 308-9905
TBPE NO. F-15659

SHEET TITLE

SITE PLAN

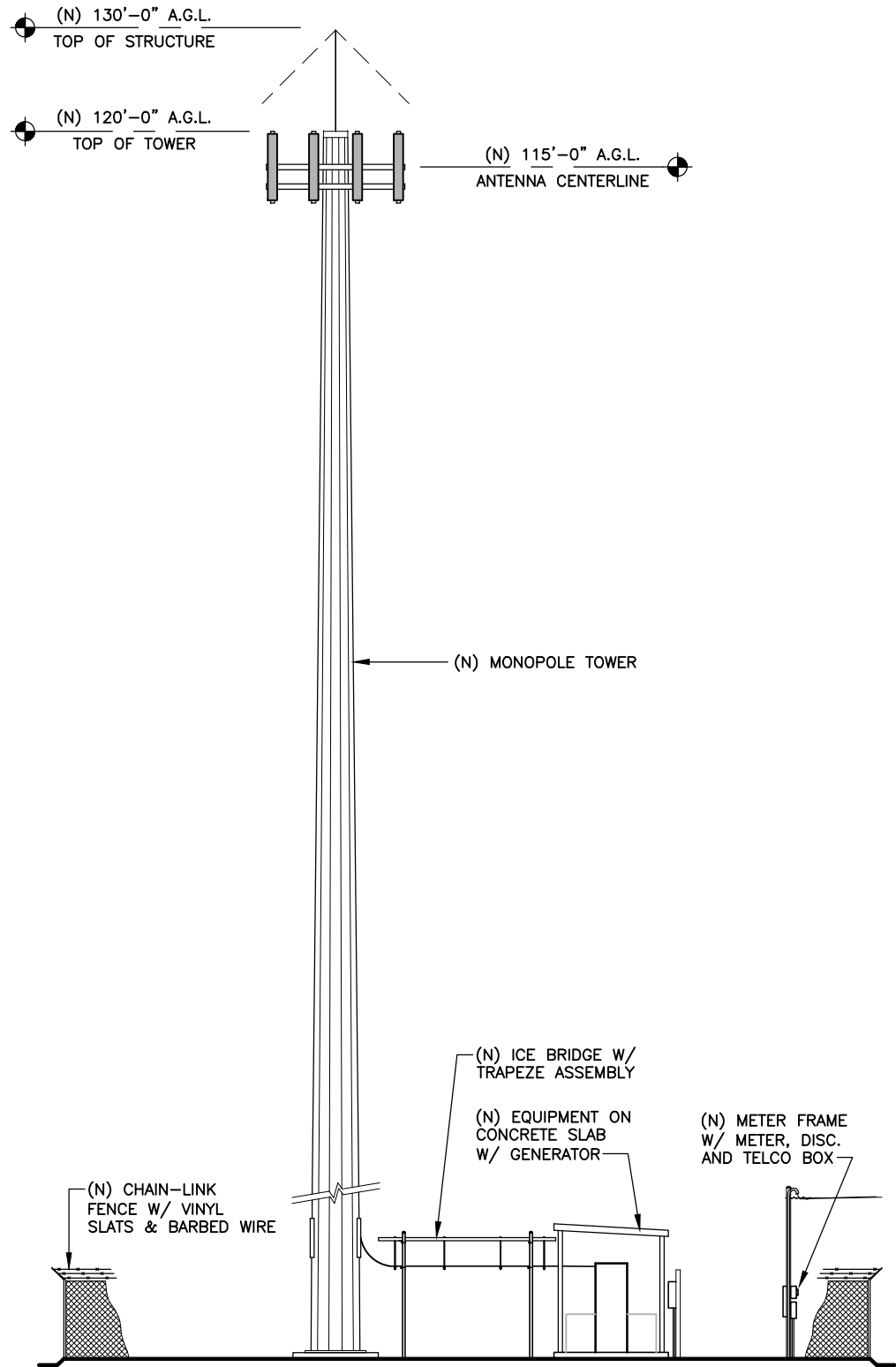
SHEET HISTORY

10.01.15 ISSUE

EN2

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H:\VERIZON\SOUTH TEXAS\Mueller - 299934\20141079122-NB\Mueller-ENSITE BASE DRAWING.dwg, 10/7/2015 4:05:57 PM, mlopez



1 SITE ELEVATION
SCALE: N.T.S.

(N) = NEW LESSEE
(E) = EXISTING
(F) = FUTURE

MUELLER***

PEGASUS DRIVE
TEMPLE, BELL COUNTY, TEXAS
(299934)

APPROVAL SIGNATURES

LANDLORD

LEASING

CONSTRUCTION

THIS IS AN INCOMPLETE SET NOT FOR CONSTRUCTION OR PERMITTING. APPROPRIATE PROFESSIONAL SEAL WILL BE APPLIED TO FINAL CONSTRUCTION SET

ARCHCOMM, LLC.
1006 Beckett
San Antonio, Texas 78213
(210) 308-9905
TBPE NO. F-15659

SHEET TITLE

SITE ELEVATION

SHEET HISTORY

10.01.15 ISSUE

EN3

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ORDINANCE NO. _____
(Z-FY-16-20)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR THE INSTALLATION OF A PROPOSED 115 FOOT STEALTH MONOPOLE ON AN APPROXIMATELY 0.0258 ACRE TRACT OF LAND SITUATED IN THE S. BOTTSFORD SURVEY, ABSTRACT NO. 118, BELL COUNTY, TEXAS, AND LOCATED AT 7050 NORTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant has requested a Conditional Use Permit (CUP) to allow for the installation of a 115-foot stealth monopole for Verizon Wireless at the Mueller building site located at 7050 North General Bruce Drive – this property is zoned Light Industrial and located within the I-35 Corridor Overlay Industrial Sub-District;

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 and operation of said property located on an approximately 0.0258 acre tract of land, situated in the S. Bottsford Survey, Abstract No. 118, Bell County, Texas, and located at 7050 North General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit for the installation of a proposed 115-foot stealth monopole for Verizon Wireless at the Mueller building site; 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 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 (CUP) to allow for the installation of a proposed 115-foot monopole for Verizon Wireless at the Mueller building site located at 7050 North General Bruce Drive, more fully described in Exhibit 'A', attached hereto and made a part hereof for all purposes.

Part 2: The owners/applicants, shall comply with following standards:

A. Boundary and Use Setbacks

1. A guy or guy anchor for a facility must not be closer than 20 feet to a bounding property line.

2. The distance between the base of a self-supported tower and the property line of any residential zoning district or use must not be less than 3 times the height of the tower structure.

B. Security Screening Fence

1. A solid, wood or masonry fence, a minimum of eight feet in height, must completely enclose the base of every tower.

2. In a residential zoning district or on property that abuts a residential zoning district or use, a solid wood or masonry fence, a minimum of eight feet in height, must completely enclose all mechanical equipment and accessory structures.

3. A security screening fence for a facility built or permitted after May 17, 2001, may not be less than 6 feet in height.

4. A security fence must be built to safely discourage unauthorized access to facilities by climbing.

5. External and internal gates and doors that provide access to a facility must be equipped with a self-locking or self-latching mechanism for purposes of preventing unauthorized access.

6. Screening is not required for a facility located on a building that is not designed or built primarily to support the facility, if the ancillary equipment, including but not limited to the equipment enclosure, is not visible from an abutting property line or public street right-of-way.

C. Screening

1. As much of the total facility as possible must be screened or located so as to not be visible from prevalent views.

2. Landscaping must be continuously maintained in a healthy, growing condition and be trimmed as necessary to comply with ordinances governing height of grass, corner sight obstruction and street and sidewalk obstruction.

D. Collocation

A new freestanding tower is not permitted unless the applicant demonstrates to the satisfaction of the approving authority that existing, permitted or proposed alternative support structures cannot accommodate the proposed facilities for the following reasons:

1. Height is not sufficient to meet applicant's engineering requirements;
2. Structural strength is not sufficient to support applicant's proposed facilities and cannot be reinforced in accordance with engineering requirements;
3. Other aspects of structure do not meet applicant's technical design requirements;
4. Electromagnetic interference would result from collocation;

5. Fees or costs for sharing or adapting are unreasonable; any cost that is less than the cost to construct and develop a new tower is presumed to be reasonable;
6. Owners of alternative structures are unwilling to accommodate the applicant's needs within 30 days after the date such owners received applicant's written request; or
7. Other factors render alternative support structures unsuitable.

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 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 **19th** day of **May**, 2016.

PASSED AND APPROVED on Second Reading on the **2nd** day of **June**, 2016.

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

06/02/16
Item #4(L)
Consent Agenda
Page 1 of 1

DEPT. / DIVISION SUBMISSION & REVIEW:

Dessie Redmond, Planner

ITEM DESCRIPTION: SECOND READING – A-FY-16-02: Consider adopting an ordinance authorizing the abandonment and conveyance of 146.78 feet of a 20-foot-wide alley located between Lot 6, Block 1, Black's Addition, and Lot 6, Block 2, Black's Addition, City of Temple, Bell County, Texas.

STAFF RECOMMENDATION: Staff recommends approval of the abandonment of 146.78 feet of a 20-foot-wide alley in Black's Addition between Lot 6, Block 1, Black's Addition, and Lot 6, Block 2, Black's Addition, City of Temple, Bell County, Texas, which will be more particularly described in a surveyed description provided by the applicant and attached as Exhibit A to the ordinance. This is a recommendation for approval since the alley contains no utilities and is not used for other public services or access.

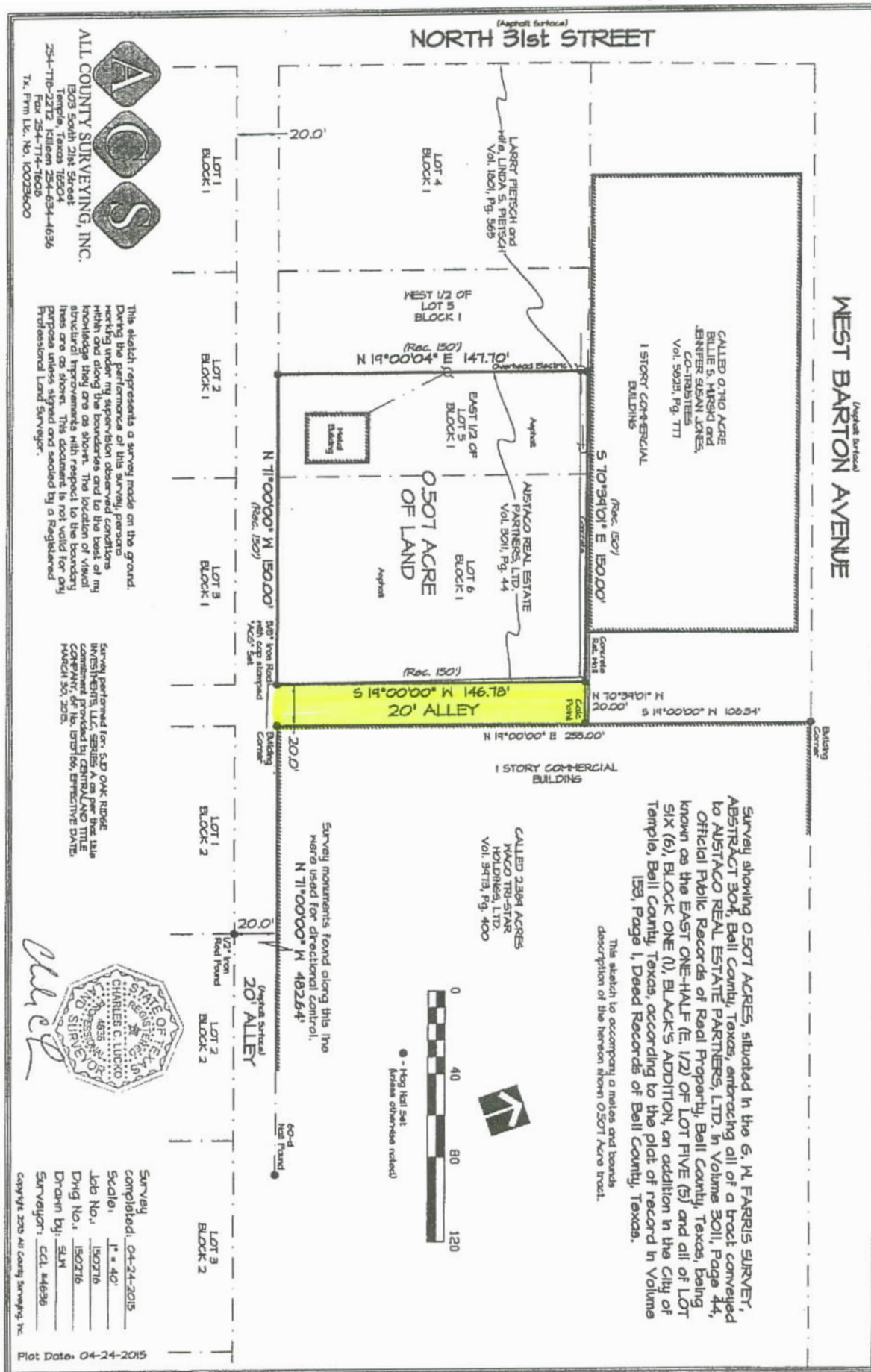
ITEM SUMMARY: The applicant, Bobby Spradley, submitted a request on behalf of SJD Oak Ridge Investments, LLC, for the abandonment and conveyance of 146.78 feet of a 20-foot-wide alley. SJD owns all of the property bounding the west side and north end of the alley. Waco Tri-Star Holdings, Ltd. owns all of the property on the east side of the alley, where Tri-Star Self Storage is located. Tri-Star's representative, Linda Clemmons, submitted a letter to the City stating that Tri-Star has no interest in owning a portion of the alley. The south end of the 146.78-foot alley terminates at a public alley that runs parallel to West Adams Avenue. The alley is vacant and undeveloped.

Planning staff contacted all public service providers, including the Public Works Department. The alley may be conveyed without reserving utility or drainage easements, as the providers' responses indicate there are no existing public facilities in the alley and no objections to abandoning the alley.

FISCAL IMPACT: If approved, SJD Oak Ridge Investments, LLC will be allowed to purchase the abandoned alley rights-of-way at the fair market value of \$1000, as recommended by a 3rd party broker's opinion.

ATTACHMENTS:

[Map](#)
[Tri-Star Self Storage Letter](#)
[3rd Party Broker's Opinion](#)
[Ordinance](#)



Tri-Star Self Storage Letter

March 1, 2016

City of Temple
Attn: Planning Department
Sent via email: bobby@soradlevproperties.com


TRI STAR
SELF STORAGE
2518 LaSalle Ave.
Waco Tx, 76706
254-756-5024

RE: Alley Abandonment located adjacent to Tri-Star Self Storage

To Whom It May Concern:

Please let this letter serve as my written notice that I have no interest in owning any portion of the alley located adjacent to the west boundary of my property Tri-Star Self Storage. I have discussed the alley abandonment with Bobby Spradley and how he would like to fence his property as well as the alley way (if abandoned). I am fully in favor of the fence and the ability to stop the foot traffic and vandalism between our properties.

*Thank You,
Linda Clemmons*

3rd Party Broker's Opinion

RK MARSHALL

Brian Chandler
Director of Planning
City of Temple
2 N. Main Street
Temple, Texas 76501

April 7, 2016

RE: 1510 W. Adams, Temple, Texas

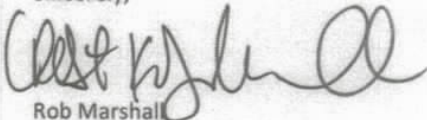
Dear Mr. Chandler,

Pursuant to the city's request, please let this letter serve as my opinion of value for the commercial property located at 1510 W. Adams Avenue, Temple, Texas 76504. Based on my review of recently sold and currently available properties, along with my general understanding of the real estate market in the greater Temple, Texas area, I believe the property will have an ultimate sale price in the range of \$1,000 to \$1,500. This is based upon current market and economic conditions which are unpredictable and the somewhat subjective valuation process more prevalent in a tract of land with no access to a city street.

Please note that I personally inspected the property, but that I am not a participant in the proposed sale of the property to Bobby Spradley. My basis for this letter is that of a licensed real estate broker in the state of Texas, actively working within the real estate market of the subject property. This is solely my professional, independent opinion.

Should you have any questions or need anything further, please let me know.

Sincerely,



Rob Marshall
President

DISCLAIMER: THIS IS AN OPINION OF VALUE AND SHOULD NOT BE CONSIDERED AN APPRAISAL. I have not followed the Uniform Standards of Professional Appraisal Practice guidelines in reaching the value estimate shown. If an appraisal of the property is performed under USPAP, the value conclusions could be different than indicated herein. Neither Rob Marshall nor RK Marshall Group will be held liable for any claims or loss as a result of the information contained herein. The information contained herein is based on my general understanding of the real estate market in the greater Temple, Texas area, but has not been independently verified. Any projections, opinions, assumptions or estimations are for example only and do not necessarily represent the current or future sale price of the property. This opinion of value is based upon certain salient (and sometimes limited) information and is not intended to constitute an "appraisal" of the property.

PO Box 216 Temple, TX 76503 | 254.421.5757

ORDINANCE NO. _____
(A-FY-16-02)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ABANDONMENT AND CONVEYANCE OF AN APPROXIMATELY 146.78 FOOT PORTION OF A 20 FOOT WIDE ALLEY LOCATED BETWEEN LOT 6, BLOCK 1, BLACK'S ADDITION, AND LOT 6, BLOCK 2, BLACK'S ADDITION, CITY OF TEMPLE, BELL COUNTY, TEXAS; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Bobby Spradley, submitted a request on behalf of SJD Oak Ridge Investments, LLC, for the abandonment and conveyance of an approximately 146.78 foot portion of a 20 foot wide alley located between lot 6, block 1, Black's Addition and lot 6, block 2, Black's addition, City of Temple, Bell County, Texas;

Whereas, SJD Oak Ridge Investments, LLC ("SJD Oak Ridge") owns all of the property bounding the west side and north end of the alley and Waco Tri-Star Holdings, Ltd. owns all of the property on the east side of the alley - Tri-Star Self Storage submitted a letter to the City stating that Tri-Star Self Storage has no interest in owning a portion of the alley;

Whereas, the south end of the approximately 146.75 foot alley terminates at a public alley that runs parallel to West Adams Avenue and the subject alley is vacant and undeveloped;

Whereas, Staff has contacted all public and private service providers, including the Public Works Department, and confirmed that the alley may be conveyed without reserving utility or drainage easements, as the providers' responses indicate there are no existing public facilities or utilities in the alley and there are no objections to abandoning the alley because it is not used for other public services or access;

Whereas, once abandoned, SJD Oak Ridge will be allowed to purchase the abandoned portion of the alley at the fair market value of \$1,000, as determined by a third party broker's opinion; and

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

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

Part 1: The City Council abandons approximately 146.78 feet of a 20 foot wide alley located between lot 6, block 1, Black's Addition, and lot 6, block 2, Black's Addition, City of Temple, Bell County, Texas as depicted on the surveyed description attached hereto and incorporated herein as Exhibit A and authorizes conveyance of the abandoned portion of the alley to the adjoining property owner, SJD Oak Ridge Investments, LLC, upon payment to the City of the fair market value of the property which has been determined to be \$1,000.

Part 2: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 3: 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 **19th** day of **May**, 2016.

PASSED AND APPROVED on Second Reading on the **2nd** day of **June**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

 This instrument was acknowledged before me on the ____ day of _____, 2016, by
Daniel A. Dunn, Mayor of the City of Temple, Texas.

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

06/02/16
Item #4(M)
Consent Agenda
Page 1 of 5

DEPT. / DIVISION SUBMISSION & REVIEW:

Dessie Redmond, Planner

ITEM DESCRIPTION: SECOND READING – Z-FY-16-19: Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) to Light Industrial (LI), and to consider and recommend action on a Conditional Use Permit (CUP) to allow for landfill use in the LI zone on 283.73 +/- acre tract of land, recently annexed into the City of Temple by Ordinance No. 2015-4733, located to the south of Little Flock Road and to the west of Bob White Road.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their April 18, 2016 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the proposed rezoning and the approval with conditions for the CUP, as presented by Planning staff.

During the meeting, the Planning & Zoning Commission discussed how long the proposed expansion would add to the life of the landfill. It is estimated approximately 75 years. The existing landfill still has an estimated 15 years left. The subject property was purchased and annexed long before needed because the permitting process for a landfill can take years to complete, especially if there is opposition from surrounding property owners.

There was also discussion on if the diminished values of the surrounding property owners would occur within 20 years. This is one of the criteria for reviewing a CUP. It is very challenging on speculating how and when the use of the landfill will impact the neighboring properties and how that is quantified.

Discussion about the creek and the existing floodplain was also mentioned. The creek is isolated from the dump area and a drainage system collects runoff from the landfill before it gets to the creek. The area in the floodplain within the subject property and the existing landfill is not used as landfill use.

STAFF RECOMMENDATION: Staff recommends approval for a rezoning from AG district to LI district. Staff also recommends approval with conditions on the CUP to allow for landfill use in the LI zone. These recommendations are based on for the following reasons:

1. The proposed rezoning is in compliance with the overall purpose of the Comprehensive Plan.
2. The proposed zoning is compatible with surrounding zoning.
3. The request complies with the Thoroughfare Plan.
4. The landfill use is compatible with the adjacent landfill use to the west of the property.
5. The request has demonstrated compliance to Section 3.5.4 of the Unified Development Code (UDC).

The conditions are similar conditions as the CUP on the existing landfill and are as follows:

- A. The development of the property must conform to the Light Industrial Zoning District standards.
- B. The landfill shall comply with all applicable State and Federal regulations.
- C. The operator shall work with Planning staff to develop a fence and tree buffering plan to preserve some of the perimeter canopy trees and mitigate negative visual appearance.
- D. An expansion beyond the 283.73 +/- acres of the landfill is subject to proper permit processes, including an additional conditional use permit.
- E. The permittee shall operate the establishment in such a manner as to prevent excessive noise, dirt, litter, and odors on the establishment or in the surrounding area and shall operate the establishment in such a manner as to minimize disturbance to surround property owners.
- F. A conditional use permit issued under this sections runs with the property and is not affected by a change in the land ownership.
- G. The City Council may revoke, suspend or modify the conditional use permit after notice to property owner and hearing before the city Council if the City Council finds evidence of fraud or deception, violation of conditions of the conditional use permit, or as provided in Section 7-609 and 7-610 of the Zoning Ordinance.

ITEM SUMMARY: The applicant has requested a rezoning of approximately 283.73 acres from AG to LI with a CUP to allow for the use of landfill. The subject property includes the land that was recently annexed into city limits by Ordinance No. 2015-4733. The annexation of the property was conducted in accordance with Chapter 42 of the Texas Local Government Code. The subject property includes properties to the south of Little Flock Road, to the west of Bob White Road, to the north of Tower Road and to the east of the existing landfill. The subject property is proposed for the purpose of expanding the landfill. The LI zoning district requires the applicant obtain a CUP for a landfill use.

It is proposed the property will be developed as a landfill use, there are other uses allowed in the LI zoning district. The uses allowed in the LI, include but are not limited to:

Permitted & *Conditional Use Table – Light Industrial (LI)	
Residential Uses	Convent or monastery *Family or group home
Agricultural Uses	Farm, Ranch, orchard or garden Kennel without veterinary hospital
Commercial Uses	Heavy machinery sales, storage and repair Welding or machine shop

Education & Institutional Uses	*Cemetery, crematorium or mausoleum Place of worship
Industrial Uses	*Landfill Distribution center
Office Uses	Office Warehouse office
Overnight Accommodations Uses	Hotel *Recreational vehicle park
Recreational & Entertainment Uses	Amusement, commercial (indoor and outdoor) *Shooting range (outdoor)
Restaurant Uses	Restaurant (not drive-in and drive-in)
Retail Sales and Service Uses	Barber shop Medical appliances, fitting, sales or rental
Transportation and Related Uses	Airport or landing field Railroad freight terminal
Utility and Service Uses	Electrical energy generating plant *Sewage treatment plant
Vehicle Sales and Services Uses	Car wash Truck stop

Prohibited uses include Cleaning plant (commercial), animal feedlot, and cement or hydrated lime plant.

The Unified Development Code:

The Unified Development Code (UDC) Section 3.5.4 Review Criteria states, in determining whether to approve, approve with conditions or deny a CUP application, the review bodies in Sec. 3.5.2 above must consider the following criteria.

- A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.
- B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.
- C. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided.
- D. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
- E. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.
- G. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

UDC Section 3.5.5, states the Planning & Zoning Commission may recommend and the City Council may impose additional conditions of approval.

Surrounding Property and Uses: The following tables provide information regarding the subject property and surrounding properties on Future Land Use Plan (FLUP) designations, existing zoning and current land uses:

Surrounding Property & Uses			
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Agricultural/Rural	AG	Annexed into city limits in 2015
North	Agricultural/Rural	ETJ*	Existing Residence and Rural
South	Agricultural/Rural	ETJ	Existing Residence and Rural
East	Agricultural/Rural	ETJ	Existing Residence and Rural
West	Industrial	LI	Landfill

*ETJ – Extraterritorial Jurisdiction

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

<u>Document</u>	<u>Policy, Goal, Objective or Map</u>	<u>Compliance?</u>
Comp Plan	Map 3.1 - Future Land Use Plan (FLUP)	Yes
Comp Plan	Map 5.2 - Thoroughfare Plan	Yes
Comp Plan	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
Trails Plan	Temple Trails Master Plan Map	N/A

Future Land Use Plan (FLUP) (Comp Plan Map 3.1)

The subject property is located in the Agricultural/Rural character district according to the Comp Plan. The proposed zoning is not compatible with the Agricultural/Rural character district as described in the Choice '08 Comprehensive Plan (Comp Plan) – Future Land Use Map. This designation is meant to protect areas in active farm and/or ranch use. However, it should be noted, due to the proximity of the existing landfill, the proposed landfill use does comply with the overall purpose of the Comp Plan. The Comp Plan lays out a “big picture” vision for the growth of the community. The landfill use is a necessary component of a community. As Temple grows, the expansion of the landfill is inevitable and is therefore, part of the “big picture” vision for the growth of the community.

Thoroughfare Plan (Comp Plan Map 5.2)

The subject property is bounded to the north by Little Flock Road (major arterial), to the east by Bob White Road (collector road) and to the south by Tower Road (minor arterial). There is a proposed major arterial that runs just east of the property and abuts the property at the south east corner.

Availability of Public Facilities (Comp Plan Goal 4.1)

There are no existing utilities in the subject properties because it was recently annexed into city limits. There are also no existing utilities in the existing landfill as depicted in the Utility Map.

Temple Trails Master Plan Map and Sidewalks Ordinance

There are no proposed trails in or around the subject property as shown in as shown in the Thoroughfare and Trails Map.

DEVELOPMENT REGULATIONS: The request does not propose to develop the property and there are no proposed buildings.

PUBLIC NOTICE: 21 notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Wednesday, May 11, 2016, nine notices have been received in disagreement with the request (five returned letters were from the same property owner who owns five separate properties within the 200' buffer area).

The newspaper printed notice of the public hearing on April 7, 2016, in accordance with state law and local ordinance.

PROPOSED CITY COUNCIL MEETING SCHEDULE: This rezoning is scheduled for the 1st Reading on May 19, 2016 and a 2nd Reading on June 2, 2016.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Site Photos](#)

[Location Map](#)

[Future Land Use Map](#)

[Thoroughfare & Trails Map](#)

[Utility Map](#)

[Notification Map](#)

[\(8\) Returned Property Notice](#)

[Existing Zoning District vs Proposed Zoning District Ordinance](#)

Site Photos



Bob White Road

Standing on Bob White Road at the central east boundary looking south into the property.



Little Flock Road

Standing on Little Flock Road at the northwest corner of the property looking south into the property.

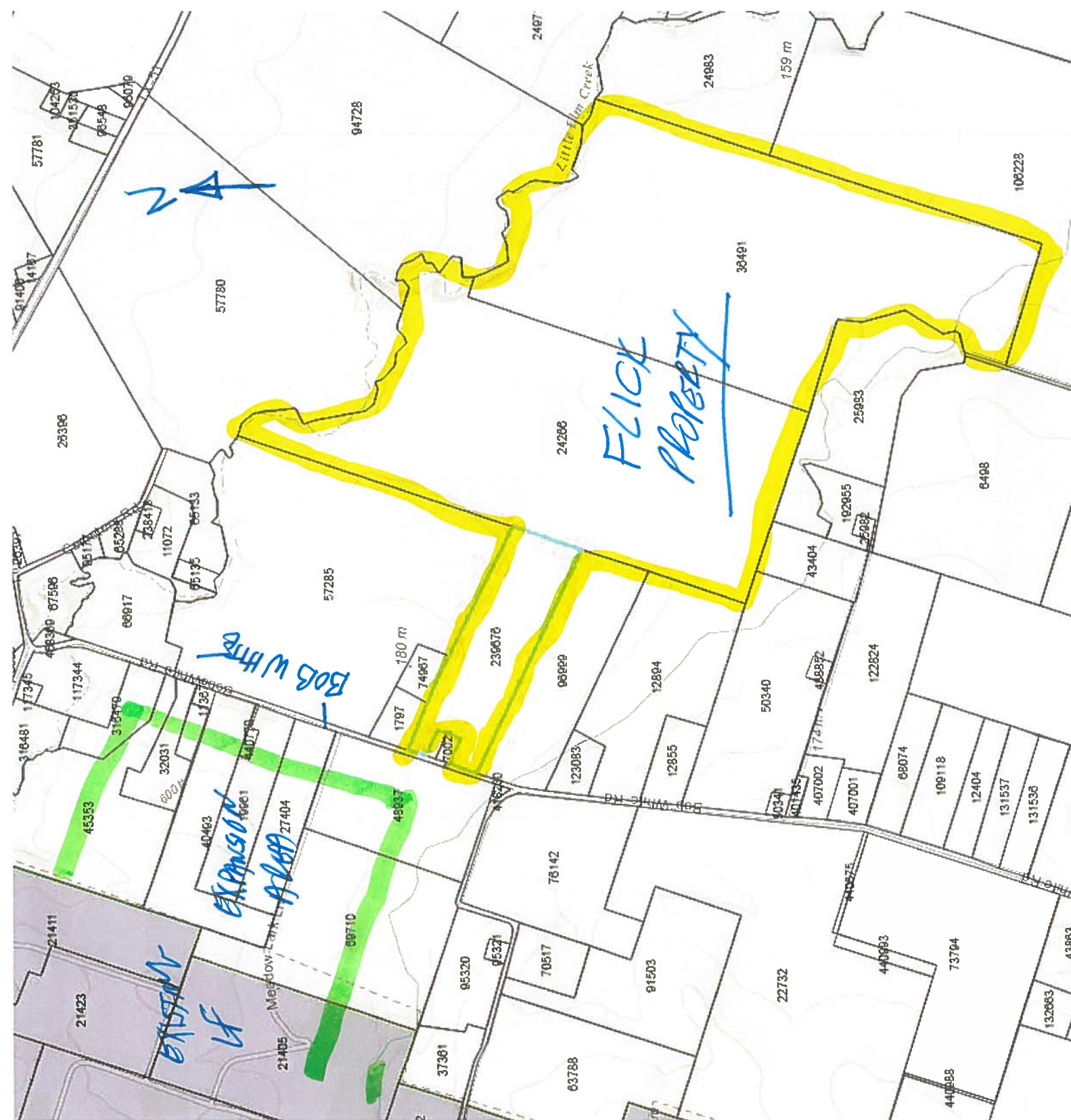
Site Photos



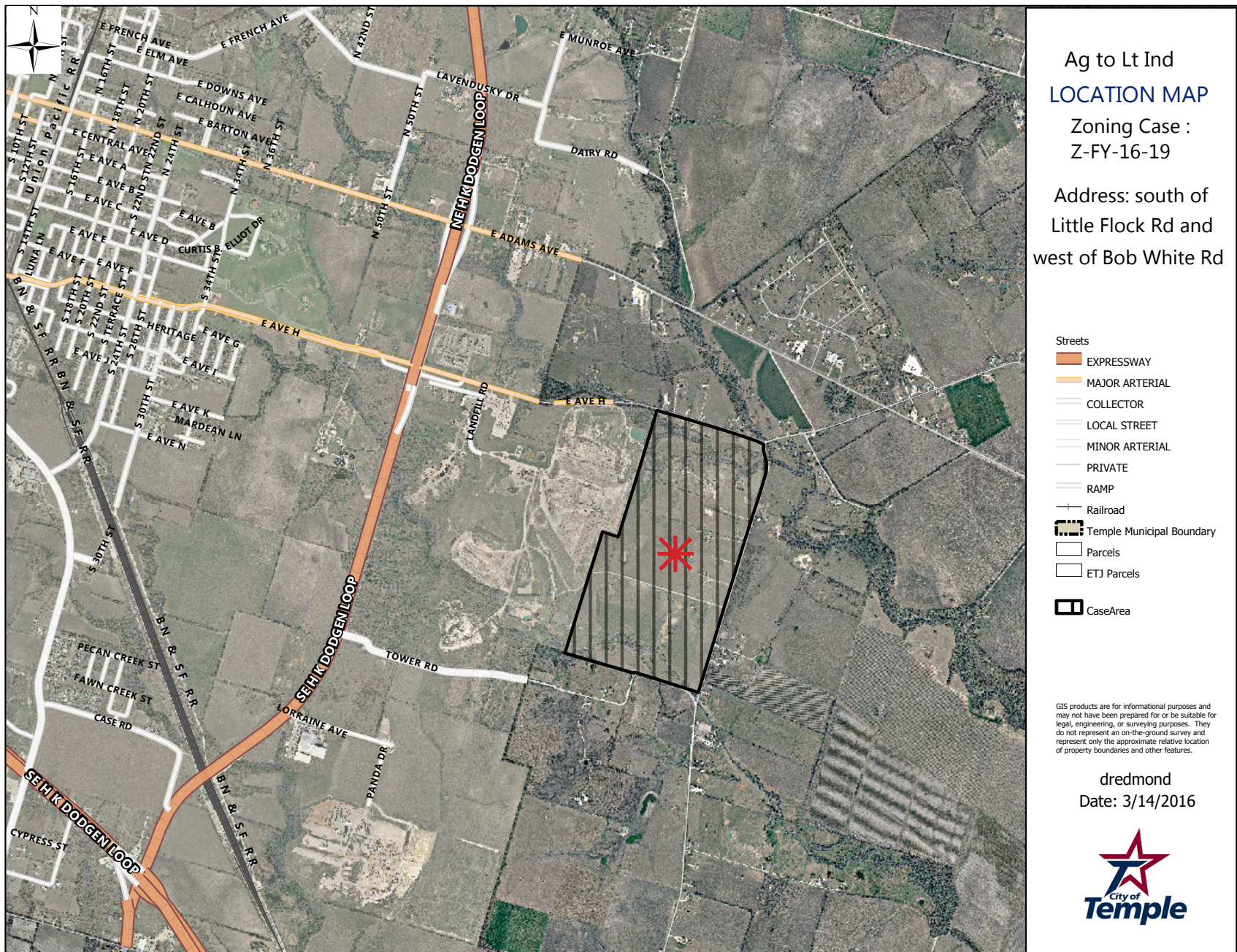
Existing landfill abutting the west boundary of the subject property.



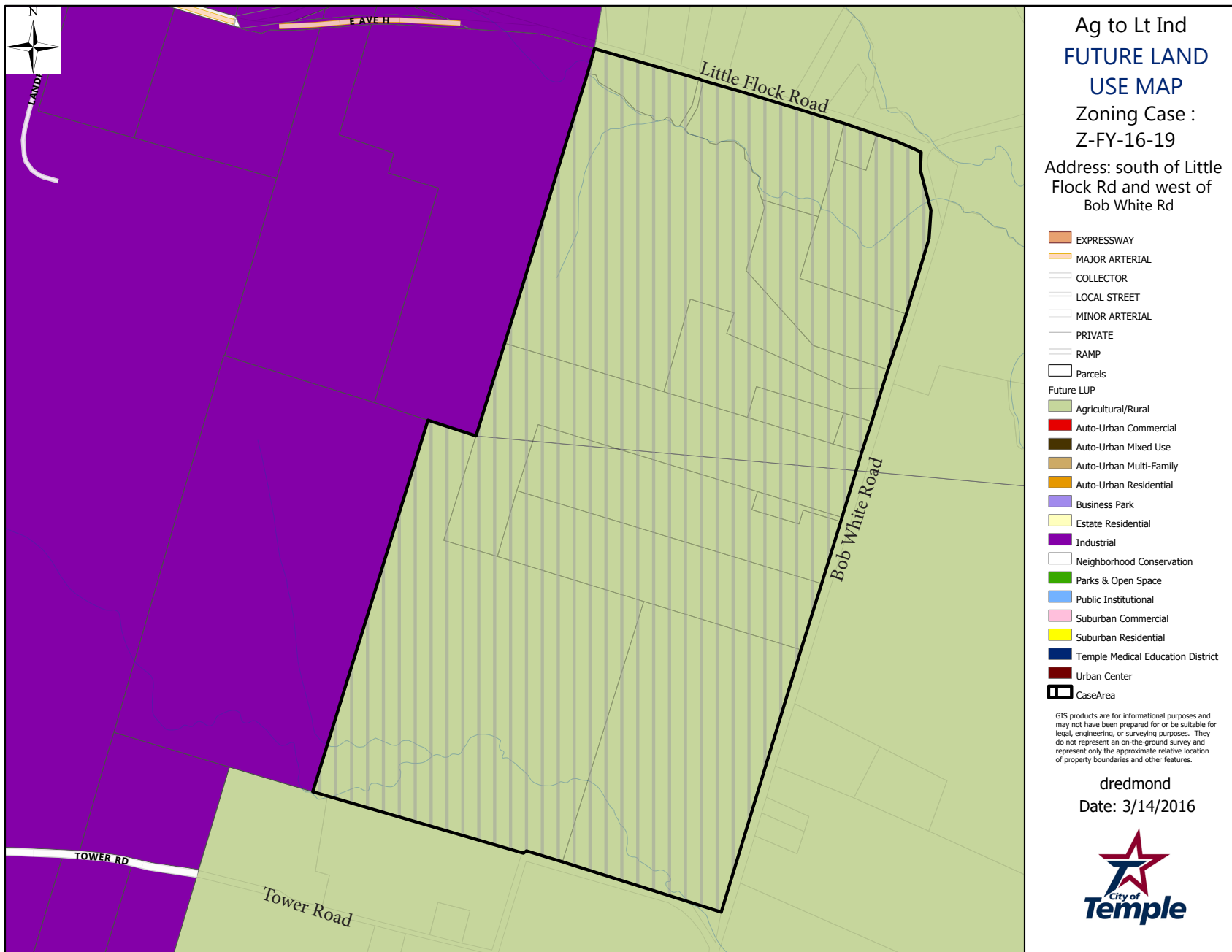
Standing on Little Flock Road looking south into the property.



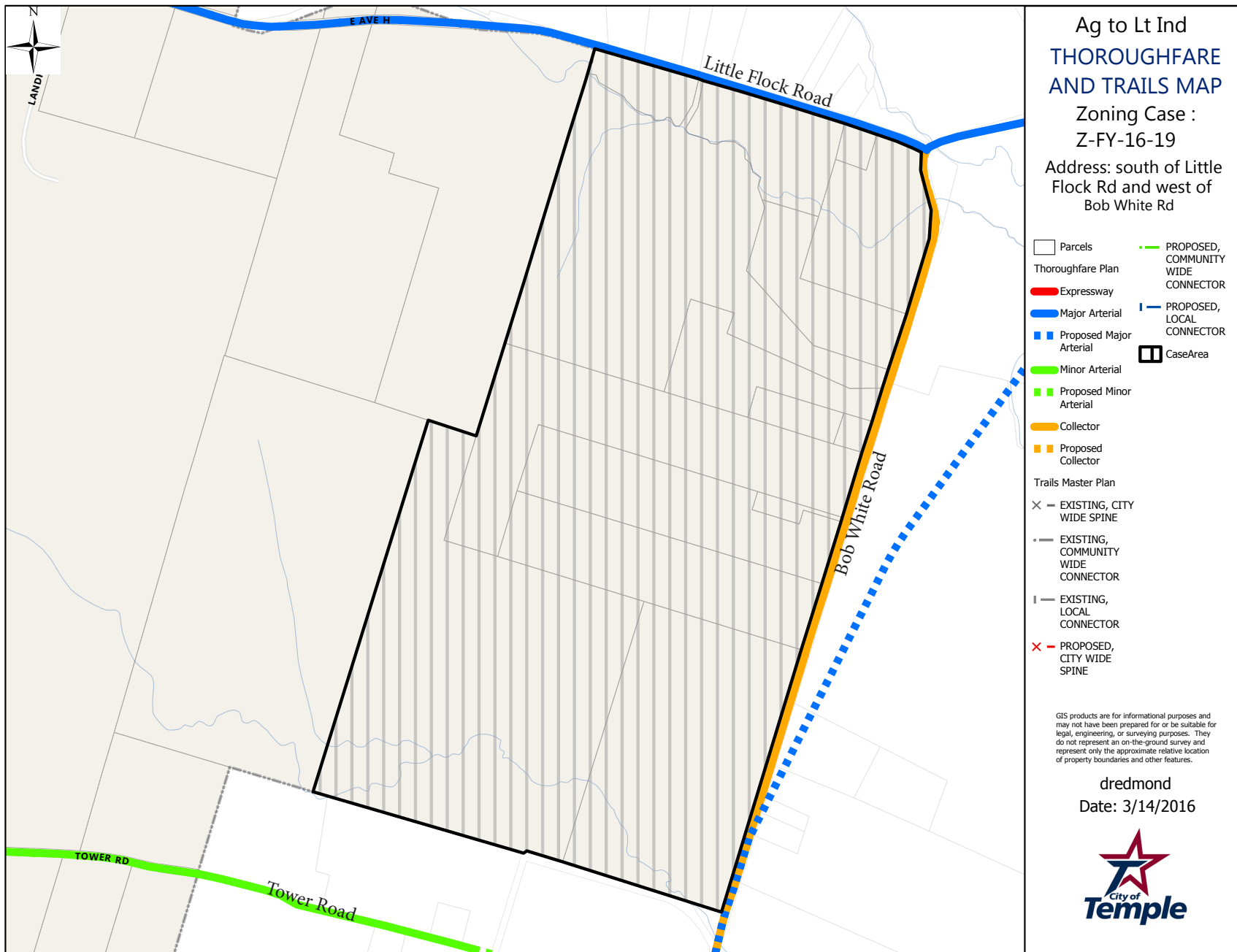
Location Map



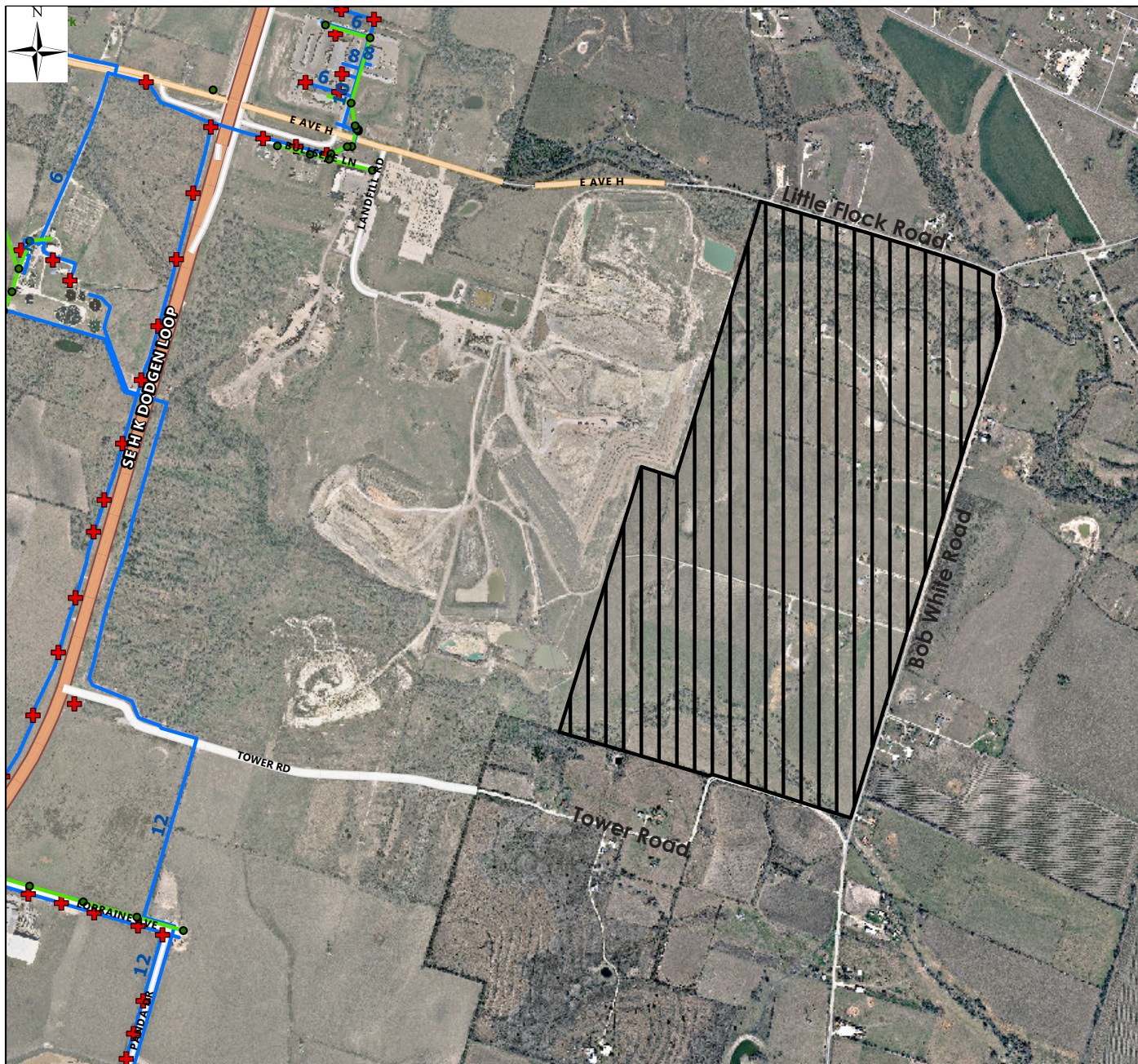
Future Land Use Map



Thoroughfare and Trails Map



Utility Map



Ag to Lt Ind

UTILITY MAP

Zoning Case :
Z-FY-16-19

Addresses: south of
Little Flock Rd and west
of Bob White Rd

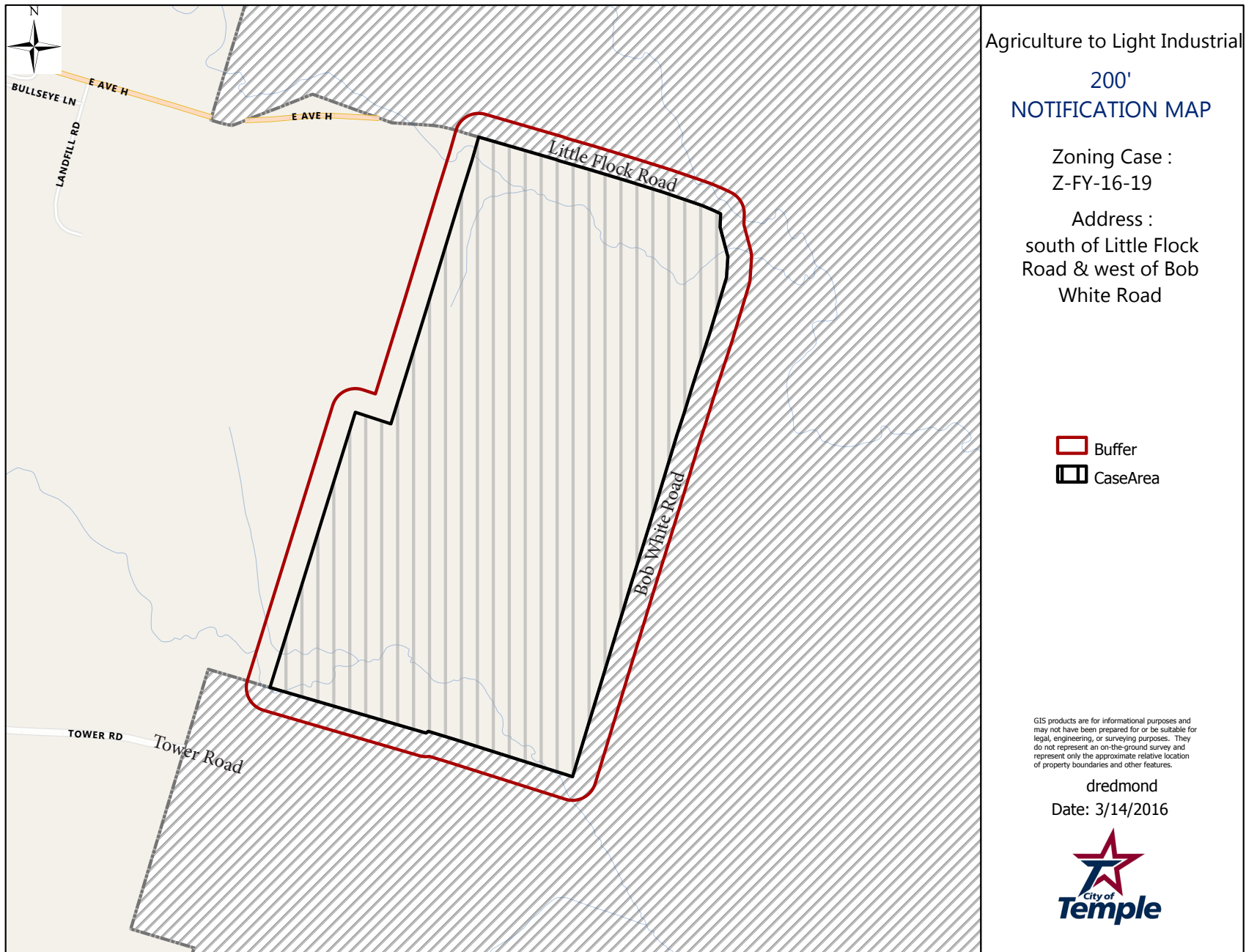
- Manhole
- Gravity Main
- + Hydrant
- Main
- Parcels
- ▨ CaseArea

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.

dredmond
Date: 3/14/2016



Notification Map



Returned Property Notice



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

JAROSEK, JOHNNY & LISA
4698 LITTLE FLOCK RD
TEMPLE, TX 76501-7178

Zoning Application Number: Z-FY-16-19 Project Manager: Dessie Redmond

Location: South of Little Flock Road and to the west of Bob White 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 ☐ agree

☒ disagree with this request

Comments:

Decrease in property values
Small

Signature

J. Jarosek

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **April 18, 2016**.

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

RECEIVED

APR 14 2016

City of Temple

Planning & Development

Number of Notices Mailed: 21

Date Mailed: April 6, 2016

Returned Property Notice



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

JAROSEK, JOHNNY & LISA
4698 LITTLE FLOCK RD
TEMPLE, TX 76501-7178

Zoning Application Number: **Z-FY-16-19** Project Manager: Dessie Redmond

Location: South of Little Flock Road and to the west of Bob White 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 ☐ agree

☒ disagree with this request

Comments:

Smell & decreased property
value

Signature

Print Name

J. Jarosek

Please mail or hand-deliver this comment form to the address shown below, no later than **April 18, 2016**.

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

RECEIVED

APR 15 2016

City of Temple
Planning & Development

Number of Notices Mailed: 21

Date Mailed: April 6, 2016

Returned Property Notice



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

JAROSEK, JOHNNY & LISA
4698 LITTLE FLOCK RD
TEMPLE, TX 76501-7178

Zoning Application Number: **Z-FY-16-19** Project Manager: Dessie Redmond

Location: South of Little Flock Road and to the west of Bob White 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 ☐ agree

☒ disagree with this request

Comments:

Smell, blowing trash &
decreased value of property

Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **April 18, 2016**.

RECEIVED

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

APR 18 2016
City of Temple
Planning & Development

Number of Notices Mailed: 21

Date Mailed: April 6, 2016

Returned Property Notice



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

JAROSEK, JOHNNY & LISA
4698 LITTLE FLOCK RD
TEMPLE, TX 76501-7178

Zoning Application Number: Z-FY-16-19 Project Manager: Dessie Redmond

Location: South of Little Flock Road and to the west of Bob White 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 ☐ agree

☒ disagree with this request

Comments:

~~Decreased~~ Decreased property
value & smell.

Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **April 18, 2016**.

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

RECEIVED

APR 18 2016

City of Temple
Planning & Development

Number of Notices Mailed: 21

Date Mailed: April 6, 2016

Returned Property Notice



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

JAROSEK, JOHNNY & LISA
4698 LITTLE FLOCK RD
TEMPLE, TX 76501-7178

Zoning Application Number: **Z-FY-16-19** Project Manager: **Dessie Redmond**

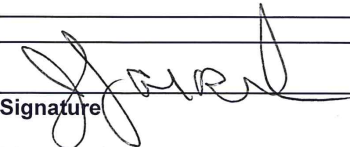
Location: South of Little Flock Road and to the west of Bob White Road

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 ☐ agree

☒ disagree with this request

Comments: Odor + decrease in property
value

 J. Jarosek
Signature Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **April 18, 2016**.

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

RECEIVED
APR 18 2016
City of Temple
Planning & Development

Number of Notices Mailed: 21

Date Mailed: April 6, 2016

Returned Property Notice



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

KIRK, DOROTHY
901 PALMETTO ST
BELTON, TX 76513-2845

Zoning Application Number: Z-FY-16-19 Project Manager: Dessie Redmond

Location: South of Little Flock Road and to the west of Bob White 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.

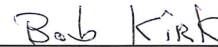
I ☐ agree

☒ disagree with this request

Comments:



Signature



Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **April 18, 2016**.

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

RECEIVED

APR 18 2016

City of Temple
Planning & Development

Number of Notices Mailed: 21

Date Mailed: April 6, 2016

Returned Property Notice



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

MALCIK, JOHN JR
550 CEMETERY RD
TEMPLE, TX 76501-7109

Zoning Application Number: Z-FY-16-19 Project Manager: Dessie Redmond

Location: South of Little Flock Road and to the west of Bob White 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 () agree

☒ disagree with this request

Comments:

Taxes ARE High Enough Now for Retired People
Living from Month to Month on Social Security Alone.
Disabled AND Too old To work. IF Rezoned Taxes will
Follow AND Go Higher! AM 82 Now Lived here Since 6 years
old, 12 years MILITARY - Rest IN Factory work - Truck Driver
EET. Well WHAT will be, will be. May be will get a little
RAISE IN S. Security Some Day, BUT NOT ENOUGH To Keep up
with COST of Living

John Malcik Jr.
Signature

John MALCIK JR.
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **April 18, 2016**.

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

RECEIVED
APR 19 2016
City of Temple
Planning & Development

Number of Notices Mailed: 21

Date Mailed: April 6, 2016

Returned Property Notice



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

PROCTOR, WILLIAM P
4420 TOWER RD
TEMPLE, TX 76501-7153

Zoning Application Number: Z-FY-16-19 Project Manager: Dessie Redmond

Location: South of Little Flock Road and to the west of Bob White 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 ☐ agree

☒ disagree with this request

Comments:

Find a way to dispose of trash
without ruining agriculture land.

WP Proctor

Signature

William P Proctor

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **April 18, 2016**.

RECEIVED

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

APR 19 2016

City of Temple
Planning & Development

Number of Notices Mailed: 21

Date Mailed: April 6, 2016

Returned Property Notice



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

FLICK, PAIGE D & MILTON J
9525 KATY FWY, STE 305
HOUSTON, TX 77024-1439

Zoning Application Number: **Z-FY-16-19** Project Manager: Dessie Redmond

Location: South of Little Flock Road and to the west of Bob White 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 ☐ agree

☒ disagree with this request

Comments:

Please see attached letter

Milton J Flick
Signature

Milton J Flick
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **April 18, 2016**.

Kelly K. Tibbitts
D Redmond @ Temple TX

254.298.5700
City of Temple
Planning Department
Municipal Building, Room 102
Temple, Texas 76501
20 Main

Number of Notices Mailed: 21

Date Mailed: April 6, 2016

Returned Property Notice

MILTON J. FLICK
Attorney at Law - Mediator
9525 Katy Freeway, Suite 305
Houston, Texas 77024-1439
713/932-8300
Fax 713/932-9172

May 9, 2016

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

Re: Zoning Application Z-FY-16-19
Project Manager: Dessie Redmond

Gentlemen:

Due to illness in the family, I was not able to respond by the date of April 18, 2016 to the Notice of Proposed Rezoning that was sent out under date of April 07, 2016, according to the Pitney Bowes Postage Machine. Because the response date was set at a mere 11 days after the date of mailing per the date stamped by the Pitney-Bowes Postage Machine, I will respond even though the cut-off date has passed.

I live in the Houston area. Our local newspaper does not cover proposed zoning requests in Temple, Texas as "news" items for the Houston market. I also subscribe to the Temple Daily Telegram, but – unfortunately – I do not routinely read the legal notices. I was not aware of this proposed re-zoning until I received the notice in the mail.

We oppose this rezoning. The landfill does not merely serve the needs of the City of Temple. The City has taken on the role of waste- handler for other cities, handling the garbage for every city in the area. The City is going to handle such a volume that the landfill will have a life of a mere 17 years, according to a recent newspaper article in the Temple Daily Telegram discussing the need to recycle to take the pressure off of landfills. This huge volume is going to increase the stench and traffic affecting my property on the East side of Bob White Road. We believe that if the City is going to go beyond the needs of its citizens and accept the trash from its neighbors, the City must be extra careful not to damage people and property subject to its jurisdiction when it locates and operates a landfill. We object to an expansion of the current site.

My family owns an active farm containing 495 contiguous acres that front on the East side of Bob White Road directly across from the planned expansion of the landfill. That farm is important to the future growth of the City of Temple. As the crow flies, we are approximately four miles from Scott & White Hospital, the VA Hospital, Temple College, and from Downtown Temple. Our land is close enough to the major employers in Temple to be valuable in the foreseeable future for residential or commercial use. But the proposed action of the City of Temple guarantees that our land will never be useful for anything except agricultural use.

Returned Property Notice

Not even commercial use, industrial use, or warehouse use will be possible for our property with the City unloading the waste of the entire area into the expanded landfill and subjecting our land first to the traffic as the landfill is filled up and then perpetually to odors that will pour forth from such a monster landfill as the garbage rots - forever. In imposing these huge adverse conditions upon our farm, the City of Temple has narrowed the possible uses for our land to solely agricultural use, causing great reduction in the value of the farm and perhaps rendering it unmarketable at any reasonable price.

For example, as the landfill operations expand closer to Bob White Road, those operations may soon cause us to wind up with a farm of almost 500 acres that contains not one suitable site upon which to build an on-premises farmhouse from which to operate that farm. The planned expansion of this Landfill will wreak tremendous damage upon our farm.

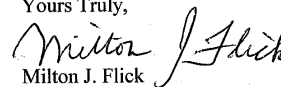
And, moreover, by the City's having annexed the land necessary to allow this landfill to expand, the City has concomitantly extended the reach of its ETJ, requiring us now to comply with the burden of many codes, rules, and regulations of the City of Temple, even though we have become separated and isolated from the rest of the City by this very landfill and we will receive no City Services. The steps that the City are taking to accommodate this landfill are imposing a great burden on our 495 acre farm.

But even worse, expanding this landfill at its present location is a mistake for the future of the City of Temple. The property under consideration for rezoning is too valuable to the future growth of the City. The location is too close to the Loop, to Scott & White, to downtown, to the VA Hospital, to Temple College, and to residential areas for the City to slam the door shut on development of the City to the East. By adding 282 acres to the landfill, the City will forever kill the East side of Temple. The East side, otherwise, would be a viable direction for growth for the City, which is already boxed in on the South and West by Belton and the lakes.

This landfill, like all landfills, with its anaerobic decomposition of waste, will create methane, which we conclusively know to be a very dangerous greenhouse gas. In the future, the City of Temple will have to live with the burden of containing and controlling the methane for a thousand years or longer. The future of huge landfills will prove to be difficult and dangerous to the environment. Let us not forget the landfill northwest of the City of San Antonio that caught fire several years ago by spontaneous combustion and smoldered for years, if not until the present day, causing odors, ash, and soot to flow out large distances for years. If and when the landfill catches on fire, it will be like the coal seams in Appalachia that will burn forever; the fires cannot be extinguished but must run their course. In approving this expansion of the landfill, the City of Temple will be sacrificing its future to a ruinous, monstrous landfill.

We object to this Request. We urge the City of Temple to deny the rezoning request.

Yours Truly,

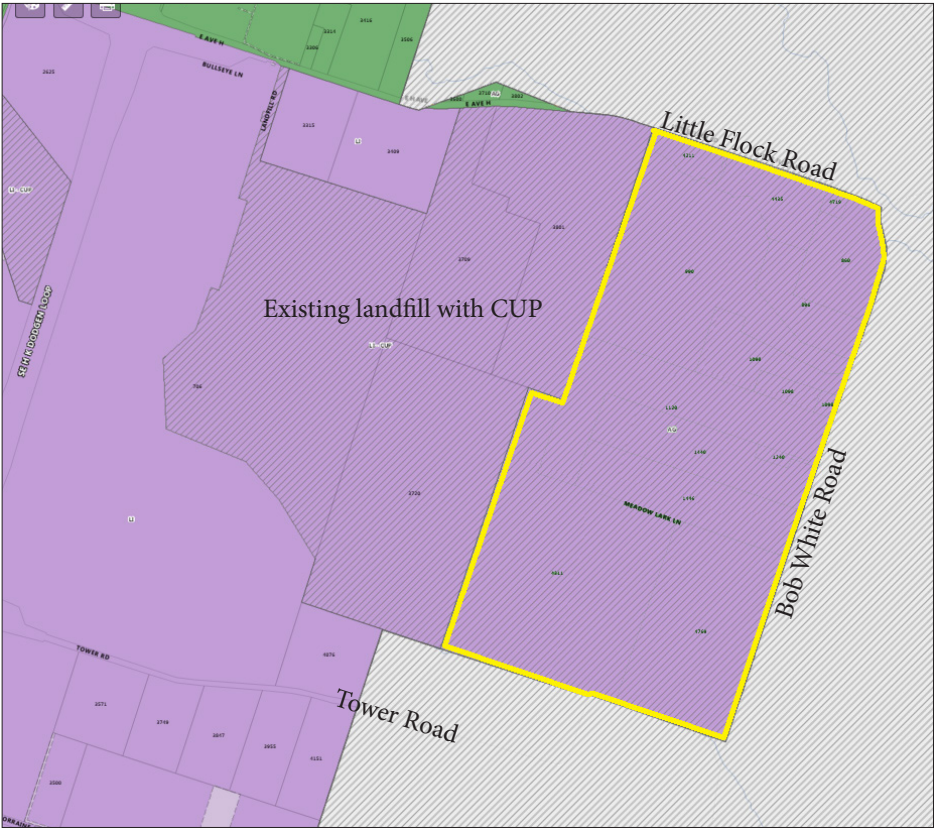

Milton J. Flick

20160509






Existing Zoning District versus Proposed Zoning District



Existing Agricultural Zoning District



Proposed Light Industrial Zoning District

-  Agricultural
-  Light Industrial
-  Light Industrial with a CUP
-  ETJ
-  Subject Property Boundary

ORDINANCE NO. _____
(Z-FY-16-19)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL TO LIGHT INDUSTRIAL AND APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR LANDFILL USE IN THE LIGHT INDUSTRIAL ZONE ON AN APPROXIMATELY 283.73 ACRE TRACT OF LAND, RECENTLY ANNEXED INTO THE CITY OF TEMPLE BY ORDINANCE NO. 2015-4733, LOCATED TO THE SOUTH OF LITTLE FLOCK ROAD AND TO THE WEST OF BOB WHITE ROAD; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant has requested a rezoning of an approximately 283.73 acre tract of land located to the south of Little Flock Road and to the west of Bob White Road from Agricultural to Light Industrial with a Conditional Use Permit (CUP) to allow for a landfill use;

Whereas, the property includes land that was recently annexed into the Temple city limits by Ordinance No. 2015-4733 and the annexation of the property was conducted in accordance with Chapter 42 of the Texas Local Government Code;

Whereas, the property is located to the south of Little Flock Road, to the west of Bob White Road, to the north of Tower Road and to the east of the existing landfill – the property is proposed to be used for the expansion of the existing landfill and the Light Industrial zoning district requires the applicant obtain a CUP for a landfill use;

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 the property in question, recommends that the City Council approve the rezoning of the property from Agricultural to Light Industrial and approve the application for the Conditional Use Permit for landfill use in the Light Industrial zone; 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 this tract of land, 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 property, finds that the proposed use of the property 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 of an approximately 283.73 acre tract of land located to the south of Little Flock Road and to the west of Bob White Road from Agricultural to Light Industrial with a Conditional Use Permit (CUP) to allow for a landfill use. The property is more fully described in Exhibit 'A', attached hereto and made a part hereof for all purposes.

Part 2: The owners/applicants, shall comply with following standards:

- A. the development of the property must conform to the Light Industrial Zoning District standards;
- B. the landfill shall comply with all applicable State and Federal regulations;
- C. the permittee shall work with Planning Staff to develop a fence and tree buffering plan to preserve some of the perimeter canopy trees and mitigate negative visual appearance;
- D. an expansion beyond the approximately 283.73 acres of the landfill is subject to proper permit processes, including an additional conditional use permit;
- E. the permittee shall operate in such a manner as to prevent excessive noise, dirt, litter, and odors on the property or in the surrounding area and shall operate in such a manner as to minimize disturbance to surrounding property owners;
- F. a conditional use permit issued under this section runs with the property and is not affected by a change in the land ownership;
- G. the City Council may revoke, suspend or modify the conditional use permit after notice to the property owner and hearing before the City Council if the City Council finds evidence of fraud or deception, violation of conditions of the conditional use permit, or as provided in Section 7-609 and 7-610 of the Zoning Ordinance.

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

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

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

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

Part 7: It is hereby officially found and determined that the meeting at which this Ordinance 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 **19th** day of **May**, 2016.

PASSED AND APPROVED on Second Reading on the **2nd** day of **June**, 2016.

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

06/02/16
Item #4(N)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Floyd Mitchell, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution ratifying an application for Tobacco and E-Cigarette Enforcement funding from the Texas School Safety Center (TxSSC) in the amount of \$7,275 for the purposes of enforcing Subchapter H, Chapter 161 of the Texas Health and Safety Code for fiscal year 2017.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

FISCAL IMPACT: TxSSC will reimburse contracted law enforcement agencies \$75 for each completed investigation. The police department plans to conduct investigations at rate of 100% of the permitted outlets, meaning that 97 investigations are planned for the 97 tobacco permitted retail outlets during FY17.

If this plan is met, the City will receive \$7,275 in grant funds for the fourth year in a row. It is estimated that it will cost the City \$4,159 in overtime hours as well as operational and fuel costs of \$1,380 for police vehicles. The total estimated expense is \$5,539. The remaining revenue would pay officer's overtime for conducting compliance inspections on retail locations and provide education services to the public in the area of state laws pertaining to tobacco sales to minors.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING A RESOLUTION RATIFYING AN APPLICATION FOR TOBACCO AND E-CIGARETTE ENFORCEMENT FUNDING FROM THE TEXAS SCHOOL SAFETY CENTER, IN THE AMOUNT OF \$7,275, FOR THE PURPOSE OF ENFORCING SUBCHAPTER H, CHAPTER 161 OF THE TEXAS HEALTH AND SAFETY CODE FOR FISCAL YEAR 2017; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

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

Whereas, TxSSC will reimburse contracted law enforcement agencies \$75.00 for each completed investigation - the police department plans to conduct investigations at rate of 100% of the permitted outlets which means that 97 investigations are planned for the 97 tobacco permitted retail outlets during fiscal year 2017;

Whereas, if this plan is met, the City will receive \$7,275 in grant funds for the fourth year in a row - it is estimated that it will cost the City \$4,159 in overtime hours as well as operational and fuel costs of \$1,380 for police vehicles; and

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

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

Part 1: The City Council authorizes the ratification of an application for Tobacco Enforcement funding from the Texas School Safety Center for the purposes of enforcing Subchapter H, Chapter 161 of the Texas Health and Safety Code for fiscal year 2017, in the amount of \$7,275.

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

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

PASSED AND APPROVED this the **2nd** day of **June**, 2016.

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

06/02/16
Item #4(O)
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 2015-2016.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2015-2016 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$819,042.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2016 BUDGET
June 02, 2016

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-3700-524-2220		Capital < \$5,000 / Machinery & Equipment	\$ 2,849	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 2,849
To appropriate insurance proceeds in the amount of \$2,849 for replacement of a stolen mower.				
110-2011-521-2516		Other Services / Judgement & Damages	\$ 16,193	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 16,193
To appropriate insurance proceeds in the amount of \$16,192.76 for asset # 14045, asset # 13287, and # 14055 that were damaged.				
561-5000-535-6532		Capital - Bonds / Contingency	\$ 800,000	
561-5200-535-6955	101308	Capital - Bonds / Elm Creek Waterline Improvements		\$ 800,000
To reallocate remaining project funds into contingency account for future use on other projects.				
TOTAL AMENDMENTS			\$ 819,042	\$ 819,042

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		\$ 44,230
Added to Contingency Judgments & Damages from Council Contingency		-
Taken From Judgments & Damages		(34,318)
Net Balance of Judgments & Damages Contingency Account		\$ 9,912
Beginning Compensation Contingency		\$ 375,000
Added to Compensation Contingency		-
Taken From Compensation Contingency		(375,000)
Net Balance of Compensation Contingency Account		\$ -
Net Balance Council Contingency		\$ 9,912
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		(23,198)
Net Balance of Contingency Account		\$ 26,802
Beginning Compensation Contingency		\$ 64,000
Added to Compensation Contingency		-
Taken From Compensation Contingency		(64,000)
Net Balance of Compensation Contingency Account		\$ -
Net Balance Water & Sewer Fund Contingency		\$ 26,802

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2016 BUDGET
June 02, 2016

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		HOTEL/MOTEL TAX 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	\$	13,300
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(13,300)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Hotel/Motel Tax Fund Contingency	\$	-
		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	\$	10,300
		Added to Compensation Contingency		(10,300)
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Drainage Fund Contingency	\$	-
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year		69,089
		Added to Contingency Sweep Account		-
		Taken From Contingency		(54,142)
		Net Balance of Contingency Account	\$	14,947

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE
2015-2016 CITY BUDGET; AND PROVIDING AN OPEN
MEETINGS CLAUSE.

Whereas, on the 27th day of August, 2015, the City Council approved a budget
for the 2015-2016 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain
amendments to the 2015-2016 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 2015-2016 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 **June**, 2016.

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

06/02/16
Item #5
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending Chapter 41, “Credit Access Businesses,” of the Code of Ordinances of the City of Temple, Texas to delete Section 41-11 “Submission of Quarterly Report.”

STAFF RECOMMENDATION: Conduct a public hearing, and adopt ordinance as presented in item description on first reading, and set second and final reading for June 16, 2016.

ITEM SUMMARY: On December 17, 2016, the City Council passed an ordinance creating Chapter 41 of the Code of Ordinances which is titled “Credit Access Businesses.” Chapter 41 regulates certain business practices of “Credit Access Businesses,” also commonly referred to as “payday lenders” or “auto title loan lenders.” A Credit Access Business (“CAB”) is defined in the Texas Finance Code, § 393.601 as a “credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of credit in the form of a deferred presentment transaction or a motor vehicle title loan.” There are currently 14 CAB’s operating within the Temple city limits.

Chapter 41 was based on a model ordinance that was drafted by the Texas Municipal League and that has been adopted by more than 25 cities in Texas. The ordinance places the following requirements and restrictions on CAB’s:

- A CAB must apply for and receive a certificate of registration from the City;
- A CAB must maintain complete records of all loans made by the business for at least 3 years and make the records available to the City for inspection upon request;
- The amount of a payday loan may not exceed 20% of the consumer’s gross monthly income;
- The amount of an auto title loan may not exceed the lesser of 3% of the consumer’s gross annual income or 70% of the retail value of the motor vehicle;
- Any loan that provides for repayment in installments may not be payable in more than 4 installments, and the proceeds from each installment must be used to repay at least 25% of the principal amount of the loan;
- No renewals or refinancing of installment-payment loans would be permitted;
- Any loan that provides for a single lump sum repayment may not be refinanced or renewed more than 3 times and the proceeds from each refinancing or renewal must be used to repay at least 25% of the principal amount of the loan;

- Any loan made to a consumer within 7 days of a previous loan paid by the consumer constitutes a refinancing or renewal;
- Every agreement must be written in the consumer's language of preference and if a consumer is unable to read, it must be read to them in their language of preference prior to signature; and
- Referral to non-profit credit counseling/financial education providers is required.

Section 41-11 requires a CAB to submit a quarterly report to the Director of Finance which must contain, at a minimum, the information required for the quarterly reports submitted to the Texas Consumer Credit Commissioner under Section 393.627 of the Texas Finance Code. Failure to submit a quarterly report may result in revocation or suspension of the CAB's certificate of registration.

Section 41-11 is the only section of Chapter 41 that is different from the Texas Municipal League model ordinance. It was added after staff discussions and discussions with legal counsel for TML. The intent of this section was to ensure that CAB's were submitting the reports as required by State law and to obtain information that may be helpful in tracking compliance with the City's ordinance. Staff has since learned that sections of the reports are confidential by law and after reviewing a sample report received from the Office of Consumer Credit Commissioner, it was determined that the information contained in the reports would not help track compliance. For these reasons, Staff is now requesting that the current language of Section 41-11 be deleted and that the section be reserved for possible future use. The proposed changes are set forth below:

41-11- ~~Submission of Quarterly Report.~~ Reserved

- ~~(a) Each credit access business holding or possessing a current certificate of registration shall be required to submit a quarterly report to the Director of Finance for the City of Temple, which must contain at a minimum the information required for the quarterly reports submitted to the Texas Consumer Credit Commissioner under Section 393.627 of the Texas Finance Code.~~
- ~~(b) Failure of a credit access business to submit a quarterly report to the Director of Finance may result in revocation or suspension of the business's certificate of registration in addition to any other penalties allowed under this chapter, other city ordinance or state law.~~

FISCAL IMPACT: None

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 41, "CREDIT ACCESS BUSINESSES" OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS TO DELETE SECTION 41-11 "SUBMISSION OF QUARTERLY REPORT;" PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 17, 2016, Council passed an ordinance creating Chapter 41 of the Code of Ordinances titled "Credit Access Businesses" - Chapter 41 regulates certain business practices of "Credit Access Businesses," also commonly referred to as "payday lenders" or "auto title loan lenders;"

Whereas, a Credit Access Business ("CAB") is defined in the Texas Finance Code, § 393.601 as a "credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of credit in the form of a deferred presentment transaction or a motor vehicle title loan" - there are currently 14 CAB's operating within the Temple city limits;

Whereas, Chapter 41 was based on a model ordinance that was drafted by the Texas Municipal League and that has been adopted by more than 25 cities in Texas - the ordinance places the following requirements and restrictions on CAB's:

- a CAB must apply for and receive a certificate of registration from the City;
- a CAB must maintain complete records of all loans made by the business for at least 3 years and make the records available to the City for inspection upon request;
- the amount of a payday loan may not exceed 20% of the consumer's gross monthly income;
- the amount of an auto title loan may not exceed the lesser of 3% of the consumer's gross annual income or 70% of the retail value of the motor vehicle;
- any loan that provides for repayment in installments may not be payable in more than 4 installments, and the proceeds from each installment must be used to repay at least 25% of the principal amount of the loan;
- no renewals or refinancing of installment-payment loans are permitted;
- any loan that provides for a single lump sum repayment may not be refinanced or renewed more than 3 times and the proceeds from each refinancing or renewal must be used to repay at least 25% of the principal amount of the loan;
- any loan made to a consumer within 7 days of a previous loan paid by the consumer constitutes a refinancing or renewal;
- every agreement must be written in the consumer's language of preference and if a consumer is unable to read, it must be read to them in their language of preference prior to signature; and
- referral to non-profit credit counseling/financial education providers is required;

Whereas, Section 41-11 requires a CAB to submit a quarterly report to the Director of Finance which must contain, at a minimum, the information required for the quarterly reports submitted to the Texas Consumer Credit Commissioner under Section 393.627 of the Texas Finance Code - failure to submit a quarterly report may result in revocation or suspension of the CAB's certificate of registration;

Whereas, Section 41-11 is the only section of Chapter 41 that is different from the Texas Municipal League model ordinance - it was added after Staff discussions and discussions with legal counsel for Texas Municipal League;

Whereas, the intent of this section was to ensure that CAB's were submitting the reports as required by State law and to obtain information that may be helpful in tracking compliance with the City's ordinance - Staff has since learned that sections of the reports are confidential by law and after reviewing a sample report received from the Office of Consumer Credit Commissioner, it was determined that the information contained in the reports would not help track compliance;

Whereas, for these reasons, Staff recommends the removal of the current language of Section 41-11 and that the section be reserved for possible future use as set forth below:

41-11- ~~Submission of Quarterly Report.~~ Reserved.

- ~~(a) Each credit access business holding or possessing a current certificate of registration shall be required to submit a quarterly report to the Director of Finance for the City of Temple, which must contain at a minimum the information required for the quarterly reports submitted to the Texas Consumer Credit Commissioner under Section 393.627 of the Texas Finance Code.~~
- ~~(b) Failure of a credit access business to submit a quarterly report to the Director of Finance may result in revocation or suspension of the business's certificate of registration in addition to any other penalties allowed under this chapter, other city ordinance or state law.; and~~

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

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

Part 1: The City Council deletes and reserves Section 41-11 of Chapter 41, "Credit Access Businesses" of the Code of Ordinances of the City of Temple, Texas.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **June**, 2016.

PASSED AND APPROVED on Second Reading on the **16th** day of **June**, 2016.

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

06/02/16
Item #6
Regular Agenda
Page 1 of 5

DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning
Mark Baker, Senior Planner

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - Z-FY-16-21: Consider adopting an ordinance authorizing a rezoning from Single Family Three - Planned Development (SF-3-PD) District to General Retail (GR) District on Lots 4-7, 21-25, Block 13, Hilldell Estates, located at 18 South Pea Ridge.

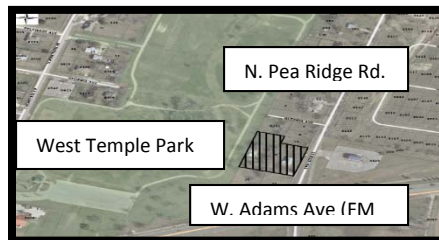


Figure 1: Aerial Location Map

PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 2, 2016 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval for Neighborhood Services (NS) for the proposed rezoning.

While the General Retail district is the standard retail district, during the Planning & Zoning Commission meeting, a comparison between the Neighborhood Service (NS) district and the General Retail (GR) district was discussed. Additional discussion centered on the merits of recommending Neighborhood Services (NS) at this location. While many of the same uses are permitted between NS & GR, there are some differences as shown in the following table:

Use Type	Neighborhood Service (NS)	General Retail (GR)
Residential Uses	<ul style="list-style-type: none"> * Single Family Residence (Detached & Attached) * Townhouse * Industrialized Housing * Family or Group Home (CUP) 	<ul style="list-style-type: none"> * Single Family Residence (Detached & Attached) * Duplex * Townhouse * Industrialized Housing * Family or Group Home * Home for the Aged
Retail & Service Uses	<ul style="list-style-type: none"> * Most Retail & Service Uses * Beer & Wine Sales, off-premise consumption (CUP) 	<ul style="list-style-type: none"> * Most Retail & Service Uses * Alcoholic Beverage Sales, off-premise consumption, Package Store (CUP)

Commercial Uses	* None	* Plumbing Shop * Upholstery Shop * Kennel No Vet. Hosp. (CUP) * Indoor Flea Market
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP) * Laboratory, medical, dental, scientific or research (CUP)	* Temporary Asphalt & Concrete Batching Plat (CUP) * Laboratory, medical, dental, scientific or research * Recycling collection location
Recreational Uses	* Park or Playground * Beer & Wine (On Premise Consumption) < 75% (CUP)	* Park or Playground * Beer & Wine (On Premise Consumption) < 75%
Vehicle Service Uses	* Fuel Sales (CUP)	* Auto Leasing, Rental * Auto Sales - New & Used * Car Wash * Vehicle Servicing (Minor)
Restaurant Uses	* No Drive-In	* With & Without Drive-In
Overnight Accommodations	* None	* Hotel or Motel
Transportation Uses	* Helistop (CUP)	* Emergency Vehicle Service * Helistop

In addition, as a result of adjacent property owner opposition from increased traffic, it was discussed during the meeting and noted by Commissioner Mikeska-Reed that it was felt that there would not be a significant amount of increased traffic, especially in NS. During the meeting, the applicant reiterated the desire to redevelop the property with non-residential uses. The applicant is in agreement with rezoning to the NS district.

Further, the property owner immediately to the south has approached staff and indicated a desire to also rezone the property with general retail service uses. To date, while an application has not been received by staff, the property owner has an approved a Flood Plain Development Permit through the City Engineer's office to allow the fill and build-up the foundation above the base floodplain elevation of the property.

Although staff recommended GR, we are supportive of the NS district at this location.

STAFF RECOMMENDATION: Based on the following, staff recommends approval for a rezoning from Single Family 3 - Planned Development (SF-3 PD) district to General Retail (GR) district for the following reasons:

1. The proposed zoning is compatible with the lack of residential development south of Georgia Ave and the anticipated non-residential development and growth along South Pea Ridge Road and West Adams (FM 2305);
2. The request complies with the Thoroughfare Plan; and
3. Public facilities are available to serve the subject property.

ITEM SUMMARY: The subject property is currently developed with a single family residence, which is comprised of Lots 4 through 7 and 21 through 25, Block 13, Hildell Estates subdivision, an approximately 1.14 +/- acre tract of land. As per Ordinance 95-2321, Block 13 was included with the overall establishment of the current Single-Family Three – Planned Development (SF-3- PD) zoning, which became effective on March 2, 1995. The current request is from the SF-3 PD to General Retail (GR) for future non-residential development.

The Planned Development as adopted by Ordinance 95-2321 identifies zoning classification for a portion of Hildell Estates subdivision and identifies development and dimensional standards for (1) single family detached homes, (2) industrialized modular homes and (3) mobile homes, which were occupied and existed at the time of ordinance adoption.

Surrounding Property & Uses			
Direction	Future Land Use Map	Zoning	Current Land Use
Site	Suburban Residential	SF-3 PD	Existing Residence
North	Suburban Residential	SF-3 PD	Undeveloped
South	Suburban Residential	SF-3 PD	Undeveloped
East	Suburban Commercial & Auto-Urban Residential	GR	Big Chew Chew's Restaurant
West	Parks & Open Space	AG	West Temple Park

COMPREHENSIVE PLAN (CP) 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 Map	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 Map (CP Map 3.1)

The subject property is entirely within the Suburban Residential land use district. Platted by the Hildell Estates subdivision, with SF-3 Planned Development zoning, land immediately to the north and the south is vacant and undeveloped, leaving the subject property the only residentially-developed lot south of Georgia Avenue. Based on this, Georgia Ave could be considered a boundary between potential retail and service uses and development while maintaining the residential character north of Georgia Avenue. Lastly, the property across from the subject site is developed with non-residential uses (Big Chew Chews Burgers) with underlying GR zoning. This has established non-residential uses along this portion of South Pea Ridge, which is less than 200 feet north from its intersection with West Adams Avenue (FM 2305).

While neither the NS or the requested GR zoning **are not** consistent with the Future Land Use Map, the area lends itself to a transitioning to non-residential zoning and uses due to its location south of Georgia Ave and proximity to West Adams Ave. If the zoning is approved, the Future Land Use Map will need to be updated.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from south Pea Ridge Road, a proposed collector. Any needed right-of-way (ROW) to meet the road standards will be addressed with any re-platting of the property.

While not funded, Series Three TCIP improvements to this section of North Pea Ridge Road are scheduled for fiscal year 2019.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property through an existing 8-inch sewer line in South Pea Ridge Road. Water is available through an existing 1.5-inch waterline on the west side of the property.

Temple Trails Master Plan Map and Sidewalks Ordinance

No trails were identified by the Trails Master Plan fronting along this property. Since South Pea Ridge Road is identified as a proposed collector, a 4-foot sidewalk would be required along one side of the street. Sidewalk improvements however would not be addressed until re-platting, which would be triggered by non-single-family residential development.

DEVELOPMENT REGULATIONS: Setbacks for detached residential uses in the SF-3 PD and the non-residential setbacks in the General Retail (GR) district are as follows:

	Current (SF-3 PD) (SF Residential)	Proposed (GR) (Non-Residential)
Minimum Lot Size	4,000 Square Feet	N/A
Minimum Lot Width	40 Feet	N/A
Minimum Lot Depth	100 Feet	N/A
Front Setback	15 Feet	15 Feet
Side Setback	5 Feet	10 Feet
Side Setback (corner)	15 Feet	10 Feet
Rear Setback	10 Feet	❖ 10 Feet
Max Building Height	2 1/2 Stories	3 Stories

- ❖ 10' rear setback (Non-residential use abuts a residential zoning district or use - UDC Section 4.4.4.F3) and,

General provisions for buffering and screening for non-residential uses adjacent to residential uses are found in UDC Section 7.7, highlighted provisions include but not limited to:

- * Landscaping or solid fencing from 6 to 8 feet in height (UDC Section 7.7.4),
- * Refuse containers located in the side or rear of the property (UDC Section 7.7.6), and
- * Screened outdoor storage (UDC Section 7.7.8.B1).

PUBLIC NOTICE: Fifteen notices to property owners 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 May 24, 2016 at 9:00 AM, three notices in agreement of the proposed rezoning and three notices in disagreement have been received.

The newspaper printed notice of the public hearing on April 21, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Property Photos
Location Map (Exhibit A)
Aerial Map / Zoning Map / Future Land Use and Character Map
Thoroughfare & Trails Map / Utility Map
Notification Map / Returned Property Notices
Planned Development Ordinance #95-2321
Ordinance

Site & Surrounding Property Photos



Site – Looking from N. Pea Ridge Road - Existing SF Residence (SF-3 - PD)



Site – Alternative View from N. Pea Ridge Road: SFR (SF-3-PD)



**North: North Pea Ridge Road – SF Residences on both sides of Street
Hilldell Estates on Left (SF-3-PD) – Westfield, Phase X on Right (SF-2)**



**North: SF Residences along North Pea Ridge Road – North of Georgia Ave
alignment (Hilldell Estates subdivision - SF-3-PD)**



North: Georgia Ave - Current Alignment Conditions (SF-3-PD)



North: Looking back toward the site from Georgia Ave Alignment (SF-3-PD)



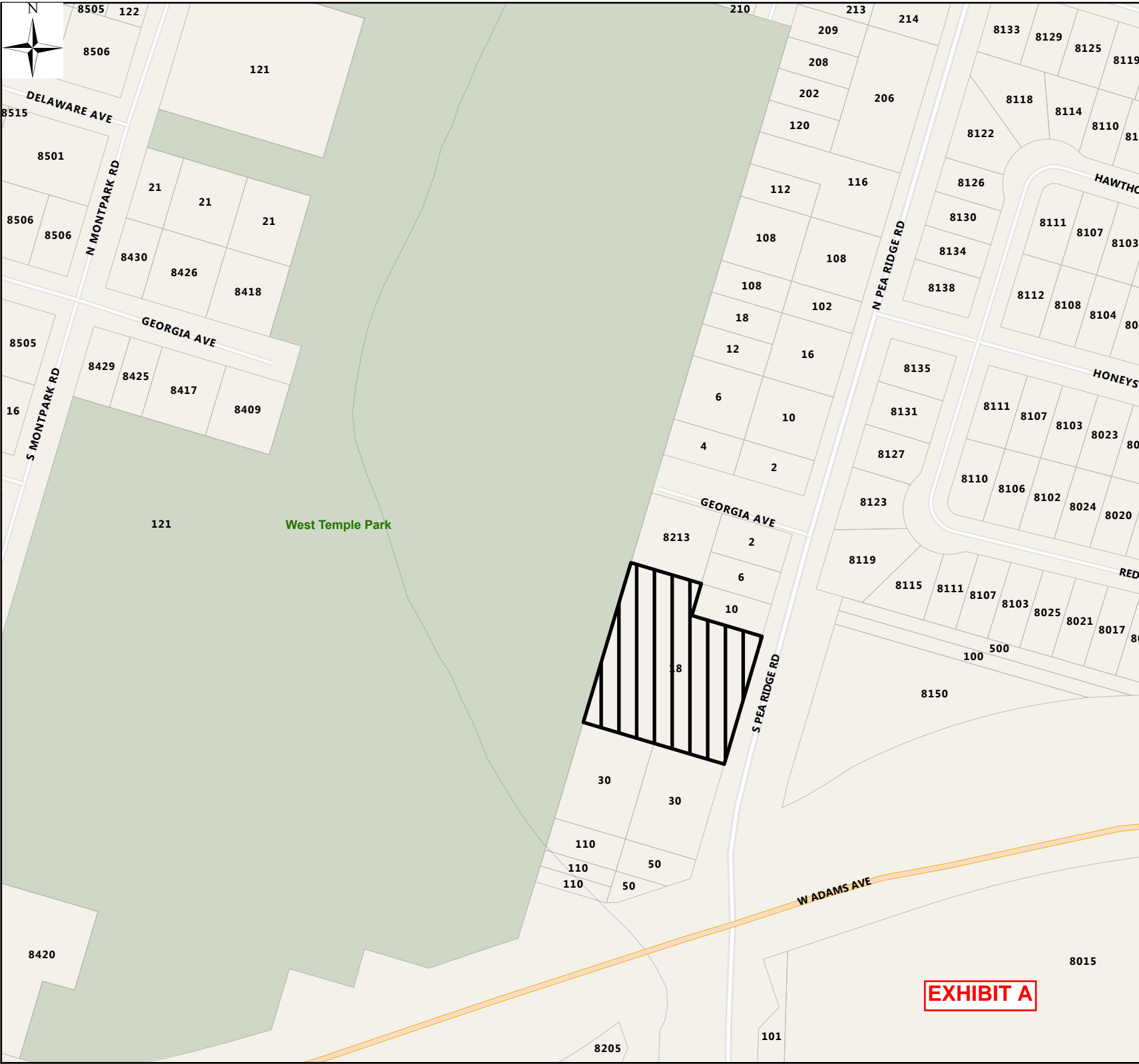
South: Intersection of S. Pea Ridge Road & W. Adams (FM2305) - Undeveloped (AG & GR)



East: Big Chew Chew's Burgers – (GR)



West: West Temple Park (AG)



SF-3 PD to GR

LOCATION MAP

Zoning Case :
Z-FY-16-21

Address :
18 South Pea Ridge

- Streets
- EXPRESSWAY
 - MAJOR ARTERIAL
 - COLLECTOR
 - LOCAL STREET
 - MINOR ARTERIAL
 - PRIVATE
 - RAMP
 - Railroad
- Temple Municipal Boundary
- Parcels
- ETJ Parcels
- CaseArea

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.

mbaker
Date: 3/31/2016



EXHIBIT A















SF-3 PD to GR

AERIAL MAP

Zoning Case :
Z-FY-16-21

Address :
18 South Pea Ridge

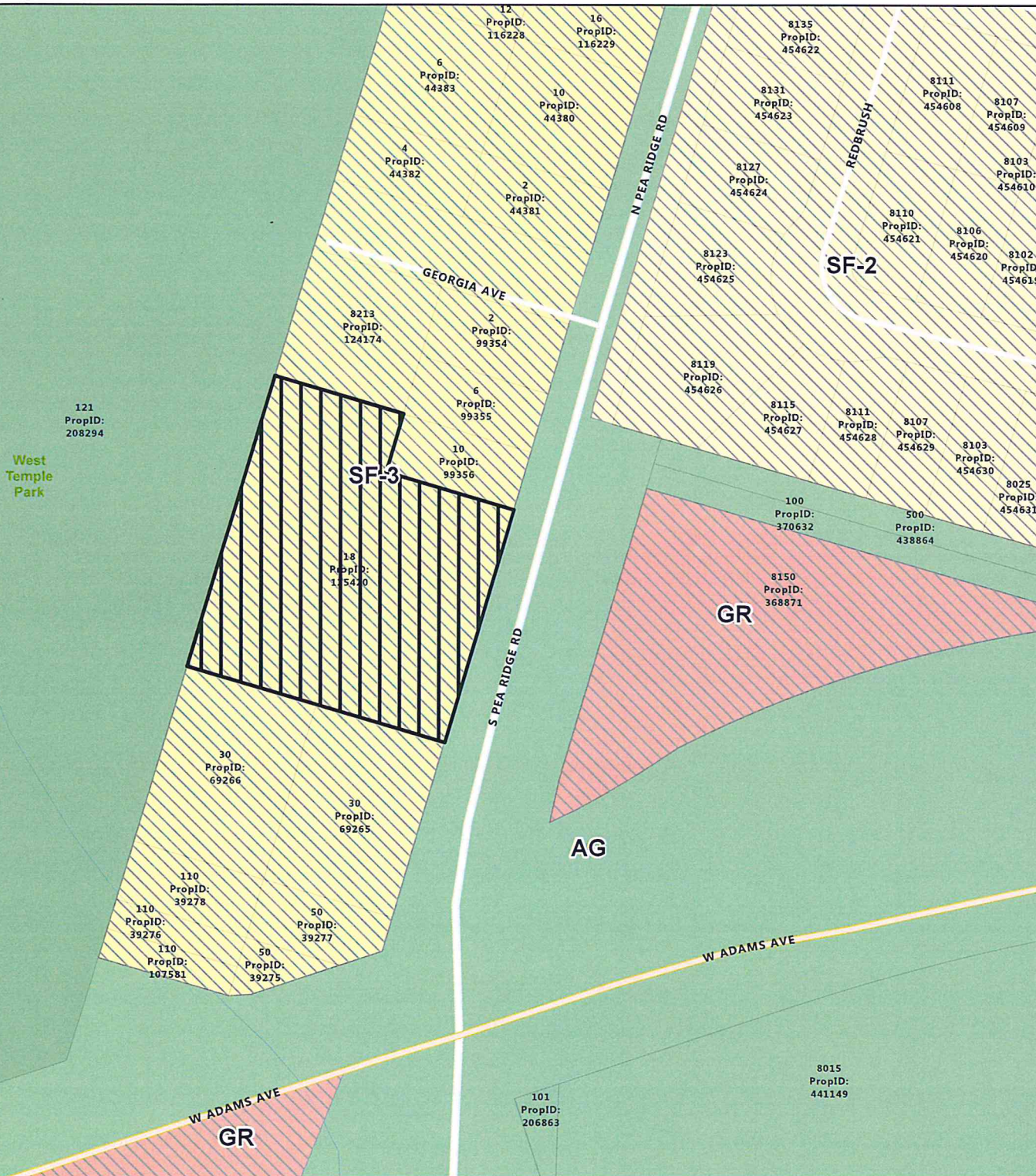
Streets

-  EXPRESSWAY
-  MAJOR ARTERIAL
-  COLLECTOR
-  LOCAL STREET
-  MINOR ARTERIAL
-  PRIVATE
-  RAMP
-  Railroad
-  Temple Municipal Boundary
-  Parcels
-  ETJ Parcels
-  CaseArea

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mbaker
Date: 3/31/2016





SF-3 - PD to GR

ZONING MAP

Zoning Case :
Z-FY-16-21

Address :
18 South Pea Ridge

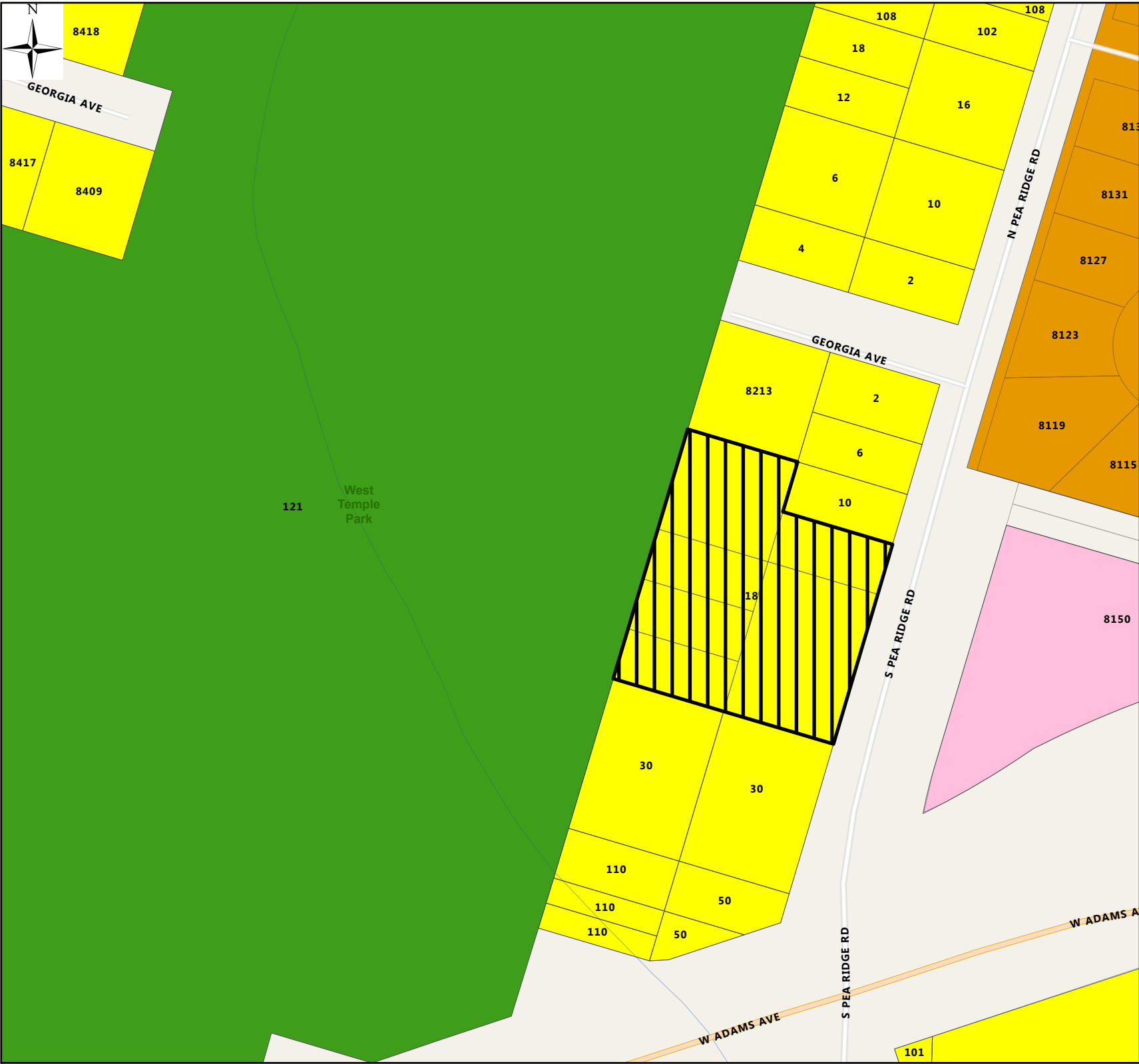
CurrentZoning		
HI - CUP	O-1	AG - CUP
UE	O-1 - CUP	MH
UE - PD	O-1 - PD	MH - CUP
SF-1	O-2	MH - PD
SF-1 - CUP	O-2 - CUP	MU
SF-1 - PD	O-2 - PD	MU - CUP
SF-2	NS	SD-C
SF-2 - PD	NS - CUP	SD-C - CUP
SF-3	NS - PD	SD-H
SF-3 - PD	GR	SD-H - CUP
SF-3 - CUP, PD	GR - CUP	SD-T
SFA	GR - PD	SD-V
SFA-2	GR - CUP, PD	T4
SFA-2 - PD	CA	T4 - PD
SFA-3	CA - CUP	T4 - CUP
SFA-3 - PD	CA - PD	T5-C
2F	C	T5-C - CUP
2F - CUP	C - CUP	T5-C - PD
2F - PD	C - PD	T5-E
MF-1	C - CUP, PD	T5-E - CUP
MF-1 - CUP	LI	T5-E - PD
MF-1 - PD	LI - CUP	NO BASE
MF-2	LI - PD	CUP
MF-2 - CUP	LI - CUP, PD	PD
MF-2 - PD	HI	CaseArea
MF-3 - PD	HI - PD	Buffer
	AG	

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mbaker

Date: 3/31/2016





SF-3 PD to GR FUTURE LAND USE MAP

Zoning Case :
Z-FY-16-21

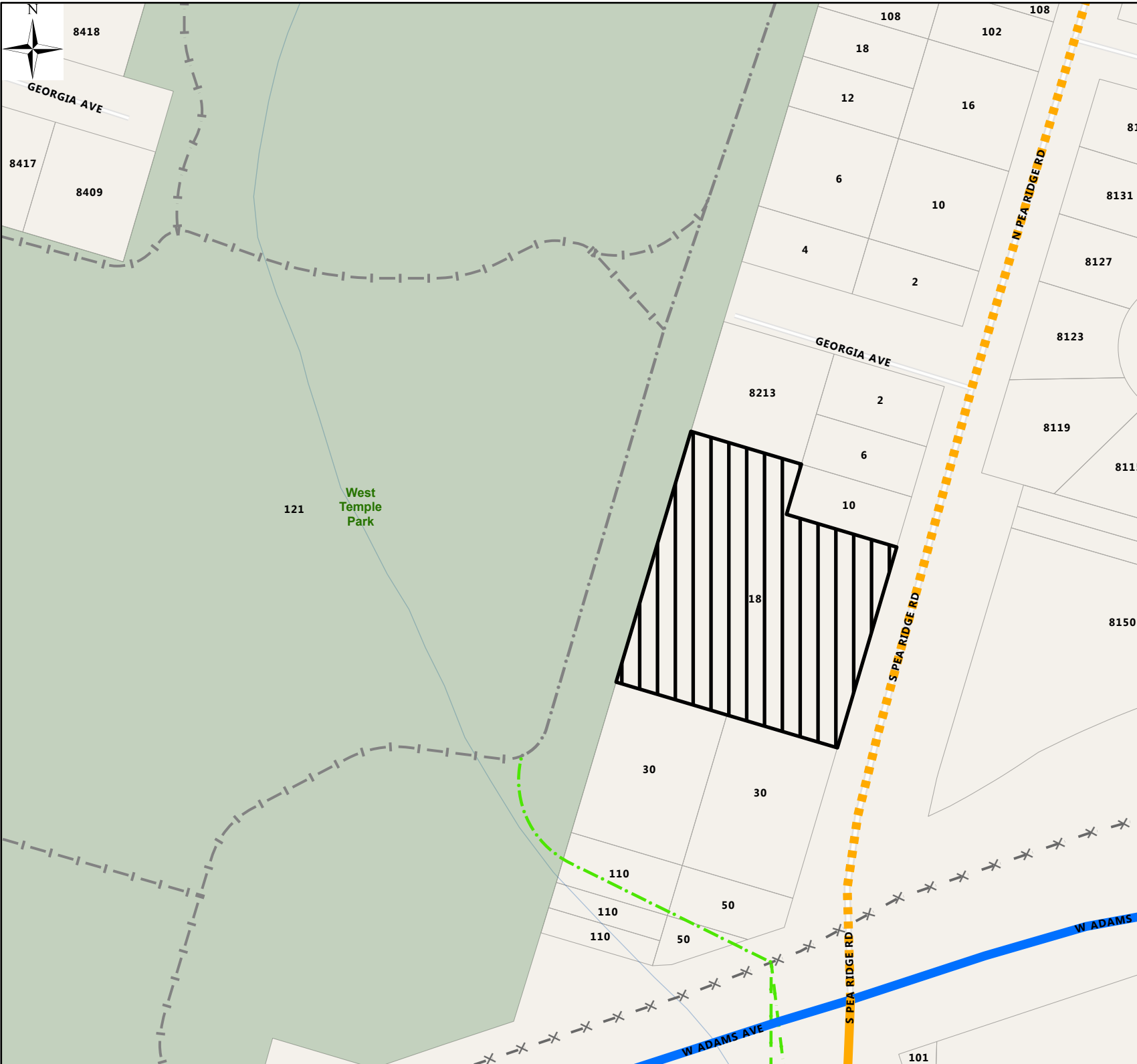
Address :
18 South Pea Ridge

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Parcels
- Future LUP
 - Agricultural/Rural
 - Auto-Urban Commercial
 - Auto-Urban Mixed Use
 - Auto-Urban Multi-Family
 - Auto-Urban Residential
 - Business Park
 - Estate Residential
 - Industrial
 - Neighborhood Conservation
 - Parks & Open Space
 - Public Institutional
 - Suburban Commercial
 - Suburban Residential
 - Temple Medical Education District
 - Urban Center
 - CaseArea

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mbaker
Date: 3/31/2016





SF-3 PD to GR THOROUGHFARE AND TRAILS MAP

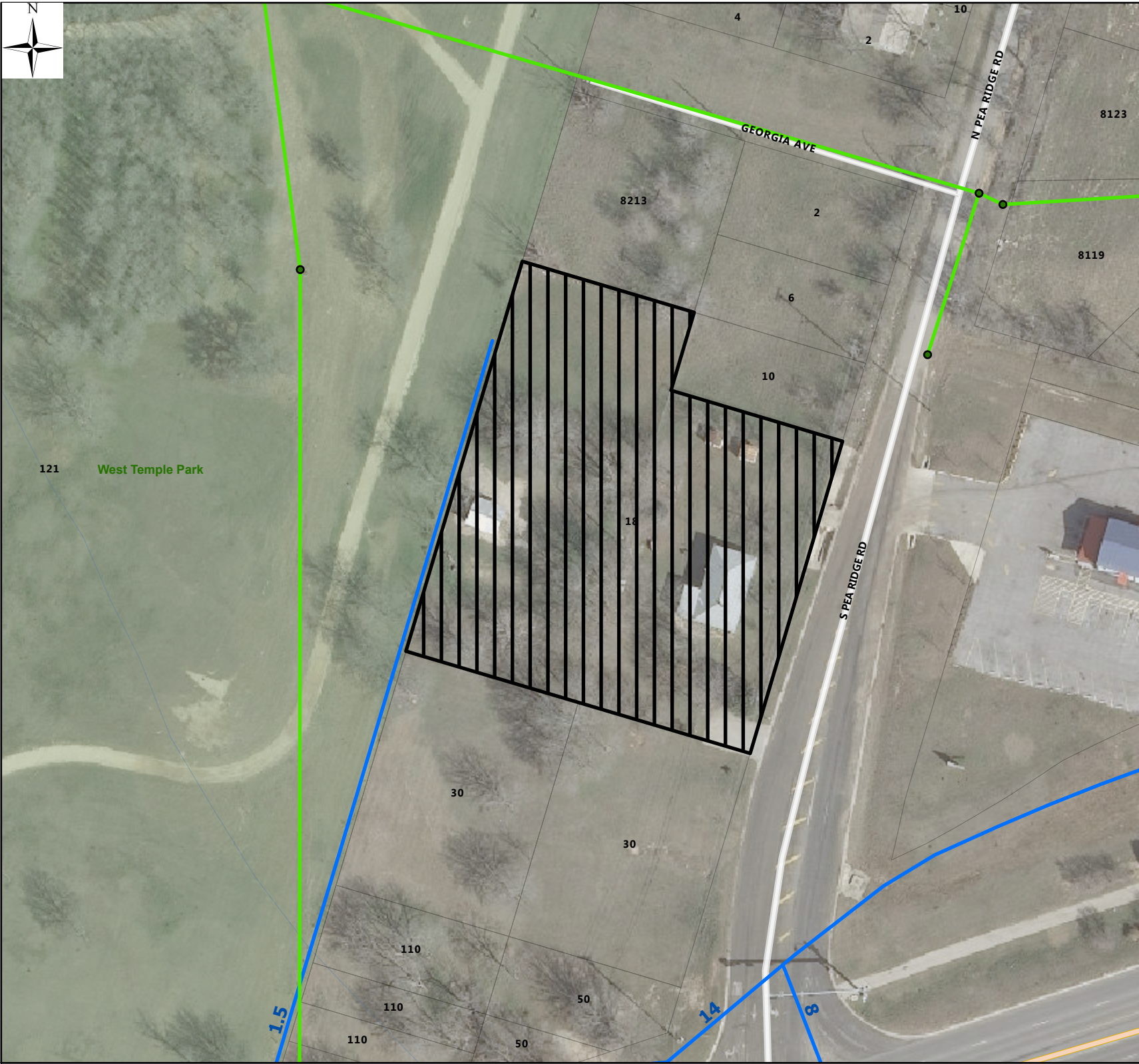
Zoning Case :
Z-FY-16-21
Address :
18 South Pea Ridge

- Parcels
- Thoroughfare Plan
 - Expressway
 - Major Arterial
 - Proposed Major Arterial
 - Minor Arterial
 - Proposed Minor Arterial
 - Collector
 - Proposed Collector
- Trails Master Plan
 - EXISTING, CITY WIDE SPINE
 - EXISTING, COMMUNITY WIDE CONNECTOR
 - EXISTING, LOCAL CONNECTOR
 - PROPOSED, CITY WIDE SPINE
 - PROPOSED, COMMUNITY WIDE CONNECTOR
 - PROPOSED, LOCAL CONNECTOR
- CaseArea

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mbaker
Date: 3/31/2016





SF-3 PD to GR

UTILITY MAP

Zoning Case :
Z-FY-16-21

Address :
18 South Pea Ridge

- Manhole
- Gravity Main
- ✚ Hydrant
- Main
- Parcels
- ▨ CaseArea

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mbaker
Date: 3/31/2016





SF-3 - PD to GR

200' NOTIFICATION MAP

Zoning Case :

Z-FY-16-21

Address :

18 South Pea Ridge

121
PropID:
208294

West
Temple
Park

8213
PropID:
124174

2
PropID:
99354

6
PropID:
99355

10
PropID:
99356

18
PropID:
125320

30
PropID:
69266

30
PropID:
69265

110
PropID:
39278

110
PropID:
39276

110
PropID:
107581

50
PropID:
39277

50
PropID:
39275

6
PropID:
44383

10
PropID:
44380

4
PropID:
44382

2
PropID:
44381

8131
PropID:
454623

8127
PropID:
454624

8123
PropID:
454625

8118
PropID:
454626

8115
PropID:
454627


8111
PropID:
454628

100
PropID:
370632

500
PropID:
438864

8150
PropID:
368871

8015
PropID:
441149

 CaseArea

 Buffer

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mbaker

Date: 3/31/2016





RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

SANDERSON, EVELYN
18 S PEA RIDGE RD
TEMPLE, TX 76502-5035

Zoning Application Number: Z-FY-16-21

Project Manager: MARK BAKER

Location: 18 South Pea Ridge Road

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

☒ agree

☐ disagree with this request

Comments:

RECEIVED

APR 26 2016

City of Temple
Planning & Development

Evelyn Sanderson
Signature

Evelyn Sanderson
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 2, 2016.

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

Number of Notices Mailed: 15

Date Mailed: April 21, 2016



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

JDLG VENTURES LLC
202 E BARTON AVE
TEMPLE, TX 76501-3371

Zoning Application Number: Z-FY-16-21

Project Manager: MARK BAKER

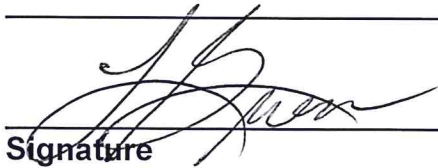
Location: 18 South Pea Ridge Road

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

I ☒ agree

() disagree with this request

Comments:


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016.**

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

RECEIVED

APR 27 2016

City of Temple
Planning & Development

Number of Notices Mailed: 15

Date Mailed: April 21, 2016



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

JDLG VENTURES LLC
202 E BARTON AVE
TEMPLE, TX 76501-3371

Zoning Application Number: Z-FY-16-21

Project Manager: MARK BAKER

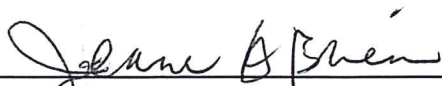
Location: 18 South Pea Ridge Road

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I ☒ agree

() disagree with this request

Comments:


Signature

Jeanne O'Brien
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 2, 2016.

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

RECEIVED

APR 27 2016

City of Temple
Planning & Development



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

KIELLA DEVELOPMENT INC
PO BOX 1344
TEMPLE, TX 76503-1344

Zoning Application Number: Z-FY-16-21

Project Manager: MARK BAKER

Location: 18 South Pea Ridge Road

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

I () agree

☒ disagree with this request

Comments:

I think this will generate way to
much traffic on that very busy intersection
That close to the corner

Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 2, 2016.

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

RECEIVED

MAY - 2 2016

City of Temple
Planning & Development

Number of Notices Mailed: 15

Date Mailed: April 21, 2016



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

KIELLA DEVELOPMENT INC
PO BOX 1344
TEMPLE, TX 76503-1344

Zoning Application Number: Z-FY-16-21

Project Manager: MARK BAKER

Location: 18 South Pea Ridge Road

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

I () agree

(☒) disagree with this request

Comments:

I think this will generate way to much traffic
on the very busy intersection that close to the corner.

Signature

John Kiella

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 2, 2016.

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

RECEIVED

MAY - 2 2016

City of Temple
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Number of Notices Mailed: 15

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

KIELLA DEVELOPMENT INC
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I () agree

☒ disagree with this request

Comments:

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Signature

John Kiella

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 2, 2016.

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

RECEIVED

MAY - 2 2016

City of Temple
Planning & Development

Number of Notices Mailed: 15

Date Mailed: April 21, 2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CITY-INITIATED ZONING CHANGE FROM AGRICULTURAL DISTRICT TO PLANNED DEVELOPMENT DISTRICT FOR RESIDENTIAL USE IN THE HILDELL ESTATES SUBDIVISION, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF PEA RIDGE ROAD AND FM 2305, WITH MODIFIED BASE ZONING DISTRICTS--SINGLE FAMILY-3, MOBILE HOME AND AGRICULTURAL, TO ALLOW: (1) SINGLE FAMILY DETACHED HOMES; (2) INDUSTRIALIZED/MODULAR HOMES; AND/OR (3) MOBILE HOMES UNDER CERTAIN CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on January 23, 1995, the Planning and Zoning Commission approved the City-initiated zoning change from Agricultural District to Planned Development District for residential use in the Hilldell Estates Subdivision, located at the corner of the intersection of Pea Ridge Road and FM 2305, with modified base zoning districts--Single Family-3, Mobile Home and Agricultural, to allow: (1) single family detached homes, (2) industrialized/modular homes, and/or (3) mobile homes under certain conditions; and

Whereas, consistent with the Comprehensive Plan, surrounding zoning conditions and proposed uses, the Staff recommends approval of this zone change.

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

Part 1: The zoning classification of a portion of the Hilldell Estates Subdivision, described as:

Block 1	Block 11
Block 2	Block 12, Lots 11-16
Block 3	Block 13
Block 4	Block 15
Block 5, Lots 1-16	Block 16
Block 6	Block 19, Lots 1-20
Block 7, Lots 12-21	Block 20
Block 8	
Block 9, Lots 12-21	
Block 10	

located at the northwest corner of the intersection of Pea Ridge Road and FM 2305, more fully shown on Exhibit "A," attached hereto and made a part hereof for all purposes, is changed from Agricultural District to Planned Development District for residential use in the Hilldell Estates Subdivision

Part 2: The use and development of this property shall conform in all respects to the Single Family-3 District, except as conditioned below.

A. Single family detached homes are allowed and may be built under the following conditions:

- (1) A minimum of 3 lots, 50 feet by 110 feet, for a total of 16,500 square foot minimum shall be assembled for any new construction (TRACT).

- (2) Septic tank permits must be authorized by Bell County.
- (3) Adequate public water supply must be available and adequate to serve the site.
- (4) Tract must be located on or adjacent to a publicly improved and maintained street.
- (5) Tax delinquency on the tract must be cleared prior to the issuance of the building permit.
- (6) Site development standards shall conform in all respects to a SF-3 base zoning district, with dimensions measured from the "TRACT" boundary with the exception that the minimum front yard setback shall be 20 feet.

B. Industrialized Modular homes are allowed by right and may be built under the following conditions:

- (1) A minimum of 3 lots, 50 feet by 110 feet, for a total of 16,500 square foot minimum shall be assembled for any new construction (TRACT).
- (2) Septic tank permits must be authorized by Bell County.
- (3) Adequate public water supply must be available and adequate to serve the site.
- (4) Tract must be located on or adjacent to a publicly improved and maintained street.
- (5) Tax delinquency on the tract must be cleared prior to the issuance of the building permit.
- (6) Site development standards shall conform in all respects to a SF-3 base zoning district, with dimensions measured from the "TRACT" boundary with the exception that the minimum front yard setback shall be 20 feet.

C. Mobile homes existing and occupied on the effective date of this rezoning are nonconforming uses, which are subject to the restrictions on nonconforming uses provided in the Zoning Ordinance, except that during the five (5) year period following adoption of this ordinance a building permit shall be authorized for replacement of an existing mobile home with another mobile home under the following conditions:

- (1) A minimum of 3 lots, 50 feet by 110 feet, for a total of 16,500 square foot minimum shall be assembled for any new construction (TRACT).
- (2) Septic tank permits must be authorized by Bell County.
- (3) Adequate public water supply must be available and adequate to service the site.
- (4) Tract must be located on or adjacent to a publicly improved and maintained street.
- (5) Tax delinquency on the tract must be cleared prior to the issuance of the building permit.
- (6) Site development standards shall conform in all respects to a SF-3 base zoning district, with dimensions measured from the "TRACT" boundary with the exception that the minimum front yard setback shall be 20 feet.
- (7) The replacement mobile home must be inspected and meet state specifications for mobile homes used as dwellings.
- (8) The replacement mobile home must be placed on a permanent foundation and have the axle and tongue removed.

D. No modifications of the City's minimum housing standards are adopted for this property.

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

Part 4: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 5: This ordinance shall take effect immediately from and after its passage and publication 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 on the 2nd day of February, 1995.

PASSED AND APPROVED on Second Reading on the 16th day of February, 1995.

PASSED AND APPROVED on Third Reading on the 2nd day of March, 1995.



ATTEST:

Clydette Entzminger
Clydette Entzminger
City Secretary

THE CITY OF TEMPLE, TEXAS

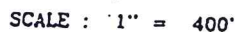
J.W. Perry
J.W. PERRY, Mayor

APPROVED AS TO FORM:

Jonathan Graham
Jonathan Graham
City Attorney

HILDELL ESTATES COMPREHENSIVE ZONING PLAN

• AGRICULTURAL
ZONING -
NO CHANGE



PUBLIC WORKS : ENGINEERING DEPARTMENT
MUNICIPAL BUILDING
TEMPLE, TX. 76501

HILDELL ESTATES

ORDINANCE NO. _____

(PLANNING NO. Z-FY-16-21)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM SINGLE FAMILY THREE PLANNED DEVELOPMENT DISTRICT TO NEIGHBORHOOD SERVICE DISTRICT ON LOTS 4-7 AND LOTS 21-25, BLOCK 13, HILDELL ESTATES, LOCATED AT 18 SOUTH PEA RIDGE ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Single Family Three Planned Development District to Neighborhood Service District on Lots 4-7 and Lots 21-25, Block 13, Hildell Estates, located at 18 South Pea Ridge Road, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 2nd day of June, 2016.

PASSED AND APPROVED on Second Reading on the **16th** day of **June**, 2016.

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

06/02/16
Item #7
Regular Agenda
Page 1 of 4

DEPARTMENT / DIVISION SUBMISSION:

Brian Chandler, Director of Planning
Mark Baker, Senior Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-16-22: Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) district to General Retail (GR) district on 0.993 +/- acres of land situated in and being a part of the Baldwin Robertson Survey, A-17, Bell County, Texas, located east of State Highway 317 and south of Tarver Drive, addressed as 6401 State Highway 317.

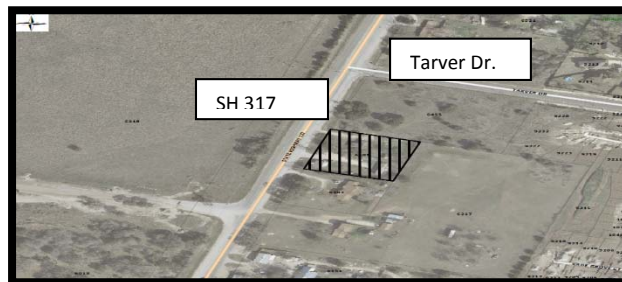


Figure 2; Aerial Location Map

PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 2, 2016 meeting, the Planning & Zoning Commission voted 7 to 0 recommend approval of the proposed rezoning per staff's recommendation as described in the Item Description.

STAFF RECOMMENDATION: Based on the following, staff recommends approval for a rezoning from Agricultural (AG) district to General Retail (GR) district for the following reasons:

1. The proposed rezoning is in compliance with the Future Land Use Map's Suburban Commercial District;
2. The proposed zoning is compatible with surrounding zoning and uses;
3. The request complies with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

ITEM SUMMARY: The subject property contains a 0.993 +/- acre tract, which is being proposed for rezoning from Agricultural (AG) district to General Retail (GR) district. The property is currently developed with several occupied residential units.

A companion final plat (Bell County Flooring Addition - P-FY-16-29) was approved by the Planning and Zoning Commission on May 2, 2016. The plat is a 1 Lot, 1 Block non-residential subdivision requiring the Planning & Zoning Commission review due to the extension of a water line.

While it is anticipated the property will be developed with retail and service uses, there are a number of residential and non-residential uses that are permitted by right in the GR zoning district. The uses allowed in the GR, include but are not limited to:

Permitted & Conditional Use Table - General Retail (GR)	
Agricultural Uses	* Farm, Ranch or Orchard
Residential Uses	* Single Family Residence (Detached & Attached) * Duplex * Townhouse * Industrialized Housing * Family or Group Home * Home for the Aged
Retail & Service Uses	* Most Retail & Service Uses * Alcoholic Beverage Sales, off-premise consumption, package Store (CUP)
Commercial Uses	* Plumbing Shop * Upholstery Shop * Kennel without Veterinary Hospital (CUP) * Indoor Flea Market
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP) * Laboratory, medical, dental, scientific or research * Recycling collection location
Recreational Uses	* Park or Playground * Beer & Wine (On Premise Consumption) < 75%
Vehicle Service Uses	* Auto Leasing, Rental * Auto Sales - New & Used (outside Lot) * Car Wash * Vehicle Servicing (Minor)
Restaurant Uses	* With & Without Drive-In
Overnight Accommodations	* Hotel or Motel
Transportation Uses	* Emergency Vehicle Service * Helistop

Prohibited uses include HUD-Code manufactured homes and land lease communities, most commercial uses and industrial uses.

Surrounding Property & Uses			
Direction	Future Land Use Map	Zoning	Current Land Use
Site	Suburban Commercial	AG	Existing SF Residence
North	Suburban Commercial	GR	Undeveloped & SF Uses
South	Suburban Commercial	AG	Scattered SF Uses
East	Suburban Commercial	AG	Undeveloped & Developing SF Uses
West	Suburban Commercial	AG	Undeveloped

COMPREHENSIVE PLAN (CP) 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 Map	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 Map (CP Map 3.1)

The subject property is entirely within the Suburban Commercial land use district. The Suburban Commercial district is intended for office and retail service-related zoning districts. The requested GR-zoning is in compliance with the Future Land Use Map.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from State Highway 31, a major thoroughfare. The companion final plat, Bell County Flooring Addition, is being evaluated for Thoroughfare Plan compliance. No Thoroughfare Plan compliance issues have been identified.

Availability of Public Facilities (CP Goal 4.1)

No sewer is available, so the property will be developed with an on-site septic system. Water is available through an extension of the 6-inch waterline from Tarver Drive. The extension is being addressed through the subdivision plat process.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan identifies a proposed Local Connector Trail in State Highway 317. A sidewalk is being provided by TxDOT improvements. The sidewalk will be upsized to 10-foot as a result of City participation. TxDOT Construction for the State Highway 317 widening project is currently in process.

DEVELOPMENT REGULATIONS: Non-residential setbacks in the Agriculture (AG) & General Retail (GR) districts are:

	Current (AG)	Proposed (GR)
Minimum Lot Size	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Front Setback	50 Feet	15 Feet
Side Setback	20 Feet	10 Feet
Side Setback (corner)	15 Feet	10 Feet
Rear Setback	10 Feet	0 Feet
Max Building Height	3 Stories	3 Stories

PUBLIC NOTICE: Five notices to property owners 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 May 24, 2016 at 9:00 AM, one notice in agreement has been received.

The newspaper printed notice of the public hearing on April 21, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Property Photos
Surveyor Sketch (Exhibit A)
Final Plat for Bell County Flooring Addition
Location Map
Aerial Map
Zoning Map
Future Land Use and Character Map
Thoroughfare & Trails Map
Utility Map
Notification Map
Returned Property Notices
Ordinance

Site & Surrounding Property Photos



Site – Existing SF Residences (AG)



Site – Alternative View –Scattered SF Residences (AG)



North: Existing Stripes Convenience Store (GR)



South: Scattered SFR & Undeveloped Land (AG)



**East: Scattered SF Uses and SF Residential Development
Village of Sage Meadows
(AG & SF-3)**



West: Undeveloped Land (AG)

CIVIL ENGINEERING • LAND SURVEYING • PLANNING • CONSTRUCTION MANAGEMENT

415 E. AVENUE D, KILLEEN, TEXAS (254) 493-9962

T.B.P.E. FIRM REGISTRATION NO. 14709

T.B.P.L.S. REGISTRATION NO. 10194111



MELISSA ANN MILLER AND
HELEN BARTON MILLER
CALLED 512.82 ACRES
(VOL. 1702, PAGE 800)

TARVER DRIVE

XHOHERD, THOMAS L JR
X CALLED 3.075 AC
X (VOL. 770, PAGE 437)

1/2" IRON
ROD FOUND

1/2" IRON
ROD FOUND

(DEED N 20° 23' 34" E - 207.27')
N 17° 14' 53" E - 207.25'
10.0' U.E.

5/8" IRON
ROD FOUND

08' 33" W - 208.75'
(DEED N 71° 00' 00" W - 208.75')

LOEW, CALVERT T
CALLED 1.1 AC
(VOL. 1729, PAGE 75)

FRICK, TROY A ETUX SUSAN D
CALLED 6.96 AC
(VOL. 5507, PAGE 201)

TEXAS STATE HIGHWAY 317

PROPOSED "GR - GENERAL RETAIL" ZONING (0.993 ACRES)

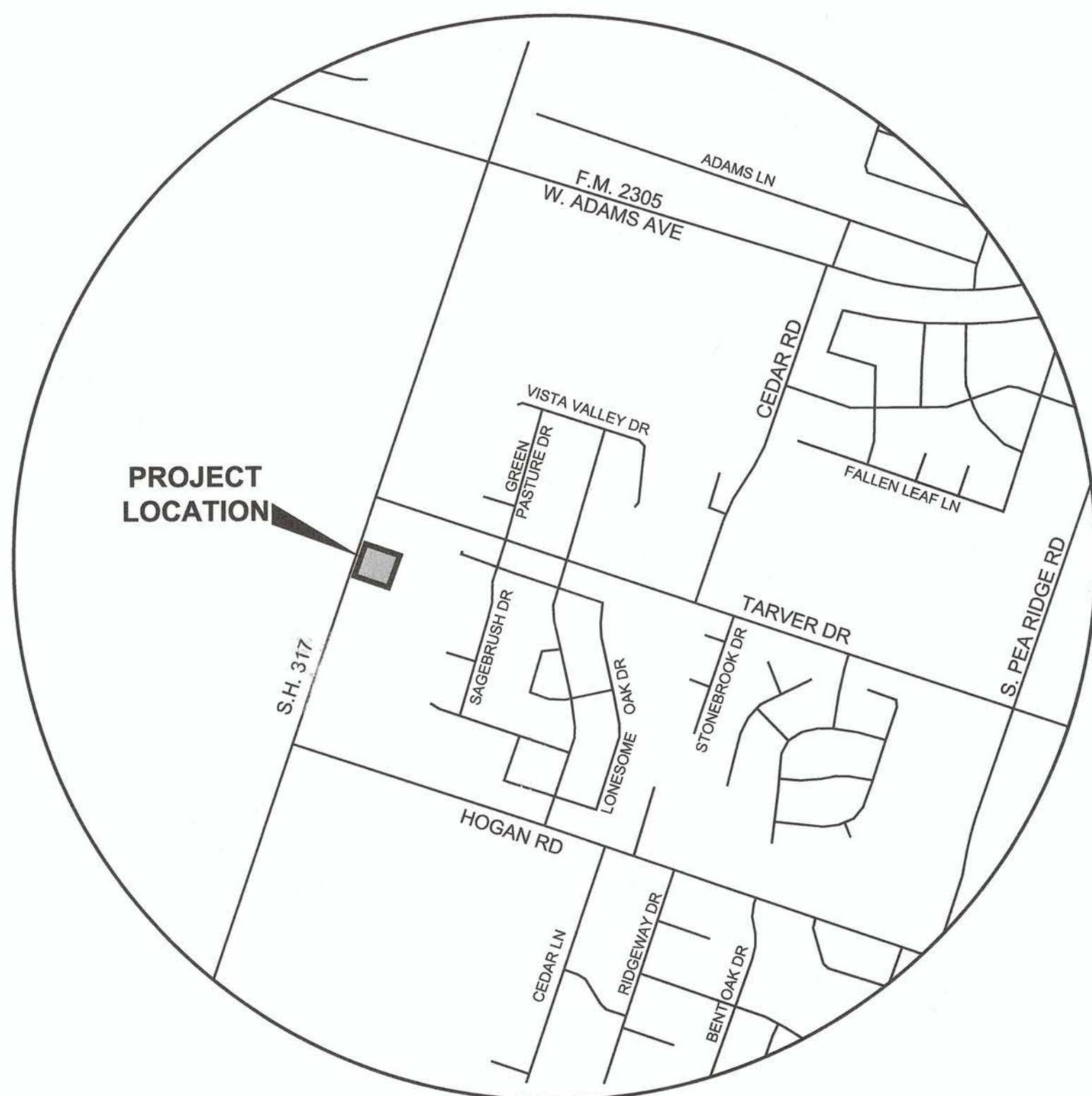
Exhibit "A" - SURVEYOR'S SKETCH

FINAL PLAT
BELL COUNTY FLOORING ADDITION
LOT 1, BLOCK 1
WITHIN THE CITY LIMITS OF THE CITY OF
TEMPLE, BELL COUNTY, TEXAS

(BEING OUT OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT
NUMBER 17, AND BEING ALL OF THAT CALLED 0.993 ACRES OF LAND
IN A DEED TO BELL COUNTY FLOORING, LLC, TIMOTHY A. ELSE,
AND IRMA V. ELSA, RECORDED IN DOCUMENT NUMBER 2014-42304
OF OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS.)

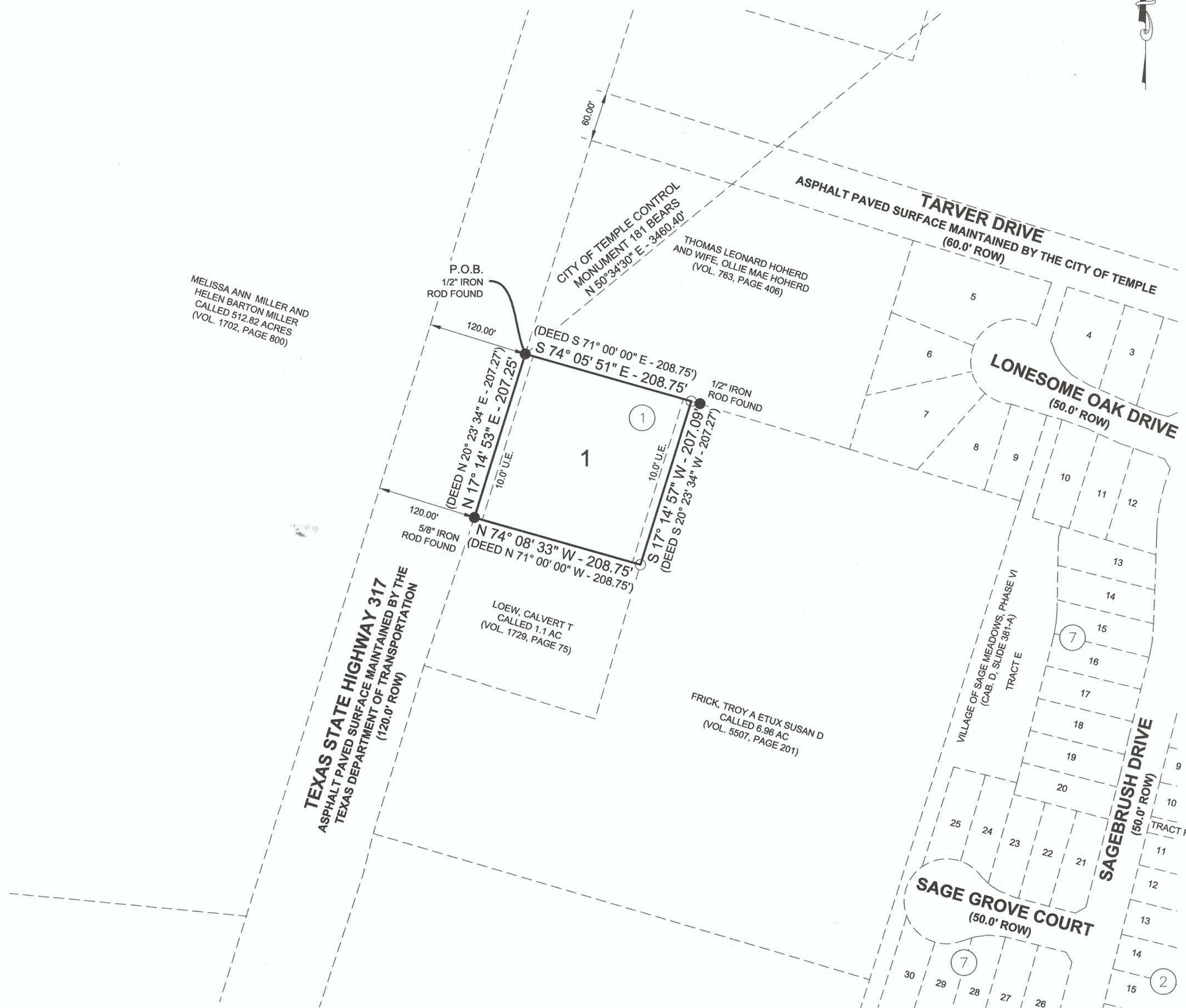
LEGEND

- PROPERTY BOUNDARY
EASEMENT LINES
ADJOINING TRACT PROPERTY LINES
IRON ROD FOUND
IRON ROD SET (1/2" WITH QUINTERO CAP)
UNLESS OTHERWISE NOTED
BLOCK NUMBER



LOCATION MAP

SCALE: NTS



NOTES:

- THE BUILDING SETBACK LINES FOR THIS TRACT SHALL BE DETERMINED AS REQUIRED BY THE APPLICABLE ZONING SECTION OF THE CITY CODE OF ORDINANCES AS RELATED TO THE DEVELOPMENT OF THIS TRACT UNLESS SHOWN HERON.
- THE BEARINGS SHOWN HERON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, PER LEICANET GPS OBSERVATIONS. ALL DISTANCES ARE SURFACE DISTANCE.
- ALL CORNERS ARE 1/2 IRON ROD SET W/ QUINTERO CAP, UNLESS OTHERWISE NOTED.
- A 6 - FOOT SIDEWALK WILL BE PROVIDED BY TxDOT IMPROVEMENTS ON S.H. 317. THE SIDEWALK WILL BE UPSIZED TO 10 - FOOT BY CITY PARTICIPATION AT THE TIME OF CONSTRUCTION.
- NO PORTION OF THIS PROPERTY LIES WITHIN THE FEMA 100 YEAR FLOODPLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP, FEMA MAP 48027C0330E, WHICH BEARS AN EFFECTIVE DATE OF AUGUST 13, 2012.
- THIS PROJECT IS REFERENCED IN NAD 1983 CENTRAL TEXAS STATE PLANE, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS. ALL COORDINATES ARE REFERENCED TO CITY MONUMENT NO 181. THE THETA ANGLE AT CITY MONUMENT NO 181 IS 1° 29' 30". THE COMBINED CORRECTION FACTOR (CCF) IS 0.999853. GRID DISTANCE = SURFACE DISTANCE x CCF. GEODETIC NORTH = GRID NORTH + THETA ANGLE. REFERENCE TIE FROM CITY MONUMENT NO 181 TO THE POINT OF BEGINNING OF THE 0.993 ACRE TRACT IS N 50° 34' 30" E, 3,460.40 FEET. PUBLISHED CITY COORDINATES FOR PROJECT REFERENCE POINT 181 ARE NORTHING = 10,383,028.13, EASTING = 3,202,665.44.

BELL COUNTY FLOORING, LLC, TIMOTHY A. ELSE, AND IRMA V. ELSE, BEING THE OWNERS OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED AS **BELL COUNTY FLOORING ADDITION**, WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

BELL COUNTY FLOORING, LLC

BY: TIMOTHY A. ELSE
MANAGING MEMBER

TIMOTHY A. ELSE

IRMA V. ELSE

STATE OF TEXAS
COUNTY OF BELL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2016, BY TIMOTHY A. ELSE, IN HIS CAPACITY AS AN INDIVIDUAL AND AS MANAGING MEMBER OF BELL COUNTY FLOORING, LLC, A TEXAS LIMITED LIABILITY COMPANY, ON BEHALF OF SAID LIMITED LIABILITY COMPANY.

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS
COUNTY OF BELL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2016, BY IRMA V. ELSE.

NOTARY PUBLIC, STATE OF TEXAS

PLANNING AND ZONING COMMISSION

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

APPROVED THIS _____ DAY OF _____, 20____.

CHAIRPERSON, PLANNING AND ZONING COMMISSION

SECRETARY, PLANNING AND ZONING COMMISSION.

SURVEYORS' CERTIFICATE:

I, A. W. KESSLER, DO HEREBY CERTIFY THAT AN ACTUAL AND ACCURATE SURVEY WAS MADE ON THE GROUND OF THE PLATTED LAND, AND THAT THE CORNER MONUMENTS SHOWN ON THE FOREGING PLAT WERE FOUND OR PLACED, IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF TEMPLE, TEXAS.

A. W. Kessler 4-25-16
A. W. KESSLER
R. P. L. S. NO. 1852
415 E. AVENUE D
KILLEEN, TX 76541



BELL COUNTY PUBLIC HEALTH DEPARTMENT

I, THE UNDERSIGNED, A REGISTERED SANITARIAN IN THE STATE OF TEXAS, HERBY CERTIFY THAT THIS SUBDIVISION HAS BEEN REVIEWED FOR COMPLIANCE WITH APPLICABLE STATE AND COUNTY REGULATIONS GOVERNING ON-SITE SEWAGES FACILITIES AND IS HEREBY RECOMMENDED FOR APPROVAL.

BY: _____
BELL COUNTY PUBLIC HEALTH DEPARTMENT

AFFIDAVIT:

THE TAX APPRAISAL DISTRICT OF BELL COUNTY DOES HEREBY CERTIFY THERE ARE CURRENTLY NO DELINQUENT TAXES DUE TO THE TAX APPRAISAL DISTRICT OF BELL COUNTY ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS THE _____ DAY OF _____, 20____, AD.

By: _____
BELL COUNTY TAX APPRAISAL DISTRICT

COUNTY CLERK INFORMATION:

FILED FOR RECORD THIS _____ DAY OF _____, 20____, IN PLAT YEAR _____, PLAT # _____

PLAT RECORDS OF BELL COUNTY, TEXAS, AND DEDICATION INSTRUMENT # _____, OFFICIAL RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS.

BY: _____

SURVEY:	BALDWIN ROBERTSON SURVEY, A-17	OWNER:	BELL COUNTY FLOORING, LLC
NUMBER OF BLOCKS:	1		TIMOTHY A. ELSE
NUMBER OF LOTS:	1		IRMA V. ELSE
TOTAL ACREAGE:	0.993 Ac.		120 MUELHOUSE STREET BELTON, TEXAS
DATE:	MARCH 2016	SURVEYOR:	QUINTERO ENGINEERING, LLC
			415 E. AVENUE D KILLEEN, TEXAS 76541 (254) 493-9962



415 E. AVENUE D
KILLEEN, TEXAS 76541
T.B.P.E. FIRM NO.: 14709 T.B.P.L.S. FIRM NO.: 10194111

PHONE: (254) 493-9962
FAX: (254) 432-7070

FINAL PLAT
BELL COUNTY FLOORING ADDITION
TEMPLE, BELL COUNTY, TEXAS

0.993 ACRE TRACT, BALDWIN ROBERTSON
SURVEY, ABSTRACT NO 17
TEMPLE, BELL COUNTY, TEXAS

DRAWING NO.:

P1















AG to GR

LOCATION MAP

Zoning Case :
Z-FY-16-22

Address :
6401 N. Hwy 317

Streets

-  EXPRESSWAY
-  MAJOR ARTERIAL
-  COLLECTOR
-  LOCAL STREET
-  MINOR ARTERIAL
-  PRIVATE
-  RAMP
-  Railroad
-  Temple Municipal Boundary
-  Parcels
-  ETJ Parcels
-  CaseArea

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.

mbaker
Date: 4/6/2016





AG to GR

AERIAL MAP

Zoning Case :
Z-FY-16-22

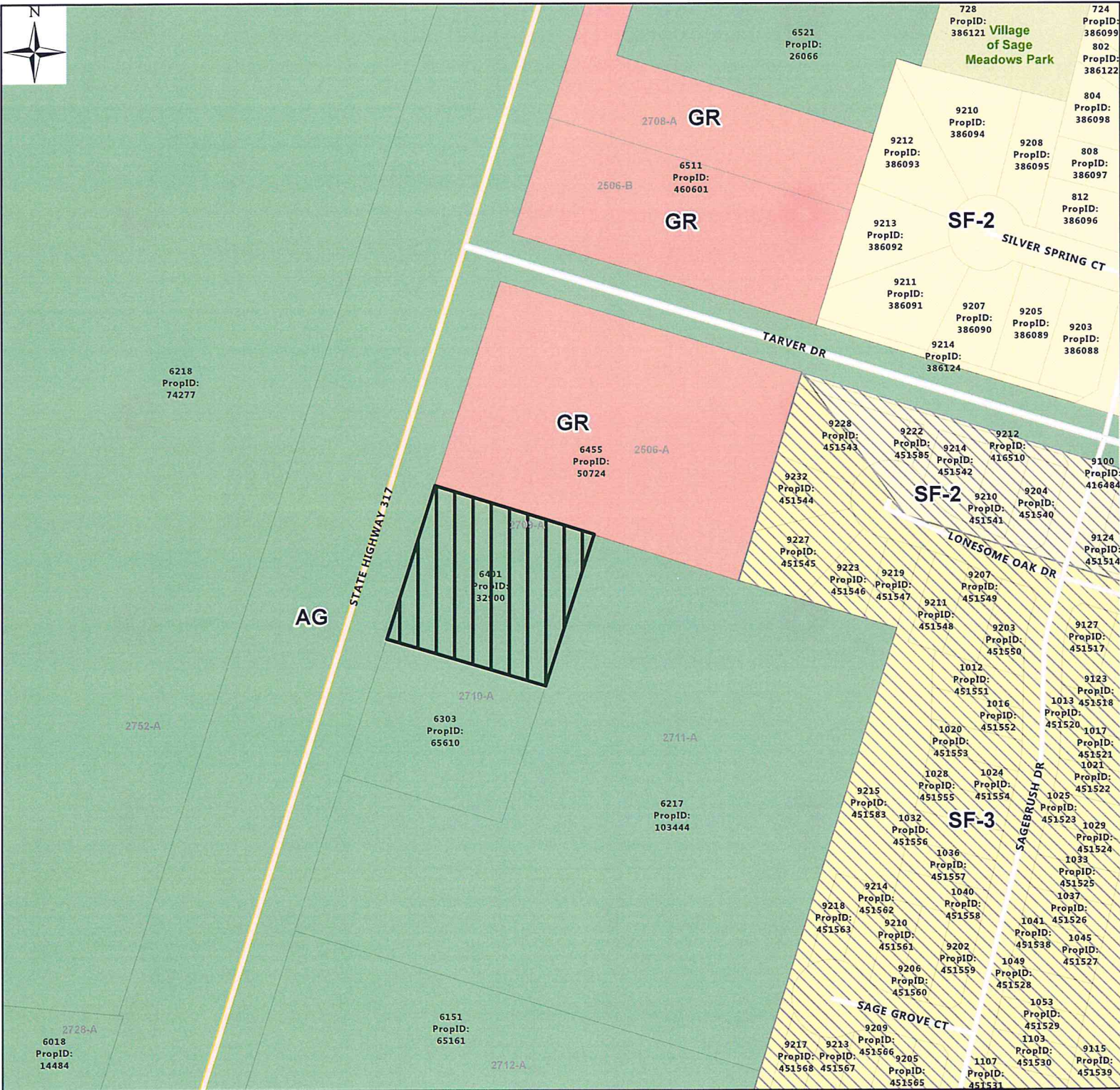
Address :
6401 N. Hwy 317

- Streets
- EXPRESSWAY
 - MAJOR ARTERIAL
 - COLLECTOR
 - LOCAL STREET
 - MINOR ARTERIAL
 - PRIVATE
 - RAMP
 - Railroad
- Temple Municipal Boundary
- Parcels
- ETJ Parcels
- CaseArea

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.

mbaker
Date: 4/6/2016





AG TO GR

ZONING MAP

Zoning Case :
Z-FY-16-22

Address :
6401 N Hwy 317

CurrentZoning			
HI - CUP	O-1	AG - CUP	
UE	O-1 - CUP	MH	
UE - PD	O-1 - PD	MH - CUP	
SF-1	O-2	MH - PD	
SF-1 - CUP	O-2 - CUP	MU	
SF-1 - PD	O-2 - PD	MU - CUP	
SF-2	NS	SD-C	
SF-2 - PD	NS - CUP	SD-C - CUP	
SF-3	NS - PD	SD-H	
SF-3 - PD	GR	SD-H - CUP	
SFA	GR - CUP	SD-T	
SFA-2	GR - PD	SD-V	
SFA-2 - PD	GR - CUP, PD	T4	
SFA-3	CA	T4 - PD	
2F	CA - CUP	T4 - CUP	
2F - CUP	CA - PD	T5-C	
2F - PD	C	T5-C - CUP	
MF-1	C - CUP	T5-C - PD	
MF-1 - CUP	C - PD	T5-E	
MF-1 - PD	C - CUP, PD	T5-E - CUP	
MF-2	LI	T5-E - PD	
MF-2 - CUP	LI - CUP	NO BASE	
MF-2 - PD	LI - PD	CUP	
MF-3	LI - CUP, PD	PD	
	HI	Buffer	
	HI - PD	CaseArea	
	AG		

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myarberry
Date: 4/7/2016





AG to GR FUTURE LAND USE MAP

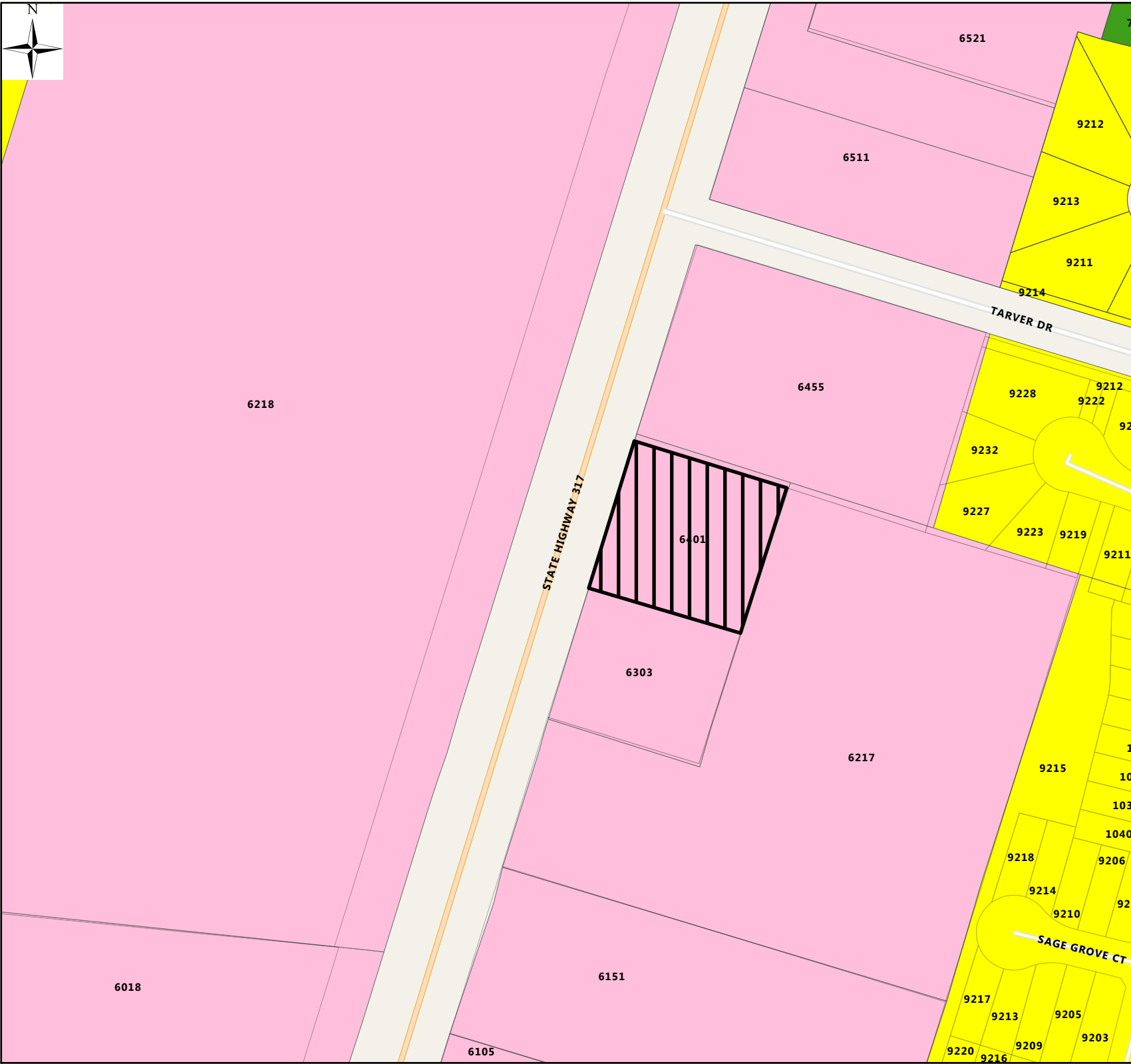
Zoning Case :
Z-FY-16-22

Address :
6401 N. Hwy 317

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Parcels
- Future LUP
 - Agricultural/Rural
 - Auto-Urban Commercial
 - Auto-Urban Mixed Use
 - Auto-Urban Multi-Family
 - Auto-Urban Residential
 - Business Park
 - Estate Residential
 - Industrial
 - Neighborhood Conservation
 - Parks & Open Space
 - Public Institutional
 - Suburban Commercial
 - Suburban Residential
 - Temple Medical Education District
 - Urban Center
- CaseArea

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mbaker
Date: 4/6/2016





AG to GR

UTILITY MAP

Zoning Case :
Z-FY-16-22

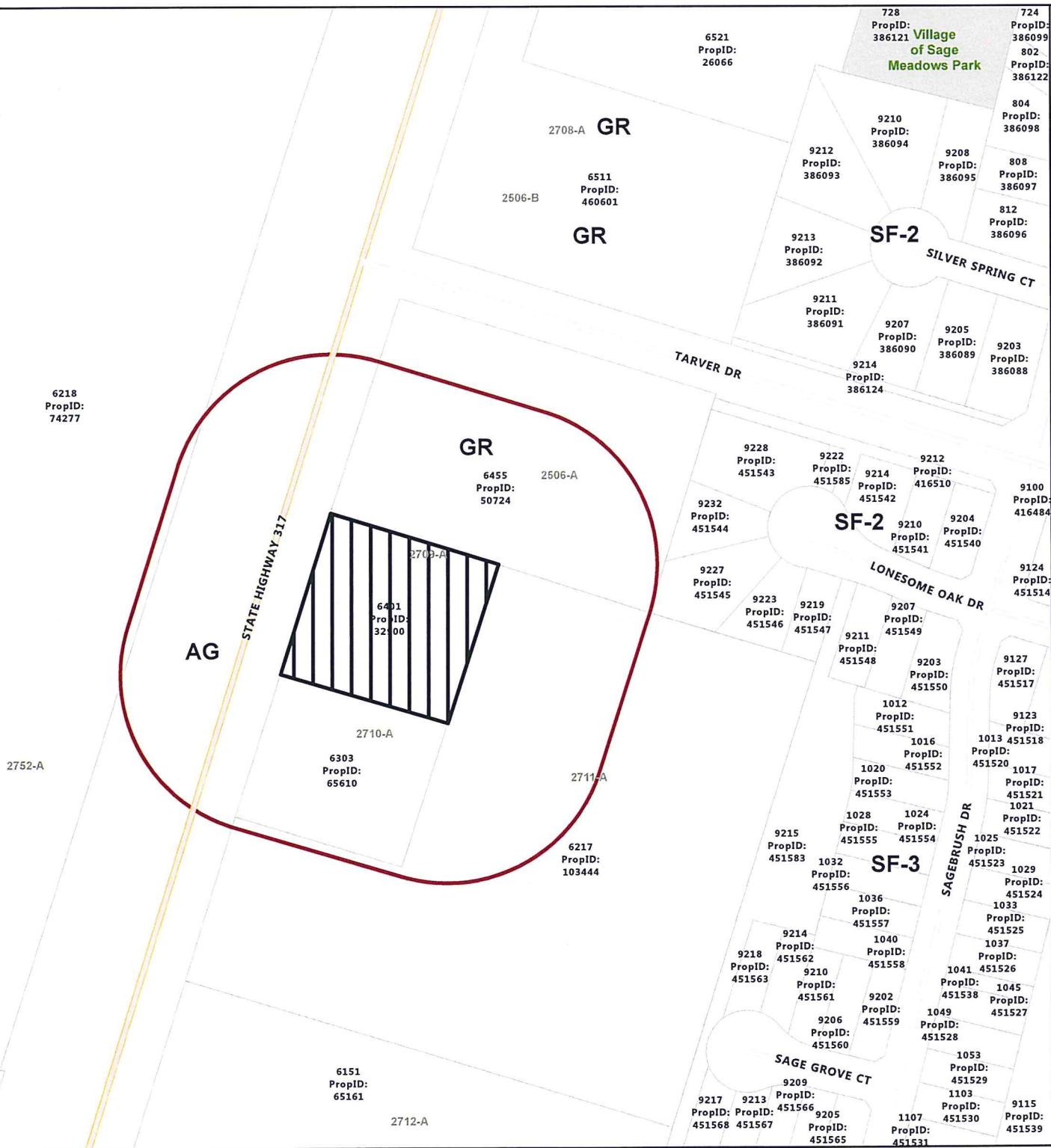
Address :
6401 N. Hwy 317

- Manhole
- Gravity Main
- ✚ Hydrant
- Main
- Parcels
- ▨ CaseArea

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.

mbaker
Date: 4/6/2016





AG TO GR
200'
NOTIFICATION MAP

Zoning Case :
Z-FY-16-22
Address :
6401 N Hwy 317

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.

myarberry
Date: 4/7/2016





RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

HOHERD, THOMAS L JR
17722 DEEP BROOK DR
SPRING, TX 77379-8002

Zoning Application Number: Z-FY-16-22

Project Manager: MARK BAKER

Location: East of State Highway 317 and south of Tarver 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 ☒ agree

() disagree with this request

Comments:

Thomas Hoherd
Signature

THOMAS HOHERD
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

Number of Notices Mailed: 5

Date Mailed: April 21, 2016

MAY - 2 2016

City of Temple
Planning & Development

ORDINANCE NO. _____

(PLANNING NO. Z-FY-16-22)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT TO GENERAL RETAIL DISTRICT ON APPROXIMATELY 0.993 ACRES OF LAND SITUATED IN AND BEING A PART OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT A-17, BELL COUNTY, TEXAS, LOCATED EAST OF STATE HIGHWAY 317 AND SOUTH OF TARVER DRIVE, ADDRESSED AS 6401 STATE HIGHWAY 317; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural District to General Retail District on approximately 0.993 acres of land situated in and being a part of the Baldwin Robertson Survey, Abstract A-17, Bell County, Texas, located east of State Highway 317 and south of Tarver Drive, addressed as 6401 State Highway 317, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 2nd day of June, 2016.

PASSED AND APPROVED on Second Reading on the **16th** day of **June**, 2016.

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

06/02/16
Item #8
Regular Agenda
Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning
Dessie Redmond, Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-16-24: Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) to General Retail (GR) on 8.436 +/- acres of land, situated in the Maximo Moreno Survey, Abstract 14, Bell County, Texas, located at 4350 South 5th Street, Temple, Texas.



PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 2, 2016 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the proposed rezoning as presented by Planning staff.

STAFF RECOMMENDATION: Staff recommends approval for a rezoning from AG district to GR district based on the following:

1. The proposed rezoning is in compliance with the Future Land Use Map (FLUM) Auto-Urban Commercial District;
2. The proposed zoning is compatible with surrounding zoning and uses;
3. The request complies with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

ITEM SUMMARY: The applicant has requested a rezoning of approximately 8.436 acres from AG to GR. The subject property is currently undeveloped and vacant. A companion final plat (P-FY-16-30) was reviewed by the Development Review Committee (DRC) for the same +/- 8.436 acre tract of land on April 21, 2016. The plat is proposing to subdivide the property into 5 separate lots. During DRC, staff discussed with the applicant the existing median cut on South 5th Street to remain to allow access into the property and also the possibility of interior shared cross access between the proposed 5 lots. The applicant was receptive to this discussion.

While it is anticipated the property will be developed with retail or office uses, there are other allowed uses by right and with a Conditional Use Permit (CUP) in the GR zoning district. Uses allowed in the GR district, include but are not limited to:

Permitted & *Conditional Use Table – General Retail (GR)	
Residential Uses	Duplexes *Family or group home
Agricultural Uses	Farm, ranch, orchard or garden *Kennel without veterinary hospital
Commercial Uses	Flea market Upholstery shop
Education & Institutional Uses	*Cemetery, crematorium or mausoleum College, university or seminary
Industrial Uses	*Asphalt or concrete batching plant (permanent) Laboratory Medical, dental, scientific or research
Office Uses	Office *Warehouse office
Overnight Accommodations Uses	Hotel *Recreational vehicle park
Recreational & Entertainment Uses	Roller or Ice Rink *Zoo
Restaurant Uses	Restaurant (not drive-in & drive-in)
Retail Sales and Service Uses	Antique shop Medical appliances, fitting, sales or rental
Transportation and Related Uses	Emergency vehicle service *Helistop
Utility and Service Uses	*Sewage plumbing station Water treatment plant
Vehicle Sales and Services Uses	Auto leasing, rental Car wash

Prohibited uses include but not limited to: truck stop, auto storage or auto auction, utility shop, storage yard or building, railroad yard or roundhouse, veterinary hospital (kennels).

SURROUNDING PROPERTY AND USES: The following tables provide information regarding the subject property and surrounding properties on Future Land Use Map (FLUM) designations, existing zoning and current land uses:

Surrounding Property & Uses			
<u>Direction</u>	<u>FLUM</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto-Urban Commercial	AG	Undeveloped
North	Auto-Urban Commercial	GR	Retail & Service Uses
South	Auto-Urban Commercial	AG	SFR
East	Suburban Residential	AG	Agriculture
West	Parks & Open Space	AG	Open Space

COMPREHENSIVE PLAN COMPLIANCE: The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan (Comp Plan) and Sidewalk and Trails Plan (S&T Plan):

Document	Policy, Goal, Objective or Map	Compliance?
Comp Plan	Map 3.1 - Future Land Use Map	Yes
Comp Plan	Map 5.2 - Thoroughfare Plan	Yes
Comp Plan	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
S&T Plan	Temple Trails Master Plan Map	Yes

Future Land Use Map, Comp Plan Map 3.1

The subject property is located in the Auto-Urban Commercial character district according to the Comp Plan. The propose zoning is compatible with this character district as described in the Choice '08 Comp Plan – FLUM. This designation is meant for commercial development and the proposed is anticipated for commercial/retail and office development. According to the FLUM, the majority of the Auto-Urban Commercial designation should be concentrated at intersections versus strip development along major roads. The subject property is not located at an intersection.

Thoroughfare Plan (Comp Plan Map 5.2)

The subject property is accessed off of South 5th Street (major arterial), which abuts the property to the east. According to the Thoroughfare Plan, there are no other roads existing or proposed through or abutting the property.

Availability of Public Facilities (Comp Plan Goal 4.1)

Sewer is available to the subject property through an existing 24-inch sewer line along the west side of the property. Water is available through an existing 3-inch waterline along South 5th Street. It should be noted that a portion of the subject property is located within the Regulatory Floodway Flood Hazard Zone.

Temple Trails Master Plan Map and Sidewalks Ordinance

South 5th Street is designated as a major arterial thoroughfare and therefore, at the time of development, the installation of a 6 foot wide sidewalk will be required. Also, there is an existing city wide spine trail located on the property to the west of the subject property (Friar's Creek Trail).

DEVELOPMENT REGULATIONS: It is anticipated the applicant will develop the property with retail or office uses. Staff included a comparison table for non-residential setbacks in the AG & GR zoning districts for review:

	Current AG	Proposed GR
Minimum Lot Size	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Front Setback	50'	15'
Side Setback	20'	10'
Side Setback (corner)	15'	10'
Rear Setback	10'	*0'
Max Building Height	3 stories	3 stories

*Subject to UDC, Section 4.4 Measurements & Special Cases

PUBLIC NOTICE: 20 notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by state law and local ordinance. As of Friday May 20, 2016, four notices (all four from the same property owner) have been returned in disagreement and seven notices (two from the applicant and two from a same property owner) have been returned in agreement of the request. Staff also received comments from an adjacent property owner (Mr. Herrington) who voiced concern about the filling of dirt on the subject property to raise the elevation of the lots for building that may raise the floodway surface elevation on Mr. Herrington's property which could result in the flooding of his house.

The newspaper printed notice of the public hearing on April 21, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Site Photos](#)
[Location Map](#)
[Aerial](#)
[Zoning Map](#)
[Future Land Use Map \(FLUM\)](#)
[Thoroughfare & Trails Map](#)
[Utility Map](#)
[Notification Map](#)
[Returned Property Owner Notices \(12\)](#)
[Existing Zoning District vs Proposed Zoning District Ordinance](#)

Site Photos



On the north boundary looking south through the subject property.



On the east central boundary looking west through site.

Site Photos

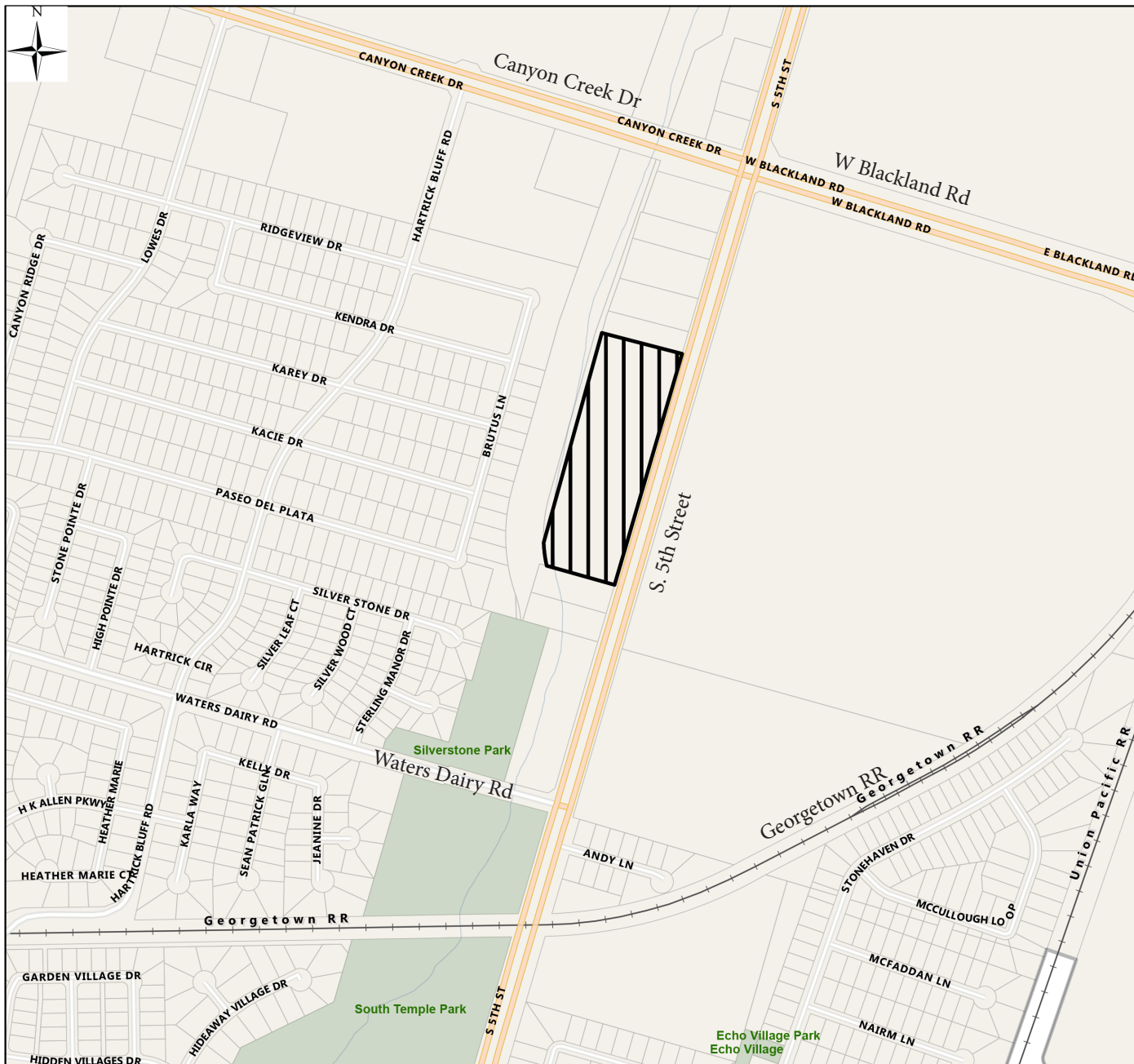


Existing retail building to the north of the subject property.



Existing single-family residence to the south of the property.

Location Map



AG to GR LOCATION MAP

Zoning Case :
Z-FY-16-24

Address:
4350 S 5th Street



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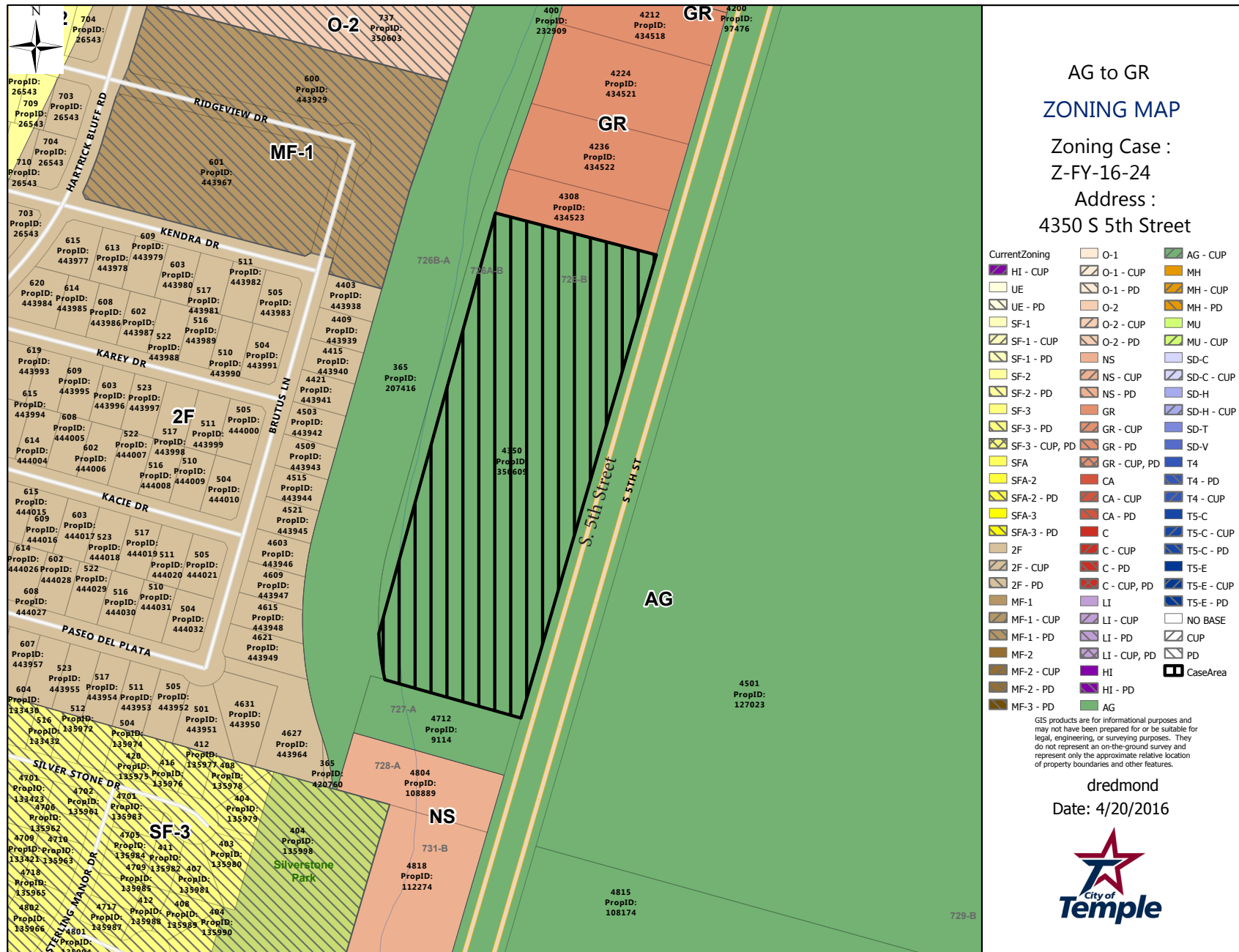
dredmond
Date: 4/20/2016



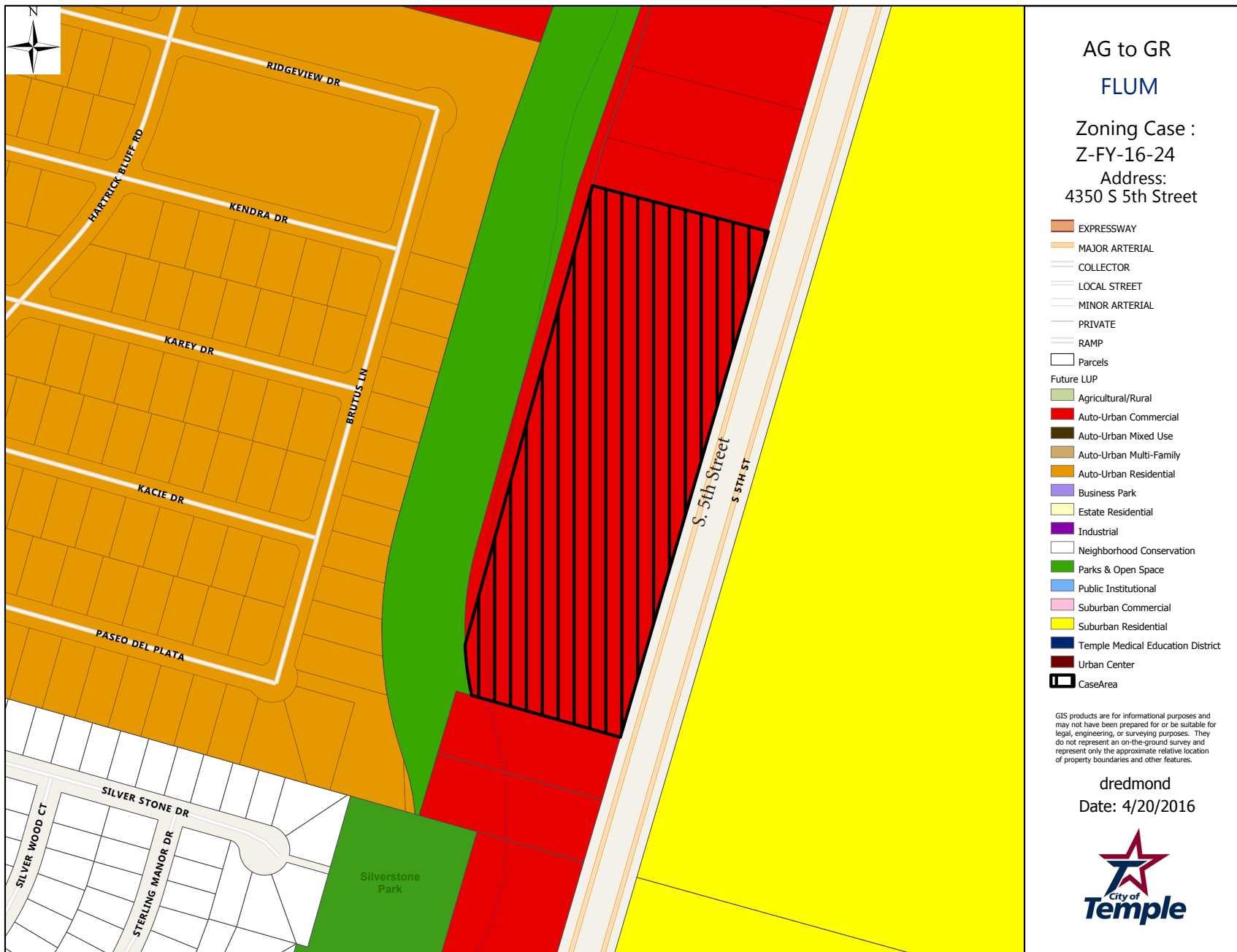
Aerial



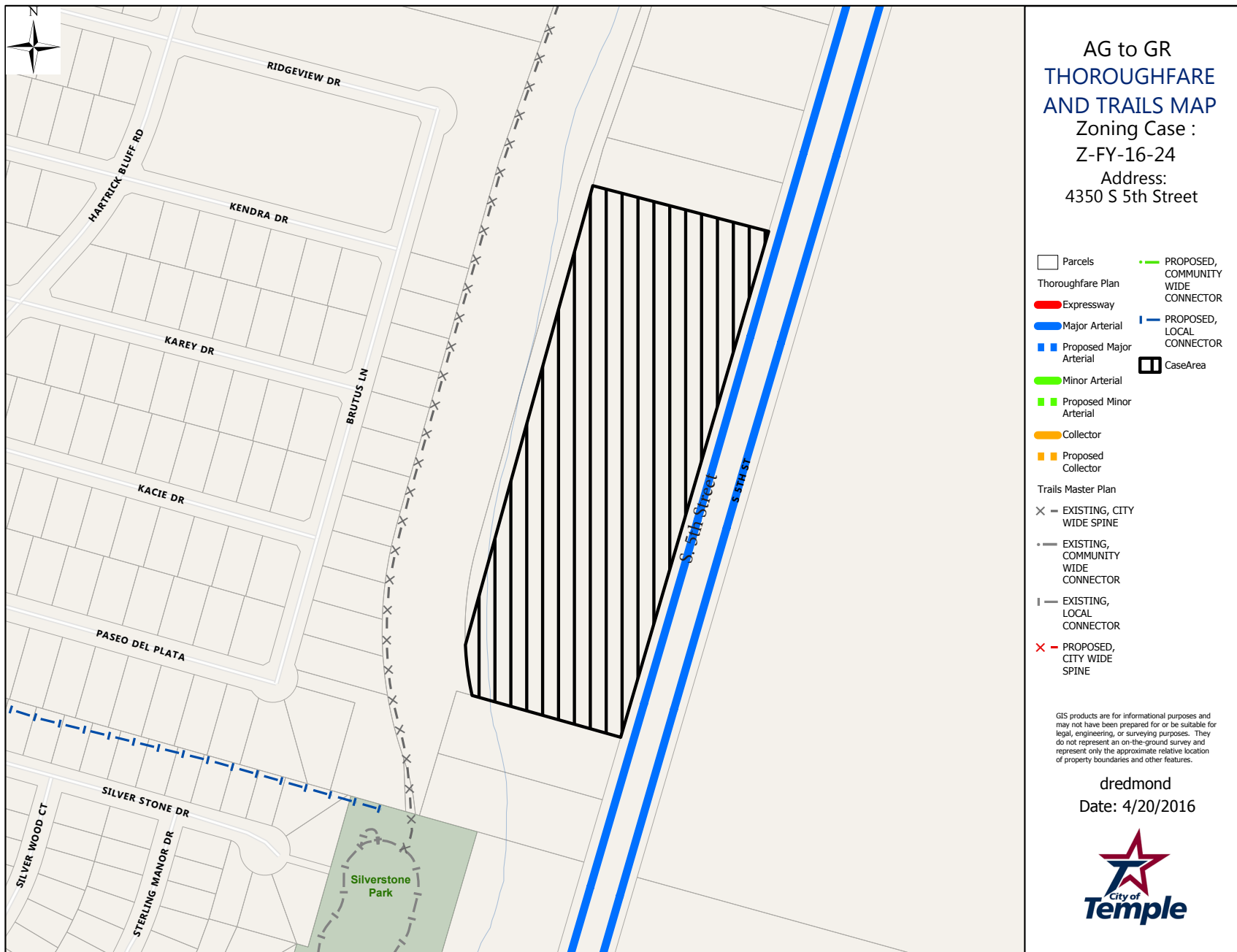
Zoning Map



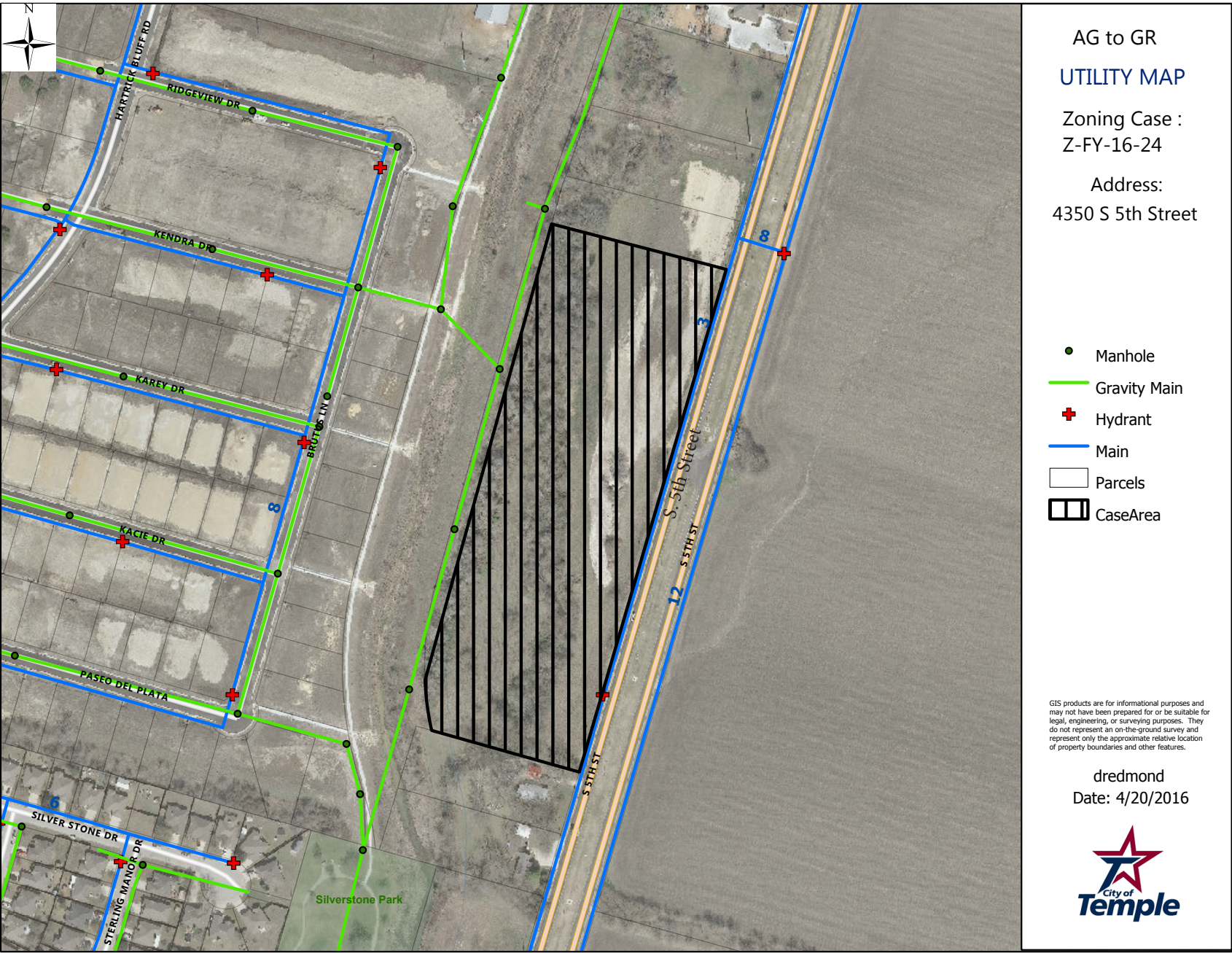
Future Land Use Map



Thoroughfare and Trails Map



Utility Map



Notification Map





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

RATHBUN FAMILY TRUST
C/O AMBROSINI, DENISE G & DARIO FABIANI CO-TRUSTEES
6802 AMBROSE CIR
TEMPLE, TX 76502

Zoning Application Number: Z-FY-16-24 **Project Manager:** Dessie Redmond

Location: West side of South 5th Street, south of Canyon Creek Drive, 4350 S. 5th Street

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 () agree

☒ disagree with this request

Comments:

Denise G Ambrosini
Signature

Denise G Ambrosini
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

APR 27 2016

City of Temple
Planning & Development

Number of Notices Mailed: 20

Date Mailed: April 21, 2016



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

RATHBUN FAMILY TRUST
C/O AMBROSINI, DENISE G & DARIO FABIANI CO-TRUSTEES
6802 AMBROSE CIR
TEMPLE, TX 76502

Zoning Application Number: Z-FY-16-24

Project Manager: Dessie Redmond

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I ☐ agree

☒ disagree with this request

Comments:

Denise G Ambrosini
Signature

Denise G Ambrosini
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

APR 27 2016

City of Temple
Planning & Development

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

RATHBUN FAMILY TRUST
C/O AMBROSINI, DENISE G & DARIO FABIANI CO-TRUSTEES
6802 AMBROSE CIR
TEMPLE, TX 76502

Zoning Application Number: Z-FY-16-24 **Project Manager:** Dessie Redmond

Location: West side of South 5th Street, south of Canyon Creek Drive, 4350 S. 5th Street

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I ☐ agree

☐ disagree with this request

Comments:

Denise G Ambrosini
Signature

Denise G Ambrosini
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

APR 27 2016

City of Temple
Planning & Development

Number of Notices Mailed: 20

Date Mailed: April 21, 2016



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

AMBROSINI, DENISE G
6802 AMBROSE CIR
TEMPLE, TX 76502

Zoning Application Number: Z-FY-16-24 **Project Manager:** Dessie Redmond

Location: West side of South 5th Street, south of Canyon Creek Drive, 4350 S. 5th Street

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 ☐ agree

☒ disagree with this request

Comments:

Denise G Ambrosini
Signature

Denise G Ambrosini
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

APR 27 2016

City of Temple
Planning & Development

Number of Notices Mailed: 20

Date Mailed: April 21, 2016



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

HUNT, JOHN DERRICK ETUX SHERI LEE
1023 CANYON CREEK DR STE 100
TEMPLE, TX 76502

Zoning Application Number: Z-FY-16-24

Project Manager: Dessie Redmond

Location: West side of South 5th Street, south of Canyon Creek Drive, 4350 S. 5th Street

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 ☒ agree

() disagree with this request

Comments:

No comments.


Signature

Derrick Hunt
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

APR 28 2016

City of Temple
Planning & Development

Number of Notices Mailed: 20

Date Mailed: April 21, 2016



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

WHEELER, MAE DEAN TRUSTEE
1919 WHITNEY ST
HOUSTON, TX 77006-1431

Zoning Application Number: Z-FY-16-24

Project Manager: Dessie Redmond

Location: West side of South 5th Street, south of Canyon Creek Drive, 4350 S. 5th Street

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 ☒ agree

() disagree with this request

Comments:

Ronald A. Lowe
Signature

MAE DEAN WHEELER, BY RONALD A. LOWE
POWER OF ATTORNEY

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

APR 28 2016

City of Temple
Planning & Development

Number of Notices Mailed: 20

Date Mailed: April 21, 2016



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

DOUGLAS, MARK EUGENE
4609 B BRUTUS LN
TEMPLE, TX 76502

Zoning Application Number: Z-FY-16-24 **Project Manager:** Dessie Redmond

Location: West side of South 5th Street, south of Canyon Creek Drive, 4350 S. 5th Street

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 ☒ agree

() disagree with this request

Comments:

I WOULD LIKE TO HAVE MORE DETAILS REGARDING
THE TYPE OF RETAIL PLANNED FOR LOCATION.

Mark Douglas
Signature

MARK DOUGLAS
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

RECEIVED

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

APR 29 2016
City of Temple
Planning & Development

Number of Notices Mailed: 20

Date Mailed: April 21, 2016



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

PATTERSON, WELDON C & DAVID C
4212 S 5TH ST
TEMPLE, TX 76502-3344

Zoning Application Number: Z-FY-16-24

Project Manager: Dessie Redmond

Location: West side of South 5th Street, south of Canyon Creek Drive, 4350 S. 5th Street

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 ☒ agree

() disagree with this request

Comments:


Signature

David Patterson
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

APR 29 2016

City of Temple
Planning & Development

Number of Notices Mailed: 20

Date Mailed: April 21, 2016



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

PATTERSON, WELDON C & DAVID C
4212 S 5TH ST
TEMPLE, TX 76502-3344

Zoning Application Number: Z-FY-16-24 **Project Manager:** Dessie Redmond

Location: West side of South 5th Street, south of Canyon Creek Drive, 4350 S. 5th Street

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 ☒ agree () disagree with this request

Comments:

W.C. Patterson
Signature

W.C. Patterson
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED
MAY - 2 2016
City of Temple
Planning & Development

Number of Notices Mailed: 20

Date Mailed: April 21, 2016



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

PATTERSON, WELDON C & DAVID C
4212 S 5TH ST
TEMPLE, TX 76502-3344

Zoning Application Number: Z-FY-16-24

Project Manager: Dessie Redmond

Location: West side of South 5th Street, south of Canyon Creek Drive, 4350 S. 5th Street

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I ☒ agree

() disagree with this request

Comments:

Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

MAY - 2 2016

City of Temple
Planning & Development

Number of Notices Mailed: 20

Date Mailed: April 21, 2016

Returned Property Owner Notice

Dessie Redmond

From: jimmy herrington <jimmy.herrington@att.net>
Sent: Monday, May 02, 2016 4:45 PM
To: Dessie Redmond
Subject: Z-FY-16-24

Hi Dessie,

To be clear, I am not objecting to the change in zoning from agricultural to General retail for my neighbor. I am concerned about filling of dirt on his property to raise the elevation of these lots for building that may raise the floodway surface elevation on my downstream property and could result in the flooding of my house. I look forward to reviewing the hydrology plans for development of these lots.

Thanks,
Jim Herrington
4712 S. 5th Street
Temple, Texas 76502
(254) 654-1018



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

HUNT, JOHN DERRICK & SHERI LEE
178 EAGLE LANDING
BELTON, TX 76513

Zoning Application Number: Z-FY-16-24 **Project Manager:** Dessie Redmond


Location: West side of South 5th Street, south of Canyon Creek Drive, 4350 S. 5th Street

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 ☒ agree

() disagree with this request

Comments:


Signature

Derrick Hunt
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

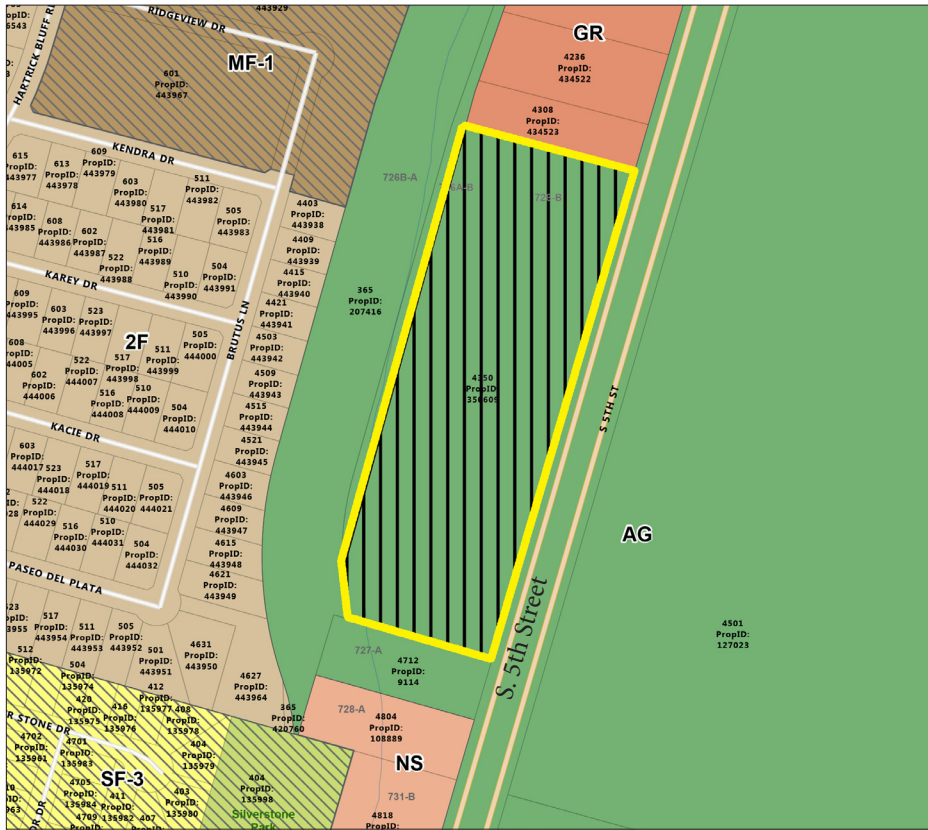
MAY - 6 2016

City of Temple
Planning & Development

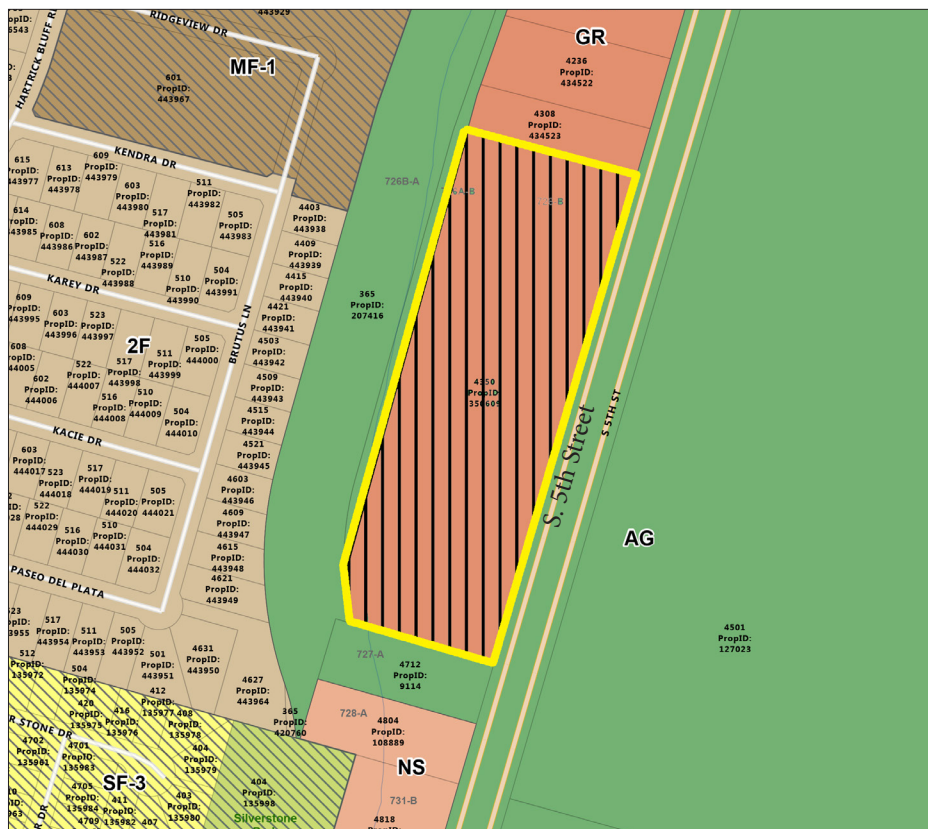
Number of Notices Mailed: 20

Date Mailed: April 21, 2016

Existing Zoning District versus Proposed Zoning District



Existing Agricultural Zoning District



Proposed General Retail Zoning District

- Agricultural (AG)
- General Retail (GR)
- Two-Family Dwelling (2F)
- Multiple-Family Dwelling 1 (MF-1)
- Neighborhood Services (NS)
- Single-Family Dwelling 3 (SF-3)
- Subject Property Boundary

ORDINANCE NO. _____

(PLANNING NO. Z-FY-16-24)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT TO GENERAL RETAIL DISTRICT ON APPROXIMATELY 8.436 ACRES OF LAND SITUATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS, AND LOCATED AT 4350 SOUTH 5TH STREET, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural District to General Retail District on approximately 8.436 acres of land situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, and located at 4350 S. 5th Street, Temple, Texas, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **June, 2016**.

PASSED AND APPROVED on Second Reading on the **16th** day of **June**, 2016.

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

06/02/16
Item #9
Regular Agenda
Page 1 of 5

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning
Dessie Redmond, Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-16-25: Consider adopting an ordinance authorizing rezoning from Multifamily-2 (MF-2) to Office-2 (O-2) on .711 +/- acres of land, Lot 1, Block 1, Vandiver Subdivision, Bell County, 416 North 11th Street, Temple, Texas.



PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 2, 2016 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the proposed rezoning, as presented by Planning staff.

During the meeting, discussion included details of the proposed use, which the applicant explained is for a Day Habilitation for special needs adults. She stated that TISD has agreed to let her use parking on the adjacent parking lot property and will submit that letter when necessary. The applicant would be subject to parking standards. The Unified Development Code (UDC) Section 7.5 lists Off-Street Parking and Loading requirements. The applicant also stated that the facility will operate between 9:00 a.m. to 2:00 p.m. and that all of the clients will be dropped off.

The Planning Commission also agreed that this use was a needed service for the community and was excited about the idea.

STAFF RECOMMENDATION: Staff recommends approval for a rezoning from Multi-Family Dwelling 2 (MF-2) district to Office-1 (O-1) district. The applicant applied for a rezoning to the O-2 district; however, the applicant's proposed use ("school, business") is also permitted by right in the O-1 district and this district is less intense than the O-2 district. Staff also believes the O-1 zoning district is more appropriate for the property. Therefore, staff is recommending approval for a rezoning to the O-1 district. The applicant is in agreeance with this recommendation.

ITEM SUMMARY: The applicant has requested a rezoning of approximately .711 acres from MF-2 to O-2. There is a vacant school (Vandiver Elementary) on the subject property.

It is anticipated the property will be developed with a “school, business” use, there are other allowed uses by right and with a Conditional Use Permit (CUP) in the O-1 zoning district. Uses allowed in the O-1 district, include but are not limited to:

Permitted & *Conditional Use Table – Office-1 (O-1)	
Residential Uses	Boarding house *Family or group home
Agricultural Uses	Farm, ranch, orchard or garden
Commercial Uses	none
Education & Institutional Uses	Art gallery or museum *Cemetery, crematorium or mausoleum Place of Worship School, business
Industrial Uses	*Laboratory medical, dental, scientific or research
Office Uses	Office
Overnight Accommodations Uses	none
Recreational & Entertainment Uses	*Day camp for children Park or playground
Restaurant Uses	none
Retail Sales and Service Uses	Bank or savings and loan Travel agency Veterinary office (no animal hospital)
Transportation and Related Uses	*Emergency vehicle service *Helistop
Utility and Service Uses	*Electrical substation (high voltage bulk power) Fire Station
Vehicle Sales and Services Uses	none

Surrounding Property and Uses: The following table provide information regarding the subject property and surrounding properties on Future Land Use Map (FLUM) designations, existing zoning and current land uses:

Surrounding Property & Uses			
Direction	FLUM	Zoning	Current Land Use
Site	Public Institutional/Auto-Urban Multi-Family	MF-2	Vacant building
North	Auto-Urban Multi-Family	MF-2	Multi-Family (apartment)
South	Auto-Urban Multi-Family	O-2	Multi-Family (apartment)
East	Neighborhood Conservation	SF-1	Vacant lot/SFR
West	Public Institutional/Auto-Urban Multi-Family	O-2/MF-2	Parking lot

Comprehensive Plan Compliance: The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan (Comp Plan) and Sidewalk and Trails Plan (S&T Plan):

Document	Policy, Goal, Objective or Map	Compliance?
Comp Plan	Map 3.1 - Future Land Use Map	Yes
Comp Plan	Map 5.2 - Thoroughfare Plan	Yes
Comp Plan	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
S&T Plan	Temple Trails Master Plan Map	N/A

Future Land Use Map, Comp Plan Map 3.1

Approximately two-thirds of the subject property is located in the Public Institutional character district according to the Comp Plan. The proposed zoning is compatible with this character district as described in the Choice '08 Comp Plan – FLUM. The Public Institutional designation is meant for the community's major public and civic facilities, including schools, government buildings, community facilities and cemeteries. The design of public sites and buildings should also respect the character context of their locations, especially in and near residential neighborhoods. It is the intent of the applicant to utilize the existing building as a Day Habilitation for special needs adults. Staff believes, the use could be viewed as an important asset to the community by providing a unique business that contributes to the overall health of the community. Further, the applicant intends to utilize the building with proper "up-to-code" building standards. By utilizing the existing building, the applicant preserves the character context of the neighborhood. Therefore, the proposal does comply with the FLUM with the Public Institutional designation.

The other portion of the subject property is located in the Auto-Urban Multi-Family character district. The intent of this designation is to accommodate multi-family only development. The anticipated development of this property is not for multi-family; however, the proposal is compatible with the designation.

Thoroughfare Plan (Comp Plan Map 5.2)

The subject property is accessed off both North 11th Street and West Elm Avenue (both local road designations). North 11th Street runs along the east side of the property and West Elm Avenue runs along the north side of the property. According to the Thoroughfare Plan, there are no roads proposed in the vicinity of the subject property.

Availability of Public Facilities (Comp Plan Goal 4.1)

Sewer is available to the subject property through an existing sewer line along the north side of the property (West Elm Avenue) or through an existing line to the east side (North 11th Street). Water is available through an existing 16-inch waterline to the east side (North 11th Street).

Temple Trails Master Plan Map and Sidewalks Ordinance

There are no proposed or existing trails abutting the site or in the vicinity of the subject property. It should be noted there is an existing sidewalk along the east side of the property (North 11th Street). The applicant proposes to maintain the location of the existing sidewalk.

Parking Requirements:

The applicant will be subject to UDC, Section 7.5 Off-Street Parking and Loading requirements. The applicant's proposed use is a "school, business," which would require 1 parking space per 300 square

feet of gross floor area. The subject building is approximately 13,000 square feet; however, the applicant is proposing to utilize only the first floor for now, which is approximately 7,500 square feet. Therefore, the applicant would be required to show availability for 25 parking spaces. UDC, Section 7.5.3 states, "Off-street parking must be provided on the lot, an immediately adjacent lot, or on a lot within 150 feet of the building or structure, in accordance to the Required Parking Ratios and design standards." The applicant has stated that Temple Independent School District (TISD) has agreed to let the applicant use the parking lot that is adjacent to the subject property.

DEVELOPMENT REGULATIONS: It is anticipated the applicant will develop the property with a "school, business" use. Staff included a comparison table for non-residential setbacks in the MF-2 & O-1 zoning districts for review:

	Current MF-2	Proposed O-1
Minimum Lot Size	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Front Setback	25'	25'
Side Setback	20'	5'
Side Setback (corner)	15'	15'
Rear Setback	10'	0*
Max Building Height	4 stories	3 stories

*Subject to UDC, Section 4.4 Measurements & Special Cases

PUBLIC NOTICE: 12 notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by state law and local ordinance. As of Friday, May 20, 2016, one notice had been returned in disagreement and six in agreement (four from the Temple Housing Authority and one from the applicant).

The newspaper printed notice of the public hearing on April 21, 2016, in accordance with state law and local ordinance.

Proposed City Council meeting Schedule: This rezoning is scheduled for the 1st Reading on June 2, 2016 and a 2nd Reading on June 16, 2016.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Site Photos](#)
[Location Map](#)
[Aerial](#)
[Future Land Use Map \(FLUM\)](#)
[Thoroughfare & Trails Map](#)
[Utility Map](#)
[Notification Map](#)
[Returned Property Owner Notice](#)
[Existing Zoning District vs Proposed Zoning District Ordinance](#)

Site Photos



Corner of N 11th Street and W Elm Ave looking southwest through subject property.



Looking west down W Elm Ave along the north side of subject property.

Site Photos



Corner of N 11th Street and W Elm Ave looking south along N 11th Street.



Front of vacant building.

Site Photos





Existing multi-family apartments to the north of the subject property.



Parking lot to the west adjacent to the the subject property.

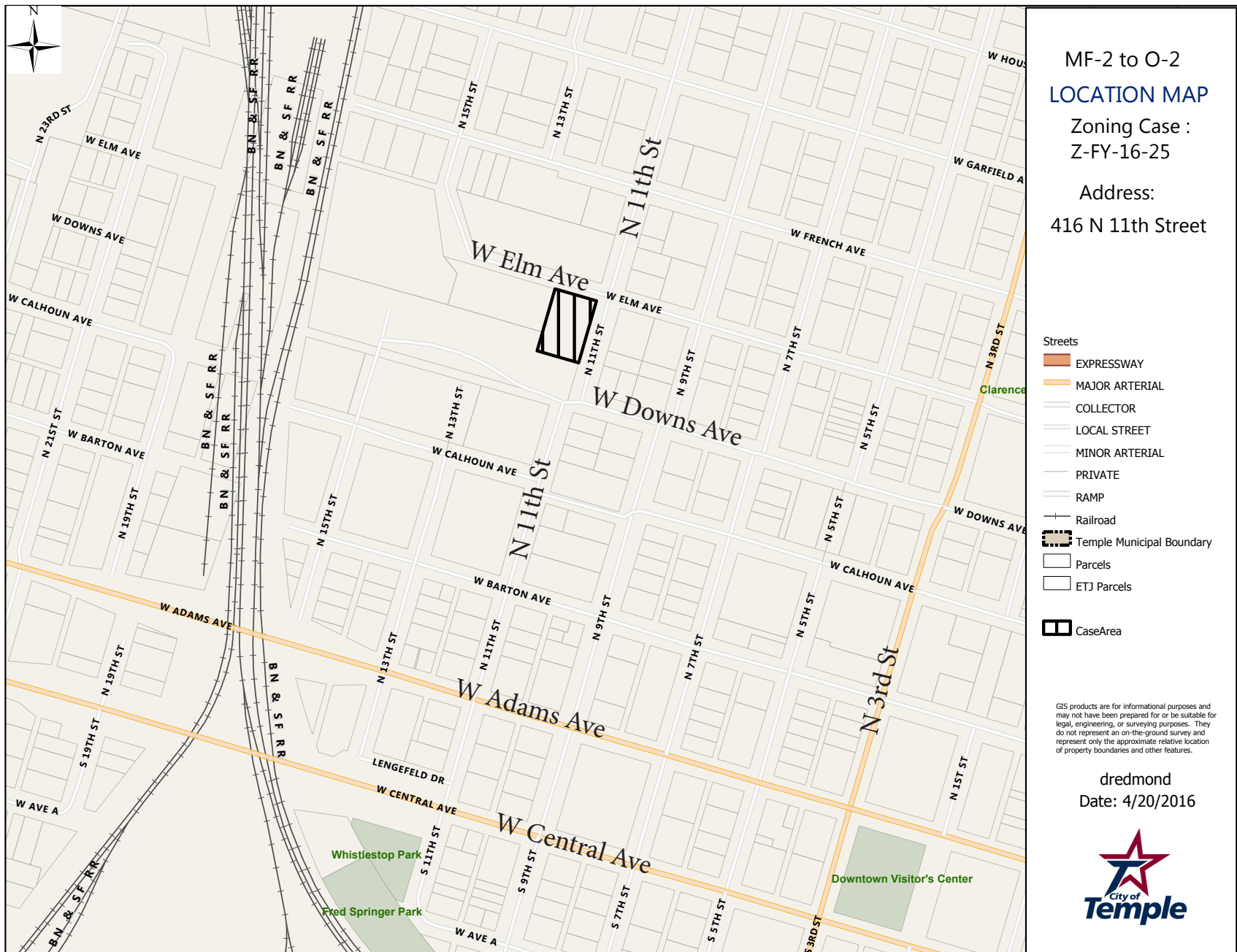
Site Photos

 Subject property
 Approximate boundary

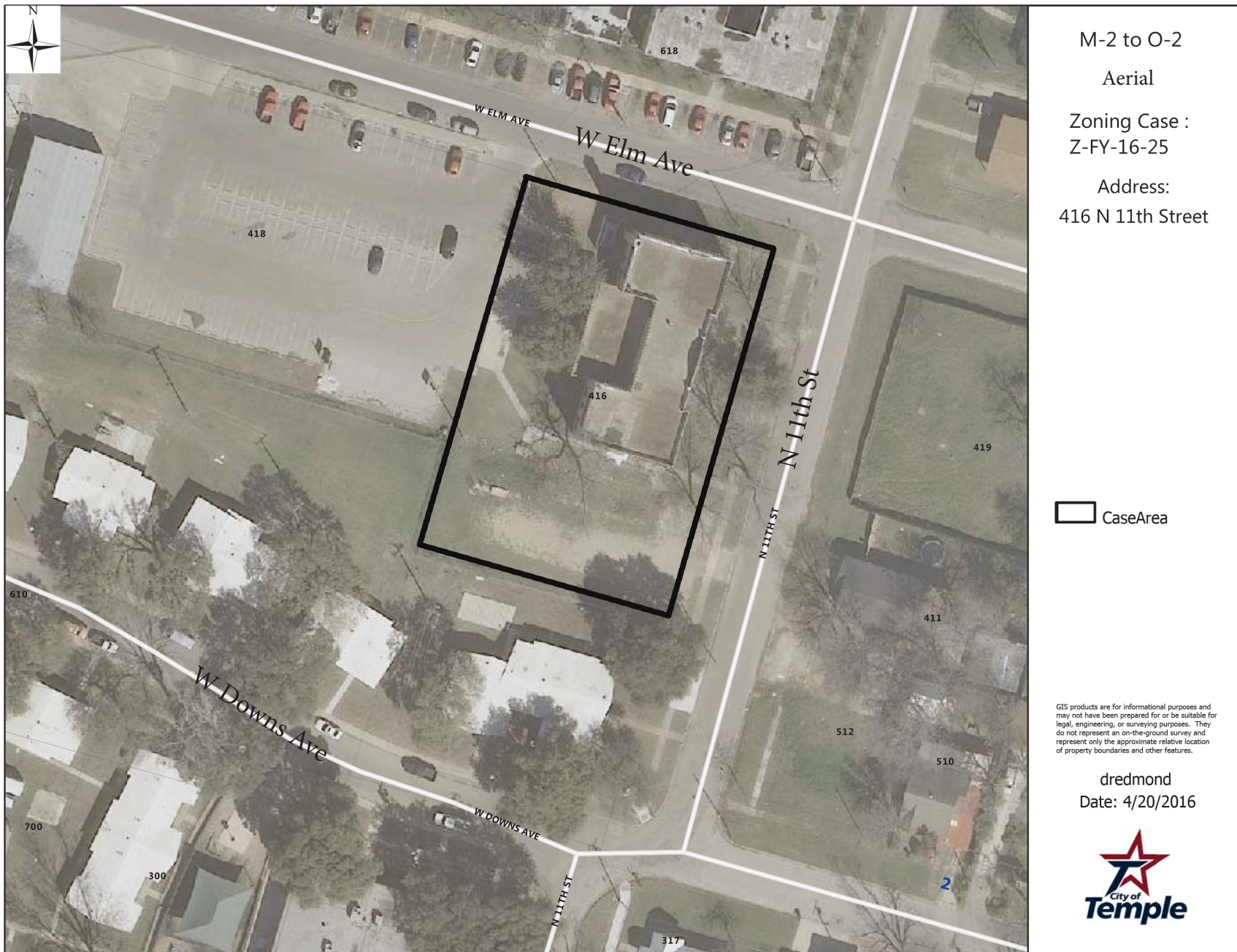


Google Earth image showing vicinity.

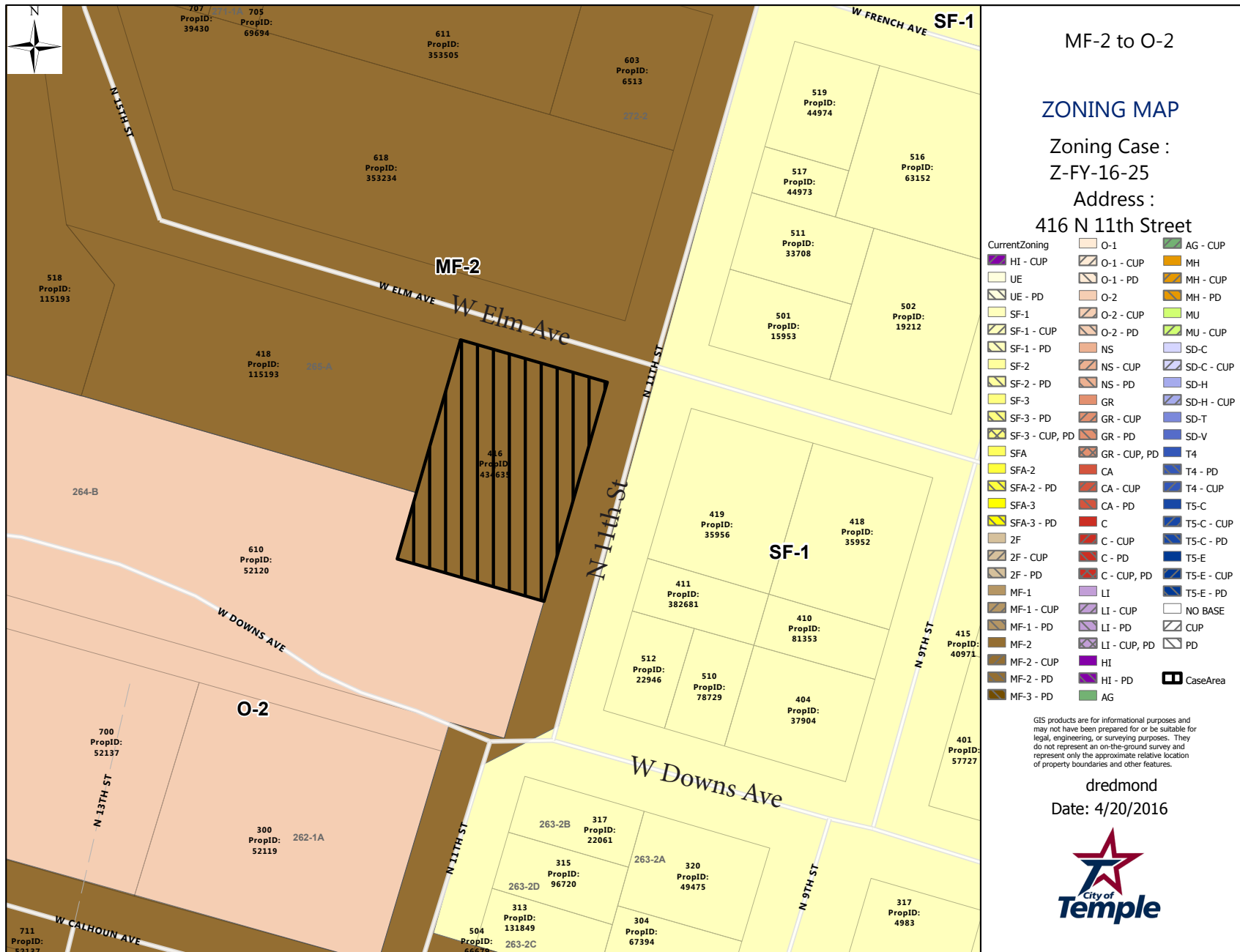
Location Map



Aerial



Zoning Map



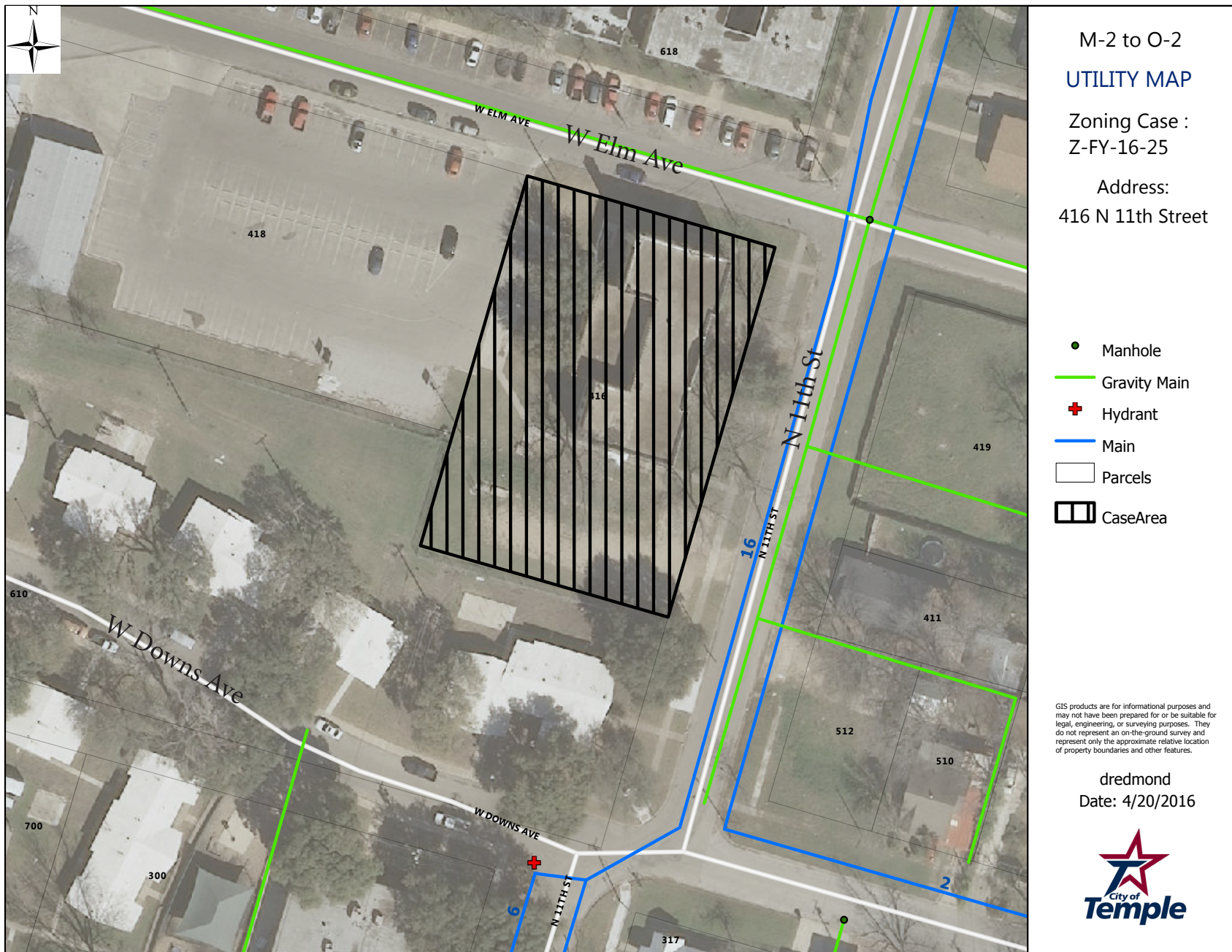
Future Land Use Map



Thoroughfare and Trails Map



Utility Map



Notification Map





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

LITTLEJOHN, ALEXANDER
501 N 11TH ST
TEMPLE, TX 76501-3057

Zoning Application Number: Z-FY-16-25

Project Manager: Dessie Redmond

Location: 416 North 11th Street

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 ☐ agree

I ☒ disagree with this request

Comments:

There is too much traffic on north 11th.
As it is I don't want to see a sub station every morning
when I get up plus the noise that it brings with it.
It's some where else I see the work that is being done
so you'll have already made a decision but you should
this letter to make it look good if this is the case may
I open a restaurant be side it.


Signature

Alexander Littlejohn
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

APR 26 2016

City of Temple
Planning & Development

Number of Notices Mailed: 12

Date Mailed: April 21, 2016



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

APR 25 2016
BY: _____

HOUSING AUTHORITY OF THE CITY OF TEMPLE
PO BOX 1326
TEMPLE, TX 76503-1326

Zoning Application Number: Z-FY-16-25

Project Manager: Dessie Redmond

Location: 416 North 11th Street

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 ☒ agree

() disagree with this request

Comments:

Barbara B. Bozon
Signature

Barbara B. Bozon, CPA
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

MAY - 2 2016

City of Temple
Planning Department

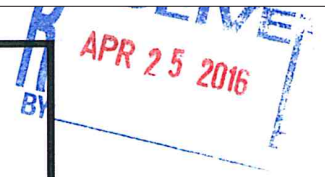
Number of Notices Mailed: 12

Date Mailed:

April 21, 2016



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



HOUSING AUTHORITY OF THE CITY OF TEMPLE
PO BOX 1326
TEMPLE, TX 76503-1326

Zoning Application Number: Z-FY-16-25

Project Manager: Dessie Redmond

Location: 416 North 11th Street

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 ☒ agree () disagree with this request

Comments:

Barbara B. Bozow Barbara B. Bozow, CPA
Signature **Print Name**

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

MAY - 2 2016

City of Temple
Planning & Development

Number of Notices Mailed: 12

Date Mailed: April 21, 2016



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

APR 26 2016

TEMPLE HOUSING AUTHORITY
700 W CALHOUN AVE
TEMPLE, TX 76501-4218

Zoning Application Number: Z-FY-16-25

Project Manager: Dessie Redmond

Location: 416 North 11th Street

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 ☒ agree

() disagree with this request

Comments:



Signature



Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

MAY - 2 2016

City of Temple
Planning Department

Number of Notices Mailed: 12

Date Mailed: April 21, 2016



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

APR 26 2016

TEMPLE HOUSING AUTHORITY
700 W CALHOUN AVE
TEMPLE, TX 76501-4218

Zoning Application Number: Z-FY-16-25

Project Manager: Dessie Redmond

Location: 416 North 11th Street

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.

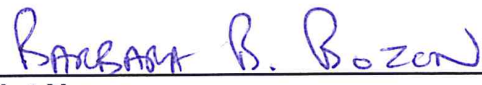
I ☒ agree

() disagree with this request

Comments:



Signature



Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

MAY - 2 2016

City of Temple
Planning & Development

Number of Notices Mailed: 12

Date Mailed: April 21, 2016



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

ORTIZ, ALFREDO G & TINA R
606 N 9TH
TEMPLE, TX 76501

Zoning Application Number: Z-FY-16-25

Project Manager: Dessie Redmond

Location: 416 North 11th Street

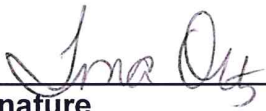
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice,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

I ☒ **agree**

() **disagree with this request**

Comments:

This building needs to be revitalized. It appears
that now this can happen.


Signature

Tina Ortiz
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

MAY - 2 2016

City of Temple
Planning & Development

Number of Notices Mailed: 12

Date Mailed: April 21, 2016



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

TEMPLE ISD
PO BOX 788
TEMPLE, TX 76503-0788

Zoning Application Number: Z-FY-16-25

Project Manager: Dessie Redmond


Location: 416 North 11th Street

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 ☒ **agree**

() **disagree with this request**

Comments:



Signature

KENT BOYD

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

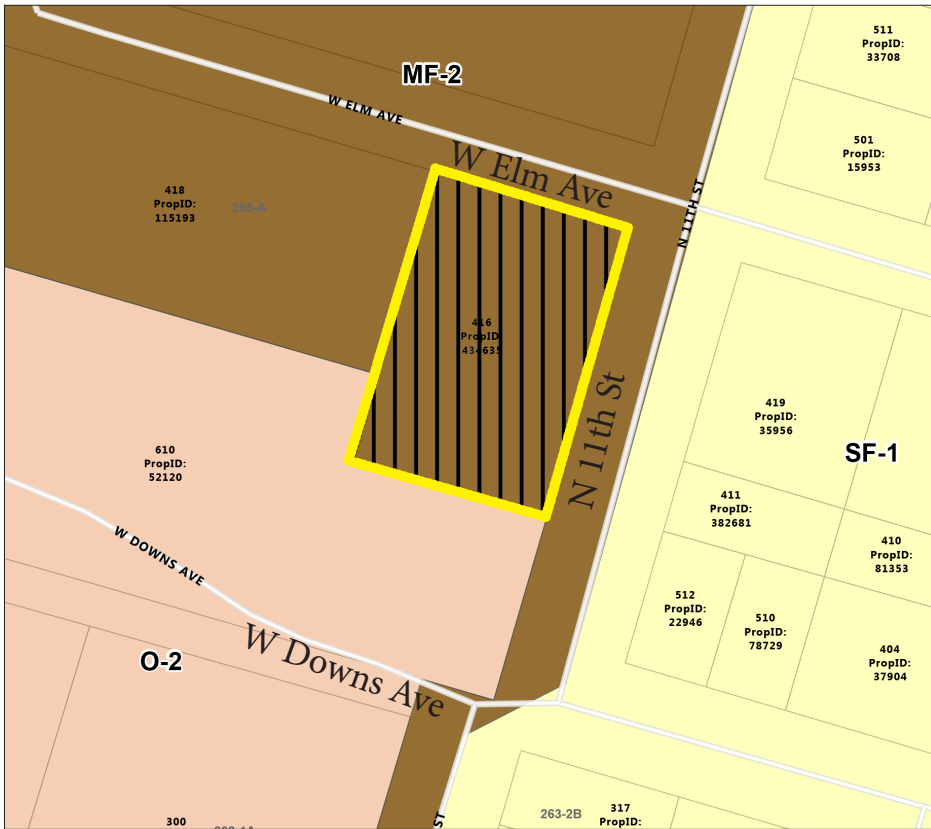
MAY - 2 2016

City of Temple
Planning & Development

Number of Notices Mailed: 12

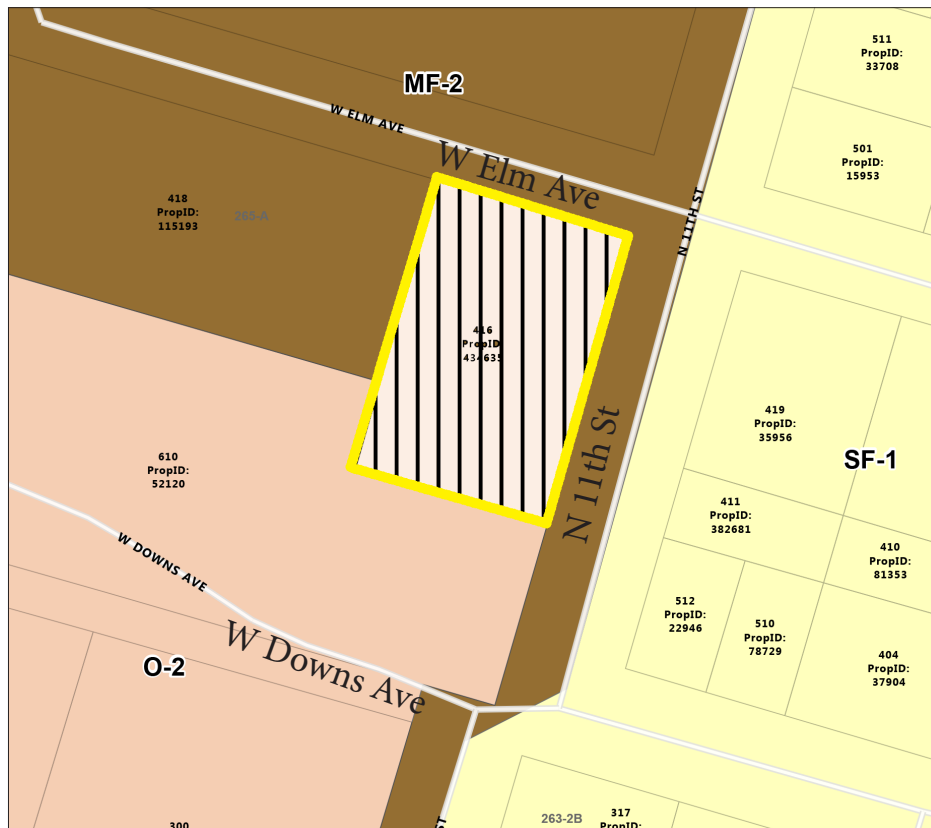
Date Mailed: April 21, 2016

Existing Zoning District versus Proposed Zoning District



Existing Multi-Family-2 Zoning District

- Office 1 (O-1)
- Single-Family Dwelling 1 (SF-1)
- Office 2 (O-2)
- Multi-Family Dwelling 2 (MF-2)
- Subject Property Boundary



Proposed Office-1 Zoning District

ORDINANCE NO. _____

(PLANNING NO. Z-FY-16-25)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM MULTIFAMILY TWO DISTRICT TO OFFICE TWO DISTRICT ON APPROXIMATELY .711 ACRES OF LAND LOCATED AT LOT 1, BLOCK 1, VANDIVER SUBDIVISION, BELL COUNTY, TEXAS, AND LOCATED AT 416 NORTH 11TH STREET, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Multifamily Two District to Office Two District on approximately .711 acres of land located at lot 1, block 1, Vandiver Subdivision, Bell County, 416 North 11th Street, Temple, Texas, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 2nd day of June, 2016.

PASSED AND APPROVED on Second Reading on the **16th** day of **June**, 2016.

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

06/02/16
Item #10
Regular Agenda
Page 1 of 4

DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning
Mark Baker, Senior Planner

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - Z-FY-16-26: Consider adopting an ordinance authorizing a rezoning from Light Industrial (LI) district to Single Family One (SF-1) district on 1.88 +/- acres, out of the Redding Roberts Survey, Abstract No. 345, Bell County, Texas, located at 3221 West Avenue R.

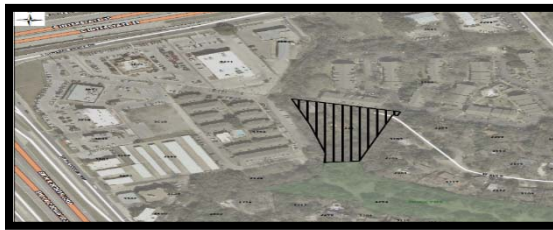


Figure 3: Aerial Location Map

PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 2, 2016 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the proposed rezoning as recommended by staff and described in the Item Description.

STAFF RECOMMENDATION: Based on the following, staff recommends approval for a rezoning from Light Industrial (LI) district to Single Family One (SF-1) district for the following reasons:

1. The proposed rezoning is in compliance with the Future Land Use Map's Neighborhood Conservation District;
2. The proposed zoning is compatible with the surrounding residential zoning and uses;
3. The request complies with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

ITEM SUMMARY: The subject property contains a 1.88 +/- acre tract of land, which is being proposed for rezoning from Light Industrial (LI) district to Single-Family One (SF-1) district.

The rezoning is being requested to Single-Family One (SF-1) to allow the buyer to obtain a home loan and allow conveyance and pending sale of the property. Non-residential uses were not anticipated to be developed by the current or proposed owners. While the property is anticipated to remain developed with a detached single family residence, there are a number of other uses allowed in the SF-1 district which, include but are not limited to:

Permitted & Conditional Use Table – Single Family One (SF-1)	
Agricultural Uses	* Farm, Ranch or Orchard
Residential Uses	* Single Family Residence (Detached Only) * Industrialized Housing * Family or Group Home
Retail & Service Uses	* None
Commercial Uses	* None
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP)
Recreational Uses	* Park or Playground
Educational & Institutional Uses	* Cemetery, Crematorium or Mausoleum (CUP) * Place of Worship * Child Care: Group Day Care (CUP) * Social Service Center (CUP)
Restaurant Uses	* None
Overnight Accommodations	* None
Transportation Uses	* Railroad Track Right-of-Way

Prohibited uses include HUD-Code manufactured homes and land lease communities, most commercial uses and industrial uses.

Direction	Surrounding Property & Uses		
	Future Land Use Map	Zoning	Current Land Use
Site	Neighborhood Conservation	LI	Existing SF Residence
North	Auto-Urban Multi-Family	MF-2	MF Uses – Chappell Hill Apartments
South	Park & Open Space	2F	SF Uses – Woodlawn Park Subdivision
East	Neighborhood Conservation	2F & LI	SF Uses – Woodlawn Park Subdivision
West	Auto-Urban Multi-Family	PD, C & LI	Creekside Planned Development

COMPREHENSIVE PLAN (CP) 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 Map	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 Map (CP Map 3.1)

The subject property is entirely within the Neighborhood Conservation Future Land Use Map district. The purpose of the district is to establish standards consistent with those at the time of development (i.e., lot size, setbacks etc.) so as not to create nonconforming situations and to ensure that any infill activity or redevelopment maintains the neighborhood character. The requested single family-one (SF-1) zoning, while more restrictive than the surrounding Two-Family (2F) and the developed lots can be used as a baseline for which the current residential lot can be developed by, if redevelopment should occur on this property. Therefore, the request **is** consistent with the Future Land Use Plan.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from West Ave R, a local street that serves the adjacent Woodlawn Park subdivision. No plat is triggered by the rezoning or for the conveyance of the real property. Any future platting will address access deficiencies or needed ROW.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property through an existing 6-inch sewer line in West Avenue R. Water is available through an existing 6-inch waterline in West Avenue R.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan does not identify any trail in West Avenue R or adjoining the property. Additionally, since West Ave R is a local street, no sidewalk is required.

DEVELOPMENT REGULATIONS: Standards for detached Single Family residential homes in the SF-1 district are:

	SF-1 (Proposed)
Minimum Lot Size	7500 Square Feet
Minimum Lot Width	60 Feet
Minimum Lot Depth	100 Feet
Front Setback	25 Feet
Side Setback	10% Lot Width (6' Min – 7.5' Max)
Side Setback (corner)	15 Feet
Rear Setback	10 Feet
Max Building Height	2 Stories

PUBLIC NOTICE: Eleven notices to property owners 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 May 24, 2016 at 9:00 AM, two notices in agreement have been received.

The newspaper printed notice of the public hearing on April 21, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Property Photos
Surveyor Sketch (Exhibit A)
Location Map
Aerial Map
Zoning Map
Future Land Use and Character Map
Thoroughfare & Trails Map
Utility Map
Notification Map
Returned Property Notices
Ordinance

Site & Surrounding Property Photos



Site – Existing SF Residence (LI)



Site – Alternative View – SF Residence (LI)



North: Chappell Hill Apartments (MF-2)



South – Hodge Park and Woodlawn Park Residential subdivision (2F)



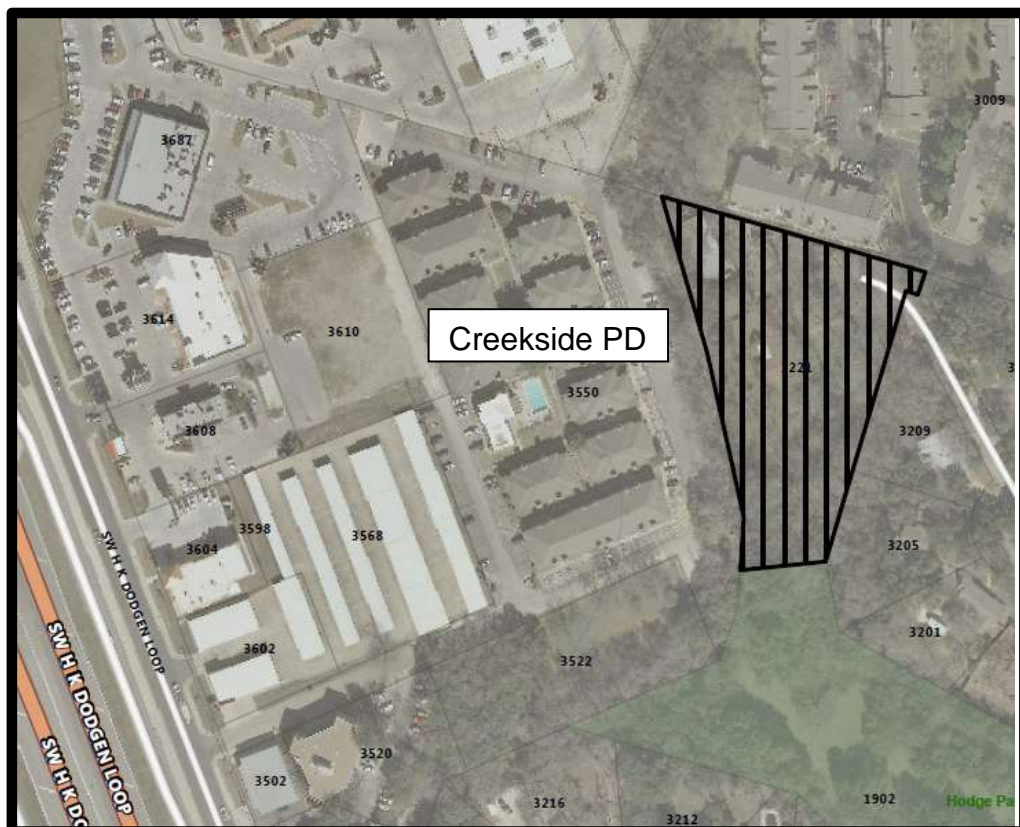
**East: Single Family Uses
Woodlawn SF Residential Subdivision (2F)**



**East: Single Family Uses
Woodlawn SF Residential subdivision (2F)**



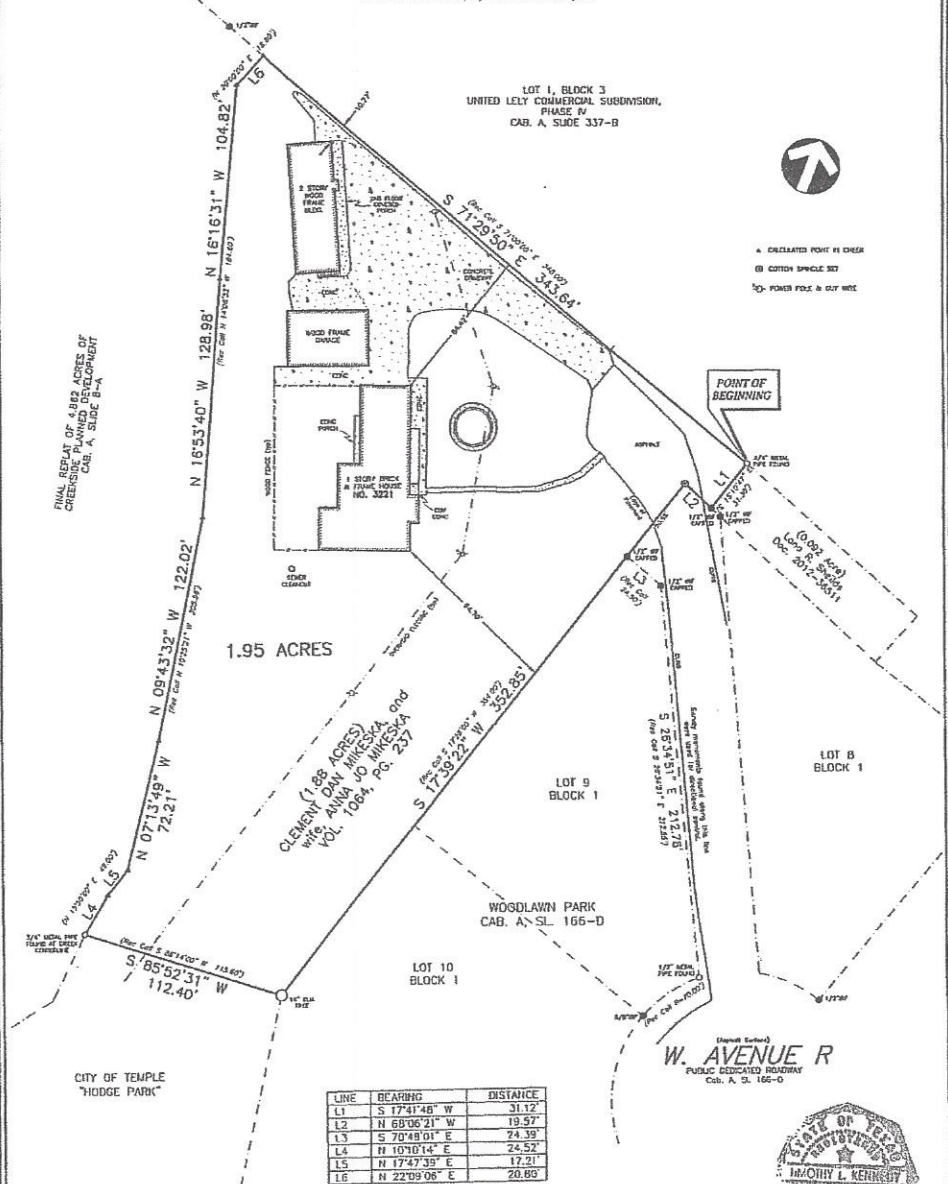
West: Creekside Planned Development (PD)



West: Existing Mixed Uses (C, LI & PD)

Surveyor's Sketch showing 1.95 acre tract of land out of the REDDING ROBERTS SURVEY, ABSTRACT NO. 345, in Bell County, Texas, and embracing all of that called 1.88 tract conveyed to Clement Dan Mikeska and wife, Anna Jo Mikeska, of record in Volume 1064, Page 237, Deed Records of Bell County, Texas (DRBCT).

This sketch is to accompany a Field Note Description.



Advanced Surveying & Mapping, LLC
 1610 South 31st St., Ste. 102-299
 Temple, Texas 76504
 254-760-1894 254-760-4633
 www.asm-tx.com Firm Reg. #10193722
 Copyright 2016 Advanced Surveying & Mapping, LLC

Survey completed in coordination with that title commitment provided by Centroland Title Company, G/CIS75869, Effective date: Nov. 29, 2015

I, Timothy Lane Kennedy, Registered Professional Land Surveyor No. 6119 in the State of Texas, do hereby certify to the title agency, underwriter, lender, mortgage company and/or purchaser that this drawing represents a survey performed on the ground. To the best of my knowledge the drawing correctly represents the facts found at the time of the survey.

Survey completed 1-16-16
 Scale: 1" = 50'
 Job No. 160005
 Surveyor TLK #6119
 Plot Date: 2-1-16



EXHIBIT A



S GENERAL BRUCE DR













SW H K DODGEN LOOP

SW H K DODGEN LOOP





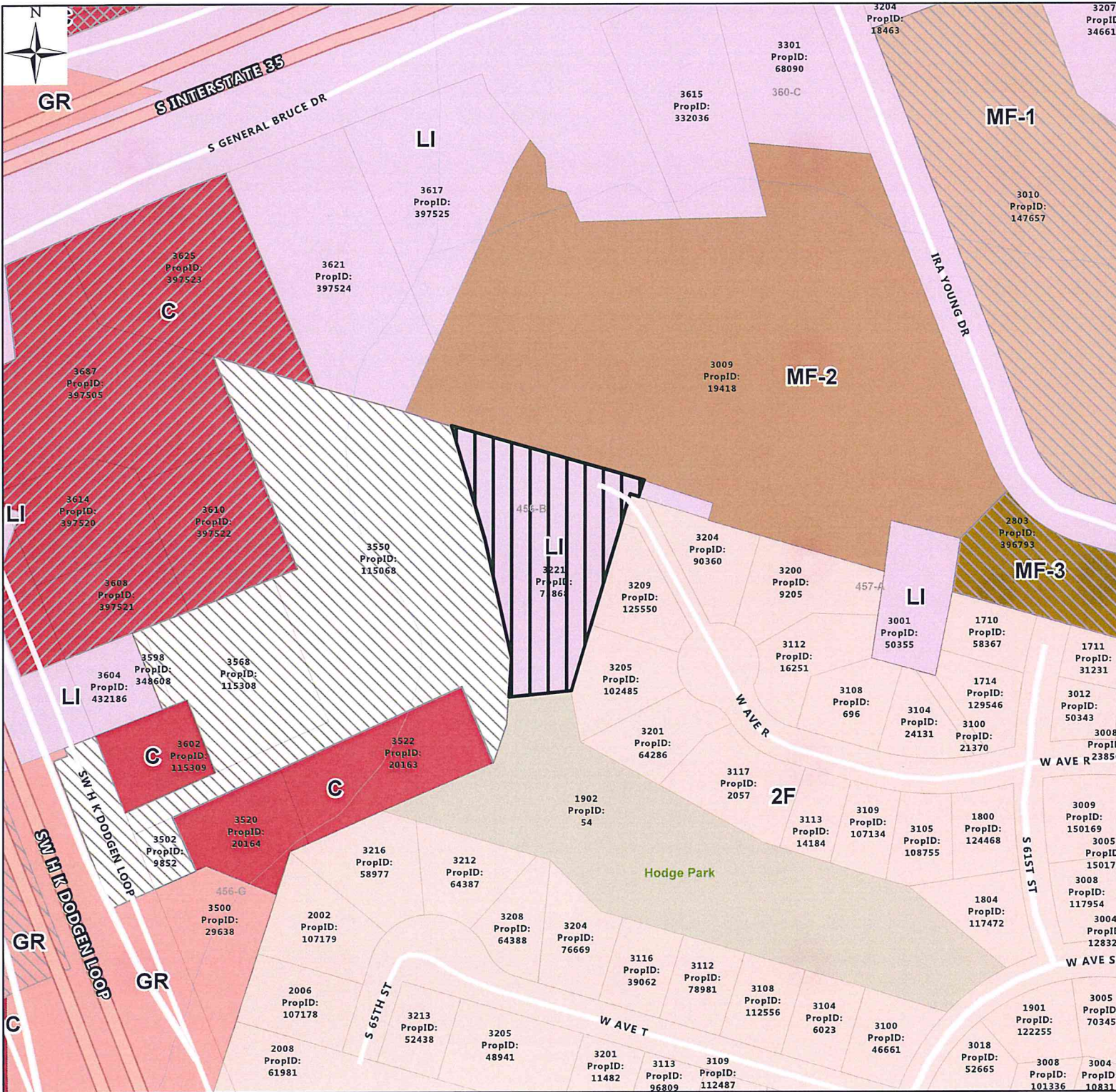
Address :
3221 West Ave R

 EXPRESSWAY
 MAJOR ARTERIAL
 COLLECTOR
 LOCAL STREET
 MINOR ARTERIAL
 PRIVATE
 RAMP
 Railroad
 Temple Municipal Boundary
 Parcels
 ETJ Parcels
 CaseArea

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.

mbaker
Date: 4/7/2016





LI to SF-1

ZONING MAP

Zoning Case :
Z-FY-16-26

Address :
3221 West Ave R

CurrentZoning		
HI - CUP	O-1	AG - CUP
UE	O-1 - CUP	MH
UE - PD	O-1 - PD	MH - CUP
SF-1	O-2	MH - PD
SF-1 - CUP	O-2 - CUP	MU
SF-1 - PD	O-2 - PD	MU - CUP
SF-2	NS	SD-C
SF-2 - PD	NS - CUP	SD-C - CUP
SF-3	NS - PD	SD-H
SF-3 - PD	GR	SD-H - CUP
SF-3 - CUP, PD	GR - CUP	SD-T
SFA	GR - PD	SD-V
SFA-2	GR - CUP, PD	T4
SFA-2 - PD	CA	T4 - PD
SFA-3	CA - CUP	T4 - CUP
SFA-3 - PD	CA - PD	T5-C
2F	C	T5-C - CUP
2F - CUP	C - CUP	T5-C - PD
2F - PD	C - PD	T5-E
MF-1	C - CUP, PD	T5-E - CUP
MF-1 - CUP	LI	T5-E - PD
MF-1 - PD	LI - CUP	NO BASE
MF-2	LI - PD	CUP
MF-2 - CUP	LI - CUP, PD	PD
MF-2 - PD	HI	CaseArea
MF-3	HI - PD	Buffer
	AG	

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mbaker

Date: 4/7/2016





























LI to SF-1
**FUTURE LAND
USE MAP**

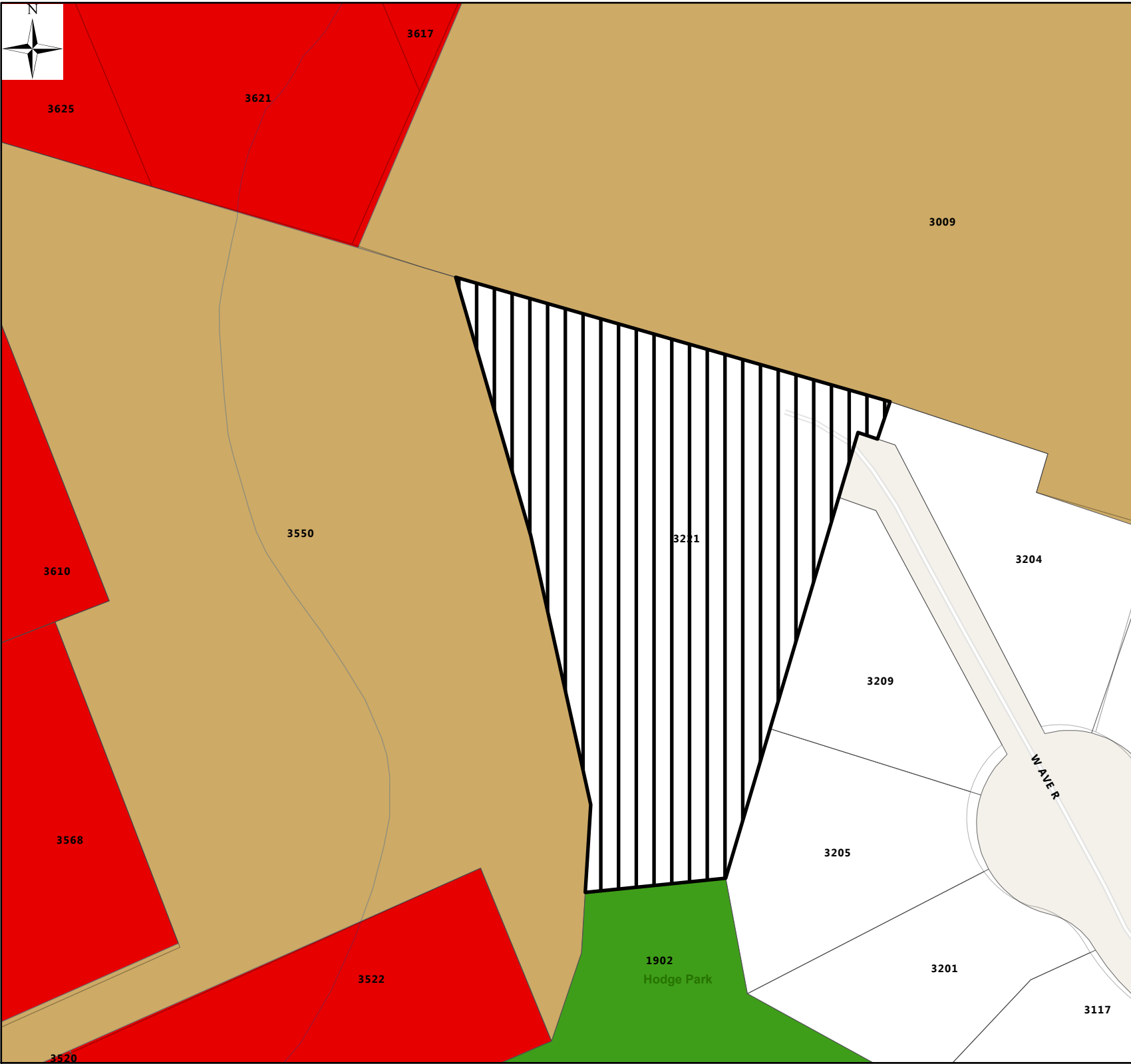
Zoning Case :
Z-FY-16-26

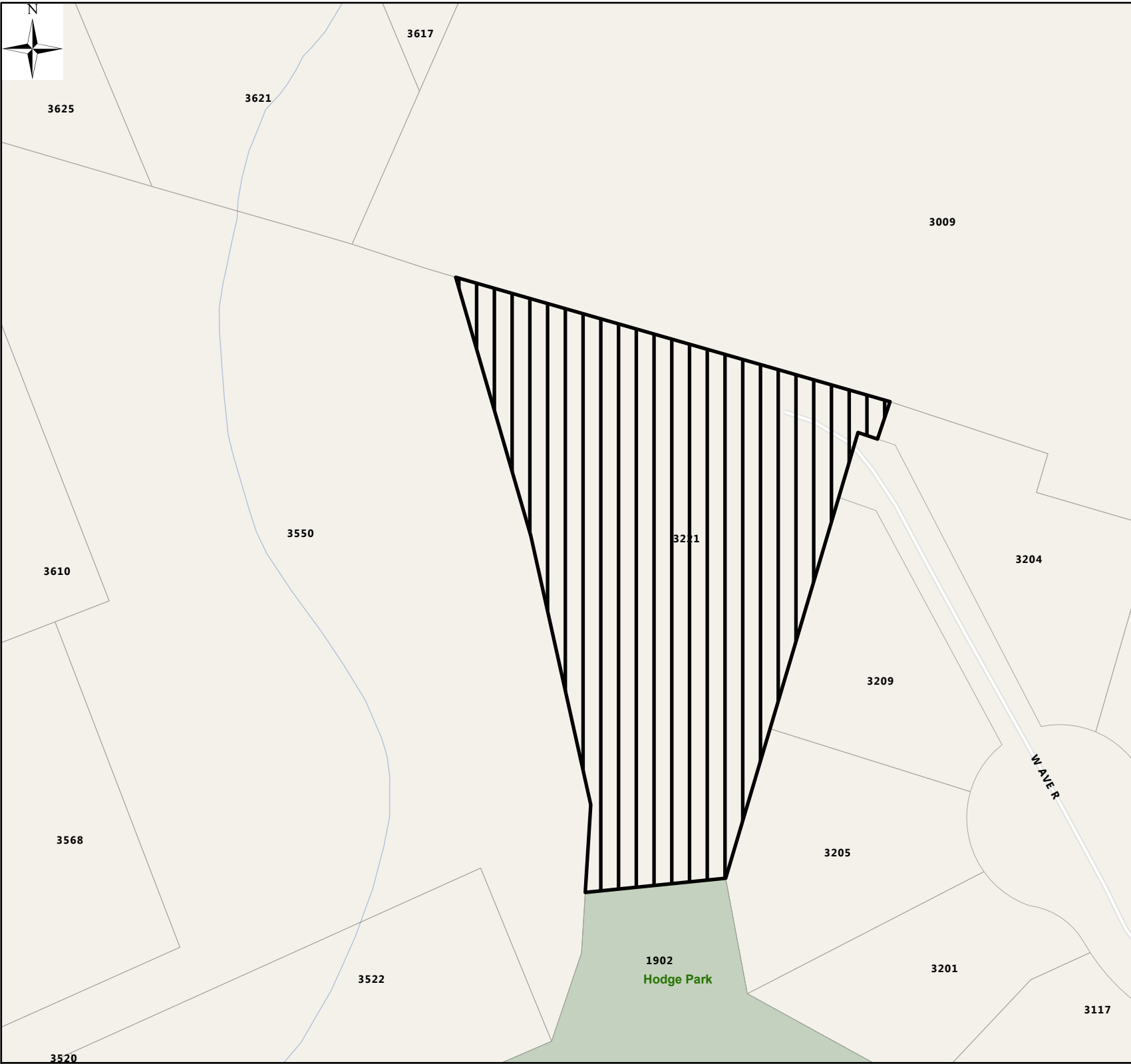
Address :
3221 West Ave R

-  EXPRESSWAY
-  MAJOR ARTERIAL
-  COLLECTOR
-  LOCAL STREET
-  MINOR ARTERIAL
-  PRIVATE
-  RAMP
-  Parcels
- Future LUP
 -  Agricultural/Rural
 -  Auto-Urban Commercial
 -  Auto-Urban Mixed Use
 -  Auto-Urban Multi-Family
 -  Auto-Urban Residential
 -  Business Park
 -  Estate Residential
 -  Industrial
 -  Neighborhood Conservation
 -  Parks & Open Space
 -  Public Institutional
 -  Suburban Commercial
 -  Suburban Residential
 -  Temple Medical Education District
 -  Urban Center
 -  CaseArea

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mbaker
Date: 4/7/2016





LI to SF-1

THOROUGHFARE AND TRAILS MAP

Zoning Case :
Z-FY-16-26

Address :
3221 West Ave R

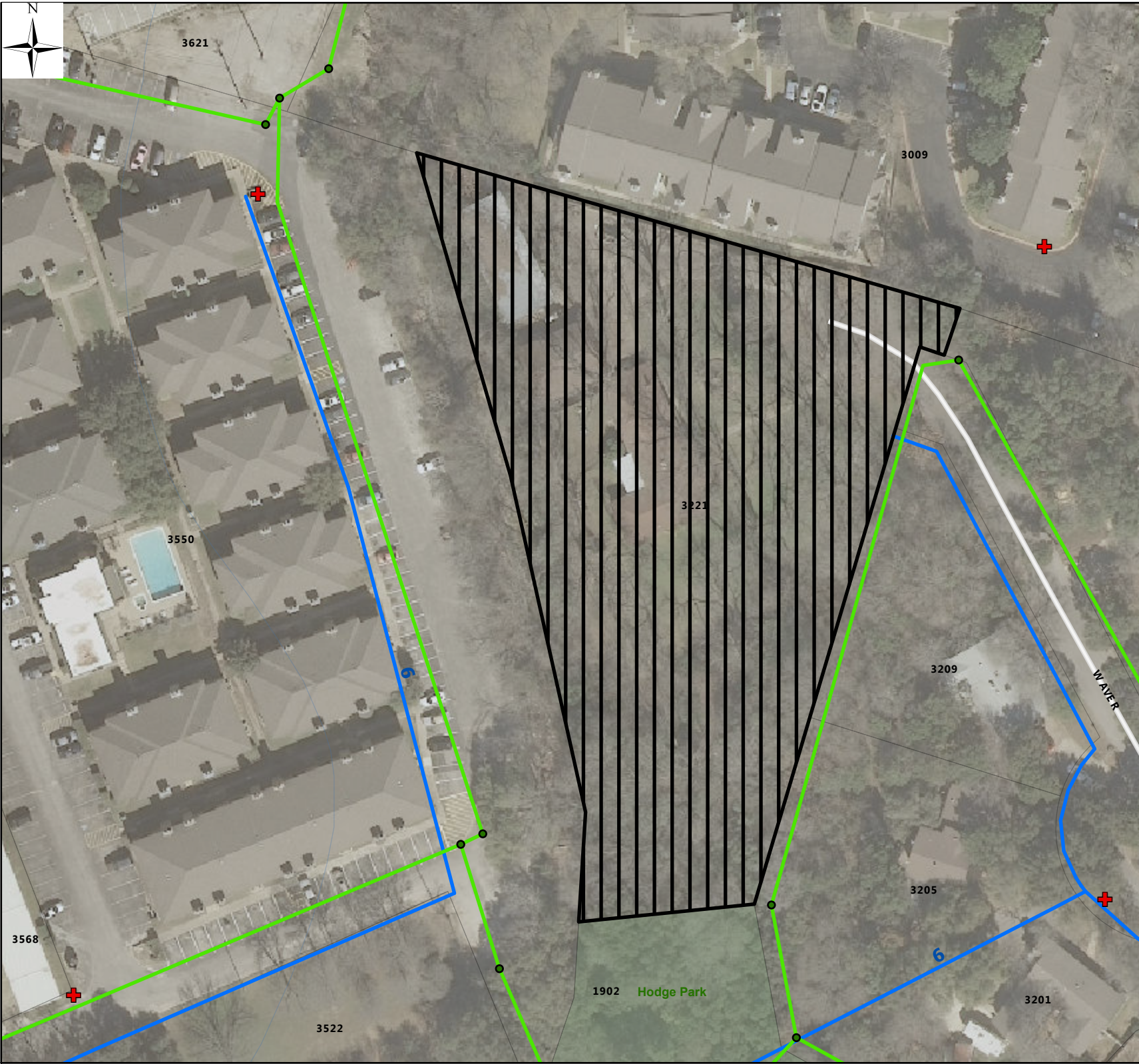
- | | |
|------------------------------------|------------------------------------|
| Parcels | PROPOSED, COMMUNITY WIDE CONNECTOR |
| Thoroughfare Plan | PROPOSED, LOCAL CONNECTOR |
| Expressway | CaseArea |
| Major Arterial | |
| Proposed Major Arterial | |
| Minor Arterial | |
| Proposed Minor Arterial | |
| Collector | |
| Proposed Collector | |
| Trails Master Plan | |
| EXISTING, CITY WIDE SPINE | |
| EXISTING, COMMUNITY WIDE CONNECTOR | |
| EXISTING, LOCAL CONNECTOR | |
| PROPOSED, CITY WIDE SPINE | |

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mbaker

Date: 4/7/2016





LI to SF-1

UTILITY MAP

Zoning Case :
Z-FY-16-26

Address :
3221 West Ave R

- Manhole
- Gravity Main
- ✚ Hydrant
- Main
- ▭ Parcels
- ▭ CaseArea

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mbaker
Date: 4/7/2016





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

MIKESKA, CLEMENT DAN
3221 W AVENUE R
TEMPLE, TX 76504-6383

Zoning Application Number: Z-FY-16-26

Project Manager: MARK BAKER


Location: 3221 West Avenue R

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 ☒ agree

() disagree with this request

Comments:


Signature

Clem MIKESKA
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

APR 29 2016

City of Temple
Planning & Development

Number of Notices Mailed: 11

Date Mailed: April 21, 2016



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

BIRD CREEK PROPERTIES LTD
3520 SW H K DODGEN LOOP
TEMPLE, TX 76504-6838

Zoning Application Number: Z-FY-16-26

Project Manager: MARK BAKER

Location: 3221 West Avenue R

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 ☒ **agree**

(☐) **disagree with this request**

Comments:

Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

APR 29 2016

City of Temple
Planning & Development

Number of Notices Mailed: 11

Date Mailed: April 21, 2016

ORDINANCE NO. _____

(PLANNING NO. Z-FY-16-26)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM LIGHT INDUSTRIAL DISTRICT TO SINGLE FAMILY ONE DISTRICT ON APPROXIMATELY 1.88 ACRES OUT OF THE REDDING ROBERTS SURVEY, ABSTRACT NO. 345, BELL COUNTY, TEXAS, LOCATED AT 3221 WEST AVENUE R; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Light Industrial district to Single Family One District on approximately 1.88 acres, out of the Redding Roberts Survey, Abstract No. 345, Bell County, Texas, located at 3221 West Avenue R, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 2nd day of **June**, 2016.

PASSED AND APPROVED on Second Reading on the **16th** day of **June**, 2016.

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

06/02/16
Item #11
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning
Tammy Lysterly, Senior Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-16-27: Consider adopting an ordinance authorizing amendments Ordinance No. 2005-4025 for the existing Planned Development-General Retail District (PD-GR) with the Planned Development site plan for Lots 6 & 7, Block 1, Adam's Island Commercial Subdivision, for a new building with parking lot and sidewalks, new water and sewer services, and new storm sewer.



PLANNING AND ZONING COMMISSION RECOMMENDATION: At its May 2, 2016, meeting the Planning and Zoning Commission voted 7/0 to recommend approval of Z-FY-16-27, amending the original Planned Development (Ordinance No. 2005-4025) with the proposed Planned Development site plan.

STAFF RECOMMENDATION: Based on the following, staff recommends amending the original Planned Development by approving the proposed site plan for the following reasons:

1. Compliance with the Future Land Use Plan;
2. Compliance with surrounding zoning and land uses;
3. Compliance with the Thoroughfare Plan;
4. Public facilities are available to serve the subject property;
5. The Planned Development site plan exceeds the 5% landscaping plan requirements for non-residential development, per the Unified Development Code (UDC).
6. The site plan is designed around existing oak and elm trees.
7. The proposed Planned Development site plan must meet all applicable Unified Development Codes (UDC), Engineering/Drainage, Building Codes, and Fire Codes during the building permit process, regardless of any approved site plan.

ITEM SUMMARY: This Planned Development site plan request is associated with property located on Lots 6 and 7, Block 1, Adam's Island Commercial Subdivision. The original Planned Development (General Retail) District for this property, approved by Ordinance No. 2005-4025, did not include a Planned Development site plan for this portion on the Planned Development.

The applicants request amending the existing Planned Development-General Retail District (PD-GR) for this property, approved by Ordinance No. 2005-4025, to allow construction of a new retail building and parking lot, per the attached exhibits.

The proposed site plan not only exceeds parking space requirements. It also exceeds the 5% landscaping plan requirements for non-residential development, per the Unified Development Code (UDC) and is consistent with the adjacent site plan for Lots 1 through 5, approved by City Council on July 17, 2014 (Ordinance 2014-4677).

The Development Review Committee (DRC) reviewed the proposed Planned Development site plan on Monday, April 18, 2016.

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial	PD-GR	Undeveloped Property
North	Suburban Commercial	AG	Agricultural
South	Suburban Commercial	AG	Major Arterial (Adams Avenue)
East	Suburban Commercial	PD-GR	Undeveloped Property
West	Suburban Commercial	PD-GR	Undeveloped Property

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 is within the Suburban Commercial District according to the Comprehensive Plan / Future Land Use Plan (FLUP). The existing Planned Development and requested site plan are in compliance with the Suburban Commercial FLUP district.

Thoroughfare Plan (CP Map 5.2)

The subject property has frontage along West Adams Avenue, a major arterial. The subject property also fronts Adams Lane, a local street. The only entrance to the site will be from Adams Lane, but the proposed building and business activities will be adjacent to West Adams Avenue.

The site plan reflects a series of sidewalks from the parking lot to every entrance into the proposed building.

Availability of Public Facilities (CP Goal 4.1)

Water will be provided by a new connection to the existing 6-inch water line along Adams Lane. Sewer will be provided through a new connection to the existing 10-inch sanitary sewer line along Adams Lane.

A new HDPE storm sewer will be built on this site, as well as a new reinforced concrete detention pond outlet structure.

PUBLIC NOTICE: Nine notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property. As of Wednesday April 27, 2014 at 1:00 PM, five response notification letters were returned in approval of the request and none were returned in opposition.

The newspaper printed notice of the Planning and Zoning Commission public hearings for Z-FY-16-27 on April 21, 2016, in accordance with state law and local ordinance.




FISCAL IMPACT: Not Applicable



ATTACHMENTS:

[Site and Surrounding Property Photos](#)
[Zoning & Notification Map](#)
[Location map with Aerial](#)
[Future Land Use and Character Map](#)
[Thoroughfare & Trails Map](#)
[Utility Map](#)
[Proposed Planned Development Site Plan Exhibits](#)
[Ordinance No 2005-4025 \(original PD-GR Zoning\)](#)
[Notification Response Letters](#)
[Ordinance](#)

SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	PD-GR	Undeveloped Property	
East	PD-GR	Undeveloped Property	
West	PD-GR	Undeveloped Property	

Direction	Zoning	Current Land Use	Photo
South	AG	Major Arterial	
North	AG	Agricultural	



PD-GR Site Plan

200' NOTIFICATION MAP

Zoning Case :

Z-FY-16-27

Address :

9100 & 9108 Adams Ln

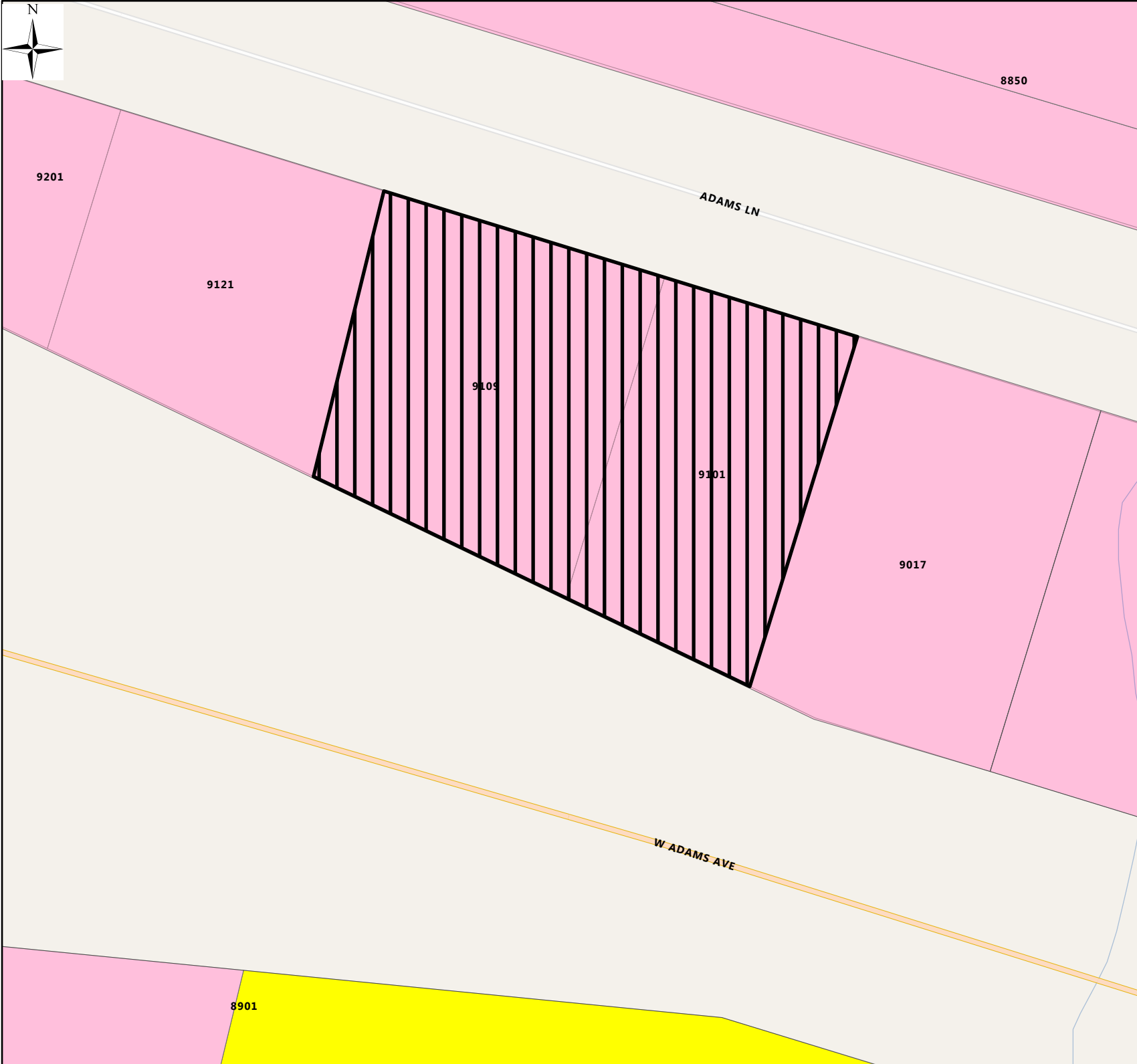
CurrentZoning		
HI - CUP	O-1	AG - CUP
UE	O-1 - CUP	MH
UE - PD	O-1 - PD	MH - CUP
SF-1	O-2	MH - PD
SF-1 - CUP	O-2 - CUP	MU
SF-1 - PD	O-2 - PD	MU - CUP
SF-2	NS	SD-C
SF-2 - PD	NS - CUP	SD-C - CUP
SF-3	NS - PD	SD-H
SF-3 - PD	GR	SD-H - CUP
SF-3 - CUP, PD	GR - CUP	SD-T
SFA	GR - PD	SD-V
SFA-2	GR - CUP, PD	T4
SFA-2 - PD	CA	T4 - PD
SFA-3	CA - CUP	T4 - CUP
SFA-3 - PD	CA - PD	T5-C
2F	C	T5-C - CUP
2F - CUP	C - CUP	T5-C - PD
2F - PD	C - PD	T5-E
MF-1	C - CUP, PD	T5-E - CUP
MF-1 - CUP	LI	T5-E - PD
MF-1 - PD	LI - CUP	NO BASE
MF-2	LI - PD	CUP
MF-2 - CUP	LI - CUP, PD	PD
MF-2 - PD	HI	CaseArea
MF-3 - PD	HI - PD	Buffer
	AG	

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tlyerly

Date: 4/20/2016





PD-GR Site Plan

FUTURE LAND USE MAP

Zoning Case :
Z-FY-16-27

Address :
9100 & 9108 Adams Ln

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Parcels
- Future LUP
 - Agricultural/Rural
 - Auto-Urban Commercial
 - Auto-Urban Mixed Use
 - Auto-Urban Multi-Family
 - Auto-Urban Residential
 - Business Park
 - Estate Residential
 - Industrial
 - Neighborhood Conservation
 - Parks & Open Space
 - Public Institutional
 - Suburban Commercial
 - Suburban Residential
 - Temple Medical Education District
 - Urban Center
 - CaseArea

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tlyerly
Date: 4/20/2016






PD-GR Site Plan THOROUGHFARE AND TRAILS MAP


Zoning Case :
Z-FY-16-27


Address :
9100 & 9108 Adams Ln


 Parcels


Thoroughfare Plan

 Expressway

 Major Arterial

 Proposed Major Arterial

 Minor Arterial

 Proposed Minor Arterial

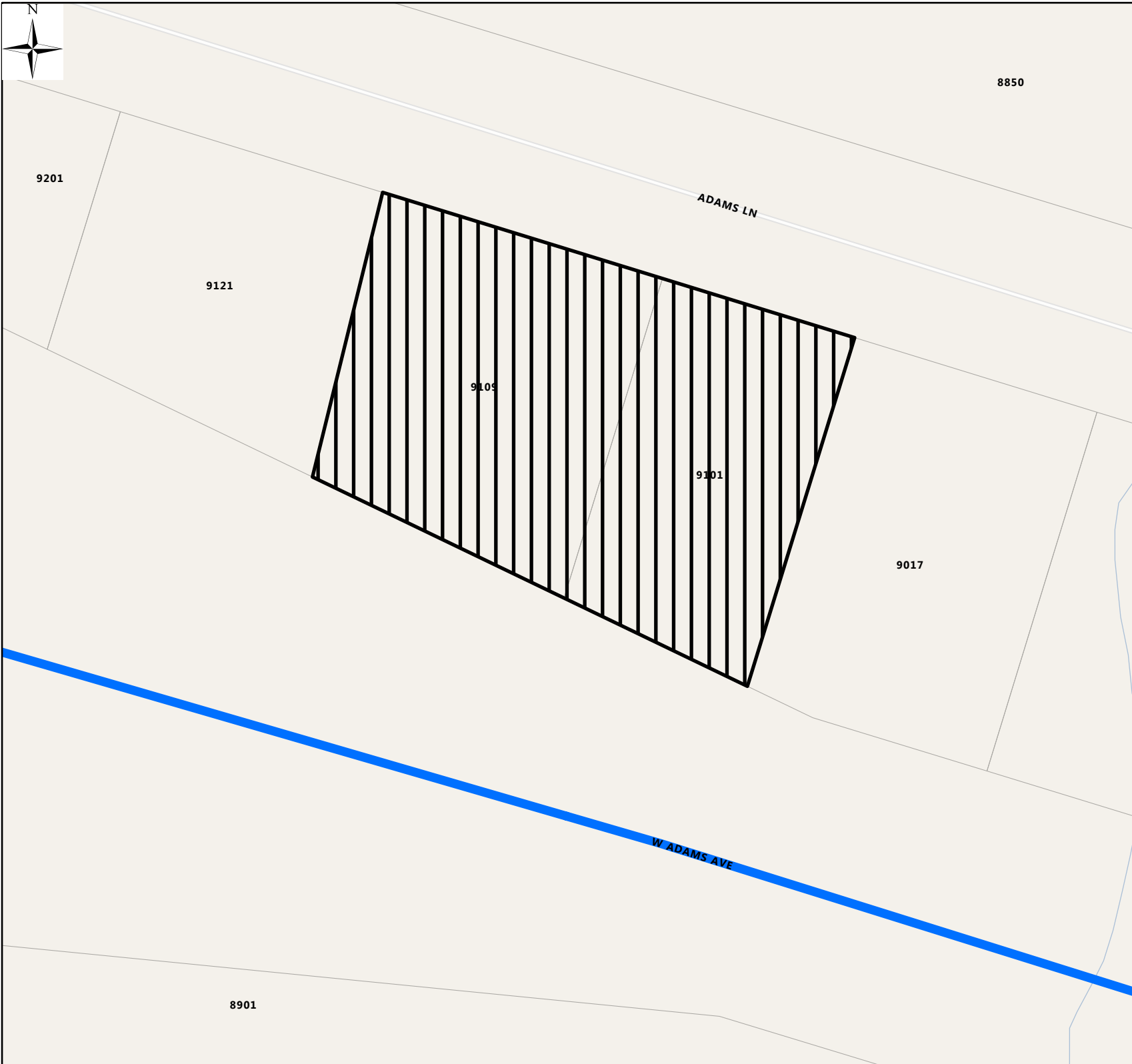
 Collector

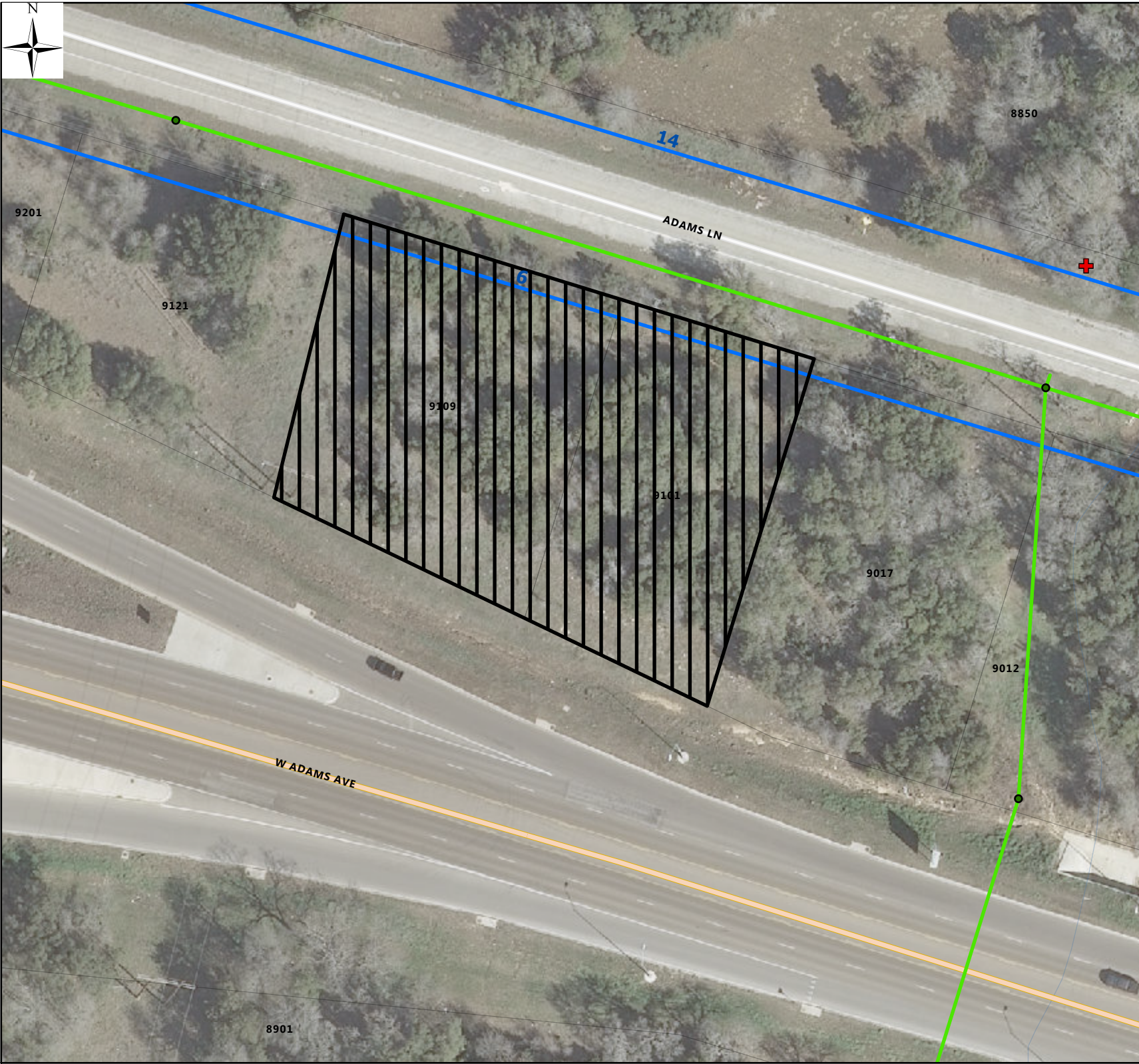
 Proposed Collector

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tlyerly

Date: 4/20/2016





PD-GR Site Plan

UTILITY MAP

Zoning Case :
Z-FY-16-27

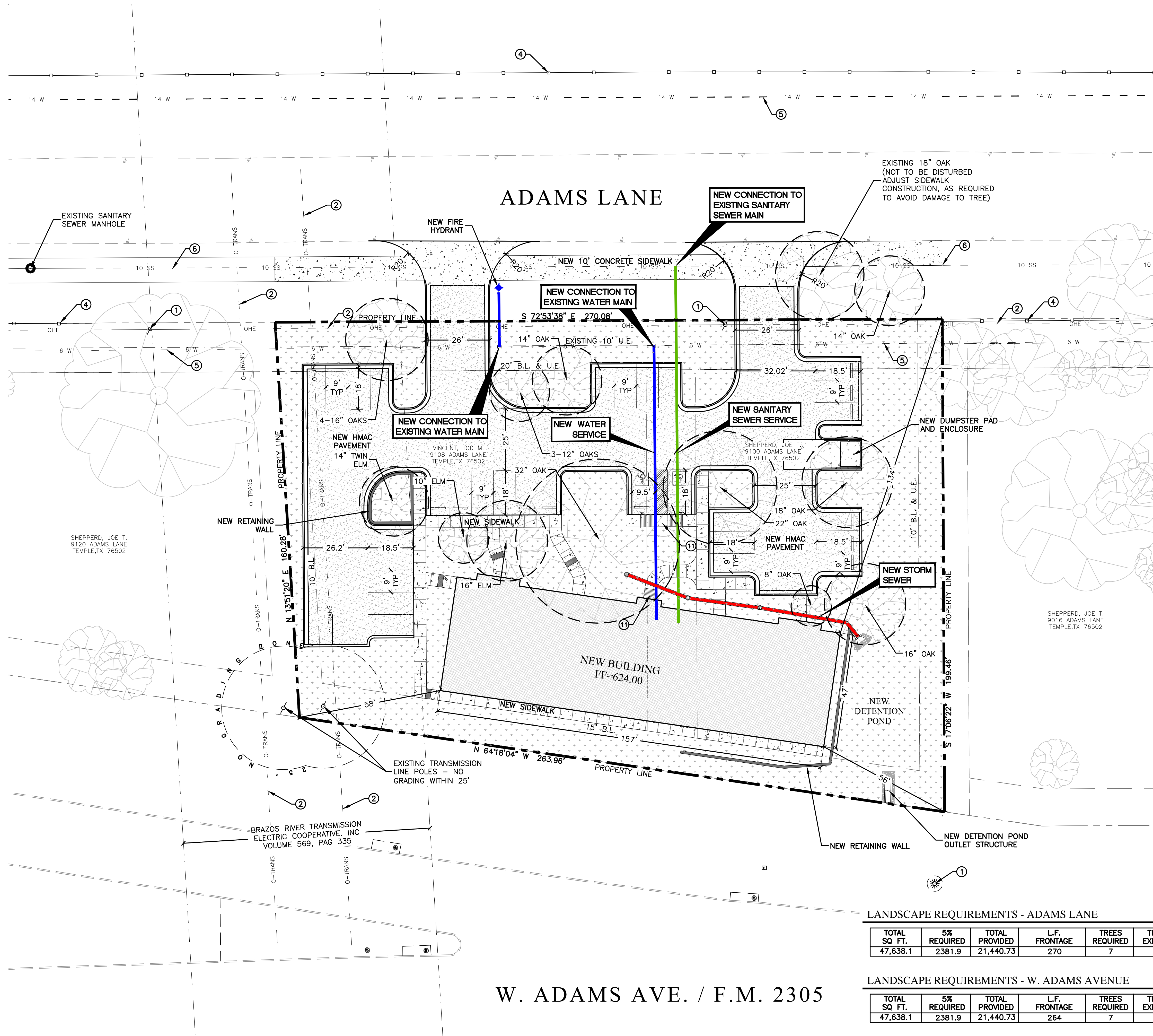
Address :
9100 & 9108 Adams Ln

- Manhole
- Gravity Main
- ✚ Hydrant
- Main
- Parcels
- ▨ CaseArea

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tlyerly
Date: 4/20/2016





LEGEND

- NEW HMAC PAVEMENT (PER GEOTECHNICAL REPORT)
- NEW CONCRETE FLATWORK (PER PROJECT DETAILS)
- NEW REINFORCED CONCRETE PAVEMENT SECTION (PER GEOTECH REPORT)
- NEW CURB AND GUTTER (PER PROJECT DETAILS)
- NEW CONCRETE EDGING (PER DETAILS)
- FURNISH AND INSTALL PRECAST CONCRETE WHEEL STOP (PER DETAILS)
- NEW BERMUDA GRASS SOD (PRIOR TO CONSTRUCTION, COORDINATE EXTENTS WITH OWNER'S PROJECT REPRESENTATIVE)

KEYED NOTES

- CAUTION!!! EXISTING POWER POLE/LIGHT POLE
- CAUTION!!! OVERHEAD ELECTRIC
- EXISTING TELEPHONE/FIBER OPTIC
- EXISTING FENCING (NOT TO BE DISTURBED)
- EXISTING WATER MAIN/METER
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- NEW SANITARY SEWER SERVICE (REFER TO UTILITY SHEET FOR CONSTRUCTION)
- NEW WATER/FIRE SERVICE (REFER TO UTILITY PLAN FOR CONSTRUCTION)
- NEW STORM SEWER (REFER TO UTILITY PLAN FOR CONSTRUCTION)
- FURNISH AND INSTALL 1-HANDICAP SIDEWALK RAMP (PER TAS STANDARDS)

GENERAL NOTES:

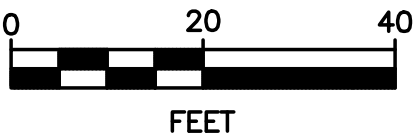
- STORM DRAINAGE SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF TEMPLE'S DRAINAGE ORDINANCE.
- BASED ON INFORMATION AVAILABLE FROM THE FIRM RATE MAP NUMBER 48027C0330E, DATED SEPTEMBER 26, 2008, THE SUBJECT PROPERTY DOES NOT APPEAR TO BE WITHIN THE "SPECIAL FLOOD HAZARD AREA" AND APPEARS TO BE SITUATED IN ZONE X. (REFER TO SUBDIVISION PLAT FOR LOCATION).

LANDSCAPE NOTES

- PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE DEMOLITION OF EXISTING STRUCTURES, PAVEMENT SECTIONS, VEGETATION, ETC. WITH OWNER.
- EXISTING UTILITIES WERE LOCATED BY FIELD RESEARCH/OBSERVATION. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL FIELD VERIFY UTILITY LOCATIONS AND COORDINATE UTILITY REMOVAL AND RELOCATION WITH OWNER AND APPROPRIATE UTILITY COMPANY.
- PRIOR TO INSTALLATION, LANDSCAPE CONTRACTOR SHALL COORDINATE THE TYPE AND LOCATION OF NEW GRASS, TREES AND SHRUBBERY WITH OWNER.
- NO REQUIRED LANDSCAPING SHALL BE PLANTED IN SUCH A MANNER TO ADVERSELY AFFECT DRAINAGE OR UTILITY EASEMENTS.
- ALL AREAS NOT COVERED BY IMPERVIOUS SURFACES SHALL HAVE NEW GRASS SOD, GRASS SEEDING, MULCH, WASHED GRAVEL, ROCK, SAND OR OTHER DECORATIVE COVERS.
- TURF AREAS TO BE SODDED WITH BERMUDA GRASS PER CITY OF TEMPLE APPROVED GRASS.
- PROPOSED NEW TREES SHALL BE OF SPECIES ON THE CITY OF TEMPLE APPROVED TREE LIST.

PARKING CALCULATOR

LOT NO.	BUILDING SQ. FT.	PARKING REQUIRED	SPACES REQUIRED	SPACES PROVIDED
1	6253	1/300	21	30



Revisions

Date: Remarks:

LANDSCAPE REQUIREMENTS - ADAMS LANE

TOTAL SQ. FT.	5% REQUIRED	TOTAL PROVIDED	L.F. FRONTAGE	TREES REQUIRED	TREES EXISTING	TREES NEW
47,638.1	2381.9	21,440.73	270	7	18	0

LANDSCAPE REQUIREMENTS - W. ADAMS AVENUE

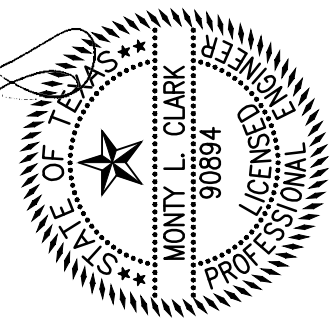
TOTAL SQ. FT.	5% REQUIRED	TOTAL PROVIDED	L.F. FRONTAGE	TREES REQUIRED	TREES EXISTING	TREES NEW
47,638.1	2381.9	21,440.73	264	7	18	0

DRAWING STATUS

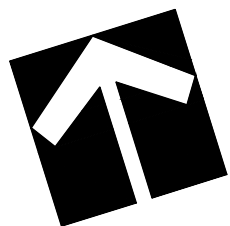
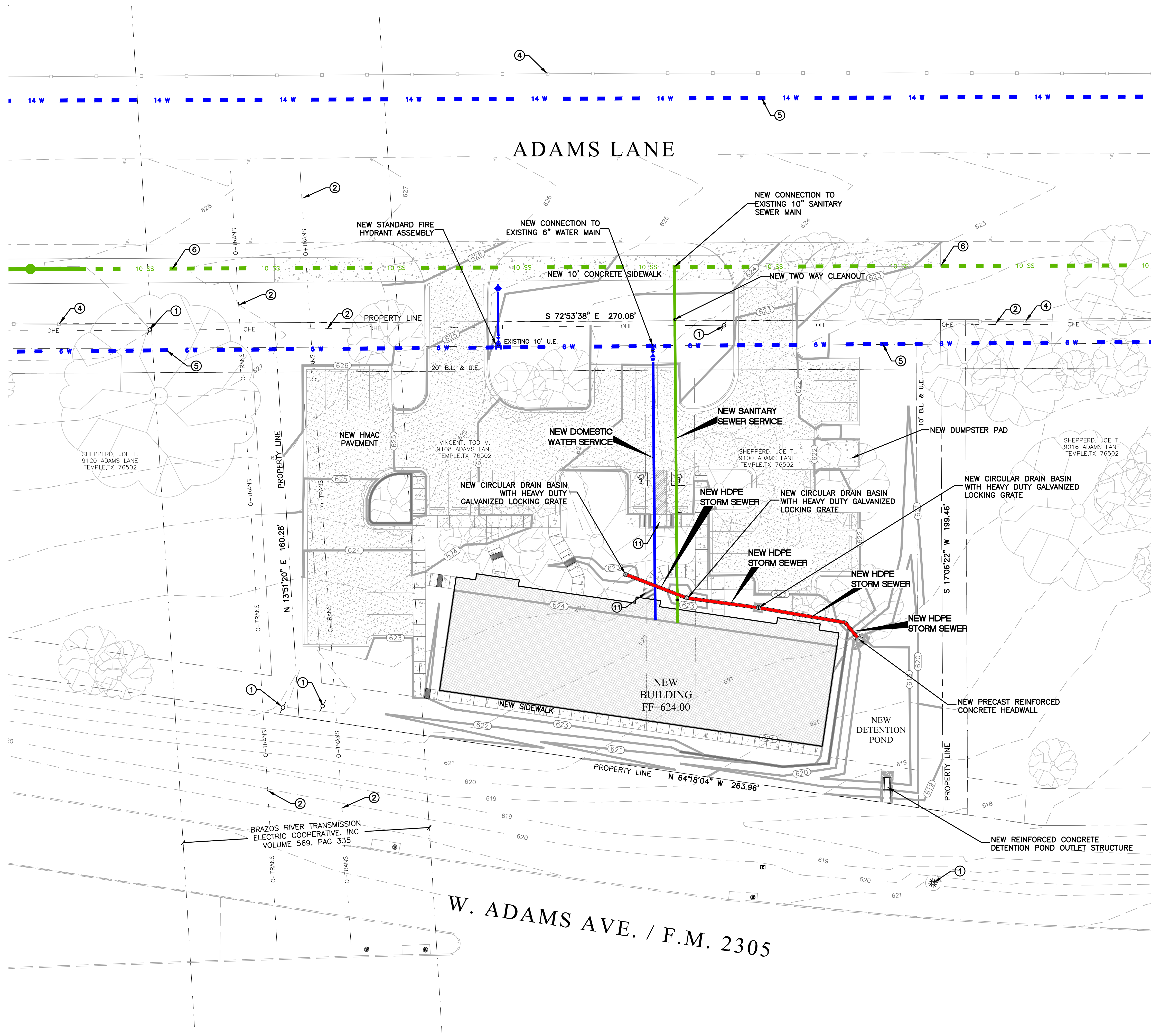
THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF THE PROFESSIONAL SEAL OF THE ENGINEER, CLARK & FULLER, P.L.C. FIRM NO. 1-10384. NO. 1-10384. FOR REVIEW ONLY AS PER DATE ON DRAWING. IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES. ONLY DRAWINGS ISSUED FOR CONSTRUCTION CAN BE CONSIDERED COMPLETE.

ADAMS ISLAND
BLOCK 1 LOT 6 AND 7
NEW SITE DEVELOPMENT

Temple, Texas



Project No: 151634.00
Plot Date: 3-16-16
Drawn By: LLW
Designed By: MLC



LEGEND:

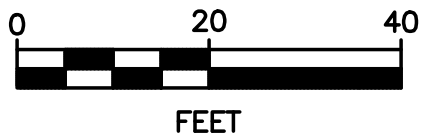
- | | | | |
|--|-------|--|---------------------------|
| | 6 W | | EXISTING WATER MAIN |
| | 14 W | | EXISTING WATER MAIN |
| | 10 SS | | EXISTING WATER MAIN |
| | | | PROPOSED WATER MAIN |
| | | | NEW STANDARD FIRE HYDRANT |
| | | | PROPOSED STORM SEWER |
| | | | PROPOSED STORM SEWER |

KEYED NOTES

- CAUTION!!! EXISTING POWER POLE/LIGHT POLE
- CAUTION!!! OVERHEAD ELECTRIC
- EXISTING TELEPHONE/FIBER OPTIC
- EXISTING FENCING (NOT TO BE DISTURBED)
- EXISTING WATER MAIN/METER
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- EXISTING TXDOT CURB INLET
- NEW SANITARY SEWER SERVICE (REFER TO UTILITY SHEET FOR CONSTRUCTION)
- NEW WATER/FIRE SERVICE (REFER TO UTILITY PLAN FOR CONSTRUCTION)
- NEW STORM SEWER (REFER TO UTILITY PLAN FOR CONSTRUCTION)
- FURNISH AND INSTALL 1-HANDICAP SIDEWALK RAMP (PER TAS STANDARDS)

NOTES

- PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE DEMOLITION OF EXISTING STRUCTURES, PAVEMENT SECTIONS, VEGETATION, ETC. WITH OWNER.
- EXISTING UTILITIES WERE LOCATED BY FIELD RESEARCH/OBSERVATION. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL FIELD VERIFY UTILITY LOCATIONS AND COORDINATE UTILITY REMOVAL AND RELOCATION WITH OWNER AND APPROPRIATE UTILITY COMPANY.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL EXCAVATE AND VERIFY DEPTH OF EXISTING UTILITIES. IT IS THE CONTRACTORS RESPONSIBILITY TO PROTECT DURING CONSTRUCTION.



Date:	Revisions
	Remarks:

TOPOGRAPHIC AND UTILITY MAP

DRAWING STATUS

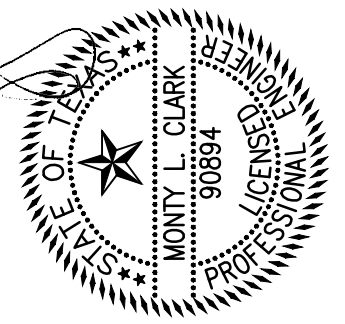
THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF THE PROFESSIONAL SEAL OF P.E. CLARK & FULLER, PLLC. FIRM NO. 1-10384.

FOR REVIEW: IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONLY AS PER DATE ON DRAWING. IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES. ONLY DRAWINGS ISSUED FOR CONSTRUCTION CAN BE CONSIDERED COMPLETE.

FOR CONSTRUCTION: ☒ FINAL DRAWINGS

ADAMS ISLAND
BLOCK 1 LOT 6 AND 7
NEW SITE DEVELOPMENT

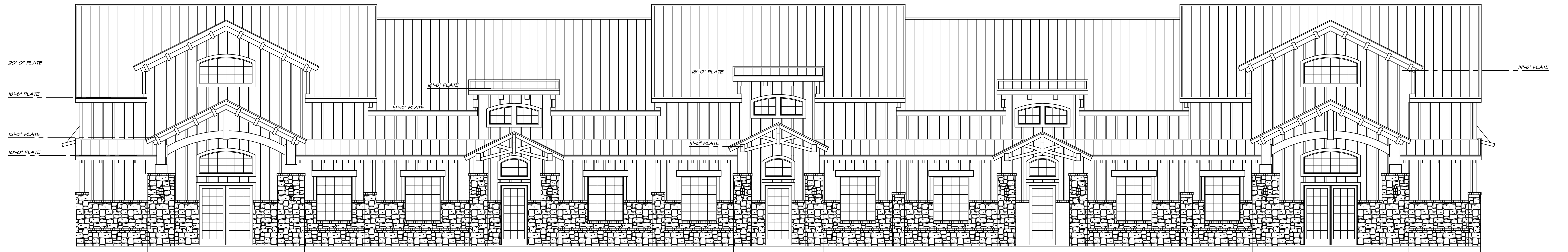
Temple, Texas



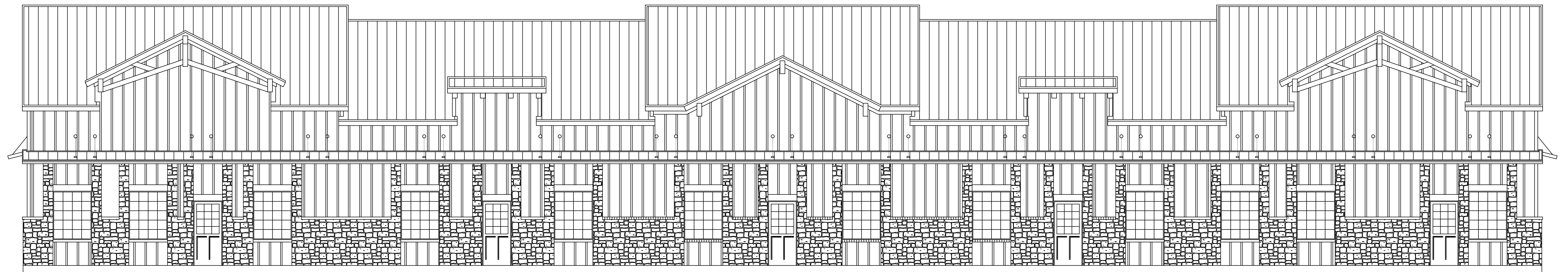
CLARK & FULLER
CIVIL ENGINEERING • DESIGN • PLANNING
215 North Main Street, Temple, TX 76701
254-899-0899 www.clarkfuller.com F-10384



Project No:	151634-00
Plot Date:	3-16-16
Drawn By:	LLW
Designed By:	MLC



FRONT ELEVATION
SC 3/16" = 1'-0"



REAR ELEVATION
SC 3/16" = 1'-0"

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT GENERAL RETAIL DISTRICT (PD-GR) ON LAND COMMONLY REFERRED TO AS OUTBLOCKS 1114-A, B, & E, CITY ADDITION AND OUTBLOCK 1115-A, CITY ADDITION, LOCATED ON THE NORTH SIDE OF FM 2305, EAST OF SH 317 IN THE CITY OF TEMPLE, TEXAS, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; AMENDING THE WEST TEMPLE COMPREHENSIVE PLAN TO REFLECT NEIGHBORHOOD AND COMMUNITY RETAIL USES; PROVIDING CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of the property commonly referred to as Outblocks 1114-A, B, & E, City Addition, and Outblock 1115-A, City Addition, located on the north side of FM 2305, east SH 317 in the City of Temple, Texas, has requested a zoning change from Agricultural District (A) to Planned Development General Retail District (PD-GR); and

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

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Planned Development General Retail District (PD-GR) on property commonly referred to as Outblocks 1114-A, B, & E, City Addition, and Outblock 1115-A, City Addition, located on the north side of FM 2305, east SH 317 in the City of Temple, Texas, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council approves an amendment to the West Temple Comprehensive Plan to reflect neighborhood and community retail uses.

Part 3: In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development General Retail (PD-GR), and shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- (a) The development standards of the property shall conform to requirements of the General Retail District; and
- (b) Prior to the issuance of a building permit, the property owner must submit an amendment to the planned development and a site plan to the Planning & Zoning Commission and the City Council.

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

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

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

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

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

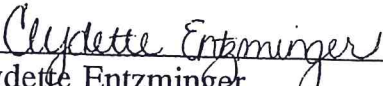
PASSED AND APPROVED on First Reading on the 16th day of June, 2005.

PASSED AND APPROVED on Second Reading on the 7th day of July, 2005.

THE CITY OF TEMPLE, TEXAS

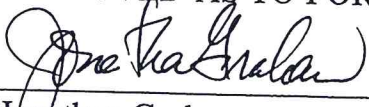


ATTEST:


Clydette Entzminger
City Secretary


WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:


Jonathan Graham
City Attorney



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

LASTOVICA, MARLENE B ETAL
8850 ADAMS LN
TEMPLE, TX 76502-5160

Zoning Application Number: Z-FY-16-27

Project Manager: TAMMY LYERLY

Location: 9108 and 9100 Adam's Lane

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 ☒ agree

() disagree with this request

Comments:

Please advise the applicant of the
flooding when we are blessed
with rain. Best of luck with the new bldg.
Traffic is awful on Adams and with new
business it will pick up on Adams Lane.
Marlene B. Lastovica MARLENE B. Lastovica
Signature Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

RECEIVED

APR 27 2016

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

City of Temple
Planning & Development

Number of Notices Mailed: 9

Date Mailed: April 21, 2016

Gutters drainage needs to be cleaned out.
Watch for snakes and other animals.
Marlene



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

SHEPPERD, JOE T
6 S 1ST ST
TEMPLE, TX 76501

Zoning Application Number: Z-FY-16-27

Project Manager: TAMMY LYERLY

Location: 9108 and 9100 Adam's Lane

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I ☒ agree () disagree with this request

Comments:



Joe Shepperd

Signature Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

APR 27 2016

City of Temple
Planning & Development



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

SHEPPERD, JOE T
6 S 1ST ST
TEMPLE, TX 76501

Zoning Application Number: Z-FY-16-27

Project Manager: TAMMY LYERLY

Location: 9108 and 9100 Adam's Lane

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I ☒ agree

() disagree with this request

Comments:


Signature

Joe Shepperd
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

APR 27 2016

City of Temple
Planning & Development

Date Mailed: April 21, 2016

Number of Notices Mailed: 9



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

SHEPPERD, JOE T
6 S 1ST ST
TEMPLE, TX 76501

Zoning Application Number: Z-FY-16-27

Project Manager: TAMMY LYERLY

Location: 9108 and 9100 Adam's Lane


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 ☒ agree

() disagree with this request

Comments:


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

APR 27 2016

City of Temple
Planning & Development

Date Mailed: April 21, 2016

Number of Notices Mailed: 9



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

SHEPPERD, JOE T
6 S 1ST ST
TEMPLE, TX 76501

Zoning Application Number: Z-FY-16-27

Project Manager: TAMMY LYERLY

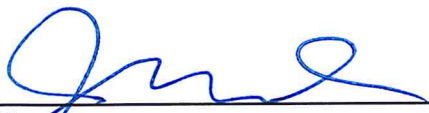
Location: 9108 and 9100 Adam's Lane

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I ☒ agree

() disagree with this request

Comments:


Signature

Joe Sheppard
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

RECEIVED

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

APR 27 2016
City of Temple
Planning & Development

Number of Notices Mailed: 9

Date Mailed: April 21, 2016

ORDINANCE NO. _____
(PLANNING NO. Z-FY-16-27)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2005-4025 FOR THE EXISTING PLANNED DEVELOPMENT-GENERAL RETAIL DISTRICT WITH THE PLANNED DEVELOPMENT SITE PLAN FOR LOTS 6 & 7, BLOCK 1, ADAM'S ISLAND COMMERCIAL SUBDIVISION, FOR A NEW BUILDING WITH PARKING LOT AND SIDEWALKS, NEW WATER AND SEWER SERVICES, AND NEW STORM SEWER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this Planned Development site plan request is associated with property located on lots 6 and 7, block 1, Adam's Island Commercial Subdivision - the original Planned Development (General Retail) District for this property, approved by Ordinance No. 2005-4025, did not include a Planned Development site plan for this portion of the Planned Development;

Whereas, the applicants are requesting the City amend the existing Planned Development-General Retail District for this property, approved by Ordinance No. 2005-4025, to allow construction of a new retail building with parking lot and sidewalks, new water and sewer services, and new storm sewer;

Whereas, the Planning and Zoning Commission recommended on May 2, 2016, that Ordinance No. 2005-4025, be amended to allow construction of a new retail building and parking lot - the proposed site plan not only exceeds parking space requirement, it also exceeds the 5% landscaping plan requirements for non-residential development, per the Unified Development Code, and is consistent with the adjacent site plan for lot 1 through lot 5; and

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

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

Part 1: The City Council amends Ordinance No. 2005-4025, to allow construction of a new retail building with parking lot and sidewalks, new water and sewer services, and new storm sewer associated with property located on lots 6 and 7, block 1, Adam's Island Commercial Subdivision that is more particularly described in field notes attached as Exhibit A to this Ordinance.

Part 2: The City Council approves the Planned Development site plan depicted in Exhibit B to this Ordinance, and the Planning Director is authorized to approve minor changes to the elements of the site plan, including but not limited to screening, buffering, landscaping, signage, exterior building materials, building elevations and modification of the overall site layout. Substantial changes require approval by City Council.

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 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 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 **June**, 2016.

PASSED AND APPROVED on Second Reading on the **16th** day of **June**, 2016.

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

06/02/16
Item #12
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning
Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-16-28: Consider adopting an ordinance authorizing a rezoning from Single Family-One District (SF-1) to Two Family District (2F) for an existing duplex, on Pt 2 of Lot 2, Block 1, Roselawn Addition, located at 1408 and 1410 North 5th Street.



PLANNING AND ZONING COMMISSION RECOMMENDATION: At its May 2, 2016, meeting the Planning and Zoning Commission voted 7/0 to recommend approval of a permanent rezoning from Single Family-One District (SF-1) to Two Family District (2F).

STAFF RECOMMENDATION: Staff recommends approval of a rezoning from Single Family One District (SF-1) to 2F District (2F) for the following reasons:

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

ITEM SUMMARY: The applicant requests a rezoning from Single Family-One District (SF-1) to Two Family District (2F) for continued use of the property's existing duplex, which was built in the 1930's. The applicants have a buyer for the property and request this rezoning to bring this property into compliance with the Unified Development Code (UDC).

The existing duplex, which is located to the north of the North Temple Historic District, is considered a legal non-conforming use because it was built prior to the existence of the City of Temple Zoning Ordinance, which was adopted in 1944.

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

The following residential uses are **permitted by right** in the proposed 2F zoning district:

- Single Family Detached
- Single-Family Attached
- Duplex

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

DEVELOPMENT REGULATIONS: Dimensional standards for development in the 2-F District are as follows:

- Minimum lot size – 4,000 Sq. Ft.
- Minimum Lot Width – 50 feet (single-family detached dwelling)
- Minimum Lot Width – 60 feet (duplex)
- Minimum Lot Depth – 100 feet
- Front Yard Setback – 25 feet
- Side Yard Setback – 5 feet
- Side Yard Setback (corner) – 15 feet
- Rear Yard Setback – 10 feet

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Neighborhood Conservation	SF-1	Two-Family Residential
North	Neighborhood Conservation	SF-1	Single-Family Residential
South	Neighborhood Conservation	SF-1	Single-Family Residential
East	Auto-Urban Commercial	MF-1 & SF-1	Multi & Single-Family Residential
West	Neighborhood Conservation	SF-1	Single-Family Residential

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

<u>Document</u>	<u>Policy, Goal, Objective or Map</u>	<u>Compliance?</u>
CP	Map 3.1 - Future Land Use and Character (FLUP)	Yes
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The property is within the Neighborhood Conservation character district of the *Choices '08* City of Temple Comprehensive Plan. The applicant's requested rezoning to 2F District complies with this character district.

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

The subject property fronts North 5th Street, a local street, which is appropriate for residential uses.

Availability of Public Facilities (CP Goal 4.1)

Water and sewer services for this property are provided by existing water and sewer lines within the North 5th Street right-of-way.

PUBLIC NOTICE: 21 notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Tuesday, May 24, 2016, one notification response letter has been received in favor of the proposed rezoning and one notice has been returned in opposition to the proposed rezoning.

The newspaper printed notice of the public hearing on April 21, 2016, in accordance with state law and local ordinance.




FISCAL IMPACT: Not Applicable

ATTACHMENTS:

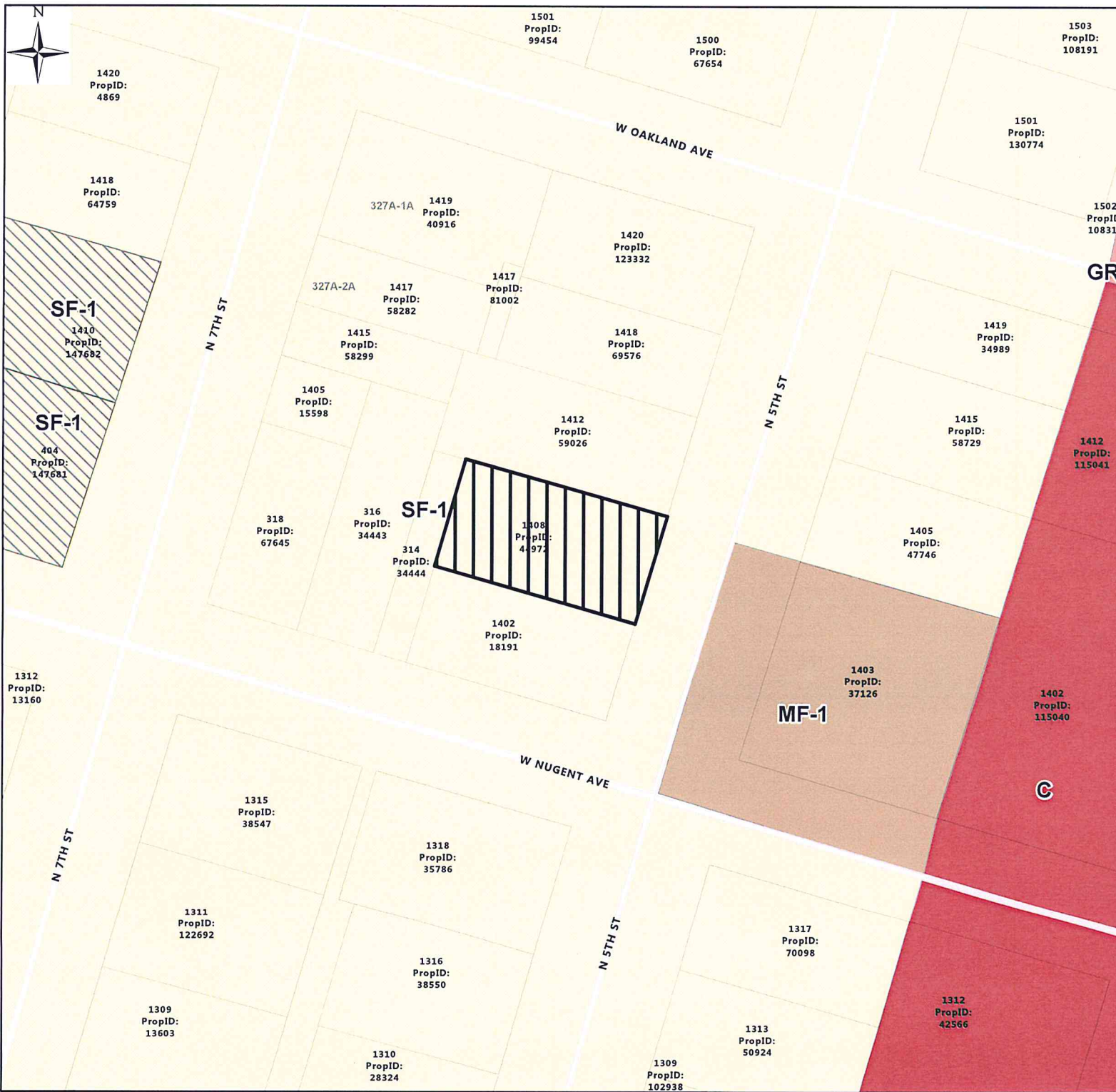
[Site and Surrounding Property Photos](#)
[Zoning & Notification Map](#)
[Location map with Aerial](#)
[Future Land Use and Character Map](#)
[Utility Map](#)
[Notification Response Letter](#)
[Ordinance](#)

SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	SF-1	Duplex	
			
East	MF-1 and SF-1	Multi-Family and Single-Family Residential Use	

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



SF-1 to 2F

200'

NOTIFICATION MAP

Zoning Case :
Z-FY-16-28

Address:
1408 & 1410 N 5th St

CurrentZoning	O-1	AG - CUP
HI - CUP	O-1 - CUP	MH
UE	O-1 - PD	MH - CUP
UE - PD	O-2	MH - PD
SF-1	O-2 - CUP	MU
SF-1 - CUP	O-2 - PD	MU - CUP
SF-1 - PD	NS	SD-C
SF-2	NS - CUP	SD-C - CUP
SF-2 - PD	NS - PD	SD-H
SF-3	GR	SD-H - CUP
SF-3 - PD	GR - CUP	SD-T
SF-3 - CUP, PD	GR - PD	SD-V
SFA	GR - CUP, PD	T4
SFA-2	CA	T4 - PD
SFA-2 - PD	CA - CUP	T4 - CUP
SFA-3	CA - PD	T5-C
SFA-3 - PD	C	T5-C - CUP
2F	C - CUP	T5-C - PD
2F - CUP	C - PD	T5-E
2F - PD	C - CUP, PD	T5-E - CUP
MF-1	LI	T5-E - PD
MF-1 - CUP	LI - CUP	NO BASE
MF-1 - PD	LI - PD	CUP
MF-2	LI - CUP, PD	PD
MF-2 - CUP	HI	CaseArea
MF-2 - PD	HI - PD	
MF-3 - PD	AG	

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.

tlyerly
Date: 4/20/2016











SF-1 to 2F

AERIAL MAP

Zoning Case :
Z-FY-16-28

Address:
1408 & 1410 N 5th St

Streets

-  EXPRESSWAY
-  MAJOR ARTERIAL
-  COLLECTOR
-  LOCAL STREET
-  MINOR ARTERIAL
-  PRIVATE
-  RAMP
-  Railroad
-  Temple Municipal Boundary
-  Parcels
-  ETJ Parcels
-  CaseArea

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.

tlyerly
Date: 4/20/2016





N 7TH ST

N 5TH ST

W NUGENT AVE

SF-1 to 2F FUTURE LAND USE MAP

Zoning Case :
Z-FY-16-28

Address :
1408 & 1410 N 5th St

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Parcels
- Future LUP
 - Agricultural/Rural
 - Auto-Urban Commercial
 - Auto-Urban Mixed Use
 - Auto-Urban Multi-Family
 - Auto-Urban Residential
 - Business Park
 - Estate Residential
 - Industrial
 - Neighborhood Conservation
 - Parks & Open Space
 - Public Institutional
 - Suburban Commercial
 - Suburban Residential
 - Temple Medical Education District
 - Urban Center
- CaseArea

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.

myarberry
Date: 4/25/2016





SF-1 to 2F

200'

NOTIFICATION MAP

Zoning Case :
Z-FY-16-28

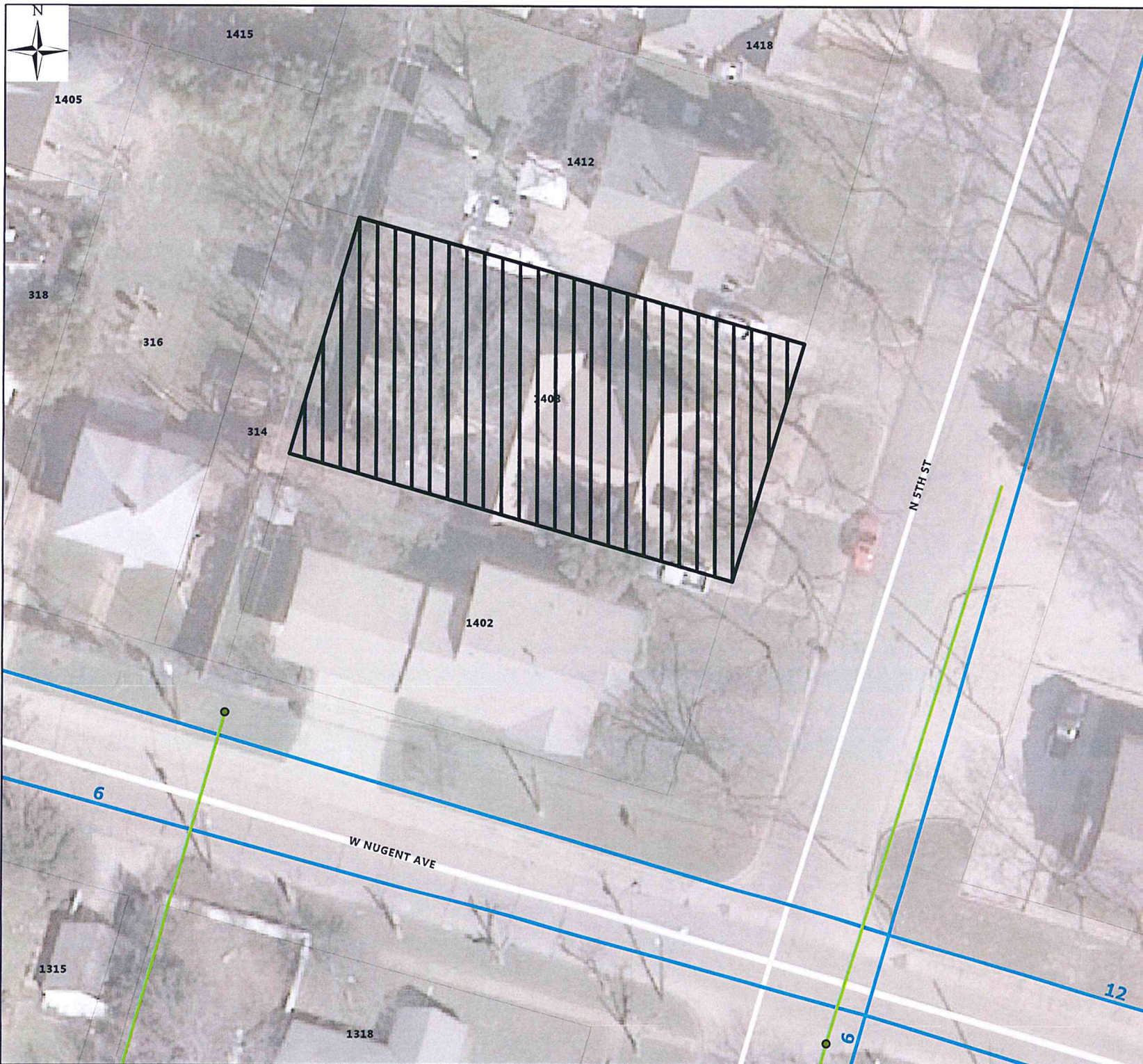
Address:
1408 & 1410 N 5th St.

-  CaseArea
-  Buffer

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.

tlyerly
Date: 4/20/2016





SF-1 to 2F

UTILITY MAP

Zoning Case :
Z-FY-16-28

Address:
1408 & 1410 N 5th St

- Manhole
- Gravity Main
- ⊕ Hydrant
- Main
- Parcels
- ▨ CaseArea

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.

tlyerly
Date: 4/20/2016





RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

MASSEY, BARRY ETAL
1707 SCHIEFFER AVE
AUSTIN, TX 78722-1227

Zoning Application Number: Z-FY-16-28

Project Manager: Tammy Lyerly

Location: 1404 & 1408 North 5th Street

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 ☒ agree

() disagree with this request

Comments:

Barry Massey
Signature

Barry Massey / PAT MASSEY
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

APR 27 2016

City of Temple
Planning & Development

Number of Notices Mailed: 20

Date Mailed: April 21, 2016



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

MCGUYER, SHIRLEY DOSS
1419 N 7TH ST
TEMPLE, TX 76501-1667

Zoning Application Number: Z-FY-16-28

Project Manager: Tammy Lyerly

Location: 1404 & 1408 North 5th Street

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 () agree

☒ disagree with this request

Comments:

I STRONGLY disagree with this
proposal. The AREA should
REMAIN SINGLE-FAMILY with the
FEW EXISTING two-family PROPERTIES
"GRAND-FATHERED" in.


Signature

SHIRLEY MCGUYER
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 2, 2016**.

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

RECEIVED

MAY - 6 2016

City of Temple
Planning & Development

Number of Notices Mailed: 20

Date Mailed: April 21, 2016

ORDINANCE NO. _____

(PLANNING NO. Z-FY-16-28)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM SINGLE FAMILY-ONE DISTRICT TO SINGLE FAMILY-TWO DISTRICT FOR AN EXISTING DUPLEX LOCATED ON PART 2 OF LOT 2, BLOCK 1, ROSELAWN ADDITION, BELL COUNTY, TEXAS, AND LOCATED AT 1408 AND 1410 NORTH 5TH STREET, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Single Family-One District to Single Two Family District for an existing duplex, on part 2 of lot 2, block 1, Roselawn Addition, located at 1408 and 1410 North 5th Street, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 2nd day of **June**, 2016.

PASSED AND APPROVED on Second Reading on the **16th** day of **June**, 2016.

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

06/02/16
Item #13
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-16-32: Consider adopting an ordinance authorizing a rezoning from Two Family (2F) District for the east 40 feet of Lots 1 and 2, Block 1, Fairview Addition (1401 and 1405 South 33rd Street), and from TMED T5-e located at 1404 South 31st Street to Planned Development District TMED T5-e (PD T5-e) to allow for a commercial parking lot to serve an existing business.



PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 16, 2016 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the proposed rezoning as presented by Planning staff.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning and accompanying development plan (site plan) with the following conditions:

1. A wood privacy fence or masonry wall at least 6 feet in height is installed around the north, south and west boundaries of the parking lot to provide screening from adjacent residential properties
2. Curb and gutter is installed
3. Parking lot is paved with asphalt or concrete
4. The east 40 feet of Lots 1 and 2, Block 1, Fairview Addition shall be used only for accessory parking tied to the business at 1404 South 31st Street or as part of the residential uses at 1401 and 1405 South 33rd Street

Staff recommends approval of an exception to the following TMED T5-e (Neighborhood Edge Zone) development standard for the parking lot:

- Sec 6.3.10.D Parking Lot Landscaped: Landscaped parking islands are required in all parking lots

ITEM SUMMARY: The applicant, Seleese Thompson, has requested approval of the rezoning to allow for supplementary parking for her business, Precious Memories, which would be located to the rear across the alley. She purchased the two residential properties at 1401 and 1405 South 33rd Street with the intention of converting the east 40 feet of those lots to parking. The following provides additional relevant details:

- The TMED standards encourage parking to the rear accessed by public alleys
- The 20-foot alley is paved and is currently used for solid waste pick up for the businesses in that block of South 31st Street
- The two single-family residential lots (1401 and 1405 South 33rd Street) would still comply with the 100-foot minimum lot length requirements in the 2F (Two-Family) zoning district
- The 5300 sf retail building would require 22 parking spaces (1 space per 250 sf of total floor area) per Sec. 7.5 of the Unified Development Code (UDC):
 - Precious Memories currently has 19 spaces on-site
 - Additional rear parking would bring the business into compliance with Sec. 7.5

OTHER COMPLIANCE:

	Compliance	Notes
Zoning	Yes	TMED requires parking to the rear; additional parking brings Precious Memories into compliance with TMED and with UDC retail parking space numbers; wood privacy fence will screen from adjacent residential uses
Future Land Use Map	Yes	Existing business in "Auto-Urban Commercial" designation; parking lot in "Neighborhood Conservation" designation – privacy fence screening addresses compatibility and the 40-foot depth of the parking lot allows for preservation of the two existing homes
Thoroughfare Plan	Yes	South 31st is a Major Arterial
Trails	N/A	Not applicable to request
Utilities	Yes	Utilities are available; sewer line in alley

PUBLIC NOTICE: Owners of twenty-seven (27) 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 May 24, 2016, 5 notices in agreement had been received (including 2 from the property owner) and 1 in disagreement.

The newspaper printed notice of the public hearing on May 5, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Site and Surrounding Property Photos](#)
[Development Plan \(Site Plan\)](#)
[Aerial Map/Location Map](#)
[Zoning Map/Notification Map](#)
[Thoroughfare Plan/Trails Map](#)
[Utilities Map](#)
[Returned Property Notices](#)
[Ordinance](#)

SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	TMED T5-e and 2F	Retail and Parking/ Residential	
			

Direction	Zoning	Current Land Use	Photo
North	2F	Single-Family Residential	
South	2F	Single-Family Residential	
East	TMED T5-3	Subject Property (Precious Memories)	

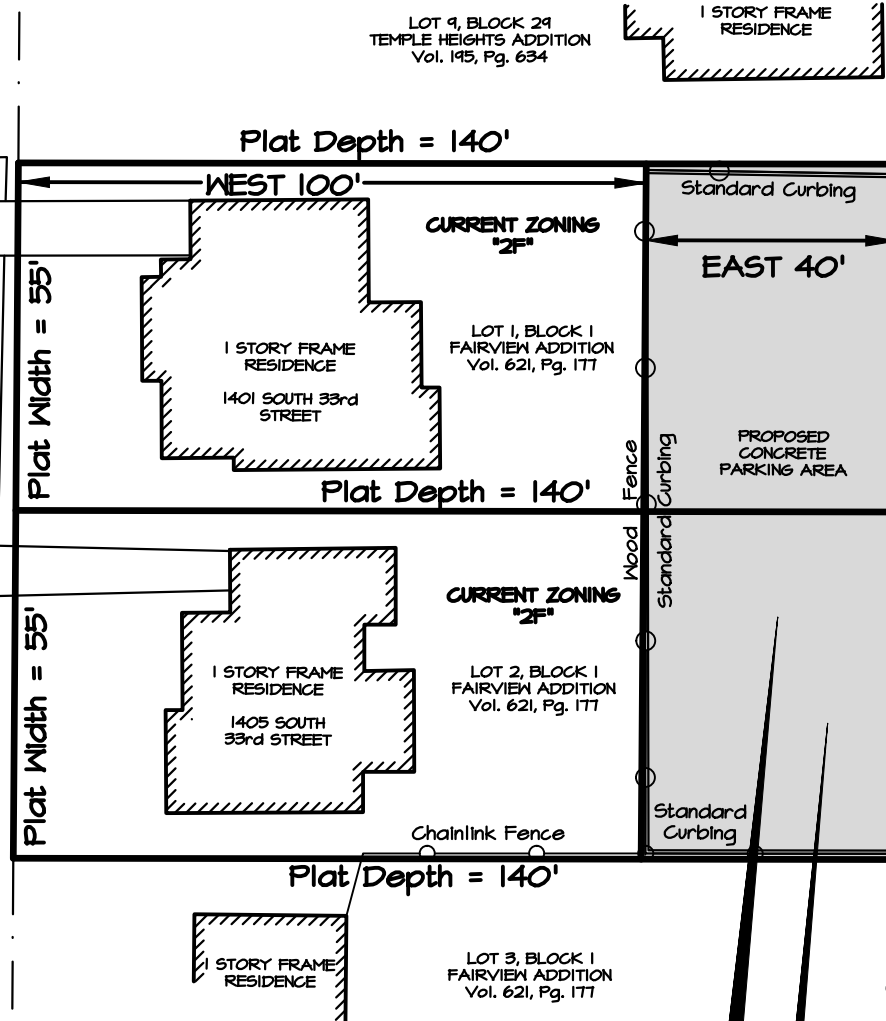
Direction	Zoning	Current Land Use	Photo
South (1501- 1513 S. 33 rd Street)	2F	Paved Commercial Parking	

PRECIOUS MEMORIES

CURRENT CONDITIONS / SITE EXHIBIT



(Asphalt Surface)
SOUTH 33rd STREET
Vol. 621, Pg. 177

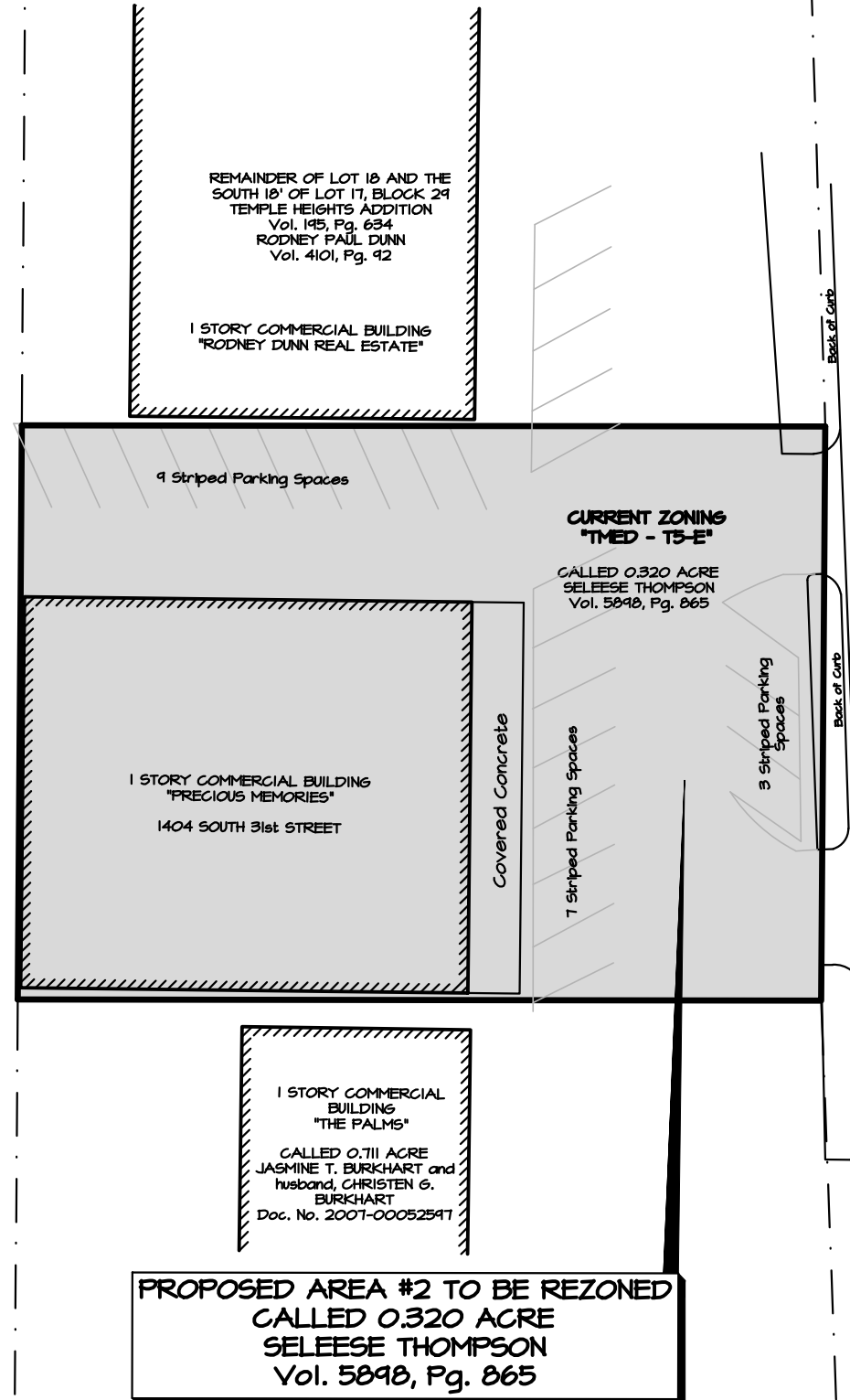


PROPOSED AREA #1 TO BE REZONED
"EAST 40' OF LOTS 1 & 2, BLOCK 1
FAIRVIEW ADDITION
Vol. 621, Pg. 177

**NOTE - 6' WOOD PRIVACY FENCING TO
BE INSTALLED AND MAINTAINED ON THE
NORTH, WEST, AND SOUTH SIDES OF THE
40' x 110' PROPERTY BEING RE-ZONED.**

Edge of Asphalt Alley

(Asphalt Surface)
20' ALLEY
Vol. 621, Pg. 177



PROPOSED AREA #2 TO BE REZONED
CALLED 0.320 ACRE
SELEESE THOMPSON
Vol. 5848, Pg. 865

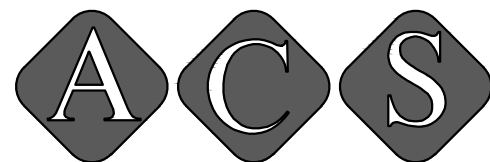
(Asphalt Surface)
SOUTH 31st STREET
F. M. 1741

* NOT A BOUNDARY SURVEY

Scale: 1" = 30'
Job No.: 160239
Dwg No.: 160239
Drawn by: SLW
Surveyor: CCL #4636

Copyright 2016 All County Surveying, Inc.

Plot Date: 05-10-2016



ALL COUNTY SURVEYING, INC.
1303 South 21st Street
Temple, Texas 76504
254-778-2272 Killeen 254-634-4636
Fax 254-774-7608
Tx. Firm Lic. No. 10023600



2F, TMED T5-e
to
TMED T5-e (PD T5-e)

AERIAL MAP

Address :
1401 & 1405 S 33RD ST
1404 S 31ST ST

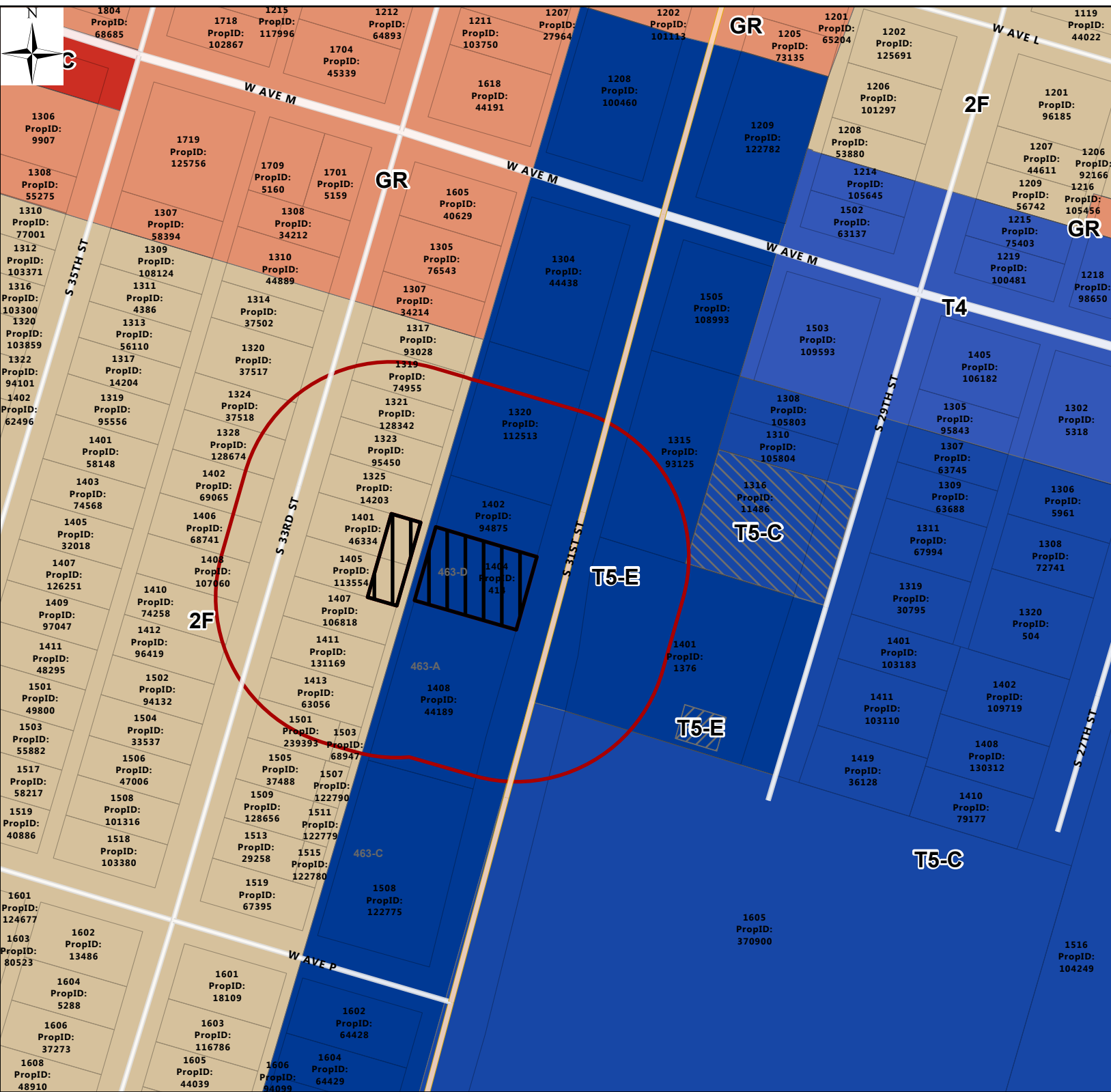
Zoning Case :
Z-FY-16-32

- Streets
- EXPRESSWAY
 - MAJOR ARTERIAL
 - COLLECTOR
 - LOCAL STREET
 - MINOR ARTERIAL
 - PRIVATE
 - RAMP
 - Railroad
 - Temple Municipal Boundary
 - Parcels
 - ETJ Parcels
 - case_area

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jgibson
Date: 5/9/2016





**2F, TMED T5-e
to
TMED T5-E (PD T5-e)**
200'
Notification Map
1401 & 1405 S 33RD ST
1404 S 31ST ST
Z-FY-16-32

CurrentZoning	O-1 - CUP	MH - CUP
HI - CUP	O-1 - PD	MH - PD
UE	O-2	MU
UE - PD	O-2 - CUP	MU - CUP
SF-1	O-2 - PD	SD-C
SF-1 - CUP	NS	SD-C - CUP
SF-1 - PD	NS - CUP	SD-H
SF-2	NS - PD	SD-H - CUP
SF-2 - PD	GR	SD-T
SF-3	GR - CUP	SD-V
SF-3 - PD	GR - PD	T4
SF-3 - CUP, PD	GR - CUP, PD	T4 - PD
SFA	CA	T4 - CUP
SFA-2	CA - CUP	T5-C
SFA-2 - PD	CA - PD	T5-C - CUP
SFA-3	C	T5-C - PD
SFA-3 - PD	C - CUP	T5-E
2F	C - PD	T5-E - CUP
2F - CUP	C - CUP, PD	T5-E - PD
2F - PD	LI	CUP
MF-1	LI - CUP	PD
MF-1 - CUP	LI - PD	
MF-1 - PD	LI - CUP, PD	
MF-2	HI	
MF-2 - CUP	HI - PD	
MF-2 - PD	AG	
MF-3 - PD	AG - CUP	
O-1	MH	

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Date: 5/12/2016





**2F, TMED T5-e
to
TMED T5-e (PD T5-e)**

**THOROUGHFARE
AND TRAILS MAP**

1401 & 1405 S 33RD ST
1401 S 31ST ST

Z-FY-16-32

- Parcels
- Thoroughfare Plan
 - Expressway
 - Major Arterial
 - Proposed Major Arterial
 - Minor Arterial
 - Proposed Minor Arterial
 - Collector
 - Proposed Collector
- Trails Master Plan
 - EXISTING, CITY WIDE SPINE
 - EXISTING, COMMUNITY WIDE CONNECTOR
 - EXISTING, LOCAL CONNECTOR
 - PROPOSED, CITY WIDE SPINE
- PROPOSED, COMMUNITY WIDE CONNECTOR
- PROPOSED, LOCAL CONNECTOR
- case_area

Date: 5/9/2016

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.





2F, TMED T5-E
TO
TMED T5-E (PD T5-E)

UTILITY MAP

ADDRESS :
1401 & 1405 S 33RD ST
1404 S 31ST ST

Zoning Case :
Z-FY-16-32

- Manhole
- Gravity Main
- ✚ Hydrant
- Main
- Parcels
- ▨ case_area

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.

jgibson
Date: 5/9/2016





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

BIG FOUR INVESTMENTS LLC
18 N 3RD ST
TEMPLE, TX 76501-7617

Zoning Application Number: Z-FY-16-32

Project Manager: Brian Chandler

Location: 1404 South 31st Street

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 ☒ **agree**

() **disagree with this request**

Comments:

Signature

Print Name

A. LLOYD THOMAS

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 2016**.

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

Number of Notices Mailed: 27

Date Mailed: May 5, 2016



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

DUNN, RODNEY PAUL
1400 S 31ST ST
TEMPLE, TX 76504-6706

Zoning Application Number: Z-FY-16-32

Project Manager: Brian Chandler

Location: 1404 South 31st Street

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 ☒ agree

() disagree with this request

Comments:

*I think this is a very reasonable
request and am in full agreement
with the zoning change.*


Signature

RODNEY P. DUNN
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 2016**.

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

RECEIVED

MAY 11 2016

City of Temple
Planning & Development

Number of Notices Mailed: 27

Date Mailed: May 5, 2016



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

THOMPSON-MANN, SELEESE
4610 SUNFLOWER LN
TEMPLE, TX 76502-4879

Zoning Application Number: Z-FY-16-32

Project Manager: Brian Chandler

Location: 1404 South 31st Street

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 ☒ agree

() disagree with this request

Comments:

Selee Thompson-Mann
Signature

Selee Thompson-Mann
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 2016**.

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

RECEIVED

MAY 11 2016

City of Temple
Planning & Development

Number of Notices Mailed: 27

Date Mailed: May 5, 2016



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

THOMPSON, SELEESE
1404 S 31ST ST
TEMPLE, TX 76504-6706

Zoning Application Number: Z-FY-16-32

Project Manager: Brian Chandler

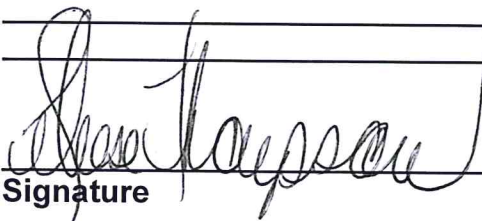
Location: 1404 South 31st Street

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.

☒ agree

☐ disagree with this request

Comments:


Signature

Selee Thompson
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 2016**.

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

RECEIVED
MAY 11 2016
City of Temple
Planning & Development

Number of Notices Mailed: 27

Date Mailed: May 5, 2016



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

JETTON, MARK A
1408 S 33RD ST
TEMPLE, TX 76504-6731

Zoning Application Number: Z-FY-16-32

Project Manager: Brian Chandler

Location: 1404 South 31st Street

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 () agree

☒ disagree with this request

South 33rd Street already has drainage issues during a strong rain. The east side of the street is higher than the west side and water often flows up my driveway and into my garage. More pavement is not going to help so hopefully someone will look into adequate drainage now before other businesses in this strip center decide to build their own parking additions.

At the very least, Precious Memories should be required to put up a privacy fence to improve the view from the other side. I realize that Ms. Thompson owns the two properties she's degrading but the parking lot is visible from the street as are the often over-filled dumpsters.

The parking lot in question has been there for a few months so I'm guessing that this is a mere formality and no one is very interested in an opposing opinion. Nevertheless, since it doesn't improve the street, neighborhood or property values I can't really see how it's a good idea for anyone other than Precious Memories.

2016.

RECEIVED

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

MAY 12 2016

City of Temple
Planning & Development

Number of Notices Mailed: 27

Date Mailed: May 5, 2016



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

VAUGHAN-PAGEL MANAGEMENT LLC
C/O HERNDON, JAKE, PRESIDENT
PO BOX 397
TEMPLE, TX 76503-0397

Zoning Application Number: Z-FY-16-32

Project Manager: Brian Chandler

Location: 1404 South 31st Street

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 ☒ agree

() disagree with this request

Comments:

Kathy Brisbin
Signature

Kathy Brisbin Sec/Treas.
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 2016**.

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

RECEIVED

MAY 16 2016

City of Temple
Planning & Development

Number of Notices Mailed: 27

Date Mailed: May 5, 2016

ORDINANCE NO. _____

(PLANNING NO. Z-FY-16-32)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM TWO FAMILY DISTRICT FOR THE EAST 40 FEET OF LOT 1 AND LOT 2, BLOCK 1, FAIRVIEW ADDITION, LOCATED AT 1401 AND 1405 SOUTH 33RD STREET, AND FROM TMED T5-e LOCATED AT 1404 SOUTH 31ST STREET TO PLANNED DEVELOPMENT DISTRICT TMED T5-e TO ALLOW FOR A COMMERCIAL PARKING LOT TO SERVE AN EXISTING BUSINESS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Two Family District for the east 40 feet of Lots 1 and 2, Block 1, Fairview Addition located at 1401 and 1405 South 33rd Street, and from TMED T5-e located at 1404 South 31st Street to Planned Development District TMED T5-e, to allow for a commercial parking lot to serve an existing business, and more particularly described in Exhibit A.

Part 2: At its May 16, 2016 meeting, the Planning and Zoning Commission recommended approval of the proposed rezoning, with the exceptions and conditions listed as follows:

Planned Development District TMED T5-e Exceptions:

1. A wood privacy fence or masonry wall at least 6 feet in height is installed around the north, south and west boundaries of the parking lot to provide screening from adjacent residential properties;
2. Curb and gutter is installed;
3. Parking lot is paved with asphalt or concrete; and
4. The east 40 feet of lot 1 and lot 2, block 1, Fairview Addition will only be used for accessory parking tied to the business at 1404 S. 31st Street or as part of the residential uses at 1401 and 1405 S. 33rd Street.

Part 3: Staff recommends approval of an exception to the following TMED T5-e (Neighborhood Edge Zone) development standard for the parking lot:

1. Per Section 6.3.10.D. Parking Lot Landscaping:
 - Landscaped parking islands are required in all parking lots.

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

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 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 **June**, 2016.

PASSED AND APPROVED on Second Reading on the **16th** day of **June**, 2016.

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

06/02/16
Item #14
Regular Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Brian Chandler, Planning Director

ITEM DESCRIPTION: Consider adopting a resolution calling public hearings to consider the annexation of approximately 2.149 acres of Dubose Road right-of-way located to the south of FM 93 and north of Forrester Road and directing Staff to develop a municipal services plan.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On May 4, 2016, the City received a letter from Bell County Judge Jon Burrows requesting that the City annex a portion of Dubose Road right-of-way which is currently located outside of the Temple city limits, but within the City's extraterritorial jurisdiction. Dubose Road is contiguous on three sides to the current Temple city limits. Section 43.054 allows the City to annex a publicly or privately owned area, including a strip following the course of a road, if the boundaries of the municipality are contiguous to the area to be annexed on at least two sides.

Pursuant to Chapter 43 of the Local Government Code, the City must adopt a municipal services plan for the annexed area and conduct two public hearings. The proposed resolution would direct Staff to develop the municipal services plan and set the dates for the public hearings.

The proposed dates for the public hearings are July 21, 2016 (regular meeting) and July 22, 2016, (special meeting, 8:30 a.m., Council Chambers). Planning staff will present a municipal services plan at the hearing on July 21, 2016, as required by State law, showing how the City will serve the area proposed to be annexed. The proposed schedule anticipates completion of annexation proceedings through a Second Reading at City Council on September 1, 2016.

FISCAL IMPACT: The City would be responsible for future maintenance of the road due to the annexation of approximately 2.149 acres of Dubose Road right-of-way.

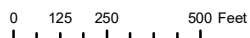
ATTACHMENTS:

[Map](#)
[Letter from Judge Jon Burrows](#)
[Resolution](#)



Dubose Road Annexation

Approx. 2.149 Acres



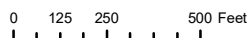
- Annexation Area
- City Limits
- Parcels

DISCLAIMER:
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.



Dubose Road Annexation

Approx. 2.149 Acres



- Annexation Area
- City Limits
- Parcels

DISCLAIMER:

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Bell County, Texas

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COUNTY JUDGE JON H. BURROWS

May 2, 2016

Mr. Jonathan Graham
City Manager, City of Temple
2 N. Main Street, Suite 306
Temple, Texas 76501

RE: Dubose Road Right-of-Way Annexation

Mr. Graham,

The Bell County Commissioners' Court of the State of Texas, respectfully requests that the City of Temple take the appropriate actions to initiate the annexation of a portion of the Dubose Road Right-of-Way as described and shown in the attached survey exhibits provided by Bell County.

The portion of existing Dubose Road Right-of-Way being proposed for annexation is less the 1000' feet in width, contains 2.149 acres of land, and is contiguous on three (3) sides to the current city limits of the City of Temple.

Thank you for your consideration regarding this matter.

Sincerely,

Jon H. Burrows
Bell County Judge

Cc- Mr. Brian Chandler, Planning Director
Cc- Ms. Trudi Dill, Deputy City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CALLING PUBLIC HEARINGS TO CONSIDER THE ANNEXATION OF APPROXIMATELY 2.149 ACRES OF DUBOSE ROAD RIGHT-OF-WAY LOCATED TO THE SOUTH OF FM 93 AND NORTH OF FORRESTER ROAD, DIRECTING STAFF TO DEVELOP A MUNICIPAL SERVICES PLAN; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 4, 2016, the City received a letter from Bell County Judge Jon Burrows requesting that the City annex a portion of Dubose Road right-of-way which is currently located outside of the Temple city limits, but within the City's extraterritorial jurisdiction;

Whereas, Dubose Road is contiguous on three sides to the current Temple city limits and Texas Local Government Code Section 43.054 allows the City to annex a publicly or privately owned area, including a strip following the course of a road, if the boundaries of the municipality are contiguous to the area to be annexed on at least two sides;

Whereas, pursuant to Chapter 43 of the Local Government Code, the City must adopt a municipal services plan for the annexed area and conduct two public hearings;

Whereas, the proposed dates for the public hearings are July 21, 2016 (regular meeting) and July 22, 2016, (special meeting) - planning Staff will present a municipal services plan at the hearing on July 21, 2016, as required by State law, showing how the City will serve the area proposed to be annexed;

Whereas, the proposed schedule anticipates completion of annexation proceedings through a Second Reading at City Council on September 1, 2016;

Whereas, the City will be responsible for future maintenance of the road upon annexation; 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 Staff to develop a Municipal Services Plan and calls public hearings for the annexation of approximately 2.149 acres of Dubose Road right-of-way located to the south of FM 93 and north of Forrester Road (see map attached as Exhibit 'A').

Part 2: The City Council hereby calls two public hearings to gather comments concerning the proposed annexation described above, with the first public hearing scheduled for the Regular Council Meeting on July 21, 2016 at 5:00 PM, and the second public hearing at a Special Called City Council Meeting on July 22, 2016 at 8:30 AM, both public hearings to be held in the City Council Chambers on the 2nd floor of the Municipal Building located at 2 North Main St. in Temple, Bell County, Texas.

Part 3: The City Staff is hereby authorized to relocate the second public hearing to a suitable location within the area to be annexed in the event of protest.

Part 4: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **2nd** day of **June**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney