



**MEETING OF THE
TEMPLE CITY COUNCIL
MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM
THURSDAY, JUNE 16, 2016**

3:00 P.M.

AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 16, 2016.
2. Receive an I-35 update from TXDOT.
3. Discuss Code of Ordinances, Chapter 15 “Garbage, Refuse, and Recycling,” including, but not limited to, the current requirements for waste hauling franchises.
4. Discuss the status of right-of-way acquisition for the expansion of Prairie View Road and the purchase of portions of two properties and a temporary construction easement 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. Discuss the status of right-of-way acquisition for the expansion of Old Howard Road and the purchase of portions 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. PUBLIC HEARINGS

3. PUBLIC HEARING – Presentation of the [proposed Community Development Block Grant 2016/17 Annual Action Plan and Budget](#), Citizen Participation Plan, and Fair Housing Plan, including the funding recommendations and notice of thirty day public comment period June 17 – July 16, 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) [June 2, 2016 Special and Regular Meeting](#)

Contracts, Leases, & Bids

- (B) [2016-8177-R](#): Consider adopting a resolution authorizing the purchase of one property necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds and authorizing closing costs associated with the purchase, in an amount not to exceed \$6,000.
- (C) [2016-8178-R](#): Consider adopting a resolution authorizing the purchase of a portion of three properties necessary for the expansion of Old Howard 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 \$225,000.
- (D) [2016-8179-R](#): Consider adopting a resolution authorizing the purchase of portions of two properties necessary for the expansion of Prairie View Road, the purchase of a temporary construction easement, and authorizing closing costs associated with the purchases, in an amount not to exceed \$366,000.
- (E) [2016-8180-R](#): Consider adopting a resolution authorizing the purchase of easements necessary for the construction of the Bird Creek Interceptor project and authorizing closing costs associated with the purchase, in an amount not to exceed \$19,000.
- (F) [2016-8181-R](#): Consider adopting a resolution authorizing the City Manager to accept the donation of approximately 9.01 acres of land located in the Baylor Scott & White Medical Center Subdivision, Temple, Bell County, Texas.
- (G) [2016-8182-R](#): Consider adopting a resolution authorizing an Interlocal Agreement between the City of Temple, City of Killeen, and Bell County for the 2016 Byrne Justice Assistance Grant Program Award.
- (H) [2016-8183-R](#): Consider adopting a resolution authorizing an Interlocal Agreement with the Belton Independent School District to provide school locations for after school latchkey programming.
- (I) [2016-8184-R](#): Consider ratifying an agreement for yearly service through AT&T Corporation, of Dallas in the amount of \$48,000 for voice and data services.
- (J) [2016-8185-R](#): Consider adopting a resolution authorizing a contract with T. Morales Co. Electric and Controls, Ltd., of Florence to construct the Booster Pump Stations Backup Power in an amount not to exceed \$1,339,000.
- (K) [2016-8186-R](#): Consider adopting a resolution authorizing change order #1 with Nelson Lewis, Inc., of Marble Falls in an amount not to exceed \$ 7,085.32 for construction of the North 3rd Street and East Adams Water Line Improvements.
- (L) [2016-8187-R](#): Consider adopting a resolution amending an agreement with BSP Engineers, Inc., in an amount not to exceed \$35,400 for professional services to implement a water line replacement in the alley between North 3rd and North 5th Streets from Elm Avenue to Irvin Avenue.

- (M) [2016-8188-R](#): Consider adopting a resolution authorizing an Advanced Funding Agreement with the State of Texas (Texas Department of Transportation) to fund 40% of the construction costs for improvements to Prairie View Road, Phase 2 from North Pea Ridge Road to FM 2483 and authorizing the City Manager to execute any other documents necessary to complete the transaction with the State.
- (N) [2016-8189-R](#): Consider adopting a resolution amending a professional services agreement with Kasberg, Patrick & Associates, LP, in an amount not to exceed \$275,100 for design and bidding services required to implement a force main from the Shallowford Lift Station to the Temple-Belton Wastewater Treatment Plant.
- (O) [2016-8190-R](#): Consider adopting a resolution authorizing an amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, in an amount not to exceed \$2,037,110 to design and bid the Temple-Belton Wastewater Treatment Plant's first and second phases of expansion.

Ordinances – Second & Final Reading

- (P) [2016-4774](#): SECOND READING: 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."
- (Q) [2016-4775](#): SECOND READING - Z-FY-16-21: Consider adopting an ordinance authorizing a rezoning from Single Family Three - Planned Development (SF-3-PD) District to Neighborhood Services (NS) District on Lots 4-7, 21-25, Block 13, Hilldell Estates, located at 18 South Pea Ridge.
- (R) [2016-4776](#): SECOND READING – 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.
- (S) [2016-4777](#): SECOND READING – 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.
- (T) [2016-4778](#): SECOND READING – Z-FY-16-25: Consider adopting an ordinance authorizing rezoning from Multifamily-2 (MF-2) to Office-1 (O-1) on .711 +/- acres of land, Lot 1, Block 1, Vandiver Subdivision, Bell County, 416 North 11th Street, Temple, Texas.
- (U) [2016-4779](#): SECOND READING - 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.

- (V) [2016-4780](#): SECOND READING – 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.
- (W) [2016-4781](#): SECOND READING – 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.
- (X) [2016-4782](#): SECOND READING – 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.

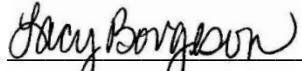
V. REGULAR AGENDA

ORDINANCES – FIRST READING/PUBLIC HEARING

- 5. [2016-4783](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending the City of Temple's Comprehensive Economic Development Ordinance (Ord. No. 2014-4673) to readopt the City's guidelines and criteria governing property tax abatement, incorporate recent changes to the City's Strategic Investment Zone Incentive Program, and update the ordinance to reflect changes in policy and procedure.
- 6. [2016-4784](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance granting a waste hauling franchise to Estrada Company to allow for the hauling and disposal of construction site waste within the City of Temple.
- 7. [2016-4785](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance granting a waste hauling franchise to Lossen Bros., Inc. to allow for the hauling and disposal of construction site waste within the City of Temple.
- 8. [2016-4786](#): FIRST READING - PUBLIC HEARING - Z-FY-16-29: Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) District to General Retail (GR) District on 4.889 +/- acres situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 419 Hilliard Road.
- 9. [2016-4787](#): FIRST READING – PUBLIC HEARING - Z-FY-16-30: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow a restaurant where less than 50% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption on Lot 2, Block 1, of the Shoppes on the Hill, Phase II Subdivision, located at 2320 South 31st Street, Suite 100.
- 10. [2016-4788](#): FIRST READING – PUBLIC HEARING - Z-FY-16-31: Consider an ordinance adopting a rezoning from Single Family-One District (SF-1) to Planned Development Single Family-One District (PD-SF-1) to allow continued use of existing secondary residential dwellings on Lot part of 4, 6, Block 4, Roselawn Addition, located at 1516 North 5th Street.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:00 PM, on Friday, June 10, 2016.



City Secretary, TRMC



COUNCIL AGENDA ITEM MEMORANDUM

06/16/16
Item #3
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ashley Williams, General Services Manager

ITEM DESCRIPTION: PUBLIC HEARING – Presentation of the proposed Community Development Block Grant 2016/17 Annual Action Plan and Budget, Citizen Participation Plan, and Fair Housing Plan, including the funding recommendations and notice of thirty day public comment period June 17 – July 16, 2016.

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

ITEM SUMMARY:

2016–2017 Annual Action Plan and Budget

The Annual Action Plan reflects the City of Temple's funding priorities and identifies the projects proposed to receive Federal funds under the CDBG program. The City of Temple anticipates we will receive \$410,971 for our 2016/17 CDBG allocation. These funds enhance the City's community development programs, supporting safe, well-planned residential and business districts. Over 70% of the funding allocated to CDBG activities must benefit low to moderate income persons.

The City of Temple also plans to reallocate \$14,947 from the 2015 Action Plan in order to assist us with meeting the goals identified in the 2015/19 Consolidated Plan.

<i>2016-17 CDBG Funding</i>	<i>Program Income Received</i>	<i>Prior Funding Reallocation</i>	<i>Total</i>
\$410,971	\$0	\$14,947	\$425,918

The proposed allocation of funds is as follows:

Public Services	\$57,500
Infrastructure Improvements	\$100,000
Housing Improvements	\$118,418
Demolition	\$70,000
Administration	\$80,000
Total	\$425,918

Public Services - \$57,500

The City received five (5) applications requesting a total of \$112,234 in CDBG Public Service Agency (PSA) funding. A total of \$57,500 will be awarded to qualifying programs and to those that address objectives outlined in the five-year Consolidated Plan.

Infrastructure Improvements - \$100,000

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

Housing Improvements - \$118,418

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

Demolition - \$70,000

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

Administration - \$80,000

It is recommended that \$80,000 be allocated for the City's administration of the CDBG Program.

This presentation and public hearing for the proposed 2016/17 Annual Action Plan and Budget, Citizen Participation Plan, and Fair Housing Plan will be followed by a 30-day public comment period. A final public hearing and action on the 2016/17 Annual Action Plan and Budget, Citizen Participation Plan, and Fair Housing Plan will occur at the August 4, 2016 Council Meeting.

FISCAL IMPACT: The allocation amount of \$410,971 in FY 2016/17 CDBG funds along with the reprogramming of \$14,947 in additional funds available for a total of \$425,918 are to be allocated as recommended.

ATTACHMENTS:

None



COUNCIL AGENDA ITEM MEMORANDUM

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

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) June 2, 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:

June 2, 2016 Special and Regular Meeting



COUNCIL AGENDA ITEM MEMORANDUM

06/16/16
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 one property necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds and authorizing closing costs associated with the purchase, in an amount not to exceed \$6,000.

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 Santa Fe Market Trail and MLK Fields festival grounds. The design requires the acquisition of real property from sixteen different property owners. Appraisals have been performed on all of the parcels and the City has made offers to the owners. Two offers were immediately accepted, and Council approved the acquisition of those properties on May 5. Two additional offers were subsequently accepted, and Council approved the acquisition of those properties on May 19. A fifth property owner has accepted the City's initial offer, and Staff is seeking authorization to complete the purchase of 402 S. 6th Street and pay necessary closing costs, in an amount not to exceed \$6,000.

FISCAL IMPACT: Funding for the purchase of one property necessary for construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds is appropriated in account 795-9500-531-6566, project #101262.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF ONE PROPERTY NECESSARY FOR THE CONSTRUCTION OF THE PROPOSED SANTA FE MARKET TRAIL/MLK FIELDS FESTIVAL GROUNDS, AUTHORIZING THE PAYMENT OF CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN AN AMOUNT NOT TO EXCEED \$6,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed Santa Fe Market Trail/MLK Fields festival grounds - the design requires the acquisition of real property from sixteen different property owners;

Whereas, appraisals have been performed on all parcels and the City has made offers to all of the owners - two offers were immediately accepted, and Council approved the acquisition of those properties on May 5, 2016;

Whereas, two additional offers were subsequently accepted, and Council approved the acquisition of those properties on May 19, 2016 - a fifth property owner has accepted the City's initial offer, and Staff recommends council authorize the purchase of 402 South 6th Street as well as the payment of necessary closing costs, in an amount not to exceed \$6,000;

Whereas, funding for the purchase of 402 South 6th Street is available in Account No. 795-9500-531-6566, Project No. 101262; 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 402 South 6th Street which is necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds and authorizes the payment of closing costs associated with the purchase, in an amount not to exceed \$6,000.

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 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 **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

06/16/16
Item #4(C)
Consent Agenda
Page 1 of 2

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 Old Howard 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 \$225,000.

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 Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35, including a realigned intersection at Pegasus Drive. The design requires the acquisition of right-of-way from 21 different property owners. Appraisals have been performed on fourteen of the parcels, and the remaining seven are underway. Offers have been made to several of the property owners based upon those appraisals, and the remaining offers will be presented in the coming weeks. For those properties that will require relocation, the City's consultant is preparing the necessary relocation studies.

Agreements have been reached with three of the property owners. Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this fiscal year. At this time, Staff is asking for authorization to purchase the necessary right-of-way from three properties, pay closing costs, and pay any relocation expenses that may be required by law, in an amount not to exceed \$225,000. The addresses and Bell County Appraisal District ID Numbers of the three properties are listed below:

4805 Mouser Road – Bell CAD ID #56491, 56492
Old Howard Road – Bell CAD ID #56644
Old Howard Road – Bell CAD ID #148552, 53140

FISCAL IMPACT: Funding for the purchases of the three properties necessary for the expansion of Old Howard Road is appropriated as follows:

Property Description:	<u>Account/Project #:</u>
4805 Mouser Road – Bell CAD ID #56491, 56492	795-9800-531-6881, 101004
Old Howard Road – Bell CAD ID #56644	795-9800-531-6864, 101001
Old Howard Road – Bell CAD ID #148552, 53140	795-9800-531-6864, 101001

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 OLD HOWARD 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 \$225,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35, including a realigned intersection at Pegasus Drive;

Whereas, the design requires the acquisition of right-of-way from 21 different property owners - appraisals have been performed on fourteen of the parcels, and the remaining seven are underway;

Whereas, offers have been made to several of the property owners based upon those appraisals, and the remaining offers will be presented in the coming weeks - for those properties that will require relocation, the City's consultant is preparing the necessary relocation studies;

Whereas, agreements have been reached with three of the property owners and Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this fiscal year;

Whereas, Staff recommends Council authorize the purchase of necessary right-of-way from three properties, the purchase of accompanying temporary construction easements, payment of closing costs, and payment of any relocation expenses that may be required by law, in an amount not to exceed \$225,000;

Whereas, the properties are located at:

4805 Mouser Road (Bell CAD ID #56491)
4324 Old Howard Road (Bell CAD ID #56644)
Old Howard Road (Bell CAD ID #53140)

Whereas, funding for the purchase of a portion of these three properties for the expansion of Old Howard Road is available in:

4805 Mouser Road (Bell CAD ID #56491)
Account No. 795-9800-531-6881, Project No. 101004;
4324 Old Howard Road (Bell CAD ID #56644)
Account No. 795-9800-531-6864, Project No. 101001;
Old Howard Road (Bell CAD ID #53140)
Account No. 795-9800-531-6564, Project No. 101001; 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 Old Howard 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 \$225,000.

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 **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

06/16/16
Item #4(D)
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 portions of two properties necessary for the expansion of Prairie View Road, the purchase of a temporary construction easement, and authorizing closing costs associated with the purchases, in an amount not to exceed \$366,000.

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 eight 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. On June 2, Council approved the acquisition of three properties, in an amount not to exceed \$214,000. At this time, Staff is asking for authorization to purchase the necessary right-of-way from two additional properties, purchase an accompanying temporary construction easement, and pay closing costs, in an amount not to exceed \$366,000. The addresses of the two properties are listed below:

9244 Prairie View Road
SH 317, between FM 2483 and Prairie View Road

FISCAL IMPACT: Funding is appropriated for the purchase of the two 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 PORTIONS OF TWO PROPERTIES NECESSARY FOR THE EXPANSION OF PRAIRIE VIEW ROAD, AUTHORIZING THE PURCHASE OF A TEMPORARY CONSTRUCTION EASEMENT, AUTHORIZING THE PAYMENT OF CLOSING COSTS ASSOCIATED WITH THE PURCHASES IN AN AMOUNT NOT TO EXCEED \$366,000; 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 eight 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, on June 2, 2016, Council approved the acquisition of three properties, and at this time, Staff recommends Council authorize the purchase of necessary right-of-way from two additional properties, purchase an accompanying temporary construction easement, and pay closing costs, in an amount not to exceed \$366,000;

Whereas, the properties are located at:

9255 Prairie View Road
SH 317, between FM 2483 and Prairie View Road

Whereas, funding for the purchase of portions of two 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 portions of two properties necessary for the expansion of Prairie View Road, the purchase of a temporary construction easement, and authorizing closing costs associated with the purchases, in an amount not to exceed \$366,000.

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 **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

06/16/16
Item #4(E)
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 easements necessary for the construction of the Bird Creek Interceptor project and authorizing closing costs associated with the purchase, in an amount not to exceed \$19,000.

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 Phase 4 of the proposed Bird Creek Interceptor project. The design requires the acquisition of easements for wastewater utilities and temporary construction easements from several property owners, including the property situated at 2609 Brooklawn Drive in Temple. Staff is asking for authorization to purchase the necessary easements and pay closing costs in an amount not to exceed \$19,000.

FISCAL IMPACT: Funding for the acquisition of easements required for construction of Phase 4 of the Bird Creek Interceptor project in the amount of \$19,000 is appropriated in account 520-5900-535-6110, project 101213.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE BIRD CREEK INTERCEPTOR PROJECT; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THESE PURCHASES IN AN AMOUNT NOT TO EXCEED \$19,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for Phase 4 of the proposed Bird Creek Interceptor project which requires the acquisition of easements for wastewater utilities and temporary construction easements from several property owners, including the property situated at 2609 Brooklawn Drive in Temple;

Whereas, Staff recommends Council authorize the purchase of the necessary easements and pay associated closing costs, in an amount not to exceed \$19,000;

Whereas, funding for the acquisition of easements required for construction of Phase 4 of the Bird Creek Interceptor project is appropriated in Account No. 520-5900-535-6110, Project No. 101213; 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 easements from property located at 2609 Brooklawn Drive which are necessary for the construction of the Bird Creek Interceptor project and authorizes closing costs associated with the purchase, in an amount not to exceed \$19,000.

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 **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

06/16/16
Item#4(F)
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 City Manager to accept the donation of approximately 9.01 acres of land located in the Baylor Scott & White Medical Center Subdivision, Temple, Bell County, Texas.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Baylor, Scott & White ("BSW") currently owns approximately 9.01 acres of undeveloped land to the east of its main campus on South 31st Street, along the future TMED Way / South 13th Street. BSW recently approached City Staff with an offer to donate the property to the City. The property is located adjacent to the planned extension of Avenue U between 13th and 15th Street. Staff is interested in acquiring the property and has a preliminary plan to construct a community park. Staff is seeking authorization to accept the donation of the property.

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 APPROXIMATELY 9.01 ACRES OF LAND LOCATED IN THE BAYLOR SCOTT & WHITE MEDICAL CENTER SUBDIVISION, TEMPLE, BELL COUNTY, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Baylor, Scott & White (“BSW”) currently owns approximately 9.01 acres of undeveloped land to the east of its main campus on South 31st Street, along the future TMED Way/South 13th Street;

Whereas, BSW approached Staff with an offer to donate the property to the City - the property is located adjacent to the planned extension of Avenue U between 13th and 15th Street;

Whereas, Staff is interested in acquiring the property, has a preliminary plan to construct a community park and Staff recommends Council accept the donation of this land;

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 approximately 9.01 acres of undeveloped land to the east of its main campus on South 31st Street, along the future TMED Way/South 13th 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 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

06/16/16
Item #4(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Manager
Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an Interlocal Agreement between the City of Temple, City of Killeen, and Bell County for the 2016 Byrne Justice Assistance Grant Program Award.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Department of Justice Edward Byrne Memorial Justice Assistance Grant provides funds to multiple jurisdictions to use for criminal justice programs. The Department of Justice requires jurisdictions certified as disparate to submit a joint application and agree in what proportions funds will be shared. Bell County, Killeen and Temple have received such grant funds in the past and have been awarded additional funds for 2016. The Department of Justice has allocated the funds as follows:

- Bell County: \$0
- City of Killeen: \$65,576
- City of Temple: \$14,694

However, in order to provide Bell County with a portion of the funding, the City of Killeen has agreed to reduce its original allocation. The adjusted anticipated \$80,270 (reduced by an administration fee of \$8,027 to Killeen) will be allocated per the Interlocal Agreement as follows:

- Bell County: \$24,080 (less \$2,408) = \$21,672
- City of Killeen: \$36,122 (plus \$2,408 and \$2,007) = \$40,537
- City of Temple: \$20,068 (less \$2,007) = \$18,061

The grant award must be used to fund local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any of the following purposes: law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment programs; and/or planning evaluation and technology improvement programs. The funds must be expended within 48 months after October 1, 2015.

Staff recommends approval of this Interlocal Agreement.

FISCAL IMPACT: The Temple Police Department will receive \$18,061. There are no City matching funds required for the grant.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF TEMPLE, CITY OF KILLEEN AND BELL COUNTY FOR THE 2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AWARD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Department of Justice Edward Byrne Memorial Justice Assistance Grant provides funds to multiple jurisdictions to use for criminal justice programs - the Department of Justice requires jurisdictions certified as disparate to submit a joint application and agree on what proportions of the funds will be shared;

Whereas, Bell County, the City of Killeen and the City of Temple have received such grant funds in the past and have been awarded additional funds for 2016;

Whereas, the Department of Justice has allocated the funds as follows:

Bell County - \$0.00 City of Killeen - \$65,576 City of Temple - \$14,694;

Whereas, however, in order to provide Bell County with a portion of the funding, the City of Killeen has agreed to reduce its original allocation and the adjusted anticipated \$80,270 (reduced by an administration fee of \$8,027 to Killeen) will be allocated per the Interlocal Agreement, as follows:

Bell County: \$24,080 (less \$2,408) = \$21,672
City of Killeen: \$36,122 (plus \$2,408 & \$2,007) = \$40,537
City of Temple: \$20,068 (less \$2,007) = \$18,061

Whereas, the grant award must be used to fund local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any of the following purposes: law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment programs; and/or planning evaluation and technology improvement programs - the funds must be expended within 48 months after October 1, 2016;

Whereas, Staff recommends Council authorize the submission of this Interlocal Agreement for the 2016 Byrne Justice Assistance Grant Program Award;

Whereas, the Temple Police Department will receive \$18,061 in grant funds with no City match required; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to enter into an Interlocal Agreement between the City of Temple, City of Killeen, and Bell County for the 2016 Byrne Justice Assistance Grant Program Award.

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 award.

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 **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

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

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Director, Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing an Interlocal Agreement with the Belton Independent School District to provide school locations for after school latchkey programming.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: We are requesting City Council approval to enter into an Interlocal Agreement with the Belton Independent School District (B.I.S.D.). The agreement would allow the Parks and Recreation Department to continue to provide an after school program at four B.I.S.D. schools that are located in the Temple city limits.

In 2009 Temple Parks and Recreation was awarded the contract to provide “Latch Key Program Management Services” at Tarver, Pirtle, and Lakewood Elementary Schools. In 2013 High Point Elementary was added to the latch key program. During the 2015-16 school year, the Temple Parks and Recreation provided an after school program for two hundred and twenty nine (229) 5 to 13 year olds, Monday through Friday, from 3 pm to 6 pm.

The term of this agreement will be from July 1, 2016 through the last day of the 2016-17 school year, at which time both parties may extend or renegotiate the agreement by mutual consent.

This agreement with B.I.S.D. helps meet the City Council goal of jointly partnering with school districts to provide services and programs.

FISCAL IMPACT: B.I.S.D. has agreed to waive all facility usage fees during the time the program is being offered, thus allowing the program to be offered at an affordable rate for the participants.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE BELTON INDEPENDENT SCHOOL DISTRICT TO PROVIDE SCHOOL LOCATIONS FOR AFTER SCHOOL LATCH KEY PROGRAMMING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Temple Parks and Recreation Department provides after school programming at four Belton Independent School District (“BISD”) schools that are located within the Temple city limits;

Whereas, in 2009, the Temple Parks and Recreation Department was awarded the contract to provide “Latch Key Program Management Services” at Tarver, Pirtle, and Lakewood Elementary Schools - in 2013, High Point Elementary was added to the program;

Whereas, during the 2015-2016 school year, the Temple Parks and Recreation Department provided an after school program for two hundred and twenty-nine 5 to 13 year olds, Monday through Friday, from 3 pm to 6 pm;

Whereas, the proposed agreement will allow the Parks and Recreation Department to continue the after school program during the 2016-2017 school year and is for a one year period beginning July 1, 2016 through June 30, 2017, at which time the parties may extend or renegotiate the agreement by mutual consent;

Whereas, this agreement assists in Council’s goal of jointly partnering with school districts to provide services and programs;

Whereas, BISD has agreed to waive all facility usage fees during the time the program is being offered, thus allowing the program to be offered at an affordable rate; 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 an Interlocal Agreement with the Belton Independent School District to provide school locations for after school latch key programming for a one year period, beginning July 1, 2016 through June 30, 2017, at which time the parties may extend or renegotiate the agreement by mutual consent.

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 **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

06/16/16
Item #4(I)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider ratifying an agreement for yearly service through AT&T Corporation, of Dallas in the amount of \$48,000 for voice and data services.

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

ITEM SUMMARY: The Information Technology department currently has many locations throughout the City that require multiple contracts with companies that provide telephone, internet and data services. One of these services that is provided is what are called "PRI" Circuits or Primary Rate Interfaces that provide 24 channels of voice lines. We also have data circuits that are provided through various companies. We currently use multiple vendors such as AT&T, Grande and Time Warner because we need redundancy among different city locations so that we do not lose services at all locations.

AT&T Corporation currently provides us with voice and high-speed data services to multiple City departments which include the City Hall, Police Department, Service Center and other city facilities. We currently use services through Grande Communications, Time Warner and ATT in an effort to avoid a catastrophic outage at all City facilities if we were only to use one company. We also use this plan successfully by having internet service provided by all three companies for backup due to the critical nature of providing access to Police, Fire, email services and other critical city applications

Now more than ever, the city requires redundant reliable network connectivity and access to city resources. Connections to and from city departments, government agencies, vendors and citizens are all equally important to keep the continuity when needed. The city runs all day, every day and even in off hours. We run operations around the clock, seven days a week so it's important to realize that to keep a solid business continuity strategy, redundancy technologies should be considered and implemented.

As part of our plan to diversify services we recommend to continue this contract with AT&T as they already have the equipment and services at these locations. This new agreement also reduces our monthly costs of AT&T services from approximately \$5,700 per month to approximately \$4,000 in the coming months.

FISCAL IMPACT: Funding for the yearly service through AT&T Corporation is available as shown below:

Account	Description	Amount Available
110-1900-519-2610	Telephone/Communications	\$ 48,000
	Total Funding Available	\$ 48,000

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
RATIFYING AN AGREEMENT WITH AT&T CORPORATION OF DALLAS,
TEXAS, IN THE AMOUNT OF \$48,000, FOR VOICE AND DATA SERVICES;
AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Information Technology Department currently has many locations throughout the City that require multiple contracts with companies that provide telephone, internet and data services - AT&T Corporation currently provides the City with voice and high-speed data services as part of the City's plan to diversify services;

Whereas, the City uses multiple vendors such as AT&T, Grande Communications and Time Warner Cable for redundancy purposes among different City locations to prevent a catastrophic loss at all locations at one time - this plan is also successful by having internet services provided by all three companies for backup due to the critical nature of providing access to Police, Fire, email services and other critical City applications;

Whereas, Staff recommends Council ratify an agreement with AT&T for voice and data services - this new agreement reduces the City's monthly costs from approximately \$5,700 per month to approximately \$4,000 in the coming months;

Whereas, funding for the yearly service through AT&T Corporation is appropriated in Account No. 110-1900-519-2610; 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 ratifies an agreement with AT&T Corporation of Dallas, Texas, in the amount of \$48,000, for voice and data services.

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 agreement.

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 **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

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

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with T. Morales Co. Electric and Controls, Ltd., of Florence to construct the Booster Pump Stations Backup Power in an amount not to exceed \$1,339,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This project will provide three backup generators: two permanent generators located at the Avenue G (800 kW) and Loop 363 (500 kW) Pump Stations and one portable generator (500 kW) that will be housed at the Water Treatment Plant and deployed to the other four pump stations as needed. This configuration and sizing is based on the preliminary engineering report dated November 26, 2014, and further determination of needs with the City's Utility and Engineering Divisions. The various project locations are depicted on the attached map.

Two bids were received on June 2nd. Per the attached Recommendation Letter & Bid Tab, T. Morales submitted the low bid in the amount of \$1,339,000. The opinion of probable construction cost was \$2,342,911.

City Staff and the Engineer agree that T. Morales is qualified to complete this project and recommend award of the construction contract for the low bid amount of \$1,339,000. Construction time allotted for the project is 240 calendar days.

FISCAL IMPACT: Funding for award of a construction contract to T. Morales, in an amount not to exceed \$1,339,000, is appropriated in account 561-5100-535-6960, project 101089, as follows:

Project Budget	\$ 1,450,000
Encumbered/Committed To Date	(182)
Construction Contract Award - T. Morales Co.	(1,339,000)
Remaining Funds	<u>\$ 110,818</u>

ATTACHMENTS:

[Recommendation Letter & Bid Tab](#)
[Project Locations](#)
[Resolution](#)



RABROKER

& ASSOCIATES

Texas Registered Engineering Firm #F-12538

MEP Consulting Engineers

P.O. Box 2061

Belton, TX 76513

June 2, 2016

Mr. Diego Yorsky

Project Manager

City of Temple

Department of Public Works

3210 East Avenue H

Building A, Suite 130

Temple, TX 76501

Re: Back-Up Power for Potable Water Pump Stations project Contractor recommendation

City of Temple project #51-11-16

Dear Mr. Yorsky:

Bids were received by the City of Temple until 2:30 p.m. on Thursday, June 2, 2016 for the above referenced project. There were two (2) sealed bids received; a bid tabulation of these bids is attached. The two Contractors submitting bids were: R.K. Bass Electric, Incorporated, of Harker Heights, Texas, and T. Morales Company Electric & Controls, Ltd., of Florence, Texas.

The Back-Up Power for Potable Water Pump Stations project will install a permanent standby generator set with automatic transfer switch at the Avenue G and Loop 363 booster pump stations, and provisions for a mobile generator set at both of the aforementioned stations plus at the Old Howard, Airport, FM 2305, and West Park booster pumping stations.

The low bidder who provided a complete bid submission was T. Morales Company Electric & Controls, Ltd., P.O. Box 859, Florence, Texas 76527, in the amount of **\$1,339,000.00**. T. Morales Company Electric & Controls, Ltd. has indicated in their bid submission they have carefully examined the plans, specifications, General Instructions to Bidders, Notice to Bidders, and all other related contract documents and the site of the proposed work.

Based upon the information submitted by T. Morales Company Electric & Controls, Ltd., Rabroker & Associates, P.C. recommends the City of Temple award the Back-Up Power for Potable Water Pump Stations project to T. Morales Company Electric & Controls, Ltd., in the amount of **\$1,339,000.00**.

6/2/2016

Texas Registered Engineering Firm #F-12538

1



RABROKER

& ASSOCIATES

Texas Registered Engineering Firm #F-12538

MEP Consulting Engineers

P.O. Box 2061

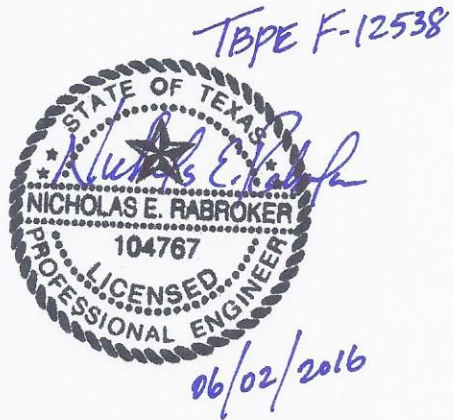
Belton, TX 76513

Please do not hesitate to contact us should you have any additional questions.

Sincerely,

Nicholas E. Rabroker, P.E., LEED ® AP

Rabroker & Associates, P.C.



cc: Ms. Belinda Mattke, Purchasing Director, City of Temple

Mr. Diego Yorsky, Project Manager, City of Temple

file

				BIDDERS	
				R.K. Bass Electric, Inc. 1200 E. FM 2410 Road Harker Heights, TX 76548	T. Morales Company Electric & Controls, Ltd. P.O. Box 859 Florence, TX 76527
PART 'A' - AVENUE G BOOSTER PUMP STATION PERMANENT GENERATOR					
Item No.	Estimated Qty.	UOM	Description	Total Cost	Total Cost
A1	100%	Lump Sum	Mobilization, permitting, bonds, and insurance, not-to-exceed 5% of the Base Bid - Part 'A' Amount, Complete for	\$ 36,472.38	\$ 26,530.00
A2	100%	Lump Sum	Provide all labor, equipment, materials, tools, freight, supervision, permits, to provide new permanently mounted 800 kW standby generator set at the Avenue G booster pump station, set in place and installed as detailed in the plans and specifications. Include all trenching, raceways, conductors, terminations, and fuel associated with installation of the standby generator set.	\$ 346,063.07	\$ 223,875.00
A3	100%	Lump Sum	Provide all labor, equipment, materials, tools, supervision to furnish and install new electrical motor plus associated skid structure (if applicable), piping, fittings, startup, paint, finish, testing, as required and as detailed in the Avenue G booster pump station plans and specifications, per City of Temple and Manufacturers Requirements.	\$ 5,282.65	\$ 21,790.00
A4	100%	Lump Sum	Furnish and install new MCC section '0' with integral circuit breaker and variable frequency drive, complete and in place as detailed in the electrical plans and specifications.	\$ 80,142.06	\$ 37,850.00
A5	100%	Lump Sum	Provide all labor, equipment, materials, tools, supervision, and permits to modify the existing electrical system, including, but not limited to: new section '00' added to the existing motor control center, disconnects, fuses, phase failure protection, automatic transfer switch, docking station, wiring gutters, conductors, conduit, raceway, boxes, circuit breakers, connections and terminations to all new equipment, devices, and fixtures, trenching, grounding work, warning placards, scada system modification (hardware and programming), electrical system testing, etc. as detailed in the plans and specifications and as per City of Temple requirements. Note: the standby generator and associated wiring, raceways, etc. shall be included with item A4 above.	\$ 351,880.16	\$ 199,472.00
A6	100%	Lump Sum	Furnish and install one (1) new concrete pad as shown on Sheet S3.0, Detail C/S3.1, Detail 2/S3.1. Remove any existing finish below concrete, scour, and place bonding agent to assure bond with existing concrete. Construct the concrete pad per Plans and Specifications. Apply finish to match existing.	\$ 1,938.65	\$ 3,170.00
A7	100%	Lump Sum	Demolish and remove the existing concrete footing at the existing Natural Gas Engine as shown on Sheet S3.0. Complete for	\$ 619.15	\$ 1,950.00
A8	100%	Lump Sum	Construct the concrete footing for new electric motor as indicated per Details 'D' and 5 on sheet S3.2, complete for	\$ 2,955.68	\$ 3,170.00
A9	100%	Lump Sum	Construct the Exterior concrete pad as indicated on Sheet S3.0 and Detail E/S3.1. Excavate to bottom of footing elevation, scarify the top 6" of exposed subgrade, and compact the exposed subgrade to 95% Standard Proctor. Construct the concrete Pad as per the Plans and	\$ 1,116.50	\$ 6,200.00
A10	100%	Lump Sum	Construct the Exterior concrete pad as indicated on Sheet S3.0 and Detail F/S3.1. Excavate to bottom of footing elevation, scarify the top 6" of exposed subgrade, and compact the exposed subgrade to 95% Standard Proctor. Construct the concrete Pad as per the Plans and	\$ 862.75	\$ 6,200.00
A11	100%	Lump Sum	Construct the Exterior concrete Footing as indicated on Sheet S3.0 and Detail B/S3.1. Demolish and remove the existing concrete pad. Excavate to 2'-6" below the existing grade. Proof roll and backfill per Specifications. Construct the Footing as required by the Plans and	\$ 37,774.24	\$ 8,640.00
A12	10	Price per each	Provide and install ten (10) removable pipe bollards as shown on Sheet S3.0. Excavate and construct concrete piers as shown on Detail 1/S3.0. Install the removeable pipe bollards as required by the manufacturer's written instructions.	\$ 11,165.00	\$ 5,000.00
A13	100%	Lump Sum	Remove all spoils and debris from the site.	\$ 3,988.95	\$ 1,775.00
A14	100%	Lump Sum	Provide training on operation of automatic transfer switch, docking station, and mobile generator set operations and connections for up to five (5) members of Owner's staff. Training duration shall be as described in more detail in the specifications. Refer to electrical specification 26 05 00 1.14 (D).	\$ 4,872.00	\$ 4,450.00

A15	100%	Lump Sum	Provide electrical system studies, to include short circuit and arc flash studies. Provide arc flash labels as required by the plans and specifications and as required by NEC.	\$ 8,120.00	\$ 6,340.00
A16	100%	Lump Sum	Provide record drawings as per the specifications and as per City of Temple requirements.	\$ 1,329.65	\$ 1,300.00
A17	100%	Lump Sum	Provide Operations and Maintenance (O&M) manuals as per the specifications and as per City of Temple requirements.	\$ 132.97	\$ 1,300.00

PART 'A' - BASE BID (ITEMS #A1 - #A17)

\$ 894,715.86

\$ 559,012.00

(CORRECTED)

PART 'A' - DEDUCT ALTERNATE FOR NEW ELECTRIC MOTOR FOOTING

Item No.	Estimated Qty.	UOM	Description	Total Cost	Total Cost
AA1	100%	Lump Sum	Deduct price for Base Bid Item A8, for constructing the concrete footing for new electric motor as indicated per Details 'D' and 5 on sheet S3.2, complete for	\$ (2,912.00)	\$ (3,170.00)
AA2	100%	Lump Sum	ADDITIONAL construct concrete footing for new electric motor as indicated per details 'D' and 6 on sheet S3.2, complete for	\$ 637.00	\$ 2,400.00

PART 'A' - DEDUCTIVE ALTERNATE (ITEMS #AA1 - #AA2)

\$ (2,275.00)

\$ (770.00)

PART 'B' - LOOP 363 BOOSTER PUMP STATION PERMANENT GENERATOR

Item No.	Estimated Qty.	UOM	Description	Total Cost	Total Cost
B1	100%	Lump Sum	Mobilization, permitting, bonds, and insurance, not-to-exceed 5% of the Base Bid - Part 'B' Amount, Complete for	\$ 16,120.94	\$ 11,700.00
B2	100%	Lump Sum	Provide all labor, equipment, materials, tools, freight, supervision, permits, to provide new 500 kW permanently mounted standby generator set at the Loop 363 booster pump station, set in place and installed as detailed in the plans and specifications. Include all trenching, raceways, conductors, terminations, and fuel associated with installation of the standby generator set.	\$ 161,329.22	\$ 106,463.00
B3	100%	Lump Sum	Provide all labor, equipment, materials, tools, supervision, and permits to modify the existing electrical system, including, but not limited to: new disconnects, fuses, phase failure protection, automatic transfer switch, docking station, wiring gutters, conductors, conduit, raceway, boxes, circuit breakers, connections and terminations to all new equipment, devices, and fixtures, trenching, grounding work, warning placards, scada system modification (hardware and programming), electrical system testing, etc. as detailed in the plans and specifications and as per City of Temple requirements. Note: the standby generator and associated wiring, raceways, etc. shall be included with item No. B2 above.	\$ 138,852.10	\$ 79,000.00
B4	100%	Lump Sum	Excavation for footing at new Generator. Excavate to 5'-0" below existing grade and overexcavate 2'-0" in each direction from the footing. Excavation sides shall slope at 45-degrees. Scarify and compact the exposed subgrade to 95% Standard Proctor. (Refer to Sheets S4.0 & S4.1)	\$ 5,541.90	\$ 3,170.00
B5	100%	Lump Sum	Excavation for footing at Automatic Transfer Switch. Excavate to 5'-0" below the existing grade and overexcavate 2'-0" in each direction from the footing. (Do not excavate below the existing building foundation.) Excavation sides shall slope at 45-degrees. Scarify and compact the exposed subgrade to 95% Standard Proctor. (Refer to Sheets S4.0 & S4.1)	\$ 1,847.30	\$ 3,170.00
B6	100%	Lump Sum	Excavation for the Electrical conduit. Coordinate with the Electrical Plans to determine width of excavation required to provide 6" concrete cover in all directions around the conduit. Scarify and compact the exposed subgrade to 95% Standard Proctor. (Refer to Sheets S4.0 & S4.1)	\$ 3,694.60	\$ 1,750.00
B7	100%	Lump Sum	Backfill for the new Generator. Install and compact as shown on the Plans and Specifications. Compact the overexcavated backfill. Use only Select Fill. Install fat clay from on-site soils to cover the top 2-feet of the exposed compacted fill.	\$ 5,541.90	\$ 2,850.00
B8	100%	Lump Sum	Backfill for the new Automatic Transfer switch. Install and compact as shown on the Plans and Specifications. Compact the overexcavated backfill. Use only Select Fill. Install fat clay from on-site soils to cover the top 2-feet of the exposed compacted fill.	\$ 3,258.15	\$ 2,850.00

B9	100%	Lump Sum	Construct Concrete footing for the New Generator in strict conformance with the Plans and Specifications.	\$	8,312.85	\$	6,200.00
B10	100%	Lump Sum	Construct the concrete Footing for the Automatic Transfer Switch in strict conformance with the Plans and Specifications.	\$	3,694.60	\$	3,780.00
B11	100%	Lump Sum	Construct the concrete fill around the electrical conduit to provide a minimum of 6-inches of concrete cover all around the conduit. Cover the concrete with on-site fat clay.	\$	5,541.90	\$	1,875.00
B12	18	Price per each	Provide and install eighteen (18) pipe bollards as shown on Sheet S4.0. Excavate and construct concrete piers as shown on Detail 1/S4.0. Install the pipe bollards as shown on the Plans and Specifications.	\$	20,097.00	\$	9,250.00
B13	100%	Lump Sum	Remove all spoils and debris from the site.	\$	3,978.80	\$	1,775.00
B14	100%	Lump Sum	Provide training on operation of automatic transfer switches, docking station, and mobile generator set operations and connections for up to five (5) members of Owner’s staff. Training duration shall be as described in more detail in the specifications. Refer to electrical specification 26 05 00 1.14 (D).	\$	2,436.00	\$	4,450.00
B15	100%	Lump Sum	Provide electrical system studies, to include short circuit and arc flash studies. Provide arc flash labels as required by the plans and specifications and as required by NEC.	\$	8,120.00	\$	5,430.00
B16	100%	Lump Sum	Provide record drawings as per the specifications and as per City of Temple requirements.	\$	1,329.65	\$	1,300.00
B17	100%	Lump Sum	Provide Operations and Maintenance (O&M) manuals as per the specifications and as per City of Temple requirements.	\$	1,329.65	\$	1,300.00

PART 'B' - BASE BID (ITEMS #B1 - #B17) \$ 391,026.56 \$ 246,313.00

PART 'C' - MOBILE GENERATOR AND CONNECTIONS

Item No.	Estimated Qty.	UOM	Description	Total Cost	Total Cost
C1	100%	Lump Sum	Mobilization, permitting, bonds, and insurance, not-to-exceed 5% of the Base Bid - Part 'C' Amount, Complete for	\$ 21,887.58	\$ 25,380.00
C2	100%	Lump Sum	Provide all labor, equipment, materials, tools, freight, supervision, permits, etc. to provide new 500 kW trailer-mounted (mobile) standby generator set as per the plans and specifications. Generator shall be delivered to location determined by the City of Temple. Include two (2) four hour Contractor-monitored tests of the mobile generator set at stations of the City’s choosing, including transportation of the generator set to and from the selected booster pumping station and re-fueling of the generator set.	\$ 254,673.37	\$ 268,245.00
C3	100%	Lump Sum	Provide all labor, equipment, materials, tools, supervision, and permits to modify the existing electrical system at the Old Howard Lift Station, including, but not limited to: new disconnects, fuses, phase failure protection, docking station, wiring gutters, conductors, conduit, raceway, boxes, circuit breakers, connections and terminations to all new equipment, devices, and fixtures, trenching, grounding work, warning placards, scada system modification and relocation (new cabinet, extension of existing circuits as necessary, hardware, and programming), electrical system testing, etc. as detailed in the plans and specifications and as per City of Temple requirements. Note: the standby generator shall be a separate line item above (Item No. C2).	\$ 80,424.38	\$ 92,660.00
C4	100%	Lump Sum	Provide all labor, equipment, materials, tools, supervision, and permits to modify the existing electrical system at the Airport Booster Pumping Station, including, but not limited to: new section to the existing motor control center, relocation of existing branch circuit (conduit and conductors), disconnects, fuses, phase failure protection, docking station, wiring gutters, conductors, conduit, raceway, boxes, circuit breakers, connections and terminations to all new equipment, devices, and fixtures, trenching, grounding work, warning placards, scada system modification and relocation (new cabinet, extension of existing circuits as necessary, hardware, and programming), electrical system testing, etc. as detailed in the plans and specifications and as per City of Temple requirements. Note: the standby generator shall be a separate line item above (Item No. C2).	\$ 60,558.65	\$ 49,560.00
C5	100%	Lump Sum	Furnish and install one (1) new concrete pad at the Airport Booster Pumping Station, as shown on sheet S2.0. Remove any finish below concrete, scour, and place bonding agent to assure bond with existing concrete. Construct the concrete pad per Plans and Specifications. Apply finish to match existing.	\$ 1,603.70	\$ 3,200.00

C6	100%	Lump Sum	Provide all labor, equipment, materials, tools, supervision, and permits to modify the existing electrical system at the FM 2305 Booster Pumping Station, including, but not limited to: new disconnects, fuses, phase failure protection, docking station, wiring gutters, conductors, conduit, raceway, boxes, circuit breakers, connections and terminations to all new equipment, devices, and fixtures, trenching, grounding work, warning placards, scada system modification and relocation (new cabinet, extension of existing circuits as necessary, hardware, and programming), electrical system testing, etc. as detailed in the plans and specifications and as per City of Temple requirements. Note: the standby generator shall be a separate line item above (Item No. C2).	\$ 38,833.20	\$ 28,000.00
C7	100%	Lump Sum	Provide all labor, equipment, materials, tools, supervision, and permits to modify the existing electrical system at the West Park Booster Pumping Station, including, but not limited to: new disconnects, fuses, phase failure protection, docking station, wiring gutters, conductors, conduit, raceway, boxes, circuit breakers, connections and terminations to all new equipment, devices, and fixtures, trenching, grounding work, warning placards, scada system modification and relocation (new cabinet, extension of existing circuits as necessary, hardware, and programming), electrical system testing, etc. as detailed in the plans and specifications and as per City of Temple requirements. Note: the standby generator shall be a separate line item above (Item No. C2).	\$ 53,107.47	\$ 36,200.00
C8	100%	Lump Sum	Remove all spoils and debris from the Old Howard, Airport, FM 2305, and West Park booster pumping stations.	\$ 6,597.50	\$ 7,350.00
C9	100%	Lump Sum	Provide training on operation of docking station and mobile generator set operations and connections at each of the Old Howard, Airport, FM 2305, and West Park booster pumping stations, for up to five (5) members of Owner’s staff. Training duration shall be as described in more detail in the specifications. Refer to electrical specification 26 05 00 1.14 (D).	\$ 2,436.00	\$ 9,000.00
C10	100%	Lump Sum	Provide electrical system studies, to include short circuit and arc flash studies for each of the Old Howard, Airport, FM 2305, and West Park booster pumping stations. Provide arc flash labels at each station as required by the plans and specifications and as required by NEC.	\$ 8,120.00	\$ 9,980.00
C11	100%	Lump Sum	Provide record drawings for each of the the Old Howard, Airport, FM 2305, and West Park booster pumping stations, as per the specifications and as per City of Temple requirements.	\$ 1,329.65	\$ 2,050.00
C12	100%	Lump Sum	Provide Operations and Maintenance (O&M) manuals as per the specifications and as per City of Temple requirements.	\$ 1,329.65	\$ 2,050.00

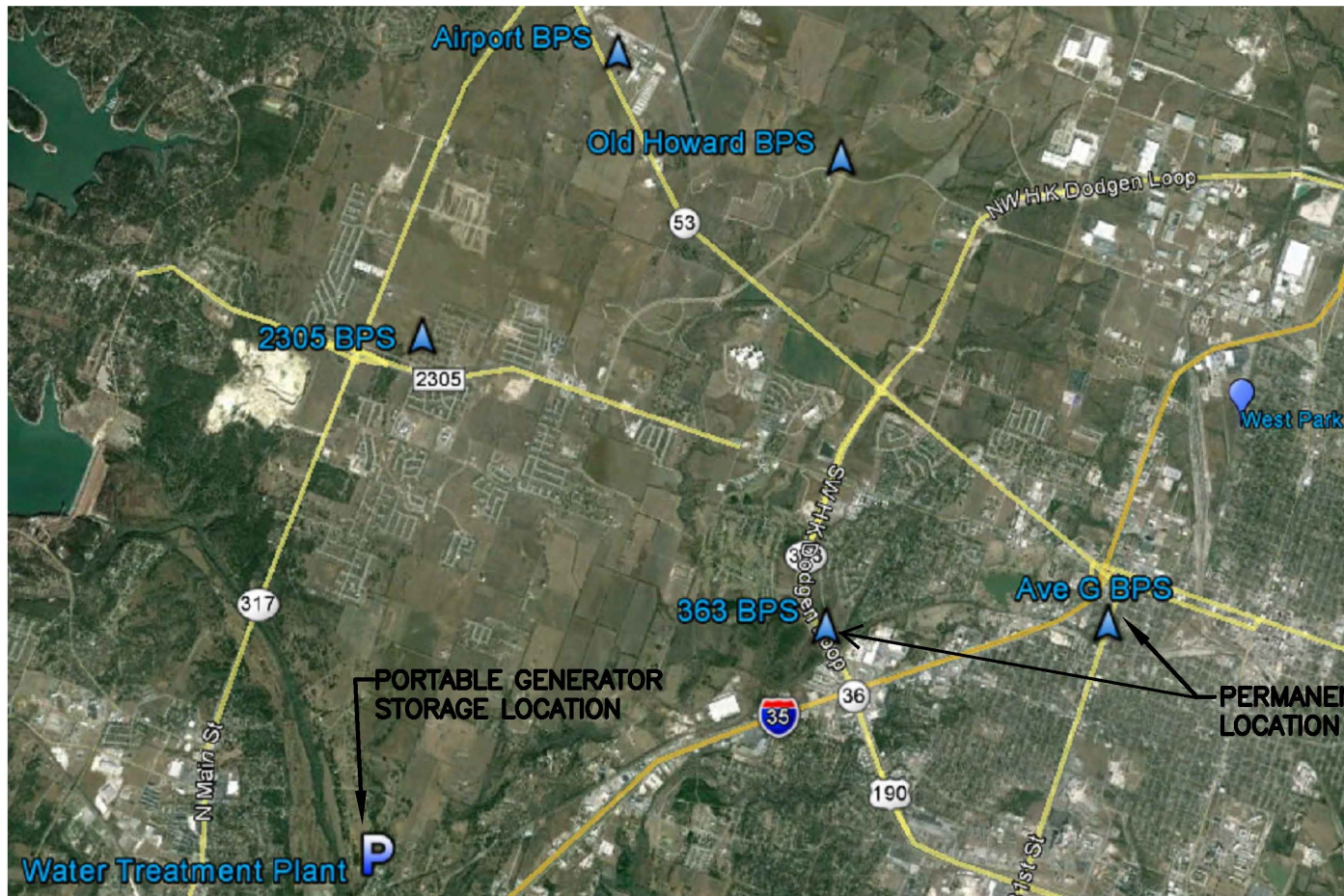
PART 'C' - BASE BID (ITEMS #C1 - #C12)	\$ 530,901.15	\$ 533,675.00
--	---------------	---------------

SUMMARY

TOTAL BID AMOUNT PART 'A':	\$ 894,715.86	\$ 559,012.00
TOTAL BID AMOUNT PART 'A' - DEDUCTIVE ALTERNATE	\$ (2,275.00)	\$ (770.00)
TOTAL BID AMOUNT PART 'B':	\$ 391,026.56	\$ 246,313.00
TOTAL BID AMOUNT PART 'C':	\$ 530,901.15	\$ 533,675.00
BASE BID = PART 'A' + PART 'B' + PART 'C':	\$ 1,816,643.57	\$ 1,339,000.00

Notes:
1. Written amount submitted by R.K. Bass Electric, Inc. for Part 'A' did not match their tabulated amount in submitted bid tabulation. Tabulated total here calculated from their submitted bid tabulation.

Has Bidder acknowledged Addendums?		3 OF 3	3 OF 3
Did Bidder provide Bid Bond?		YES	YES
Did Bidder provide Bond Requirement Affidavit?		YES	YES
Did Bidder provide Credit Check Authorization?		YES	YES



SCALE: NO SCALE

PROJECT MAP

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH T. MORALES COMPANY ELECTRIC AND CONTROLS, LTD, OF FLORENCE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$1,339,000, TO CONSTRUCT THE BOOSTER PUMP STATIONS BACKUP POWER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the construction of the booster pump stations backup power will consist of three backup generators: two permanent generators located at the Avenue G (800 kW) and Loop 363 (500 kW) Pump Stations and one portable generator (500 kW) that will be housed at the Water Treatment Plant and deployed to the other four pump stations as needed;

Whereas, this configuration and sizing is based on the preliminary engineering report and further determination of needs with the City's Utility and Engineering Divisions;

Whereas, on June 2, 2016, two bids were received for the construction, with T. Morales submitting the low bid in the amount of \$1,339,000;

Whereas, Staff and the City's engineer agree that T. Morales is qualified to complete this project and recommend Council authorize a construction contract to T. Morales for the construction of the booster pump stations backup power;

Whereas, funding is available for this construction contract in Account No. 561-5100-535-6960, Project No. 101089; 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 construction contract with T. Morales Company Electric and Controls, Ltd of Florence, Texas, in an amount not to exceed \$1,339,000, to construct the booster pump stations backup power.

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 **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

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

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing change order #1 with Nelson Lewis, Inc., of Marble Falls in an amount not to exceed \$ 7,085.32 for construction of the North 3rd Street and East Adams Water Line Improvements.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On November 6, 2014, Council authorized an agreement with Walker Partners in an amount not to exceed \$175,660 for professional services to replace 2" water lines along East Adams Avenue from 16th to 36th, replace 2" water mains along both sides of North 3rd Street from Irvin to Nugent, and replace a 2" water main between North 3rd Street and North 1st Street from Elm to Irvin (Map attached).

On December 17 of last year, Council authorized a construction contract with Nelson Lewis in an amount not to exceed \$1,595,637.

The additive amount of \$7,085.32 proposed by this change order comprises additional items totaling \$27,250 and deductions totaling \$20,146.68. The Engineer's Recommendation Letter, with the concurrence of Staff, and Change Order Form are attached.

FISCAL IMPACT: Funding is appropriated for change order #1 with Nelson Lewis, Inc. in the amount of \$7,085.32 in account 561-5200-535-6952, project 101200, as follows:

Project Budget	\$ 1,037,967
Encumbered/Committed To Date	(1,030,881)
Change Order #1 - Nelson Lewis, Inc.	(7,086)
Remaining Funds	\$ -

ATTACHMENTS:

[Recommendation Letter](#)
[Change Order Form](#)
[Map](#)
[Resolution](#)

May 25, 2016

City of Temple
3210 E. Avenue H, Building A
Temple, TX 76501

Attn: Diego Yorsky
Project Manager

Re: Water Main Replacement CIP North 3rd Street and East Adams Ave. Project – Change Order No. 001
Project No.: 2-01521

Dear Mr. Yorsky:

We have reviewed the attached Change Order No. 001 for the above mentioned project and have provided justifications below.

Increase in Items #2.02, 2.08, 2.10, 2.10, 2.19, CO1-1, CO1-2, CO1-3, CO1-4, CO1-5, CO1-6, and CO1-7:

During the construction activities, it was determined that the existing water main pipes at the tie-in points were not structurally adequate to support the installation of a tapping sleeves and valves. Based upon the Engineer's recommendations and the City of Temple's concurrence, the existing water mains would be shut down and short sections of the water mains would be removed and replaced with a new section of pipe and a Tee at the connection point rather than the originally specified tapping sleeve and valve.

The proposed connection of the new water main at the intersection of West Elm Avenue and the Alley (Sheet C112), is made by removing and replacing 10 LF of existing 4" cast iron pipe with 4" C-900 PVC and installing a 4"x4" Tee and repair sleeves (1 EA). Also, a 4" resilient seat gate valve (1 EA) was installed on the alley branch of the Tee, as well as an 8"x4" Reducer to allow the connect between the existing 4" water main and the proposed 8" water main in the alley.

The proposed connection of the new water main at the intersection of West Irvin Avenue and the Alley (Sheet C114), is made by removing and replacing 10 LF of existing 8" cast iron with 8" C-900 PVC and installing a 8"x8" Tee and repair sleeves (1 EA). Also an 8" resilient seat gate valve (1 EA) was installed on the alley branch of the Tee. An existing 2" water service tap on the existing 8" cast iron water main is to be transferred to the new 8" C-900 PVC water main as part of the work in this change order.

Both the above water main pipe replacements required water service shutdowns, and were requested by the City of Temple, to be performed at night, included in the change order is Additional Labor Cost to perform tie-in at night (1 LS). Both of the above water main pipe replacements required additional Asphalt Surface Replacement (total of 13 SY).

The addition of a fire hydrant was desired on the corner Northwest corner of Garfield Avenue and the Alley, to aide in fire protection, as well as, ability to flush the existing line for future maintenance. Two 8" resilient seat gate valves (2 EA) were added at ~Sta 3+67 and at ~Sta 7+77, because they were mislabeled on the bid form. The additional 8" resilient seat gate valves, were counted as 6"x6" tapping sleeves and valves, which will be shown as deductions below.

Decrease of Item #2.04, 2.06, 2.07, and CO1-8:

As described above the during construction the proposed 8" water main connection points were structurally deficient and would support a tapping sleeve and valve type connection. The specified 8"x8" tapping sleeve and valve (1 EA) and the 4"x4" tapping sleeve and valve (1 EA) are deleted from the contract and replaced with other means as mentioned above. During the reconstruction of the 4" water main in the West Elm Avenue ROW, the Contractor did not have all the materials on hand during the night-time water shut down. The City of Temple supplied two Hy-Max Fittings to complete the water main construction. The cost of the Hy-Max fittings will be credited back to the City of Temple as 1 LS.

Two 6"x6" tapping sleeves and valves (2 EA) shall be deducted, because they were mislabeled on the bid form, they are replaced with the correct item 8" resilient seat gate valves as shown above.

Sincerely,



Nicholas Kohel, PE

Water Main Replacement CIP North 3rd Street and East Adams Ave. Project

NLK:nlk

Change Order No. 001

Cc: Project File

CHANGE ORDER

PROJECT: Water Main Replacement – C.I.P. North 3rd & East Adams Ave.
OWNER: City of Temple
CONTRACTOR: Nelson Lewis, Inc.
ENGINEER: Walker Partners, LLC
CHANGE ORDER #: One (1)

Make the following additions, modifications or deletions (circle those that apply) to the work described in the Contract Documents:

ADD:

Item #	Description	Quantity	Unit	Unit Cost	Total
2.02	Fire Hydrant Assembly	1	EA	\$6,200.00	\$6,200.00
2.08	8" Resilient Seat Gate Valve	3	EA	\$1,800.00	\$5,400.00
2.10	8"x4" Reducer	1	EA	\$400.00	\$400.00
2.19	Asphalt Surface Replacement	13	SY	\$150.00	\$1,950.00
CO1-1	8" C-900 PVC Water Line	10	LF	\$200.00	\$2,000.00
CO1-2	8"x8" TEE, Repair Sleeves	1	EA	\$1,500.00	\$1,500.00
CO1-3	4"x4" TEE, Repair Sleeves	1	EA	\$1,300.00	\$1,300.00
CO1-4	2" Water Service and Tap	1	EA	\$2,400.00	\$2,400.00
CO1-5	4" C-900 PVC Water Line	10	LF	\$170.00	\$1,700.00
CO1-6	4" Resilient Seat Gate Valve	1	EA	\$1,400.00	\$1,400.00
CO1-7	Add'l Labor Cost to perform Tie-In at night	1	LS	\$3,000.00	\$3,000.00
				Total Additions	\$27,250.00

DEDUCT:

Item #	Description	Quantity	Unit	Unit Cost	Total
2.04	8"x8" Tapping Sleeve & Valve	(1)	EA	\$5,800.00	(\$5,800.00)
2.06	6"x6" Tapping Sleeve & Valve	(2)	EA	\$4,800.00	(\$9,600.00)
2.07	4"x4" Tapping Sleeve & Valve	(1)	EA	\$4,500.00	(\$4,500.00)
CO1-8	COT Provided Mat'l – Hy Max Fittings	(2)	EA	\$132.34	(\$264.68)
				Total Deductions	(\$20,164.68)

Change Order Total = \$7,085.32

The compensation agreed upon in this Change Order is full, complete and final payment for all costs the Contractor may incur as a result of or relating to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change Order.

Original Contract Amount:	\$ 1,595,637.00
Previous Change in Contract Amount:	\$ 0
Change in Contract Amount:	\$ 7,085.32
Revised Contract Amount:	\$ 1,602,722.30
Original Contract Time:	180 Days
Previous Change in Contract Time:	0 Days
Change in Contract Time:	3 Days
Revised Contract Time:	183 Days
Original Final Completion Date:	08-07-2016
Revised Final Completion Date:	08-10-2016

Recommended by:

Project Manager (City Staff) _____ Date _____

Agreed to:

Contractor _____ Date 5-19-16

Approved as to form:

City Attorney's Office _____ Date _____

Recommended by:

Nicholas L. Kehl, P.E. 5-20-2016
 Architect/Engineer Date

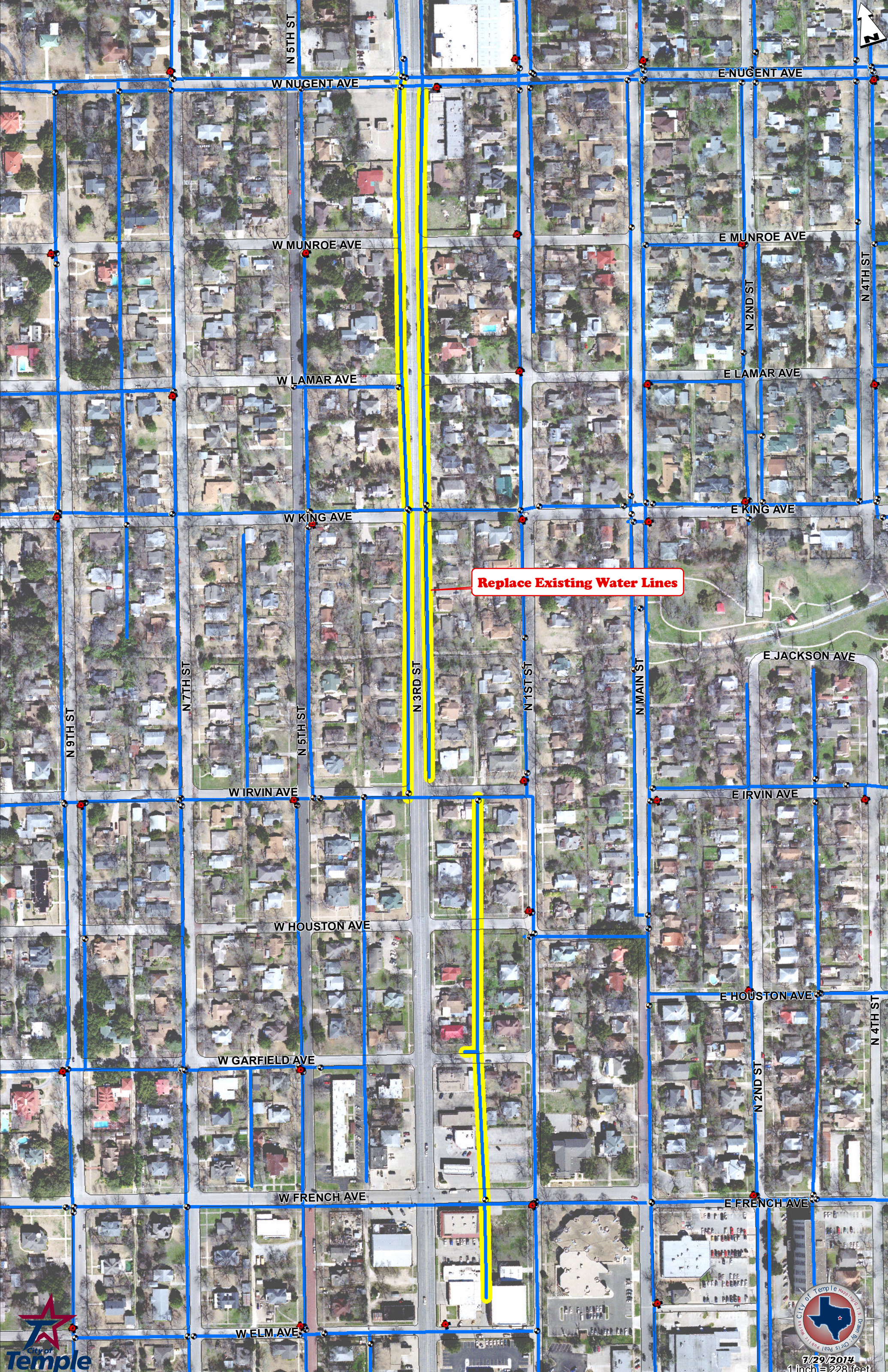
FOR WALKER PARTNERS

Approved by City of Temple:

Jonathan Graham, City Manager _____ Date _____

Approved by Finance Department:

Finance _____ Date _____



Replace Existing Water Lines



7/29/2014
1 inch = 228 feet

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 1, IN THE AMOUNT OF \$7,085.32, TO THE CONTRACT WITH NELSON LEWIS, INC., OF MARBLE FALLS, TEXAS, FOR THE CONSTRUCTION OF THE NORTH 3RD STREET AND EAST ADAMS WATER LINE IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 6, 2014, Council authorized an agreement with Walker Partners in an amount not to exceed \$175,660 for professional services to replace 2-inch water lines along East Adams Avenue from 16th to 36th, replace 2-inch water mains along both sides of North 3rd Street from Irvin to Nugent, and replace a 2-inch water main between North 3rd Street and North 1st Street from Elm to Irvin;

Whereas, on December 17, 2015, Council authorized a construction contract with Nelson Lewis, Inc. of Marble Falls, in an amount not to exceed \$1,595,637 for the construction of the North 3rd Street and East Adams water line improvements;

Whereas, the additive amount of \$7,085.32 proposed by this change order comprises of additional items totaling \$27,250 and deductions totaling \$20,146.68;

Whereas, Staff and the City's engineer recommend Council approve change order number 1 with Nelson Lewis, Inc., of Marble Falls, Texas, in the amount of \$7,085.32, for the construction of the North 3rd Street and East Adams water line improvements;

Whereas, funding is available for this change order in Account No. 561-5200-535-6952, Project No. 101200; 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 change order number 1, in the amount of \$7,085.32, to the contract with Nelson Lewis, Inc. for the construction of the North 3rd Street and East Adams water line improvements.

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 **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

06/16/16
Item #4(L)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution amending an agreement with BSP Engineers, Inc., in an amount not to exceed \$35,400 for professional services to implement a water line replacement in the alley between North 3rd and North 5th Streets from Elm Avenue to Irvin Avenue.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On October 15th, Council authorized a professional services agreement with BSP in the amount of \$73,710 to design, bid, administer, and inspect the wastewater replacements in the alley east of North 5th Street from Elm Street Avenue to King Street and in the alley east of North 3rd Street from Elm Street Avenue to Jackson Creek.

Staff identified an undersized water line that requires replacement and is within the project area; it is depicted as a solid blue line on the attached Map. The attached proposal includes services for 1,500 linear feet of 6" water main. No additional right-of-way or easements are required. The Engineer's preliminary OPC is \$255,242.50, and an additional 40 calendar days are required for design.

Recommended consultant services and costs are:

Preparation of Construction Documents	\$ 23,500
Contract Bidding Phase	\$ 1,200
Construction Administration	\$ 1,100
Inspection Services	<u>\$ 9,600</u>
Total	<u>\$ 35,400</u>

FISCAL IMPACT: Funding for approval of a Contract Amendment with BSP Engineers in the amount of \$35,400, is appropriated in account 520-5900-535-6361, project 101193, as follows:

Project Budget	\$ 375,000
Encumbered/Committed To Date	(73,710)
Contract Amendment - BSP Engineers	(35,400)
Remaining Funds	<u>\$ 265,890</u>

ATTACHMENTS:
[Engineer's Proposal](#)
[Map](#)
[Resolution](#)



15 West Central Avenue
Temple, Texas 76501
Phone: 254.774.9611
www.bspengineers.com

EXHIBIT "A" Addendum for 6" Water Main Addition

May 16, 2016

City of Temple
Department of Public Works
Mrs. Nicole Torralva, PE
Public Works Director
3210 E. Ave. H, Bldg. A, Ste 130
Temple, TX 76501
Email: Sharon Carlos scarlos@templetx.gov

RE: Professional Engineering Proposal for the Addition of the Water Main Replacement to the City of Temple, 2015 Wastewater Main Replacement North 5th St to Jackson Creek

Dear Mrs. Torralva,

As per staff's request, we have prepared our additional professional services fee proposal for adding Engineering Services required for the design and preparation of contract drawings for the addition of a 6" PVC C900 main installed via open cut within alley between W. Elm Ave. and W. Irvin Ave. Scope of work to conform to the attached GIS Exhibit.

BASIC SERVICES:

The BASIC SERVICES shall include Professional Engineering and Project Representation as required to prepare the design and construction drawings, and all other information as required to supplement project Bid manual.

We propose to complete all services for a lump sum Professional Fee of

\$ 35,400.00. The fee is divided as follows: These amounts shall be invoiced monthly based upon the percent complete through invoice date.

Design Topography Survey	\$ Complete
Parcel / Owner Identification and address	\$ Complete
Preparation of Construction Documents (50% Complete)	\$ 14,100.00
Preparation of Construction Documents (100% Complete)	\$ 9,400.00



© Copyright 2016 BSP Engineers, Inc. All rights reserved.

BASIC SERVICES: CONTINUED

Contract Bidding Phase \$ 1,200.00

The Bidding phase includes a signed/sealed OPC and number of days to complete construction. This also includes directing the pre-bid meeting, answering bidder's questions, preparing addenda, and attending the bid opening are required. Once the bids are opened, the tabulation of bids and a signed/sealed recommendation letter of award will be provided for Council, as well as attendance at the Council meeting awarding construction.

Construction Administration \$ 1,100.00

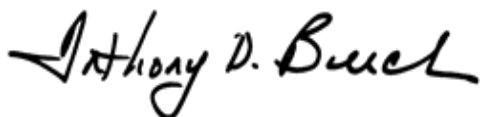
Construction administration will include facilitating the pre-construction meeting, reviewing Contractor submittals, responding to any RFI's, monthly progress meetings with City Staff and Contractor, review Contractor's payment applications, execute Change Orders, attend walkthrough, provide Punch List, prepare signed/sealed record drawings (mylar and CD) accurate to 1' horizontally and 0.25" vertically for critical elevations (e.g. manhole inverts), and furnish project acceptance letter. When submitting Contractor's monthly pay app, also rate the Contractor's quality of work, timeliness, cooperation with project team, and cooperation with the public.

Inspection Services \$ 9,600.00

PROJECT DELIVERABLES: Same as original Scope "A"

After you have had the opportunity to review this proposal, we are prepared to discuss the specifics of the outlined services and fees.

Sincerely,

A handwritten signature in black ink that reads "Anthony D. Beach". The signature is written in a cursive, flowing style.

Anthony D, Beach, P.E.
BSP Engineers, Inc.
F-7587
www.bspengineers.com



PRELIMINARY OPINION OF PROBABLE COST

City of Temple, Texas

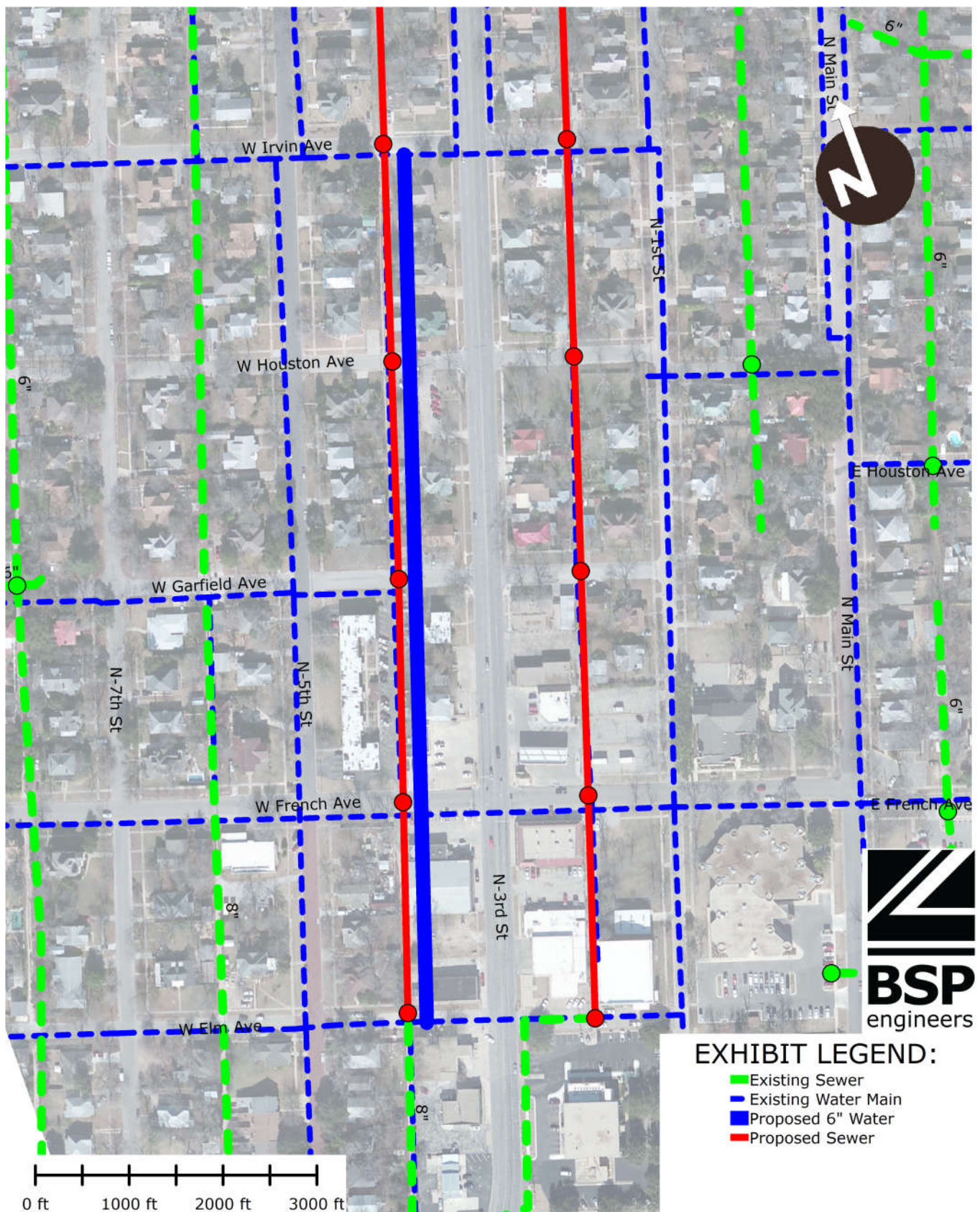
2016 Water Main Replacement within Alley W. Elm to W. Irvin

Located in Temple, TX

Filename: OPC Water Main Rehab.xls

Date: May 2, 2016

Item Description	Unit	Unit Cost	Quantity	Total
West Elm to W. Irvin 1500 LF				
1 Mobilization, Bonds, Permits and Insurance	LS	\$12,500.00	100%	\$12,500.00
2 ROW Preparation and Site Clearing	STA	\$550.00	15	\$8,250.00
3 F&I 6" C900 PVC Pipe via Open Cut	LF	\$55.00	1,500	\$82,500.00
4 F&I 8"x6" Tapping Sleeve and Valve	EA	\$5,600.00	1	\$5,600.00
5 F&I 6"x4" Tapping Sleeve and Valve	EA	\$4,900.00	1	\$4,900.00
6 F&I 6" MJ Gate Valve	EA	\$3,300.00	2	\$6,600.00
7 F&I Standard Fire Hydrant Assembly	EA	\$6,500.00	3	\$19,500.00
8 Relocate Water Meter and reconnect water service	EA	\$1,500.00	26	\$39,000.00
9 Abandonment of existing 2" water main	LF	\$6.00	1,500	\$9,000.00
10 Remove and Replace Asphalt Surface Replacement	SY	\$110.00	60	\$6,600.00
11 Traffic Control Plan	LS	\$15,000.00	100%	\$15,000.00
12 Storm Water Pollution Prevention Plan	LS	\$6,000.00	100%	\$6,000.00
13 Trench Safety Plan	LS	\$4,500.00	100%	\$4,500.00
14 Testing Per City of Temple and TCEQ Requirements	LS	\$2,000.00	100%	\$2,000.00
SUBTOTAL				\$221,950.00
15% CONSTRUCTION CONTINGENCY				\$33,292.50
TOTAL CONSTRUCTION				\$255,242.50
BSP Contract Amount:				\$35,400.00
PROJECT BUDGET:				\$290,642.50



WATER MAIN EXHIBIT
 City of Temple 6" Waterline via Open Cut
 to the 2015 Jackson Creek Sanitary Sewer Project

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH BSP ENGINEERS, INC. OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$35,400, FOR SERVICES REQUIRED TO IMPLEMENT THE WATER LINE REPLACEMENT IN THE ALLEY BETWEEN NORTH 3RD AND NORTH 5TH STREETS, FROM ELM TO IRVIN AVENUE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 15, 2015, Council authorized a professional services agreement with BSP Engineers, Inc. to design, bid, administer, and inspect the wastewater replacements in the alley east of North 5th Street from Elm Avenue to King Street and in the alley east of North 3rd Street from Elm Avenue to Jackson Creek;

Whereas, Staff identified an undersized water line that requires replacement and is within the project area – the identified line is approximately 1,500 linear feet of 6-inch water main and there will be no additional right-of-way or easements required;

Whereas, Staff recommends authorizing an amendment to the professional services agreement with BSP Engineers, Inc., in the amount of \$35,400, for services required to implement the water line replacement in the alley between North 3rd and North 5th Streets, from Elm to Irvin Avenue;

Whereas, funding is available for this amendment in Account No. 520-5900-535-6361, Project No. 101193; 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 an amendment to the professional services agreement with BSP Engineers, Inc., in the amount of \$35,400, for services to implement a water line replacement in the alley between North 3rd and North 5th Streets from Elm Avenue to Irvin Avenue.

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 16th day of June, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/16/16
Item #4(M)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing an Advanced Funding Agreement with the State of Texas (Texas Department of Transportation) to fund 40% of the construction costs for improvements to Prairie View Road, Phase 2 from North Pea Ridge Road to FM 2483 and authorizing the City Manager to execute any other documents necessary to complete the transaction with the State.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On December 4, 2014, Council adopted a resolution authorizing a contract amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, for professional services required to provide design plans, exhibits, estimates, metes & bounds descriptions, and bidding services for proposed improvements to Prairie View Road from North Pea Ridge Road to FM 2483 (Map attached).

On November 5, 2015, Council authorized application for federal funding through the Killeen Temple Metropolitan Planning Organization Category 7 program; and authorized acceptance of federal funds in the amount of \$3,888,000 (based on a project construction cost of \$6,480,000 and to be reimbursed through the grant program). The City's estimated construction cost match is \$2,592,000 (40%). Additional costs have been identified in relation to TxDOT administration/direct state expenses in the amount of \$96,960. The City is also responsible for engineering and environmental consulting. The State is responsible for Indirect State Costs of \$125,000.

An AFA generated upon Council authorization would include a breakdown of estimated costs, shown below as "Attachment C".

Approval of the resolution will authorize the City Manager to execute all documents necessary to complete the transaction with TxDOT. The resolution must include the following language:

"an Advanced Funding Agreement with the State of Texas, acting by and through the Texas Department of Transportation, in which the City commits to funding 40% of the costs for the roadway improvements on Prairie View Road Phase 2 and authorizing the City Manager to execute all documents necessary to complete the transaction with TxDOT. The City is to construct improvements which will require an estimated amount of \$7,366,960 for engineering, construction and inspection of the roadway improvements from N. Pea Ridge Road to FM 2483. "

ATTACHMENT C PROJECT BUDGET

Costs will be allocated based on 60% Federal funding and 40% Local Government funding until the federal funding reaches the maximum obligated amount.
The Local Government will then be responsible for 100% of the costs.

Description	Total Estima ted	Federal Participation		State Participation,		Local Participation	
		%	Cost	%	Cost	%	Cost
Environmental (by Local Government)	\$15,000	0%	\$0	0%	\$0	100%	\$15,000
Engineering (by Local Government)	\$650,000	0%	\$0	0%	\$0	100%	\$650,000
Construction (by Local Government)	\$6,480,000	60%	\$3,888,000	0%	\$0	40%	\$2,592,000
Subtotal	\$7,145,000		\$3,888,000		\$0		\$3,257,000
Environmental Direct State Costs	\$4,000	0%	\$0	0%	\$0	100%	\$4,000
Right of Way Direct State Costs	\$100	0%	\$0	0%	\$0	100%	\$100
Engineering Direct State Costs	\$15,000	0%	\$0	0%	\$0	100%	\$15,000
Utility Direct State Costs	\$100	0%	\$.	0%	\$0	100%	\$100
Construction Direct State Costs	\$77,760	0%	\$0	0%	\$0	100%	\$77,760
Indirect State Costs	\$125,000	0%	\$0	100%	\$125,000	0%	\$0
TOTAL	\$7,366,960		\$3,888,000		\$125,000		\$3,353,960

Initial payment by the Local Government to the State: \$19,200.00 Payment by the
Local Government to the State before construction: \$77,760.00
Estimated total payment by the Local Government to the State \$96,960.00

FISCAL IMPACT: The design, environmental costs, and cash match for construction were funded from the City's TCIP program. The additional funding needed for TxDOT administration/direct state expenses that have been identified in the amount of \$96,960 is available from the City's TCIP program in account 365-3400-531-6862, project 101257.

The total project cost is \$7,366,960. The Federal/State contribution is \$4,013,000 and the City's contribution for the project is \$3,353,960.

ATTACHMENTS:

[Map](#)
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ADVANCED FUNDING AGREEMENT WITH THE STATE OF TEXAS THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION TO FUND 40% OF THE CONSTRUCTION COSTS FOR IMPROVEMENTS TO PRAIRIE VIEW ROAD, PHASE 2 FROM NORTH PEA RIDGE ROAD TO FM 2483 AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY OTHER DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION WITH THE STATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 4, 2014, Council authorized a contract amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, for professional services required to provide design plans, exhibits, estimates, metes & bounds descriptions, and bidding services for proposed improvements to Prairie View Road from North Pea Ridge Road to FM 2483;

Whereas, on November 11, 2015, Council authorized the submission of an application for federal funding through the Killeen Temple Metropolitan Planning Organization Category 7 program, and authorized acceptance of federal funds in the amount of \$3,888,000 (based on a project construction cost of \$6,480,000 and to be reimbursed through the grant program) - the City's estimated construction cost match is \$2,592,000 (40%);

Whereas, additional costs have been identified in relation to TxDOT administration/direct state expenses in the amount of \$81,200 - the City will be responsible for engineering and environmental consulting and the State will be responsible for indirect state costs of \$100,000;

Whereas, Staff is seeking authorization to enter into an Advanced Funding Agreement with the State of Texas, acting by and through the Texas Department of Transportation, in which the City commits to funding 40% of the costs for improvements to Prairie View Road Phase 2 and authorization for the City Manager to execute any documents necessary to complete the transaction with the State - The City is to construct improvements which will require an estimated amount of \$7,326,200 for engineering, construction and inspection of the roadway improvements from N. Pea Ridge Road to FM 2483;

Whereas, the design, environmental costs, and cash match for construction were funded from the City's TCIP program - the additional funding needed for TxDOT administration/direct state expenses that have been identified is available from the City's TCIP program 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 City Manager, or his designee, after approval as to form by the City Attorney, to execute an Advanced Funding Agreement with the State of Texas, through the Texas Department of Transportation to fund 40% of the costs for improvements to Prairie View Road Phase 2 and authorizing the City Manager to execute any documents necessary to complete the transaction with the State.

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 **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

06/16/16
Item #4(N)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution amending a professional services agreement with Kasberg, Patrick & Associates, LP, in an amount not to exceed \$275,100 for design and bidding services required to implement a force main from the Shallowford Lift Station to the Temple-Belton Wastewater Treatment Plant.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Sewer overflows within the Bird Creek basin are problematic, and the City has a significant capital effort underway to address deteriorated sewer mains and interceptor pipe to reduce inflow, infiltration and overflows. In 2007, Council authorized a professional services agreement for engineering services related to the Bird Creek Interceptor, addressing significant issues within the basin and embarking upon a 10-year plan to address system needs. The Shallowford Lift Station receives wastewater from the Bird Creek basin, and now requires an upgrade to adequately convey discharge from the collection system to the TBP (Map attached).

On December 17, 2015, Council authorized an agreement with KPA in the amount of \$641,530 for professional services to relocate and expand the Shallowford Lift Station. With further analysis of the projected flows and existing infrastructure, KPA has determined that additional force main capacity is required. This contract amendment proposes services to design and bid an additional force main paralleling the existing force main. A separate agenda item proposes additional fees to a separate contract to handle the necessary improvements downstream at the TBP.

The attached proposal includes the following recommended services and costs:

I.	Basic Services	
	A. Final Design	\$219,750
	B. Bidding and Award of Construction Contract	<u>\$7,200</u>
	Total	<u>\$226,950</u>
II.	Special Services	
	A. Design Surveys	\$22,500
	B. Cultural Resources Clearance	\$19,400
	C. Field Notes & Sketches (5 Prop.)	<u>\$6,250</u>
	Total	<u>\$48,150</u>
	 Total Professional Services	 <u>\$275,100</u>

Time required for design is 150 calendar days. The Engineer's preliminary opinion of probable cost to construct the force main is \$2.4 million for fiberglass pipe or \$3.6 million for ductile iron pipe. Funding for the construction of the project will be with a future Utility Revenue Bond issue.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate funding needed for the Contract Amendment, #1, with KPA in an amount not to exceed \$275,100. Upon approval of the budget adjustment, funding will be appropriated in account 561-5400-535-6973, project 101512, as follows:

Project Budget	\$	-
Budget Adjustment Attached for Approval		275,100
Encumbered/Committed To Date		-
Contract Amendment #1 - KPA		(275,100)
Remaining Funds	\$	-

ATTACHMENTS:

Engineer's Proposal
Map
Budget Adjustment
Resolution



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

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

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

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

June 3, 2016

Mr. James Billeck, P.E.
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
Shallowford Force Main Improvements

Dear Mr. Billeck

Please accept his proposal for final design and bidding services required for design of the Shallowford Force Main Improvements as requested.

The City of Temple currently owns and operates the Shallowford Lift Station (SFLS) and Force Main (SFFM). The SFLS receives wastewater flow from both the Bird Creek and Pepper Creek drainage basins within the City. The City is currently in the process of rehabilitating and/or expanding both gravity interceptors within Bird Creek and the Shallowford Lift Station to alleviate wastewater overflows in the system. In order to successfully convey the necessary flow from SFLS to alleviate the referenced overflows, the following improvements will be required:

1. Replacement and upsizing of Bird Creek Interceptor (currently under design)
2. Expansion of Shallowford Lift Station (currently under design)
3. New (parallel) Shallowford Force Main (this letter proposal)
4. Expansion of Headworks and construction of Equalization Basin at TBWWTP (currently under design).

The proposed Shallowford will have a peak capacity of approximately 38 MGD (million gallons per day), based on the analysis of the Bird Creek Interceptor Study. The existing 30" Shallowford Force Main has a capacity of approximately 19 MGD based on TCEQ sizing requirements which is 50% of the required total capacity. As such, it is recommended that a second 30" Force Main be constructed, paralleling the existing FM from the SFLS to the TBWWTP. The existing 30" Force Main is located in a private easement which crosses five (5) separate properties. It is anticipated that an additional 10 foot permanent easement adjacent to the existing easement will be sufficient for the proposed installation. This will be confirmed during Final Design.

Exhibit A depicts the alignment of the proposed improvements relative to the Shallowford Lift Station and Temple Belton Wastewater Treatment Plant. The 2012 Preliminary Engineering Report included two (2) separate opinions of probable construction (OPC) cost for the Shallowford Force Main Improvements. These OPCs have been updated to 2016 costs by applying 3% per year to the unit costs and adjusting the total length of pipeline and are included as Exhibits B1 and B2. Please note the two OPCs range from \$2.4 million to \$3.6 million based on pipe material. A scope item

Mr. James Billeck
June 3, 2016
Page Two

has been included to meet with City Staff to review pipeline materials and associated costs prior to finalizing the plans and specifications.

The attached Exhibit C – Scope of Service clarifies the services that we propose to provide for final design and bidding of these improvements.

Final Design required for preparation of construction drawings and bid documents can be completed within 150 calendar days. In order for us to provide the services required for completion of this project, the following not-to-exceed lump sum amounts will be applicable:

I.	BASIC SERVICES	
A.	Final Design	\$ 219,750
B.	Bidding and Award of Construction Contract	\$ 7,200
	Total	\$ 226,950
II.	SPECIAL SERVICES	
A.	Design Surveys	\$ 22,500
B.	Cultural Resources Clearance	\$ 19,400
C.	Field Notes & Sketches (5 properties)	\$ 6,250
	Total	\$ 48,150

Total Professional Services = \$275,100

Exhibit D outlines the rates which would be used to charge for special or additional services authorized beyond the scope.

We appreciate the opportunity to submit this proposal and look forward to working with you on this project.

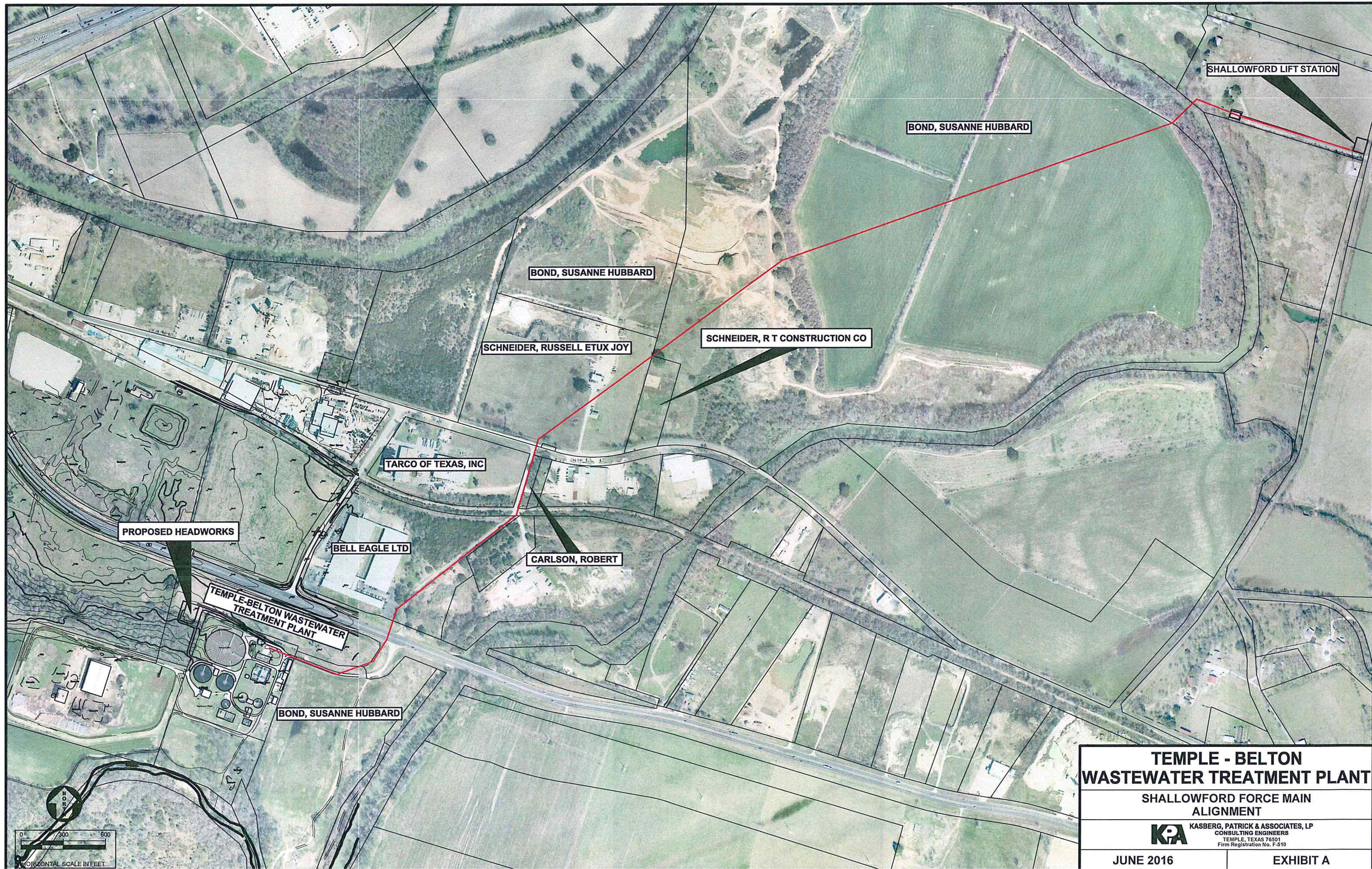
Sincerely,




Thomas D. Valle, P.E.

TDV/

\\Temple\2011\2011-132 (TBRSS)\CADRAW\STATION.dwg - TMS - A1



TEMPLE - BELTON WASTEWATER TREATMENT PLANT	
SHALLOWFORD FORCE MAIN ALIGNMENT	
 KASBERG, PATRICK & ASSOCIATES, LP CONSULTING ENGINEERS TEMPLE, TEXAS 76501 Firm Registration No. F-510	
JUNE 2016	EXHIBIT A

Temple-Belton Wastewater Treatment Plant Expansion
CONSTRUCTION COST ESTIMATE

Project: **Shallowford Force Main / GRP Option**

KPA Job No.: **11-132-03**

Date: **4/26/2012***

*Updated to 2016 by adding 3% inflation per year.

Prepared By: **TDV**

File Name: **TM3 - Force Main Construction Estimate**

Design Stage: **Preliminary**

Objective:

Summarize the estimated construction costs for the Fiberglass Pipe Option for the Shallowford Force Main.

Construct 30-inch Force Main from Shallowford Force Main to proposed Headworks structure.

TBWWTP -- Shallowford Force Main / RFP Option											
Division	Item No.	Description	Unit	Qty.	Material Cost / Unit	Material Cost	Labor Multiplier	Unit Labor Cost	Labor Cost	Subtotal	
General	1	Trench Safety Plan	LS	1	\$ 2,800	\$ 2,800	0%	\$ -	\$ -	\$ 2,800	
	2	Trench Safety Pipe	LF	10,000	\$ 2.80	\$ 28,000	0%	\$ -	\$ -	\$ 28,000	
	3	Trench Safety Bore	SF	1,000	\$ 1.12	\$ 1,120	0%	\$ -	\$ -	\$ 1,120	
	4	SW3P Plan & Implementation	LS	1	\$ 11,200	\$ 11,200	100%	\$ 11,200	\$ 11,200	\$ 22,400	
					MATERIAL SUBTOTAL:	\$ 43,120	LABOR SUBTOTAL:		\$ 11,200		
SUBTOTAL GENERAL:										\$ 54,320	
Sitework	5	ROW Preparation	LF	10,000	\$ 1.40	\$ 14,000	100%	\$ 1.40	\$ 14,000	\$ 28,000	
	6	Hydromulch	SY	44,444	\$ 0.56	\$ 24,889	100%	\$ 1	\$ 24,889	\$ 49,778	
	7	Surface Restoration	LS	1	\$ 22,400.00	\$ 22,400	100%	\$ 22,400	\$ 22,400	\$ 44,800	
	8	Project Cleanup / Grading	LF	10,000	\$ 1	\$ 11,200	100%	\$ 1	\$ 11,200	\$ 22,400	
					MATERIAL SUBTOTAL:	\$ 72,489	LABOR SUBTOTAL:		\$ 72,489		
SUBTOTAL SITEWORK:										\$ 144,978	
Concrete	9	Concrete Encasement	LF	250	\$ 34	\$ 8,400	100%	\$ 34	\$ 8,400	\$ 16,800	
						MATERIAL SUBTOTAL:	\$ 8,400	LABOR SUBTOTAL:		\$ 8,400	
SUBTOTAL CONCRETE:										\$ 16,800	
Mechanical	10	30" GRP (DN30,PN150,SN72)	LF	10000	\$ 99	\$ 990,080	35%	\$ 35	\$ 346,528	\$ 1,336,608	
	11	30" GRP Fittings -- 90°	EA	5	\$ 1,792	\$ 8,960	35%	\$ 627	\$ 3,136	\$ 12,096	
	12	30" GRP Fittings -- 45°	EA	25	\$ 2,352	\$ 58,800	35%	\$ 823	\$ 20,580	\$ 79,380	
	13	30" Valves	EA	4	\$ 16,800	\$ 67,200	35%	\$ 5,880	\$ 23,520	\$ 90,720	
	14	Air Relief Assembly	EA	1	\$ 16,800	\$ 16,800	35%	\$ 5,880	\$ 5,880	\$ 22,680	
	15	48" Stl Encasement by Bore	LF	100	\$ 392	\$ 39,200	35%	\$ 137	\$ 13,720	\$ 52,920	
	16	Directional Bore Leon River	LF	250	\$ 560	\$ 140,000	50%	\$ 280	\$ 70,000	\$ 210,000	
					MATERIAL SUBTOTAL:	\$ 1,321,040	LABOR SUBTOTAL:		\$ 483,364		
SUBTOTAL MECHANICAL:										\$ 1,541,484	
MATERIAL TOTAL:					\$ 1,445,049	LABOR TOTAL:					\$ 575,452.89
Subtotal:										\$ 1,757,582	
Mobilization, Bonds & Insurance (5%):										\$ 87,879	
Subtotal:										\$ 1,845,461	
Contingency 30% @Preliminary Design:										\$ 553,638	
Total Estimated Construction Cost:										\$ 2,399,099	

Temple-Belton Wastewater Treatment Plant Expansion
CONSTRUCTION COST ESTIMATE

Project: **Shallowford Force Main / DIP Option**

Prepared By: **TDV**

KPA Job No.: **11-132-03**

File Name: **TM3 - Force Main Construction Estimate**

Date: **4/26/2012***

Design Stage: **Preliminary**

*Updated to 2016 by adding 3% inflation per year.

Objective:

Summarize the estimated construction costs for the Ductile Iron Pipe Option for the Shallowford Force Main.

Construct 30-inch Force Main from Shallowford Force Main to proposed Headworks structure.

TBWWTP -- Shallowford Force Main / DIP Option										
Division	Item No.	Description	Unit	Qty.	Material Cost / Unit	Material Cost	Labor Multiplier	Unit Labor Cost	Labor Cost	Subtotal
General	1	Trench Safety Plan	LS	1	\$ 2,800	\$ 2,800	0%	\$ -	\$ -	\$ 2,800
	2	Trench Safety Pipe	LF	10,000	\$ 2.80	\$ 28,000	0%	\$ -	\$ -	\$ 28,000
	3	Trench Safety Bore	SF	1,000	\$ 1.12	\$ 1,120	0%	\$ -	\$ -	\$ 1,120
	4	SW3P Plan & Implementation	LS	1	\$ 11,200	\$ 11,200	100%	\$ 11,200	\$ 11,200	\$ 22,400
				MATERIAL SUBTOTAL:	\$ 43,120	LABOR SUBTOTAL:		\$ 11,200		
SUBTOTAL GENERAL:										\$ 54,320
Sitework	5	ROW Preparation	LF	10,000	\$ 1.40	\$ 14,000	100%	\$ 1.40	\$ 14,000	\$ 28,000
	6	Hydromulch	SY	44,444	\$ 0.56	\$ 24,889	100%	\$ 1	\$ 24,889	\$ 49,778
	7	Surface Restoration	LS	1	\$ 22,400.00	\$ 22,400	100%	\$ 22,400	\$ 22,400	\$ 44,800
	8	Project Cleanup / Grading	LF	10,000	\$ 1	\$ 11,200	100%	\$ 1	\$ 11,200	\$ 22,400
				MATERIAL SUBTOTAL:	\$ 72,489	LABOR SUBTOTAL:		\$ 72,489		
SUBTOTAL SITEWORK:										\$ 144,978
Concrete	9	Concrete Encasement	LF	250	\$ 34	\$ 8,400	100%	\$ 34	\$ 8,400	\$ 16,800
					MATERIAL SUBTOTAL:	\$ 8,400	LABOR SUBTOTAL:		\$ 8,400	
SUBTOTAL CONCRETE:										\$ 16,800
Mechanical	10	30" DIP w/ Protecto 401	LF	10000	\$ 162	\$ 1,624,000	35%	\$ 57	\$ 568,400	\$ 2,192,400
	11	30" DIP Fittings -- 90°	EA	5	\$ 2,800	\$ 14,000	35%	\$ 980	\$ 4,900	\$ 18,900
	12	30" DIP Fittings -- 45°	EA	25	\$ 2,352	\$ 58,800	35%	\$ 823	\$ 20,580	\$ 79,380
	13	30" Valves	EA	4	\$ 16,800	\$ 67,200	35%	\$ 5,880	\$ 23,520	\$ 90,720
	14	Air Relief Assembly	EA	1	\$ 16,800	\$ 16,800	35%	\$ 5,880	\$ 5,880	\$ 22,680
	15	48" Stl Encasement by Bore	LF	100	\$ 392	\$ 39,200	35%	\$ 137	\$ 13,720	\$ 52,920
	16	Directional Bore Leon River	LF	250	\$ 560	\$ 140,000	50%	\$ 280	\$ 70,000	\$ 210,000
				MATERIAL SUBTOTAL:	\$ 1,960,000	LABOR SUBTOTAL:		\$ 707,000		
SUBTOTAL MECHANICAL:										\$ 2,404,080
MATERIAL TOTAL:					\$ 2,084,009		LABOR TOTAL: \$ 799,088.89			
Subtotal:										\$ 2,620,178
Mobilization, Bonds & Insurance (5%):										\$ 131,009
Subtotal:										\$ 2,751,187
Contingency 30% @Preliminary Design:										\$ 825,356
Total Estimated Construction Cost:										\$ 3,576,543

EXHIBIT C

Scope of Services

City of Temple Shallowford Force Main Improvements

**Kasberg, Patrick & Associates, LP
June 3, 2016**

I. BASIC SERVICES

A. Final Design

1. Prepare design surveys from Leon River to TBWWTP.
2. Prepare cultural resources clearance for Shallowford Force Main alignment. Preliminary work was begun under a separate project, but could not be completed due to inability to access the Hubbard-Bond property for field work.
3. Set preliminary alignment and recommend necessary easement width, taking into account the existing 30" Force Main alignment relative to its existing easement.
4. Prepare field notes and sketches to allow necessary easements.
5. Prepare construction drawings and specifications showing the horizontal and vertical alignments on plan and profile sheets and detail sheets. The construction plans will be drawn on 11-inch by 17-inch sheets (half-scale). The 11x17 prints will be used for bidding purposes and for field copies. The 11x17 prints will also be used for record drawings. This proposal includes twenty (20) sets of 11x17 prints for bidding and construction purposes.
6. Assist in obtaining permits for TxDOT, Oncor and Railroad crossings. Contact and meet with Oncor Electric representatives to obtain details regarding existing easements along the large transmission line near the WWTP.
7. Meet with City Staff to determine allowable pipe materials and develop specifications and costs.
8. Size air release/vacuum valves. Determine location of air release and vacuum valves.
9. Perform transient surge analysis to determine potential surge and select/size surge relief equipment to be located at the Pump Station.
10. Coordinate with directional drill Contractors to develop project specifications.

11. Design necessary interconnect piping and controls improvements at proposed Shallowford Lift Station Discharge piping to allow automated control of plug valves to divert flow to either force main to maintain minimum TCEQ flow requirements.
12. Coordinate with TBWWTP final design to allow termination of new force main in proposed headworks facility.
13. Prepare a revised opinion of probable construction costs based on the final drawings and specifications.
14. Basic documents related to construction contracts will be provided by the City. These will include contract agreement forms, general conditions and supplementary conditions, invitations to bid, instructions to bidders, insurance and bonding requirements and other contract-related documents. KPA will provide the technical specifications and bid schedule for the project documents.
15. Design review meetings.

B. Bidding

1. Prepare and submit a signed and sealed Opinion of Probable Construction Cost to the City of Temple. This OPC will be itemized by typical units of construction.
2. Assist the City in advertising for and obtaining bids for the construction contract. This includes maintaining a record of prospective bidders to whom bidding documents have been issued and conduct pre-bid conference.
3. Issue addenda as appropriate to interpret, clarify, expand or amend the bidding documents.
4. Assist the City in determining the qualifications and acceptability of prospective contractors, subcontractors and materials suppliers.
5. Consult with and advise the City as to the acceptability of alternative materials and equipment proposed by the prospective constructors when substitution prior to the award of contracts is allowed by the bidding documents.
6. Attend the bid opening, prepare bid tabulation sheets, and provide assistance to the City in evaluating bids and in assembling and awarding contracts for construction, materials, equipment and services.
7. Prepare letter of recommendation for award of the construction contract.

EXHIBIT D

Charges for Additional Services

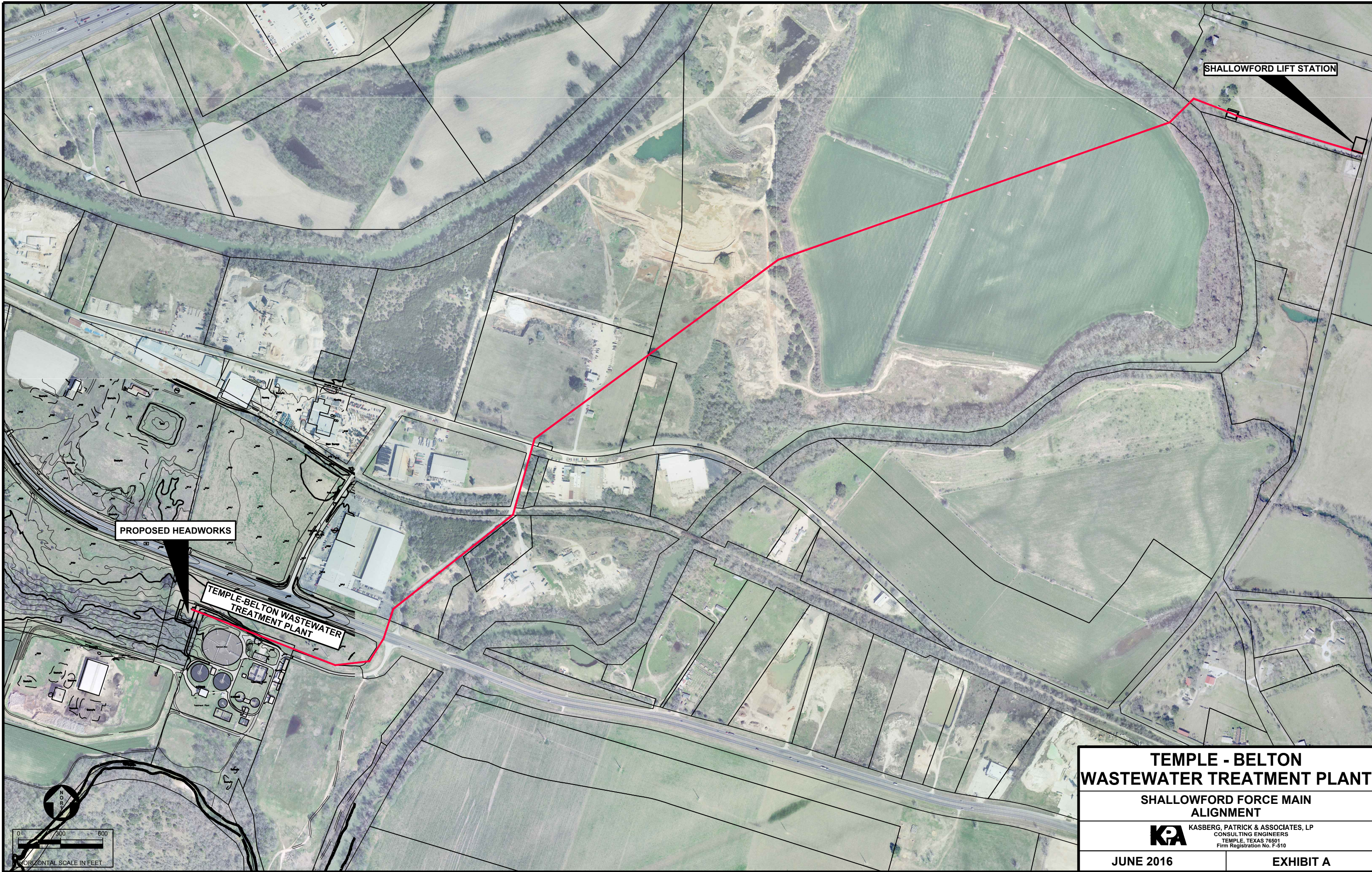
City of Temple

Shallowford Force Main Improvements

Kasberg, Patrick & Associates, LP

June 3, 2016


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



PROPOSED HEADWORKS

TEMPLE-BELTON WASTEWATER
TREATMENT PLANT

SHALLOWFORD LIFT STATION

TEMPLE - BELTON WASTEWATER TREATMENT PLANT	
SHALLOWFORD FORCE MAIN ALIGNMENT	
 KASBERG, PATRICK & ASSOCIATES, LP CONSULTING ENGINEERS TEMPLE, TEXAS 76501 Firm Registration No. F-510	
JUNE 2016	EXHIBIT A

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
561-5400-535-69-73	101512	Cap Bonds/Force Main from Shallowford LS to TBP	\$ 275,100	
561-5000-535-65-32		Capital Special Projects/Contingency		275,100
TOTAL.....			\$ 275,100	\$ 275,100

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

To reallocate and appropriate funding for Contract Amendment #1, amending agreement with KPA, which is for addition of design and bidding services required to implement a force main from the Shallowford Lift Station to the Temple-Belton Wastewater Treatment Plant.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

X Yes

☐ No

DATE OF COUNCIL MEETING

6/16/2016

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

	Approved
	Disapproved

City Manager

Date _____

	Approved
	Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$275,100, FOR DESIGN AND BIDDING SERVICES REQUIRED TO IMPLEMENT A FORCE MAIN FROM THE SHALLOWFORD LIFT STATION TO THE TEMPLE-BELTON WASTEWATER TREATMENT PLANT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, sewer overflows within the Bird Creek basin are problematic and the City has a significant capital effort underway to address deteriorated sewer mains and interceptor pipe to reduce inflow, infiltration and overflows;

Whereas, in 2007, Council authorized a professional services agreement for engineering services related to the Bird Creek Interceptor, addressing significant issues within the basin and embarking upon a 10-year plan to address system needs;

Whereas, the Shallowford Lift Station receives wastewater from the Bird Creek basin, and now requires an upgrade to adequately convey discharge from the collection system to the Temple-Belton Wastewater Treatment Plant (“TBP”);

Whereas, on December 17, 2015, Council authorized an agreement with Kasberg, Patrick & Associates, LP (“KPA”) for professional services to relocate and expand the Shallowford Lift Station – after further analysis of the projected flows and existing infrastructure, KPA has determined that additional force main capacity is required;

Whereas, Staff recommends Council authorize an amendment to the professional services agreement with KPA to design and bid an additional force main paralleling the existing force main, in an amount not to exceed \$275,100;

Whereas, funds are available for this amendment, but an amendment to the fiscal year 2016 budget needs to be approved to transfer the funds to Account No. 561-5400-535-6973, Project No. 101512; 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 an amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, in the amount of \$275,100, for design and bidding services required to implement a force main from the Shallowford Lift Station to the Temple-Belton Wastewater Treatment Plant.

Part 2: 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 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 **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

06/16/16
Item #4(O)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, in an amount not to exceed \$2,037,110 to design and bid the Temple-Belton Wastewater Treatment Plant's first and second phases of expansion.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The TBP, located on FM 93 between I-35 and South 31st Street, is owned by the Cities of Temple and Belton and is permitted to treat 10 million gallons per day (MGD) of wastewater. Temple and Belton share capital improvement costs at 75% and 25%, respectively. The Brazos River Authority operates the facility. The plant was constructed in 1975, expanded in 1990, and currently treats wastewater from approximately 70% of Temple and all of Belton.

TCEQ requires wastewater plants to complete steps toward expansion at specific inflow thresholds. In 2010, influent flow was at least 75% of the permitted capacity for three consecutive months, triggering a TCEQ requirement to perform preliminary engineering for expansion. On August 18, 2011, Council authorized KPA to prepare a preliminary engineering report for the TBP in the amount of \$1,194,265.

On October 15, 2015, Council authorized an agreement with KPA in the amount of \$1,341,555 for professional services to design and bid Phase 1 of the expansion. This original scope of services consisted of three items organized as Task 1: Basis of Design, Task 2: Phase 1 Final Design, and Task 4: Phase 1 Bidding. Task 3: Phase 2 Final Design was not awarded at that time. After further discussions between the Cities of Temple and Belton and KPA, this contract is recommended for amendment to include Task 3, modify Task 2 to remove ORBAL improvements and add design of an equalization basin, and add Task 5 to bid Phase 2 improvements. The equalization basin is required to receive additional flow from the Shallowford Lift Station and Force Main (separate, concurrent Agenda Item) and allow the downsizing of process units downstream of the proposed headworks. Task 3 includes design of a 6-MGD integrated fixed film activated sludge process unit that will allow the TBP design flow to be expanded from 10 to 12 MGD. See attached proposal from KPA for more details

This contract amendment proposes the following modified costs and additional tasks:

	Original	CA #1	Total Contract
Task 1 – Basis of Design	\$ 244,200	\$ 50,358	\$ 294,558
Task 2 – Final Design Phase 1	\$ 1,065,290	\$ (132,745)	\$ 932,545
Task 3 – Final Design Phase 2	\$ -	\$ 2,086,947	\$ 2,086,947
Task 4 – Bidding Phase 1	\$ 32,065	-	\$ 32,065
Task 5 – Bidding Phase 2	\$ -	\$ 32,550	\$ 32,550
Totals	<u>\$ 1,341,555</u>	<u>\$ 2,037,110</u>	<u>\$ 3,378,665</u>

The elements of Phase 1 and 2 are illustrated on the attached Project Layout. Time required for Task 3 design is 360 calendar days. The engineer's opinions of probable construction cost for Phases 1 and 2 are \$7,290,000 and \$29,060,000, respectively. Temple's 75% share of the \$2,037,110 contract amendment would be \$1,527,832.50.

FISCAL IMPACT: The total cost of the contract amendment with KPA is \$2,037,110 of which the City of Temple is responsible for 75%, or \$1,527,832.50 and the City of Belton is responsible for 25%, or \$509,277.50.

A budget adjustment is being presented to Council for approval to allocate the necessary funding for the City's share. Upon approval of the budget adjustment, funding for the contract amendment to KPA, in an amount of \$1,527,832.50, will be appropriated in account 561-5500-535-6938, project 101086, as follows:

Project Budget	\$ 750,000
Budget Adjustment Attached for Approval	1,434,000
Encumbered/Committed To Date	(656,167)
Contract Amendment #1 - KPA	(1,527,833)
Remaining Funds	<u>\$ -</u>

ATTACHMENTS:

Engineer's Proposal
Project Layout
Budget Adjustment
Resolution



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

Temple

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

RICK N. KASBERG, P.E.

R. DAVID PATRICK, P.E., CFM

THOMAS D. VALLE, P.E.

GINGER R. TOLBERT, P.E.

ALVIN R. HRAE SUTTON, III, P.E., CFM

Georgetown

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

June 3, 2016

Mrs. Angelia Points, P.E.

City Engineer

P.O. Box 120

Belton, Texas 76513

Mr. James Billeck, P.E.

Project Engineer

3210 E. Avenue H, Building A

Temple, Texas 76501

Re: Cities of Temple and Belton

Temple-Belton Wastewater Treatment Plant

Supplemental Agreement to Phase I including addition of Phase II Improvements

Dear Mrs. Points and Mr. Billeck:

The Cities of Temple and Belton entered into a contract with KPA in the Fall of 2015 for the design of Phase I Improvements to the Temple-Belton Wastewater Treatment Plant (TBWWTP). Phase I Improvements originally consisted of constructing a new headworks facility and expansion of the biological treatment capacity of the ORBAL biological reactor to allow it to effectively treat 10 MGD of influent at the increased loading rates experienced at the plant. The existing TBWWTP discharge permit allows design and peak flows of 10 MGD and 30 MGD, respectively. The Phase I Improvements did not impact the rated capacities of the TBWWTP. During the Basis of Design process of the Phase I Improvements, changing flow conditions and discussions concerning additional costs to the ORBAL improvements led to the decision to proceed with the Phase II improvements on an expedited timeline. The Phase II Improvements include the necessary improvements to provide additional biological capacity (outside of the ORBAL) and essentially remove the need for the ORBAL Improvements in Phase I.

This letter is in response to the Cities' request for a proposal to perform civil, mechanical, process, electrical, instrumentation and controls, structural and geotechnical engineering services required for the construction of a new 6 MGD IFAS treatment expansion at the Temple-Belton Wastewater Treatment Plant including the applicable downstream processes (referred to as Phase II of the TBWWTP Improvements). Additionally, this proposal includes the necessary modifications to the existing contract to accurately reflect the changes in scope described herein.

The inclusion of the 6 MGD IFAS treatment process, in conjunction with the original recommendation to de-rate the ORBAL biological reactor (TBWWTP Preliminary Engineering Report) to 6 MGD will allow the TBWWTP Design Flow to be expanded from 10 to 12 MGD. The construction of the new Headworks and Flow Equalization will allow the rated Peak Capacity to be increased from 30 MGD to approximately 43.5 MGD. The flow equalization will allow the process units downstream of the Headworks to be sized for approximately 36 MGD.

The Scope of Services approved in Fall 2015 consisted of three separate task items, labeled as Task 1 (Basis of Design), Task 2 (Phase I Final Design Services) and Task 4 (Phase I Bidding Services). Task 3 (Phase II Final Design Services) was included in the original proposal letter, but was not in the approved Contract. This Supplemental Agreement proposal includes the necessary professional

services required to perform the following tasks which are further detailed in Attachment A, Task Identification. The general modifications to each of the Task Items is noted below:

1. Task 1 – Basis of Design – Hydraulic Analysis, Orbal Aeration, Phosphorus Removal and Geotechnical
 - a. Addition of Item 1.5 detailing additional analyses and/or investigations requested by City Staff.
2. Task 2 – Phase I Final Design (Headworks, Odor Control and Address Orbal Capacity):
 - a. Deletion of Items 2.1.iii, 2.1.iv, 2.2.iii, 2.2.iv, 2.3.iii and 2.3.iv related to the final design of ORBAL aeration and Rehabilitation of Clarifiers No. 1 and No. 2. The inclusion of the entirety of Task 3 allows these items to be removed from the Scope.
 - b. Addition of new Items 2.1.iii, 2.2.iii, and 2.3.iii related to the final design of Flow Equalization Improvements.
3. Task 3 – Phase II Final Design (6 MGD IFAS, BEPR, Filters, UV & Outfall)
 - a. Addition of Items 3.1 and 3.4 detailing the final design and agency/utility submittals (including major permit amendment) to allow construction of Phase II Improvements, including:
 - i. 6 MGD IFAS biological treatment
 - ii. Clarifier
 - iii. RAS & WAS pump stations.
 - iv. Biological Enhanced Phosphorus Removal including MLSS recycle pumps and piping.
 - v. Gravity Thickener
 - vi. Cloth Media Disk Filters
 - vii. UV Disinfection
 - viii. Flow Measurement
 - ix. Cascade Aeration
 - x. Outfall (analysis)
 - xi. Chemical Storage Facility and Feed Systems for Phosphorus removal
 - xii. Interconnect piping
 - xiii. Site work and improvements
 - xiv. Electrical, and
 - xv. Structural
4. Task 4 – Phase I Bid Services – No modifications
5. Task 5 – Phase II Bid Services – addition of Task Item to perform separate bidding services on Phase II Improvements.

This proposal does not include any services related to construction administration, on-site representation, warranty services or O&M manual preparation for either Phase I or Phase II Improvements. A separate proposal will be provided for these services at a later date.

In order for us to provide the engineering services required for completion of this project, as noted in this proposal and further described in the referenced *Temple-Belton Wastewater Treatment Plant Expansion Preliminary Engineering Report*, the lump sum fees shown below and summarized on Attachment B - Proposed Engineering Charges will be applicable. These services will be provided during the final design and bid phases of the project and are in addition to the fees approved for the original contract.

Fee Summary for Supplemental Agreement No. 1

⁽¹⁾ Task 1	Basis of Design/Additional Services	\$ 50,358.00
⁽²⁾ Task 2	Final Design Phase I Improvements	\$ (132,745.00)
⁽³⁾ Task 3	Final Design Phase II Improvements	\$ 2,086,947.00
Task 4	Phase I Bid Services	\$ -
Task 5	Phase II Bid Services	\$ 32,550.00
Total Supplemental Agreement		<u>\$ 2,037,110.00</u>

⁽¹⁾Task 1 includes additional sampling, geotechnical and additional investigations/analysis.

⁽²⁾Task 2 includes deduction for removal of ORBAL and Clarifier Improvements and addition for design of Equalization Basin Improvements.

⁽³⁾Task 3 includes final design services and the major discharge permit amendment.

These services are based on the scope and timeline included in this proposal. Attachment C outlines the rates which would be used to charge for special or additional services authorized beyond the scope described herein. Likewise, reductions in scope will utilize the rates in Attachment C to determine associated reductions in fee.

Opinion of Probable Construction Costs

Phase I

Headworks	\$ 6,360,000
Equalization Basin	\$ 930,000
Phase I Total	<u>\$ 7,290,000</u>

Phase II

6 MGD IFAS Treatment Train	\$ 12,925,000
Disc Filters	\$ 7,085,000
UV Disinfection	\$ 4,130,000
Post Aeration/Plant Water/Outfall	\$ 1,460,000
Yard Piping/Site Work/Electrical	\$ 3,460,000
Phase II Total	<u>\$ 29,060,000</u>

Total (Phases I & II) Preliminary OPC = \$ 36,350,000

Mrs. Angelia Points, P.E. and Mr. James Billeck, P.E.

June 3, 2016

Page Four

The following schedule details each component of this proposal:

- Basis of Design = Original Scope is complete. Additional scope to be completed within 60 days.
- Final Design Phase I (Task 2) = No change in contract time. Final plans and specifications will be completed prior to November 1, 2016.
- Final Design Phase II (Task 3) = 12 Months. Please note that an uncontested major amendment to the discharge permit could require up to 15 months from submittal to final permit approval by TCEQ. **The amended permit is required prior to beginning Phase II Construction and is the critical path for expansion of the treatment process.**
- Bidding & Construction Award = 3-4 Months
- Construction Phase I Improvements = 10 - 14 Months
- Construction Phase II Improvements = 15 - 18 Months

We appreciate the opportunity to submit this proposal and are available to discuss it in more detail at your convenience.

Sincerely,



Thomas D. Valle, P.E.

TDV, RNK/

TBWWTP Supplemental Agreement Proposal

ATTACHMENT A
Cities of Temple and Belton
Temple-Belton Wastewater Treatment Plant Phase I
Supplemental Amendment 1

TASK IDENTIFICATION
For
ENGINEERING SERVICES

May 2016

TASK 1 - PRELIMINARY ENGINEERING AND INVESTIGATIONS:

1.5 Additional Preliminary Engineering treatment process evaluations and deliverables:

- i. Prepare secondary treatment alternatives review summary and biological treatment process alternatives evaluation table comparing IFAS vs. other potential treatment processes (requested by City of Temple at November 2015 Kickoff meeting and furnished at December 2015 progress meeting).
- ii. Prepare expanded process comparison table comparing IFAS vs. CMAS with and without MLE (requested by City of Temple at December 2015 progress meeting and furnished at January 2016 progress meeting).
- iii. Sealed treatment process recommendation letter (provided January 26, 2016)
- iv. Assistance in correcting total phosphorus sampling procedures and review of additional ORBAL BOD/NH₃/PO₄ data collected by BRA.
- v. Develop updated preliminary engineering construction cost estimates for 4 MGD vs. 6 MGD IFAS expansion phases including flow equalization and BEPR, based on de-rating the ORBAL to 6 MGD capacity in lieu of supplemental aeration for 10 MGD.
- vi. Evaluate use of IFAS (recommended treatment process for expansion of the TBWWTP) versus use of alternative "Biowheel" RBC/AS process.
- vii. Direct costs associated with laboratory analysis of additional sampling.
- viii. Geotechnical field work and report associated with Phase II Improvements.

TASK 2 - FINAL DESIGN PHASE SERVICES FOR HEADWORKS AND ODOR CONTROL SYSTEM INCLUDING FLOW EQUALIZATION BASINS (Estimated Duration 8 months):

- 2.1 30% Drawings and Specifications –Final design phase engineering services for the 30% design review submittal.**
- iii Flow Equalization Basins (conversion of existing aerobic digester basins only), Including Mixing/Return Flow Pump Station
 - a. Civil and Mechanical Design: perform 30% process/mechanical design.
 - b. Structural: perform 30% structural design of modifications required to existing aerobic digester basins including proposed return flow pump station.
 - c. Electrical: perform 30% structural design of electrical improvements for flow equalization.

~~iii. Orbal Aeration (Design to Restore to 10 MGD Capacity at 23,000 lbs/day Influent BOD₅).~~

- ~~a. Process and Mechanical Design: perform 30% process/mechanical design of the Orbal aeration systems and prepare 30% design submittal. This task includes the following components:
 - 1. Air piping calculation and sizing, layout inside Orbal Basin
 - 2. Blower sizing and coordination with manufacturer
 - 3. Blower building layout and air piping layout inside blower building~~
- ~~b. Structural Design: perform 30% structural design of the Orbal aeration systems and prepare 30% design submittal.~~
- ~~c. Electrical~~

~~iv. Rehabilitation of Clarifiers No. 1 and 2~~

- ~~a. Process and Mechanical Design:~~
- ~~b. Electrical:~~
- ~~c. Miscellaneous Structural Modifications/Repairs:~~

2.2 60% Drawings and Specifications - perform final design phase engineering services for the 60% design review submittal.

iii. Flow Equalization Basins (conversion of existing aerobic digester basins only), Including Mixing/Return Flow Pump Station

- a. Civil and Mechanical Design: perform 60% process/mechanical design.
- b. Structural: perform 60% structural design of modifications required to existing aerobic digester basins including proposed return flow pump station.
- c. Electrical: perform 60% flow equalization system electrical improvements.

~~iii. Orbal Aeration (10 MGD Capacity).~~

- ~~a. Process and Mechanical Design: perform 60% process/mechanical design of the Orbal aeration systems and prepare 60% design submittal. This task includes the following components:
 - 1. Air piping layout and sections inside Orbal Basin
 - 2. Blower system 60% design
 - 3. Blower building layout and air piping layout and sections inside blower building~~
- ~~b. Structural Design: perform 60% structural design of the Orbal aeration systems and prepare 60% design submittal.~~
- ~~c. Electrical:~~

~~iv. Rehabilitation of Clarifiers No. 1 and 2~~

- ~~a. Process and Mechanical Design:~~
- ~~b. Electrical:~~
- ~~c. Miscellaneous Structural Modifications/Repairs:~~

2.3 90% Drawings and Specifications –perform services for the 90% design review submittal of Contract Documents consisting of conducting Review Meeting, Minutes Summary and Modifications to plans.

- iii. Flow Equalization Basins (conversion of existing aerobic digester basins only), Including Mixing/Return Flow Pump Station
 - a. Civil and Mechanical Design: perform 90% process/mechanical design.
 - b. Structural: perform 90% structural design of modifications required to existing aerobic digester basins including proposed return flow pump station.
 - c. Electrical: perform 90% flow equalization system electrical improvements.

- ~~iii. Orbal Aeration (Design to Restore to 10 MGD Capacity at \approx 23,000 lbs/day Influent BOD₅).~~
 - ~~a. Process and Mechanical Design: perform 90% process/mechanical design of the Orbal aeration systems and prepare 90% design submittal.~~
 - ~~1. Air piping layout and sections inside Orbal Basin~~
 - ~~2. Blower system 90% design~~
 - ~~3. Blower building layout and air piping layout and sections inside blower building~~
 - ~~b. Structural Design: perform 90% structural design of the Orbal aeration systems and prepare 90% design submittal.~~
 - ~~c. Electrical:~~

~~iv. Rehabilitation of Clarifiers No. 1 and 2~~

- ~~a. Process and Mechanical Design:~~
- ~~b. Electrical:~~
- ~~c. Miscellaneous Structural Modifications/Repairs:~~

TASK 3 – Final Design Services related to IFAS Treatment Train Expansion - (Estimated Duration 8 months):

- 3.1 Provide final design phase engineering service for the proposed TBWWTP IFAS Treatment Train (6 MGD BEPR basins and MLSS Recycle pump stations and piping, IFAS basins, clarifier and associated RAS, WAS pump stations and piping, cloth media disc filters, UV disinfection, flow measurement, cascade aeration, and outfall):
- 3.2 30% Drawings and Specifications - 30% Drawings and Specifications –perform final design phase engineering services for the 30% design review submittal.
 - i. BEPR and IFAS Biological Reactors and System Design (6 MGD)
 - a. Process and Mechanical Design: perform 30% process/mechanical design of proposed BEPR/IFAS treatment system and biological reactors, and prepare 30% design submittal.
 - 1. IFAS design
 - 2. Air piping calculation and sizing

3. Blower sizing
 4. Blower building layout
 5. BEPR design and MLSS Recycle Pumps sizing, layout, and piping
 - b. Structural: perform 30% structural engineering design of proposed BEPR Reactors including MLSS recycle pump facilities, and IFAS treatment system biological reactors and prepare 30% design submittal.
 - c. Electrical: perform 30% electrical design of proposed improvements.
- ii. Clarifier Design
 - a. Civil and Mechanical Design: perform 30% civil and process/mechanical design of proposed IFAS treatment system clarifiers and yard piping. This task includes initial pre-design consultation to confirm design concepts.
 - b. Structural: perform 30% structural engineering design of proposed IFAS treatment system clarifiers and prepare 30% design submittal.
 - c. Electrical: perform 30% electrical design of proposed improvements.
 - iii. Pump Station Design (RAS and WAS)
 - a. Civil and Mechanical Design: perform 30% civil and mechanical design of proposed IFAS treatment system RAS and WAS pump station, and prepare 30% design submittal.
 - b. Structural: perform 30% structural engineering design of proposed IFAS treatment system RAS and WAS pump station and prepare 30% design submittal.
 - c. Electrical: perform 30% electrical design of proposed improvements.
 - iv. Gravity Thickener
 - a. Civil and Mechanical Design: perform 30% civil and process/mechanical design of proposed gravity thickener improvements and yard piping.
 - b. Structural: perform 30% structural engineering design of proposed gravity thickener improvements and prepare 30% design submittal.
 - c. Electrical: perform 30% electrical design of proposed improvements.
 - v. Interconnect Piping
 - a. Civil Design: perform 30% design of interconnect piping. This task includes initial pre-design consultation to confirm design concepts.
 - vi. Conduct progress meetings and a 30% Review Meeting during the 30% design phase, prepare meeting minutes and comments summary, and prepare modifications of the 30% submittal to address review comments.
 - vii. Cloth Media Disk Filters
 - a. Civil and Mechanical Design: perform 30% civil and mechanical design of proposed cloth media disk filters, and will prepare 30% design submittal.
 - b. Structural: perform 30% structural engineering design of proposed cloth media disk filters, and prepare 30% design submittal..

- c. Electrical: perform 30% electrical design of proposed improvements.
- viii. UV Disinfection, Flow Measurement, Cascade Aeration and Outfall
 - a. Civil and Mechanical Design: perform 30% civil and mechanical design of proposed UV disinfection, flow measurement, cascade aeration and outfall. This task includes initial pre-design consultation to confirm design concepts.
 - b. Structural: perform 30% structural engineering design of proposed UV disinfection, flow measurement, cascade aeration and outfall, and prepare 30% design submittal.
 - c. Electrical: perform 30% electrical design of proposed improvements.
- ix. Chemical Storage Facility and Feed Systems for Phosphorus Removal
 - a. Civil and Mechanical Design: perform 30% civil and mechanical design of proposed chemical storage facility and feed systems, and will prepare 30% design submittal.
 - b. Structural: perform 30% structural engineering design of proposed chemical storage and feed facilities, and prepare 30% design submittal.
 - c. Electrical: perform 30% electrical design of proposed improvements.

3.3 60% Drawings and Specifications - Engineer shall perform services for the 60% design review submittal of Contract Documents for the following:

- i. **BEPR and IFAS Biological Reactors and System Design (6 MGD)**
 - a. Process and Mechanical Design: perform 60% process/mechanical design of proposed BEPR/IFAS treatment system and biological reactors, and prepare 60% design submittal.
 - 1. BEPR and IFAS design
 - 2. Air piping calculation and sizing
 - 3. Blower sizing
 - 4. Blower building layout
 - 5. MLSS Recycle Pumps sizing, layout, and piping
 - b. Structural: 60% submittal.
 - c. Electrical: 60% submittal.
- ii. Clarifier Design
 - a. Civil and Mechanical Design: perform 60% civil and process/mechanical design of proposed IFAS treatment system clarifiers and yard piping. This task includes initial pre-design consultation to confirm design concepts.
 - b. Structural: 60% submittal.
 - c. Electrical: 60% submittal.

- iii. Pump Station Design (RAS and WAS)
 - a. Civil and Mechanical Design: perform 60% civil and mechanical design of proposed IFAS treatment system RAS and WAS pump station, and prepare 60% design submittal.
 - b. Structural: 60% submittal.
 - c. Electrical: 60% submittal.
- iv. Gravity Thickener
 - a. Civil and Mechanical Design: perform 60% civil and process/mechanical design of proposed gravity thickener improvements and yard piping. This task includes initial pre-design consultation to confirm design concepts.
 - b. Structural: 60% submittal.
 - c. Electrical: 60% submittal.
- v. Interconnect Piping
 - a. Civil Design: perform 60% design. This task includes initial pre-design consultation to confirm design concepts.
- vi. Conduct progress meetings and a 60% Review Meeting during the 60% design phase, prepare meeting minutes and comments summary, and prepare modifications of the 60% submittal to address review comments.
- vii. Cloth Media Disk Filters
 - a. Civil and Mechanical Design: perform 60% civil and mechanical design of proposed cloth media disk filters, and will prepare 60% design submittal.
 - b. Structural: 60% submittal.
 - c. Electrical: 60% submittal.
- viii. UV Disinfection, Flow Measurement, Cascade Aeration and Outfall
 - a. Civil and Mechanical Design: perform 60% civil and mechanical design of proposed UV disinfection, flow measurement, cascade aeration and outfall. This task includes initial pre-design consultation to confirm design concepts.
 - b. Structural: 60% submittal.
 - a. Electrical: 60% submittal. Civil and Mechanical Design: perform 60% civil and mechanical design of proposed chemical storage facility and feed systems, and will prepare 60% design submittal.
 - b. Structural: 60% submittal.
 - c. Electrical: 60% submittal.
- x. Chemical Storage Facility and Feed Systems for Phosphorus Removal
 - a. Civil and Mechanical Design: perform 30% civil and mechanical design of proposed chemical storage facility and feed systems, and will prepare 30% design submittal.

- b. Structural: perform 30% structural engineering design of proposed chemical storage and feed facilities, and prepare 30% design submittal.
 - c. Electrical: perform 30% electrical design of proposed improvements.
- 3.4 90% Drawings and Specifications – KPA and its sub-consultants will perform services for the 90% design review submittal of Contract Documents consisting of conducting Review Meeting, Minutes Summary and Modifications to plans.
 - i. **BEPR and IFAS Biological Reactors and System Design (6 MGD)**
 - a. Process and Mechanical Design: perform 90% process/mechanical design of proposed **BEPR/IFAS** treatment system and biological reactors, and prepare 90% design submittal.
 - 1. **BEPR and IFAS** design
 - 2. Air piping calculation and sizing
 - 3. Blower sizing
 - 4. Blower building layout
 - 5. **MLSS Recycle Pumps** sizing, layout, and piping
 - b. Structural: 90% submittal.
 - c. Electrical: 90% submittal.
 - ii. Clarifier Design
 - a. Civil and Mechanical Design: perform 90% civil and process/mechanical design of proposed IFAS treatment system clarifiers and yard piping. This task includes initial pre-design consultation to confirm design concepts.
 - b. Structural: 90% submittal.
 - c. Electrical: 90% submittal.
 - iii. Pump Station Design (RAS and WAS)
 - a. Civil and Mechanical Design: perform 90% civil and mechanical design of proposed IFAS treatment system RAS and WAS pump station, and prepare 90% design submittal.
 - b. Structural: 90% submittal.
 - c. Electrical: 90% submittal.
 - iv. Gravity Thickener
 - a. Civil and Mechanical Design: perform 90% civil and process/mechanical design of proposed gravity thickener improvements and yard piping. This task includes initial pre-design consultation to confirm design concepts.
 - b. Structural: 90% submittal.
 - c. Electrical: 90% submittal.
 - v. Interconnect Piping
 - a. Civil Design: perform 90% design. This task includes initial pre-design consultation to confirm design concepts.

- vi. Conduct progress meetings and a 90% Review Meeting during the 90% design phase, prepare meeting minutes and comments summary, and prepare modifications of the 90% submittal to address review comments.
- vii. **Cloth Media Disk Filters**
 - a. **Civil and Mechanical Design:** perform 90% civil and mechanical design of proposed cloth media disk filters, and will prepare 90% design submittal.
 - b. **Structural:** 90% submittal.
 - c. **Electrical:** 90% submittal.
- viii. **UV Disinfection, Flow Measurement, Cascade Aeration and Outfall**
 - a. **Civil and Mechanical Design:** perform 90% civil and mechanical design of proposed UV disinfection, flow measurement, cascade aeration and outfall. This task includes initial pre-design consultation to confirm design concepts.
 - b. **Structural:** 90% submittal.
 - c. **Electrical:** 90% submittal. **Civil and Mechanical Design:** perform 90% civil and mechanical design of proposed chemical storage facility and feed systems, and will prepare 90% design submittal.
 - d. **Structural:** 90% submittal.
 - e. **Electrical:** 90% submittal.
- xi. **Chemical Storage Facility and Feed Systems for Phosphorus Removal**
 - a. **Civil and Mechanical Design:** perform 30% civil and mechanical design of proposed chemical storage facility and feed systems, and will prepare 30% design submittal.
 - b. **Structural:** perform 30% structural engineering design of proposed chemical storage and feed facilities, and prepare 30% design submittal.
 - c. **Electrical:** perform 30% electrical design of proposed improvements.

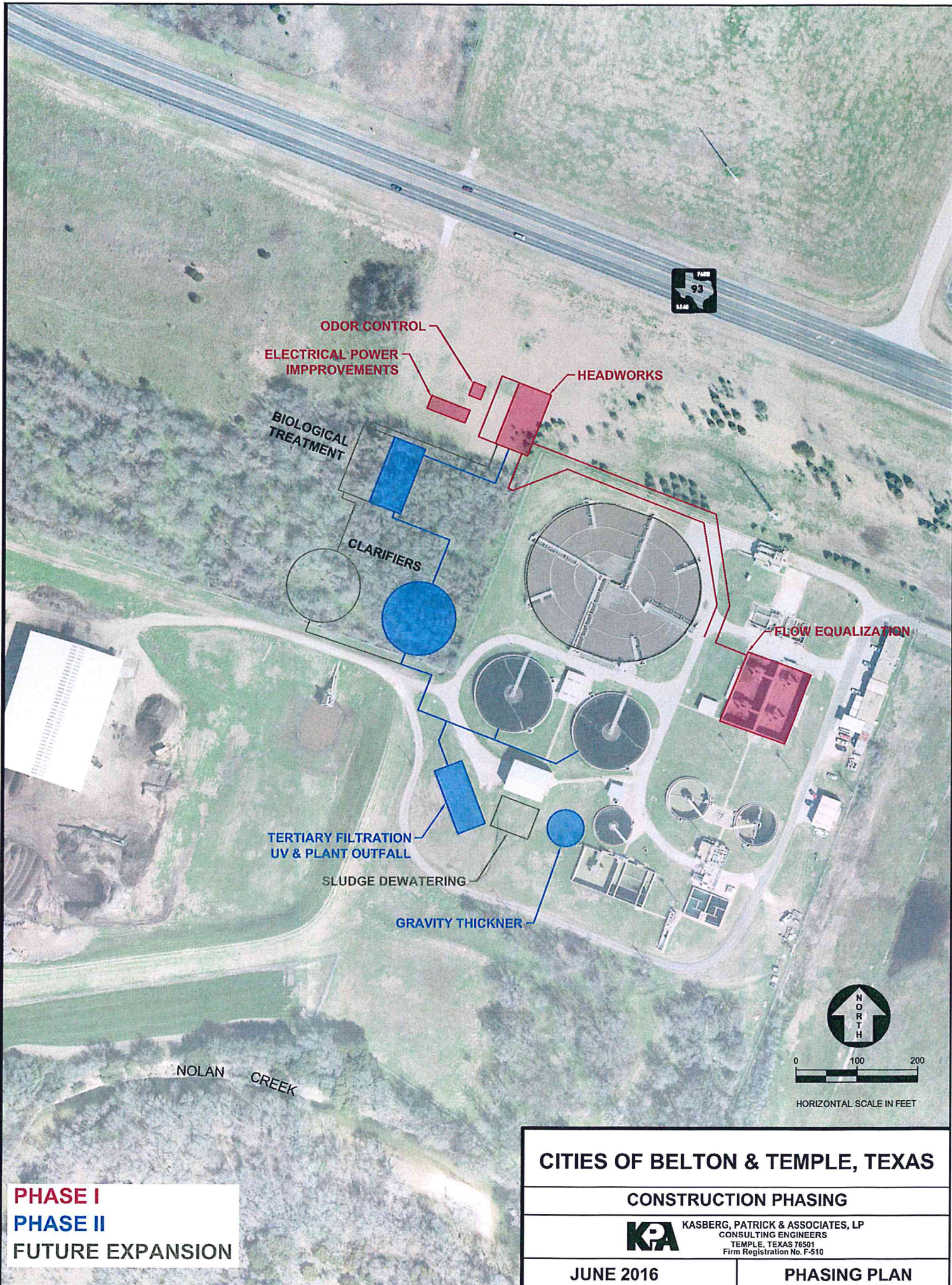
3.5 Agency and Utility Submittals

- i. Texas Commission on Environmental Quality Submittals and Meetings as necessary.
 - a. **Preparation and submittal of TPDES permit application for Major Amendment.**
 - b. Preparation of Final Design Report
 - c. Preparation of Summary Transmittal Letter
 - d. Follow up revisions / design related to TCEQ or agency review comments.

TASK 4 - BID PHASE SERVICES - Bid Phase Services for the Phase I improvements selected by the Cities (Estimated Duration 4 months): (no changes to original scope)

TASK 5 – BID PHASE SERVICES – Bid Phase Services for Phase II Improvements.

P:\Temple\2011\2011-132 (TBRSS)\CAD\2015\Construction Phasing-6-3-16.dwg - CP PH I



PHASE I
PHASE II
FUTURE EXPANSION

CITIES OF BELTON & TEMPLE, TEXAS

CONSTRUCTION PHASING

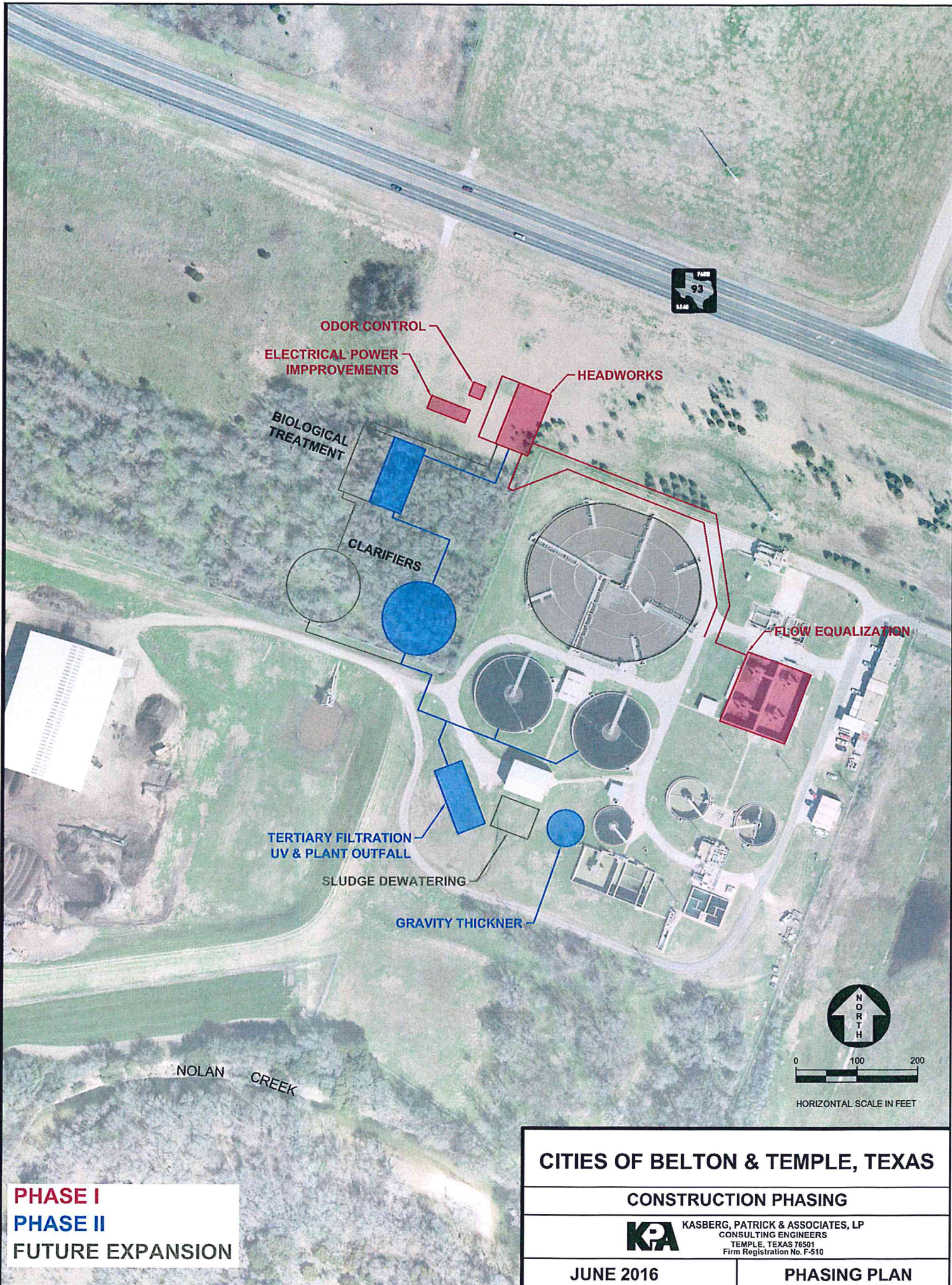


KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76701
Firm Registration No. F-510

JUNE 2016

PHASING PLAN

P:\Temple\2011\2011-132 (TBRSS)\CAD\2015\Construction Phasing-6-3-16.dwg - CP PH I



PHASE I
PHASE II
FUTURE EXPANSION

CITIES OF BELTON & TEMPLE, TEXAS

CONSTRUCTION PHASING



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76701
Firm Registration No. F-510

JUNE 2016

PHASING PLAN

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
561-5500-535-69-38	101086	Capital Bonds/Temple Belton Plant Expansion	\$1,434,000	
561-5500-535-69-38	100584	Capital Bonds/TBRSS Expansion		459,901
561-5000-535-65-32		Capital Special Projects/Contingency		974,099
TOTAL.....			\$1,434,000	\$1,434,000

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

To appropriate funding needed for a contract amendment with KPA for the design and bidding services of the TBP first and second phases of expansion. The total contract amendment is \$2,037,110. The City of Temple's share of this project is \$1,527,832.50. Funding of \$93,833 is currently available for the project an additional \$1,434,000 is needed to fully fund the contract amendment.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

6/16/2016

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$2,037,110, TO DESIGN AND BID THE TEMPLE-BELTON WASTEWATER TREATMENT PLANT'S FIRST AND SECOND PHASES OF EXPANSION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple-Belton Wastewater Treatment Plant ("TBP"), located on FM 93 between I-35 and South 31st Street, is owned by the Cities of Temple and Belton and is permitted to treat 10 million gallons per day of wastewater;

Whereas, Temple and Belton share capital improvement costs at 75% and 25%, respectively and the Brazos River Authority operates the facility - the plant was constructed in 1975, expanded in 1990, and currently treats wastewater from approximately 70% of Temple and all of Belton;

Whereas, Texas Commission on Environmental Quality ("TCEQ") requires wastewater plants to complete steps toward expansion at specific inflow thresholds - in 2010, influent flow was at least 75% of the permitted capacity for three consecutive months, triggering a TCEQ requirement to perform preliminary engineering for expansion;

Whereas, on August 18, 2011, Council authorized Kasberg, Patrick & Associates ("KPA") of Temple, Texas, to prepare a preliminary engineering report for the TBP and on October 15, 2015, Council authorized an agreement with KPA for professional services to design and bid Phase 1 of the expansion in which the original scope of services consisted of three items organized as Task 1: Basis of Design, Task 2: Phase 1 Final Design, and Task 4: Phase 1 Bidding. Task 3: Phase 2 Final Design was not awarded at that time;

Whereas, the amendment will include Task 3, modifications to Task 2 to remove ORBAL improvements and add design of an equalization basin, and add Task 5 to bid Phase 2 improvements - the equalization basin is required to receive additional flow from the Shallowford Lift Station and Force Main and allow the downsizing of process units downstream of the proposed headworks; Task 3 includes design of a 6-MGD integrated fixed film activated sludge process unit that will allow the TBP design flow to be expanded from 10 to 12 MGD;

Whereas, after further discussions between the Cities of Temple and Belton and KPA, Staff recommends an amendment to the professional services agreement with KPA to design and bid the TBP's first and second phases of expansion, in an amount not to exceed \$2,037,110;

Whereas, the total cost of the contract amendment with KPA is \$2,037,110 of which the City of Temple is responsible for 75%, or \$1,527,832.50 and the City of Belton is responsible for 25%, or \$509,277.50;

Whereas, funding is available for this contract amendment, but a budget adjustment needs to be approved to allocate funding for the City's share - upon approval of the budget adjustment, funding will be available in Account No. 561-5500-535-6938, Project No. 101086; 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 an amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, in the amount of \$2,037,100, to design and bid the Temple-Belton Wastewater Treatment Plant's (TBP) first and second phases of expansion.

Part 2: 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 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 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

06/16/16
Item #4(P)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: SECOND READING : 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: Adopt ordinance as presented in item description on second and final reading.

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- - Reserved

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

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

DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning
Mark Baker, Senior Planner

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

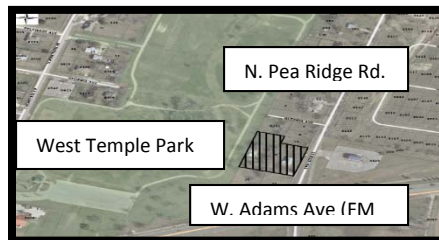


Figure 1: Aerial Location Map

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)



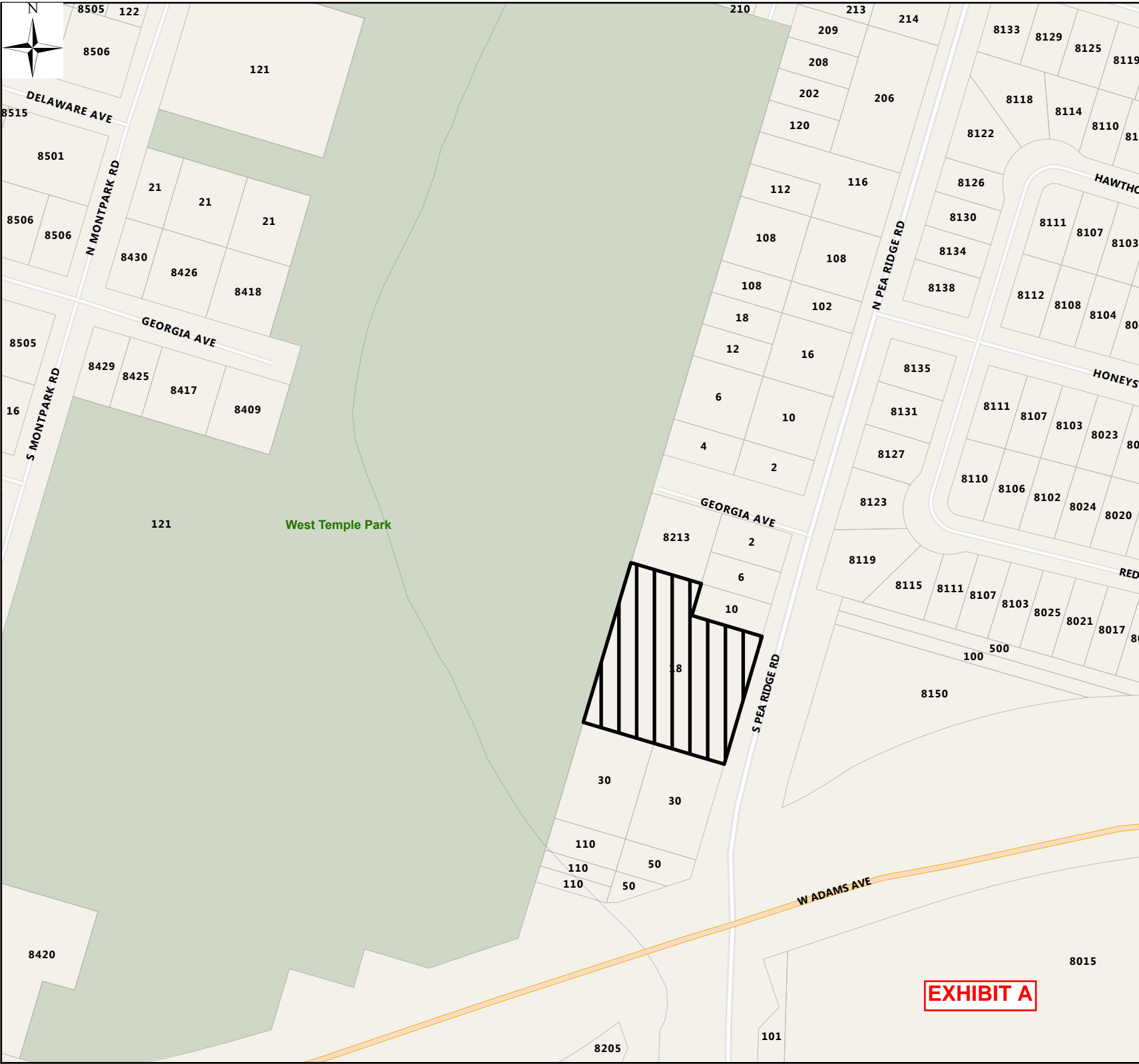
South: Intersection of S. Pea Ridge Road & W. Adams (FM2305) - Undeveloped (AG & GR)



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

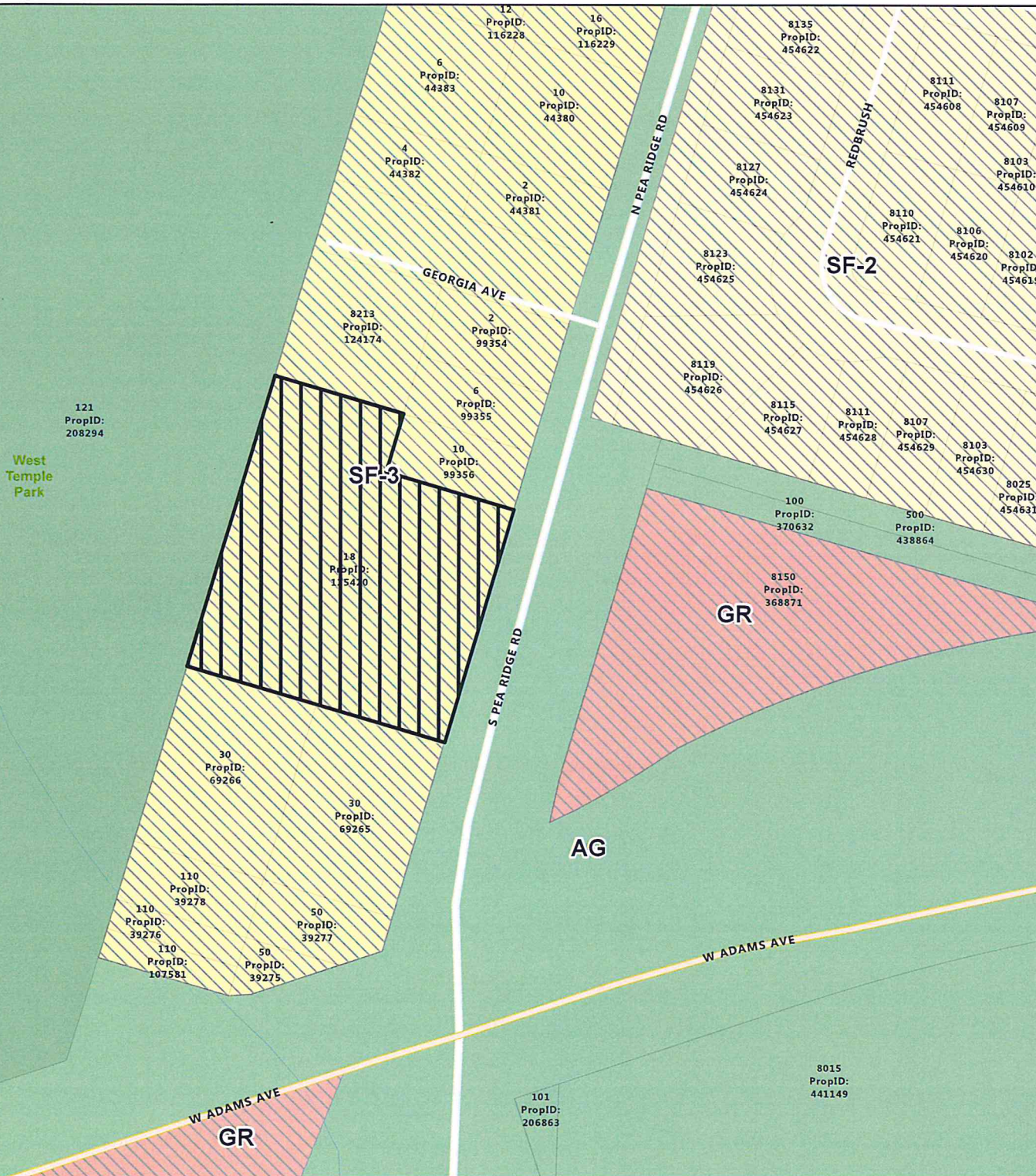
Streets

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

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





SF-3 - PD to GR

ZONING MAP

Zoning Case :
Z-FY-16-21

Address :
18 South Pea Ridge

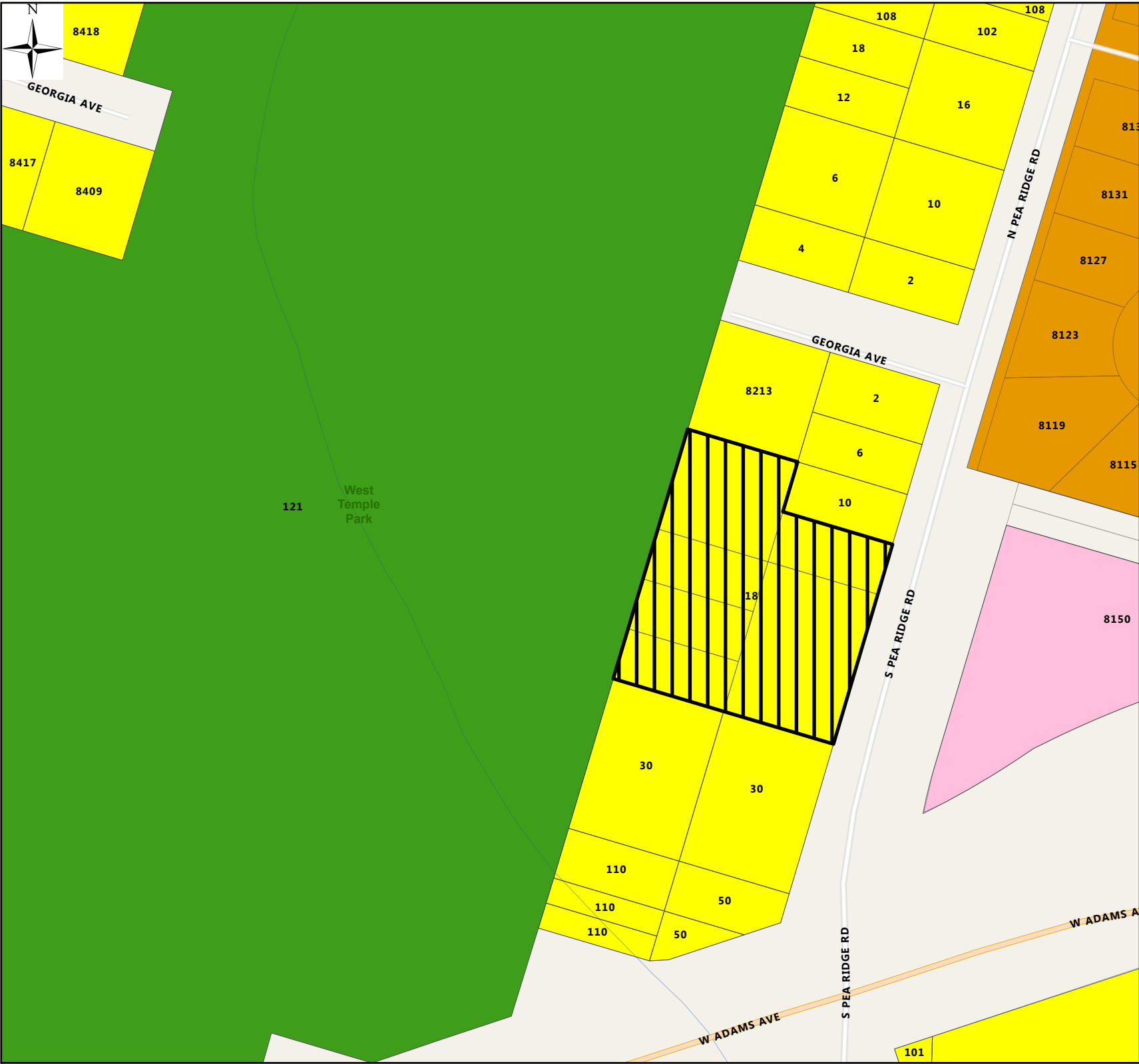
CurrentZoning		
HI - CUP	O-1	AG - CUP
UE	O-1 - CUP	MH
UE - PD	O-1 - PD	MH - CUP
SF-1	O-2	MH - PD
SF-1 - CUP	O-2 - CUP	MU
SF-1 - PD	O-2 - PD	MU - CUP
SF-2	NS	SD-C
SF-2 - PD	NS - CUP	SD-C - CUP
SF-3	NS - PD	SD-H
SF-3 - PD	GR	SD-H - CUP
SF-3 - CUP, PD	GR - CUP	SD-T
SFA	GR - PD	SD-V
SFA-2	GR - CUP, PD	T4
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	

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





SF-3 PD to GR FUTURE LAND USE MAP

Zoning Case :
Z-FY-16-21

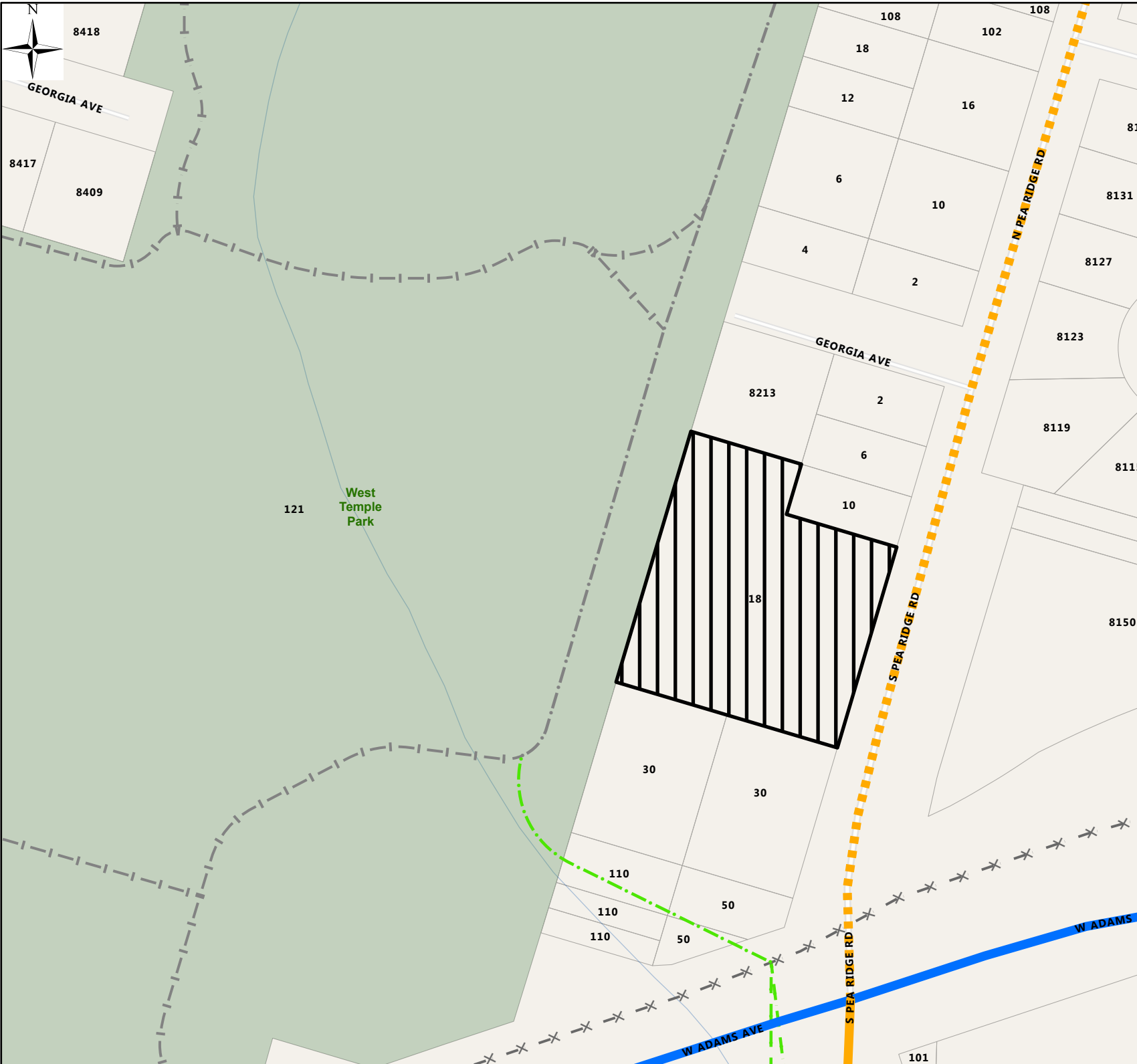
Address :
18 South Pea Ridge

- 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

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





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

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





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

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





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

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





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

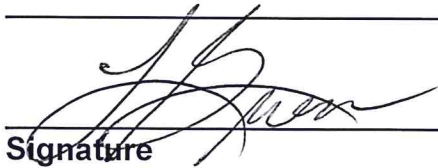
Location: 18 South Pea Ridge Road

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

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:

Jeann O'Brien
Signature

Jeann 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

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 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
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
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

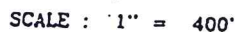
J.W. Perry
J.W. PERRY, Mayor

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. 2016-4775

(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

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

DEPARTMENT / DIVISION SUBMISSION:

Brian Chandler, Director of Planning
Mark Baker, Senior Planner

ITEM DESCRIPTION: SECOND READING – 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.

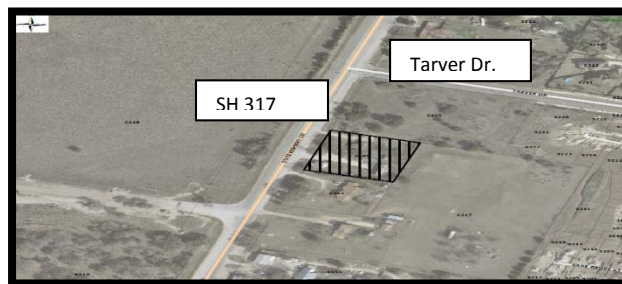


Figure 2; Aerial Location Map

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)



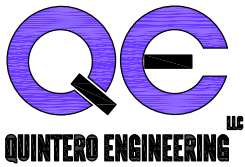
South: Scattered SFR & Undeveloped Land (AG)



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



West: Undeveloped Land (AG)

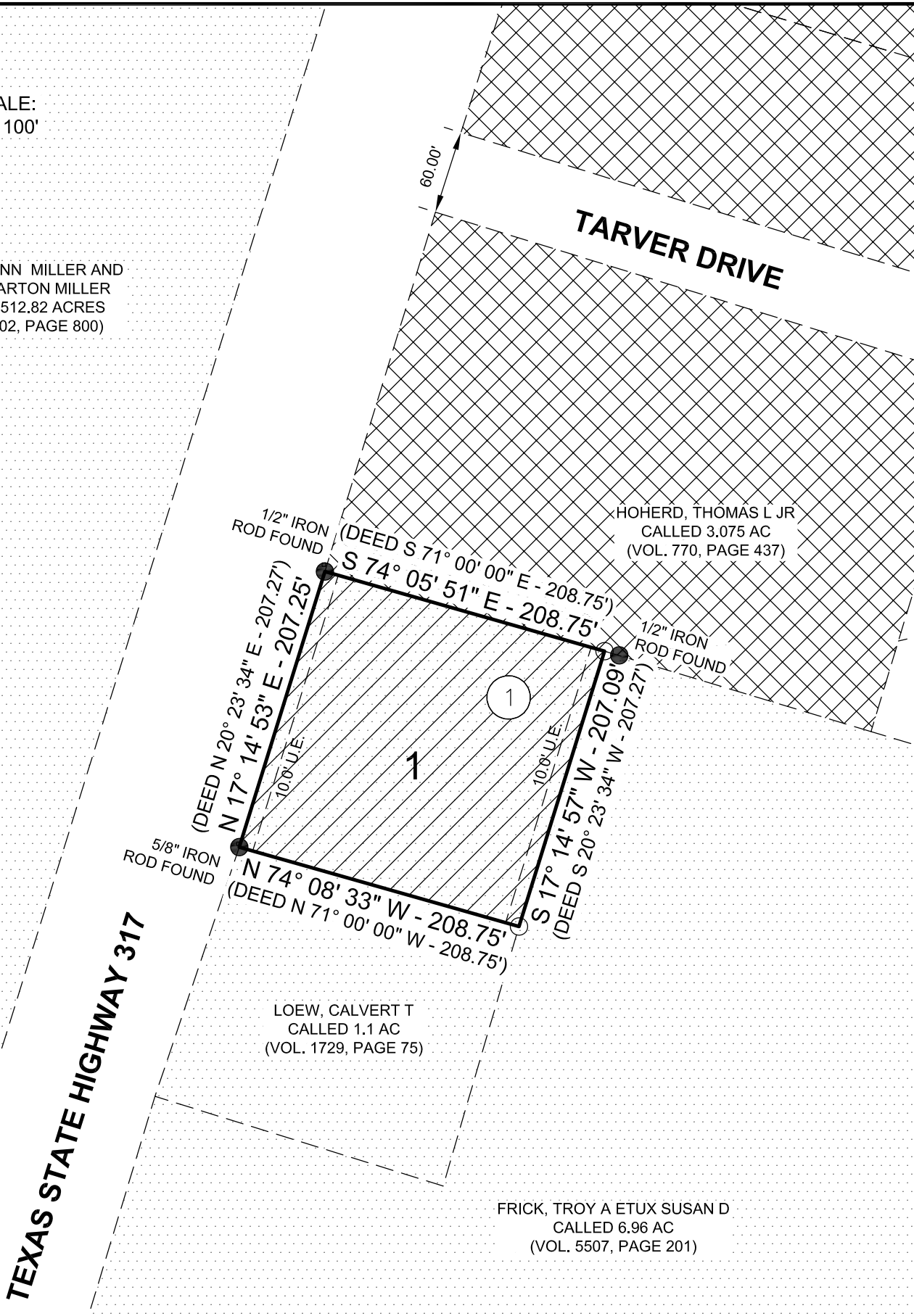


QUINTERO ENGINEERING, LLC

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

SCALE:
1" = 100'

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



- EXISTING "AG - AGRICULTURAL" ZONING
- EXISTING "GR - GENERAL RETAIL" ZONING
- PROPOSED "GR - GENERAL RETAIL" ZONING (0.993 ACRES)

SURVEYOR'S SKETCH SHOWING A PROPOSED 0.993 ACRE REZONE TRACT, PART OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT No. 17, TEMPLE, BELL COUNTY, TEXAS, AND BEING ALL OF A CALLED 0.993 ACRE TRACT, OF RECORD IN DOC. No. 2014-42304, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS.

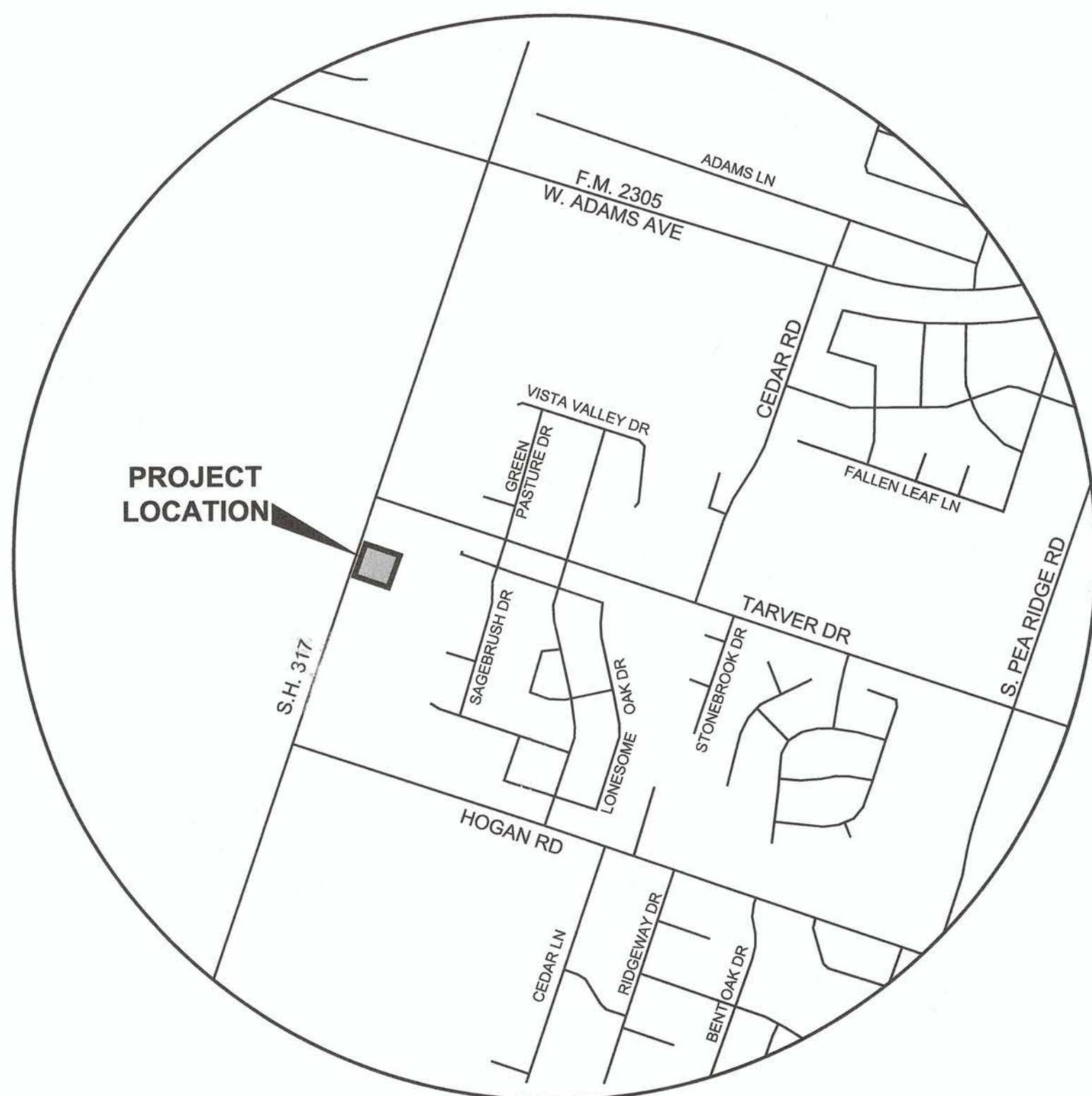
Exhibit "A" - SURVEYOR'S SKETCH

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.)

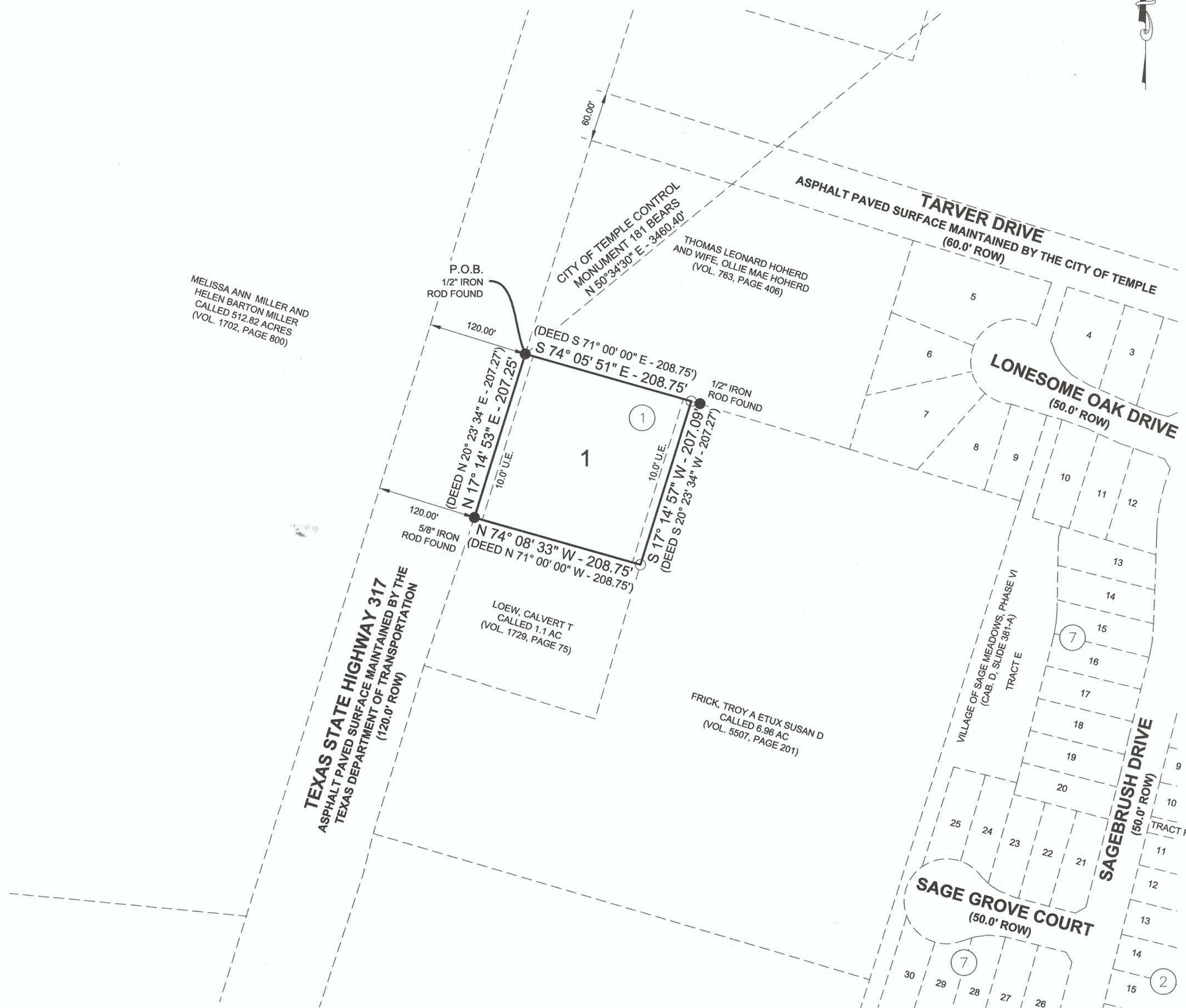
LEGEND

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



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 FOREGOING PLAT WERE FOUND OR PLACED, IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF TEMPLE, TEXAS.

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

0 100' 200'
GRAPHIC HORIZONTAL SCALE

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

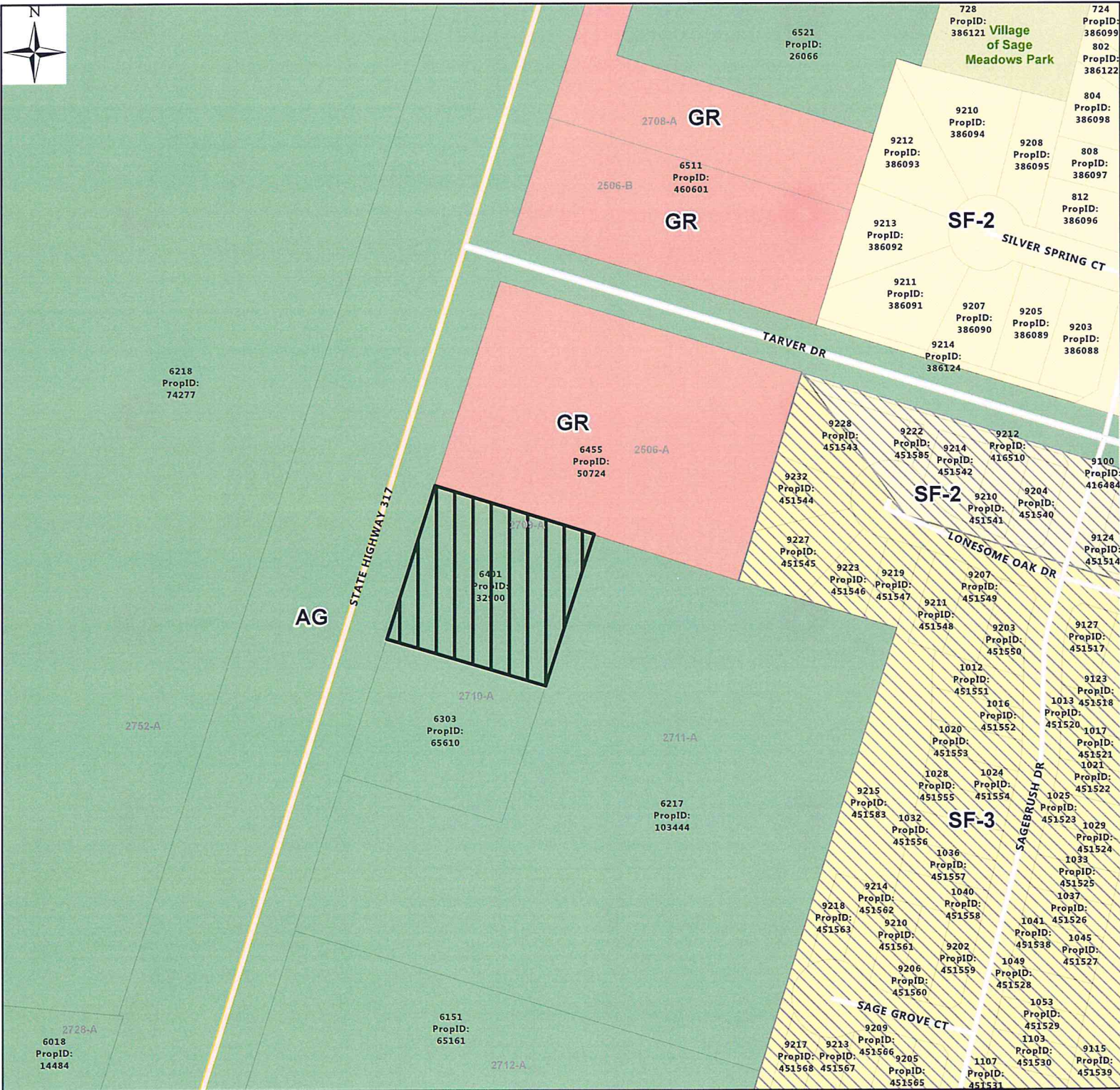
Address :
6401 N. Hwy 317

- 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		

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





AG to GR FUTURE LAND USE MAP

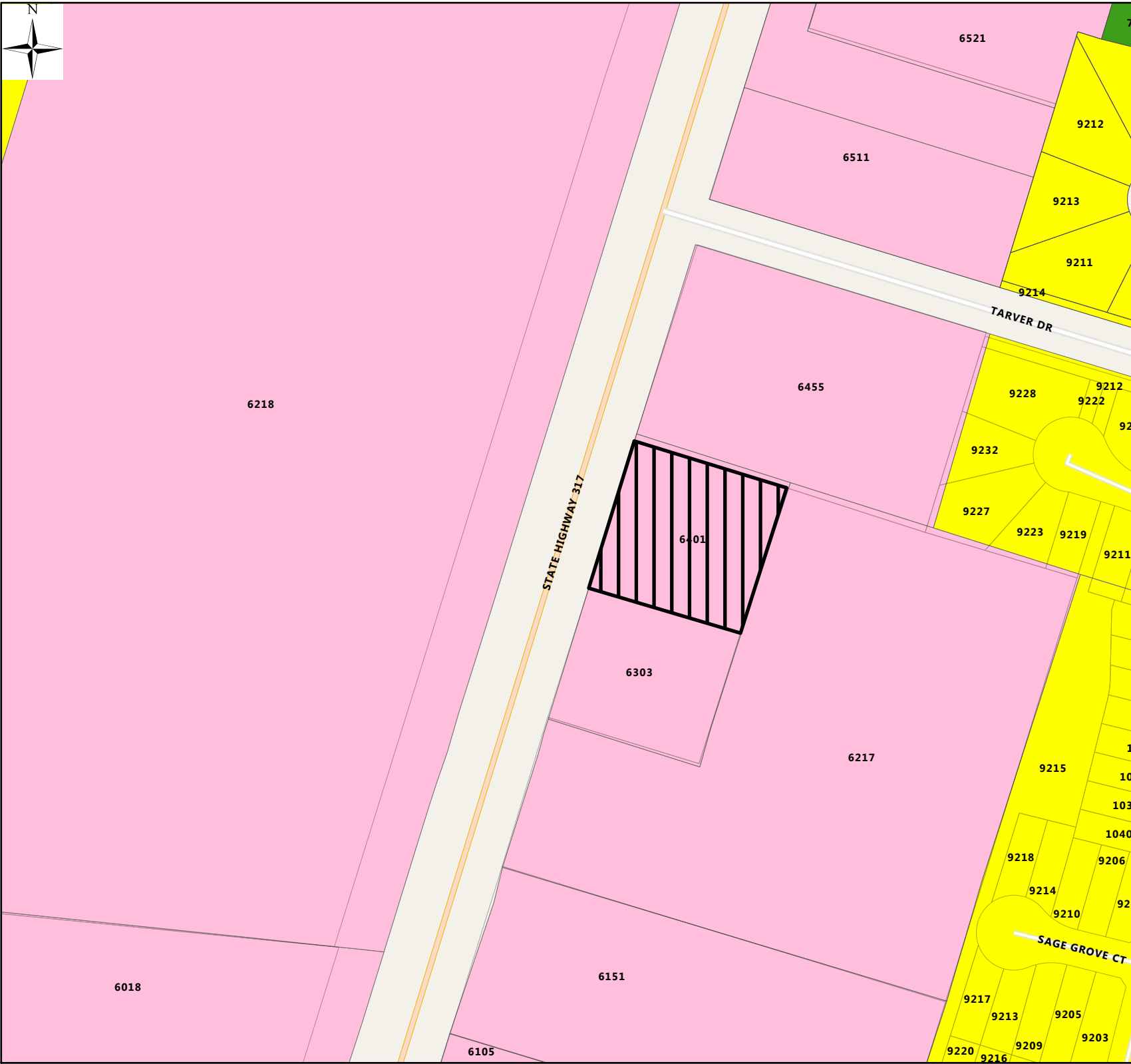
Zoning Case :
Z-FY-16-22

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

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 THOROUGHFARE AND TRAILS MAP

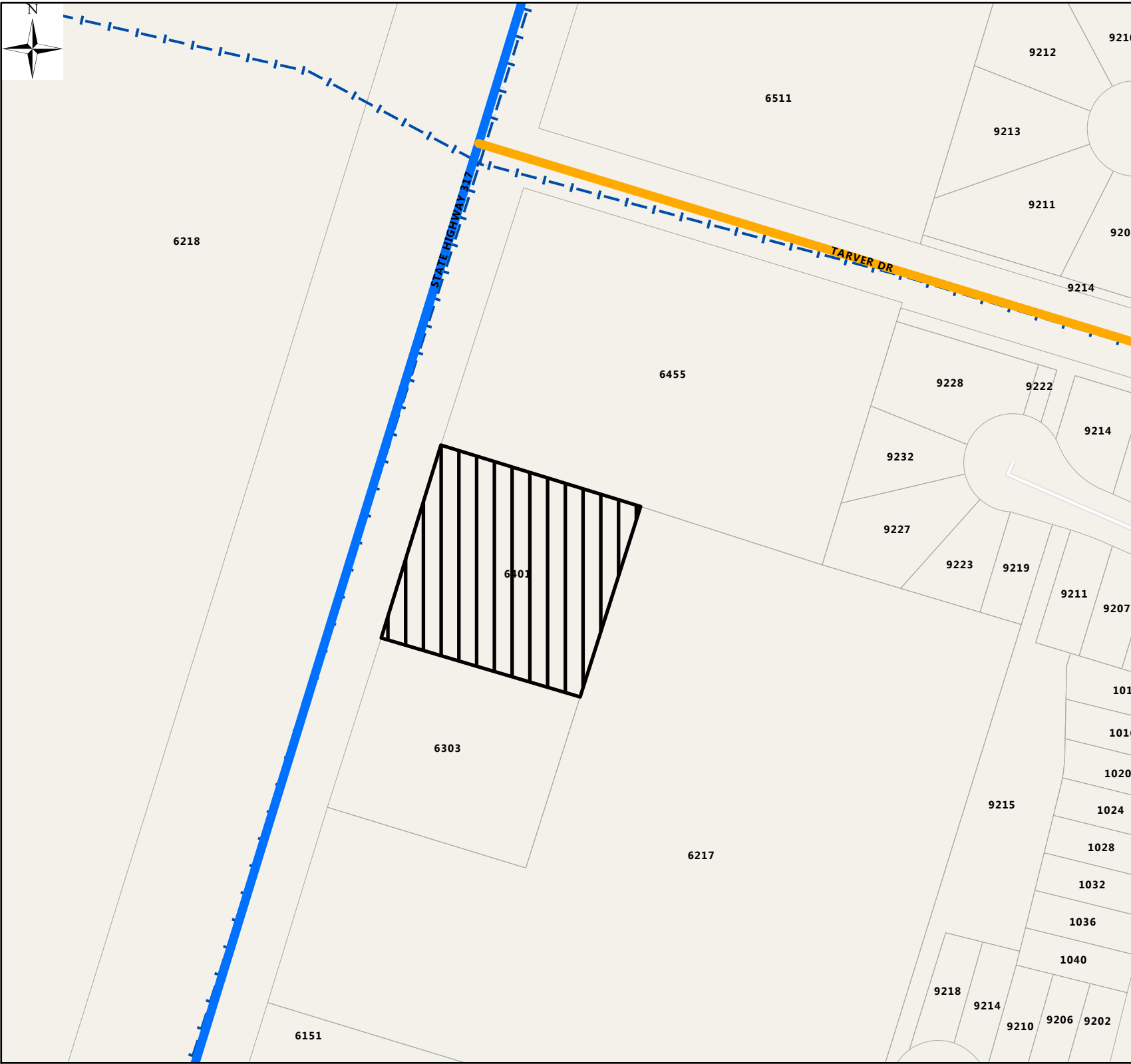
Zoning Case :
Z-FY-16-22

Address :
6401 N Hwy 317

- 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

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: 4/11/2016





AG to GR

UTILITY MAP

Zoning Case :
Z-FY-16-22

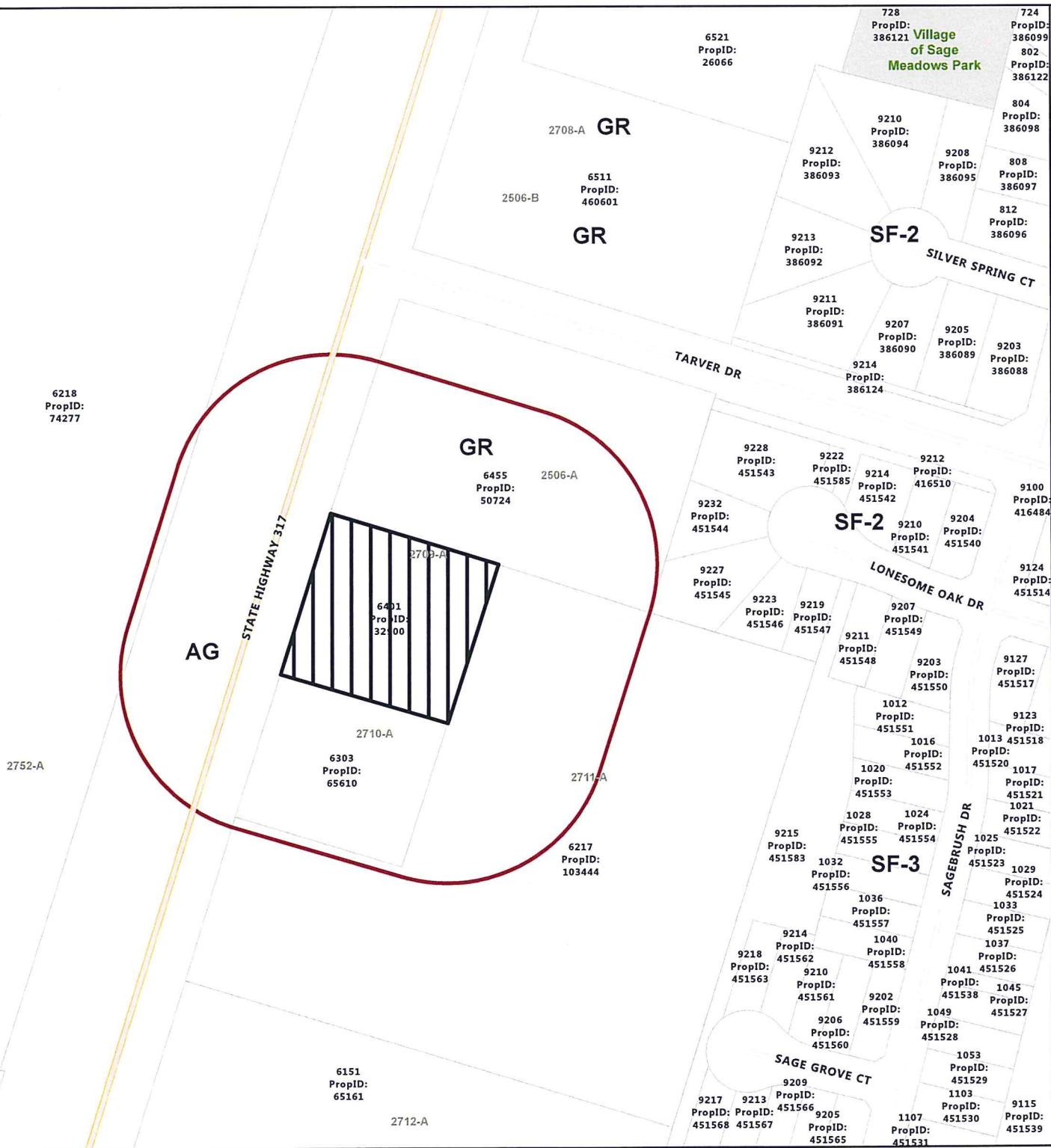
Address :
6401 N. Hwy 317

- 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

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

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning
Dessie Redmond, Planner

ITEM DESCRIPTION: SECOND READING – 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

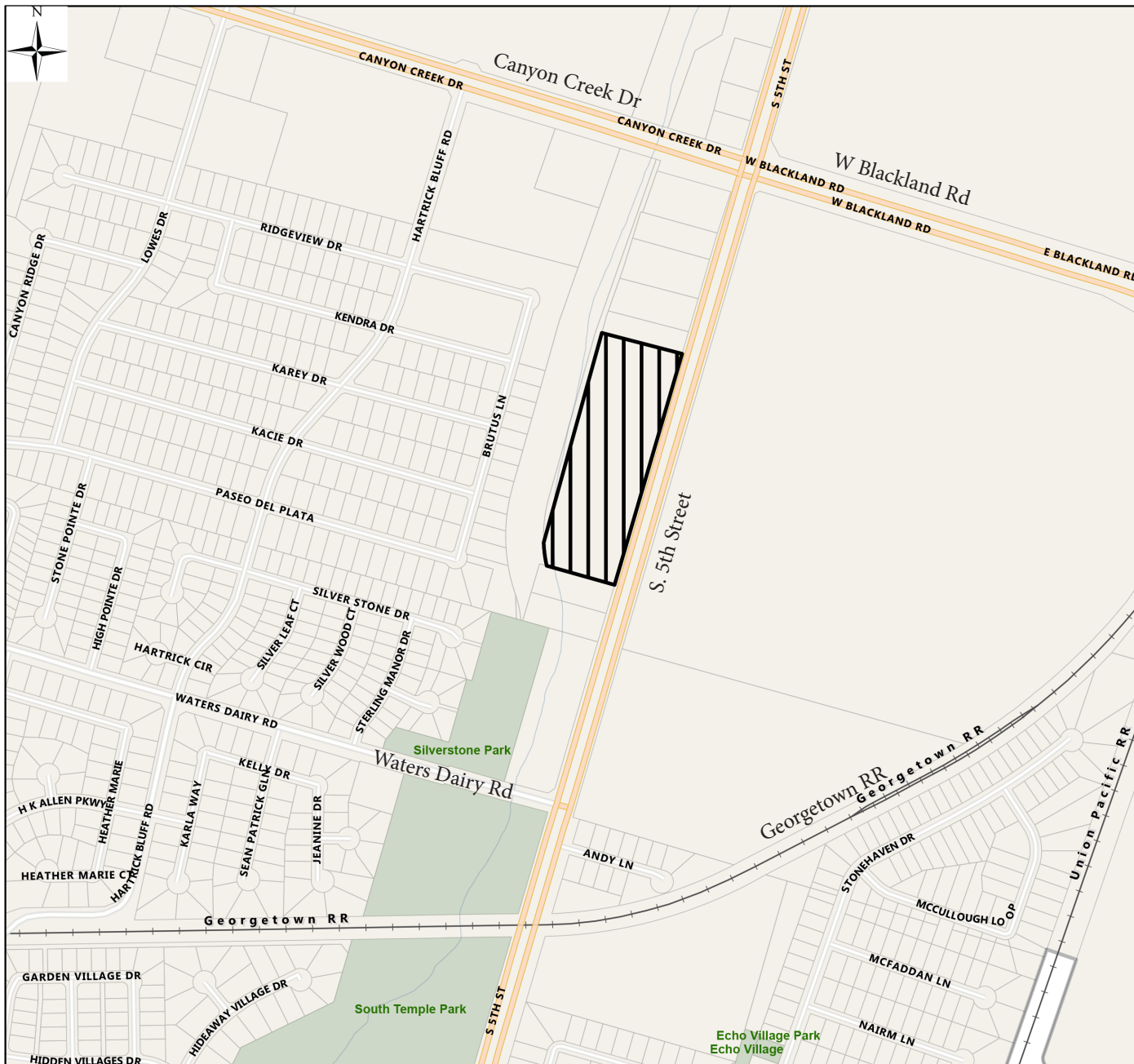


Existing retail building to the north of the subject property.



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



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.

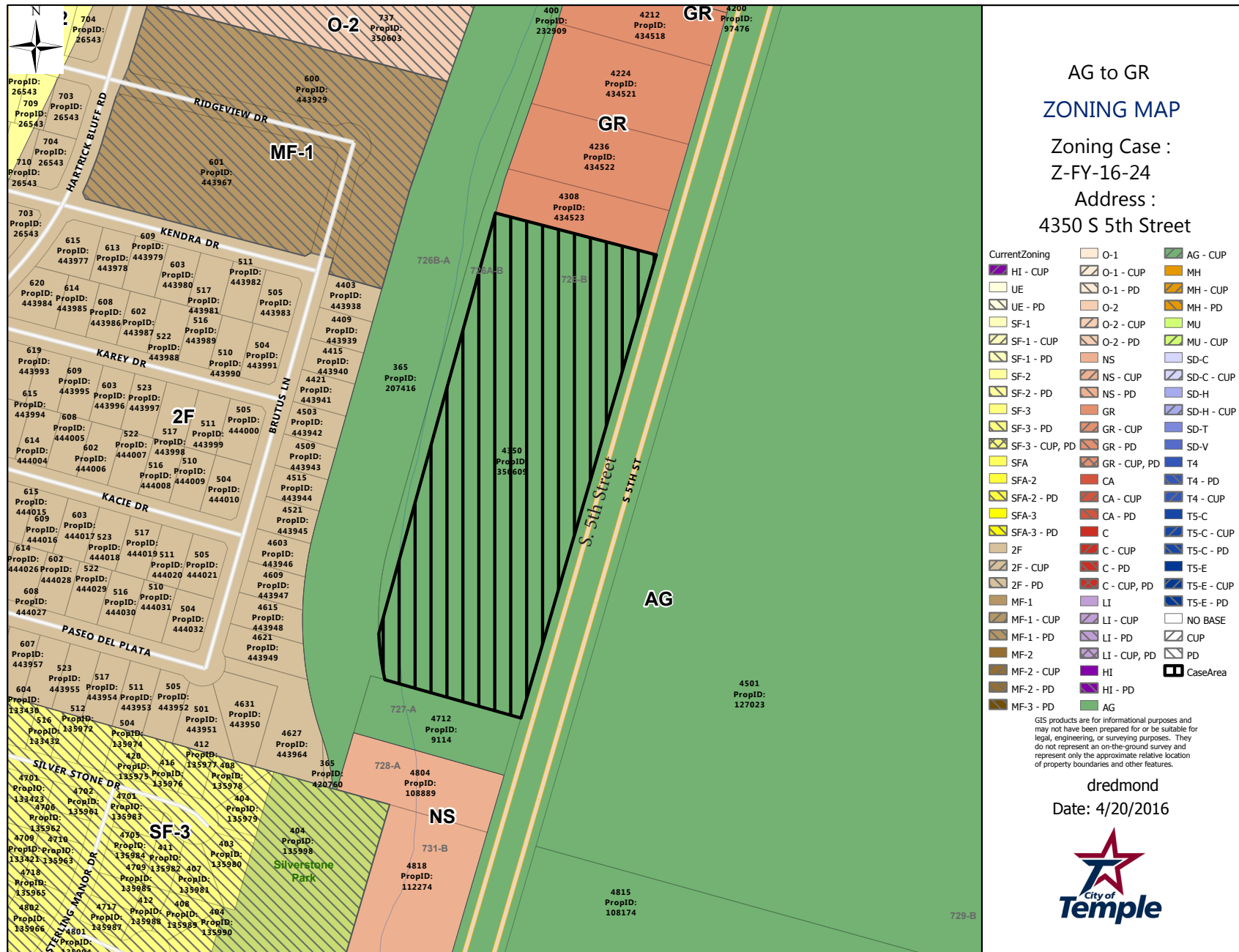
dredmond
Date: 4/20/2016



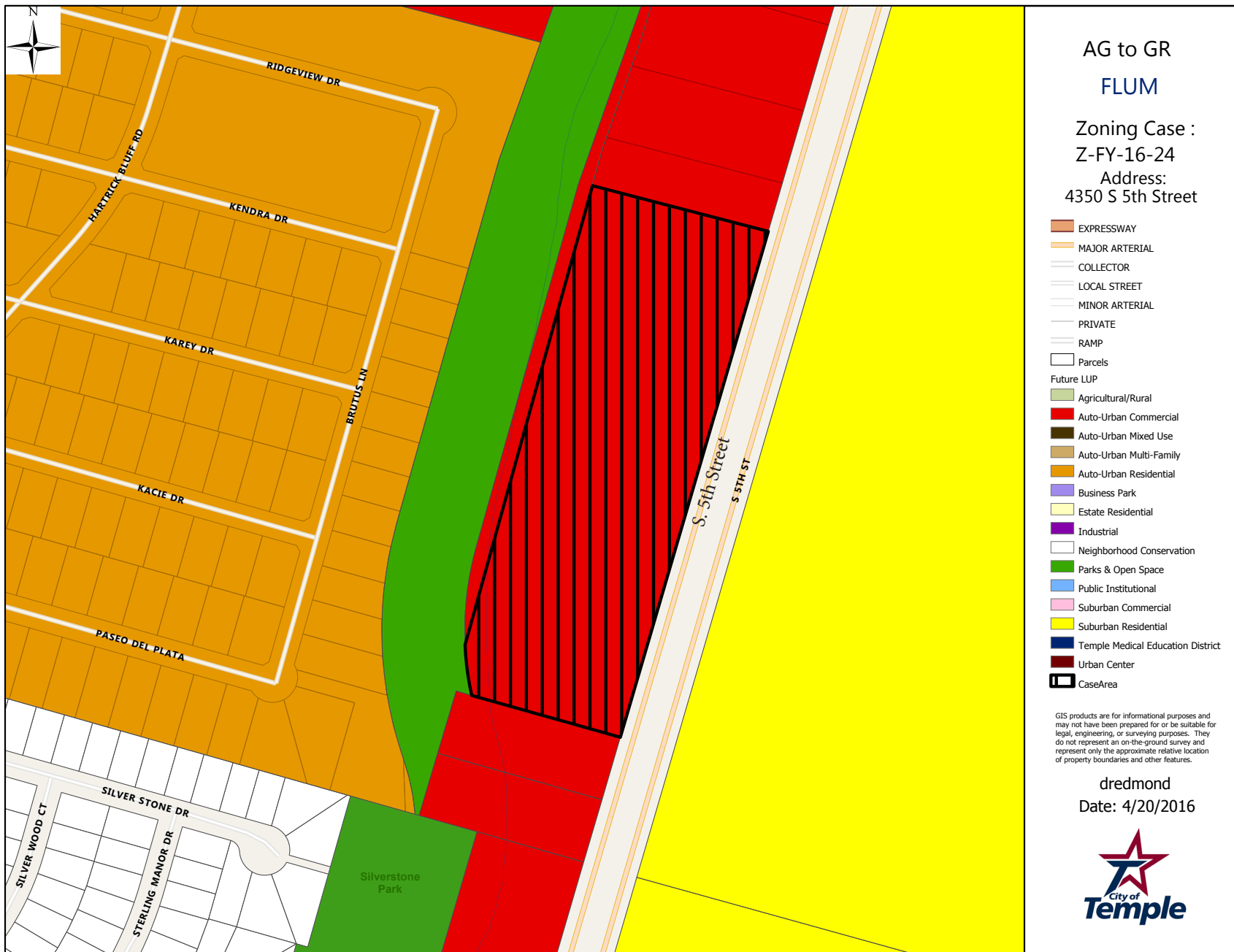
Aerial



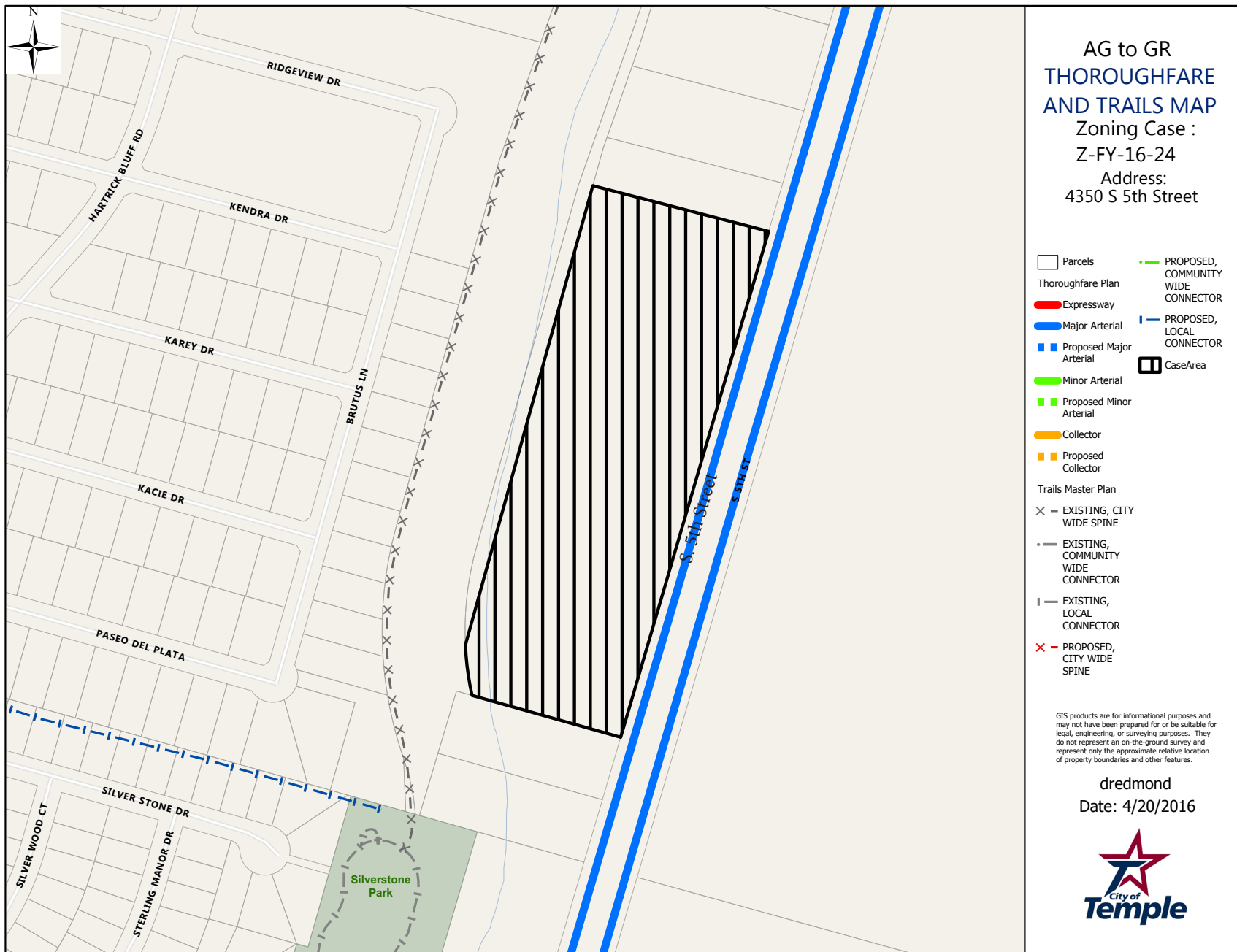
Zoning Map



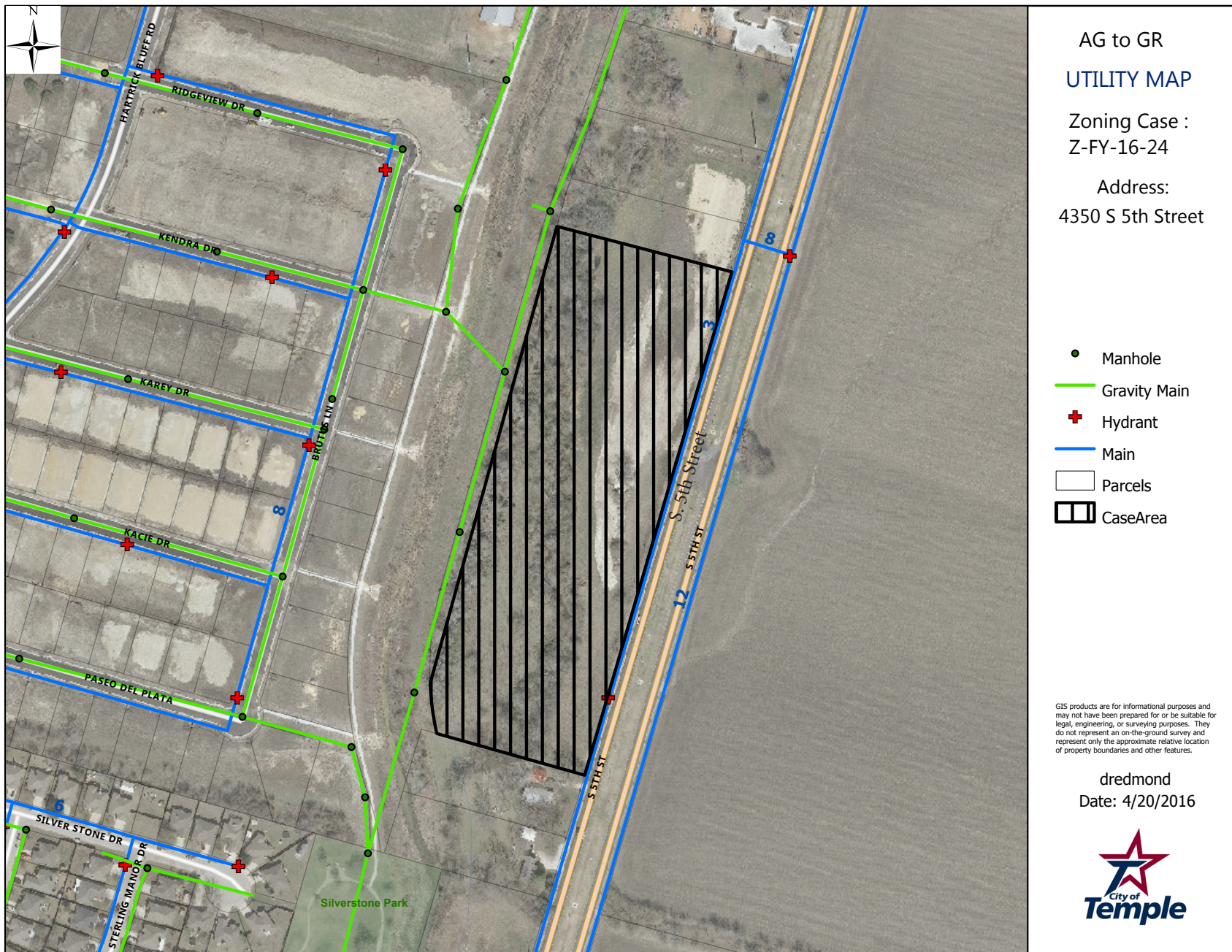
Future Land Use Map



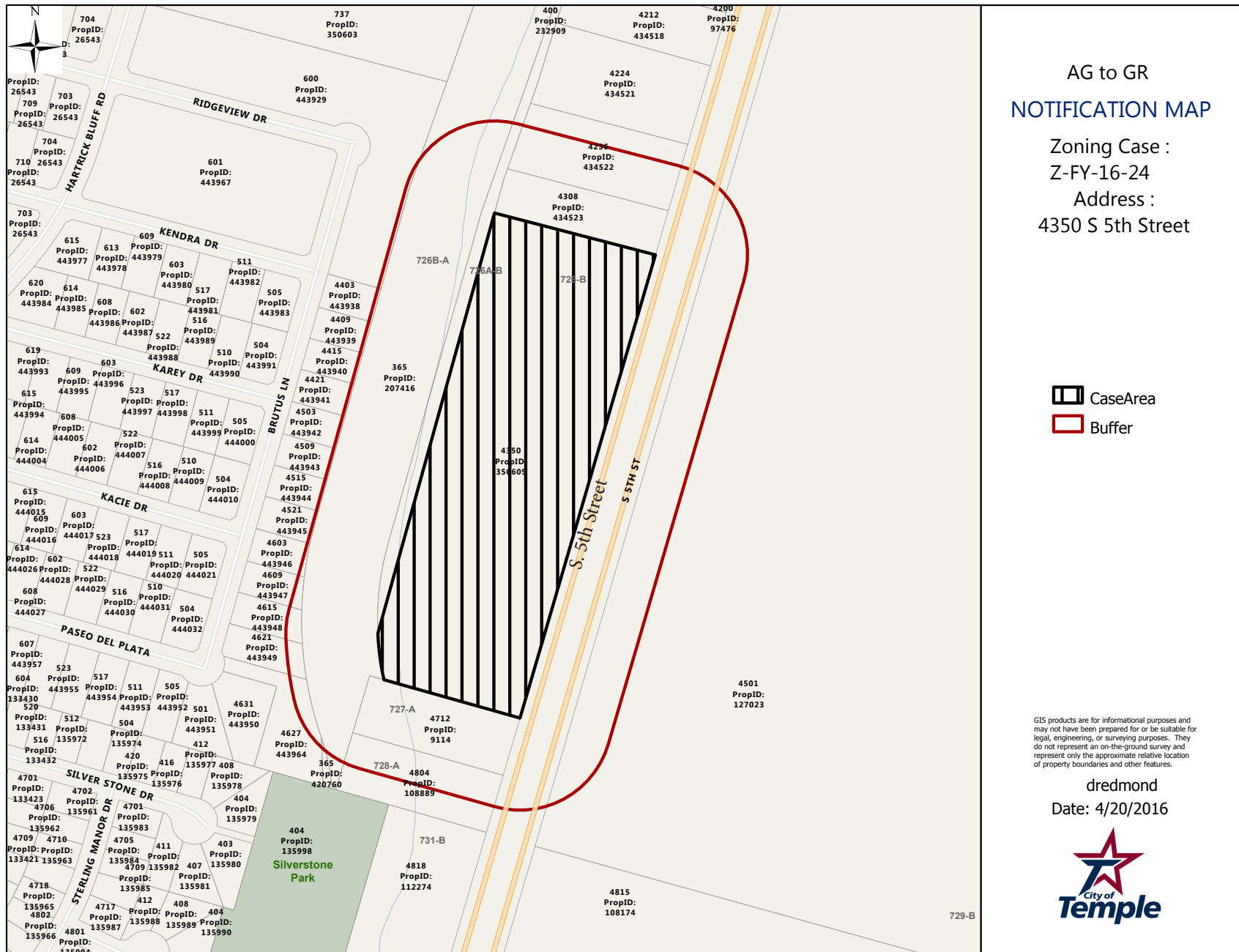
Thoroughfare and Trails Map



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

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

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**

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

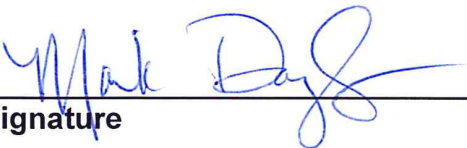
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice,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


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

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: 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

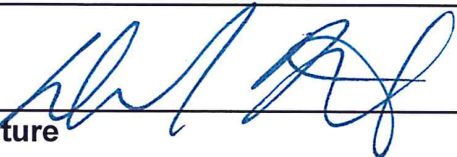
Location: West side of South 5th Street, south of Canyon Creek Drive, 4350 S. 5th Street

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

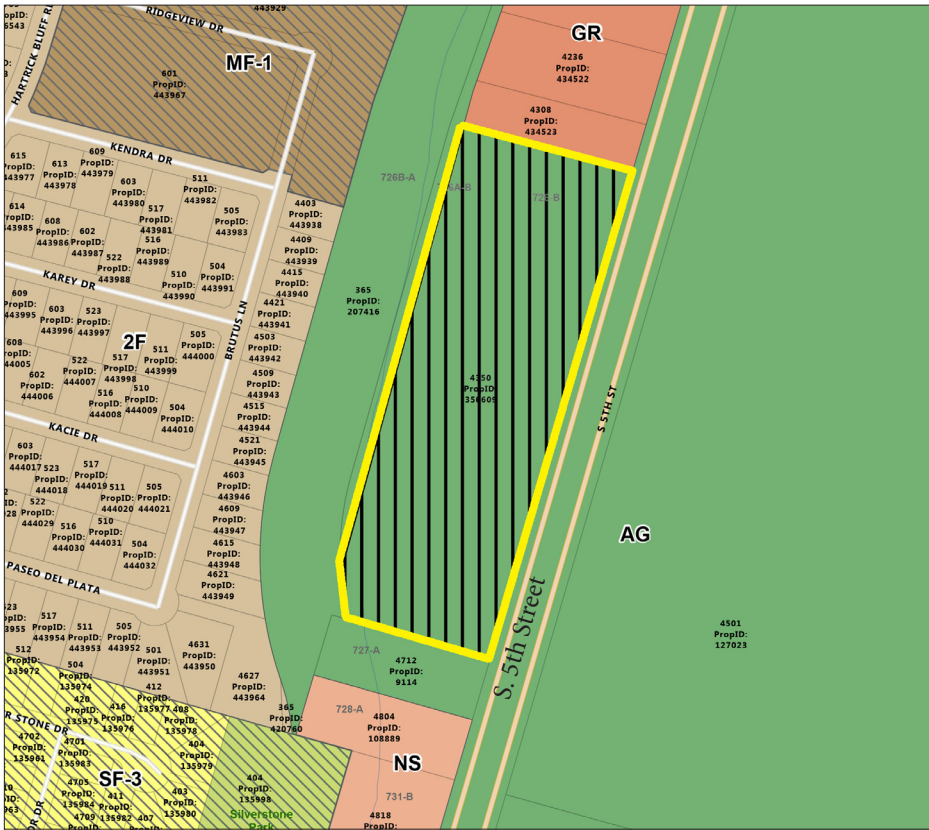
MAY - 6 2016

City of Temple
Planning & Development

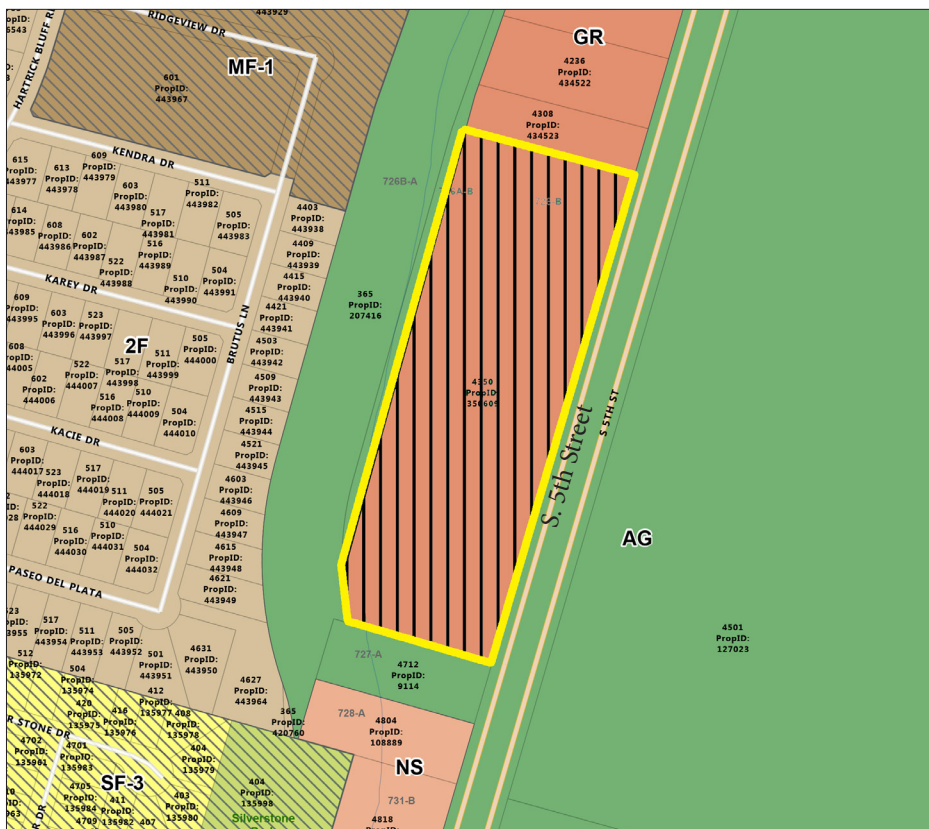
Number of Notices Mailed: 20

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

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

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning
Dessie Redmond, Planner

ITEM DESCRIPTION: SECOND READING – Z-FY-16-25: Consider adopting an ordinance authorizing rezoning from Multifamily-2 (MF-2) to Office-1 (O-1) 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.

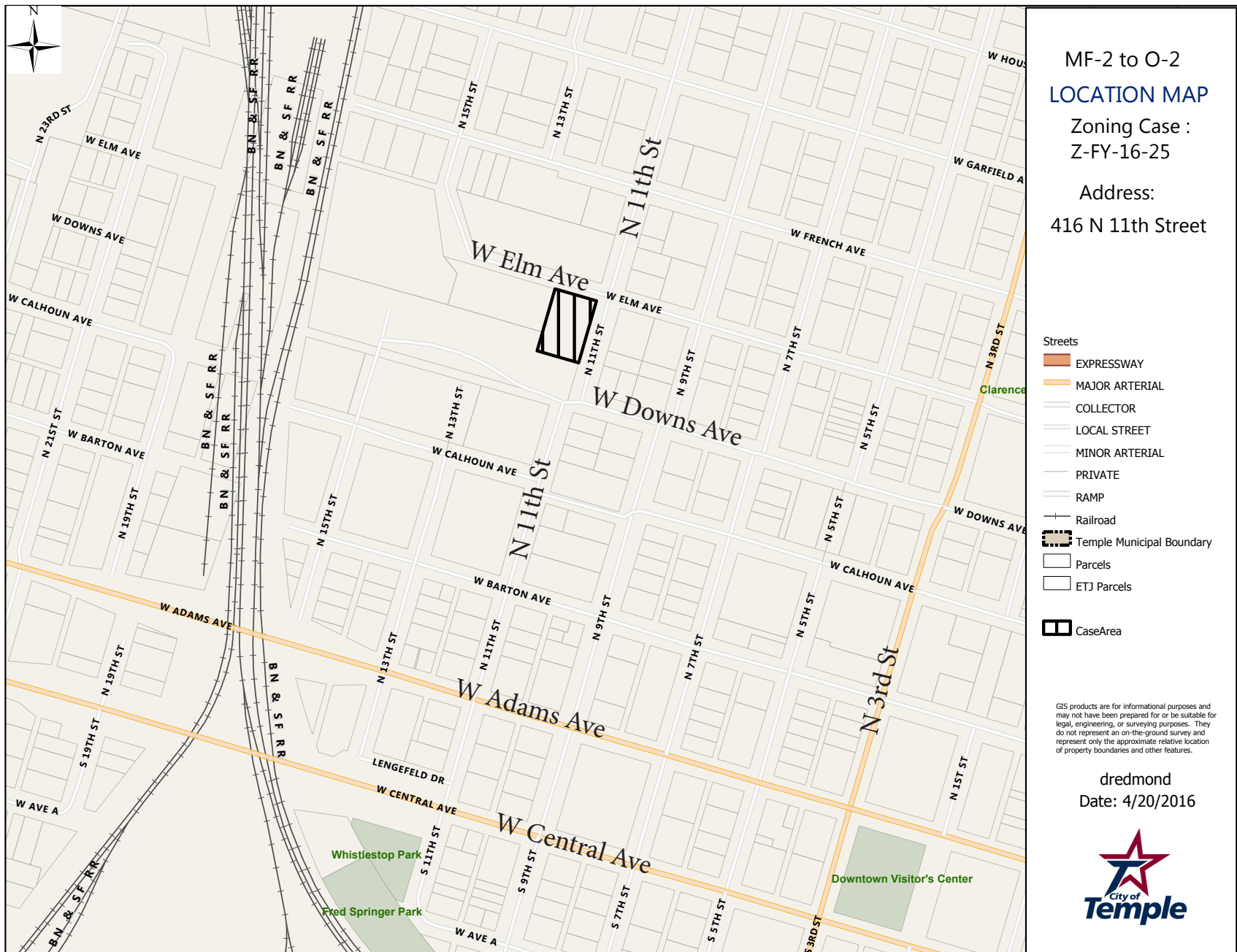
Site Photos

 Subject property
 Approximate boundary

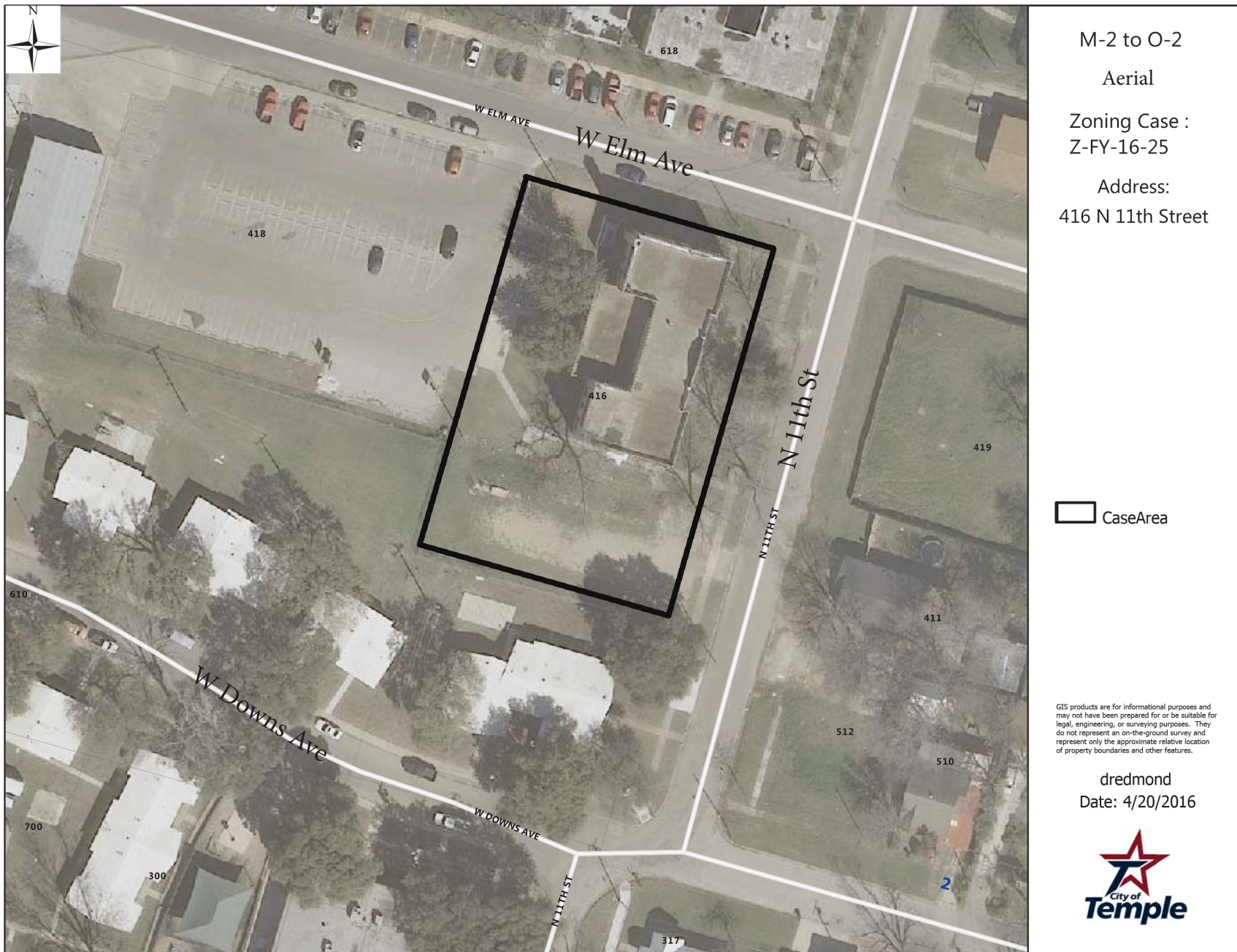


Google Earth image showing vicinity.

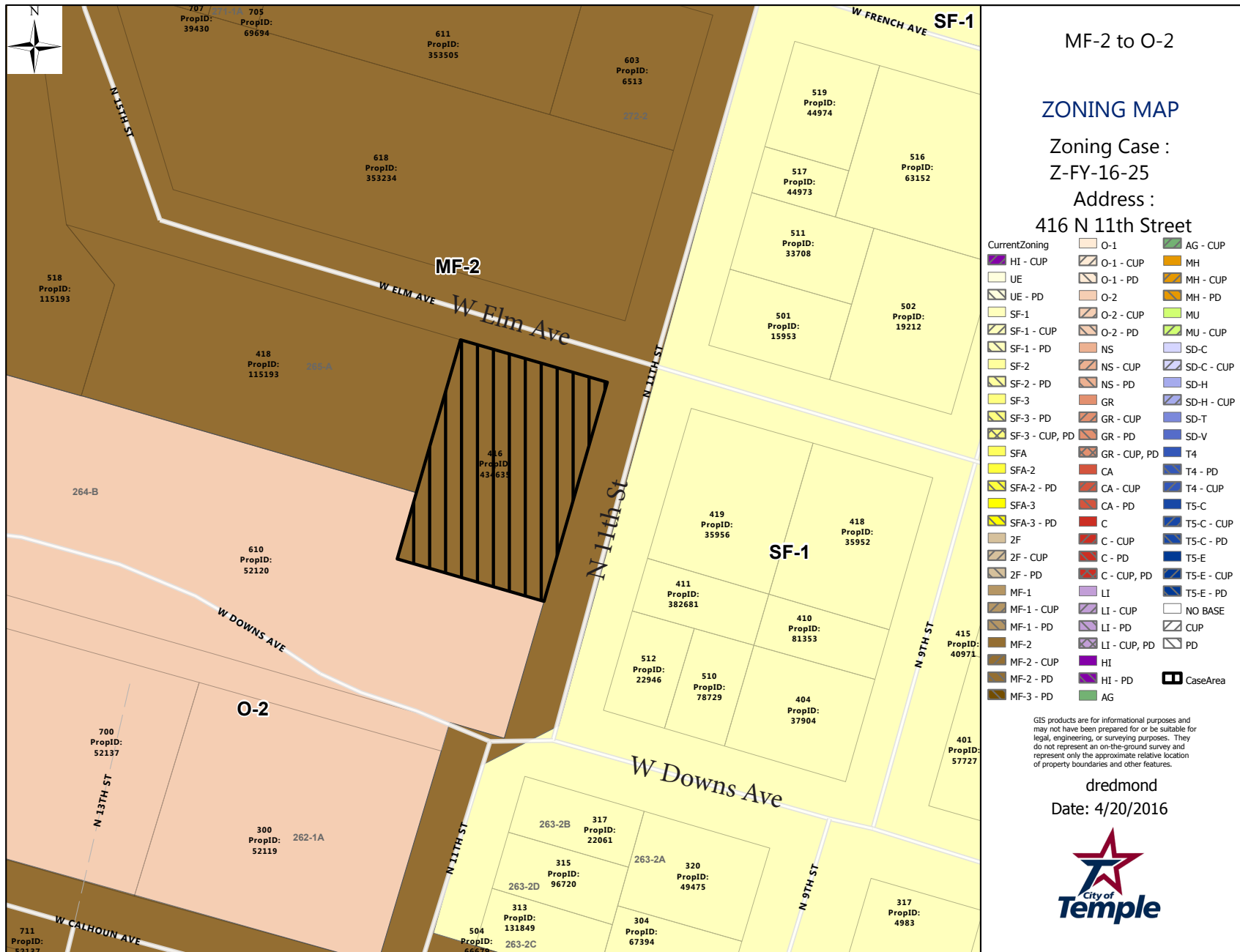
Location Map



Aerial



Zoning Map



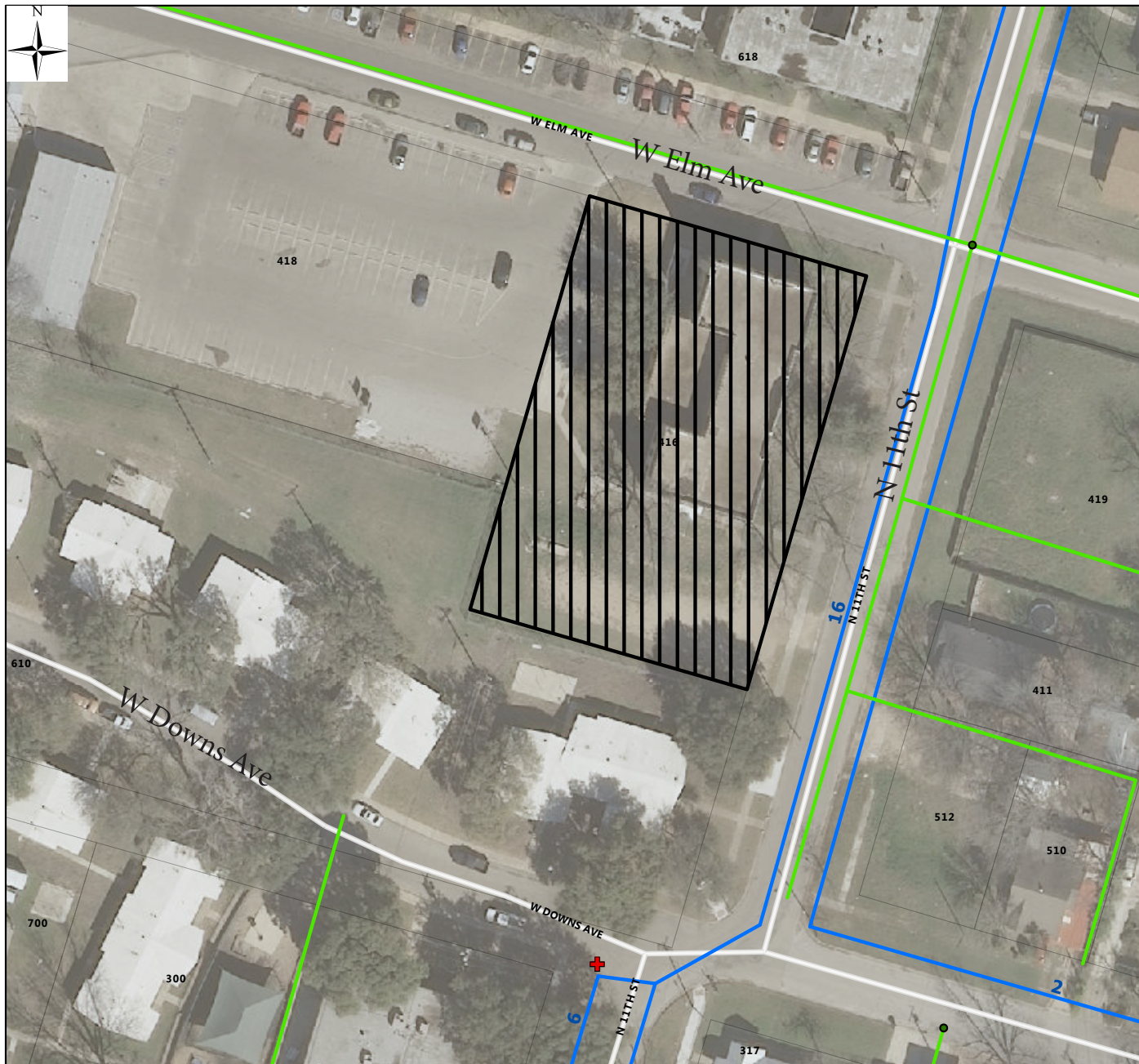
Future Land Use Map



Thoroughfare and Trails Map



Utility Map



M-2 to O-2

UTILITY MAP

Zoning Case :
Z-FY-16-25

Address:
416 N 11th Street

- 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: 4/20/2016



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

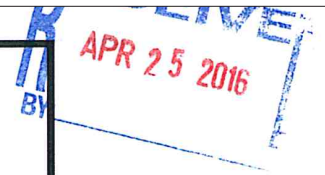
Number of Notices Mailed: 12

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

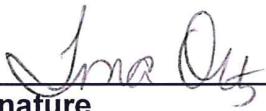
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice,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

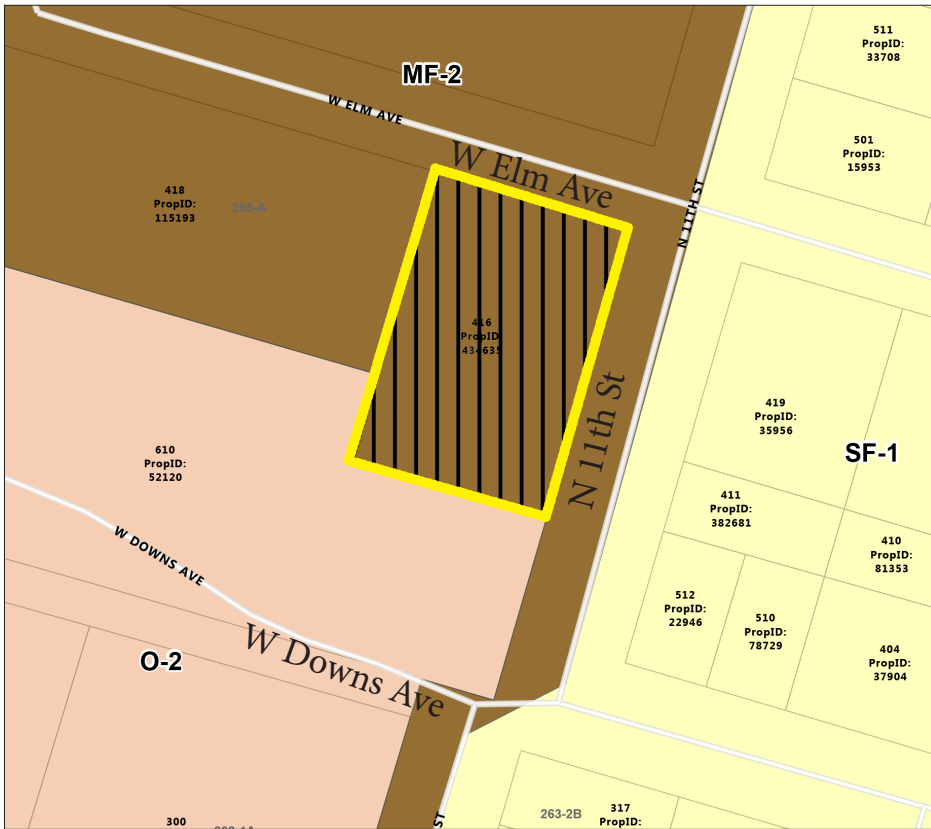
MAY - 2 2016

City of Temple
Planning & Development

Number of Notices Mailed: 12

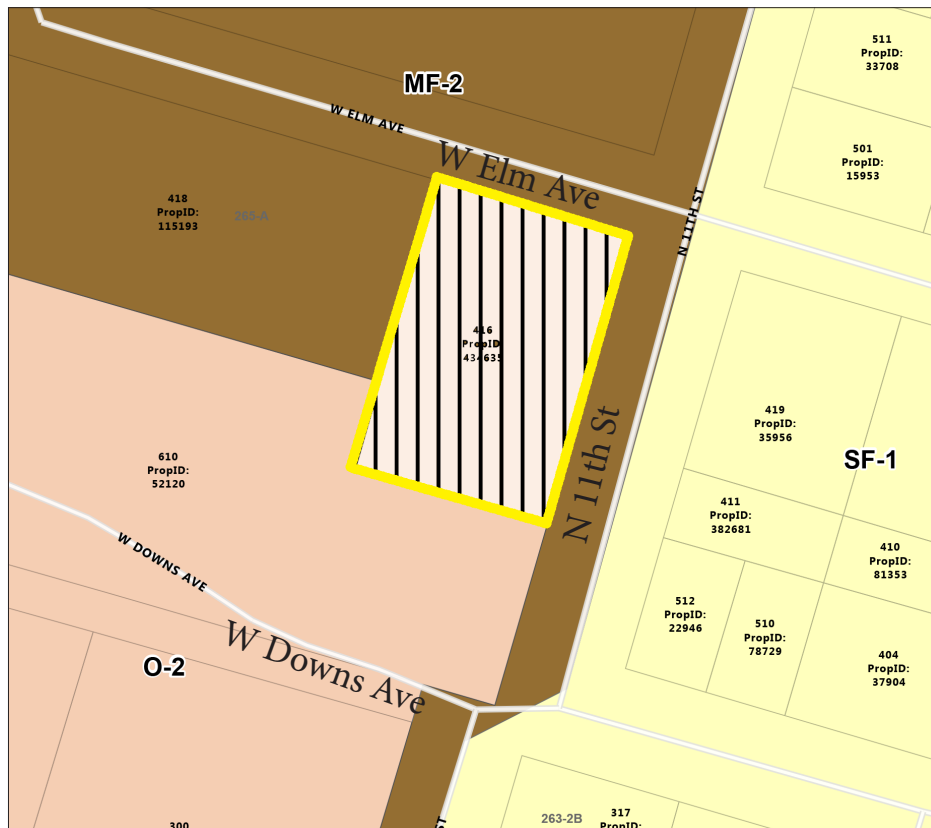
Date Mailed: April 21, 2016

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. 2016-4778

(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 ONE 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 One 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

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

DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning
Mark Baker, Senior Planner

ITEM DESCRIPTION: SECOND READING - 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.

Surrounding Property & Uses			
Direction	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



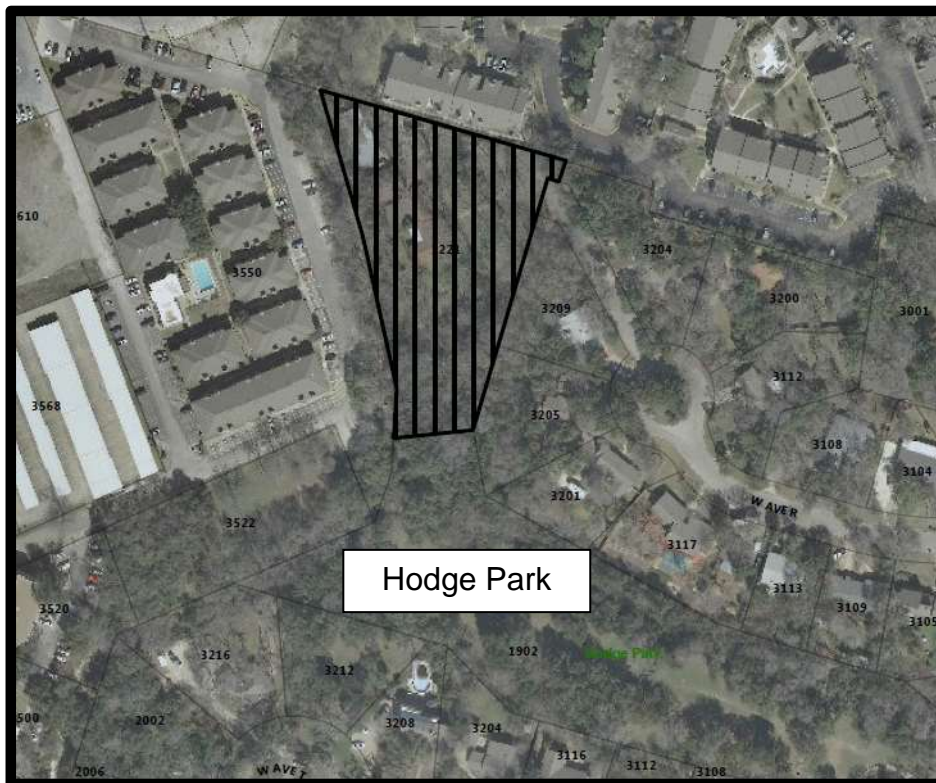
Site – Existing SF Residence (LI)



Site – Alternative View – SF Residence (LI)



North: Chappell Hill Apartments (MF-2)



South – Hodge Park and Woodlawn Park Residential subdivision (2F)



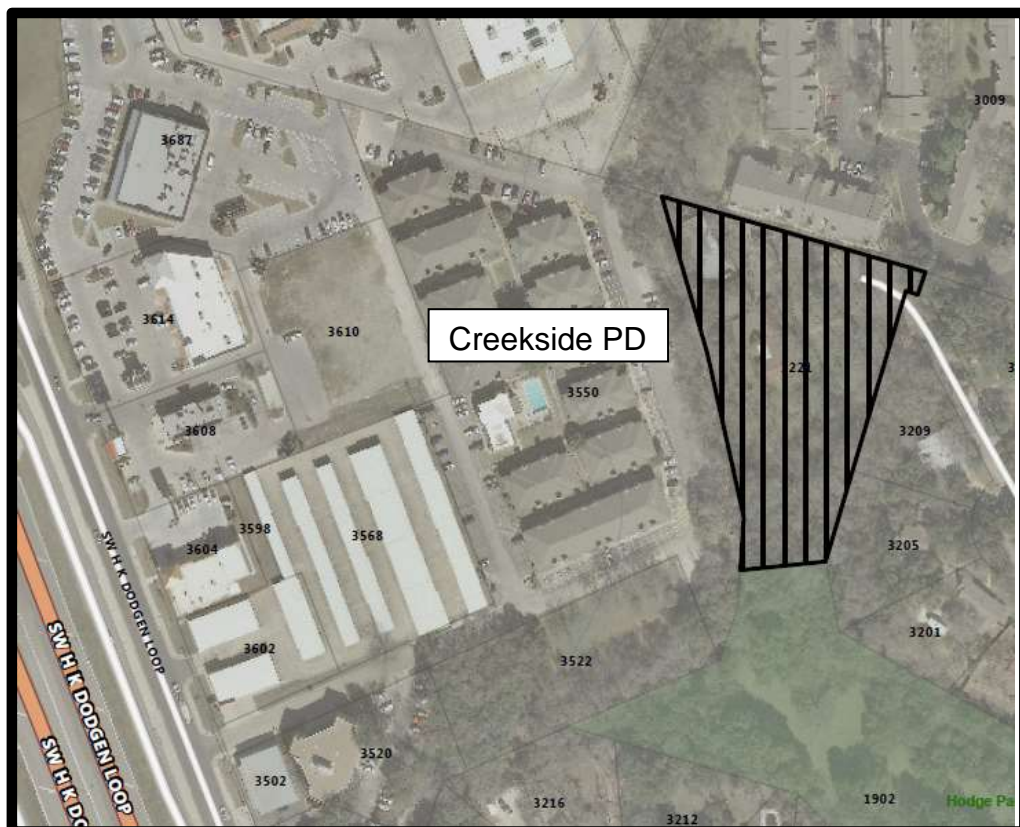
East: Single Family Uses
Woodlawn SF Residential Subdivision (2F)



East: Single Family Uses
Woodlawn SF Residential subdivision (2F)



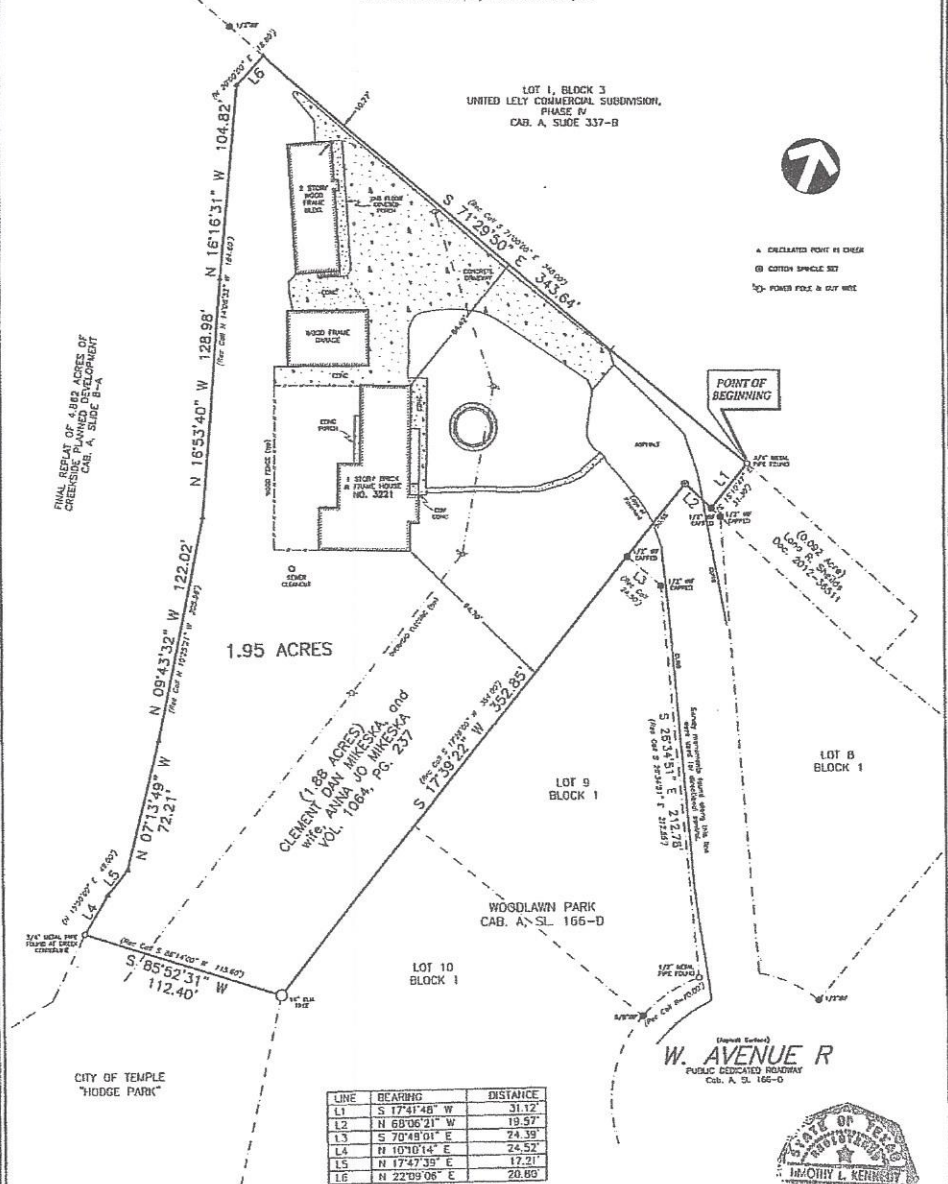
West: Creekside Planned Development (PD)



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

SW H K DODGEN LOOP





LI to SF-1

AERIAL MAP

Zoning Case :
Z-FY-16-26

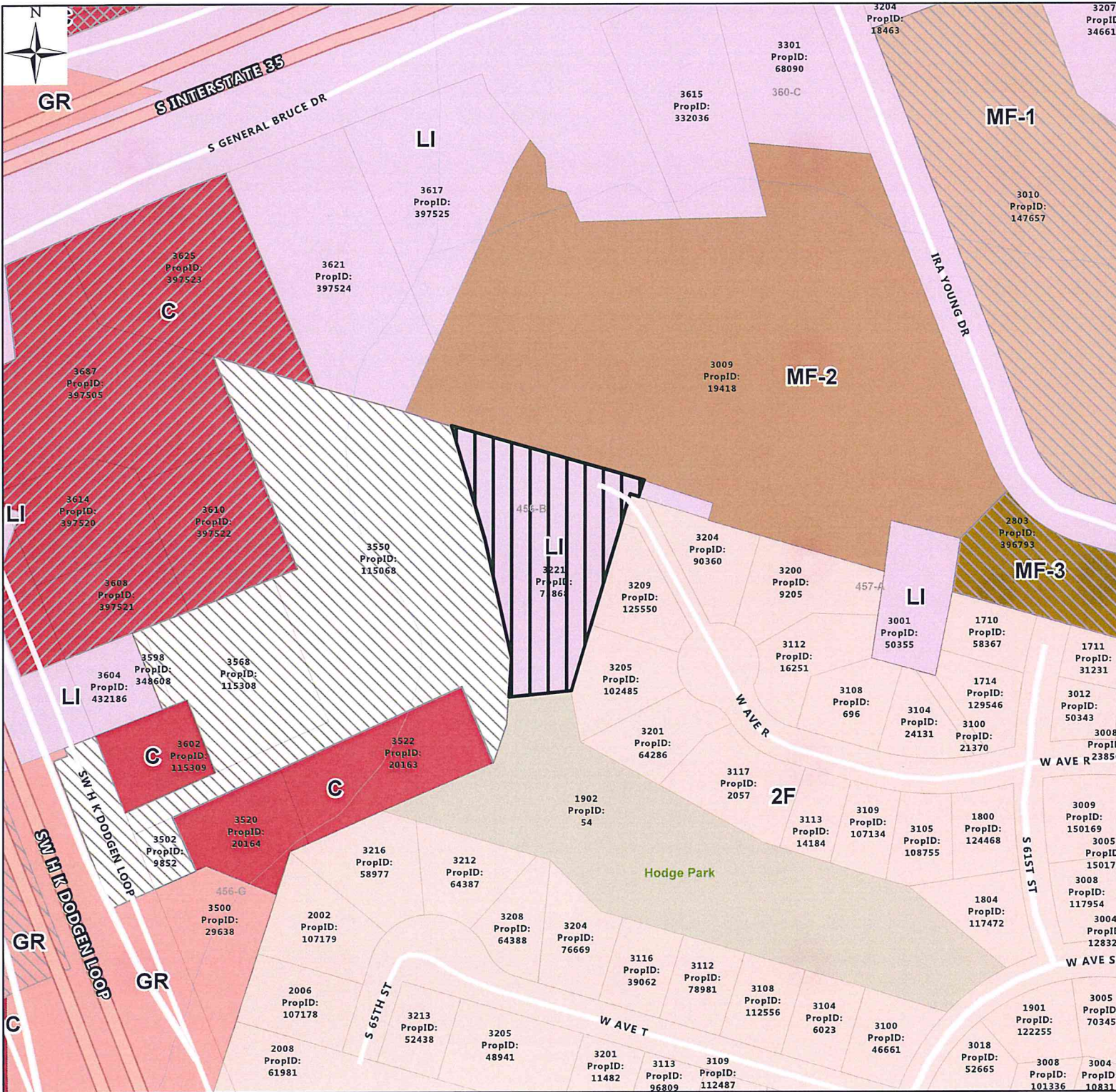
Address :
3221 West Ave R

- 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: 4/7/2016





LI to SF-1

ZONING MAP

Zoning Case :
Z-FY-16-26

Address :
3221 West Ave R

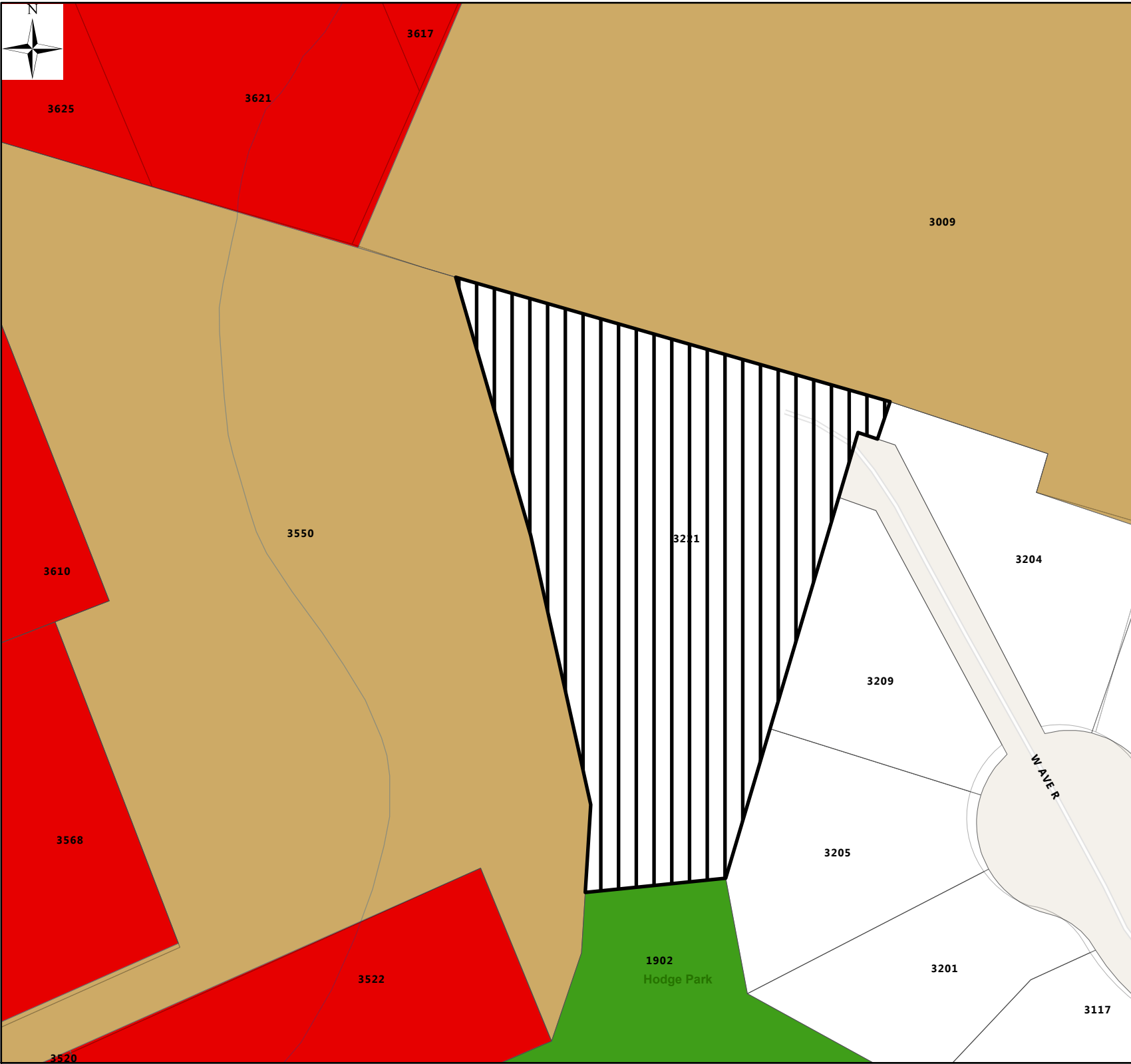
CurrentZoning		
HI - CUP	O-1	AG - CUP
UE	O-1 - CUP	MH
UE - PD	O-1 - PD	MH - CUP
SF-1	O-2	MH - PD
SF-1 - CUP	O-2 - CUP	MU
SF-1 - PD	O-2 - PD	MU - CUP
SF-2	NS	SD-C
SF-2 - PD	NS - CUP	SD-C - CUP
SF-3	NS - PD	SD-H
SF-3 - PD	GR	SD-H - CUP
SF-3 - CUP, PD	GR - CUP	SD-T
SFA	GR - PD	SD-V
SFA-2	GR - CUP, PD	T4
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	

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 FUTURE LAND USE MAP

Zoning Case :
Z-FY-16-26

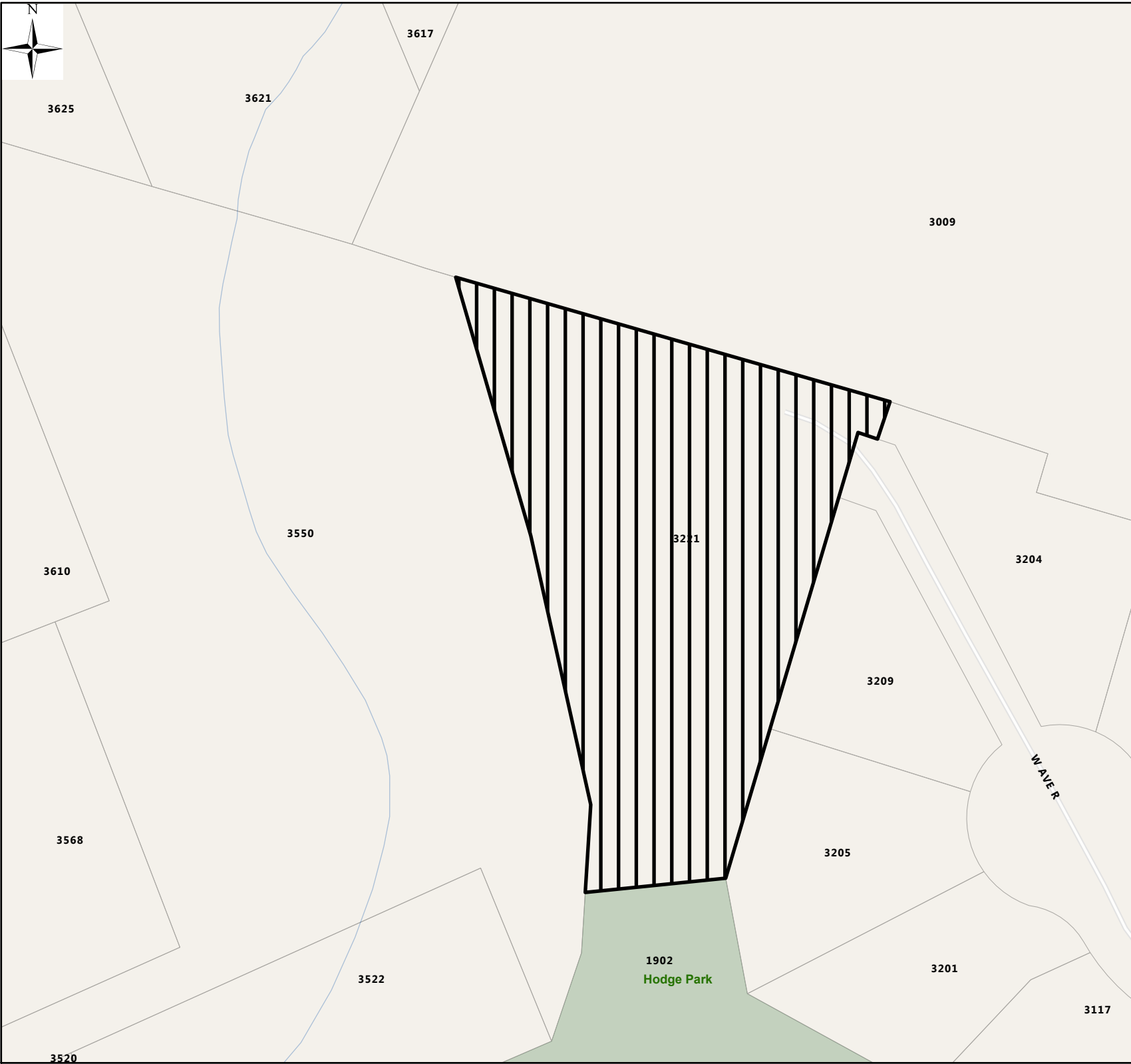
Address :
3221 West Ave R

- 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

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

THOROUGHFARE AND TRAILS MAP

Zoning Case :
Z-FY-16-26

Address :
3221 West Ave R

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

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

UTILITY MAP

Zoning Case :
Z-FY-16-26

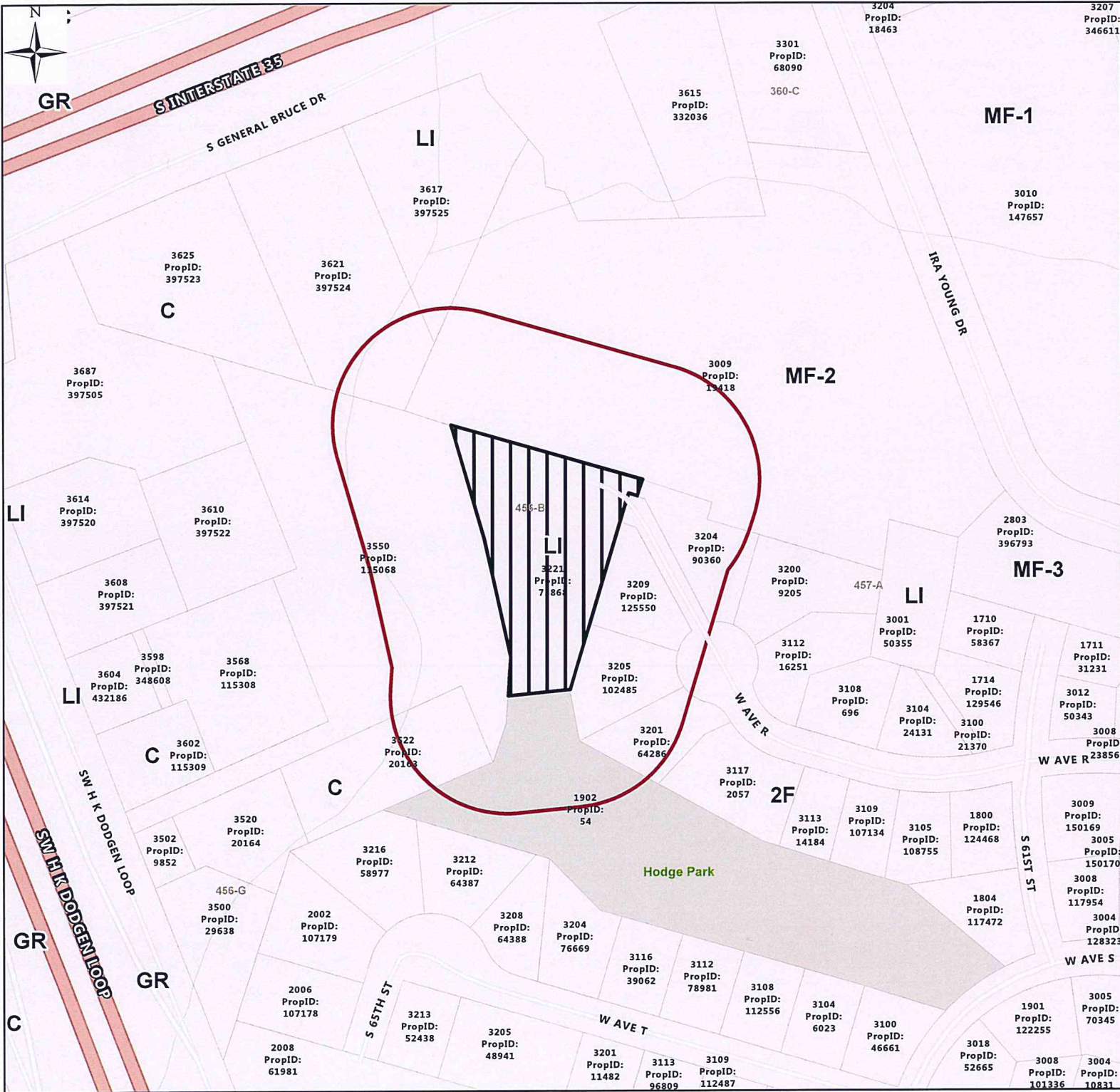
Address :
3221 West Ave R

- 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: 4/7/2016





LI to SF-1

200' NOTIFICATION MAP

Zoning Case :
Z-FY-16-26

Address :
3221 West Ave R

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





**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

06/16/16
Item #4(V)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning
Tammy Lysterly, Senior Planner

ITEM DESCRIPTION: SECOND READING – 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:

<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 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

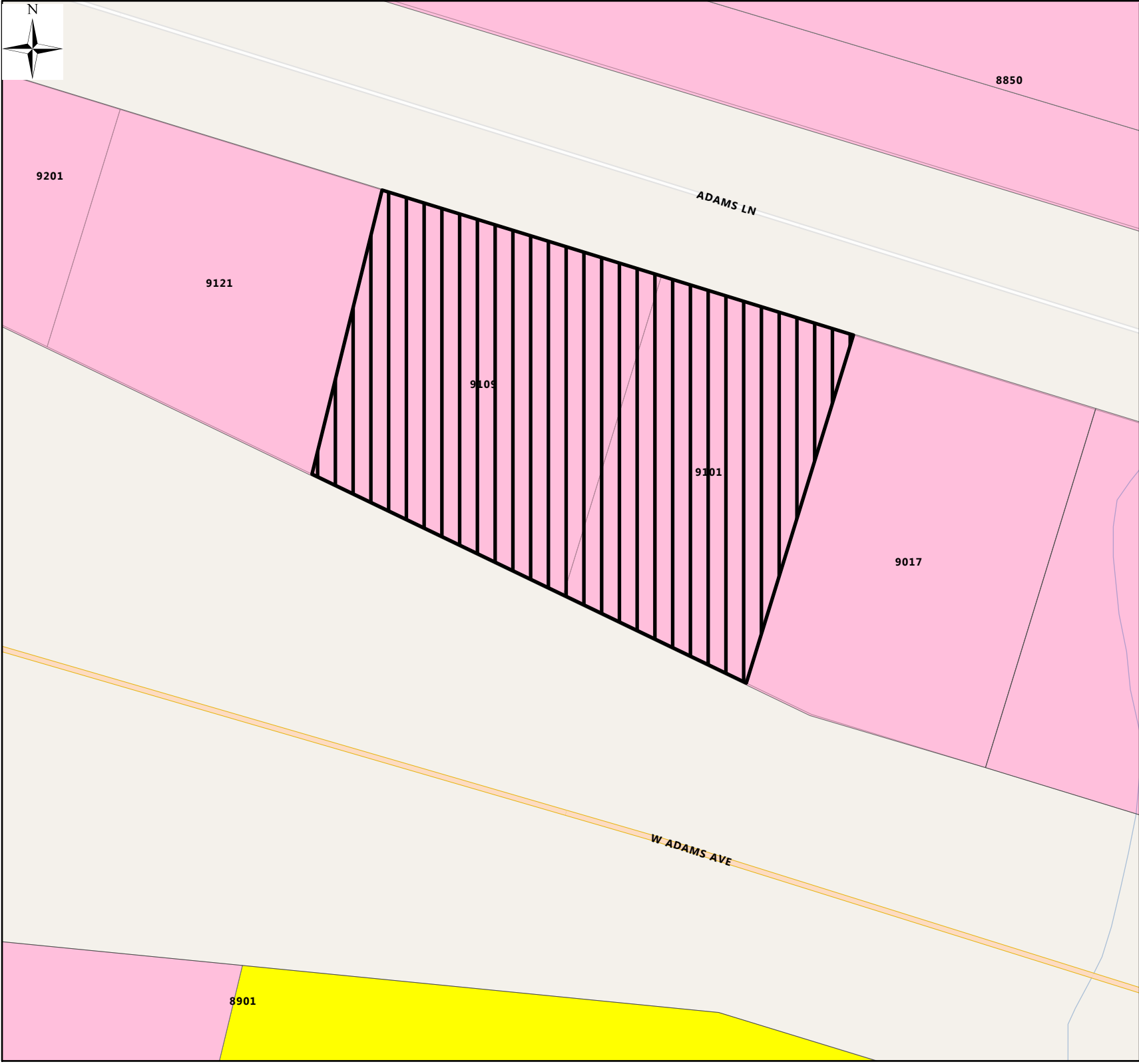
CurrentZoning		
HI - CUP	O-1	AG - CUP
UE	O-1 - CUP	MH
UE - PD	O-1 - PD	MH - CUP
SF-1	O-2	MH - PD
SF-1 - CUP	O-2 - CUP	MU
SF-1 - PD	O-2 - PD	MU - CUP
SF-2	NS	SD-C
SF-2 - PD	NS - CUP	SD-C - CUP
SF-3	NS - PD	SD-H
SF-3 - PD	GR	SD-H - CUP
SF-3 - CUP, PD	GR - CUP	SD-T
SFA	GR - PD	SD-V
SFA-2	GR - CUP, PD	T4
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	

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





























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

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






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

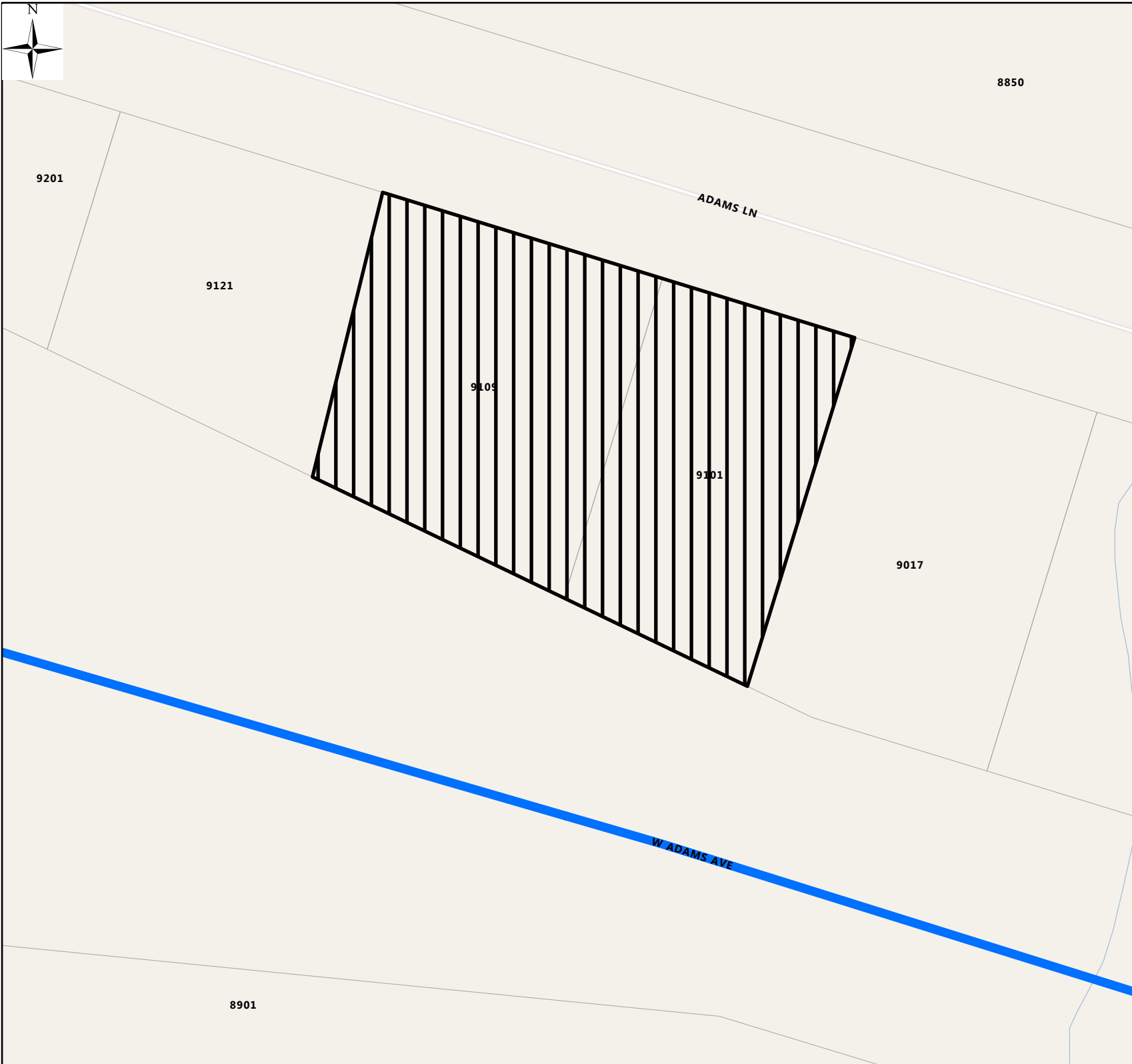
 Collector

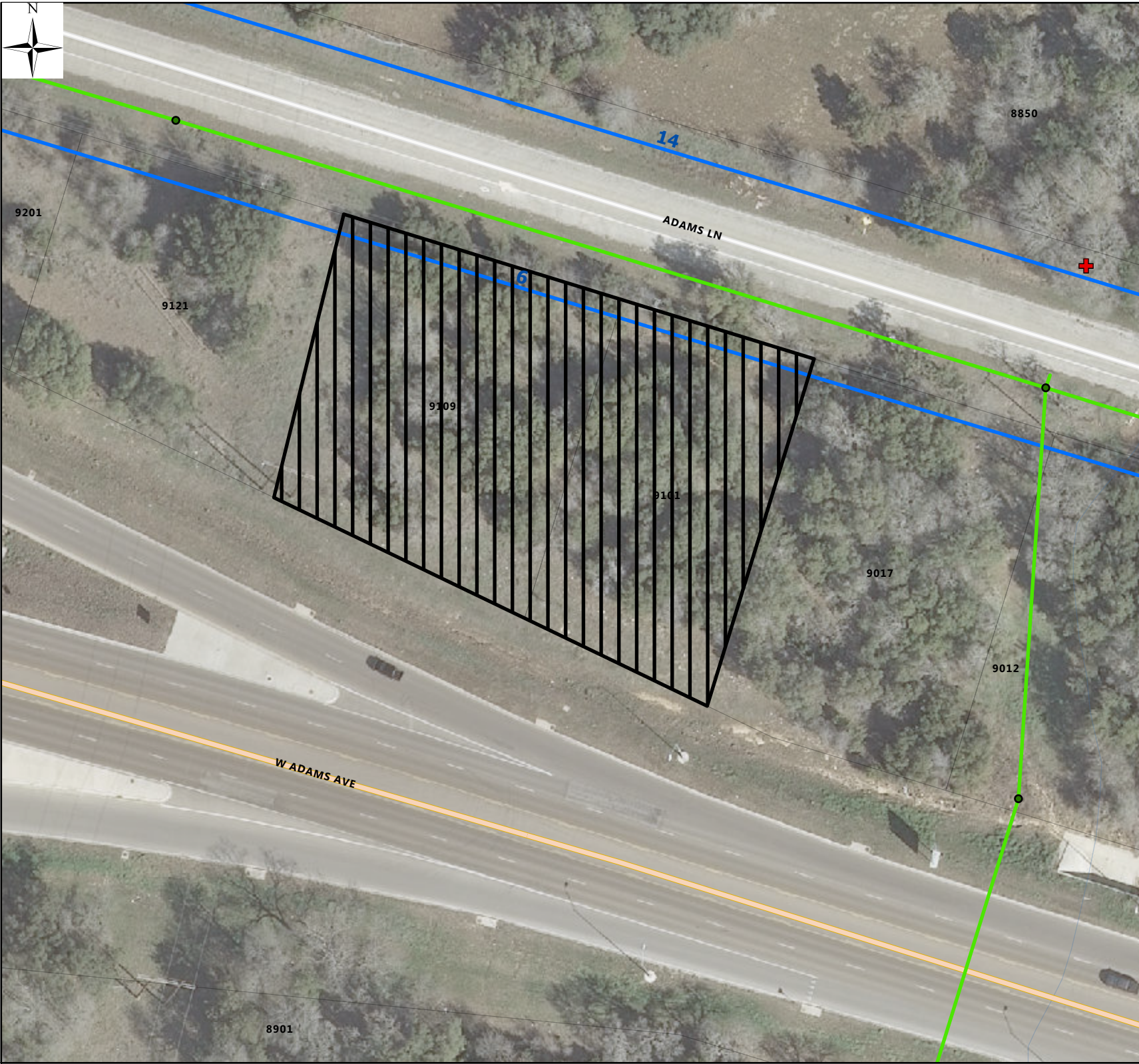
 Proposed
Collector

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





PD-GR Site Plan

UTILITY MAP

Zoning Case :
Z-FY-16-27

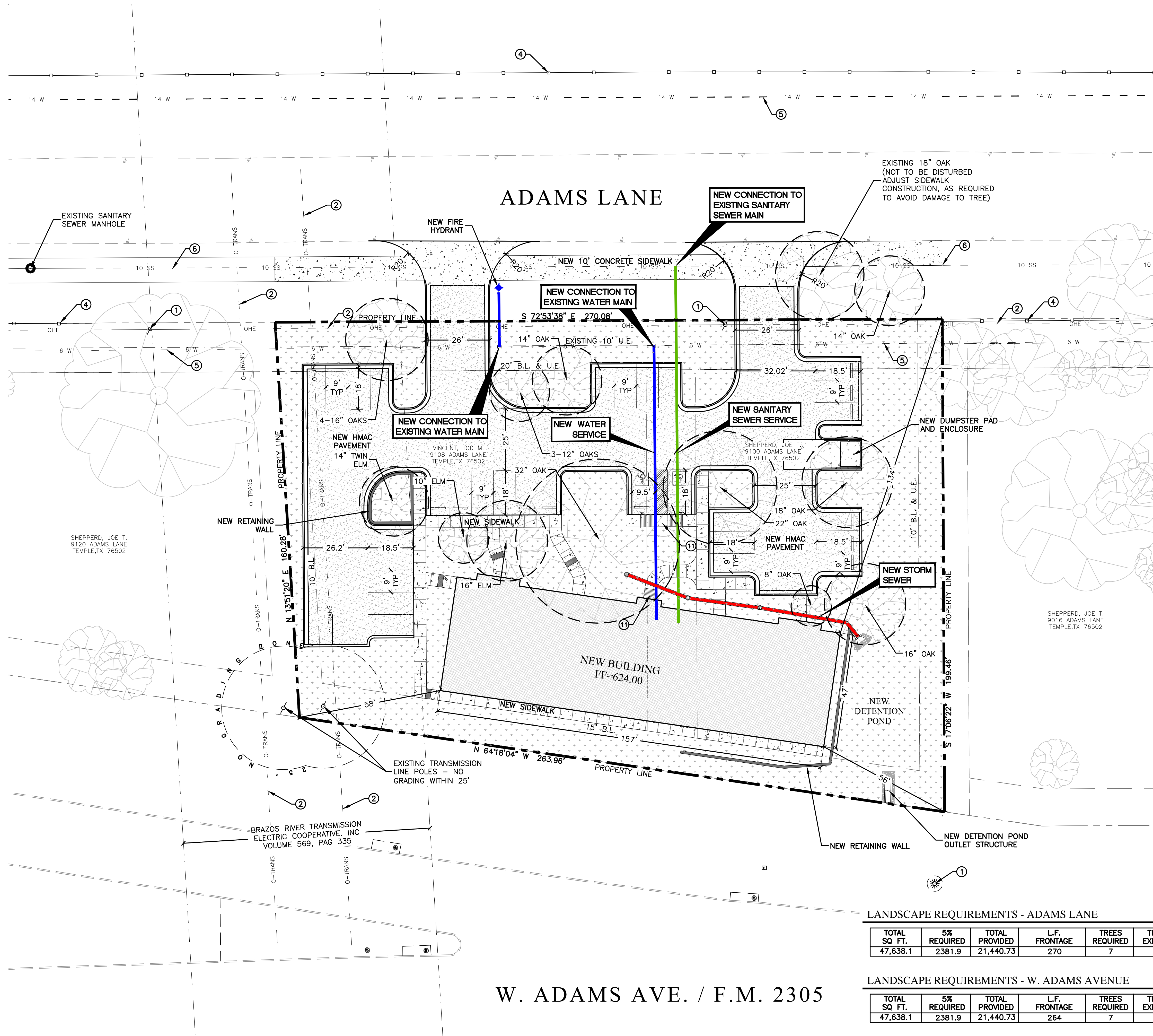
Address :
9100 & 9108 Adams Ln

- 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





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:

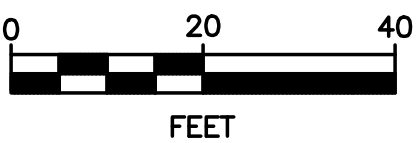
- STORM DRAINAGE SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF TEMPLE'S DRAINAGE ORDINANCE.
- BASED ON INFORMATION AVAILABLE FROM THE FIRM RATE MAP NUMBER 48027C0330E, DATED SEPTEMBER 26, 2008, THE SUBJECT PROPERTY DOES NOT APPEAR TO BE WITHIN THE "SPECIAL FLOOD HAZARD AREA" AND APPEARS TO BE SITUATED 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

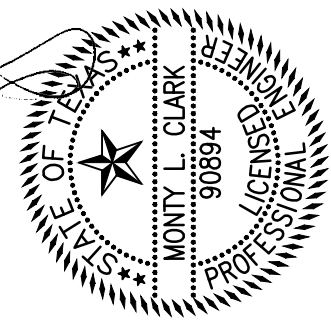
TOTAL SQ. FT.	5% REQUIRED	TOTAL PROVIDED	L.F. FRONTAGE	TREES REQUIRED	TREES EXISTING	TREES NEW
47,638.1	2381.9	21,440.73	264	7	18	0

DRAWING STATUS

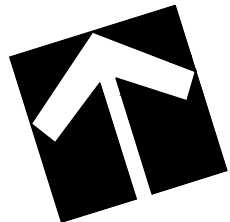
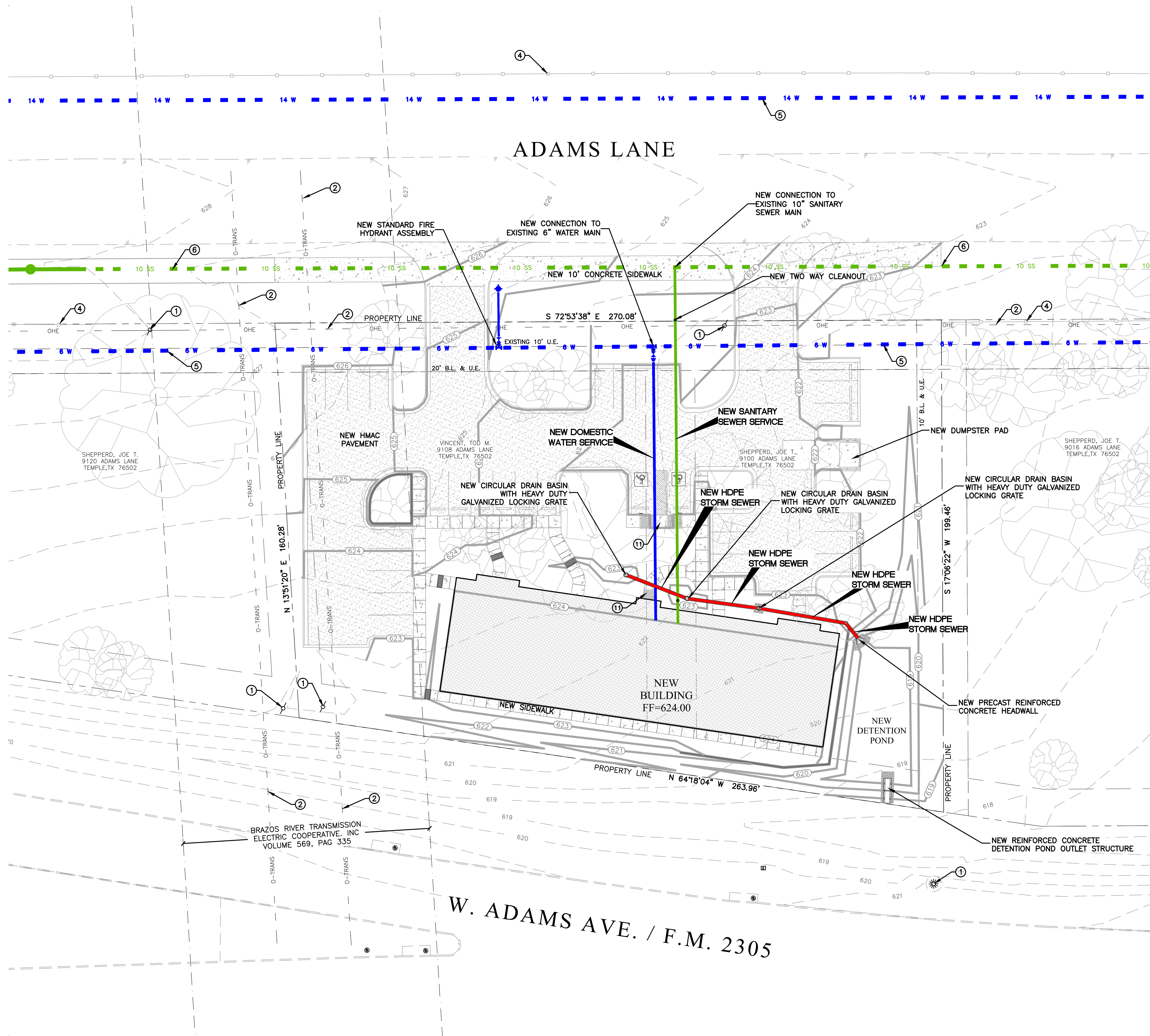
THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF THE PROFESSIONAL SEAL OF THE ENGINEER, CLARK & FULLER, P.L.C. FIRM NO. 1-10384. NO. 1-10384. FOR REVIEW ONLY AS PER DATE ON DRAWING. IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES. ONLY DRAWINGS ISSUED FOR CONSTRUCTION CAN BE CONSIDERED COMPLETE.

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:

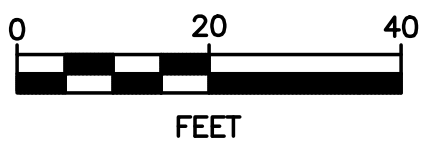
- | | | | |
|--|-------|--|---------------------------|
| | 6 W | | EXISTING WATER MAIN |
| | 14 W | | EXISTING WATER MAIN |
| | 10 SS | | EXISTING WATER MAIN |
| | | | PROPOSED WATER MAIN |
| | | | NEW STANDARD FIRE HYDRANT |
| | | | PROPOSED STORM SEWER |
| | | | PROPOSED STORM SEWER |

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.

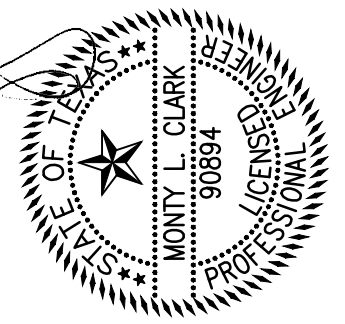


Date:	Revisions
	Remarks:

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 ONLY. THIS DRAWING 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

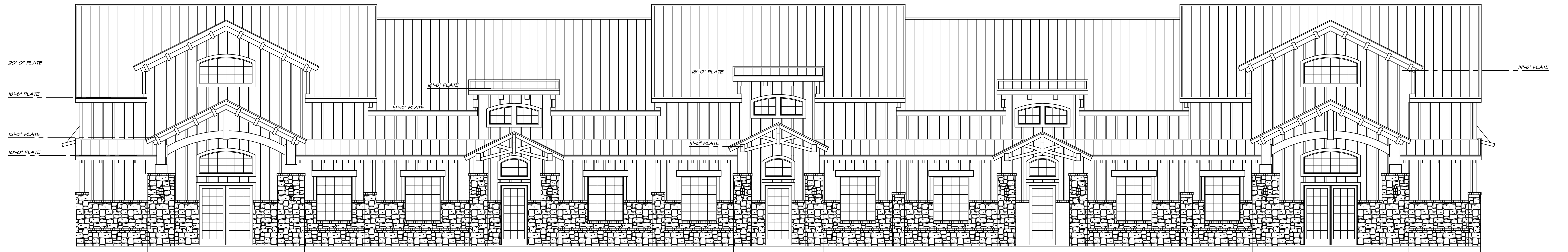
**ADAMS ISLAND
BLOCK 1 LOT 6 AND 7
NEW SITE DEVELOPMENT**
Temple, Texas



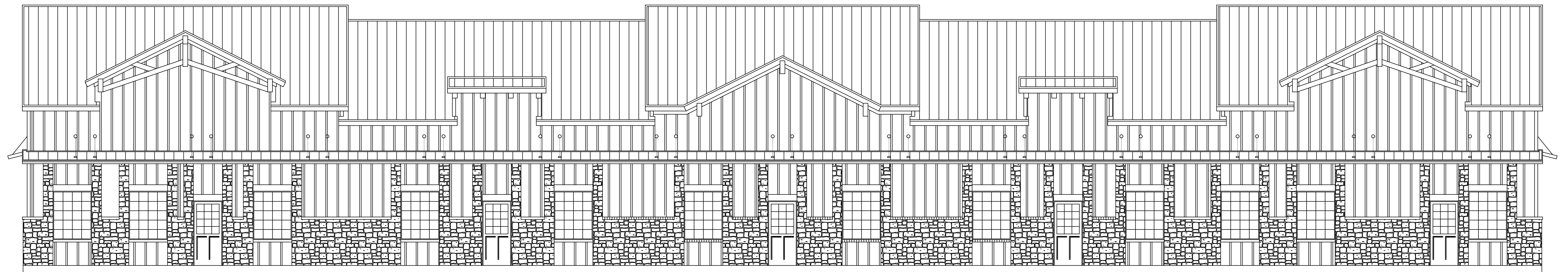
CLARK & FULLER
CIVIL ENGINEERING • DESIGN • PLANNING
215 North Main Street, Temple, TX 76501
254-899-0899 www.clarkfuller.com F-10384



Project No:	151634-00	Designed By:	MLC
Plot Date:	3-16-16	Drawn By:	LLW



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
Clydette Entzminger
City Secretary

William A. Jones, III
WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

Jonathan Graham
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

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

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

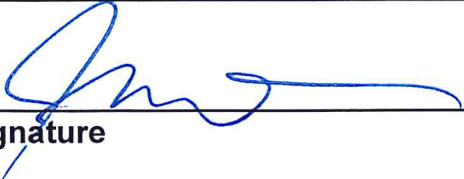
Location: 9108 and 9100 Adam's Lane

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

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

Number of Notices Mailed: 9

Date Mailed: April 21, 2016



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

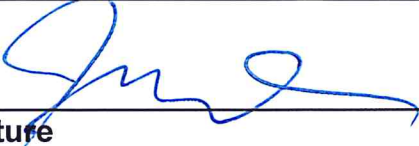
Location: 9108 and 9100 Adam's Lane

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

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

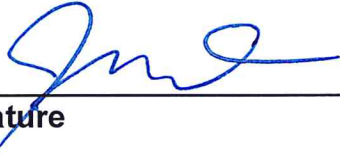
Location: 9108 and 9100 Adam's Lane

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

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

Number of Notices Mailed: 9

Date Mailed: April 21, 2016



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

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

06/16/16
Item #4(W)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning
Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: SECOND READING – 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:

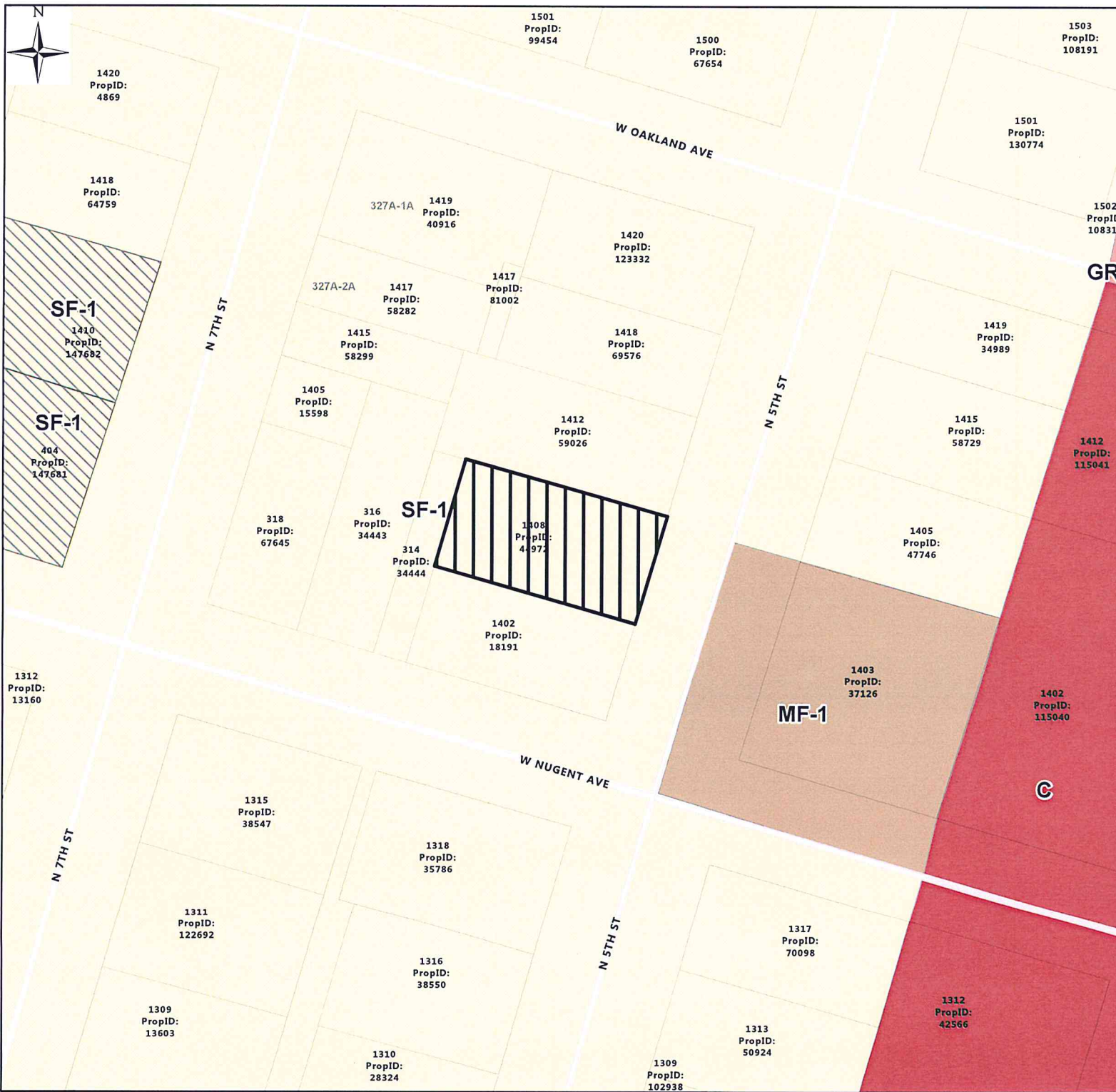
[Site and Surrounding Property Photos](#)
[Zoning & Notification Map](#)
[Location map with Aerial](#)
[Future Land Use and Character Map](#)
[Utility Map](#)
[Notification Response Letter](#)
[Ordinance](#)

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	 <p>N 7th St</p>
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

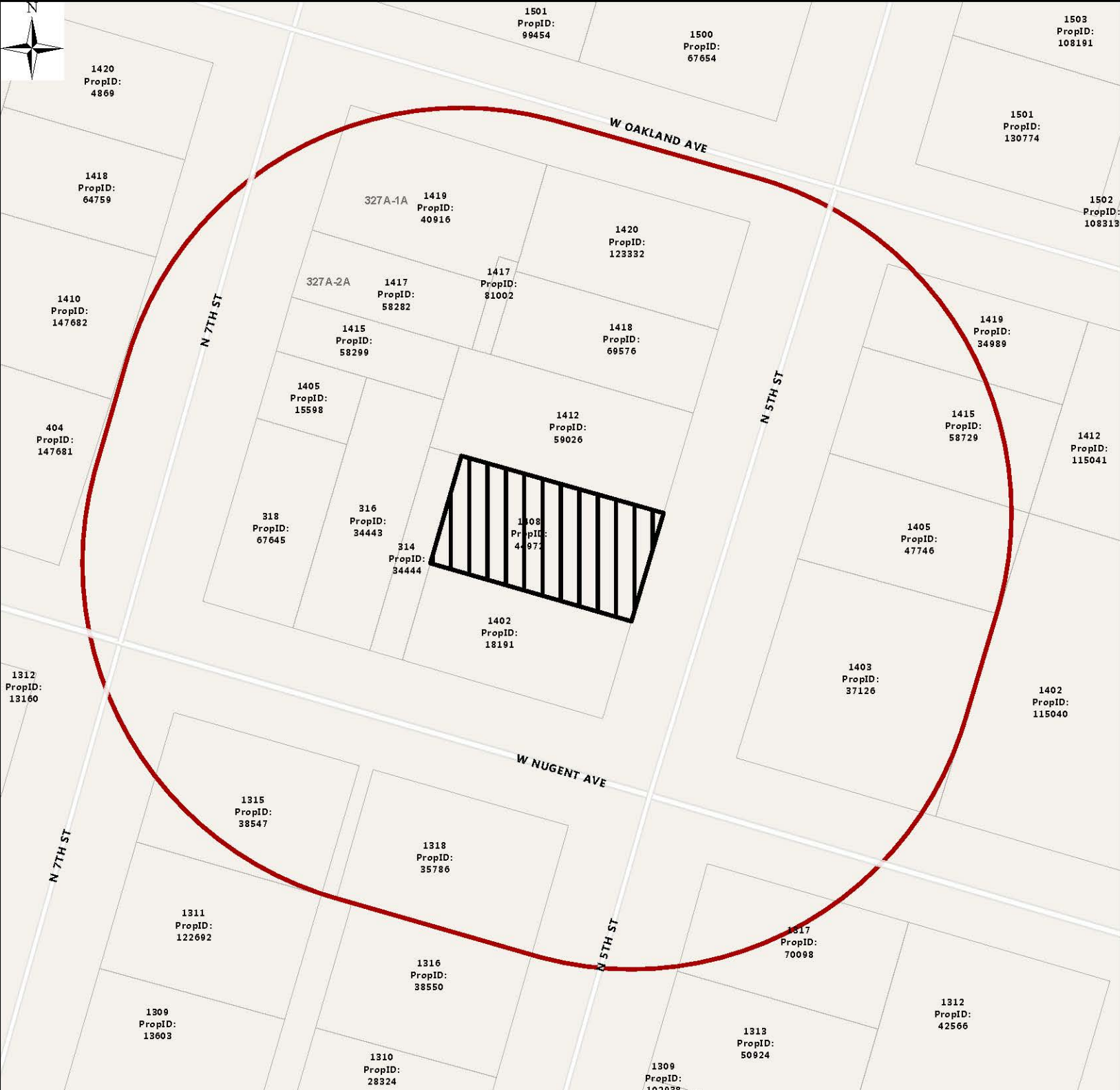
Address :
1408 & 1410 N 5th St

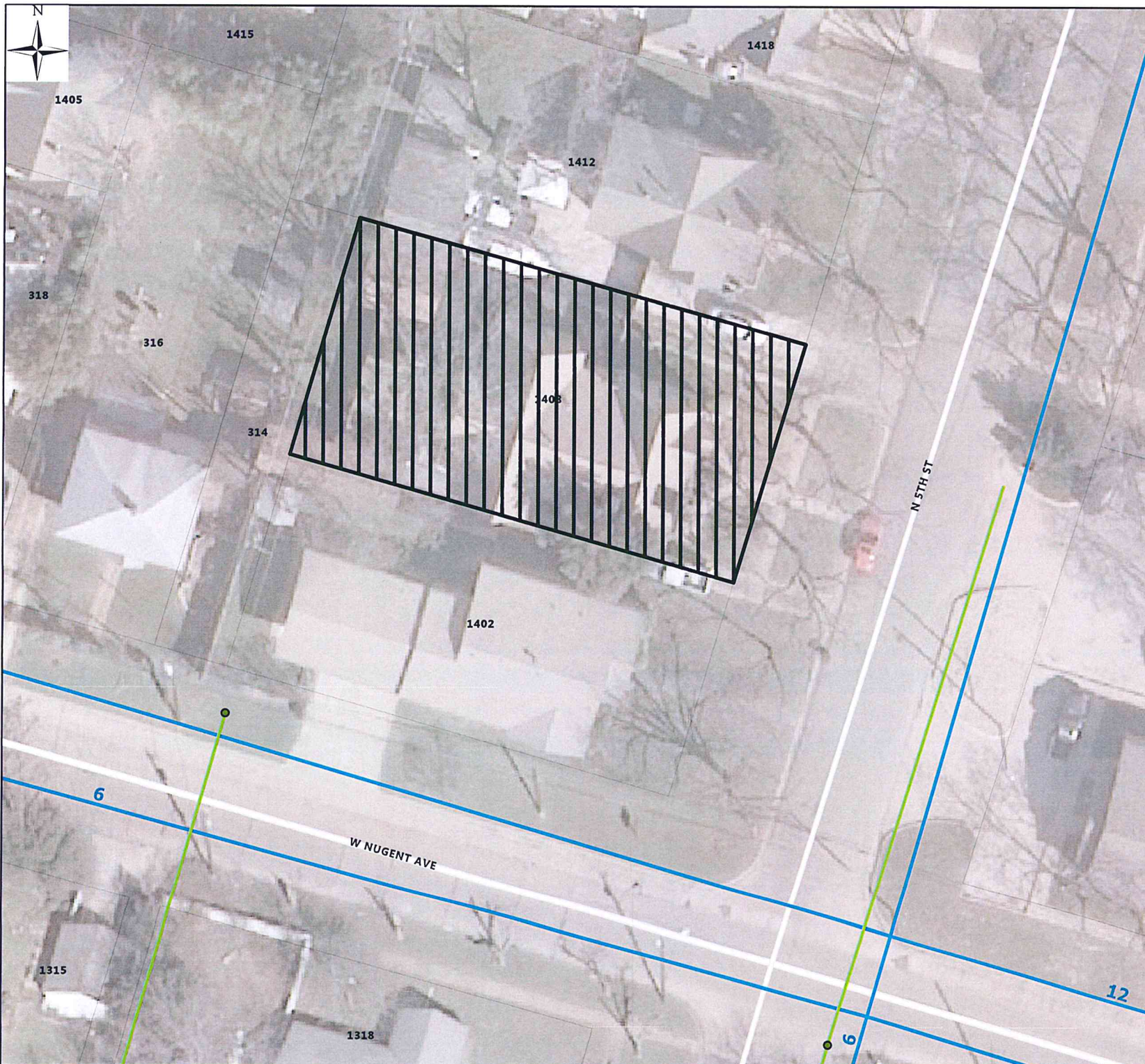
- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Parcels
- Future LUP
 - Agricultural/Rural
 - Auto-Urban Commercial
 - Auto-Urban Mixed Use
 - Auto-Urban Multi-Family
 - Auto-Urban Residential
 - Business Park
 - Estate Residential
 - Industrial
 - Neighborhood 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

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

06/16/16
Item #4(X)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: SECOND READING – 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)	

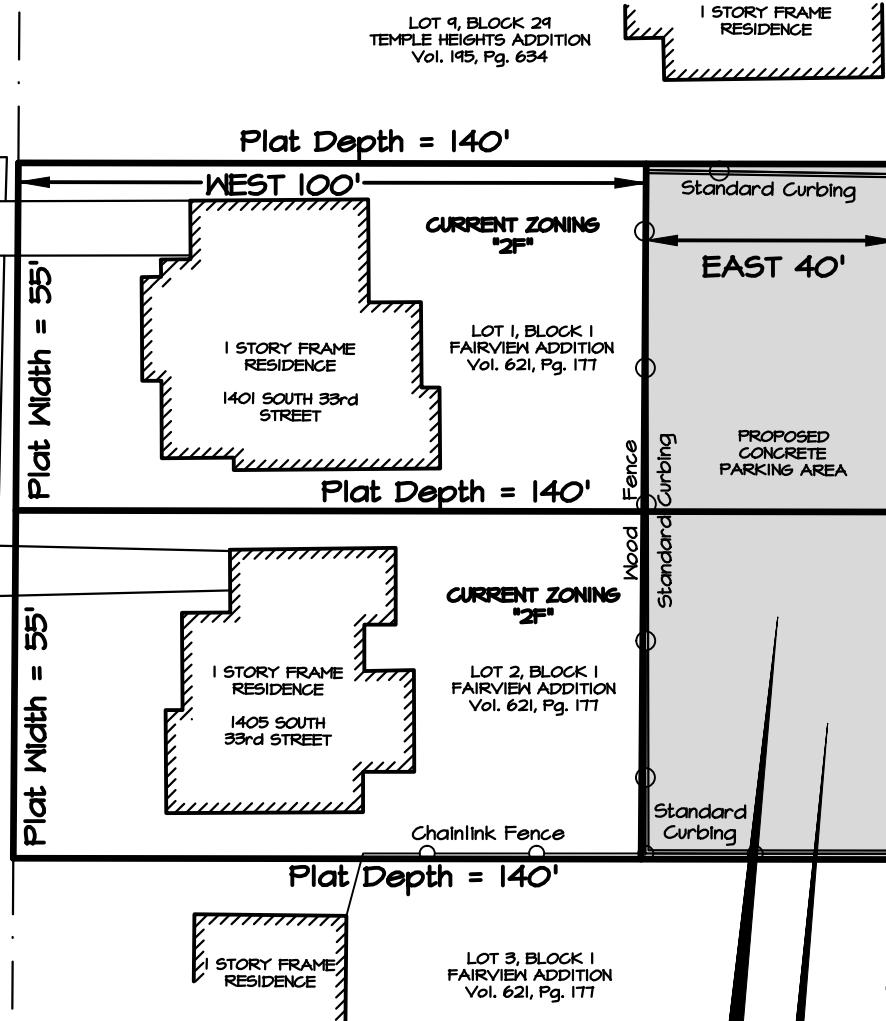
Direction	Zoning	Current Land Use	Photo
South (1501- 1513 S. 33 rd Street)	2F	Paved Commercial Parking	

PRECIOUS MEMORIES

CURRENT CONDITIONS / SITE EXHIBIT



(Asphalt Surface)
SOUTH 33rd STREET
Vol. 621, Pg. 177

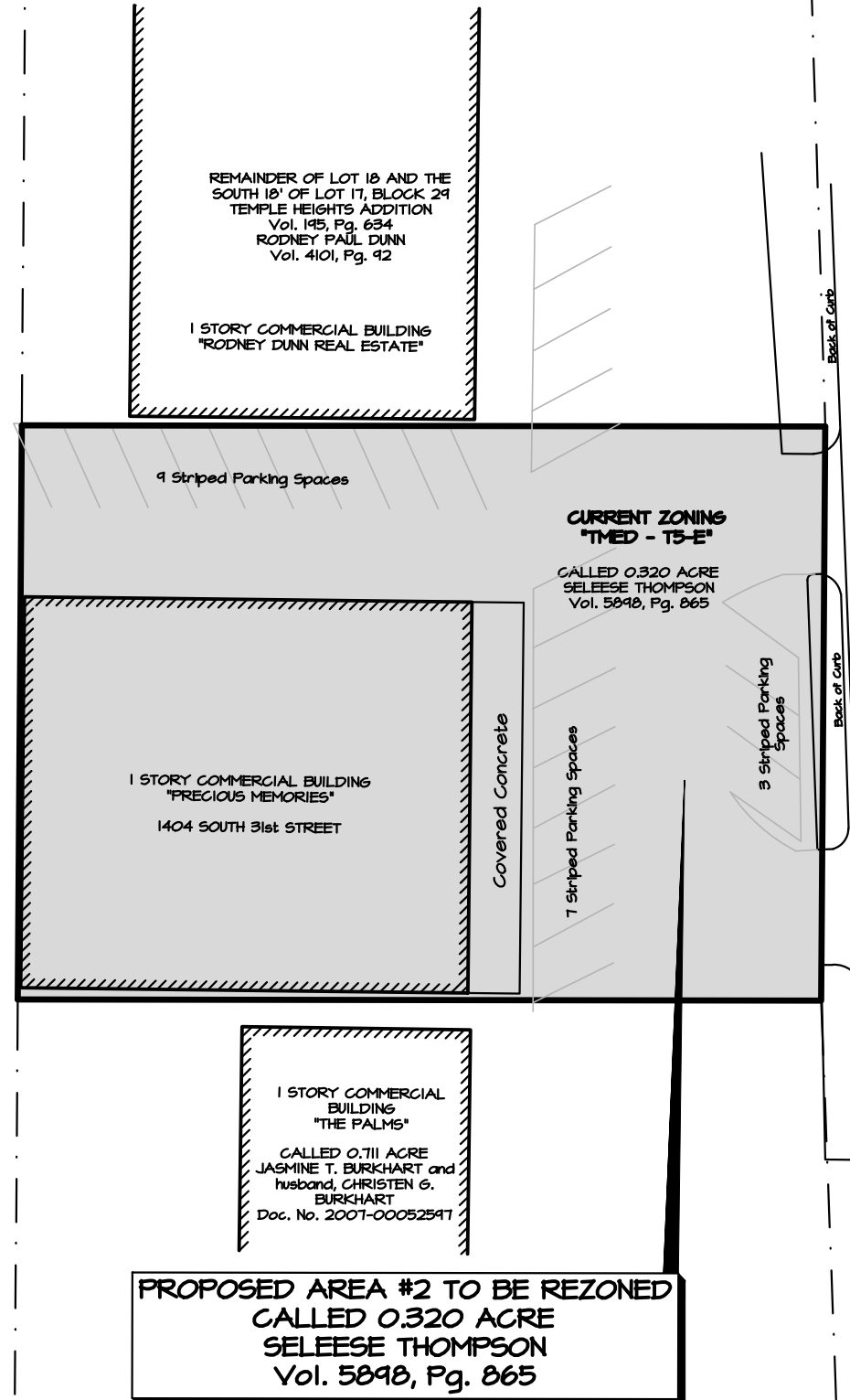


PROPOSED AREA #1 TO BE REZONED
"EAST 40' OF LOTS 1 & 2, BLOCK 1
FAIRVIEW ADDITION
Vol. 621, Pg. 177

**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.



2F, TMED T5-e
to
TMED T5-e (PD T5-e)

AERIAL MAP

Address :
1401 & 1405 S 33RD ST
1404 S 31ST ST

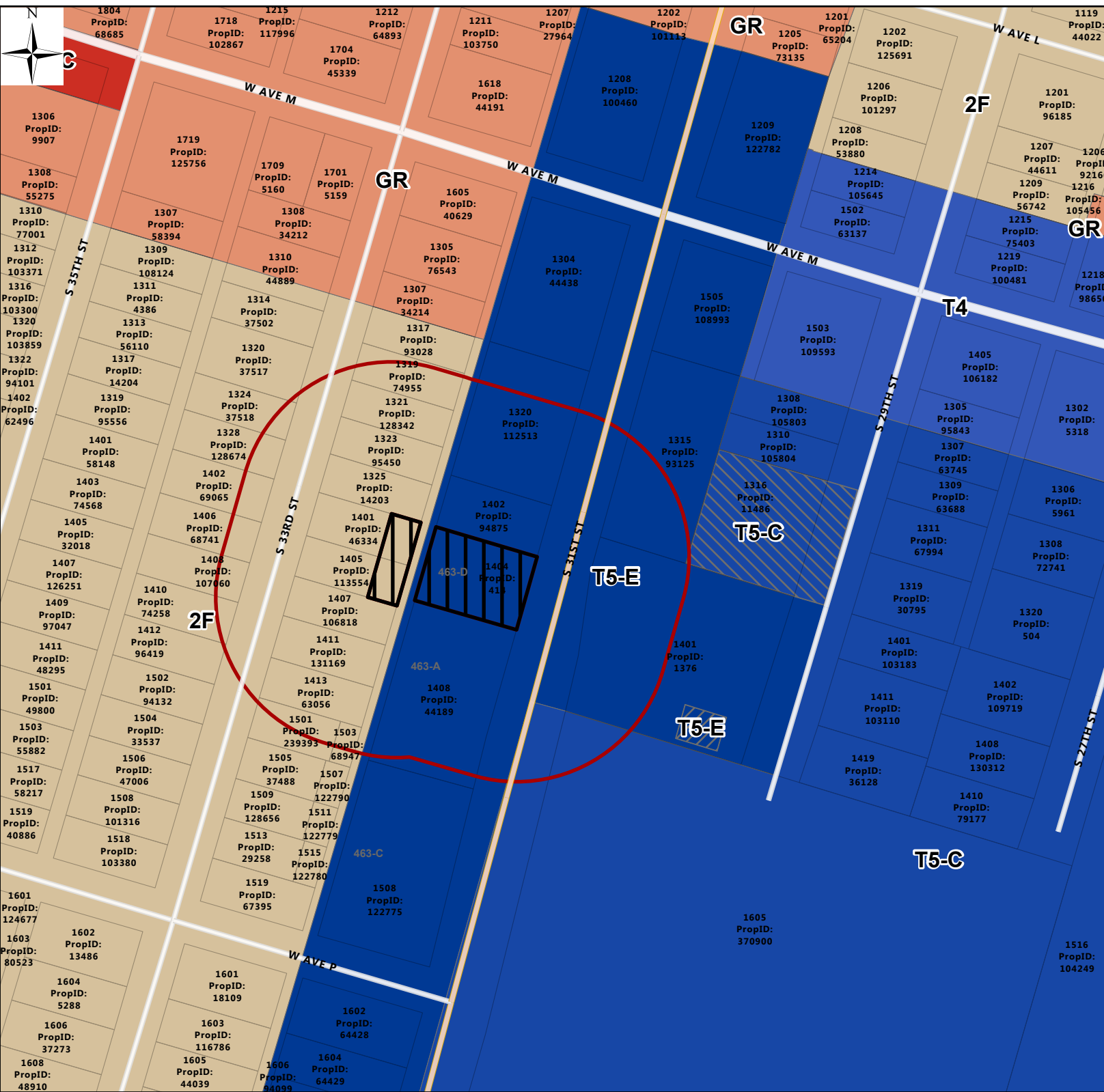
Zoning Case :
Z-FY-16-32

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

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





**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	

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.

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.

☒ **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

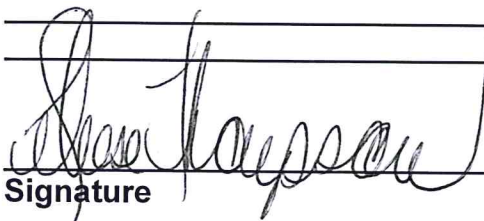
Location: 1404 South 31st Street

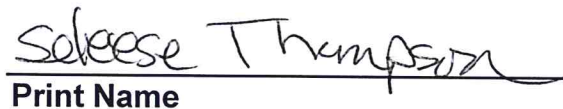
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice,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

☒ agree

☐ disagree with this request

Comments:


Signature


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

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

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING. Consider adopting an ordinance amending the City of Temple's Comprehensive Economic Development Ordinance (Ord. No. 2014-4673) to readopt the City's guidelines and criteria governing property tax abatement, incorporate recent changes to the City's Strategic Investment Zone Incentive Program, and update the ordinance to reflect changes in policy and procedure.

STAFF RECOMMENDATION: Conduct a public hearing, and adopt ordinance as presented in item description on first reading, and schedule second and final reading for July 7, 2016.

ITEM SUMMARY: Several years ago, the City adopted a comprehensive economic development policy that includes guidelines and criteria for authorizing property tax abatement, an overview of the Strategic Investment Zone Incentive Program, and guidelines and criteria for additional City incentives which are authorized by Chapter 380 of the Texas Local Government Code.

Pursuant to Chapter 312 of the Texas Tax Code, the City must adopt guidelines and criteria for offering property tax abatement under that chapter. The guidelines and criteria are effective for two years from the date of adoption. The City's tax abatement guidelines and criteria were last adopted in July, 2014 and therefore must be renewed at this time.

Also, in December, 2015, Council authorized certain changes to the City's Strategic Investment Zone Incentive Program (Ord. No. 2015-4744). Those changes need to be incorporated into the Comprehensive Economic Development Ordinance.

Lastly, the draft ordinance provides for general updates to reflect changes in policy and procedure.

Staff recommends approval of this ordinance.

FISCAL IMPACT: None

ATTACHMENTS:

Ordinance - to be provided



COUNCIL AGENDA ITEM MEMORANDUM

06/16/16
Item #6
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Nicole Torralva, Public Works Director

ITEM DESCRIPTION: FIRST READING & PUBLIC HEARING – Consider adopting an ordinance granting a waste hauling franchise to Estrada Company to allow for the hauling and disposal of construction site waste within the City of Temple.

STAFF RECOMMENDATION: Conduct a public hearing, and adopt ordinance as presented in item description on first reading, and schedule second and final reading for July 7, 2016.

ITEM SUMMARY: Estrada Company (“Estrada”) has requested a waste hauling franchise to haul construction site waste within the City of Temple. Estrada has been in business since 1993 and is currently located in Belton. The company provides exterior clean-up and removal of new home construction debris and land grading to a local homebuilder. Estrada offers for rent 14, 16 and 18 yard dumpsters and provides hauling services.

Estrada Company is currently contracted with Centex Homes to provide site cleaning, grading services, and waste hauling services. Estrada would like to continue to provide its services to this homebuilder and is therefore seeking a waste hauling franchise with the City.

Estrada carries the necessary insurance. The suggested term of the franchise agreement is 5 years.

Chapter 15, Section 15-10 of the City Code states:

The collection of garbage in the City shall be the responsibility of the Solid Waste Division, the employees of which shall make periodic garbage pickups throughout the City from the garbage containers provided by the City as required by this Chapter. It shall be unlawful for any person, firm or corporation other than employees of the Solid Waste Division to collect garbage or refuse in the City without having first obtained written authority, by contract, from the City. Such contract shall provide the extent of collection and other authority to such person, firm or corporation as the City may deem appropriate. All rates of collection shall be regulated by the City Council by resolution. The private collection of brush, shrubs, leaves, grass and tree trimmings and cuttings for hire or otherwise shall be allowed, notwithstanding the provisions of this section. Private (professional/commercial) tree trimmers must register their businesses with the City and are required to haul their cuttings to the landfill or other site designated by the Director of Solid Waste Services.

This section requires an entity interested in providing waste hauling services within the City to first obtain a franchise agreement with the City. Pursuant to the City Charter, Article 10, all franchise agreements must be approved by the City Council.

FISCAL IMPACT: The City would receive 5% of the company's gross revenues generated from waste hauling services in the City of Temple. The estimated annual franchise revenue is unknown at this time.

ATTACHMENTS:

[Letter from Estrada Company](#)
[Ordinance](#)

ESTRADA COMPANY
490 PR 355
Valley Mills, TX 76689
estradacompany@yahoo.com
(254)654-5402

May 13, 2016

**Jonathan Graham
Kayla Landeros
2 N Main St. #308
Temple, TX 76501**

Re: Waste Hauling Franchise

Dear Mr. Graham and Mrs. Landeros,

Thank you for this opportunity allowing us to submit this request for hauling privileges in the City of Temple.

We are a small hauling company that started in 1993 doing exterior clean-up and removal of new home construction debris and grading of land for a home builder in the Killeen/Temple area. During that time we worked only under the name EEM Contractors until 2 years ago when our son established Estrada Company and at this time we only have one contract for Estrada Company with Centex Homes and base out of Belton Texas.

We would like permission to continue to provide our hauling services in the City of Temple and be allowed to place our containers for construction debris and other occasional debris such as tree and brush. Our containers are 14, 16 and 18 yards. We carry Insurance for our Commercial Vehicles with Progressive Insurance \$1,000,000 Combined Single Limit as per Builder requirements and also Commercial General Liability with Contractors Insurance Company of North America \$1,000,000 per occurrence \$2,000,000 general aggregate as per Builder requirements.

We greatly appreciate your time and this opportunity and hope to hear from you soon.

Carmen Estrada,


Estrada Company

ORDINANCE NO: _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A WASTE HAULING FRANCHISE TO ESTRADA COMPANY OF BELTON, TEXAS, TO ALLOW FOR THE HAULING AND DISPOSAL OF CONSTRUCTION SITE WASTE WITHIN THE CITY OF TEMPLE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Estrada Company ("Estrada") has requested a waste hauling franchise to haul construction site waste within the City of Temple - Estrada has been in business since 1993 and is currently located in Belton, Texas;

Whereas, the company provides exterior clean-up and removal of new home construction debris and land grading to a local builder - Estrada offers 14, 16, and 18 yard dumpsters for rent and provides hauling services;

Whereas, Estrada is currently contracted with Centex Homes to provide site cleaning, grading services, and waste hauling services - Estrada would like to continue to provide its services to this homebuilder and is therefore seeking a waste hauling franchise with the City;

Whereas, Estrada carries the necessary insurance required by the City and the suggested term of the franchise agreement is 5 years;

Whereas, while the estimated franchise revenue is unknown at this time, the City would receive 5% of the company's gross revenues; and

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

Part 1: A franchise to haul and dispose of construction site waste within the City of Temple is granted to Estrada Company of Belton, Texas.

Part 2: Franchise. A franchise is hereby granted to Estrada Company of Belton, Texas, hereinafter referred to as "Grantee," to use the public streets, alleys and thoroughfares within the corporate limits of the City of Temple, Texas for the purpose of engaging in the business of renting 14, 16 and 18 yard dumpsters and providing construction site waste hauling and disposal services, said business to be conducted in full compliance with all rules and regulations for the disposal of solid waste material imposed by the Texas Department of Health, the City of Temple, Texas, the State of Texas, and the federal government.

Part 3: Term. The term of this agreement shall end on **August 6, 2021**. This franchise can be extended upon mutual agreement of the parties.

Part 4: Scope and Nature of Operation. It is expressly understood and agreed that the Grantee may rent 14, 16 and 18 yard dumpsters for the hauling of construction site waste.

Grantee agrees that it may only rent or set dumpsters on a construction site at which it is also performing job site cleaning. For the purpose of this franchise agreement, construction site cleaning includes clean up around sites for new commercial and residential construction as well as the demolition and clean-up of existing commercial and residential structures. Grantee will, at its own expense, furnish personnel and equipment to collect waste as described herein and will establish and maintain in an efficient and business-like manner such services as may be contracted for.

Part 5: Vehicles to be Covered and Identified; Loading; Transport and Disposal. All vehicles used by the Grantee for the collection and transportation of refuse shall be covered at all times while loaded and in transit to prevent the blowing or scattering of refuse onto the public streets or properties adjacent thereto, and such vehicles shall be clearly marked with the Grantee's name in letters not less than two (2) inches in height.

Part 6: Regulation of Leased Containers. It is specifically understood and agreed that the Grantor shall permit the Grantee to rent or lease containers to the owner or occupant of any construction site within the corporate limits of the City, for construction job site cleaning and hauling of construction site waste subject to the following requirements:

- (a) All such containers shall be constructed according to good industry practice in the trade;
- (b) All such containers shall be equipped with suitable covers with secure lids to prevent blowing or scattering of the waste while being transported for disposal of their contents;
- (c) All such containers shall be cleaned and maintained by Grantee so as to be in good repair, of a good appearance and free of such refuse residues as may cause odor and provide a breeding place for flies and harborage for rodents;
- (d) All such containers shall be clearly marked with the Grantee's name and telephone number in letters not less than two (2) inches in height. It is further understood and agreed that the Grantee will lease or rent such containers at terms which are fair and reasonable; and
- (e) The City has the authority to remove from the premises any unmarked containers.

Part 7: Disposal of Refuse. It is specifically understood and agreed that Grantee will deliver all waste and refuse collected by it from premises in the corporate limits of City to the City of Temple Landfill. No other location may be used for the disposal of such refuse without the written approval and consent of Grantor. Rules and regulations governing hours of operation and disposal practices at the disposal site, as may be published by the Grantor, will be observed and followed by the Grantee while engaged in the disposal of refuse collected under this agreement. The Grantee is responsible for paying any and all tipping or gate fees as set from time to time by Waste Management.

Part 8: Complaint Handling by Grantee: It is expressly understood and agreed that Grantee, at its expense, will provide a telephone answering service from 8 a.m. until 5 p.m. daily, Monday through Friday, excluding such holidays as may be approved by Grantor, for the purpose of handling complaints and other calls regarding refuse collection service provided by the Grantee.

Part 9: Availability, Character of Service. Grantee shall at all times furnish service which is sufficient to meet reasonable demands without undue interruption or fluctuations, under fair and reasonable rules and regulations as provided for herein, to any person, firm, or corporation that shall demand service within the City, upon the terms herein specified or that hereafter may be specified and required by ordinance or rules duly passed by the City.

Part 10: Contract Administrator.

- (a) The Director of Public Works is the principal City officer responsible for the administration of this franchise and shall oversee and review the operations of Grantee under this franchise.
- (b) It shall be the right and duty of the City Manager and the governing body of the City at all times to keep fully informed as to all matters in connection with or affecting the construction, reconstruction, maintenance, operation, and repair of the properties of the Grantee and its accounting methods and procedures in connection therewith, and the conduct of the Grantee's business in the City and of service being rendered by Grantee.

Part 11: Records, Reports and Inspections.

- (a) The Grantee shall use the system of accounts and the forms of books, accounts, records, and memoranda prescribed by the American Institute of Certified Public Accountants, or as mutually agreed to by the City and Grantee, except that the City may require the keeping of certain additional records and accounts not inconsistent therewith.
- (b) The Grantee shall furnish the City with copies of its monthly financial and operating reports and upon request, the Grantee shall make such special studies and furnish such other reports as the governing body of the City or the Director of Public Works may reasonably require in the administration of the franchise. The monthly financial reports may be in the form of a Balance Sheet generated by financial software such as QuickBooks. Once annual tax statements are prepared, and certified by a public account, a copy of such shall be made available to the City.
- (c) The City Manager and the Director of Finance shall have the right, at reasonable times, to inspect the plant, equipment, and other property of the Grantee, and its affiliates and to examine, audit, and obtain copies of the papers, books, accounts, documents, and other business records of the Grantee and its affiliates.
- (d) The City shall retain all of the investigative powers and other rights provided to the City by the Charter and State law.

Part 12: Rules and Inspections. The governing body of this City and the City Manager may establish, after reasonable notice and hearing, not to be less than that required by the City Charter and applicable laws, such rules and regulations as may be in the public interest regarding rates, the furnishing of service, and administration of customer accounts.

Part 13: Service Rates. Grantor reserves the right to approve rates set by Grantee for services which includes in whole or part the setting of solid waste containers within the City limits, or the hauling of such solid waste containers on City streets. The Grantee shall publish service rates and furnish a copy of said rates to the City at such time as they are adopted.

Part 14: Consideration.

- (a) For and in consideration of the covenants and agreements herein contained, Grantee herein agrees to pay unto the City five (5%) percent of the gross receipts received by Grantee in the operation of the services performed for customers pursuant to the provision of this franchise. For the purposes of this franchise, gross receipts includes the entire amount billed to a customer and received by Grantee from a customer for a service that includes in whole or part the setting of solid waste containers within the City limits, or the hauling of such solid waste containers on City Streets, but does not include any amounts passed through by Grantee to his customers for tipping fees at the landfill or charges for services that do not involve the setting of solid waste containers or the hauling of solid waste in those containers within the City limits. Nor does gross receipts includes payments received by Grantee from customers for services performed entirely outside the City limits. All charges shall be paid unto the Grantor monthly as they accrue and receivable not later than the 10th day of the month thereafter. The Grantor shall have the right to reasonable access to the records of Grantee involving business conducted pursuant to this franchise.
- (b) Grantee shall file with the Director of Finance simultaneously with each payment, a financial statement clearly showing the gross receipts received by the Grantee during the preceding month. In addition, the Grantee shall file with the Director of Finance annually, after the expiration of each of the Grantee's fiscal years, a financial statement clearly showing the gross receipts and all components thereof received by the Grantee on an annual basis during the preceding fiscal period. Such report shall be due within sixty (60) days of the close of the Grantee's fiscal year. This financial statement shall be prepared by a certified public accountant, clearly showing the annual gross receipts attributable to the Temple Service Area. Extension of such period up to thirty (30) additional days may be granted by the City Manager upon request by the Grantee. Such payment shall be exclusive of and in addition to all other general municipal taxes of whatever nature, including but not limited to ad valorem taxes and special taxes and assessments for public improvements.

- (c) In the event that any franchise payment, due to a recomputed amount, is not made on or before the applicable date heretofore specified, interest shall be charged from such due date at the annual rate of ten (10%) percent per annum.
- (d) Within thirty (30) days after a request by the City Manager to reimburse the City for said expenses, the Grantee will pay to the City any expense required to be paid by the City Charter, this ordinance or other applicable laws or regulations including, but not limited to, the expense of publication of this ordinance or the expense of holding a referendum or election in regards to granting, amending, or extending or renewing this franchise.

Part 15: Indemnity Insurance. Grantee assumes all risks of loss or injury to property or persons arising from any of its operations under this agreement, and agrees to indemnify and hold harmless the Grantor from all claims, demands, suits, judgments, costs or expenses arising from any such loss or injury, unless such loss or injury is solely due to the negligence of the City. It is expressly understood that the foregoing provisions shall not in any way limit the liability of the Grantee. Grantee agrees to carry the types of insurance in minimum limits as follows:

- (1) Public Liability Bodily Injury \$250,000 single/\$500,000 total;
- (2) Public Liability Property Damage \$100,000 each occurrence; and
- (3) Automotive Public Liability and Bodily Injury \$250,000 single/\$500,000 total and Property Damage \$100,000.

Grantee shall furnish Grantor with evidence of such insurance in a form satisfactory to Grantor, and have Grantor named as an additional insured on its liability insurance and such insurance certificates shall provide a waiver of subrogation in favor of Grantor.

Part 16: Termination and Forfeiture. The City, at its option, may terminate this franchise agreement by giving 60 days advance written notice of such termination to Grantee.

Part 17: Retention of Rights by City. The City of Temple, in granting this franchise, fully retains and reserves all the rights, privileges, and immunities that it now has under the law to fully patrol and police the streets, alleys, and public ways within the City and the granting of this franchise in no way interferes with the improvements or maintenance, of any other street, alleys, and public ways, and the rights of the Grantee herein to use said streets shall at all times be subservient to the right of the governing body of the City of Temple to fully exercise its rights or control over said streets, alleys and public ways.

Part 18: Amendments. The City of Temple expressly reserves the right, after due notice to Grantee, to modify, amend, alter, change or eliminate any of the provisions of this franchise and to impose such additional conditions upon the Grantee as may be just and reasonable as determined by the City Council, such conditions to be those deemed necessary for the purpose of insuring adequate service to the public. Provided, however, that all such amendments shall be made in accordance with the Charter of the City of Temple, Texas.

Part 19: Effective Date. This franchise shall become effective on the 31st day after passage of this ordinance as provided in Article 10, Section 10.3 of the Charter of the City of Temple, if Grantee shall have filed its written acceptance of the franchise within thirty (30) days after the final passage and approval of this ordinance

Part 20: Non-Exclusive. This franchise is not exclusive and nothing herein contained shall be construed so as to prevent the City from granting other like or similar rights and privileges to any other person, firm, or corporation.

Part 21: Failure of City to Enforce this Franchise; No Waiver of Terms Thereof.

- (a) The Grantee shall not be excused from complying with any of the terms and conditions of this franchise because of any failure of the City upon any one or more occasions to insist upon or to seek compliance with any such terms or conditions. The Grantee's violation or failure to comply with any of the provisions of this ordinance shall result in a penalty of not less than One Dollar (\$1.00) nor more than Five Hundred (\$500.00) Dollars and each day any violation or non-compliance continues shall constitute a separate and distinct offense.
- (b) The penalty provided herein shall be cumulative of other remedies provided herein and by State and Federal law including, but not limited to, the power to forfeit or terminate this franchise, the power of injunction or any other equitable remedies as provided by State law and the right to sue for damages which remedies may be exercised in enforcing this ordinance.

Part 22: Taxes. The Grantee shall promptly pay all lawful ad valorem taxes, and such other levies and assessments, if any that may lawfully be imposed upon it. Failure to pay any such charges shall be deemed a breach of the privilege granted herein.

Part 23: Assignment of Franchise. This franchise and agreement and any and all rights and obligations hereunder may not be assigned by the Grantee without the prior written consent of the City Council.

Part 24: Findings of Fact. The City Council hereby finds and declares that the public convenience and necessity require the service which is to be furnished by the Grantee named herein.

Part 25: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality 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 Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Part 26: Open Meetings. It is hereby found that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act

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

PASSED AND APPROVED on Second Reading and Public Hearing on the **7th** day of **July**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

Agreement of Franchisee

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS:

The franchisee, Estrada Company of Belton, Texas, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. _____ granting a franchise to provide the rental of 14, 16 and 18 yard dumpsters and construction site waste hauling services within the City of Temple, Texas.

SIGNED this _____ day of _____, 2016.

ESTRADA COMPANY

By: _____



COUNCIL AGENDA ITEM MEMORANDUM

06/16/16

Item #7

Regular Agenda

Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

Nicole Torralva, Public Works Director

ITEM DESCRIPTION: FIRST READING & PUBLIC HEARING – Consider adopting an ordinance granting a waste hauling franchise to Lossen Bros., Inc. to allow for the hauling and disposal of construction site waste within the City of Temple.

STAFF RECOMMENDATION: Conduct a public hearing, and adopt ordinance as presented in item description on first reading, and schedule second and final reading for July 7, 2016.

ITEM SUMMARY: Lossen Bros., Inc. (“Lossen”) has requested a waste hauling franchise to haul construction site waste within the City of Temple. Lossen has been in business for 19 years and is currently located in Georgetown. The company provides general construction site cleaning, waste hauling, and landscape tractor services to area homebuilders. Lossen offers for rent 20, 30 and 40 yard dumpsters and provides hauling services.

Lossen is currently contracted with DR Horton and Style Craft Builders to provide site cleaning, landscape tractor services, and waste hauling services. Lossen would like to continue to provide its services to these homebuilders and is therefore seeking a waste hauling franchise with the City.

Lossen carries the necessary insurance. The suggested term of the franchise agreement is 5 years.

Chapter 15, Section 15-10 of the City Code states:

The collection of garbage in the City shall be the responsibility of the Solid Waste Division, the employees of which shall make periodic garbage pickups throughout the City from the garbage containers provided by the City as required by this Chapter. It shall be unlawful for any person, firm or corporation other than employees of the Solid Waste Division to collect garbage or refuse in the City without having first obtained written authority, by contract, from the City. Such contract shall provide the extent of collection and other authority to such person, firm or corporation as the City may deem appropriate. All rates of collection shall be regulated by the City Council by resolution. The private collection of brush, shrubs, leaves, grass and tree trimmings and cuttings for hire or otherwise shall be allowed, notwithstanding the provisions of this section. Private (professional/commercial) tree trimmers must register their businesses with the City and are required to haul their cuttings to the landfill or other site designated by the Director of Solid Waste Services.

This section requires an entity interested in providing waste hauling services within the City to first obtain a franchise agreement with the City. Pursuant to the City Charter, Article 10, all franchise agreements must be approved by the City Council.

FISCAL IMPACT: The City would receive 5% of the company's gross revenues generated from waste hauling services in the City of Temple. The estimated annual franchise revenue is unknown at this time.

ATTACHMENTS:
[Ordinance](#)

ORDINANCE NO: _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A WASTE HAULING FRANCHISE TO LOSSEN BROS., INC. OF GEORGETOWN, TEXAS, TO ALLOW FOR THE HAULING AND DISPOSAL OF CONSTRUCTION SITE WASTE WITHIN THE CITY OF TEMPLE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Lossen Bros., Inc. ("Lossen") has requested a waste hauling franchise to haul construction site waste within the City of Temple - Lossen has been in business for 19 years and is currently located in Georgetown, Texas;

Whereas, the company provides general construction site cleaning, waste hauling, and landscape tractor services to area homebuilders - Lossen offers 20, 30 and 40 yard dumpsters for rent and provides hauling services;

Whereas, Lossen is currently contracted with DR Horton and Style Craft Builders to provide site cleaning, landscape tractor services, and waste hauling services - Lossen would like to continue to provide its services to these homebuilders and is therefore seeking a waste hauling franchise with the City;

Whereas, Lossen carries the necessary insurance required by the City and the suggested term of the franchise agreement is 5 years;

Whereas, while the estimated franchise revenue is unknown at this time, the City would receive 5% of the company's gross revenues; and

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

Part 1: A franchise to haul and dispose of construction site waste within the City of Temple is granted to Lossen Bros., Inc. of Georgetown, Texas.

Part 2: Franchise. A franchise is hereby granted to Lossen Bros., Inc. of Georgetown, Texas, hereinafter referred to as "Grantee," to use the public streets, alleys and thoroughfares within the corporate limits of the City of Temple, Texas for the purpose of engaging in the business of renting 20, 30 and 40 yard dumpsters and providing construction site waste hauling and disposal services, said business to be conducted in full compliance with all rules and regulations for the disposal of solid waste material imposed by the Texas Department of Health, the City of Temple, Texas, the State of Texas, and the federal government.

Part 3: Term. The term of this agreement shall end on **August 6, 2021**. This franchise can be extended upon mutual agreement of the parties.

Part 4: Scope and Nature of Operation. It is expressly understood and agreed that the Grantee may rent 20, 30 and 40 yard dumpsters for the hauling of construction site waste.

Grantee agrees that it may only rent or set dumpsters on a construction site at which it is also performing job site cleaning. For the purpose of this franchise agreement, construction site cleaning includes clean up around sites for new commercial and residential construction as well as the demolition and clean-up of existing commercial and residential structures. Grantee will, at its own expense, furnish personnel and equipment to collect waste as described herein and will establish and maintain in an efficient and business-like manner such services as may be contracted for.

Part 5: Vehicles to be Covered and Identified; Loading; Transport and Disposal. All vehicles used by the Grantee for the collection and transportation of refuse shall be covered at all times while loaded and in transit to prevent the blowing or scattering of refuse onto the public streets or properties adjacent thereto, and such vehicles shall be clearly marked with the Grantee's name in letters not less than two (2) inches in height.

Part 6: Regulation of Leased Containers. It is specifically understood and agreed that the Grantor shall permit the Grantee to rent or lease containers to the owner or occupant of any construction site within the corporate limits of the City, for construction job site cleaning and hauling of construction site waste subject to the following requirements:

- (a) All such containers shall be constructed according to good industry practice in the trade;
- (b) All such containers shall be equipped with suitable covers with secure lids to prevent blowing or scattering of the waste while being transported for disposal of their contents;
- (c) All such containers shall be cleaned and maintained by Grantee so as to be in good repair, of a good appearance and free of such refuse residues as may cause odor and provide a breeding place for flies and harborage for rodents;
- (d) All such containers shall be clearly marked with the Grantee's name and telephone number in letters not less than two (2) inches in height. It is further understood and agreed that the Grantee will lease or rent such containers at terms which are fair and reasonable; and
- (e) The City has the authority to remove from the premises any unmarked containers.

Part 7: Disposal of Refuse. It is specifically understood and agreed that Grantee will deliver all waste and refuse collected by it from premises in the corporate limits of City to the City of Temple Landfill. No other location may be used for the disposal of such refuse without the written approval and consent of Grantor. Rules and regulations governing hours of operation and disposal practices at the disposal site, as may be published by the Grantor, will be observed and followed by the Grantee while engaged in the disposal of refuse collected under this agreement. The Grantee is responsible for paying any and all tipping or gate fees as set from time to time by Waste Management.

Part 8: Complaint Handling by Grantee: It is expressly understood and agreed that Grantee, at its expense, will provide a telephone answering service from 8 a.m. until 5 p.m. daily, Monday through Friday, excluding such holidays as may be approved by Grantor, for the purpose of handling complaints and other calls regarding refuse collection service provided by the Grantee.

Part 9: Availability, Character of Service. Grantee shall at all times furnish service which is sufficient to meet reasonable demands without undue interruption or fluctuations, under fair and reasonable rules and regulations as provided for herein, to any person, firm, or corporation that shall demand service within the City, upon the terms herein specified or that hereafter may be specified and required by ordinance or rules duly passed by the City.

Part 10: Contract Administrator.

- (a) The Director of Public Works is the principal City officer responsible for the administration of this franchise and shall oversee and review the operations of Grantee under this franchise.
- (b) It shall be the right and duty of the City Manager and the governing body of the City at all times to keep fully informed as to all matters in connection with or affecting the construction, reconstruction, maintenance, operation, and repair of the properties of the Grantee and its accounting methods and procedures in connection therewith, and the conduct of the Grantee's business in the City and of service being rendered by Grantee.

Part 11: Records, Reports and Inspections.

- (a) The Grantee shall use the system of accounts and the forms of books, accounts, records, and memoranda prescribed by the American Institute of Certified Public Accountants, or as mutually agreed to by the City and Grantee, except that the City may require the keeping of certain additional records and accounts not inconsistent therewith.
- (b) The Grantee shall furnish the City with copies of its monthly financial and operating reports and upon request, the Grantee shall make such special studies and furnish such other reports as the governing body of the City or the Director of Public Works may reasonably require in the administration of the franchise. The monthly financial reports may be in the form of a Balance Sheet generated by financial software such as QuickBooks. Once annual tax statements are prepared, and certified by a public account, a copy of such shall be made available to the City.
- (c) The City Manager and the Director of Finance shall have the right, at reasonable times, to inspect the plant, equipment, and other property of the Grantee, and its affiliates and to examine, audit, and obtain copies of the papers, books, accounts, documents, and other business records of the Grantee and its affiliates.
- (d) The City shall retain all of the investigative powers and other rights provided to the City by the Charter and State law.

Part 12: Rules and Inspections. The governing body of this City and the City Manager may establish, after reasonable notice and hearing, not to be less than that required by the City Charter and applicable laws, such rules and regulations as may be in the public interest regarding rates, the furnishing of service, and administration of customer accounts.

Part 13: Service Rates. Grantor reserves the right to approve rates set by Grantee for services which includes in whole or part the setting of solid waste containers within the City limits, or the hauling of such solid waste containers on City streets. The Grantee shall publish service rates and furnish a copy of said rates to the City at such time as they are adopted.

Part 14: Consideration.

- (a) For and in consideration of the covenants and agreements herein contained, Grantee herein agrees to pay unto the City five (5%) percent of the gross receipts received by Grantee in the operation of the services performed for customers pursuant to the provision of this franchise. For the purposes of this franchise, gross receipts includes the entire amount billed to a customer and received by Grantee from a customer for a service that includes in whole or part the setting of solid waste containers within the City limits, or the hauling of such solid waste containers on City Streets, but does not include any amounts passed through by Grantee to his customers for tipping fees at the landfill or charges for services that do not involve the setting of solid waste containers or the hauling of solid waste in those containers within the City limits. Nor does gross receipts includes payments received by Grantee from customers for services performed entirely outside the City limits. All charges shall be paid unto the Grantor monthly as they accrue and receivable not later than the 10th day of the month thereafter. The Grantor shall have the right to reasonable access to the records of Grantee involving business conducted pursuant to this franchise.
- (b) Grantee shall file with the Director of Finance simultaneously with each payment, a financial statement clearly showing the gross receipts received by the Grantee during the preceding month. In addition, the Grantee shall file with the Director of Finance annually, after the expiration of each of the Grantee's fiscal years, a financial statement clearly showing the gross receipts and all components thereof received by the Grantee on an annual basis during the preceding fiscal period. Such report shall be due within sixty (60) days of the close of the Grantee's fiscal year. This financial statement shall be prepared by a certified public accountant, clearly showing the annual gross receipts attributable to the Temple Service Area. Extension of such period up to thirty (30) additional days may be granted by the City Manager upon request by the Grantee. Such payment shall be exclusive of and in addition to all other general municipal taxes of whatever nature, including but not limited to ad valorem taxes and special taxes and assessments for public improvements.

- (c) In the event that any franchise payment, due to a recomputed amount, is not made on or before the applicable date heretofore specified, interest shall be charged from such due date at the annual rate of ten (10%) percent per annum.
- (d) Within thirty (30) days after a request by the City Manager to reimburse the City for said expenses, the Grantee will pay to the City any expense required to be paid by the City Charter, this ordinance or other applicable laws or regulations including, but not limited to, the expense of publication of this ordinance or the expense of holding a referendum or election in regards to granting, amending, or extending or renewing this franchise.

Part 15: Indemnity Insurance. Grantee assumes all risks of loss or injury to property or persons arising from any of its operations under this agreement, and agrees to indemnify and hold harmless the Grantor from all claims, demands, suits, judgments, costs or expenses arising from any such loss or injury, unless such loss or injury is solely due to the negligence of the City. It is expressly understood that the foregoing provisions shall not in any way limit the liability of the Grantee. Grantee agrees to carry the types of insurance in minimum limits as follows:

- (1) Public Liability Bodily Injury \$250,000 single/\$500,000 total;
- (2) Public Liability Property Damage \$100,000 each occurrence; and
- (3) Automotive Public Liability and Bodily Injury \$250,000 single/\$500,000 total and Property Damage \$100,000.

Grantee shall furnish Grantor with evidence of such insurance in a form satisfactory to Grantor, and have Grantor named as an additional insured on its liability insurance and such insurance certificates shall provide a waiver of subrogation in favor of Grantor.

Part 16: Termination and Forfeiture. The City, at its option, may terminate this franchise agreement by giving 60 days advance written notice of such termination to Grantee.

Part 17: Retention of Rights by City. The City of Temple, in granting this franchise, fully retains and reserves all the rights, privileges, and immunities that it now has under the law to fully patrol and police the streets, alleys, and public ways within the City and the granting of this franchise in no way interferes with the improvements or maintenance, of any other street, alleys, and public ways, and the rights of the Grantee herein to use said streets shall at all times be subservient to the right of the governing body of the City of Temple to fully exercise its rights or control over said streets, alleys and public ways.

Part 18: Amendments. The City of Temple expressly reserves the right, after due notice to Grantee, to modify, amend, alter, change or eliminate any of the provisions of this franchise and to impose such additional conditions upon the Grantee as may be just and reasonable as determined by the City Council, such conditions to be those deemed necessary for the purpose of insuring adequate service to the public. Provided, however, that all such amendments shall be made in accordance with the Charter of the City of Temple, Texas.

Part 19: Effective Date. This franchise shall become effective on the 31st day after passage of this ordinance as provided in Article 10, Section 10.3 of the Charter of the City of Temple, if Grantee shall have filed its written acceptance of the franchise within thirty (30) days after the final passage and approval of this ordinance

Part 20: Non-Exclusive. This franchise is not exclusive and nothing herein contained shall be construed so as to prevent the City from granting other like or similar rights and privileges to any other person, firm, or corporation.

Part 21: Failure of City to Enforce this Franchise; No Waiver of Terms Thereof.

- (a) The Grantee shall not be excused from complying with any of the terms and conditions of this franchise because of any failure of the City upon any one or more occasions to insist upon or to seek compliance with any such terms or conditions. The Grantee's violation or failure to comply with any of the provisions of this ordinance shall result in a penalty of not less than One Dollar (\$1.00) nor more than Five Hundred (\$500.00) Dollars and each day any violation or non-compliance continues shall constitute a separate and distinct offense.
- (b) The penalty provided herein shall be cumulative of other remedies provided herein and by State and Federal law including, but not limited to, the power to forfeit or terminate this franchise, the power of injunction or any other equitable remedies as provided by State law and the right to sue for damages which remedies may be exercised in enforcing this ordinance.

Part 22: Taxes. The Grantee shall promptly pay all lawful ad valorem taxes, and such other levies and assessments, if any that may lawfully be imposed upon it. Failure to pay any such charges shall be deemed a breach of the privilege granted herein.

Part 23: Assignment of Franchise. This franchise and agreement and any and all rights and obligations hereunder may not be assigned by the Grantee without the prior written consent of the City Council.

Part 24: Findings of Fact. The City Council hereby finds and declares that the public convenience and necessity require the service which is to be furnished by the Grantee named herein.

Part 25: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality 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 Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Part 26: Open Meetings. It is hereby found that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act

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

PASSED AND APPROVED on Second Reading and Public Hearing on the **7th** day of **July**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

Agreement of Franchisee

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS:

The franchisee, Lossen Bros., Inc., acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. _____ granting a franchise to provide the rental of 20, 30, and 40 yard dumpsters and construction site waste hauling services within the City of Temple, Texas.

SIGNED this _____ day of _____, 2016.

LOSSEN BROS., INC,

By:



COUNCIL AGENDA ITEM MEMORANDUM

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

DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - Z-FY-16-29: Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) District to General Retail (GR) District on 4.889 +/- acres situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 419 Hilliard Road.

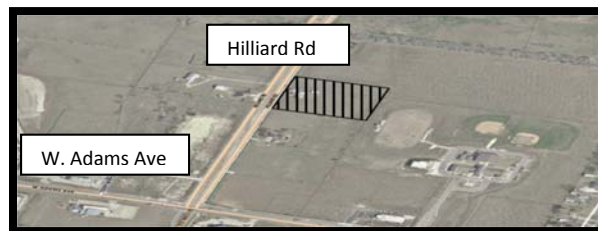


Figure 4: Aerial Location Map

PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 16, 2016 meeting, the Planning & Zoning Commission voted 6 to 0 to recommend approval of the proposed rezoning as presented by staff.

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 anticipated retail and service uses along this section of Hilliard Road;
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 4.889 +/- acre tract, (Exhibit A) which is being proposed for rezoning from Agricultural (AG) district to General Retail (GR) district. The property is currently developed with single residence.

Prior to the issuance of a building permit for any non-single-family residential development, a subdivision plat will be required. The applicant has indicated that there are currently no plans to immediately develop the property with a specific retail or service use. It is noteworthy that two separate property owners in the immediate vicinity have approached Planning staff to discuss the feasibility to also rezone their property to General Retail.

While there is currently a single-family residence on the property, it is anticipated the property will eventually be re-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			
<u>Direction</u>	<u>Future Land Use Map</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial	AG	Existing SF Residence
North	Suburban Commercial	SF-1	Undeveloped & SF Uses
South	Suburban Commercial	AG & GR	Undeveloped & Scattered SF Uses
East	Suburban Commercial	SF-1	Holy Trinity Catholic High School
West	Suburban Commercial	AG, MF-2 & GR	Scattered SF Uses

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, of which the requested GR-zoning is in compliance with the Future Land Use Map. While there are no immediate plans to develop the property for retail and service uses, if approved, the zoning would be in-place to accommodate future market trends to allow development along the Hilliard Road corridor, north of its intersection with West Adams Avenue (FM 2305).

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from Hilliard Road, located approximately 1,200 feet north of its intersection with West Adams Ave. This section of Hilliard Road, also known as Research Parkway, is a major arterial, which requires a 6-foot sidewalk on both sides. Sidewalk improvements are currently in place on the project's side of Hilliard Road. Any sidewalk deficiencies will be addressed during the future platting process. Currently, there are no funded or scheduled TCIP improvement projects along this section of Hilliard Road.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property through an existing 8-inch sewer line in Hilliard Road and will require extension to the subject from its current location. Water is available through an existing 18-inch waterline in Hilliard Road. Public facilities will be addressed through the subdivision plat process.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan identifies an existing City-Wide spine trail in Hilliard Road. Any needed trail improvements or upsizing will be addressed during the future platting process.

DEVELOPMENT REGULATIONS: Residential setbacks in the Agricultural (AG) district & Non-Residential General Retail (GR) district are:

	Current (AG)	Proposed (GR)
Minimum Lot Size	1 Acre	N/A
Minimum Lot Width	100 Feet	N/A
Minimum Lot Depth	150 Feet	N/A
Front Setback	50 Feet	15 Feet
Side Setback	15 Feet	10 Feet
Side Setback (corner)	15 Feet	10 Feet
Rear Setback	10 Feet	❖ 10 Feet
Max Building Height	3 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: Nine 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 June 7, 2016 at 9:00 AM, Two notices in Agreement from property owned by the same individual and one notice in disagreement have been received. In addition, one letter from a property owner outside the 200 foot buffer has also been received.

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](#)
[Surveyor Sketch \(Exhibit A\)](#)
[Aerial Map / Location 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 Single Family Residence (from Median in Hilliard Rd (AG))



Site – Existing Single Family Residence (AG)



North: Undeveloped Land and Scattered SF Uses (AG & SF-1)



**North: Undeveloped Land & Scattered SF Uses (From Median in Hilliard Rd
(SF-1 & AG))**



South: Undeveloped Land (AG & GR)



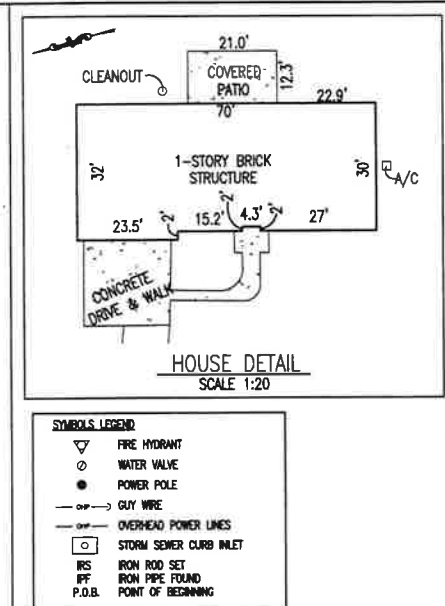
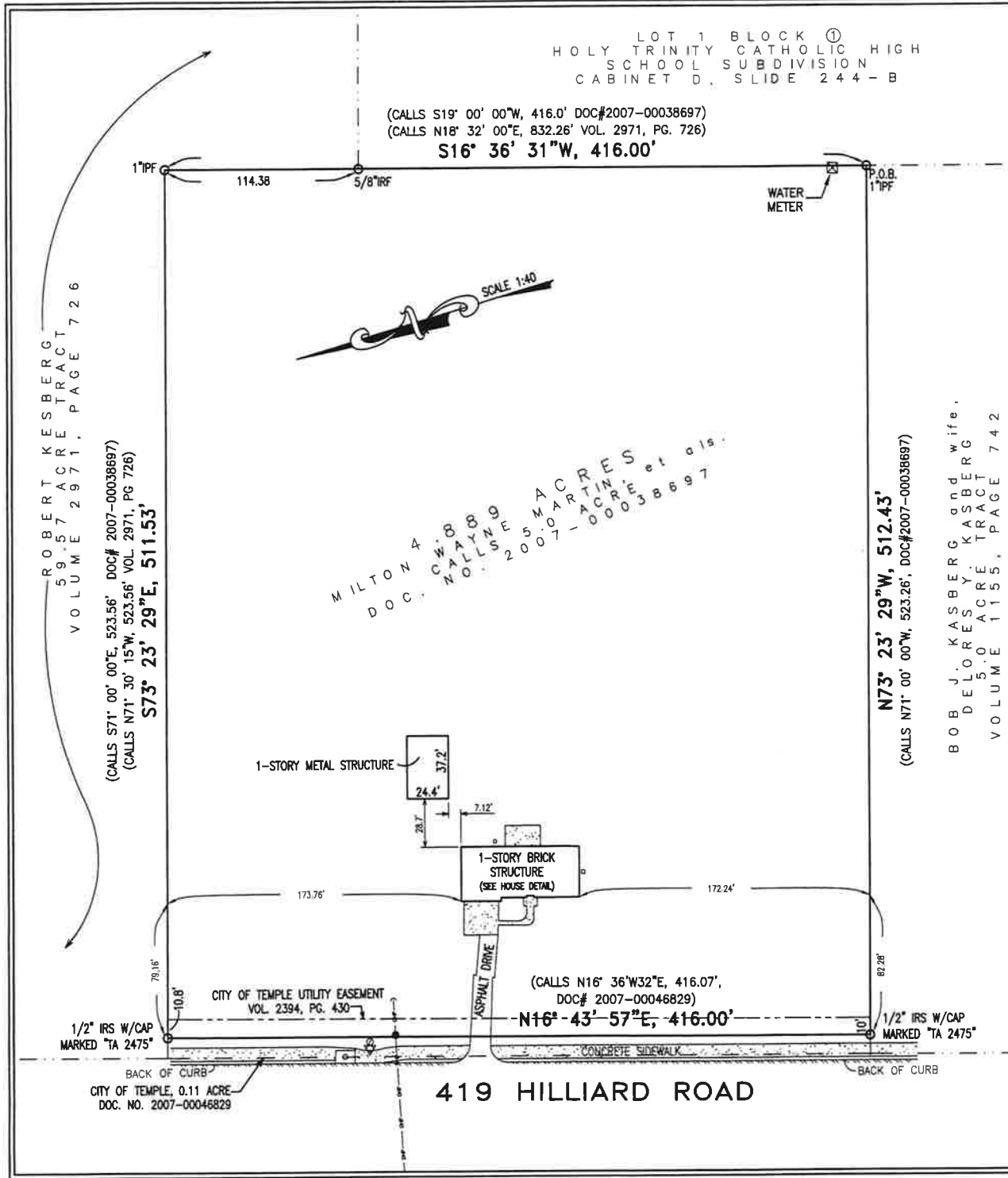
**South: Undeveloped Land (from Median in Hilliard Rd
(AG & GR)**



**East: Holy Trinity Catholic High School
(SF-1)**



West: Existing SF Uses on Acreage (AG)



THE FOLLOWING EASEMENTS DO AFFECT THIS TRACT BUT ARE UNLOCATABLE BY DESCRIPTION:

- TEXAS POWER & LIGHT COMPANY, VOLUME 972, PAGE 512
- PEPPER'S CREEK WATER SUPPLY CORPORATION, VOLUME 1018, PAGE 489

BEING a 4.889 acre tract of land situated in the NANCY CHANCE SURVEY, ABSTRACT NO. 5, Bell County, Texas and being a part or portion of that certain 5.0 acre tract of land described in a General Warranty Deed dated August 31, 2007 from Willie Mae Martin to Milton Wayne Martin, et als and being of record in Document No. 2007-00038697, Real Property Records in Bell County, Texas and being more particularly described by separate metes and bounds.

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

This property is not within the Special Flood Hazard Area as per the Federal Emergency Management Agency Federal Insurance Administration Map No. 48027C0335E, date September 26, 2008.

IN WITNESS THEREOF, my hand and seal, this the 3rd day of September, 2009.

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

STATE OF TEXAS
REGISTERED
MICHAEL E. ALVIS
5402
PROFESSIONAL
LAND SURVEYOR

Bearing Base: This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 205. The theta angle at City Monument No. 205 is 01° 30' 24". The combined correction factor (CCF) is 0.999853. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City of Temple Monument No. 205 to the southeast corner of this 4.889 acre tract is S. 15° 38' 44" W., 5802.75 feet. Published coordinates for project reference point 205 are N. = 10,388,617.28 E. = 3,211,706.19

ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC.
301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400
E-MAIL: VTURLEY@AOL.COM (254) 773-3998

PEPPER CREEK REALTORS
4.889 ACRE TRACT
419 HILLIARD ROAD
NANCY CHANCE SURVEY
ABSTRACT NO. 5, BELL COUNTY, TEXAS

REVISIONS	

DATE:	09-03-09
DRN. BY:	MZS
REF.:	
FIELD BOOK	
JOB NO.:	09-281
SHEET	1 OF 1
COMPUTER	09-281.DWG
12159-C	
DRAWING NUMBER	

BEING a 4.889 acre tract of land situated in the NANCY CHANCE SURVEY, ABSTRACT NO. 5, Bell County, Texas and being a part or portion of that certain 5.0 acre tract of land described in a General Warranty Deed dated August 31, 2007 from Willie Mae Martin to Milton Wayne Martin, et als and being of record in Document No. 2007-00038697, Real Property Records in Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1" iron pipe found being the called southeast corner (calls iron pipe) of said 5.0 acre tract (Martin Tract) and being the northeast corner of that certain 5.0 acre tract of land described in a Warranty Deed dated December 6, 1972 from E. L. Gribble and wife, Myrtle Effie Gribble to Bob J. Kasberg and wife, Delores Y. Kasberg and being of record in Volume 1155, Page 742, Deed Records of Bell County, Texas and being in the west boundary line of Lot 1, Block 1, HOLY TRINITY CATHOLIC HIGH SCHOOL SUBDIVISION, an addition to the City of Temple, Bell County, Texas according to the map or plat of record in Cabinet D, Slide 244-B, Plat Records of Bell County, Texas for corner;

THENCE N. 73° 23' 29" W., 512.43 feet departing said west boundary line and with the common boundary line (calls N. 71° 00' 00" W., 523.56 feet) of said 5.0 acre tract (Martin Tract) and said 5.0 acre tract (Kasberg Tract) to a ½" iron rod with cap marked "RPLS 2475" set being the southeast corner (calls 5/8" iron rod) of that certain 0.11 acre tract of land described in a General Warranty Deed dated October 24, 2007 from Milton Wayne Martin, et als to The City of Temple, Texas and being of record in Document No. 2007-00046829, Real Property Records in Bell County, Texas and being in the east right-of-way line of Hilliard Road for corner;

THENCE N. 16° 43' 57" E., 416.00 feet departing said common boundary line and with the east boundary line (calls N. 16° 36' 32" E., 416.07 feet) of said 0.11 acre tract; being the east right-of-way line of Hilliard Road to a ½" iron rod with cap marked "RPLS 2475" set being the northeast corner (calls 5/8" iron rod) of said 0.11 acre tract and being in the north boundary line of said 5.0 acre tract (Martin Tract) and being in a south boundary line of that certain 59.57 acre tract of land (Exhibit "A") described in a Warranty Deed dated April 26, 1993 from E. L. Gribble and wife, Myrtle E. Gribble to Robert Kasberg and being of record in Volume 2971, Page 726, Official Public Records of Bell County, Texas for corner;

THENCE S. 73° 23' 29" E., 511.53 feet departing said east right-of-way line and with the common boundary line of said 5.0 acre tract (Martin Tract) (calls S. 71° 00' 00" E., 523.56 feet) and said 59.57 acre tract (calls N. 71° 30' 15" W., 523.56 feet) to a 1" iron pipe found being the northeast corner (calls iron pipe) of said 5.0 acre tract (Martin Tract) and being an ell or angle corner of said 59.57 acre tract for corner;



THENCE S. 16° 36' 31" W., with the north boundary line (calls S. 19° 00' 00" W., 416.0 feet) of said 5.0 acre tract (Martin Tract) and with a boundary line (calls N. 18° 32' 00" E., 832.26 feet) of said 59.57 acre tract, at 114.38 feet a 5/8" iron rod with cap marked "All County" found being the northwest corner of said Lot 1, Block 1, HOLY TRINITY CATHOLIC HIGH SCHOOL SUBDIVISION and at 416.00 feet in all to the Point of BEGINNING and containing 4.889 acres of land.

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

Michael E. Alvis, R.P.L.S. #5402
September 3, 2009



Bearing Base: This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 205. The theta angle at City Monument No. 205 is 01° 30' 24". The combined correction factor (CCF) is 0.999853. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City of Temple Monument No. 205 to the southeast corner of this 4.889 acre tract is S. 15° 38' 44" W., 5602.75 feet. Published coordinates for project reference point 205 are N. = 10,388,617.28 E = 3,211,706.19

See attached surveyors sketch, which accompanies this set of field notes (ref: Turley Associates Inc. drawing No. 12159-C)

















AG to GR

AERIAL MAP

Zoning Case :
Z-FY-16-29

Address :
419 Hilliard

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: 4/18/2016

















AG to GR

LOCATION MAP

Zoning Case :
Z-FY-16-29

Address :
419 Hilliard

Streets

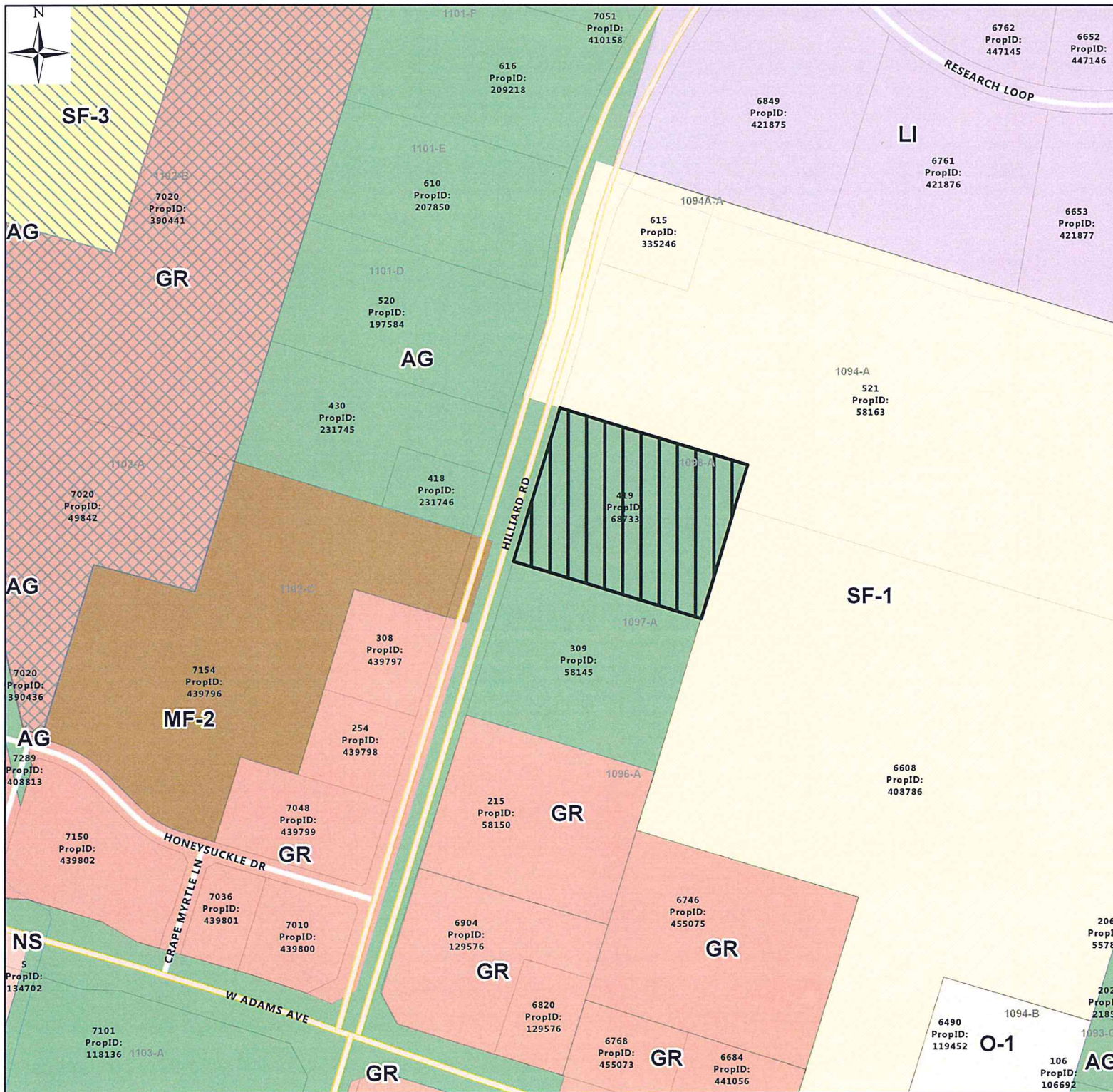
-  EXPRESSWAY
-  MAJOR ARTERIAL
-  COLLECTOR
-  LOCAL STREET
-  MINOR ARTERIAL
-  PRIVATE
-  RAMP
-  Railroad
-  Temple Municipal Boundary
-  Parcels
-  ETJ Parcels
-  CaseArea

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: 4/18/2016





AG to GR

ZONING MAP

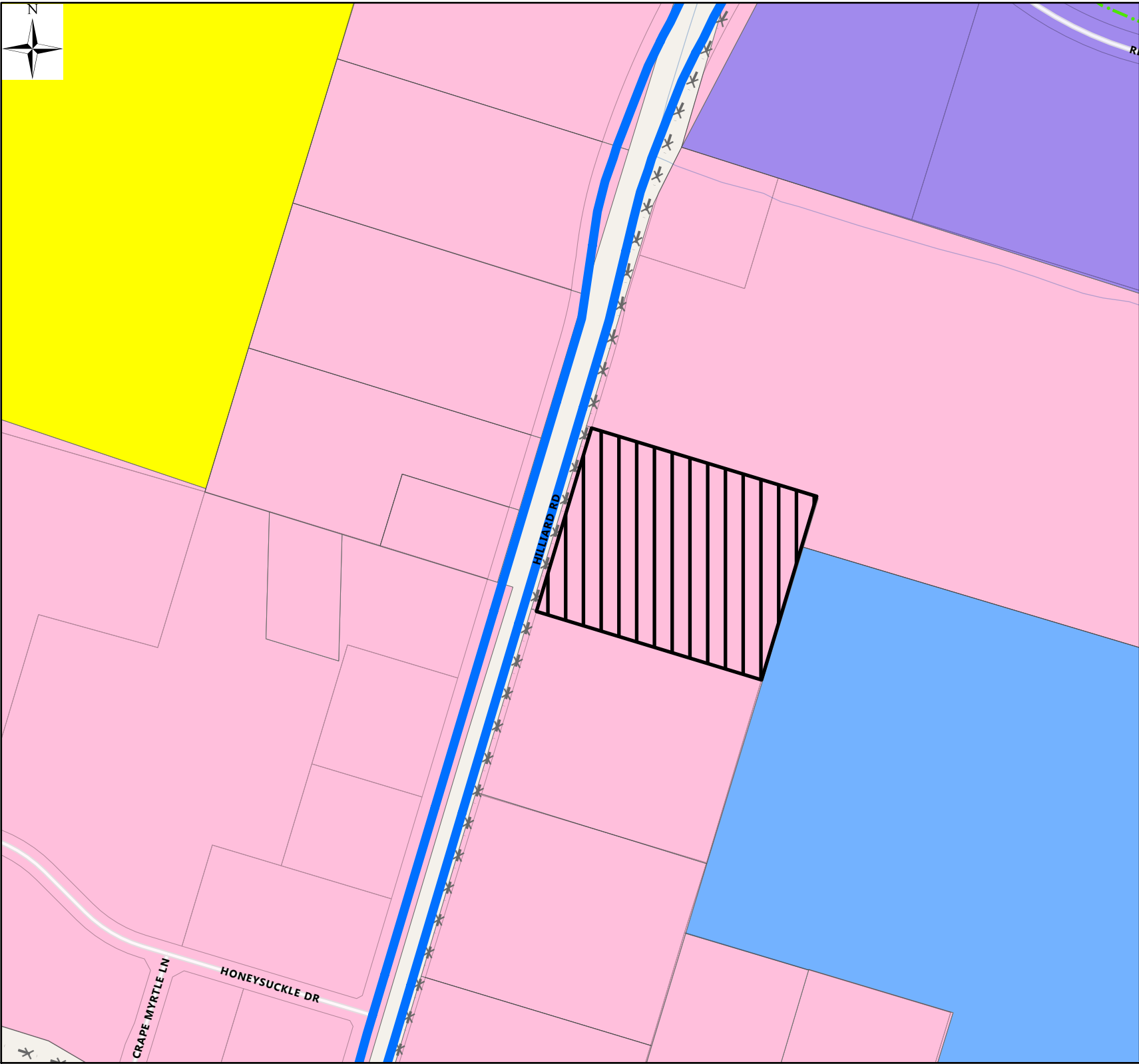
Zoning Case :
Z-FY-16-29
Address :
419 Hilliard

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-T
SF-3 - CUP, PD	GR - CUP	SD-V
SFA	GR - PD	T4
SFA-2	GR - CUP, PD	T4 - PD
SFA-2 - PD	CA	T4 - CUP
SFA-3	CA - CUP	T5-C
SFA-3 - PD	CA - PD	T5-C - CUP
2F	C	T5-C - PD
2F - CUP	C - CUP	T5-E
2F - PD	C - PD	T5-E - CUP
MF-1	C - CUP, PD	T5-E - PD
MF-1 - CUP	LI	NO BASE
MF-1 - PD	LI - CUP	CUP
MF-2	LI - PD	PD
MF-2 - CUP	LI - CUP, PD	CaseArea
MF-2 - PD	HI	Buffer
MF-3 - PD	HI - 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.

mbaker
Date: 4/18/2016





AG to GR
FUTURE LAND
USE MAP

Zoning Case :
Z-FY-16-29

Address :
419 Hilliard

- 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.

mbaker
Date: 4/18/2016





AG to GR THOROUGHFARE AND TRAILS MAP

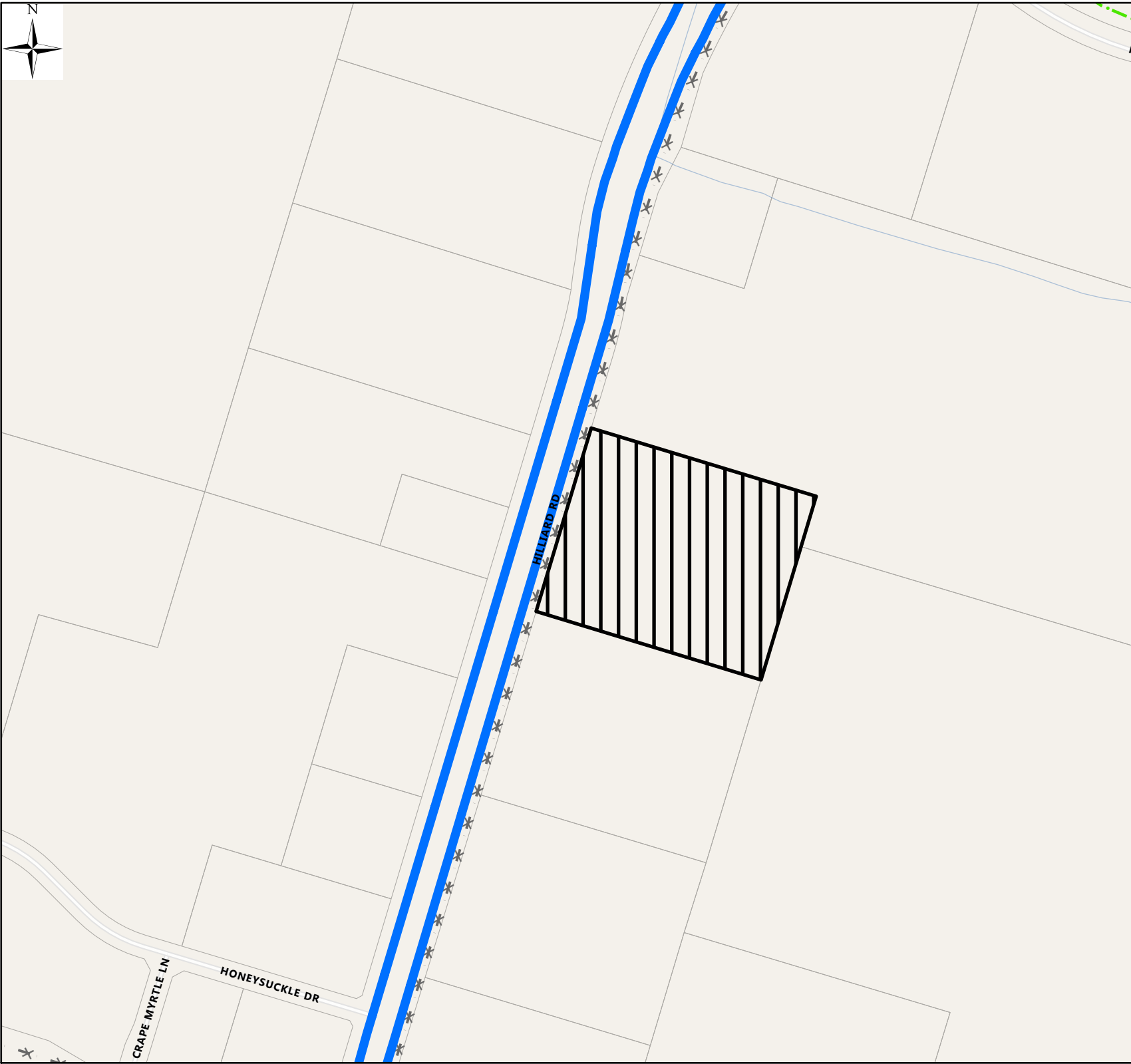
Zoning Case :
Z-FY-16-29

Address :
419 Hilliard

- | | |
|------------------------------------|------------------------------------|
| Parcels | PROPOSED, COMMUNITY WIDE CONNECTOR |
| Thoroughfare Plan
Expressway | PROPOSED, LOCAL CONNECTOR |
| Major Arterial | CaseArea |
| 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 | |

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: 4/18/2016





AG to GR

UTILITY MAP

Zoning Case :
Z-FY-16-29

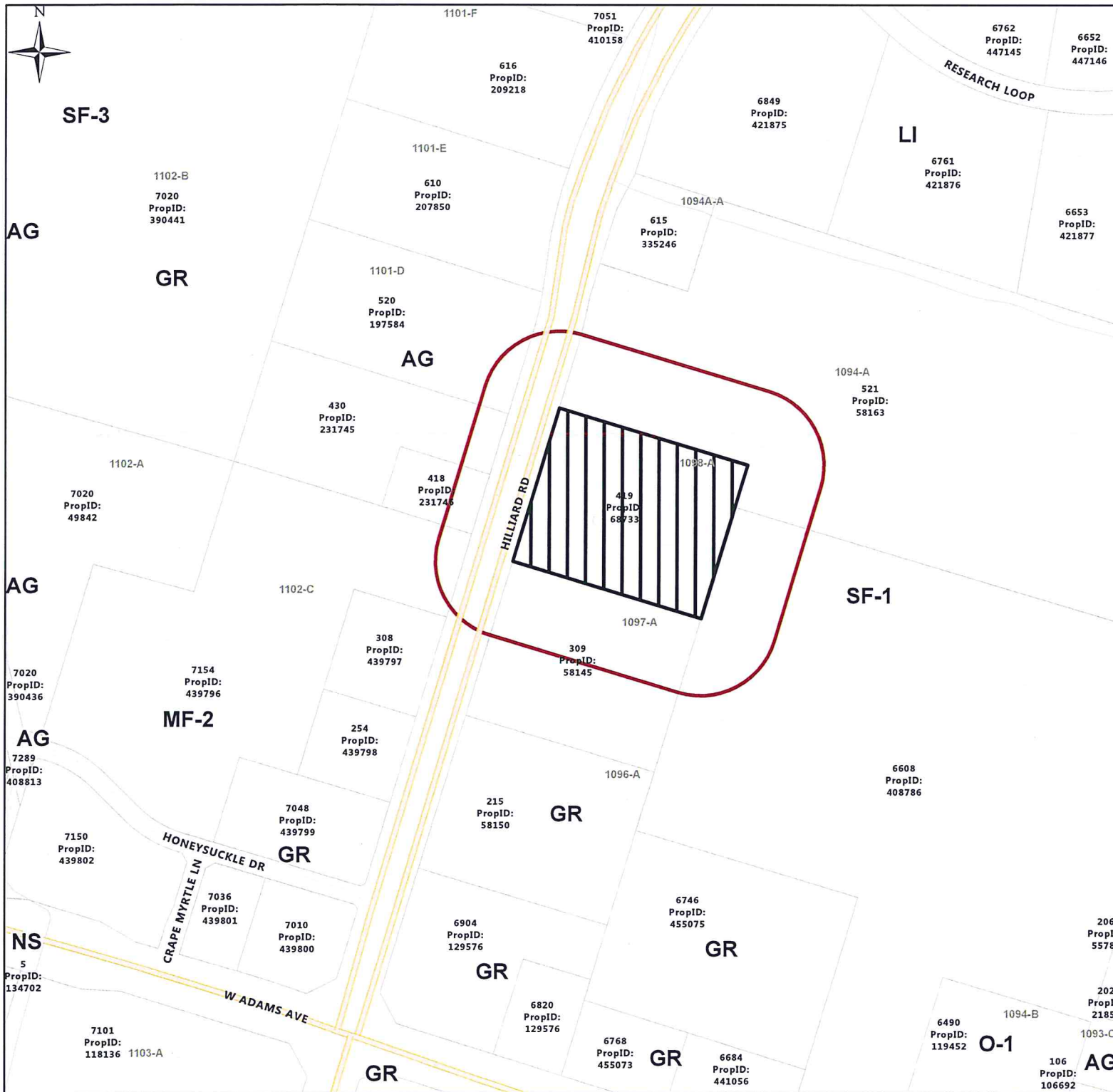
Address :
419 Hilliard

- 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: 4/18/2016





AG to GR

200'

NOTIFICATION MAP

Zoning Case :
Z-FY-16-29
Address :
419 Hilliard

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: 4/18/2016





RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

KASBERG, BOB J
309 HILLIARD RD
TEMPLE, TX 76502-4707

Zoning Application Number: Z-FY-16-29

Project Manager: MARK BAKER

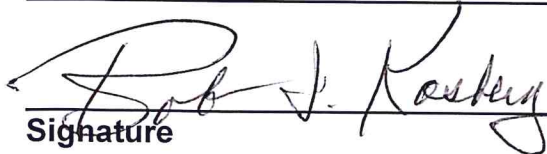
Location: 419 Hilliard Road

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

I ☒ agree

() disagree with this request

Comments:


Signature

Bob J. Kasberg
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 13 2016

City of Temple
Planning & Development

Number of Notices Mailed: 8

Date Mailed: May 5, 2016



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

KASBERG, ROBERT
309 HILLIARD RD
TEMPLE, TX 76502-4707

Zoning Application Number: Z-FY-16-29

Project Manager: MARK BAKER

Location: 419 Hilliard Road

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

☒ agree

☐ disagree with this request

Comments:

Bob I. Kasberg
Signature

Bob I. Kasberg
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 13 2016

City of Temple
Planning & Development

Number of Notices Mailed: 8

Date Mailed: May 5, 2016

James & Debbie Hering
615 Hilliard Road
Temple, Texas 76502

May 10, 2016

Mr. Mark P. Baker, Senior Planner
Planning Department
City of Temple
2 North Main, Suite 102
Temple, Texas 76501

Re: Zoning Application No. Z-FY-16-29

Dear Mr. Baker,

Per our conversation we had when you stopped by our property to confirm the address for your sign placement and site visit at 419 Hilliard Road, we are submitting this letter to the Planning and Zoning Commission and City Council for their consideration regarding the proposed GR zoning of the Mark Zwerneman tract (Z-FY-16-29).

We are in favor of this tract being rezoned from AG to GR. This would keep the area compatible with the new growth and represent the highest and best use of the land along this major outer loop corridor. This is supported by the tracts along the east line of Hilliard Road recently zoned GR, the tracts on the west line of Hilliard Road at Honeysuckle zoned GR, as well as some other tracts in the area zoned GR.

Please contact us if you need additional information or comments.

Sincerely,



James & Debbie Hering

RECEIVED

MAY 13 2016

City of Temple
Planning & Development



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

ORSAG, RONALD L ETUX MELANIE A
520 HILLIARD RD
TEMPLE, TX 76502-4700

Zoning Application Number: Z-FY-16-29

Project Manager: MARK BAKER

Location: 419 Hilliard Road

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

I ☐ agree

☒ disagree with this request

Comments:

We respectfully request that this property
NOT be rezoned.

Ronald Orsag
Melanie Orsag
Signature

Ronald Orsag
Melanie Orsag
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 2016.**

RECEIVED

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

MAY 16 2016

City of Temple
Planning & Development

Number of Notices Mailed: 8

Date Mailed: May 5, 2016

ORDINANCE NO. _____

(PLANNING NO. Z-FY-16-29)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT TO GENERAL RETAIL DISTRICT ON APPROXIMATELY 4.889 ACRES OF LAND SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, LOCATED AT 419 HILLIARD ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural District to General Retail District on approximately 4.889 acres of land situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 419 Hilliard Road, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **16th** day of **June**, 2016.

PASSED AND APPROVED on Second Reading on the 7th day of **July**, 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

06/16/16
Item #9
Regular Agenda
Page 1 of 3

DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-16-30: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow a restaurant where less than 50% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption on Lot 2, Block 1, of the Shoppes on the Hill, Phase II Subdivision, located at 2320 South 31st Street, Suite 100.



Figure 5: Aerial Location Map

PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 16, 2016 meeting, the Planning & Zoning Commission voted 6 to 0 to recommend approval of the proposed Conditional Use Permit as presented by staff.

STAFF RECOMMENDATION: Based on the following analysis that:

1. The project has demonstrated compliance with the specific standards in Unified Development Code (UDC) Section 5.3.15;
2. The project has demonstrated compliance to Chapter 4 of the City of Temple Code of Ordinances related to alcoholic beverages; and
3. The request is compatible with existing adjacent and anticipated retail and service uses.

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

1. That the sale of alcoholic beverages be restricted to on-premise consumption only, contained within the developed site of Lot 2, Block 1 of the Shoppes on the Hill, Phase II subdivision, located at 2320 South 31st Street, Suite 100;
2. The use is subject to compliance to Chapter 4 of the City Code of Ordinances related to alcoholic beverages; and
3. That the Conditional Use, complies with UDC Section 5.3.15 related to all alcoholic beverage sales with on-premise consumption.

ITEM SUMMARY: The applicant, Mark House on behalf of Tavistock Freebirds LLC., requests a Conditional Use Permit to allow the sale of less than 50% of the total gross revenue being from the sale of all alcoholic beverages with on-premise consumption only. The restaurant includes an outdoor patio area and on-premise alcohol consumption and sales is permitted since the exterior dining area is considered on-premise. This request is for an existing Freebirds Restaurant on Lot 2 of the recorded Shoppes on the Hill, Phase II subdivision, located in Suite 100 at 2320 South 31st Street.

BACKGROUND: The 2500 square foot suite is located within Lot 2, of the recorded Shoppes on the Hill, Phase II subdivision (attached). Phase II, is a 2.95 +/- acre, Replat of the larger Shoppes on the Hill subdivision being a total of 12.40 +/- acres, for the mixed use development which was rezoned on October 16, 2014, by Ordinance 2014-4689, to Planned Development - Temple Medical Education District (TMED) with an underlying transect zone designation of T-5C. Discussion related to Comprehensive Plan compliance was addressed during the related analysis of that request.

Specific to this request, a restaurant that generates less than 50% of its total gross revenue from the sale of all alcoholic beverages is a compatible use subject to approval of a Conditional Use Permit. The use as a restaurant with on-premise consumption of all alcohol is compatible with the existing and anticipated retail and service uses within "The Shoppes on the Hill" and the surrounding area along South 31st Street

Although not part of this request, it is noteworthy that included with Ordinance 2014-4689, exceptions to site plan standards were granted by City Council. Compliance to Ordinance 2014-4689 were confirmed during the building permit process.

Section 5.3.15 of the Unified Development Code provides for multiple performance standards related to the provision of a Conditional Use Permit for the on-premise sale of alcoholic beverages. Some of which include, but not limited to:

- *The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 6 months from the date of the issuance of the Conditional Use Permit, such limitation in time being subject to City review and possible extension,*
- *The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the Citizens of the City,*
- *The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee must consult with the Chief of Police, who acts in an advisory capacity, to determine the number of qualified employees necessary to meet such obligations.*

Additionally, the UDC states:

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

- a. Incompatible with the surrounding uses of property; or*
- b. Detrimental or offensive to the neighborhood or contrary to the health, safety and general welfare of the City and its inhabitants, and*
- c. Per UDC Section 3.5.5, the Planning & Zoning Commission may recommend and the City Council may impose additional conditions of approval.*

Adherence to UDC Section 5.3.15 in its entirety is included by reference in the Ordinance as conditions of approval. A Conditional Use Permit runs with the property and a change in ownership or change in the lessee does not affect the Conditional Use Permit.

Further, UDC Section 5.3.15B provides standards for all establishments with alcoholic beverage sales with on-premise consumption that is less than 75% of the gross total revenue. The standards include a distance requirement of not being within 300 feet of a place of worship, public school or public hospital as well as how the distance is measured. None of the identified uses are within 300 feet of the existing restaurant. However, it is noteworthy of mentioning that per the required measurement provided by the Texas Alcoholic Beverage Commission, the existing Baylor, Scott & White Hospital is located approximately 621 feet directly to the east across South 31st Street.

Lastly, Chapter 4 of the City of Temple Code of Ordinances reiterates state laws for distancing with regard to alcohol sales and on-premise consumption. Compliance to Chapter 4 standards are required and are included as a condition.

DEVELOPMENT REVIEW COMMITTEE (DRC): The DRC reviewed the proposed conditional use permit on May 2, 2016. No issues were identified during the review.

PUBLIC NOTICE: Six properties within 200-feet of the subject property, were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday June 7, 2016 at 9:00 AM, four separate notices in Agreement, for property owned by the same owner, have been received.

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:

[Chapter 4 – Code of Ordinances – Alcoholic Beverages](#)
[Site and Surrounding Property Photos](#)
[Aerial Map](#)
[Shoppes on the Hill subdivision - Final Plat](#)
[Freebirds Restaurant \(Site Plan\) \(Exhibit A\)](#)
[Notification Map](#)
[Returned Property Notices](#)
[Ordinance](#)

Site & Surrounding Property Photos



Site – Existing Freebirds Restaurant (TMED – T5-C)



Site (Alternative View) – Existing Restaurant (TMED – T5-C)



**North: Aerial – Shoppes on the Hill & Relative to the “The District”
(TMED-T5-C & T-4)**



**North: Undeveloped Pad Site – Shoppes on the Hill
(TMED-T5-C)**



South: Existing Business at the Shoppes on the Hill (TMED – T5-C)



South: (Alt. View) Existing Business at the Shoppes on the Hill (TMED T5-C)



East: Baylor, Scott & White Hospital across S. 31st St. (TMED – T5-C & SD-H)



West: Developing Multi-Family Uses - Apartment Complex (TMED T5-C)

Chapter 4

ALCOHOLIC BEVERAGES

ARTICLE I. EXTENDED HOURS

Sec. 4-1. Extended hours.

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

ARTICLE II. SPACING

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

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

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

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

Sec. 4-4. Measurement for public school.

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

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

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

Sections 4-5 through 4-10 reserved.

ARTICLE III. LICENSE AND PERMIT FEES

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

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

Sec. 4-12. Display.

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

Sections 4-13 through 4-20 reserved.

ARTICLE IV. SALE OF ALCOHOLIC BEVERAGES ON CITY PROPERTY

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

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

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

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

FINAL PLAT of
SHOPPES ON THE HILL PHASE II, BEING AN
AMENDING PLAT OF LOTS 1 & 2, BLOCK 1,
SHOPPES ON THE HILL
WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

BEING PART OF THE REDDING ROBERTS SURVEY, ABSTRACT 642, BELL COUNTY, TEXAS, AND BEING AN AMENDING PLAT OF THE LOTS 1 AND 2, BLOCK 1, SHOPPES ON THE HILL, AN ADDITION IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, ACCORDING TO THE PLAT OF RECORD IN YEAR 2014, PLAT # 141, PLAT RECORDS OF BELL COUNTY, TEXAS.

STATE OF TEXAS
COUNTY OF BELL

MORRIS VENTURE PARTNERS VI, LLC, A TEXAS LIMITED LIABILITY COMPANY, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS SHOPPES ON THE HILL PHASE II, BEING A REPLAT OF LOTS 1 & 2, BLOCK 1, SHOPPES ON THE HILL, WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

MORRIS VENTURE PARTNERS VI, LLC, A TEXAS LIMITED LIABILITY COMPANY
P O BOX 676
SALADO, TEXAS 76571

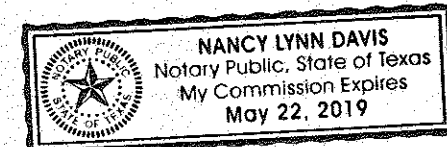
BY: William C. Morris IV
Manager

STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED WILLIAM C. MORRIS IV, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 4th DAY OF March, 2016.

Nancy Lynn Davis
NOTARY PUBLIC, STATE OF TEXAS



I, THE UNDERSIGNED, DIRECTOR OF PLANNING OF THE CITY OF TEMPLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE CITY OF TEMPLE, IT QUALIFIES FOR ADMINISTRATIVE PLAT APPROVAL AS PROVIDED IN THIS ORDINANCE, AND IT IS HEREBY APPROVED.

3-7-16
DIRECTOR OF PLANNING DATE

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 10th day of March, 2016 A. D.

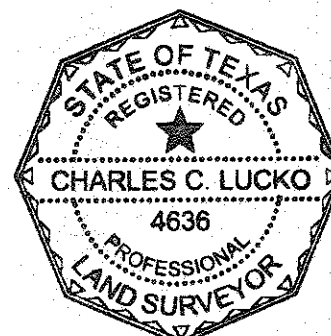
By: Melissa Rodriguez
Bell County Tax Appraisal District

STATE OF TEXAS
COUNTY OF BELL

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

Charles C. Lucko
CHARLES C. LUCKO, R.P.L.S.
REGISTRATION NO. 4636

DATE SURVEYED: JANUARY 27, 2016



FILED FOR RECORD THIS 10 DAY OF March, 2016.

IN YEAR 2016, PLAT # 27, PLAT RECORDS OF BELL COUNTY, TEXAS.

DEDICATION INSTRUMENT # 2016-8779, OFFICIAL RECORDS OF BELL COUNTY, TEXAS.

MORRIS VENTURE PARTNERS VI, LLC.
3000 S. 31ST STREET STE 500
TEMPLE, TX 76502

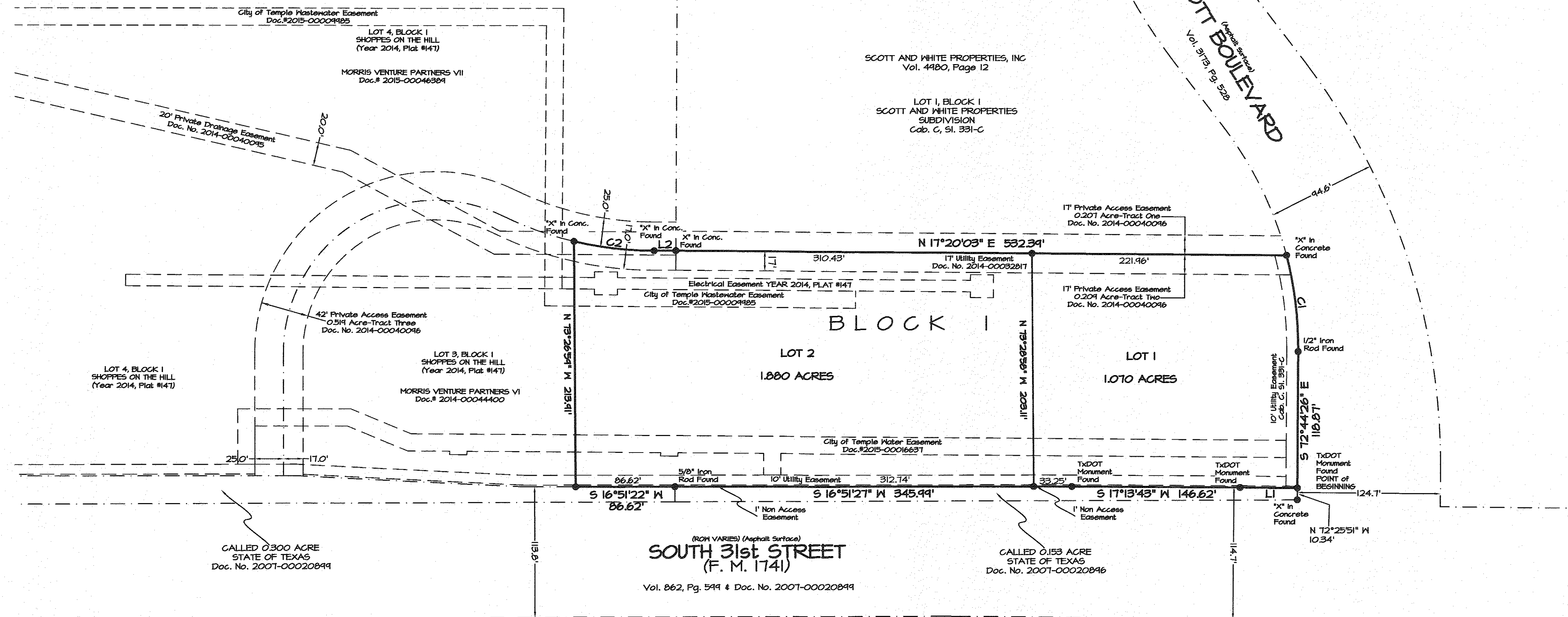
LOTS - 2
BLOCKS - 1
AREA - 2.950 ACRES

LINE	BEARING	DISTANCE
L1	S 17°34'16" W	50.04'
L2	N 16°44'31" E	18.45'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	321.40'	84.81'	84.56'	S 74°56'12" E	15°07'07"
C2	300.00'	10.51'	10.40'	N 23°33'50" E	13°28'38"

0 60 120 180

• Denotes 5/8" Iron Rod w/ "ACS" Cap
Found, unless otherwise noted

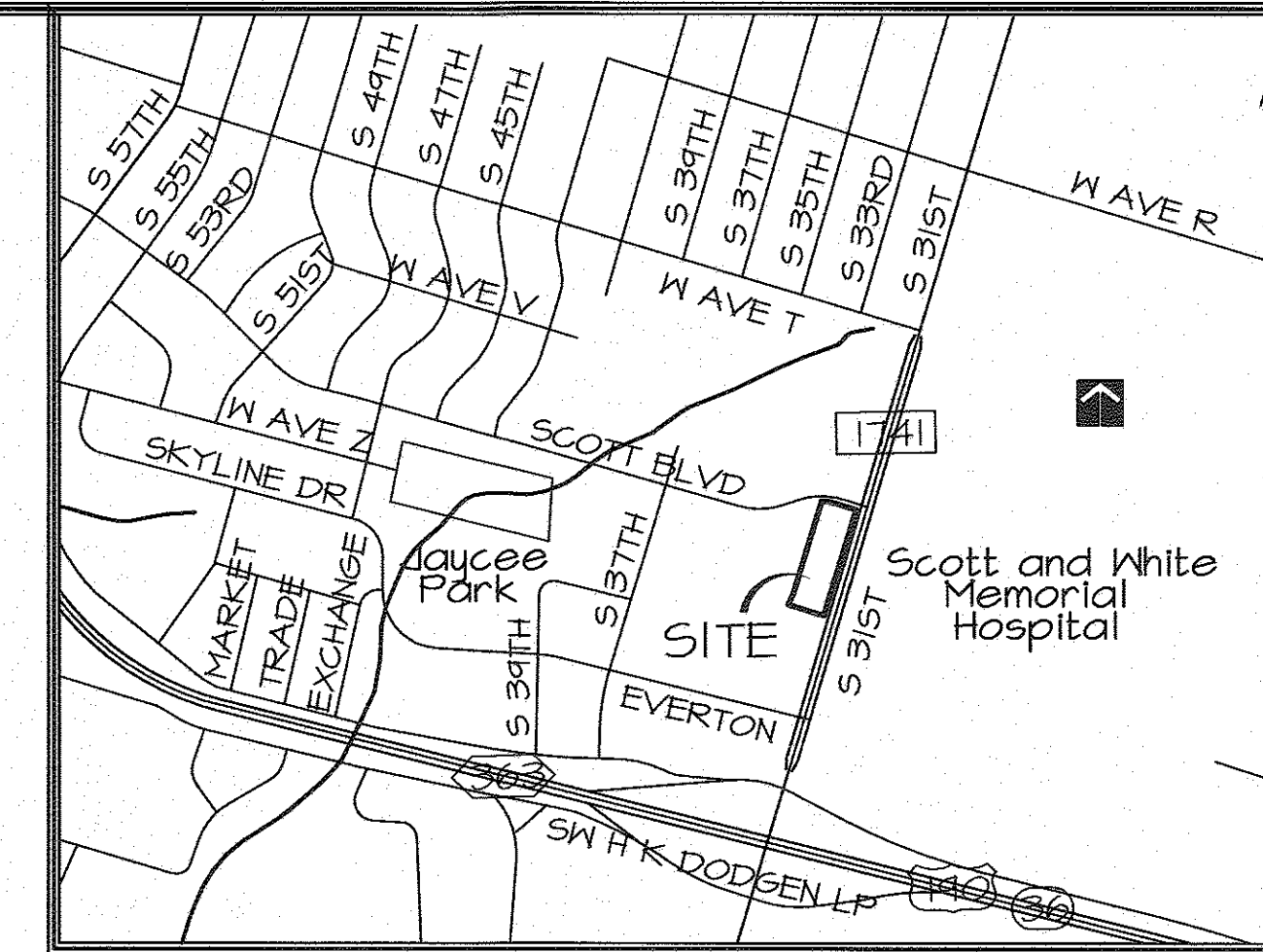


This project is referenced to the City of Temple Coordinate System, NAD 83, Texas Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 3. The theta angle at City Monument No. 3 is 01° 31' 42". The combined correction factor (CCF) is 0.944848. Grid distance = Surface distance x CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 3 are N = 10366408.84 E = 3225333.17. Reference tie from City Monument No. 3 to the northeast corner of this 2.950 Acre tract is N 57°12'40" W 30.06 feet.

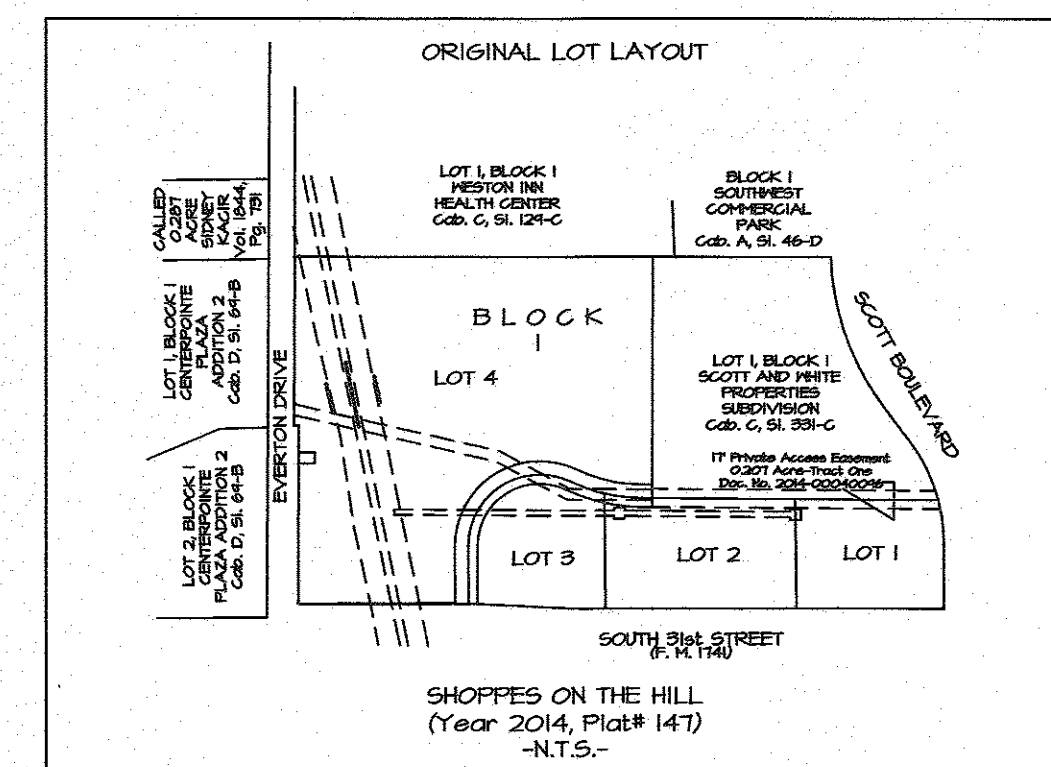
Based upon what can be scaled from the graphics shown on FEMA Flood Insurance Rate Map (FIRM), Map No. 48021C0385E, effective date September 26, 2008, the above shown property does not appear within the "Special Flood Hazard Area", and appears to be situated in Zone X. This Flood statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of this surveyor or company.

Purpose Statement:
The purpose of this Amending Plat is to adjust the property line between existing Lot 1 and Lot 2.

Note: There is an existing 8' wide sidewalk along South 31st Street and a 5' wide sidewalk along Scott Boulevard. Per UDC Section 6.3.11, a minimum 8' wide sidewalk is required along South 31st Street and a minimum 6' wide sidewalk is required along Scott Boulevard.



VICINITY MAP - N.T.S.



FINAL PLAT of

SHOPPES ON THE HILL PHASE II,
BEING AN AMENDING PLAT OF LOTS
1 & 2, BLOCK 1, SHOPPES ON THE HILL
WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

1303 South 21st Street
Temple, Texas 76504
254-778-2272 Killeen 254-634-4636
Fax 254-774-1608
Tx. Firm Lic. No. 10023600

ACS
ALL COUNTY SURVEYING, INC.

Plot Date: 02-26-2016
Survey completed: 07-23-2014
Scale: 1" = 60'
Job No. 140533
Dwg No. 140533P2
Drawn by SLW/MDH
Surveyor CCL #4636
Copyright 2016 All County Surveying, Inc.

15 CONC. PAVING SECTION DETAIL
REV. 10/21/21

ACCESSIBILITY GENERAL NOTES

- ALL ACCESSIBLE ROUTES & ACCESSIBLE PARKING SPACES SHALL NOT EXCEED A 2% SLOPE IN EITHER A LONGITUDINAL OR CROSS SLOPE DIRECTION TYPICAL FROM PARKING SPACES AND PUBLIC SIDEWALK TO BUILDING ENTRANCES.
- ALL HANDICAP STEPPING, SHOULDER AND ACCESSIBLE ROUTES FROM PARKING SPACES TO STORE ENTRANCES SHALL BE PROVIDED TO MEET THE TEXAS ACCESSIBILITY STANDARDS IN ALL RESPECTS. A COPY OF THE STANDARDS IS AVAILABLE FOR REFERENCE FROM THE ARCHITECT.
- ALL PORTIONS OF THE STEPPED ACCESSIBLE ROUTES SHALL NOT EXCEED A SLOPE OF 2% IN ANY DIRECTION LONGITUDINAL OR CROSS SLOPE, TYPICAL.
- THRESHOLDS AT STORE ENTRANCES SHALL NOT EXCEED A MAXIMUM HEIGHT OF 1/2" PROJECTION ABOVE THE SIDEWALK OR THE STORE FLOOR FLOOR. ALL CHANGES IN ELEVATION SHALL NOT EXCEED 1/4" ADJUNCT OR 1/2" AT A 45 DEGREE TAPERED ANGLE.
- SEE DETAIL 8410 FOR CURB RAMP PLAN.

10 SITE ACCESSIBILITY NOTES
REV. 10/21/21

SITE GENERAL NOTES

- REFER TO CIVIL DRAWINGS FOR THE CONCRETE PAVING JOINT PATTERNS AND CONSTRUCTION JOINT DETAILS.
- REFER TO THE LANDSCAPE DRAWINGS FOR THE LOCATION OF IRRIGATION CONTROLLERS AND FOR P-VALUES TO BE INSTALLED THE LANDSCAPE STRIP BETWEEN THE SIDE WALK AND THE PARKING LOT.
- CONTRACTOR SHALL FIELD VERIFY GRADE ELEVATION OF EXISTING ROADWAY PAVING RELATIVE TO SPECIFIED PARKING LOT PAVING ELEVATION TO CONFIRM THAT THE SPECIFIED PARKING LOT PAVING ELEVATION DOES NOT EXCEED ROADWAY ELEVATION BY MORE THAN 2".
- REFER TO CIVIL SITE UTILITY PLAN FOR THE LINE NUMBER TO THE SHELL BUILDING IN THIS CONTRACT AND TO FUTURE BUILDINGS TO BE CONSTRUCTED UNDER THIS CONTRACT AND TO FUTURE BUILDINGS TO BE CHECK VALVES CONNECTION VALVES, TIE INS AND UTILITY LINE TAPS.

5 SITE GENERAL NOTES
REV. 10/21/21

1 SITE PLAN
REV. 10/21/21

REVISIONS

NO.	DATE	DESCRIPTION
01	10/21/21	ISSUED FOR PERMIT
02	10/21/21	ISSUED FOR BIDS
03	10/21/21	ISSUED FOR JUMPEN DENTAL CORPMENTS
04	10/21/21	ISSUED FOR PERMIT
05	10/21/21	ISSUED FOR PERMIT
06	10/21/21	ISSUED FOR PERMIT
07	10/21/21	ISSUED FOR PERMIT
08	10/21/21	ISSUED FOR PERMIT
09	10/21/21	ISSUED FOR PERMIT
10	10/21/21	ISSUED FOR PERMIT

THE SHOPS ON THE HILL
2510 South 31st Street Temple, Texas 76702

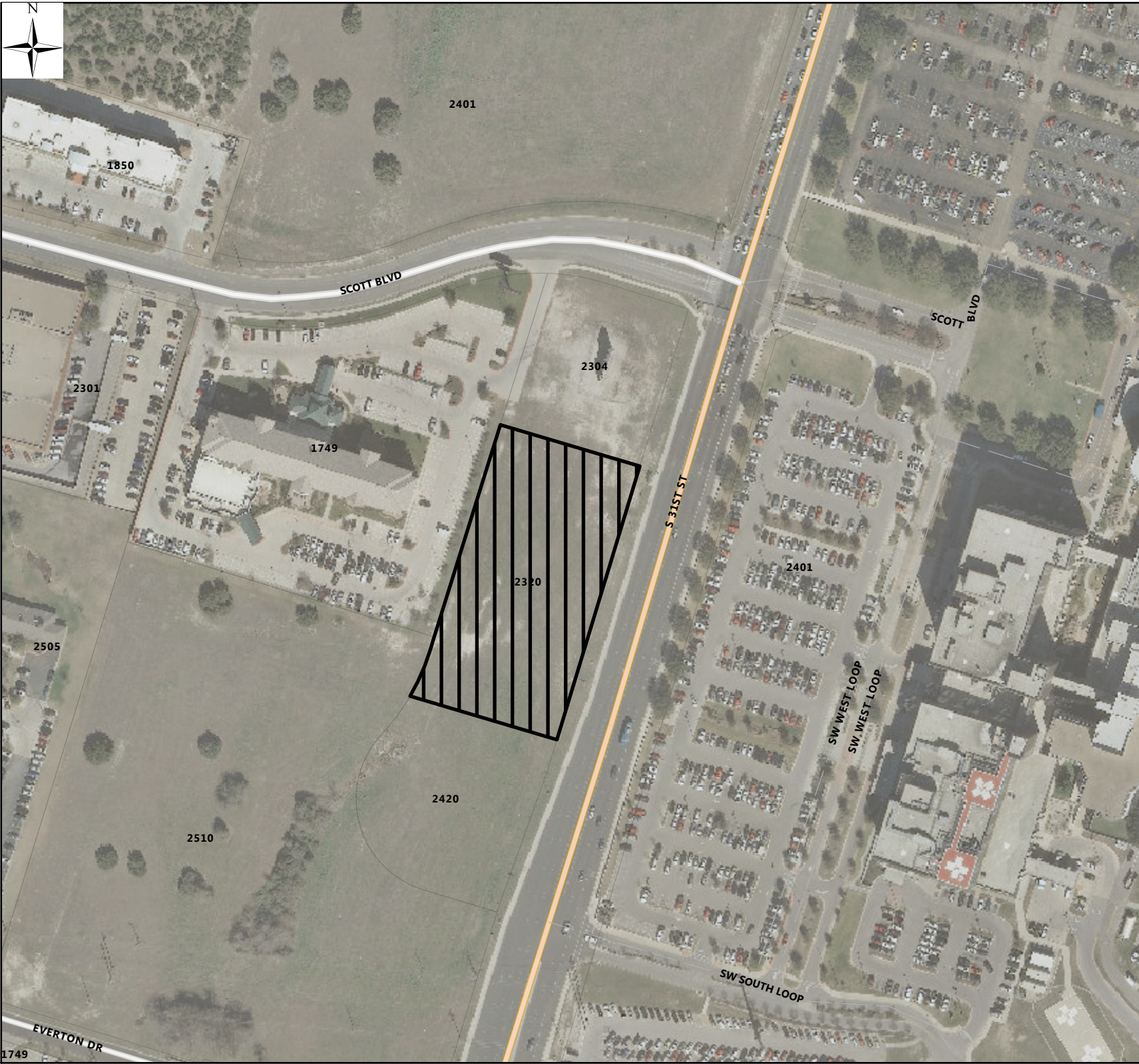
MTA
MAYNARD TRUCK & AUTO, INC.
11111 MAYNARD DRIVE
MAYNARD, TEXAS 76067

Site Plan

Printed: 10/21/21
Date: 09/28/2024
Drawn: RLH/MT
Checked: MT
Sheet:

A1.01
OF 11

EXHIBIT A



Conditional Use Permit

AERIAL MAP

Zoning Case :
Z-FY-16-30

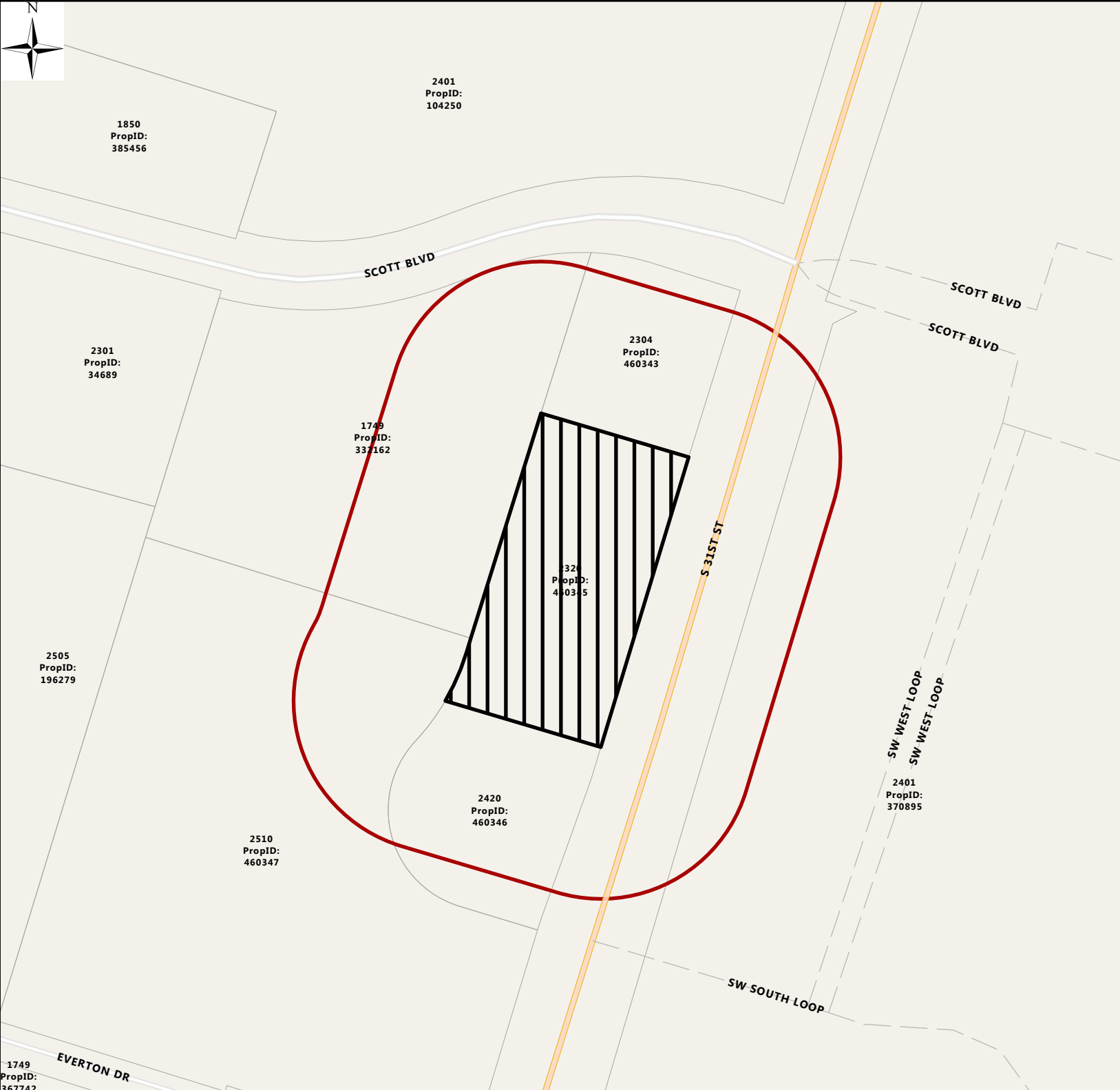
Address :
2320 S. 31st Street

- 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: 4/15/2016





Conditional Use Permit

200'
NOTIFICATION MAP

Zoning Case :
Z-FY-16-30

Address :
2320 S. 31st Street

-  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.

mbaker
Date: 4/15/2016





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

MORRIS VENTURE PARTNERS VII LLC
3000 S 31ST ST STE 300
TEMPLE, TX 76502-1819

Zoning Application Number: Z-FY-16-30

Project Manager: MARK BAKER

Location: 2320 South 31st Street, Ste. 100

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

Will Morris

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 12 2016
City of Temple
Planning & Development

Number of Notices Mailed: 6

Mailed: May 5, 2016



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

MORRIS VENTURE PARTNERS VI LLC
C/O CHARTER REAL ESTATE
3000 S 31ST ST STE 500
TEMPLE, TX 76502

Zoning Application Number: Z-FY-16-30

Project Manager: MARK BAKER

Location: 2320 South 31st Street, Ste. 100

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

Will Morris

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 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: 6

Mailed: May 5, 2016



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

MORRIS VENTURE PARTNERS VI LLC
C/O CHARTER REAL ESTATE
3000 S 31ST ST STE 500
TEMPLE, TX 76502

Zoning Application Number: Z-FY-16-30

Project Manager: MARK BAKER

Location: 2320 South 31st Street, Ste. 100

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

Will Morris

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 12 2016

City of Temple
Planning & Development

Number of Notices Mailed: 6

Mailed: May 5, 2016



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

MORRIS VENTURE PARTNERS ^{VIII}LLC
C/O CHARTER REAL ESTATE
3000 S 31ST ST STE 500
TEMPLE, TX 76502

Zoning Application Number: Z-FY-16-30

Project Manager: MARK BAKER

Location: 2320 South 31st Street, Ste. 100

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

Will Morris

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 12 2016

City of Temple
Planning & Development

Number of Notices Mailed: 6

Mailed: May 5, 2016

ORDINANCE NO. _____
(Z-FY-16-30)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION WHERE THE GROSS REVENUE FROM THE SALE OF ALCHOLIC BEVERAGES IS LESS THAN 50% OF THE TOTAL GROSS REVENUE OF THE ESTABLISHMENT FOR PROPERTY SITUATED ON LOT 2, BLOCK 1 OF THE SHOPPES ON THE HILL, PHASE II SUBDIVISION, LOCATED AT 2320 SOUTH 31ST STREET, SUITE 100; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of property on Lot 2, Block 1, of the Shoppes on the Hill, Phase II Subdivision, located at 2320 South 31st Street, Suite 100, recommends that the City Council approve the application for this Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption where the gross revenue from the sale of alcoholic beverages is less than 50% of the total gross revenue of the establishment sales; and

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

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

Part 1: The City Council approves a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption where the gross revenue from the sale of alcoholic beverages is less than 50% of the total gross revenue of the establishment for property on Lot 2, Block 1, of the Shoppes on the Hill, Phase II Subdivision, located at 2320 South 31st Street, Suite 100, more fully described in Exhibit 'A', attached hereto and made a part hereof for all purposes.

Part 2: The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" operating an establishment with alcoholic beverage sales for on-premise consumption shall comply with following standards:

- A. The sale of alcoholic beverages is restricted to on-premise consumption only, contained within the developed site of Lot 2, Block 1 of the Shoppes on the Hill, Phase II subdivision, located in Suite 100 at 2320 South 31st Street
- B. The use is subject to compliance to Chapter 4 of the City Code of Ordinances related to alcoholic beverages; and
- C. The Conditional Use must comply with UDC Section 5.3.15 related to all alcoholic beverage sales with on-premise consumption.

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 **16th** day of **June**, 2016.

PASSED AND APPROVED on Second Reading on the **7th** day of **July**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson

Kayla Landeros

City Secretary

City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/16/16
Item #10
Regular Agenda
Page 73 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-16-31: Consider an ordinance adopting a rezoning from Single Family-One District (SF-1) to Planned Development Single Family-One District (PD-SF-1) to allow continued use of existing secondary residential dwellings on Lot part of 4, 6, Block 4, Roselawn Addition, located at 1516 North 5th Street.



PLANNING AND ZONING COMMISSION RECOMMENDATION: At its May 16, 2016, meeting the Planning and Zoning Commission voted 6/0 to recommend approval of a permanent rezoning from Single Family-One District (SF-1) to Planned Development-Single Family-One District (PD-SF-1).

STAFF RECOMMENDATION: Staff recommends approval of a rezoning from Single Family One District (SF-1) to Planned Development-Single Family-One District (PD-SF-1) for the following reasons and with the following conditions:

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 facilities are available to serve the subject property.
5. Staff is only able to support the existing secondary residential uses on the property with the condition that the existing non-compliant carport and storage structure be removed.
6. The existing residential structure would be allowed to remain, per the property's survey which serves as the Planned Development site plan

ITEM SUMMARY: The applicant requests a rezoning from Single Family-One District (SF-1) to Planned Development-Single Family-One District (PD-SF-1) for continued use of the property's existing multiple family uses. 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 property consists of a single-family home (1116 sq. ft.) with a rear expansion that includes an upstairs apartment (480 sq. ft.) and a downstairs apartment (480 sq. ft.). Both of these existing secondary dwelling units share a common wall with the existing house and have their own entrances from the driveway.

The existing detached carport and storage unit (in the rear yard observes zero side yard and rear yard setbacks and is in violation of residential accessory structure setbacks. Staff recommends the carport and storage unit be removed for potential safety issues and to allow increased maneuverability in the rear parking area. The property's survey is serving as the planned development site plat for this rezoning request.

The requested Planned Development's base zoning of Single Family-One District allows the following uses, 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 within the Single Family-One District (SF-1) include townhouse, HUD-Code manufactured home land lease community or subdivision, duplex, apartment, recreational vehicle parks, and retail and commercial uses, among others.

The proposed Planned Development-Single Family-One District (PD-SF-1) would allow the continued use of both existing apartment units, per the Planned Development Site Plat (survey) as a condition to the Planned Development-Single Family-One District (PD-SF-1).

DEVELOPMENT REGULATIONS: Dimensional standards for development in the SF-1 District are as follows:

- Minimum lot size – 7,500 Sq. Ft.
- Minimum Lot Width – 60 feet (single-family detached dwelling)
- 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

PROPOSED PLANNED DEVELOPMENT: Current dimensions based on the property's survey which will suffice as the property's PD Site Plan:

- **Minimum lot size – 6,000 Sq. Ft. (existing)**
- **Minimum Lot Width – 50 feet (existing)**
- Minimum Lot Depth – 100 feet
- Front Yard Setback – 25 feet
- **Side Yard Setback – 3.4 feet**
- Side Yard Setback (corner) – 15 feet
- Rear Yard Setback – 10 feet

The existing detached carport and storage unit currently observe zero lot line side yard and rear yard setbacks. The existing detached carport and storage unit does not meet the minimum residential accessory structure separation of 10 feet from the house (primary structure), per Unified Development Code (UDC) Section 5.5.2.B. And staff recommends the Planned Development condition that the existing detached carport and storage unit be removed for potential safety issues and to improve vehicle maneuverability.

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	Multiple Family Residential
North	Neighborhood Conservation	SF-1	Single-Family Residential
South	Neighborhood Conservation	SF-1	Single-Family Residential
East	Auto-Urban Commercial	SF-1	Single-Family Residential
West	Neighborhood Conservation	SF-1	Single-Family Residential and Childcare

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 Planned Development-Single Family-One District (PD-SF-1) 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 services are provided by existing water lines in the North 5th Street right-of-way. Sewer services are provided by a sewer line within the alley adjacent to the subject property.

Planned Development: UDC Section 3.4.1 defines a Planned Development as:

“A flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval.”

As a Planned Development, a Development Plan is subject to review and approval as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance. The property’s existing survey is serving as the Development Plan in this rezoning request. **While enhancements are normally an expectation of a Planned Development to off-set the unique manner of the request, the nature and location of this request did not generate the extensive need for such enhancements, other than staff’s recommendation that the existing detached carport and storage unit be removed.**

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

In approving a Planned Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, access and circulations, signs, parking, building design, location and height, light and air, orientation, building coverage, outdoor lighting, landscaping, homeowners or property owners associations, open space, topography and screening.

PUBLIC NOTICE: Owners of 22 properties within 200-feet of the subject property, were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday June 7, 2016 at 11:00 AM, one notice was received in favor of the request and none were received in opposition.

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](#)
[Aerial Map](#)
[Zoning Map](#)
[Future Land Use and Character Map](#)
[Utility Map](#)
[Notification Map](#)
[Planned Development Site Plan \(Survey\)](#)
[Applicant’s Exhibits](#)
[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	Multiple-Family Residential Uses	 <p>N 5th St</p>
			
			

Direction	Zoning	Current Land Use	Photo
			
			
			

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

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 PD-SF1

AERIAL MAP

Zoning Case :
Z-FY-16-31

Address :
1516 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: 5/3/2016





SF-1 to PD-SF-1

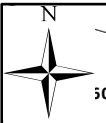
Zoning Case :
Z-FY-16-31
Address :
1516 N 5th St

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	Buffer
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: 5/3/2016





SF-1 to PD-SF-1 FUTURE LAND USE MAP

Zoning Case :
Z-FY-16-31

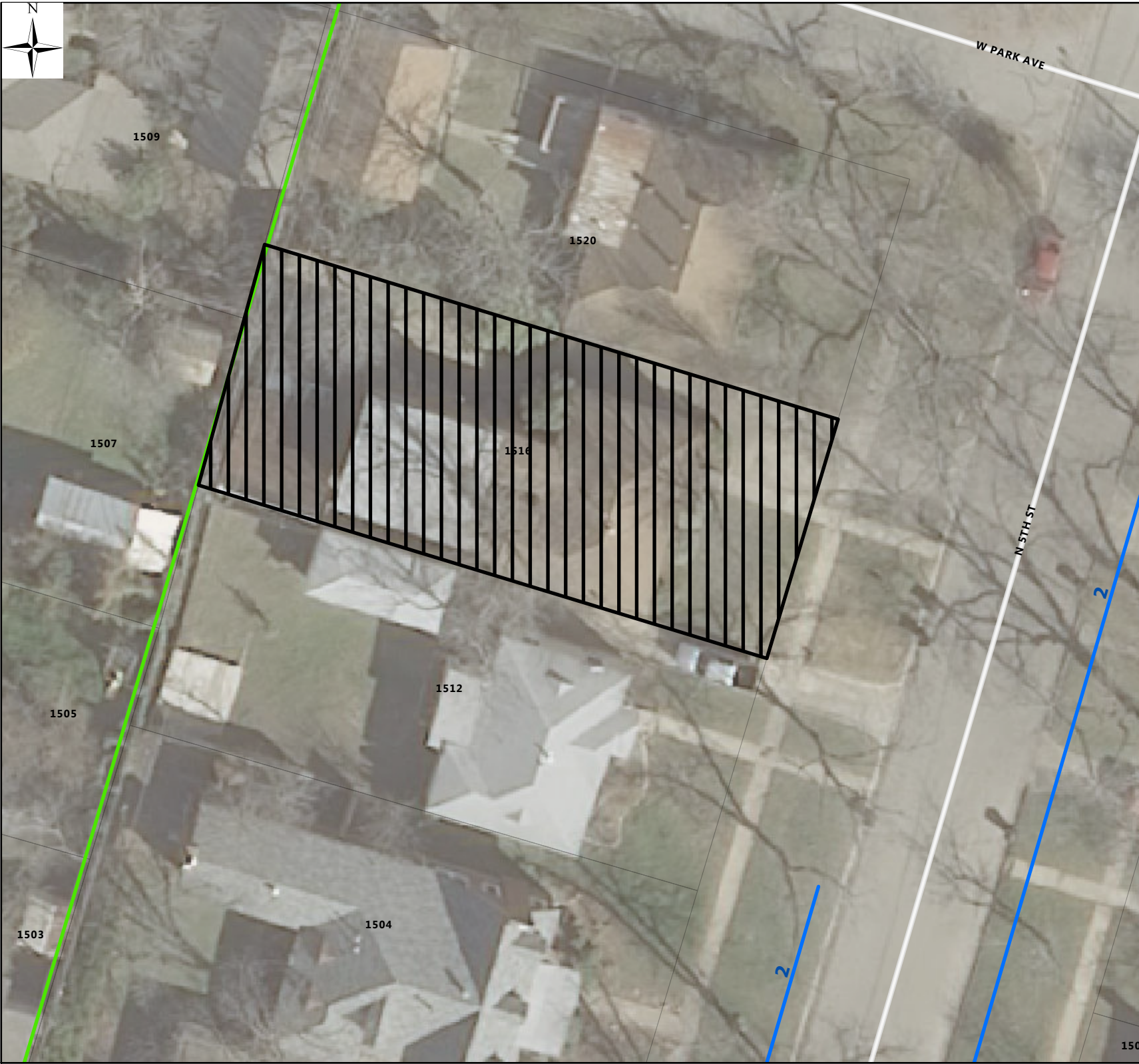
Address :
1516 N 5th St

- 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.

tlyerly
Date: 5/3/2016





SF-1 to PD-SF1

UTILITY MAP

Zoning Case :
Z-FY-16-31

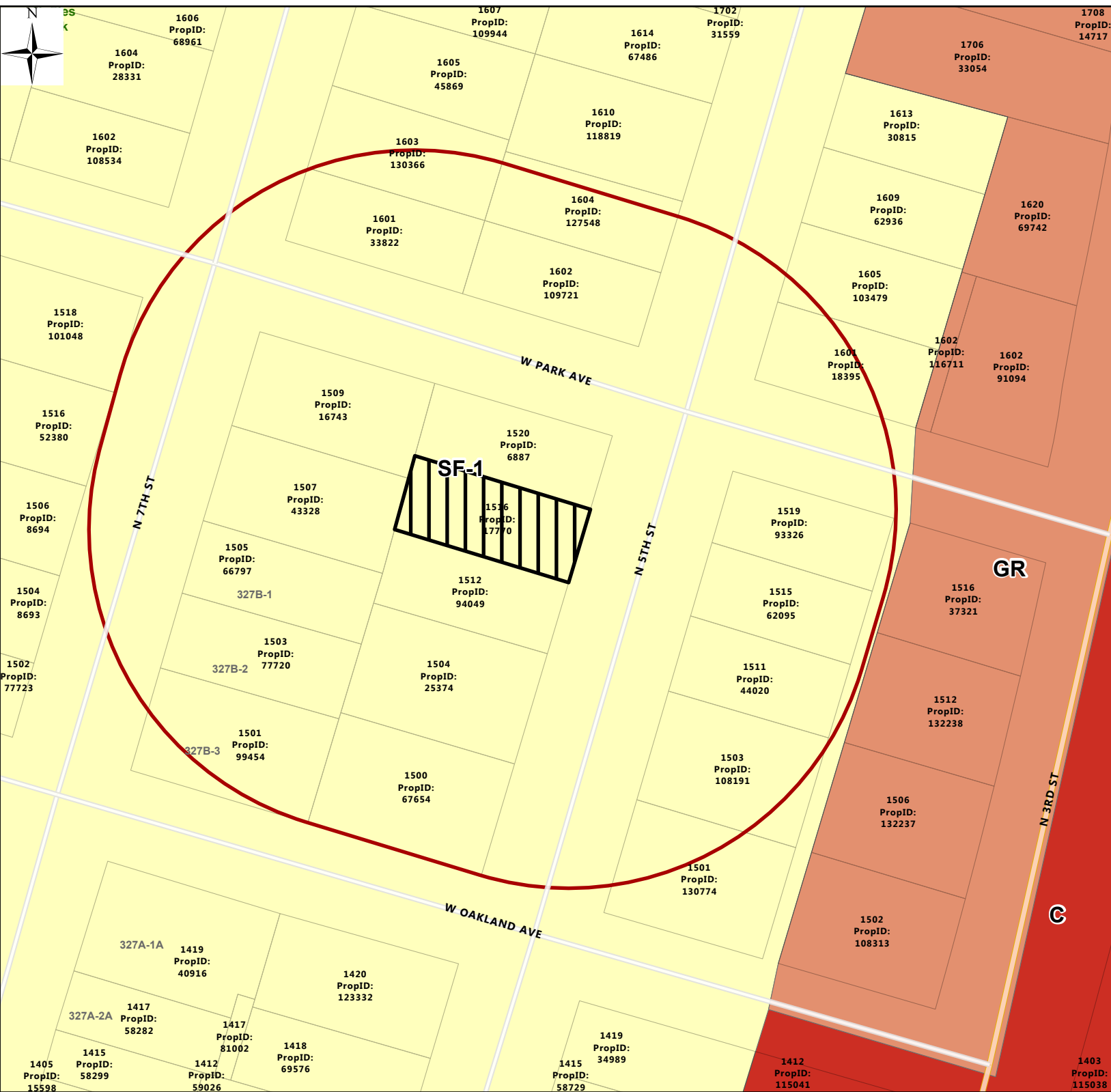
Address :
1516 N 5th St

- 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: 5/3/2016





SF-1 to PD-SF-1

200' NOTIFICATION MAP

Zoning Case :

Z-FY-16-31

Address :

1516 N 5th St

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	

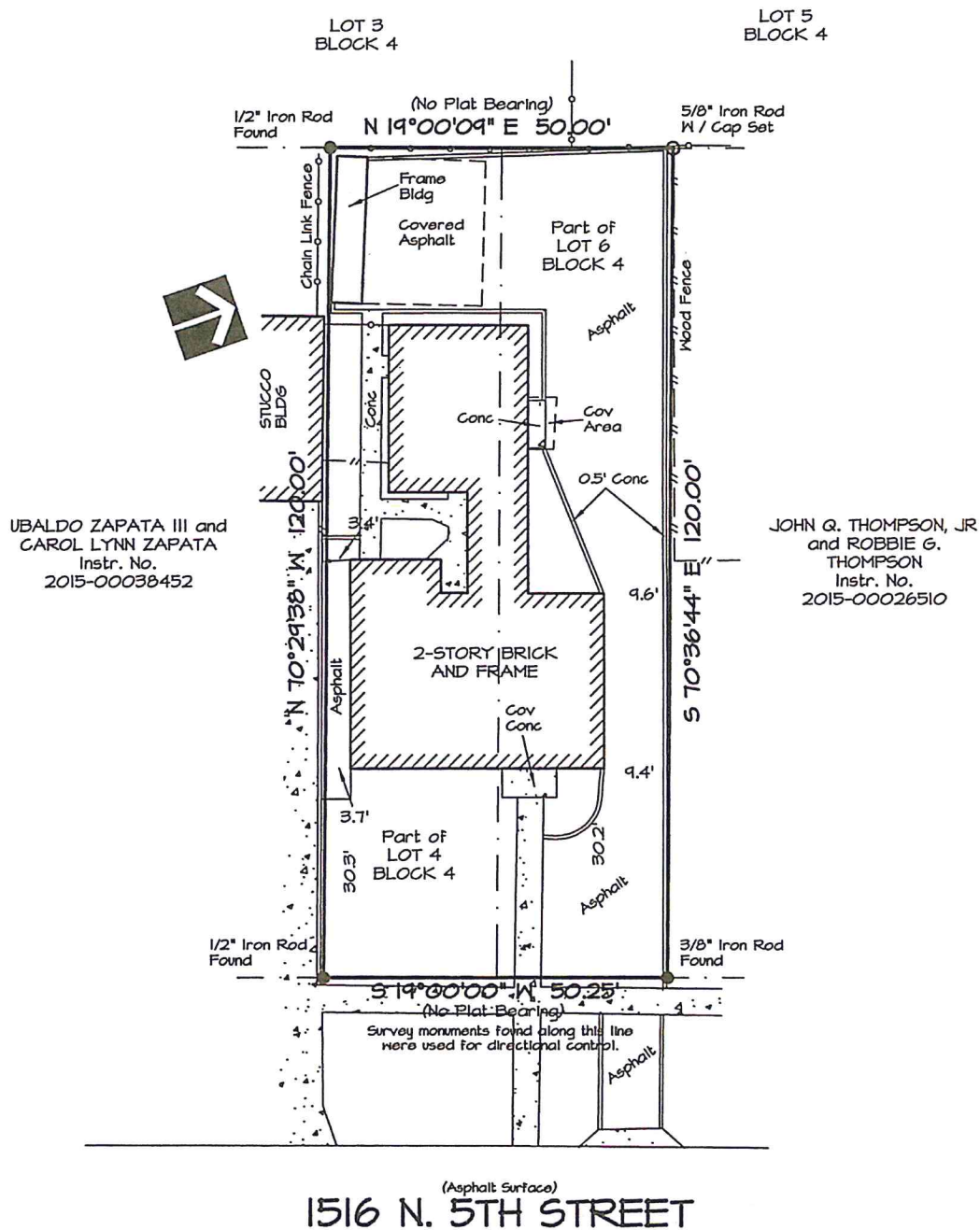
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

tlyerly

Date: 5/3/2016



Survey showing THE NORTH TWENTY-FIVE FEET (25') of LOT FOUR (4) and THE SOUTH TWENTY-FIVE FEET (25') of LOT SIX (6), BLOCK FOUR (4), of ROSELAWN ADDITION, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Volume 387, Page 204, Deed Records of Bell County, Texas.



Survey performed for: LAURA SULAK
as per that title commitment provided by,
CENTRALAND TITLE COMPANY, GF No. C1676423,
EFFECTIVE DATE: February 15, 2016.

This sketch represents a survey made on the ground. During the performance of this survey, persons working under my supervision observed conditions within and along the boundaries and to the best of my knowledge they are as shown. The location of visual structural improvements with respect to the boundary lines are as shown. This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

ACS
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



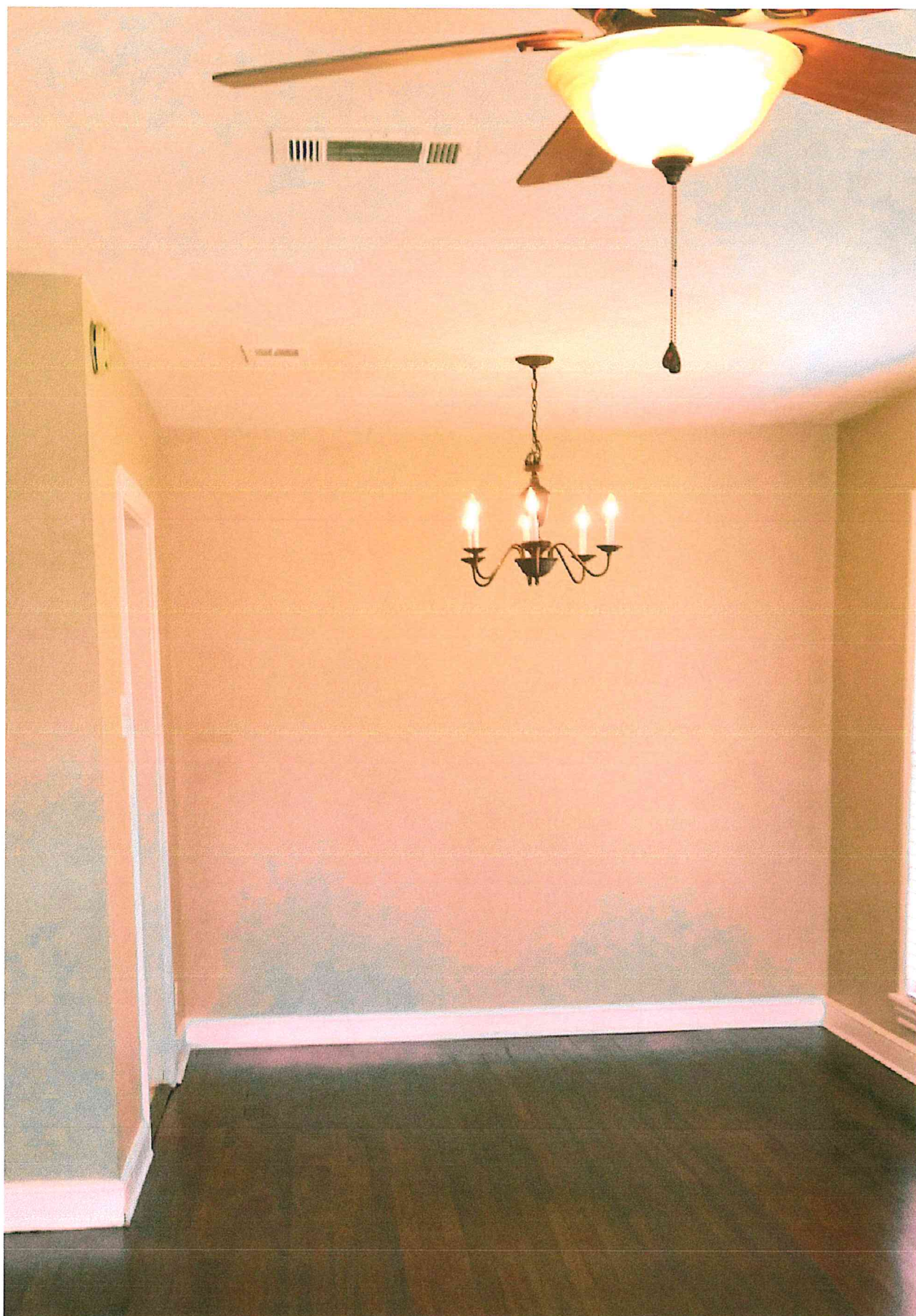
Survey
completed: 03-12-2016
Scale: 1" = 20'
Job No.: 160161
Dwg No.: 160161
Drawn by: GWM
Surveyor: GWM # 4482
Copyright 2016 All County Surveying, Inc.

Plot Date: 03-15-2016

1516N5th house - refinished bath



1516N5th house - front elevation



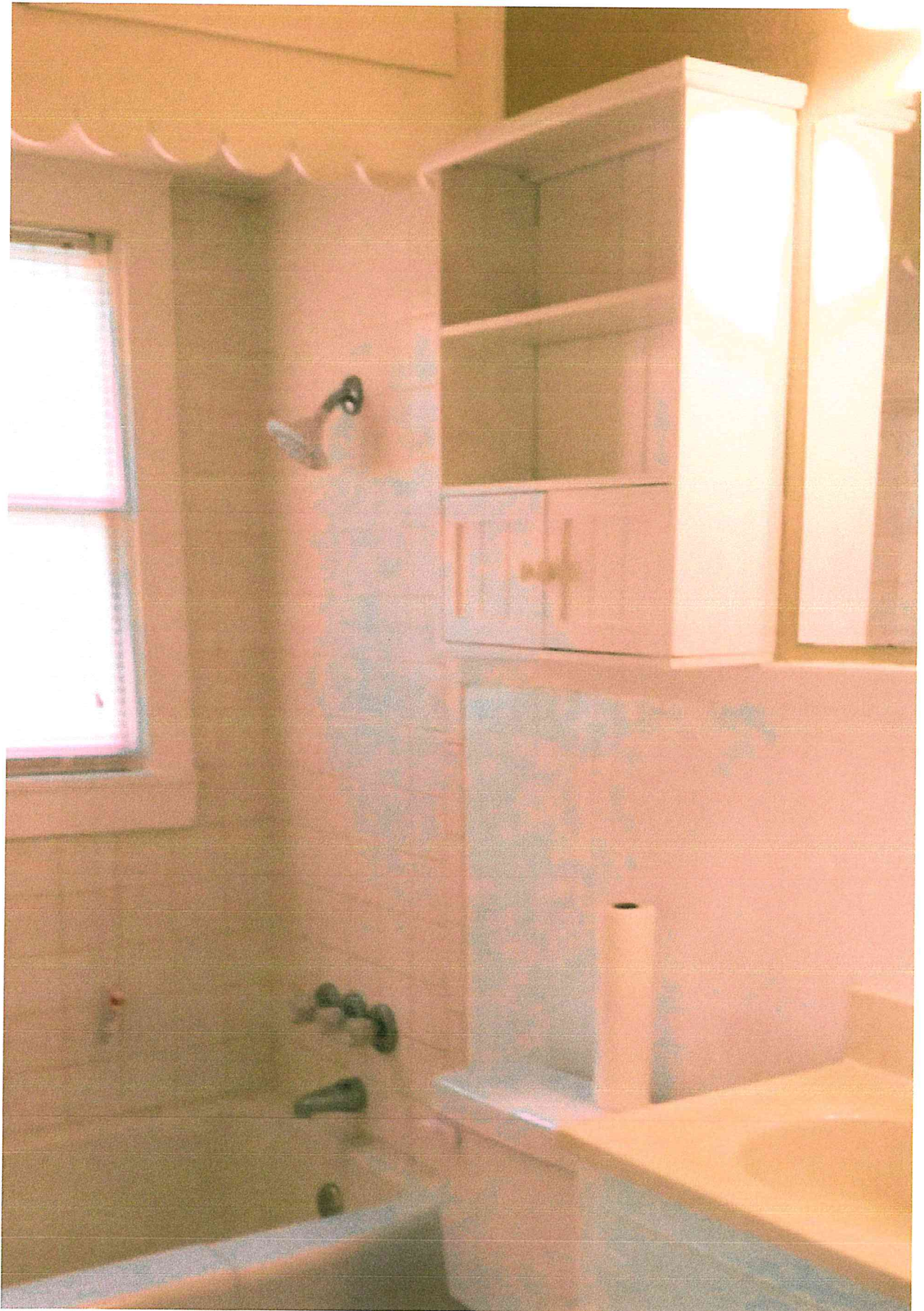
1516N5th - house - LR and DR with floor redone



1516N5th - BR with new carpet









1516 North 5th Street

Apartment A downstairs (Apartment)

RESIDENTIAL A1 1116.0 \$41,351
sqft

Type	Description	<u>Class</u> <u>CD</u>	Exterior Wall	Year Built	SQFT
RES	RESIDENCE	MSRV04	EXBR	0	1116.0
OP.	OPEN PORCH *			0	24.0

RESIDENTIAL A1 sqft \$529

Type	Description	<u>Class</u> <u>CD</u>	Exterior Wall	Year Built	SQFT
CP.	CARPORT	*		0	1.0
STGA	LOW QUAL STORAGE *			0	1.0

RESIDENTIAL A1 960.0 \$2,694
sqft

Type	Description	<u>Class</u> <u>CD</u>	Exterior Wall	Year Built	SQFT
APT	APARTMENT	APTK		0	480.0
2ND	2ND FLOOR *			0	480.0

Zimbra

bmassey@vvm.com

Font Size

Fwd: 1516N5th Apt A (down)

From : Bmassey <bmassey@vvm.com>
Subject : Fwd: 1516N5th Apt A (down)
To : Barry M Massey <Barry.Massey@xerox.com>

Tue, Apr 12, 2016 03:09 PM

 1 attachment

Sent from my iPhone

Begin forwarded message:

From: Bmassey <bmassey@vvm.com>
Date: April 12, 2016 at 2:44:37 PM CDT
To: "Barry Massey." <bmassey@vvm.com>
Subject: 1516N5th Apt A (down)



1516N5th Apt A (down) - main room with new carpet, repainted



1516N5th Apt A (down) - kitchen and bath, repainted



1516N5th Apt A (down) - main room with bedroom area, new carpet and repainted

Sent from my iPhone



Unknown <text/html>
2 KB

1516 North 5th Street

Apartment B upstairs (2nd Floor)

RESIDENTIAL A1 1116.0 \$41,351
sqft

Type	Description	<u>Class</u> <u>CD</u>	Exterior Wall	Year Built	SQFT
RES	RESIDENCE	MSRV04	EXBR	0	1116.0
OP.	OPEN PORCH *			0	24.0

RESIDENTIAL A1 sqft \$529

Type	Description	<u>Class</u> <u>CD</u>	Exterior Wall	Year Built	SQFT
CP.	CARPORT	*		0	1.0
STGA	LOW QUAL STORAGE *	*		0	1.0

RESIDENTIAL A1 960.0 \$2,694
sqft

Type	Description	<u>Class</u> <u>CD</u>	Exterior Wall	Year Built	SQFT
APT	APARTMENT	APTK		0	480.0
2ND	2ND FLOOR *	*		0	480.0

Zimbra

bmassey@vvm.com

Font Size -

Fwd: 1516N5th Apt B (up)

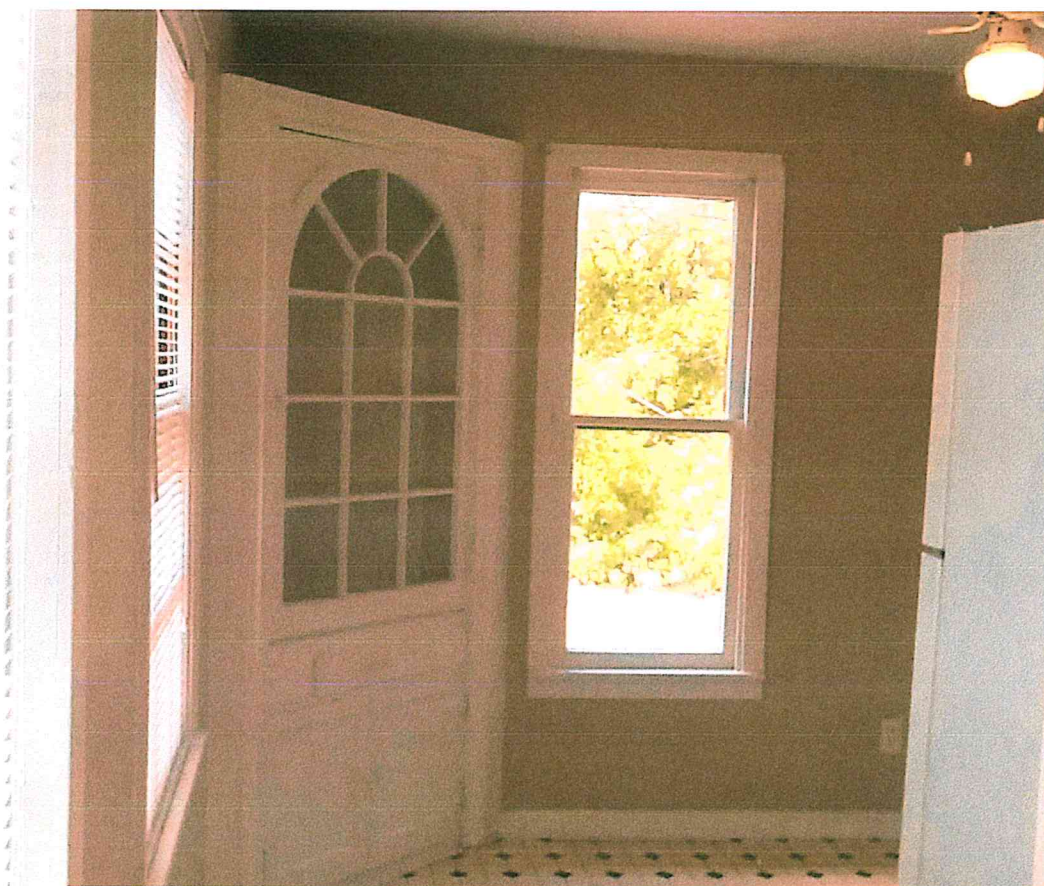
From : Bmassey <bmassey@vvm.com>
Subject : Fwd: 1516N5th Apt B (up)
To : Barry M Massey <Barry.Massey@xerox.com>

Tue, Apr 12, 2016 03:09 PM
1 attachment

Sent from my iPhone

Begin forwarded message:

From: Bmassey <bmassey@vvm.com>
Date: April 12, 2016 at 2:51:22 PM CDT
To: "Barry Massey." <bmassey@vvm.com>
Subject: 1516N5th Apt B (up)



1516N5th Apt B (up) - kitchen area with cabinetry



1516N5th Apt B (up) - kitchen area with cabinetry



1516N5th Apt B (up) - main room looking into bedroom with refinished floors



1516N5th Apt B (up) - main room and hallway into kitchen



1516N5th Apt B (up) - bedroom looking into bathroom and closet

Sent from my iPad

 **Unknown** <text/html>
3 KB



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

MASSEY, BARRY ETAL
1707 SCHIEFFER AVE
AUSTIN. TX 78722-1227

Zoning Application Number: Z-FY-16-31

Project Manager: TAMMY LYERLY

Location: 1516 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:

RECEIVED

MAY 11 2016

City of Temple
Planning & Development

Barry Massey
Signature

Barry Massey
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

Number of Notices Mailed: 22

Date Mailed: May 5, 2016

ORDINANCE NO. _____

(PLANNING NO. Z-FY-16-31)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM SINGLE FAMILY-ONE DISTRICT TO PLANNED DEVELOPMENT SINGLE FAMILY-ONE DISTRICT TO ALLOW CONTINUED USE OF EXISTING SECONDARY RESIDENTIAL DWELLINGS ON PART OF LOTS 4 & 6, BLOCK 4, ROSELAWN ADDITION, LOCATED AT 1516 NORTH 5TH STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Single Family-One District to Planned Development Single Family-One District to allow continued use of existing secondary residential dwellings on part of lots 4 & 6, block 4, Roselawn Addition, located at 1516 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 **16th** day of **June**, 2016.

PASSED AND APPROVED on Second Reading on the 7th day of **July**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney